SIXTEENTH DAY.

Senate Chamber,
Austin, Texas,
Tuesday, January 30, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

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

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Bailey.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Hall.	

Absent—Excused.

Gibson.	McCollum.
Harley.	Suiter.
Henderson.	Westbrook,
Hopkins.	Woodward.

Prayer by the Chaplain.

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

See Appendix for brief statement of petitions and memorials.

See Appendix for standing committee reports.

Excused.

Senators Westbrook, Gibson, Hopkins, Harley and Woodward were excused for today, on account of important business, on motion of Senator Bee.

Special Committee Changed.

The Chair announced the appointment of Senator Hopkins in the place of Senator Hudspeth, and Senator Westbrook in the place of Senator King, as members of the special committee from the Senate to visit Stephenville, pursuant to the terms of S. C. R. No. 7.

Special Committee Report.

The special committee appointed by the Chair pursuant to Simple Resolution No. 38, to arrange a schedule of committee meetings made its report, which was read and

Senator Johnson of Hall moved to recommit the report.

Senator Page moved to table the motion to recommit, which motion to table prevailed.

The committee report was adopted and appears in full in the Appendix.

Bills and Resolutions.

Simple Resolution No. 53.

Whereas, The reception room for the Senate Chamber was fitted up during the Thirty-fourth Legislature for a place to receive our guests and friends; therefore be it

Resolved, That we request that this room be used for that purpose alone, and not for a meeting place for the committees of this Senate.

SMITH.
CLARK.

The resolution was read, and

Senator King offered the following substitute:

Be it resolved, That the reception room be set aside for the overflow of Senate employes.

KING.

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

Action recurred on the motion to adopt the resolution, and

Senator McNealus moved as a substitute to refer the same to the Committee on Rules, which substitute motion was lost by the following vote:

Yeas—5.

Buchanan of Scurry.	Lattimore.
Johnson of Hall.	McNealus.
Johnston of Harris.	

Nays—15.

Alderdice.	Hall.
Bailey.	Hudspeth.
Buchanan of Bell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	

Present—Not Voting.

King.

Absent.

Bee. Caldwell.

Absent—Excused.

Gibson.	McCollum.
Harley.	Suiter.
Henderson.	Westbrook,
Hopkins.	Woodward.

The resolution was then adopted.

By Senators Smith and Clark:

S. J. R. No. 13, "A resolution proposing to amend Section 38, Article 16 of the Constitution of this State so as to create the office of Commissioner of Insurance; making such office elective, and fixing the term thereof at four years at such compensation as the Legislature may prescribe; declaring such Commissioner shall perform such duties relative to administration of the insurance laws of this State as the Legislature may prescribe; declaring that the Department of Banking shall be separate and apart from the Insurance Department; stating that the subjects of statistics and history shall be under the supervision of such officer or officers, agents or agencies as may be prescribed by the Legislature; declaring that the Legislature shall pass appropriate laws making this section effective; fixing the date of the election at the next regular election; prescribing the ballots and what shall be printed thereon; stating how the votes shall be cast for and against such an amendment; providing that the general election laws so far as applicable shall apply to the election; directing the Governor to make proclamation hereof and making an appropriation of $5,000 to defray the expenses hereof."

Read first time and referred to Committee on Constitutional Amendments.

By Senator Hudspeth:

S. B. No. 255, A bill to be entitled "An Act to provide for the establishment, maintenance and government of a State Normal School in El Paso County to be known as the 'Jim Hogg State Normal' and to regulate admission of students to said college; and provide for the maintenance of same, and to declare an emergency."

Read first time and referred to Committee on Education.

(Lieutenant Governor Hobby in the Chair.)

Senate Concurrent Resolution No. 10.

Resolved, By the Senate of Texas, the House of Representatives concurring, that the Superintendent of Public Buildings and Grounds be and he is hereby ordered and authorized to immediately replace in their proper places in the Senate Chamber and Hall of Representatives the beautiful and costly chandeliers recently removed without authority, the cost of replacing and rehanging the same to be paid out of the money appropriated for the contingent expenses of the Thirty-fifth Legislature when such accounts for such expenses have been audited and approved by the House and Senate Committees on Contingent Expenses.

BAILEY.

The resolution was read and Senator Bailey moved its adoption which motion prevailed by the following vote:

Yeas—14.

Alderdice.	Hall.
Bailey.	Hudspeth.
Bee.	Johnston of Harris.
Buchanan of Bell.	McNealus.
Clark.	Parr.
Dayton.	Robbins.
Floyd.	Smith.

Nays—7.

Buchanan of Scurry.	Lattimore.
Dean.	Page.
Decherd.	Strickland.
King.	

Present—Not Voting.

Johnson of Hall.

Absent.

Caldwell.

Absent—Excused.

Gibson.	McCollum.
Harley.	Suiter.
Henderson.	Westbrook,
Hopkins.	Woodward:

Senator Bailey moved to recon-

sider the vote by which S. C. R. No. 10 was adopted and table the motion to reconsider.

The motion to table prevailed.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

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

H. B. No. 13, A bill to be entitled "An Act granting to the city of Austin certain land along the river front."

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

Bills Read and Referred.

The Chair had referred, after its caption had been read, the following House bill:

H. B. No. 13, referred to the Committee on Public Buildings and Grounds.

Morning call concluded.

Bill Signed.

The Chair, Lieutenant Governor Hobby, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 9, A bill to be entitled "An Act to amend Section 116 of Chapter 96, Acts of Regular Session of the Thirty-second Legislature, providing for the granting of teachers' certificates, and declaring an emergency."

Senate Bill No. 11 Made Special Order.

On motion of Senator Dayton, Senate Bill No. 11 was set as a special order after the morning call next Wednesday, January 31, 1917.

(Senator Hudspeth in the chair.)

Senate Bill No. 108—Recommitted.

By unanimous consent and on motion of Senator Clark, S. B. No. 108 was recommitted to the Committee on Stock and Stock Raising.

Senate Bill No. 83.

The Chair laid before the Senate as pending business under a special order Senate Bill No. 83, it having been placed on second reading on yesterday.

Senator Hudspeth offered the following amendments which were read and adopted, being voted on separately:

(1) Amend Senate Bill 83, page 1, line 27, by inserting before the semicolon and after the word "purposes" the following: "and subject to the provisions of Chapter 4 of this Title."

(2) Amend Senate Bill No. 83, page 2, line 12, by striking out the words "and may also thereupon engage" and substituting the words "without being precluded from engaging."

Senator McNealus offered the following amendment which was read and adopted:

(3) Amend Senate Bill No. 83 on page 1 of the printed bill by striking out the word "may" in line thirty and substituting therefor the word "shall."

Senator McNealus offered the following amendment:

Amend Senate Bill No. 83, on page 1 of the printed bill by striking out in lines 31 and 32 the words "with the consent of a majority in amount of its stockholders and," also place a comma after the word "lines" in line 31.

McNEALUS.

The amendment was read and on motion of Senator Dayton the same was tabled.

Senator McNealus offered the following amendment which was read and adopted:

(4) Amend Senate Bill No. 83 on page 2 of the printed bill by striking out the word "may" in line four and substitute therefor the word "shall."

Senator Dean offered the following amendment which was read and adopted:

(6) Amend Senate Bill 83, page 2, line 28, by substituting a comma for the period after the last word and adding the following:

"Or as authorizing any ownership or transaction the effect of which would be to substantially lessen competition or to violate any law or laws

of this State prohibiting trusts and monopolies and conspiracies in restraint of trade or to violate any provision of the anti-trust laws of this State."

Senator Dean offered the following amendment, which was read.

(7) Amend the bill by adding after the word "corporation," line 18, page 2 of the printed bill the following: "or one pipe line corporation."

Senator Clark moved the previous question on the adoption of the amendment and the engrossment of the bill. The previous question was properly seconded and ordered.

The amendment was adopted.

Action recurred on the engrossment of the bill, and the same was passed to engrossment by the following vote:

Yeas—18.

Bailey.	Hall.
Buchanan of Bell.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Clark.	King.
Dayton.	McNealus.
Dean.	Parr.
Decherd.	Smith.
Floyd.	Strickland.

Absent.

Alderdice.

Absent—Excused.

Henderson.	Suiter.
McCollum.	Westbrook,

Pairs Recorded.

Senator Robbins (present), who would vote nay; Senator Woodward (absent), who would vote yea.

Senator Page (present), who would vote yea; Senator Hopkins (absent), who would vote nay.

Senator Lattimore (present), who would vote nay; Senator Gibson (absent), who would vote yea.

Senator Bee (present), who would vote nay; Senator Harley (absent), who would vote yea.

Senators Westbrook and McCollum are both absent, but if present would vote as follows on the engrossment and final passage of Senate Bill No. 83:

Senator Westbrook would vote nay; Senator McCollum would vote yea.

Reasons for Vote.

I am paired on this bill with the Senator from Guadalupe. If he were present I would vote "no," because I consider it a fundamental mistake for a State to permit a corporation of the character mentioned, dealing in articles which are of public necessity, to engage in the business of producing and manufacturing, as would be done by this bill.

I hold that corporations ought to be limited in the exercise of their powers; otherwise we easily reach monopoly in that which is of daily use and in effect was placed under the ground by the Creator for the use of all of His children.

I further do not believe that the stock of the independent pipe line ought to be held by the producing and manufacturing company. For this and other reasons, which I consider fundamental to the public welfare, I would, if permitted to do so, vote nay.

BEE.

Senator Lattimore's reasons for voting "no" on the engrossment and final passage of S. B. No. 83 will appear in the Journal of tomorrow.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 83 put on its third reading and final passage by the following vote:

Yeas—22.

Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Hall.	Strickland.

Absent.

Alderdice.

Absent—Excused.

Gibson.	McCollum.
Harley.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.

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

Yeas—19.

Bailey.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris
Caldwell.	King.
Clark.	McNealus.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Hall.	

Absent.

Alderdice.

Absent—Excused.

Henderson.	Westbrook.
McCollum.	Woodward.
Sulter.	

Pairs Recorded.

Senator Lattimore (present), who would vote nay; Senator Gibson (absent), who would vote yea.

Senator Page (present), who would vote yea; Senator Hopkins (absent), who would vote nay.

Reasons for Vote.

I am paired with the Senator from Guadalupe. If he were present he would vote yea and I would vote nay, and I ask that the same reasons given on engrossment be included with this vote.

BEE.

Senator Hudspeth moved to reconsider the vote by which Senate Bill No. 83 was passed and to table the motion to reconsider.

The motion to table prevailed.

Adjournment.

At 12:45 p. m., Senator Clark moved to recess until 3 o'clock today, and as a substitute Senator Bailey moved to adjourn until 10 o'clock tomorrow.

The motion to adjourn prevailed.

APPENDIX A.

Petitions and Memorials.

Numerously signed petitions to Senators Bee, Johnson and Floyd were offered, asking that they oppose the Drug Law Act.

Senator Floyd sent up a petition protesting against Senate Bill No. 16 making it unlawful for any person not licensed to conduct or manage any pharmacy, drug or chemical store.

Petition from doctors of Harris County against the Optometry Bill:

January 20, 1917.

Hon. R. M. Johnston, State Senate, Austin, Texas.

Whereas, The Medical Practice Act, now on our statute books, is one of the best laws of its kind enacted by any State, and

Whereas, This statute enacts the vital principle that no man shall be considered competent to practice upon other men, suffering from physical diseases and infirmities, until that man has satisfied the State as to his educational qualifications and of his ability to discharge the duties and responsbility of the healing art, and

Whereas, It is a fundamental principle in medical education, that no doctor is qualified to specialize on any part of the body, or in any special form of remedy, without a thorough education in the whole field of medicine, and

Whereas, The present Medical Practice Act requires the same standards of preliminary education and medical training of all classes of practitioners now applying for license to practice medicine, and

Whereas, The Attorney General has handed down an opinion that the practice of optometry is the practice of medicine, from which it is to be concluded that the pending optometry legislation is in the nature of an amendment to the present Medical Practice Act, and

Whereas, Optometrists contemplated to be licensed under the proposed optometry bill would not be required to comply with the regulations governing the education and examination of others applying for license to practice the healing art, and

Whereas, opticians are essentially grinders and makers of glasses, those who fill doctors' prescriptions for

spectacles, and who by the proposed optometry measure aim to enlarge their field and profit by dealing first hand with those suffering with eye defects, and who by use of part of the means employed by the medical profession and by the use of a part of the information possessed by the medical profession propose to establish themselves in the view of the law and the public as possessing the information requisite to be recognized as reliable specialists for safe consultation by those suffering from defects of vision and diseases of the eyes, and

Whereas, laws calculated to increase the efficiency and welfare of callings allied to the medical profession, such as the Pharmacy Act and Nursing Act, have never yet extended to members of such allied trades or professions the right to leave their own field of special information and skill and prescribe for the public and invade the field of medicine in which they have no particular skill or information, and

Whereas, It is urged that many States have passed optometry laws similar to the one now offered, and this is used as an argument for the passage of a similar law in Texas; it is unfortunately true that the lawmakers in many States of the Union have no adequate appreciation of the importance of public health. Few States have laws governing the practice of medicine equal to those of Texas, and it is to be hoped that this State will not descend to less enlightened standards, and

Whereas, Optometrists in other States, whether allowed by statute or not, are commonly known as doctors, and often receive degrees issued by optometry schools giving them the title of Doctor of Optometry, and in this way confuse the public as to their status, learning, field and standard of reliability, leading the public to believe that it has consulted oculists, when it has only consulted quickly made specialists in the optical laws of physics, and

Whereas, The large amount of money claimed to be invested in the optical business in Texas in a large measure has been expended for the equipment of legitimate trade purposes for lens grinding and spectacle manufacturing and offers no argument for the elevation of a trade to the dignity of medical practice, and

Whereas, The catalogues of optometry schools, journals devoted to optometry, the examination of optometry boards and the requirements of the proposed bill, all show that they are teaching in very abbreviated courses physiology, anatomy and pathology and requiring of their graduates and licentiates some knowledge of such subjects, it is exceedingly plain that this trade is trying to set itself up as a branch of medical practice by acquiring a superficial knowledge of what is recognized as the practice of medicine, and

Whereas, The diseases and defects of the eye are so closely associated with, affected and caused by the diseases and defects of the body and so influenced by the general health as to make it unsafe for those suffering from defects of vision to obtain opinions based on an examination of the eye alone, and

Whereas, The State could as well afford to create by short educational cuts specialists on the nose, or the throat, or the appendix, the heart or the lungs, as safely as to create specialists on diseases of the eye, and

Whereas, There is an unanimity of opinion among medical men in all countries as a result of long and careful study and training, that vision can not be accurately determined and defects therein remedied until the muscle of accommodation is first suspended by a drug and practically all concede that a drug is necessary in every case where the eyes of children are examined and all agree that in a majority of instances a drug is needed in the examination of the eyes of adults, and

Whereas, The use of drugs necessary for efficient eye examination are capable in unskilled and unwise hands, of doing irreparable injury to vision, and

Whereas, The use of medicine is not permitted in the proposed optometry bill, it goes without saying that the State should not endorse a person as capable of performing a function and at the same time withhold from him the most essential element for its successful execution, and

Whereas, concluding from the above considerations, the pending op-

tometry legislation is (1) in the nature of an amendment to the Medical Practice Act, (2) violates the educational principle upon which that Act is based, (3) opens the way for future legislation allowing entrance to medical practice of many unqualified classes of so-called specialists, such as drugless healers, magnetic healers, Christian Scientists, chiropractors, mechanico-therapists, vitopaths, somatopaths, osteo-therapists, bone-setters, chiropodists, manicurists, beauty specialists and other sects which are applying and have applied for special legislation in this and other States, and (4) as such legislation is calculated to mislead the public as to who are qualified to give competent advice and help in these diseases and disorders of the eye, and in this way fails to secure for the public the best possible advice for the conservation of vision;

Therefore, be it resolved, That we, whose names are signed below, members of the ..... Medical Society, as your constituents and men devoted to the public welfare and informed in matters of public health, petition you to use your influence and cast your votes against the proposed optometry bill and other similar measures, on the ground that such legislation is a menace to the public welfare.

J. L. Short, M. D.; B. T. Vanzant, M. D.; F. R. Lummis, M. D.; J. C. Clarke, M. D.; Ernest Wrighorn, M. D.; Frank B. King, Phg., M. D.; H. L. Drinkham, Claude C. Cody Jr.; P. H. Scardino, M. D.; M. A. Gantt, M. D.; P. H. Cromi, M. D.; A. Philo Haval, M. D.; C. B. Harwood, M. D.; A. L. Miller, M. D.; C. W. Horfluk, M. D.; John T. Moore, M. D.; T. A. Sinclair, M. D.; G. H. Spurlock, M. D.; J. D. Duckett, M. D.; S. W. Lester, M. D.; W. A. Haley, M. D.; R. H. Harrison, M. D.; C. M. Aves, L. C. Hanna, L. L. Handly, M. D.; W. Burton Thommy, M. D.; M. B. Stokes, M. D.; P. R. Dunn, M. D.; R. F. Herndon, M. D.

The foregoing petition was read and by unanimous consent and on request of Senator Johnston of Harris, was ordered printed in the Journal in full.

Special Committee Report.

Committee Room.
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee appointed to arrange a program for the holding of the meetings of committees in order to try to expedite business and harmonize the meetings of the committees above referred to, make the following report:

We have tried to select and set for action as many meetings for the several days as we could of committees composed of different men. We recommend the following program:

(1) That the Committees on Civil Jurisprudence, Counties and County Boundaries, and Public Health meet each Tuesday afternoon as soon as the Senate adjourns.

(2) That the Committees on Education, Judicial Districts, and Public Buildings and Grounds, meet each Wednesday immediately after the adjournment of the Senate.

(3) That the Committees on Criminal Jurisprudence, Roads, Bridges and Ferries, and Public Printing meet each Thursday immediately after the adjournment of the Senate.

(4) That the Committees on Internal Improvements, Agricultural Affairs, and Federal Relations meet each Friday immediately after adjournment of the Senate.

(5) That the Committees on Labor, Mining and Irrigation, Public Debt, Claims and Accounts, and State Institutions and Departments meet each Monday immediately after adjournment of the Senate.

(6) That the Committees on Constitutional Amendments, Commerce and Manufactures ,and Insurance and Banking meet each Wednesday morning at 9:15.

(7) That the Committees on Military Affairs, Public Lands and Land Office, Privileges and Elections meet each Thursday morning at 9:15.

(8) That the Committees on Towns and City Corporations, and State Penitentiaries meet each Friday morning at 9:15.

(9) That the Committees on Stock and Stock Raising and State Affairs meet each Monday morning at 9:15.

(10) That the Committees on Con-

gressional Districts and Senatorial Districts meet each Tuesday morning at 9:15.

We have not attempted to fix regular meetings for the Committees on Contingent Expenses, Finance or Rules, and recommend that these Committees and all special meetings of other Committees be called to meet either at the noon hour or at night.

We have devoted much time in trying to work out a harmonious arrangement for the Committee meetings and trust the above will meet with your approval.

Respectfully submitted,
LATTIMORE,
SMITH,
For Committee.

Committee Reports.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 248, A bill to be entitled "An Act to amend Chapter 127 of the General Laws of the Thirty-fourth Legislature, page 199, of the Acts of said Legislature, relating to the fees of district attorneys of districts composed of two counties or more, and to provide for assistant district attorneys in certain districts, and to provide for compensation for such assistants, and declaring an emergency,"

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

BAILEY, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 98, A bill to be entitled "An Act providing for salaries of Clerks of the Courts of Civil Appeals, and the payment of costs collected by said clerks into the Treasury of the State of Texas,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

Amend the bill by striking out the words "three thousand dollars" wherever they appear in the bill, and inserting in lieu thereof "twenty-five hundred dollars."

BAILEY, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 72, A bill to be entitled "An Act to amend Article 1164 of the Revised Civil Statutes of the State of Texas as amended by Chapter 102 of the Acts of the Regular Session of the Thirty-fourth Legislature, found at page 156 of the Printed Session Acts, relating to the employment or use of the stock, means, assets and other property of corporations, and declaring for what purpose the same may be used; penalizing the officers or agents or employes of such corporations or other organizations who wrongfully use the moneys, means or assets contributed thereto; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, because H. B. No. 28 on the same subject has been reported favorably.

BAILEY, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 51, A bill to be entitled "An Act to authorize a married woman, who may be appointed a notary public, to execute the bond required as such, and to bind her separate estate as principal, jointly with her husband, or without her husband under certain circumstances, and declaring an emergency,"

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

BAILEY, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 28, A bill to be entitled "An Act to amend Article 1164 of the Revised Civil Statutes of the State of Texas as amended by Chapter 102 of the Acts of the regular session of the Thirty-fourth Legislature, found at page 156 of the Printed Session Acts, relating to the employment or use of the stock, means, assets and other property of corporations, and declaring for what purpose the same may be used; penalizing the officers or agents or employes of such corporations or other organizations who wrongfully use the moneys, means or assets contributed thereto, and declaring an emergency,"

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

BAILEY, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 247, A bill to be entitled "An Act to amend Chapter 48 of the laws of the Regular Session of the Thirty-first Legislature, 1909, relative to the appointment of assistant district attorneys, prescribing the mode of appointment of district attorneys in districts containing a city of 39,000 population or more, according to the United States census of 1910, and in which there is established no Criminal District Court; prescribing the qualification of such assistant district attorney, defining his duties, and providing a method for his removal from office, fixing his salary, and declaring an emergency,"

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

BAILEY, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Towns and City Corporations to whom was referred

S. B. No. 238, a bill to be entitled "An Act to authorize cities, towns and villages, incorporated under and by virtue of any Act of the Congress of the Republic of Texas, general or special, to accept the provisions of Chapters 1 to 13,, both inclusive, of Title 22 of the Revised Statutes of the State of Texas, and amendments of 1911, 1913 and 1915 thereto, upon a two-thirds vote of the city, town or village council thereof, and to authorize and empower the city, town or village council thereof to enlarge or diminsh, alter or change and redefine the bounds and limits of such cities, towns and villages so as to make them conform to the requirements of Article 777 of the Revised Statutes, and providing that any and all property of such cities, towns and villages accepting the provisions of Chapters 1 to 13 of Title 22 of the Revised Statutes of Texas shall remain the property of such city, town or village, and may be sold by the councils of such cities, towns and villages and the proceeds of such sales appropriated to the purchase, acquisition or construction and maintenance and operation of systems of waterworks, sewer, gas and electric light and power plants and lighting systems, and for other public improvements within such cities, towns and villages as may be determined by the councils of such cities, towns and villages, and declaring an emergency."

Have had same under consideration and I am instructed to report the bill back to the Senate with the recommendation that it do pass.

JOHNSTON of Harris,
Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

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

H. B. No. 34, a bill to be entitled, "An Act constituting the several district judges of counties of a certain

population a juvenile board of such county, and prescribing the powers and duties of such board, including the appointment by it of probation officers, and providing for the payment of compensation of such officers, and allowing the said district judges an additional salary, to be paid out of the general fund of such county, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the bill back to the Senate with the recommendation that it do pass.

JOHNSTON of Harris, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Insurance and Banking, to whom was referred

S. B. No. 167, A bill to be entitled "An Act to provide whole family protection for members of fraternal benefit societies, and declaring an emergency,"

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

GIBSON, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committe on Insurance and Banking to whom was referred

S. B. No. 168, A bill to be entitled "An Act to authorize fraternal benefit societies to issue certificates to their members in which eleemosynary, religious or educational societies, associations or corporations may be named as beneficiaries, and declaring an emergency,"

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

GIBSON, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

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

H. B. No. 4, A bill to be entitled "An Act defining 'mooching,'" etc,

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

DAYTON, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

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

H. B. No. 4, A bill to be entitled "An Act defining 'mooching,'" etc,

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

PAGE.
KING.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 179, a bill to be entitled, "An Act regulating the hours of service of section men and other persons engaged upon or in the construction or maintenance of railway tracks or road beds in this State, providing penalties for violation of the terms of this Act, and declaring an emergency,"

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

JOHNSON of Hall, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Internal Improvements, to who was referred

S. B. No. 126, A bill to be entitled "An Act requiring all persons, corporations and receivers engaged in constructing, operating and maintaining railroads in this State to give notice to its employes working in its shops and roundhouses, before reducing the force of said employes,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass, but the following Committee Substitute pass in lieu thereof:

By Committee. C. S. for S. B. No. 126.

A BILL
To Be Entitled

An Act requiring all persons, corporations and receivers engaged in constructing, operating and maintaining a railroad in this State to give notice in writing to its employes working in its shops and roundhouses, before reducing the force of said employes, stating the extent of said reduction, prescribing penalty for violation of same, and declaring an emergency.

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

Section 1. Every person, corporation or receiver engaged in construction, operating or maintaining a railroad in this State, shall give fifteen days' notice in writing to employes working in its or their shops and roundhouses before the force of said employes are reduced and they are hereby required in said notice to state the extent of said reductions.

Sec. 2. Any person, corporation or receiver of such railroad violating any of the provisions of this Act shall be fined in any sum not less than $100.00 nor more than $1,000.00 for each day they violate the same.

Sec. 3. The fact that said employes have to depend upon their daily wages for a livelihood and at present the time of their employment is uncertain and that there is at present no law making such working conditions stable, creates an emergency and imperative public necessity for this Act to take effect at once and for the suspension of the constitutional rule requiring bills to be read on three several days, and it is therefore enacted that said rule be suspended and that this Act take effect and be in force from and after its passage.

JOHNSON of Hall, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 240, A bill to be entitled "An Act creating the Eighty-second Judicial District of Texas, to be composed of Falls County, and rearranging the terms of the Fifty-fourth Judicial District," etc.,

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

BUCHANAN of Scurry,
Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

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

S. B. No. 227, A bill to be entitled "An Act to amend Section 1, Chapter 147, Acts of the Thirty-third Legislature, entitled: 'An Act authorizing cities having more than five thousand inhabitants, by a majority vote of the qualified voters of said city, at an election held for that purpose, to adopt and amend their charters, subject to such limitations as may be perscribed by the Legislature; and enumerating certain powers and providing that the same shall not be exclusive of other powers granted under the Constitution and laws of this State; and providing the method by which said election may be held; and amending Article 812 of the Penal Code; and declaring an emergency,' and providing that said Section 1 of said Act shall be amended so as to provide that cities and towns may at any time amend their charters for the purpose of levying, assessing and collecting taxes for the purpose of maintaining and carrying on their public free schools and declaring an emergency,"

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

BEE, Vice-Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a majority of your Com-

mittee on Public Health, to whom was referred

S. B. No. 112, a bill to be entitled "An Act to create a State Board of Chiropractic Examiners, to regulate the practice of chiropractic in the State of Texas, defining chiropractic, providing for licensing of chiropractors, and to prescribe penalties for the violation of this Act,"

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

McNEALUS, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: A minority of your Committee on Public Health, to whom was referred

S. B. No. 112, A bill to be entitled "An Act to create a State Board of Chiropractic Examiners, to regulate the practice of chiropractic in the State of Texas, defining chiropractic, providing for licensing chiropractors, and to prescribe penalties for the violation of this Act,"

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

McNEALUS.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

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

S. B. No. 4, a bill to be entitled "An Act to amend Chapter 1, Title 106, of the Revised Civil Statutes of 1911, by adding thereto Article 6293a, permitting legally registered practitioners of medicine, being owners and proprietors of drug stores and pharmacies, to compound prescriptions and dispense medicines,"

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

McNEALUS, Chairman.

Committee Rooms,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a majority of your Committee on Stock and Stockraising, to whom was referred

S. B. No. 190, A bill to be entitled "An Act to provide a systematic method of eliminating and canceling obsolete or abandoned marks and brands now of record in the various counties of the State, and providing for a systematic method of recording and indexing marks and brands of owners of cattle, hogs, sheep and goats, prescribing the time in which owners of marks and brands now of record shall have in which to have such marks and brands re-entered of record, in accordance with this Act, fixing the fees of the county clerks of the counties of this State for recording and indexing such marks and brands, and providing all marks and brands so recorded shall be prima facie evidence of ownership, and repealing Articles 7157, 7158, 7159 and 7160, Chapter 2, Title 124, Revised Civil Statutes of the State of Texas, 1911, and repealing all laws in conflict with this Act, and declaring an emergency,"

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

CLARK, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 246, A bill to be entitled "An Act conveying to the United States of America all right, title and interest which the State of Texas may have or hold in and to the following described tract of land, situated in the City of Galveston, and County of Galveston, State of Texas, known and described on the maps and plans of said city now in common use as being the tract of land located on the dyke in Galveston Bay, described as follows: Commencing at a point on the U. S. Dyke bulkhead, same being the S. W. corner of a piece of ground leased to J. P. McDonough by the City of Galveston, Texas; thence S. 76 degrees 54 1-2 minutes W. 82.8 feet to place of beginning, same being approximately on center line of Twenty-fifth Street produced; thence N. 28 degrees .08 1-2 minutes W. 500 feet; thence N. 76 degrees 54 1-2

minutes E. 310.6 feet parallel to said bulkhead; thence S. 28 degrees .08 1-2 minutes E. parallel to and 80 feet W. of W. line of said J. P. McDonough's lease 500 feet to place of beginning; containing 3.44 acres; for the purpose of enabling the United States Government to build thereon a lighthouse depot, and declaring an emergency,"

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

PARR, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 243, A bill to be entitled "An Act to validate all sales of public free school lands which were purchased from the State and fully paid for and for which patents were signed by Governor J. S. Hogg on the 22nd and on the 23d days of October, 1894, and on the 30th day of November, 1894, and declaring an emergency,"

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

PARR, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. W. P. Hobby, President of the Senate.

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

S. B. No. 55, A bill to be entitled "An Act to regulate the practice of dentistry, or dental surgery in the State of Texas, and repealing all laws and parts of laws in conflict with this Act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the following Committee Substitute pass in lieu thereof:

By Committee. C. S. for S. B. No. 55.

A BILL
To Be Entitled

An Act to regulate the practice of dentistry, or dental surgery, in the State of Texas, providing for the examination and registration of persons desiring to practice dentistry, prescribing the qualifications of the Board of Examiners, prescribing fees that may be charged for registration, making it unlawful for any person not licensed under the provisions of the Act to practice dentistry, defining a reputable Dental College or School, providing for registration of persons who have been engaged in the practice of dentistry in other States, for the revocation of license granted by the Board of Examiners upon satisfactory evidence of misconduct on the part of the licensee, for the exhibition of his or her license by persons engaged in the practice of dentistry, prohibiting any person from advertising or soliciting business under any other than his or her legal name, prescribing fees to be charged by the Board of Examiners for examination fees, penalties for the violation of any of the provisions of this Act, and repealing all laws, or parts of laws, in conflict with this Act.

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

Section 1. It shall be unlawful for any person to practice or offer, or attempt to practice, dentistry or dental surgery in the State of Texas, without first having obtained a license from the State Board of Dental Examiners, as provided for in this Act; provided that physicians and surgeons may, in the regular practice of their profession, extract teeth, or make application for the relief of pain; and provided further that nothing in this Act shall apply to any person legally engaged in the practice of dentistry, in the State of Texas, at the time of the passage of this Act, except as hereinafter provided.

Sec. 2. It shall be unlawful for any person or persons to extract teeth, or perform any other operation pertaining to dentistry or dental surgery, for pay, or for the purpose of advertising, exhibiting, or selling any medicine or instrument, or conducting any business of any kind or description whatsoever, unless such person, or persons, shall first have complied with the provisions of this Act.

Sec. 3. A Board of Examiners,

consisting of six practicing dentists of acknowledged ability as such, is hereby created, who shall have authority to examine all persons making application for license to practice dentistry in Texas, and to issue license to any person to practice dentistry or dental surgery in the State of Texas; provided such applicant shall be not less than twenty-one years of age, and shall have complied with all the requirements of this Act, and shall have passed a satisfactory examination before such a Board.

Sec. 4. The members of the said Board shall be appointed by the Governor of the State of Texas, and shall serve two years, except that the members of the Board first appointed shall be made as follows:

Three for one year, and three for two years respectively, after which each member shall be appointed for two years; and until their successors are duly appointed. In case of a vacancy occuring in said Board by resignation, removal from the State, or by death, or otherwise, such vacancy may be filled for its unexpired term by the Governor; provided, however, that no person shall be eligible to appointment on the Board unless he has been actively engaged in the legal practice of dentistry in the State of Texas for a period of not less than three years next preceding his appointment, except that this provision shall not apply to members of the Board in office at the time of the passage of this Act.

Sec. 5. Before entering upon the duties of his office, each and every member of this Board shall make oath before any officer authorized to administer oaths, and who shall be empowered to use a seal of office. that he will faithfully and impartially discharge the duties incumbent upon him, to the best of his ability; said oath of office shall be filed with the county clerk of the county in which affiant resides, and the clerk of said county shall duly record the same on the records of his office, and shall receive a fee of 50 cents for said service.

Sec. 6. Said Board shall keep a record, in which shall be registered the name and residence, or place of business of all persons authorized under this Act to practice dentistry or dental surgery in this State. It shall elect one of its members president and one secretary, and it shall meet at least twice in each year, and as much oftener, and at such times and places as may be necessary, and shall remain in session at the place of meeting until all the business of such meeting has been finished and the applicants notified of the result of their examination. A majority of the members of said Board shall constitute a quorum, and the proceedings thereof shall be open to the public.

Sec. 7. Any person desiring to commerce the practice of dentistry or dental surgery, within the State of Texas, after the passage of this Act, shall, before commencing such practice, make application to said Board, and upon payment of $25.00, which shall not be returned to said applicant, and upon presentation of satisfactory evidence of his or her good moral character, and upon presentation of a diploma from a reputable Dental College, and upon undergoing a satisfactory examination before said Board, on all the subjects pertaining to dentistry, or upon such subjects as the Board may, in its judgment, deem necessary, and having complied with all other requirements of this Act, shall be granted a license to practice dentistry, or dental surgery, in the State of Texas; provided that any person upon presentation of satisfactory evidence before the Board that he or she has been regularly engaged in the legal practice of dentistry in any other State of the United States for a period of three years next preceding said application, and upon complying with other requirements of this Act, shall be entitled to an examination without the presentation of a diploma.

And provided further that such college shall be considered reputable, within the meaning of this Act, whose entrance requirements and courses of instruction are as high as those adopted by the better class of Dental Colleges of the United States.

Sec. 8. Any person who has been authorized to practice dentistry or dental surgery, in this State, previous to the passage of this Act, and who desires to obtain a license of authority from the Board created under this Act, may, upon presentation of his license under previous Act, and an affidavit that he is the same person to whom said previous license was granted, shall be granted a license

under this Act, for which the Board shall receive a fee of $1.00, provided that no license shall be granted except upon cancellation and surrender of the old license. Provided, however, that no person shall be required to surrender his old license for a new one, except he so desires. Provided, also, that if any license issued under any previous Act in Texas shall be lost or destroyed, the holder of said license may present his application to the Board for a duplicate license, together with his affidavit that the old license has been so lost or destroyed, and upon further affidavit that he is the same person to whom said license was issued, shall be granted a license under this Act. Provided, that if the records of said Board fail to show that such party has ever been granted a license, the Board may have the power to exercise their discretion in granting such duplicate license, and for each duplicate license granted, the Board shall receive a fee of $1.00.

Sec. 9. Every person to whom a license is issued by the board of examiners, before beginning the practice of dentistry in this State, shall present the same to the county clerk of the county in which he or she resides or expects to practice, who shall officially record said license in a book provided for that purpose, and said clerk shall receive a fee of 50 cents for each license so recorded.

Sec. 10. It shall be the duty of any member of the board of examiners, under this act, when it shall be made to appear to said member by satisfactory evidence from creditable witnesses that any person who has been granted a license to practice dentistry or dental surgery in this State, has been convicted of a felony, or has been guilty of any fraudulent or dishonorable conduct or malpractice, or any deception or misrepresentation of facts, for the purpose of soliciting or obtaining business, to report the same to the county or district attorney of said county, whose duty it shall be to file a complaint in the district court of said county requiring the person so accused to appear before said court at a regular term of said court, and upon the trial of said cause, if the defendant is found guilty of said charge, it shall be the duty of said district court to revoke the license of said defendant, provided no one shall be required to stand trial unless a copy of said charges shall have been furnished him or her at least ten days before said trial; and provided further that he shall be cited to appear under the same rules as govern other civil cases in said court. And if any person whose license has been revoked under this section shall practice, or attempt to practice, dentistry or dental surgery, after such a license has been revoked, he or she shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Sec. 11. Any person authorized to practice dentistry or dental surgery in this State, either under this Act or previous Act of any Legislature of Texas, shall place his or her license on exhibition in his or her office where said license shall be in plain view of patients, and any person who shall do any operation in the mouth of a patient, or treat any lesions of the mouth or teeth, without having said license exhibited in his or her office in plain view, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars, and each day so engaged shall constitute a separate offense; provided, that nothing in this Act shall apply to students of a reputable college, who perform their operations, without remuneration except for actual cost of materials, in the presence of and under the direct personal supervision of a demonstrator or teacher who has complied with the provisions of this Act or has been legally authorized to practice dentistry in Texas under some other act of the Legislature of Texas. Provided, further, that nothing in this act shall apply to persons doing laboratory work on inert matter only.

Sec. 12. Any person who has been granted a license to practice dentistry, or dental surgery, in this State, who shall advertise or solicit under any now-de-plume, or corporation name, or any other than his or her proper and legal name, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than $25, nor more than $100, and each day

so engaged shall constitute a separate offense.

Sec. 13. Each member of the board of examiners shall receive for his services $5.00 per day for each day actually engaged in the duties of his office, together with all legitimate expenses incurred in the performance of such duties. Provided, that all expenses of said board shall be paid from money received by the board from applicants, as provided for in this Act, and no money shall ever be paid to any member of the board from the funds in the State treasury. Provided, further, that any excess money remaining in the hands of the board, after all expenses in the performance of their duty have been paid, shall be kept in the hands of the secretary for the proper enforcement of this Act, and for other legitimate expenses of the board, the secretary being required to give bond, payable to the board, in such sum as the board may require, for the faithful performance of his duty in the safe keeping of and proper delivery of said money.

Sec. 14. Any person who shall violate this Act, or any section or any part of this Act, by practicing dentistry or dental surgery within this State without first complying with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than $25.00 nor more than $100.00, or by confinement in the county jail of the county in which said conviction has been had, for any period not to exceed six months, or both fine and imprisonment, for each and every offense; and it shall be the duty of the county attorney of any county in which this act, or any of its provisions, may be violated, to cause complaint to be filed against such person so offending, and to prosecute the same.

Sec. 15. All fines collected under the provisions of this act shall be turned into the common school fund of the county in which said fine is collected, and no part of such fine shall ever be collected or used by the board of examiners.

Sec. 16. Should any section, or any part of this Act, be declared unconstitutional, it shall not affect any other part of this act.

Sec. 17. That all laws and parts of laws, in conflict herewith be and the same are hereby repealed.

Sec. 18. The fact that there is now no adequate law regulating the practice of dentistry in this State, and the crowded condition of the calendar, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and this bill placed upon its third reading and final passage, and take effect from and after its passage, and it is so enacted.

McNEALUS, Chairman.

Enrolling Committee Reports.

Committee Room.
Austin, Texas, January 29, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 146, and find it correctly enrolled, and have this day at 2:45 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,
Austin, Texas, January 29, 1917.

Hon. W. P. Hobby, 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 2:45 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,
Austin, Texas, January 29, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 40 and find it correctly enrolled, and have this day at 2:45 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,
Austin, Texas, January 29, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled

Bills have carefully examined and compared S. B. No. 140, and find it correctly enrolled, and have this day at 2:45 o'clock p. m., presented same to the Governor for his approval.

SMITH, Chairman.

APPENDIX B.

The following, which was not introduced as a bill, was, by unanimous consent and on request of Senator Hudspeth, ordered printed in the Journal:

A BILL
to be entitled

An Act supplementing the Act creating a Live Stock Sanitary Commission for the State of Texas as defined and described in Article 7312, Revised Civil Statutes, and providing for the further protection of the live stock industry of Texas against all malignant, contagious and infectious or communicable diseases; prescribing the duties of the Live Stock Sanitary Commission; authorizing it to formulate rules and regulations for moving and treating domestic animals within the State; for the protection of the live stock industry of Texas against ticks or splentic fever and other malignant, infectious and communicable diseases and especially the eradication of the Texas fever-carrying tick, commonly known as the cattle tick (Maragaropies Annulatus), scabies of sheep, and other malignant, infectious and communicable diseases affecting sheep and other live stock; authorizing said Commission to prescribe quarantine lines and to establish quarantine, special quarantine districts, and for the quarantine of premises within said districts; and providing that it shall be the duty of the commissioners court of any county to co-operate with the said Live Stock Sanitary Commission; to employ cattle, sheep or live stock inspectors, and to build or lease suitable dipping vats for the dipping or treatment of domestic animals; providing process to compel compliance by commissioners courts and the members thereof with the provisions of this Act; providing for the quarantine, appraisement and condemnation of horses, mules or asses found infected with the glanders or anthrax; for holding local option elections; for taking up and prosecuting the work of tick eradication within any county or counties in this State; for the proclamation of a quarantine around said county or counties by the Governor of Texas, and the compulsory quarantine of said county or counties after January 1, 1919; for the separate quarantine of every individual premise within said county or counties; for the appointment of live stock inspectors by commissioners courts; for the employment of county inspectors in any county wherein sheep are quarantined on account of scabies; for the publication or service of all quarantines issued by the Live Stock Sanitary Commission, and providing that the same shall be admissible as evidence; for the filing of quarantine notices and making is a misdemeanor to fail or refuse to dip or treat domestic animals when ordered to do so by the Live Stock Sanitary Commission or inspector thereof, or to move domestic animals out of quarantine territory without written permit, or to fail or refuse to permit the inspection of domestic animals, and prescribing penalties therefor; this Act to be cumulative of the Act creating a Live Stock Sanitary Commission as provided for in Article 7312, Revised Civil Statutes, repealing all laws in conflict herewith, and declaring an emergency.

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

Section 1. It shall be the duty of the Commission provided for in Article 7312, Revised Civil Statutes, to protect the domestic animals of the State from all malignant, contagious or infectious diseases of a communicable character, whether said diseases exist in Texas or elsewhere; and for this purpose it is hereby authorized and empowered to establish, maintain and enforce such protective measures and quarantine lines and sanitary rules and regulations as it may deem necessary, when it shall determine upon proper inspection that such diseases exist. It shall also be the duty of said Commission to co-operate with the Live Stock Sanitary Commission and officers of other states, and with the United States Secretary of Agriculture, in establishing such interstate quarantine lines, rules and regulations as shall best protect the live stock industry of this State against the fever-carrying tick (Maragaro-

pics Annulatus), which produces the splenetic fever, and other malignant, contagious, infectious or communicable diseases of live stock. It shall be the duty of said Live Stock Sanitary Commission to quarantine any district, county or part of a county, or premise within this State, when it shall determine upon proper inspection the fact that cattle, sheep, or other live stock in such district, county, part of county or premises, are affected with any malignant, contagious, infectious or communicable disease, or with the agency of transmitting of such diseases, and to give written or printed notice of such quarantines to the proper officers of railroads and express companies doing business in or through such quarantined district, county, or part of county, within this State, and to publish notice of the establishment of such quarantine in such newspapers in the quarantine district, county, or part of county, as the Live Stock Sanitary Commission may select, or give notice in such other ways as it deems necessary and adequate for the purposes of establishing and maintaining a quarantine service. And no railroad or express company shall receive for transportation, or transport from any quarantined district, county or part of county in this State into any other district, county, or part of county, within this State, any cattle, sheep, or other live stock except as hereinafter provided; nor shall any person, company or corporation deliver for transportation to any railroad or express company, any cattle, sheep or other live stock for or from a quarantined area except as hereinafter provided; nor shall any person, company or corporation drive on foot or cause to be driven on foot or transport in private conveyance, or cause to be transported in private conveyance, or drive or permit to drift from a quarantine district, county, or part of county, or premises, of this State any cattle, sheep or other live stock except as hereinafter provided. It shall be the duty of the Live Stock Sanitary Commission of Texas to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, treatment, handling and method and manner of delivery and shipment of cattle and other live stock from or into a quarantine district, county, or part of a county, or premises into any other district, county, or part of a county, or premises in this State. And said Commission shall make and promulgate rules and regulations which shall permit and govern the movement and shipment of cattle and other live stock from or into a quarantine district, county or part of county, or premises, into any other district, county, or part of county or premises in this State where such cattle or other live stock are to be immediately slaughtered, and furnish prompt inspection when demanded by the owner or person in charge of such cattle or other live stock so intended to be moved or shipped for immediate slaughter, and it is hereby so authorized and directed; and the Live Stock Sanitary Commission of Texas shall give notice of such rules and regulations by proclamation issued by the Governor of Texas. The said Live Stock Sanitary Commission of Texas is hereby empowered with the authority to employ a State veterinarian, and assist out-State veterinarians in times of emergency, and inspectors or other persons, as it may deem necessary to the performance of the duties imposed upon said Commission. The Live Stock Sanitary Commission, the State veterinarian, assistant State veterinarians and inspectors acting under authority or direction of the Commission, are hereby empowered, and it is made their duty at their discretion, to enter upon premises of any person or persons, company or corporation, within the State, for the purpose of inspecting, quarantining or disinfecting premises or live stock thereon.

Sec. 2. It is further provided that the Live Stock Sanitary Commission shall have the power, and it is hereby made its duty, as far as possible, to destroy and eradicate the fever-carrying tick which produces splenetic fever; also to eradicate and eliminate the scabies, sheep scab, anthrax, bovine tuberculosis, hog cholera, glanders and other malignant, infectious, contagious or communicable diseases of live stock. For this purpose it is empowered and directed to establish special quarantine districts, where such diseases, or the infection of such diseases, are known to exist, and notice of the establishment of such special quarantine districts shall

be given as provided for in Article 7314, Revised Civil Statutes, and in Section 1 of this Act. The Live Stock Sanitary Commission shall have power to quarantine premises or pastures located in such special quarantined districts, and the domestic live stock thereon situated in such quarantine districts, or elsewhere, where to their knowledge, such pastures or premises, or the live stock located thereon, are infected with, or which have been exposed to a malignant, contagious, infectious or communicable disease, or the infection thereof; and no live stock shall be moved to or from such special quarantine district, nor from nor to any pastures or premises located in such special quarantine district, in a manner, method, or other condition other than those prescribed by the Live Stock Sanitary Commission. It shall be the duty of the Live Stock Sanitary Commission to prescribe methods for dipping live stock, or otherwise treating or disinfecting such premises and the live stock thereon, as in their opinion are necessary and adequate for the eradication of the disease, or the infection of the disease, for which they are quarantined.

Sec. 3. It shall be the duty of the county commissioners courts to co-operate with and assist the Live Stock Sanitary Commission in protecting the live stock of their respective counties from all malignant, contagious, infectious or communicable diseases, whether such diseases exist within or outside of the county, and otherwise protect the live stock interests of their counties. It shall be the duty of said commissioners courts to co-operate with the Live Stock Sanitary Commission and the officers working under the authority or direction of said commission, in the suppression and eradication of fever-carrying ticks and all malignant, contagious, infectious or communicable diseases of live stock; provided, when it becomes necessary to disinfect any premises infected with anthrax, hog cholera, glanders, foot and mouth diseases, bovine tuberculosis or contagious abortion, under order of the Live Stock Sanitary Commission, the county judge of the county wherein such premises are located shall have such disinfecting done at the expense of the county, and according to the rules and regulations of the Live Stock Sanitary Commission, and the said commissioners courts are hereby authorized and empowered and directed to appropriate moneys out of the general fund of their counties for the purpose of constructing or leasing necessary public dipping vats within their counties and for the purchase of dipping material therefor.

Sec. 4. It shall be the duty of the Live Stock Sanitary Commission, whenever they have reason to believe or shall receive notice that any contagious, infectious or communicable disease or the infection thereof exists among any domestic animals in this State, to immediately investigate, and if such disease is found to exist, or if they have reason to believe such disease exists, to immediately quarantine such animals and the premises upon which they are located. Provided, further, that if glanders or anthrax is found, the State veterinarian, or assistant State veterinarians, shall make a thorough investigation and shall notify the county judge of the county wherein such animals are located, of the number and description of the animals so affected.

Sec. 5. It shall be the duty of the county judge of any county in this State whenever any horses, mules or asses within their counties are found infected with glanders or anthrax and have been quarantined by order of the Live Stock Sanitary Commission, to appoint three disinterested parties, who shall act as appraisers and fix the value of said animals at their actual value at the time of such appraisement, and make a sworn written report of said appraisement to the county judge, whereupon the commissioners court shall pass upon such written report and pay to the owner of the animals their appraised value. The county judge, on receipt of the report of the appraisers, as provided for in this section, shall issue an order to the sheriff, deputy sheriff, or any constable of the said county, commanding him to seize said diseased animal or animals and take same to some secluded place and kill them and burn the carcass or carcasses, and said appraisers and officers shall be paid for their services as provided in Article 7319, Revised Civil Statutes.

Sec. 6. It shall be the duty of any person, firm or corporation of this State, to burn to ashes, or bury, and cover with quick lime, the carcass or carcasses of any domestic animal or animals, dying from any infectious, contagious, or communicable disease, that may be found upon their premises, within twenty-four hours after the death of such animal or animals. Any person who is the owner or care taker of any premises, who shall fail or refuse to burn to ashes, or bury and cover with quick lime, the carcass or carcasses of any domestic animal or animals dying from infectious, contagious or communicable diseases found on such premises within twenty-four hours after the death of such animal or animals, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten dollars nor more than two hundred dollars, and each domestic animal which any person shall so fail or refuse to so burn or bury as aforesaid, shall be deemed a separate offense.

Sec. 7. It shall be the duty of the commissioners court of any county within the State of Texas, whenever they deem it expedient, or when petitioned to do so by seventy-five resident land owners of the county, to order an election in said county for the purpose of determining whether the county shall take up and prosecute the work of tick eradication in said county. Said election to be ordered not less than sixty days after the filing of the petition. At said election the ballots shall have printed upon them, "For Tick Eradication, in ———— County," and "Against Tick Eradication in ———— County." The officers of said election shall hold said election and make returns thereof as provided by law in case of other elections as nearly as may be. Said returns shall be made returnable to the county judge of the county. The commissioners' court shall meet and canvass said returns as soon as practicable after such election, and if they shall find that a majority of all the votes cast were in favor of tick eradication under the direction of Live Stock Commission, they shall so certify and cause publication of same to be made in a newspaper published in said county, which publication shall be certified to by the county judge of said county, and said certificate shall be filed with the county clerk of said county, which said certificate shall be admissible as evidence in any of the courts of this State. The county judge shall immediately so notify the Live Stock Sanitary Commission and, upon receipt of such notice from the county judge of the county so holding the election, the Live Stock Sanitary Commission shall cause to be issued a supplemental proclamation signed by the Governor of Texas, proclaiming a quarantine around said county, and the citizens of said county, in cooperation with and under the direction of the Live Stock Sanitary Commission, shall begin work of tick eradication within thirty days of the issuance of the said supplemental proclamation. Should the commissioners' court find that a majority of the votes cast were against tick eradication, then the county judge shall so notify the Live Stock Sanitary Commission. Provided further, that immediately after January 1, 1919, the Live Stock Sanitary Commission shall make and certify to the Governor of Texas, a list of the names of the counties of this State that have not been freed from ticks and released from quarantine by the Live Stock Sanitary Commission, whereupon the Governor shall issue his proclamation, proclaiming a quarantine in and around such counties, and thereafter all of such counties shall take up the work of tick eradication and shall be subject to all of the provisions of this Act, whether or not they shall have held an election as provided in Clause 6 of this Act. Provided, further, that certified copies of any proclamation by the Governor of Texas, issued under the authority of this Act, shall be admissible as evidence in the trial of any cases arising in prosecution or other suits under this Act.

Sec. 8. Upon the issuance of the supplemental proclamation as provided in Section 7, every premise in said quarantined county, part of county, or district, shall at once become quarantined, and no cattle, horses, mules or asses shall be moved from any premise where located when the quarantine is proclaimed by the Governor, except in accordance with the rules and regulations of the Live

Stock Sanitary Commission, or upon a written permit of an authorized inspector of the Live Stock Sanitary Commission of Texas, provided said Commission shall make and promulgate such rules and regulations as will permit the movement of work and saddle stock in any such quarantined county, part of county or district.

Sec. 9. Any person, firm or corporation, who is the owner or caretaker of any cattle, horses, mules or asses located in any quarantined territory who shall ship, drive, drift or permit the same to be shipped, driven or drifted into any county, part of county, or district, which has been quarantined under the provisions of Sections 7 and 8 of this Act, without the written permit of an inspector of the Live Stock Sanitary Commission of Texas, or the United States Bureau of Animal Industry, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one ($1) dollar, nor more than five ($5) dollars per head for all live stock so shipped, driven, or drifted, or permitted to be shipped, driven, or drifted.

Sec. 10. The commissioners court of any county within this State wherein an election has been held under the provisions of Section 7, which said election has resulted in favor of tick eradication, shall notify the Live Stock Sanitary Commission of Texas of the number of inspectors needed to conduct the work of tick eradication in their respective county, whereupon the Live Stock Sanitary Commission shall be residents of the said county and shall work under the direction and order of the Live Stock Sanitary Commission, and shall be subject to discharge by the said Commission, and shall be paid a salary out of the county treasury of that county, which compensation shall be fixed by the commissioners court.

Sec. 11. Wherever any district, county or part of county shall be quarantined by order of the Live Stock Sanitary Commission on account of scabies or scab in sheep, every individual premise within such quarantine area shall be quarantined separately, and no sheep shall be shipped, driven, drifted, or permitted to be shipped, driven or drifted off any premises where located when such quarantine is declared, without a writen permit from an authorized inspector of the Live Stock Sanitary Commission of Texas.

Sec. 12. The commissioners court of any county within the State of Texas, any part of which has been quarantined on account of scabies or scab in sheep, shall notify the Live Stock Sanitary Commission of Texas of the number of inspectors needed to conduct the work of sheep scab eradication in their respective county, whereupon the Live Stock Sanitary Commission shall appoint the number of inspectors designated, which said inspectors shall be residents of the said county and shall work under the direction and orders of the Live Stock Sanitary Commission, and shall be subject to discharge by the said Commission, and shall be paid a salary out of the county treasury, which compensation shall be fixed by the commissioners court.

Sec. 13. Any person, company or corporation owning, controlling or caring for any domestic animal or animals, which were located in any territory quarantined through the provisions of this Act or by the order of the Live Stock Sanitary Commission of Texas, who shall fail or refuse to dip or otherwise treat such live stock at such time and in such manner as directed in writing by the Live Stock Sanitary Commission, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five cents nor more than one dollar per head of live stock, and each day of such failure or refusal shall be a separate offense.

Sec. 14. Any person, company or corporation owning, controlling or caring for any domestic animal or animals which have theretofore been quarantined through the provisions of this Act, or by order of the Live Stock Sanitary Commission of Texas, and written notice of such quarantine has been given as directed by this Act, who shall remove said domestic animal or animals from said premises where situated when said written notice is given, without the written permit of an inspector of the Live Stock Sanitary Commission, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less

than one dollar ($1.00) nor more than five dollars ($5.00) for each animal so moved.

Sec. 15. Whenever the Live Stock Sanitary Commission shall have determined the fact that cattle, sheep or other live stock are infected with any malignant, contagious or infectious disease, they shall designate the district, county, part of county or premises necessary to be quarantined, and notice of such quarantine shall be issued by the said commission or chairman thereof, as herein provided. Publication of such quarantine notice shall be made in any newspaper within such area, then in the nearest newspaper thereto, and if there is no newspaper published within twenty-five miles of the quarantined area, then a written notice sent to the person, firm or corporation owning or caring for such quarantined domestic animal or animals shall be deemed sufficient notice of said quarantine.

Sec. 16. Whenever any quarantine is declared by the Live Stock Sanitary Commission, and printed or written notice thereof is given to the persons, firm or corporation owning, caring for or in charge of such quarantined domestic animal or animals or premises, the person serving such written notice shall file a duplicate copy of such notice with the county clerk of the county wherein said quarantine is declared, which duplicate copy shall be admissible as evidence in lieu of the original quarantine notice in any of the courts of this State.

Sec. 17. Any person, firm or corporation guilty of violating any of the provisions of this Act, or the rules and regulations of the Live Stock Sanitary Commission of Texas, or failing or refusing to comply with the requirements thereof, shall be liable to any person, firm or corporation injured on account of such violation to the full amount of damages and all costs.

Sec. 18. If any person, firm or corporation owning, controlling or caring for any domestic animal or animals within this State shall ship, drive, drift or permit to be shipped, driven or drifted, any such domestic animal or animals, out of any quarantined territory or into any territory quarantined under the authority of Section 7 of this Act, the Live Stock Sanitary Commission shall have the power to call upon the sheriff, deputy sheriff or any constable of the county in which such live stock may be found, and it shall be the duty of said sheriff, deputy sheriff or constable to seize said domestic animal or animals and return them to the premises from which they have been so moved, or to hold said domestic animal or animals in his custody, subject to such instructions as he may receive from the Live Stock Sanitary Commission of Texas. If any person, firm or corporation owning, controlling or caring for any domestic animal or animals located in any territory quarantined by the provisions of this Act, or by order of the Live Stock Sanitary Commission of Texas, shall fail or refuse to dip or treat such domestic animal or animals in such manner, and at such times as directed by the Live Stock Sanitary Commission, then the Live Stock Sanitary Commission, or the chairman thereof, or any inspector acting under authority of said commission or chairman thereof, shall have the power to call upon the sheriff, deputy sheriff or any constable of the county in which such live stock are found, and it shall be the duty of said sheriff, deputy sheriff or constable, together with the said inspector, to seize and dip or otherwise treat such domestic animal or animals in a manner and at such times as the Sanitary Commissioner shall direct. The sheriff, deputy sheriff or constable performing such service as above set out shall receive such compensation as is provided in Article 7319, Revised Civil Statutes, and similar compensation shall be paid for any person he may have to assist him in performing such services, and the said fees, with all costs of dipping and treating the said live stock, shall constitute a lien against such animal or animals, and shall be collectible by civil suit.

Sec. 19. The commissioners' court, by a majority vote of the commissioners in each organized county, may appoint a competent person for the office of county veterinarian, who shall hold office for two years and until his successor shall be appointed and qualified, unless sooner removed for cause. Said veterinarian shall take and subscribe to the constitutional

oath of office, and shall file a copy of such oath of office and a copy of his appointment with the Live Stock Sanitary Commission; and until such copies are so filed, said officer shall not be deemed legally qualified. Compensation of said veterinarian shall be fixed by the commissioners' court; provided, that no compensation or salary shall be allowed except for services actually rendered; said officer shall be a graduate veterinarian, and shall work under the direction of the Live Stock Sanitary Commission, and shall investigate and report all malignant, infectious or contagious diseases of live stock within his county to the Live Stock Sanitary Commission, and shall burn to ashes the carcass or carcasses of any domestic animal or animals found dead upon any property of the county, where the ownership of such animal or animals is unknown.

Sec. 20. The dip to be used in the treatment of sheep scab under official supervision in this State is the lime and sulphur dip, made in the proportion of eight (8) pounds of unslaked lime or eleven (11) pounds of commercial hydrated lime (not air-slaked lime), and twenty-four (24) pounds of flowers of sulphur to one hundred (100) gallons of water. The dipping bath must at all times be maintained at a strength of not less than one and one-half (1½) per cent of sulphid sulphur, or any other dip officially approved by both Live Stock Sanitary Commission of Texas and the United States Bureau of Animal Industry. The dip to be used in the treatment of cattle for ticks shall be the arsenical dip approved by the United States Bureau of Animal Industry or any other dip officially approved by both the said bureau and the Live Stock Sanitary Commission of Texas.

Sec. 21. Any person owning, controlling or in charge of any domestic animal or animals which shall be required to be dipped under any of the provisions of this Act, who shall wilfully fail or refuse to dip in the official dips as above specified, or shall wilfully fail or refuse to maintain said dip at the strength officially specified, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than ten ($10) dollars nor more than two hundred ($200) dollars.

Sec. 22. This Act shall be liberally construed and if any section thereof be declared invalid, the remaining parts of the law shall not be affected thereby, and it is the intent of the Legislature to preserve all, any, and every portion of said Act, if possible.

Sec. 23. This Act does not repeal any law in force for the protection of domestic animals, but is cumulative thereto.

Sec. 24. Chapter 169 of the General Laws of 1913, as passed by the Thirty-third Legislature at its Regular Session, Articles 1266, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277 and 1278, of the Revised Criminal Statutes of 1911, are hereby expressly repealed, and all other laws and parts of laws in conflict herewith are hereby repealed.

Sec. 25. The fact that there is now no adequate law in this State defining the duties of the Live Stock Sanitary Commission, or regulating live stock sanitary control work in Texas, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force as set out in its provisions from and after its passage, and it is so enacted.

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, January 31, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

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

Alderdice.	Hall.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Smith.
Floyd.	Strickland.