

HOUSE JOURNAL
OF THE
FIRST CALLED SESSION
OF THE
THIRTIETH LEGISLATURE
OF TEXAS.

CONVENED IN OBEDIENCE TO THE PROCLAMATION OF THE GOV-
ERNOR APRIL 12, 1907, AND ADJOURNED
WITHOUT DAY MAY 11, 1907.



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By Mr. Carswell:

House bill No. 38, A bill to be entitled "An Act to amend Article 1318, Revised Civil Statutes of the State of Texas, adopted 1895, relating to charges and instructions to the jury."

Read first time, and referred to the Committee on Reforms in Civil and Criminal Procedure.

By Mr. Bell of Freestone:

House bill No. 39, A bill to be entitled "An Act to amend Article 5078, Title CIV, Chapter 2, of the Revised Civil Statutes of the State of Texas, relating to the rendition of real estate for taxes, and declaring an emergency."

Read first time, and referred to the Committee on Revenue and Taxation.

By Mr. Robertson of Bell:

House bill No. 40, A bill to be entitled "An Act to validate certain levies of county taxes and proceedings thereunder, and declaring an emergency."

Read first time, and referred to the Committee on Revenue and Taxation.

By Mr. Cable:

House bill No. 41, A bill to be entitled "An Act concerning the jurisdiction of the Court of Civil Appeals, and to amend Article 996, Chapter 13, of the Revised Civil Statutes of the State of Texas."

Read first time, and referred to the Committee on Reforms in Civil and Criminal Procedure.

BILLS NOT TO BE PRINTED.

House bills Nos. 25 and 26, on motion of Mr. O'Neal.

MESSAGE FROM THE GOVERNOR.

A messenger from the Executive Office, Mr. A. M. Barton, 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 to the House in full as follows:

EXECUTIVE OFFICE,
State of Texas,

Austin, Texas, April 16, 1907.

To the House of Representatives:

Subjects submitted for your consideration will be found in the proclamation convening the Legislature in Special Session. At the Regular Session many wholesome laws were enacted and among them were laws looking to the fulfillment of fifteen of the eighteen platform

pledges of the Democratic party made to the people by that party in convention assembled. These pledges of the party were endorsed at the polls and the importance of those pledges not yet redeemed made the call of a Special Session absolutely necessary. Legislation on three of these platform demands was had so late in the Regular Session that I have not had the necessary time to examine the bills and have, therefore, been unable to ascertain to what extent the same are a substantial fulfillment of our promises to the people.

The three platform demands upon which no appropriate legislation was had and which we now know have not been redeemed are of unusual importance and may be designated as the 6th, 15th and 18th planks of the platform, viz.:

No. 6. "We demand the passage of a law compelling telephone and telegraph companies to transmit each other's messages and to make connection necessary therefor at common points."

Demand No. 15 is as follows: "We suggest such legislation as will simplify the procedure in both civil and criminal trials and recommend such reforms as may be practicable in our jury system."

Demand No. 18 reads as follows: "We believe that the owners of all property which is not exempt from taxation by the Constitution of this State should be compelled to contribute their just proportion toward defraying the expenses of the government, and to the accomplishment of that result we pledge the Democracy of Texas to the enactment of such further laws as will secure the just rendition of all property for taxation at its full value and compel the payment of taxes properly assessed against it, and to the enactment of such laws as will secure the taxation of all property, tangible and intangible including the franchises or intangible assets or property of those corporations which, by reason of the nature or character of their assets or property, under the present laws, escape their just proportion of taxation."

These propositions are of vital interest and have been widely discussed by the people and the press generally and have been under discussion in committees and on the floor of both houses for more than three months, and it would seem that there remains little excuse and no justification for further delay. Corporate interests are opposing and will continue to oppose effective tax legislation, as the present lax methods facilitate them in dodging their just share of the taxes. They will now oppose, as

they have heretofore, all efforts to simplify the procedure in civil trials. The motive is manifest. The man without means can not litigate with them under the present system without great inconvenience and often impoverishment. Against all of these propositions were arrayed throughout the Regular Session a bold, adroit, defiant and resourceful corporate lobby. With this lobby you have been patient and often too indulgent. In fairness and justice to all and to the end that no unjust law be passed, representatives of every interest have been heard and persons to be affected, and legitimate representatives of such interests should have been heard, and now that the time has come for making up your verdict and for your answer back to the people on those important measures, I earnestly urge a rigid observance of the law of your own making though not yet in force and a willing compliance with the spirit of the anti-lobby laws enacted at the Regular Session. The hired lobbyist should have no place in shaping the destiny of Texas. These agents of selfish interests should not longer delay needed legislation. Their methods vex and often perplex the faithful legislator and lead to the discouragement and disappointment of the people.

Referring to the demand that telephone and telegraph companies be required to transmit each other's messages and make necessary connections therefor, I deem it unnecessary to again enter upon a discussion of the matter. I respectfully invite your attention to the suggestions on this subject which are contained in my first message to the Regular Session.

Upon the subject of simplifying the procedure in both civil and criminal trials and also upon the needed reforms in our jury system, I again call your attention to the importance of these reforms, both to the counties and State and to the people who bear the burden of a system almost bewildering in its meshwork of technical absurdities. I can not too strongly urge upon this Legislature the necessity for the reforms demanded. I here reiterate the suggestions submitted in my message to your honorable body when in Regular Session. At that time I took occasion to say upon this subject that the present complex and burdensome procedure is a shield to the criminal, defeats justice, increases the number of our courts and adds unnecessary burdens upon the taxpayer. Perplexing technicalities encourage crime, employ the time of the courts to no useful end, and the people pay

the costs. A rigid enforcement of all the laws is essential to the social well-being and demanded as the only safe guarantee of life, liberty and property. All laws can be enforced and should be enforced fearlessly, impartially and without respect to locality or persons. To longer tolerate a system of technical obstacles behind which murderers and rogues may barricade themselves and defy the laws would be a reflection upon the wisdom if not the sincerity of our statesmanship. To say that crime can run rampant in Texas and that our laws can not be enforced is to admit that we are incapable of self-government. That our law-abiding citizenship is growing impatient and restless at the law's delay and the uncertainty of punishment for crime can not be denied. That there is just grounds for such discontent must be conceded. There is too much machinery in our criminal trials, too much literature and too many refinements in the court's charge to the jury and too many loop-holes through which criminals may escape. When the court's charge in a criminal case is heard, especially in the charge in murder cases, the most intelligent man is made to wonder how any man is ever punished for crime. How is it possible for any juror not trained in the law to ever measure the guilt or innocence of an accused person by rules and distinctions not always understood by the court and the lawyers themselves. Is it a surprise that juries disagree, that criminals go unwhipped of justice, that new trials are forced, cases reversed by the appellate courts and that the mob spirit is rife in Texas? The judges are not at fault, the jurors are not always to blame, the main difficulty is in the system. A fair and impartial trial upon the law and the facts without tangled and technical rules should be accorded the accused, and when this is done, then, and not until then, so many trials and delays can be avoided and substantial justice may, with some reason, be expected in all cases.

Now, then, without intending to suggest a limit to the remedies which you in your wisdom may devise, I respectfully suggest:

1. That you further limit jury exemptions and define and limit the cause for which the trial judge may, in exercise of his discretion, grant excuses for men drawn for jury service.

2. Either prescribe by statute a common sense form of charge to the jury in every criminal case of the grade of felony, or require such charge to embrace only the nature of the accusation and a copy of the statute applicable to

the offense charged and the facts of the case.

The enactment of laws embodying these views, would, I believe, add more certainty to the laws enforcement, expedite trials, furnish ample protection to the innocent, discontinue the almost universal practice of appealing everything and prevent so many reversals and new trials. It is with confidence further suggested that these reforms, if adopted, would result in decreasing the number of our trial courts, clear the dockets promptly and save the State and counties a large per cent of the tremendous sum now expended in efforts to enforce our criminal laws.

As in criminal cases, probably more than half the civil suits tried and appealed are reversed and remanded for new trials, and many new trials are granted by trial courts on account of errors in the court's charge to the jury. Costs to litigants are increased and delays and unjust burdens are laid upon those forced to invoke the aid of the courts to secure their rights under the Constitution and laws. The expenses incurred by the counties for juries and other incidental expenses in the numerous trials of the same cases are heavy, and have attracted the attention of the people.

It seems to me that an effort should be made to give the relief demanded, and as tending in that direction I recommend to the Legislature the enactment of laws authorizing verdicts to be returned in trial of civil cases in the district courts by the concurrence of nine members of the jury, and also requiring trial judges to prepare their instructions to the jury in civil cases and submit the same to the parties or to counsel on both sides of the case before argument begins; that the charge shall be read to the jury on the conclusion of the argument of counsel or on conclusion of the evidence, if no arguments are to be made to the jury; and by law provide further, that all special charges or additional instructions proposed or requested shall be prepared, submitted to opposing counsel for objection, if any, and then delivered to the judge before the main charge is read to the jury, and that all exceptions to the main charge or to the giving or failure to give special charges shall be taken and the ground of objection stated in writing and noted by the judge before the jury retires, and that all errors in the charge or with respect to the special charge not then assigned and again pointed out in motion for new trial shall be consid-

ered and held to have been waived, and shall not constitute grounds for new trial or reversal unless fundamental. These reforms would facilitate the business of the courts, meet the ends of justice and relieve the higher courts of many appeals and save much unnecessary annoyance and delays and lessen the expense to litigants and to the counties and State.

My further recommendation upon this subject is that you enact laws requiring the joining of issues and the closing of the pleadings in the case before the case is placed upon the jury docket of the court, and that laws be enacted authorizing verdicts to be rendered in the trial of civil cases in the district courts on the concurrence of nine members of the jury, and the last mentioned subject not having been placed in the proclamation re-assembling the Legislature, it is hereby presented for your consideration. These propositions were fully discussed and urged throughout the campaign prior to the last election, and upon them this platform demand No. 15 was based.

The unfortunate condition of the State's finances and the absence of equality and uniformity in taxation make further revenue legislation imperative. To the enactment of adequate laws to secure the just rendition of all taxable property at its full value, we are in duty bound. The needs of the State, the injustice of the present system to those whose property is now upon the tax rolls, the Constitution and the party pledge require adequate laws for the purpose, and this should be speedily accomplished.

It should be the policy of the Legislature to secure an honest rendition and assessment of all taxable property so that every individual and every enterprise and every corporation contribute a just share to the support of the government, and no more, and when this is accomplished the rate of taxation can be reduced both by the State and counties and with full value as the basis for taxation, the equitable rule of equality and uniformity is possible. In the end, higher values mean lower tax rates, and honest renditions mean reduced tax burdens to those whose property is now upon the tax rolls. At the Regular Session a law was enacted which authorizes and requires a board composed of the Governor, Comptroller of Public Accounts and State Treasurer to reduce the rate of State taxation fixed by law when the total rendition will justify such reduction. The State ad valorem tax rate has been reduced from 20 cents to 16 2-3 cents for the present year, and when

the constitutional requirement is met and a fair rendition and assessment is secured and the gross receipts and intangible tax laws are properly amended and a law providing for a graduated income tax with appropriate exemptions is enacted, sufficient revenues can be had to relieve the State's present financial embarrassment and to meet all the necessities of the State. When these laws are enacted and obeyed, the rate of State taxes can be from time to time reduced and the commissioners courts of the counties of the State can and should immediately reduce the taxation for county purposes. In this way you can lessen the burden upon the honest taxpayer who is entitled to your consideration at all times.

This subject was fully discussed and recommendations made to the Legislature early in the Regular Session and to the suggestions then made I again respectfully invite your attention.

I know of no higher duty devolving upon this Legislature than the enactment of laws more equally distributing the burdens of our government; that the physical property of individuals and the farms and the small property owners are now paying more than their share under the existing system can not be denied. It is true that property is undervalued almost everywhere, but it is also true that the property of the tax dodgers is not on the tax rolls at all, and rigid laws are necessary to force just rendition of all property, to the end that the people whose property is now upon the tax rolls may not pay all the taxes. No unjust method of taxation should ever be adopted. No corporation or individual should be made to contribute more than their share, and, in dealing with this delicate and difficult task, I earnestly urge that the constitutional requirement of equality and uniformity in taxation be your earnest aim and your constant purpose.

Much useful legislation was enacted during the Regular Session, for which you are entitled to the gratitude of the people, but, in carrying out their expressed will much remains to be done, and I deem it my duty to express the hope that every member of this Legislature will remain in constant attendance upon its sessions, and throughout the extra session, to the end that wise and salutary policies be crystallized into effective laws.

Pledging my fullest co-operation and earnestly requesting yours in all things looking to good government and to the prosperity of our State and the happiness of all the people, the above sugges-

tions are submitted for your consideration.

T. M. CAMPBELL,
Governor.

MESSAGE FROM THE SENATE.

Senate Chamber.

Austin, Texas, April 17, 1907.

Hon. Thos. B. Love, 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:

Senate bill No. 6, A bill to be entitled "An Act making appropriation to pay the per diem pay of members and per diem pay of officers and employes of the First Called Session of the Thirtieth Legislature of the State of Texas, convened April 12, 1907, by proclamation of the Governor."

Senate bill No. 7, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the First Called Session of the Thirtieth Legislature of the State of Texas, convened April 12, 1907, by proclamation of the Governor."

CLYDE D. SMITH,
Secretary of the Senate.

SENATE BILLS ON FIRST READING.

Senate bills Nos. 6 and 7, received from the Senate today (see Senate message above) were laid before the House on first reading, read first time, and were referred to the Committee on Appropriations.

TO PRINT COPIES OF THE GOVERNOR'S MESSAGE.

Mr. Cobbs moved that 2000 copies of the Governor's message, submitted to the House today, together with the proclamation of the Governor convening this Special Session, be printed in pamphlet form for use of the members.

The motion prevailed, and it was so ordered.

ADDITIONS TO COMMITTEE.

Mr. Braly, Mr. Thompson, Mr. Briggs, Mr. Wilmeth, Mr. O'Neal and Mr. Stratton were added to the Committee on Reforms in Civil and Criminal Procedure, on motion of Mr. Carswell, acting chairman.

ADJOURNMENT.

On motion of Mr. Wilmeth, the House, at 3:15 p. m., adjourned until 2 o'clock p. m. tomorrow.

and insert in lieu thereof the following: "That the fact that the court receives a verdict signed by the required number of jurors less than the whole number and bases a judgment thereon shall be conclusive that the jury has deliberated the required length of time, and as to the improbability of a unanimous verdict."

Accepted.

2.

Amend the amendment by striking out the word "and" between the word "county" and the word "justices," and insert in lieu thereof the following: "Courts and three consecutive hours in the."

Accepted.

Question—Shall the amendment as amended be adopted?

RECESS.

On motion of Mr. Walter, the House, at 12:25 p. m., recessed to 2 p. m., today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by Mr. Dean, who was in the chair when the House recessed.

PENDING BUSINESS.

The House resumed consideration of the pending business, same being

House bill No. 18, relating to the jury system and providing that nine jurors may render a verdict in civil cases,

On its passage to engrossment, with amendment by Mr. Gaines as amended pending.

Question—Shall the amendment be adopted?

Pending consideration, a messenger from the Senate appeared at the bar of the House and being duly announced presented the following

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, April 22, 1907.

Hon. Thos. B. Love, 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. 4, A bill to be entitled "An Act providing for the listing

and valuing of property for the purposes of taxation, defining duties of assessors and deputy assessors, prescribing rules for determining the value of property, prescribing rules to govern commissioners courts when sitting as a board of equalization, prescribing additional oaths to be administered to tax assessors and deputy tax assessors, county judges and county commissioners, and providing penalties for violation thereof, and declaring an emergency."

Respectfully,

CLYDE D. SMITH,

Secretary of the Senate.

PENDING BUSINESS.

The House resumed consideration of the pending business, same being

House bill No. 18, relating to the jury system and providing that nine jurors may render a verdict in civil cases, on its passage to engrossment, with pending amendment by Mr. Gaines as amended.

Question—Shall the amendment be adopted?

Pending consideration, a messenger from the Executive Office appeared at the bar of the House and being duly announced presented the following

MESSAGE FROM THE GOVERNOR.

Executive Office, State of Texas.

Austin, Texas, April 22, 1907.

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 and for legislation the following subjects, and suggest legislation thereon:

First. To make necessary amendments and changes in the law regulating the sale of school lands and the placing of school lands on the market for sale, and to prescribe regulations in the sale of mineral land with the reservation of the mineral thereon, and to make such other changes and amendments to the law regulating the sale and leasing of school lands as may be deemed necessary.

Second. To provide an agency or agencies for the inspection of spirituous, vinous or malt liquors, or either, manufactured or sold in the State, and for the collection by the State of fees for such inspection, and prohibiting the sale of such liquors not inspected, and generally regulating such inspection and sale.

Third. To regulate and fix the passenger fare on all railroads in this State, and to provide for the redemption of all railroad tickets sold.

Fourth. To create a State Text-Book Board, and to provide for the selection by it of a series of uniform text-books for use in all the public free schools of the State, and prescribing the powers and duties of said board.

At the Regular Session of this Legislature a bill providing for the creation of a State Text-Book Board for the selection of a series of uniform text-books for use in the public free schools of Texas was passed and was received in the office of the Governor on the day fixed for the adjournment of the Regular Session, and upon a full examination of the same I reached the conclusion that it was my duty to veto it, which I have done. My objections to the bill, which was Senate bill No. 65, have been filed with the Secretary of State, and proclamation thereof made as required by the Constitution and a copy of such proclamation is herewith transmitted for the information of your honorable bodies.

T. M. CAMPBELL,
Governor.

PENDING BUSINESS.

The House resumed consideration of the pending business, same being

House bill No. 18, relative to the jury system and providing that nine jurors may render a verdict in civil cases, with pending amendment by Mr. Gaines as amended.

Question—Shall the amendment be adopted?

Mr. Hamilton moved the previous question on engrossment of the bill, and the motion was seconded.

Question—Shall the main question now be ordered?

Yeas and nays were demanded, and the Clerk was directed to call the roll.

The roll call developed the fact that there was not a quorum present, and the Chair so announced, asking the pleasure of the House.

Mr. Jennings moved a call of the House, and the call was seconded.

The Chair directed that all the doors leading out of the Hall be closed.

The Clerk was then directed to call the roll to ascertain the members actually present and those absent.

The roll was called, and the announcement was made that the roll call showed but 86 members present, and the following members absent:

Adkins.	Hume.
Baker.	Johnson.
Blalock.	Kubena.
Bowman.	McGregor.
Cox.	O'Beirne.
Crockett.	O'Bryan.
Davis of Brazos.	Orgain.
Davis of El Paso.	Pierce.
Duncan.	Savage of Nueces.
Elkins.	Stanford.
Giesen.	Trenckmann.
Ienderson.	Wade.

The following members were absent-excused:

Bowles.	MacInerney.
Brown of Wharton.	McCallum.
Cable.	McConnell.
Chapman.	McKenzie.
Clements.	McKinney.
Crawford.	Pool.
Crisp.	Ridgway.
Goodman.	Silliman.
Grinstead.	Smith.
Jennings.	Terry.
Kindred.	Wilson.

The Chair asked the pleasure of the House, whereupon

Mr. Neblett moved that the House adjourn until 10 o'clock a. m. tomorrow.

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

Yeas—18.

Adams.	King.
Alderdice.	Lane.
Austin.	McDonald.
Beaty.	Neblett.
Gieptner.	Onion.
Graham.	Peeler.
Green.	Reedy.
Heslep.	Roberson of Erath.
Holshousen.	Sperry.

Nays—63.

Ballengee.	Davis of
Bartlett.	Williamson.
Baskin.	Dean.
Bell of Freestone.	Dodd.
Bell of Limestone.	Driggers.
Blanton.	Fowler.
Rogard.	Fuller.
Braly.	Gafford.
Briggs.	Gilmore.
Briscoe.	Hamilton.
Browne of Harris.	Jackson.
Camp.	James.
Canales.	Jennings.
Carswell.	Kennedy.
Cocke.	Lively.
Currey.	Love of Williamson.
Daniel.	Martin.

local option laws by amending Article 3397 of Title LXIX, Revised Civil Statutes of Texas, providing the time and manner in which local option elections may be contested, prescribing the effect to be given the judgment of the courts in which said election is contested, and provided further, that when no contest is filed as provided in the act that the legality of the election and the result as declared shall be conclusively presumed and shall be binding upon all courts, repealing all laws in conflict with this act, and declaring an emergency."

Respectfully,

CLYDE D. SMITH,
Secretary of the Senate.

MESSAGE FROM THE GOVERNOR.

A messenger from the Executive Office appeared at the bar of the House and, being duly announced, presented the following message from the Governor:

Executive Office, State of Texas.
Austin, Texas, April 24, 1907.

To the Legislature:

Pursuant to Section 40, Article 3, of the Constitution of the State of Texas, and by virtue of the authority vested in me by that section of the Constitution, I respectfully present for your consideration and for legislation the general subject of revenue and taxation, and especially the subject of enacting laws providing for an inheritance tax with appropriate exceptions.

T. M. CAMPBELL,
Governor.

SENATE BILLS ON FIRST READING.

The Speaker laid before the House, on first reading, the following Senate bills received from the Senate today (see Senate message above), which were read first time, and were referred as follows:

Senate bill No. 24, to the Committee on Private Corporations.

Senate bill No. 31, to the Committee on Reforms in Civil and Criminal Procedure.

PENDING BUSINESS.

The Speaker laid before the House the pending business, same being

House bill No. 13, A bill to be entitled "An Act to tax property passing by will or by descent or by grant, or gift, taking effect on the death of the grantor or donor,"

On its passage to engrossment.

Question—Shall the bill be passed to engrossment?

Mr. Brown of Wharton raised a point of order on further consideration of the bill, stating that, in view of the fact that the Governor has seen fit to send another message to the House, specifically embracing an "inheritance tax," he (the Governor) does not construe his former message as embracing same, and that this bill should be referred to a committee, reported back to the House and take its place on the calendar as a new bill.

The Chair overruled the point of order.

Mr. Robertson of Travis offered the following amendment to the bill:

Amend by substituting for Section 1 as follows:

"Section 1. If passing to or for the use of any lineal descendant or adopted child of the decedent, the tax shall be 1 per cent on any value in excess of \$25,000 and not exceeding \$100,000; 1½ per cent on any value in excess of \$100,000 and not exceeding \$500,000 and 2 per cent on any value in excess of \$500,000."

Question—Shall the amendment be adopted?

Mr. Camp moved the previous question, and the motion was seconded.

Question—Shall the main question now be ordered?

Yeas and nays were demanded, and the main question was ordered by the following vote:

Yeas—60.

Adkins.	Henderson.
Alderdice.	Jackson.
Ballengee.	James.
Bartlett.	Lively.
Bogard.	Love of
Braly.	Williamson.
Briggs.	Martin.
Briscoe.	McGregor.
Brown of Wharton.	Mears.
Cable.	Mobley.
Camp.	Moore.
Carswell.	Nelson of Hopkins.
Cocke.	Nelson of Kaufman.
Crockett.	O'Bryan.
Currey.	O'Neal.
Davis of	Patton.
Williamson.	Peeler.
Dean.	Pool.
Driggers.	Ralston.
Fowler.	Ray.
Fuller.	Rayburn.
Gaines.	Ridgway.
Gilmore.	Roberson of Frath.
Goodman.	Robertson of
Hamilton.	Travis.

Clements.	McDonald.
Cocke.	McGregor.
Crisp.	McKinney.
Currey.	Mears.
Daniel.	Mobley.
Davis of	Moore.
Williamson.	Murray.
Dean.	Nelson of Hopkins.
Dodd.	Nelson of Kaufman.
Driggers.	O'Neal.
Duncan.	Rayburn.
Fowler.	Reedy.
Fuller.	Ridgway.
Gafford.	Robertson of
Gaines.	Travis.
Gieptner.	Roos.
Giesen.	Savage of Bell.
Green.	Schlosshan.
Henderson.	Shelby.
Jackson.	Stephenson.
James.	Stratton.
Jenkins.	Strickland.
Kennedy.	Terrell of Cherokee.
King.	Terry.
Kubena.	Thomas of Fannin.
Lively.	Wilmeth.
Love of	Witherspoon.
Williamson.	Wolfe.

Nays—40.

Alderdice.	McKenzie.
Austin.	Neblett.
Baker.	O'Beirne.
Bowman.	O'Bryan.
Braly.	Onion.
Briscoe.	Orgain.
Brown of Wharton.	Patton.
Camp.	Peeler.
Cobbs.	Pool.
Cox.	Ralston.
Davis of Brazos.	Ray.
Davis of El Paso.	Roberson of Erath.
Goodman.	Robertson of Bell.
Grinstead.	Silliman.
Heslep.	Sperry.
Holshousen.	Thomas of Tyler.
Jennings.	Thompson.
Lane.	Trenckmann.
Martin.	Walter.
Mason.	Werner.

Absent.

Adkins.	Pierce.
Browne of Harris.	Savage of Nueces.
Crockett.	Smith.
Elkins.	Stanford.
Gilmore.	Terrell of
Graham.	McLennan.
Hume.	Wilson.
Johnson.	Young.

Absent—Excused.

Blanton.	Bowles.
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Cable.	MacInerney.
Crawford.	McCallum.
Hamilton.	McConnell.
Kindred.	Wade.

Question—Shall the amendment be adopted?

MESSAGE FROM THE GOVERNOR.

Pending consideration of the amendment, a messenger from the Executive Office 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, April 30, 1907.

To the Legislature:

Pursuant to Section 40, Article 3, of the Constitution of the State of Texas, I present for your consideration the subject of enacting a law to prohibit the keeping or operating or maintaining of any house, place or premises in any county, justice precinct, town, city or other political subdivision of a county in which local option is in force in this State, for the purpose of selling intoxicating liquors and to prohibit the sale of intoxicating liquors in such local option territory from such house, place or premises so kept, or otherwise, in such local option territory, and prohibiting the equipment or furnishing of any house, place or premises, situated in such local option territory, to be used for the sale of intoxicating liquors in such local option territory and providing for the search of such places or premises so kept and for the seizure of property found in use in such place or on such premises and the liquors found therein and providing for the disposition of same and providing for the termination of the rights and interests of tenants violating the provisions of such law, and to prescribe suitable penalties for the violation of such law covered by the subject here presented, and I recommend that a penalty of confinement in the penitentiary for a suitable term of years be provided for the violation of such law.

T. M. CAMPBELL,
Governor.

PENDING BUSINESS.

The House resumed consideration of the pending business, same being House bill No. 7, known as the "Intangible As-

of Texas, and any and all violations of any of the provisions hereof shall be so considered and be punishable by a fine of not less than \$1000 and not more than \$5000 for every violation, and the same shall be collected by due process of law and go into the general fund of the State."

Question—Shall the amendment be adopted?

MESSAGE FROM THE SENATE.

Pending consideration of the amendment by Mr. Ray, a messenger from the Senate appeared at the bar of the House, and being duly announced presented the following message:

Senate Chamber,
Austin, Texas, May 6, 1907.

Hon. Thos. B. Love, Speaker of the House of Representatives,

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

Grants the request of the House for a Conference Committee on House bill No. 10, and the following committee has been appointed on the part of the Senate: Senators Willacy, Green, Skinner, Masterson, Brachfield.

CLYDE D. SMITH,
Secretary of the Senate.

RECESS.

On motion of Mr. Gafford, the House at 12:15 p. m., recessed to 2 p. m. today.

AFTERNOON SESSION.

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

PENDING BUSINESS.

(Senate bill No. 24 — Passage to third Reading.)

The Speaker laid the pending business before the House, same being,

Senate bill No. 24, A bill to be entitled "An Act to compel telephone and telegraph companies to arrange for connections or transfer of messages with other telephone and telegraph lines doing a like business, and declaring an emergency,"

On its passage to a third reading, with pending amendment by Mr. Ray.

Question—Shall the amendment be adopted?

MESSAGE FROM THE GOVERNOR.

Pending consideration of the amendment, a messenger from the Executive Office 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, May 6, 1907.

To the Legislature:

Pursuant to Section 40, Article 3, of the Constitution of the State of Texas, and by virtue of the authority vested in me by that section of the Constitution, I respectfully present for your consideration and for legislation, the following subjects:

1. The subject of amending an act of the Thirtieth Legislature of Texas, Regular Session, approved April 25, 1907, entitled "An Act to amend Chapter XCIV, page 119, of the Acts of the Twenty-eighth Legislature, entitled 'An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict herewith, by adding to said law Section 18, concerning punishment for violation thereof, Section 19 with reference to venue, Section 20 with reference to the duties of district and county attorneys, and the Attorney General, and Section 21, concerning fees and declaring an emergency, by adding to said Chapter XCIV, page 119 of the Acts of the Twenty-eighth Legislature, Sections 19, 20, 21 and 22; said Section 19 defining, prohibiting and declaring illegal trusts, monopolies and conspiracies in restraint of trade, providing criminal prosecutions therefor, and fixing the punishment and penalties for violations of said chapter and of this act; Section 20, fixing venue for criminal prosecutions and providing that such prosecutions shall not bar a prosecution of or recovery against any other person or persons for the same offense; Section 21, defining the powers and prescribing the duties of county and district attorneys of this State, and of the Attorney General, under this act; Section 22, fixing the fees of the county and district attorneys for prosecutions under this act, and apportioning such fees between such county and district attorneys, and pro-

viding that this act shall not repeal said Chapter XCIV, Acts of the Twenty-eighth Legislature of Texas, and that this act shall be cumulative thereof, and declaring an emergency."

This legislation is made necessary by an error in the enrollment of the bill.

2. The subject of amending Section 1 of an act of the Regular Session of the Thirtieth Legislature of the State of Texas, known as House bill No. 275, entitled "An Act creating the Christoval Independent School District in Tom Green county, Texas."

This subject is presented to you for consideration and for legislation on account of an error in the metes and bounds of said school district, which was created and established by the law above referred to.

3. The subject of amending Sections 2, 3 and 4 of an act passed by the Thirtieth Legislature of the State of Texas, Regular Session, and approved April 30, 1907, entitled "An Act to amend an act entitled 'An Act to amend Section 1 of an act entitled an act to amend an act to amend an act entitled an act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved March 24, 1885; to create the Forty-third Judicial District of the State of Texas; fix the times for holding court therein and to provide for the appointment of a district judge for said district, approved March 30, 1887; to create the Forty-eighth Judicial District of the State of Texas, fix the times for holding court therein, and to fix the times for holding court in the Seventeenth Judicial District of the State of Texas, and to provide for the appointment of a district judge of the said Forty-eighth Judicial District, passed by the Twenty-second Legislature of the State of Texas, approved February 6, 1891, and being Chapter 3 of the General Laws of Texas of 1891, and to create the Sixty-seventh Judicial District of the State of Texas, fix the times for holding the district courts in Tarrant county, Texas, and to define the jurisdiction thereof, and to provide for the Venue of causes in said courts, and to provide for the appointment of a district judge for the Sixty-seventh Judicial District of Texas, and to repeal all laws

and parts of laws in conflict herewith, and declaring an emergency."

It only being intended to present the subject of amending the bill in so far as the same fixes the times for holding court and the terms of court for the Forty-eighth, Seventeenth and Sixty-seventh Judicial Districts of Texas in Tarrant county, Texas.

4. I present for your consideration and for legislation the subject of authorizing and empowering the city of Galveston, Texas, to convey to the United States of America a certain area or tract of land in Galveston Bay for an immigration station and for other governmental purposes, and to cede to the said United States of America jurisdiction over the same.

5. The subject of incorporating Seagoville Independent School District in Dallas and Kaufman counties, and to provide for the election of trustees, raising revenue by taxation, issuing bonds and maintaining public free schools therein.

6. The subject of legislation to incorporate the Merit School District in Hunt county into an independent school district, and to provide for the election of trustees, raising revenue by taxation, issuing of bonds and maintaining public free schools therein.

7. The subject of legislation for the recovery by the State of Texas by suit or otherwise of any and all lands within this State belonging to the State of Texas, claimed or held by or in possession of any person, firm or corporation or association of persons, adversely to the State of Texas, and the determination by suit or suits of the exact location and proper bounds of any and all lands belonging to the State where the evidence on file in the General Land Office does not sufficiently identify, disclose and fix such location and bounds, or whenever, in the judgment of the Attorney General, a suit or suits are necessary to establish, disclose and fix the location and proper bounds of any and all such land.

8. The subject of legislation to amend Sections 2 and 3 of an act passed by the Thirtieth Legislature, entitled "An Act to authorize, enable and permit the territory within the boundaries of the town of Estelline, in Hall county, Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the Estelline Independent School District, with all the powers, rights and duties of independent

school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency."

This legislation is necessary to correct an error in the metes and bounds of said school district and other errors in said act, amendments to which are here respectfully suggested.

9. The subject of legislation to incorporate the Bartlett School District in Bell county, Texas, into an independent school district, and to provide for the election of trustees, raising revenue by taxation, issuing of bonds and maintaining public free schools therein.

T. M. CAMPBELL,
Governor.

MOTION TO MAKE A SPECIAL ORDER.

Mr. Robertson of Travis moved that House bill No. 85, A bill to be entitled "An Act to regulate and fix the passenger fare on all railroads in this State; to empower the Railroad Commission to suspend the operation of this act by fixing a different rate on certain railroads; to provide for the redemption of tickets, and prescribing penalties."

Be made a special order to be taken up and placed on its second reading and passage to engrossment tomorrow, Tuesday, May 7, at 2:30 o'clock p. m.

Question—Shall the motion to make House bill No. 85 a special order prevail?

MESSAGE FROM THE SENATE.

Pending consideration of the above motion, a messenger from the Senate appeared at the bar of the House, and being duly announced presented the following message:

Senate Chamber,
Austin, Texas, May 6, 1907.

Hon. Thos. B. Love, 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:

Senate bill No. 55, A bill to be entitled 'An Act to amend an act passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to provide for a board to calculate the ad valorem rate of taxes for State purposes each year, and to prescribe the duties of such board and certain duties of the tax assessors of the various counties in this State,' providing that said board

shall also calculate the ad valorem rate of taxes for public free school purposes and also authorizing the commissioners courts of the several counties of this State to calculate the rate and to adjust the taxes levied in the several counties or portions thereof, for general or special purposes to the taxable values as shown on assessment rolls."

Senate bill No. 59, A bill to be entitled "An Act to amend Sections 2, 3, 4, of an act passed by the Thirtieth Legislature of the State of Texas, and approved April 3, A. D. 1907, entitled "An Act to amend an act entitled an act to amend Section 1 of an act entitled an act to amend an act entitled an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved March 24, 1885; to create the Forty-third Judicial District of the State of Texas; fix the time for holding court therein, and to provide for the appointment of a district judge for said district, approved March 30, 1887; to create the Forty-eighth Judicial District of the State of Texas, fix the times for holding court therein, and fix the times for holding court in the Seventeenth Judicial District of the State of Texas, and to provide for the appointment of a district judge of the said Forty-eighth Judicial District, passed by the Twenty-second Legislature of the State of Texas, approved February 6, 1891, and to create the Sixty-seventh Judicial District of the State of Texas, fix the times for holding the district courts in Tarrant county, Texas, and to define the jurisdiction thereof, and to provide for the venue of causes in said courts, and to provide for the appointment of a district judge for the Sixty-seventh Judicial District of Texas, and to repeal all laws and parts of laws in conflict herewith and declaring an emergency."

CLYDE D. SMITH,
Secretary of the Senate.

PENDING BUSINESS.

(Motion to make House bill No. 85 a Special Order.)

(Mr. Dean in the chair.)

The House resumed consideration of the pending business, same being the motion of Mr. Robertson of Travis that House bill No. 85 be made a special or-

Clements.	Onion.
Cobbs.	Orgain.
Crawford.	Pierce.
Daniel.	Reedy.
Mason.	Robertson of Travis.
McConnell.	Savage of Nueces.
McDonald.	Terrell of
Neblett.	McLennan.

Absent—Excused.

Adkins.	Pool.
Bowman.	Ridgway.
Fuller.	Stanford.
Hamilton.	Thomas of Tyler.
Jenkins.	Young.
MacInerney.	

MESSAGE FROM THE GOVERNOR.

A messenger from the Executive Office 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, May 8, 1907.

To the Legislature:

I submit for your consideration the subject of amending an act of the Regular Session of the Thirtieth Legislature, approved April 1, 1907, entitled "An Act to prohibit any corporation or receiver operating a line of railway in whole or in part in the State of Texas, or any officer, agent or representative of such corporation or receiver from requiring or knowingly permitting any conductor, engineer, fireman, brakeman, train dispatcher or telegraph operator who has been on duty for fourteen consecutive hours to perform any work until he has had at least eight hours off duty, except in certain cases, and to prohibit any such corporation or receiver, or any officer, agent or representative thereof from requiring or knowingly permitting any such employee who has been on duty for fourteen consecutive hours, and who has gone off duty to again go on duty or perform any work for such corporation or receiver until he has had at least eight hours off duty, and providing penalties for violation of this act, and prescribing the venue of suits, and prosecutions thereunder, and repealing Chapter 31 of the Acts of the Twenty-eighth Legislature, and declaring an emergency," in so far only that said act may go into effect and become oper-

ative on the 12th day of October, 1907, instead of the 12th day of July, 1907.

T. M. CAMPBELL,
Governor.

HOUSE BILL ON FIRST READING.

By Mr. Dodd:

House bill No. 108, A bill to be entitled "An Act to amend Section 201 of an act entitled 'An Act to incorporate the city of Texarkana, Texas, as a city of first class as a city of ten thousand and over of inhabitants; to grant to the said city a special charter; to repeal all laws in conflict herewith; and declaring an emergency,' passed at the Regular Session of the Thirtieth Legislature of Texas, and approved May 2, 1907."

Read first time, and referred to Committee on Municipal Corporations.

HOUSE BILL NO. 104 ON SECOND READING.

On motion of Mr. Witherspoon, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

House bill No. 104, A bill to be entitled "An Act to amend Sections 2 and 3 of an act passed by the Regular Session of the Thirtieth Legislature and entitled 'An Act to authorize, enable and permit the territory within the boundaries of the town of Estelline, in Hall county, Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as Estelline Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency.'"

The Speaker laid the bill before the House, and it was read second time.

Question—Shall the bill be passed to engrossment?

THE "TWO-CENT FARE BILL" AND FREIGHT RATES.

Mr. Bryan, by unanimous consent, offered the following resolution:

Whereas, The House and Senate have both refused to take up for consideration the Two Cent Fare Bill, and

Whereas, The defeat of this bill has been urged upon the ground that what the people most desire and need is a

Nays—48.

Alderdice.	Love of Williamson.
Baker.	Mason.
Ballengee.	McCallum.
Baskin.	McDonald.
Braly.	Mears.
Brown of Wharton.	Murray.
Camp.	Neblett.
Chapman.	Nelson of
Cox.	Kaufman.
Crawford.	O'Bryan.
Currey.	Onion.
Davis of	Peeler.
Williamson.	Ray.
Dodd.	Rayburn.
Elkins.	Roberson of Erath.
Fowler.	Robertson of Bell.
Goodman.	Savage of Bell.
Hume.	Schlosshan.
James.	Sperry.
Jennings.	Stephenson.
Johnson.	Terry.
Kennedy.	Thomas of Fannin.
King.	Thompson.
Lane.	Wade.
Lively.	Wilson.

Absent.

Bowles.	Holshousen.
Briscoe.	O'Beirne.
Carswell.	Orgain.
Clements.	Pierce.
Cobbs.	Reedy.
Cocke.	Savage of Nueces
Graham.	Terrell of McLennan.

Absent—Excused.

Adkins.	Pool.
Bowman.	Ridgway.
Fuller.	Stanford.
Hamilton.	Thomas of Tyler.
Jenkins.	Young.
MacInerney.	

MESSAGE FROM THE GOVERNOR.

Pending consideration of the amendment by Mr. Gafford, a messenger from the Executive Office 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, May 8, 1907.

To the Legislature:

Pursant to Section 40, Article 3, of the Constitution of the State of Texas, and by virtue of the authority vested in me by the same, I present for your consideration the subject of amending Section 201 of an act entitled "An Act

to incorporate the city of Texarkana, Texas, as a city of the first-class, as a city of 10,000 and over of inhabitants; to grant the said city a special charter, and repeal all laws in conflict herewith, and declaring an emergency," said act known as House bill No. 743, passed at the Regular Session of the Thirtieth Legislature of Texas, and approved May 2, 1907.

This subject is submitted for your consideration and for legislation for the purpose of correcting an error in the enrollment of the bill. Section 201 of the bill as enrolled and approved concludes with the following provision: "And provided, the same does not interfere with the rights telephone companies now have under the statutes of Texas," and I am informed by the author of the bill that the law as passed did not contain this provision, and the subject is presented to you so that the correction can be made and the law written as it was passed by the Legislature.

T. M. CAMPBELL,
Governor.

HOUSE BILL ON FIRST READING.

By Mr. Graham, Mr. Stephenson, Mr. McConnell, Mr. McGregor, Mr. Moore, Mr. Kennedy and Mr. Gafford:

House bill No. 109, A bill to be entitled "An Act to amend an act of the Thirtieth Legislature of Texas, Regular Session, approved April 1, 1907, entitled 'An Act to prohibit any corporation or receiver operating a line of railway in whole or in part in the State of Texas, or any officer, agent or representative of such corporation or receiver from requiring or knowingly permitting any conductor, engineer, fireman, brakeman, train dispatcher or telegraph operator who has been on duty for fourteen consecutive hours to perform any work until he has had at least eight hours off duty, except in certain cases, and to prohibit any such corporation or receiver, or any officer, agent or representative thereof from requiring or knowingly permitting any such employe who has been on duty for fourteen consecutive hours, and who has gone off duty to again go on duty, or perform any work for such corporation or receiver until he has had at least eight hours off duty, and providing penalties for violation of this act, and prescribing the venue of suits, and prosecutions thereunder, and repealing Chapter 31 of the Acts of the Twenty-eighth Legislature, and declaring an emergency,' by adding thereto Sec-

Witherspoon.	Young.
Wolfe.	
Nays—34.	
Alderdice.	Mason.
Baker.	Mears.
Ballengee.	Murray.
Baskin.	Neblett.
Braly.	Nelson of Kaufman.
Browne of Harris.	Onion.
Cox.	Ralston.
Davis of Brazos.	Ray.
Davis of El Paso.	Roberson of Erath.
Davis of	Robertson of Bell.
Williamson.	Savage of Bell.
Goodman.	Savage of Nueces.
James.	Schlosshan.
Jennings.	Sperry.
Johnson.	Terrell of
Lane.	McLennan.
Lively.	Trenckmann.
Love of Williamson.	Wilson.

Absent.

Adams.	Hume.
Bartlett.	King.
Bell of Limestone.	McKinney.
Camp.	O'Beirne.
Canales.	Pierce.
Chapman.	Reedy.
Clements.	Smith.
Cobbs.	

Absent—Excused.

Adkins.	Pool.
Fuller.	Ridgway.
Hamilton.	Stanford.
Jenkins.	Thomas of Tyler.
MacInerney.	

PAIRED.

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

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

MESSAGE FROM THE GOVERNOR.

Pending consideration of the amendment, a messenger from the Executive Office 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, May 8, 1907.

To the Legislature:

Pursuant to Section 40, Article 3, of the Constitution of the State of Texas, and by virtue of the authority vested in

me thereby, I present for your consideration and for legislation the subject of enacting a law for the relief of railway corporations having charters granted or amended since the first day of January, 1902, and which have failed or are about to fail to construct the roads and branches, or any part thereof, within the time required by law, and declaring an emergency.

It is intended by this recommendation to give relief to all roads having an unfinished grade of not less than fifty miles in length and upon which it has expended not less than \$100,000, on condition that said roads shall, within one year from the passage of the law, construct upon the unfinished grade and equip and put in operation twenty miles or more of railroad thereon.

T. M. CAMPBELL,
Governor.

PENDING BUSINESS.

Substitute Senate bill Nos. 41 and 43, the Uniform Text-Book Bill, on passage to a third reading, with pending amendment by Mr. Gafford, pending substitute by Mr. Alderdice for the pending amendment and pending amendment by Mr. Ray to the substitute.

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

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

Yeas—4.

Ballengee.	Lively.
Browne of Harris.	Ray.

Nays—100.

Alderdice.	Crawford.
Austin.	Crisp.
Baker.	Crockett.
Bartlett.	Currey.
Baskin.	Davis of Brazos.
Bell of Freestone.	Davis of El Paso.
Bell of Limestone.	Davis of
Blalock.	Williamson.
Blanton.	Dean.
Bogard.	Dodd.
Bowles.	Driggers.
Bowman.	Duncan.
Braly.	Elkins.
Briggs.	Fowler.
Briscoe.	Gafford.
Cable.	Gaines.
Canales.	Gieptner.
Carswell.	Giesen.
Chapman.	Gilmore.
Cobbs.	Goodman.
Cox.	Graham.

Lively:	Stephenson.
Mason.	Stratton.
McCallum.	Strickland.
McDonald.	Terrell of
McKinney.	Cherokee.
Moore.	Terrell of
Murray.	McLennan.
Nelson of	Terry.
Kaufman.	Thomas of Fannin.
O'Bryan.	Thompson.
Ray.	Wilmeth.
Rayburn.	Witherspoon.
Savage of Bell.	Wolfe.
Shelby.	Young.
Sperry.	

Nays—51.

Austin.	Hume.
Adams.	Jackson.
Baskin.	Jennings.
Beaty.	Kindred.
Bell of Freestone.	Kubena.
Blalock.	McConnell.
Braly.	McGregor.
Briggs.	Mobley.
Brown of Wharton.	Nelson of Hopkins.
Browne of Harris.	O'Beirne.
Canales.	O'Neal.
Chapman.	Onion.
Cobbs.	Orgain.
Cocke.	Peeler.
Cox.	Ralston.
Crisp.	Roberson of Erath.
Davis of Brazos.	Robertson of Bell.
Davis of El Paso.	Robertson of
Davis of	Travis.
Williamson.	Roos.
Gaines.	Schlosshan.
Gieptner.	Silliman.
Giesen.	Smith.
Gilmore.	Trenckmann.
Green.	Wade.
Grinstead.	Werner.
Heslep.	

Absent.

Bell of Limestone.	Martin.
Briscoe.	McKenzie.
Clements.	Mears.
Crockett.	Neblett.
Daniel.	Patton.
Goodman.	Pierce.
Holshousen.	Reedy.
Johnson.	Savage of Nueces.
King.	Walter.
Love of	Wilson.
Williamson.	

Absent—Excused.

Adkins.	Pool.
Fuller.	Ridgway.
Hamilton.	Stanford.
Jenkins.	Thomas of Tyler.
MacInerney.	

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 8, 1907.

Hon. Thos. B. Love, 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:

Senate bill No. 65, A bill to be en-
titled "An Act for the relief of railway
corporations having charters granted or
amended since the first day of January,
1902, and which have failed, or are about
to fail to construct their roads and
branches, or any part thereof, within
the time required by law, and declaring
an emergency."

House bill No. 105, A bill to be en-
titled "An Act to authorize and em-
power the city of Galveston to convey
to the United States of America a cer-
tain area or tract of land in Galveston
Bay for immigration station and for
other governmental purposes, and to cede
to the said United States jurisdiction
over the same, and declaring an emer-
gency."

CLYDE D. SMITH,
Secretary of the Senate.

MOTION TO TAKE UP HOUSE BILL
NO. 96.

Mr. Moore moved to suspend the reg-
ular order of business to take up and
have placed on its second reading and
passage to engrossment,

House bill No. 96, relating to the sale
of intoxicating liquors in local option
districts.

Question—Shall the motion to sus-
pend prevail?

Yeas and nays were demanded, where-
upon

Mr. Briggs raised a point of order on
consideration of the motion to suspend
on the ground that it is not in order to
entertain a motion to suspend the pend-
ing business until the matter before the
House, which is House bill No. 5 on its
second reading, and which was taken up
under a motion to suspend the regular
order of business, is disposed of.

The Chair sustained the point of or-
der.

MESSAGES FROM THE GOVERNOR.

A messenger from the Executive Office
appeared at the bar of the House, and
being duly announced, presented mes-
sages from the Governor, which were
read in full as follows:

Executive Office,
State of Texas.

Austin, Texas, May 8, 1907.

To the Legislature:

In all reasonable ways I have sought by message to impress upon the membership of this Legislature the importance of legislation looking to a more equitable distribution of the burdens of taxation. At the opening of the Regular Session I suggested the overhauling of our taxing system so that the constitutional requirement of equality and uniformity in taxation might, in some measure, be secured. I have sought to impress the importance, not only of uniformity and equality in taxation, but of equal and uniform methods in the ascertainment of taxable values.

At the beginning of the Special Session I again submitted to your honorable bodies the subject of revenue and taxation, having in view the same objects. That the masses of the people are carrying more than their share of the burden of our State, county and municipal governments, is admitted on every hand, and that the railways, especially, are not paying their just share of the taxes admits of no discussion.

Now then, as twenty-seven days of the Special Session have expired, and no legislation upon this subject has been secured, I deem it but just to you and myself to say at this time, not in a spirit of dictation, but in a spirit of justice to you and to the people of Texas, that I will not give my approval to any measure or any law that will affect the individual citizen unless legislation properly taxing corporations is passed. I say this in view of the present status of the intangible tax law affecting railroads and of the gross receipts tax bill affecting those corporations which are known not to be now paying their just share of the taxes. Until suitable and effective legislation placing these corporations upon the tax rolls in accordance with the Constitution and law is passed, it is a waste of time to undertake legislation affecting the interest of the individual citizen.

Although the time is short, I still urge upon you to make suitable provision for the taxation of railways and other corporations, which is alike demanded in justice and by the necessities of the State, as well as by the Constitution and platform of the Democratic party, upon which we were all elected.

T. M. CAMPBELL,
Governor.

Executive Office,
State of Texas.

Austin, Texas, May 8, 1907.

To the Legislature:

Pursuant to the authority vested in me by Section 40, Article 3, of the Constitution of the State of Texas, I present for legislation the subject of correcting and amending Senate bill No. 311, passed at the Regular Session of the Thirtieth Legislature, creating an independent school district in the counties of Gonzales and Wilson, State of Texas, to be known as Nixon Independent School District.

T. M. CAMPBELL,
Governor.

PENDING BUSINESS.

(House bill No. 5—Passage to Engrossment.)

The House resumed consideration of the pending business, same being

House bill No. 5, A bill to be entitled "An Act providing for the rendition and assessment of the property other than real estate and the stock of every person, firm, company, corporation or joint stock association engaged in the business of lending money, banking, receiving deposits, buying or selling bullion or bills of exchange and of loan companies, and banking associations, trust companies and all other private corporations, prescribing verified reports to be made, providing penalties for failure to make same, and for the enforcement thereof, requiring certain information to be kept subject to inspection, and providing penalties."

On its passage to engrossment.

Question—Shall the bill be passed to engrossment?

Mr. Moore moved to postpone further consideration of the bill until 6:40 p. m. today.

Question—Shall the motion to postpone prevail?

(Mr. Duncan in the chair.)

Mr. Kennedy moved to table the motion to postpone.

Yeas and nays were demanded on the motion to table.

The motion to postpone was tabled by the following vote:

Yeas—58.

Beaty.	Briggs.
Bell of Freestone.	Briscoe.
Blalock.	Brown of Wharton.
Bogard.	Bryan.
Braly.	Camp.

Driggers.	Mears.
Giesen.	Neblett.
Goodman.	O'Bryan.
Heslep.	Onion.
Kindred.	Peeler.
King.	Ralston.
Lane.	Rayburn.
Love of	Silliman.
Williamson.	Terry.
Martin.	Thomas of Fannin.
Mason.	Thompson.
McConnell.	Trenckmann.
McDonald.	Walter.
McKenzie.	Witherspoon.
McKinney.	

Absent.

Adams.	Jennings.
Bartlett.	McCallum.
Chapman.	O'Beirne.
Crawford.	Pierce.
Davis of El Paso.	Pool.
Graham.	Reedy.
Grinstead.	Savage of Bell.
Hamilton.	Stratton.
Henderson.	Terrell of
Hume.	McLennan.

Absent on Committee Work.

Wolfe.

Absent—Excused.

Bowles.	Jenkins.
Davis of Brazos.	MacInerney.
Elkins.	Roberson of Erath.
Gafford.	Savage of Nueces.

PAIRED.

Mr. Baskin (present), who would vote "yea," with Mr. Kennedy (absent), who would vote "nay."

MESSAGE FROM THE GOVERNOR.

A messenger from the Executive Office appeared at the bar of the House and, being duly announced, presented a message from the Governor, which was read to the House in full, as follows:

Executive Office,
Austin, Texas, May 11, 1907.

To the Legislature:

House bill No. 2, entitled "An Act to amend Article 2439, Chapter 1, Title XLV, of the Revised Civil Statutes of Texas, relating to fees of office charged and collected by certain State officers, amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature of Texas, and adding thereto Article 2439a, prohibiting the approval or payment of any account or claim to any official who re-

fuses or fails to take out his commission and declaring an emergency," was passed by this Legislature during the Special Session and is now in my hands, and I suggest that by concurrent resolution, your Honorable Bodies recall this bill and amend Section 1 of same by striking out the following: "Provided a foreign corporation shall only be required to pay on such proportion of its capital as is employed within this State. The Secretary of State shall adopt such methods of ascertaining the amount of capital employed within this State as may be prescribed by the Attorney General of the State."

The effect of this provision in the bill might be to exempt foreign corporations from the payment of fees for permits to do business in Texas and was doubtless inadvertently placed in this bill.

T. M. CAMPBELL,
Governor.

RECALLING HOUSE BILL NO. 2
FROM THE GOVERNOR.

Mr. Orgain offered the following resolution:

House Concurrent Resolution No. 3, recalling House bill No. 2 from the Governor for correction.

Whereas, An error has been committed in House bill No. 2, relating to fees charged by certain State officers, which makes it necessary for said bill to be returned for correction;

Resolved, That the Governor be requested to return said bill to that body in which it originated for correction.

The resolution was read second time, and was adopted.

Mr. Duncan moved to suspend the constitutional rule requiring all bills to be read on three several days in each house, and that Senate bill No. 58 be placed on its third reading and final passage.

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

Yeas—67.

Austin.	Bryan.
Ballengee.	Cable.
Baskin.	Canales.
Beaty.	Carswell.
Blalock.	Clements.
Bogard.	Cobbs.
Braly.	Cocke.
Briggs.	Cox.
Briscoe.	Crawford.
Browne of Harris.	Crisp.