ing as road commissioners and performing the duties imposed upon them by law or by the commissioners court, and declaring an emergency."

ADJOURNMENT.

Pending discussion on the expulsion resolution,

Senator Murray moved that the Senate adjourn until tomorrow morning at 8 o'clock.

The motion was adopted.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 11, 1909.

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

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

Senate bill No. 235, "An Act to amend Chapter 80 of the Special Laws of the Thirtieth Legislature of the State of Texas, approved April 15, 1907, and to create a more efficient road law for Lee county, Texas,"

And find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 11, 1909.

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

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

Senate bill No. 50, "An Act to provide for the location of and establishment and maintenance of a State sanatorium for the treatment of persons suffering from tuberculosis, and to provide for the care and treatment of indigent consumptives, and making an appropriation therefor,"

And find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

FORTY-SIXTH DAY.

Senate Chamber,
Austin, Texas,
Saturday, March 13, 1909.

Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

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

Adams.	Peeler.
Alexander.	Senter.
Brachfield.	Sturgeon.
Harper.	Willacy.
Mayfield.	

Absent.

Bryan.	Perkins.
Cofer.	Real.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Absent—Excused.

Greer.

There being no quorum present, Senator Brachfield moved a call of the Senate for the purpose of securing and maintaining a quorum.

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

Pending delay, the roll was again called, a quorum being present, the following Senators answering to their names:

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Cofer.	Senter.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Bryan.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Veale.
Hume.	

Absent—Excused.

Greer.

On motion of Senator Terrell of Bowie, the calling of the morning call was dispensed with.

EXECUTIVE SESSION—POSTPONEMENT OF.

The time for the Executive Session having arrived, Senator Terrell of Bowie moved that the hour for the Executive Session be postponed until 11 o'clock today.

The motion prevailed.

SIMPLE RESOLUTION.

Action recurred on the simple resolution which was unfinished business when the Senate adjourned. (See proceedings just before adjournment yesterday for resolution in full.)

Note—Before adjournment today the Senate adopted a resolution providing for the printing of the stenographic report of the proceedings of today on the above simple resolution in the Journal, and following is the stenographic report of same as furnished by the stenographers taking the proceedings. In view of the fact that during the consideration of the resolution there was other business transacted, the said other proceeding follows immediately after these proceedings.

PROCEEDINGS HAD IN THE THOMAS MATTER BEFORE THE SENATE ON MARCH 13, 1909.

(Lieutenant Governor Davidson in the chair.)

The Chair—We will now hear the Senator from Hopkins as to the charges he has made against the members of this Senate.

Senator Thomas—I do not know, Mr. President, just what the charges are on which I am to furnish proof this morning. I will say, Mr. President, that I am willing to answer all questions touching upon the charges, so that the facts can be disclosed before this Senate.

Senator Senter—Mr. President, I don't know what the understanding of the Senate was, but for my part I understood that the Senator would come here this morning and disclose all the facts—declare all the facts—that he knew, and now he wants us to question him and ask him what we want to know, whereas he was, according to my understanding, to come here and tell us all the facts, and I now insist that he shall carry out his agreement or openly refuse to do so. I shall insist that he shall carry out that agreement or that he shall refuse to do so.

Senator Cofer—I desire to ask a question, if the Chair will permit. If the Senator shall stand up here and disclose the names of any Senators connected with graft or corruption, will those Senators named be permitted to vote on the resolution of expulsion?

The Chair—The Chair will hold that every Senator will have a right to vote, whether accused or not accused. The Senator from Hopkins will have a right to vote.

Senator Thomas—You want me to state whether or not I am prepared this morning to state the facts in regard to what I term a scandal in this Senate?

The Chair—The Chair will hold that it is for the Senator from Hopkins to state the facts.

Senator Holsey—Mr. President, I ask the Senator is he prepared to do that?

The Chair—That is for the Senator from Hopkins to state.

Senator Holsey—Am I not permitted to ask the Senator from Hopkins a question?

The Chair—If the question is whether or not he is prepared—

Senator Holsey—Mr. President, I only want to get before this body as to whether or not the Senator from Hopkins is prepared to do that.

The Chair—The Chair will hold that the Senator from Hopkins knows whether or not he is prepared to state the facts before this body, and that he can do that without being asked about it.

Senator Holsey—Well, Mr. President, I am only seeking to find out whether or not he is prepared.

Senator Thomas—Yes, sir, Mr. President, I am prepared.

Senator Holsey—That is all I wanted to ask. I wanted to make a statement leading up to the question.

Senator Thomas—Mr. President, it does seem to me—now when you ask me to disclose the facts that I have in my possession touching upon any charge, that they ought at least to let me know what the charge is specifically some way so that I might adduce the evidence and disclose the facts.

The Chair—I will ask that the Senator will state the facts. The Chair is going to run this Senate, and I hope properly and decently, and I will do my best to do that.

Senator Senter—Point of order, Mr. President. The Senator is violating the ruling of the Chair.

The Chair—The Chair will hear the Senator from Hopkins, after he has compiled with the point of order, and after

that he might make any statement he desires. He must now comply with the point of order made, that is, to make a statement of the facts.

Senator Thomas—What facts, Mr. President?

The Chair—The Lord only knows.

Senator Thomas—Mr. President, I would be glad, then, for the Senator from Dallas to furnish me with any information that shows that I have made any charges, and just what those charges are.

The Chair—The Chair will say that the Senator from Hopkins must comply with the point of order. The Chair is going to have the Senator from Hopkins state what facts he has, and if he has none, then he must say so.

Senator Thomas—I certainly have a statement to make, Mr. President, if the Chair will permit me to do so.

The Chair—The Chair will do that gladly, Senator, if you will comply with the point of order. The Chair will say in all kindness to the Senator from Hopkins that the resolution introduced last night shows what the charges are, and you agreed to appear here this morning at 8 o'clock and give us the facts upon which you based those charges, and the Chair will now ask you to do that.

Senator Thomas—May I ask the Reading Clerk, then, for a copy of that resolution in order that I may know what specific charges are made?

The Chair—The Chair will gladly grant that.

Senator Thomas (reads resolution)—I suppose, Mr. President, that the only statement to which I am expected to reply is the one found in an interview recently given to the press of this State in which I referred to the fact that the people in the future will know something of the graft and corruption that prevails among the representatives of the people. I want to call the attention of the Senate to the fact that the statement here made includes both branches of the Legislature. I used the words "graft and corruption" because I believe I have evidence which proves to me, or gives at least reason to believe that graft and corruption to an extent does prevail and has prevailed among members of our Legislature. Already at the other end of the Capitol is one member of this Legislature who is on trial for that offense—

The Chair—Now, the Chair must insist that the Senator comply with the rulings and state the facts he has. He must make the statement of the facts and name the guilty party. The Senator is referring to the other end of the Capitol, and the Chair will refuse the Senator the privilege of addressing the Senate as to the members of the other house.

Senator Terrell of Bowie—I make the point of order, Mr. President, that as a member of the Senate he is violating all parliamentary laws and parliamentary precedents for a member of one house to reflect in any manner upon a member of the other house.

Senator Thomas—I will admit that it is very embarrassing for me to do so, yet this Senate has called upon me to disclose all the facts touching upon that statement I have made with reference to graft and corruption on the part of members of this Legislature.

The Chair—Will the Senator get down to the facts and let us have the facts?

Senator Thomas—I am doing so now.

The Chair—The Chair will have to hold that the Senator will not argue the question, but state facts upon which he bases his charges—facts. Unless he does this the Chair will have to hold that the Senator does not have the facts.

Senator Thomas—Mr. President, I will make this statement. During the recent investigation in regard to the violations of the anti-lobby law, one prominent lobbyist, who was here using his influence to defeat certain legislation, admitted that he had been playing poker with three Senators and three Representatives and that one thousand dollars was lost in the game.

Senator Brachfield—In that game, in which one thousand dollars was lost, I demand the name of the lobbyist who said any member of the Legislature was playing in that game.

Senator Thomas—Name the lobbyist?

Senator Brachfield—Yes, sir; I demand the name of the lobbyist who said any member of the Legislature was playing in that game in which the one thousand dollars was lost.

Senator Thomas—The name of the lobbyist was Hon. J. F. Wolters and the name of the man who lost the one thousand dollars was a Mr. McCarthy, a banker, of Houston, Texas.

Senator Brachfield—Will you state to this Senate that any witness testified before that committee that a member of the Legislature was in that game?

Senator Thomas—In that game?

Senator Brachfield—Yes, sir; in the

game in which the thousand dollars was lost.

Senator Thomas—That is my under standing, and I think I can prove it.

Senator Brachfield—That is your understanding—I demand the proof now. Who can you prove it by?

Senator Thomas—I would be glad to prove it, Mr. President, if you can adduce here the testimony that was taken before that committee.

Senator Brachfield—Who was the witness who testified to that?

Senator Thomas—Hon. Jake F. Wolters.

Senator Brachfield—I request that the Hon. J. F. Wolters be brought to the bar of the Senate, there to testify whether or not he gave testimony of that character. I deny that such testimony was given before that committee.

The Chair—The Chair will entertain a motion to that effect.

Senator Brachfield—I make that motion now.

The Chair—I direct the Sergeant-at-Arms to bring in Mr. Wolters.

Senator Brachfield—I just want to make this statement, Mr. President—

Senator Thomas—Now, Mr. President, I also want to make a statement that the facts have been disclosed that one State Senator and two Representatives were fined in the justice court for gambling, and further that the facts were disclosed that a certain lobbyist, who was here interested in the defeat of certain legislation pending, paid the fines of that Senator and two Representatives himself.

Senator Brachfield—I demand the name of the lobbyist now who paid the fine for any member of the Senate, and the name of the justice of the peace.

Senator Thomas—Mr. Moore is the justice of the peace.

Senator Brachfield—I demand the name of the lobbyist who paid the fine.

Senator Thomas—The Hon. John Hornsby.

Senator Brachfield—Then, I make the motion that the Hon. John Hornsby and Justice of the Peace Moore be brought to the bar of the Senate.

Senator Thomas—I also, in order to prove this statement, would ask that the editor of the Austin Tribune be brought before this Senate.

The Chair—What is his name?

Senator Thomas—Mr. Pricer, the man who examined the docket of the justice of the peace and found the initials of a certain State Senator. Mr. President, I want to make this request of the Senate, that we ask the justice of the peace to bring his record in order that the facts in his possession can be disclosed, and that the proper process be issued for them.

The Chair—I will ask that, and direct that the Sergeant-at-Arms bring in the witnesses.

Senator Thomas—I will make that request, Mr. President, and that the proper process be issued for them.

The Chair—Does the Senator from Hopkins desire the summoning of other witnesses?

Senator Senter—I desire to request that the Senator from Hopkins will name all of the witnesses he has bearing upon this matter and that the witnesses he may name may be summoned before the bar of the Senate and there testify. He said that he had testimony bearing upon other matters of graft and corruption, and I ask that he name the witnesses to that, and when he does do that, they be summoned before the bar of this Senate to testify as to those matters.

Senator Terrell of Bowie—Make that in the shape of a resolution.

The Chair—Does the Senator from Hopkins desire any other witnesses?

Senator Thomas—It depends upon what charges. I suppose that these witnesses would be enough to sustain the charges that I have made. Now, Mr. President, and gentlemen of the Senate, I hold to the opinion that any member of the Legislature who has engaged in a poker game with a lobbyist, a man who is here using his influence to defeat certain legislation and who is seeking favors at the hands of the Legislature, that that Senator or that Representative is guilty of dishonorable conduct, even corruption and perhaps graft, that permits a lobbyist to pay his fine for gambling.

The Chair—One moment. The Senator is making a speech again. Please confine yourself to the facts.

Senator Harper—The question was asked him if that was all he had. He now says that he has other charges. I want him now to present the other charges.

Senator Thomas—Mr. President, I understand from the rulings of the Chair that I will not be permitted to adduce any evidence that involves members of the other house.

The Chair—The only thing the Chair is trying to get the Senator to do is to state plain facts and name the parties—that is all.

Senator Hume—Last night the ques-

FORT BEND COUNTY.

M. L. Speed ... Beasly
M. M. Newell ... Richmond

WALLER COUNTY.

R. E. Tompkins ... Hempstead

BRAZORIA COUNTY.

W. H. Graham ... Velasco
T. M. Smith ... Columbia

TRAVIS COUNTY.

E. R. Pedigo ... Austin
Paul Vines ... Austin
J. F. Clark ... Austin

WILLIAMSON COUNTY.

Walter Rountree ... Georgetown

KIMBLE COUNTY.

W. G. Boyle ... Junction
R. R. King ... Segorra

TERRELL COUNTY.

J. B. Ross ... Sanderson

WINKLER COUNTY.

Wm. R. Vermillion ... Winkler Co.

REEVES COUNTY.

John Y. Leavell ... Pecos

JONES COUNTY.

A. H. Blinerby ... Hamlin
N. A. Brown ... Hamlin
C. W. Middleton ... Hamlin
J. L. Cearley ... Anson

TAYLOR COUNTY.

Eugene DeBogory ... Abilene

GRAY COUNTY.

J. A. Coppedge ... Alanreed

DALLAM COUNTY.

E. E. Kersey ... Dalhart
C. B. Hudson ... Dalhart
G. B. Stone ... Conlen
Roy W. Thompson ... Dallam

ARMSTRONG COUNTY.

James Louge ... Claude

GRAY COUNTY.

S. O. Cook ... McLean

POTTER COUNTY.

R. P. Powell ... Amarillo

WHEELER COUNTY.

John E. Crowley ... Shamrock

HEMPHILL COUNTY.

N. P. Willis ... Canadian

PARMER COUNTY.

J. F. McKay ... Farwell
D. W. McMillen ... Friona

DALLAM COUNTY.

R. W. Marple ... Texline

POTTER COUNTY.

D. M. Young ... Amarillo

WICHITA COUNTY.

Wm. N. Bonner ... Wichita Falls

JACK COUNTY.

J. T. Harman ... Bridgeport

HALL COUNTY.

W. T. Howard ... Memphis
T. J. Rich ... Memphis

WILBARGER COUNTY.

L. G. Hawkins ... Vernon

TARRANT COUNTY.

I. M. Walthall ... Fort Worth
Brown Harwood ... Fort Worth
Thomas B. Gilliland ... Fort Worth
L. Jameson ... Fort Worth
I. F. Squyres ... Fort Worth

FORTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
Thursday, March 11, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

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

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kellie.	Thomas.
Mayfield.	Ward.

say? I demand the name of the witnesses who heard him talk.

Senator Thomas—I will say, Mr. President, that if they desire to go into that investigation, I am sure I would have no trouble in proving that.

Senator Peeler—I desire to ask a question, Mr. President—

Senator Holsey—In justice to all concerned, I want to ask this question to see if I am correct. When you made the statement to the press that there was graft and corruption in the Legislature; now in order to distinguish the difference I will ask you if—

Senator Senter—Mr. President, the Senator from Hopkins has the floor and is able to make his own statement.

Senator Holsey—I have a perfect right, Mr. President, to ask a question.

Senator Senter—A point of order, Mr. President. The Senator from Navarro is suggesting upon the face of his question an interpretation of the remarks of the Senator from Hopkins, and a suggestion as to what he meant is not proper at this time.

Senator Thomas—May I make this short statement, Mr. President?

The Chair—The Chair will hold that the Senator from Navarro has a perfect right to ask a question. The Chair understands the point of order made by the Senator from Dallas to be that the Senator from Navarro has no right to argue and interpret the remarks of the Senator from Hopkins. The Chair wants to say that order must be kept.

Senator Holsey—The question I desire to ask is this, because I believe that every man on this floor is an honorable man, and I believe—

The Chair—The Senator has yielded for a question.

Senator Holsey—I want to ask that if in the article where you referred to graft and corruption of the Legislature, did you mean graft in the Senate or did you mean graft in the lower house of the Legislature and corruption in the Senate? Is that not a fact, and is it not a fact that you referred in the opening of this Legislature to $8000 being gotten by some one in the other end of the house, and the corruption which you refer to in the Senate is the poker game, and is it not a fact, Senator, that you meant graft in the other end of the house and corruption in the Senate?

Senator Thomas—Yes, sir.

Senator Paulus—Did you on yesterday give out to the press this statement: "If I sign anything it will be that I did not make or mean any reflection on the honesty of some of the Senators?" Did you give out that statement on yesterday?

Senator Thomas—What paper is that in, Senator?

Senator Paulus—In the Chronicle.

Senator Thomas—Who ever said that I made that statement tells an infamous lie.

Senator Paulus—Did you mean only some of the Senators?

Senator Thomas—I say that I did not make that statement. I gave out no interview here on yesterday. Every newspaper reporter here practically asked me for statements, and I refused to make any.

Senator Thomas—I want to read this article, Mr. President. (Reads the statement.) Mr. President, I never made any such statement as that, so help me. I will further say that the editor of this paper and the reporter would not say that I made such a statement.

Senator Harper—In that statement you filed last night with the Clerk, you say this: "I wish to state that I absolutely know of no member of this Senate engaging in anything within this Capitol that is dishonest or disreputable in any particular, and when I said in an interview given out by me that there was a scandal in which some members of the Legislature were connected I did not mean to convey the idea that there had been any scandal of any kind in the Capitol, so far as the Senate is concerned, but had reference to some unlawful gaming, towit, poker playing in certain places in Austin in which some members of this Legislature were engaged." That is all the charge which you had, is it?

Senator Thomas—Yes, sir, and facts that were connected with the poker playing.

Senator Harper—You have no other charge to prefer against any member of the Senate?

Senator Thomas—I have facts connected with poker playing.

The Chair—The Chair will order the bringing in of Mr. J. F. Wolters.

Senator Brachfield—Mr. President, I want to make the statement that I was a member of the committee and heard the testimony of Mr. J. F. Wolters, and he distinctly testified before that committee that no member of this Legislature was present in the game at the time the one thousand dollars was lost by a banker from Houston. I will make the statement that I know it to be a fact that J. F. Wolters did testify that

there was no member of the Legislature there. That he was only there about 15 or 20 minutes, and that no member of the Legislature was there while he was there. I ask Senator Sturgeon here to corroborate my statement.

The Chair—Does the Senator from Lamar desire to be heard?

Senator Sturgeon—I think I can fully corroborate the statement made by the Senator from Rusk. My recollection is that Mr. Wolters stated that some of the Senators had been engaged in playing poker, but if he stated that any of them were present at the time that the banker from Houston lost the money that it is claimed that he lost, I do not now remember it, but my best opinion is that he stated that they were not in there. I do not now recall to mind that he stated that a banker lost a thousand dollars. There was proof before that committee that he did lose some money. My recollection is that the games that Mr. Wolters testified to, in which some members of the Senate were present, that the Senators lost and not the other parties.

Senator Thomas—Permit me to ask a question. Is it not a fact, Senator, that I made a personal request of the committee to be furnished with a typewritten copy of all of the testimony touching upon this gambling scandal, so that if at any time in the future any fact or statement was disclosed that might cause a difference of opinion, that I would have some record by which I could prove the statement?

Senator Sturgeon—Yes, sir; that is my recollection that the Senator made that request. The Senators attorney, had stated, and as attorney representing the Senator from Hopkins, agreed with the committee, that the proof upon the question of gaming was connected in no shape, form or fashion with the violations of the anti-lobby law, and for that reason the committee did not consider it in making up its findings and did not have the testimony that was immaterial for the purpose for which that committee was created, taken down, as a part of it, and did not have it transcribed.

Senator Thomas—I would like to ask that a gentleman by the name of Giraud, who works at Patterson's livery stable, be sent for.

The Chair—The Chair will direct the Sergeant-at-Arms to bring the man from the livery stable.

Senator Hume—Senator, may I have your permission to read the original document, signed by your attorney, Monta J. Moore, in reference to that transaction?

Senator Thomas—Yes, sir; I would be glad for you to do that and then let me reply to that statement.

Senator Hume—This is the original statement of Monta J. Moore, the attorney for the Senator from Hopkins, chosen by himself, to represent him before the committee. It is in the attorney's own handwriting and is the original. It reads as follows:

"The evidence adduced in regard to gambling or poker playing is not connected up with any violations of the lobby law. On this point reasonable minds can not, in my opinion, differ, and therefore such evidence ought not to appear in the printed record of the proceedings of the committee.

(Signed) "MONTA J. MOORE."

That is a filed paper and is considered as a part of the evidence.

Senator Thomas—I want to say in reference to that statement that I never knew it was in existence until after my counsel left this city for Mexico. And I never at any time agreed or consented that this testimony be omitted from the record. However, I believe that the statement is true, in a sense, and that it has nothing to do with the open violations of the anti-lobby law. That no open violation of the anti-lobby law has anything to do with disproving the charge that I have made showing corruption on the part of the members of this Senate.

Senator Harper—You knew that it was in existence and knew the findings of this committee at the time you published your statement day before yesterday, didn't you? You knew that your attorney had signed that statement and filed it with the committee stating that that transaction had no connection with the charge at the time you published that statement on day before yesterday.

Senator Thomas—Yes, sir, I think I did. I think I knew that.

Senator Senter offered the following resolution:

"Resolved, That H. Bascomb Thomas, the Senator from Hopkins county, be requested to now give to the Senate the names of all witnesses by whim he can furnish evidence to sustain or to support the charges of graft and corruption which on yesterday he made in the open Senate against the membership of this body, or either of said charges, and that each of said witnesses shall be summoned to appear instanter before the bar of the Sen-

ate and testify with respect to said matters."

Resolution read and adopted by the Senate.

The Chair—Bring in Mr. Wolters.

Senator Mayfield—I make the motion that the Senator from Dallas be requested to ask the witness questions on the part of the Senate.

Senator Hume—I make the motion that the Senator from Hopkins himself, or someone chosen by him be permitted to ask his questions.

The Chair—That request is granted.

Senator Thomas—Mr. President, I ask that Senator Cofer, here, represent me as counsel.

J. F. Wolters, a witness, having been first duly sworn, testified as follows:

Senator Senter—Mr. President, I make the motion that the stenographers be sworn.

The Chair—The stenographers will be sworn. Young ladies, step forward. (Whereupon Miss Beatrice Hearne and Miss Mary McSpadden were sworn to take and transcribe the testimony adduced before the Senate.)

By Senator Cofer:

Question—Please state your name.

Answer—J. F. Wolters.

Q.—Where do you reside?

A.—Houston, Texas.

Q.—How long have you resided there?

A.—Between four and five years.

Q.—Have you been in attendance upon the present session of the Legislature?

A.—I have.

Q.—What interest, if any, have you represented, Mr. Wolters?

A.—I am tax commissioner of the Pullman Company for Texas.

Q.—Were you interested in any legislation pending before the Senate?

A.—I can answer that question by saying that there was no legislation pending before the Senate affecting the Pullman Company except the permit bill for foreign corporations.

Q.—During the pendency of that legislation, did you appear before the committee?

A.—I appeared before the Senate Committee on one occasion.

Q.—Did you make any representations to any member of the Legislature against the measure while it was pending, or any other measure in which you were interested?

A.—I did not.

Q.—Were you interested in any other legislation pending before either branch of the Legislature?

Senator Senter—We will ask that the questions be confined to the charges being investigated.

Senator Cofer—We are leading up to that.

By Senator Cofer:

Question—Were you interested in any other legislation pending before either branch of the Legislature?

Answer—In an insurance law relating to Health, Life and Accident Companies, and which on the invitation of the Commissioner of Banking and Insurance, we jointly drew.

Q.—Were you in favor of or opposed to that legislation?

A.—I was in favor of it, and assisted in drawing the bill.

Q.—What was the result in the Legislature on that legislation?

A.—I think the Senate passed it practically unanimously—possibly a few votes against it. The House yesterday passed it unanimously.

Q.—Were you interested in any other measures, Mr. Wolters?

A.—No, sir.

Q.—Were you interested for or against submission.

A.—I will state that I am chairman of the State Wide Anti-prohibition organization. I will state further that I attended no conference or spoke to no Senator or Representative on the subject in either branch of the Legislature.

Q.—Were you in the Capitol while the issue was pending before the Legislature?

A.—I very rigidly kept away from the Senate and House galleries while that issue was being discussed, because I heard much of the "big stick," and I did not want to come in contact with it.

Q.—Were you in the galleries of either branch of the Legislature at any time during the discussion of that issue?

A.—I do not think I was. I do not know that I was not.

Q.—Were you in the gallery at the time Mr. Hill made his speech?

A.—No, sir, I was not.

Q.—Have you a personal acquaintance in the Senate?

A.—I have.

Q.—What members?

A.—I do not know that I have met all of them, but I know them when I see them. I have a speaking acquaintance with them.

Q.—Are you familiar with the intricacies of the game of poker, Mr. Wolters?

A.—I do not wish to qualify as an expert, but I am familiar with the game.

Senator Harper—A point of order, Mr.

President. The charges were made as to a game of poker in which Mr. McCarthy lost some money, and that Mr. Wolters testified that some members of the Legislature were present.

The Chair—The Chair will sustain the Senator from Limestone.

By Mr. Cofer:

Question—Were you present at the playing of a game of poker in the city of Austin in which Mr. McCarthy was engaged?

Answer—About fifteen minutes.

Q.—Where was that game played, Mr. Wolters?

A.—In a room in the Driskill Hotel in the city of Austin.

Q.—How far is that from the Capitol?

A.—Well, I don't know. I have never undertaken to estimate the number of blocks.

Q.—The Driskill Hotel is the principal hotel in the city, is it not?

A.—I believe so.

Q.—Besides yourself, who else was present?

A.—There was no Senator or Representative present while I was there.

Q.—You say no Senator or Representative was in the game?

A.—No, sir, not while I was there.

Q.—Did you at any time, at that place or any other place, see any Senators or Representatives present during a poker game?

Senator Senter—Specific charges were made by the Senator from Hopkins as to specific games in which specific persons participated. Now, if he has any other specific charges to make, he shall make them with reference to members of this body before we proceed with any investigation of any other charges he has to make. He has specified one game, one time, one place, in which he connects certain members of this body. We ask that if he has any other charges that he arise and file them.

The Chair—The Chair sustains the Senator from Dallas and will state that the Chair understands that the Senator from Hopkins based his charges on testimony that he claimed was introduced before the committee with reference to one particular game and one particular time in which a certain banker from Houston was interested. The Chair will sustain the Senator from Dallas and state that if the Senator from Hopkins has any additional charges to file, he will now do so.

Senator Senter—If he has any charges affecting the members of the Senate, I demand that he shall file them.

The Chair—The Chair knows of no power to force him to file these charges, but now announces to him that he has a right to do it, and asks that he do it if he wants to.

Senator Cofer—I am advised, after a brief conference with the Senator from Hopkins that he did not confine his charges to this specific game, but some game, and that is what we are endeavoring to find out.

The Chair—The Chair will announce that it is taken down in shorthand. If the Senator wants it read, I will direct it, but it can be found in the record.

Senator Harper—I took that down at the time it was made, Mr. President, and it shows that one Senator and two Representatives were engaged in a game in which a banker from Houston lost $1000.

Senator Brachfield—Just the simple playing of a game of cards, he said, he did not think was graft or corruption, but that when that Senator or Representative played with a lobbyist and that lobbyist is seeking favors at the hands of the Legislature, and he permits him to pay their fines, that is corruption. That was the specific charge upon which we were to receive the facts this morning.

The Chair—The Chair will hold that that was the understanding.

Senator Cofer—We are in harmony on that. We are now trying to locate that McCarthy game.

Senator Cofer—Was Mr. McCarthy present at this game you speak of, Mr. Wolters?

Answer—Yes, during the fifteen minutes I was there?

Question—Was there any other game where you saw Mr. McCarthy?

A.—No, sir.

Q.—Then that is the only game?

A.—Yes, sir; that is the only game that I ever saw Mr. McCarthy play in in my life.

Q.—In that game, did Mr. McCarthy lose any money?

A.—I do not know, I only stood there fifteen minutes after he came.

Q.—Did you appear as a witness before the Investigating Committee composed of Senators Brachfield, Sturgeon and Greer?

A.—I did.

Q.—Did you there disclose the names of some Senators and Representatives who were present at that game?

A.—I most positively did not, but, on the contrary, I said, as I have said here,

that no Senator or Representative was present while I was there.

Q.—Were you not interrogated at some considerable length to get you to disclose the names of those present, and you declined at first to do so?

A.—I was not interrogated at considerable length. I first declined to disclose anything in reference to poker, and the committee ruled that it was proper for me to answer the qustions propounded, whereupon I answered them. I was not interrogated at length about the McCarthy game, because I answered there as I have answered here.

Q.—And after the committee ruled that it was proper, when you preferred not to answer, didn't you then and there give the names of some members of the Senate and House of Representatives?

A.—I did not give the name of any Senator or Representative who played during the time I was in the room where Mr. McCarthy played in that game.

Q.—Did you give the name of any Senator or Representative who was present while you were in there?

A.—I did not.

Q.—Did you name any Senator in connection with that game?

A.—I did not.

Q.—Do you know whether or not any Senator or Representative was engaged in that game?

A.—I did not, except for the time that I was there, and then no Senator or Representative was engaged in it.

Q.—Didn't you admit on the stand there that you had played a game of poker with members of the Senate and of the House of Representatives?

Senator Senter—I object to that question, Mr. President.

The Chair—I sustain the objection made by the Senator from Dallas.

Senator Senter—We now reiterate our demand, that if the Senator from Hopkins has any specific charges, that he now file them—that he reduce them to writing and file them before the Senate.

The Chair—The Chair will entertain a motion to that effect right now.

Senator Senter—Mr. President, I now move that if the Senator from Hopkins has any further charges of graft and corruption, other than those of gaming, that he now file them.

Senator Harper—I wish to say that if the Senator from Hopkins has any further facts showing or tending to show graft or corruption on the part of the Senate that he file them also.

Senator Cofer—We are not investigating Mr. Wolters, but the Senator from Hopkins, upon charges indicated in a resolution that was read last night, and to that resolution he enters a plea of not guilty and in the nature of a general denial, and then the burden is upon those who are presenting the resolution to sustain those charges, but out of the regular order we are taking up the examination of witnesses, and they seem to want to hold us to specific charges, whereas under a general denial we should be allowed more latitude.

The Chair (Senator Terrell of Bowie)—I will hold that the Senator from Hopkins has made specific charges connected with a certain game of poker in which a certain banker of Houston participated. That is the charge we are now trying. The Senator from Dallas has moved, and the Chair has announced to the Senator from Hopkins, that he may now prefer any charges he wishes to make with reference to any other game.

Senator Senter—Yes, with any other game that tends to show corruption with any member of this body.

The Chair—The question before the Senate, Senator, is that you have a right to prefer any other charges with reference to any other poker game, and that you be required to file any other charges with reference to any other poker game, except this particular one, that pertains to graft or corruption on the part of any member of this Senate.

Senator Senter—I desire to amend that motion, Mr. President, to cover not only poker, but any other matter that tends to show graft or corruption on the part of any member of this body.

The Chair—The question is upon the motion made by the Senator from Dallas, that the Senator from Hopkins be allowed to make any other charges pertaining to graft or corruption on the part of any member of this body, and he is now requested to do so.

Motion adopted.

Senator Thomas—Now, then, Mr. Mr. President, I want to make an additional charge that the gentleman on the witness stand has been playing poker or did play poker with three State Senators and three Representatives.

The Chair—The Chair will rule out the Representative part of it.

Senator Thomas—I want to show the endangering alliance of members of the Senate with these lobbyists and the intimate relation in which they have been thrown.

The Chair (Senator Terrell of Bowie)—The Senator will understand that the

Chair will rule out of order anything pertaining to members of the lower branch of the Legislature.

Senator Hume—If that is your idea of graft and corruption—

The Chair—The Chair will hold that this is out of order at this time.

Senator Hume—I then raise the point of order that the Chair in making the ruling now made is not in keeping with the motion or the resolution. That it simply—

The Chair—The Chair, under the circumstances will have to overrule the point of order.

Senator Thomas—I would be glad to answer the question, Mr. President.

Senator Senter—I desire to enter a demurrer to the proceeding—that he is not attempting to show graft or corruption, and that we can only investigate matters that tend to show graft and corruption, and that if the Senator from Hopkins has any charge to make he should specify the man, the time, the place and the circumstances that would tend to show graft and corruption upon the part of the man who participated in the transaction.

The Chair—The Chair will sustain in part and overrule in part the point of order made by the Senator from Dallas. The Chair will sustain the point of order in this respect—that the Senator from Hopkins shall name as near as possible the particular game, the place and the Senator therein engaged, otherwise the point of order is overruled. The object of the Chair is to get this thing down where we can do business. The Chair will go further on the suggestion of the Lieutenant Governor, that we relieve the Senator from naming the date and the place, but will ask him to name the circumstances and the names of the parties. Senator, we won't confine you to the date and place, but ask that you name the man. Now the Senator from Hopkins is invited and requested to file any charges pertaining to a poker game, and invited to name the parties participating in the game, if they are in the Senate, other than the game in which the banker of Houston participated.

Senator Thomas—Now, then, Mr. President, I want to know if every Senator on this floor is willing for me to disclose the names of the Senators connected with this game of poker.

Senator Harper—In this connection I think before he gives the name of any Senator as playing a game of poker he should also be required to state in that connection any facts that he may have tending to show graft and corruption on the part of that Senator. Otherwise he ought not to be permitted to name them.

Senator Senter—The Senator was kind enough last night to exonerate me about these charges, and I think that he should further attach to his charges as averment upon his standing as a Senator that he has reason to believe that that game was connected with some transaction involving graft and corruption, otherwise he is a common slanderer and casts mud upon these Senators. I make this a point of order.

The Chair—The Chair sustains the point of order, to this effect: That the Senator from Hopkins be allowed to name the game and the circumstances as near as possible, and that he state, in the words of the Senator from Dallas, that he has reason and does believe that the Senator connected with that game is guilty of graft and corruption.

Senator Harper—I move that the Senator from Hopkins file his charges in writing.

The Chair—The Senator is asked that his charges be reduced to writing.

The Chair (Lieutenant Governor Davidson)—I will state that I am having it taken down by stenographers.

Senator Hume—I understand that there is no controversy as to its being taken down accurately. And for the purpose of saving time, I suggest that we do not stop this thing to put it in writing now.

Senator Thomas—I want to say now to satisfy the Senators here, that I said specifically in answer to a question from the Senator from Navarro, that I have not at any time charged any graft on the part of any member of this Senate, and I have used the word corruption in connection with some transaction which has transpired.

The Chair—The Chair will state that under the ruling of the Chair, the Senator from Hopkins has a right and is now requested and demanded by the Senate to file his charges naming the game and circumstances, in which he states that Senators have been guilty of either graft or corruption.

Senator Senter—In view of the vagueness and indefiniteness of the charges of the Senator from Hopkins, and his frequent retractions and reiterations of his charges, I now move that he also be required to dictate to a stenographer expressly what he now desires to imply by these charges he has made.

Senate here stands at ease for thirty minutes, while the Senator from Hopkins prepared his additional charges.

(After intermission.)

Senator Cofer—I trust that the Senate appreciates the delicate position in which I have been placed in undertaking to advise the Senator from Hopkins on the floor of this Senate.

Senator Alexander—A part of the Senators are absent from the Chamber, and I move that we discontinue this discussion until the Sergeant-at-Arms can bring in the absent members.

Senator Peeler—In view of the fact that 99 per cent of us have had nothing to eat, I move that we take recess long enough to get something. We are all mad.

Senator Kellie—I make the motion that the Senate stand at ease ten minutes for the purpose of eating something.

Senator Hudspeth—I would like to ask the Senator from Travis if he is mad because he hasn't the quarter to buy anything to eat with.

Senator Hume—I would like to ask if there is a Senator in here who is not too sleepy to eat.

Senator Kellie—I have just been informed that the stenographers have had no breakfast.

Motion carried to stand at ease ten minutes for the purpose of eating.

Senator Cofer—I trust and know that the Senate and Senators will appreciate the delicate position that I occupy in this matter and which has been imposed upon me. I believe it is the duty of one Senator when another asks for advice, to respond and to advise him as best he can in the matter. The Chair, as I understand, made the ruling this morning that in order for this investigation to proceed that any charges connecting any poker game with members of this Legislature must in some way connect that game with corruption.

The Chair—The Chair will correct the Senator and say that it was done by the Senate itself and not the ruling of the Chair. The ruling was that any member of the Senate and not the Legislature. The Chair will state in order to get the matter clear, that the Chair ruled that the matter under investigation was in reference to a particular poker game in which a banker from Houston was involved. The Chair refused to allow questions, under the charges, pertaining to any other poker game, but the Chair announced to the Senate that it would entertain a motion, and the motion was made, that the Senator from Hopkins be allowed to mention any other game with which graft or corruption was connected. The motion was made and carried by the Senate. That was not the ruling of the Chair, but if put to the Chair, the Chair would have ruled that way.

Senator Cofer—The Senator from Hopkins asked three of his brother Senators to advise with him, and as I was the only lawyer among the three, I was asked to represent him, and I drafted his allegations in a legal form, and then when I came to compare them with the facts I found that, under the rulings of the Chair the allegations could not be sustained.

The Chair—Be fair with the Chair and state under what ruling it was.

Senator Cofer—Under the ruling that the Chair has just been making that the charges must in some way connect and tend to show corruption on the part of the members of the Senate.

The Chair—That was on motion made and carried by the Senate.

Senator Cofer—After having examined the witnesses, under the resolution of the Senate, I find that the allegations can not be sustained, and acting in the position of legal adviser I do not believe that any good purpose could be subserved by making the allegations in open Senate, only to have them unsupported by the facts. In minor cases frequently charges or allegations are made with the expectation of sustaining them.

Senator Brachfield—Has the Senator from Hopkins agreed to your making this statement for him?

Senator Cofer—Yes, sir; he authorized me to make this statement for him.

Senator Harper—You state, then, that the testimony wholly fails to show anything that shows or tends to show corruption or graft.

Senator Cofer—The testimony fails to show that. I have talked to the witness in the committee room back there and the testimony fails to sustain the allegations which we had prepared.

Senator Senter—Before passing upon that, Senator, are we to understand that all that testimony simply related to a private poker game?

Senator Cofer—Yes, sir, it simply related to a private poker game. Of course allegations could have been made under the rulings of the Senate and then the proof that the Senator from Hopkins had could have been made, but I realize

that it could not be connected up with the charge of graft or corruption on the part of any member of the Senate.

Senator Senter—With respect to the charges that the fines of Senators had been paid by lobbyists,—are we to understand that the same conditions exist with respect to that charge as the others?

Senator Cofer—I have interrogated the witnesses on that proposition and find no evidence to sustain that. No evidence that was submitted to me was sufficient to connect any member of this Senate up with graft or corruption, and therefore, I advised the Senator not to make the allegations, and the Senator from Hopkins has authorized me not to make the allegations. Therefore, with the consent of the Chair, we do not make the allegations.

Senator Senter—Are we to understand that you are authorized by the Senator from Hopkins as representing him in such a statement?

Senator Cofer—I think the Senator will agree to that.

Senator Senter—We would be glad then if the Senator from Hopkins will now confirm that statement.

Senator Terrell of Bowie—I suggest that the Senator from Cooke be allowed to get through with his statement.

Senator Senter—The question is now, will the Senator from Hopkins confirm your statement?

Senator Cofer—I understand that he does. I make the motion that that concludes our part of the investigation.

Senator Brachfield—I understand that there was a specific allegation before that a certain lobbyist had paid the fine for a Senator or Senators and that was an act of corruption and graft. I want to know now if you are instructed by the Senator from Hopkins to withdraw that charge?

Senator Cofer—Yes, sir.

Senator Brachfield—Is there any other matter that the Senator from Hopkins can bring before this Senate to prove any of the allegations made in his statement?

Senator Cofer—None of the allegations connecting members of this body with corruption or graft.

Senator Cofer—Therefore, I do not think it would be justice to bring in these isolated games of poker that were perhaps played by members outside of the Senate, and which in no way reflect on the integrity and honor of the Senate.

The Chair—Now, does the Senator from Hopkins himself, as a Senator, confirm the statement made by the Senator from Cooke, his counsel?

Senator Thomas—Yes, sir.

The Chair—Is the Senator from Hopkins willing that that should go in the record to make up a part of this proceeding?

Senator Thomas—The statement, Mr. President, I wish to make after advising with my counsel, is that I do not believe that we are in a position to establish corruption on the part of the members of this Senate.

The Chair—Has the Senator any other matter connected with his continuous charging here against this Senate, that he desires to submit to the Senate, or is the Senator through?

Senator Thomas—I have nothing else.

The Chair—Does the Senator agree that that shall go into the record?

Senator Thomas—Yes, sir.

The Chair—Does the Senator from Hopkins desire to be heard before a vote is to be taken upon the resolution?

Senator Senter—As I understood, the statement from the Senator from Hopkins is that he did not believe that he could establish corruption. The question is whether he has any testimony showing corruption or graft. The statement was that he had no evidence to establish corruption. I now want to ask, has he any testimony to show any graft or corruption on the part of the members of this Senate?

Senator Thomas—Replying to the question propounded by the President of the Senate, I will say that I believe that I have some evidence tending to show corruption, but I do not believe that that evidence is sufficient to establish the charge, and therefore, I am not willing and am not inclined to go into a further investigation of that charge.

Senator Cofer—Mr. Wolters is excused so far as we are concerned.

The Chair—Does the Senator from Dallas desire to examine Mr. Wolters upon any point? If not, we should like to excuse him.

Senator Weinert—I make the motion that Mr. Wolters be excused.

(Chair excuses Mr. Wolters.)

Senator Watson—The Senator from Dallas desires to interrogate the witness.

Senator Senter—I desire to ask the Senator from Hopkins a further question: Are you satisfied, Senator, that this investigation now conducted is as complete and fair towards you as it can be made, and are you now willing to de-

clare that you are willing to abide the result of this investigation as a full, fair and complete investigation of all the charges you have preferred against members of this body?

Senator Thomas—I want to say, Mr. President, that I think the investigation has been fair up to this time—

The Chair—Up to this time—

Senator Thomas—So far as we have proceeded.

Senator Senter—Has it been complete, the Senate asks?

Senator Thomas—It satisfies me, Mr. President. I do not care to go further with the investigation unless I feel that I can sustain my charges that I have made.

Senator Senter—I desire to know whether this is a complete investigation of the charges that have been made by the Senator from Hopkins county. I desire to know if he is satisfied with it —does he consider this a fair and complete investigation?

Senator Thomas—I think, Mr. President, with the rulings of the Chair that it is. Of course the investigation might be prolonged indefinitely, but I think that there is nothing to be gained by prolonging that investigation.

Senator Senter—Then, I desire to ask that in view of the condition—

Senator Terrell of Bowie—I will state that I have had the honor to rule some of the time. The Senator says that within the rulings of the Chair it has been fair. I would like to know if the Senator is satisfied with the rulings of the Chair?

Senator Thomas—I want it understood that I have not attacked the rulings of the Chair.

Senator Senter—I desire to ask a final question. Is the Senator from Hopkins prepared to offer any other charges than have been offered here which would tend to show graft or corruption on the part of the members or officers of this body?

Senator Thomas—Mr. President, replying to that question from the Senator from Dallas, I wish to say that I believe that I can adduce evidence that would tend to show corruption, but I do not desire to do that unless I can sustain that charge.

Senator Senter—I desire to ask the Senator one further question. Is it your purpose to pursue these charges beyond this Senate and to renew them elsewhere and to collect evidence to sustain charges that you have made here and have not sustained?

Senator Thomas—I will state what I said the other day, that so far as any charges I have made on the floor of this Senate or through the press of this State, that I have nothing else to say.

Senator Senter—Senator, I do not quite understand you when you say you have nothing more to say, and that suggests a question as to whether you mean you have nothing more to say now, or that you propose to transfer your charges elsewhere to another forum, and to press them there.

Senator Thomas—Replying to the statement from the Senator from Dallas, I will say that I have nothing more to say in reference to these charges during my connection with the Senate this session of the Legislature.

Senator Senter—Are we to understand, Senator, that you mean the session of the Senate which is about to conclude today?

Senator Thomas—No, sir.

Senator Senter—Then what session are you referring to?

Senator Thomas—This session or the called session. Of course, Mr. President, I will say to the Senator from Dallas that I don't suppose any member of this Senate would for a moment say to me as to what I should say or not say any time in the future after the adjournment of this Legislature.

Senator Senter—Then, we are to understand, are we, Senator, that after the Legislature has concluded its labors you proposes to renew your charges of graft and corruption against this body, and to prosecute these charges through the press, as you have been doing since the Legislature has been in session?

Senator Thomas—Replying to that, I will state that I have not made this statement to him or to any one else that these charges would be renewed. As to what I might do in the future, I can not even say myself.

Senator Hudspeth—If there is no further need for Mr. Wolters, I move that he be excused.

The Chair—That has been done.

Senator Senter—I desire to ask the Senator from Hopkins one further question: In a statement published in the paper, Senator, and in part written in your own handwriting, appears these remarks:

"Every honest man in Texas, including members of the Senate, know my charges to be true, and in a short time I will publish in pamphlet form a detailed report of the investigation, so that the people will know something of the graft, rottenness and corruption that

prevails among the so-called representatives of the people. The Senate this afternoon would not have permitted me to discuss that report and the facts disclosed before the investigation for half this Capitol, for my remarks would have forever sent to their political graves several men of prominence connected with the Senate."

Now, Senator, I want to know whether you still desire to adhere to that declaration and your purpose with respect thereto.

Senator Thomas—I will state, Mr. President, I have letters and postals that I have received today, asking that some kind of statement in the future might be given to the people in reference to the testimony and evidence disclosed in that investigation, and surely no member of this Senate will object to any disclosure that I might make in reference to that investigation in the future. It is possible I may issue a pamphlet, and it is possible I may not. I do not know myself.

Senator Senter—Have you disclosed, Senator, to the people, and to us, all of the facts upon which you based that declaration?

Senator Thomas—Mr. President, replying to the Senator from Dallas, I will say there are isolated facts which I have not disclosed, and on the advice given to me by my counsel I feel that it would be unwise to do so unless I could sustain the charges I have made.

Senator Senter—The question is, Senator, have you disclosed all those facts to your counsel in this case, the Senator from Cooke, who has spoken for you upon the floor of this Senate?

Senator Thomas—I believe, Mr. President, so far as members of this Senate are concerned, I have, but there are some facts connected with the other branch of the Legislature that I have not disclosed to my counsel.

Senator Hudspeth—I understand that Judge Hornsby has been brought here as a witness.

The Chair—Will you please advise whether or not you have any questions to propound to him.

Senator Cofer—I have not.

Senator Hudspeth—Judge Hornsby would like to make a statement to this body to go in the record. If there is no objection, I would like to ask that he be permitted to make a statement in justice to himself and to the Senate.

Senator Terrell of Bowie—Mr. President, I would like to amend that motion—to substitute that motion as follows: That Judge Hornsby has been charged by the Senator from Hopkins with being a lobbyist and doing things that tend to reflect upon him, and he desires to be allowed to make a statement; therefore, I move that he be allowed that opportunity.

Judge John Hornsby, having been first duly sworn, made the following statement:

Mr. President, and Senators of Texas, inasmuch as my name has been brought into this matter, in order to keep the record straight I wish to say that I am familiar with the terms of the anti-lobby law of Texas, and I further state that I have never at any time violated that law, either in letter or in spirit. I will state further that I have the honor of belonging to one of the volunteer fire departments of the city of Austin, and through the expressed wish of this volunteer company, who selected me to appear before the committees of the House and Senate, in order to request that the anti-pass law of Texas be so amended as to permit railway companies of Texas to grant free transportation to the duly elected and accredited delegates of this fire company in going to and returning from the State Convention of Volunteer Firemen. I did appear before the committee of the House and request that they incorporate this provision into the bill seeking to amend the anti-pass law.

Senator Perkins—Were you paid to do that?

Judge Hornsby—I was not paid. I was elected by the company to which I belonged and requested to perform the service for them, and it has been a pleasure for me to do what I could in that direction. I will state that I appeared before the Senate committee, and the committee also adopted that amendment authorizing railway companies to issue free transportation to delegates in going to and returning from State conventions.

Senator Hudspeth—Did you ever lobby with any member here?

Judge Hornsby—I have never at any time improperly approached any member here, including the man from Hopkins county, or unlawfully attempted to influence their action on any matter.

I wish to state further that I have never in my life gambled at a game of cards or upon any other proposition. I have never in my life used intoxicating liquors at any time. I never used

tobacco in any form. (Laughter and applause.) Mr. President, and Senators, I wish to say that I don't even cuss under the strongest provocations.

Senator Perkins—Don't you feel like cussing a little now?

Judge Hornsby—I might be tempted to cuss under provocations like this.

Senator Sturgeon—Don't you think you have missed a great deal in not smoking a good cigar?

Judge Hornsby—I know many good men like yourself, Senator, who enjoy smoking a good cigar, and I suspect myself that I have missed a great deal. I do like to see a man enjoy himself like that so long as he don't interfere with other people in doing what they want to do. I thank you.

Senator Cofer—I offer the following substitute resolution:

Whereas, The Hon. H. Bascom Thomas of Hopkins county, Texas, has repeatedly preferred charges against the integrity of the Senate, and after full investigation of said charges and every opportunity to develop all the facts and circumstances surrounding said charges, we are of the opinion that said charges should not have been made and can not be sustained, and the full investigations that have been made fail to show or sustain the charges upon the part of any member of this Senate; and

Whereas, Said H. Bascom Thomas, before making said charges, should have sought out and endeavored to learn that the facts would sustain said charges before making them, and the constant repetition of said charges so made have reflected upon and have a tendency to reflect upon the membership of this Senate; therefore, we are of the opinion that the said H. Bascom Thomas is in contempt of the Senate, and that he should be reprimanded; and, be it

Resolved, That this resolution of censure be passed upon said H. Bascom Thomas.

(Signed) COFER,
BRYAN,
HOLSEY,
HAYTER,
STOKES.

Senator Kellie—I move to table the substitute (which motion was adopted).

Senator Thomas—Mr. President, I wish to say that I have nothing more to say, but am willing to abide the action of this Senate.

Roll call, resulting in 21 yeas, and 8 nays, in favor of the original resolution. One present, and not voting.

Senator Meachum—Mr. President, I desire to be marked present and not voting, and to send up reason for so doing to be published in the Journal.

The Chair (Lieutenant Governor Davidson) here instructed the Sergeant-at-Arms to escort Mr. Thomas from the Chamber, and the Secretary to notify the Governor his seat was vacant.

At the conclusion of the proceedings on the expulsion resolution, Senator Cofer offered a substitute for same. (See resolution in above proceedings.)

The substitute was read, and

Senator Kellie moved to table the substitute, which motion to table prevailed by the following vote:

Yeas—19.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	

Nays—11.

Bryan.	Stokes.
Cofer.	Sturgeon.
Greer.	Thomas.
Hayter.	Ward.
Holsey.	Willacy.
Meachum.	

Absent—Excused.

Veale.

Action then recurred on the expulsion resolution, which was adopted by the following vote:

Yeas—21.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Harper.	Real.
Hayter.	Senter.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Nays—8.

Bryan.	Stokes.
Cofer.	Sturgeon.
Greer.	Thomas.
Holsey.	Ward.

Present—Not voting.

Meachum.

Absent—Excused.

Veale.

The Chair (Lieutenant Governor Davidson) instructed the Sergeant-at-Arms to notify Senator Thomas that his seat was vacant, and also instructed the Secretary of the Senate to notify the Governor to the same effect.

REGULAR ORDER OF BUSINESS.

Following are the proceedings of the Senate of today, other than the expulsion resolution, and is printed here in order that it all be together and more easily referred to.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 12, 1909.

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

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference Committee on Senate bill No. 300. The following have been appointed on part of the House: Messrs. Caves, Canales, Goodman, Terrell of Bexar and Schluter.

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

CONFERENCE COMMITTEE REPORT —ADOPTION OF.

By Senator Murray:

Austin, Texas, March 12, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. A. M. Kennedy, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on

Senate bill No. 300, A bill to be entitled "An Act to provide for the sale, disposition or removal of any and all property of the State of Texas, which is or has been used by the Court of Criminal appeals of the State of Texas, at Tyler and Dallas, Texas; to provide for the removal to Austin, Texas, of any of such property not so sold; to provide for the removal of any and all books, papers and records of said court, as also all disposed and undisposed of cases now at said Tyler and Dallas, Texas, to Austin, Texas, and to make an appropriation for said purpose; to provide for the compensation of the Clerk of said Court at Austin, and to authorize him to appoint a deputy, and to provide for the compensation of said deputy; to repeal all laws and parts of laws in conflict herewith, and to declare an emergency,"

Have had the same under consideration, and report it back to the Senate, with the recommendation that the House recede from its amendment.

MURRAY,
WEINERT,
PAULUS,
WATSON,
TERRELL of Bowie,
On the part of the Senate.

TERRELL of Bexar,
CANALES,
GOODMAN,
SCHLUTER,
CAVES,
On the part of the House.

The report was read and adopted by the following vote:

Yeas—26.

Adams.	Perkins.
Alexander.	Real.
Brachfield.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.
Paulus.	
Peeler.	

Absent.

Bryan.	Meachum.
Cofer.	Greer.

Absent—Excused.

Veale.

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

The motion prevailed.

EXCUSED.

On account of important business:

Senator Veale, for all this week, on motion of Senator Murray.

(Lieutenant Governor Davidson in the chair.)

NOTIFICATION COMMITTEES.

Senator Brachfield moved that the Chair appoint a committee of three Senators to notify the Governor that the Senate had about completed its labors and would soon be ready to adjourn. The motion was adopted.

The Chair appointed the following: Senators Brachfield, Kellie and Perkins.

Senator Brachfield made a like motion to notify the House, and the following committee was appointed: Senators Hayter, Bryan and Peeler.

REPORT OF NOTIFICATION COMMITTEE.

Here the committee to notify the House appeared at the bar of the Senate and reported that they had performed their duty by informing the House that the Senate had about completed its labors and would soon be ready for adjournment.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 13, 1909.

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 bill:

Senate bill No. 84, A bill to be entitled "An Act to amend Sections 4, 8, 10 and 11, Chapter 137 of an act passed by the Regular Session of the Thirtieth Legislature of Texas, 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing resident hunting license for resident hunters in the State of Texas; providing that funds received from the sale of hunting license and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game; and all the salaries and expenses provided by this act, and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof; providing for resident hunting license for resident hunters in the State of Texas; providing that funds received from the sale of hunting license be used for the purpose of protecting and propagating game and birds, and the salaries and expenses of the Game Commissioner and his deputies; providing for an additional license; allowing the privilege of the Game Commissioner to issue permits to persons desiring to ship domesticated deer or any pet fowl or bird for breeding or exhibition purposes; authorizing county clerks to issue hunting licenses; repealing all laws or parts of laws in conflict herewith; providing fines and penalties, and declaring an emergency," with amendments.

Also adopted Free Conference Committee report on Senate bill No. 300.

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

NOTIFICATION FROM THE HOUSE.

Here a committee from the House of Representatives appeared before the bar of the Senate and notified the Senate that the House had completed its labors and was ready to adjourn.

REPORT OF NOTIFICATION COMMITTEE.

Here the committee to notify the Governor that the Senate had completed its labors and was ready to adjourn, made their report.

SENATE BILL NO. 84—HOUSE AMENDMENTS CONCURRED IN.

Senator Hudspeth called up

Senate bill No. 84, A bill to be entitled "An Act to amend Sections 4, 8, 10, 11, Chapter 137, an act passed by the Regular Session of the Thirtieth Legislature of Texas, an act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner, providing for his salary, etc.,"

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

Amend by inserting on page 6, line 4, after the word "State" the following: "Provided, further, that it shall be unlawful for any person to kill, ensnare or entrap or in any way destroy any wild deer in the period of time embraced between the 1st day of December in each year and the 1st day of October

in each following year; provided, it shall be unlawful for any person at any season of the year to take, kill, ensnare any wild female deer or spotted fawn within this State; and, provided further, that it shall be unlawful for any person to take, kill, trap, or ensnare more than three wild bucks during the months of October and November of any one year; and, provided further, that it shall be unlawful for any person at any time to hunt deer by aid of what is known as the rattling or striking together the horns of deer, or any other device used for calling up deer."

Amend Senate bill No. 84 by striking out the words "off his own premises," in line 19, page 4, and inserting in lieu thereof the following: "Outside the county of his residence."

The motion to concur prevailed by the following vote:

Yeas—26.

Adams.	Perkins.
Alexander.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Paulus.	
Peeler.	

Nays—2.

Brachfield.	Holsey.

Present—Not voting.

Greer.	Murray.

Absent—Excused.

Veale.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 13, 1909.

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. 217, A bill to be entitled "An Act changing and fixing the time of holding courts in the Sixty-third Judicial District of Texas."

Senate bill No. 82, A bill to be entitled "An Act to amend Article 3151 of Chapter 2, Title 62 of the Revised Civil Statutes of the State of Texas of 1895," with amendments.

Senate bill No. 233, A bill to be entitled "An Act to require insurance companies other than life insurance companies before they shall receive a certificate of authority to transact business in this State, and requiring all persons, firms or associations before they shall issue or authorize the issuance of any policies of insurance to citizens of this State to file with the Commissioner of Insurance and Banking a bond or to deposit securities to secure the payment of all lawful obligations under such policies to citizens of this State, and providing penalties for violations of some of the provisions of this act."

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

SENATE BILL NO. 82—HOUSE AMENDMENTS CONCURRED IN.

Senator Weinert called up

Senate bill No. 82, A bill to be entitled "An Act to amend Article 3151 of Chapter 2, Title 62 of the Revised Civil Statutes of the State of Texas of 1895."

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

Amend Senate bill No. 82 as follows:

By adding to Section 1 at the end of Article 3151 the following: "Provided, that no such commissioner shall receive any pay as such for any day for which he has received, or is entitled to receive, compensation as a petit or grand juror."

Amend the caption by inserting after the figures "1895" the words "so as to authorize payment of jury commissioners for their services as such."

The motion to concur prevailed by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Nays—1.

Brachfield.

Absent.

Terrell of McLennan. Ward.
Thomas.

Absent—Excused.

Veale.

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

The motion to table prevailed.

FIFTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 13, 1909.

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 bill:

Senate bill No. 113, A bill to be entitled "An Act to authorize the Governor to purchase for the State the papers of President Mirabeau Lamar, and making appropriation therefor."

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

HOUSE JOINT RESOLUTION NO. 22.

Senator Watson called for House Joint Resolution No. 22, but there was objection, and

Senator Watson moved that the pending business be suspended, and the Senate take it up, out of its order, House Joint Resolution No. 22.

The motion was lost by the following vote:

Yeas—18.

Adams.	Perkins.
Cofer.	Real.
Harper.	Senter.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Thomas.
Meachum.	Watson.
Murray.	Weinert.
Peeler.	Willacy.

Nays—10.

Alexander.	Hume.
Brachfield.	Masterson.
Bryan.	Mayfield.
Greer.	Sturgeon.
Holsey.	Ward.

Absent.

Paulus. Stokes.

Absent—Excused.

Veale.

SIMPLE RESOLUTION.

By Senator Watson:

Resolved, That the President of the Senate appoint a committee of five members to arrange for post-session clerical work.

The resolution was read and adopted.

The Chair appointed the following committee, as above provided for: Senators Watson, Willacy, Sturgeon, Murray, Weinert.

(Lieutenant Governor Davidson in the chair.)

SIXTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 13, 1909.

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

Sir: I am directed by the House to inform the Senate that the House rescinds its action upon the adoption of the Free Conference Committee report on House Joint Resolution No. 7, and concurs in Senate amendments by the following vote: Yeas, 94; nays, 16.

Also Senate Concurrent Resolution No. 12, relating to patents on certain lands in Uvalde county, Texas.

Also passed

Senate bill No. 208, A bill to be entitled "An Act to amend Chapter 4, Title 28, of the Revised Civil Statutes of 1895, by adding an additional article to said chapter, to be known as Article 1119a, and providing for extending terms of district courts in certain cases, and declaring an emergency."

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, March 13, 1909.

To the Senate:

The advice and consent of the Senate is requested to following appointments as notaries public, as per list attached.

T. M. CAMPBELL,
Governor.

DISTRICT NO. 1.

BOWIE COUNTY.

Dan. T. Leary.....Texarkana

DISTRICT NO. 2.

RED RIVER COUNTY.

W. E. Stephens.....Bagwell
James Rush.....Bagwell

DISTRICT NO. 3.

FANNIN COUNTY.

W. G. Clark.....Bonham

DISTRICT NO. 4.

COOKE COUNTY.

Paul Bringman.....Gainesville
A. J. Meriwether.....Gainesville
Lula Duston.....Gainesville
J. R. Horn.....Myra
Herbert Zacharia.....Gainesville
C. A. Cox.....Collinsville
L. A. Fleenor.....Gainesville
J. H. Theisen.....Gainesville

GRAYSON COUNTY.

Carroll Porter.....Sherman
C. E. Coover.....Sherman
T. P. Wells.....Bells

DENTON COUNTY.

J. A. Craven.....Pilot Point
Marguerite Cragen.....Sherman
Flora Riesenberg .....Sherman
J. L. Anderson.....Tioga
J. B. Poston.....Denison
T. T. Price.....Tioga
M. A. Jacobs.....Denison
J. F. Bennett.....Pottsboro
Wallace Harris .....Pottsboro
R. M. Phillips.....Tioga

DISTRICT NO. 5.

HUNT COUNTY.

Clint C. Reynolds.....Fairlie
T. V. McDonald.....Commerce
J. B. McCombs.....Yowell
Stanley Crawford.....Commerce

COLLIN COUNTY.

J. R. Gough.....McKinney
Miss Minnie Burrage.....McKinney
Samuel E. Bateman.....Celina

DISTRICT NO. 6.

DALLAS COUNTY.

W. F. Whitehurst.....Dallas
M. O. Stevens.....Dallas
M. B. Pruitt.....Dallas
W. M. Pierson.....Dallas
Lafayette Fitzhugh .....Dallas
James L. Hanway.....Dallas
Ross Simpson .....Dallas
W. T. Spears.....Dallas
N. L. Lindsley.....Dallas
George T. Lack.....Dallas
J. L. Ross.....Dallas
Mrs. L. Barrett.....Dallas

DISTRICT NO. 8.

SHELBY COUNTY.

Hoya B. Short.....Center

HARRISON COUNTY.

Dan R. Dwyer.....Marshall
Ethel Van Hook.....Marshall
Chesley F. Adams.....Marshall

GREGG COUNTY.

E. S. Terry.....Longview

RUSK COUNTY.

M. G. Wright.....Henderson
Elmer Barefield.....Minden
W. E. D'Lama.....Henderson
A. J. Smith.....Overton
William F. Neal.....Overton

DISTRICT NO. 11.

McLENNAN COUNTY.

T. B. Cox.....Waco

MILAM COUNTY.

J. M. Ralston.....Cameron
John A. Smith.....Branchville

DISTRICT NO. 13.

ANDERSON COUNTY.

C. M. Kay.....Palestine

DISTRICT NO. 15.

T. P. Buffington.....Anderson

DISTRICT NO. 17.

GALVESTON COUNTY.

William Selkirk .....Galveston
Jno. B. Poole.....Galveston

BRAZORIA COUNTY.

T. M. Smith.....Columbia

MATAGORDA COUNTY.

J. F. Barnett.....Palacios

CHAMBERS COUNTY.

F. A. Hankamer.....Hankamer
A. L. Beason.....Anahuac

DISTRICT NO. 20.

TRAVIS COUNTY.

Chas. V. Johnson.....Austin

DISTRICT NO. 21.

GUADALUPE COUNTY.

C. H. Donegan.....Seguin
W. R. Campbell, Jr.....Seguin

DISTRICT NO. 22.

BEE COUNTY.

D. E. Beedy.....Blanconio

ATASCOSA COUNTY.

H. G. Cook.....Pleasanton

DE WITT COUNTY.

R. J. Mattock.....Cuero
E. L. Dickinson.....Cuero

JACKSON COUNTY.

C. W. Silliman.....Ganado
T. N. Mauritz.....Ganado
C. F. Combs.....Ganado
Fred Mauritz .....Ganado
F. L. Wells.....Edna

FRIO COUNTY.

Chas. J. Atkinson.....Melon

VICTORIA COUNTY.

H. F. Smith.....Victoria
V. E. Goldman.....Victoria
Ed M. Tracy.....Victoria

GOLIAD COUNTY.

T. L. Campbell.....Goliad
W. R. Sanderfer.....Chasco

LIVE OAK COUNTY.

W. M. Frisby.....Simmons

KARNES COUNTY.

M. B. Little.....Karnes City

WILSON COUNTY.

J. F. Ferguson.....Sutherland Springs
James King.....Stockdale
J. A. King.....Floresville
J. H. Brown.....Floresville
Ed Franklin .....Floresville

DISTRICT NO. 23.

DIMMIT COUNTY.

E. A. Armstrong.....Asherton

DISTRICT NO. 24.

BEXAR COUNTY.

I. M. Lipscomb.....San Antonio
Clinton G. Brown.....San Antonio
Max Schelper .....San Antonio
Homer B. Stueb.....San Antonio
Otto Linnarty .....San Antonio
Mae Kline .....San Antonio
Jno. H. Ezell.....San Antonio
C. A. Goforth.....San Antonio
Emil E. Zipp.....San Antonio
Albert Maverick .....San Antonio
A. L. C. Magruder.....San Antonio
Mabel M. Earl.....San Antonio
P. B. Dunn, Jr.....San Antonio
Chas. T. Holtom.....San Antonio
T. T. Venderhoeven.....San Antonio
S. H. Wilson.....San Antonio
A. E. Baudreaux.....San Antonio
George R. Gillette.....San Antonio
J. C. Mason.....San Antonio
H. M. Baetz.....San Antonio
G. A. Franklin.....San Antonio
H. K. Breneman.....San Antonio
Miss B. Cohen.....San Antonio
J. M. Oppenheimer.....San Antonio
Sam G. Eckels.....San Antonio
J. J. Wahl.....San Antonio
J. D. Guinn.....San Antonio
T. W. Woodruff.....San Antonio
C. C. Chaney.....San Antonio
Geo. Huntress.....San Antonio
Fred J. Johnson.....San Antonio
M. W. Terrell.....San Antonio
N. Simpson .....San Antonio
C. A. Dane.....San Antonio
C. R. Davies.....San Antonio
F. C. Davies.....San Antonio
Albert L. Ludwig.....San Antonio
Willis Keller .....San Antonio
A. L. Hulk.....San Antonio
Jester Keller .....San Antonio
S. D. Camp.....San Antonio
Marshall Freeborn .....San Antonio
Max Baetz .....San Antonio
Arthur O. Schenkel.....San Antonio
R. S. Cozby.....San Antonio
Tom F. Schutz.....San Antonio
W. B. Hamilton.....San Antonio
J. J. Maban.....San Antonio
F. T. White.....San Antonio
J. C. Sullivan.....San Antonio
L. Schulemeyer .....San Antonio
S. G. Newton, Jr.....San Antonio
W. H. Newton.....San Antonio
M. F. Baker.....San Antonio
B. Cohen .....San Antonio
L. M. Brown.....San Antonio
J. W. Moore.....San Antonio
Jay Minter .....San Antonio
L. G. Huntress, Jr.....San Antonio
H. R. Ellison.....San Antonio
W. L. Stiles.....San Antonio
Chas. Deussen .....San Antonio
Paul Riebe .....San Antonio

KENDALL COUNTY.

Wm. J. Wilke, Radcliffe Spencer.

DISTRICT NO. 25.

BREWSTER COUNTY.

Jno. Young .....Alpine

TOM GREEN COUNTY.

M. Aycock .....San Angelo
C. T. Dalton.....San Angelo

VAL VERDE COUNTY.

Walter Edwards .....Juno
R. T. Hunnicutt.....Del Rio
F. B. Warner.....Del Rio
I. A. Schevens.....Del Rio
J. W. Pruitt.....Uvalde
E. R. Benson.....Uvalde

PECOS COUNTY.

Geo. C. Haseltine.....Fort Stockton
O. W. Williams.....Fort Stockton
Henry Logan Winfield...Fort Stockton
Herman H. Butz.....Fort Stockton
Howell Johnson .....Fort Stockton
W. R. Chancellor.....Fort Stockton
Samuel P. Ford.....Fort Stockton
W. C. Jackson.....Fort Stockton
Lee Fowler .....Fort Stockton
A. N. Lea.....Fort Stockton
R. E. McKenzie.....Fort Stockton

REEVES COUNTY.

Henry H. Luckett.....Toyah
F. C. Burres.....Toyah
T. L. Terry.....Toyah
J. W. Beam.....Toyah
D. J. White.....Toyah
D. F. White.....Toyah
Jos. D. Martin, Jr.....Pecos
T. H. Beauchamp.....Pecos
J. F. Caroline.....Pecos
R. Hugher .....Pecos
A. G. Taggart.....Pecos
C. W. Goedeke.....Pecos
T. Y. Casey.....Pecos
Geo. B. Landrum.....Pecos
R. C. Warn.....Pecos
J. A. Buck.....Pecos
J. W. Parker.....Pecos

PRESIDIO COUNTY.

Wm. J. Wark.....Valentine
Will A. Foley.....Valentine
J. A. Gillett.....Marfa
H. H. Lovett.....Marfa
C. L. Shields.....Marfa
W. D. Wilson.....Marfa
R. H. Hays.....Marfa
Chas. Kraker .....Marfa

BREWSTER COUNTY.

F. E. Rutledge.....Boquillas
L. N. Halbert.....Alpine
H. H. Moore.....Alpine
Jno. Young .....Alpine

DISTRICT NO. 26.

CONCHO COUNTY.

J. A. Bonnett.....Maverick
J. L. Lee.....Eden

DISTRICT NO. 27.

BELL COUNTY.

W. R. Butler.....Temple

DISTRICT NO. 28.

PALO PINTO COUNTY.

C. M. Orgain.....Mineral Wells
A. B. Estes.....Midland

DISTRICT NO. 29.

HARDEMAN COUNTY.

W. H. Compton.....Quanah

POTTER COUNTY.

W. W. Hammack.....Amarillo

DISTRICT NO. 30.

TARRANT COUNTY.

J. W. Daniels.....Fort Worth
Marvin H. Brown.....Fort Worth
George C. Ackers.....Fort Worth
J. H. Berry.....Fort Worth
Bracton C. Carter.....Fort Worth
Q. E. Cowart.....Fort Worth
R. H. Kendrick.....Fort Worth
J. E. Head.....Fort Worth
M. L. Chambers.....Fort Worth
R. O. Fields.....Fort Worth
J. M. Long.....Fort Worth
I. W. Jarrell.....Fort Worth
J. R. Sandidge.....Fort Worth
A. M. McElwee.....Fort Worth
B. Z. Agerton.....Fort Worth
John Robinson .....Fort Worth
Carrie Rabb .....Fort Worth
J. E. Scott.....Fort Worth
M. E. Walker.....Fort Worth
J. F. Wellington, Jr.....Fort Worth
C. M. Ambrose.....Fort Worth
Alvin Kramer .....Fort Worth
L. H. Burns.....Fort Worth
Q. T. Moreland.....Fort Worth
Wm. M. McKinney.....Fort Worth
M. F. Leatherman.....Fort Worth
J. M. McKenzie.....Fort Worth
J. E. Eggleston.....Fort Worth
Annie Massey .....Fort Worth
V. W. Wood.....Fort Worth
R. L. Owen.....Fort Worth

HOOD COUNTY.

Dick Oxford.....Granbury

DENTON COUNTY.

H. F. Browder.....Denton
J. C. Hawk.....Denton
J. J. McCook.....Denton
Gran Christal .....Denton
Robt. Barnes .....Denton
H. W. Chandler.....Denton
A. G. McMath.....Denton
D. T. Shirley.....Sanger

MONTAGUE COUNTY.

A. T. Scott.....St. Jo

WISE COUNTY.

J. P. Turner.....Slidell

SEVENTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 13, 1909.

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:

Senate Joint Resolution 6, To amend Article 11, Sections 4 and 5 of the Constitution of the State, authorizing cities and towns within the State of Texas to be incorporated by special act where the population exceeds 5000 inhabitants.

Also

Senate bill No. 77, A bill to be entitled "An Act to amend Articles 3498u, 3498v, 3498w and 3498x, Title 72, Chapter 1 of the Revised Civil Statutes of the State of Texas, so as to embrace within its provisions lunatics, idiots and persons non compos mentis, in addition to minors as now embraced therein, and declaring an emergency."

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

EXECUTIVE SESSION.

Senator Harper here moved that the Senate proceed to Executive Session to consider notaries public previously sent to the Senate by His Excellency the Governor.

The motion prevailed.

IN EXECUTIVE SESSION.

In Executive Session the following confirmations were made:

Note—The notaries public, as confirmed, will appear later as an Appendix to this Journal.

IN THE SENATE.

SIMPLE RESOLUTION.

By Senator Brachfield:

Resolved by the Senate, That the stenographic report of the proceedings in regard to the Thomas matter today be placed in the Journal of today.

The resolution was read and adopted.

Note—See former proceedings of today for the report above provided for.

SIMPLE RESOLUTION.

Resolved, That the Chair appoint a committee of five members to determine and report to the Senate the employes necessary for the conduct of the business of the First Called Session of the Thirty-first Legislature, said committee to recommend the employes required by name and the position to be filled.

BRACHFIELD,
WILLACY,
MAYFIELD.

The resolution was read and adopted.

The Chair appointed the following as the committee:

Senators Brachfield, Mayfield, Ward, Hudspeth and Watson.

POST-SESSION CLERICAL WORK.

By Senator Watson:

Austin, Texas, March 13, 1909.

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

Sir: Your committee appointed under a motion to report and recommend such officers and employes as should be retained after adjournment and to specify their duties, number of days, pay, etc., beg leave to report as follows:

1. We recommend that the Secretary, Clyde D. Smith, and Journal Clerk, R. M. Gilmore, each be retained for sixty days after adjournment, and that they be instructed to prepare and deliver to the Public Printer the Journal of the Senate, together with a complete and comprehensive index to same, and to deliver to the Secretary of State all documents, bills, etc., and Journals by law required to be delivered to him by the Secretary of the Senate. And that the Secretary and Journal Clerk shall perform their duties in conjunction with each other, and the Secretary shall, in addition to his other duties, assist the Journal Clerk.

2. That W. E. DeLamar, the Calendar

Clerk, be retained five days after adjournment, and that he be instructed to check up, index and arrange such bills, books, resolutions and other documents as may remain in his possession and deliver the same to the Secretary of the Senate.

3. We recommend that the Sergeant-at Arms, M. F. Hornbuckle, be instructed to immediately prepare a complete and itemized duplicate inventory of all property of the Senate, including all furniture and property in the Lieutenant Governor's room, with marks of identification entered on the invoice, such inventory to show the condition and probable value of such property, and that each copy of each inventory be approved by the President of the Senate, and be delivered by the Sergeant-at-Arms to the Superintendent of Public Buildings and Grounds, and one copy to the Secretary of State upon adjournment of this Legislature, and that the Sergeant-at-Arms be allowed four days after adjournment to deliver said property to the Superintendent of Public Buildings and Grounds, taking his receipt for same, which shall be delivered to the Secretary of State and filed and kept by him, and said receipt shall be delivered by the Secretary of State to the Sergeant-at-Arms of the Senate at the next Special or Regular Session of the Legislature as soon as said Sergeant-at-Arms has been elected and qualified, and that the said Sergeant-at-Arms be allowed two porters, Ellis Monroe and John Robinson, for five days to assist him, porters to be paid $2.00 per day, and this to be out of the appropriation of the per diem of members, officers, clerks and employes.

4. That each of the above and hereinafter named officers be paid the sum of $5.00 per day for the time retained, and that this be paid out of the per diem appropriation for the Thirty-first Legislature.

5. That the Postmistress, Mrs. Annie Shirley, be requested to make out a list of the Senators and employes of the Senate, with their respective postoffice addresses, and furnish the same to the postmaster at Austin, with the request that he forward their mail to their respective addresses after adjournment, and that she be paid for three days' time at $5.00 per day.

6. We recommend that the Engrossing Clerk and Enrolling Clerk each be required to deliver to the Secretary of the Senate all books and documents belonging to the Senate in their possession upon the adjournment of the Legislature; and

7. In event of a Special Session immediately, this shall not apply until the close of the Special Session.

WATSON,
WEINERT,
MURRAY,
WILLACY,
STURGEON.

The committee report was read and adopted.

SENATE JOINT RESOLUTION NO. 1.

Senator Brachfield called up Senate Joint Resolution No. 1, there being no objection.

There had previously been a motion made to reconsider the vote by which the resolution was ordered engrossed, and the motion spread on the Journal.

On motion of Senator Brachfield, that motion was tabled.

The Chair laid before the Senate, on third reading,

Senate Joint Resolution No. 1, being a resolution to amend Article 16 of the Constitution of the State of Texas, by adding thereto Section 58, when a majority of the qualified electors for members of the Legislature of Texas at an election for that purpose shall vote in favor of the amendment.

The resolution was read third time, and the Senate refused to pass same by the following vote:

Yeas—16.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Perkins.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Ward.

Nays—12.

Harper.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	Willacy.

Absent.

Terrell of McLennan.

Absent—Excused.

Veale.

PRESENTATION OF PRESENTS.

Here, in behalf of the members of the Senate, Senator Hume, in an appropriate speech, presented the Lieutenant Governor and Mrs. Davidson with a very handsome silver tea set, Senator Brachfield presiding.

Lieutenant Governor Davidson happily thanked the Senate for the handsome gift and their confidence in him.

At the conclusion of the above, Senator Peeler, in behalf of the Senate, presented President Pro Tem. Terrell of Bowie county with a silver loving cup.

Senator Terrell appropriately thanked the members.

EXECUTIVE MESSAGE.

Here the following from the Governor, T. M. Campbell, was laid before the Senate:

Executive Office,
State of Texas.

Austin, Texas, March 13, 1909.

To the Legislature:

Through your committee I have been notified of the concurrent resolution adopted by both houses of the Thirty-first Legislature that you are about to adjourn sine die at 12 o'clock m. this date, and I deem it appropriate to transmit for your information the annexed proclamation, reconvening the Legislature in extraordinary session at 2 o'clock p. m. March 13. Subjects for your consideration are specified in said proclamation, and notice given that other subjects for your consideration may hereafter be presented.

I will communicate with you further by message on Monday morning, March 15.

T. M. CAMPBELL,
Governor of Texas.

PROCLAMATION OF THE GOVERNOR OF THE STATE OF TEXAS.

I, T. M. Campbell, Governor of the State of Texas, by virtue of authority vested in me by the Constitution, do hereby call a Special Session of the Thirty-first Legislature to convene in the city of Austin, Texas, beginning at 2 o'clock p. m., March 13, 1909, for the following purposes, to-wit:

1. To enact adequate laws simplying the procedure in both civil and criminal courts of this State, and to enact laws amending and changing the existing laws governing court procedure, as will reduce the present unusual and unnecessary expense of litigation, and as will tend to the speedy administration of justice in civil and criminal cases.

2. To enact laws providing for the prompt establishment of an effective system for the guaranty for the deposits of State banks of Texas, under the supervision and control of the State.

3. To enact laws for the establishment of additional experimental agricultural stations, especially in Central West and Northwest Texas.

4. To enact adequate laws granting adequate authority and ample means to the State Health Department to properly safeguard the public health, and to secure greater efficiency in our public health agencies.

5. To enact laws that will conserve and protect the oil and rice industries, with adequate provision for fixing and regulating the charges of canal and pipe line companies.

6. To enact laws or amendments to the present statutes relating to the fish and oyster industries, as may be necessary to promote the fish and oyster industries, and to properly protect the interests of the people in this great food supply, and to increase and protect the fisheries of Texas.

7. To consider and act upon such other matters as may hereafter be presented pursuant to Section 40, Article 3, of the Constitution of the State of Texas.

In testimony whereof, I have hereunto set my hand and caused the seal of State to be affixed at Austin, this the 13th day of March, A. D. 1909.

(Seal) T. M. CAMPBELL.
Governor of Texas.

By the Governor:
W. B. TOWNSEND,
Secretary of State.

PRESIDENT PRO TEM.—ELECTION OF.

The Chair here announced that the election of a President Pro Tem, was the next order of business, whereupon Senator Blachfield placed in nomination for that position Senator Q. U. Watson of Lee county.

The nomination was seconded by Senators Willacy, Terrell of Bowie, Stokes, Cofer, Bryan, Perkins, Adams and Sturgeon.

There was no other nominations.

Senators Murray, Holsey and Ward were appointed tellers.

Senator Watson received twenty-six votes, all the votes cast, and was declared duly and constitutionally elected.

Senator Brachfield escorted the President Pro Tem-elect to the President's chair, whereupon the chair, Lieutenant Governor Davidson, administered the constitutional oath of office.

The Chair then introduced Senator Watson to the Senate, who thanked them for the honor they had just conferred upon him.

Note—A motion was made and adopted to have the nominating speech, speech of acceptance and the introductory speech by the Chair printed in the Journal, but same was not furnished the Journal Clerk.

SIMPLE RESOLUTION.

Senator Senter called up from the table the following resolution:

Resolved, That the tender of a portrait of former Lieutenant Governor Barnett Gibbs, made to the Senate by his widow, Mrs. Barnett Gibbs, be accepted, and that the presiding officer of the Senate is hereby authorized to place such portrait in a suitable location in the Capitol in recognition of the important and lasting public service rendered to the State as a member of this body and as its presiding officer.

Resolved further, That the Secretary of the Senate is hereby instructed to furnish a copy of this resolution to Mrs. Barnett Gibbs.

The resolution was read and adopted.

RECESS.

On motion of Senator Senter, the Senate recessed for two hours.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

BILLS SIGNED.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign, after their captions had been read, the following bills:

Senate bill No. 154, "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature, Chapter 43, Acts of the Twenty-sixth Legislature, Chapter 43 of the Twenty-seventh Legislature, and Chapter 129 of the Twenty-eighth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban, electric, gas or gasoline, denatured alcohol or naphtha motor railways, and declaring an emergency."

Senate bill No. 317, "An Act to amend Chapter 79 of the General Laws of the State of Texas passed by the Twenty-seventh Legislature, creating a more efficient road system for Brown county, Texas," etc.

Senate bill No. 111, "An Act to define and regulate the practice of professional nursing, to create a board of nurse examiners for the examination of nurses, and to prescribe their qualifications, to provide for their proper registration and to fix suitable penalties for the violations of this act, and declaring an emergency."

Senate bill No. 261, "An Act to amend Section 2, Article 1 of the Special Laws of Texas, passed at the Regular Session of the Thirty-first Legislature, entitled 'An Act to grant a new charter to the city of Austin, Travis county, Texas; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,' approved February 3, 1909."

Senate bill No. 202, "An Act to amend Section 9 of Chapter 65 of the General Laws of the Thirtieth Legislature, entitled 'An Act to define "delinquent child" and to regulate the treatment and control of same'; providing for commitment of delinquent juveniles to the State Institute for the Training of Juveniles; providing procedure, repealing all laws in conflict herewith, and declaring an emergency."

Senate bill No. 218, "An Act to better define and punish vagrancy, prescribing the rules of procedure in the prosecution of vagrants, and fixing a punishment for vagrancy, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senate bill No. 203, "An Act to amend Articles 1145 and 1146 of Title 17 of the Code of Criminal Procedure of the State of Texas as adopted in the Revised Statutes of 1895, relating to the house of correction and reformatory; providing that in certain cases persons

under sixteen years of age convicted of a felony shall be confined in the State Institute for the Training of Juveniles; providing that this amendment shall not affect, modify or vitiate any judgment heretofore rendered, confining any person to the house of correction or reformatory; repealing all laws in conflict herewith, and declaring an emergency."

Senate bill No. 274, "An Act providing for a special road law for the county of Jasper, creating the office of superintendent of public roads and bridges; defining his powers and duties; defining the powers and duties of road overseers; defining what persons are subject to work upon the public roads; providing proper penalties for violation of this act, and declaring an emergency."

Senate bill No. 264, "An Act to amend Sections 5 and 6 of Chapter 134 of the General Laws passed by the Thirtieth Legislature, entitled 'An Act to authorize any county, or any political subdivision of a county, upon a vote of two-thirds majority of the resident property taxpayers voting thereon, who are qualified electors of such county or political subdivision of the county, to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision thereof, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled and paved roads and turnpikes, or in aid thereof, and to add thereto Section 6a, creating road districts, and making them bodies corporate, and creating the office of road superintendent in such road districts, and declaring an emergency."

Senate bill No. 269, "An Act providing for surveys within this State for the construction and maintenance of pools, lakes, reservoirs, dams, canals and waterways, and for either or any of them; to prevent overflows; to procure drainage and for the improvement of rivers, creeks and streams by levees or otherwise; to prevent overflows; to provide for creation of a State Levy and Drainage Board, and defining and prescribing the duties and powers of said board, and providing for the payment of their expenses; authorizing and empowering said board to appoint a commissioner to be known as State Levee and Drainage Commissioner, defining his powers and prescribing his duties, and authorizing said board to prescribe his further duties, not in conflict with this act, and making an appropriation to carry out the provisions of this act, and declaring an emergency."

Senate bill No. 115, "An Act to provide additional compensation to all judges and district attorneys in the district courts of this State by allowing compensation for actual necessary traveling expenses when engaged in the discharge of their official duties in counties other than the county of their residence, and declaring an emergency."

Senate Concurrent Resolution No. 3, To select a site for the Hood's Brigade monument.

House bill No. 336, "An Act to amend Section 10 of Chapter 23 of the General Laws of the First Called Session of the Thirtieth Legislature, entitled 'An Act prescribing franchise taxes to be paid by private, domestic and foreign corporations for the exercise of the privilege of doing business within the State of Texas, and providing for the collection thereof; prescribing conditions upon which foreign corporations may obtain permits to do business, and for the surrender of such permits; fixing a basis for the computation of the amount of such taxes, and providing for reports of officers of such corporations in connection therewith, and making it a misdemeanor to fail or refuse to make such report, and fixing a penalty therefor; prescribing the times and manner of making payments of such franchise taxes; providing for penalties for failure to make prompt payments of such taxes; providing for the forfeiture without judicial ascertainment of the right of such defaulting, domestic or foreign corporation to do such business because of failure to pay taxes, and penalties as prescribed by this act, and for the revival of such rights; providing for the forfeiture by a judgment of any court of competent jurisdiction of the charter of such defaulting corporation because of failure to pay such taxes and penalties within the time allowed by this act for payment thereof; extending the time within which and prescribing conditions upon which such domestic and foreign corporations which are now in default in payment of franchise taxes and penalties may pay same and have their right to do business revived, and providing that failure of any such domestic corporation to do so shall constitute a sufficient ground for forfeiture of its charter; prohibiting officers and stockholders of such defaulting corporations from doing business in or under the corporate name

of such corporation or using signs or advertisements such as those used by such corporations, and providing punishment therefor; exempting certain classes of corporations from the provisions of this act; fixing venue of civil suits to enforce the provisions of this act; requiring clerks of courts to certify to the Secretary of State the status of such suits; prescribing the duties and powers of the Secretary of State under the provisions of this act; repealing Articles 5243i and 5243j, as amended by Chapter 19 of the General Laws of the Twenty-ninth Legislature, and Chapter 72 thereof, and any and all laws in conflict with the provisions of this act, and declaring an emergency'; extending until the first day of September, 1909, the time during which corporations embraced within the terms of said act may pay to the Secretary of State franchise taxes and penalties referred to in said act, and have their rights to do business revived, and providing for forfeiture of the charters of such domestic corporations as may fail so to do, and declaring an emergency."

House bill No. 232, "An Act to prohibit the giving or delivery of any spirituous, vinous or intoxicating liquors to any person under the age of twenty-one years, whether consigned to such person or other person, without the written consent of the parent or guardian of such minor, and to prohibit the causing of or being instrumental in any such gift or delivery, and to prohibit the agents of any express company or common carrier from making such gift or delivery or causing the same to be done, or being interested therein, and providing penalties therefor."

House bill No. 488, "An Act to create a more efficient road system for Kendall county, Texas, and making the commissioners of said county ex-officio road commissioners in their respective precincts, and prescribing their duties as such, and authorizing the appointment of road commissioners and providing for the compensation of road commissioners or supervisors, defining the duties of the commissioners court with reference to roads and bridges; providing for the appointment of overseers and defining their duties, and providing for and fixing their compensation for certain labor; providing penalties for violations of the provisions of this act; giving persons subject to road duty in Kendall county and persons summoned to work on the public road of said county the right to be relieved from the discharge of such duty upon the payment of specific sums of money herein stipulated; and providing for the accounting for and the disposition to be made of the money so paid; limiting the purposes for which road and bridge funds shall be used; authorizing and providing for the working of county convicts upon the public roads, and providing for the payment of the officers' fees; providing that delinquent poll taxpayers shall be subject to work at 50 cents per day; requiring the collector of Kendall county to furnsh to the commissioners court a list of persons who fail to pay their poll tax; providing for the condemnation of any land needed for the widening, straightening changing or drainage of public roads; providing for taking of timber, gravel, earth, stone or other material for the making of public roads and bridges; providing that this act shall control in Kendall county in all cases wherein it differs from or is inconsistent and conflicts with the general law on the subject of roads and bridges, and declaring an emergency."

House bill No. 567, "An Act to require the Governor to appoint an inspector of hides and animals for the county of Oldham, and place said county under the provisions of Articles 5002 to 5042, inclusive, Revised Statutes of 1895, and declaring an emergency."

House bill No. 552, "An Act to incorporate Lake Victor School District in Burnet county, an independent district; fixing the boundaries thereof, and to provide for the election of trustees, regulating their duties, raising revenue by taxation, issuing bonds and maintaining public schools therein, and declaring an emergency."

House bill No. 468, "An Act to define the offense of abandonment after seduction and marriage of an unmarried female under twenty-five years of age, providing punishment, and declaring an emergency."

House bill No. 432, "An Act creating an independent school district in the county of Ellis, State of Texas, to be known as the Ferris Independent School District, and to have all the powers, rights and duties of independent school districts, formed by the incorporation of towns and villages for free school purposes only."

House bill No. 526, "An Act to amend Article 1098 (1066) of Chapter 3 of the Code of Criminal Procedure of the Revised Statutes of 1895, relating to the pay of jail guards."

House bill No. 558, "An Act to amend

Section 2 of the special road law for Mills county, Chapter 41, entitled 'An Act to create a more efficient road system for Mills county, Texas, and making the commissioners of said court ex-officio road commissioners in the respective precincts, and providing for the appointment of deputies, defining the powers and duties of the commissioners court with reference to roads and bridges; providing for the appointment of road overseers and defining their duties, and providing for and fixing their compensation for certain labor; providing penalties for the violations of this act, giving persons subject to road duty in Mills county and persons summoned to work on the public roads of said county the right to be relieved from the discharge of such duty upon the payment of specific sums of money herein stipulated, and providing for the accounting for and the disposition to be made of the money so paid, providing that delinquent poll taxpayers shall be subject to three days' road duty, requiring the tax collector of Mills county to furnish to the commissioners court a list of all persons who fail to pay their poll tax; providing for the compensation of road commissioners; providing for the amount of compensation in road time to be allowed by overseers to road hands for teams and road work; providing further, for ordering an election to be held in Mills county by the qualified property taxpaying voters to determine whether or not an additional ad valorem tax for road and bridge purposes shall be levied and collected in said county, also giving the commissioners court the power to establish, change, improve or discontinue public roads with or without petition and notice as the circumstances may be, and providing that this act shall control in Mills county in all cases wherein it differs or is in conflict with the general laws on this subject of roads, and making this act cumulative and declaring an emergency,' as passed by the Thirtieth Legislature, so as to hereafter read as follows, and declaring an emergency."

House bill No. 270, "An Act to provide for the teaching of agriculture, manual training and domestic science in the State normal schools at Huntsville, Denton and San Marcos; and of agriculture, including such courses in manual training and domestic economy as are subsidiary to agriculture, in public high schools which shall meet certain prescribed conditions; and of elementary agriculture for teachers in the summer sessions of the State normal schools at Huntsville, Denton and San Marcos, of the Agricultural and Mechanical College at Bryan, of the College of Industrial Arts for Girls at Denton, and of the State University at Austin; and give the State Board of Education authority to fix salaries and wages of principals, presidents, teachers and other employes at the State normal schools, and making an appropriation therefor, and declaring an emergency."

House bill No. 496, "An Act to amend Section 2 of Chapter 116 of the General Laws of the Twenty-ninth Legislature, relating to the fee for filing annual statements of Printers' Mutual Fire and Storm Insurance Association, and to the treasurers' bonds of such associations."

House bill No. 586, "An Act to amend Chapter 158 of an act of the Thirtieth Legislature, said act being entitled 'An Act to amend Article 651, Chapter 3, Title 21 of the Revised Statutes of the State of Texas, and declaring an emergency'; defining the powers of private corporations and amending said act so that said corporations may have as many as twenty-one directors, and declaring an emergency."

House bill No. 495, "An Act to amend Sections 2, 7 and 31, and repealing Sections 18, 19, 23, 27, 28 and 30 of an act of the Thirtieth Legislature, Chapter 47, Special Laws, entitled 'An Act creating the Eldorado Independent School District in Schleicher 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 25 cents on the $100 valuation, for the purpose of purchasing or constructing public free school buildings and furnishing the same, and to issue bonds for such purpose, and to levy, assess and collect a tax of not exceeding 50 cents on the $100 valuation of such property for maintenance and support of its schools; requiring and providing for election on the proposition to levy such taxes, and issuance of bonds; providing for the collection for account of said district of the special tax of 20 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 law 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."

House Concurrent Resolution No. 12, Providing for the investigation and collection of claims due the State of Texas on account of sums paid by the State for frontier protection.

House bill No. 542, "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, as amended by the Thirtieth Legislature, placing Potter county under the jurisdiction of this law, and declaring an emergency."

House bill No. 448, "An Act to amend Chapter 5, General Laws, First Called Session of the Twenty-seventh Legislature, entitled 'An Act to apportion the State of Texas into congressional districts, naming the counties composing the same, and providing for the election of a member of the Congress of the United States from each district, and repealing all laws and parts of laws in conflict herewith."

House bill No. 607, "An Act creating an independent school district in the county of Grayson, State of Texas, to be known as the Dorchester Independent School District, and to have all the powers, rights and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only."

House bill No. 466, "An Act to amend Section 19 of Chapter 1, Special Laws of Texas, as passed by the Twenty-ninth Legislature, being entitled 'An Act to create a more efficient road system for Archer county, Texas, and making county commissioners of said county ex-officio road commissioners and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the roads of said counties, and providing a penalty for the escape of convicts, and providing the amount of compensation in road time to be allowed by overseers to road hands, for teams and work, and providing for the condemnation of land for public road purposes, and providing for the working of delinquent poll taxpayers on the public roads, and relieving road hands from the performance of road work by the payment of the sum of $3.00, and providing for the levying and collection of a special road tax of 15 cents on the $100 valuation of property in Archer county, and providing further, making this law cumulative of the general laws and in case of conflict this act to govern as to Archer county, and declaring an emergency."

House bill No. 27, "An Act to regulate the presentation and collection of claims for personal services or for labor rendered, or for material furnished, or for overcharges in freight or express, or for stock killed or injured by any person or corporation, against any person or corporation doing business in this State, and providing for a reasonable amount of attorney's fees to be recovered as costs in cases where the amount of such claims shall not exceed $200, and declaring an emergency."

House bill No. 577, "An Act to amend an act of the Special Laws of the Twenty-sixth Legislature, Section 14, Chapter 41, so as to read as follows."

House bill No. 580, "An Act to create a more efficient road system for the counties of Newton, Jasper and Sabine, composing the Twentieth Representative District of Texas, and making the county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the working of county convicts on the public roads of said counties; and providing for the compensation in road time to be allowed by the overseers to road hands for teams and road work; and providing for the condemnation of them for public road purposes; and providing, further, that this law be cumulative of the general laws of the State of Texas, and in case of conflict this act to govern as to Newton, Jasper and Sabine counties, Texas; and fixing a penalty for the violation of this act, and repealing all laws in conflict with this act, and declaring an emergency."

House bill No. 610, "An Act to amend Section 1 of an act entitled 'An Act to protect game and fish in the county of Montgomery in the State of Texas; to prescribe penalties for violation of said act, and to declare an emergency,' approved April 5, 1907, and to declare an emergency."

House bill No. 127, "An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of such railroad company."

House bill No. 417, "An Act to validate the incorporation of the city of Rule in Haskell county, and declaring an emergency."

House bill No. 595, "An Act to permit all villages, towns and cities having a population of not less than 10,000 inhabitants, whether incorporated or unincorporated, to adopt the commission form of government, consisting of three commissioners, one of whom shall be the mayor, to be elected at large from said village, town or city; to fix duties and powers of same, terms of office and compensation and creating an emergency."

House bill No. 1, "An Act providing that all towns or cities of the State of Texas which may have been or may hereafter be chartered or organized under the General Laws of Texas or by special act or charter, and which town or city owns and operates waterworks, sewers, gas or electric lights, shall have the right to own land for such purposes within or without the limits of such cities and towns, and purchase, construct and operate water, sewer, gas and electric systems inside or outside of such town or city limits, and sell water, gas, electric light and power and sewer privileges; and authorizing such town or city to make such rules and regulations and prescribe penalties concerning same as shall be necessary and proper."

House bill No. 615, "An Act to amend Section 3 of Chapter 79 of the Acts of the Thirtieth Legislature, passed at the Regular Session 1907, so that it shall hereafter read as follows, and providing for the emergency clause."

House bill No. 594, "An Act to restore to and confer on the county court of Ochiltree county, Texas, the civil and criminal jurisdiction belonging to such courts under the Constitution and General Statutes of the State of Texas; to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act, so far as it relates to Ochiltree county."

House bill No. 606, "An Act abolishing the present Hereford Independent School District, and creating another independent school district, to be known as the 'Hereford Independent School District,' within the bounds of the city of Hereford, in the county of Deaf Smith and State of Texas, and other lands and territory adjacent thereto; the same incorporated as an independent school district for free school purposes only, with all the powers, rights and duties of independent school districts, formed by incorporation of towns and villages for free school purposes."

House bill No. 525, "An Act to require the Governor to appoint an inspector of hides and animals for the county of Parmer, and place said county under the provisions of Articles 5002 to 5042, inclusive, Revised Statutes of 1895, and declaring an emergency."

House bill No. 587, "An Act to create a more efficient road system for Montague county, in the State of Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the powers and duties of the commissioners courts of said county, and fixing a penalty for the violation of this act, and to repeal all laws in conflict with this act."

House bill No. 605, "An Act creating the Hamlin Independent School District in Jones county, Texas, defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district, investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency."

Senate bill No. 238, "An Act to authorize the commissioners courts of the several counties in Texas to create and establish improvement districts to prevent overflows, and to construct and maintain levees and other improvements on rivers, creeks and streams, and to prevent overflows, to order and hold elections for the purpose of voting on the establishment of district and authorizing the issuance of bonds to pay for such improvements and the maintenance thereof, and the levying and collection of taxes to pay for such bonds and interests thereon, to appoint commissioners and all other necessary officers of such improvement districts for the purpose of carrying into effect the provisions of this act; defining their powers and duties; granting the right of eminent domain to such improvement districts, and authorizing the improvement commissioners to acquire by purchase, gift or grant for such districts title to any right of way and other property, and such levees or other improvements as may have been therein previously constructed or made in such districts and authorizing such commissioners to sell any property acquired by said district under the provisions of this act or otherwise, and generally authorizing the commissioners court and improvement commissioners to do all things necessary for the establishment and maintenance of such districts and the construction and

maintenance of said levees and other improvements, according to the provisions of this act, and making it a penal offense for any person to wilfully prevent the imporvement district officers from entering upon such person's land for the purpose of carrying out the provisions of this act, and providing a penalty therefor, and creating other offenses and providing penalties therefor under this act, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senate bill No. 318, "An Act to grant a charter for the city of Corpus Christi, in Nueces county, Texas, validating the acts of the said city as it heretofore existed; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senate bill No. 291, "An Act to authorize the incorporation of life, accident and health insurance companies, and defining same, and to authorize such companies to transact business in the State of Texas; to authorize other like companies incorporated under the laws of other States, Territories and countries to transact business in this State; to regulate the business of such companies; to define the duties and powers of the Commissioner of Insurance and Banking and give to him authority to issue, suspend and revoke permits to such companies to transact business in this State and to apply for the appointment of a receiver for such companies when they become unpaid; defining the method of arriving at the value of personal property of such companies for the purpose of State, county and municipal taxation and exempting such companies from an occupation or gross receipts tax; to fix the situs of personal property of such companies for the purpose of taxation; to permit the deposit of securities in the office of the State Treasurer, fixing venue of suits and providing the method and manner of service of process; providing penalties for violation of the provisions of this act; repealing all laws in conflict herewith, and declaring an emergency."

Senate bill No. 201, "An Act to amend Articles 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952 and 2955 of Title 54 of the Revised Statutes of the State of Texas, 1895, relating to the house of correction and reformatory; providing for a change of its name; providing for its control, management, support, maintenance and regulation; providing who shall be or become inmates, paroled or released; providing that juveniles convicted in juvenile courts be sent there; providing means of entrance for all incorrigible boys; repealing all laws in conflict herewith, and declaring an emergency."

Senate bill No. 300, "An Act to provide for the sale, disposition or removal of any and all property of the State of Texas which is or has been used by the Court of Criminal Appeals of the State of Texas, at Tyler and Dallas, Texas; to provide for the removal to Austin, Texas, of any of such property not so sold; to provide for the removal of any and all books, papers and records of said court, as also all disposed and undisposed of cases, now at said Tyler and Dallas, Texas, to Austin, Texas, and to make an appropriation for said purpose; and provide for the compensation of the clerk of said court at Austin, and to authorize him to appoint a deputy, and to provide for the compensation of said deputy; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Senate bill No. 113, "An Act to authorize the Governor to purchase for the State the papers of President Mirabeau Lamar, and making appropriation therefor."

Senate bill No. 233, "An Act to require insurance companies other than life insurance companies before they shall receive a certificate of authority to transact business in this State, and requiring all persons, firms or associations before they shall issue or authorize the issuance of any policies of insurance to citizens of this State to file with the Commissioner of Insurance and Banking a bond or to deposit securities to secure the payment of all lawful obligations under such policies to citizens of this State, and providing penalties for violations of some of the provisions of this act."

Senate bill No. 314, "An Act to amend House bill No. 743 of an act passed by the Thirtieth Legislature of the State of Texas, approved May 2, 1907, entitled 'An Act to incorporate the city of Texarkana, Texas, as a city of the first class, as a city of 10,000 and over inhabitants, to grant to the said city a special charter, and to repeal all laws in conflict therewith, and declaring an emergency,' as amended by Senate bill No. 63, passed at the Called Session of the Thirtieth Legislature of the State of Texas, approved May 16, 1907, entitled 'An Act to incorporate the city of Texarkana, Texas, as a city of the first class, as a city of 10,000 and over of inhabitants; to

grant to the said city a special charter; to repeal all laws in conflict herewith, and declaring an emergency,' passed at the Regular Called Session of the Thirtieth Legislature of Texas, and approved May 2, 1907, by amending Sections Nos. 1, 49, 57, 133, 144, 163a, and 218 by repealing the said sections and by submitting therefor respectively Sections Nos. 1, 49, 57, 133, 144, regulating appeals from the corporation court and conforming the jurisdiction of the county court hereto, 163a and 218, that the same shall read and hereafter be as follows, and repealing all laws in conflict with the amendments herein provided, and declaring an emergency."

BILLS SIGNED BY PRESIDENT PRO TEM. TERRELL OF BOWIE.

House bill No. 447, "An Act to amend Chapter 121 of the Acts of the Twenty-ninth Legislature, the same being an act to prevent the keeping of certain fruit trees affected with yellows, crown gall, black rot, or any tree, shrub or plant infested with or by the San Jose scale or other dangerous, injurious or destructive pest; and declaring such affected and infested trees, shrubs and plants a public nuisance, and making it the duty of the Commissioner of Agriculture, Insurance, Statistics and History to seek out and destroy such trees, shrubs and plants, or cause the same to be done, or to have such affected or infested trees treated, and providing the manner of such destruction and treatment, and for an investigation by the Commissioner of Agriculture, Insurance, Statistics and History when he believes, or has reason to believe, that any such disease or pests may exist in this State, and providing the manner of combating such diseases and pests, and the prevention of their spread, and dissemination; providing for the examination of nurseries, and giving certificates to that effect, regulating the importation of trees, shrubs and plants from without the State, forbidding the selling, consigning or shipping of nursery stock without such certificates, providing for the fumigation of certain trees, shrubs and plants, providing penalties, and making an appropriation, and declaring an emergency."

House bill No. 229, "An Act to levy a tax of five hundred dollars ($500) upon the occupation of selling cannon crackers or torpedoes, and permitting counties, cities and towns to levy an additional tax of one-half of the amount herein levied; defining the term 'cannon crackers,' and providing that nothing herein shall be construed to prohibit the sale of, or place a tax on the sale of cartridges, combustible packages or explosives, commonly used for firearms or artillery, mining, excavating earth or stone, scientific purposes, or for any public or private work, and declaring an emergency."

House bill No. 565, "An Act creating Water Valley Independent School District, in Tom Green county, Texas, and defining its boundaries; providing for the election of a board of trustees thereof, and defining their duties, powers and authority; authorizing the county assessor and collector of Tom Green county to levy, assess and collect taxes not exceeding 25 cents on the $100 valuation of all property in said district subject to taxation for the purpose of purchasing and constructing public free school buildings and sites therefor within the district, and for equipping and furnishing the same, and to issue bonds for such purpose and to levy, assess and collect a tax not exceeding 25 cents on the $100 valuation of such property for the maintenance and support of its schools; requiring and providing for elections on a 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 tax of 20 cents on the $100 valuation of property in said district, levied for the years 1909 and 1910, 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 incorporation of a town or village for free school purposes only, under general laws."

House bill No. 28, "An Act to amend Chapter 39, Acts of the General Laws of the Thirtieth Legislature, entitled 'An Act to prohibit and prevent adulteration, fraud and deception in the manufacture of and sale of articles of food or drugs; prescribing penalties for the violation of this act; to provide for the appointment of a Dairy and Food Commissioner, and to define his powers and duties, and to fix his compensation, and to repeal all laws in conflict with the provisions of this act, and declaring an emergency,' so as to more perfectly prevent the manufacture of, sale of or offering for sale of misbranded or adulterated foods and

drugs'; to prevent the addition to 'foods injurious drugs or articles injurious to health'; to provide for a Dairy and Food Commission, and prescribing its duties, and declaring an emergency."

House bill No. 476, "An Act to compel railroad and railway corporations to erect and maintain water closets or privies at passenger stations; to regulate the same; to fix penalties and authorize suits therefor, with an emergency clause."

House bill No. 217, "An Act to carry into effect the amendment to the Constitution of the State of Texas, providing that aid may be granted to disabled and dependent Confederate soldiers, sailors and their widows, under certain conditions, and to make an appropriation therefor and declaring an emergency."

House bill No. 182, "An Act to provide for revising, digesting and publishing the civil and criminal laws of the State of Texas; making an appropriation therefor, and declaring an emergency."

House bill No. 223, "An Act to amend Article 4833, Chapter 1, Title 98 of the Revised Civil Statutes of the State of Texas, relating to the annual salary of the Superintendent of Public Buildings and Grounds, and fixing the same at $2500 per annum, and declaring an emergency."

House bill No. 35, "An Act to amend Article 375, Title II, Chapter 2, of the Penal Code of Texas, relating to raffles."

House bill No. 513, "An Act to amend Section 126 of Chapter 2 of the General Laws of Texas, First Called Session of the Twenty-ninth Legislature, 1905, entitled 'An Act to regulate elections, and to provide penalties for its violations. and to repeal the Acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions, approved April 1, 1903, and also to amend Section 141 of said act as passed by the First Called Session of the Twenty-ninth Legislature, and as amended by the Thirtieth Legislature, approved April 30, 1907, relative to contests in primary elections."

House bill No. 297, "An Act to provide for the taking and perpetuation of evidence for the purpose of establishing the identity of ex-Confederate veterans, and such facts as will prove their right to a pension under and by virtue of the pension laws of Texas."

House bill No. 89, "An Act to prescribe additional conditions upon which life insurance corporations may transact business in the State, and to require that all such companies shall invest an amount equal to 75 per cent of the reserve required by law to be maintained by them on account of policies of insurance written upon the lives of citizens of Texas in Texas securities and Texas property, and to define Texas securities and designate the property in which such investments may be made, and to permit such corporations or their stockholders to deposit with the State Treasurer the capital stock thereof, or the securities in which the same is invested, as well as other securities, and to advertise or print on policies issued the fact of such deposit; and to require each life insurance company doing business in this State to appoint the Commissioner of Insurance and Banking of this State and his successors in office its agent and attorney in fact for the purpose of accepting or being served with citation in any suit to be brought against such company in any court of this State; and to provide for the collection of an occupation tax from life insurane companies doing business in this State in proportion to their gross premium receipts, and requiring the payment by companies not now transacting business in this State, under certificates of authority from the Commissioner of Insurance and Banking, which have formerly transacted business herein under such certificates, or which may hereafter discontinue transacting new business under such certificates, and which shall hereafter or thereafter obtain authority to transact business in this State, as a condition of their readmission of a sum equal to the occupation tax upon their premium receipts since their withdrawal, which would have been levied upon them by law if they had continued transacting business under such certificates in this State; and to repeal the act approved April 24, 1907, published and known as Chapter 170 of the General Laws of the Thirtieth Legislature of Texas, entitled 'An Act to require all incorporated or mutual companies doing a life insurance business within the State of Texas to invest a part of the reserve set apart on account of and for the final payment of policies of insurance written on the lives of citizens of Texas in Texas securities and Texas property or in the bonds of the United States or any State of the United States, and to define Texas securities and the property in which such investments may be made, and to require that a part of the securities in which such reserve is invested be kept

on deposit in the vaults of the Treasurer of this State or in national or State banks or trust companies in Texas, designated as depositories for the security of policy holders, and declaring an emergency,' and to repeal all other laws or parts of laws in conflict with this act; and to authorize the withdrawal of securities deposited by insurance companies under the provisions of said act approved April 24, 1907, and hereby repealed; but reserving to the State the right to collect the taxes on gross receipts and penalties provided for in Section 8 of the act approved May 16, 1907, and published and known as Chapter 18 of the Acts of the First Called Session of the Thirtieth Legislature of Texas; providing for the levy of occupation taxes, and providing penalties for violation of certain provisions of this act, and for the collection of such penalties."

Senate bill No. 217, "An Act changing and fixing the time of holding courts in the Sixty-third Judicial District of Texas."

Senate bill No. 84, "An Act to amend Sections 4, 8, 10 and 11, Chapter 137 of an act passed by the Regular Session of the Thirtieth Legislature of Texas, 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing resident hunting license for resident hunters in the State of Texas; providing that funds received from the sale of hunting license and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game; and all the salaries and expenses provided by this act, and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof; providing for resident hunting license for resident hunters in the State of Texas; providing that funds received from the sale of hunting license be used for the purpose of protecting and propagating game and birds, and the salaries and expenses of the Game Commissioner and his deputies; providing for an additional license; allowing the privilege of the Game Commissioner to issue permits to persons desiring to ship domesticated deer or any pet fowl or bird for breeding or exhibition purposes; authorizing county clerks to issue hunting licenses; repealing all laws or parts of laws in conflict herewith; providing fines and penalties, and declaring an emergency."

Senate bill No. 191, "An Act to provide for prospecting for mineral on land owned by the State of Texas, or the public free school fund, and on such land as the State has heretofore or may hereafter sell with the reservation of the mineral therein; also to provide for the prospect and sale of mineral-bearing land, including the minerals and the sale of the minerals in such land as has heretofore or may hereafter be sold with the reservation of minerals therein; providing penalties for the violation of this act, and repealing Chapter 71, Revised Civil Statutes of 1895, and Chapter 99, passed at the Regular Session of the Twenty ninth Legislature."

Senate bill No. 208, "An Act to amend Chapter 4, Title 28 of the Revised Civil Statutes of 1895, by adding an additional article to said chapter, to be known as Article 1119a, and providing for extending terms of district courts in certain cases, and declaring an emergency."

Senate bill No. 82, "An Act to amend Article 3151 of Chapter 2, Title 62, of the Revised Civil Statutes of the State of Texas of 1895."

Senate bill No. 77, "An Act to amend Articles 3498u, 3498v, 3498w and 3498x, Title 72, Chapter 1, of the Revised Civil Statutes of the State of Texas, so as to embrace within its provisions lunatics, idiots and persons non compos mentis, in addition to minors as now embraced therein, and declaring an emergency."

Senate Concurrent Resolution No. 12. Relating to patents to certain lands in Uvalde county, Texas.

House Joint Resolution No. 7, To amend Section 51 of Article 3 of the Constitution of the State of Texas, so as to authorize the grant of aid to disabled and dependent Confederate soldiers and sailors and their widows, and to grant aid to the establishment and maintenance of a home for said soldiers and sailors, and for the establishment and maintenance of a home for the disabled and dependent wives and widows of Confederate soldiers and sailors and such women as aided the Confederacy, and making appropriations for same.

SINE DIE ADJOURNMENT.

There being no further business before the Senate, and the notification committees having made their report, the Chair (Lieutenant Governor Davidson) here announced the hour of 12 o'clock noon, the time set for sine die adjournment, had arrived, and, in accordance

with the concurrent resolution previously adopted, pronounced the Regular Session of the Thirty-first Legislature adjourned without day.

APPENDIX A.

REPORT OF SPECIAL INVESTIGATION COMMITTEE.

Following is the report of the Special Investigation Committee relative to the violations of the anti-lobby law, and is published in this Journal by motion made and adopted by the Senate (see Journal of March 9 for motion by Senator Murray).

The matter here published is the copy furnished by the committee:

STENOGRAPHIC REPORT OF COMMITTEE INVESTIGATING CHARGES OF VIOLATION OF THE ANTI-LOBBY LAW.

TESTIMONY IN INVESTIGATION COMMITTEE.

Moved by Brachfield that if anything develops in the testimony reflecting upon any person connected with the Senate, or any intimation of wrong doing, that the person so connected may be invited by the committee to be present and interrogate the witness upon that point.

Motion carried.

Senator Sturgeon—Whom do you want to question first, Judge Moore?

Mr. Moore—I presume we better put Senator Thomas on the stand first.

Senator Brachfield—I understand we are to take up Section 3.

Senator Sturgeon—It will possibly be a good idea to state to Senator Thomas and his attorney the motion we have made.

(Above motion read.)

Senator Thomas sworn.

Mr. Moore—Senator Thomas give your name and what position you hold.

Senator Thomas—H. Bascom Thomas; Senator from the Second Senatorial District.

Mr. Moore—State, Senator Thomas, if you at any time made any charge upon the floor of the Senate with reference to lobbying and if so when, and you might state briefly just what that charge was.

Senator Thomas—I will say that I made the charge on the floor of the Senate about ten days ago to the effect that I believed there had been a thousand specific violations of the anti-lobby law on the floor of the Senate and in committee rooms since the convening of this Legislature.

Mr. Moore—State in what particular the violations of that law consisted.

Senator Sturgeon—I believe we decided to take up Section 3.

Senator Brachfield—I think that was the understanding.

Senator Thomas—And bring witnesses in that connection?

Senator Brachfield—Not at the present time.

Mr. Moore—(Section 3 of the anti-lobby law.) The provisions of this act shall not be held to apply to the Governor or a member of the Legislature of this State, nor to prohibit any person either in person or by his agent or attorney, or any corporation by representatives, agents or attorneys, from exercising the right of petition to the Legislature, or from collecting facts, preparing petitions, procuring evidence and submitting the same, together with arguments, to either branch of the Legislature, when in session, or to any committee thereof, in the interest of any measure in which he or it may be interested, but in such case the agency and the interest in the measure, or the person so appearing, shall be fully disclosed.

Mr. Moore—State, Senator Thomas, whether you know of any violations of that act.

Senator Thomas—Yes, sir: I do, many of them.

Mr. Moore—Detail to the committee as fully as you can when, where and by whom.

Senator Thomas—I do not know exactly what you mean by detailing to the committee. I can describe or mention these violations in a general way. For instance, I have been present in committee rooms at which a considerable number of people had assembled, many of whom took an active part in the proceedings before those committees, and I am sure, with the exception of one or two instances, their purpose, or their agency, or their interest was not fully disclosed to the members of the committee.

Mr. Moore—To whom do you refer as appearing before the committees, Legislators or other than Legislators?

Senator Thomas—Other than Legislators those who were interested in legislation.

Mr. Moore—State if you knew at the time those who appeared before the com-

mittee represented any interests, and if so, what interests, and who they were.

Senator Thomas—No, sir; I did not know the names of those except in a few instances of those who appeared before the committee, and none of those with one or two exceptions ever disclosed their purpose of appearing before these committees.

Mr. Moore—State whether or not you were a member of those committees.

Senator Thomas—In many instances I was a member of those committees and in some instances I was not a member of the committees.

Mr. Moore—State whether or not, after such persons appeared before the committees, you ascertained what they were and what interest they represented.

Senator Thomas—No, sir; I have no recollection of having obtained any information along that line.

Mr. Moore—Can you give the names of any persons appearing before the committees?

Senator Thomas—Yes, sir; I think I can. Judge E. B. Perkins, Judge Spoonts, Judge Steadman, Judge Garwood, Judge Andrews, Nelson Phillips and many others.

Mr. Moore—Can you give the bill or measure under consideration before any of those committees?

Senator Sturgeon—Ask him what committee it was.

Mr. Moore—Name some particular committee.

Senator Thomas—The names I just mentioned were those of men appearing before Judiciary No. 1, and were present at the time they had under consideration the nine juror bill.

Mr. Moore—Senator Thomas can you give any other particular instances during the hearing of the committee when persons not Legislators appeared before the committee?

Senator Thomas—Yes, sir. A short time since before Judiciary No. 2, when they had under consideration the anti-fee bill there were at times, I suppose, 75 or 100 persons in the committee room and only two or three disclosed their purpose.

Mr. Moore—How many of those appeared before the committee and addressed it?

Senator Thomas—I do not know that I can give the names of many of those who appeared.

Mr. Moore—Well, about how many were there?

Senator Thomas—At different times before that committee while this bill was under consideration I suppose there must have been on different occasions between 300 and 400.

Mr. Moore—How many addressed the committee?

Senator Thomas—I suppose there were as many as 25 or 30 at different times before this committee when I was present that had something to say in reference to the consideration of the bill.

Mr. Moore—Now, can you give the names of any of those people?

Senator Thomas—No, sir; I could not give the names. I could give the offices some of them held.

Mr. Moore—Now, Senator Thomas, you state that of that number only a few stated their interest in legislation?

Senator Thomas—Yes, sir; very few of them, and the others present took an active interest in the proceedings. While many of them did not talk publicly, they talked privately to members of the committee in the committee room.

Mr. Moore—Were they talking about the bill?

Senator Brachfield—I would like to know what members they were talking to?

Senator Thomas—I do not know. The talk was so general in the committee room it would be a hard matter to tell. I could give the names of a few members that were spoken to.

Senator Brachfield—That is what I want—the names of the members you heard being talked to.

Senator Thomas—Several spoke to Senators Hudspeth, Murray, Watson and I presume, nearly every member of the committee.

Senator Brachfield—You name these three specially?

Senator Thomas—Yes; I name those as I saw some one talking to them.

Senator Brachfield—What did they say to these members?

Senator Thomas—I do not know.

Senator Brachfield—What was the substance of what they said?

Senator Thomas—The substance of what they said was in reference to the consideration of the anti-fee bill, and suggesting questions to be asked to those who were speaking in defense of the bill.

Mr. Moore—Now, Senator, what other committee have you attended when persons not members of the Legislature addressed the committee in regard to legislation?

Senator Thomas—I have, for a few minutes at a time, been in several committee rooms while certain bills were

under consideration at which considerable crowds were present. However, I was not a member of these committees and was not present during the entire proceedings.

Mr. Moore—State whether or not you observed anyone addressing the committee who was not a Legislator?

Senator Thomas—Yes, sir; in several instances.

Mr. Moore—State if you can tell who they were?

Senator Thomas—I do not know.

Mr. Moore—State whether they disclosed their interest in the matter, or whether they were interested directly or were the agent of some one who was?

Senator Thomas—Their purpose was not disclosed when I was present.

Senator Brachfield—What committee is he now talking about?

Senator Thomas—I do not know all the committees that I have visited. I was present a short time ago before a session of the House and Senate.

Senator Sturgeon—Where was that?

Senator Thomas—In the Court of Appeals room when they had under consideration the anti-race track gambling bill. Considerable crowd was present before that committee.

Mr. Moore—Do you know who addressed that committee?

Senator Thomas—Yes, sir; I know a few of those who addressed the committee: Dr. Bradfield of Dallas, Rev. Dr. Norris, ex-Senator McKamie, Hon. J. W. Blake addressed the committee at one of its sessions. Blake and a man by the name of Rogers addressed the committee on the bank guaranty bill.

Mr. Moore—Can you recall anybody else who addressed the committee on the race horse bill?

Senator Thomas—Ben Cabell; but I do not think he addressed the committee while I was present.

Mr. Moore—State whether or not Dr. Bradfield disclosed his interest or any agency on his part before the committee.

Senator Thomas—I do not think he did. It was in a sense disclosed by those who announced he would address the committee.

Mr. Moore—Was it stated whether or not he was an agent of anybody?

Senator Thomas—No, sir.

Mr. Moore—Did he state what interest he had?

Senator Thomas—In a sense he did. The only fact he disclosed was the fact that he was there in the interest of the young men of the State.

Mr. Moore—Not his direct interest?

Senator Thomas—No, sir.

Mr. Moore—Did Dr. Norris state whether he was agent of anybody?

Senator Thomas—No, sir; he did not disclose any direct interest.

Mr. Moore—Ex-Senator McKamie, did he disclose that he was an agent?

Senator Thomas—No, sir.

Mr. Moore—State whether he disclosed any direct interest.

Senator Thomas—He did not.

Mr. Moore—Now state with reference to any of these other gentlemen you named.

Senator Thomas—I do not know of any who addressed the committee on that bill that made any disclosure of their interest or their purpose of appearing before the committee.

Mr. Moore—You mentioned just now the Committee on Banking having had a session. State whether you attended the session of the Banking Committee.

Senator Thomas—Yes, sir; I was present.

Senator Brachfield—Was that a joint committee?

Senator Thomas—I believe it was a joint committee.

Senator Brachfield—Where was it held?

Senator Thomas—Up stairs in the Court of Appeals room. There were quite a large number present.

Mr. Moore—Do you remember who appeared before that committee?

Senator Thomas—J. M. Blake and Mr. Roddy of Oklahoma.

Mr. Moore—Anybody else?

Senator Thomas—Yes, sir; there were others whose names I cannot mention or recall.

Mr. Moore—State whether any of the persons who addressed the committee disclosed their agency or interest in the measure.

Senator Thomas—I believe in a few instances some of them did.

Mr. Moore—Do you know which ones did and which ones did not?

Senator Thomas—Mr. Roddy of Oklahoma disclosed the fact that he was there and had special interest in the measure, and was there to inform the committee as to the operation and effect of the Oklahoma guarantee deposit law.

Mr. Moore—How about the others who addressed the committee?

Senator Thomas—I believe perhaps Judge Blake stated that he was there not because he had any direct interest, but merely because he favored the passage of the bill because he considered it

to be to the interest of the State. He did not disclose any direct interest in the measure, and there were, perhaps, 100 persons who said nothing, whose names were not even given, or their interest or agency or purpose disclosed.

Mr. Moore—Any other committees that you attended, Senator, do you recall at this time?

Senator Thomas—Yes, sir; I have been present at other committee meetings, but I could not give the names of the committees.

Senator Sturgeon—Mr. Thomas, I want to take up Judiciary No. 1. Now, name the parties, but first name the bill or bills they had under consideration when the parties you spoke of were there.

Senator Thomas—Judiciary No. 1? I believe they had under consideration the nine juror bill.

Senator Sturgeon—Are you a member of the committee?

Senator Thomas—Yes, sir; I am a member.

Senator Sturgeon—Who is chairman of it?

Senator Thomas—Senator Meachum.

Senator Sturgeon—Can you give the members of the committee?

Senator Thomas—I can name several of the members.

Senator Sturgeon—Name as many as you can.

Senator Thomas—Senators Hume, Senter, Veale, Peeler, Cofer, Masterson, Ward, Brachfield and others.

Senator Sturgeon—All right; that is as many as you can name? Now name the parties that addressed the committee on that occasion; I do not mean against the bill, or for it.

Senator Thomas—Judge Spoonts.

Senator Sturgeon—Who is Judge Spoonts?

Senator Thomas—He is general attorney for the Fort Worth Railroad; I ascertained that fact myself.

Senator Sturgeon—While he was addressing the committee did he mention that?

Senator Thomas—He did after I called attention to it and asked.

Senator Sturgeon—What did he do then?

Senator Thomas—He disclosed who he was.

Senator Sturgeon—Who else addressed the committee?

Senator Thomas—Judge Perkins.

Senator Sturgeon—Who is he?

Senator Thomas—General attorney for the Cotton Belt.

Senator Sturgeon—Did he disclose who he was during his discussion?

Senator Thomas—No, sir; not while I was there. I did not hear all of his address.

Senator Sturgeon—Do you know that he did not while you were there?

Senator Thomas—Yes, sir; I know he did not.

Senator Sturgeon—Do you know he did not while you were not there?

Senator Thomas—No, sir.

Senator Sturgeon—Then when you were not present you do not know whether he did nor did not disclose who he was?

Senator Thomas—No, sir.

Senator Sturgeon—Now who else addressed it, Mr. Thomas?

Senator Thomas—Judge Steadman.

Senator Sturgeon—Who is he?

Senator Thomas—I do not know.

Senator Sturgeon—Well, then, what does he represent?

Senator Thomas—I understand he is general attorney for one of the roads, but he did not disclose who he was.

Senator Sturgeon—Who else addressed it?

Senator Thomas—Judge Garwood.

Senator Sturgeon—What does he represent?

Senator Thomas—I have been informed he is attorney for one of the railroads.

Senator Sturgeon—Do you know what interest he represents?

Senator Thomas—No, sir; I do not.

Senator Sturgeon—Did he disclose what he was?

Senator Thomas—He did not.

Senator Sturgeon—Were you there all the time?

Senator Thomas—Yes, sir; I did not know some of them were attorneys when they were addressing the committee.

Senator Sturgeon—Who else addressed the committee?

Senator Thomas—Senator Senter; he was a member.

Senator Sturgeon—The gentlemen you have mentioned as attorneys addressed the committee against the measure?

Senator Thomas—Yes, sir, and there were others who addressed the committee whose names I can not recall, and I did not know who they were.

Senator Sturgeon—And did not know whether they represented any interest as far as you knew?

Senator Thomas—No, sir.

Senator Sturgeon—Who addressed the committee in favor of the message?

Senator Thomas—Senator Senter ad-

dressed the committee in favor of the bill.

Senator Sturgeon—Was it made known during that discussion by anybody that addressed the committee who the other side represented, or did you learn from Senter's remarks who the other parties were, and who they represented at that time?

Senator Thomas—No, sir; I did not know the names of those or the interest they represented, but Senter did refer to the fact that the railroads were here fighting that bill.

Senator Sturgeon—There were other people there were there not?

Senator Thomas—Yes, sir.

Senator Sturgeon—They were sitting there as spectators, were they?

Senator Thomas—Well, in a sense they were spectators, and in another sense they were not; they were there interested in the bill.

Senator Sturgeon—How do you know that?

Senator Thomas—Because I heard them talking and saw them talking to members of the committee.

Senator Sturgeon—Name the members they were talking to.

Senator Thomas—Well, I do not know that I can do that; the discussion seemed to be general in the room.

Senator Sturgeon—Was it while the speaking was going on, or before it began, or after it closed?

Senator Thomas—Part of it was while the speaking was going on; some before and some after.

Senator Sturgeon—I believe you stated you cannot name the members of the committee they talked to?

Senator Thomas—The members of the committee and other persons were all mixed in the room, sitting around together.

Senator Sturgeon—Do you know what they were talking about?

Senator Thomas—I did not always know.

Senator Sturgeon—Did you know at any time?

Senator Thomas—Yes, sir.

Senator Sturgeon—What did they say?

Senator Thomas—At this time I cannot tell except that I frequently heard references, discussions and remarks that connected with the bill before the committee.

Senator Sturgeon—Do you state that you cannot tell what they said about it?

Senator Thomas—Yes, sir.

Senator Sturgeon—Did you know at any time they were talking what they were talking about.

Senator Thomas—Yes, sir.

Senator Sturgeon—Do you know of anyone that was there that said anything to any one of the committee trying to influence them to vote on that bill, and if so, what did he say?

Senator Thomas—I presume that all of the talks that were made before the committee publicly and privately were made for the purpose of influencing members of the committee.

Senator Sturgeon—I am not speaking now of public talks, but of those who talked privately. Do you know of any effort made by any of them, and if so, who was it that talked privately to any of the committee to influence them or their action on that bill, and I want to know what it was and who it was?

Senator Thomas—I could not give you the names or the conversations, but I overheard much of the conversation.

Senator Sturgeon—You say you cannot give the names of the parties that talked to members of the committee?

Senator Thomas—No, sir; I do not believe I could do that.

Senator Sturgeon—Now can you give this committee any of the language they used?

Senator Thomas—In private conversation? No, sir. And I could not give the language used in public addresses at this committee.

Senator Sturgeon—Did you know at the time they had these conversations what they were talking about?

Senator Thomas—Yes, sir.

Senator Sturgeon—Now, tell this committee what they talked about.

Senator Thomas—They were talking about the bill under consideration,

Senator Sturgeon—What did they say?

Senator Thomas—I could not tell you that.

Senator Sturgeon—Do you mean you have forgotten or that you did not understand?

Senator Thomas—I mean I do not remember; I did understand at the time.

Senator Sturgeon—Did you hear any member of the crowd ask any member of the committee how he would vote, or tell him how to vote?

Senator Thomas—No, sir; I do not know that I did.

Senator Sturgeon—Did you hear anybody in that crowd persuade any one how to vote?

Senator Thomas—Well, I heard some in the crowd.

Senator Sturgeon—I did not mean the public speakers.

Senator Thomas—In private conversation I heard them use language I would consider meant to influence the members.

Senator Sturgeon—Give this committee that language so they can give their construction.

Senator Thomas—I could not give the language used before that committee.

Senator Sturgeon—Do you know whether the parties who addressed the committee outside of the parties that you have named as being railroad attorneys, do you know whether they were officers of any corporation, or paid by anybody to come there and address the committee?

Senator Thomas—No, sir; I do not.

Senator Sturgeon—Do you know, Senator Thomas, of anybody that asked any member of that committee to vote on that or any other measure that was pending before them, or to change their vote?

Senator Thomas—No, sir; I do not remember of any language of that kind being used.

Senator Sturgeon—Do you know of anybody that offered any one of that committee anything to vote on that measure, or any other measure?

Seantor Thomas—No, sir.

Senator Sturgeon—Do you know of any officer of any corporation or any agent employed or hired to come here to address that committee or see that committee that offered any member of the committee anything for changing his vote, or for casting his vote?

Senator Thomas—No, sir.

Senator Sturgeon—Do you know of any one who asked the committee or told them how to vote or tried to get them to change their vote except in the general argument? Who was it that tried to exercise their influence privately?

Senator Thomas—I could not tell the names, and could not give the names of those that addressed the committee.

Senator Sturgeon—I have quit the addressing, and am talking about private talks. Can you name parties who tried to influence the committee privately?

Senator Thomas—No, sir.

Senator Sturgeon—Do you know the language that was used?

Senator Thomas—No, sir.

Senator Sturgeon—Now let us take Judiciary No. 2. Who was chairman of that, Senator?

Senator Thomas—Judiciary No. 2? I believe Senator Hudspeth.

Senator Brachfield—Senator Harper.

Senator Sturgeon—What bill was before them at the time you mentioned?

Senator Thomas—Anti-fee bill.

Senator Sturgeon—Who was the author of that bill?

Senator Thomas—Sturgeon, Senter. Thomas.

Senator Sturgeon—Is that the bill that affects the salaries or fees of the sheriffs, judges, clerks and county officers?

Senator Thomas—Yes, sir.

Senator Sturgeon—Now, Senator, who addressed the committee on that bill publicly; but first name the members of that committee, if you can?

Senator Thomas—Well, I believe Senators Greer, Senter, Watson, Hudspeth, Murray and others.

Senator Sturgeon—Take this list and name Judiciary No. 2.

Senator Thomas—Yes; I presume that is the personnel of that committee.

Senator Sturgeon—Well, I wish you would name those you have not named so it will all go on the record.

Senator Thomas—Harper, Stokes, Alexander. That is all, with the exception of those I have named.

Senator Sturgeon—How many meetings were had of Judiciary No. 2 discussing the bill you have referred to?

Senator Thomas—I think there were several meetings of that committee.

Senator Sturgeon—How many meetings were you at when they discussed it?

Senator Thomas—I believe I was present at two of the meetings.

Senator Sturgeon—All right, now who addressed that committee?

Senator Thomas—Judge Batts.

Senator Sturgeon—Who is Judge Batts?

Senator Thomas—He is a lawyer. He stated also in his address that he was there representing sheriffs' association as attorney; that he was employed by them.

Senator Sturgeon—Who else addressed the committee?

Senator Thomas—I could not give you the names of those who expressed themselves before the committee.

Senator Sturgeon—Do you mean by those whose names you cannot give; were they opposed to the measure?

Senator Thomas—Yes, sir.

Senator Sturgeon—Who addressed the committee in favor of the bill?

Senator Thomas—I believe Senators Senter and Sturgeon and others; Representative Lively.

Senator Sturgeon—Now, Senator, state whether or not the parties who addressed the committee whose names you did not know; whether or not they were officers?

Senator Thomas—No, sir; I do not know that all of them were officers.

Senator Sturgeon—State whether or not many of them stated that they were attorneys, clerks or held other offices.

Senator Thomas—Some of them did. They stated they were attorneys, judges or something else; some did not refer to their office at all, and some took part in the discussion who did not hold any office.

Senator Sturgeon—Can you state any officer that was there. I believe you stated there was a crowd; can you name some that did not take part in the discussion?

Senator Thomas—The State Treasurer.

Senator Sturgeon—You mean Sam Sparks?

Senator Thomas—No, sir. Judge Hornsby.

Senator Sturgeon—Name others.

Senator Thomas—The Sheriff of Dallas county and the Sheriff of Waller county. The name of the Sheriff of Dallas county was given and I asked the Sheriff of Waller county what county he represented. I do not remember whether his name was given or not.

Senator Sturgeon—Those that did not discuss the question publicly before the committee; what did they do?

Senator Thomas—They just sat around in the committee room, and appeared to be much interested in the bill, and every now and then would be seen and heard talking to members of the committee.

Senator Sturgeon—Name the members of the committee, if you remember; whom they were talking to?

Senator Thomas—I could not do that now.

Senator Sturgeon—Can't you name the parties that did the talking?

Senator Thomas—No, sir.

Senator Sturgeon—Can you tell this committee anything they said?

Senator Thomas—In private conversation?

Senator Sturgeon—Yes, sir. What do you mean by private conversation?

Senator Thomas—I mean conversation that is not public. A man sits down and expresses himself to one or two and, perhaps, the conversation is overheard by others.

Senator Sturgeon—Can you mention anything that was said in any of those conversations?

Senator Thomas—No, sir; I think not, now.

Senator Sturgeon—Did you hear anybody in that committee room before that committee ask any member of the committee to vote for or against the bill unless it was in public discussion?

Senator Thomas—No, sir; I think not.

Senator Sturgeon—Can you tell this committee anything that was said and done by any of the parties present trying to influence the committee in any way; but I had rather have their names?

Senator Thomas—You mean the names of the persons that were present?

Senator Sturgeon—If you can give the names of those present, and what they did to influence the committee.

Senator Thomas—I gave the names of several of those present, but could not give the discussion, or what they said; I heard it at the time.

Senator Sturgeon—How long ago has that been?

Senator Thomas—Two or three weeks ago.

Senator Sturgeon—Senator, you spoke of a joint conference committee, now what bill were they considering?

Senator Thomas—I believe I was present one night when they were considering the Robertson and Meachum-Mayfield anti-race horse gambling bill.

Senator Sturgeon—When was that, Senator?

Senator Thomas—They held one meeting last night, I believe; then another meeting about ten days ago.

Senator Sturgeon—Which one of them did you have reference to when you spoke in answer to Judge Moore's question?

Senator Thomas—I have forgotten what question it was that was put to me. I have made some reference to both of those questions, and also to the joint session of guarantee deposit law.

Senator Sturgeon—In discussing this anti-race track bill you have answered the question as to their interest, and who stated their interest, now can you tell what parties there were sitting around in the room and what they said, if anything, about this measure?

Senator Thomas—No, sir; I do not know what they said. I know they were there.

Senator Sturgeon—All you know is

that they were present in the room, and it was a public discussion of the question?

Senator Thomas—Yes, sir.

Senator Sturgeon—Now, on the banking bill. Do you, without going back over what Judge Moore has gone over; do you know of anybody that was there trying to influence any member of that committee how to vote?

Senator Thomas—I do not know that I do.

Senator Sturgeon—Can you tell this committee what any of them said asking any of that committee to change his vote, or asking him to vote, or offering him anything to influence him in any way?

Senator Thomas—No, sir.

Senator Sturgeon—Then, Senator, do we understand you to state that the violations that you now have reference to of the anti-lobby law are under Section 3, wherein it requires the party to state his interest or connection with it?

Senator Thomas—Yes; to disclose his interest for appearing before the committee.

Senator Sturgeon—Do you state to the committee that this is the manner in which they violated the law?

Senator Thomas—Yes, sir.

Senator Sturgeon—Can you state any other manner in which they violated the law?

Senator Thomas—Any other manner? No, sir; I think that is about all under that section.

Senator Sturgeon—Do you know, Senator, whether those parties who did state their connection were hired or paid by anybody to come before that committee, or whether they just came because they were interested in it?

Senator Thomas—I presume all of them, or most of them, were interested in the bill, but their purpose was not disclosed to the committee.

Senator Sturgeon—Were they paid to come there?

Senator Thomas—No, sir; I do not know.

Senator Sturgeon—You do not know whether they were or were not paid?

Senator Thomas—No, sir.

Senator Sturgeon—You have stated now, Senator, and if you have not I want you to state it, if you know of any violations or any other violations, as you may want to put it, of the anti-lobby law in any of these committee rooms?

Senator Thomas—I do not know that I understand what you mean.

Senator Sturgeon—Outside of what you have already testified, do you know of any violations of the anti-lobby law in any of the committee rooms here; if you do, I want you to state it to the committee.

Senator Thomas—If I know of any?

Senator Sturgeon—Yes, outside of what you have already testified to.

Senator Thomas—I do not know that I do.

Senator Sturgeon—Do you know that you do not, or do you not know?

Senator Thomas—There may have been other violations.

Senator Sturgeon—I am talking of what you know. Do you know of anybody that does know that this committee can get?

Senator Thomas—That know of the violations?

Senator Sturgeon—I am not going back over what you have testified to, but other than what you have stated; do you know of your own knowledge of any violations of the anti-lobby law in any of the committee rooms?

Senator Thomas—Outside of what I have already stated in a general way?

Senator Sturgeon—Yes, sir.

Senator Thomas—No, sir.

Senator Sturgeon—Do you know of anybody else that knows of it?

Senator Thomas—That knows of any other violations?

Senator Sturgeon—Yes; in any of the committee rooms. Can you give us the names?

Senator Thomas—Of other kinds of violations than I referred to?

Senator Sturgeon—Yes.

Senator Thomas—No, sir; I understand there is only one kind of violation under this section.

Senator Sturgeon—If you do not understand my question I want you to understand it. You have stated what you have seen and heard in committee rooms; now, do you know of any violations in any of the committee rooms of this anti-lobby law other than what you have already stated?

Senator Thomas—You mean do I know the names?

Senator Sturgeon—No; I want to know the violations.

Senator Thomas—Any other kind of violations before the committee?

Senator Sturgeon—If there has been any violations of it here other than what you have stated?

Senator Thomas—In a general way I have told all. I have mentioned some names of those who have violated the

law, and I could recall many other names of those who have gone into committee rooms and violated the law.

Senator Sturgeon—I am not asking names. I want you to state violations that have been committed in those committee rooms.

Senator Thomas—I do not know of any other kinds of violations.

Senator Brachfield—Any more of those kinds you have mentioned?

Senator Thomas—I understand the violations here have not been mentioned; it is in a general sense. There have been 100 violations of the kind stated, but I cannot give names of all who have violated the law.

Senator Sturgeon—Name the particulars in which they violated and we can get the witness.

Senator Thomas—Their purpose was not disclosed to the committee.

Senator Sturgeon—Now, outside of what you have just stated, do you know of any violations in the committee rooms?

Senator Thomas—I think not.

Senator Sturgeon—Now, can you give us the names?

Senator Thomas—A few of them I have named.

Senator Sturgeon—Now, Senator, I want to ask you this question—do you mean to say that it is a violation of the anti-lobby law for a man, or men, to come into a committee room while a committee is considering a bill and sit there and be present?

Senator Thomas—I mean that it is a violation of the law if he enters the room and does not comply with Section 3.

Senator Sturgeon—That is too general. Do you mean to state to the committee that for a party or parties to come into the committee room while a committee is in session and discussing a bill and sit there while it is being discussed that that would be a violation. Answer by yes or no?

Senator Thomas—For him to enter the committee room and sit there?

Senator Sturgeon—Yes, sir.

Senator Thomas—Yes; that is a violation unless his purpose is fully disclosed as to why he appears in the room.

Senator Brachfield—Whether he says a word?

Senator Thomas—Yes; whether he says anything disclosing his agency or interest.

Senator Brachfield—Then I understand in your opinion and construction of the law that all the parties who enter the room when Judiciary No. 1 was discussing the nine juror bill and the anti-fee bill, the anti-race track bill and the banking bill, all parties who entered the room without disclosing to the committee why they were there or their interest violated the anti-lobby law?

Senator Thomas—Yes, sir.

Senator Brachfield—I call attention to the fact that you mention only the nine juror bill; do you know of violations of other bills under Judiciary No. 1?

Senator Thomas—Well, I can not recall any specific violations. I think, though—I feel sure I know of other violations, because I have been present when they were discussed.

Senator Brachfield—Are you prepared to point out specific violations under any other bill except the nine juror bill before Judiciary No. 1?

Senator Thomas—No, sir.

Senator Brachfield—In Judiciary No. 2 you call attention to the anti-fee bill; can you specify any violations of the anti-lobby law during discussion of any other bill before Judiciary No. 2?

Senator Thomas—Before Judiciary No. 2; before that committee?

Senator Brachfield—Before that committee.

Senator Thomas—Well, I can not answer that question because I do not know whether I have been present at any other sessions.

Senator Brachfield—Do you know of any other violations under any bill in Internal Improvements?

Senator Thomas—I have no recollection.

Senator Brachfield—Same question as to the Finance Committee?

Senator Thomas—I have never been present at any of the meetings of the Finance Committee.

Senator Brachfield—Educational Affairs?

Senator Thomas—I do not know.

Senator Brachfield — Constitutional Amendments?

Senator Thomas—I do not know.

Senator Brachfield—Public Lands?

Senator Thomas—I do not know.

Senator Brachfield—State Penitentiaries?

Senator Thomas—I do not know.

Senator Brachfield—Public Health?

Senator Thomas—I cannot answer the question.

Senator Sturgeon—Why can't you answer it?

Senator Thomas—Because I have appeared before a great many of those committees, and of lots of them I do not

remember the names of the committees, and I will say this—the majority of the committees before which I have appeared have the doors thrown wide open, and men were admitted in violation of this law.

Senator Sturgeon—What committees?

Senator Thomas—I say the majority of the committees I have attended.

Senator Brachfield—What committees have you attended?

Senator Thomas—I have attended several meetings of Judiciary No. 1, and also No. 2, but I have not attended many of the other meetings.

Senator Brachfield—Can you call the names of persons who violated the law under your construction at these meetings at which you were present?

Senator Thomas—Who did violate the law?

Senator Brachfield—Yes, sir. In other words, can you call attention to a specific violation of the law during the meetings of these committees while you were present?

Senator Thomas—Yes, sir; I can.

Senator Brachfield—Name them.

Senator Thomas—Judge Perkins, Judge Steadman, Garwood, Nelson Phillips, Judge Spoonts and others.

Senator Brachfield—These are the same parties that appeared for the nine juror law?

Senator Thomas—Yes, sir.

Senator Brachfield—Do you think they appeared before that committee for other measures?

Senator Thomas—Well, some of those gentlemen were present before that committee yesterday evening.

Senator Brachfield—What committee?

Senator Thomas—Judiciary No. 1.

Senator Brachfield—Did they do anything there you considered a specific violation of the anti-lobby law?

Senator Thomas—Yes, sir.

Senator Brachfield—What did they do?

Senator Thomas—They took part in the proceedings of the meeting and did not disclose their interest.

Senator Brachfield—How do you know they did not?

Senator Thomas—I cannot say; I was not present.

Senator Brachfield—You do not know whether they violated the anti-lobby law or not then?

Senator Thomas—No; I do not know.

Senator Brachfield—Do you know of any other time except the time mentioned when they were discussing the nine juror bill, under your construction of the anti-lobby law, when any person violated it?

Senator Thomas—No; I cannot give any other names now?

Senator Brachfield—Senator Thomas, upon yesterday you sent up to the Chair to be placed in the Journal a certain statement, in which you reiterated the charges that there were specific violations of the anti-lobby law?

Senator Thomas—No, sir; that was not used in the statement of yesterday I presented before the Senate to be printed in the Journal.

Senator Brachfield—Have you a copy of that statement?

Senator Thomas—I could get you one, or I could tell you what it contained. It merely referred to the presence of the lobby in the city and galleries.

Senator Brachfield—Did any one suggest to you the writing of that statement?

Senator Thomas—No, sir.

Senator Brachfield—You did it upon your own initiative?

Senator Thomas—Yes, sir.

Senator Brachfield—Did you talk to anyone before you prepared the reasons?

Senator Thomas—Before I prepared the reasons? No, sir.

Senator Brachfield—No one at all?

Senator Thomas—No, sir; I had them prepared when the bill was under discussion day before yesterday, and expected to introduce the statement at that time.

Senator Brachfield—Do you mean to tell this committee you had these matters prepared while we were discussing the question?

Senator Thomas—I had that statement prepared and in writing ready to introduce in the Senate before the vote was taken and before the discussion was closed.

Senator Sturgeon—Had it in the Senate while we were discussing it?

Senator Thomas—Yes, sir; I read it to two or three of the Senators. I wished to go on record, and gave reasons why I wished to go on record.

Senator Sturgeon—Whom did you read the statement to?

Senator Thomas—Senators Mayfield and Meachum.

Senator Sturgeon—Did you talk to anyone else about that statement after you had prepared it?

Senator Thomas—After I had it prepared?

Senator Sturgeon—Yes, outside of the

two Senators whose names you have mentioned?

Senator Thomas—Perhaps I did.

Senator Sturgeon—Who were they?

Senator Thomas—I think, perhaps, I mentioned it to Judge Moore.

Senator Brachfield—Judge Moore; any one else?

Senator Thomas—I do not know just now; I believe I showed the statement to Senator Hayter.

Senator Brachfield—Any one else?

Senator Thomas—I do not know. That was day before yesterday or yesterday. It is possible it was shown to others.

Senator Brachfield—Did anyone else advise you about the advisability of sending it up?

Senator Thomas—I talked of it to Mayfield and Meachum.

Senator Brachfield—Any one else except those you have mentioned?

Senator Thomas—That is all.

Senator Sturgeon—One other matter I forgot to ask you about I think is important. Do you know of any anti-submission lobbyists that has been in these rooms?

Senator Thomas—Anti-submission lobbyist?

Senator Sturgeon—Against submission amendment.

Senator Thomas—That have been before committees?

Senator Sturgeon—Yes, sir; in these committee rooms violating the anti-lobby law?

Senator Thomas—I do not know that I do.

Senator Sturgeon—Have you seen any liquor lobbyist during the sitting of this Legislature in any of these committee rooms talking with the Senators?

Senator Thomas—In these committee rooms?

Senator Sturgeon—Yes, in committee rooms. I confined it to that because that is the section.

Senator Thomas—I cannot tell as to what they were talking about; I have seen many men in committee rooms and did not know why they were there; their purposes were not disclosed.

Senator Sturgeon—Do you know of anybody appearing before committees when we were discussing or when bills on statutory prohibition were discussed?

Senator Thomas—No, sir; I was not present at any time.

Senator Sturgeon—Do you know of anybody during the sitting of this Senate in any of these committee meetings or committee rooms with any of the committees trying to influence any of the Senators as to how they would vote on submission of that question?

Senator Thomas—In committee rooms?

Senator Sturgeon—Yes, or before the committees.

Senator Thomas—No, sir; I have never been present at any meetings where that was discussed.

Senator Sturgeon—During the sitting of this committee do you know or remember of any Senator or anybody else who has violated the anti-lobby law other than what you have already testified to. If you do, furnish this committee with the names.

Senator Thomas—At any time?

Senator Sturgeon—Yes, sir; during the sitting of this committee.

Senator Thomas—I would not furnish you the names of any Senators, because I do not understand that the Senators can violate this law.

Senator Sturgeon—Anybody who has violated it with them.

Senator Thomas—I have furnished you with the names of Senators who have witnessed the violation of this law.

Mr. Moore—Senator, you were asked a few minutes ago about a statement that you gave yesterday to the Senate, and you answered that you prepared that for the purpose of having it put into the record or Journal of the Senate as your reason for voting against the motion to adjourn to accept the invitation to go to Dallas; you also stated that you read your statement to Senators Meachum and Mayfield, and that you also read it to me; state to whom you read it first.

Senator Thomas—I read it to Senators Mayfield and Meachum.

Mr. Moore—State, Senator, whether you read it to me after you had it prepared.

Senator Thomas—Yes, sir.

Mr. Moore—Whether you had determined to have it put in the Journal?

Senator Thomas—Yes; I had determined to have it put in the Journal.

Senator Sturgeon—That would be no violation of the anti-lobby law.

Mr. Moore—The whole matter was immaterial. I wanted to put myself right before the committee.

Senator Sturgeon—In what manner did the people from Dallas violate the anti-lobby law?

Senator Thomas—I did not charge any violation of the law in that statement; I just merely gave my reasons for vot-

ing against the invitation. I charged no violation.

Senator Sturgeon—And do not know of any?

Senator Thomas—No, sir.

Senator Sturgeon—Do you know of any of them?

Senator Thomas—Unless they violated the law in appearing before committees night before last.

Senator Sturgeon—As you have heretofore detailed?

Senator Thomas—Yes, sir.

Senator Greer sworn.

Mr. Moore—Senator Greer, what are your initials?

Senator Greer—W. J.

Mr. Moore—You are a member of the Senate; from what district?

Senator Greer—Seventh.

Mr. Moore—You have been attending the sessions of the Legislature since the opening?

Senator Greer—Yes, sir.

Mr. Moore—Are you a member of a number of committees of the Senate?

Senator Greer—Yes, sir.

Mr. Moore—Are you a member of Judiciary No. 1?

Senator Greer—Judiciary No. 2. I am not a member of No. 1.

Mr. Moore—Were you in attendance upon Judiciary No. 1 when the committee was investigating the nine juror bill?

Senator Greer—I was in the room twice during the time, just for a few minutes at a time.

Mr. Moore—State whether you heard any other members of the Legislature arguing that measure.

Senator Greer—Yes; there was some one making a talk that called my attention to go in the first time, but I do not know whether I can name the man unless Judge Spoonts could have been the one. If he made a speech I think he attracted my attention when I walked into the room.

Mr. Moore—Then you did not hear all of any one speech?

Senator Greer—No, sir; I did not.

Mr. Moore—You do not know whether they disclosed their agency before the committee or not?

Senator Greer—No, sir; not while I heard it.

Mr. Moore—How many meetings of Judiciary No. 2 have you attended?

Senator Greer—I could not state. I have attended nearly all of them. I am a member of that committee.

Mr. Moore—What measures have been considered by that committee upon the occasion of the sessions you have attended?

Senator Greer—There have been quite a number of measures. There were parties outside the committee that appeared before us on two or three different measures. I think the telephone people appeared before us on one bill.

Mr. Moore—Do you know who those telephone people were?

Senator Greer—Judge Lindsey of Tyler.

Mr. Moore—Did you hear all of his talk?

Senator Greer—I am not right sure that I did.

Mr. Moore—Did you hear the beginning?

Senator Greer—I am not sure that I did.

Mr. Moore—Do you know whether he stated his interest or agency in the measure?

Senator Greer—He stated that he was representing an independent concern. I do not know the name of it. There was a representative of the Southwestern too.

Mr. Moore—Did Lindsey disclose that he represented an independent company?

Senator Greer—He did.

Mr. Moore—Did he disclose in what way he represented, as attorney or officer?

Senator Greer—He was an officer, but I have forgotten what position—superintendent, I think.

Mr. Moore—Who else appeared before the committee?

Senator Greer—I could not give the names of the parties because I am not personally acquainted with them, but there were talks made by two or three others and maybe more who claimed to be representing small telephone companies in contra-distinctions of the Southwestern. They usually stated that they wished to make the impression that it would crush out the little companies and stated that they represented the little companies.

Mr. Moore—Did all of them disclose their interest?

Senator Greer—I could not say positively, but when they were being called they stated whether they represented the small companies or the Southwestern.

Mr. Moore—Were they all called upon?

Senator Greer—The committee requested that they agreed before they began on the amount of time they would consume, then they designated somebody to talk on the measure.

Mr. Moore—What other measure have you heard discussed before the committee by persons other than members?

Senator Greer—The race horse bill. That is before No. 2.

Mr. Moore—You heard the discussion some ten days ago?

Senator Greer—Yes, and there was another bill, the fee bill, Batts discussed.

Mr. Moore—Anybody else?

Senator Greer—I think there was, but I left the room after Batts spoke.

Mr. Moore—He was the only one you heard discuss it?

Senator Greer—The only one I can recall. There might have been other discussions; some of the sheriffs probably talked.

Mr. Moore—State whether they made known their interests.

Senator Greer: They were officers and sheriffs, and some one made a talk who was a clerk.

Senator Sturgeon—District clerk from Cleburne?

Senator Greer—My recollection is that each one made a talk and stated the office he held. I could not say that every man disclosed the office or position he held.

Mr. Moore—Now about the race horse bill?

Senator Greer—That is still under discussion.

Mr. Moore—I mean the first meeting.

Senator Greer—I could not say as to the first meeting.

Mr. Moore—Did you hear Dr. Bradfield?

Senator Greer—Yes, I heard his talk.

Mr. Moore—State whether or not he disclosed that he was an agent of anybody or had any interest.

Senator Greer—My recollection is he stated he had no interest in the world except for the good of the country; he was actuated by a desire to have gambling eradicated.

Mr. Moore—Now, Dr. Norris, did you hear him?

Senator Greer—Yes, sir; I heard him talk twice, a short time some time ago, and again night before last. He stated night before last he was here on his own expense as a private individual.

Mr. Moore—State whether you called upon him.

Senator Greer—Yes; I asked the Chair to ask him whether or not he represented any interest.

Mr. Moore—At the first meeting of the committee, do you know who else addressed the committee?

Senator Greer—No, sir; I do not.

Mr. Moore—Did ex-Senator McKamie?

Senator Greer—I do not recall. I think the first discussion of that matter was on the Meachum-Mayfield bill, and for some reason I was not present when the bill was voted out.

Mr. Moore—You really do not recall anybody's discussion except Bradfield, Norris and Batts?

Senator Greer—Yes; McKamie.

Mr. Moore—Cabell made a talk night before last, didn't he?

Senator Greer—Probably he did. I did not know one man who made a talk and who courteously submitted to all questions.

Mr. Moore—That was Cabell.

Senator Greer—Probably.

Mr. Moore—What other committees have you been before and heard discussions?

Senator Greer—None, except one or two, and the committee of ladies who talked on yesterday. They stated they were here in the interest of the Alamo bill.

Mr. Moore—Do you know of any instances at all in which persons not members of the committee addressing any of the committees during the session of the Legislature who have failed to disclose their interest in the measure?

Senator Greer—None, unless some speaker was called on and he would get up and make a statement. Most of them on the fee bill they called on. The sheriff of a certain county would be called on to make a statement, and when he got up he would not state what county he was from. There were a great number of people at these meetings who did not make speeches. There was a general conversation going on among them all the time, but they did not make public speeches.

Mr. Moore—You did not hear the nine juror bill discussed then?

Senator Greer—I heard a part of the discussion.

Mr. Moore—Did you hear the bank guarantee bill discussed?

Senator Greer—I attended one meeting during a portion of the time the bank guarantee bill was discussed. The first

man called on was described as being president of the National Bank of Corsicana. I do not know his name.

Senator Brachfield—Garrity, was it?

Senator Greer—Yes; he was the oldest banker in the State. He talked in favor of the bill.

Mr. Moore—Did others discuss the measure?

Senator Greer—I think so.

Mr. Moore—Did they disclose their interest?

Senator Greer—I think they did; they got up and stated what bank they represented. I would not say positively that each one represented a bank.

Mr. Moore—Night before last, when you were in attendance upon the committee discussing the race track bill, you had questions put to each one who spoke as he arose to ascertain what their interests were?

Senator Greer—To two of them; after that they made the statement themselves.

Mr. Moore—Prior to that time had you ever heard those questions put to persons before any of the Senate committees?

Senator Greer—I am not sure, but I think I did in Committee No. 1.

Mr. Moore—You did yourself?

Senator Greer—No; I think I heard the chairman ask some men that question to ascertain which railroad he represented.

Mr. Moore—All of the other persons who appeared before that committee did not state what railroads they represented?

Senator Greer—Before No. 1 I heard one or two parties say.

Mr. Moore—It is a fact, Senator, is it not, that prior to the time Senator Thomas made the declaration that there were violations of this law; that practically no attention was paid to this particular feature of the law?

Senator Greer—I could not say that for the reason that the parties I heard begin their speeches have just happened to state why they were here. I did not hear a speech commenced before Judiciary No. 2 that they did not state why they were here.

Senator Sturgeon—Let us take Judiciary No. 1. Can you state to this committee any violations of the anti-lobby law under Section 3 that you know of, and who violated it?

Senator Greer—I cannot, unless the presence of a large crowd in the committee room is a violation; they did not take part in the discussion and did not disclose their purpose.

CONTINUATION OF THE TESTIMONY OF PROPONENT'S WITNESSES.

Witness—W. J. Greer.

Witness—Did I answer that last question or did you get through?

Senator Sturgeon—I believe you stated that you knew of no violation of the anti-lobby law before Judiciary No. 1, unless it was the fact that a good many people came into the room and stood around or sat around without telling the committee whether or not they had any interest in the measure, and if so, what interest it was?

Answer—Unless that was a violation, I know of none.

Question—I believe you stated that you did not hear anybody before the beginning of the discussion before Judiciary—

A.—I don't think I did—

Q.—Judiciary No. 2, and not many people there the night Batts spoke, I believe?

A.—Yes.

Q.—I will get you to state, Senator, whether or not it is a fact that you know of many that got up and made a speech without telling who they were or what interest they had in the bill, or addressed the committee?

A.—No; I don't know of anybody.

Q.—Do you know of any violation of the anti-lobby law in Judiciary No. 2?

A.—I do not; as I stated before in Judiciary No. 1 there were a crowd of people sitting back and talking.

Q.—Senator, do you know of any violation of the anti-lobby law in the committee rooms or before any committee meeting, or otherwise?

A.—No, sir.

Q.—Do you know of anybody else, or can you specify any one that knows of anybody that this committee can get to come before it who knows of any violation of the anti-lobby law?

A.—No, sir.

Q.—Have you any information, either by hearsay or otherwise, as to any violation of the anti-lobby law by any person since this Legislature has been in

session that we can send and get before this committee?

A.—No, sir.

Q.—That is all I care to ask.

EXAMINATION OF PROPONENT'S WITNESS, W. J. GREER, BY PROPONENT'S ATTORNEY, JUDGE MOORE.

Question—Senator Greer, prior to the time that Senator Thomas raised the question of personal privilege and made the charge of the anti-lobby law being violated, state whether or not he discussed with you whether he proposed to make that charge?

Answer—I can't say he discussed it; he just said to me he was going to call attention to some matters.

Q.—What were those matters?

A.—In a general way they had to do with the confusion carried on in the committee rooms by the crowd coming in there and hearing the discussion.

Q.—What committee room?

A.—At the time I speak of he referred to Committee No. 1, because I heard a part of that confusion in and about the room, but I thought it was a matter for the chairman—a general hurrah—I thought it would be a question more properly reached by an amendment of the anti-lobby law.

Senator Sturgeon—Senator, do you know of any violation of the anti-lobby law in Committee Room No. 1?

Answer—I know of no violation of the anti-lobby law at that time or any time in Committee Room No. 1, or in the presence of the committee—there was a good deal of confusion and some talking—

Mr. Moore—Did you understand it to be a violation of the law?

Answer—No, sir; that is the reason, as I said before, that I suggested about the chairman remedying it.

Senator Sturgeon—State what you know about it.

Answer—That is all I know—those are the facts.

Senator R. E. Cofer, proponent's next witness, after being first duly sworn on oath, testifies as follows, on direct examination by Judge Moore, proponent's attorney:

Question—Senator Cofer, what are your initials?

Answer—R. E.

Q.—Who do you represent—what Senatorial District?

A.—Fourth.

Q.—Have you been in attendance upon this Senate since the beginning of this session?

A.—Yes.

Q.—Senator, state whether or not you have attended frequent committees while in session during this Legislature?

A.—I have.

Q.—Senator, what committees do you now recall in session that you have attended?

A.—I have attended Judiciary No. 1.

Q.—What bills were under consideration in that committee?

A.—We have had a great many bills under consideration.

Q.—Name one.

A.—Name one particular bill—Senator Senter's mechanic lien law.

Q.—Now then, was that bill discussed before the committee by persons other than the members of the Legislature?

A.—Yes.

Q.—Do you know who they were?

A.—No; I don't know.

Q.—State whether or not these persons disclosed to the committee their interest in the measure at the time of the discussion of the measure before the committee.

A.—No, sir; they did not.

Q.—Now then, what other measures do you recall having heard considered?

A.—Well, Senator Terrell's assignment of unearned wages.

Q.—Did anybody appear before the committee then other than the Legislators, and did not disclose their interest in the measure?

A.—I believe so.

Q.—Do you recall who they were?

A.—No, sir.

Q.—State if they disclosed their agency.

A.—No, sir.

Q.—What other measure?

A.—The nine juror law.

Q.—Did anybody appear before that committee other than these Legislators?

A.—Yes, sir; Judge Spooner of Dallas.

Q.—State whether or not he disclosed his interest or agency in the measure.

A.—Did not—not in my hearing.

Q.—Senator, anybody else?

A.—Judge Garwood of Houston.

Q.—State whether or not he disclosed his interest in the measure.

A.—I did not hear him.

Q.—Who else?

A.—Judge—a Dallas attorney—Judge Perkins.

Q.—State whether or not he disclosed his interest or agency in the measure?

A.—No, sir; he did not in my hearing.

Q.—Did you hear anybody else discuss the matter?

A.—I believe it was—

Q.—Did you hear Mr. —

A.—No; he was not before the committee, I believe—no—I was not present.

Q.—What other measures do you recall having been considered by Judiciary No. 1?

A.—The venue bill.

Q.—Who were those who addressed that committee on that bill?

A.—I believe several of the members.

Q.—And Senator Terrell?

A.—I believe so.

Q.—No other people—do you recall any?

A.—No, sir; I do not recall any others.

Q.—Any other committee?

A.—Committee on State Affairs.

Q.—Can you name any particular measure that was considered by that committee?

A.—The bill which I introduced for the establishment of a training school for juveniles.

Q.—Who appeared before that committee other than the Legislators?

A.—Mrs. ——— of Dallas, and Mrs. E. P. Turner.

Q.—Did they disclose their interest or agency in the matter?

A.—No, sir—well, it was not discussed in a technical way—I think they said during the course of the meeting that they were members of the Federation of Clubs.

Q.—What other measures can you recall?

A.—That is the only measure that the Committee on State Affairs had under consideration.

Q.—What other committees, or measures?

A.—Senator Holsey's proposition regarding members of Congress or members of the Legislature representing public service corporations.

Q.—Was that discussed by any persons other than members of the Legislature when the measure was under consideration?

A.—I believe Senator Holsey was the only one discussed it—Senator Mayfield may have addressed the committee—I don't remember.

Senator Sturgeon—I made a few remarks myself.

Answer—Yes, sir.

Mr. Moore—Then what other bills or measures?

A.—None before that committee—I don't remember any.

Q.—What other committee or measures?

A.—Committee on Public Buildings and Grounds have had one meeting, that is concerning the disposition of the Alamo and the taking of the property back by the State; I am chairman of that committee.

Q.—Any other committee?

A.—None that I remember of—I don't believe.

Q.—Well, have you attended sessions of any other committee that you are not chairman of?

A.—Yes; I have attended Judiciary No. 2.

Q.—Do you recall what measures were being considered by that committee?

A.—We were considering several measures—have had the telephone bill—

Q.—Any other measures?

A.—I have been present at the meeting of the race track gambling bill.

Q.—When and where was the session of the committee when that measure was under discussion?

A.—I have been there a number of times when they were up in the Court of Criminal Appeals.

Q.—Well, the first meeting of that committee—was it discussed by persons other than members of the Legislature?

A.—Yes; Dr. Bradfield.

Q.—Did he disclose his interest or agency?

A.—In the course of his remarks he stated he had no personal interest, and I believe he said he was paying his own expenses, and furthermore explained the

movement of the Dallas Pastors' Association.

Q.—Anybody else?

A.—Dr. Norris.

Q.—State whether or not he disclosed his agency or interest in the measure.

A.—I heard him last night before the committee; he was—

Q.—I mean the first time, at that meeting did you hear anybody else besides members of the Legislature?

A.—Senator McKamey.

A.—Did he disclose his agency for any interest?

A.—I don't think he did.

Q.—Anybody else that addressed that committee that you can remember of?

Q.—That is all, I believe, those two.

Q.—Got any other names?

A.—I believe those are the only discussions I have heard—last night [Mr. Moore—Night before last] I believe in their committee—

Q.—I believe you said you were present when the telephone measure was discussed?

A.—Yes.

Q.—State whether or not that was discussed by persons other than Legislators.

A.—Not while I was there, but I was not there during all the time.

Q.—Is there any other measure now that you remember to have heard by any Senate committee, which was discussed by others than Legislators?

A.—I believe not; there were a number of people here who have not had hearings.

Q.—All and all, how many hearings have you attended since you have been a member of this Senate of the Legislature of the Senate committees?

A.—Can't state—have attended quite a number.

Q.—Can you give approximately the number of persons you have heard and who appeared on behalf of those measures pending before them, other than Legislators?

A.—No; can't give the number approximately—have heard a great many.

Q.—Fifty?

A.—No; I should say twelve would cover them—in that neighborhood.

Q.—Of that number, state how many disclosed the interest they represented or whether or not they were the agents of any one interested in the measure.

A.—I do not think any disclosures were made, except what I have stated.

Q.—Now, in reference to committee meetings, Senator, state whether or not you have seen a great many persons attending the meetings or the sessions of those committees who have not addressed the committee, and where?

A.—Have seen a good many of them.

Q.—Other than those you have already stated—and state whether or not they disclosed their interest in the measure?

A.—No; I have never heard any disclosures.

Q.—Have you heard discussions between those and members of the committee—private discussions—that is to say, not discussions before the whole committee, but one or two or more members of the committee?

A.—I think not; have heard it discussed before less than a quorum several times when a quorum would be broken.

Q.—I meant to ask you this, Senator, whether or not persons in attendance upon the committee and not members of the Legislature, discussed privately with members of the committee those measures?

A.—Can't say that I have heard them talk privately about any measure. I have heard them talk, ask some questions, but can't recollect the time or the parties. I know they talked with me some, that is, some parties asked me some questions, aside from that I can't say.

Cross-examination of proponent's witness, R. E. Cofer, by Senator Sturgeon, Chairman Investigating Committee:

Senator Sturgeon—Do you know of any violation of the anti-lobby law in any committee room?

Senator Cofer—I don't know of any.

Question—Do you know of anybody else that you can give the names of to this committee who knows of any violation of the anti-lobby law?

Answer—No, sir.

Q.—The committees that you have spoken of and the bills that you have spoken of as being discussed, it was when the committees were there, and the persons spoke at the request of the committee or the chairman, did they not?

A.—Yes; they spoke at the request of

the committee, and the chairman invited them to speak.

Q.—I will ask you to state whether or not, in these committees, if the chairman announces who it is and what it is and the time is divided up by allowing the different people to speak or present their sides of the measure?

A.—Yes, sir; the time is divided up by allowing the different persons to speak.

Q.—State if he will turn and say he is representing so and so and wants to speak?

A.—Well, I don't recall any time—yes, I do—I have heard them say who they represented, I think.

Q.—I will ask you, in the telephone question that you have been asked about, whether or not it is a fact that after the time has been divided among the men who speak, if the chairman or some member of the committee did not say they were (these men) representing a certain company?

A.—I don't know—did not hear it all—Senator Terrell spoke—

Q.—Do you know of any violation of the anti-lobby law in that committee?

A.—I know of none.

Re-direct examination by Judge Moore.

Mr. Moore—Have you read Section 3 of the lobby law?

Senator Cofer—Yes, sir; not recently.

Question—The section reads thus (taking the statute reads sections of the law to the witness as follows):

"Sec. 3. The provisions of this act shall not be held to apply to the Governor or a member of the Legislature of this State, nor to prohibit any person, either in person or by his agent or attorney, or any corporation by representatives, agents or attorneys, from exercising the right of petition to the Legislature, or from collecting facts, preparing petitions, procuring evidence and submitting the same, together with arguments, to either branch of the Legislature when in session, or to any committee thereof, in the interest of any measure in which he or it may be interested; but in such case the agency and the interest in the measure, or the person so appearing, shall be fully disclosed."

When in committee, any one appeared before them, but in such case their agency or interest in the measure was not disclosed—

A.—Yes; I have read it.

Q.—Did you mean to answer just now that that section of the law had not been violated in the failure of the persons to disclose their interest or agency in the measure?

A.—Well, that is a question of opinion as to whether it is a violation of the law. It would be a hard matter for me to answer under oath—rather not answer that—as a fact, I don't know, as a question of opinion and judgment that would be a different matter. I could not say, because I might be wrong in my opinion and judgment.

Q.—As to whether the facts just referred to constitute a violation of the statute is purely a matter of opinion, and you do not express yourself?

A.—Yes, sir.

Representative Canales sworn.

Mr. Moore—What are your initials?

Mr. Canales—J. T.

Mr. Moore—You are a Representative of the Legislature?

Mr. Canales—Representative from the Ninety-fifth District; my county is Cameron.

Mr. Moore—You have been in attendance upon the sessions of the present Legislature since the opening?

Mr. Canales—Yes, sir.

Mr. Moore—Tell whether you have attended any of the sessions of the Senate committees.

Mr. Canales—I attended a joint session of the Committee on Criminal Jurisprudence when we considered the anti-race track bill, in the Court of Appeals.

Mr. Sturgeon—Did the committee room belong to the Senate or the House?

Mr. Canales—First we met in the committee room of the House, but not being able to secure sufficient room we adjourned to meet in the Court of Appeals on the third floor.

Senator Brachfield—Who was in charge of the committee; that is, who acted as chairman?

Mr. Canales—Our chairman was Judge Goodman.

Senator Brachfield—Did he act as chairman in the joint committee?

Mr. Canales—No, as chairman of our committee, and Senator Hudspeth was chairman of the Senate committee.

Senator Brachfield—Were they both active?

Mr. Canales—Yes; the committee was in joint session.

Mr. Moore—State, Mr. Canales, whether, while in the meeting of that committee, you saw or heard anybody

address the committe other than members of the Legislature?

Mr. Canales—Yes, sir.

Mr. Moore—Who were they?

Mr. Canales—I heard Dr. Bradfield address the committee, Dr. Norris, ex-Senator McKamy, who represented the anti-race track interest. He had been selected to act as spokesman.

Mr. Moore—Was there any other person to address that committee?

Mr. Canales—There were, but I was not there throughout; I had to leave, and those I mentioned were the ones I heard.

Mr. Moore—Did Dr. Bradfield, when he addressed the committee, disclose to the committee his interest in the bill, or inform the committee that he had a direct interest in the bill, or that he was agent, representative or attorney for any person, association or corporation interested in the law?

Mr. Canales—I do not recall as to whether he made any such statement. I know Dr. Bradfield was there in the interest of the bill, but I do not know that he made any statement showing special interest. I know that Senator McKamie did, and told his connection.

Mr. Moore—He told his connection with the bill? What connection did he state he had?

Mr. Canales—He stated he was in the interest of the fair people, as it affected the Dallas fair.

Mr. Moore—I understand he represented the fair people, but did he state he had any interest in the bill itself—any direct interest?

Mr. Canales—No.

Mr. Moore—Did he state he was attorney or agent of the fair people or anybody else?

Mr. Canales—I do not want to state as positive, but that was my impression. My impression was from what he said—he came there as representative of those people, not directly interested himself, but only so far as the citizens of Dallas were concerned.

Mr. Moore—He did not state he was employed as attorney of anybody?

Mr. Canales—That was my impression. I do not know.

Mr. Moore—Mr. Canales, were you ever present at any other sessions of other Senate committees?

Mr. Canales—I was present at the hearing of two bills introduced in the Senate, and the House bills were No. 345 in House and 346; they were prepared by the Attorney General's Department. One bill seeks appropriation of $25,000 for filing suits to recover lands for the State, and the other seeks to provide for the compulsory attendance of witnesses from different parts of the State at Austin in these same land suits. We arranged with the Senate committee to have a joint hearing, and on account of the House being in session at the hour when the hearing was going on in the Senate, we could not go in in a body as the rules of the House forbid any committee being in session unless by permission. I tried to secure permission, but could not do it. Then I and two or three of the committee came over to hear the hearing in the Secretary's room.

Mr. Moore—Did anybody address that committee other than members of the Legislature?

Mr. Canales—Mr. Robison and one or two parties I did not know; that is, I do not remember their names.

Mr. Moore—Did any of those gentlemen state their interest to the committee?

Mr. Canales—I do not recall. I was not there through the whole hearing.

Mr. Moore—You did not hear them state their connection with the bill?

Mr. Canales—No; I did not hear them state what connection they had with the bill.

Mr. Moore—Have you ever attended sessions of any of the Senate committees?

Mr. Canales—I have not.

Mr. Moore—State whether or not there were any other people present during either or both of the sessions of those committees, aside from the members of the committees.

Mr. Canales—There were.

Mr. Moore—Were there a small or a large number of people?

Mr. Canales—At the anti-race track hearing there were quite a number of people, so many that one committee room could not hold both committees.

Mr. Moore—State whether or not these people made any statement as to their connection or interest in the measure.

Mr. Canales—No, sir; they were present there, but I did not hear them make any such statement.

Mr. Moore—During your attendance of those committees were there few or many?

Mr. Canales—During the land bills there were quite a number from the western portions of the State.

Mr. Moore—State whether or not any

of them made a statement disclosing interest in the measure.

Mr. Canales—I did not hear them make statements in this committee room. I heard the same parties make statements before our committees.

Mr. Moore—Mr. Canales, the parties that were present in discussion of the anti-race track bill, I believe you stated ex-Senator McKamy, who there representing certain other parties. Did he state who they were and what relation they had to the bill?

Mr. Canales—Well, I heard him make his preliminary remarks that he was against the Mayfield-Meachum bill and in favor of the substitute which was to be offered by Senator Senter, and that he had come to represent the interests of that bill, and he said he was representing those who were in favor of the substitute.

Mr. Moore—I take it he was representing them, and also the breeders' bill.

Senator Sturgeon—And other parties sitting around there, I believe you stated, made no statement as to their interest?

Mr. Canales—I did not hear them make any statement.

Senator Sturgeon—Did they say anything in reference to the bill—those bystanders?

Mr. Canales—I heard several remarks, but I do not know now who made them; they were to the effect that if the Mayfield bill was killed it would ruin the fair. The conversation was general, and some addressed to me.

Senator Sturgeon—Did they ask questions?

Mr. Canales—This happened before the meeting.

Senator Sturgeon—Do you know of any violations of the anti-lobby law in any of the committee rooms or before any of the Senate committees that have been meeting here, outside of what you have stated?

Mr. Canales—Any specific violations, do you mean?

Senator Sturgeon—Yes; in any of the Senate committee rooms or in the joint meeting you spoke of.

Mr. Canales—Well, I do not know of any violations except what my testimony shows. That is all I know of any violations. In fact, I would not put it in that language; I would say those were the only indications. I have stated all.

Senator Brachfield—You spoke of Dr. Brachfield and Dr. Norris appearing before those committees, did they not say—did not Dr. Bradfield say he was there representing without pay, was there on his own expense and that he was there for the moral question altogether and to help the young men?

Mr. Canales—My recollection now is he made a statement to that effect.

Senator Brachfield—Did Dr. Norris make the same kind of a statement?

Mr. Canales—I was not there during the time Dr. Norris spoke; that is, during his opening remarks.

Representative Lively sworn.

Mr. Moore—What are your initials?

Mr. Lively—E. C.

Mr. Moore—You are representing in the present Legislature from what district?

Mr. Lively—The Thirty-seventh.

Mr. Moore—You have been in attendance upon the present Legislature constantly since the beginning of the session?

Mr. Lively—I have.

Mr. Moore—During the time or term have you attended any sessions of committees of the Senate?

Mr. Lively—I have.

Mr. Moore—Have you heard any discussions before those committees by other than Legislators?

Mr. Lively—I have.

Mr. Moore—Can you recall now any particular Senate committee session?

Mr. Lively—I have been before one of the Judiciary Committee sessions on several occasions. I think it is No. 2.

Mr. Moore—Do you recall what measure has been before the committee?

Mr. Lively—The measure in which I was particularly interested and which was the occasion of my being before that committee was the bill known as the fee bill.

Mr. Moore—Fee bill. Do you recall who addressed the committee other than Legislators?

Mr. Lively—Judge Batts, I think, and Sheriff Ledbetter, I believe, but I am not positive whether he addressed the committee or was requested to make a statement, but it was something of that kind. He was up talking in that committee room when I went in, and I do not know whether he was requested or not. A sheriff who, I think, was from San Antonio, I do not remember his name, and other officers whose names I do not remember, spoke a few minutes or at length.

Mr. Moore—Were there any other

persons present besides those who addressed the committee, and members of the committee?

Mr. Lively—Yes.

Mr. Moore—About how many?

Mr. Lively—I have been before that committee on two occasions when that bill was discussed, and I did not pay any special attention to just how many persons were present who were not Senators and Representatives, but I would say there were about twenty.

Mr. Moore—About twenty?

Mr. Lively—Yes.

Mr. Moore—Did any of that twenty disclose to the committee their interest in the measure?

Mr. Lively—Aside from those who addressed the committee?

Mr. Moore—Yes, sir.

Mr. Lively—You mean officially; that is, that they got up and stated?

Mr. Moore—In any way.

Mr. Lively—I believe not.

Mr. Moore—Those who addressed the committee, state whether they disclosed to the committee their interest in the measure.

Mr. Lively—My recollection is that Judge Batts said he was a friend to some of the officers, and was interested on account of that fact.

Mr. Moore—He did not state whether he was employed?

Mr. Lively—That is my impression—that he did. He was there in the interest of some friends. Now, Judge Batts appeared before the Senate and House committees, and my recollection is that he made that statement in both cases, and if he made any other statement than that I failed to catch it; that is, that he was employed.

Mr. Moore—Do you know whether any other gentlemen addressing the committees made any disclosures as to their interest?

Mr. Lively—It strikes me that some one else said that on account of their friendship for the officers, but I do not remember who it was.

Mr. Moore—Except those two, there were no other disclosures?

Mr. Lively—Not to my recollection.

Mr. Moore—What other measures have you heard discussed before Senate committees?

Mr. Lively—I have heard the nine juror bill and the anti-race track gambling bill.

Mr. Moore—The nine juror bill, who addressed the committee at the time you were present?

Mr. Lively—Judge Spoonts was addressing the committee when I entered the committee room. I heard a portion of the address of Bob Knight of Dallas. On that occasion it was understood who was to address the committee, and I am not certain but I do not believe I heard Mr. Garwood; however, it is fixed in my mind that he addressed the committee, but I do not think I heard it. I heard a portion of Judge Perkins, but I left before he completed his remarks.

Mr. Moore—State whether those gentlemen disclosed to the committee what interest they had in the bill.

Mr. Lively—I do not know whether Judge Spoonts or Judge Garwood did; I did not hear the beginning of their remarks, but my recollection is that Bob Knight said he was before the committee because he was interested in the integrity of the jury system.

Mr. Moore—Further than the statement of his interest in the jury system, did he disclose any agency or employment in behalf of anyone interested in the bill?

Mr. Lively—I think not, but I am not positive.

Mr. Moore—During the session of that committee were there any other persons present besides those who addressed the committee and members of the Legislature?

Mr. Lively—Yes; there were others present.

Mr. Moore—Do you know about how many?

Mr. Lively—That would be a hard question for me to answer.

Mr. Moore—Well, approximately

Mr. Lively—At different times there were different numbers, because on that occasion, as will be seen by my testimony, I was in and out twice, and perhaps three times; there were different numbers present, but I would say there were about 12 or 15 persons at one time in the committee room who were not members of the committee; some were members of the House, and some I did not know.

Mr. Moore—How many were there who were not members of the Legislature, and other than those who addressed the committee?

Mr. Lively—That is a hard question for me to answer, because on one occasion it strikes me now the committee room was nearly full.

Mr. Moore—How many would that committee room hold?

Mr. Lively—I do not know; the seats were full and I had to stand up; several were standing in the door, members of

the Senate; and I would say there were, probably 10 or 15 who were neither members of the committee or Senators or Representatives.

Mr. Moore—Was that committee meeting held in the Court of Appeals room?

Mr. Lively—No; it was in Judiciary No. 2 committee room.

Mr. Moore—That is a good sized room, is it not?

Mr. Lively—Yes, sir.

Mr. Moore—It will hold 50 or 75 people?

Mr. Lively—Yes; it will hold that many.

Mr. Moore—Approximately, were there about that many present?

Mr. Lively—No; there were not, but the seats were all taken.

Mr. Moore—About how many people were there other than members of the Legislature?

Mr. Lively—I think about 10 or 15.

Mr. Moore—State whether any of those 10 or 15 you referred to disclosed to the committee any interest that they had in the bill?

Mr. Lively—Aside from the statement I made that Mr. Knight made I do not think that during my presence before the committee any one disclosed their interest other than in their general argument my recollection is that the general trend of the argument was for the general good of the jury system.

Mr. Moore—Do you know whether Bob Knight is, as a matter of fact, an employe of the street railway company of Dallas?

Mr. Lively—It is generally understood that he is.

Mr. Moore—Do you know whether he is in the employ of Baker & Garwood firm?

Mr. Lively—No; I do not know.

Mr. Moore—Did Mr. Nelson Phillips address the committee while you were there?

Mr. Lively—I think not. I did not hear him.

Mr. Moore—Have you attended any other sessions?

Mr. Lively—I have attended several sessions of both the House and Senate committees, and on one occasion the joint House and Senate committee on the anti-race track bill.

Mr. Moore—Where was that held?

Mr. Lively—The sessions I attended were held in the Supreme Court room, or the Court of Appeals.

Mr. Moore—Who addressed the committee when you were present on that measure?

Mr. Lively—I was there on two occasions, and Dr. Norris first addressed the committee; then ex-Senator McKamy, Dr. Bradfield and some gentlemen from Beaumont spoke.

Mr. Moore—You do not recall his name?

Mr. Lively—Not at this time; and Mr. Brown, president of the San Antonio Fair Association.

Mr. Moore—State whether Dr. Bradfield disclosed to that committee any interest in the measure or what his interest in the measure was.

Mr. Lively—Dr. Bradfield, my recollection is, said during the course of his remarks that it was for the general welfare of the State, or something of that kind.

Mr. Moore—Did he tell the committee he was employed by an association of persons and his expenses and time were paid for to appear before that committee?

Mr. Lively—If he did, I do not remember it.

Mr. Moore—Did Dr. Norris make any statement to the committee as to his interest?

Mr. Lively—On the occasion of the first session of the committee which I attended he made no statement as to my employment; he made about the same general argument as that made by Dr. Bradfield.

Mr. Moore—Ex-Senator McKamy, did he disclose any employment?

Mr. Lively—At the second session of the committee Dr. Norris stated that he was not employed by anyone; that he was paying his own expenses; that was a few nights ago.

Mr. Moore—He made the statement in answer to direct question by Senator Greer?

Mr. Lively—Yes.

Mr. Moore—McKamy, did he disclose he was employed by anyone to do so or that he had direct interest in the measure?

Mr. Lively—He stated that he was interested in the measure; I do not remember whether he stated that in the opening or in the general course of his argument, but that he was interested in the Dallas Fair and in the Texas Breeding Association.

Mr. Moore—In what way?

Mr. Lively—As being a breeder.

Mr. Moore—Mr. Brown, did he disclose whether he was employed or paid?

Mr. Lively—No, sir; I think not.

Senator Brachfield—What Brown?

Mr. Lively—President of the San Antonio Fair. I think his name is Brown.

Mr. Moore—Did he disclose any other interest?

Mr. Lively—Aside from his interest in the fair?

Mr. Moore—As its president.

Mr. Lively—I think not.

Mr. Moore—The gentleman from Beaumont, state whether he disclosed any interest in the measure or that he was employed?

Mr. Lively—If he was so employed he did not state, and if he had any interest other than about the same interest that Dr. Bradfield and Dr. Norris had said they had, I do not remember it. I am not positive that he claimed to have that interest.

Mr. Moore—The interest Dr. Bradfield, Dr. Norris and the gentleman from Beaumont disclosed was an interest in the welfare of the State of Texas?

Mr. Lively—Yes, sir.

Mr. Moore—State whether there were persons present at that meeting of the committee other than members of the Legislature, and those gentlemen who addressed the committee?

Mr. Lively—There were.

Mr. Moore—About how many?

Mr. Lively—All of these statements of mine are just approximate. Attending so many committees I naturally cannot state exactly the number, but I think of the first occasion there were about 150.

Mr. Moore—About 150?

Mr. Lively—From 100 to 150 persons who were not either Senators or Representatives or members of the committee.

Mr. Moore—Do you know whether they were interested in the bill in any way?

Mr. Lively—Not that I know of.

Mr. Moore—Do you know where they were from?

Mr. Lively—They were not all gentlemen, there were many from Dallas; there were some ladies from Dallas, and a great many people whom I did not know. I expect my figures are a little large; the session was well attended by the House and Senate.

Mr. Moore—Did those ladies and gentlemen disclose interest in the measure?

Mr. Lively—No; that is, aside from those we have spoken of.

Mr. Moore—During the arguments did they manifest any concern in the measure by applause?

Mr. Lively—I do not remember; I take it there was some applause on that occasion, but I am not positive as to that.

Mr. Moore—Now, with reference to all of these committee meetings you have attended and have testified in regard to, state whether they were just wide open to the public or whether they were secret meetings.

Mr. Lively—If there was anything to prevent the people from attending those meetings I do not know what it was, except, possibly, the first meeting to which I referred was held in the Senate Judiciary committee room and it may have been that the Senate was in session; I am not sure that it was—I do not believe it was: If the Senate was in session it may have been a little difficult for the persons to pass through to get to the committee rooms.

Mr. Moore—The doors were open and the people came and went as they pleased?

Mr. Lively—Yes, sir.

Senator Brachfield—Are you a member of Criminal Jurisprudence in the House?

Mr. Lively—No, sir.

Senator Brachfield—Were you a member of the joint committee?

Mr. Moore—On the race track bill?

Mr. Lively—No, sir.

Senator Brachfield—What other joint sessions did you attend beside the joint session on the race track bill?

Mr. Lively—I am not positive; I attended a joint sesison of a special committee appointed to draft a new bill.

Senator Brachfield—Anyone but members there?

Mr. Lively—I think not.

Senator Brachfield—You spoke of being present in the Senate when the nine juror bill was up for discussion, and you say you heard Judge Spoonts and R. E. L. Knight address that committee; did it develop when Judge Spoonts was delivering his address that he represented the Fort Worth and Denver Railroad?

Mr. Lively—Not while I was present; I came in while he addressed the committee.

Senator Brachfield—You were not there when he opened and closed?

Mr. Lively—No; I was not.

Senator Brachfield—You do not know whether the fact was disclosed whether he represented that road or any particular road?

Mr. Lively—No.

Senator Brachfield—R. E. L. Knight, did he disclose that he was representing a street car interest in the city of Dallas?

Mr. Lively—I am not positive as to whether he did or not.

Senator Brachfield—You have the impression that he does?

Mr. Lively—Yes; that is generally understood.

Senator Brachfield—And defends damage suits against them?

Mr. Lively—Yes, sir.

Senator Brachfield—Did he disclose that it would be injurious to his clients' interest to affect in any way the present jury system?

Mr. Lively—I am not positive as to that fact.

Senator Brachfield—That is your impression?

Mr. Lively—Well, I do not think I heard all of the argument of any man before the committee, because the House was in session at the time and I remember being in the House and going back and forth to the Senate committee.

Senator Brachfield—Mr. Knight may have disclosed his interest?

Mr. Lively—He may have disclosed the fact in my presence and I not remember it, because I have heard so many arguments and was trying to hear all arguments on that, but it was not possible for me to do so. I do not remember having heard anyone else speak on the bill. I heard Judge Perkins of Dallas.

Senator Brachfield—Did Judge Perkins disclose the fact that he represented the Cotton Belt Railroad?

Mr. Lively—I think not. I came in while he was speaking and left before he closed.

CONTINUATION OF THE TESTIMONY OF PROPONENT'S WITNESS, M. T. LIVELY, ON CROSS EXAMINATION.

By Senator Brachfield:

Question—The meeting of the Race Track Gambling bill, you say that Dr. Norris addressed the committee, did he not, telling them he was a minister of the Gospel (Norris), or editor of a religious paper?

Answer—I think he stated both of those at the first session of that committee and possibly at the second session during the course of his argument.

Q.—Did he say he was interested in the measure on account of its moral feature as he understood it and for the protection of the young men of the State?

A.—Something to that effect—I think he did.

Q.—And Dr. Bradfield?

A.—It is my understanding he was before the committee for the general good that would come from that measure.

Q.—And that he was a minister of the Gospel?

A.—I think so.

Q.—Did they state they were here on their own expense?

A.—Dr. Norris did at the second sitting of that committee—if Dr. Bradfield did, I don't remember it at this time—he may have.

Q.—You have stated that Senator McKamy said that he was there in the interest of certain people of Dallas who were interested in the breeding of fine stock, did you not?

A.—No, I do not think I said certain people of Dallas; it was not my intention to say that.

Q.—Well, certain people, then?

A.—Horse breeders.

Q.—Did he say he was employed by them?

A.—Just said he was interested from a breeder's point of view, or something to that effect—of course I can't remember his exact words—and that he was interested in the Dallas Fair.

Q.—Now the gentleman from Beaumont, that was Captain Wiess, was it not?

A.—I think that was the name.

Q.—Did he say he had a personal interest in the matter?

A.—Do you mean a personal or financial interest?

Q.—I mean personal, financial, or moral.

A.—Yes, an interest similar to that of Dr. Norris and Dr. Bradfield.

Q.—These names that you have given and have spoken of in your testimony, are all of the names that you remember now, of the people who have addressed these sessions of the committee while you were present?

A.—No, in giving the names of those who addressed the committees, in the committee on the Race Track bill, I gave the names of those who addressed the first session of that committee and at a session heard night before last, I think there were others who addressed that committee whose names I have not given.

Senator Sturgeon then addressed Judge Moore, opponent's attorney, as follows:

Senator Sturgeon—Do you wish these names given, Judge?

Judge Moore—No, we don't wish those names.

By Senator Brachfield:

Question—These are all the names you remember of, except those who addressed the committee night before last?

Answer—Yes, at this time—there were others, but I don't remember their names.

Q.—You stated in your direct examination that there were other persons present besides those who addressed the committee, did you not?

A.—Yes, sir.

Q.—Did those people say anything regarding the measures then under discussion?

A.—To the committee?

Q.—To the committee or anybody that you know of?

A.—Some of them asked questions, I will say that.

Q.—Was that by permission of the chairman who was presiding at the session?

A.—Yes.

Q.—Outside of that, did they say anything about the measures under discussion?

A.—At one of the sessions of the Senate committee on the Fee Bill, my recollection is that two or three men, whose names I do not know, but I think they were sheriffs, interjected some statements, requested to make—

Q.—By the person who was addressing the committee by permission of the chairman?

A.—By the person who was addressing the committee, and some interjected a few words without addressing the chairman of the committee, without the consent of the chairman, but I don't know their names—aside from that I don't remember.

Q.—That was in the nature of testimony upon the matter that was under discussion, or in the manner of correcting the statement made by the speaker who was addressing the committee?

A.—Both, I think.

Q.—Outside of that, then, were there other persons present saying anything in regard to the bill that was under discussion?

A.—I don't remember of it if they were.

Q.—We were talking about the Nine Juror bill—of those questions—do you say the same thing about those who were assembled when the Race Track bill was under discussion?

A.—The same statement I have just made—

Q.—In regard to that?

A.—If there was anything interjected except from the men who were addressing the committee on the question I don't remember in that case—my recollection is that that hearing that I heard was conducted in a very dignified way.

Q.—Outside of what you have already testified to, do you know as a matter of fact of anything that would be considered a violation of the anti-lobby law?

A.—If I understand the anti-lobby law, I do not.

Q.—Do you know of any person from whom we could get any testimony that would bear upon this subject?

A.—I do not.

Q.—Have you stated everything that you recollect that happened before these committees in regard to the appearance and addresses or conversations by outsiders relating to any measure before these committees?

A.—Yes, I think so.

Senator Sturgeon, Chairman Investigating Committee—Senator Thomas, as you have no more witnesses ready right now, and the Senate is about to meet, I propose we adjourn and have an afternoon session. Get your witnesses ready.

Senator Thomas agrees, and the committee adjourns.

Mr. Townsend sworn.

By Mr. Sturgeon:

Question—What are your initials?

Answer—F. I.

Q.—Where do you live?

A.—In Scurry county, seven miles from Snyder.

Q.—How long have you been in Austin?

A.—Since the 9th day of January.

Q.—This year?

A.—Yes, sir.

Q.—In what capacity are you here?

A.—The chairman of the Legislative Committee of the Farmers' Union of Texas.

Q.—State whether you are here as their representative looking after their interests touching legislative matters?

A.—Yes, sir.

Q.—When I say "their," I mean the Farmers' Union.

A.—Yes, sir.

Q.—Have you had any occasion to be before any of the Senate committees since you have been here?

A.—Yes, sir, on a number of occasions.

Q.—Could you name what committees you were before?

A.—The Educational Committee, both Judiciary Committees, as I remember them, and it strikes me that I was be-

fore another committee, but I cannot recall what it was. I believe it was Internal Improvements.

Q.—Have you been in committee rooms when the committees were considering other matters than for which you were before them?

A.—Yes, sir, I have.

Q.—We will take up Judiciary No. 1. What measure was before that committee when you were before it?

A.—You mean what measure was before the committee when I was there?

Q.—Yes.

A.—I am mixed on that; there was a boiler inspection bill providing for the license of engineers.

Q.—Were there any other parties before the committee on that same question?

A.—Yes, sir.

Q.—Who were they?

A.—I did not know the gentlemen personally. They were from San Antonio, that I understood, they were favoring the bill and I was opposing it.

Q.—You did not know the names?

A.—No. Mr. Reilly was favorable to the measure and was there trying to have it reported favorably by the committee.

Q.—State to the committee whether you or the other parties before the committee at the beginning of the talk or at any time during the talk, stated what interest, if any, they had in the measure and why they were there.

A.—The bill is pending and the hearing postponed.

Q.—It was not discussed before the committee?

A.—No, sir.

Q.—Were you before that committee at any other time on any other bill?

A.—Before Judiciary No. 1?

Q.—Yes, sir.

A.—No, I think not.

Q.—At any time were you in the committee room in which there were bills under discussion by other parties?

A.—Yes, sir. I have been in committee rooms when I expected other measures to come up in which I was interested, but not being directly interested in the measure, or rather my people not being interested, I did not charge my mind with the measures discussed.

Q.—Since you have been here, do you know of any violations of the anti-lobby law in any of those committee rooms?

A.—No, sir, I do not. I can make that a little broader. I will state this, that in all my intercourse with the members of the Senate and the House, I have no reason whatever to believe there has been any violations of the law so far as my personal knowledge goes.

Q.—State whether during your stay here and visits to these rooms when the committees were in session, if you have seen or do you know of any undue influence or molestation of the works or procedure of the committees?

A.—No, sir.

Q.—Any intimidation?

A.—No, sir, none whatever.

By Mr. Brachfield:

Question—Can you state that in all the committee rooms, committee meetings you have been, everybody has been treated fairly?

A.—As far as I have been able to see, every man has been given an opportunity to be heard and the committees have been anxious to have them present their views pro and con. Sometimes, on account of limited time, there has been some restriction, but every man has been given an opportunity.

Q.—How large is the organization you represent?

A.—I am not prepared at this time to say just what our membership is, but it is between 150,000 and 200,000.

Q.—All farmers?

A.—Yes, they call themselves farmers and belong to the Union.

Q.—You have stated that you know of no violation of the anti-lobby law; do you know anyone else we could summon as a witness?

A.—No, sir. So far as I know personally, I have not even a suspicion of a person who has violated the law.

Q.—Do you know of anybody who knows of any violation?

A.—No, I do not know of anybody.

F. I. Townsend, recalled and examined by Judge Moore, testified as follows:

Question—Mr. Townsend, you have stated that you were present at several sessions of the committee meetings of the Senate?

Answer—Yes, sir.

Q.—And that upon such occasions those committees were addressed by others than Legislators?

A.—Yes, sir.

Q.—State whether or not in each instance each of the parties addressing the committee announced or stated to the committee his interest in the measure?

A.—I can not say they stated it in specific terms, but that interest was presumed, I suppose, by the manner—

Q.—I am asking what they stated, not from your presumption?

A.—I am not prepared to state the statement was positively made that they had any interest in the bills under consideration.

Q.—Name one person who appeared before a committee.

A.—You mean one person besides myself?

Q.—Yes, sir.

A.—As I stated in my direct examination, those measures were measures in which I had no interest; I was merely there as a spectator, and I never charged my mind with the bills. I might say that all of those who appeared were strangers to me.

Q.—They were strangers to you?

A.—Yes, sir.

Q.—Did any one of them state that he was employed to appear before the committee with reference to the measure he discussed?

A.—As I stated a moment ago, I do not think there was any such specific statement as that made.

Q.—Now, then, it is a fact, also, that there was no specific statement by any of them who appeared of the direct interest that they may have had in the measure, was there?

A.—No, sir; as I stated a moment ago, that was gathered from the general argument on the different propositions; the interest of the parties seemed to appear from the nature of the addresses that they would make.

Q.—Were there other persons before the committees, or in the room at the time the committees met?

A.—Yes, sir; I remember on one occasion before the Internal Improvements Committee, when the anti-pass bill was being discussed, when there was scarcely standing room to be had, even, in the committee room.

Q.—Were they members of the committee, or members of the Legislature, either branch?

A.—It seemed they were neither members—that is, members of the committee—that is, the Committee on Internal Improvements seemed to be out in full force, and quite a number of other legislators were there—spectators and members and others whose business I did not know about.

Q.—The doors were open for any and every one to come in, were they not?

A.—Yes, sir.

Q.—Were those people who were talking to members of the Legislature, or members of the committee, with reference to bills that were up for discussion?

A.—They were talking to them, one at a time, when they would address them on this proposition.

Q.—I mean what you call "spectators," were they talking among themselves?

A.—No, sir; I could not say they were. In fact, I never took any particular notice, as a rule, there before committees, unless I was interested in some measure that was there under consideration, or was expecting it to be considered, and I paid no particular attention to what any other person was doing, unless he was discussing the particular measure in which I was interested.

Q.—Mr. Townsend, do you know Mr. Myer?

A.—Joe Myer?

Q.—Why, I think he is representing some of the labor people?

A.—I know a man named "Myers."

Q.—Joe Myers?

A.—Yes, sir; I know him.

Q.—You know Mr. Joe Myers?

A.—Yes, sir.

Q.—Did you see him present on any of these occasions?

A.—I have on a number of occasions, yes, sir. You refer particularly to the Senate committee?

Q.—Yes, sir.

A.—I could not state that I have ever seen him in the Senate committeee. I have in the House.

Q.—In the House?

A.—Yes, sir.

Q.—You stated, I believe, in your direct examination, that you knew of no violation at all of the anti-lobby law?

A.—Yes, sir.

Q.—Have you read this law?

A.—I have.

Q.—You do not know every fact or circumstance that would constitute a violation of this law?

A.—That is a matter about which the best lawyers of the State disagree, so I am informed.

Q.—A mere matter of opinion?

A.—Yes, sir. It would be presumptious upon me—

Senator Brachfield—He was asked as a fact if he knew of any; that was his opinion.

The Witness—I presumed the question was based upon my conception of the law, and I so answered it.

Judge Moore:

Question—These gentlemen you desig-

nate as "spectators" who appeared before these committees, or rather were present in the committees, do you know whether they lived in Austin?

Answer—No, sir, I do not know; as I stated awhile ago, the majority of them; in fact, all of them were strangers to me.

Q.—Were strangers to you?

A.—Yes, sir.

Q.—Do you know whether any of them lived at a distance and had come to Austin for the special purpose of influencing legislation?

A.—No, sir; I could not state that that was a fact.

Q.—Do you not know what their purpose in Austin was, then?

A.—As I said awhile ago, when they would address the committee on these different propositions, I gathered from their different—

Q.—I mean those who did not address them?

A.—No, sir; I did not know their business; they might have lived in Austin and they might not, or they might have had an interest in the bills, or they might not.

Q.—As a matter of fact, you were a comparative stranger in Austin?

A.—I was a stranger until I came here, but since I have been here I have made the acquaintance of practically all the Representatives and Senators, and a great many people in the city.

R.—Do you know who live in the city and who are visitors in the city?

A.—No, sir.

Q.—You are not well enough acquainted to state that?

A.—No, sir; I have met casually a number of people from different parts of the State who stated they were here in the interest of certain measures or certain bills that had been introduced that were adverse to their interest, and they came here to be heard before the committe, but I did not pay any attention to those matters.

Q.—Did you meet many of these people?

A.—No, sir, I could not say that I have met a great many; those things just naturally come about when men are in a committee room and the hearing is up; they get acquainted in a casual way and they will remark: Such and such a measure is coming up, and I am interested in it, and I want to get a hearing on it, or something of that kind, and I never considered it of sufficient importance to charge my mind with it.

Q.—You are here for the purpose of remaining through the session of the Legislature?

A.—Yes, sir.

Q.—To represent the association—

A.—The Farmers' Union of Texas, yes, sir.

Q.—What is your business here?

A.—To represent the Farmers' Union—you mean what is my business here?

Q.—Yes, sir.

A.—I am the Chairman of the Legislative Committee of the Farmers' Union, and I am here to represent their interest from a legislative standpoint.

Q.—Before the Legislature?

A.—Yes, sir.

Q.—Do you appear before committees?

A.—Yes, sir; on every measure—

Q.—You have appeared before a number of committees on a number of bills?

A.—Yes, sir.

Q.—Have you stated when you went before the committees that you represented the Farmers' Union?

A.—I invariably began my remarks by stating I was here as the Chairman of the Legislative Committee of the Farmers' Union.

Q.—Did you state whether or not you were employed by the Farmers' Union?

A.—That was presumed, I suppose; I did not say it in specific terms.

Q.—As a matter of fact, you are paid a salary?

A.—Yes, sir.

Q.—Do you mantain an office?

A.—No, sir, I have not found it necessary; I transact my business principally from the headquarters at Fort Worth. I wish to say, however, in answer to the question just previous to that that my employment with the Farmers' Union is only temporary. I am an actual farmer, and up to the time I came to Austin on the 9th of January, for the past four years I have devoted my entire time to actual farm work.

Q.—You are the only representative of the Farmers' Union here?

A.—I am the only authorized representative in Austin.

Q.—The only paid agent?

A.—Yes, sir.

Examination by Senator Sturgeon:

Question—I will ask you, if, during your stay here, if the Senators in their committee rooms have not given you a patient and kind hearing?

Answer—They have.

Q.—And have treated you kindly?

A.—I have been treated with every courtesy and shown every consideration that I could have asked.

Q.—That is all.

Senator H. B. Terrell, after being duly sworn, under examination of Judge Moore, testified as follows:

Question—Senator, your name is H. B. Terrell?

Answer—Yes, sir.

Q.—You are a member of the Senate from the Eleventh Senatorial District, is it?

A.—Yes, sir.

Q.—The Eleventh District?

A.—Yes, sir.

Q.—You have been in the city of Austin since the beginning of the present session of the Legislature?

A.—With the exception of two or three days, yes, sir.

Q.—State whether or not you have been present when any meetings of Senate committees have been held?

A.—Yes, sir, I have.

Q.—Will you name some of the committees?

A.—Well, I am a member of committees; I have been present at meetings of the Internal Improvements and Insurance Committee, and a number of others; those two are the most important committees.

Q.—The Internal Improvements Committee; have there been any measures considered by that committee at which time the committee was addressed by others than legislators?

A.—Yes, sir.

Q.—What others?

A.—Sir?

Q.—What measures?

A.—The differential bill pending before that committee has been discussed more in my presence than any other.

Q.—Who by?

A.—By the Secretary of the Chamber of Commerce at Galveston—Mr. Haines, and Mr. Mueller—he is a member of the House—at the times I was present.

Q.—Any one else?

A.—Yes, sir; I believe I heard Frank Andrews.

Q.—Any one else?

A.—I do not recall now, no, sir.

Q.—Senator, did the Secretary of the Chamber of Commerce of Galveston state whether or not he was employed by any interest interested in that measure?

A.—Not in my presence.

Q.—Did he disclose what interest, if any, he had in the bill?

A.—No, sir; not while I was in there.

Q.—Mr. Frank Andrews, did he disclose to the committee his interest in the measure?

A.—He did not.

Q.—State whether or not he stated to the committee that he was employed by any interest, or person, or association, or corporation?

A.—He did not, in my presence.

Q.—Were there other people in the committee room at the time of the hearing other than members of the Legislature and those gentlemen you have just mentioned?

A.—Perhaps so, I do not recall the people who were there, but the room was full of people.

Q.—The room was full of people?

A.—Yes, sir.

Q.—Were they not mostly people who had come to the city of Austin—

A.—How is that?

Q.—Were they not mostly people who had come to the city of Austin from a distance, who were interested in that measure?

A.—I take it that they were.

Q.—Was that committee an open meeting?

A.—Yes, sir.

Q.—And accessible to the public—the doors were open and any one could enter who desired?

A.—Yes, sir.

Q.—Those gentlemen who were visiting the committee, did you hear them discuss the measures at all, outside of those who addressed the committee publicly?

A.—No, sir, I could not say that I did; I was not in there all the time; there were other committees in session, and I would be in a few minutes at a time.

Q.—What other measure, Senator, have you heard discussed in the committee—in the presence of the committee?

A.—I have heard some discussion on insurance matters.

Q.—Who discussed insurance?

A.—I heard Mr. Love before the Insurance Committee—the Banking Commissioner.

Q.—Who else?

A.—I do not know the other gentlemen. We had quite a meeting one afternoon on some bill; I do not even remember the bill that was pending, but I understood it was one Mr. Love had prepared, and it was introduced by Senator Hudspeth. There were two or three others present who addressed the committee, but I do not remember their names.

Q.—State whether any of these gentlemen stated to that committee whether they were employed to represent any in-

terest before that committee, or represented any person, association or corporation?

A.—I heard no such statement by any one.

Q.—State whether any one stated there that they had any direct interest in the measure?

A.—I heard no such statement by any one.

Q.—What other measure, Senator, have you heard discussed?

A.—I heard some discussion of the bill known as the "Mayfield-Meachum bill," but that was before a joint committee of the House and Senate.

Q.—Do you recall any other measure you heard discussed?

A.—I do not recall any other measure. I have been in other committees, though, when bills were discussed, but I do not recall who was before the committee at the time. I heard the bill discussed before the State Affairs—Senator Holsey—but there were no outsiders present.

Q.—You stated you saw a good many persons before some of these committees at the time the committees were considering bills. Do you know whether those people lived in the city of Austin or not?

A.—A great many of them did not live here.

Q.—A great many of them did not live in the city?

A.—No, sir.

Q.—How many sessions of the Legislature have you attended, Senator?

A.—Well, this is my fifth term—four times in the House, beginning with the Twenty-seventh Legislature — Twenty-eighth, Twenty-ninth and Thirtieth in the House—eight years in the House.

Q.—Are you pretty well acquainted with people who come before the Legislature, usually, in regard to matters of legislation?

A.—Reasonably well, I think, sir.

Q.—Compared with the number of persons visiting the sessions of Senate committees during other Legislatures you have attended, what is the number who have visited the sessions of the committees of the Senate during the present session?

A.—Heretofore I have been a member of the House, and have not been a member of the Senate; consequently, I am not in a position to say as to the number of people appearing before Senate committees.

Q.—You have attended Senate committee meetings before?

A.—On a few occasions, only.

Q.—Your experience, then, is not sufficient to enable you to answer that question?

A.—Hardly, I would think, Mr. Moore.

Q.—Well, can you answer this: Can you see any difference between the number of persons attending Senate committee meetings formerly and now during the present session?

A.—Well, as I stated in answer to your other question, I have not been in the Senate committee rooms only a few times, and I do not recall at this time what the committees were and what bills were pending at that time, and, for that reason, I am hardly able to draw a comparison.

Examination by Senator Sturgeon:

Question—Senator, the parties whom you spoke of, who did not state what interest they represented, who addressed those committees in your hearing, do you know whether any of them were officers of any corporation, or were hired by any one to appear here?

Answer—Not of my own knowledge.

Q.—That is what I am asking you about. Now, do you know whether during—whether or not they at any time, during their discussion, disclosed what interest, if any, they had, or who they were representing?

A.—I could not say whether they did or not.

Q.—Why can you not say that? Do you mean by that that you do not remember, or that you did not hear them state?

A.—I mean to say I never heard any of them at any time disclose what interest they represented; what they might have done when I was not present, I do not know.

Q.—That is the question I asked you. You mean to say they did not when you were present?

A.—Yes, sir.

Q.—Senator, do you know, of your own knowledge, of any violation of the anti-lobby law, other than what you have testified to in Senate committee rooms, if you have testified to any, if so, who are the guilty parties?

A.—In Senate committee rooms?

Q.—Yes, sir; that is what we are investigating?

A.—No, sir; I do not.

Q.—I believe that is all.

Senator E. B. Mayfield, after being duly sworn, under examination of Judge Moore, testified as follows:

Question—Senator, your name is Earl B. Mayfield?

Answer—Yes, sir; Earl B. Mayfield.

Q.—You represent—

A.—The Twenty-seventh Senatorial District.

Q.—From Meridian?

A.—Yes, sir; my home is Meridian, Texas.

Q.—You have been in the city of Austin practically all the time since the beginning of the present session of the Legislature?

A.—Yes, sir; have not been out of the city.

Q.—Did you go to Houston or Galveston?

A.—I did not.

Q.—Senator, since the present session of the Legislature, you have attended numerous, or rather several meetings of the Senate committees, have you?

A.—Yes, sir.

Q.—And during those sessions, you have heard persons address committees other than legislators?

A.—Yes, sir.

Q.—What committees do you now recall that were so addressed?

A.—I recall having heard Internal Improvements addressed, Judicial No. 2, Contingent Expenses, State Affairs—no, wait, not State Affairs, leave that out—Agricultural Affairs, Insurance, Statistics and History. I believe that is all—believe that is all.

Q.—The first committee named, do you recall some measure that was under consideration by that committee?

A.—Judicial No. 2, I believe the first discussion, I would not state positively whether it was the first discussion, but I recall hearing the race track bill discussed before Judicial Committee No. 2.

Q.—Who discussed that, Senator?

A.—Reverend Norris and Bradfield, ex-Senator McKamy of Dallas, Hon. R. E. L. Knight, Ben Cabell and Mr. Brown of San Antonio. I believe that is all.

Q.—Section 3 of the lobby law provides that certain persons may address a committee, with this proviso, but in such case the identity and the interest in the measure of the persons so appearing shall be fully disclosed. State whether any of those gentlemen complied with that clause of the law?

A.—At the last meeting—

Q.—I mean the first meeting?

A.—I am going to answer that question.

Q.—I did not mean to interrupt you.

A.—At the meeting of the committee which was held only a few nights ago, in the rooms of the Court of Criminal Appeals, I am sure that Mr. Cabell announced then his connection with the Dallas Fair, but at the first meeting—the first joint meeting of the committees of the House and the Senate, I can not say whether they did or not.

Q.—It is a fact, is it not, Senator, that at the last meeting of the committee, held a few nights ago, at which Mr. Cabell did state his connection with the Dallas Fair, that it was done at the instance, or at the inquiry of Senator Greer, or some other member of the committee?

A.—That is my understanding, yes, sir.

Q.—As a matter of fact, is it not true that that was the first meeting of that committee at which any of the persons who addressed the committee undertook to comply with that clause of the statute at all?

A.—It was the first instance my attention was called to.

Q.—That your attention was called to it?

A.—Yes, sir.

Q.—The first meeting of the committee was held prior to the time that Senator Thomas declared upon the floor of the Senate that there were violations of the law?

A.—That is my understanding, yes, sir.

Q.—The last meeting, that was after that occasion?

A.—Yes, sir.

Q.—At the first meeting of that committee, Senator, state whether or not there were a number of persons in attendance upon that committee who were interested in legislation?

A.—Yes, sir.

Q.—And who were not legislators?

A.—Yes, sir.

Q.—It is a fact, is it not, that most of these people were from Dallas?

A.—Yes, sir. And I will add here that Mr. Exall addressed—I recall having heard him address the meeting on the first occasion, at night, after supper.

Q.—Now, the committee room was open, practically, to the public?

A.—Yes, sir, the room was crowded.

Q.—And every one could come in who desired?

A.—Yes, sir.

Q.—State whether or not during the discussion of that bill before the committee those visitors gave vent to their approval or disapproval, of remarks

that were made pro and con in the committee, by laughter and by applause?

A.—Yes, sir; it impressed me that those who were opposed to the measure were in sympathy with their speaker by applause and otherwise, and those who were in favor of the bill likewise in sympathy in support of their speakers, by applause and otherwise.

Q.—At the last meeting of that committee, Senator, is it not a fact that there were a large number of gentlemen from Dallas attending that committee meeting?

A.—I presume they were from Dallas—they wore the badges.

Q.—Blue ribbons?

A.—Yes, sir.

Q.—And state, Senator, if they did not manifest, by laughter and by applause, and by expressions of approval and disapproval, that they were interested in the defeat of the Mayfield-Meachum bill?

A.—They did, but I do not recall now of any applause—

Q.—State if it is not a fact that there became so much disorder in the committee that the chairman—that there was a motion made to adjourn the committee?

A.—I will state, Mr. Moore, I was not present at that moment, because I had gone down to the Driskill hotel to secure Senator Stokes and get him to come to the meeting of the committee and vote on the measure.

Q.—Now, do you recall some other meeting of that committee, or any other committee, at which measures were discussed?

A.—I recall a meeting, or hearing the nine-juror bill discussed in Judiciary Committee No. 1.

Q.—Who discussed that measure?

A.—I heard Judge Spoonts of Fort Worth and Judge Garwood of Houston.

Q.—Any one else?

A.—No, sir, I believe not.

Q.—State whether or not either one of these gentlemen complied with this particular clause or section—clause of Section 3, I have just read you?

A.—I can not state, because I was not in the committee at the time they began their argument.

Q.—Well, now, at what other committee meetings, if any, have you heard matters discussed by persons other than Legislators?

A.—I heard the insurance bill discussed on yesterday before the Committee on Insurance and Statistics.

Q.—Insurance and Statistics?

A.—And History.

Q.—Who discussed it?

A.—I do not recall the name of the gentleman, but he is here representing Mr. Benefield—some insurance company.

Q.—State whether or not he disclosed the identity of his employers?

A.—He did, and I asked if it would be proper to tell his salary.

Q.—You asked him that?

A.—Yes, sir.

Q.—Did he disclose it?

A.—He did not disclose his salary at all.

Q.—Did he disclose the other?

A.—He promptly stated on arising that he was representing Mr. Benefield and his company.

Q.—Do you recall any other committee meetings, Senator?

A.—I recall hearing Mr. Metcalf of San Angelo discuss the experimental station to be located at San Angelo before the Committee on Agricultural Affairs.

Q.—Did he state what interest—

A.—He stated he was representing the people of that country and that section, if I remember correctly.

Q.—Did he state whether he was representing them by employment or otherwise; was it a gratuity?

A.—As I understood him from private conversation—

Q.—I mean in the committee; I mean remarks addressed to the committee; was it disclosed to the committee?

A.—No, sir; if I remember correctly he said nothing about being employed; that he was there representing his part of the State in the interest of some location—securing a location of the experimental station.

Q.—Do you know whether it was merely a gratuitous service on his part or not?

A.—It was my understanding it was a gratuitous service on his part.

Q.—You understood that from what he said in the committee?

A.—Yes, sir.

Q.—As a matter of fact, you do not know?

A.—As a matter of fact I do not know, but from remarks and questions that were asked him, I understood he was there as a private citizen in the interest of his country.

Q.—Senator Mayfield, you were a member of the last session of the Senate, were you?

A.—Yes, sir.

Q.—You attended the committee meetings there?

A.—Yes, sir.

Q.—Compared with the people who appeared before committees and attended committee sessions, what is the number that have attended this session, as great or greater?

A.—I would say I do not think it is any greater. Since I have been a member of the Senate there has always been a great crowd of people attending the Legislature, coming here that were interested in matters before the Legislature.

Q.—A great crowd?

A.—A great number of citizens.

Q.—I believe that is all.

Examination by Senator Brachfield:

Question—Senator Mayfield, you stated before Judiciary No. 2 certain gentlemen appeared, and among the number was Norris—Rev. Dr. Norris; didn't he, in the course of his discussion, say that the interest he had in the measure was a moral one, and for the purpose of saving the young men?

A.—That was my understanding that was the interest he had in it.

Q.—Didn't he disclose that during his discussion?

A.—Yes, sir.

Q.—And the other persons disclosed the same thing?

A.—Yes.

Q.—Did not Senator McKamy, in his discussion, say he was representing the breeders—being one himself?

A.—Yes, sir; that he represented the breeders.

Q.—You spoke of R. E. L. Knight; did he appear before Judiciary No. 2 on any measure, or was it Judiciary No. 1—the Nine-Juror bill?

A.—He appeared before Judiciary No. 2 the other night.

Q.—On the race horse bill?

A.—Yes, sir.

Q.—He did not appear at the first session?

A.—No, sir.

Q.—He disclosed at the last session why he was there?

A.—Yes, sir.

Q.—So did Mr. Cabell?

A.—Yes, sir.

Q.—And so did Mr. Brown of San Antonio. Mr. Brown was, you say, President of the San Antonio Fair?

A.—I do not think I heard Mr. Brown at the last meeting; I was in and out, Senator.

Q.—Did Mr. Brown address it the first time?

A.—Yes, sir; he stated that he was President of the San Antonio Fair.

Q.—And that this bill would be injurious to the Fair, and he was there attacking it?

A.—Yes, sir.

Q.—You say before No. 1—the Nine-Juror bill—you heard Spoonts and Garwood?

A.—Yes, sir.

Q.—Did not Spoonts disclose, during the discussion of the bill, that he was representing the Fort Worth & Denver Railroad?

A.—I was not present, as stated on direct examination, when these men began their argument.

Q.—At any time during his discussion, did he disclose the fact that he was a railroad attorney, and represented the Fort Worth & Denver; you knew it to be a fact that he was?

A.—I knew it to be a fact, but he did not disclose it, because he was discussing the bill, and, while I only remained in the committee a short while, and came back in the committee during the discussion of Judge Garwood.

Q.—You do not say that Judge Spoonts did not disclose it?

A.—Certainly not.

Q.—How about Judge Garwood?

A.—Certainly not, because I was not present when they begun their arguments.

Q.—In the discussion of measures before these committees, was it not the rule, where there was a bill of any interest, that they would limit the time?

A.—Yes, sir; that has been the rule since I have been in the Legislature.

Q.—And would not the chairman of the committee, in introducing the men who were to take up the time, say: This is Judge Spoonts, who represents certain interests, and introduce him to the committee?

A.—That has been the custom, yes, sir.

Q.—That has been the custom?

A.—Yes, sir.

Q.—Do you know if that custom has been carried out practically in this session of the Legislature—in committees where you have been present?

A.—I think it is practically so. I know I have followed that custom myself in introducing men to the committee, and I think you have. I have not attended as many committee meetings as other Senators, not being on some of them.

Q.—In your direct examination, did you mention any other meetings, except No. 2 and No. 1, on any special bills?

A.—I remember mentioning—or attending a committee meeting yesterday

on Statistics and History—it is fresher on my mind, coming only yesterday. Allow me to state I am impressed with the nine-juror bill and the race track bill, because I introduced those measures and have been giving them special attention.

Q.—I understand that. Do you know, of your own knowledge, any person who has appeared before any of these committees, and failed to disclose himself, or have disclosed by the presiding officer, his interest in the measure he was discussing?

A.—I think not.

Q.—Do you know of any one else who knows of any witnesses that we could get that knows of any of these things?

A.—No, sir.

Re-examination by Judge Moore:

Question—In saying, Senator, that the chairman has introduced these gentlemen, by stating to the committee what interest they represented, that is, as far as the disclosure has been customary to be made?

Answer—That is my impression, yes, sir; that is my understanding.

Q.—The chairman of the committee would not customarily have said to the committee that the person about to address them was the agent, or attorney or employee, or employed by a certain interest; that he has a direct interest—and what that interest is?

A.—No, sir, I think not; but having attended the Committee on Internal Improvements more than almost any other committee, Senator Brachfield being chairman, I have heard him time and again introduce railroad attorneys to the committee and state they were representing certain railroads, and that is as far as the introduction went.

Q.—The parties themselves have not been accustomed to state what their agency or interest was?

A.—No, sir, I think not—what their salary was, or the direct interest they had, only stating that they were appearing—I have heard attorneys say they would appear for a certain interest, certain railroad or interest.

Examination by Senator Sturgeon:

Question—Do you know of any violation of the anti-lobby law in committee rooms of your own knowledge?

Answer—No, sir, not as I understand the lobby law.

Q.—Do you know for—do you know of any one else that knows of it that this committee could send and get?

A.—No, sir, except the gentleman to my right (referring to Senator Thomas), who says he knows of it.

Q.—You mean Senator Thomas?

A.—I would not make that statement.

Q.—I did not mean that—I mean, seriously, I am not including the Senator.

A.—I would answer "No," Senator.

Q.—That is all.

Senator B. B. Sturgeon (the oath being waived), under examination of Judge Moore, testified as follows:

Question—You are one of the authors of the fee bill, are you not?

Answer—Yes, sir, my name is signed to it.

Q.—You were present on one occasion when the fee bill was being considered by the committee?

A.—Only for a short time.

Q.—At that time, there were a number of sheriffs and clerks present in the committee, were there not, in opposition to the bill?

A.—Why, I will say there were a number of people in there, and I understood them to be sheriffs, etc.—a good many of them said they were.

Q.—Well, at that time you made a request to withdraw the bill from the committee in order to amend it?

A.—I believe it was Senator Senter that did that.

Q.—You heard him when he attempted to withdraw it, did you?

A.—I won't say—I want to state this: Is that the night that Batz spoke?

Senator Thomas—That is the night they voted upon the bill and you were there.

Senator Sturgeon—You will remember all that night—that was the night Batz spoke; I was in the committee a part of the time—at the time it begun its session I left there and went over to another committee that was handling the juvenile court business, and I did not get back there until just before they adjourned—I think some one sent for me and I went back, and I think I was there when they adjourned.

Q.—Were you there when the bill was reported on?

A.—I think that is my recollection.

Q.—You and Senator Senter both made the request to withdraw the bill and amend it?

A.—I did not say I did; my recollection is Senator Senter did that, but I may have joined him in it.

Q.—Your request was denied by the committee?

A.—My recollection is they voted on it right there, and it was not with-

drawn; the denial was by the vote, I take it.

Q.—It is a fact, is it not, Senator, that the statement was made then by several members of the committee to the effect that there were a number of sheriffs and clerks there present interested in that bill, and they felt it was due them that the committee should act on the bill, then?

A.—Yes, sir.

Q.—Sir?

A.—Yes, sir, I think I stated, as on several occasions, and in fact I think it was quite likely the sense of the authors of that bill that it was not perfect and they wanted to amend it before it was finally presented, and from your statement—the question you asked—I think they said there were parties there, and I think they quite likely used the word "sheriffs," but I do not know that they did "clerks," that were there present and would have a right to know what those amendments were.

Q.—Because of the fact that they were there, the committee declined to allow you to withdraw the bill?

A.—I won't say that; I will say what occurred, and you can draw your own conclusions—they did not let us withdraw it.

Q.—There were a right large number of sheriffs and clerks there?

A.—There were a right large number in the room and I took it they were sheriffs and clerks, and county judges, etc.

Q.—They were persons opposed to the bill?

A.—Many of them I thought were.

Q.—Outside of the members of the committee, did you know of any one being in favor of the bill?

A.—In the committee room?

Q.—Yes, sir.

A.—I think not.

Examination by Senator Brachfield:

Question—Is there any other statement you desire to make, Senator?

Answer—I do not think so, now. As I stated a moment ago, when they met there that night, Batz was to speak, and when he got up he said he was representing some parties, and named who they were, that were his friends, and that they had gotten him to come up there and present the matter to the committee, and he was through speaking and sitting down when I went back. What else occurred in there that night after I left until I got back, I do not know.

Adjourned until 7:30 o'clock p. m., February 26, 1909.

NIGHT SESSION, 7:30 P. M., ON FEBRUARY 26, 1909.

Senator H. Bascom Thomas recalled, under examination of Judge Moore, testified as follows:

Question—Senator Thomas, Section 5 of the lobby law, reads as follows:

"To prevent lobbying and to promote the orderly dispatch of business it is hereby made unlawful for any person employed in any manner to represent the interest in legislation of any person, association or corporation to go upon the floor of either house of the Legislature, reserved for members thereof, while in session, except upon invitation of such house; and any person violating the provisions of this section of the act shall be punished by a fine not to exceed one hundred dollars."

I believe you stated when you were on the stand before that you had been in attendance upon the session of the Legislature practically ever since it had begun?

A.—Yes, sir.

Q.—State, Senator, whether at any time, you have seen persons upon the floor of the Senate while the Senate was in session, who were not members of either the Senate or the House?

A.—I have.

Q.—And who were interested in some legislation pending before this Legislature?

A.—I have seen many persons on the floor of the Senate while it was in session.

Q.—Do you know whether they were interested in legislation pending before this Legislature?

A.—Yes, sir.

Q.—Sir?

A.—Yes, sir, many of them.

Q.—Recall, if you can, some special occasion when such persons were upon the floor of the Senate while it was in session?

A.—Well, I do not know as I understand exactly what you mean by that.

Q.—I want you to fix some time when they were there, is all; I want to get something definite to start from.

A.—I will say that I saw many persons on the floor of the Senate while the Senate was in session prior to the time I rose to the point of personal privilege in the Senate and called attention to the violation of the anti-lobby law—prior to that time.

Q.—Fix now, if you can, some particticular occasion? When such persons were upon the floor of the Senate?

A.—Well, one instance when they had the Anti-Fee bill under consideration, I saw several officers on the floor of the Senate.

Q.—What officers?

A.—Some of them county officers, and some State officers.

Q.—What offices did they hold?

A.—Some were sheriffs and county clerks—I do not know the different offices they held, but they were here in the interest, against—using their influence to defeat the Anti-Fee bill.

Q.—Did you see them on the floor of the Senate in one case, or more than once while the Senate was in session?

A.—I saw them several times.

Q.—About how many different times?

A.—Well, I could not tell you that.

Q.—About how many?

A.—I saw them so many times and different classes of people and in such crowds, I paid no particular attention.

Q.—I am asking you in particular about the sheriffs and various county officers who were here upon that fee bill.

A.—Well, I saw them on the floor of the Senate on several occasions.

Q.—Several occasions?

A.—Yes, sir; I do not know—

Q.—Was it two, three, four or five times—days?

A.—Yes, sir; three or four or five days.

Q.—Three or four or five days?

A.—Yes, sir.

Q.—About how many were there of those folks?

Senator Sturgeon—You mean on the floor of the Senate?

Judge Moore—Yes, sir.

Senator Thomas—What officers you mean?

Q.—Those people that were here on that measure, I am trying to specify as nearly as I can?

A.—Uh-hu—well, I suppose I have seen perhaps ten or fifteen at a time on the floor of the Senate.

Q.—Did you see any of those talking to members of the Senate while the Senate was in session and upon the floor?

A.—Yes, sir; I think I have.

Q.—Do you know, of your own knowledge—from your own knowledge—what you overheard, whether they were talking—

A.—Wait, now; I do not understand, I believe, your last question—did you say "while the Senate was in session"?

Q.—Yes, sir.

A.—No, sir; I won't say that—I just saw them on the floor of the house nad on the inside of the Chamber. I can not recall at this time that I saw them talking personally to the members.

Q.—Well, now, just a while ago—

A.—However, I will say that I have seen many persons, but I do not know—I can not say this time that they were officers that were on the floor of the Senate—I saw many I did not know—when the Senate was in session, talking to the Senators.

Q.—Now, then, a while ago, from the gentlemen who were here against the fee bill—we will go from those gentlemen and take up some other measure. What other class of people have you seen upon the floor of the Senate who were here interested in legislation during the session of the Senate?

Senator Sturgeon—Do you mean while the Senate is in session?

Judge Moore—Yes, sir; that is what I am asking about.

Senator Thomas (the witness)—Well, I have seen several railroad attorneys—I saw several railroad attorneys on the floor of the Senate while the Senate was in session.

Q.—Do you know whether they were here in the interest of or against legislation pending before the Legislature?

A.—Yes, sir; some of them were, I am sure.

Q.—Now, how frequently have you seen railroad attorneys on the floor of the Senate while it was in session?

A.—Well, I suppose almost every day before the rules were enforced.

Q.—Now, then, what other class of people have you seen upon the floor of the Senate while it was in session?

A.—I do not know that I can answer that question, except in a general way.

Q.—Well, I will ask you with reference to the submission question. Have you seen any one upon the floor of the Senate interested, either for or against submission, while the Senate was in session?

A.—Yes, sir; I believe I have.

Q.—State, Senator, whether you have seen any of these people upon the floor of the Senate while it was in session, talking to the members of the Senate in regard to matters of legislation pending before the Legislature.

A.—Yes, sir; some of them I heard talking to members in regard to legislation, and others I saw talking to mem-

bers, but I do not know what they were talking about.

Q.—Those that you heard talking about matters of legislation, about how many were they?

A.—Well, that would be a hard matter for me to answer—a hard question for me to answer.

Q.—Well, approximately, how many?

A.—Why, I suppose seventy-five or a hundred.

Q.—Seventy-five or a hundred?

A.—Yes, sir.

Q.—Now, then, Senator, since you arose to a question of personal privilege upon the floor of the Senate, charging that the anti-lobby law had been violated, have you seen any one upon the floor of the Senate—have you seen any persons upon the floor of the Senate, not members of the Legislature, while the Senate was in session?

A.—Yes, sir; I have some, but not near so many.

Q.—Well, on any particular occasion, have you seen any number?

A.—Well, on no occasion that I can name just now; I have seen them several times, as many as four or five persons on the inside.

Q.—To refresh your mind, Senator, upon the occasion when the Senate was investigating the charge that you made—

(Senator Sturgeon here informed counsel for Senator Thomas that that was in the committee of the whole and not the Senate.)

Judge Moore—It strikes me that that is the Senate end of the Legislature, whether it was in the committee of the whole, or whether it would be in a committee like this, and that committee being in session, under our construction of the law, that would be as much a violation as if it were actually the Senate in session—certainly they were sitting there upon a matter of legislation.

Senator Sturgeon—Do you think we were passing laws, or making them, then?

Judge Moore—You were passing a resolution.

Senator Brachfield—No, sir.

Judge Moore—You were making an investigation under a resolution that had been passed—it certainly was a committee.

Senator Brachfield—Let me ask you: Didn't you ask for Senator Thomas that this be made a public meeting, and let other persons than members of the committee in here?

Judge Moore—Yes, sir.

Senator Thomas—Yes, sir.

Senator Brachfield—Do you think that would have been a violation of the anti-lobby law?

Judge Moore—I think of this committee were to extend an invitation, it would not; no, sir—did that committee of the whole extend an invitation to the public?

Senator Brachfield—This statement was made by the presiding officer: That he would hold as a committee meeting and that he would not enforce the rules of the house, and any one could come in, and no one objected to it.

Judge Moore—I will state to the committee, frankly, that we desire to go into what occurred upon the floor of the Senate, both in the afternoon, when the investigation was being made, and the night that the investigation was made—and we desire to show the facts as they actually existed.

Senator Sturgeon—Excuse me, I want to get right if I am wrong. Your construction, then, of that section, that any one who would be on the floor during that—that would be a violation of the anti-lobby law, and that is evidently the reason you want to get into it and for no other?

Judge Moore—That is the reason we want to go into it; that is the reason we want to present it.

Senator Sturgeon—I have no objection, if the balance of the committee do not object.

Senator Brachfield—You might add another charge here; my idea is that is a committee meeting; if you want to prove that the anti-lobby law was violated by members coming into a committee meeting, I have no objection.

Judge Moore—We have been offering evidence all along.

Senator Brachfield—I understood you were through on that proposition. If you want to refer back to Section No. 3. As I understand it, if I had to rule now, I would say that is a committee meeting.

Judge Moore—I have been taking the committee of the whole and the Senate as being one thing.

Senator Brachfield—If I were called on as one of the judges to rule on that now, I would say it was not a meeting of the Senate, but a committee meeting.

Senator Sturgeon—As far as I am concerned, I do not care for it going in.

Senator Greer—I think it should appear as a committee of the whole.

Senator Thomas—I want to make this statement and want it to go in the rec-

ord: That at no time while I was present during that proceeding was the announcement made that this was a committee of the whole, and that the rules would not be enforced, and that the public would be invited to enter the Senate Chamber, and watch the proceedings—at no time did I hear any such statement or announcement made by the President of the Senate, or presiding officer.

Senator Greer—Did you understand that was a committee of the whole at all?

Senator Thomas—Yes, sir, I understood that, but I also understood that the Senate was still in session.

Judge Moore—If it is the opinion of the committee that the Senate was not in session, we will ask that this be considered under the other section of the law.

Senator Brachfield—That is all right—that meets with my approval.

Judge Moore—We offer it so the committee may consider it any way it may come in.

Judge Moore—All right then.

Question—Senator, please state whether there were any persons upon the floor of the Senate during the session of the committee of the whole?

Answer—Yes, sir, there were several hundred people there.

Q.—That were not representatives or officers of your house?

A.—Yes, sir, there was a large crowd there that night—Wednesday night.

Q.—There was a large crowd in the afternoon, how about in the night?

A.—There was a large crowd that night—the largest crowd was that night.

Q.—At that time what was the committee of the whole investigating?

A.—I suppose they were investigating me.

Q.—What part were you playing in the investigation?

Senator Sturgeon—Why is that admissible?

Judge Moore—I want to put him in a position where he can show just what was taking place with reference to that.

A.—I will say that I had made the charge on the floor of the Senate that the anti-lobby law had been violated, and in making that charge some of the Senators construed my—

Q.—You need not go over that. You were on the witness stand, were you?

A.—Yes, sir.

Q.—State whether or not you were in a position to observe the situation and condition on the floor of the Senate?

A.—Yes, sir.

Q.—During that session?

A.—Yes, sir.

Q.—State whether or not you recognized any one in that crowd at all who were not entitled to a place upon the floor of the Senate?

A.—Yes, sir.

Q.—Can you name some of them—State whether or not you recognized any one there upon the floor of the Senate who were not members of the Legislature or officers of either house?

A.—Yes, sir.

Q.—Can you name some of them?

A.—Well, I saw Representative Onion, or ex-Senator Onion, and his wife.

Q.—Can you call the name of any one else?

A.—Well, there was such a crowd that I really did not pay much attention to them, I just noticed the crowd.

Q.—Do you know whether any of these people were here in the city from a distance, lived, in other words, in some other place?

A.—Yes, sir, many of them.

Q.—Do you know whether they were here interested—interesting themselves in legislation that is pending before the Legislature?

A.—Yes, sir.

Q.—State, Senator, during the proceedings of that investigation, whether or not that crowd was orderly?

A.—They were not—part of the time they were.

Q.—State how and in what way they were not orderly?

A.—Well, the crowd would express their approval of things that were said in speeches, and by the Senator that was questioning me while I was on the stand, and also by answers I would make to questions.

Q.—State whether or not the crowd was seated or standing?

A.—Part of the crowd was seated, but most of the crowd was standing.

Q.—With reference to your position, where were they?

A.—Well, Wednesday night—

Q.—Take it in the afternoon first.

A.—That afternoon, they even came almost within ten feet of the Speaker's stand, right down in the front aisle, and the crowd extended then clear back to the door—half way to the door.

Q.—State whether or not they were mixed in among the members of the committee or the Senators?

A.—Yes, sir, they were not standing out, I do not think, by their desk, but were all around their desks.

Q.—Around their desks?

A.—On the outside, down on the aisle in front.

Q.—Now, then, about that night, what was the situation then?

A.—Well, there was a much larger crowd present that night, and they almost formed a complete circle around the seats of the Senators, and most of the crowd was standing and many of them were—many of them manifested much interest in the proceedings.

Judge Moore—Now, it is not the desire of the committee to take up any other proposition, except this, at this time.

Senator Brachfield—If you are through with the committee as a whole.

Judge Moore—I think so, on that proposition.

Examination by Senator Sturgeon:

Question—Senator, under your charges that there had been a thousand specific violations of the anti-lobby law on the floor of the Senate, and in the Senate rooms, this committee was appointed to investigate those charges, and find out who the parties were who violated the law, was it not?

Answer—No, sir, the resolution did not call for that.

Q.—What resolution?

A.—The resolution called for the appointment of a committee, called for an investigation of the truth and veracity of the charges made by me in reference to the violations of the anti-lobby law.

Q.—Yes, sir, that is the only way to do it, is to find out how it was done?

A.—Yes, sir.

Q.—Now, you have been questioned at some length by your counsel as to what occurred on the floor of the Senate, and you have gone into details and told it, now tell this committee why it is that you have not named a solitary party that violated the law, if a violation of this law is what you are after and what we are to find out, tell this committee why it is you have detailed this without naming a solitary man or woman?

A.—I think if you will read my testimony, you will find that I have already named many specific violations of the law, and given names.

Q.—Answer my question. I am talking about on the floor of the Senate—since you have been on the floor of the Senate?

A.—Ex-Senator Onion.

Q.—Any one else, except ex-Senator Onion and his wife, you say you saw in the committee of the whole?

A.—He was present that night.

Q.—You have gone into details about what occurred on the floor of the Senate?

A.—Yes, sir.

Q.—Before that night, and now, why is it you have not told this committee a name of a solitary party that has violated that law, if it is what you want investigated?

A.—Because there was such a large crowd there I paid very little attention to it.

Q.—Do you now state you can not name any of them?

A.—At this time I can not name—that is, one name at this time.

Q.—I am not talking about the committee, I am talking about what occurred on the floor of the Senate.

A.—Yes, sir.

Q.—And when you said there were people there interested, trying to influence legislation, that had been on the floor of the Senate, and gone to where the Senators were—why is it you have not called their names, if the violation of this law is what you want investigated?

A.—Because I do not remember all those who were present.

Q.—Can you now give them?

A.—I gave you one name, and if you desire, I can obtain many names for you.

Q.—I want you to tell their names now—I am not talking about that thing in the committee of the whole, I am talking about what you testified to before you came to that, when the Senate was in session?

A.—I think I can give you some names.

Q.—You have not done it up to now?

A.—I can give you some now.

Q.—All right, give them.

A.—I saw Mr. Sparks.

Q.—Which Sparks?

A.—The State Treasurer.

Q.—Sam Sparks, is that who you are talking about?

A.—Yes, sir; he was on the floor of the Senate using his influence to defeat the anti-fee bill.

Q.—Who was he talking to?

A.—Do you want any other names?

Q.—Yes, I want them all. Let's get through with him—what Senators was he talking to?

A.—I do not know as I saw him talking to anyone.

Q.—Now, then, at what do you arrive—from what do you get the expres-

sion you use "using his influence against the anti-fee bill" we are talking about on the floor of the Senate, if you did not see him talking to Senators?

A.—At that time I won't say he was using his influence against the anti-fee bill; I had seen him, however, before that talking to Senators and using his influence to defeat the anti-fee bill.

Q.—Was it on the floor of the Senate?

A.—The Senate was not in session.

Q.—I am questioning you now when the Senate was in session.

A.—I can not detail the conversation, any conversation that took place between the Senators and those who were on the floor of the Senate.

Q.—We will get at it—did you see him talking to any Senator while the Senate was in session?

A.—I do not remember about that.

Q.—Will you say he was or was not?

A.—I won't say either.

Q.—Won't say either?

A.—Because it is such a usual thing for a Senator to be seen talking to some one, that I did not pay any attention to it while the Senate was in session.

Q.—We want to know if you can tell the Senator that Sam Sparks was talking to?

A.—While the Senate was in session?

Q.—Yes, that is what we are talking about.

A.—No, sir; not at this time, I can not.

Q.—Was it while the Senate was in session?

A.—When I saw him talking to a Senator?

Q.—Yes, sir.

A.—No, sir; I saw him talking to Senator Stokes and others on one occasion when the Senate was not in session.

Q.—Did you ever see him talking to one when the Senate was in session?

A.—I can not say positively about that; I saw him on the floor several times when the Senate was in session and saw him talking.

Q.—Did you see the member or not?

A.—I did not say I saw one.

Q.—Why won't you?

A.—Because I do not know; it is possible he talked to Senators.

Q.—I am talking about what you saw and what you know. I am not talking about what is possible or not possible.

A.—I can not go into the details with reference to names and things of that kind now.

Q.—This committee wants to go into details. If Sam Sparks violated that law, I want to know it; and if you know it, we want to find it out. If you saw Sam Sparks talking to a Senator on the floor of that Senate while it was in session, it is your duty to tell this committee.

A.—I am sure I saw him on the Senate while the Senate was in session.

Q.—We want to know who he talked to, if he talked to any one?

A.—I do not know that I remember any one that he talked to—any Senator that he talked to while the Senate was in session.

Q.—You can remember whether you saw him talking to any of the Senators or not while it was in session?

A.—No, sir; I can not remember that.

Q.—Do you refuse to say that he did or did not?

A.—I do not refuse to say either.

Q.—What do you say?

A.—It is possible that he talked to Senators and it is possible that he did not—more likely that he did.

Q.—Then you do not know?

A.—No, sir; I do not know.

Q.—Now, name any one else that you saw on the floor of the Senate talking to the Senators when it was in session, that is what I am asking about.

A.—I do not know as I can give you the names of those.

Q.—Can you name any of them?

A.—No, sir.

Q.—Why can you not do it?

A.—Because it is something I paid no attention to, and it was such a common thing. I might see five hundred men tonight doing a certain thing, and perhaps in forty-eight hours could not give you the name of one of them, unless something was done to impress their names upon my mind.

Q.—It was fresh on your mind when you charged it?

A.—Their names?

Q.—Yes, sir.

A.—No, sir; I did not have any particular person in view when I made the charges.

Q.—Can you name a Senator that was talked to by any one while the Senate was in session on the Senate floor; this committee is going after that, and if you know it, we want to know it?

A.—I do not know that I can.

Q.—Do you know that you can not?

A.—No, sir; I will say that I do not remember any names now.

Q.—A Senator that was talked to by

any one other than Senators or officers of the Senate while the Senate was in session. Can you name the parties that were on the floor of the Senate while the Senate was in session; if not all of them, as many of them as you can?

A.—I remember seeing Judge Stedman once on the floor of the Senate, and Judge Garwood.

Q.—Any one else?

A.—And Judge—wait a minute—who is this gentleman from Dallas that is the author of this divorce—Judge Simmons, from Fort Worth.

Senator Brachfield—The author of the divorce bill?

A.—Yes, sir.

Q.—Any one else?

A.—That is all, I believe I can recall right now.

Q.—Those names that you have called now are the only people that you knew that were on the floor of the Senate when the Senate was in session?

A.—No, sir, I did not say that.

Q.—I am asking you to say.

A.—Those are the only names that I can give, but I know of many others who were on the floor of the Senate when it was in session, whose names I cannot at this time recall.

Q.—Don't know any of them? Do you know all the members of the House of Representatives?

A.—Yes, sir, I know most of them—those I do not know I know their faces.

Q.—Of all the members of the House?

A.—Yes, sir.

Q.—Do you know who the Representatives from Rusk county are?

A.—From Rusk county?

Q.—Yes, sir.

A.—Well, I do not know what counties any of them represent.

Q.—How many of the Representatives in the House whose names you know, that you can recall right now?

A.—Well, I do not know about that.

Q.—You just swore you knew them all or knew their faces?

A.—That is true, but—

Q.—I want to find out.

A.—How many names I might give?

Q.—That you know when you see them?

A.—I know many of them by their faces, whose names I am not—I do not know.

Q.—I am sure that is true.

A.—Yes, sir.

Q.—Well, you cannot give them—all right. Now, I believe I asked you if you could name any Senator that you saw talking to any one?

A.—Yes, sir.

Q.—Outside of the parties that belong to the Senate and you stated that you could not give them. Now, I want to ask you one or two other questions, Senator; how far is it from the door—from the entrance down to the seats that the Senators sit in?

A.—I suppose it is about twenty or twenty-five feet.

Q.—Yes, sir. Now, the parties you have spoken of, the parties you have named and others you have seen in there when the Senate was in session, where were they?

A.—Well, they were in chairs, sitting around—in the seats against the wall—most of the chairs there in the rear are about half way between the seats and the door—seven or eight feet from the desks of the Senators.

Q.—I will ask you if there are not seats next to the wall on either side of the door, and if there are not seats—chairs—about half way between the door and where the Senators' seats set in?

A.—I suppose about one-third of the seats in the Chamber, outside of those occupied by the Senators are those against the wall, and about two-thirds of the seats are those just in the rear of the seats of the Senators.

Q.—Is that where you saw the parties about whom you spoke?

A.—Yes, sir, I saw them there and I saw them at the other seats against the wall.

Q.—I mean on the seats, about one-third of the distance, didn't you state?

A.—About one-third of the distance from the seats of the Senators, to the rear of the Chamber, I suppose.

Q.—And in the seats against the wall, next to the door, there is where you saw those people about whom you have spoken?

A.—No, sir, most of those who came on the inside were in the seats—in the chairs, near the Senators.

Q.—That is what I mean, in those chairs you speak of, that are back of the Senators?

A.—Yes, sir.

Q.—And in the seats next to the wall at the entrance where they come in, is where you saw those people that you spoke of?

A.—Yes, sir, and on the seats; we have seats to the left and right of the Chamber.

Q.—Now, Senator, do you know that for two or three weeks after this Senate met, that they were discussing—

spoke upon the submission question nearly every day?

A.—No, sir, I do not think the discussion lasted for two or three weeks.

Q.—How long do you think it lasted?

A.—I suppose that discussion lasted about six or seven days.

Q.—Do you state that it was not more than six or seven days? I will ask you if you do not know there was not but one or two speeches made a day?

A.—Two or three speeches made a day, and counting three speeches made a day, letting every Senator speak and that would have been only ten days.

Q.—Do you really know how long it was?

A.—I fully believe we did not discuss that more than eight days.

Q.—More than eight days, that is what you think about it?

A.—Yes, sir.

Q.—Now, I will ask you if you did not remember that the—or if you do not know that the presiding officer of the Senate announced publicly that while the public was interested in that question, that while that discussion was going on, that he was not going to be very rigid in enforcing the rules, unless some Senator invoked it?

A.—I am absolutely sure that no such announcement was ever made while I was in the Senate room.

Q.—You do not mean to say that it was not done at all?

A.—I say it was not while I was present.

Q.—How many speeches were made on the submission question, after you spoke?

A.—After I spoke? I suppose seven or eight speeches,—

Q.—All right.

A.—Perhaps not quite so many.

Q.—One or two other questions. The afternoon you spoke of and the night in which you said you were on the witness stand in there, the Senate was on or in a committee of the whole, were they not?

A.—Yes, sir, it was in session.

Q.—Sir?

A.—It was in session.

Q.—There is a difference of opinion on it—the committee was in session, were they not?

A.—Yes, sir, and the Senate.

Q.—How is that?

A.—And the Senate.

Q.—Both in session at the same time? If the Senate was in session it was in session as a committee, was it?

A.—Yes, sir, that is true.

Q.—Now, I will ask you if they were not then investigating the charges made by you, as the Senate claimed reflected upon the Senate?

A.—Well, not altogether, the investigation took a wider scope than that, about half of it was devoted to the lobby, my description of the lobby—

Q.—The interview that you gave out, that is what they were investigating?

A.—Yes, sir, questions touching upon the lobby.

Q.—Evidently, your interview touched on the lobby?

A.—Yes, sir.

Q.—And the Senate connectedly?

A.—Yes, sir.

Examination by Senator Brachfield:

Question—Senator Thomas, you mentioned the names of Stedman, Garwood and Simmons, as having been seen by you on the floor of the Senate while it was in session; is that correct?

Answer—Yes, sir.

Q.—Did you see Judge Stedman approach any Senator during the time you saw him in the Chamber?

A.—Possibly, I saw that, but I cannot recall it now.

Q.—If you did see it, who was it that he approached?

A.—I cannot say that; I cannot answer that question.

Q.—Are you swearing positively that he did approach any one?

A.—No, sir, I am not swearing that.

Q.—Will you swear he did approach any one?

A.—No, sir, I will not swear that; nor will I swear he did not approach any one.

Q.—Why won't you swear he did not approach any one?

A.—Because I cannot remember at this time; I might have seen him even approaching some Senator, I could not remember it now.

Q.—You would not swear Roosevelt was not on the floor of the Senate?

A.—O, yes, sir.

Q.—Would you swear he did not approach any member of the Senate?

A.—If Roosevelt had been on the floor of the Senate it would have left such an impression I never could have forgotten it.

Q.—And Stedman did not leave that kind of an impression with you?

A.—No, sir, not at all.

Q.—Will you swear that Judge Garwood was on the floor of the Senate while it was in session?

A.—Yes, sir.

Q.—What day was that?

A.—I could not tell you.

Q.—What week was that?

A.—I could not answer that question.

Q.—What month was that?

A.—Why, I believe that was in January.

Q.—What year was that?

A.—1909.

Q.—At what hour of the day did you see him on the floor of the Senate?

A.—I could not answer that question.

Q.—Was it in the morning or afternoon?

A.—I could not say.

Q.—What day of the week was it?

A.—I could not tell you.

Q.—Did you see him approach any member of the Senate?

A.—Perhaps I did.

Q.—Perhaps you did? You are testifying now, Senator.

A.—I do not remember.

Q.—You do not remember whether he approached a Senator or not?

A.—No, sir.

Q.—Where was he when you saw him; what portion of the Senate Chamber was he in when you saw him?

A.—When I saw him he was over on that side of the Chamber (indicating), near my seat.

Q.—Near where the postoffice is now?

A.—Yes, sir; walking down on that side of the Chamber.

Q.—Did he come back towards the committee rooms back here, did he walk out?

A.—No, sir; he came—well, if I am not mistaken, I have seen Garwood pass through, clear on through here, and then go back and take his seat in the Senate Chamber.

Q.—Do you know what he was doing when he came through there?

A.—No, sir.

Q.—Was he trying to influence any one that you know of?

A.—I can not answer that question.

Q.—Did he approach you?

A.—No, sir.

Q.—Did he try to influence you?

A.—No, sir.

Q.—Did he molest you?

A.—No, sir.

Q.—You saw Judge Simmons of Fort Worth; where did you see him in the Chamber?

A.—I saw Judge Simmons back in the rear, talking to the postmistress there.

Q.—Talking to the postmistress?

A.—Yes, sir.

Q.—Did she have anything to do with the passage of any law?

A.—I do not suppose she has.

Q.—Do you know what they were talking about?

A.—No, sir.

Q.—Did you see him approach any member of the Senate?

A.—I do not remember.

Q.—Will you say he did or did not?

A.—I won't say he did or did not.

Q.—Did he do anything to influence any member of the Senate?

A.—I can not answer that question.

Q.—Did he do anything to molest any of the Senators?

A.—I do not know.

Q.—Did he do anything to intimidate any Senators?

A.—I do not remember.

Q.—Did he approach you?

A.—No, sir.

Q.—Did he molest you?

A.—No, sir.

Q.—Did he—

A.—Intimidate me?

Q.—Intimidate you?

A.—There has been nothing like that for the last two or three weeks, any way.

Q.—Did you raise any objection to any one about any of those persons being present up to the time you arose to a question of personal privilege?

A.—Did I raise any objection?

Q.—Any objection—first, I will say any objections publicly to the Senate, before you rose to a question of personal privilege?

A.—I spoke about it privately.

Q.—I asked you publicly—I will get to the other. Did you raise any objections publicly in the Senate prior to the time you arose to a question of personal privilege?

A.—No, sir.

Q.—Did you raise any objection prior to that?

A.—In fact I did not know at that time it was a violation of the law; I believed it so.

Q.—Did you raise any objections privately to any one in there?

A.—Any Senators—yes, sir.

Q.—Any one in there from the Senate Chamber, the presiding officer or the Doorkeeper?

A.—Yes, sir; before I arose to a question of personal privilege—yes, sir; I did.

Q.—Who were they?

A.—I spoke to Governor Davidson.

Q.—You spoke to Governor Davidson, the Lieutenant Governor?

A.—Yes, sir.

Q.—When was that in reference to the

time you arose to a question of personal privilege?

A.—Yes, sir; it was the day before I arose.

Q.—The day before you arose?

A.—Yes, sir.

Q.—Was it while the Senate was in session that day?

A.—When I spoke to him?

Q.—Yes, sir.

Judge Moore—Mr. Chairman, permit me to interrupt you a minute. I want to say to the committee that there never has been and is not now any purpose or desire upon the part of Senator Thomas to drag in any member of the Senate or Lieutenant Governor Davidson in regard to this matter, for the reason that he does not understand that any of them have violated the law, and I can say for him, I do not understand the particular reason at this time of dragging them into the testimony of the investigation.

Senator Brachfield—I will say to you, Judge—not having consulted with the committee—my personal views are that if Governor Davidson or any one else knows of any violations of the anti-lobby law, that this committeee can not afford not to have them before the committee and make them testify to it, and that is the purpose of these interrogations.

Judge Moore—Of course, if they knew anything about it, yet I think that fact could be ascertained without questioning him along this line, because, evidently, the conversations sought to be brought out must, to some extent, have the appearance that Senator Thomas has complained that the Lieutenant Governor has not done his duty in enforcing the laws or rules of the Senate, whereas, Senator Thomas feels that it is the duty of every member of the Senate to see that the rules are enforced and that the law is not violated or defied. In rising to the question of personal privilege, it was his purpose to call attention to the law, in order that the law might be enforced, and in doing so he was merely discharging what he conceived to be his own duty towards the enforcement of that law and of that rule.

Senator Brachfield—If it is not objectionable to the balance of the committee, I shall attempt not only to find out whether Governor Davidson had been notified of any violations, but whether any other members of the Senate had been notified.

Judge Moore—Senator Thomas has no objection, except he does not volunteer to state these things himself to the committee.

Senator Brachfield—I do not consider that he is volunteering any of this, because he is under oath and we are questioning him on this.

Judge Moore—If the committee feels that this information is valuable to it—

Senator Brachfield—I think so, unless the other members of the committee object to it.

Senator Sturgeon—It is not our purpose to shield any one in this investigation—if the law was being violated and they knew it, the committee ought to know it.

By Senator Brachfield:

Question—I will ask you this, Senator Thomas, whether the Senate was in session the day you told Governor Davidson of these violations, the day before you arose to a question of personal privilege?

Answer—No, sir, when I spoke to him the Senate was not in session.

Q.—Was it before the Senate had convened on that day or after it had adjourned on that day?

A.—I think I spoke to him—it was in the afternoon, after the Senate had adjourned. I might be mistaken, it might have been in the morning, but when I first spoke to him I am sure the Senate was not in session.

Q.—Did he say to you what would be his course after that?

A.—No, sir.

Q.—He did not?

A.—I merely called his attention to the fact and asked if he would recognize me on a point of personal privilege.

Q.—Now, you are getting away from the proposition?

A.—Yes—

Q.—I asked you if you had notified any one about these supposed violations before you arose to a question of personal privilege. Now, you say you went to him and asked him to recognize you on a question of personal privilege?

A.—Yes, sir, and I told him what I expected to say.

Q.—Then you did not notify him before that?

A.—Before I arose?

Q.—Before you went to him and told him you were going to arise?

A.—No, sir, I had not notified him before that.

Q.—That you asked for a strict enforcement of the rules—

A.—I did not ask for the enforcement of the rules; I told him I was going to call attention to the violations of the anti-lobby law.

Q.—What other members of the Sen-

ate did you talk to about the violations of what you thought was the anti-lobby law?

A.—I talked to Senator Greer and Senator Terrell—

Q.—Of McLennan and Senator Greer?

A.—Yes, sir.

Q.—When did you talk to them with reference to the time you arose?

A.—If I am not mistaken, I talked to Senator Greer the morning I arose to the point of personal privilege.

Q.—When did you talk to Senator Terrell?

A.—Now, I believe I spoke to Senator Greer in reference to this the day before, and I spoke to Senator Terrell the morning I arose to a point of personal privilege.

Q.—Was there any other supposed violations after you had notified the Senator—after you notified the Senate on the morning you arose to a question of personal privilege; have you seen any violations since then, or what you think are violations, upon the floor of the Senate?

A.—Well, I think I have, but not so many.

Q.—Who were they?

A.—I could not give you the names—most of them were strangers.

Q.—You could not give the names because most of them were strangers?

A.—Yes, sir.

Q.—Do you know all the officers of this State?

A.—Nearly all of them, yes, sir.

Q.—That are by the rules of the Senate excepted from the provisions of this act, if they are so excepted?

A.—I do not understand that all of them are excepted.

Q.—Have you read the rules of the Senate?

A.—No, sir, I have read the anti-lobby law.

Q.—You have not read the rules of the Senate?

A.—No, sir, I do not believe I have.

Q.—Have not read any of them?

A.—Perhaps, I have read them, but I do not remember just now.

Q.—Do you know whether the persons you have seen on the floor of the Senate since you arose to a question of personal privilege, were not officers of this State?

Q.—Were not officers?

Q.—In the State—

Judge Moore—State officers, you mean?

Senator Brachfield—State officers of departments?

Answer—I think, perhaps, I have seen several State officers on the floor.

Q.—Others besides State officers, or House or Departments?

A.—Do I know their names?

Q.—I asked you if there were any of them on the floor of the Senate while it was in session that were not State officers or employes of the State government?

A.—Yes, sir.

Q.—Who were they?

A.—I could not give you their names.

Q.—How do you know they were not officers or employes?

A.—Well, it is possible some of them might have been.

Q.—I will ask you to state one person who was upon the floor of the Senate after you arose to a question of personal privilege, while the Senate was in session, that was not an officer of the State or an employe?

A.—Let me see, now—I cannot give you any names just now.

Q.—When can you give me the names—this is very important, Senator—right here, I want to know the man and know who he is?

A.—Why do you want names?

Senator Sturgeon—We want to prosecute them.

Senator Brachfield—I want them.

A.—I have given you several already.

Q.—I am talking about after you arose to a question of personal privilege, who was the man who came upon the floor of the Senate while it was in session?

A.—I cannot give you the names now.

Q.—Can you do it at any time hereafter, from your own knowledge?

A.—I may be able to do it in a few days.

Q.—How will you get it from your own knowledge, if you do not know it now?

A.—I may recall names.

Q.—You cannot recall the names now?

A.—No, sir.

Q.—Can you describe the man who was on the floor of the Senate?

A.—No, sir.

Q.—Was he a tall man or short one?

A.—Both tall and short.

Q.—Both tall and short—that same man was tall and short?

A.—No, sir.

Q.—I am asking you to picture in your mind one man you saw?

A.—I cannot do that.

Q.—And let's describe him?

A.—I could not do that, Senator.

Q.—You do not remember the size or

shape of a man that came on the floor of the Senate after that day?

A.—No, sir.

Q.—You do not know whether it was a colored man or white man?

A.—It was a white man.

Q.—Was he a bald-headed man or a man with hair on his head?

A.—Perhaps, some of them were bald.

Q.—Did you see a bald-headed man on the floor?

A.—Yes, sir—I do not know.

Q.—Did you see one with hair on his head on the floor?

A.—Yes, sir.

Q.—Was he a dark man or a light one?

A.—I could not answer that.

Q.—Was he a blonde or brunette?

A.—I could not answer.

Q.—Did he have whiskers or was he clean-shaven?

A.—Some of them—

Q.—I am not talking about some of them, I am asking you for one.

A.—Some particular man to describe?

Q.—Yes, sir.

A.—I cannot do that.

Q.—Was it an old man or young man?

A.—Was there an old man?

Q.—Was the man that you can remember, if you can remember any one, was the man that you can remember, if you do remember one, an old man or young man?

A.—No, sir, I do not remember.

Q.—What day was it you saw him?

A.—I do not remember.

Q.—What week was it you saw them on?

A.—What week?

Q.—Yes, sir, what week of the session?

A.—I have seen some almost every day in the last two weeks.

Senator Sturgeon—I must leave now, but you can go on without me.

Senator Brachfield—No, we will just quit.

Senator Thomas—He is about through with me anyhow.

Senator Brachfield—No, I am not. I want to find that man.

The committee took a recess until Monday afternoon, March 1, 1909.

MARCH 1, 1909—7:30 O'CLOCK P. M.

E. L. Dreeben, after being duly sworn, under examination of Judge Moore, testified as follows:

Question—Mr. Dreeben, what position, if any, do you hold in the Senate?

Answer—Assistant Doorkeeper of the Senate.

Q.—How long have you held that position?

A.—Ever since the session began, I think. I was not sworn in for about, I think, the first four days, something like that.

Q.—As Assistant Doorkeeper, what are your duties?

A.—Why, to announce the messengers and to keep all off of the floor that are not entitled there according to the rules.

Q.—According to the rules?

A.—Yes, sir; and in executive sessions, and such as that, to close the doors.

Q.—You have attended the door practically all the time since the beginning of the present session of the Legislature?

A.—Most all the time, except for the first two or three days.

Q.—Except for the first two or three days?

A.—Yes, sir.

Q.—Have you seen upon the floor persons, other than members of the Legislature and the Governor, heads of departments—at any time when the Senate was in session?

A.—Yes, sir.

Q.—State what was your custom with reference to admitting persons who desired admittance?

A.—Why, I said—I expect—

Q.—Up to the time that Senator Thomas upon a question of personal privilege made reference to the fact that the rules were not being enforced?

A.—I expect I have let parties in there that were not entitled on that floor.

Q.—About what number of persons would you say, on an average, at each session?

A.—Not many—I have let parties in that I knew. I did not know that the rules were so very strict until my attention was called to that fact, but I have let parties myself on that floor who were not entitled to be there—they were people I knew from home.

Q.—State whether or not there were other parties upon the floor except those that came through by your permission.

A.—Yes, sir; I think there was.

Q.—Do you know how they got there?

A.—I think some probably went through the Sergeant-at-Arms' room, and in where the postoffice is now and got on the floor that way.

Q.—There were two other doors be-

sides the door you attended leading to the Senate?

A.—Yes, sir.

Q.—Sometimes persons would be able to go through those doors?

A.—Yes, sir.

Q.—Now, since Senator Thomas objected to the manner in which the rules were enforced, with reference to permitting people to appear upon the floor of the Senate when in session, have there been parties upon the floor who were not entitled to the privilege of the floor?

A.—I expect there has.

Q.—Have you observed any?

A.—I observed several that were not entitled, I thought—however, that would be before the session convened.

Q.—I am talking now when the Senate was in session?

A.—I want to explain how they would be in there, after they came in session—when they would meet, there would be, perhaps, a number of them on there, when they would meet, say ten o'clock in the morning—a good number would step out, and a number would not step out, and it was not my duty to put them out.

Q.—I was not asking you about your duty, I was asking you about the facts?

A.—There were some on the floor that were not entitled to be on there.

Examination by Senator Sturgeon:

Question—Do you know who they were, Mr. Dreeben?

Answer—No, sir; I do not know—I could not name the names, except the ones I individually let in, that sat down by me at the door.

Q.—Were they there to lobby with Senators or to talk with you?

A.—One had come down here—a visitor of mine.

Q.—The parties you let in there you knew, were they in there for the purpose of trying to influence any of the Senators, or what were they there for, if you know?

A.—I could not tell you, they did not say anything to me about it—I do not think they were, so far as I know individually.

Q.—Where did they ordinarily sit or stand?

A.—Why, they would sit back there on those benches and some of those chairs in the back part of the Senate.

Q.—You mean those benches there by the side of the door, against the wall?

A.—Yes, sir.

Q.—How far is that from the Senators' seats, where the Senators would sit?

A.—I suppose twenty-five or thirty feet.

Q.—Mr. Dreeben, do you know of any one, since you have been down here as Assistant Doorkeeper, either in the Senate Chamber or in the Senate committee room that has violated the anti-lobby law?

A.—No, sir; I did not.

Q.—Do you know of anyone who has offered any of the Senators anything to change their vote—to influence them in any way, and if so, who was the Senator and who was the man?

A.—I do not know a thing—

Q.—Then your reference—the testimony you have given was those of your friends who came in there and sat down to talk with you?

A.—Yes, sir.

Q.—And some others who would be in the Senate Chamber when it would open up and come back there and sit down?

A.—Yes, sir; the Governor specially told me several times. He told me to be sure and enforce the rule.

Q.—Governor Davidson?

A.—Yes, sir; he has called me there two or three times. One day he called me up there and wanted to know who certain parties were and I told him they were Representatives, and he said, "Are you sure?" and I said, "Yes, sir; I asked them and they said they were," and he said, "I want you to be sure and enforce this rule."

Q.—Do you remember while the Senate was discussing the submission question, whether or not it was announced by the President of the Senate that unless there was objections made that the rules would not be so rigidly enforced. Do you remember hearing that?

A.—No, sir; I do not remember it.

Q.—I will ask you the question again: As Doorkeeper you say the Lieutenant Governor told you to be sure and let no one in who was not entitled to come in?

A.—He did on several occasions—two or three times.

Q.—And that put you on notice and you were particular, were you?

A.—Very particular.

Q.—Now, from your position as Assistant Doorkeeper, do you know of any one on the outside—I mean any outsider that has tried to influence any of the Senators from doing their duties as Senators?

A.—No, sir; I do not.

Q.—Ever approach them unduly or anything of that kind?

A.—Not as I know of.

Examination by Senator Brachfield:

Question—Have you seen any person come into the Senate Chamber and approach any Senator at any time while the Senate was in session?

Answer—I have not; there is some of the Senators, when Governor Davidson to be so strict with the rule—I asked him the question, I said "How about a Senator bringing in a party?" and he told me not to let him do it, and I try to enforce that and stop the Senators from doing that.

Q.—You testified in answer to questions from Judge Moore that you saw at the first of the session several parties come in there that you do not think were entitled to come in?

A.—Under the rule, no sir.

Q.—Did you see them—did you see any of those parties go to where the seats of the Senators were and talk to them while the Senate was in session?

A.—I did not pay any attention to it.

Q.—Do you remember having seen any person do that—go down and talk to them in their seats, that is go beyond—

Q.—I mean outside of Representatives?

A.—I do not remember seeing any.

Q.—Do you know all the Representatives?

A.—I know pretty near all of them now, but when they would come to the door I would ask them, that is the first question I would ask them when I would stop them.

Q.—That is after you were instructed to enforce the rules?

A.—Yes, sir.

Q.—Before that time were you acquainted with all of the Representatives?

A.—I was not.

Q.—Were you acquainted with all the State officials and employes in the departments?

A.—I was not, not all of them.

Q.—Some of those persons, whom you say were on the floor of the Senate you are not certain, whether they were strangers or Representatives, or officers or employes of the departments?

A.—I could not say, because I did not know some that came up there. I stopped some and they told me they were heads of departments that came from some of the institutions out there; I stopped the fish and oyster commissioners there; I did not know who they were until they finally told me who they were.

Examination by Judge Moore:

Question—I believe you stated just now that you knew of no instance where the anti-lobby law was violated. As a matter of fact you do not know what all the provisions of that law are, or what would constitute a violation of it.

Answer—I do not know that the anti-lobby law was violated—I say that the rules of the floor—I do not know what the anti-lobby law is—I never read it.

Q.—Your answer in regard to that matter was really an answer to the question whether the rules had been violated?

A.—Yes, sir, the rules—from what I understood the rules, and who was entitled on the floor.

Q.—It was quite a while before you got strict orders not to let ony one go upon the floor, was it not?

A.—Well, you see, I had taken the oath about four days afterwards—in fact I was acting in Mr. McClure's place; he was elected Assistant Doorkeeper, and I taken his place, and I think it was either three or four days afterwards I taken the oath, as Governor Davidson spoke up and said: "We will have to swear in the Asistant Doorkeeper." I was sworn in at that time. In fact, I have not been elected as doorkeeper, but I am sworn in in Tom McClure's place.

Q.—Up to the time that Senator Thomas made his complaint about the enforcement of the rules, there was very little effort made, either by you or the doorkeeper, to enforce the rule?

A.—It was not as strict—I do not think I was as strict.

Examination by Senator Sturgeon:

Question—You say you do not know what the anti-lobby law is. Have you seen or heard any one approach any Senator, and ask them to vote for a measure or against a measure?

A.—I have not.

Q.—Have you seen any one approach any Senator and offer them directly, or indirectly, anything to vote or not to vote on anything?

A.—I have not.

Q.—Have you seen any effort by any one made to any of the Senators to change their vote, or to get them to vote on any proposition?

A.—No, sir, I have not.

Examination by Senator Greer:

Question—That discussion on the submission question lasted several days, did it not?

Answer—Yes, sir.

Q.—I will ask you if it is not true that in their discussion, from the time

that Senator Terrell made the first speech to the close, if it is not true that numbers of ladies, as well as gentlemen, did not come in the hall and occupy the seats back of the Senators?

A.—I think there were more ladies in there than gentlemen.

Q.—And that was kept up during the entire discussion of that subject, wasn't it?

A.—Yes, sir.

Q.—Pretty much?

A.—Yes, sir, pretty much.

Q.—That is all.

A.—In fact, there was lots of ladies that was in on that floor at that time that now I know are relatives of some of the Senators—there more ladies—there were more ladies, I think, at that time, on the floor than there was gentlemen.

Q.—I believe you stated you did not hear the Lieutenant Governor announce from the stand that during the discussion of the submission question, unless objection was made, the rule permitting these people to come in would not be enforced?

A.—I do not remember, Senator, I do not remember.

Q.—That is all.

Senator J. P. Hayter, after being duly sworn, under examination of Senator Sturgeon, testified as follows:

Question—Senator, what are your initials?

Answer—J. P.

Q.—What is your district?

A.—Thirty-first.

Q.—You are a member of the Thirty-first Senate?

A.—Thirty-first Senate and Thirty-first District.

Q.—Have you been here during this sitting or session of the Senate, Senator Hayter?

A.—I have.

Q.—Now, I want to ask you if you are chairman of or a member of any committees?

A.—Yes, sir, I am, if you will allow me to state: I am chairman of the Public Health Committee, and I am on the Committee of Public Lands and Land Office, Counties and County Boundaries, State Asylums and Engrossed Bills.

Q.—Have you had people before your committee discussing measures or bills which were up before your committee?

A.—The Public Health—you mean the committee I am chairman of?

Q.—Yes, sir.

A.—Yes, sir, some.

Q.—Name some of the other committeemen in your Public Health Committee.

A.—The other committeemen?

Q.—Yes, sir.

A.—Senator Real, Senator Perkins, Senator Hudspeth, Senator Peeler, Senator Murray.

Q.—What bills have been before that committee for discussion?

A.—There have been bill No. 9—Senate bill No. 9.

Q.—What does that pertain to, what does it relate to?

A.—Drug vending bill—No. 44, pure food bill, and No. 94, Public Health bill, and No. 138 and 139, I believe are the numbers, the two bills affecting the State University students, you might say, and the Homeopath bill, I forget the number of that bill.

Q.—You mean what bill?

A.—Exempting the State University students from examination.

Q.—The medical branch of it?

A.—Yes, sir, the medical branch of the University.

Q.—You state there is a bill, or was a bill, before your committee, looking to the exemption of the medical students of the State University from examination?

A.—Yes, sir, and they had a homeopath bill, I forget the number of the bill, that was by Senator Cofer.

Q.—Senator, in that committee, as chairman, all parties you have before you to discuss, I mean before your committee to discuss those bills—

A.—Yes, sir.

Q.—Can you name any of them or all of them that were before your committee?

A.—I do not know as I can name them all: Dr. Boyd and Dr. Cary, Dr. Cummings was before that committee, Dr. Cummings of Hearne, I do not know as they were before the committee, that is, exempting students, you mean?

Q.—Yes, sir, that is the bill I am asking you about now.

A.—And some others.

Q.—Well, all right, were there any others, any one else before the committee?

A.—Yes, sir, Mr. Moore.

Q.—Judge Monty Moore?

A.—Monty J. Moore, yes, sir.

Q.—Now, Senator, the parties that came before that committee, state whether or not any or all of them stated their interest in the measure, whether they were paid to come here and present that for any one, or whether they were just here—just tell what they did say about

that, if anything—I do not mean about the merits of the bill.

A.—If my memory serves me right, the doctors I told you about were the heads of the departments from Dallas, Fort Worth, and those institutions, medical schools and pharmacy schools; I do not remember that they stated that they were at the head of it, but I think they did state they were at the head of those institutions, and that it was unfair to them to pass the bill. They stated, however, that they did not come for that bill, but were here for some other bill, and Mr. Moore was before the committee in the interest of the students, if my memory serves me right.

Q.—What did he state was his—when he addressed the committee—that he was employed by them to come there and present it?

A.—No, sir, not that I know of; I never heard him if he did.

Q.—Well, was there any one else before that committee?

A.—No one that stated their connections that I know of, except the doctors I was telling you about, stated their position in the matter—that they represented those institutions, as I understood it.

Q.—Now, Senator, in your own committee, and in other committees you are on, I will get you to state if in the discussion of bills in committee rooms—name any one that addressed those committees that did not state whether they were employed or hired by any one, or what interest they had, etc.

A.—I will state on Senate bill No. 9, that was the vending bill, special bill I introduced myself, that R. K. Walker, of Gonzales, addressed the committee and stated that he was secretary of the Texas State Pharmaceutical Association, and Mr. E. G. Ebby, of Dallas, addressed the committee in the interest of the bill. He is the editor of the Pharmaceutical Journal of Dallas, and I forget the lawyer's name that represented the Watkins Remedy Company people from Cleburne; he stated he was hired to come before the committee, that they paid him to come before it, and that he understood that was the law that he give his connection with it, and Mr. Hemmig, of Waxahachie, stated he was a manufacturer, and gave his connection.

Q.—Now, Senator, before any of the other committees you were in, when you were not chairman, but was just a member of the committees, do you know of any one that appeared before any of those committees and addressed the committees that did not state whether—or what interest they had, or what interest prompted them here or whether they were employed, or officers of any corporation?

A.—I do not know what committee it was, it met in the Secretary's room. I think it was Judicial No. 1 or 2. Mr. Stanley, the railroad attorney, desired to state—but I was not there when they opened up, I just incidentally went in and heard it.

Q.—When he begun, you do not know whether he did or not?

A.—No, sir, I do not know whether he did nor not when he began. I understood he was representing the railroads here.

Q.—In those committees, Senator, were they, at any time—were there any who sat around and did not engage in the discussion?

A.—Who addressed the committee?

Q.—Who did not.

A.—Yes, sir; the house was crowded that afternoon in the committee.

Q.—That did not address the committee at all, staying in there—

A.—No, sir; there was some others addressed the committee that evening, but I do not know the names of them; then I was on the committee also—I was not on the committee, I was in the committee when the railroad merger bill from Wichita Falls and Northwestern, with some other roads, and I heard Mr. Kell make a statement before that committee, but he did not state his connection, only that he owned the road—

Q.—Owner of the road?

A.—Yes, sir; a part of the road, I heard him say that in his speech; I do not think I was there when he commenced, however.

Q.—I will ask you, Senator, if, during the sessions of the Senate, if you have seen people in there talking to the Senators who were not entitled to be in there, and if so, who they were?

A.—That is general, Senator. I have seen them in there, but I do not know what you would call entitled. I would ask you to state who is entitled to be in there and who is not, and I can tell you more about it.

Q.—That is the question now?

A.—I have seen quite a number when the Senate was not in session.

Q.—I am talking about when it was in session. I will ask you to state whether or not, while the Senate was in session, if you have seen people that you

know were not entitled to be in there, talking to Senators?

A.—No, sir.

Q.—Do you know, Senator, of any one that is in the Senate Chamber and in the Senate rooms, as trying to influence any of the Senators from voting as they saw fit or to change their vote, or violating the anti-lobby law in any way?

A.—During the session of the Senate?

Q.—I mean during the session of the Senate and in committee rooms, when the committees were in session?

A.—Yes, sir, I think they were trying to change their views.

Q.—I do not mean in public argument before the committees.

A.—No, sir, I have not otherwise.

Q.—I do not mean by argument before the committee—have you seen, during the sitting of the Senate—sessions of the Senate, any one who were not entitled in there, come in and go to the seats of the Senators?

A.—I have seen several in the Senate, but I do not know whether they were entitled there or not.

Q.—During the sessions?

A.—During the sessions I have seen people come in there and go out that I did not know.

Q.—Do you know the Representatives, all of them?

A.—Well, no; I do not know all of them.

Q.—Do you know the heads of the Departments or officers?

A.—I know most of them, but I do not know all the Representatives. I know most of them by face, and by meeting them over there, but a good many I do not know.

Q.—While you have been here in the Senate Chamber or committee rooms, do you know of any one, and if so who it is, that has tried to unduly influence any Senator from doing his duty?

A.—They have not me, I do not know about the rest of them, Senator, I can not say for the others.

Q.—From what you have seen and know?

A.—No, sir; I do not know—not a single one.

Q.—I believe that is all. Senator, I will get you to state whether or not, during the discussion of the submission question, it was announced by the President of the Senate that he would not enforce the rules of the Senate as rigidly as he would otherwise, unless some one objected or something—did you hear that?

A.—No, sir; I did not know he made that order.

Q.—How is that?

A.—I did not know he said that.

Q.—I am asking you if you heard it?

A.—No, sir.

Q.—That is all, I am just asking you if you heard it?

A.—No, sir; I know the first—I will not answer it.

Q.—Go ahead.

A.—I know the first thing he said that I remember of, when I took my seat in the Senate hall, he said it was against the law to smoke in the Senate Chamber, and he would enforce the rules of the Senate rigidly, without the Senators—I do not remember just exactly his words, but he told them he would enforce the rules on smoking without the Senators objected to it, or something of the kind.

Examination by Judge Moore:

Question—Senator, if it is a violation of the anti-lobby law for persons other than members of the Legislature and others than the Governor and heads of departments to be in attendance upon the meetings of the committees of the Senate, while in sessions, then you do know of violations of the law, do you not?

Answer—Committees meeting while the Senate is in session?

Q.—While the Senate committees are in session.

A.—The Senate committee has never been in session when the Senate was in session.

Q.—I mean while the committees are in session.

A.—Yes, sir; there have been quite a number of people before the committees, if that is a violation.

Q.—Upon the hearing of the medical bill, has that been heard?

A.—Yes, sir.

Q.—There were a number—a great number of people there who were not under that rule?

A.—I don't think there were a great number in the committee, something like fifteen, I should think.

Q.—When they were discussing the optometry bill?

A.—Something like ten or fifteen, I guess.

Q.—When they were discussing a bill to put a chair in the State University.

A.—Homeopathy.

Q.—Quite a number there, then, were there not?

A.—Yes, sir.

Q.—Quite a number of them did not address the committee at all?

A.—That was always so, yes, sir.

Q.—And quite a number of those gentlemen who were present on that occasion did not address the committee at all, did they?

A.—Yes, sir, on all those occasions.

Q.—The fact of it is, none of them disclosed to the committee whether they were employed or not to appear before the committee?

A.—That is a fact, I know they did not.

Q.—When they appeared before the committee, Dr. Turner and Dr. Carey and a fellow named Carrick?

A.—Yes, sir, I remember him now.

Q.—None of those gentlemen did not disclose whether they were employed to appear before that committee at all or not?

A.—No, sir, they did not. I have answered that before. They stated their connection—some of them—I think Dr. Carrick did not, but some stated that they had connections with some home institutions.

Q.—But they didn't state whether they were employed by institutions to come down here at all?

A.—No, sir.

Q.—Now, when I addressed the committee, state if it is not a fact it was upon an invitation extended through the request of Senator Terrell?

A.—I do not know—I do not know about that.

Q.—You were chairman of the committee at the time?

A.—I was chairman of the committee.

Q.—And as a matter of fact, didn't Senator Terrell state that he was introducing the bill and he asked the committee to hear from me?

A.—Yes, sir—to hear from you, that is a fact.

Q.—And didn't he state to you that I represented—

A.—The boys—

Q.—Of the University?

A.—Yes, sir.

Q.—And when I proceeded, didn't I tell you I had drawn the bill by employment from the young men of the University and represented them before the committee?

A.—I don't remember you saying you were employed.

Q.—Were not the very first words I stated, right in connection with what Senator Terrell had said, in inviting me to address the committee, that I had been employed by the young men to prepare the bill?

A.—I don't remember it; I know those others about Senator Terrell, since you mention it I remember that he asked for you to be heard from first, because you drew the bill for the boys.

Q.—As a matter of fact, I didn't address the committee until after the members had addressed it.

A.—Yes, sir.

Q.—Then it was at the invitation of the committee, extended through the courtesy of Senator Terrell?

A.—I remember Senator Terrell, who introduced the bill, asked that you be heard.

Q.—Several others addressed the committee, who were members of the committee or the Senate. Now, Senator, you say you do not know whether there have been persons upon the floor of the Senate who were not entitled to a place upon the floor of the Senate, while the Senate was in session?

A.—No, sir, I do not. I may not know the rules as well as I ought to.

Q.—You really have not known who all were entitled to the floor?

A.—No, sir.

Q.—You know, however, that a great many have been on the floor when the Senate was in session who are not members of the Senate?

A.—Not a great many—a few possibly today, and tomorrow some one would come in—

Q.—At different times?

A.—Yes, sir.

By Senator Sturgeon:

Question—I believe you stated, Senator, that no one had tried to influence you?

Answer—No, sir.

Q.—Or anything of that kind?

A.—No, sir.

By Senator Brachfield:

Question—No one tried to intimidate you or—

Answer—No, sir.

Q.—Embarrass you?

A.—No, sir.

By Senator Sturgeon:

Question—In the Senate Chamber or committee rooms, has any one approached you and asked you to vote one way or another for a bill or against a bill outside of Senators?

A.—During my session here?

Q.—Yes, sir.

A.—Hotels and all?

Q.—No, sir, in the Senate Chamber and in the committee rooms; that is the only things we can investigate here?

A.—On any subject?

Q.—Yes, sir, tried to influence you?

A.—Not a single one.

Q.—That is all.

Senator H. Bascomb Thomas, recalled, under examination of Senator Brachfield, testified as follows:

Question—Senator Thomas, in your statement in the Senate, you said that you had been approached, intimidated and molested.

Answer—Then I modified that and explained what I meant by that statement.

Q.—What was your explanation?

A.—I stated I had seen things on the floor of the Senate and in committee rooms—if you have that record there, it gives it.

Q.—I am talking about the day you arose to a question of personal privilege and I made a point of order myself, stating that you would not have the right to the floor on the question of personal privilege unless it affected you personally, and you made the statement in your speech that you would say you had been approached, with an adjective before that, intimidated and molested; are those the words you used?

A.—That is my first remark—that is it—then I went on to state—

Q.—Wait a minute! Alright, go on.

A.—I went on and stated that in a sense I had not been intimidated, but had been considerably embarrassed at what I had seen on the floor of the Senate and in committee rooms.

Q.—Did you say you had been improperly approached—say the very words "Improperly approached"?

A.—No, sir.

Q.—"Embarrassed and intimidated"?

A.—No, sir; I did not use the words "improperly approached" at all.

Q.—You say now you were not improperly approached at any time on the floor of the Senate or in committee rooms?

A.—Improperly approached?

Q.—Improperly approached, yes, sir. Do you make the statement now that you were improperly approached on the floor of the Senate or in committee rooms?

A.—I do not think I was, unless it was in committee rooms.

Q.—I am asking you now—

A.—I have had men in committee rooms to talk to me and speak to me in reference to bills pending.

Q.—Have you been improperly approached, that is the question. Have you been improperly approached upon the floor of the Senate or in committee rooms?

A.—In that sense, I would say yes, in committee rooms.

Q.—Who was the man who improperly approached you in committee rooms?

A.—The name of the man?

Q.—The name of the man.

A.—The name of the persons?

Q.—Yes, sir; take all of them—one at a time—I want the first man you remember of who improperly aproached you.

A.—I could not give the names; we would be sitting around in the room and I would have men ask me questions.

Q.—Do you call that "improperly approached"? I ask you that question.

A.—If they are taking part in the conversation, are there in the committee room without disclosing their purpose, and giving no reason why they are in the committee—

Q.—And if they speak to you, you call that being improperly approached?

A.—Under conditions like that, if they are in the committee room—

Q.—Improperly approached—

A.—If they are there in open violation of the law—if they take any part in the discussion—

Q.—You consider that improperly approaching you?

A.—Yes, sir; or any one else.

Q.—Name the men.

A.—I could not give you the name of the men.

Q.—How many were there?

A.—I could not tell you, I suppose—I could not tell you a name.

Q.—Nor the names of any one—you could not tell me how many nor the names of any one?

A.—No, sir; I do not think I can.

Q.—Can you tell me what any one man said to you when he improperly approached you?

A.—I do not even know that.

Q.—Don't know that?

A.—No, sir.

Q.—Then you can not give us—you just give us the bare statement—

A.—Because it made such a slight impression I did not pay any attention to it—like a conversation in a crowd.

Q.—You don't believe a man who would improperly approach you would make any impression on you—enough to remember it?

A.—Well, in some sense—

Q.—Those who did improperly—

A.—Of course that could be done.

Q.—Those who did improperly ap-

proach you did not make such an impression on you that you remember it now, did they?

A.—No, sir; I could not give you the names of a dozen men that I have been with in committee rooms, and I have been with thousands—

Q.—I left that proposition, Senator Thomas.

A.—Two thousand, in committee rooms.

Q.—I have left that proposition of who they were. I am now asking you to make a statement whether or not you can remember anything that was said when any of these parties improperly approached you and you said you can not.

A.—I have had sheriffs to speak to me, and I have had county judges to speak to me.

Q.—That is not the question; I am not asking you who did, I am asking you what they said to you when they improperly approached you, not who did it, but what they said?

A.—I can tell you some things that have been said.

Q.—All right.

A.—I remember one sheriff told me if that anti-fee bill became the law that so far as he is concerned a man could have his office.

Q.—Do you call that an improper approach? Answer that question. Do you call that an improper approach?

A.—If he was in the committee room without any authority for being there—

Q.—I am not asking you that; I am asking you—we can not get along at all if you can not answer the question. You can explain it afterwards. Do you call that an improper approach? Answer that question, yes or no, and then explain it as you want to.

A.—Yes, sir; if he was there without any authority for doing that.

Q.—You say it was?

A.—Yes, sir.

Q.—All right. What else was said to you that you consider an improper approach?

A.—I had a county treasurer speak to me; I remember of one—

Q.—What did the county treasurer say?

A.—The county treasurer asked me in that bill what the salary was for county treasurer—the salary that was give—

Q.—Did you tell him?

A.—Yes, sir; I told him.

Q.—Do you consider that an improper approach?

A.—I consider anything that he said—

Q.—I ask you—

A.—Or anything done in the committee rooms.

Q.—I ask you the question: If you consider that—you can answer that yes or no, and then explain—do you consider that an improper approach?

A.—In a sense; yes, sir.

Q.—All right, that is all I want. Who else—what else?

A.—I could not detail to you, Senator, every word that I have said in private conversation with people anywhere.

Q.—You do not think when a person improperly approaches you that it would make an impression on you that you could remember it for a month?

A.—No, sir; not under those circumstances, because at that time I did not know that it was a violation of the law, or anything wrong with it.

Q.—We will consider that afterwards. I am asking you about an improper approach, that is what I am trying to get at. I ask you the question: If a person would improperly approach you, would it make such an impression on you that you could remember it for a month?

A.—Why, I might not remember it five minutes, if you improperly approach me.

Q.—Now, you say you were embarrassed. Under what circumstances were you embarrassed, what do you call an embarrassment, when applied to a member of the Legislature?

A.—Well, I do not know what you call an embarrassment.

Q.—I am asking you what you call and embarrassment as applied to a member of the Legislature.

A.—Since I was present one night in a committee room with one of the authors of the anti-fee bill, and the room was filled with county officers, and the authors of that bill asked that they be given the right to withdraw the bill for correction and it was refused, and the statement made on account of—

Q.—Who was it refused by—by the committee?

A.—Yes, sir; the committee refused it and stated that on account of the fact that the officers were there and wanted to go home, that it was nothing but right they should act upon the bill right then, and if the officers had not been present there on that occasion, I feel sure the committee would have given the authors of the bill the right to withdraw the bill and make correction.

Q.—That is what you term an "embarrassment?"

A.—Yes, sir.

Q.—Didn't you know you could not withdraw a bill without permission from the Senate, and the committee had no right to give you authority to withdraw —to withdraw the bill?

A.—They did give us the right.

Q.—You did not know that it was unlawful?

A.—No, sir; and I do not think it is.

Q.—And you do not think so, yet?

A.—No, sir.

Q.—You think you can introduce a bill into—

A.—We wanted to add some amendments or corrections to the bill.

Q.—You say you wanted to withdraw the bill?

A.—We wanted to make some corrections in that bill.

Q.—You wanted to withdraw it for a certain length of time?

A.—Until the next day, and on account of the influence of the officers present that request—

Q.—In other words, you wanted to postpone action on the bill?

A.—Yes, sir; until next day.

Q.—And the committee refused to give it to you?

A.—Yes, sir.

Q.—Because those people had come from a distance and wanted to be heard, and that is what you refer to when you say you were embarrassed, is that it?

A.—In a sense, yes, sir; that is an embarrassment.

Q.—Was there anything else you referred to when you said you were embarrassed?

A.—Well, I do not know that I can go into details in reference to these things. I have seen many things in a committee room that have, in a sense, been an embarrassment to me.

Q.—We are here to get the details of all these things.

A.—I did not say that it has anything to do with this.

Q.—I want to know if there were any other things that happened that embarrassed you, that you think of?

A.—I do not care to answer that question, I do not think it has anything to do with the charges I have made with reference to the violation of the anti-lobby law.

Q.—That is with you, the committee will decide that when they hear the testimony. I am asking you the question: If there were any other things that happened and what were they?

A.—Many of them.

Q.—What were they?

A.—I do not care to go into details.

Q.—You refuse to answer that question, Senator?

A.—Yes, sir.

Q.—You asked for this committee, didn't you, Senator Thomas? Asked for an investigation of these charges?

A.—Yes, sir; and I am not getting much of a one.

Q.—You know the things that happened that embarrassed you that you refused to answer before this committee?

A.—I thought the object of this committee was to find out whether the law has been violated.

Q.—Don't you think they would violate the law if they would embarrass a Senator?

A.—It might be of Sections 2 or 1, but not of 3 and 5.

Q.—I understand we are winding up this investigation, and I am trying to get this testimony for my own satisfaction, and for the benefit of the committee, if they want it. You asked for a committee, and I ask you the question, in what respect you were embarrassed, and you refuse to answer, and you still refuse, do you, to answer further on that proposition?

A.—Yes, sir; I do not care to answer any further questions on that subject.

Q.—Then, you made a statement on the floor of the Senate that you were intimidated, I will ask you who it was that intimidated you, either upon the floor of the Senate or in committee rooms? Can I get an answer to that question?

A.—Who it was that intimidated me?

Q.—Yes, sir.

A.—Well, I do not know—some of the Senators have intimidated me by their actions in committee rooms, in reference to bills and measures, showing that they preferred to show more respect to the lobbyist than to members of the Senate.

Q.—What Senator was it, Senator Thomas?

Judge Moore—As I understand it, Mr. Chairman, probably conduct of that sort would not be a violation of the anti-lobby law.

Senator Thomas (the witness)—Has nothing in the world to do with this investigation.

Judge Moore—The question would perhaps be a source of some embarrassment, without resulting—

Senator Sturgeon—I see, in a sense, where it might not be germane, and in another sense where it might be. Now, they may have intimidated him in a way that would have been a violation—

Judge Moore—The members of the Senate seem to be exempt entirely from this law.

Senator Sturgeon—I do not understand that a member of the Legislature is exempted from the law.

Judge Moore—The law applies to certain classes of people.

Senator Brachfield—I will ask you if there is any other person, excepting Senators, who has intimidated you?

Answer—Why, yes, sir; I have seen many things in a sense that has been an intimidation to me—embarrassment.

Q.—Who were they that intimidated you? I have passed over the embarrassment.

A.—I do not care to give any names; I do not know as I could give any at this time, it has been so frequent and so common.

Q.—I am talking about the intimidation now, Senator.

A.—Yes, sir.

Q.—You say there were others, but you can not give the names, or will not give the names? I want to understand you.

A.—I cannot give the circumstances now or the names.

Q.—I am not asking you the circumstances, I am asking you the names.

A.—I cannot give the names or the circumstances at this time that caused the embarrassment at different times.

Q.—I am not asking you—I am not talking about an embarrassment; we have left that proposition.

A.—Well an intimidation.

Q.—You say there are other persons, outside of Senators, who intimidated you. I asked you who those persons were, do I understand you to say you cannot or will not answer it?

A.—I do not know.

Q.—You do not know who they were?

A.—No, sir; I do not know who they were.

Q.—All right. Then, what did they do to intimidate you?

A.—Oh, by remarks that they would make in committee rooms, and the part they would take in discussion, and the persons there and the interest they would show in measures.

Q.—That would intimidate you, would it, Senator?

A.—Sir?

Q.—That would intimidate you, would it?

A.—Well, in a sense, it depends upon what you mean by intimidation; it don't mean by that—

Q.—It is not material what I think; I am asking you about it. You say you were intimidated, and I want to know how you were intimidated, and what was said and done to intimidate you?

A.—I would use the word "embarrass" more than "intimidate."

Q.—The intimidation is what I am coming to.

A.—I do not care to discuss that matter so much, when I used the word in my speech I modified it, and stated I meant more embarrassment than anything else.

Q.—You say now that you limited those things; that you stated in your speech and that you now say you have given us all the testimony that you can remember on the proposition of being approached, embarrassed or intimidated?

A.—I did not know that you were making any investigation at all on those lines as to embarrassment.

Q.—I do not think that is for you to determine what investigation we are to make. I ask you the question again, you can answer it "yes" or "no": If you have given us all the testimony that you can remember that will throw any light on the subject of your being improperly approached, embarrassed or intimidated?

A.—I do not know that I have given you all the light I can; I have given all that I care to give them.

Q.—All that you care to give?

A.—Yes, sir.

Q.—And you refuse to give anything further?

A.—I do not care to.

Judge Moore—In view of the fact that Senator Terrell is not present, and, under the rules laid down by the committee, we probably will not care to introduce any other witness, except Senator Terrell, and that will only require a few minutes, I think. You will remember that he was on the stand before and we only questioned him with reference to one feature of the investigation, namely, Section 3, because the rules of the committee forbid that we go into any other section—we merely want to make inquiry of him with reference to Section 5, and if the committee could have a meeting at any time tomorrow I would be glad to present Senator Terrell to it, and, unless the committee does change its rules with reference to the admissibility of evidence, we will have no further witnesses to present to the committee.

Senator Sturgeon—I want you to state if this committee has made any

rules that have deprived you of the right of presenting any evidence here touching the violations of the anti-lobby law here in the Senate Chamber or Senate rooms—we want you to state what it is.

Judge Moore—No, sir; the fact that the rules limit the violations to the Senate Chamber and the Senate Committee will preclude any necessity for any other investigation.

Senator Sturgeon—I will ask you, Judge Moore, if you think this committee, sitting as an investigating committee, has any authority to investigate any violations of the law, except in Senate Chamber and committee rooms?

Judge Moore—I think so.

Senator Sturgeon—Have you any authorities to show this committee on that proposition?

Judge Moore—No, sir; I have not—I am not prepared at this time.

Senator Sturgeon—Now, I want to say another thing to you: While we have outlined a manner by which we could get to this testimony, if you now have any evidence, or can get any that will show any violation of the anti-lobby law, under any section of that statute, we will hear it.

Judge Moore—Very well.

Senator Sturgeon—In the Senate Chamber or in the committee rooms.

Judge Moore—I have said to the committee very frankly that we have no further evidence that it is necessary, we feel, to present—any we would present would be merely cumulative of what we have already proven. If the theory of Mr. Thomas is correct of this law, then he feels, in so far as he is individually concerned, that he has justified the charge that he made upon the floor of the Senate.

Senator Sturgeon—You know we have adopted the rule to take up certain sections of that statute as we went into this investigation. We did not mean to adopt the rule to say we would not go into any other section of it, we are now willing to go into any section of it.

Judge Moore—I understand that the rule of the committee limits any violation to the sessions of the Senate, and to sessions of the Senate committees.

Senator Sturgeon—No, sir; I think you misunderstand it—any violation that has occurred in committee rooms and in the Senate Chamber.

Judge Moore—That is what I intended to say—if I did not make myself understood that is what I understand. I want to know that I absolutely understand the meaning, it is this: That the evidence of any violation of the anti-lobby law, whether of Sections 3, 5, 1 or 2, or any other section, is confined to what occurred upon the floor of the Senate when the Senate was in session, or in the committee rooms where meetings of the committees of the Senate were being held.

Senator Sturgeon—I did not say that; I do not know whether the other members of the committee think so or not.

Judge Moore—I confess I do not understand what the rule is.

Senator Sturgeon—It has been my understanding and possibly that of the committee that any violation of the anti-lobby law on the floor of the Senate and in the committee rooms—

Judge Moore—In the committee rooms? In what rooms of the committee—whether the committe was in session or not—

Senator Sturgeon—That is my impression, I do not know what the committee would say about it.

Judge Moore—We have no evidence to present on anything that occurred in committee rooms or on the floor of the Senate further than what we have already presented, except what would be cumulative, and I do not feel like it is necessary to take up the time of the committee or worth while to take up the time of the committee piling up testimony along the line we have introduced and with that statement to the committee we will be able to close, with a very short session of the committee.

MARCH 2, 1909, 11 O'CLOCK A. M.

Senator Sturgeon—I am going to introduce Rule 88 and the subsections under it—Sections 1, 2, 3 and 4, which rule and subsections read as follows:

88. That persons hereinafter named, and none other, shall be admitted to the Senate Chamber while the Senate is in session, viz.:

1. The members and employes of the Senate and their families, Representatives and employes of the House of Representatives, the Governor and his private secretary, the Lieutenant Governor and the members of the families of the Lieutenant Governor and Senators, the officers of the general State government, the President and Vice President, United States Senators and members of Congress, Governors of other States, the heads of the departments, Judges of the Supreme Court and the Courts of Crimi-

nal and Civil Appeals. Provided, that the exceptions herein named shall not apply to any person or persons engaged in lobbying.

2. Reporters of newspapers shall be assigned appropriate and convenient seats in the Senate by direction of the President.

3. Provided, that no newspaper reporter or any person whomsoever who is lobbying or working for or against any pending or prospective legislative measure, shall in any event be admitted upon the floor of the Senate or rooms leading thereto when the Senate is in session, nor shall any newspaper reporter whose salary or compensation is paid in whole or in part by any person, corporation, firm or association other than the paper or papers for which he reports be admitted into the hall or rooms leading thereto when the Senate is in session.

4. It shall not be in order for the President to entertain a request, motion or resolution for the suspension of this rule or to present from the Chair the request of any member for unanimous consent.

5. It shall be the duty of the Sergeant-at-Arms and his assistant to clear the Senate Chamber of all persons not entitled to the privileges thereof five minutes before the hour of meeting.

6. Provided, that this rule shall not apply to persons who are invited to address the Senate when in session, nor shall it apply to any person who desires to appear before any committee while going to or returning from the session of said committe, and provided further, that this rule shall not apply during the inauguration of the Governor and other public ceremonies provided for by resolution of the Senate. All officers and employes of the Senate are prohibited from lobbying in favor of or against any measure or proposition pending before the Senate, and should any officer or employe violate this rule the same shall be cause for dismissal from the service.

Judge Moore—As far as we are concerned we close.

Governor Davidson, after being duly sworn and examined by Senator Brachfield, testified as follows:

Question—Your name is A. B. Davidson?

Answer—Yes, sir.

Q.—You are Lieutenant Governor of the State?

A.—Yes, sir.

Q.—Presiding officer of the Senate?

A.—Yes, sir.

Q.—Governor, you have presided practically every day since the Legislature opened?

A.—Yes, sir; I had to go to New Orleans, and I left here—I was gone Monday, Tuesday, Wednesday and I believe Thursday before I got back here—with that exception I have been here all the time.

Q.—What week of the session was that, Governor?

A.—I am not sure, but I think it was the third week.

Q.—The third week of the session, you think?

A.—Yes, sir—

Q.—Governor.

A.—No, wait a moment—before I could be sure I would have to consult the Journal about it, but it was either the second or the third week.

Q.—Governor, are you fairly familiar with the rules of the Senate?

A.—I hope so; I have tried to familiarize myself with them.

Q.—Do you remember the day on which the temporary rules were adopted by the Senate, about the time?

A.—No, sir; but I think it was the second or third day of the session; I had some one to make a motion, in order to get ourselves in working shape; I think may be Senator Terrell made the motion.

Q.—What rules did they adopt?

A.—They adopted the rules of the Thirtieth Legislature—adopted those rules.

Q.—I will ask you to look at that in regard to the rules granting—extending an invitation or granting permission of certain parties to the floor of the Senate.

(Hands witness rule book.)

A.—I have the rule before me, sir.

Q.—Is that the rule that was adopted?

A.—Yes, sir—

Q.—These are the rules we are acting under now?

A.—Yes, sir.

Q.—I will ask you, Governor, if you made any public statement from the chair during the discussion of the constitutional amendment on submission?

A.—I did.

Q.—In regard to the enforcement of the rules?

A.—I did.

Q.—What was that statement, Governor?

A.—To go back in the matter a little, Senator Terrell was elected President Tempore of the Senate; he spoke to me about the repeal of this rule entirely, and we discussed the matter a little bit and concluded that since the anti-lobby act had been passed the necessity for this rule was not so great. Senator Terrell had always been opposed to this rule, as I understand it, and he suggested to me that we should not re-enact this rule; he was not in favor of it, and we talked about the matter a little bit, and, growing out of that suggestion I said to the Senate that unless they insisted upon it during that discussion on submission I would not enforce this rule, I would leave it to the Senate. I think every Senator was present, and they all acquiesced in the matter, and the matter stood that way during the discussion on submission, and for that purpose I think I made that statement twice; they got to crowding in on the Senate a little bit, and I think I called the Senate's attention to the question again, that I would enforce it if they insisted on it.

Q.—Was there any member of the Senate objected to it?

A.—None whatever.

Q.—Did any one at any time, including Senator Thomas?

A.—Not any one, privately or publicly, to me—not any one privately or publicly to me until Senator Thomas came to me to ask permission on personal privilege—that is the first I heard that there was any objection about the rule—because then the rule was being strictly enforced.

Q.—Since the time that Senator Thomas arose to a question of personal privilege, as far as your knowledge goes, has the rule been enforced?

A.—Absolutely, to the very best of my ability. I want to say one other thing. When Senator Brachfield of this committee closed the argument for submission, I then arose from the chair and took the rule and announced to the Senate that the rules from that time would be strictly enforced, and I stated, my recollection is, why, as I had stated before that. During this discussion were here who wanted to hear it—strangers in the city—and I had been lenient about it. I called up the officers of the Senate and read them this rule, and stated to them that some of them were new officers and possibly not familiar with it, and I then gave them implicit instructions that they should not in any instance be violated again. I did that in open session of the Senate, in the presence, I presume, of Senator Thomas, but I could not swear he was in his seat.

Q.—Leaving that for a moment, Governor, when Senator Thomas arose to a question of personal privilege was there any one who attempted to raise a point of order?

A.—There was. Senator Brachfield did.

Q.—Do you remember what that point of order was?

A.—I think the point of order was that the matter he was discussing was not one of personal privilege.

Q.—What was the statement of the Chair and its ruling?

A.—I will answer that question by going back a little and then answering it. Senator Brachfield came and stopped me as I walked through the Senate Chamber early on Thursday morning before the Senate and House made their trip Friday night to Houston and stated that he wanted to speak to me, and I saw from the way he walked up that he wanted to speak to me privately—

Q.—That was Senator Thomas, instead of Brachfield?

A.—Yes, Thomas—Senator Thomas—and I went over there and sat on the seat with him alone, and he said he wanted to rise to a question of personal privilege; that always somewhat surprises me a little because I know some personal matter has arisen of serious consequence, and I asked him what it was. He said he wanted to discuss the lobby bill, and he asked me whether that would be a matter of personal privilege, and I told him it would, providing he had been himself unduly approached or any attempt had been made to influence him as any Senator wrongfully, and he said that was true, and then I said: "I think it is a question of personal privilege, I think you would have the right." I repeated to him: "To disclose that matter if you have been mistreated by lobbyists, and your fellows on the floor of the Senate—." He then said he wanted to be recognized as soon as the Senate convened, and I expected him to ask for recognition on that morning, but he did not do so, and he did not do so that day, neither did I hear anything more from him about it Friday. We all went to Houston and came back, and on Monday I heard nothing about it until just about adjourning time, when Senator Thomas

came to the President's stand there and said he would like to be recognized on a question of personal privilege, on the matter I understood he had been talking to me about, and I told him all right, and fearing they were going to adjourn—several were on their feet, as I apprehended, to make a motion to adjourn, and for fear he had thought I had not treated him fairly, I called him up from his seat and told the Senate that the Chair was under obligations to recognize the Senator from Hopkins, and recognized him, and when he commenced to discuss it Senator Brachfield then arose to a point of order that it was not a question of personal privilege, and I said to the Senate and to him that, knowing what had occurred between us before possibly influenced me in doing it, and possibly because I thought it was the rule, that it would be a question of personal privilege if the Senator himself had been improperly treated by lobbyists, but that the Senator must assert that fact at his peril as a Senator, and then the Senator made the statement that has been so often quoted in the press that he had been improperly approached, intimidated and molested, I believe is the language, and I said: "I overrule the point of order—"

Q.—Governor, I will ask you—

A.—Of course, this is approximately what occurred.

Q.—I understand that. I will ask you the question: If you know the names of any party—any member of the Senate who has been improperly approached, intimidated or molested?

A.—I do not know of one single instance in the world that would come within my judgment a violation of the law, except what the Senator from Hopkins claims.

Q.—Do you know of any witness we might bring before this committee that knows a fact that will help us to find any of these violations?

A.—I do not; I have heard that gentlemen were here representing certain bills, but I do not know of any matter of my own knowledge—no matter whatever.

Q.—I am asking you the question if you know of any witnesses who know of any member of the Legislature who has been improperly approached, intimidated or molested?

A.—Most assuredly, none at all. I have not heard, except from the Senator from Hopkins.

Q.—Is there any other statement you want to make?

A.—Yes, sir; one other statement I would like to make.

Q.—All right.

A.—When the Senator from Hopkins came to me about this question of personal privilege I talked to him. I didn't know of any violation of the rules—I talked to him a little there, as I have testified to, and the matter was dropped at that time, but I want to say that when this rule was being leniently enforced, if I might use that language, during the discussion of submission, that the Senator from Hopkins made his speech—Senator Thomas made his speech to that very crowd on the floor of that Senate.

Senator Thomas—What crowd?

A.—Those people that were permitted to come on the floor of the Senate; is that not true?

Senator Thomas—I spoke to every one—the Senators and every one.

Senator Brachfield—Any other statement, Governor?

Lieutenant Governor Davidson—Yes, sir; one other. The Senator from Hopkins, in his testimony the night of the public investigation, did not agree with me about what happened between himself and myself about him having the right to rise to a question of personal privilege, and several days after that he came into the office and wanted to talk to me one morning, and I told him all right, and he said he would like to have a private interview with me, and I suggested to him that I had had one private interview and we could not agree on what had occurred, and I didn't care to have another one. I intimated—I told him my stenographer was there, and no one else, and he was absolutely reliable in every way in the world, but he insisted that it should be a private interview, and I concluded that I could afford to talk to any one anywhere, privately or any other way, and I told the boy to go out and pull the door to—he wanted me to close the doors of the Senate, Senator Thomas did, and I told him among his other troubles that he did not know the Constitution he lived under; that that was his worst trouble, and I turned him to the Constitution and rule of the Senate which requires the doors to be kept open—the doors of the Senate Chamber, at all times, except when the Senate is in executive session, and he intimated to me that the House was doing it, and I said something about the House could do it if they wanted to, but that I was not going to do it. Now, he then wanted

me to enforce the rules about lobbying, and I asked him how, and he said on the floor of the Senate. And I told him I did not think he knew what the "floor of the Senate" was—that in parliamentary language the Senate was the Senate in session, and I had no control more than any other citizen over the Senate Chamber, except when it was in session. He then wanted me to enforce it in the committee rooms, and I told him I had no power in the committee rooms. I suggested why he did not go to the chairman of the committee, and he seemed to insist I should do it, and I told him I could not. He then said he did not think I had any right to take the floor of the Senate the night of the investigation and make that speech, and I told him as I had before I thought the worst trouble was he did not know the Constitution of the State he lived in, and I turned him to the clause of the Constitution that not only gave the Lieutenant Governor, when the Senate was sitting as a committee of the whole, to discuss matters before it, but also to vote, and stated I thought he was doing himself a great injustice and the people of Texas no good; that the first thing he ought to do was to get his feet on the ground and know what he could do, and then if he found anything wrong, why, under the conditions and terms of the Constitution he would have something to act on. We separated then, and then it was I gave him the injunction that he was doing himself a great injustice and the people no good. I believe that is all.

Senator Thomas recalled, testified as follows:

Senator Thomas—I want to make a statement. I want to make this statement, that prior to the time I arose on a point of personal privilege in the Senate that I was present at every session of the Senate from the opening to adjournment, every day and morning and that I am positive in the statement I make that Governor Davidson at no time made the statement or announcement from his stand that the rules would not be enforced. Furthermore, I wish to state I had a conversation with Governor Davidson the day before I arose on a point of personal privilege, and I told him emphatically that I wanted to be recognized on the point of personal privilege and that I was going to call attention to the violation of the anti-lobby law, and that he said he would recognize me the next day, and the statements—. I further state that the statement made by Governor Davidson in reference to the conversation that took place there is absolutely untrue. I did not talk to him more than three minutes and I don't suppose he said to me more than a dozen words, and I called his attention to the fact that I was going to refer to violations of the anti-lobby law and asked him if he would recognize me on the point of personal privilege, and he said, "Why certainly, why certainly," and that was about all of the conversation that took place between us.

Senator Greer—Where did that conversation occur, Senator?

Senator Brachfield—Don't break in until he gets through with his statement.

Question—Are you through with making your statement?

Answer—Yes, sir; that statement. Do you want to ask me any questions on that?

Senator Greer—Where did that take place?

Answer—That took place over on the right of the Chamber as you come in from the front, sitting down—

Q.—In the Senate Chamber?

A.—Yes, sir; but I don't suppose we were together more than one moment, that was the day before I arose on a point of personal privilege. I said absolutely nothing to Governor Davidson in reference to the rules of the Senate, that word was not used, directly or indirectly, and I merely referred to the fact that I was going to call attention to the violations of the anti-lobby law. Now, the next morning as soon as the Senate convened, the Governor announced that the rules henceforth would be enforced and about two hours after that time, before our adjournment at noon, I arose on a point of personal privilege and at no time did he ever make the announcement from his desk that the rules would be enforced until I had called his attention to the fact that the anti-lobby law had been violated.

Senator Brachfield—Did you have a conversation with him before the trip to Houston?

A.—Before the trip to Houston?

Q.—This conversation that you are talking about was the day before you arose?

A.—Yes, sir.

Q.—That you have been talking about?

A.—Yes, sir.

Q.—Did you have a conversation with him before we went to Houston?

A.—I do not know when that was, Senator, perhaps all of this occurred before that time, I do not remember.

Q.—You have just stated that you had this conversation which you have detailed with the Governor the day before you arose upon a question of personal privilege?

A.—That is correct; yes, sir.

Q.—Now, we had gone to Houston before you spoke to him in this conversation, had we not?

A.—Had gone to Houston?

Q.—Yes, sir; and returned.

A.—No, sir.

Q.—Then we went to Houston and you arose to a question of personal privilege?—did we—

A.—No; excuse me, I made a mistake there; we went to Houston before I arose, I know that, because I gave an interview to the Houston Chronicle that I was going to arise the next day.

Q.—Then you had this conversation with the Governor after you returned from Houston?

A.—After I returned from Houston; yes, sir, that is right.

Q.—Now did you have a conversation with him before you went to Houston?

A.—No, sir; I never had but one conversation with him.

Q.—You did not intimate to any one before that time that you were going to rise to a question of personal privilege?

A.—Yes, sir; I told Senator Greer and Senator Terrell, and also made the statement when I was in Houston to a reporter of the Houston Chronicle.

Q.—You did not have the conversation with the Lieutenant Governor before your trip to Houston?

A.—No, sir.

Q.—You are certain about that?

A.—Yes, sir; I feel sure of that.

Q.—Feel sure about that?

A.—Yes, sir.

Q.—Now, I will ask you, Senator, if you did not state on the floor of the Senate, after the point of order was raised—if you did not state that you had no right to address the Senate on a question of personal privilege, unless you, yourself, were improperly approached?

A.—If you didn't say—

Q.—I am asking you if you did not state on the floor of the Senate, after the point of order had been raised and the Lieutenant Governor told you that he left it entirely with you whether you had been approached—individually affected—and that you made the statement, "I will say that I was improperly approached and intimidated"?

A.—No, sir; you do not mention or refer to the occurrence correctly—

Q.—Did you not make that statement?

A.—No, sir; I did not.

Q.—That is all right. Senator Thomas, I will ask you the question: Do you deny the conversation with the Lieutenant Governor, that he has detailed in his testimony as occurring in his private rooms in the Capitol building?

A.—Yes, sir; I deny most of what he said; yes, sir.

Q.—Do you deny having the conversation with him?

A.—No, sir.

Q.—In his private office?

A.—No, sir; I had a conversation with him, but he did not quote the conversation correctly.

Q.—Did he say to you he did not want to have a private conversation with you on account of having been misunderstood once before?

A.—No, sir; he said nothing whatever of that kind.

Q.—Not a word?

A.—No, sir.

Q.—Did he tell his private stenographer to retire so he could have a private conversation with you?

A.—I asked that he retire.

Q.—And you had the conversation with him?

A.—Yes, sir.

Judge Monta Moore, under examination of Senator Sturgeon testified, as follows:

Question—I will ask you to look at that paper and see what it is and identify it.

Answer—Yes, sir.

Q.—I just want you to identify the paper.

A.—I identify it?

Q.—Is that the statement that you filed here with the committee this morning?

A.—Yes, sir.

Q.—That is all I want to ask you.

A.—Yes, sir.

Q.—Now, I want you to state, and to be frank with you, and in order that this committee may be put in the right and kept in the right, if they did not state to you that any violations of the anti-lobby law, or anything that had been going wrong anywhere in Texas,

find out who were the guilty parties before you presented that paper to this committee?

A.—This morning I understood that the rule that had heretofore been made by the committee, in an informal way, by the members of the committee was agreed to be changed so that any violations of the anti-lobby law, committed anywhere, could be inquired into by the committee.

Q.—Was not that done in committee session—in session of this committee?

A.—Well, I think probably it was, and as I stated to the committee, the paper had been prepared before the committee had adopted that rule and when it was presented to the committee, it was presented with that statement. I think that is correct, is it not, Senator?

Q.—I will get you to state whether or not the chairman of the committee has not stated to you that they were now going to extend this investigation to any violation of, before the paper, that you now have identified here was read by the committee or to the committee?

A.—Just a moment before his.

Q.—And so far as you know the committee knew nothing about the paper you had?

A.—No, sir; it is perfectly fair to the committee that the record show those facts.

Q.—Now, I notice here that you have made in this statement several statements about gaming, and a certain banker losing money who came here to influence legislation, etc. Now, Judge, state to the committee why it is that you did not name the parties that are guilty of these things in this paper?

A.—The statement is made there in the paper; it is that common rumor or information—the banker referred to I will state is a gentleman who lives in Houston.

Q.—Can you give his name at this time?

A.—Not at this time, but I will do it and give it to the committee.

Q.—Can you name that bank?

A.—I will get it; I will get the name of the bank and banker.

Q.—Now—

A.—I will state I do not know of my own personal knowledge that he was in that game for the purpose of influencing any member of the Legislature who was in the game with him upon the bank proposition.

Q.—I want you to give the names of the Senators individually. I do not care anything about the members of the Legislature.

A.—The word "Legislature'- refers to either branch?

Senator Brachfield—Give them both.

Senator Sturgeon—Give us the names of the Representatives, that will cover both branches, that were engaged in that game, and referred to in here with the banker?

A.—I do not know of my own knowledge just who they were.

Q.—Can you give their names?

A.—I think that the officers of the court down here, or officer who made the arrest, or discovery of the poker game would be able to give you the names.

Q.—Will you give us the officers' names; will you write it on a piece of paper?

A.—Yes, sir; I will give you the name of the officer.

Q.—Now, Judge, were you for or against submission?

A.—I was against submission before—or during the primary or election—

Q.—I understand.

A.—After the primary election—

Q.—No, sir; I mean, were you for or against submission as to the Senate or the House submitting it to the people?

A.—At this time?

Q.—Yes, sir, and since this Legislature met?

A.—My position in regard to that matter, Senator, has been this: Since the primary election disclosed that there were such a number of people in Texas, such a large number of people in Texas who desired to vote on that proposition, I thought it ought to be submitted, and I furthermore thought it ought to be submitted in view of the fact that it is one question that will not be settled until the people have a right to vote upon it at the polls, and in my judgment it will be a source of harassment and will enter into all sorts of politics and business relationship and social relationship and church relationship in many of the communities of this State and that the welfare of the State calls for a submission of the question. I will state, however, I have taken no occasion to express myself about the matter one way or the other, except perhaps where it may have been called up by some one who asked me my opinion about it just as you are now.

Q.—Now, I will ask you if there is anyone here or have they been here during this session of the Legislature lobbying against submission, and if so, who

they were willing to investigate it, and are they and with whom did they lobby?

A.—Personally I have no knowledge there has been. I understand in a general way there are a good number of men here who are here for the purpose of preventing submission by this Legislature on that proposition, but of my own knowledge I do not know that that is their purpose here; I know of no employment on their part at all, but I will give the committee the names of those men and you may have them for witnesses.

Q.—That is what I am asking you for. What lobby have you reference to that has exerted that influence and who composed the members of that lobby?

A.—I will undertake to give the committee names.

Q.—Do you know any now?

A.—Not of my own personal knowledge, I do not.

Q.—Do you know of any Legislators, Senators or Representatives that have been influenced by any of these lobbyists one way or the other on any pending measure?

A.—Within my knowledge to say that any member of the Legislature has been unduly approached, that any coercion has been used or any appeal has been made to him outside of an appeal to his reason as to the merits of the measure under discussion, I do not.

Q.—Now, can you give this committee any information that will enable it to arrive at the truth of this statement: "Unless this lobby and its ways are uncovered to the public and this Legislature is divorced from its influence the will of the people of Texas in matters of legislation will be thwarted and the selfish designs of the special interests subserved." Upon what do you base that assertion?

A.—I deduce it from the opinion that I have and from the facts that have come within my knowledge.

Q.—That is what I want to know, the facts.

A.—Of the appearance of the lobby here in behalf of or opposed to certain measures.

Q.—Now state, Judge—

A.—If you will permit me, I will go a little further.

Q.—Go ahead.

A.—The platform adopted by the Democratic party at San Antonio sets forth certain measures of legislation and under the custom that has prevailed in Texas ever since the Railroad Commission was written into the statute books of the State and upon the Constitution, as the platform demand, measures of State policy have been practically demanded by the people and the issues pro and con have been tried out before the people, and the people have, at the ballot boxes and in the primaries and in the various conventions determined really upon the matters of legislation that they wanted and those are things that have usually come through the platform of the party.

Q.—In order that I might ask you more specifically about that, I will get the platform. Now, I want you to state to the committee what platform demands you have reference to that the lobby has kept this Legislature from enacting into the law.

A.—I will state this, Senator, as I started to say that at the present session of the Legislature there have been present perhaps a greater number of men seeking to have some sort of influence upon legislation than at probably any other session of the Legislature of Texas for a good many years. I think probably during the various sessions of the Legislature I have been present upon occasions anyway since the Legislature of 1893 and that is my observation.

Q.—But that does not answer my question: I want to know what platform demands that this Legislature should have passed upon that they have not passed upon by reason of the lobby?

A.—That is purely a matter of opinion and deduction from what I have seen —what has taken place.

Q.—Do I understand you to say to the committee that you do not know of any undue influence brought on any Representative by this lobby, upon any of these platform demands?

A.—I have stated that I have.

Q.—It is only your opinion. For instance, I will name them. The fifth in the plank—to make a provision for the indigent widows and wives of Confederate soldiers. Have any of them been influenced to vote for or against that by the lobby that you know of?

A.—I have noticed no attempt to influence legislation upon that at all.

Q.—We will take the eighth plank of the platform, relative to compulsory school education; state if there has been any one here lobbying against that measure?

A.—I have seen none that I know of.

Q.—If any Legislator has been influ-

enced along that line you do not know of it?

A.—I have not seen any one at all or heard of any one in regard to that, outside of some discussion. I believe I heard in the Legislature—

Q.—That was in session?

A.—Yes, sir; I say from that discussion—

Q.—The tenth section is that we favor decreasing the number and increasing the compensation of the Legislators of the State—has there been any one lobbying on that that you know of?

A.—No.

Q.—Now we will go to the fifteenth—we demand the submission by the Thirty-first Legislature of Texas of the constitutional amendment of the State of Texas on the adoption or rejection prohibiting in the State of Texas the manufacture and sale, gift or exchange of intoxicating drinks—now, Judge, if you can, give us the Representatives in either branch of this Legislature who have been influenced by any one to cast their vote as they have cast their vote upon that question I wish you would name it to this committee.

A.—I will give you all the witnesses I know anything about, or have obtained any information in regard to.

Q.—I am asking you to find out—how long have you been in Austin, how many days have you been here and how long have you stayed each time you have been here during the sitting of this Legislature?

A.—I was here all of last week, I was here part of the week before, and I was here two or three times prior to that, but I cannot state now the dates I came here, but can look it up upon the register and give it to you—

Q.—I am not asking you that. I want to know of any fact that would enable this committee to get at that. I wish you would state the facts.

A.—I have stated to the Senator I have not within my own personal knowledge a fact.

Q.—Now, we will take as the State guaranty deposit—Judge, do you know of any lobbyists that have been here, not what you have been told—but you might give that—that might enable the committee to get that—who has been here on that question of lobbying with the Senators or members of the Lower House?

A.—I saw a great many men here interesting themselves in regard to that bill; I could not undertake to give the committee the names of all of them—I might a few.

Q.—Do you know of any fact in which or by which or through which any Senator or member of the Lower House has been approached by any of these people?

A.—No, sir; I do not know of anything.

Senator Brachfield—You prepared this statement?

Answer—Yes, sir.

Question—I notice from the statement that you say "the principal business of this class is to spot the weak Legislator (the class referring to lobbyist) and discover by what source he may be overreached, and to round up all such for branding." I will ask you to state if you know of any such weak members of the Legislature that have been branded?

A.—I don't, within my own knowledge.

Q.—Can you give us the names of witnesses by which we can prove there are such members?

A.—I do not know absolutely that I can. I will give the committee the names of witnesses who possibly may be able to enlighten it on that point.

Q.—You continue that statement by saying: "To effect a combination between the interests relying upon the work of lobbyists." Do you know of any such combination of your own knowledge?

A.—Within my personal knowledge I do not.

Q.—Do you know of any witnesses whom we might summon that would shed any light upon this particular proposition?

A.—I can furnish and will furnish the committee with names of those whom I think may be able to give you that information.

Q.—You continue further: "To beguile with sumptuous suppers." Can you give us the names of any members of the Legislature of either branch that have been beguiled by sumptuous suppers?

A.—Within my own knowledge, no, sir.

Q.—Do you know of any witnesses we could get—that we could prove this statement by?

A.—I will furnish the committee with witnesses who may be able to furnish the evidence from which the committee may find out.

Q.—Do you know of any witnesses who would prove this particular statement?

A.—Not within my own knowledge; I do not.

Q.—"Free tickets to theatrical entertainments." Do you know of any member of the Legislature who has been influenced by tickets to theatrical entertainments?

A.—Within my knowledge, no, sir.

Q.—Do you know of any witnesses we can prove this by?

A.—Within my knowledge, absolutely, no.

Q.—"Winning hands at poker games?"

A.—The same applies to that? If I had information of these things within my knowledge I would have long ago divulged it to the committee.

A.—"And in short, exert every influence upon the Legislator, either of persuasion or coercion that their cunning and ingenuity can devise." Can you give us the name of a single witness by which we can prove that any member of the Legislature has been coerced or persuaded?

A.—The same answer I have to the others applies to that.

Q. (continuing)—"It is a matter of common notoriety that one banker visiting the city for the purpose of opposing the deposit guarantee law lost in a game of poker with members of the House and Senate more than $1000." I understand you to say that you did not see this banker come here and oppose this law?

A.—Not within my knowledge.

Q.—How came you to make this statement in this paper?

A.—I understood he was here for—

Q.—For the purpose of lobbying against the guarantee bank deposit law?

A.—That is what I understood; yes, sir.

Q.—Do you know A. B. Storey, chairman of the Democratic Executive Committee of this State?

A.—Yes, sir.

Q.—Have you had any conversation with him during the session of this Legislature?

A.—Yes, sir.

Q.—Did you make a statement to him in regard to appearing before—in regard to your purpose in appearing before this committee as attorney for Mr. Thomas?

A.—I do not remember that I did.

Q.—Do you say that you did not?

A.—No, sir; I will not say I did or did not. Mr. Storey was a personal friend of mine and he was talking to me in regard to my employment; he was a little bit surprised that I represented Senator Thomas. We discussed the matter in a good-natured, jolly sort of way, but I do not recall any particular statement—

Q.—Did you disclose to him, at that time, your purpose in appearing for Senator Thomas?

A.—The only purpose I had in appearing for Senator Thomas was to represent Senator Thomas, and also give this committee any information or facts. I felt that Senator Thomas' interest lay in assisting this committee in regard to any fact or facts that might disclose to this committee a violation in law of the anti-lobby law.

Q.—In your conversation with him did you disclose what particular effect it would have on you either personally or politically?

A.—On who?

Q.—On yourself?

A.—No, sir; I did not. He said to me he did not care anything about the result of the investigation; that he was my friend, personal and political, and hoped my connection with the matter would have no bearing upon it—would not affect my political welfare, and I said to him: "Why, Storey, as far as that goes, you need not have any fear about it affecting or having any influence upon any political ambition I may have; as a matter of fact, I am going to move to Dallas and practice law and have no disposition or desire to run for office." That was the sum and substance of our conversation, and about all. I said: "You need not have any fear about it, because I am only a lawyer in the case, and I am going to shape the case as far as I can to represent Mr. Thomas, or Senator Thomas." That is about the sum and substance of our conversation.

Q.—I will ask you if you stated to him or any one else since you have accepted employment in this matter that it would affect you either personally or politically?

A.—Why, I have not intended to convey any impression of that sort to any one. The fact is I have been in this matter, as I have been in every other matter that I have undertaken, utterly and perfectly and absolutely indifferent as to the effect it might have upon me politically.

Q.—You say upon information and belief the statement has been made that certain persons interested in legislation pending before this Legislature have

made attempts to combine with others also interested in legislation, and that propositions have been made to attempt to induce certain legislators to support proposed legislation for the creation of new counties in trade or swap for others to vote for the measure represented by the lobbyists seeking the arrangement, I will ask you if you know of your personal knowledge of any trades of that character?

A.—No, sir; I do not.

Q.—Do you know of any witnesses by which we could show trades of that character?

A.—I do not know absolutely. I know the names of some folks who claim to know.

Q.—Will you furnish this committee with those names?

A.—Yes, sir; I will be delighted to do it.

Q.—Why did you place this in this paper: "The people will judge the Senate by the reasoning that connects effect with cause"?

A.—I think that is how they usually do, judge, the Senate and the House, too, and all other legislative bodies.

Q.—You make this statement: "Practically all men know that the railroad lobby pounced upon this Legislature and left the nine-juror bill limp and lifeless." Don't you know that bill was out and printed and before the Senate upon a minority report lacking but one of being as many as was signed to the majority report?

A.—I knew that there was a majority and a minority report.

Q.—Why do you say that this bill, especially, is limp and lifeless?

A.—It struck me from the condition of the bill—in my opinion, it is in a weaving way.

Q.—Is that a platform demand—the nine-juror bill?

A.—I am not sure that it is—I hardly think it is.

Q.—Do you think that this is a bill that the people demand?

A.—I am inclined to think that it is pretty universally desired.

Q.—Do you know of any member who has been influenced in any way except by an appeal to his reason, by any person against this bill?

A.—Not to my knowledge, no, sir.

Q.—You speak of the anti-submission lobby and that amendment to the Constitution, do you believe that those men who voted against submission and this proposition have been unduly influenced from any direction by the lobby?

A.—I am not in a position to say that they have or have not; I have not the knowledge that would enable me to pass judgment as to what influence has operated upon them.

Q.—Don't you know that a majority of those voting against submission claim that they are instructed by their local constituents?

A.—Yes, sir; but I do not know what the relative number is.

Q.—Do you believe that these individual members who claim to be instructed by their local constituents owe a higher allegiance to the State platform than they do to their local instruction?

A.—I did not consider or pass on the question to whom they owe their allegiance, but the question after all is what influence has been brought to bear to control their vote as to the fact that they have been instructed by their local constituents as they are voting, certainly that would be a very potent circumstance indicating that they have not been influenced improperly, and the fact is that these people have been instructed by their local constituents to do a thing and that the State has instructed them to do a contrary thing, and as to what course they would pursue, of course, is a matter that must address itself to one's judgment and one's own conscience.

Q.—Do you know as a fact that eleven senatorial districts in this State voted against submission?

A.—I understand so—

Q.—In the primary?

A.—But I have not examined the records to see, but I understand there are eleven, or perhaps there are possibly twelve; I am not sure about that.

Q.—You have been taking quite an active part in the politics of this State for some time, have you?

A.—Well, I can not say, Senator, that I have been very active.

Q.—You have attended the conventions, nearly always go to the convention?

A.—Yes, sir.

Q.—You were present at the Waco convention at which time Governor Hogg made a fight for certain measures to be submitted to the vote of the people?

A.—Yes, sir.

Q.—And they were submitted, were they not, to the primary?

A.—That is my recollection, but I would not be positive about that now, Senator.

Q.—Do you remember that they were placed in the platform as platform demands?

A.—Yes, sir; I think so.

Q.—They were defeated before the following Legislature, were they not?

A.—I think so.

Q.—Sir?

A.—I think so; I was not a member of the Legislature, but that is my recollection about it.

Q.—And most of them were engrafted into the laws during the session of the Thirtieth Legislature?

A.—Yes, sir.

Q.—Especially the anti-free pass bill?

A.—Yes, sir.

Q.—That is all.

Examination by Senator Sturgeon:

Question—Is there any other statement you want to make?

Answer—I have no information that I could give this committee of my own personal knowledge that would be of any value to it. If I had I would have long since given it to the committee.

Q.—I want to ask you this—

A.—My position in this matter—the Senate committee understands very perfectly that I am employed by Senator Thomas to appear before this committee. I stated to the committee at the outset that I was rather occupying an anomalous attitude, and I wanted to be of any assistance to the committee that was in my power, believing that the interest of Senator Thomas lay in the fact that this committee would discover every fact that might exist and show a violation of the anti-lobby law.

MARCH 3, 1909, 10 O'CLOCK A. M.

J. F. Wolters, after being duly sworn under examination of Judge Moore, testified as follows:

Question—Your name is J. F. Wolters?

Answer—Yes, sir.

Q.—And you live in Houston?

A.—Yes, sir.

Q.—You are the general attorney for the Pullman company?

A.—No, sir; I am tax commissioner of the Pullman company for the State of Texas.

Q.—And you look after the interests of the Pullman Car Company in the State of Texas; you look after the Pullman Car Company before the Legislature, the measures pending that may effect the company?

A.—Yes, sir.

Q.—State whether or not there is any one else representing the company here before the Legislature looking after the interests of the company.

A.—Not of my knowledge; I do not think there is; if there was I would know it.

Q.—What other measure—what measures have you been interested in before the Legislature for that company?

A.—The Pullman company has been interested in no measure, the only measure that has been before the Legislature was the bill introduced by Senator Ward relating to foreign corporations. It contained a provision that no foreign corporation could obtain a permit to do business in Texas unless the objects of the said foreign corporation attacked could be created under the incorporation laws of Texas, and under the incorporation laws of Texas there is no provision for the incorporation of car companies. When that bill was pending before the Senate it seemed that some Senator raised the question as to that and besides other corporations being cut out by that—and when my attention was called to that I went to Senator Ward and asked him if the purpose of his bill was to keep out such corporations, and he said it was not, then I appeared before the committee—I do not know which committee it was, Senator Meachum was chairman of it, Judiciary No. 1—and there suggested an amendment by which that would be cured. but the bill was killed for some other reasons or not reported favorably at that time. The Attorney General, who had drawn the bill, said it was not his purpose to have the effect that it had. Another measure that was introduced by Senator Ward related to permit fees. Under the present law the Pullman company contends that it does not have to pay a permit fee at all, the Attorney General—the present Attorney General—does not agree with the Pullman company about that, although his predecessors are said to have agreed with us, that he has filed a suit, the effect of which is to compel us to quit business in Texas or pay $100,040. The Pullman company is a manufacturing corporation and has in Texas, invested in Texas, something less than one million dollars in cars that run through the State. Senator Ward's bill fixed the permit fees and also had a limitation of maximum amount for loan companies. I then took up with him, first with the Tax Commissioner, Mr. Dashiell, and with the Assistant Attorney General, Mr. Hawkins,

and then with Mr. Ward the advisability of fixing a maximum for Pullman car companies, and my understanding is that the Senate adopted that kind of an amendment, but Senator Ward did not offer the amendment at my suggestion, but said he did not want to discriminate between foreign corporations who did not employ all their capital in the State —his prime purpose was to let the loan companies come in.

Q.—Is that the only measure affecting the Pullman Car Company?

A.—Yes, sir.

Senator Sturgeon—I will ask you if there has been any agreement by Ward or Dashiell as to fixing the permit fee of the Pullman company at $2500?

A.—Since then I have been asked by some one over in the House whether I thought $2500 would not be a more satisfactory sum, or rather a more proper sum and I answered by saying, if we had one million dollars employed in Texas or permit fee or franchise tax would be $500 if we were a home company, but that was a matter left entirely to the wisdom of the Legislature, but I would say this if they would fix it at $2500, the Pullman company would pay it and not question any provision of the law relating to it.

Q.—Do you know whether the Attorney General's office prepared that amendment to the bill and made it $2500?

A.—No, sir; I did not pursue the matter any further.

Judge Moore—Mr. Wolters, you have been an attorney, or rather been in the city of Austin practically since the Legislature has convened?

Answer—Yes, sir.

Question—What other interests have you represented besides the Pullman company?

A.—I am chairman of the anti-Statewide prohibition organization, elected by a convention of anti-prohibitionists, which assembled in the city of Houston, of which you were a member.

Senator Sturgeon—When you say "you," who are you talking about?

Answer—I am talking about Mr. Moore.

Question—I want it to go in the record.

A.—I was placed in nomination for the office by Mr. Moore, in the convention, I have been looking after, in a general way, the matter of the anti-prohibition cause—anti-Statewide prohibition cause. I have held no conference with any Senator or Senators, I have attended no caucus, I have given no direction, I have given no instructions of any kind, but have simply been on the ground watching the proceedings.

Judge Moore—Do you know of any person other than yourself who has been here?

Answer—Yes, sir; Senator Stafford, who is a member of the committee, and John L. Wortham, who is a member of the committee from Dallas, John F. Onion, who is not a member of the committee, but he is here on my invitation; General John A. Hulen, who is secretary of the committee, has been here off and on, and you might say practically all the time, except when they had business in the courts at home or elsewhere that took them away. Those gentlemen were instructed by me, if I may be permitted to say, to say to any Senator or Representative who might approach them on the question of submission, that they were anti-prohibitionists and were instructed for submission to obey the dictates of their own conscience, and that in our judgment they should obey the instructions of their districts. I have personally said to members of the House who have come to me and talked to me about their situation, said they were as strong anti-prohibitionists as I was and I have said to them: "If I were in your place I would vote for submission, your district having so instructed."

Q.—Do you know, Mr. Wolters, whether there has been any one here interested in bringing about submission in the Legislature?

A.—Yes, sir; I suppose it is known to all men that Mr. Sterling P. Strong, H. A. Ivey, Arthur W. Jones and various and numerous gentlemen from time to time have been here in that cause, Mr. Strong being here just like I have, at least I have seen him here all the time I have been here. In addition to that, I want to say I am the vice president and general counsel of the Home Life Insurance Company in Houston, and in that connection I have been for months off and on in conversation with the Commissioner of Banking and Insurance together with the attorneys and officers of other life insurance companies in Texas with a view of bringing about a revision as it relates to life, health and accident insurance.

Q.—Who is Commissioner?

A.—Thomas B. Love. We have worked together in that connection and for that purpose done this—I have done nothing else but that, and we worked in my

room—prepared that bill. We believe it to be a bill to be of interest to the policyholders of Texas, as well as the companies, and think it is badly needed.

Q.—Do you know of any other work or service that has been done by any of the gentlemen here except to advise, as you have already stated, members of the Legislature to obey their instructions?

A.—No, sir.

Q.—On the submission matter?

A.—No, sir; I do not.

Q.—Have you discussed the matter with the members of the Legislature?

A.—I have not—discussed it, except when they have come to me and in a general conversation, and they would, for instance, talk about anti-prohibition and anti-submission, and would naturally talk to me about it just like, I presume, Senators and Representatives would talk among themselves about the matter, but there has never been any formal conversation with an individual or member—

Q.—Has there been any attempt at or fraud on your part or the part of any of the others interested in opposing submission, as far as you know, to bring about a combination of any people, who are here representing other interests or legislation before the Legislature?

A.—Absolutely none, and I would repudiate any man who was connected with the anti-prohibition organization who would for a moment suggest such a thing.

Q.—Do you know whether the persons representing the submissionists have undertaken to bring about any combination or have effected any combination or made any propositions, linking up the interests of submission with any other interest pending before the Legislature?

A.—Of course, I have heard many things along that line and I know nothing of my own knowledge. Of course, it would all be hearsay. I have heard, however, that such efforts have been made.

Q.—I think it is proper for you to state what those efforts were.

A.—I have no objections to stating what has been told me, but as a lawyer I know it is hearsay.

Q.—I want to ask you a question. Since you have been here and since the convening of the Legislature, do you know of your own knowledge of any one that has offered any Representative in the lower house or in the Senate anything to change their vote or vote against a measure or to vote for any measure pending in either house in the Legislature?

A.—No, sir; I do not.

Q.—I will ask you if you know of any one that has, directly or indirectly, tried to influence the members of this Legislature in casting their votes upon any measures pending before the Legislature other than coming before the committees and making arguments upon the propositions?

A.—No, sir; I do not.

Q.—Do you know of any one else that knows that fact?

A.—No, sir; I do not.

Q.—Do you know of any one who has violated the anti-lobby law—

A.—I do not.

Q.—During the sessions of this Legislature, and if so, who are they?

A.—I do not know of any one that has.

Q.—Do you know the name or can you give the name of any member of the House or Senate that has been approach, intimidated or embarrassed in any way about any measure upon which they had taken their stand during this session of the Legislature?

A.—No, sir; I know of no such Senator, or anything of that kind having occurred.

Q.—You have been questioned about this combination of interests here and have testified as to that. Judge Moore hands the committee this statement that I have in my hand, and in it I find this statement: "Practically all men know that the anti-submission lobby has cast the spell of its mesmeric powers over the Capitol and made the platform demand for submission an object of gibe and ridicule." Do you know of any anti-lobby people—anti-submission people here that have done that or tried to do that?

A.—I do not; no, sir; the contention of the anti-submissionist is that where a Representative is instructed by his people against submission that that instruction precedes any action of the State convention, and as I understand it, Democrats in this latter day differ upon that propositon. There used to be no difference among us on that question.

Senator Brachfield—Mr. Wolters, in this paper I hold, filed by Senator Thomas through his attorney, Mr. Moore, in speaking of the lobby around Austin used these words: "The principal office of this class is to spot the weak legislator and discover by what

source he may be overreached and to round up all such for branding." Do you know of any lobbyists in the city of Austin that are doing this class of work?

Answer—I do not, Senator; if there are such I do not associate with them and do not know them.

Question—Continuing, he says: "To effect the combination between any—between the interest, relying upon the work of the lobbyist."

A.—I want to state that so far as I am concerned I have never combined with any interest; in all the years that I have come here I have always fought my own battles and permitted other gentlemen to fight theirs. I have held aloof from that. I have never accepted employment of any character, except where I am employed regularly in the performance of duties year in and year out, in connection with the Pullman company and this life insurance company in which I am a stockholder and which I helped to organize and which is composed entirely of Texas people, I have not accepted employment of any character to fight or promote any measure.

Q.—Continuing this statement: "To beguile with sumptuous suppers, free tickets to theatrical entertainments, etc."

A.—I have never known of any suppers—sumptuous suppers given and I have known of no theater parties, except that I have been invited indiscriminately, when I wanted to go to the theater some friend—ask them to come along and go with me to the theater. I have accepted as many invitations from Senators and Representatives who bought tickets as I have ever bought and probably more, and I do not think that any one indulges in that.

Q.—Do you know of any such invitations being extended to beguile any member of the Legislature?

A.—No, sir; absolutely none.

Q.—Continuing, it says: "And in short to exert every influence upon the legislator, either by persuasion or coercion that their cunning and ingenuity can devise." Do you know of any persuasion or coercion that has been used upon any member of the Legislature?

A.—I do not.

Q.—Continuing, the statement reads: "It is a matter of common notoriety that one banker visiting the city for the purpose of opposing the deposit guaranty bank law lost in a game of poker with members of the House and Senate more than $1000." Do you know of your own knowledge or from hearsay that that statement is true?

A.—No, sir.

Q.—Do you know whether it is true in any part as to members of the House and Senate?

A.—No, sir; I do not.

Q.—Who is Mr. Will Gray from Beaumont?

A.—He is a lawyer from Beaumont.

Senator Thomas—Do you know his initials?

Answer—Will Gray.

Question—Do you know what he was doing here?

A.—Nothing, except that he was the attorney for the farmers—rice farmers, who have a bill here of some character relating to irrigation, that is to say, he drew their bill for them.

Q.—In other words he was here interested in certain legislation?

A.—I want to qualify that. I do not know that he is even bothering himself about the legislation part of it. He is a lawyer and as I understand it these men are farmers, and the representative from down there is a rice farmer and he rooms with him, he is the attorney for that Rice Farmers' Association. All I know that he has ever done about the matter is to prepare the bill and to look after the proper form of the bill, there is a lot of difficult questions in that.

Q.—He was here representing their interests before the Legislature?

A.—I do not mean to say before the Legislature, because I do not know that that is a fact. A lawyer might be employed to prepare a bill for you and give you legal advice as to the preparation of the bill and the wording of it so as to avoid an unconstitutional feature of it or invalidating feature and still not appear before a committee or have anything to do with its passage, that is the extent of my knowledge about it.

J. B. Moore, after being duly sworn, under examination of Judge Moore, testified as follows:

Question—What is your name?

Answer—J. B. Moore.

Q.—J. B. Moore?

A.—Yes, sir.

Q.—You are the justice of the peace in this city?

A.—One of the justices in this precinct—No. 3.

Q.—Are you the only justice of the peace here?

A.—No, sir; there is another.

Q.—Who is the other one?

A.—M. M. Johnson.

Senator Sturgeon—Just a question, please. You live here in Austin?

A.—Yes, sir; I have lived here eight years.

Q.—How long have you been justice of the peace?

A.—Four years last December.

Q.—Now I will ask you to state to this committee if during the sitting—of the Legislature, since the Legislature convened, do you know of any one who has violated the anti-lobby law?

A.—No, sir; I do not.

Q.—Do you know of any one who has approached any Senator or Representative—who has offered them anything to change their vote to work for any measure or against any measure that is pending before the Legislature?

A.—No, sir; I do not.

Q.—Do you know of any one else that has done that?

A.—No, sir; I do not.

Q.—That does know of that fact?

A.—No, sir.

Q.—Do you know of any one that has directly or indirectly used any influence or tried to use any influence, undue influence, with any of the Senators or members of the House?

A.—No, sir; I do not, Senator. The only thing I know, there has been lots of people here, that some of them I associate with in reference to passage of some laws; we were discussing the measures pro and con, for instance the sheriffs' and clerks' association. I was present at a meeting in the courthouse; we were discussing the best manner—

Q.—I don't mean that, I mean outside.

A.—No, sir; I know of none, nor have I heard of any.

Thos. B. Love, after being duly sworn, under examination of Judge Moore, testified as follows:

Question—You are the Commissioner of Insurance and Banking?

Answer—Yes, sir.

Q.—State whether or not you have been interested as such in the measures that have been pending before the present session of the Legislature.

A.—Yes, sir.

Q.—What measures?

A.—In certain bills revising and improving the banking laws, and also in an effort to promote a general recodification and revision of the insurance laws of the State which are very badly defective in a great many particulars.

Q.—Have you been interested in the bill known as the guaranty bank deposit bill?

A.—Yes, sir; the bill that I prepared, State guaranty of bank deposits, provided for a guarantee, and in addition it provided all the needed changes in the State banking law which ought to be there even, however, without any guarantee, but it is all one bill.

Q.—State whether or not, Mr. Love, there were a few or a great many people here opposing that measure.

A.—There were quite a number; I would say twenty-five or thirty.

Q.—You think twenty-five or thirty?

A.—Yes, sir.

Q.—What has become of that bill, do you know?

A.—Well, there were three bills on the same subject before the House committee; they were all reported adversely; the bill I was interested in was reported adversely and the minority report—eight members signed it—it has been ordered printed, which, under the rules of the House, places it on the House calendar, and it is now pending business before the House.

Q.—Has there been any disposition of that measure before the Senate?

A.—The same bill which provides for the guarantee of bank deposits, but carries none of the safeguards introduced by Senator Alexander, has been reported favorably by the Senate committee, with a minority unfavorable report; I make that statement from the Journal and newspaper statements.

Senator Sturgeon—You have been here, Mr. Love, since this Legislature convened?

A.—Yes, sir.

Q.—You have been in the Capitol, too, most of the time?

A.—Yes, sir.

Q.—Do you know whether any one who has violated the anti-lobby law that you could give us their names?

A.—Well, now, in order to answer that question I would have to state what my conception of the anti-lobby is.

Q.—Without stating your conception you may answer that question, and then we will ask you the facts.

A.—I will say in my conception of the anti-lobby law, of my own knowledge, or of hearsay, I know of no violation of it.

Q.—Of the anti-lobby law?

A.—Yes, sir.

Q.—Mr. Love, do you know of any Senator or Representative in the Lower House who has been lobbied with and influenced to change their position or

convictions on any bill that was pending in either house, unless it was done by public argument before the committees?

A.—I do not recall any right now. I want to state in that connection, this: that in my experience here, six years in the Legislature, I have seen that done frequently; that I have seen members changed by members coming here and talking to them; I do not mean to say it was done unlawfully or improperly, but I have seen it done frequently, but my mind and time has been taken up sixteen hours a day since this Legislature convened, yet there may have been, but I do not now recall—there may have been cases which I do not now recall, but I do not remember now any specific instance.

Q.—You do not remember it now?

A.—No, sir.

Senator Brachfield—Have you talked to Senator Thomas about this anti-lobby law any time during the session?

A.—I never did—I would like to make a statement about that matter; the first time I ever saw Senator Thomas in my life was the night he got here; I think it was either on Sunday night or Monday night before the Legislature met. I was introduced to him in the lobby of the Avenue hotel; it was a crowded lobby; I said: "You are the man that beat Black," and he said, "Yes"; and I said: "I am glad to meet you," and shook hands with him. Some one introduced me, but I did not know who it was. Since that time I have spoken to him half a dozen times, and my conversation with him has been, "Howdy do, Senator?" and his reply has been "Howdy do, sir?" I want to state in addition to that, that not only is that true, but that I never told any living man anything to tell Senator Thomas, and that Senator Thomas or no man ever told me anything as coming from him. There has been absolutely no conversation or communication, directly or indirectly, between me and him, except as I have detailed.

Q.—Mr. Love, I will ask you this question: Have you, since the convening of this Legislature, attempted to influence any member of the Senate or House in any measure or manner, than by appeal to his reason?

A.—I have not, but I have done a good deal of that.

Q.—Do you think you reached their reason?

A.—I reached some and hope to reach some more.

Q.—Do you know of any other persons that have attempted to influence any member of either branch of the Legislature in any other manner other than by his appeal to his reason?

A.—Let's see about that. I don't think I do. There may be some instances that may be called to my attention that have passed out of my mind.

Q.—Can you give us the names of any witnesses that we could bring before this committee that would throw any light upon this subject?

A.—Yes, sir.

Q.—What are their names?

A.—The committee of national bankers, composed of O. E. Dunlap of Waxahachie—

Q.—I am asking you for names of witnesses whom we can get testimony from about influencing members in some other manner than by appealing to their reason?

A.—No, sir; I can not give you the name of any witness of whom I have any knowledge who would testify to anything of that sort.

Q.—That is what I am trying to get at. Do you know of any witness who has been in Austin that we can prove that any influence has been exerted over the members of the Legislature in any other manner than by an appeal to their reason?

A.—I do not, but a committee was formed, composed of Judge Dunlap, Mr. Pondron of Texarkana, Mr. Wells of Houston and Mr. Nathan Adams of Dallas, to oppose the bank guaranty law. I know that the committee has raised a fund for the purpose of their campaign, but how much I do not know nor how it has been expended, I do not know. I have been told by a number of gentlemen that they had been tendered employment. These gentlemen are not members of the Legislature—they had been tendered employment to come to Austin to assist in defeating the bill for the guarantee of bank deposits, and that they had refused the employment.

Q.—Give us the names of those gentlemen who refused offers of employment—who refused it?

A.—Those names were given me more or less confidentially, but you have asked me to give them and I shall give them.

Q.—I shall insist on it as far as I am concerned.

A.—I have no objections to giving them, but I want this record to show that I am giving these names because I am required to give them.

Q.—Yes, sir.

A.—Ex-Senator W. A. Hanger of Tarrant county is one, ex-Representative Tony D. Williams, who was formerly a member of the House from Ellis county, is another, and Jake Wolters is another. I want to say as to him, he did not say a tender was definitely made, he said he was approached on the subject and possibly I ought not to say any of them said a tender was made—they were approached upon the subject of being employed to come down here.

Q.—You don't say that any of them were tendered employment, but were approached upon the subject of engaging their services to lobby against the bank deposit bill—

A.—And they refused to do it. What I mean to say, they had the opportunity of taking employment, but I won't say they had a definite tender.

Q.—I will ask you, Mr. Love, if they were offered employment or approached for the purpose of lobbying against the bank deposit bill?

A.—I have no information—

Q.—Knowing these gentlemen as you do, are you not certain that if they were even approached upon a subject of this kind that it was supposed that their employment would be of a legitimate nature?

A.—I have no doubt from their conversation that the propositions made to them was for lawful employment.

Q.—This fund that you say was raised by the committee of national bankers—do you know where there was a single penny of it expended in an unlawful manner?

A.—None; I do not know how it was spent.

Q.—Do you know of any witness that would tend to prove that any of this money was spent unlawfully?

A.—I do not.

Q.—Do you know of any influence brought to bear upon members of the Legislature that has caused them to oppose the bank guarantee deposit law?

A.—Any influence?

Q.—Yes, sir, any influence; I will say unlawful first.

A.—I know of no unlawful influence—I know of influence.

Q.—I will ask you if there was any influence except by an appeal to reason or in public argument before committee that has ben made, that has influenced any member of the Legislature?

A.—The only influence that I know of that has been brought to bear has been by letters, telegrams and personal interviews on the part opposed to the bill.

Q.—From your statement you would say by petitions and memorials to the members of the Legislature?

A.—And by personal contact and interviews here in Austin.

Q.—I do not understand—by "personal contact and interviews?"

A.—I will tell you what I mean by that; I mean when a local—when a citizen of the county comes here and interviews his Representative personally, it has a great deal more influence than sending a telegram or letter.

Q.—Of all those interviews, do you know of a single instance in which the member approached has been influenced in any way except by an appeal to his reason?

A.—I do not; no, sir.

Senator Thomas—Mr. Love, just now you spoke about a fund being raised by the National Bankers of the State for the purpose of defeating the guarantee bank deposit bill.

A.—Yes, sir.

Q.—You cannot say that none of that fund was used for any other purpose than that of an appeal to the reason of the members of the Legislature?

A.—I cannot say how it was used; I do not know anything about it, except I know that a good many telegrams have been sent it.

Senator Brachfield—Do you think that that is an unlawful use of the money?

Answer—No, sir; I do not. I think it is a method of opposing a bill and which the people and the members of the Legislature ought to bear in mind in passing on the merits of the measure.

Senator Thomas—It is possible some of this fund could have been used unlawfully and you would not have known anything about it?

A.—Yes, sir, that is possible, but I have no information to that effect whatever. One matter has come into my mind. You are confining me to things that have been done since the Legislature assembled, otherwise than by an appeal to reason.

Senator Brachfield—Yes, sir.

A.—All right.

M. A. Spoonts, after being duly sworn, under examination of Judge Moore, testified as follows:

Question—Judge Spoonts, is M. A. Spoonts?

Answer—Yes, sir.

Q.—What business are you engaged in, Judge?

A.—I am a lawyer.

Q.—What interest are you representing?

A.—You mean in Austin?

Q.—Yes, sir.

A.—Well, primarily, the Fort Worth and Denver City Railway Company and allied lines.

Q.—The Fort Worth and Denver City Railroad Company and its allied lines?

A.—Yes, sir, and Wichita Valley—and I have also had some little interest with the Western Union.

Q.—Western Union—and those are the only interests you have?

A.—Yes, sir.

Q.—That you represent?

A.—Yes, sir.

Q.—You represent them as attorney, employed by them?

A.—Yes, sir.

Q.—Judge Spoonts, there are a number of other railroads in Texas represented also here, are there not?

A.—Yes, sir; several.

Q.—There is an organization of railroad attorneys to look after the Legislature—the legislation before this Legislature—are there not?

A.—No, sir; I know of no organization of general attorneys—the general attorneys have a way of meeting occasionally when the Legislature is in session, but there is no membership or anything of that sort.

Q.—There is a regularly constituted steering committee?

A.—No, sir; I know of no such committee.

Q.—You and Mr. Andrews and Judge Garwood constitute that committee?

A.—No, sir; we just represent our own individual interests. We are here and, of course, ordinarily what affects one railroad affects another, and our interests are ordinarily in common. We are not the representatives of any one except our particular interest, as far as I know—I know I am not. There was this situation—I will explain, if you will permit me—during this session of this Legislature: What is known as the Texas rate case came up for hearing before the Interstate Commerce Commission at Washington; we were all interested in that case, and we did not feel like we should all leave here, so some of them went there and some of us remained here—Mr. Terry and Mr. Houston and Judge Freeman and some of the other Texas lawyers went to St. Louis and some of us remained here. It was merely a division of our work.

Q.—The work was divided up through a conference or understanding?

A.—Well, we talked about the matter; we wanted to know who was going to St. Louis and who would remain here, and Colonel Houston and Judge Terry said they would go to St. Louis and Judge Garwood and Mr. Lassiter and Mr. Andrews—we remained here. They looked after our case up there in St. Louis and introduced our testimony. At least they were to do so—while the others of us remained here.

Q.—During this session of the Legislature, Judge, what measures have you been interested in defeating?

A.—Well, primarily the two-cent passenger fare.

Q.—Primarily you were interested in defeating the two-cent passenger fare?

A.—Yes, sir, and there have been a good many others that I cannot recall now.

Q.—The nine juror bill?

A.—Yes, sir, the nine juror bill, and some of the others we were interested in defeating, and some in modifying.

Q.—In matters of taxation before the Legislature?

A.—None that I know of directly. There was one tax matter that was called to my attention during the proceedings of the Legislature. The bill that was introduced by Senator Alexander for the purpose of putting into effect the recent constitutional amendment with reference to school taxation.

Q.—It is a bill that subjects the intangible properties of a railroad for taxation for local school districts?

A.—Yes, sir; that was the only taxation measure that I know anything of. I was informed of that bill—that that bill made some provisions about the county assessor apportioning out the intangibles in the various school districts. I have not read the bill or personally gave it any attention.

Q.—Who was assigned, of the general attorneys of the various railroad interests—who was assigned to look after that taxation?

A.—I have no idea, sir; I do not know whether any of them did or not.

Q.—There is a bill preventing a taking of statements of injured parties within ninety days from the time of injury?

A.—Yes, sir; that was one of the bills I was interested in. I was before the committee and spoke perhaps five minutes on it—a very short time. I had no opportunity to discuss it at any length very much.

Q.—What has become of the two-cent fare bill; is it dead or alive?

A.—I was in the committee in the House yesterday morning—I think it was when it was reported out—a majority report against it, and a minority in favor of it.

Q.—What became of the nine juror bill?

A.—I do not know, sir.

Q.—Has it been reported on?

A.—Yes, sir; it was reported on, so I was informed; I did not see the report, but I was informed it was reported adversely in the House and what was known as the "Gaines bill" substituted —the substitute—was reported out by a minority. That was my information. I did not discuss that bill before the House committee.

Q.—How about the Senate bill?

A.—I discussed the bill before the Senate committee in connection with some other, with reference to changes of the court—I think my discussion was principally devoted to the other bill.

Q.—What has become of the bill in the Senate committee?

A.—I understand it was reported adversely, but that it merely hearsay.

Q.—What about the injury bill—the ninety day injury bill?

A.—That is still pending before the committee, so far as I know of.

Q.—Judge, have you any other persons down here representing this railroad interest and the Western Union Company?

A.—The superintendent and local manager of the Western Union, Mr. Parker and Mr. Smith; the State superintendent, he is here occasionally. I want to make this explanation: I do not mean to say that I represent the Western Union in Austin. I have not assumed that at all. I have agreed to make an argument before the committee on this Terrell bill. I think that is as far as I have gone in the matter. I have no other interest in it, and I am not here looking after the Western Union generally, but it is a client of mine and has been for twenty years or more.

Q.—Your railroad—is any one here representing your railroad interest at all?

A.—No, sir.

Q.—You are the only one that represents the Fort Worth and Denver?

A.—Yes, sir. You understand Judge Steadman's connection with all the roads?

Q.—What is his connection?

A.—Well, he is the attorney employed by the roads generally; I do not know that that includes all the roads, but the principal lines, and he is stationed at Austin. His duties require him to assist the roads in all matters before the Railroad Commission that are of general interest to all of them and also any litigation in the courts that affects the railroads as a whole and on general matters of that sort. He has also been doing the work of keeping track of the bills here in the Legislature—he has a stenographer who has been trying to keep up with them and, of course, his position is such as he could be called on by the roads in any litigation that affects the roads as a whole.

Q.—What relationship has the Secretaries' Association with the railroads—the commercial secretaries?

A.—None that I know of at all. I have not been with those gentlemen at any meeting and I have never discussed with them any measure. The fact is, the commercial secretaries and the attorneys of the roads have not been on all fours as to what legislation should be required.

Examination by Senator Sturgeon:

Question—Judge Spoonts, I will ask you, while you have been in Austin during the session of this Legislature, if you know of any one who has violated the anti-lobby law?

Answer—No, sir; I do not know of any violation of it. I am a man ordinarily who tries to attend to my own business, and I have not been interested in other folks' affairs. I know I have not, if that is what you want to know.

Q.—I will ask you if, while you have been here, if you have tried, directly or indirectly, to influence any Senator, or Representative of the House, in casting their vote one way or another upon any pending legislation other than by addressing the committee?

A.—I have not; I have not spoken to a single member and asked him to support—to vote for or against any measure affecting the railroads or otherwise. Of course I, like every one else, have sat around hotels and talked about different things.

Q.—This committee's business is to find out any one that has.

A.—Yes, sir.

Q.—Do you know of any one else representing any railroad interests or any other interests that has offered any Senator or Representative anything to vote one way or the other or to change their vote on any pending legislation.

A.—I do not know, sir; I do not know of a single man, woman or child that has endeavored to influence any one other than the way I have done myself, by discussing these measures before the committees. I have realized the anti-lobby law, and I have steered so far away from it that I have not talked to a single member of the Legislature in the interest of or against directly. Of course, in a general conversation where men drift into those things, around hotels, and talk about different measures—I personally have no knowledge of any violation of the anti-lobby law.

Q.—I will ask you, Judge Spoonts, if Sterling P. Strong or any other submissionists, I mean by that for submission of the constitutional amendment of Statewide prohibition, has said to you or in your presence to any one else, or suggested to you or in your presence or to any one else a combination of the interests that you or any one else represented with the submission interests, in order to defeat any measure or to get any measure through?

A.—Well, I do not know whether you can put it that strong or not. I can tell you the conversation I had with Mr. Strong one day. I had been in the rear of the House in committee rooms on some measure, and the House had convened and I was walking upstairs, and perhaps at the foot of the stairs, or may be on the landing, going upstairs, on the far end of the Capitol, I met Mr. Strong one day, and I laughingly said something to him about his measure, and he said, "You—" I do not know as I will give you his exact words, but I will give you the substance as near as I can. He said: "There is liable to be a whole lot of drastic legislation here against the railroads and other people, and unless this prohibition is passed," or something to that effect, he may not have used those identical words, but that is the idea he conveyed. He said: "If the railroads would get in line and help us pass this amendment here I think you folks would receive pretty fair treatment from the Legislature." I said: "Mr. Strong, that is a matter I have no concern with; the railroads are not in politics; they are not for or against a measure; they have nothing to do with it, one way or the other," and I said, "I don't think it is fair to undertake to put them in the fight," and he said, "Some of them were interested in the matter," and I said, "No, you are mistaken about that." I said: "There may be railroad lawyers that are in favor of prohibition and some are against it; Judge Perkins is a prohibitionist, and Colonel Yoakum was, before his death, and some of the rest of us are not in favor of prohibition. I don't suppose a man because he is a railroad lawyer has not the right to express his opinion as to a situation; it may have been some of the railroad lawyers have stated they were opposed to prohibition, but so far as the railroads getting into a fight of that sort, they have troubles enough of their own, and are not seeking any other." He did not make any proposition of a combination, he just simply said if we would get this prohibition amendment passed here he thought the Legislature would be very conservative.

Senator Brachfield—Was there any member of the Legislature present during this conversation?

A.—No, sir.

Q.—Do you know of any member of the Legislature that was influenced by this conversation?

A.—There was no one heard it.

Q.—Do you know of any member of the Legislature who has heard of this conversation?

A.—I do not know about that. I perhaps repeated the conversation to some one, I do not know who. I spoke of it several times.

Q.—To some member of the Legislature?

A.—I have no recollection about ever speaking to any member of the Legislature about the matter, and I feel pretty sure I did not, though I spoke about the conversation several times—it was not a private matter at all—in ordinary running conversation.

Q.—Judge Spoonts, in a statement or memorandum filed by Senator Thomas, through his attorney, Mr. Moore, the following appears: "Upon information and belief the statement is made that certain persons interested in legislation pending before this Legislature have made attempts to combine with others also interested in legislation, and that propositions have been made to attempt to induce certain legislators to support proposed legislation for the creation of new counties in trade or swap for others to vote for the measures represented by

the lobbyists seeking the arrangements," and your name is given as one of the witnesses. Do you know of any such propositions being made?

A.—The only thing I ever heard of in that connection is what I told you, and I have told you, as near as I can what was said in that conversation. I do not mean to repeat it literally, I can not do that; my memory does not justify me doing that, but I have repeated it as nearly as I can—the conversation—I did not understand it as a proposition; I thought Mr. Strong was talking to me in a friendly way about what he thought the other legislation might be.

Q.—Under this statement it does not say anything about that, and does not mention any kind of legislation except the creation of new counties, and attempts were made to induce certain legislators to support proposed legislation.

A.—I never spoke to a man about a county bill in my life, that I know of.

Q.—Do you know of anything that would support a statement of this kind?

A.—I do not. I have no interest in the world in a county fight. I am not interested in it.

Q.—This further statement appears: "Practically all men know that the railroad lobby pounced upon the Legislature and left the nine-juror bill limp and lifeless," and your name appears as a witness to that.

A.—Well, I don't know what you mean by pouncing upon a Legislature and leaving it lifeless. I discussed the bill before the Senate committee, and I think perhaps some of you were present when I discussed it. I don't think I arrogate to myself sufficient power to have accomplished any such purpose—if it is lifeless I suppose it is because of its inherent weakness.

Q.—Do you know of any undue influence that was used on members of the Legislature to defeat this measure?

A.—I don't think my speech could have been called undue influence.

Q.—Do you know of any members of the Legislature being approached or appealed to in any manner except to their reason in opposition to this bill?

A.—No, sir.

Ben Cabell, after being duly sworn, under examination of Judge Moore, testified as follows:

Question—Mr. Cabell your name is Cabell?

Answer—Ben E. Cabell.

Q.—You live in Dallas?

A.—Yes, sir.

Q.—You have been here practically since the beginning of the Legislature?

A.—Off and on; yes, sir.

Q.—Interested in—especially in keeping what is known as the anti-race horse bill from being passed?

A.—No, sir; I am interested in trying to have passed—advocating what is termed the breeders bill.

Q.—The breeders bill?

A.—Yes, sir.

Q.—Who else has been here besides you interested in the enactment of the breeders bill?

A.—Well, there have been several besides me—several of our directors came down with me at times. I don't remember whether Mr. Moreney came down since the Legislature convened or not, Mr. Keist, our president, and myself, I believe that is the only one of our directors that has been here since the opening of the Legislature.

Q.—Did those gentlemen come down in the employ of the fair association?

A.—No, sir.

Q.—In what capacity did they come?

A.—Mr. Keist is president of the fair, and I am, as you know, assistant secretary.

Q.—Those gentlemen you mentioned, who appeared here, are they paid salaries?

A.—No, sir.

Q.—Received any compensation?

A.—No salaries paid our president or directors of the fair.

Q.—None of the gentlemen have been paid any compensation at all for coming down here and attending the sessions of the Legislature?

A.—Not a one, sir.

Q.—For the services rendered?

A.—No, sir.

Q.—You have been paid no funds?

A.—I want to state—

Q.—The fair association pays the expenses of all of them, does it?

A.—Well, the fair association pays my expense—I expect them to.

Q.—Does it pay the expenses of the other gentlemen?

A.—I do not know. I rather think that Mr. Keist paid his own expenses.

Q.—There has been set aside by the fair association a fund for the purpose of defeating or rather for the purpose of having the breeders bill adopted?

A.—There has not been any fund at all set aside for that purpose.

Q.—The fair association has set aside no funds for that purpose?

A.—No, sir.

Q.—Any rumor that the fair has set aside a $20,000 fund is incorrect?

A.—Yes, sir; or a twenty-cent fund.

Q.—The fair association of Dallas then has not appropriated any sum for the purpose of enacting the breeders bill or defeating what is known as the Mayfield-Meachum anti-race horse gambling bill?

A.—Not to my knowledge and I am positive in saying not a dollar has been appropriated for the carrying out or the killing or defeating of the measure.

Q.—Has the fair association of Dallas paid out any money in any way?

A.—I would not think it has paid out anything unless it would be what my hotel and expenses might be in that line, and sometimes I don't even know whether that will be allowed, I possibly may have to pay it out of my own pocket.

Q.—Up to this time, have you paid it yourself?

A.—Yes, sir; but I expect to put in my account and ask them to allow it, because I was requested by the president and directors to come down and notify them when these bills would be called. I want to say in the early part of the session I was principally here on a measure that I was particularly interested in—the canal business—this drainage bill—it was introduced in the House by Mr. Chaney. It was a bill in reference to putting control of canals under commissioners of counties. I was considerably interested in canals in Matagorda county in rice lands and several times I was before those committees.

Q.—Since you have been here you have been stopping at the Driskill hotel?

A.—Yes, sir.

Q.—You have appeared before committees, have you?

A.—Yes, sir; I appeared before committees in the House in reference to the breeders bill, and I was there a good many times on this bill of Mr. Chaney's and I appeared before the Judicial—there is one or two bills affecting our fair—there is a bill with reference to Sunday closing and I appeared before a committee on that and I appeared before a committee on the Sunday and breeders bill.

Q.—What is the status of the Sunday closing bill?

A.—I think it was passed favorably in the House committee and unfavorably in the Senate.

Examination by Senator Sturgeon:

Question—You have been in Austin quite a good deal since this Legislature met, have you?

Answer—Yes, sir; I have been here off and on practically since it met.

Q.—I will ask you to state to the committee if you know of any violation of the anti-lobby law while you have been here.

A.—I really don't know that I understand the law; I have not seen anything that looked to me like a violation.

Q.—Do you know of any Senator or Representative that has been offered anything by any one, directly or indirectly, to influence their action in legislation?

A.—No, sir.

Q.—Do you know the name of anyone that has offered, directly or indirectly, to any Senator or Representative in any position or vote that they may cast on any legislation?

A.—I do not.

Q.—Do you know of any Senator or Representative that has been approached by anyone and unduly and unlawfully influenced—to influence their vote on any proposition pending before this Legislature?

A.—Have not heard of anything, sir, not a one.

Q.—I believe you stated when you were here in the interest of the measures that you have mentioned that you went before the committees and presented your views on those questions?

A.—Yes, sir.

Q.—To the committee?

A.—Yes, sir.

Q.—And that you now know of no violation of the anti-lobby law that you could give this committee the names of, directly or indirectly?

A.—No, sir; I have not the least idea.

Senator Thomas—While you have been here you have talked to different members in reference to the bill or passage of the bill in which you have been interested?

Answer—I have talked to a few members, but I have not talked to a member of the House or Senate without request from him to tell him something about the bill or its conditions—my talk principally has been with the Representative of Dallas county.

Q.—Now in the Senate, you admit having talked to several members of the Senate—have you talked to any one else connected with the Senate with reference to this bill?

A.—Well, in what way would you mean connected?

Q.—Any way, any one else connected

with the Senate, have you at any time had a conversation with Governor Davidson with reference to the passage of this bill?

A.—Very briefly, sir; I may have had some little conversation.

Q.—Where was that conversation held?

A.—Why once or twice I had a very brief conversation with Senator Davidson in his room—in his office here.

Q.—In reference to that bill?

A.—Well, it was more in reference to the possibility—the conversation I had with him was about when he thought they would be reached, or when he thought they would come up, I never went into detail with him—I never had three minutes' conversation with Senator Davidson.

Q.—Governor Davidson, that is, you mean Governor Davidson?

A.—Yes, sir; Governor Davidson.

Q.—Who else as present during that conversation?

A.—I don't think any one; I have been in conversation with Governor Davidson several times walking down the walk and may have incidently remarked about it, but I don't think I ever consulted Governor Davidson over three minutes.

Q.—I will ask you to state whether or not it is a fact that the day after I arose to a point of personal privilege in the Senate to call attention to the violation of the anti-lobby law if I didn't go to Governor Davidson's room and find you and ex-Senator McKamy and Governor Davidson in consultation with the door closed?

A.—Possibly you did so.

Q.—Don't you know I did?

A.—I won't deny it, possibly you did, but I won't say that you did not, but I don't remember that I was talking to Governor Davidson about this bill; he is an old-time friend of mine.

Q.—What were you talking about?

A.—I couldn't tell you to save my life.

Q.—You admit having a talk with him in reference to the bill there on that or other occasions?

A.—Well, if I ever talked to Governor Davidson it was very brief. I believe I asked him if he had any idea when the bill would be called up, or something of that kind; it was very brief, in fact, I had no discussion—I would say I had no discussion with Governor Davidson with reference to this bill, other than I have just explained.

Q.—I will ask you to state if this was not the next day. You don't remember that this was the next day that I arose to a point of personal privilege in the Senate and called attention to the violation of the anti-lobby law?

A.—It may have been, I have not kept a record of it, and it did not impress me at all and it might have been the same day or the next day or the next day—I could not tell you to save my life. I have called on Governor Davidson at his office once or twice, once in reference to this Dallas business, impressing on him that I wanted him to come up there and to be sure to go. I will say that I have not discussed this bill with Governor Davidson. I don't remember what we were talking about the time you say Senator McKamy and I were in there, but I am quite certain it was not about the race horse bill, I know I have never talked to Governor Davidson three minutes during the whole time I have been in Austin in regard to that bill.

Q.—Do you know that ex-Senator McKamy has not talked to him?

A.—I do not know what he has talked about.

Senator Brachfield—I hold in my hand a statement filed by Senator Thomas through his attorney, Mr. Moore, in which this language is used in speaking of the lobby present at Austin. This language is used: "That the gambling lobby has spun its thread of gossimer thread and therein lies floundering and writhing in desperation and almost despair the anti-race horse gambling bill." Do you know of any gambling lobby down here passing any race horse bill?

A.—I do not know.

Q.—There is no such lobby as that that comes from the city of Dallas?

A.—No, sir.

Q.—If there is a gambling lobby down here passing any bill it does not come from the citizenship of Dallas?

A.—It does not belong to my crowd to say the least. I know we have no such thing.

Q.—Has any citizen of Dallas, or any one that you know of, appeared in Austin and tried to influence any member of the Legislature in any manner except by an appeal to his reason?

A.—I do not know that it has been done.

Q.—Mr. Cabell, have you talked to the Governor of this State on the proposition of your breeders bill?

A.—Yes, sir.

Q.—And gave him your ideas about

what ought to be the law and what ought not to be the law?

A.—Yes, sir.

Q.—I know of no other questions.

MARCH 3, 1909, 5 O'CLOCK P. M.

Robert E. Goree, after being duly sworn and examined in chief by Senator Sturgeon, testified as follows:

Question—Mr. Goree, where do you live?

Answer—Houston, Texas.

Q.—I will get you to state if you have been in Austin much since the convening of the Legislature?

A.—I have been here about three weeks during that time.

Judge Moore—Mr. Goree, you have been here practically since the beginning of the Thirty-first Legislature?

A.—No, sir; I did not come until ten days after the session opened, and I stayed here ten days and went to Oklahoma, and stayed ten days and returned here, and been here about six days.

Q.—Have you seen any lobbyist around here?

A.—I am not advised that any lobbyist, except those who represent interests that are involved in the Legislature at this time—at this session of the Legislature.

Q.—That involves an opinion?

A.—Purely a matter of opinion.

Q.—Mr. Goree, do you know of your own knowledge of any propositions that have been made by persons here interested in legislation to other persons also here interested in legislation by which a trade or swap was to be made of votes?

A.—Nothing except by hearsay.

Q.—Can you give the committee—

A.—I presume what I have said could not be stated by me except in that way.

Senator Sturgeon—Are you a submissionist or an anti-submissionist?

A.—I am an anti-submissionist—no, I am a submissionist—I am an anti-prohibitionist, but I am a submissionist. You will find me under the head of anti-submission, because I run with an anti-prohibition crowd. If there is any questions you gentlemen want to ask me I will cheerfully answer it if it does not concern my own morals—I won't answer any question like that.

Q.—All right; do you know of any violations of the anti-lobby law during this session of the Legislature? By any one?

A.—I have not read that law, but I presume it would consist in an antipathy of appeal to reason, and I do not know of any.

Q.—Do you know of any one who has offered any Senator or Representative anything to vote or not to vote any particular way in pending legislation?

A.—Certainly not. I do not think there has been any such propositions made at this session of the Legislature.

Q.—Do you know of any one else who knows of such a fact that you could give us their names?

A.—No, sir; except this hearsay testimony.

Q.—Mr. Goree, do you know of any Senator who has been engaged in poker playing with other people here in which they were induced into the game, in order that they might win money to influence them in any legislation that is here?

A.—No, sir.

Q.—Do you know of any one that does know that fact?

A.—No, sir.

Q.—That is all.

Sterling P. Strong, after being duly sworn, under examination of Judge Moore, testified as follows:

Question—Mr. Strong, your name is Seth P. Strong?

Answer—Sterling P. Strong.

Q.—You have charge of the submission interest before the Legislature, have you?

A.—Well, I do not know that I could really say that I am here to look after the interest of submission.

Q.—What exact position do you hold?

A.—I was chairman of the submission committee.

Q.—And you are here on a salary, are you, paid by the submissionists?

A.—Yes, sir.

Q.—To look after the interest of submission during this Legislature?

A.—Yes, sir.

Q.—You have been here practically all the time since the convening of this Legislature?

A.—Most of the time; yes, sir.

Q.—You have been rooming at the Driskill Hotel?

A.—Part of the time, and part of the time at the Hancock.

Q.—Your opportunity for observing the demeanor of the folks who are here in opposition to submission has been very good, has it not?

A.—Well, I think so; I would judge so.

Q.—Do you know who are here op-

posing submission? Name, if you can, men who are in the employ of some other people, whether breweries or associations of that kind, or what not?

A.—Well, yes, I know some that are here opposing submission.

Q.—Who are they, Mr. Strong?

A.—Mr. Wolters—Jake Wolters—he is here opposing submission. Now, Mr. Onion told me he was here opposing submission. That is about the only gentleman that told me, that I could say positively that were here for that purpose.

Q.—Do you know who they are employed by?

A.—Well, it is only hearsay with me as to who they are employed by.

Q.—Now, Mr. Strong, do you know of any circumstance that indicates any improper influence on the part of those gentlemen to affect the submission question at the hands of this Legislature?

A.—Do I know of any improper influence?

Q.—Any circumstances that would indicate an improper attempt upon their part to influence this Legislature or any member of it on the submission question?

A.—Well, I do not suppose I would have any opportunity for knowing that were such to be done.

Q.—Has there come under your observation any circumstance that indicates any improper attempt upon their part, or any of them influence any member of the Legislature upon that question?

A.—Personally, I do not.

Q.—Is there anything else at all that you know, Mr. Strong, that you want to give this committee?

A.—I do not believe I call anything to mind now.

Q.—I believe that is all I want to ask.

Examination by Senator Sturgeon:

Question—Mr. Strong, you have already stated how long you have been here?

Answer—Yes, sir; I have been here most of the time since the Legislature convened. I have been away a few days at a time, but I guess you might say the most of the time since the Legislature convened.

Q.—During that time, or at any time, of your own knowledge, do you know of any one that has violated the anti-lobby law?

A.—Now, I can state in regard to myself only.

Q.—Have you, yourself, tried to unduly influence any member of the Senate or House of Representatives to change their vote upon any pending legislation?

A.—No, sir.

Q.—Do you know of any one else that has done that?

A.—Of my own personal knowledge, I could not say.

Q.—Do you know of any one that has offered any of the Senators or members of the House anything to vote or not to vote for a certain pending legislation?

A.—No, sir.

Q.—Mr. Strong, I will ask you if you, at any time, said to any Senator or any member of the House that if they would vote for submission that you or any one else would help them get through any other measure that they had touching any other proposition?

A.—No, sir.

Q.—I will get you to state—

A.—You mean while the House was in session?

Q.—Sir?

A.—You mean while the House was in session?

Q.—I mean at any time, have you, at any time gone to any member of the Legislature, or of the House or of the Senate, and asked them if they would vote for submission that you would try to get the submissionists to vote for any pending measure that they had before the Legislature?

A.—No, sir; I do not think I have done anything like that.

Q.—Do you know of any one else that has done it?

A.—No, sir.

Q.—Do you know of any one that has tried to intimidate, influence, molest or embarrass any Senator or Representative here?

A.—I could not say that of my own knowledge.

Q.—That is what I am asking you, what you know; the Lord only knows we don't want to go into what has been told about it.

A.—I know of rumors, but to swear of my own knowledge, I could not do it.

Q.—Do you know of any Senator that has changed his position or his vote on any issue pending before the Senate by reason of any influence that has been brought on him?

A.—No, sir; I can not say that I do.

Q.—Do you know of such of any member of the House?

A.—No, sir; I think not.

Q.—Could you give us the name of a man who does know of any of these things, is they exist, that you know of?

A.—I do not believe I could, Senator.

Q.—I will ask you if you had a conversation with Judge Spoonts—M. A. Spoonts—in which you asked him, or stated that there was liable to be drastic legislation enacted here against the railroad companies, and if they would help carry submission that the submissionists, or that you would see that there was no drastic legislation against the railroads; that, or anything in substance like that?

A.—I did not.

Q.—Did you have a conversation along that line?

A.—No, sir; not along that line. I do not remember that I ever had but one conversation with Mr. Spoonts since he has been here.

Q.—Repeat that conversation and state where it was.

A.—It was in the gallery, in the back aisle there of the House, and he told me that he was not—that they were keeping hands off of the submission question entirely; he volunteered to state that to me; I had never said a word to him; and he said: "Besides, I am for submission, and I think most of the general attorneys of the railroads are." He said: "Perkins is for submission, and Freeman is for submission, and Stedman is for submission"—may be he did not mention Stedman—you had better not put that down. I remember he mentioned Perkins, himself and Freeman, and he said they were all for submission. I just said to him: "Mr. Spoonts, are you not pretty closely connected with the commercial secretaries?" and he said: "No, we are not having a thing to do with them, we are just here to see that we get fair play, and we are going to keep hands off of everything else." That is my recollection of the conversation. As far as my making any proposition to him, I never thought about anything of the kind.

Q.—That is all.

Frank Andrews, after being duly sworn and examined by Mr. Moore, testified as follows:

Question—Your name is Frank Andrews?

Answer—Yes, sir.

Q.—You are from Houston?

A.—Yes, sir.

Q.—You are the general attorney of what road?

A.—Trinity & Brazos Valley, and what is commonly called the "Frisco Route"—what is commonly called the "Frisco lines in Texas."

Q.—The Frisco lines consist of what?

A.—I am general attorney for the Beaumont, Sour Lake & Western, the Orange & Northwestern, the Fort Worth & Rio Grande, the St. Louis, San Francisco & Texas, the Paris & Northern—that is, my firm and members of the firm are general attorneys.

Q.—You are here and have been here practically since the beginning of the session of the Legislature, looking after the interest of your clients?

A.—Well, I came here about the last of January; I do not know the date, but I am certain it was the last week in January, and I was here one time prior to that time, but I was here on a different business entirely—I have been here most of the time since the last week in January.

Q.—You have appeared before a number of committees upon various bills pending before the Legislature?

A.—Yes, sir; I have made arguments before committees on a good many.

Q.—What bills have you been interested in, Mr. Andrews?

A.—I could not begin to enumerate them, Mr. Moore, but generally it was those bills that affect railroads adversely, a large number of them.

Q.—Have you been interested in the 2-cent fare bill?

A.—That is, over in the House; I do not believe there has been any sort of a bill like that over here; I am interested in it, but have made no argument before the committee—that was passed by the committee without argument.

Q.—The nine-juror bill?

A.—Yes, sir; but I did not make any argument on that bill.

Q.—Requiring ninety days to pass by before a statement could be made?

A.—Before a settlement?

Q.—Yes, sir.

A.—Yes, sir; I have been interested in that, and I did expect to make an argument, but I do not believe any railroad lawyer argued it; I am not positive about that, however; I was not present during any session of the committee.

Q.—The bill providing for the taxation of the intangible assets of railroads through which your roads run—have you been interested in that bill?

A.—Well, I do not think that I knew anything about that bill until after it had passed out of the Senate and been amended in the House. I do not know what condition it is in now. Abstractly speaking, I have some interest in it, but it is not a bill that I have any interest

—I mean it is not a bill that I have paid any attention to.

Q.—Mr. Andrews, who else besides yourself has been here during the session?

A.—You mean lawyers or officers of the company, or every one?

Q.—Either or both.

A.—By name?

Q.—Yes, sir.

A.—Well, Mr. Spoonts, Mr. Lassiter and Mr. Pollard, and Mr. Garwood—

Q.—I mean without reference—

A.—The roads I represent?

Q.—Yes, sir.

A.—There has been no one here except Mr. Drake; he has been here a time or two; he is vice-president and general manager of what is commonly called the "Frisco lines."

Q.—Any one else but yourself?

A.—That statement should be qualified in a way; I presume every one knows Judge Stedman, in a general way, is representing all the roads here, but outside of that—that is a matter that is common to all of us—and outside of that, there has been no one at all representing any line that I am connected with, except Mr. Drake, that I can recall—either any officer or any employe of any line that I represent. It is barely possible some one dropped in here for a day, and I have forgotten it, but I have no recollection about it at this time. I will also say as far as Mr. Drake is concerned, I do not recall but two occasions on which he was here—a couple of days at a time.

Senator Thomas—Is there any members of the State Senate that represent any of your roads as local attorneys?

A.—Senator Meachum represents as local attorney the Trinity & Brazos Valley Railroad; if there is any other I do not recall him.

Senator Thomas—Now, Mr. Andrews, I will get you to state if in going before the committees and making arguments you speak of, if you, or any one for you disclosed what position you held or stated what interest you were representing?

A.—Senator, I never made a speech before a committee in my life unless I told them in what capacity I appeared.

Q.—Now, I want to ask you this question, Mr. Andrews, if, while you have been here, if you know of any violations of the anti-lobby law?

A.—I do not.

Q.—Do you know the name of any one who does that you could give this committee?

A.—Not knowing of any violation and not having heard of any, I could not give you the name of any one who would likely know it.

Q.—Now I will ask you if you know—if you, yourself, or any one else in your presence has tried, outside of arguments made in committee rooms, has tried to influence, intimidate or embarrass or to change any Senator or Representative's vote or position on any pending legislation?

A.—Not within my presence, or not within my knowledge.

Q.—Do you know the name of any one that has tried to do that, that you could give the name of?

A.—I do not.

Q.—I will ask you, as a representative of the companies or in any other capacity, if you have, at any time, or do you know of any one else that has approached any Senator or Representative privately and asked them to change their vote or to vote for or against any measure?

A.—I do not.

Senator Brachfield—Mr. Andrews, there is a statement furnished by Senator Thomas, through his attorney, Mr. Moore, in mentioning the lobby, that uses this language: "Practically all men know that the railroad lobby pounced upon the Legislature and left the nine-juror bill limp and lifeless," and they furnish your name as a witness to that fact. Do you know of anything that has been done that made these results?

A.—Why, upon reflection, I heard a portion of Bob Knight's argument on the nine-juror bill over in the House, but I still can not remember that I heard any of the argument of any one before the Senate committee, but I have no information as to any one doing anything with the nine-juror bill, except the arguments that were made before committees, and that is hearsay with the single exception of hearing a part of Bob Knight's argument, and with the exception of the printed address of Nelson Phillips, which he delivered before the committee in the House—I do not know whether he spoke before the Senate committee or not, but as far as I know neither one of them represents any railroad company; they may or may not.

Warren Moore, after being duly sworn, under examination of Senator Sturgeon, testified as follows:

Question—Your name is Warren Moore?

Answer—Yes, sir.

Q.—You live in the city?

A.—Yes, sir.

Q.—Do you know of any violation of the anti-lobby law since this Legislature has been in session?

A.—I never read the anti-lobby law in my life, and I do not know anything about it.

Q.—I will ask you—you will know these facts. Do you know of any one that has offered any Senator or Representative anything to cast his vote, or not to cast his vote, or change it upon any pending legislation?

A.—I do not know of any one even giving their advice, either sort, or offering money or anything else.

Q.—I ask you if you know of any one directly or indirectly that has tried to influence any Senator or member of the House, other than discussing the matters in committee rooms—influencing them how to vote or not to vote?

A.—I never heard of any one trying to influence a Senator; I have heard of Senators trying to influence one another in the election of one officer, but I do not know whether they did or not.

Q.—I am talking about outsiders?

A.—No, sir; never heard—I do not know of a thing—never even heard of any one trying to influence them.

H. M. Garwood, after being duly sworn and examined by Judge Moore, testified as follows:

Question—Your name is H. M. Garwood?

Answer—Yes, sir.

Q.—You are general attorney of the Southern Pacific Railroad Company in this State?

A.—My firm is; yes, sir.

Q.—You directly have the matter in charge of representing your railroad system?

A.—Yes, sir; I have been looking after their affairs here; yes, sir.

Q.—Mr. Garwood, what lines are included in the Southern Pacific system in Texas?

A.—The Galveston, Harrisburg & San Antonio Railway Company, the Texas & New Orleans Railway Company, the Houston & Texas Central Railroad Company and the Houston East & West Texas Railway Company.

Q.—Has there been any one else here representing any of those railway companies during the present session of the Legislature, or any of them?

A.—No, sir.

Q.—Excepting yourself?

A.—No, sir; excepting that Judge Stedman has the common employment of all of the railroads.

Q.—You have been appearing before committees, both of the House and of the Senate?

A.—Yes, sir.

Q.—Making arguments in favor of or against propositions?

A.—Yes, sir.

Q.—That appeared to you to be of interest to your railroad clients?

A.—Yes, sir; I have appeared before several committees.

Q.—Judge Garwood, do you know of any interest or any attempt being made to influence any member of the Legislature, except by an appeal to his reason?

A.—Certainly not.

Q.—On any measure?

A.—Certainly not.

Q.—Nothing of that kind has come under your observation?

A.—No, sir; not directly or indirectly.

Q.—By hearsay have you heard of—

A.—No, sir; I have not.

Q.—Any instance of that sort?

A.—No, sir.

Q.—You have been directly interested in the two-cent fare rate bill, have you?

A.—Yes, sir; I have been interested in that.

Q.—The nine-juror bill?

A.—Yes, sir; I have taken an interest in that, and always have.

Q.—The bill providing that no statement can be made in personal injury cases?

A.—Yes, sir; I made an argument before the Judiciary Committee on that the other day.

Q.—What other measures have you been interested in?

A.—Mr. Moore, there is a great many of them. I will do my best to enumerate them. There was a bill introduced in the House by Mr. Byrne, which provided that no railroad company should send any of its cars or motive power out of the State to be repaired. I was interested in that and drew up some amendments and submitted them to the committee on that. There was also a bill providing for sheds over car repairers and I was interested in that.

Q.—That bill was defeated, was it not?

A.—No, sir.

Q.—Unfavorably reported?

A.—No, sir; it was not defeated. There was some substitute amendments, and a substitute prepared which was reported favorably and I think the bill has been engrossed in the House. There are

a great many other bills, Mr. Moore; in fact, my information is that there are perhaps as many as forty, directly or indirectly, affecting our interests. There is another bill I recall now, that is what is known as the Spider bill, a bill that was introduced by Mr. Johnson of Galveston, originally, holding compress companies liable for improperly baled cotton, and an attempt was made in the committee to make the carriers liable for the negligence of the compress, and we were interested in that. The committee knocked out the proposed amendment bringing in the carriers, but I understand the House has put that back, and that it has gone to engrossment in the House. There is also a little bill introduced by Mr. Ward, to name the stations, before the internal improvements. I proposed a little amendment to that, which the Senator very kindly accepted, and I think that has probably gone through. I have not followed it any further.

Examination by Senator Brachfield.

Question—Judge Garwood, in a statement filed by Senator Thomas through his attorney, Mr. Moore, in speaking of the lobby in the city he uses these words: "Practically all men know that the railroad lobby pounced upon the Legislature and left the nine-juror bill limp and lifeless," and they give your name as one of the witnesses to be interrogated upon this subject. Do you know of anything like that happening?

Answer—None in the world, Senator. I will tell you my connection with the nine-juror bill. As you know I have always been opposed to that measure, I have always entertained very pronounced views on that and while I was at the bar meeting, as members of both the Senate and House who practice law with me know, and just by accident I happened into the committee two years ago and made an argument on it, not expecting the matter to come up before the bar association. I have always taken an interest in the bar association and I made an argument against it there, and when the matter was up, why I made an argument against it.

Q.—You do not know of anything but legitimate methods that have been used to defeat the bill?

A.—Absolutely not, and in that connection I would like to state this, that before the House committee—no railroad attorney made an argument before the House committee—there were two arguments made over there, one by Mr. Phillips, who I feel sure had no connection with any railroad interests.

Q.—Nelson Phillips?

A.—Of Dallas; yes, sir. In fact, I think he said so in his argument before the committee, and Mr. Knight of Dallas also made an argument and he has no railroad connections, and those were the only arguments made in the House committee at all.

Judge Moore—Mr. Knight is connected with the street railway?

Answer—Yes, sir.

Q.—Stone and Webster?

A.—I know he said in rather a gratified way over there that he had secured an affirmance of the biggest damage suit verdict ever rendered in this State against the railways—that case against the Santa Fe.

Q.—The one that Etheridge took part in?

A.—Yes, sir; Etheridge and Knight.

Q.—You do not know personally of any undue influence being used upon members of the Legislature to defeat the nine-juror bill?

A.—No, sir; and right in this connection I would like to say this: That I do not now recall that I ever personally approached or discussed the matter with a single member of either house, unless perhaps, the subject was brought up in a general way by them, I would not undertake to recollect every possible personal conversation, however.

Senator Brachfield—Is it not a fact that this bill is before the Senate, printed and laying on the desks of the members?

Answer—Yes, sir; I presume so.

Q.—I will ask you, Judge, if you know of any undue influence that has been exerted upon the members of either branch of the Legislature with regard to the nine juror bill?

A.—None in the world, Senator.

Q.—Do you know of any witness we could secure that could throw any light on that subject?

A.—I do not.

Q.—Do you know of any member of the Legislature who has been approached or intimidated or molested?

A.—No, sir.

Senator Thomas—The question was asked you, if you knew or did not know that the nine juror bill was printed and now on the desks of the members of the Senate?

A.—I answered that I suppose so. The reason I stated that is because it was debated, there was a vote taken on it, and it was reported that notice of a

minority report—I suppose from that it was printed. I have never inquired about it.

Q.—Do you know that the bill was reported unfavorably by the committee?

A.—That was my understanding, that it was reported unfavorably, but I supposed it was printed—I do not know that it is. I have never seen it. I perhaps should have, and ordinarily would have, tried to find the majority and minority reports, but I just have not done it—never thought to do it.

Senator Brachfield—I will ask you this question: Is it not a fact that there are a great number of laws upon the statute books that have come into the bodies upon minority reports?

A.—Worlds of them. Worlds of them.

F. S. Girard, after being duly sworn, under examination of Senator Sturgeon, testified as follows:

Question—What are your initials?

Answer—F. S.—Frank S.

Q.—Where do you live?

A.—Austin.

Q.—What is your business?

A.—Undertaker.

Q.—How long have you been here?

A.—I have been here five years in March—five years the 17th of this month.

Q.—I want to ask you if during this session of the Legislature if you know of any one who has violated the anti-lobby law?

A.—No, sir.

Q.—Do you know of any one who has offered any Senator or Representative anything to change their vote one way or the other on any bill or question?

A.—No, sir.

Q.—Do you know of any one else that knows that fact?

A.—I do not.

Senator Thomas—The question was asked you just now if you knew of any violations of the anti-lobby law?

A.—Yes, sir.

Q.—If you were to witness a violation of that law you would not know it—would you?

A.—Scarcely, I do not think, unless it was so plain a child would know it.

Q.—You never read the law in your life, did you?

A.—No, sir.

Q.—Don't know anything about what it contains?

A.—No, sir.

Q.—You don't even know what a lobbyist is?

A.—Well, I suppose in a rough way I could get at it, but intelligently I do not know. I would think it is a man who uses his influence over Senators and Representatives, or tries to, rather.

Chris Callan, after being duly sworn, under examination of Senator Sturgeon, testified as follows:

Question—What is your name?

Answer—Chris Callan.

Q.—Where do you live?

A.—San Antonio.

Q.—When did you come to Austin?

A.—The 3d day of January—2d or 3d day of January.

Q.—You have been here continuously since then?

A.—Yes, sir.

Q.—What is your business here?

A.—I am a printer—I have no business here—but I am a printer by trade.

Q.—Mr. Callan, do you know of any violation of the anti-lobby law?

A.—I do not.

Q.—Have you seen any one or do you know of any one that has offered any of the Senators or Representatives anything to change their vote in any way?

A.—No, sir.

Q.—Do you know of anyone that has, directly or indirectly, tried to influence any of the Senators or Representatives to be for a measure or against a measure?

Q.—What do you mean by influencing, Senator?

Senator Brachfield—Any other way except by appealing to their reason?

A.—I know of having myself asked different members of the Legislature to vote for or against measures, just ask him to do that, that is all. I don't believe I have even done that. I told them two or three things were bad.

Q.—You mean the measures, or bills?

A—Yes, sir; I know of no one being influenced though.

Q.—Do you know of any of the Senators that have been in any poker game or any other game in which others were engaged, and that they won money with a view of influencing them in any legislation that was here?

A.—No, sir; I have not seen a poker game; I do not play poker myself—used to think I could, but found out I couldn't and quit.

Q.—Do you know of any influence being brought to bear on any Senator or Representative to vote one way or the other on this bill providing for nine juror verdict?

A.—No, sir.

Q.—Now, if you know of any violations at all touching the anti-lobby law, directly or indirectly, we would be glad if you would tell the committee.

A.—I do not know of any violations.

Senator Thomas—Mr. Callan, you say you are a printer and follow that trade and calling since you have been here from San Antonio?

A.—No, sir; not since I have been here. I came over here on some private business—business of my own first.

Q.—Have you been interested in certain legislation pending here?

A.—No, sir; not any particular legislation pending.

Q.—I understood you to say you spoke to some of the members of the Legislature with certain measures?

A.—Yes, sir.

Q.—What were those measures?

A.—When I spoke to several of the people—one measure I spoke to several people about was the race track bill.

Q.—The race track bill?

A.—Yes, sir.

Q.—You are against the passage of what is known as the Mayfield-Meachum race track bill?

A.—The race track bill—I believe that is the name of it—the Robertson bill, I believe it is.

Q.—Have you been around the Capitol or the Legislature since it has been in session?

A.—Several times; yes, sir.

Q.—Did you appear before any of the committees?

A.—No, sir.

Q.—The only time that you have discussed that bill with members of the Legislature was privately?

A.—Yes, sir; casually, not exactly privately, whenever I would meet one of them in a crowd or in the hotel lobby—just say I hoped the bill would be beat; I don't even believe I asked any one to vote against the bill—just said I hoped it would be beat—

Q.—The question was asked you a few minutes ago if you knew of any violations of the anti-lobby law. Do you think you would know a violation of that law if you were to see it?

A.—Possibly not, but I think I would.

Q.—Have you read the law lately?

A.—I have read it some time ago, but I am not very familiar with it; no, sir.

Q.—It is possible that the law could be violated then in your presence and you would not know anything about it?

A.—It could be.

Q.—You have never appeared before the Legislature—any of the committees?

A.—No, sir.

Q.—At any time with reference to any bill?

A.—No, sir.

Q.—I think I have no further question.

Senator Brachfield—You are not in the employ of any one to lobby for anything?

A.—No, sir.

Q.—When you speak of talking to members, just passing, you never discussed any measures, did you?

A.—No, sir.

Q.—Just said: "I think it is a bad bill?"

A.—Holler at them in earnest and sometimes jokingly to "kill that old bill, it's no good," or something like that.

Joe S. Myers, after being duly sworn, under examination of Judge Moore, testified as follows:

Question—Your name is Joe S. Myers?

Answer—Yes, sir.

Q.—You have been located here since the present session of the Legislature?

A.—Yes, sir.

Q.—Interested in looking after certain measures for the labor people?

A.—Yes, sir.

Q.—What position do you hold with the labor people?

A.—Why, I am the chairman of the Texas Legislative Board of the Brotherhood of Locomotive Firemen and Enginemen.

Q.—And enginemen?

A.—Yes, sir.

Q.—In the Capitol you have been brought in contact with a great many other people?

A.—Yes, sir.

Q.—Before the Legislature here interested in legislation?

A.—Yes, sir.

Q.—You have been in contact with the railroad people, have you?

A.—Yes, sir.

Q.—The people who are looking after the interest of the railroads?

A.—Yes, sir.

Q.—Do you know who have been here during the present session of the Legislature that have been employed by the railroads—do you know all of them?

A.—Do you mean by knowing all of those, whom I have come in contact with that were here representing the railroads?

Q.—Yes, sir.

A.—Yes; I know a good many.

Q.—Well, outside of the general attorneys, can you give us the names of any one. I understand there is Mr. Andrews, Mr. Spoonts and Mr. Stedman and Mr. Lassiter, outside of those gentlemen, can you give the names of any one else here representing railroads?

A.—Very often, from time to time, a number of officials—general managers—

Q.—Any one else except the general managers?

A.—Well, I do not know, it would be hearsay. I have had my idea others were here representing railroads, but it would be only an opinion.

Q.—How many Legislatures have you taken observation of in Austin?

A.—I have been coming here for my organization since 1903—Twenty-eighth Legislature.

Q.—The lobby that has been present during the present session of the Legislature, how does it compare with reference to lobbies that have been present at other Legislatures that you have observed—in numbers, I mean?

A.—In point of number?

Q.—Yes, sir.

A.—Well, I am somewhat of the opinion that there are more people here—have been more people here at this session.

Q.—Than any other Legislature?

A.—Yes, sir.

Q.—Mr. Myers, do you know of any special instance of a violation of the anti-lobby law?

A.—No, sir; I do not.

Q.—Do you know of your own knowledge of a circumstance that tends to show an undue influence exercised or attempted to be exercised upon any member of the Legislature by any person interested in legislation?

A.—No, sir; I don't believe I do.

Q.—Have you had occasion to observe any suppers that have been given by persons interested in legislation to members of the Legislature?

A.—No, sir.

Q.—I believe that is all, Senator Sturgeon.

W. H. Gray, after being duly sworn, under examination of Judge Moore, testified as follows:

Question—Your name is W. H. Gray?

Answer—Yes, sir.

Q.—You live at Beaumont?

A.—Yes, sir.

Q.—Mr. Gray, you have been in Austin since the present session of the Legislature?

A.—Yes, sir.

Q.—What interests are you looking after in the Legislature?

A.—I have no interest here; I drew the present irrigation bill which Mr. Chaney introduced before the Legislature convened, and came up here for the purpose, of course, of appearing before the committee on any question of the constitutionality of the law that might arise.

Q.—Mr. Gray, since you have been here you have been thrown in pretty close contact with others who are interested in legislation pending before the Legislature?

A.—Well, I have been meeting a number of people here.

Q.—Is this the first Legislature you ever attended?

A.—No, sir.

Q.—What other Legislatures have you attended?

A.—Why, I was here in 1905.

Q.—How is the lobby in numbers attending this Legislature—how does it compare with 1905?

A.—What do you term the lobby?

Q.—I mean folks who have been here who are interested in legislation?

A.—Well, I could not say, Mr. Moore, if you mean by people, people who appear before committees, I will say that I do not see very much difference.

Q.—In addition to that, the folks who were here interested in legislation and have not appeared before committees?

A.—I do not know of—I could not say; I know of no one here other than in a general way; a fellow may say that he is here in the interest of this business or measure, but as far as I can say, I could not say any of them were of my own knowledge if you were to pin me down to that—not one man—if you were to pin me down to any one man and say does he represent this concern or that concern, or what his business is here, I could not say; in a general way any man represents this interest—that one man represents this interest and another represents that interest, that would be very difficult for me to say.

Q.—Now, Mr. Gray, you are familiar, are you, with the terms of the anti-lobby law?

A.—No, sir; I have not read it; I have never been a lobbyist; never appeared before a Legislature here in any other capacity than in a friendly way towards the people in my district. I am very anxious to see the Legislature

enact every platform demand and pass submission.

Q.—If you have never read the anti-lobby law you would hardly know a lobbyist if you were to see one?

A.—No, sir; I would not.

Q.—Do you know of any circumstance that tends to show that there has been any influence brought to bear upon any member of the Legislature other than an appeal to his reason, by any person or persons interested in legislation?

A.—No, sir; I do not.

Q.—Mr. Gray, do you know of any one who has changed their opinion on the submission question since the beginning of the Legislature—I mean Representatives—

A.—No, sir; I do not.

Q.—Senator or Representative?

A.—No, sir—you mean changed since—

Q.—Either since the Legislature or since they were elected?

A.—No, sir; I could not say, because I have not talked to any of them directly as to how they were going to vote.

Q.—Have you observed anything that indicates that they might—that any one has been influenced to change?

A.—No, sir; I have not—I wish some of them could be changed.

Q.—Do you know of folks here who are opposing submission, I mean to say, people who are representing breweries or representing any other interests in opposition to submission?

A.—No, sir; I do not.

Q.—I believe that is all.

Senator Sturgeon—Do you know of any one, Mr. Gray, that has tried to influence any of the Senators or Representatives to change their position on any legislation that is here?

A.—No, sir; I do not—I do not know of any one.

Q.—That is all.

Homer A. Dodson, after being duly sworn, under examination by Senator Sturgeon, testified as follows:

Question—What is your name?

Answer—Homer A. Dodson.

Q.—Where do you live, Mr. Dodson?

A.—Nacogdoches.

Q.—Are you a Representative?

A.—I am.

Q.—Well, Mr. Dodson, you have been here since this Legislature met?

A.—Yes, sir; a week beforehand, nearly a week.

Q.—Of course, being a Representative you are somewhat familiar with the anti-lobby law?

A.—Yes, sir.

Q.—Do you know of any one who has violated that anti-lobby law since you have been here?

A.—I do not.

Q.—Do you know of any one who has tried to influence any of the Representatives or Senators in their vote or stand on any pending legislation except by argument in the committee room?

A.—Sometimes talking to them in the hall—arguments in the committee room and sometimes the Representatives would come together, and some one would talk on some measure. I do not know whether they were representing that interest—I would sometimes maybe walk up and talk to one or two.

Q.—Would they be appealing to their reason?

A.—I suppose so, talking to them like I was talking to you—that I was going to have a bill come from the House to the Senate.

Q.—Did they offer them anything in any way?

A.—Not that I ever heard of; no, sir.

Q.—Do you know of any one who has tried to form a combination—for instance, say, the submissionists on one side and the railroad people on the other side, or an anti-submissionist on one side and some other issue on the other side, try to form a combination by which they might defeat or might promulgate any pending legislation?

A.—Not that I ever heard of.

Q.—You do not know of anything?

A.—I have heard different members suggest—

Q.—We are talking about outsiders?

A.—No, sir.

Q.—Not what the members would say?

A.—Nothing directly or indirectly—not even hinted at.

Q.—Do you know of any member of the Legislature who has been—who came here fixed on any of these issues who has changed his views?

A.—No, sir.

Q.—They seem to stand hitched, so to speak?

A.—They are all like I first saw them—all that I have heard express themselves.

Q.—Then if they have been lobbied with it has not changed them, has it?

A.—No, sir; unless it is on something to come ahead, they have not changed today.

Examination by Senator Thomas:

Question—Have you appeared any time before any of the committees of the Senate?

Answer—Have I appeared for any measure?

Q.—Have you been present at any of the committee meetings in the Senate?

A.—Yes, sir.

Q.—Were those—do you remember whether there was any privacy or secrecy connected with the meeting?

A.—I walked into the door and walked out when I got ready.

Q.—Any one else could do that same thing?

A.—I noticed two or three that did do it.

Q.—Was there a crowd there in the room when you were there?

A.—Yes, sir.

Q.—Did you hear any one address the committee?

A.—Yes, sir.

Q.—I mean outside of members of the committee?

A.—Yes, sir; like they had in the House.

Q.—Do you know who they were?

A.—Yes, sir; I remember two especially; you are talking now about Senate committees especially.

Q.—What committees were those?

A.—I do not know—I can tell you what—how I compare it—it may be your Judiciary No. 1, or it may be, if you have like we have—a corresponding committee in the House of—Reforms of Criminal Proceedings?

Senator Sturgeon—That is Judiciary No. 2.

Senator Thomas—Did you hear any one address the committee that disclosed their past employment or the interest they represented, or anything like that before the committee while they were addressing the committee?

Answer—No, sir; I do not know as they said they represented any one. I heard one of the Senators say, after they got through, when I was talking to him, that they represented the railroads. As a matter of fact I knew that one of them was a railroad attorney.

Question—That was not disclosed to the members of the committee—to those who were present, they said nothing about being general attorneys of the railroad?

A.—The committee?

Q.—Those who spoke and addressed the committee?

A.—Well, one of them mentioned the fact that he was speaking as a citizen instead of an employe of the road.

Q.—Did all those present take part in the proceedings?

A.—You mean all the Senators, or every one?

Q.—All those outside?

A.—I could not say, because one man was talking when I went in there and another man talked after I got in there and I left—the third man was Senator Senter. He was on the floor when I left, talking on the nine-juror proposition.

Q.—The door was wide open?

A.—Yes, sir; or maybe they did shut it once or twice.

Q.—Any one could come in and go out at their pleasure?

A.—Yes, sir.

Q.—No privacy or secrecy connected with the meeting of the committee?

A.—I could not say whether they had any instruction about letting a man of a certain type or character, or certain representatives or not. I know I went right in and I know there were three or four more came in and went out when I got ready and I noticed three or four others that did.

Q.—The question was asked you if you knew of any violations of the law?

A.—Yes, sir.

Q.—It is possible that you have seen violations of the law and did not know it?

A.—It may be possible that I do not understand the lobby law, if that is what you mean.

Q.—You are not familiar, are you with all the different provisions of that law?

A.—I have read it over two or three times. The question that Judge Moore asked me about someone had made some remark about me knowing something about it.

Judge Moore—That is why I thought you became acquainted—

Answer—I stated jokingly one day to some of them when it first came up. A whole bunch of us got together, among the boys—members over in the House—I stated jokingly, "Ever since Senator Thomas had made that expression I had been walking around with my eyes shut and hands behind me and never even got a cigar, I thought maybe some of them might come to see me."

Senator Thomas—I want to ask you this question: If the law requires that all those appearing before committees must fully disclose their purpose, their interest and their identity to the committees, if the law requires that, after what you have seen in the committee rooms, can you say that that provision of the law has been complied with?

Answer—As far as I know it has; yes, sir.

Question—Then you say all those you have heard address committees have fully disclosed their purpose or their interest and agency?

A.—It was made known as to what they were, as to what connection they had with any kind of a concern, as far as I know. I remember especially on that subject that I came over here, and I came over because I heard that question was going to be argued and I remember when that same question came up before the House, Judge Nelson Phillips of Dallas spoke on the same question and the very first thing he said was that some newspaper men had paid his expenses or written him to come, or something to that effect.

Q.—That was the nine-juror bill?

A.—Yes, sir; that was the nine-juror bill.

Q.—Did the attorneys of the roads that appeared before the committees, the railroad—disclose their interests and their employment before the committee here?

A.—Judge Garwood did.

Q.—Did he tell what road he represented, Mr. Dodson?

A.—I do not remember for sure, I never noticed that part of it.

Q.—Why do you say he did?

A.—Well, he said about being a railroad lawyer, but whether he said about that particular road or not—I never watched that part of it that close, I was looking for his argument on the nine-juror proposition.

Q.—Don't you know that no one who addressed that committee on that bill disclosed their purpose on appearing before that committee?

A.—No, sir; I do not. I do not know whether they called him Judge or Colonel Perkins. He was already talking when I came in and some one asked him about the railroad business when I was in there.

Senator Sturgeon—Mr. Dodson, you have been quite frequently in the committee rooms in the House?

Answer—Yes, sir.

Question—Do they close the doors over there for executive sessions when they are hearing these questions?

A.—Sometimes when they go to vote on a bill they have an executive session.

Q.—I am talking about when it is being argued.

A.—No, sir; any one who wants to can come in.

Q.—Did you ever serve a term in the Legislature before?

A.—No, sir; this is my first term.

MARCH 4, 1909, 10:30 O'CLOCK A. M.

Sterling P. Strong recalled, under examination of Senator Sturgeon, testified as follows:

Question—Since you have been here, have you talked or had any proposition made to you by a man by the name of Archie?

Answer—A fellow named Archie?

Q.—Yes, sir.

A.—I do not know the fellow.

Q.—Do you know of any one by that name?

A.—No, sir; I have made no such trades as that or offered to make any—that is one thing I have been exceedingly careful about.

G. W. Savage, after being duly sworn under examination of Senator Sturgeon, testified as follows:

Question—Where do you live. Mr. Savage?

Answer—I live at Alice in Nueces county.

Q.—How long have you been in Austin during this session of the Legislature?

A.—This is the fourth trip I have made to Austin. The first trip I stayed one day or a part of one day and on the second trip—two trips of about a week, and this time I have been here ten or eleven days.

Q.—Were you ever a member of the Legislature?

A.—Yes, sir.

Q.—How long were you a member?

A.—I served two terms in the lower house and two short terms in the Senate—eight years.

Q.—Eight years?

A.—Yes, sir.

Q.—Mr. Savage, are you familiar in any degree with the anti-lobby law?

A.—I could not say that I am; no, sir; I have not made it a special study.

Q.—Well, I will ask you if—what are you here for? I will ask you that in order to ask you another question?

A.—I am here representing our people in an attempt to create a new county in the western part of Nueces, known as Bryan county.

Q.—Now, while you have been here, do you know of any one that has tried to influence or to change or to get any of the Senators or Representatives to change their vote or to vote for or against any measure other than an ap-

peal to their reason or discussing the matter in committee rooms?

A.—No, sir; I do not.

Q.—Do you know of any one that does know of it, that you could give this committee their names?

A.—Any party?

Q.—Yes, sir.

A.—No, sir; I do not know—I have made no inquiry along that line.

Q.—Have you, or has any one at your suggestion, or any one that you know of, tried to form a combination with other interests here agreeing that if you will get the party that was for one measure to vote for my measure that I will get the parties who are for my measure to vote for your measure—I mean outside people?

A.—As to myself, Senator, I have not done anything of that kind, either now or during my service in the Legislature. I never made such a proposition. As to others, I have no inquiry at all. I have had nothing to do with anything except my own work.

Q.—Affairs?

A.—Yes, sir.

Q.—One other question; you say you have served eight years in the Legislature?

A.—Yes, sir.

Q.—Both houses?

A.—Yes, sir.

Q.—When was the last term you served here, Mr. Savage?

A.—My service commenced with the Twenty-fifth Legislature, and I served four successive terms.

Q.—You were here in the Twenty-fifth, Twenty-sixth, Twenty-seventh and Twenty-eighth?

A.—I believe that is right; my last term—the drawing term place for a long and short term in the redistricting of the State.

Q.—When they beat my friend Travis Henderson when he was in the Senate?

A.—Yes, sir; I was in that number.

Q.—I mean he was here?

A.—Yes, sir.

Q.—Now, Mr. Savage, during this Legislature that you have been here and the others that you have been here, have there been more people here interested in legislation—have you seen any more signs of a lobby here than you have at either of those or any of those?

A.—Well, the lobbyists have been handling it in a different way this time; they have not been in the house like they used to be during the session of the Legislature.

Q.—You mean they were not permitted on the floor of the House and Senate?

A.—Yes, sir, and so far as the other is concerned, I do not really think there is a greater number, and while I have never talked with them personally it does not seem to me that they are more persistent than they used to be. For instance, during our fight for the fee bill and text-book bill—those legislators back there—we had some very heavy lobbyists here, but I do not know as I would be able to compare it. It looks to me like it is about the same, although there have always been a lot of men here working for special interests ever since I have been here, but that would be hard for me to compare.

Examination by Senator Thomas:

Question—Mr. Savage, I believe the question was asked you if you knew of any violations of the anti-lobby law, and you said you did not?

Answer—Yes, sir.

Q.—Did I understand you also to say that you were not perfectly familiar with the different provisions of that law?

A.—Yes, sir; I said that. I have never made a special study of it.

Q.—It is possible that you might have seen violations of that law and not have known it?

A.—I think that would be possible; I do not know though.

Q.—Now, Mr. Savage, the question was asked you if you have seen any difference in the number of those who have been here since the convening of this Legislature and who have been interested in legislation—any difference in the number of those and those who have been here at prior sessions of the Legislature, and I understand that you have said that you practically can see no difference?

A.—No, sir; as to numbers I do not know, Senator Thomas, that I have. As I stated before, my experience here has always been that there is a very persistent lobby in Austin.

Q.—Have you at any time since you have been here been present at any of the committee meetings in committee rooms?

A.—Yes, sir; one or two times I stepped into the door and heard some discussions in the Senate committee, and then I have seen the new county proposition come up in the House before that committee.

Q.—I want to ask you, Mr. Savage, if

you have discovered—if the conditions which you have observed since the convening of this Legislature in committee rooms are not practically the same as those that existed during other sessions of the Legislature—conditions in committee rooms, not on the floor of the House or Senate?

A.—Just in committee rooms?

Q.—Yes; can you see any difference?

A.—No, sir; I do not know that I do. When I was in your Senate committee room when there was some special measure about sewerage, I believe, or light, or something like that, I noticed the committee room was crowded full of men. There was a man representing a special interest making a speech before the committee.

Q.—The door was open at the meeting, was it?

A.—Yes, sir; the door was open.

Q.—People could come in and go out at their pleasure?

A.—Yes, sir; I went in and came out and I was not interrupted; it was nothing uncommon to me.

Q.—Have you been present at any committee rooms and discovered any privacy or secrecy connected with those committees?

A.—I have not; I cannot recall I was in any committee room of the Senate, except the one I mentioned.

Q.—Have you been present at any of the meetings of the committees and heard speakers, those addressing committees, disclose to the committee their interests and the interest they represented and their employment and further, have you heard any disclosures on the part of the spectators present as to why they were present in committee rooms and their purpose in appearing before the committee?

A.—At the time I stepped into the Senate committee room there was one man making a speech and the rest of the people present were silent, except occasionally a Senator would ask the speaker a question. That is all I heard. I was only in there possibly five minutes.

Q.—Now, to be more specific, outside of the conditions—outside of what you have said in reference to the conditions which you have discovered here on the floor of the House and Senate, do you not believe that the conditions in other respects are practically the same as the conditions that have prevailed before other sessions of the Legislature upon which you have attended?

A.—I do not know as I understand what you mean, Senator about that.

Q.—Perhaps I can make that a little more clear. What I mean is this: Can you, outside of the fact that those interested in legislation, in a sense have been excluded from the floor of the House and Senate, while the bodies were in session, have you discovered anything to show that the conditions are different now before this Legislature from those that have prevailed at other sessions of the Legislature?

A.—I have not noticed any difference.

Q.—They are practically the same?

A.—Yes, sir.

Q.—I believe you have said that you have attended no meetings of committees where there appeared to you to be any privacy or secrecy connected with the proceedings of those committees?

A.—No, sir; as I have stated, I have only been before the two committees on roads in the House, and I just stepped into the door of one of your committees.

Q.—That is all?

A.—I was asked a question whether I had known any violations of the anti-lobby law here, and I would like for the committee to state specifically what it would take to constitute a violation of the anti-lobby law.

Senator Sturgeon—We just asked you certain facts, and later we can tell mighty near what it is; in fact, I know it like walking out that door.

A.—I think I understand it, too, and probably my question is not pertinent.

Q.—Yes, it is, and I will ask you this question—no, I won't; that is a legal conclusion. You know this: if any one had done anything wrong in your presence in trying to unduly or unlawfully or illegally to influence any Representative, you would know it regardless of law or no law?

A.—Yes, sir; my rule has been to do right, and I have never feared the anti-lobby law in any respect myself.

Q.—You know right and wrong regardless of the law?

A.—Yes, sir; and that is the reason I answered your questions as I did.

Q.—I believe you have stated you have seen none of that since you have been here?

A.—No, sir; I have not seen that; and I will further state I have never seen it; it may have existed, but I have never seen it.

Senator Thomas—I want to ask you this question: Of course, you know a moral wrong after you discover it, but

it is possible that you might discover a legal wrong and not being familiar with the law would not know it, is it not, Mr. Savage?

A.—Yes, sir; I am not a lawyer.

Thad Adams, after being duly sworn, under examination of Senator Sturgeon, testified as follows:

Question—What is your name?

Answer—T. Adams.

Q.—Where do you live?

A.—San Antonio.

Q.—You are a member of the lower house of the Legislature?

A.—Yes, sir.

Q.—You have been here since the Legislature convened?

A.—Yes.

Q.—Mr. Adams, what is your business, are you a lawyer—that is what I am driving at?

A.—Yes, sir.

Q.—You know something about the anti-lobby law, do you not?

A.—I understand the principles of the anti-lobby law.

Q.—Have you seen any one—do you know of any one who has violated the anti-lobby law since you have been here?

A.—I know of none.

Q.—I will get you to state if you know of any one who has offered any Representative in the lower house, or any Senator anything to change their vote or to vote for or against any measure?

A.—I do not know of any one.

Q.—I will ask you if you know of any one that has tried to influence, other than by argument in committee rooms, to get any Senator or Representative to change his position or his vote on any proposition?

A.—I do not, and if I had known it I should have reported it to the proper authorities at once.

Q.—I will ask you if you know of any one, any Senator or Representative, that has been in any poker game in which they played with any one else that was here representing any special interest with the understanding that the Representative should win and the other party was to lose?

A.—Most decidedly not. I do not know of anything of that kind.

Senator Thomas—You say you are one of the Representatives from Bexar county?

A.—Yes, sir; one of them.

Q.—I believe you said you were a Representative from Bexar county?

A.—Yes, sir.

Q.—Are you not now in the employment of the brewery interests of San Antonio?

Senator Sturgeon—Wait a minute!

A.—I want to answer that question.

Q.—It is not a matter of what you want. I want to see whether it is admissible. Let him answer it.

A.—I will state that I am not, and that the brewery interest of San Antonio fought me two years ago for county attorney and defeated me, and fought me for the nomination to this position which I hold now—

Senator Sturgeon—I will state that that will be stricken out.

A.—I know, but I want to answer the Senator—

Q.—That is all.

Glenn Pricer, after being duly sworn, under examination of Senator Sturgeon, testified as follows:

Question—Where do you live?

Answer—I live here in Austin.

Q.—What is your business?

A.—I am a newspaper man.

Q.—With what paper are you identified?

A.—With the Austin Daily Tribune.

Q.—How long have you been—have you been here in Austin since the sitting of this Legislature?

A.—Yes, sir, I have.

Q.—Are you familiar with the anti-lobby law, Mr. Pricer?

A.—Yes, sir.

Q.—State to the committee if you know of any one that has violated it since the sitting of this Legislature?

A.—No, sir; I do not.

Q.—Do you know of any one that has offered any of the Representatives or Senators anything to change their vote or to cast their vote upon any proposition pending in the Legislature?

A.—No, sir.

Q.—Do you know of any one that has influenced or tried to influence any of the members of this Legislature, other than by arguments made in committee room, and such as that?

A.—That is all.

Q.—Do you know of any one, Mr. Pricer—I mean not any one, but any member of the Legislature or Senate that has played poker in which other people—outsiders—played, in which the Representatives and Senators would receive the money or win the bets, by which they were to be influenced in their vote?

A.—No, sir.

Julius Johnson, after being duly sworn under examination of Senator Sturgeon, testified as follows:

Question—Mr. Johnson, you live in Austin?

Answer—Yes, sir.

Q.—Are you an officer?

A.—Yes, sir.

Q.—What office do you hold?

A.—Constable, precinct No. 3, Travis county.

Q.—How long have you been an officer here, Mr. Johnson?

A.—Two and one-half years.

Q.—Have you been in Austin since the meeting of this Legislature?

A.—I have been here always.

Q.—That would include the time?

A.—Yes, sir.

Q.—I want to ask you if you know of any violations of the anti-lobby law by any one during the sittings of this Legislature?

A.—I do not know as I do—I could not say that I did.

Q.—After asking you the general questions, then I want to particularize.

A.—Yes, sir.

Q.—Do you know of any one that has offered any Representative or Senator anything to change their vote, or to cast a vote one way or another?

A.—No, sir.

Q.—Do you know of any one else who does know that fact?

A.—No, sir.

Q.—Do you know of your own knowledge, or from hearsay, could you give us the names of any one who does know that fact?

A.—No, sir.

Q.—Do you know of any one that has tried to unduly or unlawfully or in any manner influence any of the Senators or Representatives upon any pending legislation?

A.—No, sir; I do not.

Q.—Now, do you know of any one that could—could you give us the names of any one that knows that fact?

A.—No, sir; I could not, because I have never paid any attention to it.

Q.—Do you know of any one that has gotten any of the Senators or Representatives to go into a game—

A.—No, sir; I do not know any one that was gotten to go into a game of—

Q.—Now, wait a minute—to go into a game of poker with a view of letting that Senator or Representative win money, in order to influence them in any pending legislation?

A.—I know nothing about that whatever.

Q.—Do you know of any one else who knows that that you could give us the names of?

A.—No, sir.

Q.—You said a while ago that you had been here a long time?

A.—I was born and raised here.

Q.—Now, I will ask you, Mr. Johnson, if you have been attending the Legislature here, been in Austin when the Legislature was in session quite a good many times, have you?

A.—Yes, sir.

Q.—Now, I will get you to state whether or not there are more outside people—I mean people outside of Austin, in attendance upon this Legislature than have been upon other Legislatures?

A.—I could not state that.

Q.—What is your best judgment about it?

A.—There has been a mob here always every time the Legislature met to my own knowledge; I have always noticed a big bunch hanging around, and I do not know that there is a larger crowd here this time than there was years ago.

Senator Thomas—Mr. Johnson, the question was asked you if you knew of any violations of the anti-lobby law, and you said you did not.

Answer—I do not know whether there was or not.

Question—I want to ask you if you are familiar with the provisions of the law?

A.—I do not know that I understand, I do not know that anything was done tending to influence any of them at all or not.

Q.—That is your only conception of what the anti-lobby law is?

A.—Why, certainly.

Q.—Influencing the men?

A.—I do not know whether that has any tendency to influence a man or not, that is a matter for some one else to decide.

Q.—You have not read that law?

A.—No, sir, paid no attention to it. Never read it over.

Q.—You are a man that never stays around the Capitol or takes any interest in legislation?

A.—No, sir, I was never around the Capitol without I have papers to serve.

Q.—The position you occupy puts you where you practically know nothing of the things on the outside that might be brought to bear—the influence that might be brought to bear on members of the Legislature?

A.—No, sir.

Q.—That is all.

N. A. Stedman, after being duly sworn, under examination of Senator Sturgeon, testified as follows:

Question—What are your initials?
Answer—N. A.
Q.—Where do you live?
A.—I live at Austin.
Q.—What is your business?
A.—I am a lawyer.
Q.—You represent railroads?
A.—Yes, sir.
Q.—You are general attorney for several roads, are you, Judge?

A.—My title is not "General Attorney," I am attorney at Austin for nearly all the leading roads of the State—my title is just "attorney."

Q.—Have you been here during the sittings of the Legislature this term?

A.—Been here ever since it met.

Q.—Have you been in the committee rooms around the Capitol?

A.—Yes, sir.

Q.—At the hotels?

A.—Yes, sir, I have been here; I do not know whether I have been in any hotel except the Driskill during the Legislature—I have been in there frequently—every day.

Q.—You are familiar with the anti-lobby law?

A.—Yes, sir, I think I am reasonably so.

Q.—Do you know of any one who has violated that law during the session of this Legislature?

A.—No, sir, I do not.

Q.—Now, to particularize, I will ask you if you know of any one that has offered any Senator or Representative anything to change their vote, or to vote for or against a measure?

A.—No, sir.

Q.—Do you know the names of any one that you could give this committee that does know that fact?

A.—I do not.

Q.—Do you know of any one that has tried to influence any of the Senators in any way by offering them anything to influence them in any way, unless it was by argument before the committees?

A.—No, sir, I do not.

Q.—Do you know of any combination of railroad interest, or corporation interest, or any outside interest that are here, that have combined to defeat any measure that is pending before the Legislature, or that has been here, in any shape, other than by making arguments before the committee?

A.—I do not.

Q.—Judge, do you know of any effort that has been made on the part of any interest, on the part of any individuals having any interest here of trying to combine with other interests, to defeat certain measures, or to put certain measures through in the Legislature?

A.—No, sir.

Q.—Do you know of any of the Senators or Representatives that have been engaged in any poker games while here with outside people, I mean outside, other than members of the Senate or House, with the understanding or the view with the Senator or Representative would win money and thereby be influenced to vote?

A.—No, sir, and I want to say on that subject—I beg to say that I never played a game of poker in my life, and never saw three games in my life, and have not seen one in ten years.

Q.—You do not know if any of the Senators or Representatives played or not? If you know of any fact that would enable this committee to find out in any way that the anti-lobby law has been violated, I wish you would tell us.

A.—I would be very glad to do it, but I do not know of anything.

Q.—Have you appeared before the committees, any of them?

A.—Yes, sir, I have appeared before several.

Q.—Made arguments?

A.—Yes, sir.

Q.—Have you seen others appear before them and make arguments, too?

A.—Yes, sir, a number of times.

Q.—I will get you to state whether or not the parties in arguing to the committees on the different issues stated the interest they were representing, and why they were there, if you know?

A.—That I do not recall, I paid no attention to that, I could not recall definitely. I have an idea that possibly some man now and then appeared before a committee, without expressly stating, but would indicate from his talk what he was representing. I do not think I heard a single talk made in which the man making it did not indicate what interest he was representing.

Q.—How long have you been in Austin attending the Legislatures?

A.—Why, I think this is the sixth Legislature I have attended.

Q.—In regard to the people that came here interested in legislation, are there more of them in attendance upon this Legislature than there was the last?

A.—I do not know, I do not think so. That would be a very difficult thing to estimate. My judgment is that at all the sessions I have attended there have been as many people as have been here during this session. You will see a big crowd now and then, and it will make

a big impression on you. You go to the hotel—Driskill Hotel, and that will make an impression on your mind.

Q.—One other question: Do you know of any one that has tried to get any one, any Senator or Representative here, that came here for submission to change his vote and vote against submission?

A.—No, sir.

Q.—Do you know of any influence that has been brought to bear on the members that came here against submission?

A.—No, sir, I know of nothing on either side of that question.

Judge Moore—It is agreed by Senator Thomas, through his counsel, with the committee that the Lieutenant Governor announced on the —— day of ————, that the rules of the Senate would not be rigidly enforced, unless there was objection upon the part of some Senator. It is also agreed that when the submission question was before the Senate for discussion that the Lieutenant Governor announced to the Senate that the rules of the Senate with reference to persons being upon the floor of the Senate during the discussion of that measure would not be rigidly enforced, unless there was objection from some member of the Senate.

APPENDIX B.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 200, "An Act creating an independent school district, to be known as the Goliad Independent School District, including within its limits the unincorporated town of Goliad, in Goliad county, and to provide for the creation of a board of trustees thereof, and authorize the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, repairing, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and to further prescribe the duties and authorities of said board of trustees,"

And find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 311, "An Act to amend Chapter 75 of the General Laws of the State of Texas passed by the Twenty-seventh Legislature, creating a more efficient road system for Grayson county; and Chapter 65 of the Special Laws of said State, amendatory thereof, passed by the Thirtieth Legislature at its Regular Session; providing for the creation of road districts in any political subdivision of any defined district hereafter to be described in said county prescribing the procedure necessary to the creation of such district; authorizing such district to issue bonds for the purpose of constructing and maintaining under the direction of the commissioners court of said county of macadamized, graveled or paved roads or turnpikes, or in aid thereof; providing for the holding of election and the manner thereof, to determine whether or not said bonds shall be issued declaring the qualification of voters of such election; providing for the interest on such bonds and creating a sinking fund for the retirement of same, and providing for the assessment and collection of taxes for such purpose; providing for the investment of said sinking fund and for its custody and deposit when not invested; providing that the courts shall take notice of this act in the same manner as general laws of the State, making it cumulative of the general laws of the State except when in conflict with the act, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 308, "An Act providing for the compensation of county commissioners of Cooke county, when acting as road commissioners and performing the duties imposed upon them by law or by the commissioners court, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 188, "An Act to authorize and permit the territory situated within the bounds of the town of McLean, in the county of Gray and State of Texas, and other lands and territory adjacent thereto; to incorporate as an independent school district, for free school purposes only, to be known as the McLean Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 215, "An Act to amend Sections 19 and 24 of an act passed by the Twenty-ninth Legislature, Chapter 47, General Laws, entitled 'An Act creating an independent school district to be known as the Ballinger Independent School District, including within its limits the municipal corporation of the town of Ballinger, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said school, and further prescribing the duties and authorities of said board,' and declaring an emergency,"

And find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 273, "An Act creating an independent school district for free school purposes only, in the county of Johnson, to be known as the Grandview Independent School District, and to have all the rights, powers and duties of independent school districts, formed by the incorporation of towns and villages for free school purposes only, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 320, "An Act creating an independent school district, to be known as Corpus Christi Independent School District, including within its limits the municipal corporation of the city of Corpus Christi, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authority of said board, and declaring an emergency,"

And find it correctly enrolled, and

have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 14, "An Act to abolish the Higgins Independent School District created under the General Laws of the State of Texas, and to incorporate the Higgins Independent School District, to be within certain boundaries at and surrounding the town of Higgins, in Lipscomb county, with all the powers, rights and privileges of independent school districts; to elect trustees, issue bonds, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 285, "An Act to create a more efficient road system for Val Verde county, Texas,"

And find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 263, "An Act creating an independent school district for free school purposes only in the county of Johnson and to be known as the Burleson Independent School District, and to have all the rights, powers and duties of an independent school district formed for free school purposes, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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 create a more efficient road system for McLennan county, Texas,"

And find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 317, "An Act to amend Chapter 79 of the General Laws of the State of Texas, passed by the Twenty-seventh Legislature, creating a more efficient road system for Brown county, Texas," etc.,

And find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 274, "An Act providing for a special road law for the county of Jasper, creating the office of superintendent of public roads and bridges; defining his powers and duties; defining the powers and duties of road overseers; defining what persons are subject to work upon the public roads; providing proper penalties for violation of this act, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 261, "An Act to amend Section 2, Article 1 of the Special Laws of Texas, passed at the Regular Session of the Thirty-first Legislature, entitled 'An Act to grant a new charter to the city of Austin, Travis county, Texas'; repealing all laws and parts of laws in conflict therewith, and declaring an emergency, approved February 3, 1909,"

And find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 260, "An Act to amend Sections 2, 12, 13 and 15 of an act creating and incorporating Lubbock Independent School District, enacted by the Thirtieth Legislature (Regular Session 1907, Chapter 55, page 509, Special Laws of Texas) to add thereto Section 21, validating and making lawful the proceedings had in the incorporation of said district, and providing for an emergency,"

And find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 11, 1909.

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

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

Senate bill No. 301, "An Act changing and fixing the times of holding the courts in the Fortieth Judicial District of Texas, and providing for a longer term of court to be held in Ellis county, and for all writs and process returnable to the other courts at the time now fixed by law shall be returned at the terms and times now fixed by law shall be returnable at the terms and times as fixed by this act, and shall be valid; and the present district judge now in office and residing in the Fortieth Judicial District shall hold the several terms of court in said district, for and during the term for which he was elected, and this act shall not affect any term of the district court that may be in session in any of the various counties named herein, at the time this act goes into effect, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 299, "An Act creating the Venus Independent School District in Johnson county, Texas; defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools within said district; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only, under the general laws, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 196, "An Act creating an independent school district in the county of Gonzales, State of Texas, to be known as the Nixon Independent School District, and to have all the powers, rights and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only,"

And find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 318, "An Act to grant a charter for the city of Corpus Christi, in Nueces county, Texas, validating the acts of the said city as it heretofore existed; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

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

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 217, "An Act changing and fixing the time of holding the courts in the Sixty-third Judicial District of Texas,"

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

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 13, 1909.

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

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

Senate bill No. 314, "An Act to amend House bill No. 743 of an act passed by the Thirtieth Legislature of the State of Texas, approved May 2, 1907, entitled 'An Act to incorporate the city of Texarkana, Texas, as a city of the first class, as a city of 10,000 and over inhabitants, to grant to the said city a special charter, and to repeal all laws in conflict therewith, and declaring an emergency,' as amended by Senate bill No. 63, passed at the Called Session of the Thirtieth Legislature of the State of Texas, approved May 16, 1907, entitled 'An Act to incorporate the city of Texarkana, Texas, as a city of the first class, as a city of 10,000 and over of inhabitants; to grant to the said city a special charter; to repeal all laws in conflict herewith, and declaring an emergency,' passed at the Regular Called Session of the Thirtieth Legislature of Texas and approved May 2, 1907, by amending Sections Nos. 1, 49, 57, 133, 144, 163a and 218 by repealing the said sections and by submitting therefor respectively Sections Nos. 1, 49, 57, 133, 144, regulating appeals from the corporation court and conforming the jurisdiction of the county court hereto, 163a and 218, that the same shall read and hereafter be as follows, and repealing all laws in conflict with the amendments herein provided, and declaring an emergency,"

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

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 17, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 291, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to authorize the incorporation of life, accident and health insurance companies and defining same; and to authorize such companies to transact business in the State of Texas; to authorize other like companies incorporated under the laws of other States, Territories and countries to transact business in this State; to regulate the business of such companies; to define the duties and powers of the Commissioner of Insurance and Banking and give to him authority to issue, suspend and revoke permits to such companies to transact business in this State and to apply for the appointment of a receiver for such companies when they become impaired; defining the method of arriving at the value of personal property of such companies for purpose of State, county and municipal taxation, and exempting such companies from an occupation or gross receipts tax; to fix the suits of personal property of such companies for purpose of taxation; to permit the deposit of securities in the office of the State Treasurer; fixing venue of suits and providing the method and manner of service of process; providing penalties for violation of the provisions of this act; repealing all laws in conflict herewith and declaring an emergency.

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

Section 1. A life insurance company shall be deemed to be a corporation

doing business under any charter involving the payment of money or other things of value, conditioned on the continuance or cessation of human life, or involving an insurance, guaranty, contract or pledge for the payment of endowments or annuities. An accident insurance company shall be deemed to be a corporation doing business under any charter involving the payment of money or other thing of value, conditioned upon the injury, disablement or death of persons resulting from traveling or general accidents by land or water. A health insurance company shall be deemed to be a corporation doing business under any charter involving the payment of any amount of money or other thing of value, conditioned upon loss by reason of disability due to sickness or ill health. When consistent with the context and not obviously used in a different sense, the term "company" or "insurance company," as used herein, includes all corporations engaged as principals in the business of life, accident or health insurance. The term "home" or "domestic" company, as used herein, designates those life, accident or life and accident, health and accident or life, health and accident insurance companies incorporated and formed in this State. The term "foreign company" means any life, accident or health insurance company organized under the laws of any other State or Territory of the United States or foreign country. The term "home office" of a company means its principal office within the State or country in which it is incorporated and formed. The "insured" or "policy holder" is the person on whose life a policy of insurance is effected. The "beneficiary" is the person to whom a policy of insurance effected is payable. By the term "net assets" is meant the funds of the company available for the payment of its obligations in this State, including uncollected premiums not more than three months past due and deferred premiums on policies actually in force, after deducting from such funds all unpaid losses and claims and claims for losses and all other debts, exclusive of capital stock. The "profits" of a company are that portion of its funds not required for the payment of losses and expenses, nor set apart for any other purpose required by law.

Sec. 2. Any three or more citizens of this State, who shall be known as corporators, may associate themselves for the purpose of forming a life insurance company or accident insurance company or life and accident, health and accident, or life, health and accident insurance company; provided, that no such company shall transact more than one of the foregoing classes of business, except in separate and distinct departments. In order to form such a company the corporators shall sign and acknowledge its articles of incorporation before any officer authorized to take acknowledgments to deeds and file the same in the office of the Commissioner of Insurance and Banking. Such articles of incorporation shall specify:

(a) The name and place of residence of each of the corporators.

(b) The name of the proposed company, which shall contain the words "insurance company" as a part thereof, and which must not so closely resemble the name of any existing company transacting insurance business in this State as to mislead the public.

(c) The location of its home office.

(d) The kind or kinds of insurance business it proposes to transact.

(e) The amount of its capital stock, not less than $100,000, all of which capital stock must be subscribed and fully paid up and in the hands of the corporators before said articles of incorporation are filed, such capital stock to be divided into shares of $100 each.

(f) The period of time it is to exist, which shall not exceed five hundred years.

(g) The number of shares of such capital stock.

(h) Such other provisions not inconsistent with the law as the corporators may deem proper to insert therein.

Sec. 3. When such articles of incorporation are filed with the Commissioner of Insurance and Banking, together with an affidavit made by two or more of its incorporators that all the stock has been subscribed in good faith and fully paid for, together with a charter fee of $20, it shall be the duty of the Commissioner to submit such articles of incorporation to the Attorney General for examination, and if he approves the same as conforming with the law he shall so certify and deliver such articles of incorporation, together with his certificate of approval attached thereto, to the Commissioner of Insurance and Banking, who shall, upon receipt thereof, record the same in a book kept for that purpose, and upon receipt of a fee of $1.00, he shall furnish a certified copy of the same to the corporators, upon which they shall be a body politic and corporate, and may proceed to complete the organization of the company, for which purpose they shall forthwith call

a meeting of the stockholders who shall adopt by-laws for the government of the company and elect a board of directors, not less than five, composed of stock holders, which board shall have full control and management of the affairs of the corporation, subject to the by-laws thereof as adopted or amended from time to time by the stockholders or directors, and to the laws of this State. The board of directors so elected shall serve until the second Tuesday in March thereafter, on which date and annually thereafter, there shall be held an annual meeting of the stockholders at the home office, and a board of directors elected for the ensuing year. At all meetings of the stockholders, each stockholder shall be entitled to one vote for each share of stock fully paid up appearing in his name on the books of the company, which vote may be given in person or by written proxy. The majority of the paid up capital stock at any meeting of the stockholders shall constitute a quorum. At any regular meeting or called meeting of the stockholders they may, by resolution, provide for any lawful amendment to the charter or articles of incorporation, and such amendment, accompanied by a copy of such resolution duly certified by the president and secretary of the company, shall be filed and recorded in the same manner as the original charter, and shall thereupon become effective. Stockholders representing a majority of the capital stock of any such company may in such manner also increase or reduce the amount of its capital stock; provided, that the capital stock shall in no case be reduced to less than $100,000 fully paid up. A statement of any such increase or reduction shall be signed and acknowledged by two officers of the company and filed and recorded along with the certified copy of the resolution of stockholders provided therefor in the same manner as the charter or amendment thereto. For any such increase or reduction the company may require the return of the original certificates or other evidences of stocks in exchange for new certificates issued in lieu thereof. The shares of stock of such company shall be transferable on its books in accordance with law and the by-laws of the company by the owner in person or his authorized agent, and every person becoming a stockholder by such transfer shall succeed to all rights of the former holder of the stock transferred, by reason of such ownership.

Sec. 4. When the first meeting of the stockholders shall be held and the officers of the company elected, it shall be the duty of the president or secretary so notify the Commissioner of Insurance and Banking, and he shall thereupon immediately make or cause to be made at the expense of the company a full and thorough examination thereof, and if he shall find that all of the capital stock of the company, amounting to not less than $100,000, has been fully paid up and is in the custody of the officers, either in cash or securities of the class in which such companies are authorized by this act to invest or loan their funds, he shall issue to such company a certificate of authority to transact such kind or kinds of insurance business within this State as such officers may apply for, and as may be authorized by its charter, which certificate shall expire on the last day of February next after the date of its issuance. Before such certificate is issued not less than two officers of such company shall execute and file with the Commissioner of Insurance and Banking a sworn schedule of all the assets of the company exhibited to him upon such examination, showing the value thereof, together with a sworn statement that the same are bona fide, the unconditional and unincumbered property of the company and are worth the amounts stated in such schedule. No original or first certificate of authority shall be granted except in conformity herewith, regardless of the date of filing of the articles of incorporation with the Commissioner of Insurance and Banking.

Sec. 5. Each life insurance company, or accident insurance company, or life and accident, health and accident, or life, health and accident insurance company, organized under the laws of this State shall, after the first day of January of each year and before the first day of March following, and before the renewal of its certificate of authority to transact business, prepare, under oath of two of its officers, and deposit in the office of the Commissioner of Insurance and Banking a statement, accompanied with the fee for filing annual statements, of $10, showing the condition of the company on the 31st day of December the next preceding, which shall include a statement in detail showing the character of its assets and liabilities on that date, the amount and character of business transacted, moneys received and how expended during the year, and the number and amount of its policies in force on that date in Texas, and the total amount of all policies in force; and the Commissioner of Insurance and Banking may from time to time make

such changes in the forms and requirements of the annual statements of companies as shall seem to him best adapted to elicit from the companies a true exhibit of their condition and method of conducting business, and such statement shall also contain and set forth an exhibit of the investment of such company; provided, that such terms and requirements shall elicit only such information as shall pertain to the business of the company.

Sec. 6. Whenever any life insurance company, or accident insurance company, or life and accident, or health and accident, or life, health and accident insurance company, transacting insurance business in this State, shall have filed its annual statement in accordance with the preceding section, showing a condition which entitles it to transact business in this State in accordance with the provisions of this act, the Commissioner of Insurance and Banking shall, upon receipt of a fee of $1.00, issue a renewal certificate of authority to such company, which shall expire on the last day of February of the subsequent year.

Sec. 7. Any such company organized under the laws of this State, having received authority from the Commissioner of Insurance and Banking to transact business in this State, shall receive from such Commissioner upon written request therefor a certified copy of its certificate of authority for each of its agents in this State.

Sec. 8. Actions may be maintained by a company organized under the laws of this State against any of its policy holders, stockholders or other persons for any cause relating to the business of such company, and actions may also be prosecuted and maintained by any policy holder or the heirs or legal representatives of any such policy holder against the company for losses which accrue on any policy, but no action shall be brought or maintained by any person other than the Commissioner of Banking and Insurance of this State for the enjoining, restraining or interfering with the prosecution of the business of the company.

Sec. 9. The laws relating to and governing corporations in general shall apply to and govern companies organized under this act, in so far as the same are pertinent and not in conflict with the provisions of this act.

Sec. 10. A life insurance company organized under the laws of this State, may, after this act takes effect, invest in or loan upon the following securities, viz:

(a) It may invest any of its funds or accumulations in the bonds of the United States or the bonds of any independent or common school district or first mortgage bonds of any State, county or city of the United States, or of any dividend-paying railroad or electric railway company duly incorporated under the laws of the United States or any State thereof.

(b) It may loan any of its funds and accumulations, taking as security therefor such collateral as under the previous subdivision it may invest in; and upon first liens upon real estate, the title to which is valid and the value of which is double the amount loaned thereon; provided, that if any part of such value is in buildings, such buildings shall be insured against loss by fire for at least fifty per cent of the value thereof, with loss clause payable to such company. It may also make loans upon the security of or purchase of its own policies, but no loan on any policy shall exceed the reserve value thereof. No investment or loans, except policy loans, shall be made by any such insurance company unless the same shall first have been authorized by the board of directors, or by a committee charged with the duty of supervising such investments or loans. No such company shall subscribe to or participate in any underwriting of the purchase or sale of securities or property or enter into any such transaction for such purpose, or sell on account of such company jointly with any other person, firm or corporation, nor shall any such company enter into any agreement to withhold from sale any of its property, but the disposition of its property shall be at all times within the control of its board of directors. Every such company possessed of assets not authorized by this act shall dispose of the same within five years after the taking effect of this act, unless such time is extended for good cause by the Commissioner of Insurance and Banking.

Sec. 11. Every such insurance company may secure, hold and convey real property only for the following purposes and in the following manner:

1. One building site and office building for its accommodation in the transaction of its business and for lease and rental.

2. Such as shall have been acquired in good faith by way of security for loans previously contracted, or for moneys due.

3. Such as shall have been conveyed to it in the satisfaction of debts pre-

viously contracted in the course of its dealings.

4. Such as shall have been purchased at sales under judgment or decrees of court or mortgage or other liens held by such companies.

All such real property specified in Subdivisions 2, 3 and 4 of this section, which shall not be necessary for its accommodation in the convenient transaction of its business, shall be sold and disposed of within five years after the company shall have acquired title to the same, or within five years after the same shall have ceased to be necessary for the accommodation of its business, and it shall not hold such property for a longer period unless it shall procure a certificate from the Commissioner of Insurance that its interests will suffer materially by the forced sale thereof, in which event the time for the sale may be extended to such time as the Commissioner shall direct in such certificate.

Sec. 12. No director or officer of any insurance company transacting business in this State, or organized under the laws of this State, shall receive any money or valuable thing for negotiating, procuring, recommending or aiding in any purchase or sale by such company of any property or any loan from such company, nor be pecuniarily interested in either as principal, co-principal, agent or beneficiary in any such purchase, sale or loan; provided, that nothing contained in this section shall prevent a life insurance corporation from making a loan upon a policy held therein by the borrower not in excess of the reserve value thereof. Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than $300 nor more than $1000.

Sec. 13. Any life insurance company organized under the laws of this State may reinsure in any insurance company authorized to transact business in this State any risk or part of a risk which it may assume; provided, that no such company shall have the power to so reinsure its entire outstanding business until the contract therefor shall be submitted to the Commissioner of Insurance and Banking and be by him approved as protecting fully the interests of all the policy holders.

Sec. 14. No life insurance company organized under the laws of this State shall declare or pay any dividends to its policy holders except from the profits made by such company; provided, that this shall not prohibit the issuance of policies guaranteeing a definite payment or reduction in premiums, not exceeding the expense loading on said premiums, but where said reduction exceeds said expense loading the proper reserve therefor must be held by the company to provide for the deficiency so arising in the net premium; and provided further, that this shall not apply to payments to holders of special or board contracts heretofore issued. No such life insurance company shall declare or pay any dividends to its stockholders except from the profits made by said company, not including surplus arising from the sale of stock.

Sec. 15. It shall be the duty of the Commissioner of Insurance and Banking, as soon as practicable in each year, to compute the reserve liability on the 31st day of December of the preceding year of every company organized under the laws of this State or authorized to transact business in this State, which has outstanding policies of insurance on the lives of citizens of this State, in accordance with the following rules:

1. The net value on the first day of December of the preceding year of all outstanding policies of life insurance in the company issued prior to the first day of January, 1910, shall be computed according to the terms of said policies on the basis of the American Experience Table of Mortality and four and one-half per cent interest per annum.

2. The net value on the last day of December of the preceding year of all policies of life insurance issued after the thirty-first day of December, 1909, upon the basis of the Actuary's or Combined Experience Table of Mortality, with four per cent interest per annum; provided, that the policies of any such life insurance company thereafter issued upon the reserve basis of an interest rate lower than four per cent shall be computed upon the basis of the American Experience Table of Mortality with interest at such lower rate per annum; provided, that any company which on January 1, 1909, was writing policies on the basis of four and a half per cent may continue on that basis until January 1, 1912, and its policies shall be so valued.

3. In every case in which the actual premium charged for an insurance is less than the net premium for such insurance, computed according to its respective tables of mortality and rate of interest aforesaid, the company shall also be charged with the value of annuity, the amount of which shall equal the dif-

ference between the premium charged and that required by the rules above stated, and the term of which in years shall equal the number of future annual payments due on the insurance at the date of the valuation.

Sec. 16. No level premium policy of life insurance shall be issued or sold by any company in this State after December 31, 1909, which provides for more than one year preliminary term insurance.

Sec. 17. Every policy of insurance issued or delivered within this State on or after the first day of January, 1910, by any life insurance company doing business within this State, shall contain the entire contract between the parties, and the application therefor may be made a part thereof.

Sec. 18. Any person who shall solicit an application for insurance upon the life of another shall, in any controversy between the assured and his beneficiary and the company issuing any policy upon such application, be regarded as the agent of the company, and not the agent of the insured, but such agent shall not have the power to waive, change or alter any of the terms or conditions of the application or policy.

Sec. 19. No insurance company doing business in this State shall make or permit any distinction or discrimination in favor of individuals between insurants (the insured) of the same class and of equal expectation of life in the amount of or payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon; nor shall any such company or agent thereof make any contract of insurance or agreement as to such contract other than as expressed in the policy issued thereon, nor shall any such company or any officer, agent, solicitor or representative thereof pay, allow or give, or offer to pay, allow or give, directly or indirectly, as an inducement to insurance, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other benefits to accure thereon, or any paid employment or contract for services of any kind, or any valuable consideration or inducement whatever not specified in the policy contract of insurance; or give, sell or purchase, or offer to give, sell or purchase, as an inducement to insurance or in connection therewith, any stocks, bonds or other securities of any insurance company or other corporation, association or partnership, or any dividends or profits to accrue thereon, or anything of value whatsoever not specified in the policy, or issue any policy containing any special or board contract or similar provision by the terms of which said policy will share or participate in any special fund derived from a tax or a charge against any portion of the premium on any other policy. Any company or agent violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and the said company shall as an additional penalty forfeit its certificate of authority to do business in this State, and the said agent shall as an additional penalty forfeit his license to do business in this State for one year; provided, the company shall not be held liable under this section for any act of its agent unless such act was authorized by its president, one of its vice-presidents, its secretary or an assistant secretary, or by its board of directors.

Sec. 20. No domestic life insurance company shall pay any salary, compensation or emolument to any officer, trustee or director thereof, nor any salary, compensation or emolument amounting in any year to more than $5000 to any person, firm or corporation, unless such payment be first authorized by a vote of the board of directors of such life insurance company; provided, that the limitation as to time contained herein shall not be construed as preventing a life insurance company from entering into contracts with its agents for the payment of renewal commission. No such company shall grant any pension to any officer, director or trustee thereof or to any member of his family after his death.

Sec. 21. No domestic life insurance company shall make any disbursements of one hundred dollars or more unless the same be evidenced by a voucher signed by or on behalf of the person, firm or corporation receiving the money, and correctly describing the consideration for the payment. If the expenditure be for both services and disbursements, the voucher shall set forth the services rendered and statement of the disbursement made. If the expenditure be in connection with any matter pending before any legislative or public body, or before any department or officer of any State or government, the voucher shall correctly describe in addition the nature of the matter and of the interest of such company

therein. When such voucher can not be obtained the expenditures shall be evidenced by a paid check or an affidavit describing the character and object of the expenditure, and stating the reason for not obtaining such voucher.

Sec. 22. No policy of life insurance shall be issued or delivered after December 31, 1909, in this State or be issued by a life insurance company organized under the laws of this State after that date unless the same shall contain provisions substantially as follows:

1. A provision that all premiums shall be payable in advance either at the home office of the company or to an agent of the company upon delivery of a receipt signed by one or more of the officers who are designated in the policy.

2. A provision for a grace of at least one month for the payment of every premium after the first, which may be subject to an interest charge, during which month the insurance shall continue in force, which provision may contain a stipulation that if the insured shall die during the period of grace the overdue premium will be deducted in any settlement under the policy.

3. A provision that the policy or policy and application shall constitute the entire contract between the parties and shall be incontestable not later than two years from its date, except for non-payment of premiums, and which provision may or may not at the option of the company contain an exception for violations of the conditions of the policy relating to naval and military services in time of war.

4. A provision that all statements made by the insured shall, in the absence of fraud, be deemed representations and not warranties.

5. A provision that if the age of the insured has been understated the amount payable under the policy shall be such as the premium paid would have purchased at the correct age.

6. A provision that after three full years premiums have been paid the company at any time while the policy is in force will advance upon proper assignment of the policy and upon the sole security thereof at a specified rate of interest a sum equal to, or at the option of the owner of the policy, less than the legal reserve at the end of the current policy year on the policy and on any dividend additions thereto, less than a sum not more than two and one-half per centum of the amount insured by the policy and of any dividend additions thereto; and that the company may deduct from such loan value any existing indebtedness on the policy and any unpaid balance of the premium for the current policy year and may collect interest in advance on the loan to the end of the current policy year; which provision may further provide that such loans may be deferred for not exceeding six months after application therefor is made. It shall further be stipulated in the policy that failure to repay any such advance or to pay interest shall not avoid the policy until the total indebtedness thereon to the company shall equal or exceed the loan value. No condition other than as herein provided shall be exacted as a prerequisite to any such advance.

This provision shall not be required in term insurances nor in pure endowments issued or granted as original policies, or in exchange for lapsed or surrendered policies, and no provision herein required shall compel any company to loan on any policy an amount greater than ninety-seven and one-half per centum of the face value thereof, including net dividend additions thereto.

7. A provision which, in event of default in premium payments, after premiums shall have been paid for three full years, shall secure to the owner of the policy a stipulated form of insurance, the net value of which shall be at least equal to the reserve at the date of default on the policy and on any dividend additions thereto, specifying the mortality table and rate of interest adopted for computing such reserves, less a sum not more than two and one-half per cent of the amount insured by the policy and of any existing dividend, additions thereto, and less any existing indebtedness to the company on the policy. Such provision shall stipulate that the policy may be surrendered to the company at its home office within one month from date of default for a specified cash value, at least equal to the sum which would otherwise be available for the purchase of insurance, as aforesaid, and may stipulate that the company may defer payment for not more than six months after the application therefor is made. This provision shall not be required in term insurances.

8. A table showing in figures the loan values, and the options available under the policies each year upon default in premium payments during the first twenty years of the policy or the period during which premiums are payable, begin-

ning with the year in which such values and options become available.

9. A provision that if, in event of default in premium payments, the value of the policy shall be applied to the purchase of other insurances, and if such insurance shall be in force and the original policy shall not have been surrendered to the company and canceled, the policy may be reinstated within three years from such default, upon evidence of insurability satisfactory to the company and payment of arrears of premiums with interest.

10. A provision that when a policy shall become a claim by the death of the insured, settlement shall be made upon receipt of due proof of death and the right of the claimant to the proceeds, or not later than two months after receipt of such proof.

11. A table showing the amounts of installments in which the policy may provide its proceeds may be payable.

Any of the foregoing provisions or portions thereof not applicable to single premium policies, shall, to that extent, not be incorporated therein.

Sec. 23. No policy of life insurance shall, after December 31, 1909, be issued or delivered in this State, or be issued by a life insurance company incorporated under the laws of this State if it contains any of the following provisions:

1. A provision limiting the time within which any action at law or in equity may be commenced to less than two years after the cause of action shall accrue.

2. A provision by which the policy shall purport to be issued or to take effect more than six months before the original application for the insurance was made, if thereby the insured would rate at any age younger than his age at date when the application was made, according to his age at nearest birthday.

3. A provision for any mode of settlement at maturity of less value than the amount insured on the face of the policy, plus dividend additions, if any, less any indebtedness to the company on the policy, and less any premium that may by the terms of the policy be deducted; provided, that any company may issue a policy promising a benefit less than the full benefit in case of the death of the insured by his own hand, while sane or insane, or by following stated hazardous occupations. This provision shall not apply to purely accident and health policies; none of the foregoing provisions relating to policy forms shall apply to policies isued in lieu of or in exchange for any other policy issued before this act shall take effect.

Sec. 24. The policies of a life insurance company not organized under the laws of this State may contain any provision which the law of the State, Territory, district or country under which the company is organized, prescribes shall be in such policies when issued in this State, and the policies of a life insurance company organized under the laws of this State may, when issued or delivered in any other State, Territory, district or country contain any provision required by the laws of the State, Territory, district or country in which the same are issued, anything in this act to the contrary notwithstanding.

Sec. 25. Insurance companies incorporated under the laws of this State shall hereafter be required to render for State, county and municipal taxation all of their real estate as other real estate is rendered, and all of the personal property of such insurance companies shall be valued as other property is valued for assessment in this State in the following manner:

From the total valuation of its assets shall be deducted the reserve, being the amount of debts of insurance companies by reason of their outstanding policies in gross and from the remainder shall be deducted the assessed value of all real estate owned by the company and the remainder shall be the assessed taxable value of its personal property. Home insurance companies shall not be required to pay any occupation or gross receipts tax.

Sec. 26. Any life insurance company, or accident insurance company, or life and accident, health and accident, or life, health and accident insurance company, incorporated under the laws of any other State, Territory or country, desiring to transact the business of such insurance in this State shall furnish said Commissioner of Insurance and Banking with a written or printed statement under oath of the president or vice-president and secretary or treasurer of such company, which statement shall show:

(a) The name and locality of the company.

(b) The amount of its capital stock.

(c) The amount of its capital stock paid up.

(d) The assets of the company, including, first, the amount of cash on hand and in the hands of other persons, naming such persons and their residence;

second, real estate unincumbered, where situated and its value; third, the bonds owned by the company and how they are secured, with the rate of interest thereon; fourth, debts due the company secured by mortgage, describing the property mortgaged and its market value; fifth, debts otherwise secured, stating how secured; sixth, debts for premiums; seventh, all other moneys and securities.

(e) Amount of liabilities to the company, stating the name of the person or corporation to whom liable.

(f) Losses adjusted and due.

(g) Losses adjusted and not due.

(h) Losses adjusted.

(i) Losses in suspense and for what cause.

(j) All other claims against the company, describing the same; provided, that the Commissioner of Insurance and Banking may require any additional facts to be shown by such annual statement. Each such company shall be required to file a similar statement not later than March 1st of each year.

Sec. 27. Such foreign life insurance company, or accident insurance company, or life and accident, health and accident, or life, health and accident insurance company shall accompany such statement with a certified copy of its acts or articles of incorporation, and all amendments thereto, and a copy of its by-laws, together with the name and residence of each of its officers and directors, and all of which shall be certified under the hand of the president or secretary of such company.

Sec. 28. No such foreign life insurance company, accident insurance company, or life and accident, health and accident, or life, health and accident insurance company, shall transact any business of insurance in this State unless such company is possessed of at least $100,000 of actual paid up in cash money capital invested in such securities as provided under the laws of the State, Territory or country of its creation; and no mutual life insurance company or accident insurance company, or life and accident, health and accident, or life, health and accident insurance company operating on the old line or legal reserve basis, shall transact any business of insurance in this State unless such company is possessed of at least $100,000 of net surplus assets invested in securities provided for under the laws of the State, Territory or country of its creation.

Sec. 29. Whenever the existing or future laws of any other State or Territory of the United States, or of any other country, shall require of life insurance companies, accident insurance companies, or life and accident, health and accident, or life, health and accident insurance companies, incorporated by this State, any deposit of securities in such other State, Territory or country before transacting insurance business therein, then, and in every such case, all insurance companies of such State shall, before doing any insurance business in this State, be required to make the same deposit of securities with the Treasurer of this State.

Sec. 30. No foreign life insurance company or accident insurance company, or life and accident, health and accident, or life, health and accident insurance company incorporated by or organized under the laws of any foreign government shall transact business in this State unless it shall first deposit and keep deposited with the Treasurer of this State, for the benefit of the policy holders of such company, citizens or residents of the United States, bonds or securities of the United States or the State of Texas to the amount of $100,000.

Sec. 31. The deposit required by the preceding section shall be held liable to pay the judgments of policy holders in such company and may be so decreed by the court adjudicating the same.

Sec. 32. If the deposit required by Section 30 has been made in any State of the United States, under the laws of such State in such manner as to secure equally all the policy holders of such company who are citizens and residents of the United States, then no deposits shall be required in this State, but a certificate of such deposit under the hand and seal of the officer of such other State with whom the same has been made shall be filed with the Commissioner of Insurance and Banking.

Sec. 33. Suits on policies may be instituted and prosecuted against any life insurance company or accident insurance company, or life and accident, or health and accident, or life, health and accident insurance company, in the county where the home office of such company is located or in the county where loss has occurred, or where the policy holder or beneficiary instituting such suit resides.

Sec. 34. Process in any civil suit against any domestic life insurance company, or accident insurance company, or life and accident, health and accident, or life, health and accident insurance company may be served only on the presi-

dent, or any active vice-president or secretary or general counsel residing at the city of the home office of the company, or by leaving a copy of same at the home office of such company during business hours.

Sec. 35. In all cases where a loss occurs and the life insurance company or accident insurance company, or life and accident, health and accident, or life, health and accident insurance company liable therefor shall fail to pay the same within thirty days after demand therefor, such company shall be liable to pay the holder of such policy in addition to the amount of the loss, twelve per cent damages on the amount of such loss, together with reasonable attorney fees for the prosecution and collection of such loss.

Sec. 36. Should any life insurance company, accident insurance company, life and accident, health and accident, or life, health and accident insurance company fail to pay off and satisfy any execution that may lawfully issue on any final judgment against said company within thirty days after the officer holding such execution has demanded payment thereof from any officer or attorney of record of such company, in this State or out of it, such officer shall immediately certify such demand and failure to the Commissioner of Insurance and Banking, and thereupon, the Commissioner shall forthwith declare null and void the certificate of authority of such company and such company shall be prohibited from transacting any business in this State until such execution shall be fully satisfied and discharged, and until such Commissioner shall renew his certificate of authority to such company.

Sec. 37. It shall be unlawful for any life insurance company, accident insurance company, life and accident, health and accident, and life, health and accident insurance company to take any kind of risks or issue any policies of insurance except those of life, accident or health; nor shall the business of life, accident or health insurance in this State be in anywise conducted or transacted by any company which in this or any other State or country is engaged or concerned in the business of marine, fire or inland insurance.

Sec. 38. Any life insurance company, accident insurance company, life and accident, health and accident, or life, health and accident insurance company, organized under the laws of this State, may at its option deposit with the Treasurer of this State securities equal to amount of its capital stock, and may at its option withdraw the same or any part thereof, first having deposited in the treasury in lieu thereof other securities equal in value to those withdrawn. Any such securities before being so originally deposited or substituted shall be approved by the Commissioner of Insurance and Banking, and when any such deposit is made the Treasurer shall execute to the company making the deposit a receipt therefor, giving such description to such securities as will identify the same, and such company shall have the right to advertise such fact or print a copy of the Treasurer's receipt on the policies it may issue, and the proper officers or agents of each insurance company making such deposit shall be permitted at all reasonable times to examine such securities and to detach coupons therefrom and to collect interest thereon under such reasonable rules and regulations as may be prescribed by the Treasurer and the Commissioner of Insurance and Banking of this State. The deposit herein provided for, when made by any company, shall thereafter be maintained as long as said company shall have outstanding any liability to its policy holders. For the purpose of State, county and municipal taxation the situs of all personal property belonging to such companies shall be at the home office of such company.

Sec. 39. Any director, member of a committee or officer or any clerk of a home company who is charged with the duty of handling or investing its funds shall not deposit or invest such funds except in the corporate name of such company; shall not borrow the funds of such company; shall not be interested in any way in any loan, pledge, security or property of such company except as stockholder; shall not take or receive to his own use any fee, brokerage, commission, gift or other consideration for or on account of a loan made by or on behalf of such company.

Sec. 40. Should the Commissioner of Insurance and Banking be satisfied that any company applying for a certificate of authority has in all respects fully complied with the law and that if a stock company its capital stock has been fully paid up, that it has the required amount of capital or surplus to policy holders it shall be his duty to issue to such company a certificate of authority under the seal of his office, authorizing

such company to transact insurance business, naming therein the particular kind of insurance, for the period of not less than three months nor extending beyond the last day of February next following the date of such certificate. And if any such insurance company organized under the laws of any State or country after having obtained a certificate of authority from the Commissioner of Insurance and Banking, or other officer authorized to issue such permit to do business in this State, shall bring in any Federal court any suit or action against any citizen of this State or shall remove any suit or action heretofore or hereafter commenced in any court of this State, to which it is a party, to any Federal court, the Commissioner of Insurance and Banking shall forthwith revoke and recall the certificate of authority of such insurance company to do and transact business in this State and no renewal of authority shall be granted to such insurance company to do business in this State for a period of three years after such revocation, and such insurance company shall thereafter be prohibited from transacting any business in this State until again duly authorized by law.

Sec. 41. The Commissioner of Insurance and Banking shall, at the end of each two years, or oftener if he deems necessary, in person or by one or more examiners commissioned in writing, visit each company organized under the laws of this State and examine its financial condition and its ability to meet its liabilities. He shall have free access to all the books and papers of the company or agents thereof relating to the business and affairs of such company and shall have power to summon and examine under oath the officers, agents and employes of such company and any other person within the State relative to the affairs of such insurance company. He may revoke or modify any certificate of authority issued by him when any conditions or requirements prescribed by law for granting it no longer exist; provided, that he shall give such company at least ten days' notice in writing of his intention to revoke or modify such certificate of authority issued by him, stating specifically the reasons why he intends to revoke or modify such certificate. The expense of every such examination shall be paid by the company so examined, but the Commissioner shall not make any charge for services except for traveling or other actual expenses and shall furnish the company with an itemized statement of such expenses.

Sec. 42. No corporation or stock company shall be licensed or granted a certificate of authority as the agent or representative of any life insurance company in soliciting, selling or in any manner placing life insurance policies or contracts in this State. No life insurance company shall hereafter be granted a certificate of authority to transact business in this State which has or is bound by any valid subsisting contract with any other corporation, by virtue of which such other corporation is entitled to receive directly or indirectly in percentage or portion of the premium or other income of such life insurance company for any period. No person shall hereafter be granted a certificate of authority as the agent of any life insurance company who, after this act takes effect, enters into any contract with any corporation other than such life insurance company, by virtue of which such other corporation is entitled to receive, directly or indirectly, any compensation earned by him as agent for such life insurance company, or any percentage or portion thereof for any period.

Sec. 43. Any such insurance company transacting business within this State whose capital stock shall become impaired to the extent of thirty-three and one-third per cent thereof, computing its liabilities according to the terms of this act, shall make good such impairment within sixty days, by reduction of its capital stock (provided, such capital stock shall in no case be less than $100,000), or otherwise, and failure to make good such impairment within said time shall forfeit its right to write new business in this State until said impairment shall have been made good. And, provided, that the Commissioner of Insurance and Banking may apply to any court of competent jurisdiction for the appointment of a receiver to wind up the affairs of such company when its capital stock shall become impaired to the extent of fifty per cent thereof, computing its policy liabilities according to the American Experience Table of Mortality and four and one-half per cent interest; and, provided, further, that no company shall write new business in Texas when its net surplus to policy holders is less than $100,000.

Sec. 44. Life insurance companies shall within five days after the issuance of and the placing upon the market any form of policies of life insurance file a

copy of such form of policy with the Department of Insurance and Banking.

Sec. 45. No insurance company transacting business in this State shall hereafter be permitted to issue or sell any policy of industrial life insurance, or any policy of accident or health insurance, until the form thereof has been submitted to the Commissioner of Insurance and Banking. If the Commissioner of Insurance and Banking shall approve the form of such policy as complying with the requirements of the laws of this State, the same may thereafter be issued and sold. If he shall disapprove the same any such company may institute a proceeding in any court of competent jurisdiction to review his action thereon.

Sec. 46. No foreign or domestic insurance company shall transact any business in this State other than the lending of money, unless it shall first procure from the Commissioner of Insurance and Banking a certificate of authority stating that the requirements of the laws of this State have been fully complied with by it, and authorizing it to do business in this State. Such certificate of authority shall expire on the last day of February in each year, and shall be renewed annually so long as the company shall continue to comply with the laws of the State, such renewals to be granted upon the same terms and considerations as the original certificate.

Sec. 47. Every such foreign company shall, by resolution of its board of directors, designate some officer or agent who is empowered to appoint or employ its agents or solicitors in this State, and such officer or agent shall promptly notify the Commissioner in writing of the name, title and address of each person so appointed or employed. Upon receipt of this notice, if such person is of good reputation and character, the Commissioner shall issue to him a certificate which shall include a copy of the certificate of authority authorizing the company requesting it to do business in this State and the name and title of the person to whom the certificate is issued. Such certificate, unless sooner revoked by the Commissioner for cause or canceled at the request of the company employing the holder thereof, shall continue in force until the first day of March next after its issuance, and must be renewed annually.

Sec. 48. Cause for the revocation of the certificate of authority of an agent or solicitor for an insurance company may exist for violation of any of the insurance laws, or of it shall appear to the Commissioner upon due proof after notice that such agent or solicitor has knowingly deceived or defrauded a policy holder or a person having been solicited for insurance or that such agent or solicitor has unreasonably failed and neglected to pay over to the company or its agent entitled thereto any premium or part thereof, collected by him on any policy of insurance or application therefor. The Commissioner shall publish such revocation in such manner as he deems proper for the protection of the public and no person whose certificate of authority as agent or solicitor has been revoked shall be entitled to again receive a certificate of authority as such agent or solicitor for any insurance company in this State for a period of one year.

Sec. 49. Any person who for direct or indirect compensation solicits insurance in behalf of any company, or transmits for a person other than himself an application for a policy of insurance to or from such company, or assumes to act in negotiation of insurance without a certificate of authority to act as agent or solicitor for such company, or after such certificate of authority shall have been canceled or revoked, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than $100.

Sec. 50. Any such agent or solicitor who knowingly procures by fraudulent representations payment of an obligation for the payment of a premium of insurance shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $100 nor more than $1000.

Sec. 51. Any insurance agent or solicitor who collects premiums for an insurance company lawfully doing business in this State, and who embezzles or fraudulently converts or appropriates to his own use, or with intent to embezzle, takes, secrets or otherwise disposes of or fraudulently withholds, appropriates, lends, invests or otherwise uses or applies any money or substitute for money received by him as such agent or broker, contrary to the instructions or without the consent of the company for or on account of which the same was received by him, shall be deemed guilty of theft of property of the value of the amount involved in either case and shall be punished accordingly.

Sec. 52. Any solicitor, agent or examining physician who shall knowingly or willfully make any false or fraudulent statement or representation in, or with reference to any application for insurance, shall be deemed guilty of a mis-

demeanor and upon conviction shall be punished by a fine of not less than $100 nor more than $500.

Sec. 53. On the 31st day of December of each and every year, or as soon thereafter as may be practicable, the Commissioner of Insurance and Banking shall have calculated in his office the re-insurance reserve for all unexpired risks of all insurance companies organized under the laws of this State, or transacting business in this State, transacting any kind of insurance other than life, fire, marine, inland, lightning or tornado insurance, by taking fifty per cent of the gross premiums on all unexpired risks that have less than one year to run and a pro rata of all premiums received on risks that have more than one year to run.

Sec. 54. Every insurance company which has for ten years or more undertaken to insure persons, firms or corporations against loss or damage on account of the bodily injury or death by accident of any person for which loss or damage said persons, firms or corporations are respectively responsible, shall, on or before the first day of October in each year render to the Insurance Commissioner a statement in writing of its business transacted in the United States, which shall show separately for each of the five calendar years constituting the first half of the period of ten years next preceding the 31st day of December of the year in which the statement is made:

1. The number of persons reported injured under all its forms of liability policies, whether such injuries were reported to the home office of the company or to any of its representatives, and whether such injuries resulted in loss to the company or not.

2. The amount that on or before the 31st day of August of the year in which the statement is made had been paid on account or in consequence of all injuries so reported, including therein all payments on suits arising from such injuries.

3. The number of suits or actions under such policies on account of injuries reported which have been settled either by payments or compromise.

4. The amount paid in settlement of such suits or actions on or before the 31st day of August of the year when the statement is made, including therein all payments made on account or in consequence of injuries from which the suits arose, whether prior to or later than the date when the suits were brought. Every such company shall in its financial statements hereafter made in this State use the experience so ascertained for computing its outstanding losses under all its forms of liability policies, irrespective of the date when the policies were issued. The average cost per suit of settling such cases, as computed by the data required in this section, shall be multiplied by the number of suits or actions pending on account of injuries reported prior to eighteen months previous to the date on which the condition of the company is to be ascertained and shown, which suits or actions are being defended for or on account of a holder of any such policy; also the average cost on account of each injured person, determined as aforesaid from the company's experience, shall be multiplied by the number of injuries reported within the eighteen months prior to making the statement of the company's condition, whether such injuries were reported to the home office of the company or to any of its representatives. From the sum of these two products so ascertained there shall be deducted the amount of all payments made on account or in consequence of said injuries reported within eighteen months, this amount so deducted to be taken as of the date at which the said statement is made. The sum remaining after making this deduction shall be charged as the liability of the company on account of outstanding losses.

Any admitted company issuing liability contracts, which, by reason of its limited experience in liability underwriting cannot furnish the information required by this section shall, nevertheless, until it is able to comply with said requirements be charged with a liability for outstanding losses upon all kinds of its liability policies an amount not less than the amount resulting from the following process:

The number of suits or actions pending on account of injuries reported prior to eighteen months previous to the date of making up the statement, whether such injuries were reported to the home office of the company or to any of its representatives, which are being defended on account of the holder of any policy shall be multiplied by the average cost per suit as shown by the average experience of all other admitted liability companies ascertained from the data required by this section; also the number of injuries reported under said policies at any time within eighteen months of making up the statement, whether reported to the home office of the com-

pany or to any of its representatives and whether such injuries resulted in loss to the company or not, shall be multiplied by the average cost for each injured person as shown by the average of said experience of all other admitted liability companies, ascertained from the data required by this section. From the sum of these two products there shall be deducted the amount of all payments made on account or in consequence of said injuries reported within eighteen months, this amount to be taken as of the date at which the statement is made. A sum not less than the amount remaining after this deduction shall be charged as a liability for outstanding losses to liability companies covered by the provisions of this paragraph. The average cost for suits and for injured persons required by this paragraph shall, on or before the first day of December of each year, be furnished by the Insurance Commissioner to every such company which has not had an experience of ten years in liability underwriting.

Besides the reserve provided for in this section each such company shall be charged as a liability with all unpaid losses of which the company received notice on or before December 31, and all other debts and liabilities. If the capital stock of any such company, computing its liabilities in accordance with the provisions of this section, shall be at any time impaired to the extent of twenty per cent thereof, it shall be the duty of the Commissioner of Insurance and Banking to give notice to the company to make good its whole capital stock within sixty days; and if this is not done he shall require the company to cease to do business within this State, and shall thereupon, in case the company is organized under the authority of the State, immediately institute legal proceedings to wind up the affairs of such company. The Commissioner of Insurance and Banking, in calculating the reserve liability of any such company may accept the certificate of the officer of any other State charged with the duty of supervising such company, as to any such company organized under the laws of such State; provided, such certificate shows that such liability has been computed in accordance with the provisions of this section.

Sec. 55. All the provisions of the laws of this State applicable to life, fire, marine, inland, lightning or tornado insurance companies shall, so far as the same are applicable, govern and apply to all companies transacting any other kind of insurance business in this State so far as they are not in conflict with provisions of law made specially applicable thereto.

Sec. 56. Companies may be incorporated in the manner prescribed by this act for the incorporation of life, accident and health insurance companies generally, which shall have power only to transact business within the State of Texas, and to write insurance only on the weekly or monthly premium plan, and to issue no policy promising to pay more than $1000 in the event of the death of the insured from natural causes, nor more than $2000 in the event of death of any person from accidental causes, which may issue combined or separately, life, accident or health insurance policies with not less than an actual paid up capital of $25,000; provided, that all such companies shall be subject to all the laws regulating life insurance companies in this State, not inconsistent with the provisions of this section; and provided, further, that such companies shall not be permitted to invest their assets in other than Texas securities as defined by the laws of this State, regulating the investments of life insurance companies.

Sec. 57. The assets of any company not organized under the laws of this State shall be invested in securities or property of the same classes permitted by the laws of this State as to home companies or by other laws of this State in other securities approved by the Commissioner of Insurance and Banking as being of substantially the same grade.

Sec. 58. Any officer of any insurance company not organized under the laws of this State who shall file with the Commissioner of Insurance and Banking any statement, report or other paper required or provided for by law to be so filed, which shall contain any material statement or fact known to be false by the person filing the same, or any person who shall execute or cause to be executed any such false statement, report or other paper, to be so filed, shall be deemed guilty of a felony and upon conviction shall be punished by imprisonment in the penitentiary for a term of not less than one year.

Sec. 59. In addition to the duties required of the Commissioner of Insurance and Banking by this act, he shall perform other duties as follows:

1. To see that all laws respecting insurance and insurance companies are faithfully executed.

2. To file and preserve in his office all acts or articles of incorporation of

insurance companies and all other papers required by law to be deposited with him and upon application of any party interested therein to furnish certified copies thereof upon payment of the fees prescribed by law.

3. He shall as soon as practicable in each year, calculate or cause to be calculated in his office by an officer or employe of his department, the net value on the 31st day of December of the previous year of all the policies in force on that day in each life or health insurance company doing business in the State, upon the basis and in the manner prescribed by law.

4. Having determined the net value of all the policies in force, it shall be his duty to see that the company has in safe securities of the class and characted required by the laws of this State the amount of said net value of all its policies after all its debts and claims against it and at least $100,000 of surplus to policyholders have been provided for.

5. He may accept the valuation made by the Insurance Commissioner of the State, under whose authority a life insurance company was organized, when such valuation has been properly made on sound and recognized principles as a legal basis as above; provided, the company shall furnish to him a certificate of the Insurance Commissioner of such State, setting forth the value calculated on the data designated above, of all the policies in force in the company on the previous 31st day of December, and stating that after all other debts of the company and claims against it at that time, and $100,000 surplus to policy-legal basis as above; provided, the company had, in safe securities of the character required by the laws of this State, an amount equal to the net value of all its policies in force, and that said company is entitled to do business in its own State.

6. Every life insurance company doing business in this State during the year for which the statement is made that fails promptly to furnish the certificate aforesaid, shall be required to make full detailed lists of policies and securities to the Insurance Commissioner, and shall be liable for all charges and expenses consequent upon not having furnished said certificates.

7. For every company doing fire insurance business in this State he shall calculate the re-insurance reserve for unexpired fire risks by taking fifty per cent of the premiums received on all unexpired fire risks by taking fifty per year to run, and a pro rata of all premiums received on risks that have more than one year to run; provided, that when the re-insurance, reserve, calculated as above, is less than forty per cent of all the premiums received during the year, the re-insurance reserve in this case shall be the whole of the premiums received on all of its unexpired risks. For every company transacting any kind of insurance business in this State, for which no basis is prescribed by law, he shall calculate the re-insurance reserve upon the same basis prescribed in this section as to companies transacting fire insurance business.

8. In marine and inland insurance he shall charge all the premiums received on unexpired risks as a re-insurance reserve.

9. Having charged against a company other than life, the re-insurance reserve, as prescribed by the laws of this State, and adding thereto all other debts and claims against the company, he shall, in case he finds the capital stock of the company impaired to the extent of twenty per cent, give notice to the company to make good its whole capital stock within sixty days; and if this is not done, he shall require the company to cease to do business within this State, and shall, thereupon, in case the company is organized under authority of the State, immediately institute legal proceedings to determine what further shall be done in the case.

10. The Commissioner shall publish the result of his examination of the affairs of any company whenever he deems it for the interest of the public.

11. He shall suspend the entire business of any company of this State and the business within this State of any other company during its non-compliance with any provision of the law relative to insurance, or when its business is being fraudulently conducted, by suspending or revoking the certificate granted by him, and he shall give notice thereof to the Insurance Commissioner or other similar officer of every State and shall publish notice thereof; provided, that he shall give such company at least ten days' notice in writing of his intention to suspend its right to do business or revoke the certificate of authority granted by him, stating specifically the reasons why he intends to so suspend or revoke such certificate of authority.

12. He shall report promptly and in detail to the Attorney General any vio-

lation of law relative to insurance companies or the business of insurance.

13. He shall furnish to the companies required to report to him the necessary blank forms for the statements required.

14. He shall preserve in a permanent form a full record of his proceedings and a concise statement of the condition of each company or agency visited or examined.

15. At the request of any person, and on the payment of the legal fee, he shall give certified copies of any record or papers in his office when he deems it not prejudicial to public interests, and shall give such other certificates as are provided for by law.

16. He shall report annually to the Governor the names and compensations of his clerks, the receipts and expenses of his department for the year, his official acts, the condition of companies doing business in this State, and such other information as will exhibit the affairs of said department.

17. He shall send a copy of such annual report to the Insurance Commissioner or other similar officer of every State, and to each company doing business in this State.

18. On request, he shall communicate to the Insurance Commissioner or other similar officer of any other State, in which the substantial provisions of the law of this State relative to insurance have been or shall be enacted, any facts, which by law, it is his duty to ascertain respecting the companies of this State doing business within such other State.

19. He shall see that no company is permitted to transact the business of life insurance in this State whose charter authorizes it to do a fire, marine, lightning, tornado or inland insurance business, and that no company authorized to do a life or health insurance business in this State be permitted to take fire, marine or inland risks.

20. The Commissioner of Insurance and Banking shall admit into this State mutual insurance companies organized under the laws of other States and who have $200,000 assets in excess of liabilities engaged in cyclone, tornado, hail and storm insurance.

Sec. 60. The Commissioner of Insurance and Banking may from time to time make such changes in the forms of the annual statements required of insurance companies of any kind, as shall seem to him best adapted to elicit a true exhibit of their condition and methods of transacting business; provided, that such terms and requirements shall elicit only such information as shall pertain to the business of the company.

Sec. 61. It shall not be lawful for any insurance company organized under the laws of this State to make any dividend except from surplus profits arising from its business, and in estimating such profits there shall be reserved therefrom the lawful reserve on all unexpired risks, and also the amount of all unpaid losses, whether adjusted or unadjusted, and all other debts due and payable or to become due and payable by the company. Any dividends made contrary to the provisions of this article shall subject the company making them to a forfeiture of its charter and the Commissioner of Insurance shall forthwith revoke its certificate of authority; provided, that he shall give such company at least ten days' notice in writing of his intention to revoke such certificate, stating specifically the reasons why he intends to revoke same.

Sec. 62. Corporations may be incorporated under the laws of this State to transact any one or more kinds of insurance business other than life, fire, marine, inland, lightning or tornado insurance business in the same manner and by complying with the same requirements as prescribed by law for the incorporation of life insurance companies; provided, that no such company shall be incorporated having the power to do a fidelity and surety business or a liability insurance business with a paid up capital stock of less than $200,000.

Sec. 63. Whenever any person shall refuse to appear and testify or to give the information authorized by this act to be demanded by the Commissioner of Insurance, such Commissioner may file his application under oath with any district judge or district court within this State, when said witness is summoned to appear, and it shall be the duty of said judge to summon said witness, administer oaths as required by law and require answers to such questions, and such judges or courts shall have power to punish for contempt as now provided by law.

Sec. 64. Sheriffs and other peace officers of this State shall execute process directed to them by the Commissioner of Insurance and make return thereof to him as in the case of process issued from any of the courts.

Sec. 65. None of the terms or provisions of this act shall apply to nor in anywise affect fraternal beneficiary

associations as defined by the laws of this State, nor apply to companies carrying on the business of life or casualty insurance, on the assessment or annual premium plan, under the provisions of Articles 3090, 3091 and 3092, Revised Civil Statutes of the State of Texas.

Sec. 66. The Commissioner of Insurance and Banking, for the purpose of examinations authorized by law, has power either in person or by one or more examiners by him commissioned in writing:

1. To require free access to all books and papers within this State of any insurance companies or the agents thereof doing business within this State.

2. To summon and examine any person within this State, under oath, which he or any examiner may administer, relative to the affairs and conditions of any insurance company.

3. To visit at its principal office, wherever situated, any insurance company doing business in this State, for the purpose of investigating its affairs and condition, and shall revoke the certificate of authority of any such company in this State refusing to permit such examination. The reasonable expenses of all such examinations shall be paid by the company examined.

4. He may revoke or modify any certificate of authority issued by him when any conditions prescribed by law for granting it no longer exist.

5. He shall also have power to institute suits and prosecutions, either by the Attorney General or such other attorney as the Attorney General may designate, for any violation of the law of this State relating to insurance, and no action shall be brought or maintained by any person other than the Commissioner of Insurance and Banking for closing up the affairs or to enjoin, restrain or interfere with the prosecution of the business of any such insurance company organized under the laws of this State.

Sec. 67. No life insurance company doing business in this State, and no officer, director or agent thereof shall issue or circulate or cause or permit to be issued or circulated any estimate, illustration, circular or statement of any sort misrepresenting the terms of any policy issued by it or benefits or advantages to be promised thereby or the dividends or share of surplus to be received thereon.

Sec. 68. No recovery upon any life, accident or health insurance policy shall ever be defeated because of any misrepresentation in the application which is of an immaterial fact and which does not affect the risks assumed.

Sec. 69. Article 3049 of the Revised Civil Statutes as amended by the Thirtieth Legislature, and Articles 3047, 3048 and 3096y of the Revised Civil Statutes of Texas; Article 3050 of the Revised Civil Statutes of Texas; Article 3051 of the Revised Civil Statutes of Texas, as amended by the Twenty-fifth Legislature, Called Session, 1897; Articles 3052 and 3053 of the Revised Civil Statutes of Texas; all of Chapter 4 of Title 58, and Articles 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3085 and 3088 of the Revised Civil Statutes of Texas, be and the same are hereby repealed.

Sec. 70. The crowded condition of the calendar and the near approach of the end of the session 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.

Committee Room.
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 178, and find it correctly enrolled, and have this day at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to promote the safety of employes and travelers upon railroads in this State by limiting the hours of service of conductors, engineers, firemen and brakemen; by making it unlawful for any railroad company or the receiver of any railroad company, or any officer or agent of such railroad company or receiver to require or permit any conductor, engineer, fireman or brakeman, to be or remain on duty for a longer period than sixteen consecutive hours; by providing for the relief of any conductor, engineer, fireman or brakeman after having been continuously on duty for sixteen hours and preventing his being required or permitted again to go on duty until he has had at least ten consecutive hours off duty and preventing his being required or permitted to continue or again go on duty without having had at least eight consecutive hours

off duty after he has been on duty sixteen hours in the aggregate in any twenty-four hour period; by imposing a penalty for each violation by any railroad company or receiver of any railroad or any of the officers or agents of such company or receiver for each and every violation of this act; and by prescribing the venue of suits to recover penalties for violations of this act and the officers by whom the suits shall be brought; and declaring an emergency.

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

Section 1. That it shall be unlawful for any railroad company or receiver of any railroad company operating any line of railroad in whole or in part in this State, or any officer, or agent of such railroad company or receiver to require or permit any conductor, engineer, fireman or brakeman to be or remain on duty for a longer period than sixteen consecutive hours and whenever any such conductor, engineer, fireman or brakeman shall have been continuously on duty for sixteen hours, he shall be relieved and shall not be required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such conductor, engineer, fireman or brakeman who has been on duty sixteen hours in the aggregate in any twenty-four hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty.

Sec. 2. That any railroad company or receiver of any railroad operating a line of railroad in whole or in part in this State, or any officer or agent of such railroad or receiver who shall violate any of the provisions of this act shall be liable to a penalty of not to exceed $500 for each and every violation, and any such penalty shall be recovered and suit therefor shall be brought in the name of the State of Texas in any court having jurisdiction of the amount, in Travis county, or in any county into or through which said railroad may pass. Any suit or suits to recover a penalty or penalties for violating any of the provisions of this act may be brought either by the Attorney General or under his direction, or by the county attorney or district attorney of any county or judicial district into or through which said railroad may pass, and such attorney bringing any such suit or suits shall be entitled to a compensation of one-third of any penalty or penalties recovered therein. In all prosecutions under this act against any railroad company or receiver of any railroad company, such company or receiver shall be deemed to have had knowledge of all acts of all of its officers and agents, provided that the provisions of this act shall not apply in any case of casualty or unavoidable accident, or the act of God nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of any conductor, engineer, fireman or brakeman at the time such conductor, engineer, fireman or brakeman left a terminal, and which act could not have been foreseen; provided, further, that the provisions of this act shall not apply to the crews of wrecking or relief trains.

Sec. 3. That Chapter 51 of the General Laws of the State of Texas, passed at the Regular Session of the Thirtieth Legislature, approved April 1, 1907, limiting the hours of service of certain railroad employes, and Chapter 5 of the General Laws of the State of Texas, passed at the First Called Session of the Thirtieth Legislature, approved May 10, 1907, amendatory of the act contained in Chapter 51 of the General Laws of the Regular Session, be and the same are hereby repealed.

Sec. 4. That the fact that the existing law of the State of Texas limiting the hours of service of conductors, engineers, firemen and brakeman, is not in harmony with the act of Congress relating to the same subject, and that it is important that State and National legislation on the subject shall prescribe uniform regulations, 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.

Committee Room.
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 269, and find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act providing for surveys within this State for the construction and maintenance of pools, lakes, reservoirs, dams, canals and waterways, and for

either or any of them, to prevent overflows; to procure drainage and for the improvement of rivers, creeks and streams by levees or otherwise, to prevent overflows; to provide for the creation of a State Levee and Drainage Board, and defining and prescribing the duties and powers of said board, and providing for the payment of their expenses; authorizing and empowering said board to appoint a commissioner to be known as State Levee and Drainage Commissioner, defining his powers and prescribing his duties, and authorizing said board to prescribe his further duties not in conflict with this act; and making an appropriation to carry out the provisions of this act; and declaring an emergency.

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

Section 1. That there be and is hereby created and established a board, to be known as the State Levee and Drainage Board, composed of the Governor, who shall be chairman of said board, the Attorney General, and the Commissioner of the General Land Office.

Sec. 2. The said board shall have general charge of the work provided for in this act and shall appoint a commissioner to be known as State Levee and Drainage Commissioner, who shall act as technical assistant and adviser to the board and who shall be a thoroughly experienced and skilled topographer and who shall serve without compensation from the State for a term of two years, and until his successor is appointed and qualified; provided, that the said commissioner, with the approval of the board may be reimbursed for his actual and necessary traveling and station expenses while in the field in behalf of the State, and that he may be reimbursed from any money hereinafter appropriated to carry out the provisions of this act.

Sec. 3. The said commissioner with the advice and consent of the board is authorized to confer with the director or representative of the United States Geological Survey and to accept its co-operation with this State in the preparation and completion of contour, topographical surveys and maps within this State which are hereby authorized to be made. And the said commissioner with the consent of the said board is further authorized to accomplish an agreement for the co-operation herein provided for and to arrange on behalf of the State the details of such surveys and maps as are necessary in the future work of planning and constructing levee systems and drainage and such other public improvements as may be required to reclaim for agricultural uses the overflowed valleys of the following rivers within this State, towit: The Red river, the Sulphur river; the Navasota river; the Trinity river; the Brazos river, below Waco: the Little Brazos; the Colorado river, below Austin, and the valleys of such other rivers as may be deemed advisable by the Levee and Drainage Board to carry out the purposes of this act; provided, that similar surveys and maps for similar purposes may also be made of the marsh and swamp lands and overflowed areas in the coastal plain of this State. And the said board shall have the power to determine at what point such work shall begin and be continued.

Sec. 4. The said commissioner with the consent of said board is authorized to expend in co-operation with the said United States Geological Survey for these purposes all or part of the money hereinafter appropriated in this act; provided, that the said board may accept or reject the co-operation of the United States Geological Survey at any time upon thirty days' notice.

Sec. 5. It shall further be the duty of the said commissioner to confer in a technical capacity, from time to time, with the proper representatives of the several State drainage and reclamation districts with a view to the adequate execution of proposed levee and drainage system; and with the approval of the board to maintain within the State Capitol for public reference duplicate or original copies of all final results of this survey, such as field notes, maps, photographs, photolithographs and other estimates as are or may be of value to the people of the State.

Sec. 6. To carry out the provisions of this act the sum of fifty thousand dollars, or as much thereof as may be needed, is hereby appropriated from any money in the State Treasury which is not otherwise appropriated; provided, the said board shall have power to make such apportionment and allotment of the money herein appropriated as to properly carry out the work herein authorized.

Committee Room,
Austin, Texas, March 12, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 198, and find it

correctly enrolled, and have this day at 10:35 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to authorize the Wichita Falls Railway Company to purchase, own and operate as a part of its lines, the railroads of the Wichita Falls & Northwestern Railway Company of Texas, and the Wichita Falls & Southern Railway Company, or either of them, together with all of the franchises, charter rights and property incident or appertaining thereto, and to authorize the said Wichita Falls & Northwestern Railway Company of Texas and the Wichita Falls & Southern Railway Company to sell their said railroads, together with all the franchises, charter rights and property incident or appertaining thereto, to the said Wichita Falls Railway Company; and to authorize said Wichita Falls Railway Company to purchase the said railway lines, or either of them, and their franchises, charter rights and property incident or appertaining thereto, subject to the existing bonded indebtedness of the said railroads so purchased, or to issue and negotiate its own bonds secured or to be secured by a mortgage or mortgages subject to the laws of the State of Texas governing the issuance and negotiation of bonds by railroad companies, and to authorize the said Wichita Falls Railway Company to construct, own and operate as a part of its line any additional line of railway which may be constructed under the charter of either of the roads so purchased or any amendment thereto. To regulate the reports of the railway lines to be purchased, and the operation thereof after the purchase, and to prescribe the conditions upon which said purchases and sales shall take effect and be dependent, and to authorize said companies to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sale; and providing that the lease existing between the Wichita Falls Railway Company and the Missouri, Kansas & Texas Railway Company of Texas shall not be impaired hereby.

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

Section 1. The Wichita Falls Railway Company is hereby authorized to purchase, own and operate as part of its line of railway, the railroad of the Wichita Falls & Northwestern Railway Company of Texas, extending from Wichita Falls in Wichita county, Texas, in a northwesterly direction to, or near, the northern boundary line of the State of Texas, together with all of the franchises, charter rights and property incident to, or appertaining thereto; and the said Wichita Falls & Northwestern Railway Company of Texas be and is hereby authorized to sell its railroad, franchises, property and charter rights to the said Wichita Falls Railway Company, and the said railway companies are hereby authorized to execute all necessary contracts, agreements and covenants to accomplish said purchase and sale.

That the Wichita Falls Railway Company be and is hereby authorized to purchase, own and operate as part of its line of railway, the railroad of the Wichita Falls Southern Railway Company, extending from the city of Wichita Falls in Wichita county Texas, southwesterly to the town of New Castle in Young county, Texas, together with all the franchises, charter rights and property incident or appertaining thereto; and the said Wichita Falls & Southern Railway Company be, and the same is hereby authorized to sell said railroad, franchises, charter rights and property to the said Wichita Falls Railway Company, and the said railway companies are hereby authorized to execute all necessary contracts and agreements and conveyances to accomplish said purpose.

The said Wichita Falls Railway Company is hereby authorized to own and operate the said two lines of railroad of said companies under its charter and as a part of its own line, and it shall have the right by amendment to its charter, under the general laws of this State, to extend the said railroads and to construct branches of said railroads.

Sec. 2. That in case the Wichita Falls Railway Company shall purchase any or all of the said railway lines, franchises, charter rights and property appertaining thereto, the said Wichita Falls Railway Company shall be authorized either to purchase said properties, or any of them, subject to their outstanding bonded indebtedness, and to the right to issue and negotiate additional bonds from time to time, subject to the laws of the State of Texas governing the issuance of bonds by railway companies, secured, or to be secured, by a mortgage or mortgages upon the railroad, property, franchises

and charter rights of the said railway company or companies so purchased, and upon any additional railway line or lines which may hereafter be constructed under the right granted in the charter or any amendment thereto of either of the said railroads to be purchased as authorized by this act, and the property franchises and charter rights incident or appertaining thereto, or to take up and issue in lieu thereof its own bonds for the same amounts and bearing the same rate of interest, secured or to be secured by any existing mortgage or mortgages heretofore, or that may hereafter be issued by the Wichita Falls Railway Company as it may elect and determine, the amount of such bonds to be the value of the railroad, franchises and property authorized by this act to be purchased, and of the railroad that may hereafter be constructed with all property incident or appertaining thereto, as such value shall be ascertained by the Railroad Commission of Texas, proceeding under the law in reference to the issuance, approval and registration of bonds by the railway companies of the State of Texas. Provided, that before said Wichita Falls Railway Company shall be authorized to issue its bonds in lieu of those issued or to be issued by the railroad purchased, the outstanding capital stock and stock subscriptions, and all bonds and mortgages to secure same, of the said railway company, or companies, whose property it purchases, shall be canceled and extinguished, and the Railroad Commission of Texas shall require satisfactory evidence of said cancellation and extinguishment before authorizing the issuance of such bonds, or approving the same or directing their registration by the Secretary of State.

Sec. 3. When so much of the bonds mentioned in the second section of this act as are applicable to and authorized for the purchase of the railroad property, franchises and charter rights of the said Wichita Falls & Northwestern Railway Company of Texas or the Wichita Falls & Southern Railway Company, or either of them, shall have been issued, approved and registered the same or the proceeds of the sale thereof, shall be used by said Wichita Falls Railway Company in payment of the purchase money of the said railroad, franchises, charter rights and property incident or appertaining thereto to be purchased by it from either of the said railway companies, such purchase money to include among other things the debts and liabilities of the said railway companies so purchased, the payment of which said Wichita Falls Railway Company is required to assume in this Wichita Falls Railway Company is required to assume in this act as hereinafter provided.

Sec. 4. That in case the railroad of any or all of said companies to be sold, together with the franchises, charter rights and property incident or appertaining thereto, shall be purchased by the said Wichita Falls Railway Company, the latter company shall be, and it is hereby, authorized and required to assume the payment of all the existing indebtedness and liabilities, including as well the indebtedness and liabilities reduced to judgment as those not reduced to judgment, of the said railway company so purchased, whether arising from contract, tort, or otherwise, and all of the railroad together with its franchises, charter rights and property incident or appertaining thereto so purchased, shall be subject to sale under execution for the satisfaction of any judgment that may have been or may hereafter be obtained upon such assumed indebtedness and liability or any part thereof, in the same manner and to the same extent, as now subject, if the said Wichita Falls Railway Company shall not satisfy said indebtedness, liability and judgment to prevent execution sales.

Sec. 5. The said Wichita Falls Railway Company shall be, and is hereby, authorized to construct, own and operate as part of its line any portion of the railway line chartered, and to whose charter rights it succeeds by virtue of this act, and any line which may be provided for by an amendment to the charter, and no portion of the present bonded indebtedness of the Wichita Falls Railway Company now outstanding, shall ever become a lien on either of the said railroads purchased by it under the terms of this act, or any extensions which may hereafter be made, nor shall any capital stock now issued and outstanding as the capital stock of the Wichita Falls Railway Company be considered by the Railroad Commission of Texas, in determining the amount of bonds which may be issued on that part of the line of the Wichita Falls Railway Company which it acquires by purchase under the terms of this act, or any extensions which may hereafter be made by it.

Sec. 6. That the said purchase and sale shall be valid and binding only when approved by the assent of the holders of at least three-fourths of the outstanding capital stock of the Wichita

Falls Railway Company and of the outstanding capital stock of all or either of the said other railway companies to be purchased by the terms of this act, given at meetings of the stockholders of said respective companies, and a copy of the resolutions of each company, certifying its assent to said purchase and sale, duly certified to by its secretary, under its corporate seal, which shall be filed by its secretary in the office of the Secretary of State of the State of Texas, and the filing of such certified copies in the office of the Secretary of State shall be deemed and taken as conclusive evidence of the acceptance of the terms, provisions and conditions of this act by the said companies.

Sec. 7. That after the purchase and sale authorized by this act, and the filing in the office of the Secretary of State of certified copies showing assent as prescribed in the sixth section of this act, said Wichita Falls Railway Company, shall, without further corporate action or conveyance, include the railroad, franchises, charter rights and property incident or appertaining thereto purchased by it from said companies, or either of them, and also any railroad to be constructed thereafter by it under the terms of any of the charters so purchased, or any amendment thereof, in the reports required to be made by railroad companies to the Railroad Commission of Texas, or to any other officer or department of the State of Texas, and thereafter the said railway company whose rights are so purchased shall not be required to make any report in respect to same, or any part thereof, or to maintain any corporate existence.

Sec. 8. That nothing in this act contained shall affect in any way any of the provisions of a lease existing between the Wichita Falls Railway Company and the Missouri, Kansas & Texas Railway Company of Texas, of the line of railway of the said Wichita Falls Railway Company extending from Henrietta in Clay county, Texas, to Wichita Falls in Wichita county, Texas, entered into June 12, 1894, and a supplemental lease entered into May 16, 1901.

Sec. 9. That the courts within this State are required to take judicial notice of this act and of the powers and privileges herein granted in the same manner as if same were a general law.

Sec. 10. That the near approach of the close of this session and the large amount of business remaining to be disposed of at this session, and the public benefit to be derived from the passage of this act, creates an emergency and a contingency authorizing the suspension of the constitutional rule requiring bills to be read on three separate dates in each house and such rule is hereby suspended.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 191, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to provide for prospecting for mineral on land owned by the State of Texas, or the public free school fund and on such land as the State has heretofore or may hereafter sell with the reservation of the mineral therein; also to provide for the prospect and sale of mineral-bearing land, including the minerals and the sale of the minerals in such land as has heretofore or may hereafter be sold with the reservation of minerals therein; providing penalties for the violation of this act, and repealing Chapter 71, Revised Civil Statutes of 1895, and Chapter 99, passed at the Regular Session of the Twenty-ninth Legislature, approved April 15, 1905, and declaring an emergency.

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

Section 1. All land which is now owned by the State of Texas or the public free school fund of said State, and all land which may hereafter be so owned, also all land so owned which has been heretofore sold with a reservation of minerals therein, and all lands in lakes, bays and islands on the Gulf of Mexico within tide water limits, whether surveyed or unsurveyed, and that which may hereafter be sold with the reservation of the minerals therein are included within the provisions of this act, and shall be open to mineral prospectors, locators and purchasers in the manner herein provided. Citizens of the United States and such persons as have heretofore declared their intention of becoming such or who may hereafter so declare the intentions, and none others, shall acquire any rights under this act.

Sec. 2. Precious Minerals.—One desiring to prospect for gold, silver, cin-

nabar, lead, tin, copper, zinc, tungsten, molydenum and uranium or other valuable minerals, not elsewhere enumerated in this act, upon any unsold land included in this act, also one desiring to locate a mineral claim with the view of buying the land and mineral therein or with the view of buying the mineral only in such land as may theretofore have been sold to another with the reservation of the minerals therein, shall be free to do so by complying with the provisions herein relating to this class of minerals. One claim for either prospect or purchase of the minerals included in this section shall not exceed twenty-one acres, nor shall the length thereof exceed three times its width, the opposite sides shall be parallel.

Sec. 3. A prospector, locator or one who desires to purchase outright who first stakes off a claim by erecting at least four such objects at as many different places on the boundary of the claim as will sufficiently apprise others of the approximate limits of such claim, shall have the first right to perfect the claim; provided, should such first person assign his right, the assignees shall be subrogated to all the rights of his assignor. The perfected rights shall be established in the manner following:

1. Within ten days after the first staking off of the claim, the limits thereof shall be made certain.

2. Within ninety days after the first staking off of the claim the claimant shall in person or by an agent make and file a separate affidavit with the county surveyor for such claim, which shall contain the matters following:

(a) The name of the claim staked off.

(b) The name or names of the owner.

(c) The date the claim was first staked off and that the limits of the first staking off have not been materially changed nor extended.

(d) The length and width of the claim in feet.

(e) The location of the claim with reference to some natural object or permanent monuments, if there be such objects.

(f) A sufficient designation of the tract or tracts of land on which the claim is supposed to be staked off.

When the affidavit aforesaid shall be presented to the surveyor with a filing fee of $1.00 (unless such fee should be waived), the surveyor or his deputy shall at once record it in a well-bound book and in the order in which presented and deliver it to the claimant or his representative, who shall cause it to be filed in the General Land Office within 125 days after the claim was first staked off, and a filing fee of $1.00 for each affidavit shall be paid to the Land Office. If the requirements aforesaid are not accomplished within the time limit no rights shall accrue to the claimant should the rights of another intervene. The surveyor's record wherein may be recorded the affidavit shall be open to public inspection. One claim may embrace parts of two or more sections.

Sec. 4. The owner of the claim shall have one year next after the affidavit was filed in the General Land Office in which to prospect the claim. Should mineral be found no more than may be necessary to pay the reasonable prospecting expenses shall be taken away, disposed of or otherwise appropriated to one's own use by the owner, operator or other person prior to the purchase thereof. Within the year allowed to prospect a claim the owner thereof may purchase same by filing an application in the General Land Office sufficiently designating the land, together with his note, for the unpaid balance of the purchase price, bearing 3 per cent interest per annum and at the same time deposit in the State Treasury one-fifth of the purchase price. Annually thereafter the purchaser or his vendee shall pay to the State Treasurer the annual interest due on the unpaid principal, together with one-fifth of the full cash price, and until the sum of $25 per acre is paid. The owner shall have the privilege of paying for the claim in full at any time and obtain patent therefor under the same rules that govern the issuance of other patents. If one does not purchase the claim within the year allowed, all rights shall terminate, and the right for any one to further prospect the same land shall be within the discretion of the Commissioner of the General Land Office.

Sec. 5. One person or corporation may prospect or locate and purchase any number of claims and be free to dispose of either or all of them or any interest therein at any time. One who buys a mineral claim from the State shall be entitled to all such minerals as may be found within the boundary lines of such claim, extending downwards vertically; provided, should an owner of such claim fail to find either of the minerals coming within the scope of these provisions, but should find such baser minerals as are elsewhere enumerated, and should desire to acquire rights therein, such person may surrender the former claim

and proceed in the manner otherwise provided relative to the baser minerals, and upon such surrender such person shall be entitled to a credit upon the last claim to the extent of such sum as may theretofore have been made on the first claim; provided, the right to surrender and extension shall not interfere with the rights of other prospectors, locators or purchasers.

Sec. 6. The owner of any located claim or claims shall begin active work upon at least one of such claims within the ninety days after the location affidavit has been filed in the General Land Office. If one owns more than four of such claims, such owner shall begin active work upon at least one claim of every four or majority fraction of that number. The active work herein required shall continue for at least six months during the one year in which the locator has in which to purchase the claim, and the absence of such active work shall be prima facie evidence of the abandonment of the claim, and it shall be subject to forfeiture by the Commissioner of the General Land Office; provided, should it be made to appear that the cessation of work was unavoidable and that active work should be resumed within a reasonable time, the Commissioner of the General Land Office may forego the declaration of forfeiture; provided further, should the declaration of forfeiture be made, the said Commissioner shall then recognize the first location made thereon, by staking of the claim, after the declaration of forfeiture shall be entered of record by the surveyor.

The county surveyor with whom a location affidavit is filed shall be advised by the Commissioner of the General Land Office of every declaration of forfeiture, and he shall note same upon the margin of the record of the affidavit on the day he receives it.

Sec. 7. One desiring to purchase the land and mineral as mineral land without first prospecting same, may do so by first staking off the land as herein prescribed for prospectors, and within thirty days thereafter file an affidavit with the county surveyor as required of prospectors and within thirty days more after the filing of said affidavit file in the General Land Office his application to purchase and otherwise comply with the requirements for other purchases.

Sec. 8. Baser Minerals.—Any one desiring to prospect for oil, coal, natural gas, gypsum, mineral paint, natural cement, kaolin, fire clay, marble, iron ore, clay nitrates, asbestos, marl, onyx, mica, precious stones, baryta, salt or any other non-metallic mineral and stone valuable for ornamental or building purposes or other valuable building material or guayno upon any of the unsold land included in this act with a view to purchasing the land and mineral therein shall be free to do so by complying with the provisions herein relating to this class of minerals. All locations for the mineral included in this section shall be in forty-acre tracts or some multiple thereof, and not to exceed one section of 640 acres each, more or less; provided, any tract less than a section may be located as a whole tract. A tract of greater acreage than a section, including the excess of such section, shall be located or purchased in forty-acre tracts or multiples thereof, not to exceed 640 acres. One claim may embrace parts of two or more sections.

Sec. 9. One desiring to prospect for any or all of the minerals included in the preceding section shall first file an affidavit with the county surveyor, giving a sufficient designation of the land on which he desires to prospect, together with the section on which it is located. The surveyor shall at once record all such affidavits in a well-bound book and in the order in which they are filed with him. The said affidavit shall be filed in the General Land Office within thirty days next after it was so filed by the surveyor. If the land so designated lies in two or more counties a copy of the affidavit aforesaid shall be filed with the surveyor of each county. The rights of the applicant shall date from the time of the first filing and be superior to those of a subsequent filing in another county. Each surveyor shall be entitled to a fee of $1.00 for filing and recording in full the affidavit and for making a certified copy of same to be filed with another county surveyor when necessary. The book wherein such affidavits are recorded shall be subject to the inspection of the public. The affidavit shall be filed in the General Land Office within thirty days after it was filed by the county surveyor, and it shall be accompanied with a sum of money equal to 5 cents per acre for each acre of land included in the affidavit, and the further sum of $1.00 as a filing fee. The rights of the prospector shall be subject to assignment at any time after the affidavit aforesaid has been filed with the county surveyor, and should such assignment be made the owner or own-

ers may proceed to a perfected right either in person or by an agent.

Sec. 10. The prospector shall have one year after the date of filing the prospect affidavit in the General Land Office in which to prospect the land for the minerals included in Section 8 and the privileges of purchasing the land and minerals therein within said year. Should an owner not apply to purchase the land and mineral within one year all rights to further prospect under that affidavit shall terminate. One shall not be limited in the number of claims on which prospecting may be done, but the amount of one's purchase shall be limited as provided in Section 8. If one should not apply to purchase the land and mineral therein within the year allowed to prospect, further privileges of any one to prospect the same land shall be within the discretion of the Commissioner of the General Land Office.

Sec. 11. One desiring to purchase the lands and minerals included in Section 8, either under a prospect affidavit or without such prospect affidavit, may do so by filing an application in the General Land Office sufficiently designating the land, together with his note for the unpaid balance of the purchase price, bearing 3 per cent interest per annum, and at the same time deposit in the State Treasury one-tenth of the purchase price. Annually thereafter the purchaser or his vendee shall pay to the State Treasurer the annual interest due on the unpaid principal, together with one-tenth of the full cash price, allowing a credit on final payment the first payment of 5 cents per acre. The owner shall have the privilege of paying for the claim in full at any time and obtain patent therefor under the same rules that govern the issuance of other patents.

Sec. 12. In the event any land included within the operation of this act has been heretofore sold by the State with a reservation of the minerals therein to the State or public free school fund or has been purchased by one with a waiver of such one's rights to the mineral therein, or if such land should be so sold or purchased, the minerals therein which come within the provisions of this chapter shall be subject to prospect by any one, and may be sold by the State upon the same terms as is provided in this chapter for like minerals, and in the manner now to be provided, towit: One desiring to prospect for any kind of minerals included in this chapter, land theretofore sold with the reservation of the minerals therein shall proceed in the same manner as is provided in this chapter for that kind of mineral, and in addition thereto the prospector shall accompany his prospect affidavit when it is filed in the General Land Office with the name or names of the owner of the land, giving such owner's postoffice address, whereupon the Commissioner of the General Land Office shall advise the owner of the land of such purpose to prospect, giving the name and postoffice address of such proposed prospector. From the date of the notice to the owner of the land such owner shall have the preference right for sixty days in which to either file a prospect affidavit in the same manner and upon the same terms as is provided for the other persons, or to apply to purchase the mineral in the same manner and upon the same terms as is provided for other persons, or to either waive his right to prospect or purchase or to assign his right to one who shall within said sixty days avail himself of the privileges possessed by his assignor. If there should be no action by the owner or his assignee within the time specified, the one filing the prospect affidavit shall have one year from the expiration of said sixty days in which to prospect or purchase the minerals in the same manner and upon the same terms as provided for other such prospectors for like minerals. If the owner of the land or his assignee should file in the General Land Office a prospect application or an application to purchase the mineral within the sixty days, then the 5 cents per acre accompanying the first prospector's affidavit shall be returned to him. A prospector or purchaser of mineral rights and the owner of the land shall be privileged to enter into any agreement pertaining to their interest growing out of their rights in the land and mineral either before or after the filing of a prospect affidavit or purchase of the land. Should mineral be found on a claim for the baser minerals no more of such mineral than may be necessary to pay the reasonable prospecting expenses shall be taken away, disposed of or otherwise appropriated for one's own use, operator or other person prior to the purchase thereof. Should a prospector find a well producing as much as five barrels of oil within twenty-four hours, such prospector shall cease operation until he shall have purchased the mineral or land and mineral.

Sec. 13. Should mineral be found upon land which has heretofore or may

hereafter be sold by the State with the reservation or waiver of the minerals therein, as provided in this act, prior to the completion of the required three years' residence, the whole tract of such land or subdivisions of forty acres or multiples thereof may be paid out and patented at any time, but the issuance of the patent shall not be so construed as to relieve the owner of the remaining improved land from further residence upon either the patented tract or some other of his purchase.

Sec. 14. One who prospects for minerals of any kind upon land, the soil of which has heretofore been sold to another, also one who purchases minerals of any kind in land, the soil of which has heretofore been sold to another and without the consent of such other person shall be liable to the owner of the soil for such damage as may be occasioned by the prospecting or the operation of the mine.

Sec. 15. Should a purchaser of a mineral claim under any provision of this act fail to pay either the annual interest or the annual payment on the principal when it becomes due, such claim shall be subject to forfeiture, and the Commissioner of the General Land Office may declare such claim forfeited by an entry to that effect upon the papers pertaining to such claim. The forfeited claim may be reinstated at any time prior to another filing location affidavit with the surveyor of the county where the land is located, but such affidavit shall not take effect if filed on or before the date of the surveyor's entry of notice of forfeiture.

Sec. 16. Of the baser minerals mentioned in Section 8, land bearing oil or natural gas shall be sold at not less than ten nor more than twenty-five dollars per acre, and the land bearing the other minerals therein named shall be sold at $15 per acre, if within ten miles of an operated railroad, and at $10 per acre if more than ten miles from an operated railroad. One who may have purchased land and should thereafter desire to purchase the mineral, shall have the option of surrendering his former purchase by purchasing the mineral, and in said case the amount paid on the principal in the purchase of the land may be allowed as a finfial credit upon the last or full payment for the mineral, or such purchaser may retain the former credit upon the land and hold it by paying the interest should be thereafter let his mineral claim be forfeited for non-payment of principal or interest.

Sec. 17. Should any county surveyor or his deputy fail, refuse or neglect to perform any duties required of such surveyor under the provisions of this act, such county surveyor and his bondsmen shall be liable to the person aggrieved in double the sum of such damages as may be established.

Sec. 17a. Chapter 71, Revised Civil Statutes of 1895, and Chapter 99, passed at the Regular Session of the Twenty-ninth Legislature, approved April 15, 1905, are hereby repealed.

Sec. 17b. Land that is now leased or that which may be leased hereafter shall be subject to the provisions of this act; provided, no prospector or purchaser under the provisions hereof shall include in any application to either prospect or purchase any well or spring supplying water or tank holding water or residence which may be situated upon leased land or land theretofore purchased, without first obtaining the consent of the owner of the lease or the purchaser of the soil.

Sec. 17c. All persons who are entitled to prospect, locate and purchase under the provisions of this act, and who have heretofore made application to purchase under pre-existing laws any of the lands mentioned in Section 1 of this act, and whose application has not been granted on the ground that there was no law, or no adequate law, authorizing the sale of such lands for mineral purposes shall have the preference right for ninety days after this act takes effect to make application under this act for the purchase of the lands so formerly applied for by them.

Sec. 18. The fact that the State has sold much land with the reservation of minerals therein and there being no law providing for the sale of the minerals in such land creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read in both houses on three separate days should be suspended; and this bill be placed upon its third reading and final passage, and that it take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 11, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 238, and find it

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

TERRELL of McLennan, Chairman.

Following is enrolled the bill in full:

An Act to authorize the commissioners court of the several counties in Texas to create and establish improvement districts to prevent overflows and to construct and maintain levees and other improvements on rivers, creeks and streams to prevent overflows, to order and hold elections for the purpose of voting on the establishment of such improvement districts and authorizing the issuance of bonds to pay for such improvements and the maintenance thereof, and the levy and collection of taxes to pay for such bonds and interest thereon, to appoint commissioners and all other necessary officers of such improvement districts for the purpose of carrying into effect the provisions of this act; defining their powers and duties; granting the right of eminent domain to such improvement districts, and authorizing the improvement commissioners to acquire by purchase, gift or grant for such districts, title to any right of way and other property, and such levees or other improvements as may have been therein previously constructed or made in such districts, and authorizing such commissioners to sell any property acquired by said district under the provisions of this act or otherwise, and generally authorizing the commissioners court and improvement commissioners to do all things necesary for the establishment and maintenance of such districts, and the construction and maintenance of said levees and other improvements, according to the provisions of this act, and making it a penal offense for any person to wilfully prevent the improvement district officers from entering upon such person's land for the purpose of carrying out the provisions of this act, and providing a penalty therefor, and creating other offenses and providing penalties therefor under this act, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

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

Section 1. The commissioners court of the several counties of this State may hereafter create, establish and define one or more improvement districts in their respective counties in the manner hereinafter provided, and may or may not, include within the boundaries and limits of such districts, villages, towns and municipal corporations, or any portion thereof, but no land at the same time shall be included within the boundaries of more than one improvement district created under the provisions of this act. Such improvement districts, when so created, established and defined, may build and construct, or cause to be built and constructed and maintained, levees or other improvements on all rivers, creeks and streams within such district, or which may border on the same, to prevent overflows thereof, and issue bonds in payment therefor, and the maintenance thereof and levy and collection of taxes for the payment of said bonds and interest thereon, as hereinafter provided, and may acquire by grant, condemnation or otherwise, such levees or other improvements as may have been already constructed in such district.

Sec. 2. Upon the presentation to the commissioners court of any county in this State of a petition signed by twenty-five of the resident property taxpayers in the proposed district, or in the event there are less than seventy-five resident property taxpayers in the proposed district, then by one-third of such resident property taxpayers of such district, praying for the establishment of an improvement district, the issuance of bonds and levy of a tax in payment thereof, and setting for the necessity and feasibility and proposed boundaries thereof, and designating the name for such, the name to include the name of the county, the said commissioners court shall, if in session when said petition is presented, at said session of the court set said petition down for hearing at some regular or special session of the court called for that purpose, not less than thirty nor more than sixty days from the date of the presentation of said petition, and shall order the clerk of the said court to give notice of the filing of the said petition, and of the date and place of hearing, by posting written or printed notices thereof in five public places in said county, one of which shall be at the court house door of the said county, and four of which shall be within the limits of said proposed improvement district; such notices shall be posted for twenty days prior to the time set for such hearing. Said clerk may deputize some other person to perform such service, and the affidavit of such

clerk or his deputy that such notices have been so posted shall be held conclusive thereof. Said clerk shall receive as compensation for such service $1.00 for each of such notices and five (5) cents per mile for each mile necessary to be traveled in posting same. Should said commissioners court not be in session at the time of the filing of said petition, it may be filed with the county judge of the county, who shall thereupon make and enter an order upon the minutes of said commissioners court setting said petition for hearing at some regular or special term of said commissioners court called for that purpose not less than thirty nor more than sixty days from the filing of said petition, and shall order the clerk of the said commissioners court to give said notices as is herein provided for in this section and which notices shall be posted for the time and as is provided for in this section.

Sec. 3. At the time set down for the hearing of said petition any person who would be affected by the creation of the said district may appear before the said court and contest or contend for the creation of said district and may offer testimony to show that the said district is or is not necessary and would or would not be of public utility, and the creation of the said district would or would not be feasible or practicable. Said commissioners court shall have exclusive and final jurisdiction to hear and determine all contests and objections to the creation of such district, and all matters pertaining to the same, and said court shall have exclusive jurisdiction on all subsequent proceedings of said district when organized, except as herein provided, and may adjourn hearings on any matter connected therewith from day to day, and all judgments orders or decrees rendered by said court in relation thereto shall be final except as hereinafter provided.

Sec. 4. If upon the hearing of said petition, it shall appear to the court that the improvement of said river or rivers, creek or creeks or streams within such district or which may border on the same, to prevent overflows, is feasible and practicable and that it is needed and would be a public benefit, then the court shall so find, and shall render judgment reciting such findings and create and establish such improvement district, and cause such judgment to be entered of record. But if the court should find that the improvement of such river or rivers, creek or creeks, and streams is not feasible or practicable, or that it is not needed and would not be a public benefit, then the court shall enter such findings of record, and dismiss such petition at the cost of the petitioners.

Sec. 5. Should the court render judgment establishing such improvement district according to the boundaries set out in such petition then the court shall appoint a competent engineer who shall receive a sum of not more than $10 per day for his services for the time he is actually engaged in the work for which he is appointed, and said engineer may, with the consent of the commissioners court or the county judge, employ such assistants as may be necessary at such compensations as may be fixed by the commissioners court or the county judge.

Sec. 6. Before entering upon his official duties, the civil engineer shall enter into a bond in the sum of $500 with two or more sureties to be approved by and payable to the county judge of the use and benefit of the improvement district, conditioned for the faithful discharge of his duties under this act.

Sec. 7. Said civil engineer shall, as soon as practicable, go upon the lands and rivers, creeks and streams embraced in said district or bordering thereon, and examine such river, creek or stream proposed to be improved by a levee or otherwise, and make an estimate of the probable cost of making and completing such levee or other improvement, and shall also designate the river or rivers, creek or creeks, or streams necessary to be improved, and the estimated cost of each, and also the estimated probable cost of maintaining same per year, and make a detailed report of his work to the commissioners court.

Sec. 8. Such report shall be accompanied by map showing the initial or beginning point of such improvement, and the nature and character and location of same, with the estimated cost thereof, together with the location and size of all levees and the number of cubic yards of earth necessary to construct the same.

Sec. 9. When the said report is filed with the clerk of the commissioners court it shall be the duty of the said court if then in session to make and enter of record an order setting said report down for a hearing at some subsequent regular or special term of not less than thirty nor more than forty days from said filing, and to require the clerk to give notice of such hearing

by posting written or printed notices in the manner and places and for the length of time, and for the same compensation as is provided for in Section 2 of this act in regard to original notices of the filing of the petition. Should said court not be in session at the time of the filing of such report, then the county judge shall make the orders and cause written or printed notices to be given and posted as provided for in this act, and if there should be no regular session of the said court within thirty days after such filing, he shall call a special session of the commissioners court to act on such report not less than thirty nor more than forty days from such filing. At the hearing of the said report any taxpayer of said district, whether he resides in said district or not, may appear and object to any and all of such improvement and levees, for the reason that they are not located at the place or places, or that they are not sufficient in capacity to prevent an overflow.

Sec. 10. If there should be no objection to said report or if there should be objections thereto and the court shall find that the objections are not well taken, the report shall be approved and the said report and the fact of such approval entered of record in the minutes of said commissioners court, but the commissioners court shall not be confined to the nature and character of the improvements or to the initial point, course and end of such improvements as shown by the report of the engineer, but may change the location and add to or reduce the size, length and height of the levees and order the engineer to locate any additional levees and improvements as may be ordereby the commissioners court, and the commissioners court, if it is deemed necessary, may refer the entire report back to the engineer for a compliance with the order of said court; provided, that if the said commissioners court shall not adopt in whole or in part the original report of the said engineer, as provided herein, they shall require and it shall be the duty of the said engineer to make and file with the said commissioners court a further report in writing of the probable cost of said improvements, as said improvements may be modified or changed by said commissioners court, as provided for in this act. Before the said commissioners court shall make any changes or alterations in such improvements, as reported by such engineer and as provided for in this section, such proposed action of the court shall be set down for hearing and notice thereof shall be given by posting written or printed notices for the same length of time and in the same manner as provided for in Section 9 of this act in regard to the hearing of the said original report of said engineer.

Sec. 11. After the approval of the engineer's report or reports, as provided for in the preceding sections of the act, and at the same session of the said commissioners court, the said court shall order an election to be held within such improvement district at the earliest possible time, at which time there shall be submitted the following proposition and none other: "For the improvement district and the issuance of bonds and levies of tax in payment thereofor." "Against the improvement district and the issuance of bonds and levies of tax in payment therefor."

Sec. 12. Notice of said election stating the time and place or places of holding the same shall be given by the clerk of the county commissioners court by posting written or printed notices thereof in five public places in such proposed improvement district, and one at the court house door of the county in which such district is situated. Such notices shall contain the propositions to be voted upon as set forth in Section 11 of this act, and shall also state the estimated cost of such improvement as reported by the engineer, and approved by the commissioners court, and also the amount of bonds proposed to be issued, together with the rate of interest the same shall bear, and when the said bonds shall be due, and for a tax to be levied and collected to pay said bonds and interest thereon.

Sec. 13. The manner of conducting said election shall be governed by the election law of the State of Texas, except as herein otherwise provided. None but resident property taxpayers who are qualified voters of the said proposed improvement district shall be entitled to vote at any election on any question submitted to the voters thereof by the county commissioners court at such election. The commissioners court shall name the polling place or places for such election within the proposed improvement district and shall also select and appoint judges and other necessary officers of the election and shall provide one and one-half times as many ballots for said election as there are qualified resident taxpaying voters within such district as shown by the tax rolls of the county. Such ballots shall have printed

thereon these words and none other: "For the improvement district and issuance of bonds and levy of taxes in payment therefor." "Against the improvement district and issuance of bonds and levy of taxes in payment therefor."

Sec. 14. Every person who offers to vote in any election held under the provisions of this act shall first take the following oath before the presiding judge of the polling place where he offers to vote, and the presiding judge is hereby authorized to administer same, "I do solemnly swear (or affirm) that I am a qualified voter of ..... county, and that I am a resident property taxpayer of the proposed improvement district voted on in this election, and I have not voted before at this election."

Sec. 15. Immediately after the election, the presiding judge at each polling place shall make returns of the result in the same manner as provided for in elections for State and county officers and return the ballot boxes to the county clerk, who shall keep the same in a safe place, and deliver them, together with the returns from the several polling places to the commissioners court at its next regular session, or special session called for the purpose of canvassing the vote and the county commissioners court shall at such session canvass the vote, and if it be found that a two-thirds of all the resident property taxpayers voting thereon shall have been cast in favor of the improvements, and the issuance of bonds and levy of taxes, then the court shall declare the result of the election to be in favor of the said improvement district, and bonds and taxes and shall enter the same in the minutes of the said court as follows: "The county commissioners court of .....county, Texas,..... term, A. D....., in the matter of the petition of .....and others, praying for the establishment of an improvement district, the issuance of bonds and the levy of a tax in payment thereof, in said petition fully described and designated by the name of..... improvement district ..... Be it known that at an election held for said purposes in said district on the .....day of ..... A. D. ..... a two-thirds of all of the resident property taxpayers voting at said election, voted in favor of the creation of said improvement district and the issuance of bonds and the levy of taxes. Now, therefore, it is considered and ordered by the court that said improvement district be and the same is hereby established by the name of..... Improvement District within the following named metes and bounds, to-wit: (Giving boundaries of the district)."

Sec. 16. After the establishment of this district as herein provided, the commissioners court shall appoint three improvement commissioners, by a majority vote of said court, whose duty shall be as hereinafter provided, who shall each receive for his services a sum of not more than $3.00 per day for the time actually engaged in the work of said district; provided, that the compensation, if any, shall have been definitely fixed in the order of the court making said appointment, and before any amount shall be paid to said commissioners, or either of them they shall make a detailed report to the commissioners court of the time actually engaged in the work for said district, and of the work done, and such report shall be audited and approved by the commissioners court. Said improvement commissioners shall hold office for a term of two years and until their successors shall be qualified, unless removed by a majority vote of the commissioners court for malfeasance, or for nonfeasance in office, upon the expiration of the term of office of the said improvement commissioners, or in case of the resignation, death or refusal to act of any such improvement commissioners, the commissioners court shall appoint their successors by a majority vote of said court.

Sec. 17. Before entering upon their duties all improvement commissioners shall take and subscribe before the county judge an oath to faithfully discharge the duties of their office without favor or partiality, and to render a true account of their doings to the court by which they are appointed, whenever required to do so, which oath shall be filed by the clerk of the said commissioners court and preserved as a part of the records of said improvement district.

Sec. 18. Before entering upon their duties, each of the said improvement commissioners shall make and enter into a good and sufficient bond in the sum of $1000, payable to the county judge for the use and benefit of said improvement district, conditioned upon the faithful performance of their duty.

Sec. 19. The improvement commissioners shall organize by electing one of their number chairman and one secretary, and two of whom shall constitute a quorum, and the concurrence of two

shall be sufficient in all matters pertaining to the business of said district.

Sec. 20. After the establishment of said districts the improvements commissioners shall employ a competent civil engineer, upon a salary not to exceed the sum of $10 per day, for the time actually engaged in the work, whose term of office shall be at the will of said commissioners, which civil engineer shall proceed to make a map of such improvement district, showing the boundary lines thereof, with the original surveys therein, and also make maps and profiles of the several levees or such other improvements located in such district, but a copy of the land map of the county as it applies to such district showing the name and number of surveys and showing the area or number of acres contained in such district shall be a sufficient compliance with such order, in so far as making a map of the district is required, and any recognized map of any city or town which may be embraced within the boundaries of the district shall be sufficient as to such site of the town; provided, however, that where boundary lines of such improvements or any of them cornered at original surveys, the map shall show how many acres of such original survey are included within such improvement district.

Sec. 21. The map and profile of such levees and other improvements required by the provisions of this act to be made, shall show the relations that each levee or other improvement bears to each tract of land through which it passes, and the shape in which it divides each tract, and where the levee or other improvements cut off any tract of land less than twenty acres, then the map shall show the number of acres so divided therefrom, and the number of acres in the whole tracts, and its relation to such levees or other improvements, and such profile map shall also show the number of cubic yards of earth necessary to be excavated to make each levee or other improvement located in such district, and give the estimated cost of each, and when said maps, profiles and estimates shall have been completed by the said engineer, he shall sign the same in his official capacity and file them with the clerk of the said commissioners court. It is hereby further made the duty of such engineer to supervise and control the construction of any levee or other improvements made in said district as hereinafter provided.

Sec. 22. After the establishment of any such improvement district and after the making and filing of such maps and profiles and estimates, as herein provided for, and after said election authorizing the issuance of bonds and levy of tax, the commissioners court shall make an order directing the issuance of improvement bonds for such districts, sufficient to pay for such proposed improvements, and the maintenance thereof for a period of not exceeding two years; provided, however, that said bonds shall not exceed in amount one-fourth of the assessed value of the real property of such district, as shown by the last annual assessment thereof made for the State and county taxation, and shall not exceed the estimate made by such engineer made before the election, and voted on at the election in this act provided for; provided, however, that if after an election has been held establishing the district, levying a tax and issuance of bonds, it should become necessary for said improvement district to make further improvements, or alterations in the improvements already constituted or to repair or maintain the improvements so created and there shall be no sufficient funds in the construction and maintenance funds, with which such improvements, alterations, repairs and maintenance may be made, then the improvement commissioners may apply to the commissioners court for an election to be ordered by said court to issue additional bonds, stating the necessity therefor and the amount of bonds necessary, and the character of such improvements, repairs and maintenance, and the estimated cost therefor as made by such engineer, which shall accompany said application and upon the filing of such application the commissioners court shall set same down for hearing at some future regular or special session and cause the county clerk to give notice of such hearing, which notice shall state the character of such improvements, etc., together with the estimated cost thereof and the amount of such bonds and the rate of interest thereon, and the date when due, said written or printed notices shall be posted in the same manner and places and for the same length of time as required by this act for the original petition for the creation of such district. If, upon said hearing, the court should find that the necessity for the issuance of such additional bonds and that the taxable value of the real property of the said district as shown by the last annual assessment rolls for State and county taxes, will admit of an additional bond

issue, then the court shall order an election within said district for the purpose of voting on said proposed bond issue and the levy of taxes to pay said bonds and the interest thereon. The manner of holding such election and making returns, and the notices for said election, manner and time of giving notice thereof; and the qualifications of the persons entitled to vote therein, shall be the same as, and in all things governed by the provisions of this act for the elections held for the issuance of bonds and levy of tax in the first instance, and the commissioners court shall meet and canvass the returns of such election as in the said first election, and if it be found that two-thirds of the resident property taxpayers voting at said election vote in favor of the issuance of said additional bonds and the levy of said tax then the said commissioners court shall enter an order reciting the result of said election, and ordering the issuance of said additional bonds and issuance and sale and registration of such additional bonds and levy of said tax and the issuance and sale and registration of such additional bonds shall in all things be governed by the provisions of this act in regard to the bonds first issued.

Sec. 23. All bonds issued under the provisions of this act shall be issued in the name of the improvement district, and shall be signed by the county judge, and attested by the clerk of the county court with the seal of the county court affixed thereto, and such bonds shall be issued in denominations of not less than $100 nor more than $1000 each, and shall bear interest at a rate of interest not to exceed 5 per cent per annum, payable semi-annually at such times as may be specified therein. Such bonds and interest shall be made payable at the county treasurer's office in the county in which such improvement district is located, or in the city of Austin, and no bond shall be made payable for more than forty years after its date.

Sec. 24. Any improvement district in the State of Texas desiring to issue bonds in accordance with this act shall before such bonds are offered for sale, forward to the Attorney General of this State a copy of the bond to be issued, a certified copy of the order of the commissioners court levying the tax to pay interest and providing a sinking fund for the payment of such bonds, and a statement of the total bonded indebtedness of such improvement district as such, including the series of bonds proposed and the assessed value of the property for the purpose of taxation as shown by the last official estimate by the county, together with such other information as the Attorney General may require. Whereupon it shall be the duty of the Attorney General to carefully examine the said bonds in connection with the facts and the Constitution and laws of the State of Texas governing and controlling the execution of said bonds. And if as a result of the examination, the Attorney General shall find that such bonds were issued in conformity with the Constitution and laws, and that they are valid and binding obligations upon such improvement district in which they are issued, he shall officially so certify.

Sec. 25. When such bonds have been examined by the Attorney General and his certificate attached thereto they shall be registered by the State Comptroller in a book to be kept for that purpose and the certificate of the Attorney General as to the validity of such bonds shall be preserved of record for use in event of litigation. Such bonds, after receiving the certificate of the Attorney General and having been registered in the Comptroller's office as herein provided, shall thereafter be held in every action, suit, or proceeding in which their validity is, or may be, brought into question, a prima facie, valid and complete obligation, and in every action brought to enforce the collection of such bonds, the certificate of the Attorney General or a duly certified copy thereof, shall be admitted and received in evidence on the validity of such bonds, together with the interest coupons thereto attached, provided that the only defense that can be offered against the validity of such bonds shall be forgery or fraud. But this article shall not be construed to give validity to any such bonds as may be issued in excess of the limits fixed by the Constitution, or contrary to its provisions, but all such bonds shall to the extent of such excess levy be void.

Sec. 26. Before issuing any bonds under the provisions of this act the county commissioners court shall first provide a well bound book, in which a record shall be kept by the clerk of said court of all bonds issued with their number, amount, rate of interest and date of issuance when due, where payable and amount received for the same, and the tax estimate to pay the interest on said bonds, and said commissioners court shall provide for a sinking fund for their payment, which shall be set

forth in said book, and said book shall at all times be open to the inspection of all parties interested in said district, either as taxpayers or bondholders, and upon the payment of any bond an entry thereof shall be made in said book. The county clerk shall receive for his services in recording all bonds and other instruments of the improvement district the same fees as provided for other like records.

Sec. 27. When such bonds have been registered as provided for in the preceding section of this act, the county commissioners court may appoint the county judge or some other suitable person to sell said bonds on the best terms and for the best price possible, provided that none of said bonds shall be sold for less than the face par value thereof and accrued interest thereon, and as fast as said bonds are sold all money received therefrom shall be paid in to the county treasurer and shall by him be placed to the credit of such improvement district.

Sec. 28. Before the county judge or such other person as may be appointed by the commissioners court shall be authorized to sell any of said improvement bonds, the county judge or other person so appointed shall execute a good and sufficient bond payable to the commissioners of such improvement district to be approved by the commissioners court of said county for an amount not less than the amount of the bonds issued, conditioned upon the faithful discharge of his duty, which bonds shall be subject to the approval of said improvement commissioners, and the person selling said bonds shall be allowed one-half of 1 per cent of the amount received for sale of the bonds sold by him in full payment for his services in their behalf.

Sec. 29. All expenses of any kind after the filing of the original petition necessarily incurred in connection with the creation, establishment and maintenance of any improvement district under the provisions of this act shall be paid out of the construction and maintenance funds of such improvement district, which fund shall consist of all moneys received from the sale of bonds and all other moneys or property received by such district, whatsoever the source, except tax collections applied to the sinking funds and the payment of interest on the improvement bonds, provided that should the proposition for the creation of such improvement district and the issuance of bonds be defeated at the election called to vote upon the same, then all expense up to and including said election shall be paid for as provided in this act.

Sec. 30. When the petition praying for the establishment of an improvement district is filed with the county commissioners court it shall be accompanied by two hundred dollars ($200) in cash, which shall be deposited with the clerk of the said county commissioners court, and by him held until after the result of the election for the creation of said improvement district has been declared and entered of record by the commissioners court as hereinbefore provided, and should the result of said election be in favor of the establishment of such district, then the said two hundred dollars ($200) shall be by the said clerk returned to the signers of the said original petition, or their treasurer or attorney, but should the result of said election be against the establishment of said improvement district, then the said clerk shall pay out of the said sum of two hundred dollars ($200), upon vouchers signed by the county judge, all costs and expenses pertaining to the said proposed improvement district up to and including the said election, and shall return the balance, if any, to the signers of said original petition, or their agent or attorney.

Sec. 31. Whenever any such improvement bonds shall have been voted, the commissioners court shall levy and cause to be assessed and collected, improvement taxes upon all property within said improvement district, whether real, personal or mixed, or otherwise, and sufficient in amount to pay the interest on such bonds as it shall fall due, together with an additional amount to be annually placed in the sinking funds sufficient to discharge and redeem said bonds at their maturity. If advisable, the sinking fund shall from time to time be invested in such county, municipal, district or other bonds as shall be approved by the Attorney General of the State. If any of said bonds shall be offered for payment and redemption before the date of their maturity, it shall be the duty of the county judge of the county, and the county treasurer to pay and redeem same upon request of the improvement commissioners, if there be at the time a sufficient amount of money in said sinking fund for that purpose.

Sec. 32. The county commissioners court shall provide all necessary additional books for the use of the assessor

and collector of taxes, and the county clerk for such improvement district and charge the cost of same to the said district. It shall be the duty of the county tax assessor, when ordered to do so by the commissioners court, to assess all property within such improvement district and list the same for taxation in the book or rolls furnished by the said commissioners court for that purpose, and return said books or rolls at the same time when he returns the other books or rolls of the State and county taxes for correction and approval; if the said commissioners court shall find said books or rolls correct, they shall approve the same and order the county clerk to issue a warrant against the county treasurer in favor of said tax assessor to be paid from the funds of said improvement district. The tax assessor shall receive for his services such compensation as the said county commissioners court shall deem proper to compensate him for the amount of work done; provided, that the said county assessor shall in no event be allowed less than what he is now allowed by law for like services. Should the tax assessor fail or refuse to comply with the orders of the commissioners court requiring him to assess and list for taxation all property in such improvement district as herein provided, he shall be suspended from the further discharge of his duty by the commissioners court of his county, and he shall be removed from office in the mode prescribed by law for the removal of county officers.

Sec. 33. The tax collector of the county shall be charged by the county commissioners court with the assessment rolls of the improvement district, and he shall be allowed for such compensation for the collections of such taxes as he is now allowed for the collection of other taxes. The county commissioners court shall require the tax collector of the county to give an additional bond of security in such sum as they may deem proper and safe to secure the collection of said taxes, and should any collector of taxes fail or refuse to give such additional bond or surety as herein provided when required by the commissioners court within the time prescribed by law for such purposes, he shall be suspended from office by the commissioners court of his county, and immediately thereafter be removed from office in the mode prescribed by law.

Sec. 34. It shall be the duty of the tax collector to make a certified list of all delinquent property upon which the improvement taxes have not been paid and return the same to the county commissioners court, and said court shall proceed to have said taxes collected by the sale by the collector, or by suit, in the same manner as now provided for the collection of delinquent State and county taxes, and at any sale of such property for such delinquent improvement taxes, the improvement commissioners may become the purchasers of the same for the benefit of the improvement district.

Sec. 35. It shall be the duty of the county treasurer to open an account with the improvement district and to keep an accurate account of all moneys received by him belonging to such district, and all moneys paid out by him. He shall pay out no money except upon a voucher signed by two of the improvement commissioners and countersigned by the county judge, and he shall carefully preserve all orders for the payment of money, and as often as required by the said improvement commissioners or the commissioners court, he shall render a correct account to them on all matters pertaining to the financial condition of such district.

Sec. 36. All taxes levied or authorized to be levied by this act shall be payable and shall mature and become delinquent as is provided by the laws of this State for State and county taxes, and upon the failure to pay such taxes when due, the same penalties shall accrue and be collected as provided by the laws of the State of Texas for the non-payment of State and county taxes. All taxes shall be a lien upon the property for which said property is assessed. In the assessment and collection of the taxes levied or authorized to be levied by this act, the assessor and collector of taxes shall, respectively, have the same powers and shall be governed by the same rules and regulations as provided by the laws of the State of Texas for the assessment and collection of State and county taxes, unless herein otherwise provided.

Sec. 37. The county treasurer shall execute a good and sufficient bond payable to the improvement commissioners and their successors in office of such district, and in the county where said district is located in a sum equal to one and one-fourth the amount of the bonds issued, conditioned for the faithful performance of his duty as treasurer of such district, which bond shall be ap-

proved by said improvement commissioners, and the treasurer shall be allowed as compensation for his services as such treasurer, one-half of one per cent. Such treasurer may make said bond with any guaranty or surety company as may be approved by such improvement commissioners and the premiums due such guaranty or surety company making said bond shall be paid out of the maintenance fund of the improvement district, and shall not be a charge against the county treasurer.

Sec. 38. The right of eminent domain is hereby expressly conferred upon all improvement districts established under the provisions of this act for the purpose of acquiring the fee simple title, easement or right of way to and over and through any and all lands, waters or lands under water, private or public, (except land and property used for cemetery purposes), within or bordering on such districts, necessary for making, constructing and maintaining all levees and all other improvements for the improvement of a river or rivers, creek or creeks, or streams within or bordering on such districts, to prevent overflows thereof.

All condemnation proceedings or suits in the exercise of eminent domain under this act shall be instituted under the direction of the improvement commissioners and in the name of the improvement district and all suits or other proceedings for such purposes, and for the assessing of damages shall be in conformity to the statutes of the State of Texas for condemning and acquiring land or the right of way thereon, by eminent domain, by railroad corporations, provided that no appeal from the judgment or order of condemnation commissioners assessing damages to any one whose land is sought to be condemned shall have the effect of preventing the said improvement district from going upon and using the land so sought to be condemned during the pendency of said appeal, provided, however, that the said improvement district shall deposit with the county clerk of the county in which such proceedings are pending a sum equal to double the amount of money adjudged by them to be paid for said land, or the right of way thereon, and all costs thereon accrued.

Sec. 39. The improvement commissioners of any district are hereby empowered to acquire the necessary right of way for all levees and other necessary improvements contemplated by this act, by gift, grant, purchase, or condemnation proceedings, and may by the same method acquire any levees or other improvements already constructed within the territory in any such improvement district, and if acquired by grant or purchase such purchase shall be subject to the approval of the county commissioners court.

Sec. 40. Any person who shall wrongfully or purposely cut, injure or destroy or in any manner impair the usefulness of any levee or other improvement constructed under the provisions of this act, for the purpose of improving rivers, etc., and preventing overflows of water, shall be deemed guilty of a misdemeanor, and upon conviction may be fined in any sum not exceeding one hundred dollars, or imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

Sec. 41. The improvement commissioners of any district and the civil engineer from the time of their appointments are hereby authorized to go upon any lands or water courses lying within said districts or bordering thereon for the purpose of examining the same, and locating all levees and other improvements, making plans, surveys, maps and profiles, together with all necessary teams, help and instruments without subjecting themselves to an act of trespass, and any person or persons, firm or corporation, who shall wilfully prevent or prohibit any of such officers from entering any land for such purposes, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding twenty-five dollars for each day he, they or it, shall so prevent or hinder such officer from entering upon such land, and any justice of the peace of the county shall have jurisdiction in all such offenses.

Sec. 42. It shall be the duty of such improvement commissioners to keep the levees and other improvements made under the provisions of this act in repair, and they shall be given authority to supervise and control the construction and maintenance of same, and no county or improvement district nor the taxpayers therein shall be held for damages occasioned by the construction, maintenance or repair of levees or other improvements under the provisions of this act.

Sec. 43. Contracts for making and constructing levees and other improvements and all necessary work in connection with any improvement district shall be let by the improvement commissioners to the lowest bidder after giving notice by advertising the same

in one or more newspapers of general circulation in the State of Texas once a week for four consecutive weeks, and by posting notices for at least thirty days in five public places in the county, one of which shall be at the court house door, and at least two of which shall be within said improvement district, and the contract for such levee and other improvement may be let in separate sections or parcels or altogether, provided that all the improvements included in the report of improvement engineer and approved by the court as provided for in this act shall be constructed.

Sec. 44. Any person or corporation or firm desiring to bid on the construction of any work advertised, as provided for in this act shall, upon application to the improvement commissioners be furnished a copy of the engineer's report, showing location, profile and estimate of such as provided for in this act, provided such person shall pay the county clerk for making same, and all bids or offers to do any work shall be in writing and sealed and delivered to the chairman of the improvement commissioners, together with a certified check of at least five per cent of the total amount bid, which shall be forfeited to the district in case the bidder refuses to enter into the proper contract, if his bid is accepted, and any and all bids may be rejected by the said commissioners.

Sec. 45. All contracts made by the improvement commissioners shall be reduced to writing and signed by the contractor and the commissioners, and approved by the county judge, and a copy of same shall be filed with the county clerk for reference.

Sec 46. The party, firm or corporation to whom any such contract is let shall give bond payable to the improvement commissioners for said district, and in the county where said district is located, in double the amount of the contract price, conditioned that he, they or it, will faithfully perform the obligations, agreements and covenants of their contracts, and in default thereof will pay to said district all damages sustained by reason thereof. Said bond shall be approved by such commissioners and the county judge.

Sec. 47. The improvement engineer shall furnish the contractor with a sectionized profile of the work contracted for, showing the height, width and slope, brim and location of all levees and the number of cubic yards of earth to be removed and other work to be done by the contractor, together with drawn plans and specifications for such work, and such work shall be done by the contractor under the management and control and supervision of said improvement engineer and improvement commissioners, who shall indicate to the said contractor the beginning point and termination of all levees and other improvements called for by said contract, and when such work is completed according to the contract, the engineer shall make a detailed report of the same to the improvement commissioners, showing whether the contract has been fully complied with according to its terms, and if not, in what particular it has not been complied with.

Sec. 48. The said improvement commissioners are hereby authorized and empowered to make all necessary levees, bridges and culverts to, across and under any railroad tracks and right of way of any such railroads to enable them to construct and maintain any levees or other improvements necessary to be constructed as a part of the levee system of such district, such levees, bridges or culverts to be paid for by such improvement district, provided, however, that notice shall first be given by such improvement commissioners to the railroad authorities to build or construct levees, bridges or culverts, and the railway company shall be allowed thirty days in which to build or construct the same at its own expense, if it should so desire according to its own plans, provided, that such levees, bridges or culverts shall be constructed so as not to interfere with the purpose of said levee or other improvement, nor with the operation of said railway.

Sec. 49. The said improvement commissioners shall have the right and it is hereby made their duty at all times during the progress of the work being done under contract, to inspect the same, and upon the completion of any contract to their satisfaction, and when they have accepted the improvements as completed according to contract, they shall draw a warrant on the county treasurer for the amount of the contract price or so much thereof as remains unpaid at that time, in favor of the contractor or his assigns, which warrant shall, when approved by the county judge, be paid out of the improvement funds of said district.

Sec. 50. If the said improvement commissioners shall deem it advisable in order to obtain more favorable contracts, they may advertise and contract

for work to be paid in partial payments as the work progresses, but such partial payments shall not exceed in the aggregate seventy-five per cent of the total amount to be paid under the contract, the amount of work compelled to be shown by certified report of the engineer, and no payment to be made for work not completed.

Sec. 51. The improvement commissioners shall make an annual report of their acts and doings as such commissioners and file the same with the clerk of the county court, on or before the first day of January of each year, which report shall show in detail the kind, character and amount of work done in the district, the cost of the same and other data necessary to show the conditions of improvements under the provisions of this act.

Sec. 52. The improvement commissioners are hereby empowered and authorized to employ counsel to represent such districts in the preparation of any contracts, or the conducting of any proceedings in or out of court, and to be the legal advisor of such improvement commissioners upon such terms and for such fees as may be agreed upon by them and approved by the county judge, and such commissioners may draw a warrant in payment of such legal services to be paid out of the fund of said district upon approval by the county judge.

Sec. 53. Neither the county judge nor any county commissioner nor the improvement engineer nor the improvement commissioners shall be directly or indirectly interested for themselves or as agents for any one else in the contract and construction of any work to be performed by such improvement district, and if any of said officers or either of them shall directly or indirectly become interested in any contracts for such work or any fee paid by such improvement district whereby he shall receive any money consideration or other thing of value, other than such fees and compensation as may be provided for herein, he shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the county jail for not less than six months nor more than one year.

Sec. 54. The improvement districts established under this act may acquire, and through the improvement commissioners sue and be sued in all the courts of the State in the name of such improvement district, and all courts of this State shall take judicial notice of such said districts.

Sec. 55. The improvement commissioners, for the purpose of protecting any levees or other improvement constructed under the authority of this act, shall be authorized to keep the space between any levees or other improvement, and the stream or streams the overflows of which is intended to be prevented free and clear from all obstructions; and if any district should by gift, purchase or condemnation become the owner of any such land, or any other land not needed and used for the purpose of drainage, the said improvement commissioners shall have authority to lease any such land for any purpose which shall not interfere with the work or use of such district on such terms and for such rental as said improvement commissioners may see fit, and all moneys received therefrom shall be paid to the county treasurer for the use of said district.

Sec. 56. The improvement commissioners shall have the authority with the consent of the county judge, to let the use of any levee for a public highway or street or railway or street railway or interurban railway right of way, or for telegraph, telephone or electric poles upon such terms as such improvement commissioners and the county judge shall deem proper, but provisions shall be made in any such contract for the payment by the levy of an equitable portion of the cost and expense of thereafter maintaining such levee in good condition for the purposes for which such levee was constructed, and any money received for such rental use shall be paid to the county treasurer for the use of such district.

Sec. 57. The improvement commissioners shall have authority to dispose of by sale any and all earth or any material acquired by the district and not needed for the construction or maintenance of the improvements being constructed under the provisions of this act pertaining to this district, and any money received from same be paid to the county treasurer for the use and benefit of the district.

Sec. 58. The improvement commissioners, with the consent of the commissioners court, shall have authority to sell and convey any land, the fee of which has been acquired by such district by purchase, gift or condemnation, and not needed at the time or likely to be thereafter needed for the use of the district, upon such terms as said improvement commissioners and the county judge may deem best for the district, and

the money received from any such sale shall be paid to the county treasurer for the use of the district. The deed of conveyance of such land shall be executed by the chairman of such improvement district commissioners, in the name of the improvement district.

Sec. 59. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 60. The fact that many communities in Texas, should, as early as possible, organize improvement districts for the prevention of overflows and are in great need of protection from overflows, and there is now no law under which said improvement district can possibly be formed, and from the fact that several communities in this State have attempted to organize such districts under the provisions of Chapter 40, of the Acts of the Thirtieth Legislature of the State of Texas, approved March 23, 1907, entitled "Drainage districts—authorizing commissioners courts to establish," and said act has been deemed insufficient to authorize the establishment of such improvement districts for the purpose herein named, constitutes an emergency, and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and also that this act take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 300, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to provide for the sale, disposition or removal of any and all property of the State of Texas, which is or has been used by the Court of Criminal Appeals of the State of Texas, at Tyler and Dallas, Texas; to provide for the removal to Austin, Texas, of any of such property not so sold; to provide for the removal of any and all books, papers and records of said court, as also all disposed and undisposed cases, now at said Tyler and Dallas, Texas, to Austin, Texas, and to make an appropriation for said purpose; to provide for compensation of the Clerk of said court at Austin, and to authorize him to appoint a deputy, and to provide for the compensation of said deputy; to repeal all laws and parts of laws in conflict herewith, and to declare an emergency.

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

Section 1. That the bailiff of the Court of Criminal Appeals of the State of Texas be and he is hereby authorized to sell any of the property of the State of Texas, which is now, or has been used by the said court at Tyler or Dallas, Texas, such sale or sales to be approved by the presiding judge of said court, and the proceeds of such sale or sales shall be by said bailiff deposited in the State Treasury to the credit of the general fund, and said bailiff is hereby authorized and directed to remove any such property, not sold by him under the provisions of this act, from Tyler and Dallas, to Austin, Texas, and to make such disposition of the same as may be ordered by said court; and said bailiff is hereby authorized to remove all records, books, papers and cases disposed of and undisposed of, from said places to Austin, Texas, and for the purpose of carrying out the provisions of this act, the sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated for said purpose, the same to be payable upon the bill or bills of said bailiff for such services when so performed, and to be approved by the presiding judge of said court, and the Comptroller of the State is hereby authorized to draw his warrant or warrants in payment of such bill or bills, when so approved as aforesaid.

Sec. 2. The clerk of said court shall receive for his services the sum of twenty-five hundred dollars per year and no more, the same to be paid out of the general fund monthly, on warrants issued by the Comptroller, and said clerk shall retain no fees or other compensation for his services, but he shall collect the same fees as are now or may hereafter be allowed by law, and shall pay over the same monthly to the State Treasurer, taking his receipt therefor, and all said moneys shall be placed by said Treasurer to the credit of the general fund. Said clerk may appoint a deputy, who shall have authority to discharge all duties required by law of said clerk, and such deputy shall act in the name of his principal, and shall give bond in the same manner and amount as the clerk of said court, said

bond to be approved by said court. Said deputy shall perform such duties as may be required of him by the court or clerk, and shall heceive as compensation for such services the sum of two thousand dollars per annum and no more, the same to be payable monthly in the same manner as the compensation of the clerk of said court.

Sec. 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed, but as to all laws and parts of laws not in conflict herewith, this act shall be deemed cumulative.

Sec. 4. Whereas. At the present session of the Legislature a law has been passed and approved by the Governor, locating the Court of Criminal Appeals of the State of Texas at the city of Austin, Texas, but no provision was made therein for the removal to said city of Austin, Texas, from the cities of Tyler and Dallas, where said court formerly held terms of its court, nor was there any provision for the sale or disposition of any property belonging to the State and used by said court at said cities of Tyler and Dallas, therefore an emergency exists and an imperative public necessity that the constitutional rule requiring all bills to be read upon 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.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 154, and find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature, Chapter 43, Acts of the Twenty-sixth Legislature, Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129 of the Twenty-eighth Legislature, Chapter 62, Acts of the Twenty-ninth Legislature, Chapter 150, Acts of Thirtieth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban electric, gas or gasoline, denatured alcohol, or naphtha motor railways; and amending Subdivision No. 46 thereof relating to the organization of issuance companies, and adding thereto Subdivision No. 72, authorizing the formation of corporations for the transportation of passengers and baggage by means of wagons, wagonettes, omnibuses, cabs, or similar vehicles, and Subdivision No. 73, authorizing the formation of corporations to construct and repair buildings, bridges, dams, roads, streets, sidewalks and similar construction work, and Subdivision 74, authorizing the incorporation of commercial clubs, and Subdivision 75, authorizing the formation of corporations to include one or more of the following purposes, to-wit: The supply of water to the public, the manufacture and supply of ice, gas, heat, electric light and motor power, the manufacture, supply and sale of carbonated and distilled water and the operation of cotton seed oil mills or cotton compresses, and Subdivision No. 76, authorizing the formation of corporations to conduct a general advertising and bill posting service, and Subdivision No. 77, authorizing the formation of corporations for the purpose of carrying on the business of making and laying of concrete sidewalks and doing other concrete construction and the sale of concrete products, and Subdivision 78, that corporations organized or chartered under the laws of this State for the manufacture of ice shall, in addition to the privileges and power now extended to such corporations by the law of this State, be authorized to engage in and transact the business of buying, selling and refrigerating poultry and poultry products and fresh meats, and buying, canning, refrigerating and selling fruits and vegetable produce and dairy products, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

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

Section 1. That Article 642 of the Revised Civil Statutes of the State of Texas, as amended in Chapter 130, Acts of the Twenty-fifth Legislature, Chapter 43, Acts of the Twenty-sixth Legislature and Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129, Acts of the Twenty-eighth Legislature, Chapter 62, Acts of the Twenty-ninth

Legislature, Chapter 150, Acts of the Thirtieth Legislature, be amended by the addition of Subdivision 61, amended to read as follows:

61. The construction, acquiring, maintaining and operating lines of electric, gas or gasoline, denatured alcohol or naphtha motor railways between any cities or towns in this State for the transportation of freight or passengers, and may also construct, own and operate union depots, but no electric, gas or gasoline, denatured alcohol or naphtha railways incorporated under this subdivision shall ever be exempted from the payment of assessments that may be legally levied or assessed against it for street improvements. Corporations created under this subdivision shall and are authorized to exercise the right of eminent domain for the purpose of acquiring right of way upon which to construct their railway lines and sites for depots and power plants, upon the same conditions and in the same manner as railroad corporations are now required to do under the laws of this State, and shall have the same powers, rights and privileges as are now granted to interurban electric railway companies by Chapter 15, Acts of the Thirtieth Legislature; provided, no property upon which is located a cemetery shall ever be condemned, unless it shall affirmatively be shown and so found by the court trying any such condemnation suit that it is necessary to take such property, and no other route is possible or practicable, and provided that the electric, gas or gasoline, denatured alcohol or naphtha railway incorporated under provisions of this act which shall engage in transporting freight shall be subject to the control of the Railroad Commission.

Sec. 2. Subdivision 46 of Article 642 of the Revised Statutes of Texas, shall be and it is hereby amended so as to hereafter read as follows:

46. For the organization of fire, marine, life, health and accident, industrial life, bank deposit, trust fund, plate glass, hail, land title, credits, suretyship and livestock insurance companies; provided, that such bank deposit insurance companies may be organized with a paid up capital stock of not less than five hundred thousand dollars, and that such industrial life, plate glass, hail and live stock insurance companies may be organized with a capital stock of not less than twenty-five thousand dollars; and provided, further, that all insurance companies mentioned in this subdivision shall be in all other respects subject to and shall comply with all of the provisions of Title 58 of the Revised Statutes of Texas, and any and all laws supplementary to or amendatory thereof.

Sec. 3. That Article 642 of the Revised Civil Statutes of the State of Texas, be amended by the additions of subdivisions 72, 73, 74, 75, 76 and 77, to read as follows:

72. For the transportation of passengers or baggage, or of passengers and baggage by means of wagons, wagonettes, omnibuses, cabs, carriages, automobiles and taxicabs, or either of such vehicles, or other similar vehicles.

73. For the business of constructing and repairing buildings, bridges, dams and structures of any kind, and for building, improving and repairing roads, streets and sidewalks, and for similar construction work.

74. For the organization of commercial clubs in cities, towns or villages.

75. To include one or more of the following purposes, by original charter or by amendment thereof: The supply of water to the public, the manufacture and supply of ice, gas, heat, electric light and motor power, or either of them to the public; the manufacture, supply and sale of carbonated and distilled water, and the operation of cotton seed oil mills or cotton compresses; provided, that any such cotton seed oil mill corporation, or cotton compress corporation incorporated under the provisions of this act, engaged in the cotton seed oil business or compress business, or both, shall not be authorized to do business in more than one place in this State, and in case any such corporation shall own or operate more than one such cotton seed oil mill, or cotton compress, or both jointly other than at one place within this State, it shall thereby be liable to a forfeiture of its charter, and it shall be the duty of the Attorney General of Texas to bring suit against any such corporation so offending to forfeit its charter, and if upon a trial of such cause it shall be found that any such corporation has so offended, judgment shall be rendered forfeiting and annulling its charter, and nullifying its rights to do business within this State. Venue of any such suit or suits is hereby conferred upon the district court of Travis county, or in the district court of any other county within this State where such corporation may have an office or agent; provided, that corporations which are organized to include more than one of such purposes, shall pay the fran-

chise tax assessed by law for each of such purposes, and provided, further, that the charter of any such corporation shall be and become void and subject to forfeiture upon suit by the State in the event a majority of its shares of stock shall be acquired or owned, directly or indirectly, by any other corporation.

76. For the organization of companies to conduct and carry on a general advertising and bill posting service and in connection therewith to erect billboards, and to manufacture, purchase and sell such goods, wares, merchandise, utensils and implements necessary to be purchased and used in such business.

77. For the purpose of carrying on the business of making and laying of concrete sidewalks, curbing, curb or gutter, steps, retaining walls, the making of concrete building blocks, and placing the same in walls, "reinforced" concrete construction, street paving work, and all kinds of cement paving and concrete construction, and the purchase and sale of such articles, goods, wares and merchandise used or made in such business.

78. That corporations organized or chartered under the laws of this State for the manufacture of ice shall, in addition to the privileges and power now extended to such corporations by the laws of this State, be authorized to engage in and transact the business of buying, selling and refrigerating poultry and products and fresh meats, and buying, canning, refrigerating and selling fruits and vegetable produce and dairy products.

Sec. 4. All laws and parts of laws in conflict herewith are hereby repealed, including Section 2 of Chapter 150 of the General Laws passed by the Thirtieth Legislature at its regular session, and Chapter 152 of the General Laws passed at the Thirtieth Legislature at its regular session.

Sec. 5. The crowded condition of the calendar, and there being no law now authorizing the incorporation of gas or gasoline, denatured alcohol or naphtha railways, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and the said rule is therefore suspended and this act shall take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 208, and find it correctly enrolled, and have this day at 11 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to amend Chapter 4, Title 28, of the Revised Civil Statutes of 1895, by adding an additional article to said chapter, to be known as Article 1119a, and providing for extending terms of district courts in certain cases, and declaring an emergency.

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

Section 1. That Chapter 4, Title 28, of the Revised Civil Statutes of 1895 be amended by adding an additional article to said chapter, to be known as Article 1119a, and to read as follows:

Whenever any district court shall be in the midst of the trial of any cause when the time for the expiration of the term of said court, as fixed by law, shall arrive, the judge presiding shall have the power and may, if he deems it expedient, continue the term of said court until the conclusion of such pending trial. In such case the extension of such term shall be shown in the minutes of the court before they are signed. In case of the extension of the term of court, as herein provided, no term of court shall fail because thereof in any other county, but the term of court therein may be opened and held as now provided by law when the district judge fails to appear at the opening of a term of court.

Sec. 2. The inconvenience caused by the expiration of terms of the district court in the minutes of trials creates 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 hereby suspended, and that this bill take effect and be in force from and after its passage and it is so enacted.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and com-

pared Senate bill No. 84, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to amend Sections 4, 8, 10, 11, Chapter 137, an act passed by the Regular Session of the Thirtieth Legislature of Texas, "An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for non-resident hunters; providing the funds received from the sale of hunting license and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game; and all the salaries and expenses provided by this act, and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof." Providing for resident hunting license for resident hunters in the State of Texas, providing that funds received from the sale of hunting license be used for the purpose of protecting and propagating game and birds, and the salaries and expenses of the Game Commissioner and his deputies; providing for an additional license; allowing the privilege of the Game Commissioner to issue permits to persons desiring to ship domesticated deer, or any pet fowl or bird for breeding or exhibition purposes; authorizing county clerks to issue hunting licenses; repealing all laws and parts of laws in conflict herewith; providing fines and penalties and declaring an emergency.

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

Section 1. That Section 4, Section 8, Section 10 and Section 11, Chapter 137, General Laws of the State of Texas, passed by the Thirtieth Legislature, be so amended as to hereafter read as follows:

Sec. 2. That Section 4 shall hereafter read as follows: Section 4. Said Commissioner shall, at the close of each calendar month, file with the Secretary of State a report in writing and in detail, stating the service performed by him during the last preceding month, including a detailed statement of the suits commenced at his instance and the disposition made of same, and any other particulars he may think proper, and no payment for services performed or expenses incurred by the said Commissioner shall be made until he shall present to the Comptroller of Public Accounts, in addition to the usual certificate of performance and payment from the Secretary of State, that he has made the report required by this act. All fines collected from persons, in the county or district courts, charged with a violation of the game and bird laws of this State, shall within thirty days from the date of the collection of such fines be forwarded, by the court, to the State Treasurer, and by him credited to the special fund for the payment of the Game, Fish and Oyster Commissioner and his deputies appointed under the provisions of this act, and any balance remaining in said special fund at the end of the current year shall be credited to same fund for the next preceding year.

Sec. 3. That Section 8 shall hereafter read as follows: Section 8. It shall hereafter be unlawful for any person who has not been a bona fide inhabitant of and resident citizen of this State for six months last past to hunt for or kill any game or birds protected by the laws of this State without first procuring a hunting license from the Game, Fish and Oyster Commissioner, permitting him to do so, and by paying to said Commissioner the sum of $15. Said license shall be dated when issued and shall remain in force until the 1st day of September, following thereafter. It shall hereafter be unlawful for any person to hunt or kill any game or game bird or wild fowl protected by the game laws of this State, outside the county of his residence, without first obtaining a license from the Game, Fish and Oyster Commissioner, permitting him to do so. Any person who has been a bona fide resident of this State for six months last past may procure a hunting license to hunt outside the county of his residence by paying the sum of one dollar to the Game, Fish and Oyster Commissioner and the sum of fifty cents to the Deputy Game, Fish and Oyster Commissioner in the county where he desires to hunt, dated when issued, and shall expire the first day of September of each year following such date; said license shall authorize the person named therein to use firearms in the hunting or killing game or game birds during the hunting season of that year, but only in the manner and time prescribed by law.

Any person found hunting in open

season any game protected by the laws of the State, and who shall refuse to show his license herein provided for to any sheriff, deputy sheriff, constable, game commissioner or deputy game commissioner, on demand, shall be deemed guilty of a violation of the provisions of this act and upon conviction shall be liable to the penalties provided herein. Provided, the open season for quail and turkeys shall be from the 1st day of December to the 1st day of the succeeding March in all counties lying north of the following counties: El Paso, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Runnels, Coleman, Brown, Comanche, Erath, Bosque, Hill, Limestone, Robertson, Freestone, Anderson, Cherokee, Rusk, Panola, and the open season for hunting quail and turkeys shall be from the 1st day of November to the 1st day of the following February in all counties south of and inclusive of the following counties, to-wit: El Paso, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Runnels, Coleman, Brown, Comanche, Erath, Bosque, Hill, Limestone, Robertson, Freestone, Anderson, Cherokee, Rusk and Panola; provided further, that the open season for hunting doves shall be from the 5th day of August to the 1st day of March in all the counties of this State; provided further, that it shall be unlawful for any person to kill, ensnare or entrap or in any way destroy any wild deer in the period of time embraced between the 1st day of December in each year and the 1st day of October in each following year; provided, it shall be unlawful for any person at any season of the year to take, kill, ensnare any wild female deer or spotted fawn within this State; and provided further, that it shall be unlawful for any person to take, kill, trap or ensnare more than three wild bucks during the months of October and November of any one year; and provided further, that it shall be unlawful for any person at any time to hunt deer by aid of what is known as the rattling or striking together the horns of deer, or any other device used for calling up deer.

Sec. 4. That Section 10 shall hereafter read as follows:

Section 10. It shall be the duty of the Chief Deputy Game, Fish and Oyster Commissioner to keep in his office in the capitol of this State a well-bound book in which he shall keep a complete list of the licenses issued, fines collected and a statement of all prosecutions instituted under the direction of the Game, Fish and Oyster Commissioner and the result of the same, which record shall be open to the inspection of the public.

The county clerks of each county in this State are hereby authorized to issue local hunting licenses under their official seal to all persons complying with the provisions of this act, and shall sign same and shall fill out correctly and preserve the stubs attached thereto. The county clerk shall keep a correct and complete record of hunting licenses issued in a book to be furnished by the Game, Fish and Oyster Commissioner, which record shall be kept in his office and be open to the inspection of the public at all times during office hours; said county clerk shall retain for his own use out of the money received for the State and county licenses combined so issued, the sum of twenty-five cents for his services under this act, and shall pay 50 cents to the county warden, the balance to the State Treasurer within ten days following the close of each calendar month, and forward the list of names taking out licenses to the Game, Fish and Oyster Commissioner at Austin, which sum when received by the State Treasurer shall be placed to the credit of the Game, Fish and Oyster fund and paid out only as provided for by this act.

Sec. 5. That Section 11 shall hereafter read as follows:

Section 11. Any person to whom a nonresident license to hunt for game in this State has been issued may take to his home beyond the boundaries of this State such game as he has himself lawfully killed, not to exceed one day's bag limit, except duck, and under such restrictions and regulations as may be prescribed by the Game, Fish and Oyster Commissioner.

The State Game, Fish and Oyster Commissioner is hereby given authority to issue permits for the taking of any wild animal or bird protected by the laws of this State for scientific observation, for preservation as specimens or for propagating purposes. Such permit shall be in writing and shall be signed by said Commissioner, or in his absence by his chief deputy, and shall specify the kind and number of such birds or animals that may be so taken. The application for such permit shall be in writing and duly signed by the applicant, and accompanied by a fee of ten dollars; a record shall be kept by the Game, Fish and Oyster Commissioner of all permits issued, and same shall

also be noted in the monthly report of said Commissioner. No permit shall be issued for a longer time than sixty days from date of issue, and any person holding such a permit who shall make use of any animal or bird captured or killed under such permit in any manner or for a purpose not expressly authorized shall be deemed guilty of a misdemeanor and shall be fined in any sum not less than $25 nor more than $100.

Sec. 6. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 7. The fact that the average hunter who hunts in Texas today pays about as much attention to the present game law of this State as the average Chinaman would pay to the Choctaw language, and the further fact that the wholesale slaughter of female deer in this State during said open season and out by the hunters in this State, and the further fact that unless our ironclad and stringent game law is enforced and funds providing for placing a deputy game warden in every county in this State, the deer in Texas will be a thing of the past and as rare a relic as the buffalo inside of five years, creates an emergency and an imperative public necessity requiring bills to be read on three several days be suspended and it is hereby suspended and this bill shall be put upon its third reading and final passage.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 82, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to amend Article 3151 of Chapter 2, Title 62, of the Revised Civil Statutes of the State of Texas of 1895, so as to authorize payment of jury commissioners for their services as such, and declaring an emergency.

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

Section 1. That Article 3151 of Chapter 2, Title 62 of the Revised Civil Statutes of the State of Texas of 1895 be so amended as to hereafter read as follows:

Article 3151. When the jury commissioners have been sworn and organized, the judge shall proceed to instruct them as to their duties, and shall designate to them for what weeks they shall select petit jurors, and the number of jurors selected for each week. Each person serving as jury commissioner shall receive as compensation therefor the same amount as now provided by law for the services of petit and grand jurors; provided, that no such commissioner shall receive any pay as such for any day for which he has received or is entitled to receive compensation as a petit and grand juror.

Sec. 2. The fact that there is no provision in the law providing for the pay of jury commissioners, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this act take effect and be in force from and after its passage.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 77, and find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to amend Articles 3498u, 3498v, 3498w and 3498x, Title 72, Chapter 1 of the Revised Civil Statutes of the State of Texas so as to embrace within its provisions, lunatics, idiots and persons non compos mentis, in addition to minors as now embraced therein, and declaring an emergency.

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

Section 1. That Articles 3498u, 3498v, 3498w and 3498x, Title 72, Chapter 1 of the Revised Civil Statutes of the State of Texas, be so amended as hereafter to read as follows:

Article 3498u. Any minor, lunatic, idiot or non compos mentis having a sufficient cause of action, and who has no legal guardian, can bring suit in any of the courts of this State by next friend, and such next friend shall have the same rights concerning such suit and the matter therein involved as if he were guardian of such minor, lunatic, idiot or non compos mentis; provided, he shall not

be relieved from giving security for cost, or affidavit in lieu thereof, and can not collect the proceeds of any money judgment he may recover, except as herein specified.

Article 3498v. Such next friend or the attorney of record of such minor, lunatic, idiot or non compos mentis may enter into such agreed judgment or compromise in such suit as the court may approve, and the decree entered upon such agreement or compromise, when approved by the court, shall be forever binding on said minor, lunatic, idiot or non compos mentis, and can divest title out of the minor, lunatic, idiot or non compos mentis or vest it in such minor, lunatic, idiot or non compos mentis, when the court is satisfied such decree is for the best interest of the minor, lunatic, idiot or non compos mentis, under all the circumstances; and the court may hear evidence touching upon such agreement or compromise before approving the same.

Article 3498w. Whenever in any suit in this State any minor, lunatic, idiot or non compos mentis recovers a personal judgment for money or other personal property in which the interest of the said minor, lunatic, idiot or non-compos mentis does not exceed the value of five hundred dollars, and said minor, lunatic, idiot or non compos mentis has no guardian, such next friend or any person authorized by the court to do so, by an order entered of record, may take charge of said money or property for the benefit of said minor, lunatic, idiot or non compos mentis upon giving bond in such sum as shall be ordered by the court, which shall not be less than double the value of the property, conditioned that he will pay over said money and lawful interest thereon and deliver said property and its increase to the minor when he becomes of age or to the lunatic, idiot or non compos mentis when he is restored to sanity or to the legally qualified guardian of such persons when demanded, and that he will pay or deliver the same to such person appointed by the court when ordered by the court to do so, and that he will use such money or property for the benefit of the minor, lunatic, idiot or non compos mentis as ordered by the court; it is provided further that the terms of this article shall apply to all money or other personal property now in the hands of the clerks of the courts of this State, belonging to such persons; provided further, that in any such case without regard to the amount involved, the judge of the court in which the judgment is rendered shall have authority upon an application and hearing in term time or vacation to provide by decree for an investment of the funds accruing under such judgment as he may deem advisable, and to the best interest of the beneficiary or beneficiaries. If such decree shall be made in vacation, it shall be recorded in the minutes of the succeeding term of the court.

3498x. Such person who takes such money or property shall receive no fees or commissions for caring for or handling the same, but shall receive such compensation for caring for or handling the same as may be allowed by the court, and shall make such disposition thereof at all times as the court may order, and he may be required to return such money or property into court upon the order of the court, when the court may make such further disposition of the same as is deemed best for the minor, lunatic, idiot or non compos mentis.

Sec. 2. The fact that there is now no adequate law covering this, and the fact that there is now money in the hands of the clerks of the State belonging to such persons, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 113, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to authorize the Governor to purchase for the State the papers of President Mirabeau Lamar, and making appropriation therefor, and declaring an emergency.

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

Section 1. The Governor of this State is hereby authorized to purchase from Mrs. Loretto Lamar Calder of Beaumont, Jefferson county, Texas, the manuscripts, letters and papers now belonging to her which were collected and left

to her by her father, Mirabeau Lamar, President of the Republic of Texas, comprising all of the manuscripts, letters and documents owned by him at the time of his death bearing upon or affecting the history of the Republic or the State of Texas or upon its history prior to Texan independence, the same to be deposited and kept among the archives of the State in the State Library.

Sec. 2. There is hereby appropriated out of the general revenue of the State, not otherwise appropriated, the sum of $10,000, to be used for the purpose of this act, to be drawn upon warrants upon the State Treasurer, signed by the Governor.

Sec. 3. The fact that the session is near the close, and as a matter of fact it is very questionable whether or not a bill can finally pass unless the constitutional rule requiring bills to be read on three several days be suspended, this fact 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.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 264, and find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to amend Sections 5 and 6, Chapter 134, of the General Laws passed by the Thirtieth Legislature, entitled "An Act to authorize any county, or any political subdivision of a county upon a vote of two-thirds majority of the resident property taxpayers voting thereon, who are qualified electors of such county or political subdivision of the county, to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county, or political subdivision thereof and levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled and paved roads and turnpikes, or in aid thereof" and to add thereto Section 6a, creating road districts, and making them bodies corporate, and creating the office of road superintendent in such road district, and declaring an emergency.

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

Section 1. That Sections 5 and 6 of Chapter 134, Acts of the Thirtieth Legislature, entitled "An Act to authorize any county or any political subdivision of a county, upon a vote of two-thirds majority of the resident property taxpayers voting thereon who are qualified electors of such county, or political subdivision of the county, to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county, or political subdivision thereof, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining, and operating macadamized, graveled and paved roads and turnpikes, or in aid thereof" be so amended as to hereafter read as follows, and that Section 6a creating road districts, and making them bodies corporate, and creating the office of road superintendent in such district, and prescribing his powers, be added, so that said sections will read as follows:

Sec. 5. Before said road bonds shall be put on the market, the county commissioners court of the county in which such election was held shall levy tax not to exceed 25 cents on the $100 valuation of the taxable property of such county, if the bond issue be for the whole county or of the political subdivision thereof, if the bond issue be for a political subdivision, sufficient to pay the interest on such bonds, and to produce a sinking fund sufficient to pay the bonds at maturity provided the special tax hereby authorized to be levied on the aggregate of all such special taxes shall not exceed in any one year more than 25 cents on the $100 valuation on the property situated in such county, or the political subdivision thereof, as the case may be, and provided further, that said tax herein authorized shall be assessed and collected in the same manner as now provided by law for the assessment and collection of other road taxes, if for a whole county, and if for a political subdivision of a county, then it shall be assessed and collected as is now provided

by law for the assessment and collection of common school district special local taxes. And it is hereby made the duty of such commissioners court after such election is favorably carried, to levy such tax; and it is hereby made the duty of the tax collector and assessor of such county wherein such taxes have been levied to assess and collect the same in the same manner, and at the same time as other taxes. And said taxes when so collected by such collector, shall be by him paid over to the county treasurer of such county as and when other taxes are paid to the county treasurer. And the county treasurer of said county shall be custodian of all funds collected by virtue of this law, and he shall pay the interest and principal, as it becomes due, on such bonds out of the funds so collected, in the same manner as the law directs in case of county court house bond funds.

Sec. 6. If, after the result of said election is known, it shall appear to the commissioners court of the county in which said election was held that a two-thirds majority of the votes cast at such election were in favor of the issuance of bonds, it shall be the duty of said commissioners court, as soon thereafter as practicable, to issue said bonds, on the faith and credit of said county, or of said political subdivision of the county, as the case may be, which said bonds shall run not less than twenty nor more than forty years, and which said bonds shall bear not more than 5½ per cent interest per annum, and which bonds shall be examined by the Attorney General of Texas, and registered by the Comptroller of Public Accounts of Texas. Such bonds when so issued shall continue in the custody of and under the control of the commissioners court of the county in which they were issued, and shall be by said court sold to the highest and best bidder, for cash either in whole or in parcels, at not less than their par value, and the purchase money thereof shall be placed in the county treasury of such county to the credit of the available road fund of such county, or of such political subdivision of such county, as the case may be. Such funds shall be paid out by the county treasurer upon warrants drawn on such funds issued by the county clerk of the county, countersigned by the county judge, upon certified accounts approved by the commissioners court of the county, when such funds belong to the entire county, and when such funds belong to a political subdivision of a county, such funds shall be paid out by the county treasurer upon warrants issued by the county clerk upon certified accounts of the road superintendent of such road district, approved by the commissioners court of the county. The General Laws of Texas relative to county bonds, not in conflict herewith, shall apply to the issuance, approval, registration, sale and payment of the bonds herein provided for.

Sec. 6a. For the purpose of operating and being known under the provisions of this act, each justice of the peace precinct in each county in this State shall be known as "Road District No.....of .....County, Texas," taking the same number as that justice precinct, and the name of the county in which it is located. And the bonds herein provided for in such political subdivisions of any county shall be known as "Road Bonds of Road District No.....of .....County, Texas," the number being the same as the justice precinct, and the county being the same as the county in which it is located. Provided this section shall apply only to districts composing less than a county, and shall not apply to bonds issued hereunder by a whole county, which county bonds shall be known as "..... County Special Road Bonds," taking the name of the county issuing same.

For the purpose of this act, any political subdivision of a county accepting the provisions of this act, by voting such tax, is hereby made and created a body corporate, which may sue in like manner as counties; provided no road district created under the provisions hereof shall ever be held liable for torts. The county commissioner, in whose commissioners precinct such political subdivision is located, shall be ex-officio road superintendent of said road district, with power to contract for and in behalf of said road district, and by such contract to bind said road district; provided all of his said contracts shall be approved by the commissioners court of the county in which such district is situated.

Sec. 7. The fact that there is no adequate law now on the statutes governing the issuance of bonds for road construction in political subdivisions of the various counties of the State constitutes an emergency and an imperative necessity requiring the suspension of 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.

Committee Room,
Austin, Texas, March 11, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 201, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to amend Articles 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952 and 2953 of Title 54, of the Revised Statutes of the State of Texas, 1895, relating to the House of Correction and Reformatory; providing for a change of its name; providing for its control, management, support, maintenance and regulation; providing who shall be or become inmates, paroled or released; providing that juveniles convicted in juvenile courts be sent there; providing means of entrance for all incorrigible boys; repealing all laws in conflict herewith, and declaring an emergency.

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

Section 1. That Articles 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952 and 2953 of Title 54 of the Revised Statutes of the State of Texas, 1895, be and the same are hereby amended so as to hereafter read as follows:

Article 2941. The institution known as the House of Correction and Reformatory, located at Gatesville, Texas, shall from and after the taking effect of this act be named and knows as "The State Institution for the Training of Juveniles," the government of which shall be vested in a board of trustees, composed of five members, three of whom shall be men and two women. The board of trustees shall be appointed by the Governor, with the advice and consent of the Senate.

Each member of said board shall hold office for a term of two years, or until his or her successor is appointed and qualified, unless peremptorily removed by the Governor.

Each of said trustees shall serve without compensation, but shall receive his or her actual traveling and other necessary expenses, while engaged in the performance of official duties, for which the Comptroller shall issue his warrant on the account, verified by said trustee and approved by the chairman of said board. The chairman of said board shall not approve any expense account of any trustee until same has been allowed by not less than a quorum of said board.

Article 2942. Said board shall elect one of their members as chairman and one as secretary of said board. Said board shall hold two regular meetings at the said institution each year, and shall hold such other special meetings at such times and places as are deemed necessary when requested so to do, in writing by at least three members of said board.

Article 2943. It shall be the duty of said board of trustees to take control and supervision of said "The State Institution for the Training of Juveniles." Said board shall formulate by-laws, rules and regulations for the economic and efficient government and control of said institution, having in view the objects to be accomplished by this act. Said by-laws, rules and regulations when adopted by said board and approved by the Governor, shall become binding and of obligatory force upon the trustees, superintendent, subordinate officers, employes and inmates of said institution, and it shall be the duty of the trustees to see to the enforcement thereof and also of the provisions of this act in relation to said institution. Said by-laws, rules and regulations may be amended from time to time as said board may deem necessary.

Said board shall make a biennial report to the Governor setting forth in full all facts pertaining to the institution, including receipts and disbursements, the number and salaries of all employes, the number of inmates received and discharged and detained, and estimates for appropriation required for two years of maintenance.

Article 2944. Said board of trustees and the superintendent shall provide for, establish and maintain suitable instruction and training of the inmates of said institution. Said instruction and training shall include elementary common school, as well as industrial, manual or agricultural branches, or either or all, as may be deemed desirable by said board and superintendent. Each inmate shall be given definite instruction and training in some useful occupation. Each inmate shall be given such moral training and discipline as he is capable of receiving. The prime end to be sought by said board shall be to reform,

educate and train the children committed to the institution into industrious and useful, law-abiding citizens, strengthen their self-control and place them in a moral environment that will build character, inculcate correct ideas of civic virtue and responsibility.

Article 2945. The said board of trustees shall appoint a superintendent of said institution with the approval of the Governor, who shall hold his office for a term of two years. Such superintendent shall, before entering upon the duties of his office, take the oath of office prescribed by the Constitution, and shall give a bond in a sum of $10,000 payable to the Governor or his successors in office, conditioned for the faithful performance of the duties of his office. Said bond shall be signed by said superintendent and two good and sufficient sureties, or by himself and some solvent surety company authorized to transact business in Texas, and shall be approved by the Governor, said bond when approved by the Governor shall be deposited in the office of the Secretary of State.

Article 2946. The superintendent shall have control and management of said institution, subject to the provisions of this act and the by-laws, rules and regulations adopted from time to time by the said board of trustees and approved by the Governor; provided, that said board shall never adopt any by-law, rule or regulation in conflict with the provisions of this act.

First: It shall be the duty of the superintendent to keep a register in which he shall enter the name, date of reception, previous moral character, habits and education, so far as can be ascertained, the discharge, death, escape, commutation of time, parolment and punishment of each inmate or person admitted to said institution.

Second: It shall be the duty of the superintendent to execute and carry out all the written orders and instructions which he shall receive from time to time from the board of trustees or the Governor.

Third: He shall reside at the institution and be held responsible for the strict enforcement of the provisions of this act, as well as the said by-laws, rules, regulations and written orders of the board of trustees.

Fourth: He shall see that the buildings are kept in good and sanitary order and that the premises are kept in a healthful and cleanly condition.

Fifth: He shall keep or cause to be kept the books of the institution, fully exhibiting all moneys received and disbursed, the source from which received and purposes for which the same is expended. Said books shall at all times be open for the inspection of the board of trustees, or the Governor, or to any one appointed by the Governor to inspect or audit said books.

Sixth: Said superintendent shall make a semi-annual report in duplicate, in writing, under oath showing in detail the fiscal operations of the institution since the last report, giving under appropriate heads the total number of inmates in the institution at the date of the report, the number received since last report, the number discharged since last report, the number paroled, or otherwise discharged, with such recommendations for the improvement of management or other matter as he may deem proper; one of said reports shall be presented to the board of trustees at their regular semi-annual meeting and the other shall be forwarded to the Governor.

Seventh: It shall be the duty of the superintendent to make supplemental reports in writing to the board of trustees of any matter within the scope of his duties when requested to do so by the president of the board of trustees.

Eighth: The superintendent shall, under the direction of the president of said board, sell all products raised, and all articles manufactured at said institution not required for use in said institution, and shall keep an accurate account of all such funds, and shall not expend any of such funds except upon the orders of said board, approved by the Governor. A correct account shall be kept of all such expenditures.

Article 2947. The superintendent shall employ such subordinate officers, teachers and employes as may be deemed requisite and necessary to the conduct, administration and maintenance of said institution, up to the standards of efficiency and utility essential to accomplish the best results. The salaries and compensation of said superintendent and all such subordinate officers, teachers and employes shall be fixed by the board of trustees and superintendent and shall be paid monthly on the Comptroller's warrant based on an itemized account, sworn to by the superintendent of said institution. Said account shall contain the name and address of each person and the amount due and for what service. Provided, that no account for salary

shall be presented by said superintendent until same has been fixed by said board as herein provided.

Article 2948. There shall be confined in said The State Institution for the Training of Juveniles, all persons now confined in the House of Correction and Reformatory at Gatesville at the time this act takes effect, and all persons who may be sentenced to a term in said House of Correction and Reformatory before this act takes effect and their present status and terms of sentence shall not be affected by this act; also all juveniles committed to said institution by any court within this State acting under authority of law. Provided that all inmates sentenced to the House of Correction and Reformatory shall only be required to serve out their unexpired terms in said institution, at which time they shall be released.

Article 2949. Hereafter all male persons under the age of 16 years who shall be convicted of a felony in any court within this State, whose term of confinement shall not exceed five years, shall be confined in the State Institution for the Training of Juveniles; provided, that the white inmates shall be kept, worked and educated entirely separate from the inmates of other races, and shall be kept apart in all respects.

Article 2950. The said board of trustees shall establish and maintain in the said institution a system of grading and promotion on a basis of moral, intellectual and industrial advancement of the inmate.

When the superintendent is satisfied that any inmate has acquired sufficient self-control, moral habits and industrial efficiency and suitable employment under a responsible, sober and moral person can be found for said inmate, he shall, with the approval of the chairman of the board of trustees, grant said inmate a "leave of probation." The said inmate may then be sent out on parole, with the condition that the person paroled and his employer send a report at the end of each month thereafter for a period of six months, to said superintendent, stating fully the habits and demeanor of said paroled person.

If each of said reports be favorable, the superintendent, with the approval of the chairman of said board, shall grant a full release in writing to said paroled person, and his term of commitment shall thereby terminate, with none of his legal rights impaired or abrogated.

In the event any of said monthly reports should be deemed unfavorable, or for any reason be not sent as herein provided, and the said superintendent should for any reason become convinced before the expiration of said six months that the said paroled person should be returned to the State institution for further training or discipline, the said paroled person, shall, in that event, forfeit his leave of probation, and shall be returned to said institution. If his said employer shall fail or refuse to return said paroled person to said institution, it shall be the duty of any sheriff or other peace officer, upon notice from said superintendent, to take said paroled person into custody, under the same conditions as if said person were an escaped inmate and return him to said institution in the manner prescribed in this act for apprehending and returning escaped inmates. No inmate of the said State Institution for the Training of Juveniles, who shall be committed to said institution for the training of juveniles, who shall be committed by a judgment of a district court, after the conviction upon a charge of felony, shall be granted a leave of probation, paroled or released before the expiration of the term for which he shall be so committed, unless same be recommended by the superintendent and a majority of the board of trustees, and is approved by the Governor.

In case any such inmate convicted of a felony is granted a leave on probation as herein provided, the procedure shall be the same as herein provided for inmates not confined on a judgment of felony. Provided that the Governor shall at all times have full power to grant an unconditional pardon to or commute the sentence of any inmate committed to said institution.

Article 2951. No inmate shall be sentenced or committed to the said State Institution for the Training of Juveniles for a shorter period than two years, nor for a longer period than five years. No inmate shall remain or be detained in said institution after he has reached the age of 21 years.

The superintendent shall divide the inmates into such classes, and shall house, feed and train such inmates, in such manner as may be provided by said board of trustees in the by-laws, rules and regulations adopted by said board as provided by this act.

Article 2952. All inmates of said institution shall be provided with shelter, wholesome food and suitable clothing, books and other material necessary for

their training at the expense of the State, except as otherwise provided for by law.

Article 2953. If any inmate confined in the State Institution for the Training of Juveniles shall escape therefrom, or if on leave of probation and is ordered returned and the employer of said paroled person fails or refuses to return him as provided in this act, it shall be the duty of the superintendent of said institution, or any officer or employe of same, or the sheriff or any peace officer to apprehend and detain him. It shall be lawful for any person to apprehend such escaped inmate, and forthwith deliver him to any sheriff or peace officer. Any such escaped inmate shall be returned to said institution by any sheriff or peace or probation officer, and the costs of his return shall be paid by the county from which said inmate was sentenced. Provided, if any inmate committed to said institution on a charge of felony shall escape, the costs of his return to said institution shall be paid by the State, on warrant of Comptroller based upon a sworn itemized statement of said expense account approved by said superintendent. All laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Sec. 2. The fact that there is no suitable institution in the State of Texas for the care and training of delinquent juveniles, creates an emergency and an imperative public necessity, requiring the constitutional rule that bills be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 137, and find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to amend Title 12, Chapter 2 of the Revised Civil Statutes of the State of Texas, by adding to Article 278a, prescribing the mode of appointment of assistant district attorneys in districts containing a city of 50,000 population or more, according to the United States census of 1900, and in which there is established no criminal district court; prescribing qualifications of such an assistant district attorney, defining his duties and providing a method for his removal from office, fixing his salary and declaring an emergency.

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

Section 1. That Title 12, Chapter 2, Article 278 of the Revised Civil Statutes of the State of Texas be and the same is hereby amended by adding thereto Article 278a, which shall read as follows:

Article 278a. From and after the passage of this act the Governor of the State of Texas shall appoint one assistant district attorney in districts in which there is situated a city of 50,000 population or over, according to the United States census of 1900, and in which there is no criminal district court established by law; provided the district attorney or district judge in said district shall furnish data to the Governor that he is in need of an assistant, and that the district attorney is himself unable to attend to all of the duties required of him by law, and that it is necessary to the best interests of the State that an assistant district attorney be appointed. Every person so appointed shall be a qualified resident attorney of the district in which said appointment is made and shall give bond and take the oath of office required of district attorneys by this State, and shall have the power and authority to perform all the acts and duties of district attorneys under the law of this State, and said appointment shall be for such time as the Governor shall deem best in the enforcement of the law, not to be less than one month.

Sec. 2. Said assistant district attorney shall be paid for the time of actual service rendered at the rate of $2000 per annum by the Comptroller of the State of Texas, and said amount to be paid in monthly payments upon certificate of district clerk and district judge of said district that said assistant district attorney has performed his duties and is entitled to pay.

Sec. 3. The Governor of the State of Texas, at any time he deems said assistant unnecessary, in any district, or that person appointed is not attending to his duties as required by law, remove said person from office, by merely writing district attorney and district judge of said district to that effect.

Sec. 4. The fact that there is no adequate law of this State, providing for

assistant district attorneys, and in many districts of the State, the district attorneys have a large amount of important work, which they are unable to attend to on account of lack of time, creates an emergency and imperative public necessity, that this act be passed under a suspension of the constitutional rule requiring bills to be read on three several days, and that the rule is therefore suspended and this act shall take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 296, and find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

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 exempted from the provisions of this act," as amended by the Twenty-sixth Legislature; to provide penalties, and with an emergency clause.

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

Section 1. That Section 6 of Chapter 102 of the Acts of the Regular Session of the Twenty-sixth Legislature, as amended by the Twenty-eighth Legislature, and as amended by Chapter 71a of the Acts of the Regular Session of the Twenty-ninth Legislature, be and the same is hereby so amended as to hereafter read as follows:

Section 6. That the following counties be and the same are hereby exempted, and the provisions of this act shall not have effect or be operative therein, or in any thereof, viz.: Atascosa, Caldwell, Coke, Coryell, Hamilton, Hardin, McCulloch, Mills, Maverick, Newton, Polk, Sabine, San Augustine, San Saba, San Jacinto, Upton, Walker and Wilson.

Sec. 2 The fact that there is now no law exempting counties not herein specially exempted from the operation of this act, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 252, and find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to grant unto the United States of America a section of land in El Paso county, Texas, and to validate the patent heretofore issued thereon, and declaring an emergency.

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

Section 1. The State of Texas hereby grants, releases, quitclaims and cedes unto the United States of America all of its right, title and interest in and to the section or tract of land in El Paso county, Texas, upon which now is the United States army post known as Fort Bliss, and which land is described as Section 20, Block 81, Township 2, Certificate No. 7024, issued to the Texas & Pacific Railway Company and approrpiated to the public free school fund, and the patent issued on said land on August 13, 1890, towit: School Land Patent No. 636, Volume 10, is hereby validated and in all things confirmed unto the grantee therein. The title herein granted is such only as the State has by virtue of its control and management of the public free school lands as conferred upon it by the Constitution and laws of this State.

Sec. 2. The fact that the title to the land herein described has failed, creates an emergency and an imperative public necessity exists that the rule requiring bills to be read on three several days be suspended, and it is so enacted.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled

Bills have carefully examined and compared Senate bill No. 203, and find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to amend Articles 1145 and 1146 of Title 17 of the Code of Criminal Procedure of the State of Texas as adopted in the Revised Statutes of 1895, relating to the House of Correction and Reformatory, providing that in certain cases persons under 16 years of age, convicted of a felony shall be confined in the State Institute for the Training of Juveniles; providing that this amendment shall not affect, modify or vitiate any judgment heretofore rendered confining any person to the House of Correction and Reformatory; repealing all laws in conflict herewith, and declaring an emergency.

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

Section 1. That Articles 1145 and 1146 of Title 17 of the Code of Criminal Procedure of the State of Texas, as adopted by the Revised Statutes of 1895, relating to the House of Correction and Reformatory, be and the same is hereby amended so as to hereafter read as follows:

Article 1145. When an indictment is returned by the grand jury of any county charging any male juvenile under the age of 16 years, with a felony, the parent, guardian, attorney or next friend of said juvenile, or said juvenile himself, may file a sworn statement in court setting forth the age of such juvenile at any time before announcement of ready for trial is made in the case.

When such statement is filed the judge of said court shall hear evidence on the question of the age of the defendant, and if he be satisfied from the evidence that said juvenile is less than 16 years of age, said judge shall have authority to order such prosecution dismissed and to order such juvenile turned over to the juvenile court of said county, if there be any such court in said county in which cases arising under the juvenile court laws are tried, through agreement of the judges of the district and county courts of said county to be tried in said juvenile court in the manner prescribed by law for the trial of such juveniles in such cases, or the judge of the district court may, in his discretion, proceed to try said cause as provided by law.

If said juvenile be convicted and the verdict of conviction is for confinement for five years or less, the judgment and sentence of the court shall be that the defendant be confined in the State Institution for the Training of Juveniles, instead of the penitentiary, for the term of his sentence, and that such defendant be conveyed to the State Institution for the Training of Juveniles, by the sheriff or any peace officer designated by the court, and there confined for the period of his sentence. Provided, that such conviction and serving of sentence shall not deprive said defendant of any of his rights of citizenship when he shall become of legal age. If the verdict of the jury be for confinement for a longer period than five years, the defendant shall be confined in the penitentiary as now provided by law for persons convicted of a felony.

Provided, that the age of the defendant shall not be admitted by the attorney representing the State, but shall be proved to the satisfaction of the court by full and sufficient evidence that the defendant is less than 16 years of age, before the judgment of commitment to said institution shall be entered.

The officer conveying any defendant to said institution shall be paid by the county in which said conviction is rendered the actual traveling expenses of said officer and defendant and $5.00 additional; provided, further, that nothing in this act shall be held to affect, modify or vitiate any judgment heretofore entered confining any defendant to the House of Correction and Reformatory, but the unexpired portion of any such judgment shall be fulfilled by the confinement of any such defendant in the State Institution for the Training of Juveniles.

Article 1146. If any person confined in the State Institution for the Training of Juveniles, after judgment of conviction for a felony, shall escape therefrom, it shall be the duty of any sheriff or peace officer to apprehend and detain him and report the same to the superintendent of said institution and they shall be returned by said sheriff or other peace officer to said institution and the cost of said return shall be paid by the State on warrant of the Comptroller based upon the sworn itemized account of such officer approved by the superintendent of said institution, said costs to be paid out of any fund appropriated by the Legislature from time to time for

the apprehension and return of escaped convicts.

All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 2. The fact that there exists no law confining boys under 16 years of age convicted of felony in the State Institution for the Training of Juveniles, creates an emergency and an imperative public necessity requiring the constitutional rule that bills be read on three several days in each house, be suspended, and that this act take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 115, and find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to provide additional compensation to all judges and district attorneys in the district courts of this State by allowing compensation for actual, necessary traveling expenses when engaged in the discharge of their official duties in counties other than the county of their residence, and declaring an emergency.

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

Section 1. All district judges and district attorneys within this State when engaged in the discharge of their official duties in any county in this State, other than the county of their residence, shall in addition to the compensation now provided by law for their services, be allowed actual necessary traveling expenses while engaged in the discharge of such duties, not to exceed the sum of two dollars per day for hotel bills and not to exceed three cents per mile when traveling by railroad and ten cents per mile when traveling by private conveyance in going to and returning from the place where such duties are discharged, traveling by the nearest practicable route; such sum to be paid by the State upon the sworn account of the district judge and district attorneys, respectively entitled thereto, showing the actual necessary traveling expenses incurred in the discharge of their official duties in compliance with the provisions of this act.

Sec. 1a. The provisions of this act shall also apply to the judge of the criminal district courts of Galveston and Harris counties, and the district attorneys of the counties of Galveston and Harris, who shall be entitled to the same expenses and mileage as is herein provided for district judges therein mentioned.

Sec. 2. The fact that no provision has ever been made for the compensation of district judges and district attorneys for their traveling expenses incidental to the discharge of their duties over the district creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 202, and find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to amend Section 9 of Chapter 65 of the General Laws of the Thirtieth Legislature, entitled "An Act to define 'delinquent child' and to regulate the treatment and control of same;" providing for commitment of delinquent and incorrigible juveniles to the State Institute for the Training of Juveniles; providing procedure, and declaring an emergency.

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

Section 1. That Section 9 of Chapter 65 of the General Laws of the Thirtieth Legislature, entitled "An Act to define 'delinquent child' and to regulate the treatment and control of same," be and the same is hereby amended so as to hereafter read as follows:

Sec. 9. When any male juvenile under the age of 16 years shall commit any offense under the laws of this State of the grade of a misdemeanor, he shall be tried in the county of district court having jurisdiction of such offense under the laws of this State. The information or indictment shall be docketed

on the "Juvenile Record" of the "Juvenile Court" as provided in this act and said trial shall be conducted in the manner and under the conditions prescribed in this act.

If said male juvenile shall be convicted he shall be committed to the State Institute for the Training of Juveniles for an indeterminate period of not less than two years, nor more than five years. After a confinement of one year in said institute he may be granted a leave of probation, or parole, or release, as may be determined by the superintendent of said institute and the board of trustees under the law and the by-laws, rules and regulations governing said institute, or the judge of said court after sentence of commitment and before its execution, if the circumstances surrounding the case warrant, may enter an order, and shall have full power to stay the execution of any such judgment and release such juvenile on good behavior, provided in this act. Said judge shall also have full power to annul said stay of execution at any time within one year from the date of its entry and commit such juvenile to the State Institution for the Training of Juveniles, for the period of time, as if no stay of execution had been made.

When any district judge shall order any cause charging any juvenile under the age of 16 years with a felony, to be dismissed and shall order said juvenile to be tried in any juvenile court, a copy of said indictment certified under the seal of the district court shall be filed in said juvenile court, together with the names of all witnesses, if some other tribunal be selected to exercise such jurisdiction as provided in this act, otherwise said district court, exercising the jurisdiction of a juvenile court, may transfer said cause to its own juvenile docket and dispose of same as provided by law.

The judge of said juvenile court shall have a jury summoned, unless same be waived, and shall proceed forthwith to try said cause upon said certified copy of said indictment; if the defendant be adjudged guilty of the charge set forth in the indictment, said defendant shall be deemed guilty of being a delinquent child, the judgment of the court shall be confinement in the State Institution for the Training of Juveniles for a period of not less than two nor more than five years, and for the purposes of such trials, jurisdiction is hereby conferred upon the county and district courts of the county in which said offense is committed, sitting as juvenile courts. Provided, that the county and district judge of any county may by agreement, select one of said courts, either district or county, in which all cases arising under the juvenile court laws of this State may be tried, and may transfer to said court all such cases arising from time to time in either of said courts, to the court so selected, and when any such court is so selected it shall have jurisdiction to try and decide all such cases, otherwise each court, as provided in this act, may exercise such jurisdiction. In all such cases it shall be the duty of the county attorney under the direction of the judge of said juvenile court, to prosecute such cases, without fee.

Any parent or guardian of any incorrigible boy under the age of 16 years, may present a petition to the judge of the juvenile court of the county of his residence setting forth under oath the age and habits of any such boy and praying that said boy be committed to the State Institution for the Training of Juveniles. The court shall set the case down for hearing and will take testimony, and if in his judgment the child should be committed, said judge may enter an order committing said child to said institution, provided that the parent or guardian shall pay all the necessary expenses of carrying said child to said institution and in addition shall pay at least one-quarter in advance, the amount necessary for the maintenance of said child at said institution, as estimated by the superintendent of said institution. Said parent or guardian shall also deposit with the superintendent of said institution an amount sufficient to pay the fare of said child from said institution to its home, and in event that said parent or guardian shall fail or refuse to make any subsequent quarterly payment for maintenance, in advance, said commitment shall terminate and the superintendent of said institution shall discharge such boy and return him to his home.

The expense of conveying all boys committed to said institute shall be paid by the county from which said commitment is made, and it shall be the duty of the sheriff, probation or any peace officer, as the court may direct, to convey all boys committed to said institution to the said State Institution for the Training of Juveniles; provided, that the court may send the boy to the institute without escort, if he deems it prudent.

Sec. 2. The fact that no law exists

whereby boys under 16 years of age convicted of offenses may be committed to the State Institution for the Training of Juveniles, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring to be read on three several days be sus- 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.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 233, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to require fire insurance companies not organized under the laws of this State, before they shall receive a certificate of authority to transact business in this State, and before they shall issue or authorize the issuance of any policies of insurance to citizens of this State, to file with the Commissioner of Insurance and Banking a bond or to deposit securities to secure the payment of all lawful obligations under such policies to citizens of this State; exempting from its provisions any person, firm, corporation or association doing any inter-insurance, co-operation or reciprocal insurance business; providing penalties for the violation of this act, and declaring an emergency.

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

Section 1. Every fire insurance company not organized under the laws of this State applying for a certificate of authority to transact any kind of insurance business in this State shall, before obtaining such certificate, file with the Commissioner of Insurance and Banking, a bond, with good and sufficient surety or sureties to be approved by the Commissioner of Insurance and Banking, payable to the Commissioner of Insurance and Banking and his successors in office in a sum equal to twenty-five per cent of its premiums collected from citizens or upon property in this State, during the preceding calendar year, as shown by its annual report for such year; provided, however, the bond in no case shall exceed fifty thousand dollars nor be less than ten thousand dollars, conditioned that said company will pay all its lawful obligations to citizens of this State. Such bonds shall be subject to successive suits by citizens of this State so long as any part of the same shall not be exhausted and the same shall be kept in force unimpaired until all claims of citizens of this State arising out of obligations of said company have been fully satisfied. Such bonds shall provide that in the event the company shall become insolvent or cease to transact business in this State at any time when it has outstanding policies of insurance in favor of citizens of this State or upon property in this State the Commissioner of Insurance and Banking shall have the power, after having given ten days' notice to the officers of such company or any receiver in charge of its property and affairs, to contract with any other insurance company transacting business in this State for the assumption and re-insurance by it of all the insurance risks outstanding in this State of such company which is insolvent or which has ceased to transact business in this State, which contract shall also provide for the assumption by such re-insuring company of all outstanding and unsatisfied lawful claims then outstanding against such company which has become insolvent or ceased to transact business in this State, and in the event of the Commissioner making any such contract and if the same shall be approved as reasonable by the Attorney General and the Governor of this State, the re-insuring company shall be entitled to recover from the makers of such bond the amount of the premium or compensation so agreed upon for such re-insurance. Any company desiring to do so may at its option in lieu of giving the bond required by their action deposit securities of any kind in which it may lawfully invest its funds with the State Treasurer of the State upon such terms and conditions as will in all respects afford the same protection and indemnity as is herein provided for to be afforded by said bond.

Sec. 2. Every fire insurance company not organized under the laws of this State which shall hold a certificate of authority to transact any kind of insurance business in this State, when this act takes effect, shall within ninety days thereafter comply with the requirements of Section 1 of this act, as to companies hereafter obtaining certificates of authority, and it shall be the duty of the

Commissioner of Insurance and Banking to revoke the certificate of authority failing to so comply within such period.

Sec. 3. Every fire insurance company not organized under the laws of this State, hereafter issuing or causing or authorizing to be issued any policy of insurance other than life insurance, shall first have filed with the Commissioner of Insurance and Banking during the calendar year in which such policy may issue or authorize or cause to be issued a bond of good and sufficient sureties to be approved by such Commissioner in a sum of not less than ten thousand dollars, conditioned for the payment of all lawful obligations to citizens of this State arising out of any policies or contracts issued by such fire insurance company, which such bond shall be subject to successive suits by citizens of this State so long as any part of the same shall not be adjusted and so long as there remains outstanding any such obligations or contracts of such fire insurance company 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 one hundred nor more than five hundred dollars or by imprisonment in the county jail for not less three nor more than twelve months, or by both such fine and imprisonment. This act shall not apply to any person, firm, corporation or association doing any inter-insurance, co-operative or reciprocal business.

Sec. 4. The fact that there is now no law protecting the people of this State against loss arising from the insolvency of foreign insurance companies transacting business in this State or generally affording the protection provided by this section, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring that bills be read on three several days, be suspended and that this bill take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 111, and find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to define and regulate the practice of professional nursing; to create a Board of Nurse Examiners for the examination and licensing of nurses, and to prescribe their qualifications; to provide for their proper registration and for the revocation of certificates, and to fix suitable penalties for the violation of this act, and declaring an emergency.

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

Section 1. That a board to be known as the Board of Nurse Examiners for the State of Texas is hereby established. Said board shall be composed of five members, who shall be trained nurses of at least twenty-three (23) years of age, of good moral character and graduates of a training school connected with a general hospital or sanitarium of good standing, presided over by a graduate nurse where a two years' training with a systematic course of intruction is given in the wards. Said board shall be appointed by the Governor of this State within sixty days after this act shall go into effect, and biennially thereafter within sixty days after his inauguration, and the term of office shall be two years, or until their successors shall be appointed and qualified. Vacancies occurring in the board shall be filled by the Governor.

Sec. 2. That the members of the said board shall, as soon as organized, annually in the month of April, elect from their members a president and secretary, who shall also be the treasurer. Three members of this board shall constitute a quorum, and special meetings of said board shall be called by the secretary upon the written request of any two members. The board is authorized to make such by-laws and rules as shall be necessary to govern its proceedings and to carry into effect the purpose of this act; provided, that said board shall adopt Roberts' Rules or Order to guide it in the transaction of its business. The secretary shall be required to keep a record of all the meetings of said board, including a register of the names of all nurses duly registered under this act, which shall at all reasonable times be open to public scrutiny, and said board shall cause the prosecution of all persons violating any of the provisions of this act, and may incur necessary expenses on that behalf; that the president and secretary shall make a biennial report to the Governor

on or before the first day of January immediately preceding the convening of the Legislature, together with a statement of the receipts and disbursements of said board.

Sec. 3. That after organization it shall be the duty of said board to meet regularly once in every six (6) months, notice of which meeting shall be given to the public press and in one nursing journal one month previous to the meeting. At every regular meeting, namely, every six months, it shall be the duty of the board to examine all applicants for registration under this act. Upon filing application for examination, each applicant shall pay an examination fee of ten dollars, which shall in no case be returned to the applicant, whether the examination be passed or not, but in case the applicant passes the examination, then no further fee shall be required for registration. The examination shall be of such a character as to determine the fitness of the applicant to practice professional nursing as contemplated by this act; provided, said board shall prepare questions for examinations and shall examine applicants on the following subjects: Practical nursing, surgical nursing, obstetrical nursing, materia medica, anatomy, physiology, hygiene, dietetics and gynecology. If the result of the examination shall be satisfactory to the majority of the board, the board shall sign and issue a certificate to the applicant to that effect, which certificate shall be attested by the secretary, whereupon the person named in the certificate shall be duly qualified to practice professional nursing in this State. Any registered nurse from any other State where the laws with reference to professional nursing are up to the standard of the laws of the State of Texas, who shall show to the satisfaction of the board that he or she is a trained, graduate nurse of a hospital or sanitarium, the standard of instruction and training of which shall meet the requirements of the rules prescribed by said board, and who shall be otherwise properly qualified, may receive a certificate and be registered as a nurse of this State without examination.

Sec. 4. That all nurses who are engaged in nursing at the time of the passage of this act, and who shall show to the satisfaction of the said board that they are of good moral character and were graduated prior to April, 1906, from a training school connected with a hospital or sanitarium giving a two years' general training, or prior to the year 1901, having given eighteen months' general training, and who maintains in other respects proper standards, shall be entitled to registration without examination. All persons who are in training in the wards of a general hospital or sanitarium in this State where a two years' training with a systematic course of instruction is given at the time of the passage of this act, and shall graduate hereafter, and possess the above qualifications, shall be entitled to registration without examination; provided, such application be made to this board before the first regular meeting. All nurses who have served in the army or navy of the United States, and have been honorably discharged, shall be entitled to registration without examination. It shall be unlawful hereafter for any person to practice nursing as a trained, graduate or registered nurse, without a certificate from the State Board of Nurse Examiners. A nurse who hase received his or her certificate according to the provisions of this act shall be styled and known as a "Registered Nurse." No other person shall assume such title or use the abbreviation "R. N.," or any other letters to indicate that he or she is a trained, graduate or registered nurse. The board in each instance shall require a registration fee of ten ($10) dollars.

Sec. 5. The State Board of Nurse Examiners shall have the power to revoke any certificate issued in accordance with this act by a unanimous vote of said board, for gross incompetence, dishonesty, habitual intemperance or any act derogatory to the morals or standing of the profession of nursing, as may be determined by the board, but before any certificate shall be revoked the holder thereof shall be entitled to at least thirty days' notice in writing of the charge against him or her, and of the time and place of hearing and determining of such charges, at which time and place he or she shall be entitled to be heard, and in the event said certificate shall be revoked by said board, the holder of such certificate shall have right of action within thirty days thereafter in the district court of the county of the residence of any member of the board, and said certificate shall remain in force until the question is finally decided by the courts. Upon revocation of any certificate, it shall be the duty of the secretary of the board to strike the name of the holder thereof from the roll of registered nurses.

Sec. 6. All fees received by the State Board of Nurse Examiners, under this act, shall be paid to the treasurer of said board, who shall pay the same out on vouchers issued and signed by the president and secretary of said board upon warrants drawn by the president of the State Board of Examiners. All money so received and placed in said fund may be used by the State Board of Nurse Examiners in defraying its expenses in carrying out the provisions of this act.

Sec. 7. This act shall not be construed to affect or apply to the gratuitous nursing of the sick by friends or members of the family, or to any person nursing the sick for hire who does not in any way assume the practice as a trained, graduate or registered nurse.

Sec. 8. That any person violating the provisions of this act, or who shall make any false representations to said board in applying for a certificate, shall be guilty of a misdemeanor, and upon conviction be punished by a fine of not more than three hundred dollars.

Sec. 9. The fact that there is no previous legislation providing for the examination by a State board of trained nurses, creates an emergency and 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 that this act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 3, and find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled resolution in full:

Whereas, The Hood's Texas Brigade Monument Committee desire to erect a monument upon the Capitol grounds to Hood's Texas Brigade, whose deeds of valor and patriotic sacrifice are inseparable from the history of '61 to '64, and contribute much to the glory of Texas; therefore, be it

Resolved by the Senate, the House concurring, that the Superintendent of Public Buildings and Grounds be and is hereby authorized and directed to select a suitable place upon the enclosed grounds around the Capitol building in the city of Austin upon which may be erected a monument to the valor of Hood's Texas Brigade, that the same may ever stand an inspiration of patriotism to the sons and daughters of Texas, said monument to be erected under the direction of Hood's Texas Brigade Monument Committee.

Resolved, further, That the Superintendent of Public Buildings and Grounds is hereby requested to locate and designate said site agreeable as near as may be to the said Hood's Texas Brigade Monument Committee and to assist and co-operate with said committee in all ways not in conflict with his public duty.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 218, and find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to better define and punish vagrancy, prescribing the rules of procedure in the prosecution of vagrants and fixing a punishment for vagrancy, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

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

Section 1. The following persons are and shall be punished as vagrants, viz.:

(a) Persons known as tramps, wandering or strolling about in idleness, who are able to work and have no property to support them.

(b) Persons leading an idle, immoral or profligate life, who have no property to support them, and who are able to work and do not work.

(c) All persons able to work, have no property to support them, and who have no visible or known means of a fair, honest and reputable livelihood. The term "visible or known means of a fair, honest and reputable livelihood," as used in this section, shall be construed to mean reasonably continuous employment at some lawful occupation for reasonable compensation, or a fixed and regu-

lar income from property or other investments, which income is sufficient for the support and maintenance of such person.

(d) All able-bodied persons who habitually loaf, loiter and idle in any city, town or village or railroad station, or any other public place in this State for the larger portion of their time, without any regular employment and without any visible means of support. An offense under paragraph (d) of this section shall be made out whenever it is shown that any person has no visible means of support and only occasionally has employment at odd jobs, being for the most of the time out of employment.

(e) Persons trading or bartering stolen property, or who unlawfully sell any vinous, alcoholic, malt, intoxicating or spirituous liquors.

(f) Every common gambler or person who for the most part maintains himself by gambling.

(g) All companies of Gypsies who, in whole or in part, maintain themselves by telling fortunes.

(h) Every able-bodied person who shall go begging for a livelihood.

(i) Every common prostitute.

(j) Every keeper of a house of prostitution.

(k) Every keeper of a house of gambling or gaming.

(l) Every person who shall abandon his wife or child or children without just cause, leaving such wife or child or children without support or in danger of becoming a public charge.

(m) Every able-bodied person who lives without employment or labor, and who has no visible means of support.

(n) All persons who are able to work and do not work, but hire out their minor children, or allow them to be hired out, and live upon their wages, being without other means of support.

(o) All persons over 16 years of age and under 21, able to work and do not work, and have no property to support them, and have not some known visible means of a fair, honest and reputable livelihood, and whose parents, or those in loco parentis, are unable to support them, and who are not in attendance upon some educational institution.

(p) All persons who advertise and maintain themselves in whole or in part as clairvoyants or foretellers of future events or as having supernatural knowledge with respect to present or future conditions, transactions, happenings or events.

(q) Any person who unlawfully solicits orders for intoxicating liquors.

(r) All male persons who habitually associate with prostitutes or habitually loiter in or around houses of prostitution, or who, without having visible means of support, receive financial aid or assistance from prostitutes.

Sec. 2. It shall be the duty of every sheriff, deputy sheriff and constable in every county, and of the police, town marshal, deputy marshal and other like officials in every county, city, town or village in the State to give information under oath to any officer empowered to issue criminal warrants of all vagrants within their knowledge or upon information in their respective counties, cities, towns and villages; thereupon the said officer shall issue a warrant for the apprehension of the person alleged to be a vagrant.

Sec. 3. All information charging vagrancy shall be under oath, and while it is made the special duty of the officers named in Section 2 hereof to file the said information whenever they shall have knowledge or good reason to suspect that any person is a vagrant as defined by any clause or section of this act, yet any information charging vagrancy may be filed under oath by any resident of the State.

Sec. 4. Whenever any person shall have been arrested on a charge of vagrancy, he shall immediately be carried before any court having jurisdiction of the offense herein named, and upon conviction thereof shall be fined in any sum not to exceed two hundred dollars, and may be imprisoned in jail not to exceed thirty days.

Sec. 5. If any of the officers named in Section 2 of this act shall fail, refuse or neglect to perform the duties therein required, he shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Sec. 6. And all laws and parts of laws in conflict herewith are hereby repealed; provided, the penalties herein named shall be cumulative, and a conviction for any of the offenses herein named shall not be a bar to any other prosecution under any other criminal statute.

Sec. 7. The fact that there is no adequate law in this State to define and punish the offense of vagrancy, creates an emergency and 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 that this act take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Joint Resolution No. 6, and find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled resolution in full:

To amend Article 11, Sections 4 and 5, of the Constitution of the State, authorizing cities and towns within the State of Texas to be incorporated by special act where the population exceeds five thousand inhabitants.

Section 1. That Article 11, Sections 4 and 5, be amended so that the same shall hereafter read and be as follows:

Sec. 4. Cities and towns having a population of five thousand or less may be chartered alone by general law. They may levy, assess and collect an annual tax to defray the current expenses of their local government, but such tax shall never exceed for any one year one-fourth of one per cent, and shall be collectible only in current money. And all licenses and occupation taxes levied and all fines, forfeitures, penalties and other dues accruing to cities and towns shall be collectible only in current money.

Sec. 5. Cities having more than five thousand inhabitants may have their charters granted or amended by special act of the Legislature and may levy, assess and collect such taxes as may be authorized by law, but no tax for any purpose shall ever be lawful for any one year which shall exceed two and one-half per cent of the taxable property of such city; and no debt shall ever be created by any city or town unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two per cent thereon.

Sec. 2. That the above and foregoing proposed amendment shall be duly published once a week for four weeks commencing at least three months before a special election to be held for the purpose of voting upon such proposed amendment on the.....day of....., 1909, in one weekly newspaper of each county in the State of Texas in which such a newspaper may be published. And the Governor be, and he is hereby directed to issue the necessary proclamation for the submission of this proposed amendment to the qualified electors for members of the Legislature. At such elections all persons favoring such amendment shall have written or printed on their ballots the words: "For the amendment to Article 11, Sections 4 and 5, of the Constitution," and those opposed thereto shall have written or printed on their ballots the words: "Against the amendment to Article 11, Sections 4 and 5, of the Constitution."

Committee Room,
Austin, Texas, March 13, 1909.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 12, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled resolution in full:

Whereas, On May 27th, 1901, J. W. Hatch, of Uvalde county, Texas, applied for and was awarded half section No. 966, T. C. Ry. Co. land in said Uvalde county, Texas, as additional land to his home tract on the east part of the Valentine Perez survey No. 934, and in good faith, as appears from affidavits duly filed in the Land Office of the State, resided on said east part of said survey No. 934, until he sold the same on October 8th, 1901, to J. W. Brasher; and

Whereas, on said October 8th, 1901, J. W. Brasher purchased from said J. W. Hatch said east part of said survey No. 934, and also said half section No. 966; and afterwards, to-wit: on October 26th, 1901, applied for and was awarded half section No. 968, T. C. Ry. Co. land in said Uvalde county, as additional land to section No. 965, T. C. Ry. Co. land in Uvalde county; but as appears from affidavits on file in the Land Office, he intended to apply for said half section No. 968, and thought he had applied for same, as additional land to his home tract on east part of said survey No. 934, and in good faith, resided on said east part of said survey No. 934, as his home, until he sold same to W. R. Davenport, on February 1st, 1904; and

Whereas, W. R. Davenport failed to comply with the law relative to the occupancy of said east part of said survey No. 934, in such manner as to perfect his title to said two half sections Nos. 966 and 968, for the last four months for said half section No. 966, and for the last nine months for said salf section No. 968, in that he failed to move on and occupy said east part of survey No. 934, immediately after same was vacated by J. W. Brashier; and thereafter left same before said occupancy was quite complete—but his failure to comply with the strict requirements of the law was due to ignorance on his part, and not through any wilful violation of the law, as fully appears from his affidavit on file in the General Land Office; and

Whereas, Said two half sections have been sold by said W. R. Davenport, and are now owned by a person in no wise responsible for the technical non-conformity to the law of occupancy of said lands; and

Whereas, It appears that great injustice will be done the present owner of said land in case the same is forfeited, and that no gain will result to the school fund of the State by forfeiting the same, in that said land is mountainous and rough, and not worth more than the original price contracted to be paid therefor; therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That the sale of said half section No. 966, T. C. Ry. Co. land in Uvalde county, made to J. W. Hatch on May 26th, 1901; and also the sale of half section No. 968, T. C. Ry. Co. land in Uvalde county, made to J. W. Brashier, on October 27th, 1901, be and the same are in all respects validated; and the Commissioner of the General Land Office is directed to issue patents to same as soon as all the purchase money and other legal charges thereon, are fully paid to the State Treasurer, as the law prescribes.