

GENERAL LAWS
OF
THE STATE OF TEXAS

PASSED AT THE
REGULAR SESSION
OF THE
TWENTY-FIFTH LEGISLATURE

CONVENED AT THE
CITY OF AUSTIN, JANUARY 12, 1897,
AND
ADJOURNED MAY 21, 1897.



AUSTIN:
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1897

sion of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the nineteenth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—Jno. H. CULLOM, Acting Secretary of State.]

Takes effect 90 days after adjournment.

S. H. B. No. 221.]

CHAPTER 149.

An Act to preserve and protect the wild game, birds, and wild fowl, of the State; and provide adequate penalties for the unlawful taking, slaughter, sale or shipment thereof, and to repeal all laws and parts of laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all the wild deer, wild antelope, wild turkeys, wild ducks, wild geese and wild grouse, wild prairie chickens (pinnated grouse), wild Mongolian or English pheasants, wild quail or partridges, wild plover, snipe, and jack-snipe, found within the borders of this State, shall be and the same are hereby declared to be the property of the public.

SEC. 2. Whoever shall sell, or offer for sale, have in his possession for the purpose of sale, or whoever shall purchase or have in his possession after purchase, any wild deer or antelope killed in this State, or the carcass thereof, or the fresh hide thereof, or whoever shall sell or offer for sale, or have in his possession for the purpose of sale, or whoever shall purchase, or have in his possession after purchase, any of the game mentioned in Section 1 of this act, killed or taken within this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten nor more than one hundred dollars; provided, that the sale and purchase of the game mentioned in Section 1 of this act shall not be unlawful when said sale or purchase is made in the county where such game was killed or taken; provided, that nothing herein contained shall be construed to prohibit the sale or shipment of wild ducks and wild geese.

SEC. 3. The netting of quail or partridges at any season of the year is hereby prohibited; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars.

SEC. 4. It shall be unlawful to destroy any wild geese or wild ducks by any means otherwise than by an ordinary gun, capable of being held to and shot from the shoulder, and whoever violates the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars.

SEC. 5. It shall be unlawful for any person to kill, take or destroy any wild Mongolian or English pheasants, or antelope, for the space of five years next after this act takes effect, and any person violating the provisions hereof shall be deemed guilty of a misdemeanor, and upon con-

viction thereof shall be fined in any sum not less than ten nor more than one hundred dollars.

SEC. 6. It shall be unlawful for any person to kill, ensnare, or trap, or in any way, destroy any wild deer in the period of time embraced between the first day of January and the first day of September in each year, or any wild turkeys in the period of time embraced between the first day of April and the first day of September in each year, or any prairie chickens (pinnated grouse) in the period of time embraced between the first day of February and the first day of August in each year, or any quail or partridge within the period of time embraced between the fifteenth day of March and the first day of October in each year; and it shall be unlawful for any person, at any time, to hunt deer or other game by aid of what is commonly known as a hunting lamp or lantern, or any other light used for the purpose of hunting at night; and after the space of five years next after this act takes effect, it shall be unlawful for any person to kill, ensnare, or trap, or in any way destroy any wild antelope in the period of time embraced between the first day of January and the first day of September in each year, or any Mongolian or English pheasants in the period of time embraced between the first day of February and the first day of August in each year, and the violation of any provision of this section shall be considered a misdemeanor, and upon conviction thereof the person offending shall be fined in any sum not less than ten nor more than one hundred dollars.

SEC. 7. It shall be unlawful for any express company, railroad company, or other common carrier, or the officers, agents, servants, or employees of the same, to receive for the purpose of transportation, or to transport, carry, or take beyond the limits of this State, or within this State, any animal, bird, or water fowl mentioned in Section 1 of this act; and it shall be unlawful for any person to transport, carry or take beyond the limits of this State any animal, bird, or fowl mentioned in Section 1 of this act; and whoever shall violate the provisions hereof shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five nor more than two hundred dollars; provided, that each shipment shall constitute a separate offense, and that such express company, railroad company, or other common carrier, or their agents, servants, or employees, shall have the privilege of examining any suspected package for the purpose of determining whether such package contains any of the articles mentioned in Section 1 of this act; but this act shall not apply to the shipment or transportation of live Mongolian or English pheasants shipped for scientific or breeding purposes; provided, that nothing herein contained shall be construed to prohibit the sale or shipment of wild ducks and wild geese.

SEC. 8. Possession at any season of the year during which the game birds and wild fowls of this State are protected by the laws hereof, shall be prima facie evidence of the guilt of the person in possession thereof.

SEC. 9. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

SEC. 10. The near approach of the close of the present session of the Legislature, the crowded condition of the calendar, and the importance of protecting the wild game, birds and wild fowl of the State, create an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days

in each house, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, May 27, 1897.

[NOTE.—The foregoing act passed the House, vote not given; and passed the Senate by a two-thirds vote, yeas 21, noes 5.]

H. B. No. 629.]

CHAPTER 150.

An Act to prevent the selling or trading of animals of the horse and mule species, known or suspected to be affected with glanders.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* If any person or persons shall trade or sell, or offer to trade or sell, any animal of the horse or ass species known or suspected to be affected with glanders, he shall be fined in any sum not less than five nor more than one hundred dollars, or imprisoned in the county jail not less than ten days nor more than ninety days.

SEC. 2. The fact that many cases of glanders are now prevalent throughout the State, and the further fact that horse dealers are carrying such diseased animals from county to county, spreading this and kindred diseases throughout the State, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage.

[NOTE.—The foregoing act passed the House by a vote of yeas 74, nays 26; and passed the Senate, vote not given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Wednesday, the nineteenth day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JNO. H. CULLOM, Acting Secretary of State.]

S. B. No. 281.]

CHAPTER 151.

An Act to authorize towns and villages incorporated under the provisions of Chapter eleven, Title eighteen, of the Revised Civil Statutes, or by special charter, to condemn the right of way over and across the roadbed and right of way of any railway company within the limits of such town or village, when deemed necessary by such town or village for the purpose of opening, widening or extending the public streets of such towns or villages; to define the duties of railroad companies when their roadbeds and rights of way are condemned for street purposes by such towns and villages, and to prescribe a penalty for violations thereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That any town or village in this State, incorporated under Chapter eleven, Title eighteen, of the Revised Civil Statutes, or by special charter, shall have the right, and they are hereby empowered to condemn the right of