

ment, not including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather employes engaged in repairing railroad cars and other railroad equipment and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of said railroad companies, and declaring an emergency.'

And find the same correctly engrossed.
ODOM, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, August 15, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

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

House bill No. 41, "An Act to amend Section 4, Article 5, of Chapter 33, Special Laws of the Thirtieth Legislature, entitled 'An Act granting to Denison, Grayson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,' regulating the appointment and removal of officers and employes of said city, and declaring an emergency."

And find the same correctly enrolled, and did this day at 5:37 p. m. present same to the Governor for his signature.

SCHOFIELD, Chairman.

Committee Room,
Austin, Texas, August 15, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

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

House bill No. 5, "An Act to prohibit the exhibition of prize fights or glove contests and any obscene, indecent or immoral show or exhibition by means of moving picture films, bioscopes, magic lanterns or other devices in moving picture shows, theaters or any other place whatsoever, by any person, association, corporation or any agent or employe of any person, association, corporation or

receiver, firm or person; providing penalties therefor, and to repeal all laws in conflict with this act; and providing that this act shall in no way repeal or be in conflict with Chapter 10, Articles 1005 and 1005a of the Penal Code of Texas, and declaring an emergency."

And find the same correctly enrolled, and did this day, at 9:47 o'clock a. m., present the same to the Governor for his signature.

SCHOFIELD, Chairman.

EIGHTEENTH DAY.

Hall of the House of Representatives,
Austin, Texas,

Tuesday, August 16, 1910.

The House met at 9:15 o'clock a. m., pursuant to adjournment.

Speaker Marshall in the chair.

The roll was called, and the following members were present:

Adams.	Flournoy.
Anderson.	Fuller.
Aston.	German.
Baker of Hood.	Gilmore.
Baker of Panola.	Goodman.
Ballengee.	Graham.
Barrett.	Hamilton of
Bell.	Childress.
Bierschwale.	Hamilton of
Bogard.	McCulloch.
Bostic.	Harman.
Boswell.	Haxthausen.
Bowles.	Highsmith.
Branch.	Hill.
Briscoe.	Humphrey.
Brooks.	Hunt.
Brookshire.	Jackson.
Brownlee.	Jennings.
Buchanan.	Johnson.
Byrne.	Johnston.
Cable.	Kennedy.
Canales.	Lawson.
Cathey.	Leach.
Caves.	Lee.
Cox.	Looney.
Craven.	Luce.
Crawford.	Maddox.
Crisp.	Mason.
Crockett of	Maxwell.
Mitchell.	McCallum.
Cureton.	McDaniel.
Currey.	McDonald.
Dalby.	McKinney.
Dotson.	Minton.
Driggers.	Moller.
Elliott.	Morris.
Fant.	Munson.
Fitzhugh.	Nelson of Hopkins.

Nelson of Kaufman.	Schofield.
Nickels.	Self.
O'Bryan.	Smith.
O'Bryant.	Spradley.
Odom.	Stamps.
Pearson.	Standifer.
Penn.	Stephenson.
Perkins.	Stepter.
Pharr.	Stratton.
Porter.	Tarver.
Rabb.	Terrell of Bexar.
Ray.	Terrell of Cherokee.
Rayburn.	Tillotson.
Reedy.	Turner.
Reid.	Vaughan.
Roach.	Von Rosenberg.
Roberson of Erath.	Walter.
Robertson of Bell.	Watson.
Robertson of Travis.	Werner.
Ross.	Wilburn.
Schluter.	Wilson.
	Wortham.

Absent.

Bartlett.	Matthews.
Chaney.	McGown.
Davis.	Stead.
Lively.	Wahrmund.

Absent—Excused.

Brown.	Ralston.
Crockett of Washington.	Strickland.
Keeble.	Turney.
McLain.	Yantis.

A quorum was announced present.
Prayer by Dr. V. A. Godbey, Pastor Tenth Street Methodist Church of Austin.

GRANTED LEAVE OF ABSENCE.

On account of important business:

Mr. Crawford and Mr. Lively for yesterday and today, on motion of Mr. McCallum.

Mr. Luce and Mr. Strickland for yesterday, on motion of Mr. Terrell of Cherokee.

On account of sickness:

Mr. Yantis for today, on motion of Mr. Stepter.

Mr. Keeble for yesterday and today, on motion of Mr. Cox.

Mr. McLain for yesterday and today, on motion of Mr. O'Bryan.

RELATING TO PLATFORM OF DEMOCRATIC CONVENTION.

Mr. Fitzhugh called up from the Speaker's table, for consideration at this time, the following resolution:

Whereas, Under a representative form of government and according to the policies and customs heretofore followed and adhered to by the Democratic party in the State of Texas, the function of a State Democratic Convention is to declare the result of a primary election or of precinct and county conventions, and to announce the principles upon which said party stands without referring to the duty of any Legislature at that time in session; and

Whereas, It is the duty of the State Legislature to discharge the law-making functions of the State government; and

Whereas, The recent State Democratic Convention at Galveston, in its platform under the last clause of Section 9, uses the following language, to-wit: "And we recommend that the Thirty-first Legislature, now in Special Session, dispose of the fire rating board law, adjourn, and go home"; now, therefore, be it

Resolved, That said clause of said section of said platform is in bad taste, uncalled for, not responsive to any demands made by a majority of the people, and that said State Convention, in adopting said resolution, attempted to invade the province of the Third Called Session of the Thirty-first Legislature; and be it further

Resolved, That in the future State Democratic Conventions will do well to attend to their own business of discharging the functions which they were created to discharge without attempting to dictate to any Legislature at that time in session what line of conduct said Legislature shall pursue.

HAMILTON of McCulloch,
WILBURN,
HAMILTON of Childress,
FULLER,
HUMPHREY,
ANDERSON,
BRANCH,
BARRETT,
BALLENBEE,
PORTER,
FANT,
CATHEY.

With the following substitute by Mr. Reedy:

Resolved, That we regard as meddling and pernicious any attempt to relieve this Legislature and the Governor of this State of their duty to pass the measures now pending before it, on just and wise suggestion of the Governor; and that this Legislature and the Gov-

ernor will not have discharged the full measure of their duty unless and until they shall have amended the insurance law, passed the bill of lading act, amended the primary election law, and reformed the penitentiary system.

And motion by Mr. Davis to table the substitute and the resolution, pending. The Speaker laid the resolution before the House.

Question—Shall the motion to table prevail?

Mr. Adams called for a division of the question.

Mr. Standifer raised the point of order on consideration of the substitute on the ground that it is not germane to the purpose of the original resolution.

The Speaker overruled the point of order.

Question first recurred—Shall the substitute by Mr. Reedy be tabled?

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

Yeas—75.

Anderson.	Leach.
Aston.	Lee.
Bell.	Looney.
Bierschwale.	Maxwell.
Boswell.	McCallum.
Bowles.	McDaniel.
Briscoe.	McDonald.
Brooks.	Munson.
Brownlee.	Nelson of Hopkins.
Buchanan.	Nickels.
Byrne.	O'Bryan.
Cable.	O'Bryant.
Canales.	Pearson.
Caves.	Perkins.
Cox.	Pharr.
Craven.	Porter.
Crisp.	Rabb.
Cureton.	Ray.
Dotson.	Rayburn.
Elliott.	Robertson of Bell.
Fitzhugh.	Robertson of
Flournoy.	Travis.
Gilmore.	Schluter.
Goodman.	Schofield.
Graham.	Self.
Hamilton of	Smith.
Childress.	Spradley.
Hamilton of	Standifer.
McCulloch.	Stepter.
Haxthausen.	Stratton.
Highsmith.	Strickland.
Hill.	Tarver.
Humphrey.	Terrell of Bexar.
Hunt.	Tillotson.
Jennings.	Turner.
Johnson.	Vaughan.
Johnston.	Von Rosenberg.
Kennedy.	Watson.

Werner.
Wilburn.

Wortham.

Nays—34.

Adams.	Maddox.
Baker of Hood.	Mason.
Baker of Panola.	Minton.
Ballengee.	Moller.
Barrett.	Morris.
Bogard.	Nelson of
Bostic.	Kaufman.
Branch.	Odom.
Cathey.	Reedy.
Currey.	Reid.
Dalby.	Roach.
Driggers.	Roberson of Erath.
Fant.	Ross.
Fuller.	Stamps.
German.	Stephenson.
Jackson.	Terrell of
Lawson.	Cherokee.
Luce.	Wilson.

Absent.

Bartlett.	Harman.
Brookshire.	Matthews.
Chaney.	McGown.
Crawford.	McKinney.
Crockett of	Stead.
Mitchell.	Wahrmund.
Davis.	Walter.

Absent—Excused.

Brown.	McLain.
Crockett of	Penn.
Washington.	Ralston.
Keeble.	Turney.
Lively.	Yantis.

Question—Shall the original resolution be tabled?

Mr. Ray raised the point of order on consideration of the resolution at this time on the ground that the time allowed under the rules of the House for consideration of resolutions has expired.

The Speaker overruled the point of order because of the fact that the motion to table having been divided and the vote taken on the first proposition, the House should also vote on the second.

Question—Shall the resolution by Mr. Fuller and others be tabled?

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

Yeas—38.

Bierschwale.	Cox.
Boswell.	Crisp.
Brooks.	Fitzhugh.
Buchanan.	Flournoy.
Byrne.	Haxthausen.
Caves.	Highsmith.

Hill.	Robertson of
Johnson.	Travis.
Kennedy.	Schluter.
Leach.	Schofield.
McDonald.	Smith.
Munson.	Spradley.
Nelson of Hopkins.	Standifer.
Nickels.	Terrell of Bexar.
O'Bryan.	Tillotson.
Pearson.	Turner.
Pharr.	Von Rosenberg.
Rabb.	Werner.
Ray.	Wortham.
Rayburn.	

Nays—69.

Adams.	Lawson.
Anderson.	Lee.
Aston.	Looney.
Baker of Hood.	Luce.
Baker of Panola.	Maddox.
Ballengue.	Mason.
Barrett.	Maxwell.
Bell.	McCallum.
Bogard.	McDaniel.
Bostic.	Minton.
Bowles.	Moller.
Branch.	Morris.
Briscoe.	Nelson of
Brownlee.	Kaufman.
Cathey.	O'Bryant.
Craven.	Odom.
Cureton.	Perkins.
Currey.	Porter.
Dalby.	Reedy.
Dotson.	Reid.
Driggers.	Roach.
Elliott.	Roberson of Erath.
Fant.	Robertson of Bell.
Fuller.	Ross.
German.	Self.
Gilmore.	Stamps.
Goodman.	Stephenson.
Graham.	Stratton.
Hamilton of	Strickland.
Childress.	Tarver.
Hamilton of	Terrell of
McCulloch.	Cherokee.
Humphrey.	Vaughan.
Hunt.	Watson.
Jackson.	Wilburn.
Jennings.	Wilson.
Johnston.	

Present—Not Voting.

Cable.	Canales.
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Absent.

Bartlett.	Keeble.
Brookshire.	Matthews.
Chaney.	McGown.
Crockett of	McKinney.
Mitchell.	Stepter.
Davis.	Wahrmund.
Harman.	

Absent—Excused.

Brown.	Penn.
Crawford.	Ralston.
Crockett of	Stead.
Washington.	Turney.
Lively.	Walter.
McLain.	Yantis.

Question—Shall the resolution be adopted?

Mr. Looney offered the following substitute for the resolution:

Resolved, That the members of this House continue to do their constitutional duty to pass upon such matters as may be submitted to them, leaving to each member the personal right of giving to all petitions, convention resolutions and platforms such interpretation and consider them as may be satisfactory to him.

Question—Shall the substitute be adopted?

Mr. Terrell of Bexar raised a point of order on further consideration of the resolution at this time on the ground that the time allowed under the rules of the House for consideration of resolutions has expired.

The Speaker sustained the point of order.

HOUSE BILL NO. 42 ON SECOND READING.

The House resumed consideration of pending business, the same being House bill No. 42, regulating the sale of intoxicating liquors in local option districts upon physicians' prescriptions, on second reading and passage to engrossment, with motion by Mr. Terrell of Bexar that further reading of the bill be postponed until next Thursday morning, and motion by Mr. Reedy to table the motion to postpone pending.

Question—Shall the motion to postpone be tabled?

Mr. Reedy withdrew the motion to table, and moved as a substitute for the motion to postpone, that further reading of the bill be postponed until 2 o'clock p. m. today.

The substitute motion of Mr. Reedy prevailed.

HOUSE BILL NO. 23 ON FINAL PASSAGE.

The Speaker laid before the House, on final passage,

House bill No. 23, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on premises owned,

controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquors has been or where the same may hereafter be legally prohibited under the laws of this State, and declaring an emergency."

The bill having been read third time on yesterday.

Question—Shall the bill be passed?

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—91.

Adams.	Luce.
Anderson.	Maddox.
Aston.	Mason.
Baker of Hood.	Maxwell.
Baker of Panola.	McCallum.
Ballengee.	McDaniel.
Barrett.	McDonald.
Bell.	McKinney.
Bogard.	Minton.
Bostic.	Moller.
Boswell.	Morris.
Bowles.	Munson.
Branch.	Nelson of Hopkins.
Briscoe.	Nelson of
Brownlee.	Kaufman.
Buchanan.	Nickels.
Cable.	O'Bryan.
Canales.	O'Bryant.
Cathey.	Perkins.
Craven.	Pharr.
Cureton.	Porter.
Currey.	Ray.
Dalby.	Reedy.
Dotson.	Reid.
Driggers.	Roach.
Elliott.	Roberson of Erath.
Fant.	Robertson of Bell.
Flournoy.	Robertson of
Fuller.	Travis.
Gilmore.	Ross.
Goodman.	Self.
Graham.	Smith.
Hamilton of	Spradley.
Childress.	Stamps.
Hamilton of	Stead.
McCulloch.	Stephenson.
Harman.	Stepter.
Hill.	Stratton.
Humphrey.	Strickland.
Hunt.	Tarver.
Jackson.	Terrell of Bexar.
Jennings.	Terrell of
Johnson.	Cherokee.
Johnston.	Turner.
Lawson.	Vaughan.
Leach.	Wilburn.
Lee.	Wilson.
Looney.	

Nays—14.

Bierschwale.	Rabb.
Brookshire.	Schluter.
Caves.	Standifer.
Fitzhugh.	Tillotson.
Haxthausen.	Von Rosenberg.
Highsmith.	Watson.
Pearson.	Werner.

Present—Not Voting.

Crisp.

Absent.

Bartlett.	German.
Brooks.	Kennedy.
Byrne.	Matthews.
Chaney.	McGown.
Cox.	Rayburn.
Crockett of	Schofield.
Mitchell.	Wahrmund.
Davis.	Wortham.

Absent—Excused.

Brown.	McLain.
Crawford.	Penn.
Crockett of	Ralston.
Washington.	Turney.
Keeble.	Walter.
Lively.	Yantis.

SENATE JOINT RESOLUTION NO. 1 ON THIRD READING.

The Speaker laid before the House, on third reading and final passage,

Senate Joint Resolution No. 1, Ratifying the Sixteenth Amendment to the Constitution of the United States of America.

The resolution was read third time.

Question—Shall the resolution be passed?

The Clerk was directed to call the roll, and the resolution was passed by the following vote:

Yeas—106.

Adams.	Byrne.
Anderson.	Cable.
Aston.	Canales.
Baker of Hood.	Cathey.
Baker of Panola.	Cox.
Ballengee.	Craven.
Barrett.	Crisp.
Bell.	Cureton.
Bierschwale.	Currey.
Bostic.	Dalby.
Boswell.	Dotson.
Bowles.	Driggers.
Branch.	Elliott.
Briscoe.	Fant.
Brookshire.	Fitzhugh.
Brownlee.	Flournoy.
Buchanan.	Fuller.

Gilmore.	Odom.
Goodman.	Pearson.
Graham.	Perkins.
Hamilton of	Pharr.
Childress.	Porter.
Hamilton of	Rabb.
McCulloch.	Ray.
Harman.	Reedy.
Haxthausen.	Reid.
Hill.	Roach.
Humphrey.	Roberson of Erath.
Hunt.	Robertson of
Jackson.	Travis.
Jennings.	Ross.
Johnson.	Schluter.
Johnston.	Schofield.
Kennedy.	Self.
Lawson.	Smith.
Leach.	Spradley.
Lee.	Stamps.
Looney.	Standifer.
Luce.	Stead.
Maddox.	Stephenson.
Mason.	Stepter.
Maxwell.	Stratton.
McCallum.	Strickland.
McDaniel.	Tarver.
McDonald.	Terrell of Bexar.
McKinney.	Terrell of
Minton.	Cherokee.
Moller.	Tillotson.
Morris.	Turner.
Munson.	Vaughan.
Nelson of Hopkins.	Von Rosenberg.
Nelson of	Watson.
Kaufman.	Werner.
Nickels.	Wilburn.
O'Bryan.	Wilson.
O'Bryant.	

Nays—1.

Robertson of Bell.

Absent.

Bartlett.	German.
Bogard.	Highsmith.
Brooks.	Matthews.
Caves.	McGown.
Chaney.	Rayburn.
Crawford.	Wahrmund.
Crockett of	Walter.
Mitchell.	Wortham.

Absent—Excused.

Brown.	McLain.
Crockett of	Penn.
Washington.	Ralston.
Keeble.	Turney.
Lively.	Yantis.

. BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following bill:

Senate bill No. 21, "An Act to authorize and empower Lamar county or any political subdivision of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, gravelled or paved roads and turnpikes and prescribing ways and means of conducting and supervising said work, and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature, creating a special road law for Lamar county, approved March 17, 1909, and declaring an emergency."

HOUSE BILL NO. 9 ON THIRD READING.

The Speaker laid before the House, on third reading and final passage,

House bill No. 9, A bill to be entitled "An Act defining bills of lading and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents to issue negotiable bills of lading or straight or non-negotiable bills of lading, at the request of the shipper, between certain places prescribed in the act, and defining negotiable or order bills of lading, and non-negotiable or straight bills of lading, and prescribing certain requirements for all bills of lading; making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; providing for the division of all bills of lading into three series and defining each series; prescribing how bills of lading shall be issued and prohibiting the issuance of negotiable bills of lading in parts or sets, except as prescribed in the terms of this act; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading, when the goods or a part thereof

have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost upon the giving of a bond by the holder of the lost bill of lading under certain conditions; prescribing certain duties of general freight agents, or persons authorized to act for them and certain duties of local station agents or carriers, and providing for the making and preservation of copies of all bills of lading, subject to the inspection of interested parties, and providing for the certification of all signatures to all bills of lading by the general freight agents of carriers, or persons authorized to act for them; prescribing that carriers shall maintain an authorized agent at all places recognized by the Federal government as ports of entry, whose duties shall be the same as those prescribed for general freight agents in this act; prescribing certain duties for ship agents, charterers and owners of vessels; prescribing and defining the duties and liabilities of carriers with reference to the consignee named in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading, under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody and legal possession or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to issuance or negotiation of bills of lading, and prescribing penalties therefor, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—69.

Adams.	Bogard.
Anderson.	Bowles.
Aston.	Branch.
Baker of Hood.	Briscoe.
Ballengee.	Brooks.
Barrett.	Brookshire.
Bell.	Brownlee.

Byrne.	Minton.
Canales.	Moller.
Caves.	Morris.
Crawford.	Munson.
Crisp.	Nelson of Hopkins.
Crockett of Mitchell.	Nelson of Kaufman.
Cureton.	Odom.
Currey.	Pharr.
Dalby.	Reedy.
Driggers.	Reid.
Fant.	Roach.
Flournoy.	Robertson of Erath.
Fuller.	Robertson of Bell.
Gilmore.	Robertson of Travis.
Goodman.	Ross.
Graham.	Stamps.
Hamilton of McCulloch.	Stead.
Harman.	Stephenson.
Hunt.	Stepter.
Jennings.	Stratton.
Lawson.	Strickland.
Looney.	Tarver.
Luce.	Terrell of Cherokee.
Maddox.	Vaughan.
Mason.	Walter.
Maxwell.	Watson.
McCallum.	Wilson.
McDaniel.	

Nays—38.

Baker of Panola.	McGown.
Bierschwale.	Nickels.
Bostic.	O'Bryan.
Boswell.	O'Bryant.
Buchanan.	Pearson.
Cable.	Perkins.
Cathey.	Porter.
Cox.	Rabb.
Dotson.	Ray.
Elliott.	Schluter.
Fitzhugh.	Schofield.
Haxthausen.	Self.
Highsmith.	Smith.
Hill.	Standifer.
Humphrey.	Tillotson.
Johnson.	Von Rosenberg.
Kennedy.	Werner.
Leach.	Wilburn.
McDonald.	Wortham.

Present—Not Voting.

Jackson.	Spradley.
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Absent.

Bartlett.	Johnston.
Chaney.	Lee.
Craven.	Matthews.
Davis.	McKinney.
German.	Rayburn.
Hamilton of Childress.	Terrell of Bexar.
	Turner.

Absent—Excused.

Brown.	Penn.
Crockett of	Ralston.
Washington.	Turney.
Keeble.	Wahrmund.
Lively.	Yantis.
McLain.	

Mr. Moller moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 16 ON SECOND READING.

The Speaker laid before the House, on second reading and passage to engrossment,

House bill No. 16, A bill to be entitled "An Act to prohibit the sale of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication in any locality of this State other than where local option is in force, in quantities of less than one quart, and prescribing penalties for violations thereof, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Mr. Nickels moved to postpone further consideration of the bill indefinitely.

Mr. Ray moved to table the motion to postpone and the motion to table was lost.

Question recurring on the motion to postpone the bill indefinitely, it prevailed.

HOUSE BILL NO. 17 ON SECOND READING.

The Speaker laid before the House, on second reading and passage to engrossment,

House bill No. 17, A bill to be entitled "An Act to prohibit the drinking of spirituous, vinous or malt liquors and medicated bitters capable of producing intoxication on the premises where sold in any locality of this State other than where local option is in force, and providing penalties therefor, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

On motion of Mr. Nickels further consideration of the bill was postponed indefinitely.

HOUSE BILL NO. 21 ON SECOND READING.

The Speaker laid before the House, on second reading and passage to engrossment,

House bill No. 21, A bill to be entitled "An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication and the places wherein same are sold; imposing an occupation tax upon persons, firms, corporations and associations of persons selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, requiring retail liquor dealers and persons to procure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; prohibiting spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication from being drunk on the premises under the control of the seller of such spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; prohibiting the drinking of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication upon the premises where the same were purchased, and providing a penalty therefor; exempting wine growers who sell wine of their own production from the provisions of this act, provided the same is not sold to be drunk on the premises where sold, and otherwise regulating wine growers in regard to said subject; regulating the transfer of license of retail liquor dealers; prescribing the conditions of the bonds of such retail dealer and the condition upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under such conditions of licenses issued; defining intoxicating liquors, and providing penalties for the violation of the provisions of this act; prescribing the method and procedure by which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based, and prescribing the duties of the county judge, Comptroller of Public Accounts, the county attorney and other proper officers in regard thereto; requiring licenses to be issued under this act, and providing for the continuation in force

for a period of time of licenses issued under prior laws, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

On motion of Mr. Stamps, further consideration of the bill was postponed indefinitely.

HOUSE BILL NO. 25 ON SECOND READING.

The Speaker laid before the House, on second reading and passage to engrossment,

House bill No. 25, A bill to be entitled "An Act to make it unlawful for any person to drink intoxicating liquors in a public place, prescribing a penalty, and defining a public place."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

On motion of Mr. Hill, further consideration of the bill was postponed indefinitely.

HOUSE BILL NO. 26 ON SECOND READING.

The Speaker laid before the House, on second reading and passage to engrossment,

House bill No. 26, A bill to be entitled "An Act on the subject of elections, amending Sections 105, 109, 112, 114, 115, 116, 117, 119 and 120 of Chapter 11, Acts of the First Called Session of the Twenty-ninth Legislature, as amended by an act of the Second Called Session of the Twenty-ninth Legislature, approved April 3, 1905, as amended by an act of the First Called Session of the Thirtieth Legislature, approved April 30, 1907, and by adding to said law as enacted and amended a new section to be known as Section 111a, providing in said amendments for the holding and regulation of primary elections for the nomination by political parties of candidates for State, district, county and precinct offices, also regulating political conventions, prescribing that for all State and district offices a majority of all the votes cast for such office must be received by a candidate in order for a nomination, providing for a second primary when in the first primary no candidate receives a majority of all the votes cast for the several candidates for said office, providing for the expenses of said second primary; pre-

scribing the duties of the election officers, executive committees and the chairman thereof."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

On motion of Mr. Looney, further consideration of the bill was postponed indefinitely.

INVITING HON. OSCAR CALLOWAY TO ADDRESS HOUSE.

Mr. Ross offered the following privileged resolution:

Whereas, The Hon. Oscar Calloway, Congressman-elect from the Twelfth Congressional District, is present in the gallery; therefore, be it

Resolved, That he be invited to address this House.

ROSS,
McCALLUM.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker appointed Messrs. Ross and Minton to escort Mr. Calloway to the Speaker's stand.

The committee escorted Hon. Oscar Calloway to the Speaker's stand, where, after being introduced by Hon. Louis J. Wortham, he addressed the House.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 16, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

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

House bill No. 7, A bill to be entitled "An Act providing conditions upon which insurance companies writing contracts or policies of insurance against the hazard of fire may transact business in the State of Texas, and providing for the making, promulgation, regulation and control of schedules, rates and premiums, and forms of policies; and to prevent discrimination therein, and create a State Insurance Board, and prescribing the duties and authority of said board, and each member thereof; to appropriate money therefor, and to provide penalties for violations of this act, and repealing Chapter 18 of the General Laws of the State of Texas, passed by the First Called Session of the Thirty-first Legislature and all other laws and parts of

laws in conflict therewith, and declaring an emergency," with amendments.

Respectfully,
CLYDE D. SMITH,
Secretary of the Senate.

HOUSE BILL NO. 28 ON SECOND
READING.

The Speaker laid before the House, on second reading and passage to engrossment,

House bill No. 28, A bill to be entitled "An Act to amend Sections 65 and 82 of Chapter 11, of the General Laws of Texas, First Called Session of the Twenty-ninth Legislature, 1905, entitled 'An Act to regulate elections and to provide penalties for its violation, and to repeal the Acts of the Twenty-eighth Legislature, 1903, regulating elections, general, special and primary, and political conventions, approved April 1, 1903,' and providing for penalties for the violation of the provisions of this act, and to repeal all laws or parts of laws in conflict with this act, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Mr. Adams offered the following amendment to the bill:

Amend bill by adding on page 2, line 9, after the word "supervisor," the following words, "who shall be named by the parties requesting the appointment of a supervisor."

Question—Shall the amendment be adopted?

Mr. Stamps moved to postpone further consideration of the bill indefinitely.

Mr. Adams moved to table the motion to postpone, and the motion to table was lost.

Question recurring on the motion to postpone indefinitely, it prevailed.

Mr. Fuller moved to take a recess until 2 o'clock p. m. today, and the motion was lost.

HOUSE BILL NO. 7 WITH SENATE
AMENDMENTS.

Mr. Vaughan called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

House bill No. 7, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which writing contracts of fire insurance on property in this State, shall transact business in this State; to create a State

Insurance Board, to provide for their appointment and to fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary, to fix reasonable maximum rates of premiums on fire insurance on property in this State; to authorize said board to employ all necessary clerical force and providing an appropriation for the payment of salaries of said board and for all necessary expenses; to provide the basis of maximum rates for fire insurance on property in this State, until said Board shall fix maximum rates herein prescribed; to authorize the revocation of the licenses or certificates of insurance companies to do business in this State for violations of the orders of said board or the provisions of this act; to require all persons having knowledge to give evidence as to the violations of this act or of the orders of said board; to require all insurance companies issuing policies or writing contracts of fire insurance to furnish reports to the members of any authorized agent of said board and to give access to all their books, documents and correspondence when requested by said board; also providing that the State Insurance Board shall make and maintain a record of all fire losses and such data and information in reference thereto as may be of assistance in the making of insurance rates and reductions of same; and reducing the fire losses of the State; providing that one member of the Insurance Board shall be elected Secretary of the Board and one member elected Fire Marshal of the State Insurance Board, and defining and prescribing the duties of those respective positions; and providing that no action taken by the Fire Marshal shall affect the rights of the policyholders; providing for the establishment of minimum rates of fire insurance by the State Insurance Board, under certain conditions specified in the act; providing for the promulgation and establishment of uniform policies of insurance applicable to the various risks of this State, by the State Insurance Board and their adoption and use by fire insurance companies; prohibiting any person from receiving or accepting from any insurance company or its agents or any other person rebates or premiums or any special favor or advantage or consideration or inducement not specified in the insurance policy, and providing the penalty for the violation; to provide for the time when this act shall go into effect and for the repeal of

Chapter 18 of the General Laws passed by the First Called Session of the Thirty-first Legislature, and of all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments, and directed the Clerk to read the amendments.

RECESS.

Pending reading of the Senate amendments, on motion of Mr. Crawford, the House, at 12:20 o'clock p. m., recessed to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

HOUSE BILL NO. 7 WITH SENATE AMENDMENTS.

The House resumed consideration of pending business, the same being House bill No. 7, regulating fire and marine insurance, with Senate amendments.

The Senate amendments were read as follows:

(1)

Amend by striking out all after the enacting clause and insert the following:

"Section 1. Every fire, marine, or fire and marine insurance company issuing policies of insurance on property in this State, whether organized under the laws of this State or any other State, Territory or possession of the United States, or foreign countries, or by authority of the Federal government, now holding certificate of authority to transact business in this State, or hereafter granted authority to transact business in this State, shall be deemed to have accepted such certificate and to transact business thereunder, upon the condition that it consents to the terms and privileges of this act, and that it agrees to transact its business in this State subject thereto.

"Sec. 2. That there is hereby created a board to be known as the State Fire Rating Board, which shall be composed of the Commissioner of Insurance and Banking, who shall be chairman thereof, and two members to be appointed by the Governor. The members of said board, other than the Commissioner of Insurance and Banking, shall be appointed, as herein provided, within ten days after this act takes effect, for the term of

one year, and biennially thereafter, and they each shall have had at least five years' practical experience in fire insurance business; they shall have the power to prescribe rates of insurance, to supervise and control rates of insurance, to decide all questions required, authorized or permitted to be passed upon by said board upon which they shall agree, and in case of disagreement as to any such question a decision of the Commissioner of Insurance and Banking shall determine the action of said board.

"Sec. 3. That the State Fire Rating Board is hereby authorized and empowered to call on any insurance company, or any officer, agent or representative thereof, authorized to transact business in this State under this act for any and all information relative to its business as often as deemed necessary by said board, and any company, officer agent or representative thereof failing to furnish such information when so called on shall be subject to the penalties provided for in Section — of this act.

"Sec. 4. That the members of the State Fire Rating Board, other than the Commissioner of Insurance and Banking, shall each receive as compensation for his service the sum of two thousand five hundred (\$2500) dollars per annum; the salaries of the members of said board and the compensation of the clerical force, and such other assistance as said board may deem proper to employ and all necessary traveling and other necessary expenses incurred by said board in carrying out the provisions of this act, shall be paid by warrants drawn by the Comptroller upon the State Treasurer, upon the order of said board; provided, that the total amount of all salaries and expenses shall not exceed the sum of twenty-five thousand dollars during any one year after this act takes effect.

"Sec. 5. That every fire, marine, or fire and marine insurance company authorized to transact business in this State shall use as the basis schedules, schedules and tariffs in effect in this State and in each locality thereof on December 31, 1909, as a maximum rate, and upon notice from the State Fire Rating Board immediately file such general basis schedules and rates and when so filed shall be the basis from which specific rates shall be made, but it is specifically provided that the State Fire Rating Board shall have the power to revise, alter and amend all rates or gen-

eral basis schedules, and the rates and general basis schedules so amended shall be the basis from which the maximum rate at which the said risks shall be written, until the same shall be changed by said board or by some judicial proceeding; and provided that the rates in effect December 31, 1909, on insurance in this State shall be the maximum rate at which insurance risks of like kind and character similarly situated shall be written until said board shall have approved the maximum rate as hereinbefore provided; and it shall be unlawful for any company authorized to transact business in this State to charge a higher rate, but it is specially provided that any insurance company may write any risk at a lower rate than the maximum rates promulgated by said board for such risks.

"Sec. 6. That no change shall be made by any company increasing the premium rates in the general basis schedules, or rates which have been filed in compliance with the requirements of this act, and the said rates of the respective companies shall not be increased by penalizing the risks or otherwise, except after thirty days' notice to the secretary of said board, which notice shall plainly state the changes proposed to be made in the schedules thereunder in force and upon the respective property or risk, and the time when such changes will go into effect; provided, that same shall not go into effect until approved by said board; and such changes shall be shown by filing new schedules in force at the time; provided, that said board may, in its discretion, and for good cause shown, allow or direct changes to be made upon notice for a shorter period than that specified herein to meet the peculiarities and demands of local conditions; provided, also, that said board may order changes in the rates of premium to meet unusual or peculiar conditions in any particular locality by giving notice of its intention to do so as herein provided.

"Provided, that said board shall have the power, upon reasonable notice of its intention to do so, to direct any or all such insurance companies, or on its own motion, to alter, amend or revise, the general basis schedules, or the specific schedules of rates filed by any company and to publish notice of such alteration, amendment, or revision; provided, that nothing herein shall be considered to deny the right of any company to

reduce its rates to conform with any lower rate established or authorized by said board applying to the same character of risks under similar circumstances and conditions.

"Sec. 7. That every insurance company authorized to transact business in this State shall, before placing the policy to be used by its agents to submit same to the Fire Rating Board, shall have the power to prohibit the use of any policy, provisions, forms, clauses, endorsements or amendments, and it shall be its duty to prescribe and approve all forms of fire insurance policies, which approval shall be printed in bold type on each and every used or placed policy by any and all companies doing a fire insurance business in Texas.

"Sec. 8. That the provisions of this law shall not deal with the collections of premiums, but each company shall be permitted to make such rules and regulations as it may deem just between the company and its agents, and no policy shall be declared void or in any way affected by any endorsement not authorized by said board.

"That the policies heretofore written containing clauses making said policies void for non-payment of premiums are hereby validated and held to be in full force and effect until the expiration or cancellation of the same.

"And it is further provided that all contracts of insurance written prior to January 1, 1910, shall not be affected by any law passed by General or Special Session of the Thirty-first Legislature, nor shall any provision of this law affect such contract, but it shall remain in full force and effect according to its stipulations as originally entered into, and that no endorsement or permit entered into or attached to or passed upon said policy at any time, shall in any way affect its validity.

"Sec. 9. That the Commissioner of Insurance and Banking, if he shall find that any insurance company, or any officer, agent or representative thereof, has violated any of the provisions of this act, or failed to comply with any orders of said board, may, at his discretion, and with the consent and approval of the Attorney General, revoke the certificate of authority of such company, officer, agent, or representative, to the infliction of any other penalty provided by this act, and provided that any action, decision, or determination of the Commissioner of Insurance and Banking, in such case, shall be subject to the

review of the courts of this State, as herein provided.

"Sec. 10. That the State Fire Rating Board shall not make any regulations or orders without giving all the insurance companies concerned reasonable notice thereof, and an opportunity to appear to be heard with respect to same, and if any insurance company or other person, or commercial body or city, or municipality, which shall be interested in any such order, shall be dissatisfied with any regulation, or rate adopted by said board, such insurance company, person, commercial body, city or municipality, or their representatives, shall have the right within thirty days after the making of such rates, regulation or order to bring an action against said board in the district court of Travis county, Texas, to have such rate, regulation or order vacated or modified, and shall set forth in the petition therein the particular ground or grounds of objection to any or all of such rates, regulations or orders. In any such suit the issue shall be formed and the controversy tried and determined as in other civil cases; and the court may modify, change, set aside, vacate or annul one or more or any part of any of the regulations, orders or rates adopted or fixed by said board which shall be found by the court to be unreasonable, unjust, excessive, or inadequate, to compensate the company writing insurance thereon for the risks assumed by it, without disturbing others. No injunction, interlocutory order or decree suspending or restraining directly, or indirectly, the enforcement of any order of said board, shall be granted, provided that the court may permit any company complaining of any order or regulation made by said board to write insurance at any rate, which obtained prior to the making of such order or regulation complained of upon condition that the difference between the rate affected by the order complained of, and the rate at which it is permitted to write insurance, shall be deposited with the Commissioner of Insurance and Banking, and upon the final determination of the suit shall be paid by him to the insurance company, if the court shall find it entitled to the same, or to the holders of policies written by said company after the rates so complained of is ordered as the court may deem just and equitable.

"Either party to any such action, if dissatisfied with the judgment, of said

court, may appeal therefrom as in other civil cases. No action shall be brought in any court of the United States to set aside any order made by said board under the provision of this act until all the remedies provided for herein shall have been exhausted by the party complaining.

"If any fire, marine, or fire and marine insurance company authorized to transact business in this State shall violate any of the provisions of this section, the Commissioner of Insurance and Banking shall by and with the consent of the Attorney General cancel its certificate of authority to transact business in this State.

"Sec. 11. That no person shall be excused from giving testimony or producing evidence when legally called upon to do so at the trial of any other person charged with violating any of the provisions of this act on the ground that it may incriminate him under the laws of this State, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence under the authority of this act, except for perjury in so testifying.

"Sec 12. That not later than after this act shall take effect, and annually thereafter, it shall be the duty of the Commissioner of Insurance and Banking, for the purpose of reimbursing the State for the amounts so expended during the current year in carrying out the provisions of this act, to collect from each fire, marine, and fire and marine insurance company, which transacted business in this State during the preceding calendar year or any portion thereof, the portion of said sum of twenty thousand dollars which the gross premium collected by such company during such year from persons or upon property in this State by all said insurance companies transacting business in this State. Provided, that in computing such gross premium receipts there shall be deducted therefrom the amount paid out for reinsurance and for the return premiums on canceled risks. If at the end of any year after this act shall take effect it shall be found that the aggregate amount expended in carrying out the provisions of this act during such year has been less than twenty-five thousand dollars, the amount remaining unexpended shall be applied in the reduc-

tion of the amount to be collected from said companies for the succeeding year.

"The amount due under the provisions of this section by each company shall be certified by the Commissioner of Insurance and Banking, and he shall revoke the certificate of authority of any company which shall fail to pay the same within thirty days after the receipt of such certificate. Provided, that the collections from said insurance companies provided for in this section shall not be made for any year during which any such company shall be liable under the laws of this State to the payment of an occupation tax at a rate of not less than $2\frac{1}{2}$ per cent of the gross premium received, less deduction for re-insurance and return premiums on canceled risks.

"Sec. 13. That this act shall not apply to mutual fire insurance companies incorporated under the laws of this State nor to purely co-operative, inter-insurance and reciprocal exchanges carried on by the members thereof solely for the protection of their own property and not for profit.

"Provided, that no person, persons, firm or association of persons shall be permitted to solicit, write or transact a fire insurance business in any city, town or county, except those places that are situated in the county in which it maintains its home office, and in which the said person or persons or firm is organized, except where said person or persons, firm or corporation of persons shall file with the Department of Insurance a bond with two or more good and sufficient sureties in the sum of \$10,000, made payable to the Governor of this State and for the benefit of the persons holding policies issued by them. But it is specially provided that no bond or security shall be required from such person, persons, firm or association that confines its business to one county.

"And it is further provided that any person, firm or association of persons guilty of violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than \$100 nor more than \$1000.

"Sec. 14. That whenever the said board shall reduce any rate and such rate so reduced shall affect the unearned premium on pre-existing contracts of insurance, which shall be written after this act takes effect, such unearned premiums shall be entitled to such reduction and any company having

outstanding such pre-existing contracts shall reduce the unearned portion of the premium in such contracts on a pro rata basis for the time that shall elapse between the date such reduction takes effect and the date of expiration of such pre-existing policy contracts.

"Sec. 15. And it is provided further that if any fire, marine, or fire and marine insurance company authorized to transact business under this act, or any ruling of the Fire Insurance Rating Board under this act, shall write any insurance under any schedule or schedules except that provided for in this act, in this State or in any locality thereof, such insurance company shall forfeit its certificate of authority to transact business in this State, and the Commissioner of Insurance shall at once so declare. And it is further provided that, should any insurance company authorized to transact a fire insurance business in this State, cease to do business in this State, or cancel its policy of insurance and remove from this State on account of any law enacted by the Legislature of this State, then this shall work a forfeiture of the right of said insurance company to again re-enter this State, and the Commissioner of Insurance shall not issue a certificate of authority to said company or companies to again transact a business of fire insurance in this State."

(2)

Amend the bill, line 30, page 2, by adding after the word "Section" the word "15th."

(3)

Amend Section 4 by adding thereto the following: "Provided, the Commissioner of Insurance and Banking shall be paid the sum of five hundred dollars as compensation for his services in connection with said Fire Rating Board."

(4)

Amend by adding to Section 4 the following: "And the sum of \$25,000 is hereby appropriated out of the general fund not otherwise appropriated, for the payment of the warrants drawn under this act."

(5)

Amend the bill, page 3, line 27, by inserting after the word "provided" the following: "On any property on which there was no prevailing rate on December 31, 1909, the same rates shall be ap-

plied to such property as is in force on similar property in the same community, or to the rate on risks similarly conditioned in other communities of this State."

(6)

Amend Section 5, line 13, page 3, by inserting after the word "effect" the words "or prevailing rates in effect."

(7)

Amend the bill by adding at the end of Section 7 the following: "Provided, that no insurance company shall ever be permitted to charge any insurer in this State a higher rate on a part of insurance taken out by said insurer than the said insurance company would charge should the insurer take out insurance on the full amount of said property."

(8)

Amend Section 7, page 4, line 28, by striking out the word "to" after the word "agents" and by inserting the words "and said board" between the words "board" and "shall."

(9)

Amend the bill by adding at the end of Section 5, page 3, the following: "Provided further, that all 'key' rates heretofore promulgated or hereafter proposed by insurance companies shall be prohibited by said Fire Rating Board."

(10)

Amend the bill, page 2, Section 2, line 15, by striking out after the word "effect" the following: "For the term of one year and biennially thereafter," and insert in lieu thereof the following, "And shall hold their office until February 1, 1911, and shall thereafter be appointed biennially."

(11)

Amend the bill, page 9, Section 15, by striking out all of Section 15 after the word "declare" in line 20.

(12)

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

"That this act shall not apply to mutual fire insurance companies incorporated under the laws of this State nor to purely co-operative, inter-insurance and reciprocal exchanges carried on by

the members thereof solely for the protection of their own property and not for profit.

"Provided, that no person, persons, firm or association of persons representing any mutual fire insurance company doing business on a joint liability plan shall be permitted to solicit, write or transact a fire insurance business in any city, town or county, except those places that are situated in the county in which it maintains its home office, and in which the said company is organized, except where the home office of said company has filed with the Department of Insurance a bond with two or more good and sufficient sureties in the sum of \$10,000, payable to the Governor and his successors in office and approved by the Commissioner of Insurance, conditioned that they will pay back to the holders of their policy the unearned premium and hold such holders or owners of said policy free from further liability on said policy; and it is further provided that any person, firm or association of persons guilty of violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than \$100 nor more than \$1000."

(13)

Amend the bill by striking out Section 14 and insert in lieu thereof the following:

"Section 14. Any provision in any policy of insurance issued stating that if at the time of the issuance of the policy the property is encumbered by a lien of any character, or shall thereafter become encumbered by a lien of any character shall be unlawful and null and void, and insurance companies licensed to do business in this State shall be and they are hereby prohibited from inserting any such clause in any policy."

(14)

Amend by adding after the word "Texas," page 5, line 1, the following: "Provided no policy shall be permitted by said board that repeals or in any way affects Article 3089 of the Revised Statutes."

(15)

Amend the bill by inserting the following sections at the end of the bill:

"Section 16. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

"Section 17. Whereas, there is no

adequate law protecting the insuring public from grossly excessive charges, creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days and the said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted."

(16)

Amend the caption by adding thereto the following: "And to make mutual fire insurance companies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring the violations of its provisions a misdemeanor and providing a penalty."

(17)

Amend the bill in Section 8, at the end of said section by adding thereto the words, "relative to said premiums."

(18)

Amend the bill by striking out all of the caption below "A bill to be entitled" and insert the following: "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine, or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State; to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board; providing an appropriation for the payment of the expense of such clerical force, and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board, to provide for the time when this act

shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

Question—Shall the House concur in the Senate amendments?

Mr. Vaughan moved that the House do not concur in the Senate amendments, and that a Free Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion to not concur prevailed,

In accordance with the above action, the Speaker announced the appointment of the following Free Conference Committee on the part of the House: Messrs. Baker of Hood, Terrell of Bexar, Caves, Gilmore and Crawford.

HOUSE BILL NO. 42 ON SECOND READING.

The Speaker laid before the House as postponed business, on second reading and passage to engrossment, House bill No. 42, regulating the sale of intoxicating liquors on physicians' prescriptions in local option districts.

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Mr. Reedy offered the following amendments to the bill:

(1)

Amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Every person, firm, corporation or association of persons desiring to engage in the business of selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication in this State in any county, justice precinct, school district, town, city or other subdivision of a county where the qualified voters thereof have, by a majority vote, determined that the sale of such intoxicating liquors shall be prohibited therein, except for sacramental and medicinal purposes, shall, before engaging in such business, and in addition to all the requirements of law now in force, file with the county judge of the county in which the said business is to be pursued, an application in writing for a license to engage therein, and shall state the county and the particular portion thereof in which the said business is to be pursued, and describe the building in which it is to be pursued; said application shall give the name, residence and address of every person connected with the said associ-

ation, corporation or other applicant, and shall state that each person so connected with said applicant is a bona fide resident of the county where said business is to be pursued; said application shall have attached thereto a petition addressed to said county judge requesting that a license be granted to said applicant or applicants, naming them, authorizing them to engage in the business of selling such liquors on prescriptions of physicians in a justice precinct and building to be named therein; said petition to be signed in person by a majority of the qualified voters of the justice precinct where said business is to be conducted at the time said petition is filed; said majority of qualified voters to be determined by the poll tax receipts and the exemption certificates issued by the tax collector of said county. There shall be attached to said petition an affidavit from some credible person or persons to the effect that every name signed to said petition is the genuine signature of the person represented to have signed the same. Upon the filing of said application for license and said petition with the county judge the said judge shall set the same down for hearing either in term time or in vacation for some day not less than ten nor more than fifteen days from the day the same is filed, and said judge shall at once notify the county attorney of the day said hearing will be had. Upon the day so designated, or at some time thereafter to which the same may be postponed, the said county judge shall hear the said matter, and the county attorney or any bona fide citizen of said justice precinct may appear and contest the genuineness of the signatures to said petition and whether or not a majority of the qualified voters have signed the same; and upon such hearing, if the said judge is convinced that the applicant or applicants have complied with all the requirements of law, he shall make his order authorizing the issuance of said license by the county clerk of said county, when said applicant or applicants shall have paid all occupation taxes, given the required bond and met all other requirements of existing laws concerning said business; but in no case shall such license be issued for a longer or shorter period than one year; provided, that as soon as this act goes into effect all licenses heretofore issued for the sale of intoxicating liquors on prescription in local option territory shall immediately cease and

terminate; provided further, that should this act be so passed as to become effective from and after its passage and signature by the Governor, then in such event all such licenses now in force shall continue sixty days from the day this act takes effect, but they shall then cease and terminate; provided further, that all persons now holding such license in local option territory, who procure a new license under this act, shall be given credit by the tax collector on such new license for the unearned portion of his canceled license, and all persons who do not procure such new licenses shall be refunded the unearned portion of his said license by the State, county and city respectively.

"Sec. 2. That the prevalence of illegal sales of intoxicating liquor upon prescription in local option territory in this State, in defiance of good morals and of sound public policy and the inadequacy of the statutes of this State to suppress the evil, create an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days and the said rule is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted."

(2)

Amend the caption of the bill by striking out all after "A bill to be entitled" and inserting in lieu thereof the following: "An Act to further regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, in all territory where the sale of such liquors has been prohibited, except for sacramental and medicinal purposes, by a majority vote of the people; and further regulating the terms and conditions on which licenses may issue to sell such liquors in such territory, and requiring petition signed by a majority of the qualified voters of the justice precinct where business is to be conducted before license shall issue; providing that no license issue for a longer or shorter period than one year; canceling all such licenses now in force and providing for refund of unearned portions of all canceled licenses, and declaring an emergency."

The amendments were adopted.

House bill No. 42 was passed to engrossment.

HOUSE BILL NO. 42 ON THIRD READING.

Mr. Reedy moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 42 be placed on third reading and final passage.

The motion prevailed by the following vote:

Yeas—91.

Anderson.	McCallum.
Aston.	McDaniel.
Baker of Panola.	McDonald.
Ballengee.	McKinney.
Barrett.	Minton.
Bell.	Morris.
Bogard.	Munson.
Bostic.	Nelson of Hopkins.
Boswell.	Nelson of Kaufman.
Bowles.	Nickels.
Branch.	O'Bryant.
Briscoe.	Odom.
Brooks.	Penn.
Brownlee.	Perkins.
Buchanan.	Pharr.
Cable.	Porter.
Cathey.	Rabb.
Caves.	Ray.
Craven.	Rayburn.
Crawford.	Reedy.
Crockett of Mitchell.	Reid.
Cureton.	Roach.
Currey.	Roberson of Erath.
Dotson.	Robertson of Bell.
Driggers.	Robertson of Travis.
Elliott.	Ross.
Flournoy.	Schluter.
Fuller.	Schofield.
Gilmore.	Self.
Goodman.	Smith.
Graham.	Spradley.
Hamilton of McCulloch.	Stamps.
Harman.	Stephenson.
Haxthausen.	Stepter.
Humphrey.	Stratton.
Hunt.	Tarver.
Jackson.	Terrell of Bexar.
Jennings.	Terrell of Cherokee.
Lawson.	Tillotson.
Leach.	Vaughan.
Lee.	Von Rosenberg.
Looney.	Wahrmund.
Luce.	Watson.
Maddox.	Wilburn.
Mason.	Wilson.
Maxwell.	

Nays—6.

Bierschwale.	Fitzhugh.
Brookshire.	Werner.
Byrne.	Wortham.

Present—Not Voting.

Crisp.

Absent.

Adams.	Johnson.
Bartlett.	Johnston.
Canales.	Kennedy.
Chaney.	Matthews.
Cox.	McGown.
Dalby.	Moller.
Davis.	O'Bryan.
Fant.	Pearson.
German.	Standifer.
Hamilton of Childress.	Stead.
Highsmith.	Turner.
Hill.	Walter.

Absent—Excused.

Baker of Hood.	McLain.
Brown.	Ralston.
Crockett of Washington.	Strickland.
Keeble.	Turney.
Lively.	Yantis.

(Mr. Robertson of Bell in the chair.)
The Speaker laid the bill before the House and it was read third time.

Question—Shall the bill be passed?
The Clerk was directed to call the roll and the bill was passed by the following vote:

Yeas—93.

Anderson.	Harman.
Aston.	Haxthausen.
Baker of Panola.	Humphrey.
Ballengee.	Hunt.
Barrett.	Jackson.
Bell.	Jennings.
Bogard.	Kennedy.
Bostic.	Lawson.
Boswell.	Leach.
Bowles.	Lee.
Branch.	Looney.
Briscoe.	Luce.
Brooks.	Maddox.
Brookshire.	Mason.
Buchanan.	Maxwell.
Cable.	McCallum.
Cathey.	McDaniel.
Cox.	McDonald.
Craven.	McKinney.
Crockett of Mitchell.	Minton.
Cureton.	Morris.
Currey.	Munson.
Davis.	Nelson of Hopkins.
Dotson.	Nelson of Kaufman.
Driggers.	Nickels.
Elliott.	O'Bryant.
Fuller.	Odom.
Goodman.	Pearson.
Graham.	Penn.
Hamilton of McCulloch.	Perkins.
	Pharr.

Porter.	Stamps.
Rabb.	Standifer.
Ray.	Stead.
Rayburn.	Stephenson.
Reedy.	Stepter.
Reid.	Stratton.
Roach.	Tarver.
Roberson of Erath.	Terrell of
Robertson of Bell.	Cherokee.
Robertson of	Turner.
Travis.	Vaughan.
Ross.	Von Rosenberg.
Schluter.	Wahrmund.
Schofield.	Watson.
Self.	Wilburn.
Smith.	Wilson.
Spradley.	Wortham.

Nays—4.

Bierschwale.	Tillotson.
Byrne.	Werner.

Present—Not Voting.

Crisp.

Absent.

Adams.	Highsmith.
Bartlett.	Hill.
Brownlee.	Johnson.
Canales.	Johnston.
Chaney.	Matthews.
Dalby.	McGown.
Fant.	Moller.
Fitzhugh.	O'Bryan.
Flournoy.	Strickland.
German.	Walter.
Hamilton of	
Childress.	

Absent—Excused.

Baker of Hood.	Keeble.
Brown.	Lively.
Caves.	McLain.
Crawford.	Ralston.
Crockett of	Terrell of Bexar.
Washington.	Turney.
Gilmore.	Yantis.

Mr. Looney moved to reconsider the vote by which House bill No. 42 was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, August 16, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

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

House bill No. 29, A bill to be entitled

"An Act to amend an act entitled 'An Act granting Palestine, Anderson county, Texas, a new charter of corporation, repealing all laws and parts of laws in conflict therewith, and declaring an emergency,' passed by the Thirty-first Legislature and approved March 19, 1909; said act to be amended by adding after Article 13 of the same Article 13a, restricting the location or maintenance of any places where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication are sold at retail, to certain streets in said city."

House bill No. 44, A bill to be entitled "An Act to amend Sections 6 and 7, of Chapter 69, of the Local and Special Laws of the Thirtieth Legislature, being entitled 'An Act to amend the Special Road Law of Van Zandt county, Texas,' as enacted by the Twenty-eighth Legislature, and sent to the Governor for approval on the 18th day of March, 1903, and to authorize and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county, and declaring an emergency."

Senate Concurrent Resolution No. 4, Requesting the Governor to return Senate bill No. 21 for correction.

The Senate grants the request of the House for the appointment of a Free Conference Committee on House bill No. 7, and the following committee has been appointed on the part of the Senate: Senators Hudspeth, Alexander, Brachfield, Weinert, Terrell of Bowie.

Respectfully,

CLYDE D. SMITH,

Secretary of the Senate.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, August 16, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

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

House bill No. 37, A bill to be entitled "An Act to amend Article 359, Chapter 4, Title 10, of the Penal Code of the State of Texas, as amended by Chapter 132 of the Acts of the Thirtieth Legislature, defining what constitutes a disorderly house so as to include any house located in any county, justice precinct or other subdivision of a county where the sale of intoxicating liquor has been legally prohibited in which such non-intoxicating malt liquors are sold or kept

for the purpose of sale as require the seller thereof to obtain United States revenue license as a retail malt liquor dealer, or any house where the owner, proprietor or lessee thereof has posted United States internal revenue license as a retail liquor dealer or as retail malt liquor dealer."

Respectfully,
CLYDE D. SMITH,
Secretary of the Senate.

LEAVE OF ABSENCE GRANTED.

Messrs. Baker of Hood, Terrell of Bexar, Gilmore, Crawford and Caves, Free Conference Committee on House bill No. 7, were excused on account of committee work.

REQUESTING GOVERNOR TO RETURN SENATE BILL NO. 21 FOR CORRECTION.

The Speaker laid before the House the following concurrent resolution received from the Senate today:

Senate Concurrent Resolution No. 4, Requesting the Governor to return Senate bill No. 21 for correction.

Resolved by the Senate, That the Governor be requested to return Senate bill No. 21, the House concurring therein, for correction.

The resolution was read second time and was adopted.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 16, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

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

House bill No. 31, A bill to be entitled "An Act making appropriations for repairing, improving and constructing a sewerage system, and for general repairs at the North Texas Hospital for the Insane, and declaring an emergency."

House bill No. 34, A bill to be entitled "An Act making appropriation for the purpose of overhauling and repairing three boilers at the Deaf and Dumb Asylum and to put them in safe working condition, providing the manner of expenditure of such appropriation, and declaring an emergency."

Respectfully,
CLYDE D. SMITH,
Secretary of the Senate.

HOUSE BILL NO. 32 ON SECOND READING.

The Speaker laid before the House, on second reading and passage to engrossment,

House bill No. 32, A bill to be entitled "An Act to authorize the Secretary of State in his discretion to require an affidavit of incorporators before filing charter, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Mr. Schluter moved to postpone further consideration of the bill indefinitely.

On motion of Mr. Ray, the motion to postpone was tabled.

Mr. Ray offered the following amendment to the bill:

Amend the bill by striking out the words, "in his discretion," from Section 1 of the bill.

Mr. Schluter moved to table the amendment, and the motion to table was lost.

The amendment was adopted.

Mr. Ballengee offered the following amendment to the bill:

Amend line 13 after the word "incorporators" by inserting the words, "who incorporate without capital stock."

The amendment was lost.

Mr. Smith moved to reconsider the vote by which the amendment by Mr. Ray was adopted.

Mr. Ray moved to table the motion to reconsider, and the motion to table was lost.

The motion to reconsider prevailed.

Question—Shall the amendment by Mr. Ray be adopted?

On motion of Mr. Smith the amendment was tabled.

House bill No. 32 was passed to engrossment.

MOTION TO SUSPEND CONSTITUTIONAL RULE.

Mr. Ballengee moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 32 be placed on third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—80.

Adams.	Baker of Hood.
Anderson.	Baker of Panola.
Aston.	Ballengee.

Barrett.	McDaniel.
Bell.	McDonald.
Bogard.	McKinney
Bostic.	Minton.
Bowles.	Morris.
Briscoe.	Munson.
Brooks.	Nelson of Hopkins.
Cable.	Nelson of
Canales.	Kaufman.
Cathey.	Nickels.
Craven.	O'Bryant.
Crockett of	Odom.
Mitchell.	Perkins.
Currey.	Pharr.
Dalby.	Porter.
Dotson.	Ray.
Driggers.	Rayburn.
Elliott.	Reedy.
Fant.	Reid.
Fuller.	Roach.
Graham.	Roberson of Erath.
Hamilton of	Robertson of Bell.
Childress.	Robertson of
Hamilton of	Travis.
McCulloch.	Ross.
Harman.	Schluter.
Hill.	Self.
Humphrey.	Spradley.
Hunt.	Stamps.
Jackson.	Stead.
Jennings.	Stephenson.
Johnston.	Stepter.
Kennedy.	Stratton.
Lawson.	Strickland.
Looney.	Tarver.
Luce.	Terrell of
Maddox.	Cherokee.
Mason.	Vaughan.
Maxwell.	Wilburn.
McCallum.	Wilson.

Nays—26.

Bierschwale.	Leach.
Boswell.	Lee.
Brookshire.	O'Bryan.
Buchanan.	Penn.
Byrne.	Rabb.
Cox.	Schofield.
Crisp.	Smith.
Davis.	Standifer.
Fitzhugh.	Tillotson.
Flournoy.	Von Rosenberg.
Goodman.	Watson.
Haxthausen.	Werner.
Highsmith.	Wortham.

Absent.

Bartlett.	Matthews.
Branch.	McGown.
Brownlee.	Moller.
Chancy.	Pearson.
Curreton.	Turner.
German.	Wahrmund.
Johnson.	Walter.

Absent—Excused.

Brown.	Lively.
Caves.	McLain.
Crawford.	Ralston.
Crockett of	Terrell of Bexar.
Washington.	Turney.
Gilmore.	Yantis.
Keeble.	

HOUSE BILL NO. 36 ON SECOND READING.

The Speaker laid before the House, on second reading and passage to engrossment,

House bill No. 36, A bill to be entitled "An Act to prevent the gift of intoxicating liquor in saloons, club rooms, restaurants, hotels, dining rooms or other places commonly resorted to for the purpose of drinking; also to prevent the drinking of intoxicating liquor by any person in such places when such liquor has been purchased or paid for by any other person; also to prevent any person purchasing or paying for intoxicating liquor for another, knowing the same will be drunk upon the premises where sold; providing a penalty for violation thereof, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Mr. Schluter offered the following amendment to the bill:

Amend House bill No. 36, Section 3, line 33, by adding at the end thereof the following: "Provided, that the provisions of this act shall not be so construed as to prohibit the serving of liquors at banquets, or to any one entertaining guests at meals in a bona fide hotel or restaurant."

Mr. Canales offered the following substitute for the amendment:

Amend by adding at the end of Section 3 the following: "Provided, that the provisions of this act shall not apply to the city of Austin, while the Legislature is in session."

The substitute was adopted.

Mr. Briscoe moved to reconsider the vote by which the substitute was adopted, and the motion to reconsider was lost.

Mr. Ballengee moved to table the amendment, as substituted.

Question—Shall the amendment, as substituted, be tabled?

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

Yeas—87.

Adams.	Mason.
Anderson.	Maxwell.
Aston.	McCallum.
Baker of Panola.	McDaniel.
Ballengee.	McDonald.
Barrett.	McKinney.
Bartlett.	Minton.
Bell.	Moller.
Bogard.	Morris.
Bostic.	Munson.
Boswell.	Nelson of Hopkins.
Bowles.	Nelson of
Branch.	Kaufman.
Briscoe.	Nickels.
Brownlee.	O'Bryant.
Cable.	Odom.
Cathey.	Pearson.
Cox.	Penn.
Craven.	Pharr.
Crockett of	Porter.
Mitchell.	Rabb.
Cureton.	Ray.
Currey.	Rayburn.
Dalby.	Reedy.
Davis.	Reid.
Dotson.	Roach.
Driggers.	Roberson of Erath.
Fant.	Robertson of Bell.
Fuller.	Robertson of
Graham.	Travis.
Hamilton of	Ross.
Childress.	Smith.
Hamilton of	Spradley.
McCulloch.	Stamps.
Harman.	Stephenson.
Hill.	Stepter.
Humphrey.	Stratton.
Hunt.	Strickland.
Jennings.	Tarver.
Johnston.	Terrell of
Kennedy.	Cherokee.
Lawson.	Tillotson.
Leach.	Vaughan.
Lee.	Werner.
Looney.	Wilburn.
Luce.	Wilson.
Maddox.	

Nays—15.

Bierschwale.	Haxthausen.
Brooks.	Highsmith.
Brookshire.	Schluter.
Byrne.	Schofield.
Canales.	Von Rosenberg.
Crisp.	Watson.
Fitzhugh.	Wortham.
Goodman.	

Present—Not Voting.

Buchanan.	Standifer.
Flournoy.	
	Absent.
Chaney.	Elliott.

German.	Perkins.
Jackson.	Self.
Johnson.	Stead.
Matthews.	Turner.
McGown.	Wahrmund.
O'Bryan.	Walter.

Absent—Excused.

Baker of Hood.	Keeble.
Brown.	Lively.
Caves.	McLain.
Crawford.	Ralston.
Crockett of	Terrell of Bexar.
Washington.	Turney.
Gilmore.	Yantis.

Mr. Fitzhugh offered the following amendment to the bill:

Amend by striking out the enacting clause.

Mr. Fuller moved the previous question on the amendment and the bill, and the main question was ordered.

Question—Shall the amendment by Mr. Fitzhugh, striking out the enacting clause of the bill, be adopted?

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

Yeas—26.

Adams.	Pearson.
Bierschwale.	Penn.
Brookshire.	Rabb.
Buchanan.	Roberson of Erath.
Byrne.	Robertson of Bell.
Cox.	Schluter.
Crisp.	Schofield.
Fitzhugh.	Standifer.
Flournoy.	Terrell of Bexar.
Goodman.	Von Rosenberg.
Haxthausen.	Wahrmund.
Johnson.	Watson.
O'Bryan.	Wortham.

Nays—80.

Anderson.	Crockett of
Aston.	Mitchell.
Baker of Panola.	Currey.
Ballengee.	Dalby.
Barrett.	Davis.
Bartlett.	Dotson.
Bell.	Driggers.
Bogard.	Elliott.
Bostic.	Fant.
Bowles.	Fuller.
Branch.	Graham.
Briscoe.	Hamilton of
Brooks.	Childress.
Brownlee.	Hamilton of
Cable.	McCulloch.
Canales.	Harman.
Cathey.	Hill.
Craven.	Humphrey.

Hunt.	Pharr.
Jennings.	Porter.
Johnston.	Ray.
Kennedy.	Rayburn.
Lawson.	Reid.
Leach.	Roach.
Lee.	Ross.
Looney.	Self.
Luce.	Smith.
Maddox.	Spradley.
Maxwell.	Stamps.
McCallum.	Stephenson.
McDaniel.	Stepter.
McDonald.	Stratton.
McKinney.	Strickland.
Minton.	Tarver.
Moller.	Terrell of
Morris.	Cherokee.
Munson.	Tillotson.
Nelson of Hopkins.	Turner.
Nelson of	Vaughan.
Kaufman.	Werner.
Nickels.	Wilburn.
O'Bryant.	Wilson.
Odom.	

Present—Not Voting.

Cureton.

Absent.

Boswell.	McGown.
Chaney.	Perkins.
German.	Reedy.
Highsmith.	Robertson of
Jackson.	Travis.
Mason.	Stead.
Matthews.	Walter.

Absent—Excused.

Baker of Hood.	Keeble.
Brown.	Lively.
Caves.	McLain.
Crawford.	Ralston.
Crockett of	Turney.
Washington.	Yantis.
Gilmore.	

Question recurred—Shall House bill No. 36 be passed to engrossment?

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

Yeas—79.

Anderson.	Briscoe.
Aston.	Brookshire.
Baker of Panola.	Brownlee.
Ballengee.	Cable.
Barrett.	Cathy.
Bartlett.	Craven.
Bell.	Crockett of
Bogard.	Mitchell.
Bostic.	Currey.
Boswell.	Dalby.
Bowles.	Dotson.
Branch.	Driggers.

Elliott.	Nelson of
Fant.	Kaufman.
Fuller.	Nickels.
Graham.	O'Bryant.
Hamilton of	Odom.
Childress.	Penn.
Hamilton of	Pharr.
McCulloch.	Porter.
Harman.	Ray.
Hill.	Rayburn.
Humphrey.	Reedy.
Hunt.	Reid.
Jackson.	Roach.
Jennings.	Roberson of Erath.
Johnston.	Ross.
Kennedy.	Self.
Lawson.	Spradley.
Leach.	Stamps.
Lee.	Stephenson.
Looney.	Stepter.
Luce.	Stratton.
Maddox.	Strickland.
Mason.	Tarver.
McCallum.	Terrell of
McDaniel.	Cherokee.
McDonald.	Vaughan.
McKinney.	Werner.
Minton.	Wilburn.
Morris.	Wilson.
Munson.	

Nays—26.

Adams.	Pearson.
Bierschwale.	Rabb.
Buchanan.	Robertson of Bell.
Byrne.	Schluter.
Crisp.	Schofield.
Fitzhugh.	Smith.
Goodman.	Standifer.
Haxthausen.	Terrell of Bexar.
Highsmith.	Tillotson.
Johnson.	Von Rosenberg.
Moller.	Wahrmund.
Nelson of Hopkins.	Watson.
O'Bryan.	Wortham.

Present—Not Voting.

Davis.

Absent.

Brooks.	Maxwell.
Canales.	McGown.
Chaney.	Perkins.
Cox.	Robertson of
Cureton.	Travis.
Flournoy.	Stead.
German.	Walter.
Matthews.	

Absent—Excused.

Baker of Hood.	Gilmore.
Brown.	Keeble.
Caves.	Lively.
Crawford.	McLain.
Crockett of	Ralston.
Washington.	Yantis.

PAIRED.

Mr. Turner (present), who would vote "yea," with Mr. Turney (absent), who would vote "nay."

MOTION TO SUSPEND CONSTITUTIONAL RULE.

Mr. Stephenson moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 36 be placed on third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—75.

Anderson.	Kennedy.
Aston.	Lawson.
Baker of Panola.	Lee.
Ballengue.	Looney.
Barrett.	Luce.
Bartlett.	Maddox.
Bell.	Mason.
Bogard.	McCallum.
Bostic.	McDaniel.
Bowles.	McDonald.
Branch.	McKinney.
Briscoe.	Minton.
Brownlee.	Morris.
Cable.	Munson.
Canales.	Nelson of Kaufman.
Cathey.	Nickels.
Craven.	O'Bryant.
Crockett of Mitchell.	Odom.
Cureton.	Pharr.
Currey.	Porter.
Dalby.	Ray.
Davis.	Roach.
Dotson.	Robertson of Bell.
Driggers.	Ross.
Elliott.	Self.
Fant.	Spradley.
Fuller.	Stamps.
Graham.	Stephenson.
Hamilton of Childress.	Stepter.
Hamilton of McCulloch.	Stratton.
Harman.	Strickland.
Hill.	Tarver.
Humphrey.	Terrell of Cherokee.
Hunt.	Turner.
Jackson.	Vaughan.
Jennings.	Werner.
Johnston.	Wilburn.
	Wilson.

Nays—31.

Adams.	Brookshire.
Bierschwale.	Buchanan.
Boswell.	Byrne.
Brooks.	Cox.

Crisp.	Roberson of Erath.
Fitzhugh.	Schluter.
Flournoy.	Schofield.
Goodman.	Smith.
Haxthausen.	Standifer.
Highsmith.	Terrell of Bexar.
Johnson.	Tillotson.
Leach.	Von Rosenberg.
Nelson of Hopkins.	Wahrmund.
Pearson.	Watson.
Penn.	Wortham.
Rabb.	

Absent.

Chaney.	Rayburn.
German.	Reedy.
Maxwell.	Reid.
McGown.	Robertson of Travis.
Moller.	Stead.
O'Bryan.	Walter.
Perkins.	

Absent—Excused.

Baker of Hood.	Keeble.
Brown.	Lively.
Caves.	Matthews.
Crawford.	McLain.
Crockett of Washington.	Ralston.
Gilmore.	Turney.
	Yantis.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 16, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

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

House bill No. 19, A bill to be entitled "An Act to amend Article 411ppp and 411qqq, Title 11, Chapter 6e, Penal Code of the State of Texas, passed by the Regular Session of the Twenty-ninth Legislature of Texas and approved April 18, 1905, prescribing certain restrictions to be placed upon the shipment and transportation of intoxicating liquors into any county, justice precinct, school district, city or town, or subdivision of a county within this State, where the sale of intoxicating liquors has been prohibited under the laws of this State, providing that where any such intoxicating liquor is not called for and taken away and the charges thereon, if any, paid by the consignee, it shall be started in transit back to the consignor within seven days from the time of its arrival at its destination; prescribing that a book, to be open for public inspection, shall be kept in which shall be entered the transactions pertaining to the re-

ceipt, shipment and transportation and delivery of such intoxicating liquors; and fixing penalties for the violations of this act, and declaring an emergency," with amendments.

Respectfully,
CLYDE D. SMITH,
Secretary of the Senate.

HOUSE BILL NO. 19 WITH SENATE AMENDMENTS.

Mr. Tarver called up from the Speaker's table, with Senate amendments, for consideration of the Senate amendments,

House bill No. 19, A bill to be entitled "An Act to amend Articles 41lppp and 41lqqq, Title 11, Chapter 6e, Penal Code of the State of Texas, passed by the Regular Session of the Twenty-ninth Legislature of Texas, and approved April 18, 1905, prescribing certain restrictions to be placed upon the shipment and transportation of intoxicating liquors into any county, justice precinct, school district, city or town, or subdivision of a county within this State, where the sale of intoxicating liquors has been prohibited under the laws of this State; prescribing that a book shall be kept in which shall be entered the transactions pertaining to the receipt, shipment and transportation and delivery of such intoxicating liquors; and fixing penalties for the violations of this act, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read as follows:

(1)

Amend the caption by striking out the words "Articles 41lppp and 41lqqq, Title 11, Chapter 64, Penal Code of the State of Texas," and insert in lieu thereof the following: "Chapter 160 of the General Laws of the State of Texas passed by the Twenty-ninth Legislature, pages 379, 380 and 381" of the Session Acts.

(2)

Amend line 1, Section 1 of the bill by striking out the words "Articles 41lppp and 41lqqq, Title 11, Chapter 6e, Penal Code of the State of Texas," and insert in lieu thereof the following words: "Chapter 160 of the General Laws of the State of Texas passed by the Twenty-ninth Legislature."

(3)

Amend the bill, line 5, Section 1, by striking out the words, "41lppp" and in-

sert in lieu thereof the words, "Section 1."

(4)

Amend the bill, page 1, on next to the last line of said page, between the words "been" and "prohibited" by inserting the following words, "or may hereafter be."

(5)

Amend the bill on page 2, line 10, between the words "been" and "prohibited," by inserting the following words: "or may hereafter be."

(6)

Amend the bill on page 2, line 28, by striking out the words: "Article 41lqqq" and inserting in lieu thereof the word: "Section 2."

(7)

Amend the bill on the last line of page 2, between the words "been" and "prohibited," by inserting the following words: "Or may hereafter be."

(8)

Amend the bill at the end of Section 2 by inserting the following section:

"Sec. 3. This act shall not repeal any of the laws prohibiting the sale of intoxicating liquors in any county, justice precinct, school district, city or town, or subdivision of a county, nor shall it be construed to legalize any sale of intoxicating liquors that would not have been legal had this act not been passed."

(9)

Amend the bill, page 2, line 20, by inserting the words "by any officer of the law" after the word "inspection."

(10)

Amend the bill, page 3, line 13, by striking out the words "the public," and inserting in lieu thereof the following words: "by any officer of the law."

And change other numbered sections in accordance therewith.

(11)

Amend the bill, page 2, line 20, by inserting after the words "any officer of the law," "or any member of the grand jury."

Question—Shall the House concur in the Senate amendments?

Mr. Tarver moved that the House concur in the Senate amendments.

The Clerk was directed to call the roll, and the House concurred in the Senate amendments by the following vote:

Yeas—92.

Adams.	Johnston.
Anderson.	Kennedy.
Aston.	Lawson.
Baker of Panola.	Leach.
Ballengee.	Lee.
Barrett.	Looney.
Bartlett.	Luce.
Bell.	Maddox.
Bierschwale.	Mason.
Bogard.	Maxwell.
Bostic.	McCallum.
Boswell.	McDaniel.
Bowles.	McDonald.
Branch.	McKinney.
Briscoe.	Minton.
Brooks.	Moller.
Brookshire.	Morris.
Brownlee.	Munson.
Buchanan.	Nelson of Hopkins.
Cable.	Nelson of Kaufman.
Canales.	Nickels.
Cathey.	O'Bryant.
Cox.	Odom.
Craven.	Penn.
Crisp.	Pharr.
Crockett of Mitchell.	Porter.
Cureton.	Ray.
Currey.	Rayburn.
Dalby.	Reid.
Davis.	Roach.
Dotson.	Roberson of Erath.
Driggers.	Robertson of Bell.
Elliott.	Ross.
Fant.	Schluter.
Flournoy.	Self.
Fuller.	Stamps.
Goodman.	Stephenson.
Graham.	Stepter.
Hamilton of Childress.	Stratton.
Hamilton of McCulloch.	Tarver.
Harman.	Terrell of Cherokee.
Hill.	Turner.
Humphrey.	Vaughan.
Hunt.	Von Rosenberg.
Jennings.	Wilburn.
Johnson.	Wilson.

Nays—13.

Byrne.	Standifer.
Fitzhugh.	Terrell of Bexar.
Haxthausen.	Tillotson.
Highsmith.	Wahrmund.
Pearson.	Watson.
Rabb.	Wortham.
Smith.	

Present—Not Voting.

Jackson.

Absent.

Chaney.	Robertson of Travis.
German.	Schofield.
Matthews.	Spradley.
McGown.	Stead.
O'Bryan.	Strickland.
Perkins.	Walter.
Reedy.	Werner.

Absent—Excused.

Baker of Hood.	Lively.
Brown.	Keeble.
Caves.	McLain.
Crawford.	Ralston.
Crockett of Washington.	Turney.
Gilmore.	Yantis.

THANKING I. & G. N. R. R. CO.

(By Unanimous Consent.)

Mr. Strickland offered the following resolution:

Whereas, On the evening of the 12th inst. the International & Great Northern Railroad Company's officials, on being advised that the remains of the late Senator C. C. Stokes would arrive at Palestine that night, held the southbound train two hours for the accommodation of friends and relatives of the deceased; therefore be it

Resolved, That the House of Representatives extend their thanks to the officials of the International & Great Northern Railroad Company for the kindness and courtesies shown.

STRICKLAND,
TERRELL of Bexar,
TERRELL of Cherokee,
LUCE,
FULLER,
PORTER.

The resolution was read second time and was adopted.

THANKING HON. JENS MOLLER.

(By Unanimous Consent.)

Mr. Porter offered the following resolution:

Whereas, The Gentleman from Galveston, the Hon. Jens Moller, has kindly presented to each member of the House a very useful article—a genuine palmetto fan—and

Whereas, On account of the almost unbearably hot condition of the Hall this token of the gentleman's thoughtfulness is very acceptable; therefore be it

Resolved, That the House extend to Mr. Moller its heartfelt thanks for this favor and wish for him many more long

years of usefulness, happiness and prosperity.

The resolution was read second time and was adopted.

INVITING HON. J. C. CANTY TO ADDRESS HOUSE.

(By Unanimous Consent.)

Mr. Cox offered the following resolution:

Whereas, Hon. J. C. Canty, Deputy Fish and Oyster Commissioner for Texas and Vice-President of the National Shell Fish Association, is now on the floor of the House; therefore be it

Resolved, That he be invited to address this body on the subject "Legislators as Fishermen."

COX,
MADDOX.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker appointed Messrs. Cox and Maddox as a committee to escort Hon. J. C. Canty to the Speaker's stand.

HOUSE BILL NO. 43 ON SECOND READING.

The Speaker laid before the House, on second reading and passage to engrossment,

House bill No. 43, A bill to be entitled "An Act making it a misdemeanor to sell, give away or drink or permit to be sold, given away or drunk, spirituous, vinous or malt liquors, whether capable of producing intoxication or not, in any bawdy house, disorderly house or assignation house; defining a bawdy house, a disorderly house, assignation house; providing a penalty for the violation of this act, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

RECESS.

On motion of Mr. Schluter, the House, at 5:05 o'clock p. m. recessed to 8 o'clock p. m. today.

NIGHT SESSION.

The House met at 8 o'clock p. m. and was called to order by Mr. Robertson of Bell, who was in the chair at the time the House recessed.

HOUSE BILL NO. 43 ON ENGROSSMENT.

The House resumed consideration of pending business, the same being House

bill No. 43, regulating the sale of intoxicating liquors in disorderly houses, on passage to engrossment, the same having been read second time on this afternoon.

Question—Shall the bill be passed to engrossment?

House bill No. 43 was passed to engrossment.

Mr. Fitzhugh moved to reconsider the vote by which House bill No. 43 was passed to engrossment.

On motion of Mr. Fuller, the motion to reconsider was tabled.

HON. J. C. CANTY ADDRESSES HOUSE.

Messrs. Cox and Maddox, the committee appointed in accordance with the resolution adopted this afternoon, escorted Hon. J. C. Canty, who had been invited to address the House, to the Speaker's stand. After being introduced by the Chair (Mr. Robertson of Bell) Mr. Canty addressed the House.

ADJOURNMENT.

On motion of Mr. Kennedy, the House, at 8:20 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

APPENDIX.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, August 16, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

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

House bill No. 42, A bill to be entitled "An Act to further regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters, capable of producing intoxication, in all territory where the sale of such liquors has been prohibited, except for sacramental and medicinal purposes, by a majority vote of the people; and further regulating the terms and conditions on which licenses may issue to sell such liquors in such territory, and requiring petition signed by a majority of the qualified voters of the justice precinct where business is to be conducted before license shall issue; providing that no license issue for a longer or shorter period than one year; canceling all such licenses now in force, and providing for

refund of unearned portions of all canceled licenses, and declaring an emergency,"

And find the same correctly engrossed.
ODOM, Chairman.

Committee Room,
Austin, Texas, August 16, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

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

House bill No. 9, A bill to be entitled "An Act defining 'bills of lading' and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents to issue negotiable bills of lading or straight or non-negotiable bills of lading at the request of the shipper, between certain places prescribed in the act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading; making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading, when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost upon the giving of a bond by the holder of the lost bill of lading, under certain conditions; prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading, and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading under certain conditions named

in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or negotiation of bills of lading, and prescribing penalties therefor, and declaring an emergency,"

And find the same correctly engrossed.
ODOM, Chairman.

Committee Room,
Austin, Texas, August 16, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

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

House bill No. 36, A bill to be entitled "An Act to prevent the gift of intoxicating liquor in saloons, club rooms, restaurants, hotels, dining rooms, or other places commonly resorted to for the purpose of drinking; also to prevent the drinking of intoxicating liquors by any person in such places when such liquor has been purchased, or paid for by any other person; also to prevent any person purchasing or paying for intoxicating liquors for another knowing the same will be drunk upon the premises where sold; providing for a penalty for a violation thereof, and declaring an emergency,"

And find the same correctly engrossed.
CRISP, Chairman.

Committee Room,
Austin, Texas, August 16, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

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

House bill No. 32, A bill to be entitled "An Act to authorize the Secretary of State in his discretion to require an affidavit of incorporators before filing charter, and declaring an emergency,"

And find the same correctly engrossed.
ODOM, Chairman.

In Memory
of
J. L. Ellison

Mr. Schofield offered the following resolution:

Whereas, Hon. J. L. Ellison, a member of the House of Representatives of the Twentieth and Twenty-first Legislature, died at his home in Martindale, Caldwell county, Texas, July 6, 1910; and,

Whereas, He was a Confederate soldier, held in high esteem by his comrades, and in every public service reflected credit upon himself and his constituents; therefore, be it

Resolved, That a page of the Journal be dedicated to his memory and an engrossed copy of these resolutions be furnished the bereaved family.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Ballengee moved that the resolution be adopted by a rising vote.

The motion prevailed, and the resolution was adopted unanimously.