JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

THIRD CALLED SESSION

OF THE

THIRTY-FIRST LEGISLATURE OF TEXAS

CONVENED IN OBEDIENCE TO THE PROCLAMATION OF THE GOVERNOR JULY 19, 1910, AND ADJOURNED WITHOUT DAY, AUGUST 17, 1910

AND OF THE

FOURTH CALLED SESSION

CONVENED IN OBEDIENCE TO THE PROCLAMATION OF THE GOVERNOR AUGUST 18, 1910, AND ADJOURNED WITHOUT DAY, SEPTEMBER 10, 1910

THE STATE LIBRARY
AUSTIN, TEXAS

Library and Historical
Commission
Austin, Texas

AUSTIN, TEXAS:
VON BOECKMANN-JONES COMPANY, PRINTES
1910

TEXAS STATE LIBRARY
Austin, Texas

Absent.

Aston.	Lively.
Cathey.	Nelson of Hopkins.
Chaney.	Nickels.
Cox.	Perkins.
Driggers.	Pharr.
Fitzhugh.	Reedy.
Flournoy.	Reid.
Fuller.	Robertson of Bell.
Haxthausen.	Stephenson.
Highsmith.	Strickland.
Hill.	Terrell of Bexar.

Absent—Excused.

Currey.	Luce.
Davis.	Turney.
Johnson.	Wortham.

Question—Shall the amendment be adopted?

Mr. Ray offered the following substitute for the amendment:

Amend by adding "or so much thereof as may be actually needed."

On motion of Mr. Crockett of Mitchell, the substitute was tabled.

Mr. Schluter offered the following amendment to the amendment:

Amend by allowing Chief Clerk $5.00 worth of stamps and the Sergeant-at-Arms $5.00 worth of stamps.

The amendment to the amendment was adopted, and the amendment as amended was adopted.

The resolution as amended was adopted.

MESSAGE FROM THE GOVERNOR.

Hon. J. R. Bowman, Private Secretary to the Governor, appeared at the bar of the House and, being duly announced, presented a message from the Governor, which was read as follows:

Executive Office,
State of Texas.

Austin, July 19, 1910.

To the Senate and House of Representatives:

In response to a popular demand and in obedience to what appeared to be a general desire of the insuring public, this Legislature, at its First Called Session, enacted, and the Executive approved, the law contained in Chapter 18 of the General Laws of the Thirty-first Legislature, and known as the Fire Rating Law.

At the time of the enactment of this law and for many years prior thereto there was a widespread and well-founded dissatisfaction with general fire insurance conditions, and especially was there dissatisfaction with respect to the fire insurance premium rates, and the people were ready to welcome almost any proposed remedy for the evils and inequalities obtaining. It was a matter of common knowledge that small property owners were uniformly required to pay higher rates of insurance than their more fortunate neighbors with large holdings. Under conditions then existing the fire insurance premium rates were unfair, inequitable and affected adversely a majority of the individuals composing the insuring public. The assurances of benefits to accrue to the people under the law as proposed and enacted won for it in advance almost universal approval. It had for its object the regulation and control of fire insurance premium rates, the prevention of so much fire waste and not only a reduction of fire insurance premium charges, but a more equitable adjustment of fire insurance rates applying on property covered by insurance in Texas. The unusual fire waste in the State, together with the inequitable and unequal premium rates charged by the fire insurance companies created the demand for legislative action, and while the action taken is believed to be a move in the right direction and while regulation of fire insurance companies and of fire insurance rates is believed to be sound in principle, still the law as framed and as attempted to be applied under technical construction, has been a disappointment to its friends and to the insuring public. That it is defective and inadequate and that it is insufficient to meet and correct the acknowledged evils, all will now admit. That a law under which existing conditions are possible should not stand, but should be repealed, is a proposition that can not be successfully combated.

Some of the defects in the act were apparent at the time of its approval by the Executive, but, inasmuch as it carried with it a discretion to be exercised in its enforcement by the officers charged with the duty, and indulging the hope and belief that such discretion would be employed in the interests of the people and with fairness to the companies, and having every confidence that such discretion would always be exercised in an effort to give full force and effect to the manifest in-

tention of the Legislature, and believing that a fair test of the principle involved could be and would be made, I approved it, and undertook to provide relief to the people under its provisions. It was believed that the principle of State regulation and control of fire insurance premium rates was practicable under just regulation laws, and that the State should not hesitate to assume and discharge that duty. It was also believed that the law as passed, although defective in many important essentials, would by a practical administration, vindicate the wisdom of entering this new field of corporation regulation. The people were, and are, entitled to a fair test of the principle under an effective and comprehensive law. It was inconceivable at the time of the enactment of the law that the legislative intention would be so warped by tortured and technical construction, as to furnish the insurance companies an opportunity to levy additional tribute and oppress the people. The fact remains, however, that the insurance companies are attempting to avail themselves of their surprising opportunity, and are proceeding along lines which will necessarily result in a loss to the insuring public of hundreds of thousands of dollars per annum.

The law which was intended to secure reasonable and fair premium rates under regulations fair and just to all, has been given an interpretation by the insurance companies which was never intended. Corporate greed again asserts itself and a combination of circumstances with which the public is familiar, has brought about the intolerable situation which demands legislative action. Conditions have arisen which demonstrate the inadequacy of the law as framed, and as an effort to amend the law might result in further complications and difficulties, the following procedure is respectfully recommended:

1. The passage of a bill repealing the law referred to outright.

2. The enactment of an adequate law to prevent combinations by the insurance companies to destroy competition in fire insurance rates in Texas: providing appropriate penalties therefor and providing means for the enforcement of same.

3. The enactment of a law regulating and controlling fire insurance companies doing business in this State, and the regulation and control of fire insurance premium rates; to establish and fix rates and to effectively prevent the use of what is known as the "key rates," recently promulgated by the fire insurance companies. Such law as may be enacted should provide proper penalties for all violations of the law and embrace ample provisions for the enforcement thereof.

4. The enactment of a law prescribing the conditions under which fire insurance companies chartered under the laws of other States may secure permits to do business in Texas and providing that such companies shall show by appropriate proof and in manner and form to be prescribed by the law, that the company has never at any time undertaken to dominate legislation by threats to withdraw from the State, and that the company has never at any time withdrawn from this State or ceased to do business in Texas on account of any law enacted by a Legislature of Texas.

Fire insurance companies, and other corporations, undertaking to dominate legislation by threats to withdraw from the State, and companies that actually withdraw from the State or cease to do business in the State for such reasons, should not be permitted to re-enter the State on any condition, and adequate laws in this respect are respectfully recommended.

There are other important subjects that will be presented for the attention and consideration of the Legislature at an early date, but for the present the following additional subjects only are presented to your honorable bodies for consideration:

1. The enactment of suitable and effective laws to prohibit the exhibition of prize fights or glove contests by means of the moving picture films or other devices, in moving picture shows, or elsewhere, by any association, corporation or individual, and also to prevent immoral exhibitions by and through such agencies.

2. The enactment of a law making appropriations to construct, enlarge and equip additional buildings for the care and treatment of the colored insane at the State Asylum at Austin and for other necessary repairs and equipment for that institution.

Ample provision has been made for all the insane except perhaps seventy-five negroes now confined in county

jails, for whose care and treatment accommodations should be provided without delay.

I will again communicate with the Legislature during the coming week, and from time to time as the welfare of the people may demand.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

HOUSE BILLS ON FIRST READING.

The following House bills were introduced, read first time and referred to appropriate committees as follows:

By Mr. Jennings and Mr. Baker of Hood:

House bill No. 1, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the First Called Session of the Thirty-first Legislature, entitled 'An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates or premiums on fire insurances, and to prevent discrimination therein and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency,' and further declaring an emergency."

Referred to Committee on Insurance.

By Mr. Crockett of Washington:

House bill No. 2, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and the per diem of officers and employes of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Crockett of Washington:

House bill No. 3, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Ray:

House bill No. 4, A bill to be entitled "An Act to repeal Chapter 18, Acts of the First Called Session of the Thirty-first Legislature, relating to insurance."

Referred to Committee on Insurance.

APPOINTMENT OF STENOGRAPHERS ANNOUNCED.

The Speaker announced the appointment of the following stenographers and clerks:

J. A. Feagin of Johnson county.
Howard Prowse of Travis county.

RESOLUTION OF CONDOLENCE.

Mr. Kennedy offered the following resolution:

Whereas, The House has learned with profound regret of the death of the mother of Hon. A. B. Davidson, Lieutenant Governor of the State; therefore, be it

Resolved, That when the House adjourns today that it do so out of respect to the deceased and that the Speaker appoint a committee of five to attend the funeral on the part of the House.

WAHRMUND,
BRISCOE,
KENNEDY.

The resolution was read second time.

Question—Shall the resolution be adopted?

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

The motion prevailed, and the resolution was adopted unanimously.

In accordance with the above action, the Speaker appointed the following committee:

Messrs. Standifer, Pearson, Elliott, Schluter and Crisp.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Crockett of Washington, it was ordered that House bills Nos. 2 and 3 be not printed.

HOUSE BILL NO. 2 ON SECOND READING.

Mr. Crockett of Washington moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 2 be taken up and placed on its second reading and passage to engrossment.

to escort Governor Browning to the Speaker's stand.

The motion prevailed.

In accordance with the above action the Speaker announced the appointment of the following committee: Messrs. Hill, Craven and Goodman.

The committee performed the duty assigned them and escorted Governor Browning to the Speaker's stand, and he was introduced to the House by Speaker Marshall.

Governor Browning then addressed the House.

ASKING FOR MAIL SERVICE AT ALDER BRANCH.

Mr. Strickland offered the following resolution:

Whereas, About one year ago the postmaster at Alder Branch, Texas, and the Postmaster General's Department had some misunderstanding as to whether or not money orders could be handled in said office; and

Whereas, As a result of said misunderstanding the postoffice at Alder Branch was abolished by the Postmaster General; and

Whereas, The people of the community aforesaid, which composes a territory of about ten miles square, made application in proper form for rural service, the same being passed on favorably, the route inspected and approved; and

Whereas, This rural route running out of Slocum, as contemplated, would bring mail service almost to the door of hundreds who are now almost without any mail facilities, most of them getting their mail at the general delivery at Palestine, Texas, fifteen miles distant and that only once every two or three weeks; and

Whereas, The said Postmaster General's Department, after having inspected and approved the rural route aforementioned, stated that "they can not install this service at this place on account of the depleted condition of the treasury," stating that there were so many rural routes asked for that it would be impossible to establish all of them; and

Whereas, From the facts before us we believe that the situation in this instance is so distressing as to demand immediate relief, and the case an exceptional one; therefore, be it

Resolved, That it is the sense of this body that these people need relief and we hereby request the Postmaster General's Department to reopen this matter, and if in their wisdom they see proper, to alleviate the conditions above referred to. Be it further

Resolved, That a copy of this resolution be sent to the Postmaster General.

The resolution was read second time and adopted.

MESSAGE FROM THE GOVERNOR.

Hon. J. R. Bowman, Private Secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented a message from the Governor, which was read as folows:

Executive Office,
State of Texas.

Austin, July 27, 1910.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration the following subjects and suggest legislation thereon:

1. Legislation providing for the election, qualification, bond and duties of the Comptroller of Public Accounts of the State of Texas and of his employes, and providing for a complete, effective and more economical system of accounting, bookkeeping and auditing for that department of the State government.

2. Legislation prescribing the duties of county tax assessors, tax collectors and the county clerks, Comptroller and State Treasurer, with reference to the assessment and collection of taxes, and providing a more systematic, effective and economical system of bookkeeping and accounting, and the enactment of such other rules and methods with respect thereto as may be proper.

3. The enactment of adequate laws defining "bills of lading" and defining the word "carrier." Providing that it shall be the duty of common carriers and their officers and agents to issue negotiable bills of lading and straight or non-negotiable bills of lading at the request of the shipper, between certain places to be prescribed in the law, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading and prescribing the necessary requirements for all bills of lading; to make all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange and promissory notes and prohibiting the placing upon negotiable bills of lading any terms which would in any manner

limit their negotiability; and providing for the division of bills of lading into such different series as may be appropriate and defining each series, prescribing how bills of lading shall be issued and prohibiting the issuing of negotiable bills of lading in part or parts, except as prescribed by law; prescribing the duties of general freight agents or persons authorized to act for them and the duties of general freight agents or common carriers and for such additional legislation on this subject as business conditions and the general welfare may demand.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

HOUSE BILLS ON FIRST READING.

The following House bills were introduced, read first time and referred to appropriate committees as follows:

By Mr. Moller, Mr. Cureton, Mr. Marshall, Mr. Canales, Mr. Gilmore, Mr. Lee, Mr. Baker of Hood, Mr. Stamps, Mr. Mason, Mr. Byrne, Mr. Hamilton of Childress, Mr. Caves, Mr. Vaughan, Mr. Stratton and Mr. Crawford:

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, charters and owners of vessels; prescribng 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."

Referred to Committee on Common Carriers.

By Mr. Currey:

House bill No. 10, A bill to be entitled "An Act making appropriations for the purpose of building, remodeling, repairing, equipping and completing the construction of additions to the negro male and female departments and the dining hall at the State Lunatic Asylum at Austin; and for the purpose of remodeling, building, equipping and complet-

prohibited," and by changing the singular verb "is" to the plural "are."

The amendment was adopted.

Mr. Hamilton of Childress offered the following amendment to the bill:

Amend the caption of House bill No. 5 by adding after the word "contest," line 8 of the caption, the following: "Legal hangings or executions of human beings, or the hanging, burning or other means of execution of human beings, by any mob, representations of bull fights, train robberies, stage-coach robberies, bank robberies, or of lewd, lascivious or obscene pictures."

The amendment was adopted.

Question—Shall the bill be passed to engrossment?

Mr. Reedy moved that further consideration of the bill be postponed until 10 o'clock a. m. tomorrow, and that the bill be printed in the Journal, together with the amendments thereto.

On motion of Mr. Hamilton of Childress, the motion to postpone was tabled.

The bill was passed to engrossment.

MESSAGE FROM THE GOVERNOR.

Hon. J. R. Bowman, Private Secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented a message from the Governor, which was read as follows:

Executive Office,
State of Texas.

Austin, Texas, July 28, 1910.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration the following subjects and suggest legislation thereon:

1. Appropriate legislation providing for the retirement of $1,055,700 bonds of the State of Texas, dated July 1, 1879, and maturing July 1, 1909, and $298,000 bonds of the State of Texas, maturing on the first day of September, 1910, and for issuing other interest-bearing bonds in lieu thereof, and providing for the execution of such other bonds and the manner of exchange of the new bonds for those maturing as above mentioned. These bonds maturing as aforesaid are owned and held as follows: Seven hundred and ninety-nine thousand three hundred dollars held by the State Permanent School Fund; $217,200 held by the Permanent State University Fund; $24,300 held by the Permanent Orphan Home Fund; $29,500 held by the Permanent Blind Asylum Fund; $46,600 held by the Permanent Deaf and Dumb Asylum Fund; $62,800 held by the Permanent Lunatic Asylum Fund, and $174,000 held by the Permanent Agricultural and Mechanical College Fund.

2. Thirteen thousand two hundred dollars of the series of bonds maturing July 1, 1909, are now owned and held by individuals or corporations, and an appropriation for the payment of these bonds so held by individuals, together with the interest thereon from July 1, 1909, is respectfully recommended, and it is also recommended that an appropriation be made in a sum sufficient to satisfy the accrued interest on all the bonds maturing on July 1, 1909.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

ADJOURNMENT.

Mr. Adams moved that the House adjourn until 9 o'clock a. m. tomorrow.

Mr. McKinney moved that the House adjourn until 2 o'clock p. m. tomorrow.

The motion of Mr. McKinney prevailed, and the House, at 3:30 o'clock p. m., adjourned until 2 o'clock p. m. tomorrow.

APPENDIX.

REPORT OF THE COMMITTEE ON APPROPRIATIONS.

Committee Room,
Austin, Texas, July 28, 1910.

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

Sir: Your Committee on Appropriations, to whom was referred

House bill No. 10, A bill to be entitled "An Act making appropriation for the purpose of building, remodeling, repairing, equipping and completing the construction of addition to the negro male and female department and the dining hall at the State Lunatic Asylum at Austin; and for the purpose of remodeling, building, equipping and completing the construction of a reinforced concrete tunnel at said institution; and providing for the purchase of additional machinery for the steam laundry at said institution; providing the manner of expending such appropriations, and declaring an emergency,"

Legislature, and he has telegraphed that it would be convenient to address the joint session on Thursday night, August 4, 1910; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Senate and House meet in joint session in the Hall of the House at 8 o'clock p. m., Thursday, August 4, 1910, and there be appointed a committee of five, three from the House and two from the Senate, to meet Governor Sanders at the depot and escort him to the Capitol.

The resolution was read second time, and was adopted.

THANKING TEXAS COMMERCIAL SECRETARIES.

Mr. Smith offered the following resolution:

Whereas, The Texas Commercial Secretaries' Association, apparently domiciled at Fort Worth, Texas, have prepared and placed on the desk of the members of this House certain pamphlets entitled "Roster of Members of the First Called Session of the Thirty-first Legislature," the names in which are incomplete and the committees as given are incorrect; the "Door of Opportunity"; "Industries of Texas"; "The Master Builder," and two glazed-backed blotters—the last of which have proved useful for some members; therefore, be it

Resolved by this House, That we extend a vote of thanks to the Commercial Secretaries' Association for the blotters.

SMITH,
DOTSON,
PERKINS.

The resolution was read, and, a second reading being objected to, it went to the Speaker's Table.

MESSAGE FROM THE GOVERNOR.

Hon. J. R. Bowman, Private Secretary to the Governor, appeared at the bar of the House and, being duly announced, presented a message from the Governor, which was read as follows:

Executive Office,
State of Texas.

Austin, Texas, August 2, 1910.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration the following subjects and suggest legislative action thereon:

1. The joint resolution proposing an amendment to the Constitution of the United States, which said amendment was proposed by both Houses of the Sixty-first Congress of the United States of America at its First Session by the constitutional majority of two-thirds thereof, and is known as the Sixteenth Amendment to the Constitution of the United States of America.

2. Legislation transferring to a fund to be known as the "pure feed fund of A. and M. College" all moneys collected as fees and charges from pure feed inspection.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 2, 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:

Senate bill No. 7, A bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing on the first day of July, 1909, and the first day of September, 1910, for issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such other bonds, and the manner of exchange of the new bonds, and declaring an emergency."

Senate bill No. 8, A bill to be entitled "An Act authorizing the Treasurer of the State of Texas upon warrant drawn by the Comptroller to pay off and discharge bonds, aggregating the sum of $13,200, issued by the State of Texas, bearing date July 1, 1879, and due July 1, 1909, together with interest accrued thereon up to the date of the pasage and taking effect of this act, and authorizing the Comptroller of Public Accounts to cancel said bonds and now held by any individual or individuals, corporation or corporations, upon presentation of said bonds for payment, and providing for interest to cease upon said bonds after the passage and taking effect of this act, and making an appropriation of the sum of $15,500 for that purpose, and declaring an emergency."

House Concurrent Resolution No. 2, Arranging for address of Governor J. Y. Sanders of Louisiana to joint session

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 3, 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:

Senate bill No. 10. A bill to be entitled "An Act appropriating and transferring to a fund to be known as 'Pure Feed Fund of the A. and M. College' all money collected under the Pure Feed Inspection Acts of the Twenty-ninth Legislature, and not expended for and on behalf of the A. and M. College, and authorizing the expenditure of same."

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

MOTION TO NOT PRINT SENATE BILLS NOS. 7 AND 8.

Mr. Self moved that Senate bills Nos. 7 and 8, relating to the public debt, be not printed.

Question—Shall the bills be ordered not printed?

Yeas and nays were demanded, and the motion to not print the bills was lost by the following vote:

Yeas—46.

Adams.	Humphrey.
Aston.	Johnson.
Baker of Hood.	Johnston.
Baker of Panola.	Looney.
Barrett.	McCallum.
Bierschwale.	Moller.
Bogard.	Munson.
Bostic.	Nelson of Hopkins.
Boswell.	O'Bryant.
Branch.	Odom.
Brooks.	Pharr.
Brookshire.	Rabb.
Brownlee.	Rayburn.
Cable.	Reedy.
Cureton.	Roberson of Erath.
Currey.	Ross.
Fant.	Self.
German.	Stamps.
Graham.	Stepter.
Hamilton of Childress.	Stratton.
	Strickland.
Hamilton of McCulloch.	Tarver.
	Werner.
Highsmith.	Wilburn.

Nays—63.

Anderson.	Briscoe.
Ballengee.	Byrne.
Bell.	Canales.
Bowles.	Cathey.
Caves.	Matthews.
Cox.	McDaniel.
Craven.	McGown.
Crawford.	McKinney.
Crisp.	McLain.
Crockett of Mitchell.	Minton.
	Morris.
Crockett of Washington.	Nelson of Kaufman.
Davis.	Nickels.
Dotson.	O'Bryan.
Driggers.	Porter.
Elliott.	Robertson of Bell.
Fitzhugh.	Robertson of Travis.
Flournoy.	
Fuller.	Schluter.
Gilmore.	Schofield.
Goodman.	Smith.
Harman.	Spradley.
Haxthausen.	Standifer.
Hill.	Stephenson.
Jennings.	Terrell of Bexar.
Keeble.	Tillotson.
Kennedy.	Turner.
Lawson.	Turney.
Leach.	Walter.
Lee.	Wilson.
Lively.	Wortham.
Maddox.	Yantis.
Mason.	

Present—Not Voting.

Reid.

Absent.

Bartlett.	Perkins.
Buchanan.	Ralston.
Chaney.	Ray.
Maxwell.	Von Rosenberg.
McDonald.	Wahrmund
Pearson.	

Absent—Excused.

Brown.	Stead.
Dalby.	Terrell of Cherokee.
Jackson.	
Luce.	Vaughan.
Roach.	Watson.

MESSAGE FROM THE GOVERNOR.

Hon. J. R. Bowman, Private Secretary to the Governor, appeared at the bar of the House and, being duly announced, presented a message from the Governor, which was read as follows:

Executive Office,
State of Texas.

Austin, Texas, August 3, 1910.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration the following subjects and suggest legislation thereon:

1. Legislation amending Chapter 16 of the Acts of the Regular Session of the Thirty-first Legislature of the State of Texas, approved February 20, 1909, entitled "An Act authorizing any county in the State of Texas having a population in excess of fifty thousand inhabitants by the last preceding United States census to submit to the qualified voters the propriety of a bond issue for the construction and maintenance of causeways, viaducts, bridges and approaches across any rivers within the limits of such county, and to provide for the construction, maintenance and use of such causeways, viaducts, bridges and approaches, and declaring an emergency," by adding thereto Sections 9a and 9b, providing a method by which counties may acquire land upon which to construct and maintain such causeways, viaducts, bridges and approaches by condemnation and by grant from cities and counties of the right to use streets, alleys, public highways and public grounds, and to authorize counties to construct said causeways, viaducts, bridges and approaches across the lines of railway, telegraph and telephone corporations, and prescribing the method of such proceedings.

2. Legislation amending Section 120 of the Election Law, relating to the nomination of candidates by political parties, so as to provide for the nomination of candidates for district and State offices by a majority of all the votes cast for such offices, and prescribing the duty of the State and district conventions in such cases, and the method of nominations in the event of the failure of any candidate to receive a majority of all the votes cast for such office, and to provide rules and regulations by which county candidates may be nominated.

3. Legislation to amend and strengthen the statutes regulating the granting of liquor licenses and the revocation and cancellation thereof, and the regulation of the liquor traffic, and to prohibit the same within ten miles of any State educational institution supported in whole or in part by appropriations from the State's general revenue, and such other legislation relative to the liquor traffic as the welfare of the State demands, and providing appropriate penalties for violations of such laws.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

SENATE BILL ON FIRST READING.

Senate bill No. 10, received from the Senate today, was laid before the House, read first time, and referred to the Committee on Appropriations.

HOUSE BILLS ON FIRST READING.

The following House bills were introduced, read first time and referred to appropriate committees as follows:

By Mr. Nickels:

House bill No. 15, A bill to be entitled "An Act to amend Section 14 of Chapter 17, of the Acts of the Regular Session of the Thirty-first Legislature, the same being 'An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being "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 other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act; providing same is not sold to be drunk on the premises where sold, and otherwise regulating of such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the condition of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors and providing penalties for the violation of the provisions of this act, and declaring an emergency," and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a and 35a, prescribing the methods and procedure by which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the

Mr. Ray offered the following amendment to the resolution:

Amend by adding: "After the State convention."

On motion of Mr. Bell, the amendment was tabled.

Mr. Baker of Hood offered the following amendment to the resolution:

Strike out "at his convenience" and substitute "8:30 p. m."

On motion of Mr. Schluter, the amendment was tabled.

Question recurring on the resolution, it was adopted.

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:

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 association, corporation or any agent or employe of any person, association, corporation or receiver, firm or person; providing penalties therefor, and declaring an emergency; 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."

MOTION TO RECONSIDER VOTE ON HOUSE BILL NO. 20.

Mr. Buchanan moved to reconsider the vote by which House bill No. 20 was on yesterday passed to engrossment, as follows:

"Whereas, House bill No. 20 was introduced and filed in this House on August 4, 1910, caption read and immediately referred to the Committee on Liquor Traffic, and on the same day acted on by said committee and reported back to the House with the recommendation that it do pass, and that said bill was then for the first time printed and was not placed on the members' desks until about 10 o'clock a. m. on the 5th day of August, 1910, and at about 11 o'clock a. m. same day the House adjourned until about 3 o'clock p. m. When it convened then House bill No. 19 was, against the will and over the protest of the minority, postponed until the following Monday for the sole purpose of reaching House bill No. 20 on House calendar. The Speaker then laid before the House said House bill No. 20, when the gentleman from Hunt immediately proposed an amendment to bill on which a point of order was raised by Terrell of Bexar, as appears on the Journal of this House, said point of order being overruled, ruling appealed from, the House sustained the Chair. Thereupon the House adopted the amendments. Whereupon the gentleman from Hunt moved the previous question on the bill; but perhaps realizing that no discussion had been allowed on said bill, and free discussion as guaranteed by Section 32, Article 3 of the Constitution had been absolutely denied, withdrew said motion. Whereupon the Speaker Pro Tem., then presiding, refusing to recognize numerous members who were opposed to bill, declared the question to be on the engrossment of the bill and without allowing any discussion of or deliberation on said bill amid tumult and disorder put the question by a viva voce vote and declared the bill passed to engrossment.

"Such being the facts, I move that the vote by which House bill No. 20 was passed to engrossment be reconsidered because the Constitution provides that 'no bill shall have the force of law until it has been read on three several days in each house and free discussion allowed thereon.' and that it takes 'four-fifths' of the House to suspend this imperative constitutional provision.

"The bill itself being unconstitutional, the vote by which it passed being illegal and unconstitutional, the vote should in good conscience be reconsidered."

Pending consideration of the motion to reconsider, Mr. Rayburn and Mr. Hill occupied the chair temporarily.

(Speaker in the chair.)

Question—Shall the motion to reconsider prevail?

BILL ORDERED NOT PRINTED.

House bill No. 29, amending the charter of the city of Palestine, was ordered not printed, on motion of Mr. Strickland.

MESSAGE FROM THE GOVERNOR.

Hon. J. R. Bowman, Private Secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented a message from the Governor, which was read as follows:

Executive Office,
State of Texas.

Austin, Texas, August 6, 1910.

To the Legislature:

By virtue of the authority vested in me by Section 40, Article 3, of the Constitution of the State of Texas, I hereby designate and present to you for your consideration the following subjects and suggest legislation thereon:

1. Legislation requiring the erection and maintenance of buildings for the protection from rain, wind and inclement weather of employes engaged in repairing railroad cars and other railroad equipment, and providing penalties for violations, and regulating suits for such penalties, and such further legislation upon this subject as may be appropriate and is necessary to provide proper protection to employes engaged in such work.

2. Legislation requiring persons, firms, corporations and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled or rebaled, shall be delivered to any railroad company or other common carrier unless the same is free from "spiders," exposed ends of bands or any exposed or any obtruding part of the ties, bands, buckles or splices used in tying or baling such bale of cotton, and to provide penalties and methods of enforcement of the laws enacted on this subject.

3. Legislation making an appropriation for the repair, improvement and construction of a sewerage system and for general repairs for the North Texas Hospital for the Insane. An appropriation approximating $5000 will be necessary for the repairs and improvements here mentioned, and as the present sewerage system is not only endangering the health of the inmates of the institution, but of the people of the city of Terrell, it is respectfully urged that action be taken at once.

An appropriation of $1200 for overhauling and repairing the three boilers at the Deaf and Dumb Institute, and to put them in safe working condition, is also presented for your consideration. This work should begin at once, so that the boilers may be made safe prior to the opening or this Texas School for the Deaf and Dumb, in September.

The General Appropriation Bill carried an item of $1200 for clerk hire for the State Tax Commissioner, which item was vetoed, as it was believed that the Commissioner would only need the services of a clerk during the months of May and June, and that provision could be made therefor by a deficiency appropriation. The Commissioner employed a clerk for the months mentioned at $100 per month, and as there is some doubt about the authority of the Governor to allow deficiencies in the absence of an appropriation naming the item to which such deficiency could be attached, it is here suggested to the Legislature that an appropriation of $200 be made to pay for the services of the clerk employed for the months of May and June as above stated.

4. Legislation amending the election laws of the State of Texas as may be deemed necessary by the Legislature and as may be necessary to conform to the amendment of Section 120 heretofore submitted by message to your honorable bodies.

5. Legislation reorganizing the Seventieth Judicial District of Texas, and to fix the time of holding court in each of the counties of the said Seventieth Judicial District, and declaring an emergency. The act creating the Seventieth Judicial District is Chapter 8, General Laws of the Thirty-first Legislature, page 10, which act was approved February 3, 1909, and became a law on the same day. The said district was at the time of creation composed of the counties of Midland, Ector, Gaines, Glasscock, Reeves and Ward, and the unorganized counties of Andrews, Winkler, Crane, Loving and Upton. Since the creation of the district the counties of Andrews, Winkler and Upton have been organized and the counties of Crane and Loving remain unorganized. The three counties organized now have no established and fixed terms or sessions for the district court in such counties, and it is of great public importance that terms of court for said counties should be provided by law at once.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

HOUSE BILLS ON FIRST READING.

The following House bills were introduced, read first time and referred to appropriate committees as follows:

By Mr. Crockett of Mitchell:

House bill No. 30, A bill to be entitled "An Act to reorganize the Seventieth Judicial District of Texas, and to fix the

No. 19 was passed, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR.

Hon. J. R. Bowman, Private Secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented a message from the Governor, which was read as follows:

Executive Office,
State of Texas,

Austin, Texas, August 11, 1910.

To the Legislature:

By virtue of the authority vested in me by Section 40, Article 3, of the Constitution of the State of Texas, I hereby designate and present to you for your consideration the following subjects anrd suggest legislation thereon:

1. Legislation providing for the incorporation of the city of San Antonio, Bexar county, Texas, and to grant it a new charter; to provide for a commission form of government; to define its powers and to prescribe its duties and liabilities, and to provide for the approval of said charter by the qualified electors of said city, and to declare an emergency, and to repeal all acts in conflict therewith.

2. The enactment of a law 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 to enact a law authorizing and empowering Lamar county or any political subdivision of said county by a vote of two-thirds majority of the resident property taxpayers, qualified voters of such county, or political subdivision thereof, voting thereon, to issue bonds, 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, graveled or paved roads and turnpikes, and such other legislation in respect thereto as may be deemed appropriate.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

ADJOURNMENT.

On motion of Mr. Kennedy, the House, at 4:50 o'clock p. m. adjourned until 10 o'clock a m. tomorrow.

APPENDIX.

REPORTS OF THE COMMITTEE ON PRIVILEGES, SUFFRAGE AND ELECTIONS.

Committee Room,
Austin, Texas, August 11, 1910.

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

Sir: Your Committee on Privileges, Suffrage and Elections, to whom was referred House bill No. 22, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass.

CABLE, Chairman.

Committee Room,
Austin, Texas, August 11, 1910.

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

Sir: Your Committee on Privileges, Suffrage and Elections, to whom was referred House bill No. 26, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass; but I am further instructed to report back to the House the Committee Substitute for House bill No. 26, with the recommendation that it do pass.

CABLE, Chairman.

REPORTS OF THE COMMITTEE ON APPROPRIATIONS.

Committee Room,
Austin, Texas, August 11, 1910.

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

Sir: Your Committee on Appropriations, to whom was referred House bill No. 31, have had some under consideration, and am instructed to report it back to the House with the recommendation that it do pass.

O'BRYAN, Acting Chairman.

Committee Room,
Austin, Texas, August 11, 1910.

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

Sir: Your Committee on Appropriations, to whom was referred House bill No. 39, making appropriations for clerk on the Tax Commission, beg to advise that we have had same under consideration, and am instructed to report it back to the House with the recommendation that it do pass.

O'BRYAN, Acting Chairman.

Graham.
Hamilton of McCulloch.
Highsmith.
Humphrey.
Jennings.
Johnston.
Keeble.
Lively.
Looney.
Maddox.
Mason.
McCallum.
McLain.
Minton.
Moller.
Morris.
Nelson of Kaufman.
O'Bryant.
Odom.
Penn.
Rabb.
Rayburn.
Reedy.
Reid.
Roach.
Roberson of Erath.
Robertson of Bell.
Ross.
Schofield.
Smith.
Spradley.
Stephenson.
Stepter.
Stratton.
Tarver.
Tillotson.
Vaughan.
Wilburn.

Nays—32.

Bierschwale.
Brooks.
Cable.
Craven.
Dalby.
Fitzhugh.
Hill.
Hunt.
Jackson.
Lawson.
Leach.
Lee.
McDaniel.
McDonald.
McKinney.
Nelson of Hopkins.
Nickels.
O'Bryan.
Perkins.
Pharr.
Ray.
Schluter.
Self.
Stamps.
Standifer.
Turner.
Turney.
Watson.
Werner.
Wilson.

Absent.

Briscoe.
Chaney.
Davis.
Fant.
Haxthausen.
Matthews.
Maxwell.
Robertson of Travis.
Yantis.

Absent—Excused.

Brown.
Byrne.
Crockett of Washington.
Fuller.
Harman.
Johnson.
Luce.
Munson.
Pearson.
Porter.
Ralston.
Stead.
Strickland.
Terrell of Cherokee.
Von Rosenberg.
Walter.

PAIRED.

Mr. Kennedy (present), who would vote "nay," with Mr. Terrell of Bexar (absent), who would vote "yea."

Mr. McGown (present), who would vote "nay," with Mr. Hamilton of Childress (absent), who would vote "yea."

Mr. Wortham (present), who would vote "nay," with Mr. Wahrmund (absent), who would vote "yea."

Mr. Cox (present), who would vote "nay," with Mr. Crawford (absent), who would vote "yea."

(Speaker in the chair.)

Mr. Gilmore moved to reconsider the vote by which House bill No. 7 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASONS FOR VOTE.

I vote "no" because Section 8 provides for a deputy fire marshal in every town or village, which would put about forty men on the payrolls of the towns and villages in Fannin county, and the further expense of $25,000 on the taxpayers of Texas, while only about 15 per cent of the people of the State are interested in the law.

SELF.

HOUSE BILLS ON FIRST READING.

The following House bills were introduced, read first time and referred to appropriate committees as follows:

By Mr. Kennedy and Mr. Looney:

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."

Referred to Committee on Liquor Traffic.

By Mr. Currey and Mr. Gilmore:

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 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."

Referred to Committee on Roads, Bridges and Ferries.

MESSAGE FROM THE GOVERNOR.

Hon. J. R. Bowman, private secretary to the Governor, appeared at the bar of

the House and, being duly announced, presented a message from the Governor, which was read as follows:

Executive Office,
State of Texas.

Austin, August 13, 1910.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration the following subjects and suggest legislation thereon:

1. Laws amending the city charter of the city of Denison, Texas.

2. Legislation amending the Van Zandt county road law.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 12, 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:

Senate bill No. 3 A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies; prescribing conditions for transacting business, and declaring an emergency."

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

SENATE BILL ON FIRST READING.

Senate bill No. 3, received from the Senate today, was laid before the House, read first time and referred to the Committee on Insurance.

HOUSE BILL NO. 15 ON THIRD READING.

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

House bill No. 15, A bill to be entitled "An Act to amend Section 14 of Chapter 17, of the Acts of the Regular Session of the Thirty-first Legislature, the same being 'An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being "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 other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act; providing same is not sold to be drunk on the premises where sold, and otherwise regulating of such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the condition of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors and providing penalties for the violation of the provisions of this act, and declaring an emergency," and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a and 35a, prescribing the methods 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 and the county attorney and other proper officers in regard thereto, and repealing all laws or parts of laws in conflict herewith; requiring licenses to be issued under this act and prescribing the continuation in force of licenses issued under prior laws for sixty days after this act takes effect in order to give time for securing licenses under this act, and providing that credit be allowed upon licenses to be obtained under this act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency,' by amending Section 14 so as to require every person or firm who are engaged in the sale of intoxicating liquors or who may hereafter become engaged in the sale of intoxicat-