3rd. Extension work in any special line should be carried on by an institution that is carrying on the same type of work with its resident students. This is in part because there is a saving of money in this plan, but mainly because better standards for the extension service will be maintained and a higher class of extension personnel can be retained where the extension workers are constantly in touch with the leaders in that line who are teaching both elementary and advanced phases of the subject. The tendency of all extension teachers is to degenerate when they do not have the spur of association with, and criticism from, regular teachers of the subjects involved, because they usually teach only the most elementary phases of their subject to people who know practically nothing at all about it, and hence are not often stimulated by intelligent criticism from their classes or colleagues. To place any line of extension work in a political department is the most wasteful and inefficient plan possible, the next poorest plan is to put it in an institution that is not regularly teaching this type of work. Extension education should be what its name implies, an actual extension beyond the campus of the types of work done on the campus.

4th. When extension work along any line is already being done effectively by an institution having resident work along the same line, the State should develop the work done in this institution rather than multiply and scatter such agencies, unless some very exceptional situation exists demanding additional agencies. Co-ordination of effort is made more difficult, expense is increased and institutional jealousies stimulated when the same type of extension work is carried on from several institutions. The reasons which demand the scattering of resident colleges do not hold at all in extension work, because students do not have to come to the campus to secure extension courses.

5th. Plans should be made as soon as possible to make use of the public schools in carrying out extension work that is below college grade, the institution of higher learning, planning and coordinating the work and giving general oversight and assistance only.

6th. There should be an impartial, central board to distribute all the funds, both State and national, for extension work in Texas, and to allocate to the different institutions in accordance with their special fitness the types of extension work that each should do. If a central board is established for co-ordinating higher education in general, which should by all means be done, then that board should distribute extension funds and extension work also. If no such general correlating board is established, then a special board for correlating the extension work of the State should be established at once.

7th. The national government should either distribute funds more equitably to both cultural and vocational extension education or it should withdraw entirely from the business of subsidizing State educational systems. Its present procedure is throwing the educational system of the State out of balance. At this time the national government subsidizes only education in agriculture, trades and industries, the mechanic arts, and home economics. Those subsidies are granted usually only on condition that the State appropriate an equal amount. The result is that Legislatures are tempted to appropriate huge sums for extension work along these vocational lines, and thus are left unable or unwilling to grant even moderate support for other equally important but unsubsidized lines of educational work. Texas is thus tempted to appropriate more than five hundred thousand dollars per year for extension work on these four vocational lines, with the result that less than one-tenth that much can be secured for all kinds of civic and cultural extension put together, which have no national subsidy with which to tempt Legislators to make appropriations.

Respectfully submitted.

Charles S. Potts, Spurgeon Bell, R. H. Griffith, Charles H. Haines, G. W. Cunningham, B. F. Pittenger, A. Caswell Ellis, Acting Chairman.

TWENTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas,
Friday, February 16, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and

was called to order by Lieutenant Governor T. W. Davidson.

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

Bailey.	Pollard.
Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Rogers.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Holbrook.	Witt.
McMillin.	Wood.
Murphy.	Woods.
Parr.	

Absent—Excused.

Darwin.	Floyd.
Dudley.	Lewis.

Prayer by the Rev. H. M. Whaling of Austin.

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

Bills and Resolutions.

By Senator Parr:

S. B. No. 344, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to lease a group of three islands situated in Bahia Grande (Big Bay) in Cameron County for a term not to exceed fifty years to the National Association of Audubon Societies for and in consideration of said association undertaking to propagate, protect and conserve birds and bird life thereon; providing punishment by fine and imprisonment for violations of this Act, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Rice:

S. B. No. 345, A bill to be entitled "An Act to appropriate the sum of ten thousand dollars out of the funds in the treasury not otherwise appropriated for the purpose of building a temporary building on the campus of and for the Texas Normal College at Denton, Texas, said building to be used for the purpose of housing students during the rebuilding of the administration building of said school.

Read first time and referred to Committee on Finance.

By Senator Watts:

S. B. No. 346, A bill to be entitled "An Act incorporating the Ennis Independent School District in Ellis County, Texas, for free school purposes only, defining its boundaries, providing for Board of Trustees, providing for a treasurer for the funds of said district and providing for an assessor and collector of taxes of said district; divesting the city of Ennis of the control of its public schools and the title to school property and vesting the same in the Ennis Independent School District and its Board of Trustees and prescribing the rights, powers, privileges and duties of said Ennis Independent School District and its Board of Trustees and officers; authorizing the levying and collecting of taxes for said school purposes, and authorizing the right of eminent domain to condemn property for school purposes; authorizing the said independent school district to borrow money without the issuance of bonds; authorizing the said board to be vested with all authority that is vested in board of trustees of independent school districts by the General Laws of the State of Texas and authorizing them to employ an attorney for the protection of property; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Baugh:

S. B. No. 347, A bill to be entitled "An Act to amend an Act, passed by the Regular Session of the Thirtieth Legislature, known as House Bill No. 470 and approved April 4, 1907, entitled 'An Act creating an independent school district to be known as the Coleman Independent School District including within its limits the municipal corporation of the town of Coleman, and to provide for the creation 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 mainte-

nance and support of said schools, and further prescribing the duties and authorities of said board,' so as to hereafter read as follows, and extending and defining its boundaries and including within its limits, the municipal corporation of the city of Coleman, and to provide for the creating of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes and provide authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor and to pay all current expenses for the maintenance and support of said school, declaring valid all issues of bonds heretofore made; declaring valid maintenance tax heretofore voted; and repealing all laws in conflict herewith insofar as they conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Burkett:

S. B. No. 348, A bill to be entitled "An Act defining 'Commission,' 'Public Roads," "Highways," "Railroads," 'Railroad Grade Crossings,' 'Separation of Grades,' 'Underpasses,' 'Overpasses,' authorizing the State Railroad Commission to curtail the construction of railroad grade crossings and to provide for the elimination of grade crossings already constructed, in certain cases; to authorize the Railroad Commission to conduct hearings and issue orders and decisions in respect to the construction of underpasses and overpasses, and elimination of grade crossings already constructed, authorizing the acquiring of additional right-of-way, providing for maintenance of underpasses and overpasses, providing for apportionment of the expenses of crossings constructed under the provisions of this Act, providing the manner of enforcing the orders issued by the Railroad Commission pursuant hereto, providing right of appeal from the decisions of the Railroad Commission, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

Joint Resolution.

By Senator Doyle:

S. J. R. No. 18, Providing for the repeal of so much of Section 3 Article 8, of the Constitution of the State of Texas, providing for the formation of school districts by the Legislature; providing or conferring the power to create school districts on the county commissioners' court; providing further that the remainder of Section 3, Article 8, shall not be affected or impaired hereby.

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

Simple Resolution No. 64.

By Senator Fairchild:

Whereas, There was created by Concurrent Resolution a joint committee to investigate and make certain recommendations affecting the penitentiary system of Texas, and

Whereas, It will be necessary to visit the present State farms, in order to report intelligently on the conditions, and,

Whereas, Said farms are in part located in Senator Holbrook's district and he being personally familiar with the locations of same and can render assistance to the committee by furnishing cars and piloting them on this trip which will be a great saving in the way of expenses to the State; therefore, be it

Resolved by the Senate of Texas that Senator Holbrook and Senator Cousins be appointed by the President of the Senate to go with said committee on said investigation trip and give them assistance as above set forth and their expenses to be paid out of the contingent expense funds of the Senate.

The resolution was read and adopted.

Simple Resolution No. 65.

By Senator Rogers:

Whereas, Hon. Tom W. Perkins of McKinney, former President Pro Tem of the Texas Senate and a distinguished journalist of Texas, is in the city; therefore, be it

Resolved, That he be invited to address the Senate and be accorded the privileges of the Senate Chamber.

The resolution was read and adopted.

The Chair appointed Senators Rogers, Davis and Murphy as a committee to escort Mr. Perkins to the

President's stand, and after being presented by the Chair, he addressed the Senate.

S. B. No. 110—Conference Committee Appointed.

By Senator Bailey.

I move that the Senate refuse to concur in House amendment to S. B. No. 110, and that a free conference committee be requested and the following be appointed on behalf of the Senate: Senators Holbrook, Witt, Rogers, Bowers and Wirtz.

The motion prevailed.

H. B. No. 255—Recalled from House.

Senator Burkett moved that the House be requested to return H. B. No. 255 to the Senate for further consideration.

The motion prevailed.

S. B. No. 135—Motion to Reconsider.

Senator Woods moved to reconsider the vote by which the Senate on yesterday finally passed S. B. No. 135.

Yeas and nays were demanded, and the motion to reconsider was lost by the following vote:

Yeas—6.

Bailey.	Fairchild.
Burkett.	Strong.
Doyle.	Watts.

Nays—20.

Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Clark.	Rogers.
Cousins.	Stuart.
Davis.	Thomas.
Holbrook.	Turner.
McMillin.	Wirtz.
Murphy.	Wood.
Parr.	Woods.

Absent.

Witt.

Absent—Excused.

Darwin.	Floyd.
Dudley.	Lewis.

Reasons for Vote.

I vote "no" on Senate Bill No. 135, which is the General Deficiency Bill, aggregating some $450,000, because said bill is in direct conflict with Section 49, Article 3, of the Constitution, which expressly prohibits the amount of deficiency in the revenue from exceeding $200,000. Neither the Governor nor any other officer of the State Government has any right to create and allow deficiency over the sum of $200,000. Neither has the State Legislature any constitutional or statutory right to pass bills covering deficiencies which exceed that amount. Although the deficiency allowed might be just and necessary, yet under the provisions of the Constitution above referred to the Legislature of Texas connot legally pass a law allowing more than $200,000 for deficiencies, and for that reason I voted "no" on the final passage of this bill.

BURKETT.

S. B. No. 141 on Second Reading.

The Chair laid before the Senate on its second reading and as a special order for this hour,

S. B. No. 141, A bill to be entitled "An Act regulating the practice of medicine; amending certain articles and adding new articles to Title Ninety (90) Chapter One (1) of the Civil Statutes of Texas; amending certain articles and adding new articles to Title Twelve (12), Chapter Six of the Penal Code of the State of Texas as follows: By amending Article 5737 of the Civil Statutes, prescribing certain duties of district clerks relating to license to practice medicine; making it the duty of county health officers to keep informed as to the death and removal of physicians from the county of their residence and report such deaths and removals to district clerks; and making it the duty of the Secretary of the State Board of Medical Examiners, upon notice of the cancellation of the license of any physician, to certify the fact to district clerks; by amending Article 5739 of the Civil Statutes so as to leave it optional with the Board of Medical Examiners the time when, the subjects in which, and the fee for which an applicant who has failed to pass examination may take a subsequent examination; by amending Article 5741 of said Civil

statutes authorizing the State Board of Medical Examiners at its discretion to conduct examinations in two parts, and prescribing the fee to be paid by the applicant for each examination; by amending Chapter One Hundred Twenty-nine (129), Acts of the Regular Session of the Thirty-sixth Legislature, approved March 24, 1919, to be known hereafter as Article 5744a of said Civil Statutes, giving authority to and making it the duty of any practitioner of medicine for reasons enumerated, and prescribing the procedure to be followed in such cases; by adding a new article to said Civil Statutes, to be numbered Article 5744b, to prevent by means of writ of injunction, at the suit of the State, the State Board of Medical Examiners, or any citizen of the county of the defendant's residence, the actual, threatened, or contemplated practice of medicine in violation of law; by amending Article 750 of the Penal Code, making it unlawful for any person to practice medicine without first taking the oath prescribed by law and having his license registered by the district clerk of the county where he is located, or into which he may remove; by adding a new article to Chapter Six (6) Title Twelve (12) of the Penal Code of the State of Texas, to be Article 750a, making it unlawful for any person to practice medicine after his license has been cancelled by the State Board of Medical Examiners, or by any court of competent jurisdiction, and providing as a punishment therefor, confinement in the penitentiary and disqualification thereafter to be licensed to practice medicine; by amending Chapter Six (6) of Title Twelve (12) of the Penal Code by adding a new article to be numbered Article 756a, making it the crime of false swearing, a felony, for any applicant for license to practice medicine to make a false oath in his application to the Board of Medical Examiners, or to make a false oath before the district clerk to secure registration of his license; providing that if any section, or part of a section, provision, penalty, right, or remedy be held unconstitutional, invalid, or inoperative, it shall not affect the remaining sections, parts of sections, provisions, rights, or remedies prescribed by this Act; repealing all laws in conflict herewith, and declaring an emergency."

Senator Bailey moved to postpone further consideration of the bill until 11 o'clock a. m. today and the same be made a special order for that hour.

Senator Watts moved that the special order be postponed until pending business, the same being S. B. No. 240, was disposed of.

The motion was lost by the following vote:

Yeas—6.

Doyle.	Rice.
McMillin.	Rogers.
Murphy.	Watts.

Nays—21.

Bailey.	Pollard.
Baugh.	Ridgeway.
Bledsoe.	Strong.
Bowers.	Stuart.
Burkett.	Thomas.
Clark.	Turner.
Cousins.	Wirtz.
Davis.	Witt.
Fairchild.	Wood.
Holbrook.	Woods.
Parr.	

Absent—Excused.

Darwin.	Floyd.
Dudley.	Lewis.

Question then recurred on the motion of Senator Bailey to postpone S. B. No. 141 until 11 a. m. today, and the motion was lost by the following vote, not receiving the necessary two-thirds vote:

Yeas—17.

Bailey.	Parr.
Burkett.	Pollard.
Clark.	Rice.
Cousins.	Rogers.
Davis.	Strong.
Fairchild.	Watts.
Holbrook.	Wirtz.
McMillin.	Woods.
Murphy.	

Nays—10.

Baugh.	Stuart.
Bledsoe.	Thomas.
Bowers.	Turner.
Doyle.	Witt.
Ridgeway.	Wood.

Absent—Excused.

Darwin.	Floyd.
Dudley.	Lewis.

The bill was then read second time.

Senator Cousins moved to adopt the committee amendments as follows:

Committee Amendment No. 1.

Strike out the caption of the bill and insert in lieu thereof the following caption:

"An Act regulating the practice of medicine; amending certain articles and adding new articles to Title Ninety (90), Chapter One (1) of the Civil Statutes of Texas; amending certain articles and adding new articles to Title Twelve (12), Chapter Six (6) of the Penal Code of the State of Texas, as follows: By amending Article 5737 of the Civil Statutes, prescribing certain duties of district clerks relative to license to practice medicine; making it the duty of county health officers to keep informed as to the death and removal of physicians from the county of their residence and report such deaths and removal to district clerks; and making it the duty of the Secretary of the State Board of Medical Examiners, upon notice of the cancellation of the license of any physician, to certify the fact to district clerks; by amending Article 5789 of the Civil Statutes so as to leave it optional with the Board of Medical Examiners the time when the subjects in which, and the fee for which an applicant who has failed to pass examination may take a subsequent examination; by amending Article 5741 of the said Civil Statute authorizing the State Board of Medical Examiners at its discretion to conduct examinations in two parts, and prescribing the fee to be paid by the applicant for each examination; by amending Article 5742 (fifty-seven forty-two) of the Revised Statutes of the State of Texas by providing that the provisions of this Act shall not apply to optometrists who confine their practice strictly to optometry as defined in Chapter 51 of the First Called Session of the Thirty-seventh Legislature by amending Chapter One Hundred and Twenty-nine (129), Acts of the Regular Session of the Thirty-sixth Legislature, approved March 24, 1919, to be known hereafter as Article 5744a of said Civil Statutes, giving authority to and making it the duty of the State Board of Medical Examiners to cancel the license of any practitioner of medicine for reasons enumerated, and prescribing the procedure to be followed in such cases; by adding a new article to said Civil Statutes, to be numbered Article 5744b, to prevent by means of writ of injunction, at the suit of the State, the State Board of Medical Examiners, or any citizen of the county of the defendant's residence, the actual, threatened, or contemplated practice of medicine in violation of law; by amending Article 750 of the Penal Code of the State of Texas making it unlawful for any person to practice medicine without first taking the oath prescribed by law and having his license registered by the district clerk of the county where he is located or into which he may remove; by adding a new article to Chapter Six (6), Title Twelve (12) of the Penal Code of the State of Texas, to be Article 750a, making it unlawful for any person to practice medicine by the State Board of Medical Examiners, or by any court of competent jurisdiction, and providing as a punishment therefor confinement in the penitentiary and disqualification thereafter to be licensed to practice medicine; by amending Chapter Six (6) of Title Twelve (12) of the Penal Code of the State of Texas by adding a new article to be numbered Article 756a, making the crime of false swearing a felony for any applicant for license to practice medicine to make a false oath in his application to the Board of Medical Examiners, or to make a false oath before district clerk to secure registration of his license; providing that if any section, or part of a section, provision, penalty, right or remedy contained in this Act shall be held unconstitutional, invalid, or inoperative, it shall not affect the remaining sections, parts of sections, provisions, rights or remedies prescribed by this Act; repealing all laws in conflict herewith, and declaring an emergency."

Committee Amendment No. 2.

Insert after the caption and before the body of the bill the following:

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

Committee Amendment No. 3.

Add a new section to be known as Section 4a, reading as follows:

Sec. 4a. That Title Ninety (90), Chapter One (1), Article Fifty-seven Forty-two (5742), of the Civil Statutes of Texas be so amended as to hereafter read as follows:

Article 5742. Nothing in this Act shall be so construed as to discriminate against any particular school or system of medical practice. This Act shall not apply to dentists legally qualified and registered under the laws of this State who confine their practice strictly to dentistry; nor to optometrists who confine their practice strictly to optometry, as defined by Chapter 51, Acts of the Thirty-seventh Legislature, First Called Session; nor to nurses who practice only nursing; nor to masseurs, in their particular sphere of labor who publicly represent themselves as such; nor to commissioned or contract surgeons of the United States Army, Navy or Public Health and Marine Hospital Service in performance of their duties, but such shall not engage in private practice without license from the Board of Medical Examiners; nor to legally qualified physicians of other States called in consultation, but who do not open office or appoint places in this State where patients may be met or called to see. This Act shall be so construed as to apply to persons other than licensed druggists of this State not pretending to be physicians who offer for sale on the strets or other public places remedies which they recommend for the cure of disease.

The committee amendments were adopted.

Senator Murphy offered the following amendments to the bill:

Amend Committee Amendment No. 3 to Senate Bill No. 141, page 21, by striking out commencing with the word "this," line 22, to and including the word "disease," line 26.

Senator Cousins moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—17.

Bailey.	Pollard.
Baugh.	Strong.
Bledsoe.	Stuart.
Bowers.	Turner.
Burkett.	Wirtz.
Clark.	Witt.
Cousins.	Wood.
Doyle.	Woods.
Parr.	

Nays—10.

Davis.	Rice.
Fairchild.	Ridgeway.
Holbrook.	Rogers.
McMillin.	Thomas.
Murphy.	Watts.

Absent—Excused.

Darwin.	Floyd.
Dudley.	Lewis.

Senator Cousins offered the following amendments to the bill:

(1) Amend Senate Bill No. 141 by striking out the following words of Section 2, page 6, lines 4 and 5, "of the National Board of Medical Examiners of."

(2) Amend Senate Bill No. 141 by inserting in Section 2, page 6, line 20, between the word "shall' and the word "territory" in said line, the word "or."

(3) Amend Senate Bill No. 141 by striking out from Section 2, page 6, line 20, the following words, "or country."

(4) Amend Senate Bill No. 141 by striking out from Section 2, page 6, line 22, the following words, "The National Board of Medical Examiners."

(5) Amend Senate Bill No. 141, Section 2, page 6, line 26, by inserting between the words "State" and the word "territory," in said line, the word "or."

(6) Amend Senate Bill No. 141 by striking out, in Section 2, page 6, line 26, the words "or country."

(7) Amend Senate Bill No. 141 by inserting in Section 2, page 7, line 4, between the word "State" and the word "territory," in said line, the word "or."

(8) Amend Senate Bill No. 141 by striking out, in Section 2, page 7, line 5, the words "or country."

(9) Amend Senate Bill No. 141 by adding in Section 2, page 7, line 12, immediately before the word "territory," in said line, the word "or."

(10) Amend Senate Bill No. 141, in Section 2, page 7, line 12, by striking out the following words in said line, "or country."

(11) Amend Senate Bill No. 141 by striking out the following words in Section 2, page 6, line 7, "and countries."

(12) Amend Senate Bill No. 141, in Section 4, page 9, lines 13, 14 and 15, by striking out the following

words from said line, "nor after August 1st, 1925, until he or she has served as interne in an acceptable hospital for one year subsequent to the date of said graduation."

(13) Amend Senate Bill No. 141, in Section 5, page 10, line 26, by adding, immediately after the word "license," in said line, the words "or his license."

The amendments were adopted severally.

Senator Cousins offered the following amendment to the bill:

(14) Amend Senate Bill No. 141, in Section 5, page 11, line 18, by inserting in said line, between the word "his" and the word "post office," the words "last known."

Senator Murphy moved to table the amendment.

Recess.

On motion of Senator Holbrook, the Senate at 12:05 p. m. recessed until 2:30 p. m. today.

Afternoon Session.

The Senate met at 2:30 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

S. B. No. 335 on Second Reading.

On motion of Senator Davis, by unanimous consent, the special order (S. B. No. 141) was suspended, and the Senate took up, out of its order,

S. B. No. 335, A bill to be entitled "An Act creating additional and adequate courts for Dallas County, defining their jurisdiction, adjusting the business of the existing district courts to the business thereof, prescribing the duties of the district clerk with respect thereto, repealing all laws in conflict therewith and creating an emergency."

The Chair laid the bill before the Senate and it was read second time.

Senator Davis offered the following amendments to the bill:

(1) Amend Senate Bill No. 335, by striking out the words "Dallas County Circuit Court," wherever said words appear in the bill, and insert in lieu thereof the words "Special District Court of Dallas County."

(2) Amend Senate Bill No. 335, Section 7, next to last line at bottom of page 660 of Senate Journal (and being same as second line in Section 7, page 2, of original bill as filed), by inserting after the word "said" the word "ninety-fifth."

(3) Amend Senate Bill No. 335, fifth line from last line in Section 10, top of page 661 of Senate Journal, after the word "the" and before the words "district court" (and being same as third line from bottom of page 3 of original bill as filed), by inserting the word "ninety-fifth."

The amendments were adopted.

Senate Bill No. 335 was passed to engrossment.

S. B. No. 335 on Third Reading.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days in each house was suspended, and Senate Bill No. 335 was put upon its third reading and final passage by the following vote:

Yeas—22.

Bailey.	Parr.
Baugh.	Ridgeway.
Bledsoe.	Rogers.
Bowers.	Strong.
Burkett.	Stuart.
Cousins.	Thomas.
Davis.	Turner.
Doyle.	Wirtz.
Fairchild.	Witt.
Holbrook.	Wood.
McMillin.	Woods.

Present—Not Voting.

Murphy.

Absent.

Pollard.	Rice.

Absent—Excused.

Clark.	Floyd.
Darwin.	Lewis.
Dudley.	Watts.

The Chair then laid S. B. No. 335 before the Senate on its third reading and final passage.

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

Yeas—21.

Bailey.	Doyle.
Bledsoe.	Fairchild.
Bowers.	McMillin.
Burkett.	Parr.
Cousins.	Rice.
Davis.	Ridgeway.

Rogers. Wirtz.
Strong. Witt.
Stuart. Wood.
Thomas. Woods.
Turner.

Present—Not Voting.

Murphy.

Absent.

Baugh. Pollard.
Holbrook.

Absent—Excused.

Clark. Floyd.
Darwin. Lewis.
Dudley. Watts.

S. B. No. 123 Set as Special Order.

Senator Thomas asked unanimous consent to take up and set as special order, for 4 p. m. today, Senate Bill No. 123.

There was no objection, and it was so ordered.

S. B. No. 301 on Second Reading.

On motion of Senator Fairchild, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 301, A bill to be entitled "An Act requiring the State Insurance Commission to make, establish and promulgate classification of hazards and rates of premium under the Workmen's Compensation Law of this State and to prescribe standard workmen's compensation policy forms; requiring all companies and associations writing workmen's compensation insurance to use the classifications, rates, and policy forms established, promulgated, and prescribed by the commission; providing for the use of classifications, rates, and forms now on file with and approved by the Commission of Insurance until classifications, rates, and policy forms have been made and prescribed by the commission; requiring the commission to assemble data for use in establishing classifications and rates, and requiring the Commissioner of Insurance to deliver to the commission all data under his control now used in establishing classification, rates, and policy forms; authorizing and empowering the commission to require sworn statements from insurance companies and associations containing statistical data, and requiring the commission to describe necessary forms for such statements; fixing the manner in which the commission shall determine hazards and describing the kind and character of rates; which shall be fixed and providing what data shall be taken into consideration by the commission in fixing the rates; providing for hearings before the commission and the manner in which the same shall be conducted; requiring the use of uniform policies for workmen's compensation insurance but allowing any company or association to use any form of endorsement appropriate to its plan of operation providing the same shall diminish its liability to pay the compensation provided for in the workmen's compensation law; providing that no company or association shall be prohibited from writing workmen's compensation insurance on the mutual reciprocal or Lloyds plan, and that no stock company or other company or association shall be prohibited from sharing profits of policy holders but providing that no dividends to policy holders shall take effect until approved by the commission; fixing the salaries of the members of the commission hereunder and providing for expenditures to meet expenses hereunder, and fixing for the annual assessment and collections of a tax or premium for workmen's insurance policies to defray the salaries and expenses of the commission hereunder and providing that any unexpended balance shall be transferred to the general revenue of the State; empowering the commission to make and enforce reasonable rules and regulations; negativing the application hereto of any provisions creating the State Insurance Commission; defining the words "company" and "association," repealing Section A and 17 of Part 3 and part of Section 2 of Part 4 of Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature, known as the Workmen's Compensation Law and all other sections or parts of sections of said law and all other laws or parts of laws in conflict herewith or with any provisions hereof; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act; and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, and the committee report, carrying the following amendment, was adopted:

Amend Section 8 of Senate Bill No. 301 by adding after the word "State," in the last line of said section, the following:

"Provided such endorsement shall be approved by the Commission."

Senator Fairchild offered the following amendments to the bill:

(1) Amend the bill by adding the words "inter-insurance exchange" after the word "reciprocal" and before the word "or" in Section 14.

(2) Amend the bill by adding after Section 8, Section 8a as follows: Section 8a. That the policies of insurance covering compensaton shall be of standard forms approved by the Commission, each of said forms being standard for the particular character of Insurance company operating under the compensation Act of this State. Each policy shall be endorsed or have stamped therein the following. "This is a standard policy approved by the Commission."

(3) Amend the bill by adding the word "inter-insurance" after the word "reciprocal" and before the word "or" in Section 9.

The amendments were adopted.

S. B. No. 301 was passed to engrossment.

S. B. No. 141 on Engrossment.

The Senate resumed consideration of the special order, the same being S. B. No. 141, regulating the practice of medicine, which was under consideration at the time the Senate recessed this morning.

With amendment No. 14 by Senator Cousins, pending, and motion by Senator Murphy to table the amendment.

Question: Shall the amendment No. 14 by Senator Cousins be tabled?

Senator Murphy withdrew the motion to table.

Senator Bailey offered the following substitute for the amendment offered by Senator Cousins:

Amend the bill by striking out all after the word "hearing" in line 17 on page 11 of the printed bill down to and including the word "residence" in line 19 on page 11 of the printed bill and insert in lieu thereof the words "in the manner now prescribed by law for the service of citizens in civil suits in this State," and by striking out in line 20, page 11 of the printed bill all after the word "him" down to and including the word "against" in line 23 and "mailed" and inserting in lieu thereof the word "served" and by striking out in line 25 the word "mailing" and inserting in lieu thereof the word "service."

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

Senator Murphy offered the following amendment to the bill:

(5) Amend the committee amendment No. 3 to S. B. No. 141 page 21 by inserting after the semi-colon following the word "such" in line 16 the following:

"Nor to any person in the practice of the tenets of any established religious organization" and amend the caption accordingly.

Senator McMillin offered the following amendment to the amendment:

Amend S. B. No. 141 by addng after the semi-colon in line 14, Page 21 the following: nor to Chiropractors who practice only according to the tenets of their school, and who are graduates of a recognized Chiropractic College, nor to those who profess to heal through the medium of prayer, and without the use of drugs or other material means.

Senator Cousins moved to table the amendment to the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the folliwing vote:

Yeas—16.

Bailey.	Rogers.
Bowers.	Strong.
Burkett.	Stuart.
Cousins.	Turner.
Doyle.	Wirtz.
Holbrook.	Witt.
Pollard.	Wood.
Ridgeway.	Woods.

Nays—4

Fairchild.	Murphy.
McMillin.	Rice.

Absent.

Parr.	Thomas.

Absent—Excused.

Clark.	Lewis.
Dudley.	

(Pairs Recorded.)

Senator Bledsoe (present), who would vote yea; with Senator Watts (absent), who would vote nay.

Senator Davis (present), who would vote nay; with Senator Clark (absent), who would vote yea.

Senator Baugh (present), who would vote yea; with Senator Floyd (absent), who would vote nay.

Senator Holbrook offered the following substitute for the amendment:

Amend S. B. No. 141 by adding after the word "session" line 14, page 21, the following: Provided that nothing in this Act shall be construed to affect or limit in any way the application or use of the principles, tenets or teachings of any church in the ministration to the sick or suffering by prayer without the use of any drug or material remedy, provided sanitary and quarantine laws and regulations are complied with.

Senator Cousins moved to table the substitute.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—8.

Bowers.	Stuart.
Cousins.	Thomas.
Doyle.	Turner.
Rogers.	Wirtz.

Nays—10.

Bailey.	Rice.
Fairchild.	Ridgeway.
Holbrook.	Strong.
McMillin.	Witt.
Pollard.	Woods.

Present—Not Voting.

Murphy.

Absent.

Parr.

Absent—Excused.

Darwin.

(Pairs Recorded.)

Senator Bledsoe (present), who would vote yea; with Senator Watts (absent), who would vote nay.

Senator Baugh (present), who would vote yea; with Senator Floyd (absent), who would vote nay.

Senator Davis (present), who would vote nay; with Senator Clark (absent), who would vote yea.

Senator Burkett (present), who would vote yea; with Senator Lewis (absent), who would vote nay.

Senator Wood (present), who would vote yea; with Senator Dudley (absent), who would vote nay.

The substitute was adopted.

Senator Witt offered the following amendment to the amendment as substituted:

Add to said amendment provided no charge is made therefor, directly or indirectly.

Senator Murphy moved to table the amendment to the amendment.

Yeas and nays were demanded and the motion was lost by the following vote:

Yeas—7.

Fairchild.	Rice.
Holbrook.	Ridgeway.
McMillin.	Woods.
Murphy.	

Nays—12.

Bailey.	Strong.
Bowers.	Stuart.
Cousins.	Thomas.
Doyle.	Turner.
Pollard.	Wirtz.
Rogers.	Witt.

Absent.

Parr.

Absent—Excused.

Darwin.

(Pairs Recorded.)

Senator Baugh (present), who would vote nay; with Senator Floyd (absent), who would vote yea.

Senator Bledsoe (present) who would vote nay; with Senator Watts (absent), who would vote yea.

Senator Burkett (present), who would vote nay; with Senator Lewis (absent), who would vote yea.

Senator Davis (present), who would vote yea; with Senator Clark (absent), who would vote nay.

Senator Wood (present), who would vote nay; with Senator Dudley (absent), who would vote yea.

The amendment to the amendment was adopted.

Senator Murphy moved to reconsider the vote by which the amendment to the amendment was adopted.

On motion of Senator Cousins, the motion to reconsider was tabled.

The amendment as amended was adopted.

Senator McMillin offered the following amendment to the bill:

Amend Senate Bill No. 141, pages 13 and 14, by striking out all of Article 5744, beginning on line 9, page 13, and ending on line 13, page 14.

Question: Shall the amendment be adopted?

S. B. No. 159—Re-referred.

On motion of Senator McMillin, S. B. No. 159 was recalled from the Committee on Public Health and referred to the Committee on Public Lands and Land Office.

Simple Resolution No. 66.

By Senator Stuart:

Whereas, Dr. J. Frank Norris, a nationally known minister of the gospel, is now in the city of Austin. Therefore, be it

Resolved, That he be given the privilege of the floor and that he be asked to address the Senate.

Stuart, Rice, Bledsoe, Wood, Ridgeway.

The resolution was read and adopted.

The Chair appointed Senators Stuart, Rice and Ridgeway as a committee to escort Mr. Norris to the President's stand, and after being presented by the Chair, he addressed the Senate.

Designation of President Pro Tempore.

Senate Chamber,
Austin, Texas, Feb. 16, 1923.

To the Senate:

Whereas, I, T. W. Davidson, President of the Senate of Texas, contemplate that following this day and beginning Saturday, February 17, 1923, I shall necessarily be absent from the Senate; and,

Whereas, The regular elected President pro tem, Senator Dudley, will also be absent; and,

Whereas, it becomes my duty to designate a member of this Senate to perform the duties of President Pro Tempore of the Senate in my absence.

Now, therefore, I hereby nominate and designate the Hon. John H. Bailey, the Senator from District 22, to act as President Pro Tempore aforesaid at such times during my absence as any duties shall devolve upon the President Pro Tempore in conducting the business of the Senate.

T. W. DAVIDSON,
Lieutenant Governor.

The designation of Senator Bailey as President Pro Tem during the absence of the Lieutenant Governor was approved by the unanimous vote of the Senate.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 16, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed H. C. R. No. 18, with reference to the calling and holding of a Constitutional Convention in the State of Texas.

H. B. No. 51, A bill to be entitled "An Act creating the Dallas County District Court of Domestic Relations and restricting the jurisdiction in part and providing for the transfer of cases between the Fourteenth District Court, the Forty-fourth District Court and the Sixty-eighth District Court; and providing that the Dallas County District Court of Domestic Relations shall have jurisdiction of criminal prosecutions under the Wife and Child Desertion Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 224, A bill to be entitled "An Act to relieve various schools of the State by validating certain school districts, and where such districts have undertaken to provide for the issuance of schoolhouse bonds, or the levying of special taxes for any lawful school purposes, by proceedings not otherwise invalid; validating such bond issues and taxes, and declaring an emergency."

H. B. No. 319, A bill to be entitled "An Act to repeal Chapter 45 of the Local and Special Laws of the Twenty-seventh Legislature; same being an Act to provide a more efficient public road system for Montgomery County, Texas, and declaring an emergency."

H. B. No. 432, A bill to be entitled "An Act creating the Green Lake Common School District No. 8 in Roberts County, Texas; defining its boundaries; investing said district with rights, privileges and duties of

a common school district, under the General Laws of Texas, and declaring an emergency."

H. B. No. 456, A bill to be entitled "An Act transferring certain lands from Johnson Independent School District in Terry County, Texas, to and making same a part of Harris Common School District No. 18 in Terry County, Texas; providing that the county school trustees of Terry County shall re-define the boundaries of said Johnson Independent School District and Harris Common School District No. 18 and cause correct field notes of each of said districts to be recorded in the proper records of Terry County, and declaring emergency."

H. B. No. 37, A bill to be entitled "An Act repealing Chapter 17, Local and Special Laws, enacted by the First Called Session of the Thirty-third Legislature, and amended by the Regular Session of the Thirty-sixth Legislature, entitled 'San Patricio County Road System, creating;' providing that the General Laws of the State of Texas relating to working public roads, appointing overseers, the issuance of bonds for the construction of public roads, shall be applicable to San Patricio County, validating all defined road districts defined, created, and established under and by virtue of said San Patricio County special road law, as well as the road bonds issued thereunder, and declaring an emergency," with engrossed rider.

H. B. No. 415, A bill to be entitled "An Act to create the Laparita Valley Independent School District out of a part of the Charlotte Independent School District, and a part of the Jourdanton Independent School District, in Atascosa County, Texas; defining the metes and bounds and providing for a board of trustees therefor; and defining their powers and duties; vesting it with all the rights and duties of districts incorporated for free school purposes under the General Laws of the State of Texas; providing for the payment by the Laparita Valley Independent School District of the pro rata share of the bonded indebtedness of the Charlotte Independent School District, and of the Jourdanton Independent School District, respectively, and validating said obligations; providing for commissioners of estimate, and fix said pro rata share of said bonded indebtedness, and providing for the compensation of said commissioners; repealing all special laws insofar as they conflict herewith, and declaring an emergency."

House has concurred in Senate Amendment to H. B. No. 11.

House has concurred in Senate Amendments to H. B. No. 131.

H. B. No. 468, A bill to be entitled "An Act creating the Ninety-second Judicial District of Texas, and fixing its boundaries, and providing for two district courts in said district, one in Stephens County and the other in Young County; defining and declaring the jurisdiction of said courts, respectively, and prescribing the duration of said courts; fixing terms of said courts; providing for a district judge of said district, and that in Young county the district attorney of the Thirtieth Judicial District shall act as district attorney of said new district; providing for a clerk of each such new court, and for compensation of such district attorney and of such clerks; providing for return to such new courts of process; writs and bonds, and for transfer and re-transfer of causes and actions, motions and matters to and from the dockets of such new courts, respectively; validating certain outstanding process and writs; detaching and removing Stephens County from the Forty-second Judicial District of Texas, and declaring an emergency," with engrossed rider.

Respectfully submitted.

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, Lieutenant Governor T. W. Davidson, had referred, after their captions had been read, the following House Bills:

H. B. No. 37, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 415, referred to Committee on Educational Affairs.

H. B. No. 244, referred to Committee on Educational Affairs.

H. B. No. 319, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 432, referred to Committee on Educational Affairs.

H. B. No. 456, referred to Committee on Educational Affairs.

H. B. No. 51, referred to Committee on Judicial Districts.

H. B. No. 468, referred to Committee on Judicial Districts.

H. C. R. No. 18, referred to Committee on Constitutional Amendments.

Bills Signed.

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

S. C. R. No. 15, Requesting the Governor to return S. B. No. 52 to the Senate.

Recess.

Senator Fairchild moved to adjourn until Monday at 10 o'clock a. m. and the motion was lost.

On motion of Senator Bledsoe, the Senate at 5:45 p. m. recessed until 7:30 p. m. today.

Night Session.

The Senate met at 7:30 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

S. B. No. 216 on Second Reading.

On motion of Senator Rogers, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 216, A bill to be entitled "An Act amending Chapter 3 of Title 49, of the Revised Civil Statutes of 1911, by adding thereto Article 2933, another article numbered 2933a, providing a means by which candidates may get their names on the official ballots in elections to fill vacancies in the Senate or House of Representatives of this State; and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, the Senate rule requiring bills to be printed was suspended by unanimous consent, and the bill was passed to engrossment.

S. B. No. 216 on Second Reading.

On motion of Senator Rogers, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 216 was put upon its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Pollard.
Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Rogers.
Burkett.	Strong.
Cousins.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Wirtz.
Holbrook.	Witt.
McMillin.	Wood.
Murphy.	Woods.

Absent—Excused.

Clark.	Lewis.
Darwin.	Parr.
Dudley.	Watts.
Floyd.	

The Chair then laid S. B. No. 216 before the Senate on its third reading and final passage.

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

Yeas—24.

Bailey.	Pollard.
Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Rogers.
Burkett.	Strong.
Cousins.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Wirtz.
Holbrook.	Witt.
McMillin.	Wood.
Murphy.	Woods.

Absent—Excused.

Clark.	Lewis.
Darwin.	Parr.
Dudley.	Watts.
Floyd.	

S. B. No. 141 on Engrossment.

The Senate resumed consideration of the special order, the same being S. B. No. 141 on its passage to engrossment, with amendment by Senator McMillin pending.

Senator Rogers moved a call of the Senate for one hour, and that all absent Senators within the city be brought in, and the call was ordered.

The Chair ordered the roll called, and the following Senators answered present:

Bailey.	Pollard.
Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Rogers.
Burkett.	Strong.
Cousins.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Wirtz.
Holbrook.	Witt.
McMillin.	Wood.
Murphy.	Woods.

Absent—Excused.

Clark.	Lewis.
Darwin.	Parr.
Dudley.	Watts.
Floyd.	

A quorum was announced present.

Senator Cousins moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—12.

Bowers.	Rogers.
Cousins.	Strong.
Doyle.	Stuart.
Holbrook.	Turner.
Pollard.	Wirtz.
Ridgeway.	Wood.

Nays—7.

Bailey.	Rice.
Baugh.	Thomas.
McMillin.	Woods.
Murphy.	

Present—Not Voting.

Burkett.	
Fairchild.	Witt.

Absent—Excused.

Darwin.	Lewis.
Dudley.	Parr.
Floyd.	

(Pairs Recorded.)

Senator Bledsoe (present), who would vote yea; with Senator Watt (absent), who would vote nay.

Senator Davis (present), who would vote nay; with Senator Clark (absent), who would vote yea.

Senator Woods offered the following amendment to the bill:

Amend Senate Bill No. 141 by striking out all of Article 5744a, beginning with line 20, page 10, of the bill, and ending with the word "Texas" on line 5, page 13, of the bill and substituting in lieu thereof the following:

"Article 5744a. The district courts of the State shall have the authority to cancel or suspend the license of any practitioner of medicine when it shall appear to the satisfaction of said court, upon hearing, that such practitioner of medicine has been convicted in a State or Federal court of an offense, which in the State of Texas is a felony, or for any offense involving moral turpitude, or that the practitioner obtained his examination for license upon a diploma, certificate, or license which had been illegally or fraudulently obtained, upon a fictitious or bogus certificate, license, or diploma, or one issued to a person other than the applicant, or that the practitioner was guilty of fraud, false swearing, or deception in obtaining examination for medical license, or in procuring the issuance of a license to him or in securing the registration of his license by a district clerk, or that the practitioner has, in the judgment of the court, been guilty of grossly improper or dishonorable conduct of a character likely to deceive or defraud the public, or when it shall be shown to the satisfaction of the court that he is addicted to the habitual use of narcotics, or to habits of intemperance reasonably calculated to endanger the lives of his patients.

When complaint is made to the court by any county or district attorney, as is provided in Article 5744 of the Revised Civil Statutes of Texas, said court shall order the practitioner of medicine to show cause why his license shall not be suspended or revoked. Such complaint shall be made in writing, the charge and the grounds thereof shall be set out distinctly and the same shall be subscribed and sworn to by the prosecutor and filed with the clerk of the court. Citation thereon shall be issued in the name of the State of Texas, and in manner and form as in other cases, and the same shall be served upon the defendant at least ten days before the trial day set therein. Upon the return of said citation executed, if the defendant shall appear and deny the charge, the cause shall be docketed for trial, and conducted in the name of the State of Texas against the defendant, and the

State shall be represented by the county or district attorney. A jury of twelve men shall be impaneled unless waived by the defendant, and the cause shall be tried in like manner as other cases. If the said practitioner of medicine be found guilty, or shall fail to appear and deny the charge after being cited as aforesaid, the said court may, by proper order entered on the minutes, suspend his license for a time, or revoke and cancel it entirely, and may also give proper judgment for costs."

The amendment was adopted.

Senator Murphy offered the following amendment to the bill:

Amend S. B. No. 141 by adding to page 14, line 13, the following:

"Provided no injunction shall issue to restrain the bona fide practice of the tenets, principles or teachings of any recognized church.

Senator Cousins moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed, by the following vote:

Yeas—11.

Bowers.	Rogers.
Cousins.	Stuart.
Doyle.	Turner.
Holbrook.	Wirtz.
Pollard.	Witt.
Ridgeway.	

Nays—8.

Thomas.	Fairchild.
Woods.	McMillin.
Bailey.	Murphy.
Baugh.	Rice.

Absent—Excused.

Darwin.	Floyd.

(Pairs Recorded.)

Senator Lewis (present), who would vote nay; with Senator Clark (absent), who would vote yea.

Senator Bledsoe (present), who would vote yea; with Senator Watts (absent), who would vote nay.

Senator Burkett (present), who would vote yea; with Senator Lewis (absent), who would vote nay.

Senator Wood (present), who would vote yea; with Senator Dudley (absent), who would vote nay.

Senator Strong (present), who would vote yea; with Senator Parr (absent), who would vote nay.

Senator Woods offered the following amendment to the bill:

Strike out the words beginning with the word "except" on line 20, page 8, of the bill, and the following words down to and including the word "necessary" on lines 21, 22 of page 8, of the bill.

The amendment was adopted.

Senator Burkett offered the following amendment to the bill:

Amend S. B. 141, by striking out lines 18 to 32 inclusive on page 3, lines 1 to 9 inclusive on page 4, lines 28 to 32 inclusive on page 4, lines 1 and 2 on page 5, and the words "the State Board of Medical Examiners or by" appearing at the end of line 8 and the beginning of line 9 on page 15 of the bill.

The amendment was adopted.

Senator Davis offered the following amendment to the bill:

Amend S. B. No. 141 as amended, page 13 by striking out the words "or the State Board of Medical Examiners" lines 14, 15 and 16 to and including the word "injunction" and also the words "and the State Board of Medical Examiners," lines 25 and 26, page 13.

The amendment was adopted.

Senator Murphy offered the following amendment to the bill:

Amend S. B. No. 141, page 8, by adding after the word "jurisprudence" line 32, the following: "And the efficiency, mode and manner of prayer."

On motion of Senator Cousins, the amendment was tabled.

Senator Burkett offered the following amendment to the bill:

Amend Senate Bill No. 141 by inserting the following section:

Sec. 5a. Upon the application of the Board of Medical Examiners, or a majority thereof, to the Attorney General, setting forth that the county or district attorney of a county or district has failed to prosecute or proceed against any person violating the terms of this Act, setting forth that application and request has been made of such county or district attorney and that such request or application has been neglected or refused, it is hereby made the duty of the Attorney General to proceed against such a person in the county of the residence of the person complained against, either by civil or criminal proceedings.

The amendment was adopted.

Senator McMillin offered the following amendment to the bill:

Amend Senate Bill No. 141, page 15, by striking out all of Article 750a, beginning on line 6 and ending on line 14.

Senator Woods offered the following substitute for the amendment:

Insert after the word "the," in line 11, page 15, the following: "county jail not to exceed six (6) months or in the State Penitentiary for not less than one (1) nor more than four (4) years," and strike out the remainder of line 12, all of line 13 and all of line 14, on page 15.

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

Senator Stuart moved the previous question on the passage of the bill to engrossment, and the motion was not seconded.

Senator Murphy offered the following amendment to the bill:

Amend Senate Bill No. 141 by adding after the word "such," line 16, page 21, the following, "or to those now engaged in the practice of medicine."

On motion of Senator Cousins, the amendment was tabled.

Senator Davis offered the following amendment to the bill:

Amend Senate Bill No. 141, as amended, by striking out line 10, page 21, beginning with the words "this Act" and down to and including the words "to dentistry," in line 12, page 21, and insert in lieu therefor the following: "This Act shall not apply to dentists legally qualified and registered under the laws of this State, who, in their practice find it necessary to use drugs of any kind in the practice or performance of minor surgery of the mouth as taught in the leading dental colleges and practiced by dentists at the present time."

On motion of Senator Counsins, the amendment was tabled.

Senator Murphy offered the following amendment to the bill:

Amend Senate Bill No. 141 by adding after the word "grading," line 15, page 10, the following: "Each license shall be for one year and each practitioner shall be required to take a new and separate examination each year."

On motion of Senator Cousins, the amendment was tabled.

Senator Fairchild offered the following amendment to the bill:

Amend S. B. No. 141, page 13, line 26, by adding after the word "injunction" "no injunction, either temporary or permanent, shall be granted by any court until after a hearing on complaint is had by a court of competent jurisdiction on its merits."

The amendment was adopted.

Senator Woods offered the following amendment to the bill:

Strike out the following words in line 9, page 15, of the bill:

"Actual, threatened, or contemplated."

The amendment was adopted.

Senator Cousins offered the following amendments to the bill:

Amend S. B. No. 141 by inserting the word "actual" after the word "the" in line 9, page 13.

The amendment was adopted.

Senator Woods offered the following amendment to the bill:

Amendment No. 25 to Senate Bill No. 141:

After the word "examiners" on line 14, page 13, insert the following:

"But such suit for injunction shall not be entertained in advance of the previous final conviction of the party sought to be enjoined of the violation of the provisions of Title 12, Chapter 6 of the Penal Code of this State."

Senator Cousins moved to table the amendment.

Yeas and nays were demanded and the motion to table was lost by the following vote:

Yeas—7.

Bowers.	Rogers.
Cousins.	Turner.
Doyle.	Wirtz.
Holbrook.	

Nays—14.

Bailey.	Rice.
Baugh.	Ridgeway.
Burkett.	Stuart.
Fairchild.	Thomas.
McMillin.	Witt.
Murphy.	Wood.
Pollard.	Woods.

Absent—Excused.

Darwin.	Floyd.
Dudley.	Lewis.

(Pairs Recorded.)

Senator Strong (present), who would vote yea; with Senator Parr (absent), who would vote nay.

Senator Davis (present), who would vote nay; with Senator Clark (absent), who would vote yea.

Senator Bledsoe (present), who would vote yea; with Senator Watts (absent), who would vote nay.

The amendment was adopted.

Senator Stuart moved the previous question on the passage of the bill to engrossment, and the main question was ordered.

Question: Shall S. B. No. 141 be passed to engrossment?

Yeas and nays were demanded, and the bill was passed to engrossment by the following vote:

Yeas—19.

Bailey.	Rogers.
Baugh.	Strong.
Bowers.	Stuart.
Burkett.	Thomas.
Cousins.	Turner.
Davis.	Wirtz.
Doyle.	Witt.
Holbrook.	Wood.
Pollard.	Woods.
Ridgeway.	

Nays—3.

McMillin.	Rice.
Murphy.	

Absent—Excused.

Clark.	Lewis.
Darwin.	Parr.
Floyd.	

(Pairs Recorded.)

Senator Bledsoe (present), who would vote yea; with Senator Watts (absent), who would vote nay.

Senator Fairchild (present), who would vote nay; with Senator Dudley (absent), who would vote yea.

S. B. No. 141 on Third Reading.

On motion of Senator Turner, the constitutional rule requiring bills to be read on three several days in each house, was suspended, and S. B. No. 141 was put upon its third reading and final passage by the following vote:

Yeas—22.

Bailey.	Pollard.
Baugh.	Ridgeway.
Bledsoe.	Rogers.
Bowers.	Strong.
Burkett.	Stuart.
Cousins.	Thomas.
Davis.	Turner.
Doyle.	Wirtz.
Fairchild.	Witt.
Holbrook.	Wood.
McMillin.	Woods.

Nays—2.

Murphy.	Rice.

Absent—Excused.

Clark.	Lewis.
Darwin.	Parr.
Dudley.	Watts.
Floyd.	

The Chair then laid S. B. No. 141 before the Senate, on its third reading and final passage.

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

Yeas—23.

Bailey.	Rice.
Baugh.	Ridgeway.
Bledsoe.	Rogers.
Bowers.	Strong.
Burkett.	Stuart.
Cousins.	Thomas.
Davis.	Turner.
Doyle.	Wirtz.
Fairchild.	Witt.
Holbrook.	Wood.
McMillin.	Woods.
Pollard.	

Nays—1.

Murphy.

Absent—Excused.

Clark.	Lewis.
Darwin.	Parr.
Dudley.	Watts.
Floyd.	

S. B. No. 105—House Amendments Concurred In.

Senator Holbrook called up S. B. No. 105 and moved that the Senate concur in the following amendments:

Amend S. B. No. 105, page 1, by adding to Section 1 of the bill: "Traveling expenses shall be allowed the members of the board when they are in session."

The Chair laid the bill before the Senate, and the House amendments were concurred in.

S. B. No. 108—House Amendments Concurred In.

Senator Holbrook called up S. B. No. 108 and moved that the Senate concur in the following amendments:

Amend H. B. No. 108, page 3, by striking out the words "no cashier's check, bank draft or exchange issued by a State bank or State bank and trust company shall be protected under the guaranty fund" and inserting in lieu thereof the following: "cashier checks, bank drafts or exchange issued against or arising from bona fide unsecured and non-interest bearing deposits shall be protected under the guaranty fund."

Amend caption by striking out the words: "cashier checks, bank drafts or exchange by State banks or State bank and trust companies shall not be protected under the guaranty fund" and insert in lieu thereof the words: "cashier checks, bank drafts or exchange issued against or issuing from bona fide unsecured and non-interest-bearing deposits shall be protected under the guaranty fund."

The Chair laid the bill before the Senate, and the House amendments were concurred in.

H. B. No. 309 on Second Reading.

On motion of Senator Ridgeway, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

H. B. No. 309, A bill to be entitled "An Act constituting Bexar County the Thirty-seventh, Forty-fifth, Fifty-seventh, Seventy-third, and Ninety-fourth Judicial Districts; providing for the present judges of the Thirty-seventh, Fifty-fifth, Fifty-seventh, and Seventy-third Judicial Districts to continue to hold their offices for the respective terms for which they were elected; the appointment of a suitable person by the Governor as judge of the Ninety-fourth Judicial District to hold until the next general election; prescribing the jurisdiction of said courts and providing for the election of judges thereof, and for the district attorney of the Thirty-seventh Judicial District to be the district attorney of all of said courts; and providing the terms of said courts, and providing for the empaneling of grand juries in the Thirty-seventh, Forty-fifth and Ninety-fourth Judicial Districts, and providing that the said grand juries shall return all bills of indictment to the court in which said grand jury was empaneled; and providing that said Thirty-seventh, Forty-fifth, and Ninety-fourth Judicial District Courts shall give preference to the trial of criminal cases; and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, and the bill was passed to third reading.

H. B. No. 309 on Third Reading.

On motion of Senator Ridgeway, the constitutional rule requiring bills to be read on three several days in each house was suspended, and S. B. No. 309 was put upon its third reading, and final passage by the following vote:

Yeas—23.

Bailey.	Rice.
Baugh.	Ridgeway.
Bledsoe.	Rogers.
Bowers.	Strong.
Burkett.	Stuart.
Cousins.	Thomas.
Davis.	Turner.
Doyle.	Wirtz.
Fairchild.	Witt.
Holbrook.	Wood.
McMillin.	Woods.
Pollard.	

Present—Not Voting.

Murphy.

Absent—Excused.

Clark.	Lewis.
Darwin.	Parr.
Dudley.	Watts.
Floyd.	

The Chair then laid S. B. No. 309 before the Senate on its third reading and final passage.

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

Yeas—23.

Bailey.	Rice.
Baugh.	Ridgeway.
Bledsoe.	Rogers.
Bowers.	Strong.
Burkett.	Stuart.
Cousins.	Thomas.
Davis.	Turner.
Doyle.	Wirtz.
Fairchild.	Witt.
Holbrook.	Wood.
McMillin.	Woods.
Pollard.	

Present—Not Voting.

Murphy.

Absent—Excused.

Clark.	Lewis.
Darwin.	Parr.
Dudley.	Watts.
Floyd.	

S. B. No. 123 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading and special order,

S. B. No. 123, A bill to be entitled "An Act to amend Article 4432, Title 65, Chapter 5, and Article 7060, Title 120, Chapter 3, Revised Civil Statutes of Texas, 1911, by substituting therefor new sections; providing for the appointment of an attorney for the State before the Court of Criminal Appeals of Texas, fixing his salary and defining his duties; and providing for the appointment of an assistant attorney for the State before the Court of Criminal Appeals of Texas; fixing his salary, and defining the duties of said assistant; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Fairchild offered the following amendment to the bill:

Amend S. B. No. 123, page 2, line 9, after the word Texas, by adding the following: "The assistant to the Attorney General for the State before the Court of Criminal Appeals of Texas shall be an attorney of not less than four years' experience as a practicing attorney or shall have been a district judge for not less than four years before his appointment."

The amendment was adopted.

Senator Woods offered the following amendment to the bill:

Amend Senate Bill No. 123 by striking out the words "five thousand" on lines 22 and 23, page 1, and insert in lieu thereof the words "four thousand."

The amendment was adopted.

The bill was passed to engrossment.

S. B. No. 123 on Third Reading.

On motion of Senator Thomas, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 123 was put upon its third reading and final passage by the following vote:

Yeas—23.

Bailey.	Pollard.
Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Rogers.
Burkett.	Strong.
Cousins.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Wirtz.
Holbrook.	Witt.
McMillin.	Wood.
Murphy.	Woods.

Absent—Excused.

Clark.	Lewis.
Darwin.	Parr.
Dudley.	Watts.
Floyd.	

The Chair then laid S. B. No. 123 before the Senate on its third reading and final passage.

The bill was read third time and passed.

S. B. No. 301 on Third Reading.

On motion of Senator Fairchild, by unanimous consent, the regular order was suspended, and the Senate took up, out of its regular order,

S. B. No. 301, A bill to be entitled "An Act requiring the State Insurance Commission to make, establish, and promulgate classification of hazards and rates of premium under the Workmen's Compensation Law of this State and to prescribe standard workmen's compensation policy forms; requiring all companies and associations writing workmen's compensation insurance to use the classifications, rates, and policy forms established, promulgated and prescribed by the Commission; providing for the use of classifications,

rates and forms now on file with and approved by the Commissioner of Insurance until classifications, rates and policy forms have been made and prescribed by the Commission; requiring the Commission to assemble data for use in establishing, classifications and rates, and requiring the Commissioner of Insurance to deliver to the Commission all data under his control now used in establishing classification, rates and policy forms; authorizing and empowering the Commission to require sworn statements from insurance companies and associations containing statistical data, and requiring the Commission to describe necessary forms for such statements; fixing the manner in which the Commission shall determine hazards and describing the kind and character of rates which shall be fixed, and providing what data shall be taken into consideration by the Commission in fixing rates; providing for hearings before the Commission and the manner in which the same shall be conducted; requiring the use of uniform policies for workmen's compensation insurance, but allowing any company or association to use any form or endorsement appropriate to its plan of operation providing the same shall diminish its liability to pay the compensation provided for in the Workmen's Compensation Law; providing that no company or association shall be prohibited from writing workmen's compensation insurance on the mutual, reciprocal, or Lloyds plan, and that no stock company or other company or association shall be prohibited from sharing profits of policy holders but providing that no dividends to policy holders shall take effect until approved by the Commission; fixing the salaries of the members of the Commission hereunder and providing for expenditures to meet expenses hereunder, and fixing a maximum amount of such salaries and expenditures, and providing for the annual assessment and collection of a tax or premium for workmen's insurance policies to defray the salaries and expenses of the Commission hereunder, and provided that any unexpended balance shall be transferred to the general revenue of the State; empowering the Commission to make and enforce reasonable rules and regulations; negativing the application hereto of any provisions creating the State Insurance Commission; defining the words company and association, repealing Section 16a and 17 of Part 3 and part of Section 2 of Part 4 of Chapter 103 of the General Laws of the Regular Session of the Thirty-sixth Legislature, known as the Workmen's Compensation Law, and all other sections or parts of sections of said law and all other laws or parts of laws in conflict herewith or any provisions hereof; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act; and declaring an emergency."

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days in each house was suspended, and Senate Bill No. 301 was put upon its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Pollard.
Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Rogers.
Burkett.	Strong.
Cousins.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Wirtz.
Holbrook.	Witt.
McMillin.	Wood.
Murphy.	Woods.

Absent—Excused.

Clark.	Lewis.
Darwin.	Parr.
Dudley.	Watts.
Floyd.	

The Chair then laid Senate Bill No. 301 before the Senate on its third reading and final passage.

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

Yeas—24.

Bailey.	Ridgeway.
Baugh.	Rogers.
Bledsoe.	Strong.
Bowers.	Stuart.
Burkett.	Thomas.
Cousins.	Turner.
Davis.	Wirtz.
Doyle.	Witt.
Fairchild.	McMillin.
Holbrook.	Murphy.
Pollard.	Wood.
Rice.	Woods.

Absent—Excused.

Clark.	Lewis.
Darwin.	Parr.
Dudley.	Watts.
Floyd.	

Excused.

Senators Darwin and Parr for today, on account of important business, on motion of Senator Wood.

Adjournment.

On motion of Senator Woods, the Senate at 9:35 p. m. adjourned until 10 o'clock a. m. Monday.

APPENDIX.

Petitions and Memorials.

Senator Burkett offered a petition, numerously signed by Abilene citizens, protesting against the passage of Senate Bill No. 141, the Medical Practice Act, urging the practice of chiropractic be permitted.

Senator Doyle offered for record, numerously signed petitions from Limestone county, urging support of all measures now pending in the Legislature tending to the strengthening of prohibition and law enforcement. Also numerously signed petitions from Young People's Christian Endeavor Societies of Texas, urging passage of measures above referred to.

Senator Turner offered and had read telegrams from Texarkana and Marshall, protesting against the passage of the measures permitting the manufacture of carbon black from natural gas.

Senator Clark offered for record, thirty telegrams from points in Texas, protesting against the passage of S. B. No. 310, relating to and regulating the practice of veterinary medicine and veterinary surgery.

Committee Reports.

Senate Chamber,
Austin, Texas, Feb. 16, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 267 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 16, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 335 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 16, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 301 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 341, A bill to be entitled "An Act to provide a complete educational system commonly known as the county unit system to be adopted by the respective counties of this State; providing for a special election to be called for the adoption of the system herein provided for; setting forth the general administration of the schools of such counties under a county board of education; providing for the election of such county board of education, defining their respective powers and duties and stating their qualifications, number to be elected, time and place of meetings of such board; providing for the holding of such elections in counties adopting the provisions of this Act, authorizing such county boards herein provided for to make a levy for school taxes in any rate not to exceed one ($1) dollar on the one hundred ($100) dollar valuation of taxable property in the county as assessed for other county and State taxes; providing for a treasurer of the county school funds, fixing his bond and prescribing his duties; providing for the appointment of a county superintendent of education, fixing his qualifications and duties; prescribing that a general system of classifying and grading all schools in such county shall be adopted providing for the regulation of the schools as to sanitation and equipment; providing for the creation of districts for the enforcement of the State compulsory school attendance law; providing for a sys-

tem of reports to be required by the county board of education and the State superintendent, 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.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1923.

Hon. T. W. Davidson, President of the Senate.

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

S. B. No. 342, A bill to be entitled "An Act to amend Article 2862 of the Revised Civil Statutes of the State of Texas, so as to permit independent school districts to have their taxes assessed and collected by the county assessor and the county collector without being required to have such assessment made at the same valuations that are used for State and county taxation, 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.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1923.

Hon. T. W. Davidson, President of the Senate.

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

S. B. No. 340, A bill to be entitled "An Act creating the Nada County Line Common School District, composed of territory in Colorado and Wharton counties, to be under the jurisdiction of Colorado county for all school purposes, defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within its boundaries, providing that the local maintenance tax now levied in each portion of said district shall not be abrogated by the passage of this Act, providing that same shall continue to be assessed, levied, and collected until said district holds an election to determine its rate of taxation, if any; providing that the portion of said district lying in Wharton county shall not be released by the passage of this Act from the payment of its prorata share of the bond tax now being levied, assessed and collected therein as a part of the Taiton Common School District No. 29 of Wharton county, but the same shall continue to be levied, assessed, and collected from it until all bonds now outstanding against said Taiton District are fully paid off and discharged; providing that said Nada County Line Common School District shall be governed by the General Laws of Texas relating to such district, when not in conflict with this Act; providing that the board of trustees now in authority in the Nada Common School District of Colorado county, Texas, shall continue in authority for the Nada County Line Common School District until the next election for school trustees as provided by law for such districts when two of their successors shall be elected, and that an election be held thereafter each year, as provided by the General Laws of this State, 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, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 245, A bill to be entitled "An Act to appropriate the sum of ten thousand dollars out of the funds in the treasury not otherwise appropriated for the purpose of building a temporary building on the campus of and for the Texas Normal College at Denton, Texas, said building to be used for the purpose of housing students during the rebuilding of the administration building of said school."

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

WOOD, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on County and County Boundaries, to whom was referred

S. B. No. 343, A bill to be entitled "An Act to amend Section 7, Chapter 104, General Laws, passed at the Regular Session of the Thirty-sev-

enth Legislature creating and establishing four counties out of the territory embraced in the counties of Cameron, Hildalgo and Willacy, so as to provide for the collection of delinquent taxes in the new county as created and defined in the last paragraph of Section 1 of said chapter by the proper officers of said county, 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 and be not printed.

STRONG, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 13, "Joint Resolution amending Section 9 of Article 8 of the Constitution of the State of Texas providing that the Legislature may authorize an annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax not to exceed one dollar on the one hundred dollars valuation of the property subject to taxation in such county."

Have had same under consideration, and I am instructed by the committee to recommend to the Senate that it do not pass, but that the substitute offered by the committee, as follows, do pass.

"Joint Resolution proposing an amendment to Section 9 of Article 8 of the Constitution of the State of Texas providing that the Legislature may authorize an annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax not to exceed one dollar on the one hundred dollars valuation of the property subject to taxation in such county."

Respectfully submitted,
WOODS, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 2, "A Joint Resolution to amend Article 5 of the Constitution of the State of Texas, relating to the judiciary power and department, providing for the submission of this amendment to the people of the State at an election to be held for that purpose, fixing a date for such election, and making an appropriation to pay the expenses thereof."

Have had the same under consideration, and I am instructed by the committee to recommend to the Senate that it do pass, with an amendment to the effect that the resolution shall be submitted to a vote of the qualified electors at the general election, to be held throughout the State on the first Tuesday after the first Monday in November, 1924.

Respectfully submitted,
WOODS, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 312, A bill to be entitled "An Act requiring any insurance company, casualty company, co-operative life insurance company, life insurance company, fire insurance company, accident insurance company; any life and accident, health and accident, or life, health and accident insurance company or company doing a fidelity, guaranty or surety business in this State; any mutual fire, lightning, or storm insurance company, which is required by law to deposit with the State Treasurer or any State officer having his office at Austin, Texas, any money, bonds or securities to deposit with such officer either money or bonds or securities which are taxable in this State, and the sites of such money, bonds or securities for taxation purposes shall be in Travis county, Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the

Senate with the recommendation that it do pass with committee amendment.

BURKETT, Vice-Chairman.

Committee Amendment to S. B. No. 312.

Amend Senate Bill No. 312 by striking out the last six (6) words of Section One (1) and inserting in lieu thereof the following:

"For all the above insurance companies incorporated under the laws of another State or foreign country shall be in Travis county, Texas."

Committee Room,
Austin, Texas, Feb. 15, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 332, A bill to be entitled "An Act amending Article 7583, Chapter 12, Title 126 of the Revised Civil Statutes of the State of Texas of 1911, relating to assessment of property of taxation and the compensation to be paid assessors for making assessments."

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.

BURKETT, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 318, A bill to be entitled "An Act to provide for the refund by counties, cities, towns and other political subdivisions of the State or county of property ad valorem taxes paid when unlawfully levied or collected; providing that suits may be brought for such taxes, and providing for a period of limitation, and abolishing certain defenses; and providing that scripts or other evidences of such reimbursement shall be acacceptable in payment of taxes then or thereafter due."

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

BURKETT, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 253, A bill to be entitled "An Act to amend Section 20 of Chapter 131, General Laws passed at the Regular Session of the Thirty-sixth Legislature, relating to the duties of sealers and inspectors of weights and measures so as to include the duty to inspect water meters, gas meters and electric meters; and amending Section 22 of said chapter, by authorizing the superintendent of weights and measures to permit the use of any weighing or measuring devices which have been marked "Out of Order" to be used upon affidavit that same has been repaired and is weighing or measuring correctly; and declaring an emergency."

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

BURKETT, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 265, A bill to be entitled "An Act requiring the erection of adequate fire escapes on certain classes of three or more story buildings now or hereafter constructed in this State, and making it the duty of the owners of such buildings and the duty of all boards, commissions, board of trustees of public schools, county commissioners' courts, city councils, boards of city commissioners, and all officials having charge or supervision of public buildings within the provisions of this Act and owned by this State or by any county, city, town or school district to provide such buildings with adequate fire escapes; defining the terms "owner," "story" and "adequate fire escape," and fixing minimum specifications for adequate fire escapes and requiring the maintenance of exit and guide lights and signs to fire escapes and making it an offense to obstruct the free access to any fire escape; fixing the time within which such buildings shall be equipped with fire escapes and exempting from this Act certain buildings already equipped with fire escapes meeting certain requirements; fixing penalties for violation of any provision of this Act by owners of buildings, and making

it an offense for any person as agent to represent a non-resident owner of any building within the provisions of this Act who fails to comply with this Act, and fixing penalty therefor; providing that the State Fire Marshal shall have general supervision of the enforcement of this Act, and making it his duty and the duty of certain other officials to give notice of the provisions of this Act and file complaints for violation of its provisions, and authorizing private persons to file such complaints, and making it the duty of county attorneys, and district attorneys under certain conditions, to prosecute such complaints; providing that the Attorney General and county and disctrict attorneys may proceed by suit or injunction to enforce the provisions of this Act, and permitting such suits to be prosecuted on the relation of said officials or of the State Fire Marshal or any inspector of the State Fire Commission, or the chief of any fire department or the fire marshal of any city or town, or of any private person, and authorizing district courts and judges thereof to issue mandatory injunctions and other writs to enforce the provisions of this Act; providing that if any section, paragraph or provision of this Act be held unconstitutional that such holding shall not affect the remaining sections, paragraphs or provisions thereof, repealing Chapter 70 of the Acts of the Regular Session of the Thirtieth Legislature, passed and approved April 6th, 1907, and Chapter 12 of the Acts of the Regular Session of the Thirty-fourth Legislature, passed and approved February 16th, 1915, and Chapter 140 of the Acts of the Regular Session of the Thirty-fifth Legislature, passed and approved March 30th, 1917, all relating to fire escapes, and also repealing Articles 861 and 867, inclusive, of the Penal Code of the Revised Criminal Statutes of 1911, and all laws and parts of laws in conflict with this Act, and declaring an emergency."

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

BURKETT, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, have had under consideration

S. B. No. 224, A bill to be entitled "An Act to authorize the incorporation of real estate boards for the purpose of asquiring, preserving and disseminating valuable business information with reference to the purchase, sale, handling, improvement, subdivisions and additions, with power to hold exhibitions in the development and improvement of real property and in the construction and building of homes, and declaring an emergency therefor."

And beg to report that the bill do pass with the following amendments:

I.

Strike out all after the enacting clause and insert the following:

Section 1. That Article 1121, Chapter 2, Title 25, Revised Statutes of the State of Texas be amended by adding thereto a section reading as follows:

Real Estate Boards may be created as private corporations under the general corporation laws of this State by the voluntary association of three or more persons for the purpose of acquiring, preserving and disseminating valuable business information with reference to the purchase, sale, handling, improvement and development of real property, sub-divisions and additions, with power to hold exhibitions in the development and improvement of real property and in the construction and building of homes.

Sec. 2. The fact that the general corporation laws of this State do not permit the creation of corporations for the purpose set forth in Section 1 hereof, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read upon three several days be suspended and the same is hereby suspended, and this Act shall take effect and be enforced from and after its passage, and it is so enacted.

II.

Strike out all above the enacting clause and insert in lieu thereof the following as a caption:

"An Act to amend Article No. 1121, Chapter 2, Title 25, Revised Civil Statutes of the State of Texas relating to private corporations by adding thereto a section providing for the incorporation of real estate boards for the purpose of acquiring, preserving and disseminating valuable business information with reference to the purchase, sale, handling, improvement and development of real property, sub-divisions and additions, with power to hold exhibitions in the development and improvement of real property and in the construction and building of homes, and declaring an emergency therefor."

III.

As amended, we recommend that the bill do pass.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1923.

Hon. T. W. Davidson, President of the Senate.

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

H. B. No. 308, A bill to be entitled "An Act to prevent the selling of bass, perch, or crappie, or catfish, taken from the fresh waters in the County of Comal, State of Texas; making it unlawful to use any dynamite or other explosives in the killing or catching of any fish of the fresh waters of said county and providing a penalty for the violation thereof; prohibiting the use of any seine, drag net, trammel net or other net other than a minnow seine, which shall not be more than ten feet in length and the meshes of which shall not be smaller than one-fourth inch; providing for a closed season; prescribing the size of fish that may be taken; limiting the number of bass to be taken in any one day; providing that the district judge of the judicial district in which Comal County is situated, shall give a special charge upon this law to the grand juries of Comal County; providing a penalty for the violation thereof, and declaring an emergency."

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

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1923.

Hon. T. W. Davidson, President of the Senate.

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

S. B. No. 150, A bill to be entitled "An Act to amend an Act passed by the First Called Session of the Thirty-fifth Texas Legislature, amending an Act passed by the Second Called Session of the Thirty-third Legislature, approved September 26, 1914, and being an Act 'to provide a system of State Bonded Warehouses;' and the same is hereby amended to read as follows, and repealing certain statutes and all laws in conflict with 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.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1923.

Hon. T. W. Davidson, President of the Senate.

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

S. B. No. 287, A bill to be entitled "An Act to amend Article 6272 of the Revised Statutes of Texas defining indigency and in particular describing who and under what conditions shall be entitled to the rights and privileges of a Confederate pension and who shall be entitled to become an inmate of the Confederate Home or other public institutions at the expense of the State."

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.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1923.

Hon. T. W. Davidson, President of the Senate.

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

S. B. No. 325, A bill to be entitled "An Act amending Articles 10, 15, 27, 31, 32, 39, 40, 50, 53 and 63 of an Act passed at the First Called Session of the Thirty-sixth Legislature of the State of Texas, entitled 'An Act creating the office of Game, Fish and Oyster Commissioner, providing for the protection of fish and other marine life, being S. B. No. 107, Chapter 73, of the General Laws of the said First Called Session, changing certain

penalties therein, making necessary changes in regulations, repealing all laws in conflict herewith, 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.

WITT, Chairman.

(Majority Report).

Committee Room,
Austin, Texas, Feb. 16, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred Senate Bill No. 258, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do not pass.

WITT, Chairman.

(Minority Report).

Committee Room,
Austin, Texas, Feb. 16, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I, a minority of your Committee on State Affairs, to whom was referred Senate Bill No. 258, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, but be not printed.

RIDGEWAY.

(Floor Report).

Senate Chamber,
Austin, Texas, Feb. 16, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 468, A bill to be entitled "An Act creating the Ninety-second Judicial District of Texas; and fixing its boundaries, and providing for the two district courts in said district, one in Stephens county and the other in Young county; defining and declaring the jurisdiction of said courts, respectively, and prescribing the duration of said courts: fixing terms of said courts; providing for a district judge of said district, and that in Young county the district attorney of the Thirtieth Judicial District shall act as district attorney of said new district; and the district attorney of the Ninetieth Judicial District shall act as district attorney of said new district, providing for a clerk of each such new court, and for compensation of such district attorneys and of such clerks; providing for return to such new courts of process writs and bonds, and for transfer, and retransfer of causes and actions, motions and matters to and from the dockets of such new courts, respectively; validating certain outstanding process and writs; detaching and removing Stephens county from the Forty-second Judicial District of Texas; and declaring an emergency."

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

POLLARD, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Commerce and Manufactures, to whom was referred

H. B. No. 33, A bill to be entitled "An Act requiring the labeling of all cloth, fabric, garments, or articles of apparel sold or offered for sale in this State which contain wool or purport to contain wool, and samples containing or purporting to contain wool displayed in this State in soliciting orders, and providing for punishment for violation of this Act."

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

FAIRCHILD, Chairman.

TWENTY-NINTH DAY.

Senate Chamber,
Austin, Texas,
Monday, February 19, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Senator John H. Bailey, President Pro Tem.

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

Bailey.	Doyle.
Bowers.	Floyd.
Burkett.	Murphy.
Clark.	Pollard.
Darwin.	Rice.
Davis.	Rogers.