



JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES  
OF THE  
FIRST CALLED SESSION  
OF THE  
THIRTY-THIRD LEGISLATURE  
BEGUN AND HELD AT

The City of Austin, July 21, 1913, to August 19, 1913



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# HOUSE JOURNAL.

THIRTY-THIRD LEGISLATURE—FIRST CALLED SESSION.

## PROCEEDINGS.

### FIRST DAY.

Hall of the House of Representatives,  
Austin, Texas,  
Monday, July 21, 1913.

In obedience to the proclamation of His Excellency, O. B. Colquitt, Governor of Texas, convening the Thirty-third Legislature to meet in Special Session at Austin, the seat of Government, this the twenty-first day of July, A. D. 1913, the members of the House of Representatives assembled in Representative Hall, and, at 10 o'clock a. m., the House was called to order by Hon. Chester H. Terrell, Speaker.

Speaker Terrell then directed the Clerk to call the roll, and the following members were present:

Allison.	Diffie.	Kirby.	Savage.
Baker.	Dodson.	Lane.	Schwegman.
Barrett of Jones.	Dove.	Lewelling.	Simpson.
Barrett of Titus.	Dunn.	Long.	Smith.
Bartley.	Fields.	Macgill.	Spann.
Bierschwale.	Fountain.	McAskill.	Spradley.
Blalock.	Fuller.	McDaniel.	Stephens.
Boehmer.	Gates.	McKamy.	Stone.
Broughton.	Gentry.	Mendell.	Sullivan.
Bruce.	Goodner.	Morris of Coryell.	Taylor.
Burges.	Griggs.	Morris of Victoria.	Templeton.
Burmeister.	Grindstaff.	Mulcahy.	Thompson.
Burns.	Hagins.	Murray.	Tiller.
Butler.	Hall.	Nabours.	Tillotson.
Byrne.	Haney.	Feeley.	Tyson.
Calvin.	Harp.	Olander.	Ussery.
Campbell.	Haxthausen.	Oliver.	Vannoy.
Chrestman.	Heilig.	Owsley.	Vickers.
Colquitt.	Henry of Wichita.	Parker.	Wagstaff.
Cooper.	Herder.	Parks.	Wahrmund.
Cope.	Hill.	Patton.	Watson of Hays.
Cox of Delta.	Hornby.	Powell.	Watson of Mills.
Cox of Ellis.	Householder.	Raiden.	Webb.
Craven.	Hughes.	Ratliff.	Williams of Hopkins.
Crisp.	Humphrey.	Reedy.	Williams of McLennan.
Cunningham.	Hunter.	Reeves.	Woods of Fisher.
Davis.	Jordan.	Rickerson.	Woods of Navarro.
Dickson.	Kennedy.	Roach.	Wortham.
		Robbins.	Yarbrough.
		Ross.	
		Rowell.	
		Russell.	
			Absent.
		Bagby.	Greenwood.
		Coffey.	King.
		Collins.	Mangum.
		Flournoy.	Paddock.
		Foster.	Robertson.
			Absent—Excused.
		Brown.	Mills.
		Furrh.	Ridgell.
		Glasscock.	Ritchie.
		Harris.	Rogers.
		Henry of Bowie.	Tarver.

The Speaker announced a quorum present.

Prayer was then offered by Rev. W. D. Bradfield, pastor of the First Methodist Church of Austin.

#### LEAVE OF ABSENCE GRANTED.

On account of important business:

Mr. Furrh for today, on motion of Mr. Blalock.

Mr. Rogers, until next Wednesday, and Mr. Glascock for today, on motion of Mr. Householder.

Mr. Brown for today, on motion of Mr. Fuller.

Mr. Ridgell for today, on motion of Mr. Mendell.

Mr. Harris for today, on motion of Mr. Burges.

Mr. Ritchie for today, on motion of Mr. Mulcahy.

Mr. Henry of Bowie for today, on motion of Mr. Rowell.

Mr. Mills for today, on motion of Speaker Terrell.

Mr. Tarver for today, on motion of Mr. Woods of Navarro.

#### OATH OF OFFICE ADMINISTERED.

Mr. Kennedy offered the following resolution:

Whereas, the Hon. S. D. W. Low, the duly elected successor of the Hon. J. P. Buchanan, and the Hon. L. C. Penry, the duly elected successor to the late Hon. J. C. Hunt, are within the bar of the House; therefore, be it

Resolved, That they now be sworn in as members of the House.

KENNEDY,  
HUMPHREY.

The resolution was read second time and was adopted.

The Speaker then appointed Mr. Humphrey, Mr. Kennedy and Mr. Burmeister as a committee to escort the new members-elect to the Speaker's stand.

The committee having performed their duty, Mr. Low and Mr. Penry then took the oath of office, which was administered by the Speaker.

#### GOVERNOR'S PROCLAMATION.

The Speaker then handed to the Clerk the proclamation of the Governor, which was read to the House as follows:

Proclamation by the Governor of the State of Texas.

Governor's Office,

Austin, Texas, July 7, 1913.

Whereas, the Thirty-third Legislature

adjourned the Regular Session thereof without making appropriations for the support of the State Government, as provided by the Constitution shall be done.

Now, therefore, the failure of the Legislature to pass such appropriation bill creates an extraordinary occasion, justifying the Governor to convene the Legislature in extra session, and I do hereby call the same to convene in the Capitol in the City of Austin, beginning at ten o'clock a. m., Monday, July 21, 1913, for the following purposes, to-wit:

1. To make appropriations for the support of the State Government and its institutions, and the repair, restoration and erection of necessary public buildings, for the fiscal years beginning September 1, 1913, and ending August 31, 1915.

2. To pass a law providing for and regulating the election of United States Senators from Texas by the people thereof, as provided shall be done hereafter by an amendment to Section 3 of Article 1 of the Constitution of the United States recently declared ratified and adopted by three-fourths of the States in the Union.

3. To revise or amend the provisions of the law now governing the management and control of the Penitentiary System as embraced in Chapter 10, Acts of the Fourth Called Session of the Thirty-first Legislature.

4. To consider and act upon such other matters as may be presented by the Governor, pursuant to Section 40 of Article 3 of the Constitution of Texas.

In testimony whereof, I hereunto sign my name and affix the Seal of State at Austin, Texas, this the 7th day of July, A. D. 1913.

(Seal.) O. B. COLQUITT,  
Governor of Texas.

By the Governor:

F. C. WEINERT,  
Secretary of State.

The State of Texas,  
Department of State.

I, D. A. Gregg, Acting Secretary of State of the State of Texas, do hereby certify that the attached and foregoing is a true and correct copy of the Proclamation of Hon. O. B. Colquitt, Governor of Texas, convening the Thirty-third Legislature in extra session at 10 o'clock a. m., Monday, July 21, 1913.

In testimony whereof I have hereto signed my name officially and caused to be impressed hereon the Seal of State

at my office in the City of Austin, Texas,  
this the 21st day of July, A. D. 1913.  
(Seal.) D. A. GREGG,  
Acting Secretary of State.

**COMMITTEES TO NOTIFY GOVERNOR AND SENATE.**

Mr. Williams of Hopkins offered the following resolution:

Resolved, That the Speaker be and is hereby authorized to appoint two committees, consisting of three members each, and that one of said committees be directed to inform the Governor that the House of Representatives is now assembled in special session in obedience to his proclamation and has a quorum present, and will be pleased to receive any communication he may desire to transmit, and that the other committee be directed to advise the Senate that the House has a quorum present and is now ready to proceed with business.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committees:

To notify the Governor: Messrs. Williams of Hopkins, Thompson and Kirby.

To notify the Senate: Messrs. Naborus, Heilig and Woods of Navarro.

**HOUSE BILLS ON FIRST READING.**

The following House bills, introduced today, were laid before the House, read severally first time and referred to appropriate committees, as follows:

By Mr. Wortham:

House bill No. 1, A bill to be entitled "An Act making appropriations to pay salaries of judges and for the support of the Judicial Department of the State Government for two years, beginning September 1, 1913, and ending August 31, 1915."

Referred to Committee on Appropriations.

By Mr. Wortham:

House bill No. 2; A bill to be entitled "An Act making appropriations to pay the salaries of employes of certain departments and courts of the State and other expenses of maintaining and conducting them, as follows: Governor's Office, Mansion and Grounds, Department of State, State Revenue Agent, Public Buildings and Grounds, Department of Insurance and Banking, State Insurance Commission, Texas Library and Historical Commission, State Tax Board, State Purchasing Agent, Public Printing,

Bureau of Labor Statistics, State Inspector of Masonry, Public Buildings and Works, Adjutant General's Department, State Board of Health, Game, Fish and Oyster Commissioner, Live Stock Sanitary Commission, State Mining Board, Pure Food Commission, State Pension Department, Attorney General's Department, Department of Education, Treasury Department, Comptroller's Department, General Land Office, Railroad Commission, Department of Agriculture, Board of Water Engineers, and State Levee and Drainage Commission."

Referred to Committee on Appropriations.

By Mr. Kirby:

House bill No. 3, A bill to be entitled "An Act providing for the election of United States Senator by a direct vote of the people in accordance with the recent amendment to the Federal Constitution; providing that when a vacancy happens in the representation in this State in the Senate of the United States that the Governor may make temporary appointments and shall issue the necessary writs of election to fill such vacancy and also to provide for the holding of primaries by political parties for the nomination of candidates for the United States Senate, and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Kennedy:

House bill No. 4, A bill to be entitled "An Act providing for the election of United States Senators from Texas to the Congress of the United States and providing for the selection and nomination of candidates therefor."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Reedy:

House bill No. 5, A bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners as herein defined shall be permitted to testify in certain cases; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to provide for a board of prison commissioners, to provide for their appointment and define their powers, duties and authority.

to provide for the purchase or sale of real estate by the prison commission, to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor; to provide for a general farm manager and a general business manager; defining the duties of each; describing penalties for the violation of this act; to provide that the prison commission may sue, that no suit shall be filed against the prison commission; that no set-off, counter-claim, recoupment, cross-action plea in reconviction or claim for damages hereafter arising shall be allowed against a suit brought by the prison commission without the consent of the Legislature; prescribing penalties for exciting a convict to riot and mutiny; prescribing penalties for carrying intoxicating liquors into the penitentiary, or any prison camp, and for the sale and gift of intoxicating liquors to the convicts; repealing Chapters 1 and 2 of the Revised Civil Statutes of 1911; providing for granting paroles under the indeterminate sentence law; providing for a legislative visiting committee; prohibiting persons connected with the prison system from political activity, and forbidding persons from being appointed to positions in the prison system as a reward for political activity, requiring district judges in certain counties to direct grand juries to visit prison and places where convicts are kept, or penitentiaries located, and repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

Referred to Committee on Penitentiaries.

#### RELATIVE TO SENATE JOINT RESOLUTION NO. 12.

Mr. Kennedy offered the following resolution:

House Concurrent Resolution No. 1, Authorizing correction of indorsement on Senate Joint Resolution No. 12, passed at the Regular Session, Thirty-third Legislature.

Whereas, during the general session of the Thirty-third Legislature, Senate Joint Resolution No. 12, providing for the initiative and referendum, passed the Senate by a vote of 21 yeas and 7 nays, and passed the House by a vote of 98 yeas and 29 nays, all of which was properly indorsed on the resolution by the Chief Clerk of the House and the Secretary of the Senate; and

Whereas, in placing the indorsements on the enrolled resolution in the Senate, the indorsement placed by the Senate Enrolling clerk showed that said re-

solution had passed the House by a vote of 84 yeas and 36 nays; and

Whereas, there exists a doubt whether said resolution can be submitted to the people inasmuch as it does not show that it received a two-thirds vote of all the votes of House; therefore, be it

Resolved by the House, the Senate concurring, that the enrolling clerk in the Senate be instructed to correct the indorsement on said resolution which is now in possession of the Secretary of State, so as to show that said resolution passed the House by a vote of 98 yeas, 29 nays.

KENNEDY.  
TERRELL.

The resolution was read second time. Question—Shall the resolution be adopted?

Mr. Tillotson moved to refer the resolution to the Committee on Rules.

On motion of Mr. Hornby, the motion to refer was tabled.

The resolution was then adopted.

#### GOVERNOR NOTIFIED.

The committee appointed to notify the Governor that the House is organized and ready to receive any communication he may desire to transmit appeared at the bar of the House, and, being duly announced, stated that they had performed the duty assigned them.

#### SENATE NOTIFIED.

The committee appointed to notify the Senate that the House is organized and ready for business appeared at the bar of the House, and, being duly announced, stated that they had performed the duty assigned them.

(Mr. Kennedy in the chair.)

#### PROVIDING FOR EMPLOYES.

Mr. Lane offered the following resolution:

Resolved, That the Speaker of the House shall appoint the following employes for the called session to serve for such compensation as may be hereafter provided, to-wit: One private secretary for the Speaker at \$5.00 per day; one stenographer for the Speaker at \$4.00 per day; one porter for the Speaker at \$2.00 per day; one page for the Speaker at \$2.00 per day; one clerk to the Finance Committee at \$5.00 per day, and this clerk shall be an expert stenographer; two general clerks at \$4.00 per day each; one clerk to the Sergeant-at-Arms at \$5.00 per day; one porter to the Sergeant-at-Arms at \$2.00 per day; one

assistant engrossing and enrolling clerk at \$4.00 per day; one assistant to the Reading Clerk at \$5.00 per day; one elevator man at \$3.00 per day; one night watchman at \$4.00 per day; one assistant to the Journal Clerk at \$5.00 per day; one stenographer for use in Attorney General's Department at \$4.00 per day; one page to the Appropriation Committee to be selected by the chairman of that committee at \$2.00 per day; twenty-two expert stenographers at \$4.00 per day, each of whom shall serve as clerks to committees when so directed by the Speaker; twenty-four pages at \$2.00 per day; one messenger to carry papers to the Confederate Home at \$2.50 per day; twelve porters, who shall perform such duties as are usually required of porters and who shall be under the direction of the Speaker and the Sergeant-at-Arms, at \$2.00 per day; one porter for Dr. Cunningham at \$2.00 per day. All stenographers and clerks shall furnish their own typewriters and ribbons without expense to the State.

Be it further provided that it shall be the duty of the Speaker, and he is hereby empowered to dispense with the services of any employe when in his judgment said employe is not further needed or for misconduct of any employe.

The duties of employes, as hereinbefore mentioned, shall be such as are usually required of the employees of previous Legislatures, and it shall be the duty of stenographers and clerks to assist the members of the House in their correspondence, preparation of bills, etc.

Any of the employes shall be excused by the Speaker for cause deemed to him to be sufficient.

The salary of all employes shall begin when they are instructed to begin work by the Speaker.

LANE,  
HUNTER,  
WILLIAMS of Hopkins,  
HILL,  
BARTLEY,  
WAGSTAFF,  
DIFFIE,  
BYRNE,  
SAVAGE,  
MURRAY,  
BURMEISTER,  
BAKER.

The resolution was read second time. Question—Shall the resolution be adopted?

Mr. Spradley offered the following amendment to the resolution:

Amend by adding one Sergeant-at-Arms in the gallery at \$4.00 per day.

The amendment was adopted.

Mr. Hornby offered the following amendment to the resolution:

Amend by allowing rent on machines not exceeding \$5.00 monthly.

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

Mr. Chrestman offered the following amendment to the resolution:

Amend by striking out twenty-four pages and insert ten pages.

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

The resolution as amended was then adopted.

Mr. Terrell moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

The motion to table prevailed.

(Speaker in the chair.)

#### PROVIDING POSTAGE FOR MEMBERS.

Mr. Hornby offered the following resolution:

Be it resolved by the House of Representatives, That each member be allowed \$10 in postage and the Chief Clerk be allowed \$5 in postage and Sergeant-at-Arms \$5 in postage to be paid out of the contingent fund of the House.

The resolution was read second time and was adopted.

(Mr. Wortham in the chair.)

#### MESSAGE FROM THE GOVERNOR.

Mr. J. T. Bowman, private secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House:

Governor's Office,  
Austin, Texas, July 21, 1913.

To the Texas Legislature:

In harmony with the provision of the Constitution relating to extra sessions of the Legislature you have been called together to consider and pass laws on the following subjects, to-wit:

Pass an appropriation bill.

Amend the penitentiary laws.

Provide for the election of United States Senators from Texas by direct vote of the people.

And such other subjects as may be subsequently submitted for your consideration.

#### Appropriations Asked for.

The heads of all departments, and su-

perintendents of all State institutions were requested for a statement of their needs for the two fiscal years beginning September 1, 1913, and ending August 31, 1915. These estimates have been formulated into a tentative bill, the needs of the educational institutions, eleemosynary institutions, judiciary and executive departments being formulated into separate bills. The total requisitions show a demand for the following sums of money:

For the Year Ending  
Aug. 31, Aug. 31,  
1914. 1915.

Educational institutions . . . . .	\$2,206,800	\$1,529,950
Eleemosynary institutions . . . . .	1,607,645	1,437,595
Judicial department . . . . .	967,063	965,863
Executive departments . . . . .	1,321,020	1,260,232
 Grand totals . . . . .	\$6,102,528	\$5,193,640

The Regular Session of the Thirty-third Legislature passed appropriation bills calling for the sum of \$1,382,832.38. The totals of these figures for the two years amount to \$12,679,000.38. But, of course, the heads of departments and the various State institutions do not expect that the Legislature will give them all they ask for.

#### The Last Appropriation Bill.

The last appropriation bill as approved carried the sum of \$5,144,279.26 and \$4,460.332.00 for the years ending August 31, 1912, and 1913, and the special appropriations made by the Legislature and approved amounted to \$781,269.99—a total of general and special appropriations by the Thirty-second Legislature of \$10,365.880.25. The sums already appropriated by the present Legislature and asked of them now, exceed the total appropriations by the Thirty-second Legislature by \$2,313,120.13.

The ad valorem taxes collected on the assessments for the year 1911 were used in paying the bills of the Thirty-second Legislature for the fiscal year ending August 31, 1912. The tax rate for 1911 was 12½ cents on the hundred dollars and this rate produced a revenue of \$2,565,494.60. The tax levy for the year 1912 was 10 cents on the hundred dollars of assessed values. This produced a revenue of \$2,474,535.31. More than half of the moneys, therefore, to

meet the State's bills from general revenue are raised by special taxes, being in the form, for the greatest part, of taxes on gross receipts of corporations, franchise taxes and occupation taxes imposed on liquor dealers and poll taxes.

It is estimated that the total of tax renditions for this year will approximate two billion six hundred and twenty million dollars. A tax rate of 10 cents on this value will produce a net revenue of about two and one-half million dollars to be applied on next year's expenses. I estimate the money coming into the Treasury from other sources for the next fiscal year, for general revenue use, at about three million dollars.

#### Public Improvements.

Of the \$12,679,000 asked at the hands of the Legislature at this time for the next two years, about two million of it is asked for use in the erection and repair of public buildings. If this sum is granted it will take an 8 cent tax rate for one year, or a 4 cent tax rate for two years, to meet the bill. During the first two years of the present administration there was expended and appropriated for new buildings and improvements the sum of \$1,139,563, as follows:

State Orphan Home . . . . .	\$ 59,600
State Institution for the Training of Juveniles . . . . .	58,500
Southwestern Insane Asylum . . . . .	65,600
North Texas Hospital for the Insane . . . . .	33,600
Epileptic Colony . . . . .	18,300
State School for the Blind . . . . .	17,400
Deaf, Dumb and Blind Institute for Colored . . . . .	6,140
North Texas State Normal . . . . .	50,000
College of Industrial Arts . . . . .	79,500
Deficiency . . . . .	7,071
Confederate Home . . . . .	11,400
Confederate Woman's Home . . . . .	19,975
Restoration of Alamo . . . . .	5,000
Deaf and Dumb Institute . . . . .	20,500
State Lunatic Asylum . . . . .	28,177
Isolation pavilion, Galveston . . . . .	15,700
Public Buildings and Grounds . . . . .	4,000
Tuberculosis Colony . . . . .	62,000
Sam Houston Normal . . . . .	5,000
Thirty-third Legislature—Land . . . . .	12,000
Southwestern State Normal . . . . .	26,600
Thirty-third Legislature—Buildings . . . . .	7,500
A. & M. College . . . . .	526,000
 Total . . . . .	\$1,139,563

An examination of the appropriation bills passed by the Thirtieth and Thirty-first Legislatures shows that they car-

ried a total, for new buildings and improvements, for the years beginning September 1, 1907, and ending August 31, 1909, of \$382,000; and for the years beginning September 1, 1909, and ending August 31, 1911, \$287,000; a total for the four years of \$669,000. It has been the policy of this administration to build nothing but substantial, fireproof structures. I requested boards of managers and superintendents not to permit anything but fireproof buildings to be erected, and in every instance, where practical, this request has been followed, there being, perhaps, only one or two exceptions.

I shall forego a detailed discussion of appropriations and revenues, for I do not wish to tax your time with a lengthy message. I shall content myself in saying on this subject that the powers conferred upon the Governor's office will be used to the end that the expenses of the State will be held within her income, and put on a cash basis at the very earliest practical moment.

The revenues from ad valorem and special taxes have been ample to meet the bill on which the tax rate was based. But calamities of various kinds, including several disastrous fires, especially those at the Agricultural and Mechanical College, and the special appropriations by the present Legislature, will cause us to begin the next fiscal year with a deficit of about one million dollars. Except for these extraordinary expenses we could have begun the next fiscal year with a surplus of \$300,000 to \$400,000. If the appropriations, general and special, by the present Legislature are held to about six million dollars, a tax levy of 10 cents on the hundred dollars on the current year's assessments will be sufficient.

The people last fall adopted an amendment to the Constitution authorizing the levy of a tax of 5 cents on the hundred dollars to pay Confederate pensions, and at the Regular Session you passed a bill carrying this amendment into effect. This year, therefore, an extra tax of 5 cents has been levied by the Legislature to pay Confederate pensions. An item of \$500,000 was carried in the last appropriation bill for each year to pay such pensions. This item will not be in this year's bill. The two and one-half million increase in the budgets for two years as asked for is exclusive of this item.

#### Tardy Revenue Receipts.

I attach statements from the Comptroller, State Treasurer, Secretary of

State and the Commissioner of Insurance and Banking showing the sources of our revenue, and the amount collected from various sources. Especial attention is invited to the statement of the Treasurer which shows the amounts paid into the Treasury to the credit of general revenue, from all sources, each month. Perhaps the State's expenses are heavier in September, October and November—greater than any other period of the year, for during those months the cost of supplies purchased in July and August for the first quarter of the fiscal year, and in some instances for six months and the whole year, are coming in. The average cost of the State Government is about half a million dollars per month. But the Treasurer's statement shows that the Treasury's receipts for seven out of the twelve months were less than that sum, being as low as \$110,988 in September. The August collections come almost entirely from the payment of occupation taxes by liquor dealers. The ad valorem tax collected on this year's assessments will not begin to reach the Treasury until January, most or nearly all of it coming in January, February and March.

#### School Revenues.

The school tax of 16 2-3 cents has been levied for several years past, and although the revenues from land notes, bonds, and leases of land have not increased in the proportion that revenues for the general fund from special taxes have increased, yet there has been an increase in the per capita apportionment of the State School Fund to the children of the counties of five cents each year since I became Governor. The schools are running for a longer period each year and are gradually increasing in efficiency and effectiveness.

#### Election of United States Senators.

The Constitution of the United States relating to the election of United States Senators from the States of the Union has been amended so as to require the election of United States Senators by a direct vote of the people. The amendment is quoted in full so as to show the present requirements of the Federal Constitution on this subject. It is as follows:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for

electors of the most numerous branch of the State Legislature.

"When vacancies happen in the representation in any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the Legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the Legislature may direct."

There is no law now on the statutes of Texas providing for the election of United States Senators in harmony with the foregoing provision of the United States Constitution. Legislation in harmony therewith is urged upon you. If a vacancy were to occur in the representation from Texas in the Senate, neither the Governor nor the Legislature could fill such vacancy by appointment or election.

#### Prison Commission Law.

The law creating the Prison Commission and for the government of the State prisons, ought to be radically amended. I have discussed this law and the prison management and financial condition in previous messages in much detail. I refer you to my general message to the Legislature last January and to the special message of January 30, 1913. I also call your attention to the special message sent the Thirty-second Legislature especially pointing out amendments to the law which were desirable then. These recommendations, some of them, are especially pertinent now. This message is included in the proceedings of the 28th day of the Regular Session of the Thirty-second Legislature. The extra costs of operation of the prison system required by the law which took effect on January 20th preceding the writing of the message are pointed out, and their repeal recommended. These extra expenses have amounted to nearly half a million dollars in two years and represent one-third of the debts of the Prison System.

#### Less Detail Needed.

There is too much detail in the law, and too many hard and fast rules established that make the law impractical in its administration. The per diem to the prisoners provision should be eliminated; the ten-hour a day limitation should be changed; and the overtime regulation materially changed so as to make it apply to those who have to do night and Sunday work only.

#### Estimated Cost of New Law.

Testifying before the Legislative Committee that framed the present Prison System Law, Mr. Jake Herring, then superintendent of the penitentiary, stated that it would cost the State five million dollars to put the new law into operation and carry it out. I see by the reports of his testimony before the Legislative Committee recently that he reiterated this statement.

#### Costly Experiments.

But long before the enactment of the new statute which has called for large additional expenditures in the way of payment for extra time and other fixed charges not theretofore required, the State engaged in several costly experiments. The Prison System has about \$750,000 invested in sugar mills and they have never been profitable; on the contrary, they have cost large sums to keep them in repair and have, in my opinion, proven an annual loss to the State.

#### The Iron Furnace.

Several hundred thousand dollars were expended in an iron furnace and pipe foundry at Rusk and operated for a number of years at a heavy loss. This furnace and foundry have been leased by the Prison Commissioners under terms which will probably be worth fifty thousand dollars per annum to the State in the way of freight to the State Railroad, the sale of ore, and the rental price, which is five thousand dollars per annum.

#### The State Railroad.

The State Railroad, thirty-two miles in length and running from Rusk to Palestine, has never earned enough to pay its operating expenses and its upkeep. The losses on account of it to the Penitentiary System since January 20, 1911, the date the new law took effect, amount to over \$94,000. The State School Fund holds \$100,000 of the bonds issued in part payment of its construction. We have an offer to lease it for just enough to pay the interest on these bonds, but the offer is based upon the expenditure of the rental for a number of years in putting the property in safe condition for operation.

#### Huntsville and Rusk Prisons.

Neither the Rusk nor the Huntsville prisons have ever made the cost of their maintenance. In fact, after careful study of the matter, I have reached the con-

clusion that for every dollar the system has made at either one of these prisons it has cost two dollars to produce it. I believe that the effort to make mechanics out of old men might as well be abandoned. After they reach mature years it is difficult to teach them a trade. Besides, I am in serious doubt as to whether we will ever be able to carry on a manufacturing business with convict labor. At all events, the older men should not be used in an effort to do so; only the young men, say from sixteen to twenty-five, should be employed in the prison factories. It is doubtful even if the short term young men can be profitably used in them.

#### Brazos Bottom Farms.

It costs more to cultivate an acre of ground in the Brazos bottom—perhaps twice as much—in any given crop, than the black prairie land. It costs about twice as much to cultivate an acre of sugar cane in the Brazos bottom as cotton. It is doubtful if the Brazos bottom land will produce as much cotton per acre, one year with another for a series of years, as the black prairie land in Central or North Texas. As already stated, the cost of cultivation on the Brazos is much greater; on the prairies it does not require the most expensive live stock, whereas, on the Brazos the heaviest and most expensive mules have to be purchased and even they are worn out in four or five years and cease to be serviceable and meet the requirements. The State has in cultivation about thirty thousand acres of its own land on the Brazos, and it is safe to say that the force of men required to cultivate this ground could easily cultivate sixty thousand acres of prairie land. These are deductions of fact which I think few disinterested persons familiar with conditions will deny. We have now approximately 4,100 prisoners in the penitentiary and the population is rapidly increasing. On January 20, 1911, there were approximately 3,450 convicts. It has cost much to take care of this increase, to say nothing of the difficulties under which it has been done. But it is my deliberate opinion that the convicts capable of farm work could cultivate, in good condition, and gather the crops off of 100,000 acres of prairie land easier than they can cultivate the forty odd thousand acres now being worked on the Brazos. Any bill which may pass the present session of the Legislature should vest authority in the management, subject to the approval of the Governor, or some other authority, to sell all of the

State Brazos bottom holdings and invest it in good prairie land, conveniently located. We might as well quit experimenting with the Prison System and get down to a basis which we know at once and to start with, that the soil, the seasons and conditions generally, one year with another, will be in the State's favor, and that fair returns will be received each year by the State from the labor of its prisoners.

#### Sugar Culture Expensive.

Whether the lands owned by the State on the Brazos are sold or not, I do not think any more should be purchased in that locality with a view to cultivating it in sugar cane. It is my deliberate recommendation, and will be, that the cultivation of sugar cane on the convict farms be abandoned as soon as practicable. It is a most expensive crop to cultivate; it is uncertain and as much subject to the seasons as other crops. In 1911 we had the biggest crop ever produced in the history of prison farming, but on Thanksgiving Day that year a freeze swept over the State extending to the coast and froze and destroyed practically all the cane in the fields, causing a loss of fully one half the crop. Then last year, the long drouth during the summer months stunted the cane's growth and the crop was very light—didn't pay fifty cents on the dollar of the cost of its cultivation.

#### If the Contention Is Correct.

If the advocates of "free sugar" or the admission of raw sugar into this country for refining from other countries free of tariff duty, are correct, sugar cane growing will be still less profitable when the provisions in the tariff bill now pending in Congress go into effect. Sugar refineries undoubtedly will be able to import raw sugar from Cuba, the Philippine Islands and other cane growing islands under the control of foreign governments, at a much less cost to themselves. This country does not produce enough sugar for its own consumption and that which is imported now costs the refiner the purchase price in the country of its production plus the freight plus the tariff. When a tariff bill that admits the unrefined sugar, or the raw material, free of duty, is passed, the refiners will get their unrefined sugar at its cost on the producing market, plus the freight, and this fact will undoubtedly influence the price the domestic producer will get for his product. Whatever the effect upon the consumer of

sugar may be (and I do not believe it will affect him favorably) it is admitted by the ablest advocates of the doctrine that the sugar producer will probably have to go out of business. One of the ablest men in Congress, opening the debate on the tariff bill, referring to this question and the effect it would have upon the sugar planter, said in substance that the "provision in the bill providing for admitting unrefined sugar free of duty would not go into effect for three years, and in that length of time the sugar planters would have a chance to make enough to pay their debts to the merchants and bankers before retiring from the business," which is tantamount to saying the sugar planter is now, even, working for the merchant and the banker. This is practically true with the Texas Penitentiary System as a sugar producer. The system makes nothing and has made nothing growing sugar under present conditions. and if they are to become worse by reason of national legislation, it is time for the State to abandon the cultivation of cane now and not wait until three years hence.

Of course, I do not suggest that these

matters should be recited in amendments to the law governing the Prison System of the State. But any amended law that may be passed should make ample provision for practical business management with one responsible head, and vest in that management discretion to sell the lands now owned. The management already has discretion to plant or to abandon the planting of any crop that may prove unprofitable.

In view of the fact that a Legislative Committee has been making investigations of prison management and has received the benefit of the advice of many critics and some friends of the present law and managers, I forego a further discussion of this subject. Content with these observations, for the present, with a reiteration of the recommendations made in former messages, I sincerely ask the co-operation of the Legislature in a patriotic effort to give the people a sensible, business-like and practical law for the control of the Prison System and its management.

Respectfully submitted,

O. B. COLQUITT,  
Governor of Texas.

## STATEMENT OF SECRETARY OF STATE.

Letters were addressed to the Comptroller, the State Treasurer, the Secretary of State and the Commissioner of Insurance and Banking requesting statements of them showing the special taxes collected through these several departments.

I received a letter from Hon. F. C. Weinert, Secretary of State, as follows:

"Complying with your request of this date for itemized statements of the taxes collected by this department for the year beginning September 1, 1911, and ending August 31, 1912, I beg leave to submit to you herewith an itemized statement of all fees, of every nature and kind, collected for this period which have been turned into the State Treasury and which amount to \$682,744.44. The total fees collected from all sources for ten months of this year, beginning September 1, 1912, and ending July 1, 1913, amount to \$700,912.62, as follows:

Report of Secretary of State for the Months of September 1, 1911, to August 31, 1912.

Date.	Domestic Franchises.	Foreign Franchises.	Domestic Charters.	Foreign Permits.	Executive Warrants.	Certified Copies.	Laws.	Commis-sions.	Total.
1911									
Sept....	\$ 2,712.16	\$ 514.97	\$ 10,825.00	\$ 1,480.00	\$ 4.00	\$ 213.00	\$ 72.30	\$ 110.00	\$ 15,931.43
Oct.....	921.68	58.30	5,870.00	190.00	10.50	190.00	62.92	67.00	7,370.00
Nov.....	1,277.95	91.70	9,575.00	350.00	10.00	260.30	56.55	23.00	11,644.50
Dec.....	750.43	658.46	6,599.00	3,360.00	25.00	176.50	99.12	41.00	11,709.51
1912									
Jan.....	925.77	326.94	13,230.00	2,620.00	18.00	226.25	85.20	26.00	17,458.16
Feb.....	2,703.62	892.45	11,355.00	4,550.00	24.00	219.30	166.45	31.00	19,941.82
Mar.....	16,791.35	3,147.74	19,940.00	5,010.00	20.00	273.50	166.32	39.00	45,387.95
April....	192,722.53	62,838.35	11,120.00	2,860.00	12.00	225.85	52.80	40.00	269,871.53
May.....	101,139.27	43,927.76	24,770.00	5,060.00	.....	356.15	46.60	16.00	175,315.78
June....	40,642.23	9,533.40	14,320.00	3,170.00	22.00	246.75	38.35	17.00	67,989.73
July....	7,040.48	1,828.47	12,464.00	1,220.00	14.00	163.35	23.30	6.00	22,759.60
Aug.....	2,236.35	714.65	11,030.00	2,040.00	10.00	172.75	1,135.68	25.00	17,364.43
Total.	\$369,863.82	\$124,533.19	\$151,098.00	\$31,910.00	\$ 169.50	\$2,723.70	\$2,005.59	\$ 441.00	\$682,744.44

Total beginning September 1, 1912, to July 1, 1913, \$700,912.62.

## STATEMENT OF COMMISSIONER OF INSURANCE AND BANKING.

Hon. B. L. Gill, Commissioner of Insurance and Banking, furnishes the following statement showing the collections made by his department for the years and months named:

## HOUSE JOURNAL.

## Financial Statement Showing all Collections by the Department of Insurance and Banking.

Year and Month	Office fees including registering, valuing policies, taxes of mutual concerns, etc.	State Bank Examination Fees.	Assessment for the maintenance of the State Insurance Board.	Occupation Tax.	Total.
<b>From</b>					
September, 1911.....	\$ 477.75	\$ 4,230.00	\$ 5,087.00	\$ 4,049.09	\$ 13,843.84
October, 1911.....	409.00	4,447.50	.....	.....	4,856.50
November, 1911.....	559.25	4,787.50	.....	.....	5,346.75
December, 1911.....	256.00	5,730.00	.....	.....	5,986.00
January, 1912.....	950.14	4,162.50	.....	11,426.80	16,539.43
February, 1912.....	5,372.76	5,027.50	.....	174,861.65	185,251.91
March, 1912.....	2,329.60	5,362.50	.....	139,742.06	147,434.16
April, 1912.....	1,332.00	3,820.00	.....	39,384.30	44,536.30
May, 1912.....	1,430.75	6,860.00	.....	2,881.80	11,172.55
June, 1913.....	733.75	4,732.50	9,582.58	2,505.02	17,553.85
July, 1912.....	491.81	4,290.00	5,137.18	.....	9,918.99
August, 1912.....	335.38	7,027.50	.....	.....	7,362.88
<b>Total.....</b>	<b>\$ 14,668.18</b>	<b>\$ 60,477.50</b>	<b>\$ 19,806.76</b>	<b>\$374,850.72</b>	<b>\$ 469,803.16</b>
September, 1912.....	\$ 441.28	\$ 3,975.00	.....	.....	\$ 4,416.28
October, 1912.....	329.00	4,730.00	.....	.....	5,059.00
November 1912.....	334.35	5,297.50	.....	.....	5,631.85
December, 1912.....	715.38	5,510.00	.....	.....	6,225.38
January, 1913.....	835.36	4,097.50	.....	\$ 13,191.23	18,124.09
February, 1913.....	5,476.94	6,520.00	.....	66,908.90	78,905.84
March, 1913.....	2,245.00	5,626.10	.....	202,768.40	210,639.50
April, 1913.....	1,062.91	4,740.00	.....	95,580.57	101,383.48
May, 1913.....	2,558.84	6,005.00	.....	45,186.04	53,749.88
June, 1913.....	473.50	6,307.50	.....	9,030.59	15,811.59
<b>Total.....</b>	<b>\$ 14,472.56</b>	<b>\$ 52,808.60</b>	.....	<b>\$432,665.73</b>	<b>\$ 499,946.89</b>
<b>Grand total.....</b>	<b>\$ 29,140.74</b>	<b>\$113,286.10</b>	<b>\$ 19,806.76</b>	<b>\$807,516.45</b>	<b>\$ 969,750.05</b>

## Statement Showing all Deposits to the State Treasury by the Department of Insurance and Banking.

Year and Month.	Office fees Quarterly deposits. R. S. Art. 2444.	Bank Examination fees monthly deposits.	Assessments for maintenance of State Ins. Bd.	Occupation Tax.	Total.
September, 1911.....	.....	\$ 4,230.00	.....	\$ 4,049.09	\$ 8,279.09
October, 1911.....	.....	4,447.50	.....	.....	4,447.50
November, 1911.....	\$ 1,569.00	4,787.50	\$ 5,087.00	.....	11,443.50
December, 1911.....	.....	5,730.00	.....	.....	5,730.00
January, 1912.....	.....	4,162.50	.....	11,426.80	15,589.30
February, 1912.....	2,665.89	5,027.50	.....	174,861.65	182,555.04
March, 1912.....	.....	5,362.50	.....	139,742.06	145,104.56
April, 1912.....	.....	3,820.00	.....	39,384.30	43,204.30
May, 1912.....	8,616.35	6,860.00	.....	2,881.80	18,358.15
June, 1912.....	.....	4,732.00	.....	2,505.02	7,237.02
July, 1912.....	.....	4,290.00	.....	.....	4,290.00
August, 1912.....	1,372.94	7,027.50	14,719.76	.....	23,120.20
<b>Total*.....</b>	<b>\$ 14,224.18</b>	<b>\$ 60,477.50</b>	<b>\$ 19,806.76</b>	<b>\$374,850.72</b>	<b>\$ 469,359.16</b>
Difference.....	.....	.....	.....	.....	444.00
September, 1912.....	.....	\$ 3,975.00	.....	.....	\$ 3,975.00
October, 1912.....	.....	4,730.00	.....	.....	4,730.00
November, 1912.....	\$ 1,202.63	5,297.50	.....	.....	6,500.13
December, 1912.....	.....	5,510.00	.....	.....	5,510.00
January, 1913.....	.....	4,097.50	.....	\$ 13,191.23	17,288.73
February, 1913.....	3,757.68	6,520.00	.....	66,908.90	77,186.58
March, 1913.....	.....	5,626.10	.....	202,768.40	208,394.50
April, 1913.....	.....	4,740.00	.....	95,580.57	100,320.57
May, 1913.....	8,389.75	6,005.00	.....	45,186.04	59,580.79
June, 1913**.....	712.50	6,307.50	.....	9,030.59	15,337.09
<b>Total*.....</b>	<b>\$ 13,350.06</b>	<b>\$ 52,808.60</b>	.....	<b>\$432,665.73</b>	<b>\$ 498,824.39</b>
Difference.....	.....	.....	.....	.....	1,122.50
<b>Grand total.....</b>	<b>\$ 27,574.24</b>	<b>\$113,286.10</b>	<b>\$ 19,806.76</b>	<b>\$807,516.45</b>	<b>\$ 968,183.55</b>

\*The difference between the collections and deposits relates to the payment of competent and reliable representatives who have direct charge of the securities and safety boxes containing same. (Act Thirty-first Legislature, Second Called Session, Chapter 25.)

\*\*The presumptive amount of collected fees which would fall due for the month of June but will be deposited on the end of the quarter, August 31, 1913, with the collected fees of the months of July and August.

The Commissioner of Insurance and Banking also makes the following statement of disbursements showing that the fees of that department more than pay the appropriations for its maintenance:

**Department of Insurance and Banking. Statement of Expenditures September 1, 1911, to June 30, 1913.**

Date.	Insurance and Banking Department.					Total.	State Insurance Board.		Grand Total.
	Insurance Division Salary Account.	Banking Division Salary Account.	Expense Account.	Bank Examiners Salary Account.	Expense Account.		Salary Account.	Expense Account.	
<b>1911</b>									
Sept....	\$ 998.32	\$ 631.65	\$ 979.93	\$ 2,249.91	\$ 1,999.54	\$ 6,859.35	\$ 1,139.32	\$ 85.50	\$ 8,084.47
Oct....	998.32	658.32	251.27	1,949.81	1,724.90	5,582.62	1,139.32	59.25	6,781.19
Nov....	998.32	618.32	300.46	2,349.91	2,181.32	6,448.33	1,139.32	180.25	7,767.90
Dec....	998.32	626.07	416.37	2,166.58	1,583.45	5,790.79	1,239.32	152.28	7,182.39
<b>1912</b>									
Jan....	998.32	609.97	543.22	2,666.56	1,933.43	6,751.50	1,114.32	137.70	8,003.52
Feb....	998.32	658.32	469.90	2,333.24	1,965.77	6,425.55	1,114.32	103.74	7,643.61
Mar....	998.32	658.32	672.48	2,666.56	1,970.36	6,966.04	1,114.32	485.14	8,565.50
April....	998.32	608.32	380.97	2,499.90	1,952.60	6,440.11	1,163.48	360.76	7,964.35
May....	998.32	658.32	467.83	2,333.24	1,967.00	6,424.71	1,234.24	194.82	7,853.77
June....	998.32	658.32	303.41	2,333.24	1,550.80	5,844.09	1,235.22	299.02	7,378.33
July....	953.32	658.32	371.76	2,499.00	1,986.60	6,469.90	1,226.74	133.91	7,870.55
Aug....	968.48	658.48	634.77	2,500.95	2,348.63	7,111.31	1,214.48	423.57	8,749.36
Total.	\$11,905.00	\$ 7,702.73	\$ 5,792.37	\$28,549.80	\$23,164.40	\$77,114.30	\$14,114.40	\$ 2,616.24	\$93,844.94
<b>1913</b>									
Sept....	\$ 998.32	\$ 658.40	\$ 209.00	\$ 2,499.90	\$ 1,742.04	\$ 6,107.66	\$ 1,399.32	\$ 321.00	\$ 7,827.98
Oct....	998.32	684.12	191.62	2,499.90	2,085.20	6,359.21	1,404.32	296.40	8,059.93
Nov....	998.32	629.15	698.40	2,499.90	1,822.82	6,648.59	1,419.32	496.85	8,564.76
Dec....	998.32	658.32	142.87	2,499.90	1,228.00	5,527.41	1,294.32	523.51	7,345.24
<b>1913</b>									
Jan....	998.32	654.97	570.59	2,483.02	2,159.05	6,865.95	1,294.32	1,124.58	9,284.85
Feb....	998.32	658.32	427.70	2,666.56	2,115.78	6,866.68	1,314.32	361.20	8,542.20
Mar....	998.32	658.32	543.53	2,666.56	1,909.50	6,776.23	1,388.50	586.37	8,751.10
April....	964.98	658.32	375.78	2,666.56	2,076.22	6,741.86	1,468.49	672.63	8,882.98
May....	998.32	658.32	489.92	2,666.56	1,995.51	6,808.63	1,539.32	755.25	9,103.20
June....	960.82	658.32	502.23	2,666.56	2,158.35	6,946.28	1,470.99	2,151.99	10,569.16
Total.	\$ 9,912.36	\$ 6,476.56	\$ 4,151.64	\$25,815.42	\$19,292.52	\$65,648.50	\$13,993.22	\$ 7,289.68	\$86,931.40

Fiscal year, 1912, ending August 31, 1912, total of expenditures...\$77,114.30  
Fiscal year, 1912, ending August 31, 1912, total of collections.... 75,145.68

Actual cost of Department..... \$ 1,968.62

### SUMMARY.

Ten months of fiscal year, 1913, ending June 30, 1913, total of expenditures .....	\$ 65,648.50
Ten months of fiscal year, 1913, ending June 30, 1913, total of collections .....	67,281.16
Credit balance .....	\$ 1,632.66
State Insurance Board assessment .....	\$ 25,000.00
Expenditures .....	\$ 21,282.90
Credit balance .....	\$ 3,717.10.

## STATEMENT OF STATE TREASURER.

Hon. J. M. Edwards, State Treasurer, has sent me a statement showing the revenues paid into the Treasury by months, and his letter and statement follow:  
"Replying to your request beg to submit the following figures:

Amount Received by Months to Revenue Account from September 1, 1911, to August 31, 1912.

September 1, 1911 .....	\$ 110,987.93
October, 1911 .....	141,099.68
November, 1911 .....	182,483.20
December, 1911 .....	516,392.70
January, 1912 .....	1,223,047.94
February, 1912 .....	4,028,022.50
March, 1912 .....	1,442,144.85
April, 1912 .....	421,109.61
May, 1912 .....	451,571.91
June, 1912 .....	261,887.78
July, 1912 .....	180,224.96
August, 1912 .....	660,713.95
Total receipts for year ending August 31, 1912 .....	\$ 9,619,697.01
Amount of school money transferred during year .....	4,470,734.77
Leaving amount of net revenue .....	\$ 5,148,962.24

The different sources from which this \$5,148,962.24 was received follows:

Amount received from Secretary of State .....	\$ 686,792.07
Amount received from Land Commissioner .....	23,719.98
Amount received from Attorney General .....	4,086.27
Amount received from Comptroller .....	20,819.86
Amount received from State Treasurer, gross tax .....	601,756.84
Amount received from Insurance Commissioner fees .....	94,508.44
Amount received from Supt. of Public Buildings and Grounds .....	7,663.05
Amount received from pay patients—asylums .....	11,328.75
Amount received from State Depository interest .....	19,800.64
Amount received from Health Department .....	17,807.00
Amount received from asylum leases .....	21,282.62
Amount received from inheritance tax .....	47,579.03
Amount of miscellaneous collections .....	25,723.19
Total amount from sources other than ad valorem .....	\$ 1,583,467.74
Amount received from tax collections .....	3,565,494.60

This includes ad valorem, poll, liquor licenses, etc.

Amount received by months, revenue account from September 1, 1912, to July 1, 1913:

September, 1912 .....	\$ 138,598.12
October, 1912 .....	141,913.18
November, 1912 .....	341,008.90
December, 1912 .....	533,998.75
January, 1913 .....	1,130,265.79
February, 1913 .....	3,882,317.47
March, 1913 .....	1,250,245.44
April, 1913 .....	318,610.93
May, 1913 .....	361,051.24
June, 1913 .....	368,448.60
Total receipts from September, 1912, to July 1, 1913 .....	\$ 8,466,458.42
Amount school money transferred .....	4,583,590.05

Leaving amount of net revenue .....

\$ 3,882,860.37

The different sources from which this amount was received follows:

Amount received from Secretary of State .....	\$ 607,801.03
Amount received from Comptroller .....	8,602.05

<b>Amount received from State Treasurer, gross tax.....</b>	<b>622,782.57</b>
<b>Amount received miscellaneous sources.....</b>	<b>169,339.41</b>
<b>Total receipts from sources other than ad valorem.....</b>	<b>\$1,408,525.06</b>
<b>Amount received from tax collections, including ad valorem, poll, etc.</b>	<b>\$2,474,335.31</b>

**STATEMENT OF COMPTROLLER.**

The Comptroller of Public Accounts, replying to a request on his department for a statement of the amount of revenue collected on account of the ad valorem tax of 12½ cents for the year 1911, and 10 cents for the year 1912, and for all amounts collected from other sources, such as gross receipt taxes, occupation taxes, etc., and all other revenues paid into the Treasury through the Comptroller's Department, makes the following statement: ·

"The total amount of ad valorem taxes, collected on a 12½-cent rate for 1911 was \$2,565,494.60, and on the 10-cent rate for 1912 was \$2,474,535.31."

The total collection by months, beginning September 1, 1911, and ending August 31, 1912, is as follows:

September .....	\$ 110,987.93
October .....	141,099.68
November .....	182,483.20
December .....	516,392.70
January .....	1,223,047.94
February .....	4,028,022.50
March .....	1,442,144.85
April .....	421,109.61
May .....	451,571.91
June .....	261,887.78
July .....	180,224.96
August .....	660,713.95
<b>Total .....</b>	<b>\$9,619,697.01</b>

The following statement shows the collection by the Secretary of State, the Comptroller's office and the Treasurer's office, respectively, by months:

**Secretary of State.**

September .....	\$ 17,361.58
October .....	14,270.33
November .....	22,037.58
December .....	15,234.31
January .....	16,047.10
February .....	30,501.52
March .....	11,521.06
April .....	47,436.66
May .....	168,724.02
June .....	264,266.87
<b>Total .....</b>	<b>\$ 607,801.03</b>

**Treasurer's Office.**

September .....	\$ 1,200.99
October .....	49,833.35
November .....	32,888.55
December .....	2,331.49
January .....	56,735.07
February .....	135,968.54
March .....	159,382.29
April .....	90,335.66
May .....	86,142.81
June .....	7,863.82
<b>Total .....</b>	<b>\$ 622,782.57</b>

	Comptroller's Office.	\$	300.00
September .....		\$ 5,176.24	
February .....		3,125.81	
May .....			
Total .....		\$ 8,602.05	

	Miscellaneous Collections by Months.	\$	17,623.89
September .....		11,591.73	
October .....		15,651.49	
November .....		13,299.43	
December .....		19,237.88	
January .....		21,323.19	
February .....		23,515.26	
March .....		14,496.72	
April .....		6,826.29	
May .....		25,843.53	
Total .....		\$ 169,339.41	

The following statement shows the total amount of moneys collected from liquor taxes, towit, \$656,906.95. The portion of the said amount paid to general revenue is \$492,680.22.

#### STATEMENT OF APPROPRIATIONS BY REGULAR SESSION OF THIRTY-THIRD LEGISLATURE.

The following shows the amount of appropriation by the Regular Session of the Thirty-third Legislature for the purposes named. The page of the General Laws on which each appropriation or item is to be found is indicated by figures shown in parenthesis:

Mileage and per diem of Legislature (page 1) .....	\$ 120,000.00
Contingent expenses (page 1) .....	20,000.00
Support of Attorney General's Department (page 2) .....	25,451.52
Funds for penitentiary system (page 6) .....	100,000.00
Deficiency and emergency appropriation (page 12) .....	337,133.99
To pay mileage and per diem of presidential electors (page 29) .....	2,000.00
To buy additional grounds for Sam Houston Normal Institute (page 35) .....	12,000.00
To buy the La Bahia Mission (page 112) .....	10,000.00
Deficiency appropriations (page 158) .....	146,446.87
Contingent expenses of Legislature (page 181) .....	15,000.00
For support of prison system, March 1, 1913, to August 31, 1913 (page 241) .....	450,000.00
To improve Gonzales State Park (page 242) .....	7,500.00
To buy site for Girls' Training School (page 289) .....	25,000.00
State Levee and Drainage Board (page 292) .....	40,000.00
To put in effect State irrigation law (page 358) .....	5,000.00
To pay expenses for State sheep inspector (page 422) .....	1,800.00
For State School of Mines (page 427) .....	15,000.00
For improvements to Southwest Texas State Normal (page 438) .....	7,500.00
To pay expenses of special committee to visit penitentiaries (page 450) .....	3,000.00
To pay expenses of joint committee to investigate financial record of penitentiaries (page 451) .....	5,000.00
To pay expenses of constitutional amendment (page 457) .....	5,000.00
To pay expenses of constitutional amendment (page 459) .....	5,000.00
To pay expenses of constitutional amendment (page 460) .....	5,000.00
To pay expenses of constitutional amendment (page 461) .....	5,000.00
To pay expenses of constitutional amendment (page 462) .....	5,000.00
To pay expenses of constitutional amendment (page 464) .....	5,000.00
To pay expenses of constitutional amendment (page 465) .....	5,000.00
Total .....	\$1,382,832.38

**RECESS.**

On motion of Mr. Terrell, the House, at 11:10 o'clock a. m., took recess to 2 o'clock p. m. today.

**AFTERNOON SESSION.**

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

**PROVIDING FOR PRINTING JOURNALS.**

Mr. Hornby offered the following resolution:

**Resolved**, That 1500 copies of House Journal of each day's session be printed, 100 to be delivered to the Senate, 8 copies to be placed on the desk of the members of the House each day, 3 copies to be delivered to the head of each State department in the Capitol, and the remainder to be left with the Sergeant-at-Arms for distribution as may be demanded.

The resolution was read second time and was adopted.

**PROVIDING FOR ELECTRICIAN.**

Mr. Kirby offered the following resolution:

**Be it resolved** that the Speaker appoint a man at a salary of \$3.00 per day, whose duty it shall be to see that the hall is properly lighted and the temperature and ventilation thereof be properly regulated during the present session, and that we recommend the appointment of the same man for that place who held it during the regular session.

MULCAHY,  
BYRNE,  
HEILIG,  
DUNN,  
CALVIN,  
WILLIAMS of Hopkins,  
KIRBY,  
HARP,  
BRUCE.

The resolution was read second time and was adopted.

**RELATING TO APPOINTMENT OF VISITING COMMITTEES.**

Mr. Cox of Ellis offered the following resolution:

Whereas one of the most important measures to be considered by the present Called Session of the Thirty-third Legislature of the State of Texas will

be appropriation of moneys for the payment of the expenses of the State government for the two ensuing fiscal years;

Whereas, The contingencies which have arisen will of necessity cause the appropriation bill to be the largest in the history of Texas legislation;

Whereas, it is the duty of the members of this Legislature to the people to exercise that degree of economy they would use in the transaction of their individual business;

And whereas in order to vote intelligently upon any measure the members must acquire all the knowledge possible concerning every item of such appropriation bill as may be presented to this session of the Legislature.

Therefore, Be it Resolved, That the Speaker of the House appoint nine committees, each committee consisting of three members. It shall be the duty of first of such committees to visit the Confederate Home and ascertain what if any new furniture or buildings are necessary for this institution. Second, to visit the Home for Confederate widows and obtain all the data possible to guide the Legislature in making appropriation for the support of such institution. Third, to visit the office of the Comptroller and examine into the number of employes, their duties and ascertain whether in their judgment there is more or less help than is necessary for conducting of the business of said office. Fourth, to visit General Land Office and ascertain to the best of their ability whether said office should have more or less than its present number of employes. Fifth, to visit the office of Secretary of State and ascertain what help should be added to or taken from such office. Sixth, to visit the office of the State Treasurer and examine into the needs of such office and to suggest such changes in the number of employes as they may deem necessary. Seventh, to visit the office of State Purchasing Agent and ascertain what changes, if any, shall be made in the number of employes in such office. Eighth, to visit the office of the Commissioner of Banking and Insurance and ascertain what additions or deductions should be made in the number of employes in said office; and ninth, committee to visit the office of the State Revenue Agent and ascertain what number should be added or deducted from the force of help in said office.

Said committees shall devote at least one day to the performance of the duties imposed upon them by the provisions of this resolution and are here-

by requested to report to the House in writing at their earliest convenience.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Wortham moved to table the resolution.

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

Yea—57.

Bartley.	Nabours
Bruce.	Neeley.
Burges.	Oliver.
Calvin.	Owsley.
Campbell.	Parks.
Cooper.	Patton.
Crisp.	Rowell.
Dodson.	Ratliff.
Dunn.	Reedy.
Fountain.	Rickerson.
Gates.	Roach.
Goodner.	Rowell.
Griggs.	Russell.
Haney.	Simpson.
Harp.	Smith.
Heilig.	Spradley.
Henry of Wichita.	Stone.
Herder.	Sullivan.
Hill.	Taylor.
Householder.	Thompson.
Hughes.	Tillotson.
Kirby.	Tyson.
Lane.	Wagstaff.
Low.	Williams
Macgill.	of McLennan.
McAskill.	Woods of Fisher.
Mendell.	Woods of Navarro.
Mulcahy.	Wortham.
Murray.	Yarbrough.

Nay—53.

Allison.	Hagins.
Baker.	Hall.
Barrett of Jones.	Hornby.
Barrett of Titus.	Humphrey.
Blalock.	Hunter.
Burmeister.	Kennedy.
Burns.	Lewelling.
Butler.	Long.
Chrestman.	McDaniel.
Colquitt.	McKamy.
Cope.	Morris of Coryell.
Cox of Ellis.	Morris of Victoria
Cox of Delta.	Olander.
Craven.	Parker.
Cunningham.	Penry.
Davis.	Raiden.
Dickson.	Reeves.
Diffie.	Robbins.
Dove.	Ross.
Fuller.	Savage.
Gentry.	Schwegman.
Grindstaff.	Stephens.

Templeton.  
Tiller  
Ussery.  
Vannoy.  
Vickers.

Watson of Hays.  
Watson of Mills.  
Webb.  
Williams  
of Hopkins.

Absent.

Bagby.	Foster.
Bierschwale.	Haxthausen.
Boehmer.	Jordan.
Broughton.	King.
Byrne.	Mangum.
Coffey.	Paddock.
Collins.	Robertson.
Fields.	Spann.
Flournoy.	

Absent—Excused.

Brown.	Mills.
Furh.	Ridgell.
Glasscock.	Ritchie.
Greenwood.	Rogers.
Harris.	Tarver.
Henry of Bowie.	Wahrmund.

Reasons for Votes.

We favor investigation of the departments; however, a committee has investigated the needs of each department of the State and have filed such report with the Appropriation Committee during the regular session and we see no necessity of going over this again.

HENRY of Wichita.  
HANEY.

VERIFICATION OF VOTE.

When the result was first announced, the vote stood: yeas, 56, nays 54; and the Speaker announced that the motion to table prevailed.

Mr. Lewelling called for a verification of the vote.

The Clerk was directed to call the roll of members recorded as voting "yea."

The roll of "yeas" was called and found correct as first announced.

The Clerk was directed to call the roll of members recorded as voting "nay."

When the name of Woods of Navarro was called as voting "nay," he stated that he had voted "yea" and desired to be so recorded.

Mr. Woods was then recorded as voting "yea."

The verified vote stood: yeas 57, nays 53.

APPOINTMENT OF EMPLOYES.

The Speaker announced the appointment of the following employes:  
Assistant to Reading Clerk, O. P. Basford.

**Stenographers:** Virginia Turner, B. M. Montgomery, Grace Ward, Minnie L. Ramsey, Mary Johnson. Allye Smith, John Butts, Myrtle Bryant, Sallie Kate Logan, C. F. Guenther, L. F. Shelton, Blanche Hillyer, Hallie McKellar, Mattie Eanes.

#### PROVIDING NEWSPAPERS FOR MEMBERS.

Mr. Baker offered the following resolution:

**Resolved,** That each member be allowed to subscribe for three daily newspapers, and that same be paid for out of the contingent fund of the House.

GRINDSTAFF,  
WILLIAMS of Hopkins,  
VICKERS,  
BUTLER,  
RICKERSON,  
FULLER,  
VANNOY,  
BAKER,  
SIMPSON,  
ROBBINS,  
BARRETT of Jones,  
DICKSON,  
DOVE,  
LONG,  
ROSS,  
COX of Delta,  
WATSON of Hays.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Cox of Ellis moved to table the resolution, and the motion to table was lost.

The resolution was adopted.

#### MESSAGE FROM THE GOVERNOR.

Mr. J. T. 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:

Governor's Office,  
Austin, Texas, July 21, 1913.

To the Texas Legislature:

I submit for your consideration and action the following:

The passage of an act for the retirement of \$500,000 in bonds of the State of Texas issued by virtue of Chapter 7 of the Acts of the Third Called Session of the Thirty-first Legislature and appropriating funds derived by way of penalties assessed against the Standard Oil Company of New Jersey and certain amounts out of the State Treasury for said purpose; and authorizing the Gov-

ernor to retire said bonds and specifying that the bonds held by the permanent Agricultural and Mechanical College Fund shall be among those retired.

In explanation of the foregoing recommendation, I am just advised that judgment has been entered in the Eighth District Court of Hunt county in favor of the State against the Standard Oil Company of New Jersey for penalties for the violation of the anti-trust laws of the State in the sum of \$500,000.

Since he took the office, Attorney General Looney filed suit against the Standard Oil Company of New Jersey and companies alleged to be controlled by them in Texas. You are doubtless familiar with this litigation, and I deem it unnecessary to go into an explanation of it. The Attorney General and the State of Texas are to be congratulated upon the favorable termination of the suit against the Standard Oil Company of New Jersey, which has agreed to pay penalties of \$500,000 for violation of the anti-trust laws of Texas. This money will be paid into the State Treasury about Wednesday of this week. There are now outstanding State Treasury warrants in a sum exceeding this amount. They have been purchased by speculators in these warrants and discounted on a basis which contemplated their non-payment for several months. If the money is permitted to go into the General Revenue Account without action of the Legislature, it will be immediately disbursed in the payment of these Treasury warrants which have been purchased at a discount as already explained.

At the Third Called Session of the Thirty-first Legislature an act was passed authorizing the Governor to have bonds lithographed in a total sum of \$1,353,700.00 for the purpose of refunding and taking up a like amount of Texas State bonds maturing. These bonds at that time were held as follows:

\$799,000.00 by the Public School Fund; \$217,200.00 by the Permanent University Fund; \$24,300.00 by the Permanent Orphan Home Fund; \$29,500.00 by the Permanent Blind Asylum Fund; \$46,600.00 by the Permanent Deaf and Dumb Asylum Fund; \$62,800.00 by the Permanent Lunatic Asylum Fund, and \$174,000.00 by the Permanent Agricultural and Mechanical College Fund, and were bearing five per cent interest; the refunded bonds authorized by said act bear only three per cent. Since their refunding the Public School Fund and other public institution funds owning bonds have been losing two per cent interest annually.

Under an act of Congress endowing the Agricultural and Mechanical College with the bonds held by it, it is stipulated that the fund received by the Agricultural and Mechanical College must be invested in securities bearing not less than five per cent. The authorities of the United States Government are demanding of the Agricultural and Mechanical College authorities that this requirement of the Federal Statute be complied with. At the time the refunding of the bonds was authorized by the Third Called Session of the Thirty-first Legislature there was money in the State Treasury, collected from fines imposed upon the Waters-Pierce Oil Company, sufficient to pay off and retire said bonds, but the Governor used said fines in paying current expenses of the State Government, and insisted upon the refunding of the bonds herein referred to. In my opinion, the \$500,000 in penalties now collected from the Standard Oil Company of New Jersey ought not to be used in defraying the current expenses of the State Government, but good public policy suggests that it be used in retiring \$500,000 of three per cent bonds of the issue of 1910 so that said amount may be reinvested for the benefit of the Public School Fund, the University and the Agricultural and Mechanical College funds, in bonds bearing not less than five per cent interest.

I solicit prompt action on the part of the Legislature, and urge the speedy passage of a bill on this subject carrying into effect the suggestions herein made.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

HOUSE BILL NO. 1 ON SECOND  
READING.

Mr. Wortham moved to suspend the constitutional rule requiring bills to be read on three several days and that House bill No. 1 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote:

Yea—100.

Mr. Speaker.	Burmeister.
Allison.	Burns.
Baker.	Butler.
Barrett of Jones.	Calvin.
Barrett of Titus.	Campbell.
Bartley.	Chrestman.
Bierschwale.	Colquitt.
Blalock.	Cooper.
Bruce.	Cope.
Burges.	Cox of Ellis.

Craven.	Owsley.
Crisp.	Parker.
Cunningham.	Parks.
Davis.	Patton.
Diffie.	Penry.
Dodson.	Powell.
Dove.	Ratliff.
Dunn.	Reedy.
Fountain.	Reeves.
Fuller.	Rickerson.
Gates.	Roach.
Gentry.	Robbins.
Goodner.	Rowell.
Griggs.	Russell.
Grindstaff.	Savage.
Hagins.	Schwegman.
Hall.	Simpson.
Haney.	Smith.
Harp.	Spradley.
Heilig.	Stephens.
Herder.	Stone.
Hill.	Sullivan.
Hornby.	Taylor.
Householder.	Templeton.
Hughes.	Tiller.
Humphrey.	Tillotson.
Kennedy.	Tyson.
Kirby.	Ussery.
Lane.	Vickers.
Long.	Wagstaff.
Low.	Watson of Hays.
Macgill.	Watson of Mills.
McDaniel.	Webb.
McKamy.	Williams of Hopkins.
Mendell.	Williams of McLennan.
Morris of Coryell.	Woods of Fisher.
Morris of Victoria.	Woods of Navarro.
Mulcahy.	Wortham.
Murray.	Yarbrough.
Neeley.	
Olander.	
Oliver.	

Nays—10.

Broughton.	Nabours.
Cox of Delta.	Raiden.
Dickson.	Ross.
Hunter.	Thompson.
Lewelling.	Vannoy.

Absent.

Bagby.	Henry of Wichita.
Boehmer.	Jordan.
Brown.	King.
Byrne.	McAskill.
Coffey.	Mangum.
Collins.	Mills.
Fields.	Paddock.
Flournoy.	Ridgell.
Foster.	Ritchie.
Furh.	Robertson.
Glasscock.	Rogers.
Greenwood.	Spann.
Harris.	Tarver.
Haxthausen.	Wahrmund.
Henry of Bowie.	

(Mr. Rowell in the chair.)

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

House bill No. 1, A bill to be entitled, "An Act making appropriations to pay salaries of judges, and for the support of the Judicial Department of the State Government, for two years, beginning September 1, 1913, and ending August 31, 1915."

The Speaker then stated that if there was no objection, the House would consider the bill section by section.

There was no objection offered.

The section of the bill relating to the Supreme Court was read.

Mr. Hunter offered the following amendment to this section of the bill:

Amend House bill No. 1, lines 34 to 35, by striking out the following words: "And who shall be paid \$83.33 1-3 monthly—\$1000.00 \$1000.00" and insert in lieu thereof the following: "And who shall be paid \$50.00 monthly—\$600.00 \$600.00."

The amendment was lost.

The section of the bill relating to the Court of Criminal Appeals was read.

Mr. Hall offered the following amendment to this section of the bill:

Amend House bill No. 1 by striking out the words "presiding judge," on lines 9 and 10, page 3, and inserting in lieu thereof the word "court."

The amendment was adopted.

(Speaker in the chair.)

Mr. Mendell moved to postpone for two weeks further consideration of this section of the bill.

(Mr. Kirby in the chair.)

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

The section of the bill relating to the Court of Civil Appeals, First District, was read.

Mr. Hunter offered the following amendment to this section of the bill:

Amend House bill No. 1, page 3, line 34, by striking out "Salary of porter \$360 for each year," and inserting "\$480 for each year."

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

The section of the bill relating to the Court of Civil Appeals, Second District, was read and was passed over.

The section of the bill relating to the Court of Civil Appeals, Third District, was read.

Mr. Blalock offered the following amendment to this section of the bill:

~~Amend~~ House bill No. 1 page 4, line 39, by striking out the words "\$480.00"

and inserting in lieu thereof "\$360.00."

The amendment was adopted.

The section of the bill relating to the Court of Civil Appeals, Fourth District, was read and was passed over.

The section of the bill relating to the Court of Civil Appeals, Fifth District, was read and was passed over.

The section of the bill relating to the Court of Civil Appeals, Sixth District, was read.

Mr. Hornby offered the following amendment to this section of the bill:

Amend line 30, page 6, by making "\$100" instead of "\$200."

(Speaker in the chair.)

On motion of Mr. Wortham the amendment was tabled.

The section of the bill relating to the Court of Civil Appeals, Seventh District, was read.

Mr. Burns offered the following amendment to this section of the bill:

Amend House bill No. 1 by striking out "\$750" on page 7, line 10, and insert in lieu thereof "\$500."

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

The section of the bill relating to the Court of Civil Appeals, Eighth District, was read and was passed over.

The section of the bill relating to the Judiciary was read.

Mr. Penry offered the following amendments to this section of the bill:

(1)

Amend House bill No. 1, page 8, by adding to line 23 the words "and witness fees and mileage allowed witnesses in felony cases who reside in counties other than the county in which the cause is being tried."

(2)

Amend House bill No. 1, page 8, line 10, by striking out "\$224,000.00—\$224,000.00", and inserting in lieu thereof "\$225,000.00—\$225,000.00."

The amendments were severally adopted.

Mr. Burmeister offered the following amendment to this section of the bill:

Amend bill, page 9, by striking out all of section beginning on line 17 and ending on line 21, of page 10.

LEWELLING,  
KENNEDY,  
BURMEISTER.

Mr. Lewelling offered the following substitute for the amendment:

Amend bill, page 9, by striking out words beginning with line 14 to end of line 26.

On motion of Mr. Wortham, the substitute and the amendment were tabled.

Mr. Rowell offered the following amendment to this section of the bill:

Amend House bill No. 1, page 9, line 13 by striking out all after the word "and" in said line and insert the following, "the District Judge's decision, after he has considered the objections of the Comptroller, as forwarded to him in writing, shall be final."

The amendment was adopted.

Mr. Blalock offered the following amendment to this section of the bill:

Amend House bill No. 1 by striking out line 17, page 9; also the lines from 21 to 26 inclusive of page 9.

The amendment was adopted.

Mr. Lewelling offered the following amendment to this section of the bill:

Amend House bill No. 1, page 9 by striking out all after last word in line 13 to close of bill.

Mr. Wortham raised a point of order on consideration of the amendment, on the ground that the House has already defeated amendments containing the same subject matter.

The Speaker sustained the point of order.

Mr. Dove offered the following amendment to this section of the bill:

Amend House bill No. 1, page 9, by striking out all after line 26.

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

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

House bill No. 1 was passed to engrossment.

#### HOUSE NOTIFIED.

Pending consideration of House bill No. 1, a committee from the Senate appeared at the bar of the House, and, being duly announced, reported that the Senate is organized and ready for the transaction of business.

#### APPOINTMENT OF EMPLOYES.

The Speaker announced the appointment of the following employees:

I. T. Ward, private secretary to the Speaker; T. G. Eisenlohr, stenographer for the Speaker; General Jackson, porter for the Speaker; Read Granbury, page for the Speaker; E. J. Martin, clerk to the Finance Committee; Stuart Francis, clerk to the Sergeant-at-Arms; Douglas Williams, porter to the Sergeant-at-Arms; Nona Shelbourne, assistant engrossing and enrolling clerk; M. G. Vardell, elevator man; G. W. Webb, messenger to carry papers to Confederate Home; John Reeves, porter to Dr. Cunningham; H. T. Dunnaway, Sergeant-at-Arms in the gallery; Joe Jayne, general clerk.

Porters: Henry Reeves, head porter; John M. Merryweather, Henry Mattison, Joe Gordon, Milton Nobles, Tom Allen, Zeke Williams, Alonzo Harrison, Robert Robinson, J. E. Johnson, T. W. Williams, Charley Jackson.

Stenographer for Attorney General's Department, Miss Clara Marshall.

Pages: Thomas Holcomb, Leo Haney, Earnest Denny, Robert E. Williams, Joe Gresham, Clifton Phillips, Tom Rush, Jim Ned English, Richard Rector, Sidney Crisp, Kenneth Phipps, Luther McRea, Neal Barrett, Sidney Matthews, Richard Avery, Will E. Odom, Clarence Harwood, Lewis Gissell, Russell Crow, Ted Whitlock, Lawson Keene, Joe White, Harvey Williams, John Perry.

#### ADJOURNMENT.

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

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

Mr. Hornby moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

The motion of Mr. Reedy prevailed, and the House accordingly, at 5 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

# In Memory of Hon. Chas. P. Burkes.

Mr. Savage offered the following resolution:

Whereas, On July 15, 1913, Hon. Chas. P. Burkes of Bell county, former Sergeant-at-Arms of this House, lost his life in the waters of the Llano river, in an attempt to save the life of another; and

Whereas, Rushing to the aid of a friend was a cardinal virtue of this young man; and

Whereas, As an officer of the House of the Texas Legislature during three sessions, he was ever attentive to his duty and served his State well; and

Whereas, In his sad and untimely death the State of Texas has lost one of its most promising and valued young men; therefore be it

Resolved, That in the death of Chas. P. Burkes, we have each suffered a personal bereavement, and that we hereby express our deep and sincere grief at his early death under such distressing circumstances; therefore be it

Resolved, That we tender to his bereaved parents and other relatives our heartfelt sympathy in their irreparable loss, and assure them that while he has gone from us his influence for good will ever be felt in this State; therefore be it

Resolved, That a page of the House Journal be set apart to his memory; that a copy of these resolutions properly engrossed be sent to his parents at Belton, Texas, and that when we adjourn today we do so in memory of this our departed friend and highly esteemed and appreciated young man.

SAVAGE,  
BUTLER,  
MURRAY,  
WOODS of Navarro,  
GOODNER,  
KIRBY,  
FIELDS,  
PATTON,  
WORTHAM,  
DAVIS,  
BYRNE,  
WILLIAMS of McLennan,

The resolution was read second time.

Question—Shall the resolution be adopted?

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

The motion prevailed, and the resolution was adopted unanimously.

## SECOND DAY.

(Tuesday, July 22, 1913.)

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

Speaker Terrell in the chair.

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

Allison.	Kennedy.
Baker.	Kirby.
Barrett of Jones.	Lane.
Barrett of Titus.	Lewelling.
Bartley.	Long.
Bierschwale.	Low.
Blalock.	Macgill.
Broughton.	McAskill.
Bruce.	McDaniel.
Burges.	Mendell.
Burmeister.	Mills.
Burns.	Morris of Coryell.
Butler.	Mulcahy.
Byrne.	Nabours.
Calvin.	Neeley.
Campbell.	Olander.
Chrestman.	Oliver.
Collins.	Owsley.
Colquitt.	Parker.
Cooper.	Parks.
Cope.	Patton.
Cox of Delta.	Penry.
Cox of Ellis.	Powell.
Craven.	Raiden.
Crisp.	Ratliff.
Cunningham.	Reedy.
Davis.	Reeves.
Dickson.	Rickerson.
Diffie.	Ritchie.
Dodson.	Roach.
Dove.	Robbins.
Dunn.	Ross.
Fields.	Rowell.
Fountain.	Russell.
Fuller.	Savage.
Furrh.	Simpson.
Gates.	Smith.
Gentry.	Spann.
Goodner.	Spradley.
Griggs.	Stephens.
Grindstaff.	Stone.
Hagins.	Sullivan.
Hall.	Tarver.
Haney.	Taylor.
Harp.	Templeton.
Harris.	Thompson.
Haxthausen.	Tiller.
Heilig.	Tillotson.
Henry of Wichita.	Tyson.
Herder.	Ussery.
Hill.	Vannoy.
Hornby.	Vickers.
Householder.	Wagstaff.
Hughes.	Wahrmund.
Humphrey.	Watson of Hays.
Hunter.	Watson of Mills.
Jordan.	Webb.

Williams of Hopkins.	Williams of McLennan.
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Woods of Fisher. Woods of Navarro.	Wortham. Yarbrough.
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Absent.

Bagby.	King.
Boehmer.	Mangum.
Flournoy.	Morris of Victoria.
Foster.	Paddock.
Henry of Bowie.	Robertson.

Absent—Excused.

Brown.	Murray.
Coffey.	Ridgell.
Glasscock.	Rogers.
Greenwood.	Schwegman.
McKamy.	

A quorum was announced present.  
Prayer by Rev. W. J. Joyce, Chaplain.

## LEAVE OF ABSENCE GRANTED.

On account of sickness:

Mr. Murray indefinitely, on motion of Mr. Olander.

J. T. Robison, Enrolling Clerk, indefinitely, on motion of Mr. Vannoy.

On account of important business:

Mr. McKamy indefinitely, on motion of Mr. Ross.

Mr. Schwegman indefinitely, on motion of Mr. Hunter.

Mr. Coffey indefinitely, on motion of Mr. Goodman.

Mr. Brown indefinitely, on motion of Mr. Fuller.

Mr. Greenwood indefinitely, on motion of Mr. Griggs.

Mr. Glasscock indefinitely, on motion of Mr. Householder.

## HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally the first time, and referred to appropriate committees, as follows:

By Mr. Wortham:

House bill No. 6, A bill to be entitled "An Act for the retirement of \$500,000 in bonds of the State of Texas issued by virtue of Chapter 7 of the Acts of the Third Called Session of the Thirty-first Legislature, and appropriating funds derived by way of penalties assessed against the Standard Oil Company of New Jersey and certain amounts out of the State Treasury for said purpose; and authorizing the Governor to retire said bonds and specifying that the bonds held by the permanent Agri-

cultural and Mechanical College fund shall be among those retired, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Templeton:

House bill No. 7, A bill to be entitled "An Act to prescribe the manner of electing United States Senators."

Referred to Committee on Privileges, Suffrage and Elections.

**OATH OF OFFICE ADMINISTERED TO HON. H. R. GREER.**

Mr. McDaniel offered the following resolution:

Whereas, Hon. H. R. Greer has been elected as Representative from the One Hundred and Twenty-fifth Representative District, and is now present in the Hall; therefore, be it

Resolved, That a committee of three be appointed to conduct Hon. H. R. Greer to the Speaker's stand and that he be sworn in as a member of this House.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee to escort Mr. Greer to the Speaker's stand:

Messrs. McDaniel, Barrett of Titus and Stephens.

The committee having performed their duty, Mr. Greer then took the oath of office, which was administered by the Speaker.

**MESSAGE FROM THE SENATE.**

Senate Chamber,

Austin, Texas, July 22, 1913.

Hon. Chester H. Terrell, 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. 1, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and per diem of officers and employes of the First Called Session of the Thirty-third Legislature, and declaring an emergency."

Senate bill No. 2, A bill to be entitled "An Act making appropriation of the sum of \$15,000, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, and declaring an emergency."

Respectfully,

JOHN D. McCALL,

Assistant Secretary of the Senate.

**TO KEEP LIBRARY OPEN AT NIGHT.**

Mr. Hornby offered the following resolution:

Be it resolved that the Speaker of the House be authorized to make such arrangements as may be necessary to secure the opening of the Supreme Court Library for the use of members from the hours of 8 p. m. to 11 p. m. of each day during the present session, the expense thereof not exceeding \$25 per month, to be paid out of the contingent fund of the House.

HORNBY,  
COX of Delta,  
GOODNER.

The resolution was read second time and was adopted.

**SENATE BILLS ON FIRST READING.**

Senate bills Nos. 1 and 2, received from the Senate today, were laid before the House, read severally the first time and referred to the Committee on Appropriations.

**HOUSE BILL NO. 1 ON THIRD READING.**

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

House bill No. 1, A bill to be entitled "An Act making appropriations to pay salaries of judges and for the support of the Judicial Department of the State government for two years, beginning September 1, 1913, and ending August 31, 1915."

The bill was read third time.

Question—Shall the bill be passed?

Mr. Burmeister offered the following amendment to the bill:

Amend the bill by striking out all after the word "emergency," in line 30, page 9, to the end of the bill on page 10, and insert the following: "It shall be unlawful for the Comptroller of this State to draw any warrant for the payment of any claim for money appropriated by this act for services performed after this act takes effect to any person employed under this act who may be related within the third degree of consanguinity or affinity to the person employed under this act to make appointment in whole or in part; and any person violating this provision of this act, upon conviction thereof, shall be punished as provided by the law passed by the Thirtieth Legislature prohibiting nepotism. Provided, that each and every employe under this act shall be paid by voucher issued in his or her name; said voucher shall state the amount of sal-

ary or sum due, and for what service performed, with the date and time of said service, and no money or moneys shall be paid except upon presentation of said voucher or vouchers indorsed by the payee."

The amendment was adopted.

Question recurred—Shall the bill be passed?

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

Yea—113.

Allison.	Jordan.
Baker.	Kennedy.
Barrett of Jones.	Kirby.
Barrett of Titus.	Lane.
Bierschwale.	Lewelling.
Blalock.	Long.
Broughton.	Low.
Bruce.	Macgill.
Burges.	McAskill.
Burmeister.	McDaniel.
Burns.	Mendell.
Butler.	Mills.
Calvin.	Morris of Coryell.
Campbell.	Mulcahy.
Chrestman.	Nabours.
Collins.	Neeley.
Colquitt.	Olander.
Cooper.	Oliver.
Cope.	Owsley.
Cox of Ellis.	Parker.
Craven.	Parks.
Crisp.	Patton.
Cunningham.	Penry.
Davis.	Powell.
Dickson.	Raiden.
Dodson.	Ratliff.
Dove.	Reedy.
Dunn.	Rickerson.
Fields.	Ritchie.
Fountain.	Roach.
Fuller.	Robbins.
Furrh.	Ross.
Gates.	Rowell.
Gentry.	Russell.
Greer.	Savage.
Goodner.	Simpson.
Griggs.	Spann.
Grindstaff.	Spradley.
Hagins.	Stephens.
Hall.	Stone.
Haney.	Sullivan.
Harris.	Tarver.
Haxthausen.	Taylor.
Heilig.	Templeton.
Henry of Wichita.	Thompson.
Herder.	Tiller.
Hill.	Tyson.
Hornby.	Ussery.
Householder.	Vannoy.
Hughes.	Vickers.
Humphrey.	Wagstaff.
Hunter.	Wahrmund.

Watson of Hays.  
Watson of Mills.  
Webb.  
Williams  
of Hopkins.

Williams  
of McLennan.  
Woods of Fisher.  
Woods of Navarro.  
Wortham.  
Yarbrough.

Nays—3.

Cox of Delta.  
Diffie.

Reeves.  
Absent.

Bagby.  
Bartley.  
Boehmer.  
Byrne.  
Flournoy.  
Foster.  
Glasscock.  
Harp.  
Henry of Bowie.

King.  
McKamy.  
Mangum.  
Morris of Victoria.  
Paddock.  
Robertson.  
Smith.  
Tillotson.

Absent—Excused.

Brown.  
Coffey.  
Greenwood.  
Murray.

Ridgell.  
Rogers.  
Schwegman.

#### APPOINTMENTS ANNOUNCED.

The Speaker announced the following appointments:

Stenographers: Miss Alma Toney, Miss Maggie Wright, Ralston P. Haun.

Assistant to Journal Clerk: Noel Brown.

#### REPORT OF COMMITTEE ON APPROPRIATIONS.

Committee Room,  
Austin, Texas, July 21, 1913.  
Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Appropriations, to whom was referred House bill No. 1, have had the same under consideration at a session of the committee, and I am instructed to report it back to the House with the recommendation that it do pass.

WORTHAM, Chairman.

#### REPORT OF COMMITTEE ON PRIVILEGES, SUFFRAGE AND ELECTIONS.

Austin, Texas, July 21, 1913.  
Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Privileges, Suffrage and Elections, to whom was referred House bill No. 3, have had same under consideration and beg leave to re-

port same back to the House with the recommendation that it do not pass.

Notice of minority report given by Mr. Householder.

KENNEDY, Chairman.

**ADJOURNMENT.**

On motion of Mr. Woods of Navarro, the House, at 10:35 o'clock a. m., adjourned until 2:30 o'clock p. m. to-morrow.

**THIRD DAY.**

(Wednesday, July 23, 1913.)

The House met at 2:30 o'clock p. m., pursuant to adjournment.

Speaker Terrell in the Chair.

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

Allison.	Hall.
Bagby.	Haney.
Baker.	Harp.
Barrett of Jones.	Harris.
Barrett of Titus.	Haxthausen.
Bartley.	Heilig.
Bierschwale.	Henry of Bowie.
Blalock.	Henry of Wichita.
Broughton.	Herder.
Bruce.	Hill.
Burges.	Hornby.
Burmeister.	Householder.
Burns.	Hughes.
Butler.	Humphrey.
Byrne.	Hunter.
Calvin.	Jordan.
Campbell.	Kennedy.
Chrestman.	Kirby.
Collins.	Lane.
Colquitt.	Lewelling.
Cooper.	Long.
Cope.	Low.
Cox of Delta.	Macgill.
Cox of Ellis.	McAskill.
Craven.	McDaniel.
Crisp.	Mangum.
Cunningham.	Mendell.
Davis.	Mills.
Dickson.	Morris of Coryell.
Diffie.	Morris of Victoria.
Dodson.	Mulcahy.
Dove.	Nabours.
Dunn.	Neeley.
Fields.	Olander.
Fountain.	Oliver.
Fuller.	Owsley.
Furrh.	Parker.
Gentry.	Parks.
Goodner.	Patton.
Greenwood.	Penry.
Greer.	Powell.
Griggs.	Raiden.
Grindstaff.	Ratliff.
Hagins.	Reedy.

Reeves.	Templeton.
Rickerson.	Thompson.
Ritchie.	Tiller.
Roach.	Tyson.
Robbins.	Ussery.
Robertson.	Vannoy.
Rogers.	Vickers.
Rowell.	Wagstaff.
Russell.	Watson of Hays.
Savage.	Watson of Mills.
Simpson.	Webb.
Smith.	Williams of Hopkins.
Spann.	Williams of McLennan.
Spradley.	Woods of Navarro.
Stephens.	Wortham.
Stone.	Yarbrough.
Sullivan.	
Tarver.	
Taylor.	

Absent.

Boehmer.	Glasscock.
Flournoy.	King.
Foster.	Paddock.
Gates.	Ridgell.

Absent—Excused.

Brown.	Schwegman.
Coffey.	Tillotson.
McKamy.	Wahrmund.
Murray.	Woods of Fisher.
Ross.	

A quorum was announced present.  
Prayer by Rev. W. J. Joyce, Chaplain.

**LEAVE OF ABSENCE GRANTED.**

On account of sickness:

Mr. Tillotson for yesterday and balance of the week, on motion of Mr. Burmeister.

Mr. Woods of Fisher for today and tomorrow, on motion of Mr. Henry of Wichita.

Mr. Brown for balance of the week, on motion of Mr. Fuller.

On account of important business:

Mr. Schwegman for balance of the week, on motion of Mr. Hunter.

Mr. Wahrmund for today and tomorrow, on motion of Mr. Byrne.

Mr. Ross indefinitely, on motion of Mr. Burmeister.

**HOUSE BILL ON FIRST READING.**

The following House bill, introduced today, was laid before the House, read first time, and referred to the Committee on Appropriations:

By Mr. Kennedy:

House bill No. 8, A bill to be entitled "An Act designating, setting apart and appropriating a certain sum of money,

known as the Standard Oil fine, amounting to \$500,000, more or less, for the specific purpose of paying the salaries of the employees of the State of Texas, and all current expenses of the State of Texas, including the several departments thereof, during the months of July, August and September of the year A. D. 1913, and directing the Treasurer of the State of Texas not to pay or use any part of said fund except to pay off and discharge warrants drawn for the purposes herein mentioned, and for the months of July, August and September, A. D., 1913, and declaring an emergency."

#### BILL ORDERED PRINTED.

On motion of Mr. Householder, it was ordered that House bill No. 3, reported unfavorably, be printed.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Wortham, it was ordered that Senate bills Nos. 1 and 2 be not printed.

#### REQUESTING COPIES OF LAWS FOR MEMBERS.

Mr. Ritchie offered the following resolution:

**Resolved**, That the Secretary of State be requested to furnish each of the members of the House with a copy of the Acts of the Regular Session of the Thirty-third Legislature.

The resolution was read second time and was adopted.

#### PROVIDING FOR COOLING HALL.

Mr. Ritchie offered the following resolution:

Whereas, The present fans in the House are wholly insufficient to keep the temperature at such point as will enable the members to work with any degree of comfort, and are so noisy as to seriously interfere with the business of the House, and whereas at least fairly comfortable conditions are essential to efficient service, therefore,

Be it resolved, that the Sergeant-at-Arms is hereby directed to purchase and have installed at once in the Hall of the House of Representatives eight ceiling fans of sufficient size for the purposes intended, same to be paid for out of the contingent fund of the House.

Signed—Cox of Ellis, Savage, Dickson, Chrestman, Bruce, Calvin, Williams of McLennan, Hunter, Hill, Williams of Hopkins, Gentry, Lane, Penry, Burns,

Henry of Bowie, Ritchie, Harris, Burmeister, Rowell, Burges, Gates, Stone, Haxthausen, Kennedy, Templeton, Morris of Victoria, Colquitt, Heilig, Byrne, Roach, Broughton, Oliver, Lewelling, Henry of Wichita, Davis, Mills, Barrett of Jones, Raiden, Parker, Cox of Delta, Watson, Diffie, Reeves, Barrett of Titus, Cope, Fields, Cunningham, Baker, Long, Dunn, Greenwood, Griggs, Wagstaff, Campbell, Parks, Rogers, Hughes, Vannoy, Jordan, Hall, Macgill, Crisp, McAskill, Spann, Muleahy, Harp, Bagby, Owsley, Smith, Robbins, Grindstaff, Haney, McDaniel, Dodson.

The resolution was read second time.

Question—Shall the resolution be adopted?

On motion of Mr. Savage, the resolution was laid on the table subject to call.

#### OFFICE DECLARED VACANT.

On motion of Mr. Savage, the office of Assistant Reading Clerk was declared vacant.

#### RELATING TO APPOINTMENT OF NOTARIES PUBLIC.

Mr. Rogers offered the following resolution:

**House Concurrent Resolution No. 2**, Relating to the appointment of notaries public.

Resolved by the House, the Senate concurring, that we request that His Excellency, Hon. O. B. Colquitt, submit to the Special Session of the Legislature the subject of amending Article 6002, Title 97, Chapter 1, Revised Statutes, relating to appointment of notaries public for the purpose of permitting appointments of notaries public at the Special Session, as well as at the Regular Session of the Legislature.

ROGERS,  
MILLS,  
SULLIVAN.

The resolution was read second time and was adopted.

#### INVITING GOVERNOR TO ADDRESS THE LEGISLATURE.

Mr. Cox of Ellis offered the following resolution:

Whereas, Evil minded, mischief making people and sensational newspapers within the State have intimated that there does not exist that cordial feeling which should characterize the relations between the executive and legislative departments of the State of Texas.

Whereas, Such intimations being taken up and discussed by tale bearing meddlers are liable to cause a rupture between these two very important branches of our Government and retard the transaction of the people's business.

And whereas, the only way to confute these charges is for the Governor and Legislature to meet and discuss in a friendly manner the matters of importance which should be passed upon by this Session of the Thirty-third Legislature.

Therefore be it resolved by the Thirty-third Legislature in the Special Session that His Excellency, O. B. Colquitt, be and he is hereby invited to address the House and Senate in the Hall of Representatives. That the Speaker of the House appoint three members to wait upon the Governor and ascertain his pleasure in the matter and report his reply to the House.

If His Excellency consent to address the Legislature then the Speaker of the House is hereby authorized to appoint three members to notify the Senate of the fact of such address, and to invite that body to be present at such time as His Excellency may designate when it will be convenient for him to comply with the request contained in this resolution.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Burmeister moved to refer the resolution to the Committee on State Affairs.

Mr. Rogers raised a point of order on further consideration of the resolution at this time, on the ground that the half hour allotted under the rules for the consideration of resolutions has expired.

The Speaker sustained the point of order.

#### PROVIDING POSTOFFICE BOXES FOR MEMBERS.

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

Resolved, That the Sergeant-at-Arms be instructed to make the necessary arrangement for postoffice boxes in Capitol Station Post Office for the use of members and officers of the House during the Special Session of the Thirty-third Legislature, and that the same be paid for out of the contingent expense fund of the House.

The resolution was read second time and was adopted.

#### INVITING HON. THOMAS J. TYNAN TO ADDRESS THE HOUSE.

Mr. Humphrey offered the following as a privileged resolution:

Whereas, The Honorable Thomas J. Tynan, Superintendent of the Penitentiary of the State of Colorado, and a national authority on penal reforms, is in the city, and,

Whereas the Governor has submitted to this session of the Legislature the question of the condition of the penitentiary system of this State,

Now, therefore, be it resolved by the House of Representatives that Mr. Tynan be invited to address the House tomorrow evening at 8:30 o'clock, and that the Speaker be authorized to defray out of the contingent expense fund one-half of the expense of arranging the House for Mr. Tynan's lecture and motion picture display.

Resolved further that the Senate be especially invited to attend.

HUMPHREY,  
TARVER,  
LEWELLING,  
BURMEISTER.

The resolution was read second time and was adopted.

#### TO AMEND RULE 18.

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

Whereas, the present Special Session of the Thirty-third Legislature will have before it but few bills for consideration, and, whereas each of said bills will be of vital importance to each and every individual within this State, and whereas, we have learned by past experience that inexcusable mistakes of the gravest nature and importance to the welfare of the State are made by hasty legislation,

Therefore be it resolved that for the purpose of this Special Session of the Thirty-third Legislature only paragraph six of Rule 18, Rules of the House of Representatives, be amended so as to read as follows:

"All bills before the House on their third and second readings, respectively, shall be taken up and acted upon in the order in which they are numbered, provided that Tuesday of each week shall be devoted to the consideration of House bills on their third readings until disposed of, and provided further that no

House bill shall be taken up and acted upon on its third and second readings until such bill shall have printed and laid upon the desk of each member of the House for the period of one day before being taken up for action."

The resolution was read and referred by the Speaker to the Committee on Rules.

#### AMENDING JOINT RULES.

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

House Concurrent Resolution No. 3, Amending the Joint Rules.

Be it resolved by the House of Representatives, the Senate concurring, that the Joint Rules of the two Houses be amended by adding thereto after Rule 11, the following:

11a. When any bill, excepting special laws and general appropriation bills, shall have been passed to engrossment in either House such bill shall be forthwith referred by the presiding officer of such House to the Legislative Bureau of the State Library.

Upon receipt of any bills so referred, it shall be the duty of the official in charge of such Bureau forthwith to transcribe such bill, making correction therein of all errors of form, spelling, punctuation, grammar and rhetoric.

Such officer shall attach to the transcribed copy of such bill a memorandum suggesting succinctly any apparent conflict between such bill and the Constitution of the State as well as any apparent conflict with the laws of this State not sought to be amended or repealed by the proposed acts. He shall attach a like memorandum of any apparent omission or inconsistencies in such bill and shall forthwith return such engrossed bill, together with such copy and memoranda to the House from which he received such bill.

No bill shall be further considered in either House until the same shall have been returned from such Bureau.

The resolution was read and referred by the Speaker to the Committee on Rules.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, July 25, 1913.

Hon. Chester H. Terrell, 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 for the retirement of \$500,000 in bonds of the State of Texas issued by virtue of Chapter 7 of the Acts of the Third Called Session of the Thirty-first Legislature and appropriating funds derived by way of penalties assessed against the Standard Oil Company of New Jersey and certain amounts out of the State Treasury for said purpose; and authorizing the Governor to retire said bonds, and specifying that the bonds held by the permanent Agricultural and Mechanical College fund shall be among those retired, and declaring an emergency."

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

#### SENATE BILL NO. 1 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to a third reading,

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and per diem of officers and employes of the First Called Session of the Thirty-third Legislature, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to a third reading?

(Mr. Kennedy in the chair.)

Mr. Tarver offered the following amendment to the bill:

Amend Senate bill No. 1, page one, section one, line 21, by striking out all after the word "out" in line 21 down to and including the word "appropriated" in line 24 and insert in lieu thereof the following: "of the \$500,000 recovered by the State of Texas from the Standard Oil Company of New Jersey by decree entered on July 21, 1913."

Question—Shall the amendment be adopted?

(Speaker in the chair.)

Mr. Hornby moved the previous question on the amendment and the passage of the bill to a third reading, and the main question was ordered.

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yea—57.

Allison. Long.  
 Baker. McAskill.  
 Barrett of Jones. Mangum.  
 Barrett of Titus. Morris of Coryell.  
 Blalock. Morris of Victoria.  
 Broughton. Oliver.  
 Burmeister. Parker.  
 Burns. Patton.  
 Chrestman. Raiden.  
 Cope. Reeves.  
 Cox of Delta. Rickerson.  
 Cox of Ellis. Robbins.  
 Craven. Rogers.  
 Cunningham. Simpson.  
 Davis. Spann.  
 Dickson. Stephens.  
 Diffie. Sullivan.  
 Dove. Tarver.  
 Fields. Tyson.  
 Gentry. Ussery.  
 Goodner. Vanncy.  
 Griggs. Vickers.  
 Grindstaff. Wagstaff.  
 Hagins. Watson of Hays.  
 Haney. Watson of Mills.  
 Henry of Bowie. Webb.  
 Hunter. Williams  
 Kennedy. of Hopkins.  
 Lewelling. Yarbrough.

## Nay—67.

Bagby. King.  
 Bartley. Kirby.  
 Bierschwale. Lane.  
 Bruce. Low.  
 Burges. Macgill.  
 Butler. McDaniel.  
 Byrne. Mendell.  
 Calvin. Mills.  
 Campbell. Mulcahy.  
 Collins. Nabours.  
 Colquitt. Neeley.  
 Cooper. Olander.  
 Crisp. Owsley.  
 Dodson. Parks.  
 Dunn. Penry.  
 Fountain. Powell.  
 Fuller. Ratliff.  
 Furrh. Reedy.  
 Gates. Ritchie.  
 Greenwood. Roach.  
 Greer. Robertson.  
 Hall. Rowell.  
 Harp. Russell.  
 Harris. Savage.  
 Haxthausen. Spradley.  
 Heilig. Stone.  
 Henry of Wichita. Taylor.  
 Herder. Templeton.  
 Hill. Thompson.  
 Hornby. Tiller.  
 Householder. Williams  
 Hughes. of McLennan.  
 Humphrey. Woods of Navarro.  
 Jordan. Wortham.

## Absent.

Boehmer. Smith.  
 Flournoy. Ridgell.  
 Foster. Wahrmund.  
 Paddock.  
 Brown. Absent—Excused.  
 Coffey.  
 Glasscock.  
 McKamy.  
 Murray.

## Reason for Vote.

I vote "yea" because I believe the State, while it can, should pay cash for services rendered, as I consider it a reflection on the fair name of the State to not pay its bills for current expenses as they occur.

COX of Ellis.

Senate bill No. 1 was then passed to a third reading.

## SENATE BILL NO. 1 ON THIRD READING.

Mr. Wortham moved to suspend the constitutional rule requiring bills to be read on three several days and that Senate bill No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yea—117.

Allison.	Dove.
Baker.	Dunn.
Barrett of Jones.	Fields.
Barrett of Titus.	Fountain.
Bartley.	Fuller.
Bierschwale.	Furrrh.
Broughton.	Gates.
Bruce.	Gentry.
Burges.	Goodner.
Burmeister.	Greenwood.
Burns.	Greer.
Butler.	Griggs.
Byrne.	Grindstaff.
Calvin.	Hall.
Campbell.	Haney.
Chrestman.	Harp.
Collins.	Harris.
Colquitt.	Haxthausen.
Cooper.	Heilig.
Cope.	Henry of Bowie.
Cox of Delta.	Henry of Wichita.
Cox of Ellis.	Herder.
Craven.	Hill.
Crisp.	Hornby.
Cunningham.	Householder.
Dickson.	Hughes.
Diffee.	Humphrey.
Dodson.	Hunter.

Jordan.	Ritchie.	Blalock.	Macgill.
Kennedy.	Roach.	Broughton.	McAskill.
King.	Robbins.	Bruce.	McDaniel.
Kirby.	Robertson.	Burges.	Mangum.
Lane.	Rowell.	Burmeister.	Mendell.
Lewelling.	Russell.	Burns.	Mills.
Long.	Savage.	Butler.	Morris of Coryell.
Low.	Spann.	Byrne.	Morris of Victoria.
Macgill.	Spradley.	Calvin.	Mulcahy.
McAskill.	Stephens.	Campbell.	Nabours.
McDaniel.	Stone.	Chrestman.	Neeley.
Mangum.	Sullivan.	Collins.	Olander.
Mendell.	Tarver.	Colquitt.	Oliver.
Mills.	Taylor.	Cooper.	Owsley.
Morris of Coryell.	Templeton.	Cope.	Parker.
Morris of Victoria.	Thompson.	Cox of Delta.	Parks.
Mulcahy.	Tiller.	Cox of Ellis.	Patton.
Nabours.	Tyson.	Craven.	Penry.
Neeley.	Ussery.	Crisp.	Powell.
Olander.	Vickers.	Cunningham.	Raiden.
Oliver.	Wagstaff.	Davis.	Ratliff.
Owsley.	Watson of Hays.	Dickson.	Reedy.
Parker.	Watson of Mills.	Diffie.	Reeves.
Parks.	Webb.	Dodson.	Rickerson.
Patton.	Williams of Hopkins.	Dove.	Ritchie.
Penry.	Williams	Dunn.	Roach.
Powell.	of McLennan.	Fields.	Robbins.
Raiden.	Woods of Navarro.	Fountain.	Robertson.
Ratliff.	Yarbrough.	Fuller.	Rogers.
Reedy.	Wortham.	Furrh.	Rowell.
Reeves.		Gates.	Russell.
Rickerson.		Gentry.	Savage.
Nays—5.			
Davis.	Simpson.	Goodner.	Spann.
Hagins.	Vannoy.	Greenwood.	Spradley.
Rogers.		Greer.	Stephens.
Absent.			
Bagby.	Foster.	Griggs.	Stone.
Blalock.	Paddock.	Grindstaff.	Sullivan.
Boehmer.	Ridgell.	Hagins.	Tarver.
Flournoy.	Smith.	Hall.	Taylor.
Absent—Excused.			
Brown.	Ross.	Haney.	Templeton.
Coffey.	Schwegman.	Harp.	Thompson.
Glasscock.	Tillotson.	Harris.	Tiller.
McKamy.	Wahrmund.	Heilig.	Tyson.
Murray.	Woods of Fisher.	Henry of Bowie.	Ussery.
The Speaker then laid Senate bill No. 1 before the House, on its third reading and final passage.			
The bill was read third time.			
Question—Shall the bill be passed?			
The Clerk was directed to call the roll, and the bill was passed by the following vote:			
Yays—118.			
Allison.	Barrett of Jones.	Bartley.	Kennedy.
Bagby.	Barrett of Titus.	Flournoy.	Lewelling.
Baker.	Bierschwale.	Foster.	Paddock.
		Haxthausen.	Ridgell.
		Hill.	Smith.
Nays—1			
Simpson.			
Absent.			

**Absent—Excused.**

Boehmer.                    Ross.  
 Brown.                    Schwegman.  
 Coffey.                    Tillotson.  
 Glasscock.                Wahr mund.  
 McKamy.                   Woods of Fisher.  
 Murray.

(Mr. Rogers in the chair.)

**SENATE BILL NO. 2 ON SECOND READING.**

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to a third reading,

Senate bill No. 2, A bill to be entitled "An Act making appropriation of the sum of \$15,000, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, and declaring an emergency."

The bill was read second time and was passed to a third reading.

(Speaker in the chair.)

**SENATE BILL NO. 2 ON THIRD READING.**

Mr. Wortham moved to suspend the constitutional rule requiring bills to be read on three several days and that Senate bill No. 2 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—114.

Allison.	Davis.
Bagby.	Dickson.
Baker.	Diffee.
Barrett of Jones.	Do lson.
Barrett of Titus.	Dunn.
Bierschwale.	Fields.
Blalock.	Fountain.
Broughton.	Fuller.
Bruce.	Furrrh.
Burges.	Gates.
Burmeister.	Gentry.
Burns.	Goodner.
Butler.	Greenwood.
Byrne.	Greer.
Calvin.	Griggs.
Campbell.	Grindstaff.
Chrestman.	Hagins.
Collins.	Hall.
Colquitt.	Haney.
Cooper.	Harp.
Cox of Delta.	Harris.
Cox of Ellip.	Heilig.
Craven.	Henry of Bowie.
Crisp.	Henry of Wichita.
Cunningham.	Herder.

Hornby.	Rickerson.
Householder.	Roach.
Hughes.	Robbins.
Humphrey.	Robertson.
Hunter.	Rogers.
Jordan.	Russell.
Kennedy.	Savage.
Kirty.	Simpson.
King.	Smith.
Lane.	Spann.
Lewelling.	Spradley.
Long.	Stephens.
Low.	Stone.
Macgill.	Sullivan.
McDaniel.	Tarver.
Mendell.	Taylor.
Mills.	Templeton.
Morris of Coryell.	Thompson.
Morris of Victoria.	Tiller.
Mulcahy.	Tyson.
Nabours.	Ussery.
Feeley.	Vannoy.
Olander.	Vickers.
Oliver.	Wagstaff.
Parker.	Watson of Hays.
Parks.	Watson of Mills.
Patton.	Webb.
Penry.	Williams
Powell.	of Hopkins.
Kaiden.	Woods of Navarro.
Ratliff.	Wortham.
Reedy.	Yarbrough.
Reeves.	

Absent.

Bartley.	Mangum.
Boehmer.	Owsley.
Cope.	Paddock.
Dove.	Ridgell.
Flournoy.	Ritchie.
Foster.	Rowell.
Haxthausen.	Williams
Hill.	of McLennan.
McAskill.	

Absent—Excused.

Brown.	Ross.
Coffey.	Schwiegman.
Glasscock.	Tillotson.
McKamy.	Wahr mund.
Murray.	Woods of Fisher.

The Speaker then laid Senate bill No. 2 before the House, on its third reading and final passage.

The bill was read third time.

Question—Shall the bill be passed?

(Mr. Kennedy in the chair.)

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

Yea—114.

Allison.	Barrett of Titus.
Bagby.	Bartley.
Baker.	Barrett of Jones.

Bierschwale.	Lewelling.
Blalock.	Long.
Broughton.	Low.
Bruce.	Macgill.
Burges.	McDaniel.
Burmeister.	Mendell.
Burns.	Mills.
Butler.	Morris of Coryell.
Calvin.	Morris of Victoria.
Campbell.	Mulcahy.
Chrestman.	Nabours.
Collins.	Neeley.
Colquitt.	Olander.
Cooper.	Oliver.
Cope.	Parker.
Cox of Delta.	Parks.
Cox of Ellis.	Patton.
Craven.	Penry.
Crisp.	Powell.
Cunningham.	Raiden.
Davis.	Ratliff.
Dickson.	Reedy.
Diffie.	Reeves.
Dodson.	Rickerson.
Dunn.	Ritchie.
Fields.	Roach.
Fountain.	Robbins.
Fuller.	Robertson.
Furrh.	Rogers.
Gentry.	Russell.
Goodner.	Savage.
Greenwood.	Simpson.
Greer.	Spann.
Griggs.	Spradley.
Grindstaff.	Stephens.
Hagins.	Stone.
Hall.	Sullivan.
Haney.	Tarver.
Harp.	Taylor.
Harris.	Templeton.
Heilig.	Thompson.
Henry of Bowie.	Tiller.
Henry of Wichita.	Ussery.
Herder.	Vannoy.
Hornby.	Vickers.
Householder.	Wagstaff.
Hughes.	Watson of Hays.
Humphrey.	Watson of Mills.
Hunter.	Webb.
Jordan.	Williams of Hopkins.
Kennedy.	Woods of Navarro.
King.	Wortham.
Kirby.	Yarbrough.
Lane.	

Absent.

Boehmer.	Mangum.
Byrne.	Owsley.
Dove.	Paddock.
Flournoy.	Ridgell.
Foster.	Rowell.
Gates.	Smith.
Glasscock.	Tyson.
Haxthausen.	Williams of McLennan.
Hill.	
McAskill.	

#### Absent—Excused.

Brown.	Schwegman.
Coffey.	Tillotson.
McKamy.	Wahrmund.
Murray.	Woods of Fisher.
Ross.	

#### RELATIVE TO FUNDS RECEIVED FROM STANDARD OIL COMPANY.

Mr. Wortham offered the following as a privileged resolution:

House Concurrent Resolution No. 4, Instructing the State Treasurer to withhold payment of certain funds paid into the State Treasury by the Standard Oil Company.

Be it resolved by the House of Representatives, the Senate concurring, That the Treasurer be, and is hereby instructed to withhold any payment, disposition, or appropriation of any fund that may be paid into the office of the State Treasurer by the Attorney General, and derived from the proceeds of the judgment in the case of the State of Texas against the Standard Oil Company, of New Jersey, and that no disposition of said fund be made, or any part thereof be made until further action be had with reference thereto by the Legislature of the State of Texas.

HILL,  
WORTHAM,  
KIRBY,  
ROWELL.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Humphrey raised a point of order on further consideration of the resolution, on the ground that funds in the State Treasury can not be controlled by concurrent resolution of the Legislature.

The Speaker overruled the point of order.

Mr. Tarver raised a point of order on further consideration of the resolution at this time, on the ground that the half hour allotted under the rules for the consideration of resolutions had expired.

The Speaker overruled the point of order, holding as follows:

The point of order raised by the gentleman from Navarro, Mr. Tarver, was overruled for the following reasons:

There were several bills pending before the House dealing with the disposition of the five hundred thousand dollar Standard Oil fine, and the House was entitled to consider these measures, and if the proposed resolution was not considered and adopted by the House, the

bills would be useless, and the House would not have an opportunity to express its wishes in the matter. The money had already been turned over to the State Treasury, but had not been placed in General Fund, and the members, collectively, had the right to consider the bills and protect the integrity of the proceedings of the House by passing a resolution holding up the money, and allowing them an opportunity to discuss and decide the issues involved in the different measures before them, and it was, therefore, a privilege of the House collectively to so consider and decide the fate of the different bills, and it was therefore, a privileged resolution, and the overruling of the point of order would have obstructed the proceeding of the House.

Mr. Tarver then appealed from the ruling of the Chair.

Mr. Calvin was called to the chair pending the appeal.

Question—Shall the ruling of the Chair be sustained?

Mr. Kirby moved the previous question on the appeal, and the main question was ordered.

Question recurred—Shall the ruling of the Chair be sustained?

The House sustained the ruling of the Chair.

Question then recurred—Shall the resolution be adopted?

Mr. Spann offered the following amendment to the resolution:

Amend by adding before the words "any funds" in lines three and four of resolution, the words "two hundred and five thousand dollars or so much thereof as may be necessary of any such funds coming into his hands."

Question—Shall the amendment be adopted?

Mr. Kirby moved the previous question on the amendment and the adoption of the resolution, and the motion was duly seconded.

Question—Shall the main question be now ordered?

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

Yea—107.

Allison.	Burges.
Bagby.	Burmeister.
Baker.	Burns.
Barrett of Jones.	Butler.
Bartley.	Byrne.
Blalock.	Calvin.
Broughton.	Campbell.
Bruce.	Chrestman.

Collins.	Mangum.
Colquitt.	Mendell.
Cooper.	Mills.
Cox of Ellis.	Morris of Coryell.
Crisp.	Morris of Victoria.
Cunningham.	Mulcahy.
Davis.	Nabours.
Dickson.	Oliver.
Diffee.	Neeley.
Dodson.	Parker.
Dove.	Parks.
Dunn.	Patton.
Fields.	Penry.
Flournoy.	Powell.
Fountain.	Raiden.
Fuller.	Ratliff.
Furrr.	Reedy.
Gates.	Rickerson.
Gentry.	Roach.
Goodner.	Robbins.
Greenwood.	Robertson.
Greer.	Rogers.
Griggs.	Rowell.
Grindstaff.	Russell.
Hagins.	Savage.
Hall.	Simpson.
Haney.	Smith.
Harp.	Spradley.
Harris.	Stephens.
Heilig.	Stone.
Henry of Bowie.	Sullivan.
Henry of Wichita.	Taylor.
Herder.	Templeton.
Hill.	Thompson.
Householder.	Tiller.
Hughes.	Vannoy.
Humphrey.	Vickers.
Hunter.	Wagstaff.
Kennedy.	Watson of Hays.
King.	Watson of Mills.
Kirby.	Webb.
Lane.	Williams
Low.	of McLennan.
Macgill.	Woods of Navarro.
McAskill.	Wortham.
McDaniel.	Yarbrough.

Nays—9.

Barrett of Titus.	Reeves.
Cope.	Spann.
Craven.	Tarver.
Lewelling.	Williams
Long.	of Hopkins.

Present—Not Voting.

Bierschwale.

Absent.

Boehmer.	Owsley.
Cox of Delta.	Paddock.
Foster.	Ridgell.
Haxthausen.	Ritchie.
Hornby.	Tyson.
Jordan.	Ussery.
Olander.	

	Absent—Excused.
Brown.	Ross.
Coffey.	Tillotson.
Glasscock.	Schwegman.
McKamy.	Wahrmund.
Murray.	Woods of Fisher.

Question then first recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yea—64.

Allison.	McAskill.
Baker.	McDaniel.
Barrett of Jones.	Morris of Coryell.
Barrett of Titus.	Mangum.
Blalock.	Morris of Victoria.
Broughton.	Nabours.
Burmeister.	Neely.
Burns.	Oliver.
Butler.	Parker.
Cope.	Patton.
Cox of Ellis.	Raiden.
Craven.	Reeves.
Cunningham.	Rickerson.
Davis.	Robbins.
Dickson.	Rogers.
Diffie.	Russell.
Dodson.	Simpson.
Dove.	Spann.
Fields.	Stephens.
Furrr.	Tarver.
Gentry.	Taylor.
Goodner.	Templeton.
Greenwood.	Tiller.
Greer.	Vannoy.
Griggs.	Vickers.
Grindstaff.	Wagstaff.
Hagins.	Watson of Hays.
Harp.	Webb.
Henry of Bowie.	Williams
Henry of Wichita.	of Hopkins.
Kennedy.	Woods of Navarro.
Lewelling	Yarbrough.
Long.	

Nay—50.

Bagby.	Hall.
Bierschwale.	Harris.
Bruce.	Heilig.
Burges.	Herder.
Byrne.	Hill.
Calvin.	Householder.
Campbell.	Hughes.
Chrestman.	Humphrey.
Collins.	Hunter.
Colquitt.	Kirby.
Cooper.	Lane.
Crisp.	Low.
Dunn.	Macgill.
Flournoy.	Mendell.
Fountain.	Mills.
Fuller.	Mulcahy.
Gates.	Parks.

Penry.	Spradley.
Powell.	Stone.
Ratliff.	Sullivan.
Reedy.	Thompson.
Roach.	Watson of Mills.
Robertson.	Williams
Rowell.	of McLennan.
Savage.	Wortham.
Smith.	

Absent.

Bartley.	King.
Boehmer.	Olander.
Cox of Delta.	Owsley.
Foster.	Paddock.
Haney.	Ridgell.
Haxthausen.	Ritchie.
Hornby.	Tyson.
Jordan.	Ussery..

Absent—Excused.

Brown.	Ross.
Coffey.	Schwegman.
Glasscock.	Tillotson.
McKamy.	Wahrmund.
Murray.	Woods of Fisher.

Question then recurring on the resolution as amended, it was adopted.

Mr. Spann moved to reconsider the vote by which the resolution as amended was adopted and to table the motion to reconsider.

The motion to table prevailed.

CHANGE OF CHAIRMAN.

The Speaker announced the appointment of Hon. W. T. Bagby as chairman of the Committee on Private Corporations to fill the vacancy caused by the resignation of Hon. Fred Stevens.

APPOINTMENT OF EMPLOYES.

The Speaker announced the appointment of the following employes:

Stenographers: Elizabeth Martin, Mary Goldstein, Allen Weaver, Paul D. Casey, Mrs. J. Kirk.

General Clerk, Lewis Porter.

Temperature Man, J. F. Dalton.

Night Watchman, L. H. Burns.

APPOINTMENT OF PAGE.

The Chairman of the Committee on Appropriations announced the appointment of Hamlin Hill as page to the Committee on Appropriations.

MESSAGE FROM THE GOVERNOR.

Mr. J. T. 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:

Governor's Office,  
Austin, Texas, July 23, 1913.

To the Texas Legislature.

In harmony with the requirements of Section 40, Article 3, of the State Constitution, I present to you the following additional subjects for legislation:

1st. The passage of an act to regulate and supervise the sale and purchase in this State of all stocks, bonds, or other obligations of private, foreign or domestic corporations organized, or proposed to be organized for profit; and to regulate and supervise the offering or contracting for sale and purchase of such stock, bonds, or other obligations of such corporation, or proposed corporation, and fixing commission and promotion fees allowed to be charged, and providing for service or process, examination fees, and exempting certain corporations from the effect of said act, providing penalty for the violation of provisions of same.

Texas is very much in need of a law to regulate and supervise the issuance of such stocks and bonds as submitted in the foregoing subject for legislation. The Commissioner of Insurance and Banking estimates that in three years the citizens of Texas have been fleeced of eighteen or twenty million dollars by promoters of spurious and "Blue Sky" corporations; washerwomen and servants have been induced to invest their small savings in promotion schemes. Other States have driven the promoters of "Blue Sky" corporations out of business. Legitimate corporations and legitimate investors ought to be protected against such impositions. I urge upon the Legislature the speedy passage of a bill which will afford the people adequate protection.

2nd. The passage of an act making it the duty of the Attorney General to examine and certify to, before being filed, all charters of private corporations and amendments to such charters, and also all applications for permits of non-resident corporations to do business in Texas; prescribing certain fees to be collected by the Attorney General for such services, also prescribing the fees to be collected by the Attorney General for examining and certifying to all bonds which under the law of this State he is required to examine and certify to; also requiring private corporations having a capital stock, except railroads, insur-

ance and banking corporations, to make annual and special reports to the Attorney General on forms to be prescribed by him, and requiring a fee of two dollars to be paid to the Attorney General by the corporation making such report; providing the method by which said fees are to be paid, and appropriating the same, so far as necessary, to pay such salaries and other expenses of the Attorney General's Department as may be authorized by the Legislature.

The foregoing subject is submitted by me for legislative action at the request of the Attorney General. In his Department a great deal of valuable work is given free of cost to those served, no fees having heretofore been prescribed by the Legislature for such service when rendered by the Attorney General.

The Attorney General has prepared a bill covering the foregoing subject, and he estimates that if it is enacted by the Legislature that his Department will collect forty or fifty thousand dollars per annum in reasonable fees for services now rendered for nothing. This would be ample to meet the full expenses of his Department. I sincerely hope the Legislature will enact such a measure.

3rd. The passage of an act amending Chapter 150, General Laws passed at the Regular Session of the Thirty-third Legislature, relating to the application for witnesses in felony cases, so as to repeal Section 4 of said Chapter, which provides for the payment of \$1.50 per day for each day witnesses residing in the county of the prosecution may have been necessarily absent from their homes or business in attendance upon court. Section 4 of Chapter 150, referred to above, reads as follows:

"Sec. 4. All witnesses residing in the county of the prosecution, when summoned under the provisions of this Act to appear and give evidence in any felony case, shall be entitled to one dollar and fifty cents per day for each day they may have been necessarily absent from their homes or business in attendance upon court, said fees to be paid by the State, and the Comptroller of Public Accounts is hereby authorized to draw a warrant against the State Treasury for same when the accounts are properly presented to him, approved by the presiding district judge, and when after inspection by him he finds said accounts to be correct: provided, however, if the defendant in any case who is charged with a felony should be finally convicted of a misdemeanor, then said witness fees

shall not be a charge against the State in such a case, but the same shall be charged against the defendant, and the witnesses in all such cases shall be entitled to the same compensation as is now allowed and provided by law to witnesses residing in the county of the prosecution in misdemeanor cases."

It is estimated that this section of the law, if not repealed, will cost the State \$500,000 per annum in the payment of witness fees in the county of the residence of witnesses. Aside from this fact it proposes to pay witnesses of the county of their residence a higher sum per day than is paid under other provisions of the statute to witnesses in felony cases who are non-residents of the county where the case is on trial.

Respectfully submitted,  
O. B. COLQUITT,  
Governor.

#### RELATIVE TO MEXICAN SITUATION.

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

Whereas, the Senate of the United States is today engaged in debating a resolution concerning the policy to be pursued by the government of the United States in defense of the rights of its citizens in Mexico, and

Whereas, a firm and dignified policy, which recognizes and respects the rights of our neighboring Republic and demands in return respect for the rights of our citizens, will tend to preserve peace by promoting mutual respect, and

Whereas, the National Democratic

platform adopted at Baltimore on July 2, 1912, contains the following declaration of party faith, to-wit:

"We pledge ourselves anew to preserve the sacred rights of American citizenship at home and abroad. The constitutional rights of American citizens should protect them on our borders, and go with them throughout the world, and every American citizen residing, or having property in any foreign country, is entitled to, and must be given the full protection of the United States government, both for himself and his property."

Now, Therefore, Be It Resolved, That it is the sense of the House of Representatives of the Legislature of Texas that the Government of the United States should redeem the foregoing pledge of party faith in the vindication of national honor.

Be it further resolved that the Speaker of this House be requested to forthwith transmit this resolution by wire to the President of the Senate of the United States, and to the Senators from this State.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Householder moved to refer the resolution to the Committee on Federal Relations.

Question—Shall the motion to refer prevail?

ADJOURNMENT.

On motion of Mr. Mendell, the House, at 6:30 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

# In Memory of Hon. J. E. Kauffman

Mr. Macgill offered the following resolution:

Whereas, The House has just learned with profound sorrow of the death of the Senator from the Seventeenth District, Hon. J. E. Kauffman, of Galveston; and

Whereas, Senator Kauffman has been a prominent figure in Texas polities for many years, and has held various positions of trust and honor, not only under the Democracy of Texas, but that of the Union; and

Whereas, We feel that Texas has lost one of its most valuable officials and the city of Galveston a splendid, upright citizen; therefore be it

Resolved, That the Speaker of the House appoint five members of the House to attend the funeral of the deceased and that the Speaker be authorized to purchase a floral offering, to be paid for out of the contingent expense fund of the House, and that when the House adjourns today it do so out of respect to the memory of our much lamented colleague, and that a page of the Journal be dedicated to his memory and that a copy of this resolution be sent to the family of the deceased and furnished the press.

HALL,  
ROACH,  
CAMPBELL,  
MACGILL,  
BAGBY,  
MULCAHY,  
BYRNE,  
HAXTHAUSEN,  
KIRBY,  
HEILIG.

The resolution was read second time and was adopted unanimously.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Campbell, Macgill, Roach, Byrne and Savage.

## FOURTH DAY.

(Thursday, July 24, 1913.)

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

Speaker Terrell in the chair.

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

Allison.	King.
Baker.	Kirby.
Barrett of Jones.	Lane.
Barrett of Titus.	Lewelling.
Bartley.	Long.
Bierschwale.	Low.
Blalock.	McAskill.
Broughton.	McDaniel.
Bruce.	Mangum.
Burges.	Mendell.
Burmeister.	Mills.
Burns.	Morris of Coryell.
Butler.	Morris of Victoria.
Calvin.	Mulcahy.
Chrestman.	Nabours.
Collins.	Neely.
Colquitt.	Olander.
Cooper.	Oliver.
Cope.	Parker.
Cox of Delta.	Parks.
Cox of Ellis.	Patton.
Craven.	Penry.
Crisp.	Powell.
Cunningham.	Raiden.
Davis.	Ratliff.
Dickson.	Reedy.
Diffee.	Reeves.
Dodson.	Rickerson.
Dove.	Ritchie.
Durn.	Roach.
Fields.	Robbins.
Fountain.	Robertson.
Fuller.	Rogers.
Gates.	Rowell.
Gentry.	Russell.
Goodner.	Simpson.
Greenwood.	Smith.
Greer.	Spann.
Griggs.	Spradley.
Grindstaff.	Stephens.
Hagins.	Stone.
Hall.	Sullivan.
Haney.	Tarver.
Harp.	Taylor.
Harris.	Templeton.
Heilig.	Thompson.
Henry of Bowie.	Tiller.
Henry of Wichita.	Tyson.
Herder.	Ussery.
Hill.	Vannoy.
Hornby.	Vickers.
Householder.	Wagstaff.
Hughes.	Watson of Hays.
Humphrey.	Watson of Mills.
Hunter.	Webb.
Jordan.	Williams
Kennedy.	of Hopkins.

Williams  
of McLennan.  
Woods of Navarro.

Wortham.  
Yarbrough.

Absent.

Bagby.	Furrh.
Boehmer.	Paddock.
Flournoy.	Ridgell.
Foster.	

Absent—Excused.

Brown.	Murray.
Byrne.	Owsley.
Campbell.	Ross.
Coffey.	Savage.
Glasscock.	Schwegman.
Haxthausen.	Tillotson.
Macgill.	Wahrmund.
McKamy.	Woods of Fisher.

A quorum was announced present.  
Prayer by Rev. W. J. Joyce, Chaplain.

## LEAVE OF ABSENCE GRANTED.

On account of important business:

Mr. Owsley for today, on motion of Mr. Bierschwale.

Mr. Haxthausen for today and tomorrow, on motion of Mr. Heilig.

On account of important committee work:

Mr. Savage until next Monday, on motion of Mr. Williams of McLennan.

## HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to appropriate committees, as follows:

By Mr. Williams of McLennan, Mr. Byrne, Mr. Reedy and Mr. Hill:

House bill No. 9, A bill to be entitled, "An Act to regulate and supervise the sale and purchase in this State, all stocks, bonds or other obligations of private, foreign and domestic corporations, organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of such stock, bonds or other obligation of such corporation, or proposed corporation; and fixing commission and promotion fees allowed to be charged and providing for service of process, examination fees, and exempting certain corporations from the effect of this act, providing penalty for the violation of the provisions hereof, and declaring an emergency."

Referred to Committee on Private Corporations.

**By Mr. Tillotson:**

House bill No. 10, A bill to be entitled, "An Act to provide for the regulation and supervision of every corporation, company, copartnership or association, which may be now, or that may hereafter be organized within or without the State of Texas, whether incorporated or unincorporated, which shall in this State sell or negotiate for the sale of any stocks, bonds or other evidences of property or interest in behalf of any other company, upon which sale or proposed sale the whole or any part of the proceeds are used, or to be used, directly or indirectly, for the payment of any commissions or other expenses incidental to the organization or promotion of any such company, corporation, copartnership or association; providing penalties for violations thereof and declaring an emergency."

Referred to Committee on Private Corporations.

Mr. Mr. Henry of Wichita and Mr. Haney:

House bill No. 11, A bill to be entitled, "An Act making it the duty of the Attorney General to examine and certify to, before being filed, all charters of private corporations and amendments to such charters, and also all applications for permits of non-resident corporations to do business in Texas; prescribing certain fees to be collected by the Attorney General for such services, also prescribing the fees to be collected by the Attorney General for examining and certifying to all bonds which under the law of this State he is required to examine and certify to; also requiring private corporations having a capital stock, except railroad, insurance and banking corporations, to make annual and special reports to the Attorney General on forms to be prescribed by him, and requiring a fee of two dollars to be paid to the Attorney General by the corporation making such report; providing the method by which said fees are to be paid, and appropriating the same, so far as necessary, to pay such salaries and other expenses, of the Attorney General's department, as may be authorized by the Legislature; and declaring an emergency."

Referred to Committee on State Affairs.

**By Mr. Ussery:**

House bill No. 12, A bill to be entitled, "An Act to require that all notes, liens and other evidence of written in-

debt given for a patent right or patent right territory state on their face the consideration for which they were given; providing that said statement of aforesaid consideration shall be notice to all subsequent purchasers of all equities existing between the parties to the original transaction; prescribing penalties, and repealing all laws and parts of laws in conflict herewith."

Referred to Committee on Judiciary.

**By Mr. Penry:**

House bill No. 13, A bill to be entitled, "An Act to amend Chapter 150, General Laws, passed at the Regular Session of the Thirty-third Legislature, relating to application for witnesses in felony cases so as to repeal Section 4 of said Chapter, which provides for the payment of one dollar and fifty cents per day for each day that witnesses residing in the county of the prosecution may have been necessarily absent from their homes or business in attendance upon court."

Referred to Committee on Reforms in Criminal Procedure.

**By Mr. Wortham:**

House bill No. 14, A bill to be entitled, "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, to-wit: The University of Texas, Agricultural & Mechanical College, Prairie View Normal, College of Industrial Arts for Women, Sam Houston Normal Institute, North Texas State Normal, Southwest Texas State Normal, and West Texas State Normal, and declaring an emergency."

Referred to Committee on Appropriations.

**BILLS SIGNED BY THE SPEAKER.**

The Speaker signed in the presence of the House today, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and per diem of officers and employes of the First Called Session of the Thirty-third Legislature, and declaring an emergency."

Senate bill No. 2, A bill to be entitled "An Act making appropriation of the sum of \$15,000, or so much thereof as

may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, and declaring an emergency."

**INVITING GOVERNOR TO ADDRESS THE LEGISLATURE.**

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, for consideration at this time, a resolution offered on yesterday by Mr. Cox of Ellis, inviting the Governor to address the Legislature, with motion by Mr. Burmeister to refer the resolution to the Committee on State Affairs pending.

Question—Shall the motion to refer prevail?

(Mr. Bagby in the chair.)

The motion to refer prevailed.

**RELATING TO ENDORSEMENT OF TARIFF BILL.**

Mr. Lewelling offered the following resolution:

Whereas, In the Governor's message, read in the House on July 21, 1913, at the opening of the Special Session of the Legislature there appeared the following, to-wit:

"If the advocates of 'free sugar' or the admission of raw sugar into this country for refining from other countries free of tariff duties are correct, sugar cane will be still less profitable when the provisions in the tariff bill now pending in Congress go into effect. Sugar refineries undoubtedly will be able to import raw sugar from Cuba, the Philippine Islands and other cane growing islands under the control of foreign governments. This country does not produce enough sugar for its own consumption and that which is imported now costs the refiner the purchase price in the country of its production, plus the freight, plus the tariff. When a tariff bill that admits the refined sugar or the raw material free of duty is passed the refiners will get their unrefined sugar at its cost on the producing market, plus the freight and this fact will undoubtedly influence the price the domestic producer will get for his product. Whatever the effect upon the consumer of sugar may be (and I do not believe it will affect him favorably) it is admitted by the ablest advocates of the doctrine that the sugar producer will probably have to go out of business. One of the ablest men in Congress, opening the debate on the tariff bill, referring to this

question and the effect it would have upon the sugar planter said, in substance that the 'provisions in the bill providing for admitting unrefined sugar free of duty would not go into effect for three years, and in that length of time the sugar planters would have a chance to make enough to pay their debts to the merchants and bankers before retiring from business,' which is tantamount to saying that the sugar planter is now even working for the merchant and banker. This is practically true with the Texas penitentiary system as a sugar producer. The system makes nothing and has made nothing growing sugar under present conditions, and if they are to become worse by reason of national legislation it is time for the State to abandon the cultivation of cane now, and not wait until three years hence.

"Of course I do not suggest that these matters should be recited in amendments of the law governing the prison system of the State."

And Whereas, President Wilson and the Democratic Senators and Representatives in Congress, including those from Texas, have been endeavoring to relieve consumers of the United States from unjust tariff burdens, and in so doing have faced and fought the most insidious and corrupt lobby in the legislative history of the United States, and in order to so relieve the people have placed sugar, as well as many other necessities of life, on the free list, in the pending tariff bill to be passed by the Democratic majority in Congress, with the express approval of President Wilson,

Therefore, In view of the above quotations from the Governor's message, as compared with the efforts of the Democratic party in Congress to remove an exorbitant and oppressive tariff from the backs of the people,

Resolved by the House of Representatives of Texas, that,

We commend the stand of President Wilson and our Democratic Senators and Representatives in Congress and endorse the pending tariff bill.

Resolved Further, That a copy of this resolution be sent to the President of the United States.

LEWELLING,  
BARRETT of Titus,  
BURMEISTER,  
ROWELL.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Calvin moved to refer the reso-

lution to the Committee on Federal Relations.

Mr. Rogers raised a point of order on further consideration of the resolution at this time, on the ground that the half hour allotted under the rules for the consideration of resolutions has expired.

The Speaker sustained the point of order.

#### RELATIVE TO MEXICAN SITUATION.

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, for consideration at this time, the resolution offered on yesterday by Mr. Burges, relating to the Mexican situation, with motion by Mr. Householder to refer the resolution to the Committee on Federal Relations pending.

Question—Shall the motion to refer prevail?

Mr. Burges moved as a substitute for the motion to refer, that the resolution be referred to the Committee on Federal Relations, with instructions that same be reported not later than tomorrow.

The substitute motion prevailed.

#### HOUSE BILL NO. 2 ON SECOND READING.

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

House bill No. 2, A bill to be entitled "An Act making appropriations to pay the salaries and employes of certain departments and courts of the State and other expenses of maintaining and conducting them, as follows: Governor's Office, Mansion and Grounds, Department of State, State Revenue Agent, Public Buildings and Grounds, Department of Insurance and Banking, State Insurance Commission, Texas Library and Historical Commission, State Tax Board, State Purchasing Agent, Public Printing, Bureau of Labor Statistics, State Inspector of Masonry, Public Buildings and Works, Adjutant General's Department, State Board of Health, Game, Fish and Oyster Commissioner, Live Stock Sanitary Commission, State Mining Board, Pure Food Commission, State Pension Department, Attorney General's Department, Department of Education, Treasury Department, Comptroller's Department, General Land Office, Railroad Commission, Department of Agriculture, Board of Water Engineers, and State Levee and Drainage Commission."

Mr. Terrell asked unanimous consent of the House that the House consider the bill, section by section.

There was no objection offered.

Mr. Hill offered the following amendment to the bill:

Amend by inserting after the enacting clause:

"Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated for the support and maintenance of certain State Departments of the State, as follows, to-wit."

The amendment was adopted.

The section of the bill relating to the Executive Office was read and was passed over.

The section of the bill relating to the Mansion and Grounds was read.

Mr. Lewelling offered the following amendment to this section of the bill:

Amend line 31 by striking out "\$12,000.00" and inserting "\$6,000.00."

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

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the Department of State was read and was passed over.

The section of the bill relating to the State Revenue Agent was read and was passed over.

The section of the bill relating to Public Buildings and Grounds was read.

Mr. Crisp offered the following amendment to this section of the bill:

Amend House bill No. 2, page 5, line 30, by striking out "\$4,000" and inserting "\$400" in lieu thereof.

Question—Shall the amendment be adopted?

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

Mr. Wortham offered the following substitute for the amendment:

Amend the bill, page 5, by striking out lines 27 to 30, inclusive.

Question—Shall the substitute be adopted?

#### RECESS.

On motion of Mr. Haney, the House, at 12:10 o'clock p. m., took recess until 2:30 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

## MESSAGE FROM THE SENATE.

Senate Chamber.

Austin Texas, July 24, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

Senate Concurrent Resolution No. 1, Requesting the Attorney General, Treasurer, and the Comptroller's Department to withhold turning over to the general revenue fund, the penalty fund of \$500,000.00, collected from the Standard Oil Company by the Attorney General's Department until the Legislature makes some disposition of same.

Senate Concurrent Resolution No. 2, Providing for the printing of five thousand copies of the Report of the Penitentiary Investigating Committee, as presented to the Legislature on July 23, 1913.

The Senate accepts the invitation of the House to attend a lecture, to be delivered Thursday evening by Hon. Thos. J. Tynan, of Colorado.

Respectfully,

JOHN D. McCALL,

Assistant Secretary of the Senate.

HOUSE BILL NO. 2 ON ENGROSSMENT.

(Pending Business.)

The House resumed consideration of pending business, same being House bill No. 2, making appropriations for the support of certain departments of the State government for two years, on its passage to engrossment, with amendment by Mr. Crisp and substitute by Mr. Wortham for the amendment pending; the House considering the bill section by section and all of the sections down to and including the section relating to the State Revenue Agent having been considered, and the section of the bill relating to Public Buildings and Grounds being under consideration.

Question first recurring on the substitute, it was adopted.

The amendment as substituted was adopted.

Mr. Burmeister offered the following amendment to this section of the bill:

Amend the bill page 5 by inserting in line 31, "for repairing roof of Capitol, \$7,500."

The amendment was adopted.

Mr. Burns offered the following amendment to this section of the bill:

Amend House bill No. 2 on page 4,

line 25 by striking out "\$500" and insert in lieu thereof "\$300."

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

The amendment was adopted.

Mr. Barrett of Titus offered the following amendment to this section of the bill:

Amend House bill No. 2, page 5, line 23, by striking out "\$10,000" and inserting "\$5,000 for each year."

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

Mr. Morris of Victoria offered the following amendment to this section of the bill:

Amend the bill by adding line 32 on page 5 to read as follows, "for the care and maintenance of the Fannin Battlefield State park and the Gonzales State park \$1,000 each year."

MORRIS of Victoria.

ROBERTSON,

BURMEISTER.

Question—Shall the amendment be adopted?

Mr. Dove offered the following substitute for the amendment:

Amend House bill No. 2, line 23 by adding the "Fannin Battlefield park and Gonzales State park."

Mr. Burmeister raised a point of order on consideration of the substitute on the ground that it is not germane to the amendment.

The Speaker sustained the point of order.

The amendment was adopted.

(Mr. Calvin in the chair.)

Mr. Bruce offered the following amendment to this section of the bill:

Amend by adding after line 30, page 5, the following: "For restoration of the Alamo, \$5,000."

Question—Shall the amendment be adopted?

Mr. Terrell offered the following amendment to the amendment:

Insert at the end of the amendment the following: "To be spent under the direction of the Daughters of the Republic."

Question—Shall the amendment to the amendment be adopted?

Mr. Crisp moved to table the amendment to the amendment.

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

Yeas—29.

Barrett of Jones. Burges.

Barrett of Titus. Calvin.

Bruce. Chrestman.

Colquitt.	Lewelling.
Crisp.	Mulcahy.
Fields.	Nabours.
Gates.	Parks.
Hagins.	Ratliff.
Hall.	Reedy.
Harp.	Ritchie.
Harris.	Robbins.
Heilig.	Russell.
Henry of Bowie.	Templeton.
Herder.	Watson of Hays.
Householder.	Wortham.

**Nays—84.**

Mr. Speaker.	Lane.
Allison.	Long.
Baker.	Low.
Bartley.	Mangum.
Bierschwale.	Mendell.
Blalock.	Mills.
Broughton.	Morris of Coryell.
Burmeister.	Morris of Victoria.
Burns.	Neeley.
Butler.	Olander.
Coffey.	Oliver.
Cooper.	Parker.
Cope.	Patton.
Cox of Ellis.	Penry.
Craven.	Powell.
Cunningham.	Raiden.
Davis.	Reeves.
Dickson.	Rickerson.
Diffie.	Robertson.
Dodson.	Rogers.
Dove.	Simpson.
Dunn.	Smith.
Flournoy.	Spann.
Fountain.	Spradley.
Fuller.	Stephens.
Gentry.	Stone.
Goodner.	Sullivan.
Greenwood.	Tarver.
Greer.	Taylor.
Griggs.	Thompson.
Grindstaff.	Tiller.
Haney.	Tyson.
Hill.	Ussery.
Hornby.	Vannoy.
Hughes.	Vickers.
Humphrey.	Wagstaff.
Hunter.	Watson of Mills.
Jourdan.	Webb.
Kennedy.	Williams
King.	of Hopkins.
Kirby.	Woods of Navarro.
McAskill.	Yarbrough.
McDaniel.	

**Absent.**

Bagby.	Owsley.
Boehmer.	Paddock.
Collins.	Ridgell.
Cox of Delta.	Rowell.
Foster.	Williams
Furrh.	of McLennan.
Henry of Wichita.	

**Absent—Excused.**

Brown.	Ross.
Byrne.	Roach.
Campbell.	Savage.
Glasscock.	Schwegman.
Haxthausen.	Tillotson.
Macgill.	Wahrmund.
McKamy.	Woods of Fisher.
Murray.	

Mr. Terrell offered the following substitute for the amendment and the amendment to the amendment:

For the improvement of the Alamo property in the city of San Antonio, to be spent under the exclusive direction of the Daughters of the Republic, \$5,000 for the first year.

Mr. Bruce raised a point of order on consideration of the substitute, on the ground that it is not germane to the amendment.

The Speaker overruled the point of order.

Question then recurring on the substitute, it was adopted.

The amendment as substituted was adopted.

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the Inspector of Masonry, Public Buildings and Works was read.

Mr. Jordan offered the following amendment to this section of the bill:

Amend, by changing line 12 to read as follows: "Salary of Inspector, \$2,400 for each year. Salary of two assistants, \$3,200 for each year."

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the Department of Insurance and Banking was read.

Mr. Robbins offered the following amendment to this section of the bill:

Amend House bill No. 2 page 8, line 7, by striking out "\$200" and insert in lieu thereof "\$2,000."

The amendment was adopted.

Mr. Cox of Ellis offered the following amendment to this section of the bill:

Amend House bill No. 2 by striking out lines 4 and 6 on page 7.

On motion of Mr. Wortham the amendment was tabled.

Mr. Tarver offered the following amendment to this section of the bill:

Amend House bill No. 2, page 6, line

40 by striking out "4000" and insert "2500."

TARVER,  
McASKILL.

Question—Shall the amendment be adopted?

Mr. Henry of Bowie offered the following amendment to the amendment:

Amend the amendment by inserting in the amendment "\$3000" in lieu of "2500."

The amendment to the amendment was adopted.

Question—Shall the amendment as amended be adopted?

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

Mr. Jordan offered the following amendment to this section of the bill:

Amend by changing line 8 on page 7 to read as follows: "Salary of Actuary, \$3,600 for each year."

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

Mr. Butler offered the following amendment to this section of the bill:

Amend House bill No. 2, page 7, by striking out all the words and figures in lines 20, 21, 22, 23 and 24.

Question—Shall the amendment be adopted?

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

Yeas—75.

Allison.	Harris.
Baker.	Henry of Bowie.
Barrett of Jones.	Henry of Wichita.
Barrett of Titus.	Hughes.
Bierschwale.	Humphrey.
Blalock.	Hunter.
Broughton.	Kennedy.
Burges.	Lewelling.
Burmeister.	Long.
Burns.	McAskill.
Butler.	McDaniel.
Chrestman.	Morris of Coryell.
Coffey.	Morris of Victoria.
Colquitt.	Nabours.
Cope.	Neeley.
Cox of Delta.	Olander.
Cox of Ellis.	Oliver.
Craven.	Parks.
Cunningham.	Powell.
Davis.	Raiden.
Dickson.	Ratliff.
Diffie.	Reeves.
Dodson.	Rickerson.
Dove.	Robbins.
Fuller.	Russell.
Furrrh.	Simpson.
Griggs.	Smith.
Grindstaff.	Spann.
Hagins.	Spradley.
Hall.	Stephens.

Stone.  
Tarver.  
Taylor.  
Templeton.  
Thompson.  
Tiller.  
Tyson.  
Ussery.

Vannoy.  
Vickers.  
Wagstaff.  
Watson of Hays.  
Watson of Mills.  
Webb.  
Williams  
of Hopkins.

Nays—30.

Bagby.	Hornby.
Bruce.	Jordan.
Calvin.	Kirby.
Cooper.	Lane.
Crisp.	Mendell.
Dunn.	Mills.
Fountain.	Mulcahy.
Gentry.	Parker.
Goodner.	Patton.
Greenwood.	Penry.
Greer.	Reedy.
Harp.	Robertson.
Heilig.	Sullivan.
Herder.	Woods of Navarro.
Hill.	Wortham.

Absent.

Bartley.	Low.
Boehmer.	Mangum.
Collins.	Paddock.
Fields.	Ridgell.
Flournoy.	Ritchie.
Foster.	Rogers.
Gates.	Rowell.
Haney.	Williams of McLennan.
Householder.	
King.	Yarbrough.

Absent—Excused.

Brown.	Owsley.
Byrne.	Roach.
Campbell.	Ross.
Glasscock.	Savage.
Haxthausen.	Schwegman.
Macgill.	Tillotson.
McKamy.	Wahrmund.
Murray.	Woods of Fisher.

#### Reason for Vote.

I vote "no" on this question because if the Blue Sky Law passed, as it ought to be, the work of this office will be greatly increased and the need for its own law officer will be real and apparent.

MILLS.

Mr. Tarver offered the following amendment to this section of the bill:

Amend House bill No. 2, page 7, by striking out lines 3 and 4 and lines 5 and 6, same page.

McASKILL,  
TARVER.

Question—Shall the amendment be adopted?

Mr. Terrell raised a point of order on

consideration of the amendment, on the ground that the House has already defeated an amendment containing the same subject matter.

The Speaker sustained the point of order.

Pending—Consideration of the section of the bill relating to the Department of Insurance and Banking.

#### MESSAGE FROM THE GOVERNOR.

Mr. J. T. 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:

Governor's Office,  
Austin, Texas, July 24, 1913.

To the Texas Legislature:

My attention is called to the fact that the subject for legislation concerning the Penal Institutions of the State, as embodied in the call for the Special Session, is confined to the Penitentiary System, described in Chapter 10, Acts of the Fourth Called Session of the Thirty-first Legislature.

There is urgent need for the revision of the law relating to the penal institution located at Gatesville, known as The State Institution for the Training of Juveniles.

As provided, therefore, in Section 40 of Article 3 of the Constitution, I present for your consideration the passage of an act to amend Title 76 of the Revised Civil Statutes of 1911, relating to the management and control of The State Institution for the Training of Juveniles.

Respectfully submitted,  
O. B. COLQUITT,  
Governor.

#### REPORT OF INDETERMINATE SENTENCE COMMITTEE.

Mr. Reedy submitted the final report of the committee appointed at the Regular Session to visit the penitentiaries and all places where convicts are kept and to give each convict who had served the minimum term of sentence and whose prison record was clear a chance to be heard for Executive clemency, and asked to have the same read to the House.

#### ADJOURNMENT.

Mr. Mendell moved that the House recess until 10 o'clock a. m. tomorrow.

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

Mr. Terrell moved that the House recess until 10:30 o'clock a. m. tomorrow.

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

Mr. Tarver moved that the House adjourn until 10:30 o'clock a. m., tomorrow.

The motion of Mr. Tarver prevailed, and the House accordingly, at 5:10 o'clock p. m., adjourned until 10:30 o'clock a. m., tomorrow.

#### APPENDIX.

#### REPORT OF PENITENTIARY INVESTIGATING COMMITTEE.

Austin, Texas, July 24, 1913.

To the House of Representatives of the State of Texas.

Gentlemen: Complying with the terms of House Concurrent Resolution No. 27, your committee appointed to investigate the financial record and transactions and general business conduct of the penitentiary system of the State of Texas, here-with submits a copy of the report this day filed with the Governor of its investigation, together with its recommendations for such changes and reforms as to the committee seems advisable.

The evidence and statements taken before the committee and made a part of said report will be forwarded to you by the committee tomorrow.

We also submit minority report by Hon. R. B. Humphrey, member of the committee upon part of the House.

Respectfully yours,  
WILL H. MAYES,  
Chairman of the Committee.

Hon. O. B. Colquitt, Governor of Texas,  
Austin, Texas.

Sir: The financial statements of the penitentiary system for the years 1911 and 1912, disclosing a constantly increasing indebtedness on the part of the system, amounting on January 1, 1913, to \$1,528,458.04, directed public attention to the management of the institution, and suggested a critical analysis of the law under which the prison system is being conducted. This led to suggestions for a broad and painstaking inquiry into the operation of the entire penitentiary system, and culminated in the passage by the Legislature of House Concurrent Resolution No. 27.

This resolution authorized the appointment of a committee of the Senate and House, composed of the Lieutenant Governor, and two members of the Senate and three members of the House, which

committee was "authorized and instructed to investigate the financial record and financial transactions, and the general business conduct of the penitentiary system as far back as said committee, in its discretion, may deem advisable"; and provided that "said committee shall make a report to the Governor, recommending such changes or reforms in the financial conduct of the penitentiary system as they may deem advisable, and shall report, in full, to the Governor all valuable, pertinent information which they may be able to obtain with reference to the financial conduct of the penitentiary system."

The committee entered upon the investigation ordered by the Legislature and approved by yourself, on April 23, 1913, following the adjournment of the Regular Session of the Thirty-third Legislature, and has conducted such inquiries as seemed practicable to its members and in keeping with the spirit of the resolution creating the committee; and such as were deemed essential to elicit information justifying the committee in the formation of recommendations for the establishment of a sound public and business policy in the management of the State prison system. The record of these inquiries in detail is submitted with this report as a part thereof.

In its investigations the committee has sought to ascertain every material fact in the management of the prison system; and has endeavored in its study of the subject to take into consideration every factor entering into this complex problem. The investigation has been upon broad lines, calculated to determine causes and fix responsibility for present unsatisfactory conditions; and intended to develop policies and details of management leading to the establishment of a prison system upon a basis responding alike to the enlightened humanitarianism and the experienced business judgment of the day. In all its labors the committee has kept before it a realization of the fact that its most important duty lay in the acquisition of such data as would justify comprehensive recommendations of a constructive character.

In pursuance of this policy the committee has sought information from every available source that appeared profitable; from managers and employees of the prison system, present and past, and from citizens whose business experience, judgment and observation of the operations of the prison system qualified them to render efficient aid in the solu-

tion of the problem. Statements and recommendations herein submitted are the mature conclusions adduced from a careful review of these inquiries, and a thoughtful study of the questions involved in the conduct of the State penal system.

Necessarily, in the time at its disposal, the committee has been able to cover only the more important features of penitentiary management, and many questions of detail contributing in some degree to the present condition of prison system finances, or of more or less interest, as information concerning the conduct of the system, have not been inquired into because of lack of time.

In the presentation of its conclusions the committee has separated its report into two natural divisions, the first dealing with conditions under which the penitentiary has been conducted in the past and the policies that have affected in varying degrees the management of the institution and consequently are responsible, directly or remotely, for the existing situation, together with the committee's analysis of present conditions; and, secondly, the presentation and discussion of such policies and changes in the law and in the management of the penitentiary as has seemed to the committee best calculated to meet the demands of the future.

The committee did not enter into an investigation of the conditions surrounding the purchase by the State from the Imperial Sugar Company, of what is now known as the "Imperial State Farm," for the reason that the State is now involved in defending suit brought by the vendor for recovery of this property and for large damages, charging violation of the contract of sale upon the part of the State. This matter is now in the hands of the Attorney General, and, although the terms and conditions of this transaction are open to serious criticism, it is our opinion that with certain facts before us, we should leave it for judicial ascertainment without further comment.

#### Historical.

The Huntsville prison was established in 1849, and the earliest reference made to the Rusk penitentiary was in 1870, when the report shows two men were received there. In 1870 the Huntsville penitentiary and the entire convict population of 489 was leased to Ward, Dewey & Co., which lease continued in effect until the latter part of 1877, when the penitentiary was leased to E. H. Cunningham and L. A. Ellis, the contract

beginning in 1878 and continuing for five years. There were at this time 1569 convicts, and the most reliable information would indicate the price paid by the contractors was approximately \$3 per month per man, the State being relieved of all financial responsibility for the maintenance of the convicts.

At the end of their five-year lease, Cunningham and Ellis offered to renew it for a term of fifteen years, the maximum term the statutes permitted at that time; while Morrow, Hamblin & Co. offered to lease the Rusk penitentiary for a like period. The Eighteenth Legislature refused to ratify this lease, which action marked the end of the plan of leasing the penitentiaries as a whole, and the beginning of what is known as the convict lease system, under which men were leased in such numbers as contractors desired. The first leases were made at the price of \$15 per month, the contractors furnishing houses and food for the convicts and guards, the State bearing other expenses and employing and paying the guards. The State's portion of the expense was estimated at \$9 per month per man, netting \$6 on the contract. It may be of interest to note that the contractors were to get ten hours of labor a day. In 1898 a provision was inserted in the lease contract whereby the State was to feed all convicts under lease, the sum of \$4.50 per month being added to the contract price, this being the sum estimated as necessary to feed the men.

During the superintendency of J. A. Herring, the contract price of labor was raised to \$29 and \$31 per month, although prior to that time railroads and mining companies had paid as much as \$35 per month for convict labor, the State in each instance feeding, clothing and guarding the men.

The contract lease policy continued without interruption until the investigation of the special committee in 1909 disclosed the abuses that had grown up under long years of operation, resulting in the passage of the present statute directing the abolition of that policy, which facts are too fresh in the public mind to need further comment in this connection.

#### Audits.

The committee did not undertake an independent audit of the books of the prison system. In 1909 the special legislative investigating committee secured an audit by the Corporation Audit Company, public accountants of Dallas, which covered the period from Novem-

ber 1, 1900, to August 31, 1909. By direction of the present Prison Commission, upon the suggestion of your Excellency, an audit was made by F. J. Huey, certified public accountant of Houston, covering (1) the operations of share farms from January 1, 1910, to January 20, 1911; (2) the operations of the prison system from April 1, 1910, to December 31, 1911; and (3), the operations of the system for the year ending December 31, 1912.

When the new law became effective January 20, 1911, it provided for the appointment of an auditor for the system, Mr. A. M. Barton being appointed to that position, and his report was available, covering the period of his occupancy of the office. In March of this year, Mr. J. M. Moore was appointed auditor to succeed Mr. Barton, and the committee also had the benefit of his investigation of the financial transactions of the system. Under the circumstances it did not appear to the committee that another special audit would be justified or would disclose any fact not already known. If these audits were unreliable to determine what the records of the system show, the committee felt that it had no assurance another special audit, involving additional expense, would be any more likely to discover inaccuracies or irregularities. The audit made by the Corporation Audit Company, covering the years from November 1, 1900, to August 31, 1909, contained a large amount of valuable information respecting the operations of the prison system, and it would appear to the committee, has never been studied to much advantage either by the prison management, the State officials or by the public.

The Corporation Audit Company, in their report direct attention to the fact that for the period covered by their investigation the books had been closed only at the end of each two years; that forced balances were necessary to start with, and that at varying periods during the nine years reviewed by them the books relating to the business transactions of the prison were kept in such manner as to be practically without value, but that beginning with 1900 the accounts had been fairly well kept, though the balances at the beginning of that period had been forced.

During the past three years, and since the first of the audits mentioned was made, notable improvements have been effected in the accounting methods of the institution, but the accounting system is signally inadequate in import-

ant details, and it is imperative that many improvements must still be introduced before an institution of the magnitude of the penitentiary system can be administered upon a basis of business efficiency.

This committee has reviewed all the audits since 1900, and it is our conclusion that while the records may show, with a fair degree of correctness, most of the transactions of the prison system, such records are inaccurate and unreliable to disclose the profitableness or unprofitableness of any particular industry or business activity of the penitentiary system.

It appears that in the operations of farms or factories, items carried in one account during one period or under one management were carried in some other account at another time or by other accountants. This fact alone is sufficient to render it impossible to ascertain accurately the cost of production of different manufactured articles or the exact cost of producing various crops. The system of exchange between factories and farms appears in many instances to have been carried on upon a more or less arbitrary plan, lacking in uniformity throughout the system, and frequently independent of considerations of actual cost of producing the articles exchanged, or the value of such articles in the open market. Such illogical plans may have had the effect of showing arbitrarily a profit for a department of the system when actual conditions, including each element of cost in production of the article, would disclose the lack of net earnings, or a loss.

#### Losses at Rusk and Huntsville.

We have given careful consideration to the various manufacturing enterprises carried on at Huntsville and at Rusk, as indicated by the testimony before the committee, and the special reports secured from managers of the different departments; and while the methods of accounting do not provide absolutely correct information concerning the operations of each industry, as before stated, we are forced to the conclusion that no manufacturing industry undertaken by the prison system shows conclusively that it has ever been conducted at a profit; or, if so, certainly not for any appreciable length of time, notwithstanding certain factories in the Huntsville prison show a book profit for certain years.

Our investigation leads us to accept as the minimum loss in the nine years from November 1, 1900, to September 1,

1909, the amount indicated by the report of the Corporation Audit Company, which places the loss at Rusk at \$863,734.72, and that at Huntsville at \$352,168.71. These amounts are reached by an arbitrary credit for labor of \$609,518.32 at Rusk, and of \$448,396.95 at Huntsville, which credits are made presumably because a proportionate part of such labor credit was charged against the different industries in the two prisons. If each of the activities of the prisons was charged with the labor employed by it, then such credit is not only permissible but essential to a proper balance of the account. If the different industries were not so charged, however, and the only evidence of the charge is in the credit itself, the loss sustained would be, for Rusk, \$1,473,253.04; and, for Huntsville, \$800,565.66.

Accepting the statement of Financial Agent W. M. C. Hill, in his official report on August 31, 1902, that "Rusk at this time is due the system \$1,565,678.20, being the cost above total receipts for fifteen years," and adding thereto the subsequent losses to December 31, 1912, after absorbing all receipts, and allowing a credit of \$609,518.32 for convict labor, the Rusk penitentiary has cost the State \$2,328,305.54 above total earnings for only that part of its existence for which partial records are available.

The report of the Corporation Audit Company is illuminating as to the conditions prevailing in the management of the Rusk penitentiary for the period covered by their audit. To quote that report:

"The principal industry at Rusk is that of manufacturing pig iron and cast iron piping; the records will not permit of any intelligent report on the cost of mining ore, cost of manufacturing iron pipe, etc. We made special effort to find records of some description that would enable us to give an intelligent report on this branch of the system, but after compiling what figures we could find from various pencil memoranda, any results gathered therefrom would be misleading and without value. An idea of the records at Rusk is found in a notation on one of the books, saying, 'These few days' operations of the furnace is left blank because the furnaceman refused to make daily report.'"

The report gives the loss from operation of the iron industry at Rusk for the period covered by their examination, "Without any proportion of the general expenses and without any charge for the

salaries of the general manager and superintendents," as \$297,657.86.

It is needless to say that had the iron industry been charged with its rightful share of the general system expense, and also special salary and other expenses, the loss chargeable to this industry would be greatly augmented.

The efforts by the State to develop the iron industry at Rusk present one uninterrupted record of financial disaster. Coke is not accessible, lime rock expensive to secure, and the difficulties and cost of mining and moving the ore render it an undertaking calculated to tax the business acumen, and the executive ability of private enterprise to the utmost, which facts preclude the possibility, in the judgment of this committee, that the State can ever hope to operate this industry without tremendous loss. It is doubtful if there can be found in the history of the United States an illustration of the use of public funds for the development of natural resources upon purely sectional demands, without system or attempt at business management, and subjected to the vicissitudes of changing administrative policies, as indefensible as that presented in the attempt to promote this iron industry. The establishment of a part of the penitentiary system at Rusk, and the expenditure there of hundreds of thousands of dollars, in furnace and smaller industries, tells an impressive story of the costliness to the people of such experimental policies. The genius of modern commercial enterprise may, in the course of time, place the iron industry in East Texas upon a profitable basis, but the unbusiness-like attempts of the State at development of that industry promise only a continuing exhibition of stupendous folly prejudicial to development by legitimate industry, and emphasizing not alone the absence of business policies in affairs of the State, but apparently the inability of the State to legislate with reasonable regard for business considerations.

We have considered the iron industry at Rusk with regard to the contract entered into between Your Excellency on behalf of the State and private parties for the operation of the State furnace, and have carefully inquired into the probability of profitable employment of convicts in mining the ore and delivering it to the furnace, and although the State's heavy investment in the Rusk plant suggests the importance of extraordinary efforts to derive the largest possible returns to the State from the

proposed operation of the furnace, through the employment of a considerable force of convicts at remunerative wages, it is the conclusion of the committee that, under the terms of the contract, convicts cannot be used with profit in this work; and that the best interests of the State will be subserved by selling the ore to the lessees in the beds, notwithstanding the price named in the contract is negligible. It no doubt was advisable to lease the Rusk furnace for the period stipulated in the contract for the purpose of inducing private enterprises to undertake the development of the iron industry of East Texas; at the same time, we feel we should suggest that so long as private parties are able to lease these valuable properties at the price to be paid, they are unlikely to endeavor to purchase, at a reasonable valuation.

#### Revenues, 1901 to 1910.

With the idea of presenting a comparison of the cost of per capita maintenance of the convicts under the old law and under the new, the committee ascertained as nearly as the records disclose the receipts of the system for the preceding ten years. When an effort was made to figure the relative cost, it was found that no equitable plan could be devised upon which to make the desired comparison. For example, there was nothing in the books of the preceding years, or the audits covering that time, to show that a charge for labor had been made in all the units of the system; nor was the record of expenditures for permanent improvements and betterment sufficiently reliable to justify the assumption that the total of such expenditures, or even any material proportion of them, had been accounted for. Therefore, owing to the differences in the accounting record, and lack of complete detailed statements showing receipts and expenditures, and operating, maintenance and overhead expenses, any comparison of per capita cost of conducting the prison system would be of no value.

As furnishing pertinent information respecting the financial history of the prison system, however, the statement of sources of revenue for the years indicated will be found of special interest.

The total of appropriations for these ten years was:

For the biennial period ending August 31, 1902 . . . . .	\$135,625 00
For 1903-4 . . . . .	385,996 78
For 1905-6 . . . . .	77,619 99

For 1907-8 . . . . .	21,510 00
For 1909-10 . . . . .	164,485 45

Total . . . . . \$785,237 22

The income from State farms for the ten-year period was \$1,621,219.16.

During this period the Harlem, Clemens and Wynne farms were operated all of the time, the Ramsey farm for three years and Imperial farm two years.

From the operation of share farms the receipts for the ten years were \$2,900,008.28.

These share farm receipts were derived from the operations of the Williams, Farris, Dunovant, Johns, Stratton, Spiller, Whatley, Johnson, Walnut and Eastham farms.'

Miscellaneous gross receipts, including the output of the Rusk and Huntsville prisons, the Texas State Railroad and the Star State sawmill in this period aggregated \$3,036,677.60.

The terms under which the share farms were worked were that the State receive 60 per cent and the landowner 40 per cent of the products, the State furnishing the men and feeding, clothing and guarding them, while the landlord furnished teams, tools and feed for the teams, as also buildings in which to house the men.

The receipts during the ten years named from convict lease labor contracts were for—

1901 . . . . .	\$376,948 43
1902 . . . . .	375,556 47
1903 . . . . .	399,584 76
1904 . . . . .	417,836 72
1905 . . . . .	404,235 74
1906 . . . . .	428,382 80
1907 . . . . .	417,441 47
1908 . . . . .	473,135 89
1909 . . . . .	460,381 41
1910 . . . . .	344,735 85

The grand total of receipts from the four sources named in the records of the prison system for the years indicated is \$12,405,821.06.

During this period the property account of the prison system was increased by the purchase and payment for the Ramsey farm at a cost of \$106,727.50, and the Imperial farm at a cost of \$160,000.

For the four years immediately preceding the date on which the new law became effective the receipts from lease contracts were the greatest of any four years in the history of the prison system, being \$1,695,694.66, or \$45,654.64 more than for the preceding four years.

In his statements before the committee, Judge W. H. Gill, chairman of the

Prison Board during the four years preceding the present law, commenting upon the lease system, said:

"I understand the lease system should have been abolished in 1914. They were to give us three years to wipe it out. Will say here that it was the policy of our administration and the preceding administration to abolish the lease system without reference to the date fixed by law. I think now it was a mistake to have done it as it was done. The law ought to have done it in a different way. Under the lease system the State housed its convicts, clothed its convicts, fed its convicts, and at its own expense, just like it does on its farms. They were handled by guards employed by the State, and they were under the control of a sergeant controlled by the State, and it was up to the sergeant to say whether and how many hours they should work, but there was always a danger of abuse, and the owner of a plantation who was paying \$31 per month for convicts had the temptation before him all the time to induce the guards to overwork the convicts, and there was that danger whether it actually occurred or not, that the guard or sergeant might be corrupted. That was the only harm I knew of the lease system while I was in office. I know of occasions of overwork. I know by hearsay, there were some pretty hard drivers, but I don't know if it exceeded then what free labor is forced to do in emergencies where they are threatened with a freeze or their crops are in the grass. I never saw them work any harder than the free negro on the farm does. There was no reason why, if the lease system had been properly abandoned, the State might not have found ample work for their convicts on the farms, for there were plantation owners with land planted to cane, and other lands with other crops that the State could either have got for money rent or part of the crop. We worked the Sugarland plantation that way when I went out of office, and they made it a paying proposition, too, I think."

By reference to the penitentiary records it is shown that the statement of Mr. Gill to the effect that the administration of which he was a part, as well as the previous administrations, had followed the policy of eliminating the lease system is borne out. The fact that the administration of Judge Gill was directed towards the increased employment of convicts on share farms is also indicated. In 1906 there were 1772 men leased to contractors, and 452 worked on share

farms; and in 1910 there were 1056 men leased to contractors and 821 were worked on shares.

Under these circumstances, of a constant decrease in the number of leased men, the fact that the four years covered by Judge Gill's administration shows the largest receipts from the sale of labor requires explanation. This explanation is found in the increase during that period of the charge of leased labor to \$31 per month, while the railway and mining companies paid \$35 per month.

#### Present Indebtedness.

In the endeavor to present in full detail the present indebtedness of the prison system in such manner as will enable the Legislature to secure a comprehensive idea not only of the indebtedness but of the assets and liabilities and of the operation of the various departments of the system, the committee submits herewith a series of statements bearing upon the financial operations of the system.

Statement No. 1 presents the assets and liabilities of the system on December 31, 1912, as also surplus from operations. It will be observed that the Rusk State Railroad bonds of \$100,000 is being carried as a liability, while the prison system is carrying as an asset \$91,070.53 in its general account for money paid out on account of the railroad, which would leave a balance of \$8929.47 in favor of the system. Full detail of these accounts may be found in the records of the prison system or may be derived from the special audit of certified public accountant, F. J. Huey, for the year 1912.

#### Assets and Liabilities of Prison System.

##### Assets.

Cash .....	\$ 38,772 24
Bills receivable .....	33,608 71
Accounts receivable .....	276,290 45
Texas State R. R. (general account) .....	91,070 53
Property accounts .....	3,876,161 49

##### Huntsville, Rusk and Farms—

O p e r a t i n g H u n t s v i l l e p e n i t e n - t i a r y .....	\$158,815 50
State farms. ....	262,126 50
Share farms. ....	18,794 68
Rusk penitentiary .....	41,880 50

481,617 18

\$4,797,500 60

#### Liabilities.

Capital .....	\$2,195,214 91
Appropriations .....	310,000 00
First mortgage R. R. bond.	100,000 00
Bills payable .....	\$912,374.93
Accounts payable .....	441,107 08
Pay roll .....	25,807 18
Per diem due convicts .....	112,713 81
Accrued interest and taxes .....	36,455 04
	1,528,458 04
Surplus .....	\$ 662,827 65
	\$4,797,500 60

Statement Expenditures and Indebtedness Incurred, January 20, 1911, to December 31, 1912.

Statement No. 2 shows the total expenditures of January 20, 1911, to December 31, 1912, in excess of the earnings of the system for the two years; or, in other words, this statement shows the assets created out of the indebtedness incurred during this period, as also exhibiting the losses sustained from the operations of the system during the period. The statement also shows the appropriations by the Legislature for the two years; the amounts due sundry individuals and companies, as also the amount of cash spent during that period in excess of the amounts received.

Full details of the operations of the prison system will be found in the audit of Accountant F. J. Huey on file.

Expenditures for buildings, live stock equipment, etc.	\$ 652,086 92
Addition to inventories of operating supplies .....	82,954 52
Additions to accounts and bills receivable .....	271,923 52
Loss from operations, farms and industries, 1911....	375,287 15
Loss from operations, farms and industries, 1912....	416,753 20
	\$1,802,005 31

The penitentiary indebtedness being in excess of earnings December 30, 1912, is as follows:

Incurred during period January 20, 1911, to December 31, 1912:	
Appropriations by State....	\$ 310,000 00
Accounts payable in notes, pay rolls and interest accrued and per diem due convicts .....	1,481,299 49
	\$1,791,299 49

Cash on hand January 20, 1911, in excess of amount on hand December 31, 1912 .....	10,705 82
	<u>\$1,802,005 31</u>
Financial condition July 1, 1913:	
Indebtedness Dec. 31, 1912. \$1,528,458 04	
Indebtedness July 1, 1913.. \$1,656,835 47	
Appropriations by 33d Legislature ... 550,000 00	
Receipts of prison system Jan- uary 1, 1913, to July 1, 1913 .... 59,747 15	
Balance in State Treasurer's of- fice July 1, 1913.. 192,969 42	
	<u>\$1,721,427 46</u>
	<u>\$2,266,582 62</u>
Increase in indebted- ness from January 1, 1913, to July 1, 1913 .... 545,155 16	
	<u>\$2,266,582 62</u>
	<u>\$2,266,582 62</u>

From this statement it will be determined that the expense of conducting the prison system is now approximating the sum of \$1,000,000 per annum. It is proper to state, however, that the expenditures for the first half of the year, being the season of heaviest expense incurred in planting and cultivating the crops, may be somewhat in excess of those for the remainder of the year.

It will also be seen that the receipts thus far reported during 1913 amount only to \$59,747.15, the remainder of the expenditure for the current year being derived from the cash appropriations. Attention should be directed to the fact that the period represented in this statement covers that portion of the year when there are practically no receipts from the operations of the prison system.

Statement No. 3 shows the actual cash receipts, and the actual cash disburse-

ments from January 20, 1911, to December 31, 1912. The statement does not include sales by system industrial departments to the farms, or department exchanges, for which a book charge only is made. It will be observed that the cash on hand January 20, 1911, was \$49,478.06, and the cash on hand December 31, 1912, was \$38,772.24, the difference of \$10,705.82 being shown as cash disbursed on statement No. 2.

Cash on hand Jan- uary 20, 1911 ....	\$ 49,478 06
State approp- riations \$ 310,000 00	
Borrowed from banks and share farm con- tractors . 232,246 34	
Sale of crops, mfg. prod- ucts, etc.. 1,075,578 14	
Received from lease contract- ors . . . 212,395 55	
	<u>1,830,220 03</u>
	<u>\$1,879,698 09</u>
Less Disbursements—	
Pay rolls . \$ 630,472 41	
Transfer agents' salaries . 7,140 00	
Convict per diem. 90,162 02	
Food, sup- plies, live stock, im- prove- ments, equip- ment and repairs .. 1,113,151 42	
	<u>1,840,925 85</u>

Cash on  
hand \$ 38,772 24  
Sales of crops, manufactured products,  
etc., \$1,075,575.14, includes sales for  
cash only, and does not include sales to  
the farms or other departments, for  
which a book charge only was made.

#### Accounts Charged Off.

In the period between 1900 and 1910  
the following sums represented by notes

have been charged off the books as loss. From the Huntsville books, something more than \$44,571.35; and from the Rusk books more than \$49,820.65. In addition to these notes the auditors direct attention to the facts that there were open accounts of various sums never collected; or to quote the auditors "if collected not accounted for." The books on May 1 of this year show accounts of \$165,270.50; and notes amounting to \$27,164.86. Of these sums, accounts aggregating \$60,953.70, and notes amounting to \$10,250.04, being a total of \$71,203.74, were on the books when the present management assumed control of the prison system in 1911, which would indicate the improbability that anything can be realized from them. In this connection, we would state that the audit of 1912 shows that out of \$276,270.45 in all probability \$118,700.97 may not be collected, the auditor declaring the accounts of doubtful value. Among the accounts classed as doubtful is included \$78,734.57 representing cane grown by the prison system and sold to the Imperial Sugar Company, for which suit is pending.

Attention is directed by the committee to these losses and the status of these accounts for the purpose of emphasizing the lack of proper business methods in the sale and collecting department of the prison system extending back as far as the special audits have been conducted into the records of the transactions of the system.

#### Farm Operation Losses.

We have examined at considerable length into the operation of the different prison system departments and direct attention to the result of the operation of the State farms and share and lease farms for the years 1911 and 1912. The losses sustained by the farms are as follows: In all instances a convict labor charge of 50 cents per day was allowed in addition to maintenance supplies.

The operations for 1911 show:

Harlem State farm, loss from operation .....	\$ 55,643 67
Harlem sugar house, loss from operation .....	22,202 37
Imperial State farm, loss from operation .....	54,370 79
Ramsey State farm, loss from operation .....	40,189 22
Clemens State farm, loss from operation .....	37,229 04
Clemens sugar house, net earnings .....	33,586 67

Goree State farm, loss from operation .....	7,063 30
Wynne State farm, loss from operation .....	11,053 17
Bassett Blakely share farm, loss from operation.....	9,451 59
H. L. Trammell share farm, loss from operation.....	9,300 10
Lakeside Sugar Co. share farm, loss from operation.	20,407 76
E. A. Eastham share farm, loss from operation.....	7,675 74
Imperial Sugar Co. share farm, loss from operation.	29,645 36
Burleson & Johns share farm, loss from operation.....	11,824 80
Elkins & Gibson share farm, loss from operation.....	10,818 35
H. S. Drew & Bro. share farm, loss from operation.	20,813 70
Della Eastham share farm, loss from operation.....	22,252 19
N. A. Shaw share farm, loss from operation .....	12,268 20

Total loss from farm operations .....\$382,209 37

Net profit Clemens sugar house .....

\$ 33,586 67

The operations of the State and lease farms for the year 1912 show the following results:

Harlem State farm, loss from operation .....	\$ 12,531 96
Harlem sugar mill, loss from operation .....	19,308 38
Imperial State farm, loss from operation .....	100,274 54
Ramsey State farm, loss from operation.....	66,213 40
Clemens State farm, loss from operation.....	78,787 76
Clemens sugar house, loss from operation .....	11,118 51
Goree State farm, loss from operation .....	5,188 76
Wynne State farm, loss from operation .....	9,794 25
Bassett Blakely leased farm, loss from operation.....	15,648 29
Burleson & Johns leased farm, loss from operation.	35,166 01
N. A. Shaw share farm, loss from operation.....	25,233 37
Lakeside Sugar R. Co. share farm, loss from operation.	54,821 91
H. L. Trammell share farm, loss from operation.....	12,937 26

Total losses for two years .....\$471,685 44

Net profit Clemens sugar house (for 1911) .... \$35,586 67

During the time covered by the foregoing statement of operations a considerable amount of work has been done on some of the State farms for which the property account of the prison system is entitled to credit. The charges for work of this character on the different farms are as follows:

Credit for clearing and ditching land on Clemens farm.	\$ 28,748 20
Credit for clearing and ditching land on Ramsey farm.	55,585 50
Credit, improvements Imperial farm	21,496 20
Credit, clearing land Harlem farm	27,674 60
	<hr/>
	\$133,504 50

From the foregoing statements it is observed that the expenditures in the operation of the farms exceeds receipts for the two years in the sum of \$820,326.37, and hence to this amount affects the indebtedness of the system; while the amount of \$133,504.50 represents the improvements and credit to be made to the property account.

There can be no doubt of the fact that the freeze of 1911 represented a serious loss, estimated anywhere from \$200,000 to \$300,000, though no reliable figures are obtainable, as sugar cane is a crop subject to considerable hazard. The loss due to the freeze, however, so far as it affects the present indebtedness of the system can only be measured by the amount it cost the system in cash, or obligations, just as a crop failure of any other character would be applicable. This is included in farm losses. It should be mentioned that even with the freeze the return from the cane crop of 1911 compares favorable with that of 1912, in which year there was a drought, the returns from the cane crop for the two years being as follows:

1911—

Cane from Clemens farm.	\$ 88,303 74
Cane from Imperial farm...	32,874 78
Cane from Ramsey farm....	25,495 20
Cane from Harlem farm....	32,602 90
	<hr/>

Total receipts from the four State farms.....\$179,276 52

Of this amount the sum of \$78,734.57 is not yet paid and is involved in suit.  
1912—

Cane from Clemens farm....	\$ 32,589 16
Cane from Harlem farm....	40,511 96

Cane from Ramsey farm....	11,790 81
Cane from Imperial farm...	26,589 34

Total of .....\$111,481 27

In this year there was an unusually light rainfall during the maturing season.

Altogether, these two years forceably remind us that sugar cane and the making of sugar is a very hazardous industry. It is to be regretted that the returns from these farms did not realize expectations entertained of the cane crop, but we cannot agree with the Prison Commission in the conclusion that the estimated value of the cane crop, before the freeze, accounts for \$250,000 or more of our present indebtedness, for the reason that the true charge is equal only to the amount expended and not recovered. As a matter of course, the indebtedness would have been much reduced had no freeze occurred, but the same could be said of our cotton crop of 1912 had there be no drought.

It may be said in this connection that while the three disastrous fires in the two penitentiaries caused a property loss estimated at \$286,931.75, the direct effect upon the present indebtedness of the system can only be measured by the actual cost of the partial restoration of the plants, which is estimated to date by Commissioner L. W. Tittle at \$60,000.

In addition to this actual cash payments for repairs to roofs and new machinery were made, amounting to \$26,100.

#### Per Capita of Maintenance.

Cost per capita, per diem and per month on the State, lease and share farms for the years 1911 and 1912. This includes maintenance, supplies and clothing only, plus 9 cents per diem per capita overhead system charges, and the 10 cents per diem required by law.

Note.—The average cost per capita per month for the entire system for the year 1911 was \$17.03, and for 1912, \$20.59, including overhead charges and per diem.

#### Harlem State Farm—

Cost per diem convict	
M. S. and clothing..	\$0.5920
Cost per diem convict	
overhead expense system .....	.19

Per diem .....\$0.7820

Per month, maintenance, supplies and clothing with overhead charges .....	\$23 46
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Imperial State Farm—		Per month, maintenance, supplies and clothing with overhead charges .....	
Cost per diem convict		Lakeside Sugar Co.—	
M., S. and clothing..	\$0.5213	Cost per diem convict	19.66
Cost per diem convict		M., S. and clothing..	\$0.5151
overhead expense system .....	.19	Cost per diem convict	
		overhead expense sys-	
		tem .....	.19
Per diem .....	\$0.7113	Per diem .....	\$0.7051
Per month, maintenance, supplies and clothing with overhead charges .....	21 33	Per month, maintenance, supplies and clothing with overhead charges .....	21.15
Ramsey State Farm—		Bassett Blakely Share Farm—	
Cost per diem convict,		Cost per diem convict	
M., S. and clothing..	\$0.5159	M. S. and clothing..	\$0.3324
Cost per diem convict		Cost per diem convict	
overhead expense sys-		overhead expense sys-	
tem .....	.19	tem .....	.19
Per diem .....	\$0.7059	Per diem .....	\$0.5224
Per month, maintenance, supplies and clothing with overhead charges .....	21 17	Per month, maintenance, supplies and clothing with overhead charges .....	15.67
Clemens State Farm—		H. L. Trammell Share Farm—	
Cost per diem, M., S.		Cost per diem convict	
and clothing .....	\$0.6965	M., S. and clothing..	\$0.3929
Cost per diem overhead		Cost per diem overhead	
expense system .....	.19	expense system .....	.19
Per diem .....	\$0.8865	Per diem .....	\$0.5829
Per month, maintenance, supplies and clothing with overhead charges .....	26 59	Per month, maintenance, supplies and clothing with overhead charges .....	17 48
Burleson & John Share Farm—		Average per month, all farms .....	\$20 18
Cost per diem, M., S.		Note.—Overhead charge for general	
and clothing .....	\$0.3479	system, expense and per diem amounts	
Cost per diem, overhead		to \$5.70 per month, and increases per	
expense system ....	.19	capita cost to this extent.	
Per diem .....	\$0.5379	1912.	
Per month, maintenance, supplies and clothing with overhead charges .....	17 13	Harlem State Farm—	
T. W. House Contract Force—		Cost per diem convict,	
Cost per diem, M., S.		M., S. and clothing..	\$0.7383
and clothing .....	\$0.3876	Cost per diem convict,	
Cost per diem, overhead		overhead expense sys-	
expense system .....	.19	tem .....	.19
Per diem .....	\$0.5776	Per diem .....	\$0.9288
Per month, maintenance, supplies and clothing with overhead charges .....	17 32	Per month, maintenance, supplies and clothing, including	
N. A. Shaw Share Farm—		overhead charges .....	\$27 864
Cost per diem ,M., S.		Imperial State Farm—	
and clothing .....	\$0.4652	Cost per diem convict	
Cost per diem, overhead		M., S. and clothing..	\$0.596
expense system .....	.19		
Per diem .....	\$0.6552		

Cost per diem convict, overhead expense of system ..... .19		N. A. Shaw Farm— Cost per diem convict, maintenance, supplies and clothing ..... \$0.492
Per diem ..... \$0.786		Cost per diem convict, overhead charge of system ..... .19
Per month, maintenance, supplies and clothing, including overhead charges .....	23 58	Per diem ..... \$0.682
Ramsey State Farm— Cost per diem convict, M., S. and clothing..\$0.68		Per month, maintenance, supplies and clothing, including overhead charges .....
Cost per diem convict, overhead expense sys- tem ..... .19		Lakeside Sugar R. Co. Share Farm— Cost per diem convict, M., S. and clothing..\$0.547
Per diem ..... \$0.87		Cost per diem convict, overhead charges sys- tem ..... .19
Per month, maintenance, supplies and clothing, plus over- head charges .....	25 10	Per diem ..... \$0.737
Clemens State Farm— Cost per diem convict, M., S. and clothing..\$0.604		Per month, maintenance, supplies and clothing and over- head charges .....
Cost per diem convict, overhead charge sys- tem ..... .19		Bassett Blakely Lease Farm— Cost per diem convict, M., S. and clothing..\$0.64
Per diem ..... \$0.794		Cost per diem convict, overhead charges sys- tem ..... .19
Per month, maintenance, supplies and clothing and over- head charges .....	23 82	Per diem ..... \$0.83
Note.—Average per capita cost of convicts per month, including maintenance, supplies, clothing and overhead charge 19 cents, \$24.0978.		Per month, maintenance, supplies and clothing and over- head charges .....
1912.		H. L. Trammell— Cost per diem per con- vict, M., S. and cloth- ing ..... \$0.487
Burleson & Johns Leased Farm— Cost per diem convict M., S. and clothing..\$0.6348		Cost per diem per con- vict, overhead charges system ..... .19
Cost per diem convict, overhead expense sys- tem ..... .19		Per diem ..... \$0.677
Per diem ..... \$0.8248		Per month, maintenance, supplies and clothing and over- head charges .....
Per month, maintenance, supplies and clothing, with over- head charges in- cluded .....	27 745	24 90
T. W. House Leased Farm— Cost per diem convict, M. S. and clothing..\$0.723		Acreage and Distribution of Men. -
Cost per diem convict, overhead charges sys- tem ..... .19		These tables are taken from state- ments submitted for the years 1911 and 1912. The variation in acreage culti- vated per capita can be accounted for only by the surplus men carried on the farms or by reason of considerable clear- ing of land and labor performed other than the actual operation of the farms.
Per diem ..... \$0.913		1911.
Per month, maintenance, supplies and clothing, including overhead charges .....	27 09	Acreage—State farms, 18,057; share farms, 25,363; contract farms, 18,680. Total, 62,140.

Number Men—State farms, 1000; share farms, 1059; contract farms, 605. Total, 2664.

Acreage per Man—State farms, 18; share farms, 24; contract farms, 30.88.

General average, 24 acres per man, 1911.

1912.

Acreage—State, 21,218; leased, 7705; share, 6810; contract, 11,170. Total, 36,993.

Number Men,—State, 1951; leased, 461; share, 416; contract, 43. Total, 2871.

Acreage per Man—State, 10.87; leased, 16.88; share, 16.37; contract, 41.

General average, 12.9 acres per man, 1912.

State Farms—1912.

Acreage—Harlem, 4570; Clemens, 4270; Imperial, 5233; Ramsey, 2773; Wynne, 355; Goree, 550.

Number Men—Harlem, 207; Clemens, 215; Imperial, 282; Ramsey, 167; Wynne, 52; Goree, 52.

Acreage per Man—Harlem, 22; Clemens, 19 6-7; Imperial, 18 5-9; Ramsey, 16 5-8; Wynne, 6 4-5; Goree, 10 3-5.

State Farms—1912.

Acreage—Harlem, 5093; Clemens, 4786; Imperial, 6037; Ramsey, 4045; Wynne, 291; Goree, 491.

Number Men—Harlem, 385; Clemens, 432; Imperial, 513; Ramsey, 421; Wynne, 88; Goree, 72.

Acreage per Man—Harlem, 13; Clemens, 11; Imperial, 11 3-5; Ramsey, 9 1-2; Wynne, 3 1-2; Goree, 6 5-7.

Report of A. M. Barton, September 1, 1910, on State farms only; no others available.

Acreage—Clemens, 4000; Ramsey, 3000; Imperial, 4500; Harlem, 3000.

Number Men—Clemens, 344; Ramsey, 181; Imperial, 334; Harlem, 161.

Acreage per Man—Clemens, 11 6-10; Ramsey, 16; Imperial, 13 1-2; Harlem, 18 6-10, and 1000 acres leased.

These tables of acreage cultivated in different years, in the judgment of the committee, present two facts demanding consideration. The first is the lamentable absence of any definite plan in the farm operations of the system, intended to utilize labor economically and efficiently; and the second is that, according to the testimony secured at the hearings, the control over the labor, under existing conditions, is so lax and inefficient that it will be found extremely difficult to maintain a definite policy of operations approaching the real labor efficiency of the number of convicts em-

ployed, both of which conditions must be improved before anything approaching satisfactory results may be expected.

#### Increased Expenses and Losses Under the New Law.

The fact that more or less of the increase in the cost of conducting the prison system has been charged directly and indirectly to the mandatory provisions of the new law, makes it essential that we review the provisions of the statutes bearing directly upon the financial operations of the system, and the labor efficiency of convicts.

The largest single increase in expenditures required by the new law is that providing for the payment of 10 cents per day to convicts. This has aggregated from January 20, 1911, to December 31, 1912, \$233,000.73. This sum includes certain amounts allowed to lifetime men under a decision of the Attorney General rendered since December 31, 1912.

The provision of the law limiting the number of hours convicts must work and making allowance for overtime to cooks and all other convicts, no matter what class of service they perform, has been responsible for an increase from December 31, 1912, in the cost of the system of \$50,777.10.

The increase in the expense of the system through the change in management, as provided in Section 4 of the law, which refers to the Prison Commissioners, has been \$7520 to the end of the year 1912.

The creation of the offices of auditor, \$2400; parole agent, \$1500, and prison dentist, \$1800, has resulted in an increase expense to December 31, 1912, of \$11,400.

The increased expenses caused by provision for teachers and chaplains and increase of salaries of guards, stewards, and others, has amounted to approximately \$47,600.

The increase of cost of handling new convicts, the new law requiring all convicts to be sent direct to Huntsville, and later distributed, estimated to represent an added expense of \$5.00 for each convict, has been responsible for increased expenditures amounting to \$12,500.

The provision requiring segregation of the women convicts is declared responsible for the increase in the expense of the system of about \$2000, represented in additional pay of guards, physicians and chaplain. The law provides that convicts shall be furnished transporta-

tion to any point in the State that they may elect. The records show that in 1910 there were 1049 men discharged, at an average per capita cost of \$16.49; while in 1911 there were 1129 men discharged at a per capita cost of \$23.55, or an increase under the new law of \$7.06 each man released. For the two years, 1911-12, this will represent an increase of approximately \$15,000.

This indicates a total mandatory increase in the penitentiary expenditures required by the new law amounting in the two years, 1911-12, to \$379,791.73.

When the new law was passed in August, 1910, the sentiment of the people having found expression in a demand for the abolition of the lease contract system, the prison officials immediately began the elimination of the system, and the records show that no release has been renewed or a new one entered into since the passage of the present law. In anticipation of providing for the employment of men who would be released by expirations of leases, the prison authorities in 1910 made contracts for a number of share farms; such contracts being for the farms of Imperial Sugar Co.; Elkins & Gibson, Burleson & Johns, Bassett Blakely, Della Eastham, B. A. Eastham, Dew Bros., Lakeside Sugar Co., H. L. Trammell, and N. A. Shaw, a total of 24,533 acres, to run one and two years.

These share farm contracts proved unprofitable in 1911; the losses as determined by the special audit made by certified public accountant, F. J. Huey, being \$154,457.81.

At the expiration of these share farm contracts in 1911, the Prison Commission discontinued the share farm policy and adopted the policy of leasing from private parties for money rent, with options to give part of the crop, for such additional lands as were needed to employ the men available for farm work. The farms so leased in 1912 included 10,300 acres, on contracts for one to five years.

According to the audit of the prison system accounts by Accountant Huey for the year 1912 the losses on these lease farms were shown to have been \$75,475.24.

Acreage considered, the losses under the lease farm policy were approximately the same as the losses under the share farm plan.

The prison system was unfortunate in 1911 in experiencing two fires—a fire at Huntsville on December 4, 1911, causing injury to buildings of \$133,375; to

machinery of \$62,550.75, and to products of \$61,006; a total loss to the property account at Huntsville of \$256,931.75; also a fire at Rusk in 1911, entailing a loss to buildings of \$25,000, and of material \$5000; a total loss to the property account of the system of \$286,931.75.

In 1911, by all of the testimony available to the committee, there must have been the largest cane crop South Texas has had for many years. The prison system had a considerable crop that year—12,370 acres—evidenced by the fact that, notwithstanding the heavy losses from freeze, the receipts from the crop for 1911 were greater by \$48,004.84 than for 1912, when the system gathered and marketed all of the yield.

When the present law was passed in August, 1910, there were 1046 men under lease contract. When the new law became effective January 20, 1911, the number under lease was 883; of this number 711 were being worked by the contractors on farms and 172 on railroads. These leases were with the following persons: John D. Rogers, contract to expire January 31, 1912, but canceled November 15, 1912, because the contractor represented he did not need the men longer and desired to be released. W. T. Eldridge, contract expiring December 31, 1911. A. P. Borden, contract expiring December 31, 1911. Dew Brothers, contract expiring December 31, 1911. Dyer and Bertrand, contract expiring December 31, 1911. T. B. Henderson, contract expiring December 31, 1911, but canceled June 26, 1911, upon contractor's representation that the labor was unsatisfactory and his request to be released. W. L. Steele, contract expiring December 31, 1911, but canceled November 20, 1911, the contractor representing that he no longer desired the men. C. G. Wood, contract expiring December 31, 1911. Adams Brothers, contract expiring December 31, 1911. G., C. & S. F. Ry. Co., contract expiring December 31, 1911. Sugarland Ry., contract expiring December 31, 1911. T. W. House, contract expiring December 31, 1911.

The amount collected by the present Prison Commission from leased labor contracts expiring since January 20, 1912, was for contracts expiring in 1911, \$196,291.99; and for 1912, \$14,094.33; a total of \$210,386.52.

If it be desired to make further comparison of the revenues from lease labor contracts, the records show that for the years 1907-8 the State received \$890,-

**595.36.** For 1909-10 the receipts from leased labor contracts amounted to \$805,117.30. Or, the difference in receipts from leased contracts between 1909-10, and 1911-12, of \$594,730.78. Or a difference for the preceding two years of \$680,208.84.

Inasmuch as the loss revenue from the lease of convicts has been cited as an important factor contributing to the present indebtedness of the prison system, the committee, after much thought, has concluded that it is justified in discussing briefly the collateral facts of the abolition of the lease policy. When the present law was before the Legislature, and even after the provision for continuing the lease system until January 1, 1914, was incorporated, the bill, as it left the Senate, carried an appropriation of \$500,000 for the purpose of supplanting the loss of revenue which it was supposed would necessarily follow up a statutory declaration in opposition to the lease system, and from the widespread feeling of antagonism to the lease system throughout the State. This proposed appropriation was reduced in the House of Representatives to \$200,000, and later, according to best information available, eliminated entirely to secure Executive approval for the law. This was during the Special Session of the Thirty-first Legislature, convened August, 1910.

When the present prison authorities assumed control of the penitentiary system, they found 883 convicts under lease, for which the State was receiving pay at the rate of \$29 and \$31 per month. Following the policy begun by the authorities in 1910, after the passage of the law, the present Prison Commission took official action abolishing the convict lease plan on May 20, 1911, as disclosed in the minutes of the official proceedings of the Commission. In the absence of an appropriation of sufficient amount to carry the penitentiary over the period of transition in policy from the lease to the ownership of farms, we are compelled to believe the intent of the Legislature in leaving the provision for an extension of the lease plan to 1914 was to provide revenues which could not be secured by appropriations, and that, although the will of the people seemed to demand abolition of the policy, financial expediency dictated its sufferance for three years more.

The committee conceives these to be the facts; and in dismissing this feature of its investigation does not feel called upon to express an opinion as to whether

or not, under all the circumstances, of facing a known loss of revenue of considerable proportion on the one hand, and the certain knowledge that public opinion, crystallized from the agitation in 1909-10, favoring the earliest possible abolition of the convict leases, the lease policy should have been continued for the three years indicated by the law. Two observations, however, the committee feels pertinent: The first of which is that when the State is moved to the extent of declaring for a change of policy in the name of humanitarianism, it should display the practical humanitarianism of providing the reasonable cost of the inauguration of such policy; and the second observation is that as long as the purely business management of State institutions is subjected to the exigencies of popular expression, business considerations will be eclipsed by subservience to popular acclaim.

It has been charged that the provision of the law limiting the hours of labor, together with the suspension of the long-used method of punishment in the penitentiary—the strap—has resulted in decreasing the productive efficiency of convict labor in a very large degree. The inquiries of the committee concerning this feature of the law were extended, and though the testimony was practically unanimous in declaring that the effect of the law has been to increase the cost to the penitentiary system of its convict labor there was considerable diversity of opinion as to the extent of such diminution in the value of labor in the prison system to the various enterprises and activities conducted by the system. The committee has given much thought to this phase of the law, and to the representations made regarding its effect upon prison system operations, and are convinced that the law has operated to measurably decrease the efficiency of the men engaged in productive labor in the prison system, but to what extent the limitations on the hours of labor and its unresponsiveness to the special requirements of the different activities of the system is responsible for the increase in the cost of the maintenance and operating of the prison system, the committee has no reliable means of determining.

#### The Penitentiary Is Part of State Government.

Our penitentiary system may be compared to a great diversified business industry involving the investment of over

four millions of dollars. In this respect it is a plain business proposition calling for strictly business administration regardless of all other considerations. Every citizen is a stockholder and has an interest, not only in its intelligent management, but in addition thereto, in the proper care and training of the four thousand human souls involved. The best business brain available should be secured and placed in charge regardless of political affiliation or place of residence. The hope of our penitentiary system lies in the selection of competent, non-partisan management absolutely divorced from every consideration other than modern business principles to be applied in co-operation with humane control of our convict wards. As a State, we are confronted with the problem of utilizing the labor of these four thousand convicts so as to make it self-sustaining, if it can be done, without the sacrifice of humanitarian considerations. If this cannot be done, then the problem resolves itself into one of reducing the loss to a minimum. If the exigencies of circumstances demand it, we can rightfully sacrifice dollars for humanity's sake, but not for private or public reward or gain. One of the principal causes, and probably the main cause, leading up to present conditions, can be charged to the idea, almost universal in penitentiary circles, that the penal system is a law unto itself. And, indeed, for many years it has been treated as an outlying province, responsible to no one but itself. Prior to the enactment of the present statute, its revenues had not been required to be paid into the State Treasury, as were the revenues of all other departments, and the idea had become fixed that such revenues belong to the system for the system to dispose of at will and without the interference of legislative authority.

Such doctrine is both dangerous and demoralizing. No institution owned by the State should be permitted, even for a day, to pass from under the control and direction of the State. Such a policy is unwise both toward the State and toward the institution. Money comes too easily and is expended too recklessly. Relieved of legislative limitation and review, the only question is, how much money will be available, and even this is anticipated. Industries are inaugurated, and expensive buildings erected to suit the ideas of the management in authority, which may be entirely changed by the succeeding one.

Elements Entering Into the Present  
Financial Condition of the System  
as of Date January 20, 1911, to  
January 1, 1913.

Loss from operation—farms	\$ 820,326 37
Advanced account opera-tion—State Railroad....	49,670 42
Expenditures—partial res-toration account fires...	86,100 00
Per diem to convicts re-quired by law, paid....	90,162 02
Unpaid account for 1911, cane .....	78,734 57
Per diem to convicts re-quired by law, unpaid...	142,838 71
Construction of houses and furnishing same, for offi-cers and employes, ap-proximately .....	35,000 00
Increase in salaries, autho-rized by law.....	7,520 00
Increase in salaries, autho-rized by law, 1911, auditor, dentist and parole agent	11,400 00
Interest on bills payable and taxes, unpaid.....	36,455 04
Overtime to December 31, 1912 .....	50,777 10
Increase expense account, chaplain, teachers, and increased salary of stew-ards and guards, for two years .....	47,600 00
Increase transportation, cost due to concentrat-ing all convicts at Huntsville, estimated \$5 per convict .....	12,500 00
Segregation of women con-victs; additional guards' salary, matron, physi-cian and chaplain...	2,000 00
Increased cost of transpor-tation, account released convicts .....	15,000 00
Total .....	\$1,486,084 23

The records of the system show that improvements have been made upon the several farms and at Huntsville and Rusk during the period between January 20, 1911, and May 1, 1913, repre-senting an outlay of \$589,871.48. While accounting for expenditure to this amount, this sum can not be considered in determining indebtedness resulting from the impositions of the new law, but would rather be considered as inci-dental to the change of policy from the convict lease and share system to direct operations of farms.

The committee has no reason to ques-tion the amounts indicated having been

expended for the purpose of improvement, but it is apparent that the system of accounting and checking upon the use of materials purchased for improvement purposes renders it extremely difficult, if not impossible, to determine the value of such improvements by the cost of materials. Portions of materials ordered for one farm or purpose are often moved to other farms and used for other purposes, with no system for showing these facts. All expenditures for improvements are merely charged to the particular account but not charged to the different buildings for which the material is bought.

The testimony, in reply to interrogations intended to disclose the amount of increased cost due to the fact that the prison system has been operating on credit, varies. All agree, however, that a considerable portion of the present indebtedness is due to this fact. Considering the magnitude of the operations of the system this amount of increased cost could, covering a period of two years, easily approximate \$100,000. It is also worthy of comment that the loss of revenue, resulting from the abrogation of the policy of leasing convicts, comparing the receipts from this source for the years 1911 and 1912, with those for the years 1909 and 1910, amounts to \$584,740.78. There can be no doubt of these items, which items are factors in creation of present conditions.

#### Factors in Increased Cost.

The committee has endeavored to resolve all influence, contributing in any measure to the cost of conducting the prison system under the new law into definite financial terms, assigning to each provision of the law, each policy, and each act of management the degree of responsibility that appears just. We have reviewed the effect of mandatory provisions of the law where the statutes express the increase in terms, as the per diem for convicts, for example, and have commented on other conditions universally conceded as exerting an influence but which are impossible of exact determination, such as the restrictions of hours of labor, and difference in physical ability of the convict. There remains to be considered the degree in which the policies adopted by the prison management have been responsible for increasing the cost of conducting the system.

The bill creating the Commission was passed amid a contest of partisan influences for its control, and became a law under conditions recognizing a standard

of public service prevailing throughout the whole of the past history of the penitentiary, that each administration held the right, by virtue of success, to determine new policies in the conduct of the institution, and to place in charge of the execution of such policies only those who could be expected to support and execute them.

Creating a Commission of divided authority, a provision in itself inevitably productive of differences in judgment, causing expensive delays in business administration; handicapped by the unbroken precedence recognizing and demanding substitution not only of methods of management, but of men; and further handicapped by a condition of finances compelling them to seek credit from whatever source it might be obtained, and for which condition the Commission could only be considered partially responsible, the terms of the law and the attendant circumstances have served to contribute to, rather than prevent, deeds of omission and commission each adding in a greater or lesser degree toward the creation of present conditions.

That the acts of the Commission might command popular approval would appear to have been the controlling cause for the order abolishing the lease system in 1911, rather than at the close of 1913, the time limit fixed by law, despite the financial needs of the penitentiary.

Local influences, long recognized as a potential factor in prison management, have been permitted, if not directly encouraged to prevail to an undue extent, a notable instance of which is found in an order of the Commission that the Rusk penitentiary should be built up and given similar consideration to Huntsville, and that apparently without reference to the best interests or needs of the penitentiary system.

Reduction in the number of employes should have been made, illustrating which, although the number of trustees has been largely increased, there has been no decrease in the number of guards employed. Also, there should be a reduction in the number of convicts assigned to wait on system employes and convict forces in and about the various departments of the system, and these surplus men should have been employed in productive labor. In various instances better men might have been employed, and the services of others not in harmony with the general spirit of the present law should have been dispensed with, which would have operated to the finan-

cial advantage and the better discipline of the system.

While the farms have been equipped with mules of good quality, animals representing an investment of one-third less than the amount actually expended, would be equally, if not more, serviceable to prison system work. Most of these mules appear to have been bought on credit and the prices of \$225 to \$275 reflect an expenditure far above reasonable requirements, as well as those conditions which usually prevail in credit transactions. On this single item of purchase of mules, it is the judgment of the committee that approximately \$40,000 might have been saved to the prison system.

The building and remodeling of houses for employes both at Huntsville and Rusk, some of which were not required by the statutes, and the furnishing of such residences appear to have been more liberal than a due regard for the financial condition of the system would justify; approximately \$35,000 having been expended on residences and furnishings at Huntsville in 1911. Residences were furnished a number of employes without authority of the law, rent free, until about January 1, 1913, and the rents now collected are not commensurate with the cost of such buildings.

In view of its location, the limited acreage of cane land, and the known unfavorable conditions surrounding the making of sugar, the expenditures on the Clemens sugar mill amounting in the two years, 1911-12, to \$75,000, can only be characterized as an inexcusable error of judgment and an unjustifiable expenditure of public funds. Lack of proper attention to important details of management has been responsible for the failure of the Commission to practice many economies, one illustration of which is found in the delay in constructing a cotton gin on the Ramsey farm in 1911, or provisions for moving the crop to a gin, with a consequent loss estimated to be \$18,000, as shown by the testimony, to which reference is made; and another in the continued operation of an expensive power plant at Rusk, after the last fire, to run a box factory and furnish light for the city of Rusk, both at a material loss to the prison system approximating \$150 a month.

The testimony of the manager of the Rusk Box Factory, to which reference is here made, shows the entire output of the factory is being marketed in Cuba at a price 15 to 20 per cent below that secured by other manufacturers from the Texas trade. This action was

taken because of the protest made by a few box makers who objected to prison competition. Such a policy in the judgment of the committee is not only without justification from any point of view, but experience in the management of prison factories should serve to indicate the certainty that this box factory is being conducted at a continuous loss for this reason. Financial independence can not be expected from any penitentiary enterprise conducted in accordance with such a policy.

Such errors of management contributing to the expense of operation of the prison system, to which attention is hereby directed, cover practically the whole range of activities of the system and the aggregate of such losses and unjustifiable expenditures enters in a material degree into the present financial conditions.

Attention is directed to the extraordinary circumstances in connection with the lease and operation of the fourteen hundred acres known as the Ransome tract, situated adjoining the Harlem State farm. This tract is practically all in cultivation and under lease to the State for a period of three years, with privileges of extension for an additional five years, on terms of one-fourth of the crop. Upon this leased land the Prison Commission has expended between eighteen and twenty thousand dollars, in permanent improvements. The State holds an option to purchase this land at a price of fifty dollars per acre, said option having been provided for in the contract of lease. No doubt the improvements, including a prison building, repairs to residences, ditching, road building, etc., were made based upon expectation to purchase. The testimony of the farm commissioners is to the effect that these improvements were made upon an agreement that the owner would pay one-fourth the cost of same, and the prison system three-fourths, or, upon the termination of the lease, and in the event the State did not purchase the land, the owner would pay for the improvements at 50 per cent of cost.

An examination of the contract of lease, and the correspondence between the Prison Commissioners and the owner of this property fails to disclose any agreement between the contracting parties whereby the State is protected for any reimbursement whatever for these improvements should the Prison Commission fail to purchase under the terms of the option.

However, this committee emphatically

disapproves of the expenditures of the State's money upon private property and insists that permanent improvements be confined to lands to which the State has title. Furthermore, we emphatically urge that in all future transactions involving the purchase or lease of lands that the State deal with the owner direct.

The Eighteenth Legislature (Section 4, Chapter 114), declared it to be "the duty of the Penitentiary Board to confine all convicts within the walls of the penitentiary as soon as suitable prisons can be provided for their confinement and employment in such manner that they will be self-supporting," and further, "that the Penitentiary Board may at any time, if they deem it advisable, purchase a penitentiary farm or farms upon which all convicts, not self-supporting, may be worked by the State."

Since this declaration of the Legislature, there has been expended by the State under share farm and lease contracts, sufficient money and labor if judiciously directed, to have secured for the State in the days when land was cheap, ample property for the system and to have improved such properties with all necessary substantial buildings. Yet after all this time the State is continuing the policy of paying large sums of money to private parties in rents, while using the prison labor in enhancing the value of such privately owned lands.

Note.—This committee has received, on July 19, after the formulation of its report, a report made by Auditor John M. Moore to Your Excellency, and transmitted by you to the committee, giving the findings of Auditor Moore in his investigation concerning the transactions for the lease, with option to purchase, of the R. F. Ransome tract of land; but at this late date the committee is unable to enter into any investigation of the facts and can only embody the report in the records and direct attention thereto.

#### Inventory.

The audit of F. J. Huey, January 20, 1911, presents the inventory as also an appraisal of the penitentiary properties at the time the present Prison Commission assumed control of the system, the inventory and appraisal being an agreed one between the retiring board and the Prison Commission. This inventory indicates a valuation of prison properties amounting to \$3,445,000.32, to which must be added the operating and inventory of \$895,662.66, or a total of \$3,840,662.98.

It was not contemplated that the committee would undertake to inventory and appraise the prison system properties, nevertheless, we have visited all of the properties of the system with the exception of certain small tracts of land in Cherokee county, and find the system to be possessed of the following property. The valuations of the different items contained herein are book values of December 31, 1912, and may be found in the special audit of the prison system of that date.

Book value Dec. 31, 1912.
Buildings at Huntsville, including furniture, power plant and laundry.....\$ 389,970 19
Real estate, Huntsville, including properties on which main buildings are erected and 100 acres near town ..... 37,400 00
Seven residences at Huntsville ..... 45,262 25
Live stock, Huntsville. 4,264 10
Blacksmith shop and wagon factory machinery and equipment ..... 58,031 05
Shoe shop machinery and equipment ..... 3,130 00
Tailor shop machinery and equipment ..... 2,026 83
Cabinet shop machinery and equipment ..... 3,569 38
Rusk penitentiary property (this includes 4200 acres land in Cherokee county) ..... 493,870 85
Rusk penitentiary box factory, installed 1912. 30,567 99
Rusk penitentiary live stock ..... 5,371 80
Clemens farm property, 8212 acres (this inventory includes Clemens sugar mill, gin and saw-mill, four sets camp buildings, 7½ miles railway from sugar mill to Brazoria, and about 8 miles standard gauge tram railroad through the farm) ..... 771,267 52
Clemens farm live stock. 41,070 20
Harlem farm property, 3740 acres (this includes Harlem sugar and syrup mill, two camps, and includes the camp on the Ransome leased farm adjoining; a new dairy building, 3 miles standard gauge railway connecting sugar mill with Southern Pacific Rail-

way, and 15 miles narrow gauge tram railway through the farm)....	508,584	42
Harlem farm live stock..	46,108	73
Imperial farm property 5235 acres (this includes three complete sets camp buildings) .....	316,572	30
Imperial farm live stock..	46,515	85
Ramsey farm property, 7762 acres (this includes four complete camp buildings, sawmill and gin) .....	437,565	08
Ramsey farm live stock..	44,326	84
Wynne farm property, 2000 acres (this includes besides complete main camp buildings, hospital building for consumptives and building for the incurables) .....	28,678	93
Wynne farm live stock....	2,137	15
Goree farm property, 1000 acres (this includes one set camp buildings with separate house for white women convicts) .....	22,255	80
Goree farm live stock....	2,018	34
Texas State Railroad..	527,382	64
	<hr/>	
	\$3,876,161	49

To this is to be added the operating and equipment inventory on December 31, 1912, of.....

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\$4,357,778 67

This shows a difference in the inventory of 1911 and the book values of January 1, 1913, of... \$ 517,115 69

The losses by fire necessarily reduced the property values in the sum of the loss actually sustained; the loss has been estimated to be..... \$ 286,802 95

Values have been added to the acreage in the different farms, presumably based on the amounts invested in improvements on the land. Taking the Ramsey farm as an illustration, this farm was purchased in 1907 at a price of \$13.75 and appraised in the audit of January 20, 1911, at \$36.06. Distributing among the different farms the total of the investments claimed to have been made in clearing land and ditching, the actual sums that may be added to the value of the acreage on each farm would be as follows: Clemens farm, \$4.02 per acre; Harlem farm, \$9.05; Imperial farm, \$5.97, and Ramsey farm, \$7.73.

### State Railroads.

As the history of State ownership of railroads has been identified with the penitentiary system in the past, the committee deems it proper to review the record of the construction and operation of these properties.

In the years from 1894 to 1896, 4.73 miles of railroad were built from the Rusk penitentiary to lands owned by the State lying between Rusk and Palestine. Later, additional trackage was added until by 1907 seven additional miles of road had been built. This road was constructed with convict labor and is estimated to have cost approximately \$43,431.20, the labor being charged at 50 cents per day. The loss from operations is not ascertainable, though it is shown by the records that expenditures from 1907 to 1908 exceeded receipts in the sum of \$11,281.75. During the years 1907, 1908 and 1909 the line was extended into Palestine, making a line 31.5 miles long, the total cost of which aggregated \$530,382.64. Since the completion of the road to Palestine the loss from operations would approximate \$45,000. There is no means of determining to any degree of certainty the cost of repairs on the road from the time the first mileage was constructed; but it is estimated that the sum of \$250,000 will be required to put the track in good condition and to construct substantial bridges. The testimony adduced in the hearing of the committee indicates that the road is now being operated at an average loss of \$800 per month. The valuation placed upon the property by the Railroad Commission is \$577,899.13.

The committee further instituted inquiries into the possible development of traffic along the route of the road and must say that there seems little encouragement for expecting a material increase in the volume of business that could be developed, certainly within a very long time. The Thirty-first Legislature authorized the sale of the road at a price not less than the valuation placed upon the property by the Railroad Commission, but there has been no time when there seemed the remotest prospect of making a sale at these figures. Inasmuch as the Regular Session of the Thirty-third Legislature removed the management of the Rusk Railroad from under the control of the Prison Commission, the committee is confining its statements concerning the property to the amount it has cost the State while under penitentiary control; fur-

nishing one more illustration of the profligate expenditure of public funds on experimental propositions made without regard to business or financial consideration.

#### The Ramsey Railway.

When the prison management bought the Ramsey farm in Brazoria county, a condition of the purchase was that the parties owning the land were to build seven miles of standard gauge railroad from the Ramsey farm to Anchor, a station on the International & Great Northern Railroad; or, failing to do this within a specified time, to forfeit the sum of \$15,000 to the prison system. The \$15,000 was forfeited, and the State built the seven miles of railroad at a cost estimated by Judge W. H. Gill, Chairman of the Prison Board, during the year in which the road was constructed, of \$48,000, using convict labor, which did not include the cost of such labor, or a total cost to the system approximating \$72,000. This road was sold September 4, 1909, including the right of way, which did not enter into the cost estimated by Judge Gill, at a price of \$32,500. A valuation of this property placed upon it by the engineer of the Railroad Commission indicates its probable value at the time of sale to have been \$76,294.25.

This road was built for the purpose of moving the cane crop from the Ramsey State farm to the sugar mill on the Clemens farm by a reasonably direct route. Under the terms of sale, the purchasers were allowed to discontinue the operation of the railroad upon the completion of a northern railway connection with the Ramsey farm, and when such connection was completed the operation of the line from Ramsey southward to Anchor was discontinued, thus again making it unprofitable, and practically impossible, to grind the Ramsey farm cane at the Clemens mill.

There can be no doubt that one of the moving considerations for the purchase of the Ramsey farm by the State at the price specified in the contract was the agreement of the then owners of the farm to construct, or have constructed, a standard gauge railway from Ramsey to Anchor. The stipulations in the said contract of sale relieving the vendors from the obligation of building this railroad for the nominal sum of \$15,000 was insufficient to protect the State in its rightful expectation of having the road constructed, as results proved, the State being compelled to build the road.

The stipulation in this contract of sale providing for the release of the vendors from the obligation to construct said railway upon forfeiture to the State of the sum of \$15,000, and of which the vendors availed themselves, should not have been agreed to by those whose duty it was to protect the State. As might have been foreseen, the forfeiture of this sum relieved the vendors, while imposing upon the State the burden of the cost of construction of said road, amounting to approximately \$72,000. As above stated, this railroad was sold for \$32,500 shortly after its construction, involving a loss of \$39,500 in addition to defeating the very purpose of its construction. The testimony of Mr. Bassett Blakely, to which reference is made, and the recorded instrument, show that possession of this property was secured by the State's vendor in 1906 at \$5.00 per acre and sold to the State in 1908 at \$13.75 per acre.

This transaction illustrates the long continued neglect manifest throughout the whole history of the prison system of the agents of the State in properly safeguarding the permanent interests of the system, and indicates with convincing force the lack of any stable managerial policy in the conduct of penitentiary affairs.

The experience of the State in the construction and operation of railroads presents a continuous record of financial disaster.

#### General Policy—Recommendations.

The committee views the establishment of penitentiaries as an act of organized society to protect its members. Every act in connection with the control of the persons sentenced to confinement in the penitentiary is dictated and justified only by the necessity of society protecting the integrity of its institutions and social and moral standards. Restraint of liberty, without effort to work reformation of conduct and development of character, is the expedient of primitive people, and is not indicative of principles founded in an enlightened Christian civilization.

It follows, therefore, that those removed from the body of society for the common good and restrained of their liberty, become a charge upon society as a whole. The employment of these persons in productive labor is really incidental to the purpose to teach them the necessity for their own, as well as the common good, of upholding social

order. To occupy the minds and hands of men in useful work is practical humanitarianism and essential to secure the best results in the exercise of reformatory influences.

The Texas penitentiary, with its four thousand inmates, represents under its present organization, a fixed charge upon the public. It is not probable that if the prison system is administered upon the basis necessary to, and promising the best results for society, it will ever be financially dependent in all its branches or units. The task confronting the State is to establish conditions which will serve the well-being of society to the maximum, while reducing the burden of maintenance of the penitentiary to the minimum.

We believe the spirit of our criminal statutes to be that persons violating the rules of organized society should be restrained of their liberty: (1) to maintain the security of life and property; (2) to deter others from like wrongful conduct; and (3) to teach such willful disturbers of public order the error of their acts and thus lead the way to moral reformation. This is in accord with the expression contained in Article 2 of the Penal Code of Texas, which declares: "The object of punishment is to punish crime and reform the offender."

We believe the Criminal Statutes should be revised, to the end that a greater degree of uniformity shall result in convictions for similar offenses, it being our judgment that a prolific source of discontent among convicts is the absurd and often outrageous inequalities in sentences imposed for like infractions of the law. We would further urge such revision in the Criminal Statutes to the end that all persons guilty of offenses against the law, whose correction and reformation may be achieved by methods less drastic and humiliating should not be sentenced to confinement in the penitentiary. To that end we would earnestly recommend that youths under the age of twenty-one, mentally and morally capable of receiving proper educational training, should not be sentenced to the penitentiary, but committed to a reformatory; and that youths of the same age be segregated from older convicts.

We believe the State owes to the persons convicted of crime and sentenced to the penitentiary the humane treatment of wholesome food, comfortable clothing and shelter, healthful surroundings and moral instructions.

We believe the spirit and the letter of the law, as well as the just attitude of

the public towards those sentenced to prison, to be that the State has the right to demand that the labor of the convict shall be given honestly and willingly together with the exercise of such measure of intelligence as he may possess.

The State, as the representative of organized society, owes to society as a means of protecting its integrity, the further duty of employing all practicable and available methods for the moral reformation of those convicted of violations of the rules of established government; and in those cases in which there seems reasonable hope for good results, we believe the State will be performing a valuable service to society by providing means for teaching to its convicts such ordinary useful occupations as are likely to furnish employment to the men after their release from prison.

We believe the State should adopt a general fixed policy in the conduct of its prison system to such extent as may be feasible. If it be determined advisable to employ a certain class of convicts in manufacturing industries, those industries should be carefully selected and adequate provision made for carrying them out upon the most advantageous plans, and a business-like system of marketing the products established. It should be determined to what extent the State will engage in farming and the necessary provisions should be made for conducting such operations upon the most profitable lines.

The committee has given careful attention to both the manufacturing and the farming operations of the system in the past, and although the industrial enterprises heretofore undertaken have proven unsuccessful, and years of experimental work and considerable expense may be necessary to determine what class of manufactories are best suited to the requirements of the system as affording useful instruction and financial independence, the fact that indoor work affords better opportunities for the exercise of reformatory influences, has led us to the conclusion that the best results in the operation of the prison system will be secured from the adoption of a definite policy looking to the employment eventually of the greater part of the white convicts in manufacturing enterprises.

At this time there are approximately four thousand convicts, between 65 and 70 per cent of whom are negroes and Mexicans. The limited capacity of these races to acquire technical knowledge, and the extreme improbability that they

would, or could to any appreciable extent, make use of such knowledge after release as well as their general adaptability to farm work, indicate the advisability of the adoption of a policy that will provide for employing the negro and Mexican convicts on farms and in work connected with farm operations.

We would make a distinction in the manufacturing industries between those that may, for special reasons, be considered essential, without regard to the fact that a small loss may result from their operations, and those that may be carried on as a matter of policy. As a result of our investigation, we would recommend as essential manufacturing industries: A tailor shop; a shoe shop, also making harness for the system, and a blacksmith shop and wagon factory.

In the case of the tailor shop, the demand for clothing is so constant and varied as to quantities and kind, and labor that could scarcely be used to advantage otherwise, can be utilized in a tailor shop, that this factory is deemed a necessary one.

While it seems reasonably certain shoes can always be bought at lower prices than the prison system can make them, we believe it advisable to continue their manufacture for the convicts. The prison system might also undertake the manufacture of some grades of shoes required by the various State institutions, but the quantity should not be large as the equipment required to enable the system to make all the shoes used by the State institutions would be too great to justify its purchase, and there would seem to be small prospect of success in having the system enter upon the manufacture of these articles as a commercial enterprise.

The blacksmith shop and wagon factory is an essential adjunct to the prison farm, instructive to the men and capable of serving a useful purpose to the prison system.

Among the classes of industries that might be conducted as a matter of policy would be the manufacturing of furniture which has been carried on in different ways and with varying degrees of success in the prison system for many years. A furniture factory may be made to save the purchase of necessary furniture for the prison system, and there would seem to be no valid reason why the convicts cannot make much of the furniture required by the State institutions, colleges and schools; and if it is desired to increase the number of men occupied in indoor work the manufacture

of certain staple lines of furniture offers a reasonable assurance of providing a profitable undertaking.

In the factory reports submitted herewith are suggestions for increasing the output of various industries now carried on at Huntsville with comparatively small additional investments, and we have reason to believe from our inquiries that such extensions would lessen cost of production and increase the chances of profitable operation.

In every manufacturing enterprise undertaken by the prison management a thorough and uniform system of accounting, embracing cost of raw material, labor, supervision, general system expense, and overhead charges of every kind, must be installed and carefully maintained before it can be determined whether or not such enterprises are being operated at a profit. And we would further impress the fact that it is only by the inauguration of an intelligent business policy, continuously and uninterruptedly adhered to that any manufacturing industry can hope to sustain itself.

The labor entering into a manufactured article is often so essential a part of the finished product, demanding not only conscientious attention to detail, economy in use of materials, diligence in application of time, but also pride in the achievement of skillful handiwork, that we feel impelled to counsel extreme conservatism in the selection of factory undertakings, to the end that needless loss may be averted in this department of prison operation.

Nevertheless, the employment of convicts within the walls in various manufacturing enterprises offering better opportunities for reformation work, providing useful technical knowledge after release, and assuring greater intelligence and skill in workmanship, suggests the advisability of the employment, as an established policy, of as many convicts in industrial occupations as may be found practicable.

Before engaging in enterprises of like character with the iron industry, foundry and machine shops, furniture manufacturing, etc., certain to involve expenditure of large capital, it should be remembered that the State, even though it be in control of its convict labor, faces a problem entirely different from that confronting private capital. Such industries as a rule are very expensive to install. Furthermore they are expensive to operate, and dependent for success upon whether or not the men who labor have been trained along the lines of work

assigned them. Private enterprises have the privilege of selecting their men from the industrial world, while the State must employ the labor of such men as the criminal courts provide, and, of necessity, without any consideration whatever for special fitness or adaptability, for the work required. No wise business policy could favor the opening of the gates of a great industry requiring technical skill under the circumstances compelling the employment of such labor as may drift in, without being carefully selected. Such policy is doomed to failure in advance, as success would be impossible in competition with industries of like character employing skilled labor. Prisoners are like other men. They have to learn, and it is folly to expect expert labor from them before serving their apprenticeships. Again, when demand for products of private industries is limited, the number of employes and cost of operation may be reduced, while in a State penal system, the men must be retained regardless of limitations of market. The idea that convict labor is cheap labor will not stand the test of analysis, even under wise business direction, and the history of our prison system, from beginning to end, shows a lamentable disregard of business calculations and methods, the natural sequence of which could only be expressed in heavy loss of public revenue.

In this respect Texas is not unlike other States. It is true of the State, as of the Nation, that partisans are rewarded with positions of trust and responsibility oftentimes without due consideration for qualifications. It is hardly to be expected that men elected to responsible offices would retain in office, heads of departments, politically, or otherwise, unfriendly to them, and this obtains with equal force among appointees. It is a trait of human nature that should be guarded against and which is responsible for the introduction of the doctrine of the civil service, the very purpose and necessity for which is to safeguard the State from incompetent service resulting from appointments made for reasons other than those of merit.

In view of the fact that the State now owns 8,975 acres of land in Fort Bend county, and 15,974 acres in Brazoria county; that these lands are as fertile as may be found in Texas, and are reasonably near together; and that this section of the State is particularly well adapted to the cultivation of a variety of crops, the average rainfall being as heavy as in any part of the State, assur-

ing a reasonable annual yield; and that this portion of the State is universally conceded as most favorable to the best results in the employment of colored labor, we recommend that it be the policy of the prison system to work its negro and Mexican convicts on farms owned by the system, concentrating such farms to the extent found possible. The Wynne and the Goree farms near Huntsville, in Walker county, may be made to serve useful purposes as long as the headquarters of the penitentiary are maintained at Huntsville, as dairying, gardening and stock farms, materially reducing the cost of maintenance of the men confined within the walls. And, it may be that one or both of these farms can be utilized longer for certain classes of convicts who can not be employed to advantage in connection with the main department of the prison system. The Wynne farm is well equipped for the care of those convicts suffering from chronic and incurable ailments, the cripples and others unable to perform much useful labor.

We believe that unless the next few years witness a considerable increase in the number of colored convicts, the bringing into cultivation of new land at the Ramsey farm, the acquisition of lands so situated as to better concentrate the State's farming interests, together with general improvements in agricultural methods, the prison system might dispose of the Clemens farm in pursuance of a policy of concentration of management. If it be decided to do this, however, it should be held until such time as practically all of the lands are cleared and made salable at higher prices. Then it could be placed on the market in small tracts to farmers on easy terms of payment, realizing for the prison system a handsome price.

Whether or not the suggestions of the committee regarding the complete separation of the races be approved, the committee would suggest the advisability of having one camp on one of the farms conveniently located to railroad facilities equipped to receive the negro and Mexican convicts, from which point they may be distributed to the different camps on the farms. And if the suggestions of the committee respecting the early concentration of farm holdings be followed all discharges should likewise be made from this camp. When a man is convicted who is to be employed in farm work he should be sent direct to this receiving camp for the farms of the prison system. The sums saved in unnecessary transportation of convicts would

in a very short time repay not only all cost of equipping the receiving bureau, but would in the course of time materially aid in paying the cost of constructing a fireproof building at such receiving camp.

The committee feels strongly the importance of improvements in the farm methods of the prison system. It appears that too much consideration has been given to the acreage to be cultivated, and not enough attention to the possibility of the increase in acreage yield. Likewise, the judgment displayed in the character, division, rotation, care and disposition of crops is open to criticism. A single illustration of this may be seen in the planting of Irish potatoes, a crop very expensive to plant, requiring considerable care in cultivation, and the exercise of judgment in marketing. The efforts of the State prison system in the production of this crop have been decidedly unprofitable, due in part, apparently, to lack of proper methods of cultivation and judicious marketing. Under all the circumstances attending the cultivation and selling of prison farm products, the wise policy would be to confine the State's operations to such crops as are not perishable and have a steady demand at fairly uniform prices.

In the penitentiary management the cost of supervision and fixed overhead expenses is a problem of the gravest concern, and enters in an important degree into every detail of the operations of the system. Every activity of the system, therefore, must institute and carefully maintain such economies as are practicable, and we are convinced that there are many such ways of saving in connection with the prison farms. These may be found in judicious crop rotation, provisions for the maintenance of soil fertility, the manufacture of farm products, and arrangements for working men under conditions favorable to a reduction of expense for guard hire and general supervision. We recommend the establishment of a cotton seed mill to crush the seed grown on the farms, thus realizing the greatest value for this product. All of the standard varieties of vegetables most used for canning purposes may be grown abundantly on the farms and a cannery should be established which could easily provide for the requirements of the prison system, materially reducing the expenditures for high priced food; and the various State institutions might also be supplied with these articles. The cost of maintaining the work stock is now much too high, and this can be materially lowered with

advantage to the stock by the construction of a mixed feed plant on one of the farms, and the erection of silos upon all of them to utilize the large forage waste on the farms.

While it is impracticable for the prison system to engage to any considerable extent in the growing of live stock because of the acreage required, we believe the plan now undertaken of growing well-bred dairy cows for the use of the system a worthy one, and in time may be developed to the point of the maintenance of creameries upon profitable conditions.

The growing of hogs upon the farms should be profitable. Each camp should easily care for approximately one hundred hogs at a time with comparatively small cost.

Cotton, sugar cane and Irish potatoes are the money crops now relied upon. The corn is ordinarily inadequate to meet the demands of the system for feeding.

The yield of neither of the money crops in the recent past is sufficient to justify expectation of profit from their cultivation, but with the employment of proper administrative and cultural methods, we can see no reason why satisfactory conditions may not be developed and as good results achieved in the farming operations of the prison system as prevail in agricultural pursuits elsewhere in the South. With the ability to command the best talent in farm management and administrative methods, the Texas prison system should not be long in taking the lead in the State in demonstrating plans for the conservation and utilization of our agricultural resources and the value of intensified farming.

#### Sugar Cane.

The growing of sugar cane has been the subject of much discussion, and the committee made an extended inquiry into the subject. Our inquiries developed the fact that comparatively little cane is being grown in South Texas now, aside from that grown on the prison farms. The great burden of testimony secured by the committee was that, while cane might be grown and manufactured into syrup at a profit, the growing of cane alone and its sale to other mills has been unprofitable and must continue to be until such time as better cultural methods result in higher average yields. Likewise, the burden of information justified the belief that the

State cannot hope to manufacture the cane into sugar at a profit. The principal cause for losses in cane cultivation is found in the lessened yields. The yield, for example, on the Harlem farm for ten years, from 1901 to 1910, shows the lowest average yield of any farm in the system, having been twelve tons per acre, the yield varying from 14.33 tons to 6.38 tons. This is only from one-half to one-third former average yields. Cane is a heavy feeder, and unless some plan of fertilization is used soon reduces the natural fertility of the strongest soil, resulting in unprofitable yields. Cane requires a great amount of moisture, and without irrigation the stubble will not uniformly furnish a satisfactory stand for more than two years; whereas, it has been the mistaken practice to depend upon some stubble for three and four seasons.

As a result of its inquiry into the culture of sugar cane, the committee recommends that the acreage of cane on the penitentiary farms be reduced to the minimum required to furnish syrup necessary for the system, and the cultivation of the crop be placed practically on an experimental basis. If investigation proves irrigation practicable, we have every confidence cane may be produced profitably, the testimony indicating that irrigation will usually double and sometimes treble the yield and mature the crop earlier, while not materially affecting the sugar content. Either with or without irrigation, we recommend the employment of some plan of fertilization every year, and the replanting of a crop every three years. With irrigation, commercial fertilizers are available, but without irrigation there is danger in dry seasons of injury to the crop, and some plan of renewing the fertility of the land, such as growing peas alongside the cane drill, must be followed. The entire product should be made into syrup. Should these experiments in cultural methods justify, the acreage could be increased and the cane made into syrup and packed into cans and other packages in such manner as to assure the highest market price for the product. For reasons of expediency, it may be found desirable to continue growing such acreage of cane as will meet existing requirements.

The cultivation of cane and its manufacture into sugar in South Texas has been for a long time a recognized industry; sometimes profitable, but more often we believe unprofitable, and since

the passage of the present penitentiary law and the discontinuance of the convict lease system making it difficult and frequently impossible to command necessary labor to gather and move a crop promptly, the industry has gradually languished, until today it is practically abandoned by all save the State. A comparatively few farmers grow a limited acreage to make syrup. The investment originally in 1912 of \$268,500 in the Clemens farm sugar mill was made at a time when it was generally believed the manufacture of sugar offered the greatest profits of all our agricultural crops. In this sentiment, almost universal at the time, may be found excuse for the grievous error made in the erection of so large and costly a plant, and particularly so far removed from transportation facilities at the time, and in a place so inaccessible to any considerable body of land suitable for the growth of sugar cane. The most experienced cane growers interviewed by the committee agreed that there is not exceeding seventeen hundred acres of land on the Clemens State farm adapted to the growing of cane. Since this mill has been built, various sums of money have been spent in its repair, \$72,000 having been expended in 1912, and, with increased equipment, the mill today represents a cost to the State, directly and indirectly, of perhaps not less than a half million dollars.

Incidental to the Clemens sugar mill, and representing an expenditure that would not have been made but for the erection of the mill, is the construction of seven and one-half miles of railroad from the sugar mill on the farm to Brazoria, and the construction of seven miles of railway around the farm. This is all standard gauge track and represents a large and needless investment from which the prison system will never realize any material part of its cost.

The large Clemens mill is equipped exclusively for the making of sugar, being one of the largest and most modernly equipped plants of its kind in Texas. As it would require additional investment to equip it to make syrup, it would probably be best to enlarge the capacity of the mill at Harlem, a 400-ton mill, equipped for making syrup, as also sugar, which could be utilized to work up the cane crop. If sale could be found for the mill at Clemens, we would recommend its disposal upon any terms that would return to the prison system a reasonable proportion of its

cost. In our judgment, the continued attempt to manufacture sugar invites certain loss.

#### Fireproof Buildings.

A provision of the present law worthy of the attention of the Legislature is that stipulating for the erection of fireproof buildings upon the farms. The Prison Commission, deeming the cost of such structures prohibitive, have erected wooden buildings. Our inquiry developed the fact that no investigation was made by the Commission as to the difference in the cost of constructing reasonably fireproof buildings and wooden buildings, nor has the committee itself had time to institute such inquiries. We are of the opinion, however, that in view of the known fact that brick of good quality may be made from the soil on different State farms; that wood not valuable for other purposes might be utilized in the burning of the brick, and that the brick may be made with convict labor, the difference between the cost of fireproof and wooden buildings should not be great; and that if it be determined the policy of the State to retain these farms upon which to employ the labor of its convicts, the fireproof buildings should be constructed as rapidly as may be done with prison labor and consistent with good business judgment.

#### Organization and Management.

It is the judgment of the committee that radical changes in both the organization and management of the prison system are essential to the operation of the system upon a basis promising financial independence. The maintenance of two prisons, at Rusk and at Huntsville, imposes a financial burden that has no possible compensating advantages, and compels a division of managerial duties militating against the efficiency of the system. Both institutions occupy significantly unfortunate locations for the purposes they must serve. We strongly recommend that the Rusk penitentiary be discontinued as soon as practicable, and that the machinery and other movable property of value be transferred to Huntsville. The tremendous losses sustained in operating the Rusk penitentiary during all the years since its establishment, furnishes unassailable justification for this recommendation. It may be the Rusk prison building will prove available for some of the institutions of the State, but the condition of the buildings since the losses last sustained

by fire within the walls, render the property of comparatively small value. If the buildings can be found serviceable to a degree that would recommend their adaptation to other uses, the lands held in that vicinity might be found serviceable, otherwise they should be disposed of.

#### Changes in Locations.

We recommend that the Prison Commission be authorized and directed to select, with the approval of the Governor, a new location as central as may be found practicable for the headquarters of the penitentiary system, and to acquire in one body or near together such amount of land as may be deemed requisite to provide farm land for the white convicts not employed in manufacturing enterprises, or until such time as it may be found advantageous to work them in the walls. Convict labor should be utilized as far as practicable in constructing headquarters buildings at the new location in such way and to such extent as will make possible the removal of penitentiary headquarters from Huntsville to such new location not later than January 1, 1920. The determining reasons for the recommendation of a more central location for the headquarters elsewhere than at Huntsville, and farther north than the vicinity of the penitentiary farms are: (1) The demand for the complete separation of the white convicts from the negroes; (2) the desirability of a central location, together with greater accessibility to transportation facilities, and (3) the widespread belief that such location will be more healthful for white convicts, the greater proportion of whom come from counties considerably north of the prison farms; and which feeling shared by the convicts, it is feared, may affect their usefulness to the prison system. Should the recommendation that all young men under twenty-one years be sent to a reformatory be approved, we would suggest the advisability of closing the Gatesville Reformatory and placing all the youths at Rusk, and employing them upon the farm and at such other work as may be found practicable until such time as the penitentiary headquarters shall have been moved from Huntsville, when they can be transferred to Huntsville as being much better equipped for a permanent reformatory and manual and industrial training school.

#### Changes in Law.

The conduct of the prison system upon the humanitarian lines embodied in the

present law is approved by the sentiment of the people, and there should be no action taken which would affect the standard therein established. From a careful study of the operation of the law, however, the committee is convinced that a number of changes must be made before the results expected from its provisions when enacted, may be realized, and before the system can be administered with the greatest advantage to the convicts and with credit to Texas.

We recommend that the Prison Commissioners be appointed by the Governor under the provisions of the law authorizing terms of service for six years, the term of one Commissioner to expire every two years. The salaries and duties of said Commissioners to be fixed by the Legislature, and they required to give their time to the service of the system. Careful study of the operation of the present law providing for a Board of Pardon Advisers leads us to the conclusions that this law should be revised and the duties now discharged by the Pardon Board should be performed by the Prison Commission.

We recommend that there be created the position of general manager of the prison system, such official to be appointed by the Prison Commission, with the approval of the Governor; and to receive such salary as the Legislature may determine, said salary to be not less than \$5000 a year. The general manager should be vested with the execution of the policies outlined by the Commission, conduct general business transactions, and have the execution of the rules governing the control of convicts. The present division of duties among the Commissioners stipulated by the law has unquestionably been productive of confusion and expensive delay in the administration of the affairs of the system, and a hindrance rather than an aid to efficiency of management, and should be eliminated.

The committee is convinced that the only method to be pursued in the financial operations of the prison system, is to be found upon the same basis as those of other departments of the State government. The State should appropriate annually a sum approximating that required for the maintenance of the system. All expenditures should be paid by the State Treasurer out of the penitentiary appropriation on warrant, drawn by the Comptroller, accompanied by vouchers bearing the approval of the auditor of the Prison Commission. All revenues derived from the operations of the prison system should be covered into the State Treasury. The State Treas-

urer should maintain a separate account showing penitentiary expenditures and receipts in order that information concerning the cost of maintaining the institution may be available at all times. It seems to us that any other method must present serious interference with the wise humanitarian intent of the people as expressed in the statutes, and also subject the prison management to the frequent expedient of seeking financial aid and credit for necessary equipment and supplies for operating and maintenance expenses under conditions calculated to increase the cost to the State according to estimates furnished the committee by those best qualified to know, this being anywhere from 5 to 15 per cent.

#### Accounting Department.

Since the first audit of the accounts of the prison system in 1909, considerable improvement has been made in the accounting department of the prison system, but there are many changes and improvements that must still be effected before the accounting system will respond to the magnitude and variety of detail involved in the conduct of penitentiary affairs. The Prison Commission should employ an expert accountant for the specific purpose of reorganizing the accounting methods of the system in their entirety, and inaugurate a system adapted to meet the requirements of detail involved in the operations of the penitentiary.

It is our judgment that the auditor of the prison system should draw and sign voucher checks for expenditures, forwarding such vouchers to the State Comptroller, who should countersign them and forward to the State Treasurer; the Treasurer should enter the voucher number and amount, pay and stamp, and return the original voucher to the Comptroller, who should retain all vouchers on file in his office. By this means unnecessary expense might be obviated in the Comptroller's office.

The prison system needs a more equitable division of the general expenses of the system. The expenditures should be carefully classified to indicate those incurred for maintenance, operation, and general system and overhead expenses. A thorough system of accounting should then be installed, by which the per capita of expense for each of these divisions may be properly ascertained and charged against the several activities of the system.

We believe a competent citizen book-keeper should be employed on each farm, but convicts can and should be utilized in minor clerical positions.

**Method of Making Purchases.**

Much has been said respecting the probable advantages to result from purchases for the prison system being made by the State Purchasing Agent. The committee made some inquiries on the subject, both at Huntsville and Austin, and while convinced that some articles may be bought to distinct advantage by the State Purchasing Agent, the extent of our inquiries would not justify the conclusion that all purchases for the prison system should be so made. There can be no questioning the fact that staple articles bought in large quantities result in securing closer prices, and we would recommend that the services of the State Purchasing Agent be employed wherever investigation and experience show it advisable.

In this connection we would urge upon the officials of the State consideration of the possibilities in increased efficiency of business management and economy of administration by bringing the various departments of the State government into closer business relationship.

**Punishment.**

Great stress was laid upon the method of punishment by almost all of those interviewed by the committee. Many of the most experienced managers and guards expressed the belief that the record will show more mutinous conduct has resulted, more disobedience has been manifested, and more punishments have been necessary as a result of the popular agitation of the question, which finally resulted in the complete suspension of the use of the strap, than were required when the rules of the Commission permitted its use. It seems undeniable that although other methods of punishment used may be more severe, the convicts, both white and black, fear the strap more than any other form of correction ever employed in the prison system. And should the committee follow the overwhelming weight of testimony of citizens as well as employes adduced at its hearings, it would unqualifiedly recommend that the order to suspend the use of the strap be revoked. From the time the law became effective on January 20, 1911, to the date on which the Commission formally suspended the use of the strap, March 25, 1912, fifteen months, there were 288 whippings. In 1912 there were 1,476 punishments by placing in the dark cell, and 473 punishments by the chains. And from April 1 to December 31, 1912, there were thirteen mutinous

demonstrations in which a total of 283 men participated.

In this connection it may be of interest to state the records disclose that in 1909 there were 751 punishments by the strap and 68 placed in the dark cell. In 1910 there were 1,045 punishments by strap and 47 by the dark cell, while four mutinies occurred involving 78 men. In 1911, while the strap was used sparingly, as above indicated, the dark cell was resorted to 1,079 times, and the chains, a substitute punishment for the strap, was employed 99 times. Five mutinies occurred that year, participated in by 176 men. These records would indicate that for some reason 1912 was productive of an unusual display of mutinous conduct as also of ordinary infractions of prison rules.

While the committee believes that under the restrictions imposed by the law, the use of the strap is really less cruel than solitary confinement in the dark cell, less degrading than the chains, used as a mode of punishment since the suspension of the strap, and that the subject has received more partisan attention from the public than the carefully limited power to use the strap only upon third class men warranted, we recognize quite fully that the sentiment of the public demands the abolition of whipping in the penitentiary; and that to insist upon a retention of the strap in the face of such antagonistic public sentiment would merely mean to invite demoralization among the convicts. Discipline among the men must be maintained, and the prison authorities are confronted with the imperative necessity of determining the methods to be employed in controlling them. Perfect control and obedience to prison rules is as essential to the welfare and possible reformation of the men as it is to the interests of the State in minimizing the expense for their care. More or less unruliness must be expected and provided against, and such system of punishment should be established as will visit just and equal correction according to the degree of the offense against prison regulations.

The committee is firm in the belief that the hope of reward exerts a better disciplinary influence than the fear of punishment: that equality in the imposition of sentence, uniformly fair treatment in the matter of credits on terms of service, together with the humane treatment, will secure the best results in the course of time. We would provide liberal credits on time of sentence for good conduct, and heavily penalize vicious con-

duct. We would establish the policy of granting pardons upon the merit basis. Once you give the convict body to know the State punishes every man with equal justice, that the man without influences, friends or money can secure a pardon as quickly as the man of political influence and personal means of wealthy friends, and you will have introduced into the system one of the strongest possible forces leading to discipline, and a spirit of co-operation with the prison management.

It is our opinion that when the Penal Laws of Texas shall have been revised and provisions embodied therein recognizing and making effective the intent and spirit responsible for the passage of measures of the character of indeterminate sentences, such laws, when in full operation and well understood by the convicts, will exert a strong disciplinary influence.

#### Grading Convicts.

Progress has been made by the Commission in the effort to classify the convicts with regard to the provisions of the law on the subject; but it seems that the difficulties of this feature of prison management have been so great as to prevent the degree of advancement along these lines which would serve to indicate the results to be achieved by a carefully devised system of classing and grading the inmates of the penitentiary. The chief defect in the efforts thus far made to enforce rules of classification lies in the absence of equitable increase and decrease in the privileges accorded to convicts in recognition of good conduct, or as a rebuke for disobedience. The method of handling third-class men is also such as to affect, to a material extent, the discipline among the convicts, and to exert a direct adverse influence upon the spirit of the entire convict body. We would suggest that no feature of prison management is more deserving of careful investigation than the classification of the convicts, nor in any line of endeavor in convict control capable of producing more beneficial results in prison discipline. Each convict, when received, should be accompanied by a statement from the trial court disclosing all known facts concerning his criminal record, as also his general reputation. He should then be placed in Class No. 2 and advised that his previous record has been set aside and that he enters the prison on equal terms with every other man and will have an equal opportunity to establish and maintain a

clear record during the period of his sentence. We are led to believe that many men with reasonable encouragement to feel that their previous record will not affect their treatment or their classification, or advancement in the walls, will respond to such expression of confidence, and advance rather than fall. The rules providing for the placing of men in the third class should be drawn with care to meet the various frailties of human nature, and a just appreciation of the conditions surrounding prison service. We believe it often occurs that a man is degraded to the third class when better results might be achieved by giving him further opportunity to conduct himself properly; also that men whose conduct justifies placing them in the third class are sometimes held in that class too long, becoming embittered, and the corrective influence intended results unfavorably to the men and to general discipline. Under no circumstances, in our judgment should those in stripes be worked in connection with men of other classes. The association hardens and embitters the third-class men, while exciting undue sympathy among the men in other classes with whom they are brought in contact.

All third-class men should be segregated; and when their conduct is such that they may be justly classed as incorrigible they should be held within the walls where they may be isolated when deemed best, and where greater efforts at improvement in their conduct may be undertaken.

When men are entitled to enter the first class they should be accorded such reasonable additional privileges as will establish in the minds of the convicts a distinct inducement for endeavoring to secure promotion to this class; and when degraded to the third class there should be an equitable decrease in the privileges accorded.

Numerous suggestions have been advanced respecting plans for rewarding the well behaved convicts who display an honest desire to co-operate with the authorities in the work of the prison system. The committee is reluctant to indulge in theories or to suggest experiments; but, after considerable thought, is constrained to believe it practicable to advance along experimental lines in providing a higher degree of reward for good conduct under prison regulations, to the extent of setting aside one camp on one of the farms to be known as Honor Camp; the Commission to pro-

mote a number of men from each farm to this camp, which should be conducted under the direction of a competent farm manager, and without guards. The committee entertains no illusions and does not doubt that many of those trusted in the manner suggested would prove recreant or weak; nevertheless, if care is exercised in selecting the men the plan should prove a success. A similar policy with reference to men employed in other occupations should be readily advised.

#### Health.

Representations having been made that the men received in the penitentiary in recent years, are not the equals physically, of the convict body of ten or more years ago, suggested to the committee special inquiry upon this feature of the prison problem as exerting a possible influence on the value of convict labor in the work of the system. Our inquiries lead us to believe that it is true the penitentiary is receiving a larger number of comparative youths incapable in many instances, of as much labor as the more seasoned men of previous years; that a great many of these men come from the cities and seem to be unacquainted with any form of useful labor; and are largely from the ranks of those accustomed to excesses of every character, bringing with them diseases of various kinds. The comparatively few deaths in the penitentiary under these conditions is gratifying, and evidence improvement in sanitary provisions maintained by the Commission. The deaths for the year 1912 were fifty-four.

It is the judgment of the committee, from the best information available, that the treatment of the convicts is more liberal in privileges and more lenient in requirements than ever before, and that the inmates of the penitentiary and those on the farms are better fed and clothed than at any time in the past. The method employed in preparing food on the farms is so liberal as to be really wasteful, and a reasonable degree of economy in this detail would save the prison system considerable expense, without in the least effecting proper care of the men.

#### Guards.

The guard service is an exceedingly perplexing problem. At the present time there are 310 guards in the service, which is an average of one guard to each sixteen convicts, in the two penitentiaries, and one to each thirteen convicts employed on the farm. This repre-

sents a considerable item in the overhead or operating expense of the system, and calls for serious and persistent effort to establish better service. In all the years of the operation of the system reviewed by the committee, there seems to have been no appreciable improvement in the efficiency of the guard force for the work required of them, though there has been an improvement in the moral standards of the men. The great need is for the inauguration of some plan by which the prison system can build up a guard service composed of men possessing tact in the management of convicts, knowledge of the farm work under their direction, and earnestly committed to the duty of accomplishing the best results, both for the prison system and the men in their charge. Such a plan would materially reduce the number of guards necessary, establish working relations between guards and men; and though it might not to any material extent reduce the cost of the guard service as a whole, would produce far greater results in more profitable work, better discipline, and greater advancement toward reformation among the convicts. The committee is disposed to urge a plan recognizing merit service rules, the guard beginning at a minimum salary, and leaving it to the discretion of the Commission to advance the compensation in accordance with a system of regulations governing the service, intended to demonstrate the value of the guard to the work of the prison system and his adaptability to the special character of service required. It is an unfortunate fact that the present method of handling the guard service fails either to attract men of the most desirable character, or to retain them in the event it is fortunate enough to secure such. Improvement in this detail of prison management is one of the essentials to the establishment of that standard of discipline necessary to a business-like administration of prison affairs.

#### Working Hours.

The provisions of the law for working convicts ten hours a day, including the time consumed in going to and coming from place of work, was considered reasonable and just to both the State and to the convicts when the law was enacted. The evident intent was to permit the State to secure approximately ten hours of labor a day from its convicts; owing to the arbitrary terms of the law, however, no discretion is accorded the Prison Commission, and the result is that with

the short days of the winter season the average day's labor performed is far below that intended by the law, less than is performed by free labor, and is practically unresponsive to the requirements of farm work. It has been urged upon the consideration of the committee by farmers of prominence and of long and successful experience in handling labor, that the greater part of the unprofitable-ness of farming operations of the prison system during the past two years is chargeable to the inability of the State to secure a fair day's work from its men, thus requiring a larger number of men on each farm than formerly for the same acreage, or the same amount of farm duties, increasing very greatly the cost of practically every detail of prison sys-tem work.

The committee is convinced of the necessity, as also the justness, of such revision of the law as will make our convict labor responsive to the demands imposed by the proper conduct of the various activities in which the State may find it best to engage, and would recommend that the Prison Commission have authority to adopt a scale of hours varying with the seasons, and the necessity for longer hours of work, in order to meet the emergencies of crop cultivation. keeping an accurate record of the time worked by the convicts, and secur-ing from each convict an average of ten hours of labor a day throughout the year. If the record of any convict shows that he has worked more than an aver-age of ten hours a day, he should be allowed the usual credit for overtime.

In the urgent crop growing months free labor is often worked twelve hours for short periods and it is not unreasonable that the State convicts should respond to the necessities of the prison work.

#### Per Diem.

The provisions of the law authorizing the payment to convicts of ten cents a day, it was thought, would exercise a good disciplinary effect upon the convicts. The terms of the law are that "every prisoner who shall become entitled to a diminution of his term of sentence by good conduct shall receive compensation from the earnings of the State prison to the amount of ten cents a day for the time said prisoner is confined in prison." This phraseology indicated an intent to limit the extension of the per diem payment; but in practice the payment has been extended to all of those entitled to diminution of sentence

**and those really not so entitled.** Thus, instead of having a salutary effect, the plan may exert a tendency to create dis-sension, the good men being made to feel their efforts at useful service are no more appreciated than the indolence, carelessness and rebelliousness of some of their fellow convicts. It is a question whether or not this per diem payment ever results in any substantial benefit to at least three-fourths of the prison inmates. After mature consideration of the question, the committee recommends that the paying of ten cents a day or any cash per diem, be discontinued. The one thing men prize more highly than any other is liberty. Therefore, in lieu of the payment of the cash per diem, we suggest the law be amended to permit the convicts to receive a credit of ten cents a day for good conduct, each dollar of such credit to secure for him a diminution of his term of sentence for a period of one day, such credit to be in addition to the credits now provided by law. Each infraction of the rule should be penalized by taking away credit on the term of sentence, as may be deemed equitable.

It seems that under the method pursued in the release of convicts engaged on the different farms at the expiration of their term of service, minor pecula-tions have occurred under the provision of the law authorizing the released men to demand a ticket to any part of the State he may desire. We would recom-mend that the law be changed to pro-vide that a man may receive a ticket to the place from which he was convicted, or to the nearest railway point thereto, or to a point equally distant from the penitentiary.

#### Conclusion.

The prison system is a great business institution; as also the greatest and most difficult of moral training schools; and it must have the service of men capable of grasping and measuring up to the duties imposed by the gravity of the problems involved, freed from the fear of partisan influences, and independent of public agitation. Satisfactory results, financial or moral, may not be achieved without the services of men of capacity and special aptitude for the work, and the services of such men are not to be measured by the ordinary standards of compensation for public service.

The prison system must have adequate-ly equipped headquarters, with provi-sions for occupation and calculated to be of future usefulness to the convicts,

and, therefore, protective of the well-being of society; and sufficient lands on which to employ those to whom it would be impracticable to teach an occupation. It is the imperative duty of the State to provide necessary funds with which to achieve these purposes.

The laws must be revised until the convict is brought to know that the State dispenses justice with an even hand, and extends mercy without discrimination. The great majority of convicts soon return to society, and it is quite as important to deal justly with them as convicts as it is to maintain uniformity in the laws governing our free citizenship. Through such a policy are we most likely to appeal to and enlist the sincere co-operation of the convict necessary alike to the financial advantage of the system and to the moral reformation of the man.

The prison system has suffered long and greatly from the demoralizing power of political interference, and neither the financial independence of the system, nor substantial advancement in the moral reformation of the convicts, may be expected until the business considerations in the management of the affairs of the system supersede political influence, and merit supplants favoritism.

Respectfully submitted,  
MAYES, Chairman  
WILLACY,  
WARREN,

On the part of the Senate.  
HUMPHREY,  
DIFFIE,  
TILLOTSON,

On the part of the House.

#### MINORITY REPORT.

Hon. O. B. Colquitt, Governor,  
Austin, Texas.

Sir: The majority report covers so much ground and represents so much earnest labor of the committee that I signed same, but with the understanding that I be allowed to submit a minority report covering certain matters either omitted, or, in my judgment, not discussed in sufficient detail. I dissent from many of the majority conclusions.

The causes leading to the investigation and appointment of the committee and their method of investigation have been recited.

So far as the record discloses, there has been no dishonesty practiced in the creation of the deficit. There has been serious mismanagement and the system reeks with inefficient service, but there is

no evidence of moral delinquency upon the part of those charged with the control of prison affairs.

The financial troubles of the system date from January 20, 1911, when the new law became effective and the present Commission assumed control. It follows that the deficit is traceable to the new law or the Prison Commission.

The record shows conclusively that the fires and the freezes of which we have heard so much played but a very small part in formation of the deficit, and that the money shortage is not caused either by abolition of the lease system or by the expenditures for permanent improvements, except in very small part.

As stated elsewhere, the committee did not direct an audit of the prison books. Four audits were placed at their disposal, statements of which are set out in majority report.

The first of these audits, made by the Corporation Audit Co., of Dallas, Texas, for a period of nine years time from August 31, 1900, to August 31, 1909, shows a net profit for the system during that time of \$563,500.40, this not including enhancement in value of property. Of the other three audits the first was presented by Mr. F. J. Huey, certified public accountant, of Houston, Texas, and shows conditions as of date, January 20, 1911. The statement of assets and liabilities shows that, at that time, the system had assets valued at \$4,019,167.21, as against which the total indebtedness was only \$147,158.55, this latter including \$100,000.00 railroad bonds.

On June 27, 1913, the Prison Commission furnished the committee a statement which shows the current indebtedness to have grown to the enormous sum of \$1,786,270.32. As against this are shown current assets aggregating \$332,000.00, \$55,000.00 of which is an increase in the worthless State railroad account, and more than \$118,000.00 is classed as doubtful; in other words, worthless. Meantime the Thirty-second Legislature appropriated \$310,000.00 and donated that sum to keep the system going; the Thirty-third Legislature this year donated \$550,000.00 to keep the system going, of which on June 27, 1913, there remained unexpended only \$206,888.81. Thus upward of \$650,000.00 have been expended out of the general revenue, in addition to prison receipts. The debts are as above indicated. The property account shows an increase to December 31, 1912, of \$441,151.17, and in

my humble judgment, the facts do not warrant such figures.

Thirty months have elapsed since the new law became effective and the present Commissioners were sworn in. A careful analysis of the figures will show that during the thirty months there is a total loss, in round figures, of \$2,400,000.00, in addition to all ordinary prison receipts from sales of crops, etc. The average number of prisoners cared for during that time is less than 4,000. Thus, it has cost the tax payers of the State \$20.00 per month per man to keep up the penitentiary system for thirty months under the new law and the present management. Now, bearing in mind that on January 20, 1911, the Commission took charge of an institution which had rapidly made money, which had in charge 4,000 able-bodied convicts and four million dollars' worth of revenue-bearing property, the mind is staggered to contemplate this enormous deficit. The finding of the cause for this deficit and suggesting means whereby it may be wiped out and recurrence prevented was the task entrusted to the committee.

#### Why Have a Penitentiary?

To the reflective and patriotic mind engaged in a study of this enormous and complicated problem must come the question, "Why have a penitentiary?" and "Why punish men for crime?"

Libraries have been written and will be written in answer to these questions, and discussing the right of organized society thus to protect itself, but we will be content with the arbitrary answer of our criminal law that the object of punishment is, (1) to suppress crime, and (2) to reform the offender. (P. C., Art. 2.)

The right of the organized many to deprive the individual of his liberty for crime must be assumed. Upon it hinge all the government and all the law. But nowhere can justification be found for any law or custom that has not for its end either the prevention of crime or the reformation of the criminal. The thought of vengeance can have no rightful place in the law of a Christian nation. Vengeance is not man's to give nor man's to take. It belongs to a higher power. Not always swift, but always sure and always complete it is executed and delivered under the mandate of a supreme court indeed, a tribunal where technicalities do not count, where criminal lawyers do not practice and where mistakes are never made.

Then, the thought of vengeance re-

moved and the right to punish conceded, all righteous law must bend its whole purpose to the accomplishment of the two things named, and that system will be most nearly perfect which prevents most crime and reforms most offenders. No system has ever been devised, nor can be devised which will result in the absolute prevention of crime, nor has any system been devised, or can be devised, which will reform every criminal, and any statement as to the amount of crime prevented or the percentage of criminals reformed by criminal law must be purely speculative. Yet human intelligence teaches, and human experience demonstrates, that the only safety for organized society in its rights of person and of property lies in its ability to punish criminals.

Further, all experience teaches that certainty of moderate punishment both as a deterrent of potential criminals and as a first step in reformation of convicted offenders is more effective than harsh, severe penalties without certainty of infliction. The criminal mind dreads less the thought of a harsh penalty which is easily evaded than a moderate penalty which is certain to be inflicted.

From this thought may be gleaned a comfort to those who believe that prevention of crime lies in the enforcement of the law; and it is in the policy of our Court of Criminal Appeals that appealed cases shall not be reversed for purely technical reasons. The more rigid enforcement of this policy recently has resulted in an increase of about 500 in our prison population. At least, since January 1, 1912, the number of prisoners has increased about 500, and no other explanation seems more satisfactory when the increased percentage of affirmances is contemplated and the corresponding reduction in the number of reversals. Whether the ultimate result of this policy will be for good or for evil can only be surmised. If it shall result in prevention of murders, or rapes, or burglaries, or other crimes, then shall wisdom be justified of her children, but if it shall result only in an increase in the number of criminal convictions, then our recognized legal theories are wrong and we had best abolish all criminal law. In this connection it may be noted that certain changes in the criminal law were made in 1897, and by the date the changes became effective, in 1898, the number of prisoners began to reduce from 4,530, which was the highest figure ever reached. On April 1, 1913, the number was 4,048.

However, the policy of the law or the courts is only collateral or incident to the main question with which we are concerned, namely, how to find the cause for the deficit, and make the penitentiaries self-sustaining, and can affect it only insofar as a reduction or increase in the number of convicts is involved, leaving personal and property rights amply protected. And in that connection, reference may be had for a moment to the cause, or causes, which most contribute to an increase in the penitentiary population; for it necessarily is true that under present conditions or any normal conditions, the lower the number of convicts, the higher the burden to be carried by the people. What those causes may be in other lands, or at other times, we cannot say. We can only testify as to Texas, in this day and generation. Hereditary predispositions and sociological influences are for the scientist, the penologist and the statistician. We have had no time to compile pedigrees nor measure general averages, but based upon the tables contained in the official reports of the system, combined with the statements of persons who have associated with convicts for years, and conversations with hundreds of convicts themselves, we must conclude that the three principal and underlying causes contributing most to the population in the penitentiary system in Texas are idleness, ignorance and intoxicating liquor. Every scrutiny of the official records will sustain this position to the last analysis. It is a truth that will "bide the wreck of time, and stand 'mid the crash of falling worlds." There's many a road that follows to the penitentiary, but the trail of idleness is the principal thoroughfare,—and it always leads through a saloon, never a school house. From all over the State the army of the illiterate and idle flock to the penitentiary, and every liquor joint is a recruiting station. More than 60 per cent. of the prisoners are entered as having no trade, calling or profession; 50 per cent are illiterate; 40 per cent. have some of the rudiments of an education; 10 per cent. have good education; 50 per cent. are intemperate, and that means to drink excessively. To make a convict then, try the following: Take the ordinary child; raise him in idleness and untaught and he is almost ready. Give him liquor and the thing is done. Idleness, ignorance and alcohol are the three chief causes, and of these alcohol is the principal one within itself, and a necessary assistant to each

of the others. It is most dangerous, because it breeds both the others; with its banishment the deadly influence of both the others would greatly weaken. That it is the principal contributing factor to the penitentiary's population is proven and established by all the records, but the one supremely convincing bit of testimony is that in those counties where the traffic in liquors is forbidden, the number of convicts is reduced to a minimum, and in those counties where the traffic is permitted, the number is increased to a maximum. This statement is sustained in every point by the official figures in every report that has been made of the system. If, here and there, can be found a seeming exception, deeper investigation will show it to be one of the exceptions which prove the rule. The latest report furnished to us covering this subject was dated January 1, 1912. Comparisons may sometimes be invidious, but they are likewise sometimes instructive. This report shows, for instance that Harris county, with a population of 115,693 has 280 prisoners, and Harris county permits the traffic, while 76 northwest Texas counties, all but two of which forbid the traffic and where the population numbers 521,760 have only a total of 202 prisoners. It is useless to try to explain that any other cause than the liquor traffic is responsible. They are all the same kind of people, all Texans. The difference in the density of population will not account for the difference in the number of prisoners, because the cities are policed and the rural communities are not. One of the 76 counties which permits the traffic has 27 prisoners, though it is much smaller in population than many of the others, and no other of the 76 has more than 13 prisoners. These comparisons can be indefinitely continued with the same results. Carefully calculating all the figures and considering all the facts, it seems safe to say that the suppression of the liquor traffic all over the State would reduce the number of convicts from about 4,000 to less than 1,500. Probably a compulsory school attendance law would be beneficial in some localities, but no statistics are available to prove the suggestion. It appears from the records in the Comptroller's office that the total amount received annually from the sale of liquor licenses by the State does not exceed \$1,000,000.00, which is emphatically a mere trifle as compared with the expense resulting from the sale of the licenses. Inasmuch as liquor is a merchandise, the sale of

which can be controlled by law, and the other twain of this unholy trio are in some measure dependent upon it, the problem of dealing with them would appear to be largely a question of the vigilance and intelligence of our people.

Certainly, the most effective way to deal with the penitentiary question is by removing as many of the underlying causes for its existence as can be reached. And the maintenance of the prisoner after conviction is only a part of the expense of maintaining a system of criminal law. The machinery of the courts must be kept going. Officers' salaries must be paid, and witness fees; court houses erected and libraries gathered, and many men employed in its execution who are needed by the community for other work. Uproot the underlying causes, and you reduce the convict expense as well as the court expense.

And if the money expense were all, less might be said, but the greatest price cannot be paid in dollars and cents; it is collected in human blood, in tears of women, in groans of men, and in the cries of naked, hungry children. Every convict uniform symbolizes a broken heart, a desolated home. Nothing can it signify of good,—nothing save in hope of preventing other crimes and making the wearer a better man. Why have a penitentiary, and why punish men for crime? But the financial question recurs.

#### Texas Prison Policy.

The general prison policy of this State naturally divides itself into three periods: (1) the past policy under the old law; (2) the present policy under the new law; and, as it is evident, the present policy must be changed or the State bankrupted, (3) the future policy.

Past and present policies are sufficiently discussed elsewhere; no proposed future policy, I assume, will be tolerated which contemplates any abandonment of the humane treatment of prisoners under the new law, and only such changes are to be considered as may promote the financial efficiency of the law and yet leave the prisoners well cared for.

Despite the uncertain methods of account keeping used in the system, it is plain that the only reliable source of profit is the farm owned and operated by the State. Enough expensive experiments have been indulged. The system should, for a time at least, follow such work as is known to be profitable.

The iron industry has always been a loser; the State railroad has cost prac-

tically a million; the manufacturing enterprises have netted only a tremendous loss; the lease and share farms have drank money like the thirsty bed of the Canadian; only State owned farms are safe.

The testimony shows that the State should own from 50,000 to 75,000 acres of fine farming land; it now owns about 25,000 acres, all but 8,000 acres of which are already in cultivation,—the figures referring only to the choice farming land.

Convicts can not be cared for in proper manner on farms which the State does not own, simply because the owners cannot afford to erect the jail buildings in a sanitary way. The State's experience in the Ransom matter, elsewhere detailed, should settle that point.

I dissent from the conclusion of the majority that the lower Brazos is now an unhealthy country. The testimony says otherwise. (Tittle, Brahan, Dr. Bush, Tramwell, House, and others.)

Now, the evidence overwhelmingly shows that the Rusk and Huntsville institutions are sinkholes for money; that formerly the system made money in spite of them, not because of them; that the isolated location of each is a serious handicap from every view-point; that a headquarters should be located elsewhere. If the system is to be consolidated, headquarters should be in the neighborhood of the farms. If the present farms are retained the headquarters should be in their vicinity; if they are sold and others bought, the central prison should be located near them.

Many witnesses testified to the desirability of a central prison. (T. W. House, p. 23; W. H. Gill, p. 1; L. W. Tittle, pp. 6-8; J. A. Herring, p. 16.) There should be only one penitentiary. (B. E. Cabell, P. 22.) "The system should be centralized and located at Columbia on the Brazos." (J. M. Moore, p. 2.) The Rusk penitentiary should be abandoned. (Barton, 10; R. W. Brahan, 13.) One witness said the system should be moved into the cotton country. (J. A. Herring, p. 19.)

#### Convict Discipline.

The biggest single problem is the maintenance of convict discipline. Were the prisoners normal men, the problem would solve itself; their presence proves them not normal men. As a class, on the outside, they refused to submit to authority. Of 3,471 prisoners accounted for January 1, 1912, 962 were convicted of burglary, 764 of murder, 144 of rape,

113 of robbery and 541 of theft. Those figures are given to show the character of the individuals. How to keep them together, make them self-supporting and yet treat them kindly is the real problem. It is as old as civilized government and has been "solved" a thousand times. Penologists have written volumes about it; politicians have shed tears over it; statesmen with patriotism and courage in their hearts have grappled with it, and yet we have it with us.

The most serious trouble with the system now is the lack of convict discipline. (J. M. Moore, prison auditor, p. 7.)

The old law permitted whipping only in aggravated cases, but left much discretion in the hands of employes and some cruelties resulted. The new law provides for whipping but so safeguards it as to prevent abuses; so far as the committee could learn there has been no abuse whatever of the rights of punishment by whipping under the new law. Early in 1912 the Prison Commission published a declaration that the use of the whip would be discontinued. (See minutes of Prison Commission.)

Beyond any doubt, according to the testimony, this step has caused tremendous trouble. The law gives the commission the right to refuse to order a whipping and the proper course would have been to refuse each separate application, if they desired. Instead, public notice was given that the whip would be used no more, and in its stead were adopted the dark cell and the chain.

The former of these methods, the testimony says, is of very little value, particularly among the negroes, who regard it with good-natured contempt. (Addison, Weems, Tramwell, Palmer, et al.)

The latter method is generally conceded to be more cruel and much less effective than the whip. (Brooks, Mills, South, et al.)

There is much testimony that under the new law very few whippings were necessary, and that the discontinuance of the whip led to riots, mutinies, attacks on guards resulting in loss of life, and similar trouble. (Brooks, Mills, Lewis, et al.)

#### Convict Labor.

It is plain that if the convicts do not work they will not be self-sustaining. The law limiting a day's work on the farm to ten hours is blamed with much trouble, but probably inefficient management, clock-watching guards, and the discontinuance of the whip have entered

into the making of present conditions as well as the ten hour limit.

One witness who has handled convicts since 1874 says they cannot be made self-supporting under present labor limit, without the whip. (W. W. Bertram, p. 9.) The capacity of the prisoners for iron industry work has been cut in half by labor limit and loss of the whip. (W. H. Lewis, p. 4.) On the Clemens farm the prisoners work ten and one-fifth acres of land per man, free labor in same community works 24 acres per man. (Brooks, p. 6; E. B. Mills, p. 7.) On the Imperial farm the convicts work ten hours per day in busy season; free labor in same community works fourteen or fifteen hours. (Addison, p. 3.) Under the former law they worked about twenty acres per man; now twelve or fourteen. (T. W. House, p. 9.)

The testimony is absolutely unanimous that the convicts do not do as much work per man as free laborers engaged in the same kind of work, probably not one-half as much as an average.

Convict labor is not satisfactory for manufacturing purposes at all. (Gill; Herring, et al.)

#### Farm Managers.

Each of the State's four splendid plantations, as well as the two magnificent leased plantations is under immediate charge of a farm manager. This is a good position. It carries a salary of from \$150.00 to \$175.00 per month, house rent, commissary supplies, horses, horse feed and abundant convict service.

Each of these men is competent and well fitted for this work. (J. A. Herring, p. 15.)

T. C. Blakely, manager at Harlem, received his training under the old law, and declared that good work cannot be obtained from convicts under the new law, if they do not want to work, which most of them do not. (T. C. Blakely, p. 3-20-21.)

E. C. Mills, manager at Clemens, is not in sympathy with the new law. Received his training under the old law. (E. B. Mills, p. 10.)

J. N. South, manager at Harlem, says "bat" is convict's best friend; received his training under the old law; criticizes new law freely; says under new law convicts cultivate ten acres per man as against twenty acres per man under old law. (J. N. South, p. 3.)

A. K. Addison, manager at Imperial, K. F. Cunningham, manager at Arcola, and J. H. Weems, manager at Retrieve,

all criticize new law freely, and say good work cannot be gotten under it. Weems did not receive his training under old law. (Weems, p. 1; Cunningham, p. 1-5; Addison, p. 1-9.)

These six farms are located close together and connection between them is easy. If under one manager instead of six, better co-operation and better service could be had, and the system's pay roll would be reduced about ten thousand dollars per year and a similar saving effected in supplies, horse feed, etc.

#### Litigation.

The litigation now pending, to which the system is party, consists of two suits, one in Walker county, the other in Fort Bend county, with the Imperial Sugar Company. These matters are in the courts and outside the jurisdiction of the committee.

#### Religious Services.

Little if any effort appears to have been made to provide religious services or literature for the prisoners. The testimony of the venerable chaplain of the system, Dr. T. H. Hall, is interesting, but too lengthy for reproduction. He says there is an urgent need of Bibles, that many of the convicts can read a little and that many of them beg for Bibles.

#### Wearing of Stripes.

The old law contained no restriction as to wearing of stripes; the new law limits stripes to prisoners of the third class.

The testimony shows that wearing of stripes is not effective as a punishment, and that keeping prisoners in stripes with other prisoners has a demoralizing effect on all prisoners; that segregation of third class prisoners is necessary. (Palmer, Weems, Cunningham, Moore and others.)

#### Guards.

The question of guard service is a most perplexing one. The guards come into immediate touch with the prisoners. With the efficient guards almost any law will succeed; with drunken, worthless guards, no law will succeed. It is frequently necessary to discharge guards for drunkenness and misconduct. (Cunningham, p. 2; South, p. 15.) Using trusties as guards would be a dangerous and unsuccessful experiment. (Herring, p. 13; Tittle, p. 28; Addison, p. 4; Blackley, p. 24, and many others.)

Number of guards could be greatly reduced. (Thomas, p. 20.)

The guards are in sympathy with that part of the new law limiting the hours of work; they watch the clock closely. (House, p. 15.)

#### Bookkeeping.

On this subject the entire testimony of F. J. Huey is very interesting, as also the prison auditor, J. M. Moore.

The books are worthless and do not give the farms justice. (Blakeley, p. 22; Addison, p. 15.) No correct system of cost keeping has ever been devised for the prison industries. (Barton, p. 14.) The method of checking supplies is defective. (Cabell, p. 19.)

#### The Factories.

The testimony of Judge W. H. Gill at Houston throws light on the question of prison manufacturing. He says:

"None of those manufacturing departments has ever been operated except at a loss. The convict can't lose his job, and if he gets sullen and feels he has been treated wrong, just one stroke of a hammer will queer a piece of machinery, and you don't know how or when it will happen. They have not made stuff that appealed to the market, and what they make is not made economically. Yet, some of them have to be kept in the walls, and they should be furnished employment." (W. H. Gill, p. 7.)

No factory at Huntsville or Rusk has ever paid, but some men have to be kept in the walls, and should be employed. (Barton, p. 9.)

These statements are sustained by abundant other testimony.

#### Cotton Growing.

One witness with an extended experience with the prison system says that the system should be moved several hundred miles further north into what he terms the cotton country. (J. A. Herring, p. 11.)

Numerous others testify that if the State can not make money growing cotton in the lower Brazos valley, it can not make money growing cotton anywhere in the world. (House, Trammell, Gill, Eldridge, Pierson, Bertram, and others.)

#### Discharged Convicts.

The records show that about fifteen per cent of the convicts discharged find their way back into prison again. Undoubtedly, when a convict is discharged from prison, he faces a crisis. Without wasting words on the subject, it would

seem profitable as a matter of public policy, and as a matter of humanity, to have a discharged-convict officer to assist the discharged ones in getting employment and another start in the world. Certain of the prison employes have done excellent work along this line. (A. E. King, p. 8.) But there should be a regular officer for the task.

#### Recommendations.

To the end that humane policies of treatment may be continued and financial loss wiped out or reduced to a minimum, I recommend legislation as follows:

1st. Abandonment of Rusk and Huntsville prisons; consolidation of the system at or near the city of Houston or some other centrally located point; that all prisoners be worked on farms owned by the State wherever possible; that such additional lands as may be necessary to carry out this policy be acquired; that additional lands be acquired in the vicinity of present holdings, or the present holdings be sold and other lands purchased elsewhere.

2nd. Creation of a board composed of the Comptroller, the Attorney General and the State Treasurer who shall appoint a general superintendent whose powers and duties shall correspond to the duties and powers of the superintendent under the old law, to receive a salary of not less than six thousand dollars per year.

3rd. Repeal of the convict per diem article.

4th. Sale of the Rusk-Palestine railroad if buyer can be found; if buyer can not be found then it should be abandoned.

5th. That prison funds be paid into the State Treasury direct; that the system be supported by direct appropriation and that funds be paid out only on Comptroller's warrant.

6th. The installation of a complete and thorough system of bookkeeping, so as to account for each item received and each item or bit of money disbursed.

7th. Such revision of the article limiting the hours of labor as will require a good day's work of each prisoner, having due regard to his physical condition.

8th. State-wide suppression of the liquor traffic as soon as it can be done; until then such restrictive legislation as will reduce the sale of liquors to a minimum.

9th. That the grading and classifica-

tion of prisoners be left to the commission, but that whites, Mexicans and negroes be separated; that a separate camp or camps for incorrigibles be established and that wearing of stripes be abolished.

10th. That commissioners' salaries be reduced to \$6.00 per day and expenses while on official duty; that departmental feature of commission be abolished; that the members of the commission be not required to live at Huntsville; that they be not required to devote their entire time to the system.

11th. Complete revision of the salary list and employe list, and that all employes not in sympathy with the law be discharged; that the positions of farm manager, purchasing and sales agent, be created; that the powers of the prison auditor be so enlarged that the office may be useful; that all employes of the system be appointed by the prison commission, by and with the consent of the general superintendent.

12th. Venue of all suits by and against the prison commission should be laid in Travis county.

13th. That the articles of the new law providing for shipment of corpses of deceased prisoners, and furnishing transportation to discharged prisoners be repealed and the old law upon those points be re-enacted.

14th. That the commission be required to provide religious services and religious literature for the prisoners.

15th. That an officer to be known as the discharged-convict agent be appointed by the Commission, with the consent of the superintendent whose duty it shall be to assist discharge convicts to find work and get another start in the world.

16th. That all the testimony taken by the committee, the three audits of the system's books made by Mr. Huey, and these reports, be printed for the information of the people.

17th. That the new law remain as it now is except for the changes hereinbefore proposed.

I confidently believe that the adoption of the above and foregoing recommendations will enormously reduce the expenses of the system, and correspondingly increase the revenues, and insure to the prisoners better treatment than in the past.

HUMPHREY.

**REPORT OF COMMITTEE ON PRIVILEGES, SUFFRAGE AND ELECTIONS.**

Committee Room,

Austin, Texas, July 21, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Privileges, Suffrage and Elections, to whom was referred House bill No. 4, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass, with amendments.

KENNEDY, Chairman.

**REPORT OF COMMITTEE ON ENGROSSED BILLS.**

Committee Room,

Austin, Texas, July 23, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: We, your Committee on Engrossed Bills, to whom was referred House bill No. 1, A bill to be entitled "An Act making appropriations to pay salaries of judges, and for the support of the Judicial Department of the State Government for the two years beginning August 31, 1915,"

Have carefully compared same, and find it correctly engrossed.

HERDER, Chairman.

**REPORT OF COMMITTEE ON APPROPRIATIONS.**

Committee Room,

Austin, Texas, July 22, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Appropriations Committee, to whom was referred Senate bill No. 1, have had same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

WORTHAM, Chairman.

**FIFTH DAY.**

(Friday, July 25, 1913.)

The House met at 10:30 o'clock a. m., pursuant to adjournment.

Speaker Terrell in the chair.

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

Allison.	Barrett of Titus.
Bagby.	Bartley.
Barrett of Jones.	Bierschwale.

Blalock.	Low.
Boehmer.	McAskill.
Broughton.	McDaniel.
Bruce.	Mangum.
Burges.	Mendell.
Burmeister.	Mills.
Burns.	Morris of Coryell.
Butler.	Morris of Victoria.
Calvin.	Mulcahy.
Chrestman.	Nabours.
Coffey.	Olander.
Colquitt.	Oliver.
Cooper.	Owsley.
Cope.	Parker.
Cox of Ellis.	Parks.
Craven.	Patton.
Crisp.	Penry.
Cunningham.	Powell.
Davis.	Raiden.
Dickson.	Ratlif.
Diffie.	Reedy.
Dodson.	Reeves.
Dove.	Rickerson.
Dunn.	Ritchie.
Fields.	Robbins.
Flournoy.	Robertson.
Fountain.	Rogers.
Fuller.	Rowell.
Furrh.	Russell.
Gates.	Simpson.
Gentry.	Smith.
Goodner.	Spann.
Greenwood.	Spradley.
Greer.	Stephens.
Griggs.	Stone.
Grindstaff.	Sullivan.
Hagins.	Tarver.
Hall.	Taylor.
Haney.	Templeton.
Harp.	Thompson.
Heilig.	Tiller.
Henry of Bowie.	Tyson.
Henry of Wichita.	Ussery.
Herder.	Vannoy.
Hill.	Vickers.
Hornby.	Wagstaff.
Hughes.	Watson of Hays.
Humphrey.	Watson of Mills.
Hunter.	Webb.
Jordan.	Williams of Hopkins.
Kennedy.	Williams of McLennan.
King.	Woods of Navarro.
Kirby.	Wortham.
Lane.	Yarbrough.
Lewelling.	
Long.	Absent.
Baker.	Neeley.
Collins.	Paddock.
Foster.	Ridgell.
Householder.	
	Absent--Excused.
Brown.	Campbell.
Byrne.	Cox of Delta.

Glasscock.	Ross.
Harris.	Savage.
Haxthausen.	Schwegman.
Macgill.	Tillotson.
McKamy.	Wahrmund.
Murray.	Woods of Fisher.
Roach.	

A quorum was announced present.

Prayer by Rev. R. P. Shuler, pastor of the University Methodist Church of Austin.

#### LEAVE OF ABSENCE GRANTED.

On account of important business:

Mr. Cox of Delta for this morning, on motion of Mr. Hornby.

Mr. Collins until next Tuesday, on motion of Mr. Parks.

On motion of Speaker Terrell, Messrs. Campbell, Macgill, Roach, Byrne and Savage, the committee to attend the funeral of Hon. J. E. Kauffman, were excused for today.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to appropriate committees, as follows:

By Mr. Woods of Navarro:

House bill No. 15, A bill to be entitled "An Act to regulate and supervise persons, firms, associations, companies and corporations dealing in, selling or negotiating for the sale, within the State of Texas, of stocks, bonds, contracts or other securities, and providing and prescribing penalties for the violation thereof."

Referred to Committee on Private Corporations.

By Mr. Fuller:

House bill No. 16, A bill to be entitled "An Act making it an offense punishable by confinement in the penitentiary for any person in this State to represent in any capacity or to transact business for any foreign corporation where such foreign corporation has not under the law of this State been granted a permit to do business herein; and making it an offense punishable by confinement in the penitentiary for any person in this State in any capacity to transact business for or representing any unincorporated company, association or firm, representing the same to be incorporated, and providing that the act shall not be construed to apply to or interfere with interstate commerce."

Referred to Committee on Criminal Jurisprudence.

By Mr. Penry:

House bill No. 17, A bill to be entitled "An Act to provide for the incorporation and regulation of certain corporations generally known as building and loan associations; and for the government and control of the same; placing the same under the control and supervision of the Commissioner of Insurance and Banking; and providing for the admission in this State of foreign building and loan associations; and providing penalties for the violation of this act, and repealing all laws in conflict with this act."

Referred to Committee on Private Corporations.

#### RELATING TO ENDORSEMENT OF TARIFF BILL.

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, for consideration at this time, the resolution by Mr. Lewelling and others, offered on yesterday, relating to endorsing the tariff bill, with motion by Mr. Calvin to refer the resolution to the Committee on Federal Relations pending.

Question—Shall the motion to refer prevail?

The motion to refer prevailed.

#### RELATING TO EXTENSION OF PARCEL POST.

Mr. Reedy offered the following resolution:

Whereas, Postmaster General Burleson's proposition to enlarge the size of packages which may be sent by parcel post is being opposed by railroad companies and express companies; and

Whereas, This opposition is placed on the grounds that it will reduce the earnings of the railroad companies not less than \$15,000,000 a year; and

Whereas, This loss to the railroads will result in a corresponding saving to the people of said amount, unjustly exacted by the railroads from the people and a like amount so exacted by the express companies, an approximate saving of \$30,000,000 from both sources; therefore, be it

Resolved by the House of Representatives of the Thirty-third Legislature, now in extra session in the city of Austin, That we endorse and commend this action by the Postmaster General in behalf of the people of the United States;

and that we urge our Senators and members in Congress from Texas to give to Mr. Burleson all the assistance in their power to accomplish the stupendous task he has undertaken in behalf of the masses of the people of the United States.

Resolved, also, That one copy of these resolutions be forwarded to the Postmaster General and one copy to each Senator and Representative in Congress from Texas, by the Chief Clerk of this House.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Burns moved to refer the resolution to the Committee on Federal Relations.

Mr. Reedy moved to table the motion to refer.

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

Yea—43.

Allison.	Morris of Victoria.
Barrett of Titus.	Nabours.
Blalock.	Olander.
Cox of Ellis.	Oliver.
Crisp.	Raiden.
Davis.	Reedy.
Dickson.	Ritchie.
Diffie.	Robbins.
Dove.	Rogers.
Fountain.	Simpson.
Gentry.	Spann.
Griggs.	Sullivan.
Grindstaff.	Tarver.
Haney.	Taylor.
Harris.	Thompson.
Heilig.	Tyson.
Henry of Wichita.	Vannoy.
Hornby.	Vickers.
Humphrey.	Watson of Hays.
Hunter.	Watson of Mills.
Lewelling.	Williams
Morris of Coryell.	of McLennan.

Nay—74.

Bagby.	Cope.
Barrett of Jones.	Craven.
Bartley.	Cunningham.
Bierschwale.	Dodson.
Boehmer.	Dunn.
Broughton.	Fields.
Bruce.	Flournoy.
Burmeister.	Fuller.
Burns.	Furrh.
Butler.	Gates.
Calvin.	Goodner.
Chrestman.	Greenwood.
Coffey.	Greer.
Colquitt.	Hagins.
Cooper.	Hall.

Harp.	Penry.
Henry of Bowie.	Powell.
Herder.	Ratliff.
Hill.	Reeves.
Householder.	Rickerson.
Hughes.	Robertson.
Jordan.	Rowell.
Kennedy.	Russell.
Kirby.	Smith.
Lane.	Spradley.
Long.	Stephens.
Low.	Stone.
McAskill.	Templeton.
McDaniel.	Tiller.
Mangum.	Ussery.
Mendell.	Wagstaff.
Mills.	Webb.
Mulcahy.	Williams
Neeley.	of Hopkins.
Owsley.	Woods of Navarro
Parker.	Wortham.
Parks.	Yarbrough.
Patton.	

Absent.

Baker.	King.
Burges.	Paddock.
Collins.	Ridgell.
Foster.	

Absent—Excused.

Brown.	Murray.
Byrne.	Roach.
Campbell.	Ross.
Cox of Delta.	Savage.
Glasscock.	Schwegman.
Haxtbaum.	Tillotson.
Macgill.	Wahrmund.
McKamy.	Woods of Fisher.

Question recurring on the motion to refer, it prevailed.

#### REPORT OF INDETERMINATE SENTENCE COMMITTEE.

The Speaker laid before the House and had read, the following report of the Indeterminate Sentence Committee, submitted on yesterday by Mr. Reedy:

Austin, Texas, July 21, 1913.

To the Senate and House of Representatives, Austin, Texas:

We, your committee appointed by Senate Concurrent Resolution No. 10 to visit the penitentiary and its branches, and to give each and every convict so deserving an opportunity to make application for hearing, and to be heard in behalf of his application for release, and to investigate the merits of each case and report its findings to the Governor, beg leave to report as follows:

Your committee began its labors in the city of Austin on May 5, and has

prosecuted its work continuously since that date.

The committee has examined the records of approximately four thousand convicts in the penitentiary, and has personally heard the application of approximately one thousand convicts, and of the number so investigated we have recommended to the Governor for executive clemency about four hundred and fifty.

In the prosecution of this work, we have incurred an expense of approximately three thousand dollars. In response to a request from the Comptroller as to the validity of the resolution creating this committee and appropriating money to pay its expenses, the Attorney General of Texas has held that the resolution was ineffectual to appropriate any of the public fund, and hence the Comptroller has declined to issue warrants to the members of the committee, and the work has been prosecuted and expenses defrayed by the individual members of the committee, with the expectation that your body would take such action as is necessary to reimburse them.

In the discharge of the duties imposed upon us, we have listened to many pitiful and heartrending tales of human misery and suffering, and heard horrible and revolting recitals of degradation and shame, and have been impressed with the woeful and the material wants of the prisoners. Half-starved mothers, wives of convicts, surrounded by troops of poorly fed and illy clad children have appeared before the committee, and begged for the pardon of husband and father in order that they might escape starvation. Strong men, prisoners in the penitentiary, have come before us and wept like little children while pleading to be given a chance to make a living for their wives and children. In many instances these unfortunate women and children follow the prisoners to the places of confinement, there to become charges upon the public bounty and in many instances ultimately to drift into lives of shame and crime. There is little chance for the reformation of a prisoner when he is daily confronted with the spectacle of a starving wife and hungry children, surely drifting into the depths of despair and degradation, and it is a miserable system that while failing to reform the father, with almost absolute certainty makes criminals and public charges of his wife and children. Every consideration of humanity and Christian charity demands that provision be made for the care of the indi-

gent families of convicts, the innocent victims of man's misfortune or depravity.

Many worthy men are confined in the penitentiary, who by reason of a lack of means, friends, influence or opportunity, never come to the notice of the pardoning power. It is impossible for the Governor to give attention to individual cases, and equally impossible for the pardoning board to have personal knowledge of these friendless prisoners, as the law makes no appropriation for traveling expenses or clerical hire for the pardoning board. Much good could be done, and many cases of reformation effected, if provision were made for looking after the cases of these individuals, in order that any man confined in prison might feel and know that good conduct and meritorious service in the penitentiary would meet with sure and certain recognition, no matter how poor and friendless the individual might be.

We are glad to report that the number of vicious convicts in the penitentiary is small, and that those classed as incorrigibles are indeed very few, and that the overwhelming majority of the prisoners are serving their sentences with good records for the faithful discharge of duty, and obedience to prison discipline.

We have made very careful and pains-taking investigation into the case of every prisoner we have recommended for executive favor, and have recommended no man until we were fully satisfied that he was entitled to favorable consideration by the Governor and that he would be benefited thereby. If we have erred, it has been on the side of mercy and humanity, and we entertain the profound conviction that if the recommendations of your committee are adopted by the Chief Executive that the effect upon the other convicts in the penitentiary would be to stimulate them to renewed hope and better living.

We congratulate the Thirty-third Legislature upon its action in appointing a committee to do this work. It is the first time in the history of civilization that a Legislature has ever sought to save a human being from the consequences of his sin by giving him another chance to be a man.

Respectfully submitted,  
WILL H. MAYES, Chairman.  
D. M. REEDY.  
W. L. HILL,  
GEO. WAVERLEY BRIGGS.  
F. C. WEINERT.

**ADDITIONS TO THE COMMITTEE ON PENITENTIARIES.**

On motion of Mr. Broughton, Mr. Humphrey and Mr. Diffie were added to the Committee on Penitentiaries.

**HOUSE BILL NO. 2 ON ENGROSSMENT.**

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

House bill No. 2, A bill to be entitled "An Act making appropriations to pay the salaries and employes of certain departments and courts of the State and other expenses of maintaining and conducting them, as follows: Governor's Office, Mansion and Grounds, Department of State, State Revenue Agent, Public Buildings and Grounds, Department of Insurance and Banking, State Insurance Commission, Texas Library and Historical Commission, State Tax Board, State Purchasing Agent, Public Printing, Bureau of Labor Statistics, State Inspector of Masonry, Public Buildings and Works, Adjutant General's Department, State Board of Health, Game, Fish and Oyster Commissioner, Live Stock Sanitary Commission, State Mining Board, Pure Food Commission, State Pension Department, Attorney General's Department, Department of Education, Treasury Department, Comptroller's Department, General Land Office, Railroad Commission, Department of Agriculture, Board of Water Engineers, and State Levee and Drainage Commission."

The House considering the bill section by section and all of the sections down to and including the section relating to the Inspector of Masonry, Public Buildings and Works having been considered, and the section of the bill relating to the Department of Insurance and Banking being under consideration.

Mr. Robbins offered the following amendment to this section of the bill:

Amend House bill No. 2, page 8, line 34, by striking out the amount appropriated for the first year of \$119,500.

The amendment was adopted.

(Mr. Reedy in the chair.)

Mr. Lewelling offered the following amendment to this section of the bill:

Amend bill, page 6, line 40, by striking out "4000" and inserting "3200."

Question—Shall the amendment be adopted?

Mr. Wortham moved to table the amendment.

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

Yea—63.

Mr. Speaker.	Householder.
Allison.	Hunter.
Bagby.	Jordan.
Barrett of Jones.	Kennedy.
Bartley.	King.
Bierschwale.	Kirby.
Blalock.	Lane.
Bruce.	Low.
Burges.	Mangum.
Burmeister.	Mendell.
Chrestman.	Mulcahy.
Colquitt.	Neeley.
Cooper.	Parks.
Crisp.	Patton.
Dodson.	Penry.
Dunn.	Powell.
Fountain.	Raiden.
Fuller.	Ratliff.
Gates.	Reedy.
Goodner.	Ritchie.
Greenwood.	Robertson.
Greer.	Rowell.
Hagins.	Smith.
Hall.	Spradley.
Haney.	Stone.
Harp.	Sullivan.
Harris.	Taylor.
Heilig.	Wagstaff.
Henry of Wichita.	Woods of Navarro.
Herder.	Wortham.
Hill.	Yarbrough.
Hornby.	

Nays—47.

Barrett of Titus.	Nabours.
Broughton.	Olander.
Burns.	Oliver.
Butler.	Parker.
Calvin.	Reeves.
Coffey.	Rickerson.
Cope.	Robbins.
Cox of Ellis.	Rogers.
Craven.	Russell.
Cunningham.	Simpson.
Davis.	Spann.
Dickson.	Stephens.
Fields.	Tarver.
Furrh.	Templeton.
Gentry.	Thompson.
Griggs.	Tiller.
Grindstaff.	Tyson.
Henry of Bowie.	Ussery.
Hughes.	Vannoy.
Lewelling.	Vickers.
Long.	Watson of Mills.
McAskill.	Webb.
McDaniel.	Williams
Morris of Coryell.	of McLennan.

**Absent.**

Baker.	Mills.
Boehmer.	Morris of Victoria.
Collins.	Owsley.
Diffie.	Paddock.
Dove.	Ridgell.
Flournoy.	Watson of Hays.
Foster.	Williams
Humphrey.	of Hopkins.

**Absent--Excused.**

Brown.	Murray.
Byrne.	Roach.
Campbell.	Ross.
Cox of Delta.	Savage.
Glasscock.	Schwegman.
Haxthausen.	Tillotson.
Macgill.	Wahrmund.
McKamy.	Woods of Fisher.

Mr. Craven offered the following amendment to this section of the bill:

Amend House bill No. 2, page 8, line 9, by adding after the word "examiners," "not to exceed \$3 per day for each examiner other than railroad fare or stage hire."

ROBBINS,  
CRAVEN.

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

(Speaker in the chair.)

Mr. Vickers offered the following amendments to this section of the bill:

(1)

Amend House bill No. 2 as follows: Add on line 29, page 7, the words, "or so much thereof as may be necessary."

(2)

Also amend on line 31, page 7, after the word "law" add the words, "or so much thereof as may be necessary."

(3)

Also amend on line 33, page 7, after the word "calls" add the words, "or so much thereof as may be necessary."

(4)

Also amend on line 5, page 8, after the word "repairs" add the words, "or so much thereof as may be necessary."

(5)

\* Also amend on line 10, page 8, after the word "matters" add the words, "or so much thereof as may be necessary."

**(6)**

Also amend on line 17, page 9, after the word "Legislature" add the words, "or so much thereof as may be necessary."

The amendments were severally adopted.

Mr. Tarver offered the following amendment to this section of the bill:

Amend the bill, page 8, by striking out all of lines 11 to 22, inclusive.

TARVER,  
McASKILL.

Question—Shall the amendment be adopted?

RECESS.

On motion of Mr. Rogers, the House, at 12:15 o'clock p. m., took recess to 2 o'clock p. m. today.

**AFTERNOON SESSION.**

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

**LEAVE OF ABSENCE GRANTED.**

Mr. Hill was excused for the balance of the day, on account of sickness, on motion of Speaker Terrell.

**HOUSE BILL NO. 2 ON ENGROSSMENT.**

(Pending Business.)

The House resumed consideration of pending business, same being House bill No. 2, making appropriations for the support of certain departments of the State government for two years, on its passage to engrossment, with amendment by Mr. Tarver pending, the House considering the bill section by section and all of the sections down to and including the section relating to the Inspector of Masonry, Public Buildings and Works having been considered, and the section of the bill relating to the Department of Insurance and Banking being under consideration.

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

Mr. Wortham moved to table the amendment.

Yea<sup>s</sup> and nay<sup>s</sup> were demanded, and the motion to table prevailed by the following vote:

Yea<sup>s</sup>—50.

Boehmer.  
Bruce.  
Burmeister.

Calvin.  
Chrestman.  
Crisp.

Dodson.	Parks.
Fountain.	Patton.
Fuller.	Penry.
Goodner.	Powell.
Greenwood.	Raiden.
Greer.	Ratliff.
Griggs.	Robbins.
Harp.	Robertson.
Henry of Wichita.	Rogers.
Herder.	Rowell.
Hornby.	Schwegman.
Householder.	Smith.
Humphrey.	Spradley.
Jordan.	Sullivan.
King.	Templeton.
Lane.	Tyson.
Low.	Wagstaff.
Mangum.	Williams
Mills.	of McLennan.
Mulcahy.	Woods of Navarro.
Olander.	Wortham.
Owsley.	Yarbrough.
Parker.	

Nays—48.

Baker.	Kennedy.
Barrett of Jones.	Lewelling.
Barrett of Titus.	Long.
Blalock.	McAskill.
Broughton.	Morris of Coryell.
Burges.	Morris of Victoria.
Burns.	Nabours.
Butler.	Oliver.
Coffey.	Reeves.
Colquitt.	Ritchie.
Cope.	Russell.
Cox of Ellis.	Simpson.
Craven.	Stephens.
Cunningham.	Tarver.
Davis.	Thompson.
Dickson.	Tiller.
Dove.	Ussery.
Fields.	Vannoy.
Gentry.	Vickers.
Grindstaff.	Watson of Hays.
Hagins.	Watson of Mills.
Harris.	Webb.
Heilig.	Williams
Hughes.	of Hopkins.
Hunter.	

Present—Not Voting.

Reedy.	Taylor.
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Absent.

Allison.	Hall.
Bagby.	Haney.
Bartley.	Henry of Bowie.
Bierschwale.	Kirby.
Collins.	Mendell.
Cooper.	McDaniel.
Diffie.	Neeley.
Dunn.	Paddock.
Flournoy.	Rickerson.
Foster.	Ridgell.
Furrh.	Spann.
Gates.	Stone.

### Absent—Excused.

Brown.	McKamy.
Byrne.	Murray.
Campbell.	Roach.
Cox of Delta.	Ross.
Glasscock.	Savage.
Haxthausen.	Tillotson.
Hill.	Wahrmund.
Macgill.	Woods of Fisher.

Mr. McAskill offered the following amendment to this section of the bill:

Amend House bill No. 2, page 8, line 9, by adding after the word "examiners" "not to exceed \$3.50 per day for each examiner other than traveling expenses."

TARVER,  
CRAVEN,  
McASKILL.

Question—Shall the amendment be adopted?

(Mr. Rowell in the chair.)

Mr. Parks offered the following amendment to the amendment:

Amend the amendment by striking out "\$3.50" and insert "\$4.00" in lieu thereof.

On motion of Mr. Tarver the amendment to the amendment was tabled.

Question then recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yea—55.

Allison.	Long.
Barrett of Jones.	McAskill.
Barrett of Titus.	McDaniel.
Bierschwale.	Morris of Coryell.
Blalock.	Nabours.
Broughton.	Oliver.
Burns.	Parker.
Butler.	Powell.
Coffey.	Reiden.
Cope.	Reeves.
Cox of Delta.	Robbins.
Cox of Ellis.	Russell.
Craven.	Simpson.
Cunningham.	Spann.
Davis.	Stephens.
Dickson.	Tarver.
Diffie.	Taylor.
Dove.	Templeton.
Fields.	Thompson.
Gentry.	Tiller.
Griggs.	Tyson.
Grindstaff.	Ussery.
Hagins.	Vannoy.
Henry of Bowie.	Vickers.
Hornby.	Watson of Hays.
Hughes.	Webb.
Hunter.	Williams
Lewelling.	of Hopkins.

## Nays—58.

Baker.	Lane.
Bartley.	Low.
Bruce.	Mangum.
Burmeister.	Mendell.
Calvin.	Mills.
Chrestman.	Morris of Victoria.
Colquitt.	Mulcahy.
Cooper.	Olander.
Crisp.	Owsley.
Dodson.	Parks.
Dunn.	Patton.
Fountain.	Penry.
Fuller.	Ratliff.
Gates.	Reedy.
Goodner.	Robertson.
Greenwood.	Rogers.
Greer.	Rowell.
Hall.	Schwegman.
Haney.	Smith.
Harp.	Spradley.
Harris.	Stone.
Heilig.	Sullivan.
Henry of Wichita.	Wagstaff.
Herder.	Watson of Mills.
Householder.	Williams
Humphrey.	of McLennan.
Jordan.	Woods of Navarro.
Kennedy.	Wortham.
King.	Yarbrough.
Kirby.	

## Absent.

Sagby.	Furrh.
Boehmer.	Neeley.
Burges.	Paddock.
Collins.	Rickerson.
Flournoy.	Ridgell.
Foster.	Ritchie.

## Absent—Excused.

Brown.	Murray.
Byrne.	Roach.
Campbell.	Ross.
Glasscock.	Savage.
Haxthausen.	Tillotson.
Hill.	Wahrmund.
Macgill.	Woods of Fisher.
McKamy.	

(Speaker in the chair.)

Mr. Lewelling offered the following amendment to this section of the bill:

Amend the bill, page 7, by striking out lines 30 and 31.

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

Mr. Chrestman offered the following amendment to this section of the bill:

Amend House bill No. 2, page 6, line 40, by striking out "\$4000" in each place as it occurs and insert "\$2000" for each year.

Question—Shall the amendment be adopted?

Mr. Craven raised a point of order on consideration of the amendment on the ground that the House has already defeated an amendment containing the same subject matter.

The Speaker overruled the point of order.

Mr. Burmeister moved that the House adjourn until 9 o'clock a. m. tomorrow, and the motion was lost.

Question recurred—Shall the amendment be adopted?

Mr. Wortham offered the following substitute for the amendment:

Salary of Commissioner, \$2000 each year.

Additional compensation for the Commissioner because of additional duties placed on him by the general session of the Thirty-third Legislature, \$2000 each year.

Question—Shall the substitute be adopted?

Mr. Dove moved to postpone further consideration of the item relating to the salary of the Commissioner of Insurance and Banking until an opinion relating to same could be obtained from the Attorney General.

The motion was lost.

Question then recurring on the substitute, it was adopted.

The amendment as substituted was adopted.

## ADJOURNMENT.

Mr. Mangum moved that the House adjourn until 2:30 o'clock p. m. next Monday.

Mr. Tarver moved that the House adjourn until 10 o'clock a. m. next Monday.

The motion of Mr. Tarver prevailed, and the House accordingly, at 4:10 o'clock p. m., adjourned until 10 o'clock a. m. next Monday.

## APPENDIX.

## REPORTS OF COMMITTEE ON APPROPRIATIONS.

Committee Room,

Austin, Texas, July 23, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives

Sir: We, your Committee on Appropriations, to whom was referred House bill No. 14, have had the same under consideration, and beg leave to report same back to the House with the recommendation that it do pass.

WORTHAM, Chairman.

Committee Room,

Austin, Texas, July 23, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: We, your Committee on Appropriations, to whom was referred Senate bill No. 4, beg leave to report that we have had same under consideration and return same to the House with the recommendation that it do pass.

WORTHAM, Chairman.

Committee Room,

Austin, Texas, July 23, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: We, your Committee on Appropriations, to whom was referred Senate bill No. 2, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass, and that Mr. Hill has been appointed to make a full report on same.

WORTHAM, Chairman.

# In Memory of Hon. Albert Stevenson

Mr. Ritchie offered the following resolution:

Whereas, Hon. Albert Stevenson of Mineral Wells, Texas, a member of the House of Representatives of the Twenty-first Legislature of the State of Texas from the county of Parker, recently departed this life; and

Whereas, As a member of this body and in other positions of honor and public trust to which he was elevated by the people he exhibited a steadfast loyalty and adherence to the interests of the people; therefore, be it

Resolved, That the State of Texas has, in his death, lost an able and loyal citizen and the people a faithful public servant; and be it further

Resolved, That we hereby express our sincere grief at his death, and that we extend to his family and relatives our heartfelt sympathy in their irreparable loss; and be it further

Resolved, That a page of the Journal containing these resolutions be set aside to his memory; that a copy of such resolutions, properly engraved, be sent to his family, and that when the House adjourn on this date it do so in honor of his memory.

RITCHIE,

GRINDSTAFF.

The resolution was read second time and was adopted unanimously.

## SIXTH DAY.

(Monday, July 28, 1913.)

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

(Speaker Terrell in the chair.)

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

Allison.	King.
Bagby.	Kirby.
Baker.	Lane.
Barrett of Jones.	Lewelling.
Barrett of Titus.	Long.
Bartley.	Low.
Bierschwale.	Macgill.
Blalock.	McAskill.
Broughton.	McDaniel.
Bruce.	Mangum.
Burges.	Mendell.
Burmeister.	Mills.
Burns.	Morris of Coryell.
Eutler.	Morris of Victoria.
Byrne.	Mulcahy.
Calvin.	Nabours.
Campbell.	Neeley.
Chrestman.	Olander.
Colquitt.	Oliver.
Cooper.	Owsley.
Cope.	Parker.
Cox of Delta.	Parks.
Cox of Ellis.	Patton.
Craven.	Penry.
Crisp.	Powell.
Cunningham.	Raiden.
Davis.	Ratliff.
Dickson.	Reedy.
Diffie.	Reeves.
Dove.	Rickerson.
Dunn.	Ridgell.
Fields.	Roach.
Flournoy.	Robbins.
Fountain.	Rogers.
Fuller.	Rowell.
Furrh.	Russell.
Gates.	Savage.
Gentry.	Schwegman.
Glascock.	Simpson.
Goodner.	Smith.
Greenwood.	Spann.
Greer.	Spradley.
Griggs.	Stephens.
Grindstaff.	Stone.
Hagins.	Sullivan.
Hall.	Tarver.
Haney.	Taylor.
Harp.	Templeton.
Harris.	Thompson.
Heilig.	Tiller.
Henry of Bowie.	Tillotson.
Herder.	Ussery.
Hill.	Vannoy.
Hornby.	Vickers.
Householder.	Watson of Hays.
Humphrey.	Webb.
Hunter.	Williams

of Hopkins.  
Williams  
of McLennan.  
Woods of Fisher.

Woods of Navarro.  
Wortham.  
Yarbrough.

## Absent.

Boehmer.	Hughes.
Collins.	Paddock.
Dodson.	Robertson.
Foster.	Tyson.
Haxthausen.	

## Absent—Excused.

Brown.	Murray.
Coffey.	Ritchie.
Henry of Wichita.	Ross.
Jordan.	Wagstaff.
Kennedy.	Wahrmund.
McKamy.	Watson of Mills.

A quorum was announced present.

Prayer by Rev. W. A. McLeod, pastor of the Southern Presbyterian church of Austin.

## LEAVE OF ABSENCE GRANTED.

On account of important business:

Mr. Foster, from the beginning of the session until tomorrow, on motion of Speaker Terrell.

Mr. Henry of Wichita, for today and tomorrow, on motion of Mr. Haney.

Mr. Ritchie, indefinitely, on motion of Mr. Harris.

Mr. Ross, indefinitely, on motion of Mr. Burmeister.

Mr. Boehmer, indefinitely, on motion of Mr. Hall.

Mr. Wahrmund, for today, on motion of Mr. Byrne.

Mr. Jordan, for today, on motion of Mr. Vickers.

Mr. Greenwood, for today, on motion of Mr. Griggs.

Mr. Coffey, for today, on motion of Mr. Goodner.

On account of sickness:

Mr. Wagstaff, for this week, on motion of Speaker Terrell.

Mr. Ridgell, for last week, on motion of Mr. Mendell.

Mr. Watson of Mills, indefinitely, on motion of Mr. Williams of Hopkins.

## HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to appropriate committees, as follows:

By Mr. Humphrey et al.:

House bill No. 18, A bill to be entitled "An Act to repeal Article 6214 of the Revised Statutes of 1911; to amend

**Article 6215, Title 104, of the Revised Statutes of 1911 so as to provide that prisoners of the State penitentiary system need not be paid for Sunday labor; to amend Article 6220, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners worked on farms may be required to labor from sunrise to sunset, and amending Article 6223, Title 104, of the Revised Statutes of 1911, so as to provide that the State need not pay the transportation of discharged convicts to any point within the State, but only to the nearest depot to the point from whence sentenced, or an equal distance."**

Referred to Committee on Penitentiaries.

By Mr. Humphrey and Mr. Fuller:

House bill No. 19, A bill to be entitled "An Act to establish a prison system in and for the State of Texas; providing for the management and control of such system, and declaring the policy of the State in reference thereto; providing for treatment, discipline, management and control of all prisoners sentenced to the penitentiary; abolishing leasing and hiring of State prisoners and the sale of convict labor; providing for the regulation of such prison system; providing for appointment of a Board of Prison Commissioners; fixing their salary, defining their duties, power and authority; providing for appointment of general superintendent, auditor and purchasing sales agent for said system; fixing their salaries, defining their duties, powers and authority; providing for the purchase and sale of real estate by the Prison Commission, with the approval of the general superintendent and the Governor; fixing penalties for the violations of this act, giving the Commission power to bring suits, and fixing the venue of same in Travis county, Texas; providing criminal penalties for violation of certain prison regulations; prescribing penalties for carrying intoxicating liquors into the penitentiary or any prison camp, and for the sale and gift of intoxicating liquors to the convicts; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Penitentiaries.

#### RELATING TO STANDARD OIL COMPANY FINE.

The Speaker laid before the House, for consideration at this time, the following resolution:

7-H

Senate Concurrent Resolution No. 1, Relating to the Standard Oil Company fine collected by the Attorney General.

Resolved that the Senate, the House concurring, Request the Attorney General's, Treasurer's and Comptroller's Departments to withhold the turning over to the general revenue fund the penalty fund of \$500,000 collected from the Standard Oil Company by the Attorney General's Department, until the Legislature makes some disposition of same.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Burmeister offered the following amendment to the resolution:

Amend the resolution by striking out "\$500,000" or whatever sum is mentioned and insert "\$204,000."

Question—Shall the amendment be adopted?

Mr. Spann offered the following amendment to the amendment:

Amend the amendment by providing that only the sum of \$205,000, or so much thereof as may be necessary, be reserved by the State Treasurer for the purpose of paying off the 3 per cent bonds of the Agricultural and Mechanical College."

The amendment to the amendment was adopted.

Mr. Burges offered the following amendment to the amendment:

Amend the resolution by instructing the Treasurer to place the remainder of such money over and above the amount necessary to redeem the Agricultural and Mechanical College bonds in a special building fund, to be used in constructing such public buildings as the Legislature may direct.

Question—Shall the amendment to the amendment be adopted?

Mr. Kirby offered the following substitute for the amendment and the amendment to the amendment:

Amend Senate concurrent resolution by inserting the following: "Provided, that \$205,000 or so much thereof as may be necessary be reserved by the Treasurer for the purpose of paying off the Agricultural and Mechanical College bonds and the balance of the \$486,500 be set aside for the purpose of paying Confederate pension warrants."

Signed—Kirby, Spradley, Cooper, Fuller, Bruce, Morris of Victoria, Harp, Oliver, Ridgell, Lane, Mangum, Stone, Gates, Hall, Neeley, Maegill, Harris.

Question—Shall the substitute be adopted?

Mr. Burges moved the previous question on the pending amendments and the adoption of the resolution.

Mr. Tarver moved to postpone further consideration of the resolution indefinitely.

Question—Shall the motion to postpone indefinitely prevail?

Yea<sup>s</sup> and nays were demanded, and the motion to postpone indefinitely was lost by the following vote:

Yea<sup>s</sup>—42.

Allison.	Hunter.
Baker.	Lewelling.
Barrett of Jones.	Long.
Barrett of Titus.	McAskill.
Blalock.	McDaniel.
Broughton.	Morris of Coryell.
Burns.	Olander.
Cope.	Oliver.
Cox of Delta.	Raiden.
Cox of Ellis.	Reeves.
Craven.	Rickerson.
Davis.	Robbins.
Dickson.	Spann.
Dove.	Stephens.
Fields.	Tarver.
Furrr.	Thompson.
Griggs.	Vannoy.
Grindstaff.	Vickers.
Greer.	Watson of Hays.
Hagins.	Webb.
Henry of Bowie.	Williams
Hornby.	of Hopkins

Nay<sup>s</sup>—70.

Bagby.	Heilig.
Bartley.	Herder.
Bierschwale.	Hill.
Bruce.	Householder.
Burges.	King.
Burmeister.	Kirby.
Butler.	Lane.
Byrne.	Low.
Calvin.	Maegill.
Campbell.	Mangum.
Chrestman.	Mendell.
Colquitt.	Mills.
Cooper.	Morris of Victoria.
Crisp.	Nabours.
Cunningham.	Neeley.
Diffie.	Owsley.
Dunn.	Parker.
Fountain.	Parks.
Fuller.	Patton.
Gates.	Powell.
Gentry.	Ratliff.
Goodner.	Reedy.
Hall.	Ridgell.
Harp.	Roach.
Harris.	Rowell.

Russell.
Savage.
Schwegman.
Simpson.
Smith.
Spradley.
Stone.
Sullivan.
Taylor.
Templeton.

Tiller.
Tillotson.
Ussery.
Williams of McLennan.
Woods of Fisher.
Woods of Navarro.
Wortham.
Yarbrough.

Absent.

Boehmer.
Collins.
Dodson.
Flournoy.
Haney.
Haxthausen.

Hughes.
Mulcahy.
Paddock.
Robertson.
Rogers.
Tyson.

Absent—Excused.

Brown.
Coffey.
Foster.
Glasscock.
Greenwood.
Henry of Wichita.
Jordan.
Kennedy.

McKamy.
Murray.
Ritchie.
Ross.
Wagstaff.
'Wahr mund.
Watson of Mills.

Question then recurring on the motion for the previous question, it prevailed, and the main question was ordered.

Mr. Macgill moved to reconsider the vote by which the main question was ordered, and the motion was lost.

Question then first recurring on the substitute, yea<sup>s</sup> and nays were demanded.

The substitute was adopted by the following vote:

Yea<sup>s</sup>—73.

Allison.	Gentry.
Bagby.	Goodner.
Baker.	Greer.
Barrett of Titus.	Grindstaff.
Bartley.	Hall.
Bruce.	Haney.
Burges.	Harp.
Burmeister.	Harris.
Byrne.	Heilig.
Calvin.	Herder.
Campbell.	Hill.
Chrestman.	King.
Colquitt.	Kirby.
Cooper.	Lane.
Crisp.	Lewelling.
Cunningham.	Low.
Diffie.	Macgill.
Dunn.	McDaniel.
Fountain.	Mangum.
Fuller.	Mendell.
Gates.	Morris of Victoria.
Gentry.	Nabours.
Goodner.	Neeley.
Hall.	
Harp.	
Harris.	

Olander.	Smith.
Oliver.	Spradley.
Owsley.	Stephens.
Parker.	Stone.
Penry.	Templeton.
Powell.	Thompson.
Raiden.	Tiller.
Ratlif.	Ussery.
Reedy.	Williams
Ridgell.	of Hopkins.
Roach.	Williams
Rowell.	of McLennan.
Russell.	Woods of Fisher.
Savage.	Yarbrough.
Schwegman.	

Nays—40.

Barrett of Jones.	Long.
Bierschwale.	McAskill.
Blalock.	Mills.
Broughton.	Morris of Coryell.
Burns.	Parks.
Butler.	Patton.
Chrestman.	Reeves.
Cope.	Rickerson.
Cox of Delta.	Robbins.
Craven.	Simpson.
Davis.	Spann.
Fields.	Sullivan.
Furrh.	Tarver.
Griggs.	Taylor.
Hagins.	Tillotson.
Henry of Bowie.	Vannoy.
Hornby.	Vickers.
Householder.	Watson of Hays.
Humphrey.	Webb.
Hunter.	Wortham.

Absent.

Boehmer.	Hughes.
Collins.	Mulcahy.
Dodson.	Paddock.
Flournoy.	Robertson.
Foster.	Rogers.
Glasscock.	Tyson.
Haxthausen.	Woods of Navarro.

Absent—Excused.

Brown.	Murray.
Coffey.	Ritchie.
Greenwood.	Ross.
Henry of Wichita.	Wagstaff.
Jordan.	Wahrmund.
Kennedy.	Watson of Mills.
McKamy.	

#### Reasons for Votes.

We vote "no" on the Kirby amendment because a constitutional amendment has been adopted which provides pension warrants shall be paid out of the revenue derived from a special 5-cent tax, and we believe it unconstitutional to appropriate any other money for this purpose.

HOUSEHOLDER,  
SULLIVAN,  
CHRESTMAN,  
DAVIS.

We vote "yea" but question the validity of the resolution.

YARBROUGH,  
BAGBY,  
OWSLEY.

We vote "no" because the residue after deducting \$205,000 is greatly in excess of the sum necessary to pay off outstanding pension warrants.

SIMPSON,  
VANNOY,  
BUTLER.

I doubt the constitutionality of the Legislature appropriating money by resolution this way, but I vote "yea" because I want to give the old soldier the benefit of all doubt.

STEPHENS.

I vote "no" on this substitute because there is no data on what amount would be necessary for the purpose sought, which is stated to be more than the entire amount of \$500,000, and, further, because the 5 per cent additional tax levy will cover the deserving pensioners.

SPANN.

I vote "no" because I believe the resolution in its original form should be adopted, holding the money in abeyance until we can investigate and find what is best to do with it. I believe that some of it should be set aside for the payment of July salaries of State employees.

PARKS.

I vote "yea" not because I believe the funds can be set aside or appropriated by resolution in this way. The passage of an act would be the proper method of procedure, but because I am willing and anxious to do anything that will enable the old Confederate veterans to get the full funds on what pensions they are entitled to, I so vote. If the resolution be not valid, there is nothing lost, and if, by chance, it should be, then there is something to be gained for these grand old men.

SAVAGE.

Question then recurring on the amendment as substituted, it was adopted.

The resolution as amended was adopted.

**RELATIVE TO BUILDING STATE RAILROAD.**

Mr. Humphrey offered the following resolution:

Whereas, On page 85 of last Friday's House Journal the following language is used in the report of the Penitentiary Investigation Committee, to-wit:

"The experience of the State in the construction and operation of railroads presents a continuous report of financial disaster"; and

Whereas, It is reported that the Penitentiary Commissioners have this week begun the construction of a new line of railroad from Ramsey farm to Anchor, a distance of about seven miles, at a cost of approximately \$50,000 for construction and equipment; and

Whereas, The Governor in a recent message to the House, has suggested that the lands owned by the penitentiary system in that part of the State be sold and the growing of sugar cane abandoned; and

Whereas, The money and labor expended in the building of said railroad will be practically wasted because the sale value thereof will not be increased thereby, and the value of said lands to the prison system will not be enhanced thereby if it should be decided that said lands not be sold; and

Whereas, Legislation radically affecting the entire organization of the penitentiary system is now pending before this body and will probably be acted upon within the next few weeks; therefore, be it

Resolved by the House of Representatives, That the Board of Penitentiary Commissioners be requested to suspend all work in the building of said railroad until said legislation shall be disposed of or until the Legislature shall adjourn; be it further

Resolved, That the Chief Clerk of the House be instructed to wire a certified copy of this resolution to Hon. Ben E. Cabell, chairman of the Prison Commission, Huntsville, Texas.

HUMPHREY,  
DIFFIE.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Hill moved to refer the resolution to the Committee on Penitentiaries.

Question—Shall the motion to refer prevail?

Mr. Spradley raised a point of order on further consideration of the resolu-

tion at this time on the ground that the time allotted under the rules for consideration of resolutions had expired.

The Speaker sustained the point of order.

**HOUSE BILL NO. 2 ON ENGROSSMENT.**

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

House bill No. 2, A bill to be entitled "An Act making appropriations to pay the salaries and employes of certain departments and courts of the State and other expenses of maintaining and conducting them, as follows: Governor's Office, Mansion and Grounds, Department of State, State Revenue Agent, Public Buildings and Grounds, Department of Insurance and Banking, State Insurance Commission, Texas Library and Historical Commission, State Tax Board, State Purchasing Agent, Public Printing, Bureau of Labor Statistics, State Inspector of Masonry, Public Buildings and Works, Adjutant General's Department, State Board of Health, Game, Fish and Oyster Commissioner, Live Stock Sanitary Commission, State Mining Board, Pure Food Commission, State Pension Department, Attorney General's Department, Department of Education, Treasury Department, Comptroller's Department, General Land Office, Railroad Commission, Department of Agriculture, Board of Water Engineers, and State Levee and Drainage Commission."

The House considering the bill section by section, and all of the sections down to and including the section relating to the Inspector of Masonry, Public Buildings and Works having been considered, and the section of the bill relating to the Department of Insurance and Banking being under consideration.

Mr. Henry of Bowie moved to reconsider the vote by which the amendment by Mr. Chrestman as substituted by the following amendment by Mr. Wortham was, on last Friday, adopted:

Salary of Commissioner, \$2000 each year; additional compensation for the Commissioner because of additional duties placed on him by the general session of the Thirty-third Legislature, \$2000 each year.

Question—Shall the motion to reconsider prevail?

(Mr. Calvin in the chair.)

Mr. Ratliff moved to table the motion to reconsider.

Question—Shall the motion to table prevail?

RECESS.

Mr. Householder moved that the House recess to 2 o'clock p. m. today.

Mr. Lewelling moved that the House recess to 2:30 o'clock p. m. today.

The motion of Mr. Householder prevailed, and the House accordingly, at 12:05 o'clock p. m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

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

#### HOUSE BILL NO. 2 ON ENGROSSMENT.

##### (Pending Business.)

The House resumed consideration of pending business, same being House bill No. 2, making appropriations for the support of certain departments of the State government for two years, on its passage to engrossment, with motion by Mr. Henry of Bowie to reconsider the vote by which the amendment by Mr. Chrestman as substituted was, on last Friday, adopted and motion by Mr. Ratliff to table the motion to reconsider pending the House considering the bill section by section and all of the sections down to and including the section relating to the Inspector of Masonry, Public Buildings and Works having been considered, and the section of the bill relating to the Department of Insurance and Banking being under consideration.

Question first recurring on the motion to table, it prevailed.

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the Texas Library and Historical Commission was read.

Mr. Burges offered the following amendment to this section of the bill:

Amend line 39, page 9, by striking out the figures "1500" wherever they occur and inserting in lieu thereof the figures "2000."

The amendment was adopted.

Mr. Hornby offered the following amendment to this section of the bill:

Amend by adding after line 6, page 11, the following: "Provided, further, that the porter provided for the Su-

preme Court Library Department of the State Library shall work under the direction of the State Librarian in keeping that department in sanitary condition, and his failure to do so shall be sufficient cause for his dismissal."

The amendment was adopted.

Mr. Burns offered the following amendment to this section of the bill:

Amend House bill No. 2, page 10, line 31, by striking out "\$2000" wherever it occurs and insert in lieu thereof "\$1500."

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

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the State Tax Board was read.

Mr. Burmeister offered the following amendment to this section of the bill:

Amend the bill, page 11, line 12, by striking out the word "bookkeeper" and insert "accountant." Strike out "\$400" and "\$400" and insert "\$1200" and "\$1200." Amend further on line 16: strike out "\$150" and "\$150" and insert "\$300" and "\$300."

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the State Purchasing Agent was read.

Mr. Wortham offered the following amendment to this section of the bill:

Amend bill No. 2, page 11: add to line 37, after words "Purchasing Agent," "is hereby fixed at."

The amendment was adopted.

Mr. Ussery offered the following amendment to this section of the bill:

Amend House bill No. 2, page 11, line 37, by striking out "\$2500" and insert "\$2000" for each year.

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

Mr. Ussery offered the following amendment to this section of the bill:

Amend House bill No. 2, page 11, line 38, by striking out "\$1500" and inserting "\$1200" for each year.

On motion of Mr. Williams of McLennan, the amendment was tabled.

Mr. Ussery offered the following amendment to this section of the bill:

Amend House bill No. 2, page 11, line 39, by striking out "\$1000" and inserting "\$900" for each year.

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

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to Public Printing was read.

Mr. Bruce offered the following amendment to this section of the bill:

Amend House bill No. 2 by striking out all on page 12 from line 31 to line 40, inclusive, and all on page 13 from line 1 to line 18, inclusive.

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

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the Bureau of Labor Statistics was read.

Mr. Ussery offered the following amendment to this section of the bill:

Amend House bill No. 2, page 13, line 24, by striking out "\$2400" and inserting "\$2000" for each year.

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

Mr. Reedy offered the following amendment to this section of the bill:

Amend in line 24, by striking out the figures "\$2400" and inserting in lieu thereof "\$3000."

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

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the Adjutant General's Department was read.

Mr. Cox of Ellis offered the following amendment to this section of the bill:

Amend House bill No. 2 by striking out all of lines 14 and 15, on page 14.

Mr. Mangum offered the following substitute for the amendment:

Amend page 14, line 15, by striking out "\$20,000" and inserting "\$30,000."

MANGUM,  
STONE.

On motion of Mr. Templeton, the substitute was tabled.

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

Mr. Burmeister offered the following amendment to this section of the bill:

Amend the bill, page 14, lines 14 and 15, by striking out "\$20,000 each year" and inserting "\$25,000 each year."

Question—Shall the amendment be adopted?

(Mr. Calvin in the chair.)

Mr. Templeton moved to table the amendment.

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

### Yea—71.

Allison.	Morris of Coryell.
Baker.	Mulcahy.
Barrett of Jones.	Nabours.
Barrett of Titus.	Neeley.
Bierschwale.	Oliver.
Blalock.	Parker.
Butler.	Parks.
Calvin.	Patton.
Campbell.	Penry.
Chrestman.	Raiden.
Colquitt.	Rogers.
Cope.	Russell.
Cox of Delta.	Savage.
Cox of Ellis.	Schwegman.
Craven.	Simpson.
Crisp.	Spann.
Cunningham.	Stephens.
Davis.	Sullivan.
Dove.	Taylor.
Fountain.	Templeton.
Goodner.	Thompson.
Greer.	Tiller.
Grindstaff.	Tillotson.
Hagins.	Ussery.
Harp.	Vannoy.
Heilig.	Vickers.
Henry of Bowie.	Watson of Hays.
Herder.	Webb.
Hill.	Williams
Hughes.	of Hopkins.
Hunter.	Williams
King.	of McLennan.
Kirby.	Woods of Fisher.
Lewelling.	Woods of Navarro.
Long.	Wortham.
Mendell.	Yarbrough.
Mills.	

### Nay—37.

Bagby.	Low.
Bartley.	Macgill.
Bruce.	McAskill.
Burges.	McDaniel.
Burmeister.	Mangum.
Burns.	Morris of Victoria.
Byrne.	Olander.
Cooper.	Owsley.
Dickson.	Powell.
Dunn.	Ratliff.
Fuller.	Reedy.
Gentry.	Rickerson.
Griggs.	Roach.
Haney.	Smith.
Harris.	Spradley.
Hornby.	Stone.
Householder.	Tarver.
Humphrey.	Wahrmund.
Lane.	

### Absent

Boehmer.	Dodson.
Broughton.	Fields.
Collins.	Flournoy.
Diffie.	Furh.

Gates.  
Hall.  
Paddock.  
Reeves.  
Ridgell.

Absent—Excused.

Brown.  
Coffey.  
Foster.  
Glasscock.  
Greenwood.  
Haxthausen.  
Henry of Wichita.

Kennedy.  
McKamy.  
Murray.  
Ritchie.  
Ross.  
Wagstaff.  
Watson of Mills.  
Jordan.

(Speaker in the chair.)

Mr. Heilig offered the following amendment to this section of the bill:

Amend House bill No. 2 by adding to line 20, page 14, after the word "thereto," the words "or so much thereof as may be necessary."

The amendment was adopted.

Mr. Ussery offered the following amendment to this section of the bill:

Amend House bill No. 2, page 14, line 8, by striking out "\$1500" and inserting "\$1200" each year.

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

Mr. Lewelling offered the following amendment to this section of the bill:

Amend the bill, line 34, by striking out "\$10,000" and inserting "\$5000."

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

Mr. Lewelling offered the following amendment to this section of the bill:

Amend bill, lines 36 and 37, by striking out "\$20,000" and inserting "\$10,000."

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

Mr. Cope offered the following amendment to this section of the bill:

Amend bill by striking out all of line 38, page 14.

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

Mr. Goodner offered the following amendment to this section of the bill:

Amend by adding the following at the end of line 39, page 14: "That the sum of \$3300 is hereby appropriated to make the final payment on 63 acres of land adjoining Camp Mabry."

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the Texas State Board of Health was read.

Mr. Woods of Navarro offered the following amendment to this section of the bill:

Amend House bill No. 2, page 17, by striking out lines 23 to 29, inclusive.

The amendment was adopted.

Mr. Lewelling offered the following amendment to this section of the bill:

Amend bill, line 22, by striking out "12,000" and inserting "10,000."

The amendment was lost.

Mr. Hornby offered the following amendment to this section of the bill:

Amend appropriation bill No. 2, page 17, by adding after line 29, the following: "For the purpose of carrying out the provisions of House bill No. 366 as passed by the Thirty-third Legislature, providing for a public health exhibit in railroad car or cars and carrying on an educational campaign for the protection of public health against communicable diseases, \$10,000 for first year and \$10,000 for second year."

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

The amendment was adopted.

Mr. Barrett of Titus offered the following amendment to this section of the bill:

Amend House bill No. 2 as follows: By striking out the amounts as they appear in line 20, page 17, and inserting in lieu thereof the sum of \$12,000 for each year.

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

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the Game, Fish and Oyster Commissioner was read.

Mr. Wortham offered the following amendment to this section of the bill:

Amend House bill No. 2, page 18, line 28, by adding after the words "boats" the following: "to be expended in two years."

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

(Mr. Kirby in the chair.)

The section of the bill relating to the Live Stock Sanitary Commission was read.

Mr. Stephens offered the following amendment to this section of the bill:

Amend line 10, page 19, by striking out "\$9000 for each year," and inserting "\$3600" for each year."

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

Mr. Woods of Navarro offered the following (committee) amendment to this section of the bill:

Amend House bill No. 2, page 19, as follows: Strike out the following words: "Traveling expenses, thirty inspectors, \$10 per month each," and insert in lieu thereof the following: "Expense account of inspectors engaged in tick or scab eradication and charbon work at \$25 per month."

The (committee) amendment was adopted.

Mr. Ussery offered the following amendment to this section of the bill:

Amend House bill No. 2, page 19, line 5, by striking out "\$3000" and inserting "\$2000" for each year."

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

Mr. Dove offered the following amendment to this section of the bill:

Amend House bill No. 2, page 19, lines 7 and 8, by striking out the word "thirty" in line 7 and inserting in lieu thereof "twenty-five"; and striking out "\$30,000 for each year" in line 8 and inserting in lieu thereof "\$25,000 for each year."

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

There being no further amendments to this section of the bill, it was passed over temporarily.

The section of the bill relating to the State Mining Board was read and was passed over.

The section of the bill relating to the Pure Food Commission was read.

Mr. Hunter offered the following amendment to this section of the bill:

Amend the bill on page 20, line 20, by striking out "\$3000" and inserting "\$3600," and in line 21 strike out "\$2400" and insert "\$3000."

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

The amendment was adopted.

Mr. Ussery offered the following amendment to this section of the bill:

Amend House bill No. 2, page 20, line 19, by striking out "\$2500" and inserting "\$2000 each year."

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

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the State Pension Department was read.

Mr. Woods of Navarro offered the following (committee) amendment to this section of the bill:

Amend House bill No. 2, page 21, by adding a new line between lines 8 and 9 to read as follows: "To pay veterans of Mexican war as provided by Article

6257 of the Revised Statutes of 1911, \$20,000 each year."

The (committee) amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the Attorney General's Department was read.

Mr. Wortham offered the following (committee) amendments to this section of the bill:

(1)

Amend House bill No. 2, page 21, line 37, by striking out "\$3000" and inserting "\$3500 each year."

(2)

And by striking out lines 38, 39 and 40, page 21, and by striking out lines 3, 4, 5 and 6, page 22, and inserting the following: "Salary of assistant who shall assist Attorney General in enforcing anti-trust laws, \$3000 each year. Salary of assistant having charge of railroad litigation, \$3000 each year. Salary of four additional assistants at \$2500 each year, \$10,000 each year."

(3)

Amend House bill No. 2, page 22, line 13, by striking out "500" and inserting "1000."

(4)

Amend House bill No. 2, page 22, by inserting after line 37 the following: "For all expenses incident to the suit by the State of New Mexico against the State of Texas to establish the boundary line near El Paso, to be paid on warrants issued by the Comptroller on order by the Governor and Attorney General, to be expended in two years. \$10,000."

(5)

Amend House bill No. 2, page 22, by striking out all of line 10 and make same read, "salaries of four stenographic clerks, \$4800 each year."

The amendments were severally adopted.

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the Department of Education was read.

Mr. Grindstaff offered the following amendment to this section of the bill:

Amend House bill No. 2, page 24, by striking out lines 14 to 28, inclusive, and insert in lieu thereof the following "For aiding the teaching of agriculture and

making a more efficient public school system by appropriating \$200,000 for each of the years 1914 and 1915. Provided that this fund shall be distributed according to scholastic population among all the free schools of Texas."

GRINDSTAFF,  
BURNS,  
BROUGHTON,  
OLIVER.

Question—Shall the amendment be adopted?

Mr. Rogers offered the following substitute for the amendment:

Amend by inserting at the end of line 28, page 24, of House bill No. 2, the following:

"No child of scholastic age shall be denied admittance to any school in the community or district in which the child lives, or may be transferred to, and this appropriation shall not be available in any school district until the Superintendent of Public Instruction shall so advise each county school superintendent of each county in this State."

Mr. Householder moved the previous question on the substitute and the amendment, and the main question was ordered.

Question first recurring on the substitute, it was adopted.

Question then recurring on the amendment as substituted, it was adopted.

#### ADJOURNMENT.

Mr. Mills moved that the House recess to 8 o'clock p. m. today.

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

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn prevailed by the following vote:

#### Yea—59.

Barrett of Titus.	Gentry.
Barrett of Jones.	Grindstaff.
Bierschwale.	Hagins.
Broughton.	Heilig.
Briemeister.	Henry of Bowie.
Burns.	Humphrey.
Byrne.	Lane.
Calvin.	Lewelling.
Campbell.	Long.
Colquitt.	Macgill.
Cope.	McAskill.
Cox of Ellis.	McDaniel.
Craven.	Mendell.
Cunningham.	Morris of Coryell.
Dove.	Morris of Victoria.
Fields.	Nabours.
Furrh.	Neeley.

Olander.	Tarver.
Oliver.	Taylor.
Patton.	Templeton.
Raiden.	Tiller.
Reedy.	Tillotson.
Reeves.	Ussery.
Rickerson.	Vannoy.
Robbins.	Vickers.
Russell.	Webb.
Schwegman.	Williams of Hopkins.
Spradley.	Woods of Fisher.
Stephens.	Woods of Navarro.
Stone.	

#### Nays—47.

Allison.	Hill.
Bagby.	Householder.
Baker.	King.
Blalock.	Kirby.
Bruce.	Mangum.
Burges.	Mills.
Butler.	Owsley.
Chrestman.	Parker.
Cooper.	Parks.
Crisp.	Penry.
Davis.	Powell.
Dickson.	Ratliff.
Diffie.	Roach.
Dunn.	Rogers.
Fountain.	Rowell.
Fuller.	Savage.
Gates.	Simpson.
Goodner.	Smith.
Greer.	Sullivan.
Griggs.	Thompson.
Haney.	Williams of McLennan.
Harp.	Wortham.
Harris.	Yarbrough.

#### Absent

Bartley.	Hunter.
Boehmer.	Low.
Collins.	Mulcahy.
Cox of Delta.	Paddock.
Dodson.	Ridgell.
Flournoy.	Robertson.
Foster.	Spann.
Hall.	Tyson.
Haxthausen.	Wahrmund.
Hornby.	Watson of Hays..
Hughes.	

#### Absent—Excused.

Brown.	McKamy.
Coffey.	Murray.
Glasscock.	Ritchie.
Greenwood.	Ross.
Henry of Wichita.	Wagstaff.
Jordan.	Watson of Mills.
Kennedy.	

(Speaker in the chair.)

The House, accordingly, at 6:20 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

## APPENDIX.

## REPORT OF COMMITTEE ON CRIMINAL JURISPRUDENCE.

Committee Room,  
Austin, Texas July 26 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred House bill No. 16, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

WILLIAMS of McLennan,  
Chairman.

## REPORT OF COMMITTEE ON REFORMS IN CRIMINAL PROCEDURE.

Committee Room,  
Austin, Texas, July 25, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Criminal Procedure, to whom was referred House bill No. 13, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

SPANN, Chairman.

## REPORT OF COMMITTEE ON FEDERAL RELATIONS.

Committee Room,  
Austin, Texas July 25, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Federal Relations, to whom was referred resolution relating to the Mexican situation, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

COOPER, Chairman.

## SEVENTH DAY.

(Tuesday, July 29, 1913.)

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

Speaker Terrell in the chair.

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

Allison.	Bartley.
Baker.	Bierschwale.
Barrett of Jones.	Blalock.
Barrett of Titus.	Bruce.

Burges.	Mendell.
Burmeister.	Mills.
Burns.	Morris of Coryell.
Butler.	Morris of Victoria.
Byrne.	Nabours.
Calvin.	Neeley.
Campbell.	Olander.
Chrestman.	Oliver.
Coffey.	Owsley.
Colquitt.	Parker.
Cooper.	Parks.
Cope.	Patton.
Cox of Delta.	Penry.
Cox of Ellis.	Powell.
Craven.	Raiden.
Crisp.	Ratliff.
Cunningham.	Reedy.
Davis.	Reeves.
Dickson.	Rickerson.
Diffee.	Ridgell.
Dove.	Roach.
Dunn.	Robbins.
Fields.	Robertson.
Fountain.	Rogers.
Fuller.	Rowell.
Furrh.	Russell.
Gates.	Savage.
Gentry.	Schwegman.
Goodner.	Simpson.
Greer.	Smith.
Griggs.	Spann.
Grindstaff.	Spradley.
Hagins.	Stephens.
Hall.	Stone.
Haney.	Sullivan.
Harp.	Tarver.
Harris.	Taylor.
Heilig.	Templeton.
Henry of Bowie.	Thompson.
Herder.	Tiller.
Hill.	Tillotson.
Hornby.	Ussery.
Householder.	Vannoy.
Hughes.	Vickers.
Humphrey.	Wahrmund.
Hunter.	Watson of Hays.
King.	Webb.
Kirby.	Williams of Hopkins.
Lane.	Williams of McLennan.
Lewelling.	Woods of Fisher.
Low.	Woods of Navarro.
Long.	Wortham.
Macgill.	Yarbrough.
McAskill.	Absent.
McDaniel.	Zagby.
Mangum.	Flournoy.
	Foster.
	Paddock.
	Tyson.
	Absent—Excused.
Broughton.	Glasscock.
Brown.	Greenwood.

Haxthausen.	Murray.
Henry of Wichita.	Ritchie.
Jordan.	Ross.
Kennedy.	Wagstaff.
McKamy.	Watson of Mills.
Mulcahy.	

A quorum was announced present.  
Prayer by Hon. J. J. Stephens of Upshur county, a member of the House.

#### LEAVE OF ABSENCE GRANTED.

On account of important business:  
Mr. Greenwood, for today, on motion of Mr. Griggs.  
Mr. Jordan, indefinitely, on motion of Mr. Vickers.

On account of sickness:  
Mr. Broughton, indefinitely, on motion of Mr. Burns.  
Mr. Mulcahy, for today, on motion of Mr. Byrne.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time and referred to appropriate committees, as follows:

By Mr. Ratliff:

House bill No. 20, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State of all stocks, bonds and other obligations of private, foreign and domestic corporations or associations, in the organization and promotion thereof, organized or proposed to be organized for profit; and to regulate and supervise the offering or contracting for sale and purchase of such stocks, bonds or other obligations of such corporations, proposed corporation, or associations, defining 'promoters,' 'securities' and 'trustees'; fixing commission and promotion fees allowed to be charged; providing for examination fees; providing a penalty for the violation of the provisions hereof, exempting certain corporations, and declaring an emergency."

Referred to Committee on Private Corporations.

By Mr. Ridgell:

House bill No. 21, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State of stocks and bonds of private, foreign and domestic corporations organized or proposed to be organized for profit; and to regulate and supervise the offering or contracting for sale or purchase of such stocks and bonds of such corporations

or proposed corporations, and providing penalties, and declaring an emergency."

Referred to Committee on Private Corporations.

(Mr. Calvin in the chair.)

#### RELATING TO PRINTING OF HOUSE JOURNAL AND MANUAL.

Mr. Hornby offered the following resolution:

Whereas, the Regular Session of the Thirty-third Legislature adopted a concurrent resolution providing for the publication of a legislative manual of the Thirty-third Legislature and said copy has been in the hands of printers for several weeks; and

Whereas, the copy of the Journal of the Thirty-third Legislature has also been with the printers for some time, but has not been delivered to the members of the House; and

Whereas, these publications are of daily need to the members in their deliberation; therefore, be it

Resolved, That the Speaker of the House appoint a special committee of seven members to make investigation and report at once to the House the cause of this delay and also to ascertain the nature of the contract entered into for the publication of this and other printing contracts made by the State Printer.

HORNBY,  
SAVAGE,  
CRISP,  
WATSON of Hays,  
WEBB,  
TARVER,  
CHRESTMAN,  
STEPHENS.

The resolution was read second time and was adopted.

#### RELATIVE TO PRINTING REPORT OF PENITENTIARY INVESTIGATING COMMITTEE.

The Speaker laid before the House, for the consideration at this time, the following resolution:

Senate Concurrent Resolution No. 2, Providing for printing report of the Penitentiary Investigating Committee.

Resolved, by the Senate of Texas, the House of Representatives concurring, That five thousand copies of the Report of the Penitentiary Investigating Committee, as presented to the Legislature on July 23, 1913, be printed in pamphlet form, with paper cover, same to include all the testimony in the form of questions and answers and the full report of

the committee, together with the minority report, same to be paid for, in equal amounts, out of the contingent expense funds of the Senate and House, respectively.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Humphrey offered the following amendment to the resolution:

Amend so as to provide for the printing of 4350 copies, 25 copies to be furnished to each member of the House, 25 copies to each Senator and the Lieutenant Governor, the expense to be borne by each House according to the number of copies received, the work to be done as soon as possible.

Mr. Savage offered the following amendment to the amendment:

Amend by striking out the words and numerals "5,000," and insert in lieu thereof "\$2,000."

Mr. Humphrey moved to table the amendment to the amendment.

Mr. Hornby moved to refer the resolution, with the pending amendments, to the Committee on Contingent Expenses.

On motion of Mr. Humphrey, the motion to refer was tabled.

Question then recurring on the motion to table the amendment to the amendment, it was lost.

The amendment to the amendment was lost.

The amendment was adopted.

The resolution as amended was adopted.

#### PROVIDING COMPENSATION FOR INDETERMINATE SENTENCE COMMITTEE.

The Speaker laid before the House, for consideration at this time, the following resolution by Mr. Rowell:

House Concurrent Resolution No. 5, Providing compensation for the Indeterminate Sentence Committee.

Whereas, Heretofore at the Regular Session of the Thirty-third Legislature Senate Concurrent Resolution No. 10 was adopted by the House and Senate by a proper vote and approved by the Governor; and

Whereas, In said resolution it was provided that the Lieutenant Governor of Texas, and George Waverly Briggs, the well known penologist; Senator F. C. Weinert, Hon. D. M. Reedy and Hon. W. L. Hill should constitute a committee whose duties it was to investigate certain affairs of the penitentiary and the convicts therein, all of which matters

are shown in said resolution, to which reference is here made; and

Whereas, An appropriation was attempted to be made in said resolution out of the general funds of the Treasury; and

Whereas, It was held by the Attorney General's Department that said funds could not be appropriated under the Constitution by resolution, except out of the contingent expense fund of the Legislature; and

Whereas, The members of said committee have performed their duties and incurred expenses under and by virtue of said resolution No. 10, but have not been compensated nor the expenses paid, nor their clerical expenses paid, as provided for in said resolution; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That said committee be compensated and all expenses, including clerical help, as provided for in said resolution No. 10, be paid out of the contingent fund of this session of the Legislature, one-half of same to be paid by the House and one-half by the Senate, the said accounts for services and expenses to be made in the usual form and verified by affidavit as required by the Constitution, and approved by the chairman of said investigating committee and approved by the chairman of the contingent expense committees of the House and Senate, respectively; when said accounts have been so approved, the Comptroller will issue the necessary warrants in settlement thereof.

Sec. 2. The fact that the members of said committee have been compelled to pay their own expenses and have been out the money, which is an unnecessary burden upon them, creates an emergency and an imperative public necessity requiring that the constitutional rule, which provides that bills shall be read on three several days in each house be suspended, and that this resolution shall take effect and be in force from and after its passage, and it is so enacted.

The resolution was read second time and was adopted.

#### RELATIVE TO MEXICAN SITUATION.

The Speaker laid before the House, for consideration at this time, the resolution by Mr. Burges, relating to the Mexican situation, offered on Wednesday, July 23, the resolution having been taken up on Thursday, July 24, and re-

ferred to the Committee on Federal Relations, and the committee having reported same back to the House.

Question—Shall the resolution be adopted?

Mr. Hunter raised a point of order on further consideration of the resolution at this time on the ground that the time allotted under the rules for the consideration of resolutions has expired.

The Speaker sustained the point of order.

#### HOUSE BILL NO. 2 ON ENGROSSMENT.

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

House bill No. 2, A bill to be entitled "An Act making appropriations to pay the salaries and employes of certain departments and courts of the State and other expenses of maintaining and conducting them, as follows: Governor's Office, Mansion and Grounds, Department of State, State Revenue Agent, Public Buildings and Grounds, Department of Insurance and Banking, State Insurance Commission, Texas Library and Historical Commission, State Tax Board, State Purchasing Agent, Public Printing, Bureau of Labor Statistics, State Inspector of Masonry, Public Buildings and Works, Adjutant General's Department, State Board of Health, Game, Fish and Oyster Commissioner, Live Stock Sanitary Commission, State Mining Board, Pure Food Commission, State Pension Department, Attorney General's Department, Department of Education, Treasury Department, Comptroller's Department, General Land Office, Railroad Commission, Department of Agriculture, Board of Water Engineers, and State Levee and Drainage Commission."

The House considering the bill section by section, and all of the sections down to and including the section relating to the Attorney General's Department having been considered and the section of the bill relating to the Department of Education being under consideration.

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the Treasury Department was read.

Mr. Wortham offered the following amendment to this section of the bill:

**Amend House bill No. 2, page 26, by**

striking out all of line 8 and the word "county," in line 9.

The amendment was adopted.

Mr. Ussery offered the following amendment to this section of the bill:

**Amend House bill No. 2, page 25, line 20, by adding "or so much thereof as may be necessary."**

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the Comptroller's Department was read.

Mr. Wortham offered the following (committee) amendments to this section of the bill:

(1)

**Amend House bill No. 2, page 27, line 17, by striking out "\$1550" wherever it occurs and insert in lieu thereof "\$1800."**

(2)

**Amend House bill No. 2, page 27, line 18, by striking out "\$1300" wherever it occurs and insert in lieu thereof "\$1500."**

(3)

**Amend House bill No. 2, page 27, line 28, by striking out "\$1200" wherever it occurs and insert in lieu thereof "\$1350."**

(4)

**Amend House bill No. 2, page 27, line 37, by striking out "\$1350" wherever it occurs and insert in lieu thereof "\$1500."**

(5)

**Amend House bill No. 2, page 27, line 37, by striking out "\$1350" wherever it occurs and insert in lieu thereof "\$1500."**

(6)

**Amend House bill No. 2, page 27, lines 25, 32 and 39, and on page 28, lines 6, 11, 13, 16, 17, 19 and 21, by striking out "\$1100" wherever it occurs and insert "1200."**

(7)

**Amend House bill No. 2, page 28, line 38, by striking out "\$6000" wherever it occurs in said line, and insert "\$7500."**

(8)

**Amend House bill No. 2, page 28, by inserting after line 11, "salary of one bookkeeper for Pension Department, \$1500—\$1500."**

(9)

Amend House bill No. 2, page 28, line 15, by striking out "\$1140" wherever it occurs and insert in lieu thereof "\$1200."

(10)

Amend House bill No. 2, page 27, line 40, by striking out "\$1,350" and insert "\$1,500."

The amendments were severally adopted.

Mr. Wortham offered the following amendment to this section of the bill:

Amend House bill No. 2, page 27, line 36, by striking out "\$1,250" wherever it occurs and insert in lieu thereof "\$1,350."

Mr. Lewelling offered the following amendment to the amendment:

Amend amendment by striking out "\$1,350" and inserting in lieu thereof "\$1,500."

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Mr. Heilig offered the following amendment to this section of the bill:

Amend House bill No. 2, page 27, line 30, by striking out "\$1,400" and inserting in lieu thereof "\$1,500."

The amendment was adopted.

Mr. Cope offered the following amendment to this section of the bill:

Amend House bill No. 2, page 29, line 11, by inserting the following: "Provided, however, that there shall be collected in addition to the fees already prescribed by the tax collectors of the State to the sum of fifty cents for each redemption certificate issued by him and to be approved by the Comptroller, which said 50 cents shall be remitted to the State Treasurer, and all funds so collected are hereby appropriated for the support and maintenance of the Comptroller's Department, and shall become and be a part of the funds out of which the foregoing items so appropriated shall be paid."

Question: Shall the amendment be adopted?

Mr. Mills raised a point of order on consideration of the amendment, on the ground that it is not germane to the purpose of the bill.

The Speaker overruled the point of order.

Mr. Terrell offered the following amendment to the amendment:

Amend amendment by striking out all after the word "and," in line 7, of said amendment.

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Mr. Lewelling offered the following amendment to this section of the bill:

Amend the bill, page 29, by adding after line 10, the following: "For cleaning up basement under the Comptroller's Department, indexing records and filing same, to be expended in two years, \$10,000, or so much thereof as may be necessary."

The amendment was adopted.

Mr. McAskill offered the following amendment to this section of the bill:

Amend House bill No. 2, page 28, line 34, after the word "Legislature," by adding "Also for enforcing the provisions of Chapters 67 and 75 of the General Laws of the Third-third Legislature passed at its Regular Session, convened on January 14, 1913, adjourned on April 1, 1913, and all other laws regulating the sale of intoxicating liquors. The Governor, Attorney General and Comptroller shall employ secret service men such as may be necessary, to be paid out of appropriation herein made, whose duties shall be to ferret out all violations of the foregoing laws. Any two of the above named officials, to-wit, the Governor, Attorney General and Comptroller, may act, but the secret service men shall be under the control of the Comptroller, \$25,000."

TARVER,  
McASKILL,  
BURNS,  
REEVES,  
WEBB,  
SPANN,  
COPE,  
LONG,  
LEWELLING,  
VANNOY,  
DOVE,  
ROBBINS,

Mr. Dove offered the following amendment to the amendment:

Amend the amendment by adding after "\$2500" the following: "or so much thereof as may be necessary, and same shall be spent in two years, beginning September 1, 1913, and ending August 31, 1915."

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Mr. Rogers offered the following amendment to this section of the bill:

Amend House bill No. 2, page 27, line 23, by striking out "\$2600" as it

appears and insert in lieu thereof "\$3000," and strike out "\$1300" and insert "\$1500 each year."

The amendment was adopted.

Mr. Lewelling offered the following amendment to this section of the bill:

Amend bill, page 28, lines 3 and 4, by striking out the word "two" and inserting "three," and by striking out "1100" and inserting "1200 each," and by striking out "2200" and inserting "3600."

The amendment was adopted.

Pending—Consideration of the section of the bill relating to the Comptroller's Department.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, July 29, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate holds that House amendment to Senate Concurrent Resolution No. 1 is not germane to said resolution and both same are returned to the House for its further consideration, together with the opinion of the President of the Senate.

Respectfully,  
W. V. HOWERTON,  
Secretary of the Senate.

#### INVITATION TO BARBECUE.

Mr. Terrell asked unanimous consent of the House that Senator McGregor be permitted to extend an invitation to the members of the House to attend a barbecue.

There was no objection offered.

Senator McGregor being escorted to the Speaker's stand, addressed the House, extending an invitation to the members and employes and representatives of the press to attend a barbecue at his home next Tuesday.

On motion of Mr. Robbins, the invitation was accepted.

#### RECESS.

On motion of Mr. Spradley, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

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

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, July 29, 1913.

Hon. Chester H. Terrell, 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 providing for the election of United States Senators by a direct vote of the people in accordance with the recent amendment to the Federal Constitution; providing that when vacancies happen in the representation of this State in the Senate of the United States that the Governor may make temporary appointments and shall issue the necessary writs of election to fill such vacancy, and also providing for the holding of primaries by political parties for the nominations of candidates for the United States Senate, and declaring an emergency."

The Senate concurs in House amendments to Senate Concurrent Resolution No. 2, providing for the printing of the report of the Penitentiary Investigating Committee.

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

#### COMMITTEE TO INVESTIGATE PRINTING OF JOURNAL AND MANUAL.

The Speaker announced the appointment of the following committee to investigate the delay in printing of House Manual and Journal: Messrs. Hornby, Savage, Crisp, Watson of Hays, Webb, Chrestman and Stephens.

#### HOUSE BILL NO. 2 ON ENGROSSMENT.

(Pending Business.)

The House resumed consideration of pending business, same being House bill No. 2, making appropriations for the support of certain departments of the State government for two years, the House considering the bill section by section and all of the sections down to and including the section relating to the Treasury Department having been considered, and the section of the bill relating to Comptroller's Department being under consideration.

Mr. Burmeister moved to reconsider the vote by which the amendment by Mr. McAskill, making appropriation for enforcing the laws regulating the liquor traffic, was adopted.

The motion to reconsider prevailed.  
Question—Shall the amendment be adopted?

Mr. Burmeister offered the following amendment to the amendment:

"Provided, \$10,000 of the said amount shall be for enforcing the provisions of Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h and 9i of Chapter 17, of the Acts of the First Called Session of the Thirty-first Legislature and the remainder for the purposes herein specified."

BURMEISTER,  
LEWELLING.

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Mr. Spann offered the following amendment to this section of the bill:

Amend House bill No. 2, page 27, lines 33 and 34, by striking out the figures "\$1,300" in each column and inserting in lieu thereof the figures "\$1,500."

SPANN,  
GOODNER.

The amendment was adopted.

Mr. Robbins offered the following amendment to this section of the bill:

Amend House bill No. 2, page 28, lines 8 and 9, by striking out "\$1,100" each year and insert in lieu thereof "\$1,200" each year, and by striking out "\$2,200" as it appears and inserting "\$2,400."

The amendment was adopted.

Mr. Lewelling offered the following amendment to this section of the bill:

Amend bill, page 29, line 6, by striking out "\$250" and inserting "\$500" each year.

LEWELLING,  
BARRETT of Titus.

The amendment was adopted.

Mr. Lewelling offered the following amendment to this section of the bill:

Amend bill, page 28, line 35, by striking out "\$600" and inserting "\$900."

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the General Land Office was read.

Mr. Stephens offered the following amendment to this section of the bill:

Amend between line 6 and 7, page 31, "Improvement on Land Office building, \$2,000," number the line 7 and change the numbers of succeeding lines to correspond.

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

Mr. Rickerson offered the following amendment to this section of the bill:  
Amend the bill, page 30, line 8, by striking out "\$1,200" wherever it occurs and inserting "\$1,350."

RICKERSON,  
YARBROUGH,  
HORNBY,  
WEBB.

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

Mr. Ussery offered the following amendment to this section of the bill:

Amend House bill No. 2, page 29, line 37, by striking out "\$1,500" and inserting "\$1,400" for each year.

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

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the Railroad Commission was read and was passed over.

The section of the bill relating to the Department of Agriculture was read.

Mr. Woods of Navarro offered the following (committee) amendment to this section of the bill:

Amend by adding after line 20, the following:

"1914-1915.

"For collecting, tabulating and systematizing information in regard to the best methods and plans for marketing farm products, and for disseminating such information through bulletins, circular letters, press announcements, reports and other desirable mediums, and to be in co-operation with the Federal Government and other approved public agencies, to be expended under the supervision of the Department of Agriculture and to be expended in two years . . . \$15,000.00"

The (committee) amendment was adopted.

Mr. Savage offered the following amendment to this section of the bill:

Amend bill, line 20, page 33, by striking out "Poultry Inspection" and inserting "Poultry, experiments in feeding and breeding, eradication of diseases and parasites. Inspection, and further advancing farm poultry interests."

The amendment was adopted.

Mr. Ussery offered the following amendment to this section of the bill:

Amend House bill No. 2, page 33, line 10, by adding "or so much thereof as may be necessary."

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the Board of Water Engineers was read.

Mr. Burges offered the following amendments to this section of the bill:

(1)

Amend House bill No. 2, page 34, line 5, appropriations for year ending August 31, 1914, by striking out figures "\$500" and inserting in lieu thereof "\$1,000."

(2)

Amend House bill No. 2, page 34, line 7, by inserting in each column the figures "\$5,000."

(3)

Amend House bill No. 2, page 34, line 8, by inserting in each column the figures "\$1,000."

(4)

Amend House bill No. 2, page 34, line 14, by inserting after the semicolon the following: "provided, further, that any additional field or office assistants, or expenses which may be necessary because of the provisions of the act creating the Board of Water Engineers, not covered by the provisions herein specified, may be allowed by the Governor upon proper application sworn to by the chairman of the Board of Water Engineers, such additional expenses to be paid out of the fees to be collected by the Board of Water Engineers under the provisions of said Act."

The amendments were severally adopted.

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the State Levee and Drainage Board was read and was passed over.

Question—Shall House bill No. 2 be passed to engrossment?

Mr. Woods of Navarro, by unanimous consent, offered the following amendment to the bill:

Amend the amendment adopted to insert new line between lines 8 and 9, page 21, by striking out the amounts of "\$20,000" for each year and substituting the amount of "\$11,500" each year.

The amendment was adopted.

Mr. Reedy offered the following amendment to the bill:

Amend House bill No. 2, page 35, by adding between the last naught at the end of line 11 and before the word "Sec. 2," on line 12, a new paragraph which shall read as follows: "Provided, that no warrant shall be drawn on the State Treasury, and no such warrant shall be paid by the State Treasurer to any employe now or hereafter employed in any of the departments enumerated in this bill, who shall hereafter use his time, influence or means in securing the nomination or election of any person to become the head of any such department or to any district or State office; and if any person shall approve, draw or pay any such warrant as is mentioned in this paragraph he shall be subject to immediate removal from office."

(Mr. Woods of Navarro in the chair.)

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

Question—Shall the amendment be adopted?

(Speaker in the chair.)

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

Yea—36.

Barrett of Titus.	Roach.
Blalock.	Rogers.
Byrne.	Savage.
Calvin.	Schwegman.
Colquitt.	Simpson.
Cooper.	Spradley.
Cox of Ellis.	Sullivan.
Gentry.	Taylor.
Harp.	Tiller.
Heilig.	Tillotson.
Hill.	Ussery.
Hughes.	Vannoy.
Hunter.	Wahrmund.
King.	Williams
Lane.	of Hopkins.
Parker.	Williams
Powell.	of McLennan.
Reedy.	Woods of Fisher.
Ridgell.	Yarbrough.

Nay—69.

Allison.	Coffey.
Baker.	Cope.
Barrett of Jones	Cox of Delta.
Bruce.	Craven.
Burges.	Crisp.
Burmeister.	Cunningham.
Burns.	Davis.
Butler.	Dickson.
Campbell.	Dove.
Chrestman.	Dunn.

Fields.	Nabours.
Fuller.	Neeley.
Gates.	Olander.
Goodner.	Oliver.
Griggs.	Owsley.
Grindstaff.	Parks.
Hagins.	Raiden.
Haney.	Reeves.
Harris.	Rickerson.
Henry of Bowie.	Robbins.
Herder.	Robertson.
Hornby.	Rowell.
Householder.	Russell.
Humphrey.	Smith.
Kirby.	Spann.
Lewelling.	Stephens.
Long.	Stone.
Macgill.	Tarver.
McDaniel.	Thompson.
Mangum.	Vickers.
Mendell.	Watson of Hays.
Mills.	Webb.
Morris of Coryell.	Woods of Navarro.
Morris of Victoria.	Wortham.

Present—Not Voting.  
Bartley.

Absent

Bagby.	Greer.
Bierschwale.	Hall.
Boehmer.	McAskill.
Collins.	Paddock.
Diffie.	Patton.
Dodson.	Penry.
Flournoy.	Ratliff.
Fountain.	Templeton.
Furrrh.	Tyson.

Absent—Excused.

Broughton.	Kennedy.
Brown.	McKamy.
I'oster.	Mulcahy.
Glasscock.	Murray.
Greenwood.	Ritchie.
Haxthausen.	Ross.
Henry of Wichita.	Wagstaff.
Jordan.	Watson of Mills.

Reasons for Votes.

I vote "no" upon this amendment because I do not think it legal or proper to insert such drastic legislation into an appropriation bill, especially as the matters against which it is leveled have not been submitted to this Special Session for consideration, and such legislation invades the sanctity of the free franchise guaranteed to American citizens and is contrary to public policy.  
SPANN.

I vote "no" because the amendment in my opinion is improper in the appropri-

ation bill. I favor the principle, but think it should be embodied in a separate law and should not go so far as to prohibit entirely the right of an employe to express in a proper way his preference for any man for public office.  
ALLISON.

Mr. Wortham offered the following amendment to the bill:

Amend House bill No. 2, page 19, lines 4 and 5, by striking out the figures "\$3,000" where they occur and by inserting in lieu thereof the figures "\$4,000."

BARRETT of Jones,  
HOUSEHOLDER.  
WORTHAM.

The amendment was adopted.

House bill No. 2 was then passed to engrossment.

HOUSE BILL NO. 14 ON SECOND READING.

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

House bill No. 14. A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, to-wit: The University of Texas, Agricultural and Mechanical College, Prairie View Normal, College of Industrial Arts for Women, Sam Houston Normal Institute, North Texas State Normal, Southwest Texas State Normal, and West Texas State Normal, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

On motion of Mr. Wortham, further consideration of the bill was postponed until 9 o'clock a. m. tomorrow, and it was made a special order for that hour.

RELATIVE TO AMENDMENTS TO SENATE JOINT RESOLUTION NO. 1.

The Speaker laid before the House and had read the following communication from the President of the Senate:

To the Hon. Chester H. Terrell, Speaker of the House of Representatives of the State of Texas:

Senate Joint Resolution No. 1, requesting the Treasurer, the Attorney General and the Comptroller's Depart-

ment to withhold turning over to the general revenue fund the \$500,000 penalty fund collected from the Standard Oil Company, and the House amendment thereto are herewith returned with the information that the same was laid before the Senate by the Chair and point of order made and sustained, that the House amendment to the joint resolution was not germane in this, that the original resolution only sought to request the officers named to defer any disposition of the fund and hold it subject to future action of the Legislature, that the amendment seeks to dispose of the fund in toto by making an appropriation thereof for the purposes stated in the amendment.

The Lieutenant Governor and the Senate are of the opinion that the House amendment, not being germane, that the resolution as originally passed by the Senate should be returned to the House for such further action as may be deemed wise by the House.

Respectfully,

WILL H. MAYES,  
President of the Senate.

Mr. Burges moved that the Chief Clerk be instructed to return the resolution referred to in above communication to the Senate, together with a communication from the Speaker to the President of the Senate, stating the position of the House.

The motion prevailed.

In accordance with the above action, the Speaker submitted the following communication to the President of the Senate:

Austin, Texas, July 29, 1913.

Hon. Will H. Mayes, President of the Senate.

Dear Sir: The House has received Senate Joint Resolution No. 1, which was returned to it, together with a statement from you as to why the resolution was returned. The reason given by you was that, in the opinion of the Lieutenant Governor, the amendments offered in the House were not germane to the resolution. The House has instructed the Speaker to return the resolution to the Senate, and it is hereby returned with the suggestion that the question of whether or not the amendments were germane has heretofore been passed on by the House, and in the opinion of the Speaker of the House the amendments were germane, and it is the suggestion of the House that, if the Senate wishes to further consider this resolution, that they request the

appointment of a Conference Committee as provided by Section 1 of the Joint Rules of the two houses.

Respectfully,  
CHESTER H. TERRELL,  
Speaker of the House.

#### ADJOURNMENT.

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

Mr. Burges moved that the House adjourn until 8 o'clock a. m. tomorrow.

The motion of Mr. Goodner prevailed, and the House, accordingly, at 4:20 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

#### EIGHTH DAY.

(Wednesday, July 30, 1913.)

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

Speaker Terrell in the chair.

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

Allison.	Hagins.
Barrett of Jones	Hall.
Barrett of Titus.	Haney.
Bartley.	Harp.
Bierschwale.	Harris.
Blalock.	Haxthausen.
Bruce.	Heilig.
Burges.	Henry of Bowie.
Burns.	Henry of Wichita.
Butler.	Herder.
Byrne.	Hill.
Calvin.	Hornby.
Campbell.	Householder.
Chrestman.	Hughes.
Colquitt.	Humphrey.
Cooper.	Hunter.
Cope.	Kennedy.
Cox of Delta.	King.
Cox of Ellis.	Kirby.
Craven.	Lane.
Crisp.	Lewelling.
Cunningham.	Low.
Davis.	Long.
Dickson.	Macgill.
Diffee.	McAskill.
Dove.	McDaniel.
Dunn.	Mangum.
Fields.	Mendell.
Foster.	Mills.
Fountain.	Morris of Coryell.
Fuller.	Morris of Victoria.
Furrr.	Nabours.
Gates.	Neeley.
Gentry.	Olander.
Goodner.	Oliver.
Greenwood.	Owsley.
Greer.	Parker.
Griggs.	Parks.
Grindstaff.	Patton.

Penry.	Sullivan.
Powell.	Tarver.
Ratliff.	Taylor.
Reedy.	Templeton.
Reeves.	Thompson.
Rickerson.	Tiller.
Ridgell.	Tillotson.
Roach.	Ussery.
Robbins.	Vannoy.
Robertson.	Vickers.
Rogers.	Wahrmund.
Rowell.	Watson of Hays.
Russell.	Webb.
Savage.	Williams
Schwegman.	of Hopkins.
Simpson.	Williams
Smith.	of McLennan.
Spann.	Woods of Navarro.
Spradley.	Woods of Fisher.
Stephens.	Wortham.
Stone.	Yarbrough.

**Absent**

Bagby.	Paddock.
Dodson.	Tyson.
Flournoy.	Absent—Excused.
Boehmer.	Mulcahy.
Broughton.	Murray.
Brown.	Raiden.
Burmeister.	Ritchie.
Collins.	Ross.
Glasscock.	Wagstaff.
Jordan.	Watson of Mills.
McKamy.	

A quorum was announced present.

Prayer by Rev. W. J. Joyce, Chaplain.

**LEAVE OF ABSENCE GRANTED.**

On account of sickness:

Mr. Collins, indefinitely, on motion of Mr. Parks.

Mr. Raiden, indefinitely, on motion of Mr. Griggs.

Mr. Kennedy, for last Monday and Tuesday, on motion of Mr. Mangum.

On account of important business:

Mr. Boehmer, indefinitely, on motion of Mr. Gates.

Mr. Burmeister, indefinitely, on motion of Mr. Heilig.

**SENATE BILL ON FIRST READING.**

Senate bill No. 3 was laid before the House, read the first time, and referred to the Committee on Privileges, Suffrage and Elections.

**PROVIDING FOR INVESTIGATING COMMITTEE.**

Mr. Long offered the following resolution:

Whereas, Some controversy has been

presented to the House of Representatives referring to conflicts between the inmates of the Confederate Home and the superintendent thereof; therefore, be it

Resolved, That a committee of three be appointed to make investigation thereof and report back to the House the results of said investigation.

LONG,  
COPE,  
MORRIS of Coryell,  
PARKER,  
WILLIAMS of Hopkins,  
CUNNINGHAM.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Long, Parker and Cunningham.

**OATH OF OFFICE ADMINISTERED TO HON. J. M. RICH.**

Mr. Grindstaff offered the following resolution:

Whereas, The Hon. J. M. Rich, the duly elected successor to the Hon. F. M. Stevens of the Twelfth Representative District is now within the bar of the House; therefore, be it

Resolved, That he be sworn in as a member of the Thirty-third Legislature.

GRINDSTAFF,  
PATTON,  
SULLIVAN.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker appointed Messrs. Grindstaff, Sullivan and Patton as a committee to escort Mr. Rich to the Speaker's stand.

The committee having performed their duty, Mr. Rich then took the oath of office, which was administered by the Speaker.

**RELATIVE TO MEXICAN SITUATION.**

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, for consideration at this time, the resolution by Br. Burgess relative to the situation in Mexico, the resolution having been read second time on Wednesday, July 23, and referred, on Thursday, July 24, to the Committee on Federal Relations, and having been reported favorably from that committee on Friday, July 25.

**Question—Shall the resolution be adopted?**

Mr. Mills raised a point of order on further consideration of the resolution at this time, on the ground that the time allotted under the rules for the consideration of resolutions has expired.

The Speaker sustained the point of order.

#### HOUSE BILL NO. 14 ON ENGROSSMENT.

(Special Order.)

The Speaker laid before the House, as a special order for this hour, on its passage to engrossment,

House bill No. 14, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, towit: The University of Texas, Agricultural and Mechanical College, Prairie View Normal, College of Industrial Arts for Women, Sam Houston Normal Institute, North Texas State Normal, Southwest Texas State Normal and West Texas State Normal, and declaring an emergency."

The bill having been read second time on yesterday and made a special order for this hour.

The Speaker stated that if there was no objection, the House would consider the bill section by section.

There was no objection offered.

The section of the bill relating to the University of Texas was read.

(Mr. Kirby in the chair.)

Mr. Wortham offered the following (committee) amendment to this section of the bill:

Amend House bill No. 14, page 15, by striking out all of lines 35 and 36 and insert in lieu thereof the following: "For field work, printing bulletins of artesian and other underground waters, preparation of general report on the mining resources of the State, preparation of a geological and mineral map of the State, for the completion of work on the fuels of the State, for publications, mapping, help, etc., 1914, \$12,500; 1915, \$12,500."

The (committee) amendment was adopted.

Mr. Wortham offered the following (committee) amendment to this section of the bill:

Amend House bill No. 14, page 1, by inserting at the end of line 34 the following: "Provided, however, that the Board of Regents of the University of

Texas shall set aside and appropriate out of the income from the permanent University fund the sum of \$65,000, to be expended by said Board of Regents for the erection of a nurses' home in connection with the John Sealy Hospital at Galveston, Texas."

The (committee) amendment was adopted.

Mr. Wortham offered the following (committee) amendment to this section of the bill:

Amend House bill No. 14, page 11, by striking out line 32.

The (committee) amendment was adopted.

Mr. Burns offered the following amendment to this section of the bill:

Amend House bill No. 14, page 18, line 17, by striking out the grand totals for 1914 and 1915 and insert in lieu thereof "\$1,000,000 for each year; provided that each item for the University shall receive its proportionate part as is now itemized in the bill."

BURNS  
YARBROUGH.

**Question—Shall the amendment be adopted?**

Mr. Lewelling raised a point of order on further consideration of the amendment on the ground that its provisions are too vague and indefinite.

The Speaker overruled the point of order.

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

Mr. Blalock moved the previous question on this section of the bill, and the motion was not seconded.

Mr. Householder offered the following amendment to this section of the bill:

Amend the bill, page 4, line 14, by striking out the word "agricultural" and insert "architectural."

The amendment was adopted.

Mr. Mangum offered the following amendment to this section of the bill:

Amend bill, page 18, line 13, by adding the following: "\$10,000, or so much thereof as may be deemed necessary by the Board of Regents and President of the University, is hereby appropriated for the purchase of a pipe organ to be placed in the auditorium of the University."

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

Mr. Templeton offered the following amendment to this section of the bill:

Amend bill, page 13, line 28, by striking out "same."

Mr. Lewelling offered the following substitute for the amendment:

Amend House bill No. 14, page 13, line 28, by striking out "1250" and inserting "500."

Question first recurring on the substitute, it was lost.

Question—Shall the amendment be adopted?

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

Mr. Templeton offered the following amendment to this section of the bill:

Amend bill, page 13, line 31, by striking out same.

Question—Shall the amendment be adopted?

Mr. Householder moved to table the amendment.

Yea<sup>s</sup> and nays were demanded, and the motion to table was lost by the following vote:

Yea<sup>s</sup>—53.

Mr. Speaker.	Long.
Allison.	Low.
Blalock.	Macgill.
Bruce.	McAskill.
Burges.	McDaniel.
Butler.	Mangum.
Calvin.	Mendell.
Campbell.	Mills.
Cope.	Morris of Victoria.
Dunn.	Neeley.
Foster.	Olander.
Fountain.	Owsley.
Fuller.	Parker.
Goodner.	Patton.
Greer.	Penry.
Griggs.	Rich.
Haney.	Rowell.
Harris.	Smith.
Heilig.	Sullivan.
Henry of Wichita.	Tarver.
Herder.	Tiller.
Hill.	Wahrmund.
Householder.	Webb.
King.	Williams
Kirby.	of McLennan.
Lane.	Woods of Navarro.
Lewelling.	Wortham.

Nay<sup>s</sup>—61.

Baker.	Dove.
Barrett of Jones.	Fields.
Barrett of Titus.	Gates.
Burns.	Gentry.
Byrne.	Greenwood.
Chrestman.	Grindstaff.
Coffey.	Hagins.
Colquitt.	Harp.
Cooper.	Haxthausen.
Cox of Delta.	Henry of Bowie.
Cox of Ellis.	Hornby.
Crisp.	Hughes.
Cunningham.	Humphrey.
Davis.	Hunter.
Dickson.	Kennedy.

Morris of Coryell.	Simpson.
Nabours.	Spann.
Oliver.	Spradley.
Parks.	Stephens.
Powell.	Stone.
Ratliff.	Taylor.
Reeves.	Templeton.
Rickerson.	Thompson.
Ridgell.	Ussery.
Roach.	Vannoy.
Robbins.	Vickers.
Robertson.	Watson of Hays.
Rogers.	Williams
Russell.	of Hopkins.
Savage.	Woods of Fisher.
Schwegman.	Yarbrough.

#### Absent

Bagby.	Furrrh.
Bartley.	Hall.
Bierschwale.	Paddock.
Craven.	Reedy.
Diffie.	Tillotson.
Dodson.	Tyson.
Flournoy.	

#### Absent—Excused.

Boehmer.	Mulcahy.
Broughton.	Murray.
Brown.	Raiden.
Burmeister.	Ritchie.
Collins.	Ross.
Glasscock.	Wagstaff.
Jordan.	Watson of Mills.
McKamy.	

Question recurred—Shall the amendment be adopted?

Mr. Blalock offered the following substitute for the amendment:

Amend House bill No. 14, page 13, line 31, by adding: "for exchanges to other institutions, or so much thereof as may be necessary, \$800."

The substitute was adopted.

Question recurring on the amendment as substituted, yeas and nays were demanded.

The amendment as substituted was adopted by the following vote:

Yea<sup>s</sup>—65.

Allison.	Foster.
Barrett of Jones.	Fountain.
Bartley.	Fuller.
Blalock.	Goodner.
Bruce.	Greenwood.
Burges.	Greer.
Butler.	Griggs.
Byrne.	Haney.
Calvin.	Heilig.
Campbell.	Henry of Bowie.
Coffey.	Henry of Wichita.
Cope.	Herder.
Cunningham.	Hill.
Dunn.	Househouder.

Hunter.	Rich.
Kennedy.	Roach.
King.	Robertson.
Kirby.	Rogers.
Lewelling.	Smith.
Low.	Spann.
Long.	Sullivan.
Macgill,	Tarver.
McDaniel.	Tiller.
Mangum.	Ussery.
Mendell.	Webb.
Mills.	Williams of Hopkins.
Morris of Victoria.	Williams of McLennan.
Feeley.	Wodds of Fisher.
Olander.	Woods of Navarro.
Owsley.	Wortham.
Parker.	Yarbrough.
Patton.	
Penry.	
Reeves.	

Nays—41.

Baker.	Nabours.
Barrett of Titus.	Oliver.
Bierschwale.	Parks.
Burns.	Powell.
Colquitt.	Ratliff.
Cooper.	Rickerson.
Cox of Delta.	Ridgell.
Cox of Ellis.	Robbins.
Crisp.	Russell.
Davis.	Savage.
Dickson.	Schwegman.
Dove.	Simpson.
Fields.	Spradley.
Gates.	Stephens.
Grindstaff.	Stone.
Hagins.	Taylor.
Harp.	Thompson.
Haxthausen.	Vannoy.
Hornby.	Vickers.
Hughes.	Watson of Hays.
Morris of Coryell.	

Present—Not Voting.

Templeton.

Absent

Bagby.	Humphrey.
Chrestman.	Jane.
Craven.	McAskill.
Diffie.	Paddock.
Dodson.	Reedy.
Flournoy.	Rowell.
Furrr.	Tillotson.
Gentry.	Tyson.
Hall.	Wahrmund.
Harris.	

Absent—Excused.

Boehmer.	Mulcahy.
Broughton.	Murray.
Brown.	Raiden.
Burmeister.	Ritchie.
Collins.	Ross.
Glasscock.	Wagstaff.
Jordan.	Watson of Mills.
McKamy.	

Pending—Consideration of the section of the bill relating to the University of Texas.

MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, July 30, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has rescinded the action by which it concurred in the House amendments to Senate concurrent resolution No. 2, providing for the printing of the Report of the Penitentiary Investigation Committee.

Respectfully,

JOHN D. McCALL,  
Assistant Secretary of the Senate.

RELATIVE TO PRINTING REPORT  
OF PENITENTIARY INVESTI-  
GATING COMMITTEE.

Mr. Savage, by unanimous consent, moved that the House rescind its action on yesterday in adopting Senate concurrent resolution No. 2, relating to printing testimony of Penitentiary Investigating Committee.

The motion to rescind prevailed.

Mr. Humphrey then offered the following as a privileged resolution:

Resolved, That the Speaker appoint a committee of five members, whose duty it shall be to ascertain the best and most economical method of having printed the testimony taken by the Penitentiary Investigation Committee, said committee being instructed to report back to the House as soon as possible.

The resolution was read second time and was adopted.

COMMUNICATION FROM STATE  
TREASURER.

The Speaker laid before the House and had read the following communication from the State Treasurer:

Austin, Texas, July 30, 1913.

Hon. Chester H. Terrell, Speaker of the House, and Members of the House of Representatives, Capitol.

Gentlemen: In view of the fact that the sum of \$486.250 was received from the Standard Oil Company, and paid into the State Treasury Department some eight days ago, and it being my desire to conform to the wishes of the Legislature, this money has been held in this department awaiting legislation making final disposition of same, but as no def-

inite action has been taken, and as Article 4367 of the Revised Statutes of 1911, states plainly and clearly how all money shall be paid into the State Treasury, I do not feel that I should take any further responsibility by longer holding this money in suspense, so I have asked for a deposit warrant, placing the entire amount to the credit of the General Revenue Fund.

However, as both bodies of the Legislature have recommended that the A. and M. 3 per cent bonds should be redeemed out of this fund, I will hold \$205,000 of this amount for a short while, until action can be taken in the matter, and will issue a call for outstanding warrants to the amount of \$281,250, to cover the balance, which will pay all outstanding pension warrants, in addition to all regular revenue warrants issued up to the 10th day of June.

I will appreciate it very much if you will take prompt action in making disposition of the \$205,000, which I am holding.

Yours respectfully,

J. M. EDWARDS,  
State Treasurer.

RECESS.

On motion of Mr. Rogers, the House, at 11:50 o'clock a. m., took recess to 2 o'clock p. m. today.

—  
AFTERNOON SESSION.

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

HOUSE BILL NO. 14 ON ENGROSSMENT.

(Pending Business.)

The House resumed consideration of pending business, same being House bill No. 14, making appropriations for the support of certain educational institutions of the State for two years, the House considering the bill section by section, and the section of the bill relating to the University of Texas being under consideration.

Mr. Dove offered the following amendment to this section of the bill:

Amend House bill No. 14, page 14, by striking out line 34.

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

(Mr. Mills in the chair.)

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the Agricultural and Mechanical College was read.

Mr. Bruce offered the following amendment to this section of the bill:

Amend House bill No. 14 by inserting on page 19, between lines 29 and 30, the following: "Aid in publication of 'The Battalion,' \$500 for each year."

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

Mr. Tarver offered the following amendment to this section of the bill:

Amend House bill No. 14, page 19, line 38, by striking out "\$100,000" and by inserting in lieu thereof "50,000."

TARVER,  
GRIGGS.

Question—Shall the amendment be adopted?

Mr. Haney moved to table the amendment.

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

Yeas—87.

Mr. Speaker.	Hornby.
Allison.	Householder.
Baker.	Hunter.
Barrett of Jones.	Kennedy.
Bartley.	King.
Bierschwale.	Kirby.
Bruce.	Lane.
Burges.	Low.
Burns.	Macgill.
Butler.	McDaniel.
Byrne.	Mendell.
Calvin.	Mills.
Campbell.	Morris of Victoria.
Chrestman.	Nabours.
Coffey.	Neeley.
Cooper.	Clander.
Cox of Delta.	Oliver.
Cox of Ellis.	Owsley.
Crisp.	Parks.
Dickson.	Patton.
Dove.	Penry.
Dunn.	Powell.
Fountain.	Ratliff.
Fuller.	Rickerson.
Gates.	Roach.
Gentry.	Robertson.
Goodner.	Rogers.
Greer.	Rowell.
Hagins.	Russell.
Haney.	Savage.
Harp.	Schwegman.
Harris.	Smith.
Haxthausen.	Spradley.
Heilig.	Stone.
Henry of Wichita.	Sullivan.
Herder.	Taylor.
Hill.	Thompson.

Tillotson.	Williams
Ussery.	of Hopkins.
Vannoy.	Williams
Vickers.	of McLennan.
Wahrmund.	Woods of Fisher.
Watson of Hays.	Woods of Navarro
Webb.	Wortham.
	Yarbrough.

Nays—24.

Barrett of Titus.	Lewelling.
Colquitt.	McAskill.
Cope.	Mangum.
Davis.	Morris of Coryell.
Diffie.	Reeves.
Fields.	Ridgell.
Foster.	Simpson.
Greenwood.	Spann.
Griggs.	Stephens.
Grindstaff.	Tarver.
Henry of Bowie.	Templeton.
Humphrey.	Tiller.

Absent.

Bagby.	Long.
Blalock.	Paddock.
Cunningham.	Parker.
Dodson.	Reedy.
Flournoy.	Rich.
Furrrh.	Robbins.
Hall.	Tyson.
Hughes.	

Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mulcahy.
Brown.	Murray.
Burmeister.	Raiden.
Collins.	Ritchie.
Craven.	Ross.
Glasscock.	Wagstaff.
Jordan.	Watson of Mills.

Reason for Vote.

I vote "no," not because I am not in full sympathy with the work of the A. and M. College, but because I believe \$50,000 to be all the condition of the Treasury will permit, in view of the present unparalleled indebtedness of the State and the imperative necessity of appropriating large sums to meet the crying needs of the various eleemosynary institutions.

I am in hearty accord with the work of A. and M., and would cheerfully vote to appropriate even more than the Committee on Appropriations recommended, if conditions justified.

LEWELLING.

Mr. Lewelling offered the following amendment to this section of the bill:

Amend bill, page 19, line 39, by striking out "\$38,000," and inserting "\$18,000."

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

Mr. Wortham offered the following amendment to this section of the bill:

Amend House bill No. 14, line 39, page 19, by adding before the word "animal" the following: "Building for the Animal Husbandry Department, to include an."

The amendment was adopted.

Mr. Bruce offered the following amendment to this section of the bill:

Amend House bill No. 14 by inserting on page 19, after line 30, the following: "The Longhorn" for exchanges to other institutions, or so much thereof as may be necessary, \$800 for each year."

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

Mr. Templeton offered the following amendment to this section of the bill:

Amend bill, page 20, line 7, by substituting "\$5000" wherever "\$10,000" is found.

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

Mr. Woods of Navarro offered the following amendment to this section of the bill:

Amend House bill No. 14, page 21, by adding at line 25 the following department:

#### State Experimental Sub-stations.

	For the Years Ending	Aug. 31, 1914	Aug. 31, 1915
For support and maintenance of eleven sub-stations, including the station at Nacogdoches, at \$7500 each.....	\$82,500.00	\$82,500.00	
For co-operative feeding and breeding experiments on Texas farms and ranches .....	5,000.00	5,000.00	
For sheep breeding work (under way at present time) .....	2,000.00	2,000.00	
For printing station bulletins and circulars .....	5,000.00	5,000.00	
Total .....	\$94,500.00	\$94,500.00	
Provided, that the amounts herein ap-			

propriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Experimental Sub-stations during the fiscal years, beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor warrants issued, nor obligations incurred in excess of the amounts herein appropriated.

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the Prairie View Normal was read.

Mr. Wortham offered the following amendment to this section of the bill:

Amend House bill No. 14, page 22, line 11, by adding after the word "hydrants" the following: "As per estimate of State Fire Marshal."

The amendment was adopted.

Mr. Burns offered the following amendment to this section of the bill:

Amend House bill No. 14, page 22, line 21, by striking out "20,000."

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

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the College of Industrial Arts for Women was read.

Mr. Lewelling offered the following amendment to this section of the bill:

Amend bill, pages 24 and 25, by striking out the names of each person, firm, company or corporation where same appear, beginning on line 31, page 24, and ending on line 14, page 25.

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

The section of the bill relating to the Sam Houston Normal Institute was read and was passed over.

The section of the bill relating to the North Texas State Normal was read and was passed over.

The section of the bill relating to the Southwest Texas State Normal was read and was passed over.

The section of the bill relating to the West Texas State Normal was read.

Mr. Henry of Wichita offered the following amendment to this section of the bill:

Amend House bill No. 14, page 28, line

22, by adding the word "support" after the word "maintenance."

The amendment was adopted.

Mr. Woods of Navarro offered the following amendment to the bill:

Amend House bill No. 14 by adding at the end of line 22, page 29, between lines 22 and 23, a new paragraph as follows: "Provided, That all new buildings authorized by this act and for which appropriations are hereby made shall be of fireproof construction and all plans and specifications for the erection of buildings and for the installation of fire protection shall be subject to the approval of the State Fire Insurance Commission."

The amendment was adopted.

House bill No. 14 was then passed to engrossment.

Mr. Haney moved to reconsider the vote by which House bill No. 14 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### RELATING TO PROOFREADING LEGISLATIVE MANUAL.

Mr. Savage offered the following as a privileged resolution:

Whereas, The public printer reports that the printing of the Legislative Manual is being delayed for the reason that the proof has not been read; and

Whereas, No provision has been made for the reading of the proof of the Manual; therefore, be it

Resolved, That the Speaker is authorized to appoint some one to read the proof, the same to be done under the direction of the Chairman of the Committee on Rules.

The resolution was read second time and was adopted.

#### APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of the following committee provided for by the resolution adopted this morning relative to printing the report of the Penitentiary Investigating Committee: Messrs. Hornby, Savage, Humphrey, Greer and Craven.

#### ADJOURNMENT.

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

Mr. Mendell moved that the House recess to 8 o'clock p. m. today.

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

Question first recurring on the motion of Mr. Hill, it was lost.

Question next recurring on the motion of Mr. Butler, yeas and nays were demanded.

The motion prevailed by the following vote:

**Yeas—70.**

Allison.	Lane.
Baker.	Lewelling.
Barrett of Jones.	Low.
Barrett of Titus	Macgill.
Bierschwale.	McDaniel.
Burges.	Mendell.
Butler.	Morris of Coryell.
Byrne.	Morris of Victoria.
Campbell.	Feeley.
Coffey.	Olander.
Colquitt.	Oliver.
Cope.	Patton.
Cox of Delta.	Reeves.
Cox of Ellis.	Rich.
Davis.	Rickerson.
Dickson.	Ridgell.
Dove.	Roach.
Dunn.	Robbins.
Fields.	Savage.
Foster.	Schwegman.
Fountain.	Spradley.
Furh.	Stephens.
Gates.	Tarver.
Gentry.	Taylor.
Goodner.	Thompson.
Greer.	Tiller.
Griggs.	Tillotson.
Grindstaff.	Vannoy.
Hagins.	Vickers.
Harris.	Watson of Hays.
Heilig.	Webb.
Henry of Bowie.	Williams
Herder.	of McLennan.
Hill.	Wortham.
Hunter.	Yarbrough.
Kennedy.	

**Nays—30.**

Burns.	Mills.
Calvin.	Nabours.
Chrestman.	Parks.
Cooper.	Penry.
Crisp.	Powell.
Fuller.	Ratliff.
Haney.	Robertson.
Harp.	Rowell.
Haxthausen.	Russell.
Henry of Wichita.	Simpson.
Hornby.	Spann.
Householder.	Stone.
King.	Sullivan.
Kirby.	Templeton.
Mangum.	Woods of Navarro.

**Present—Not Voting.**

Reedy.

**Absent.**

Bagby.

Bartley.

Blalock.	McAskill.
Bruce.	Owsley.
Craven.	Paddock.
Cunningham.	Parker.
Diffie.	Rogers.
Dodson.	Smith.
Flournoy.	Tyson.
Greenwood.	Ussery.
Hall.	Wahrmund.
Hughes.	Williams
Humphrey.	of Hopkins.
Long.	Woods of Fisher.

**Absent—Excused.**

Boehmer.	Mulcahy.
Broughton.	Murray.
Brown.	Raiden.
Collins.	Ritchie.
Burmeister.	Ross.
Glasscock.	Wagstaff.
Jordan.	Watson of Mills.
McKamy.	

The House accordingly, at 5:05 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

**APPENDIX.**

**REPORT OF COMMITTEE ON PRIVATE CORPORATIONS.**

Committee Room,  
Austin, Texas, July 29, 1913.  
Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Private Corporations, to whom was referred House bill No. 9, having had the same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

RUSSELL, Acting Chairman.

**NINTH DAY.**

(Thursday, July 31. 1913.)

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

Speaker Terrell in the chair.

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

Allison.	Burns.
Baker.	Butler.
Barrett of Jones.	Byrne.
Barrett of Titus.	Calvin.
Bartley.	Campbell.
Bierschwale.	Chrestman.
Blalock.	Coffey.
Bruce.	Collins.
Burges.	Colquitt.

Cooper.	Mills.
Cope.	Morris of Coryell.
Cox of Delta.	Morris of Victoria.
Cox of Ellis.	Nabours.
Craven.	Neeley.
Crisp.	Olander.
Cunningham.	Oliver.
Davis.	Owsley.
Dickson.	Parker.
Diffie.	Parks.
Dove.	Patton.
Dunn.	Penry.
Fields.	Powell.
Foster.	Ratliff.
Fountain.	Reedy.
Fuller.	Reeves.
Furrh.	Rickerson.
Gates.	Ridgell.
Gentry.	Robbins.
Goodner.	Robertson.
Greenwood.	Rogers.
Greer.	Rowell.
Griggs.	Russell.
Grindstaff.	Savage.
Hagins.	Schwegman.
Hall.	Simpson.
Haney.	Smith.
Harp.	Spann.
Harris.	Spradley.
Haxthausen.	Stephens.
Heilig.	Stone.
Henry of Bowie.	Sullivan.
Henry of Wichita.	Tarver.
Herder.	Taylor.
Hill.	Templeton.
Hornby.	Thompson.
Householder.	Tiller.
Humphrey.	Tillotson.
Hunter.	Ussery.
Jordan.	Vannoy.
Kennedy.	Vickers.
King.	Wahrmund.
Kirby.	Watson of Hays.
Lane.	Webb.
Lewelling.	Williams of Hopkins
Long.	Williams of McLennan.
Low.	Woods of Fisher.
Macgill.	Woods of Navarro.
McAskill.	Wortham.
McDaniel.	Yarbrough.
Mangum.	
Mendell.	
	Absent.
Bagby.	Paddock.
Flournoy.	Tyson.
Hughes.	
	Absent—Excused.
Boehmer.	Mulcahy.
Broughton.	Murray.
Brown.	Raiden.
Burmeister.	Ritchie.
Dodson.	Ross.
Glasscock.	Wagstaff.
McKamy.	Watson of Mills.

A quorum was announced present.  
Prayer by Rev. W. J. Joyce, Chaplain.

#### LEAVE OF ABSENCE GRANTED.

Mr. Dodson, for this week, on account of important business, on motion of Mr. Householder.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to appropriate committees, as follows:

By Mr. Hill:

House bill No. 22, A bill to be entitled "An Act to amend Article 1314, Revised Statutes, prescribing conditions upon which foreign corporations may obtain permits to do business in Texas, and providing penalties for violating the provisions of this act."

Referred to Committee on Private Corporations.

By Mr. Spann, Mr. Allison and Mr. Diffie:

House bill No. 23, A bill to be entitled "An Act to amend Chapter 150 of the Revised Civil Statutes of Texas, as passed at the Regular Session of the Thirty-third Legislature, approved April 7, 1913, so that the same shall hereafter read and be as follows: 'An Act to require application to be made under oath for witnesses in felony cases, and prescribing contents of such applications; to provide adequate penalties against district clerks and their deputies for unlawfully issuing subpoenas in felony cases; to define the duties of the district judges with reference to sheriffs' and witnesses' accounts, and to provide for the fees of witnesses residing in the county of the prosecution in felony cases, repealing all laws and parts of laws in conflict herewith, and declaring an emergency.'"

Referred to Committee on Reforms in Criminal Procedure.

By Mr. Wortham:

House bill No. 24, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, towit: State Orphans' Home, Confederate Home, Confederate Woman's Home, Blind Institute, Deaf and Dumb Institute, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institution for

the Training of Juveniles, Tuberculosis Sanitarium at Carlsbad, State Lunatic Asylum, Southwestern Insane Asylum, and North Texas Hospital for the Insane."

Referred to Committee on Appropriations.

**RELATIVE TO MEXICAN SITUATION.**

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, for consideration at this time, the resolution by Mr. Burges, relative to the Mexican situation, offered on Wednesday, July 23.

Question—Shall the resolution be adopted?

(Mr. Wortham in the chair.)

Mr. Harris moved the previous question on the adoption of the resolution, and the main question was ordered.

(Mr. Kennedy in the chair.)

Mr. Ridgell moved to reconsider the vote by which the main question was ordered.

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

**Yeas—42.**

Baker.	Parker.
Barrett of Jones.	Parks.
Barrett of Titus.	Penry.
Bierschwale.	Powell.
Bruce.	Reeves.
Coffey.	Rickerson.
Collins.	Ridgell.
Cox of Ellis.	Rowell.
Craven.	Russell.
Davis.	Schwegman.
Dickson.	Simpson.
Diffie.	Spann.
Dunn.	Tarver.
Fields.	Thompson.
Goodner.	Tiller.
Greenwood.	Vickers.
Greer.	Watson of Hays.
Hagins.	Williams
Jordan.	of Hopkins.
Kirby.	Woods of Fisher.
Lane.	Woods of Navarro.
Mills.	

**Nays—66.**

Allison.	Calvin.
Bartley.	Campbell.
Blalock.	Colquitt.
Burges.	Cope.
Burns.	Cunningham.
Butler.	Dove.

Fountain.	Morris of Victoria.
Fuller.	Nabours.
Gates.	Neeley.
Gentry.	Olander.
Griggs.	Oliver.
Grindstaff.	Owsley.
Hall.	Patton.
Haney.	Ratliff.
Harp.	Reedy.
Harris.	Roach.
Haxthausen.	Robbins.
Heilig.	Robertson.
Henry of Bowie.	Savage.
Henry of Wichita.	Smith.
Herder.	Stephens.
Hill.	Stone.
Hornby.	Sullivan.
Householder.	Taylor.
Hunter.	Templeton.
King.	Tillotson.
Lewelling.	Ussery.
Long.	Vannoy.
Low.	Wahrmund.
Macgill.	Webb.
McDaniel.	Williams
Mangum.	of McLennan.
Mendell.	Yarbrough.
Morris of Coryell.	

**Present—Not Voting.**

Crisp.	McAskill.
Kennedy.	Wortham.

**Absent.**

Bagby.	Hughes.
Boehmer.	Humphrey.
Byrne.	McKamy.
Chrestman.	Paddock.
Cox of Delta.	Rich.
Flournoy.	Rogers.
Foster.	Spradley.
Furrh.	Tyson.

**Absent—Excused.**

Broughton.	Raiden.
Brown.	Ritchie.
Dodson.	Ross.
Glasscock.	Wagstaff.
Mulcahy.	Watson of Mills.
Murray.	

**Paired.**

Mr. Cooper, present, who would vote "yea," with Mr. Burmeister, absent, who would vote "nay."

Question recurred—Shall the resolution be adopted?

Mr. Long moved that the following minority report on the resolution be adopted in lieu of the majority report, which recommended that the resolution be adopted:

Committee Room,  
Austin, Texas, July 25, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: We, a minority of your Committee on Federal Relations, beg leave to report House resolution by Mr. Burges back to the House with the recommendation that it do not pass, for the following reasons, towit:

The relationship between the Republic of Mexico and the State of Texas, as well as that of the United States, is peaceable, and our commercial transactions, especially by and on the part of the citizenship of the border, has had no material disturbance, and your minority desires that to whatsoever extent we may feel inclined towards one or the other divisions existing in our sister republic, we must be true as American citizens, exercise no power and encourage no influence that would do injustice to either side. We feel that to make any expression of opinion as a suggestion for diplomatic or executive action would not be prudent or well advised when we are cognizant of the strained condition in Mexico, and the delicate situation of affairs involved now under consideration by our national authority.

We fully appreciate the importance of protection to life and property and that the responsibility of this protection for both our and foreign interest is largely imposed on the United States and not on Texas. That the United States is now considering a plan for mediation. Neither of the opposing powers has been recognized by the United States. Both of these sides have been ready and prompt to offer and render aid in the protection of life and property. Where life has been taken or property destroyed, it has been done by bandits, who have no respect for law or legal restraint.

To adopt this resolution it will be construed as an act favorable to offensive action requiring organized effort to proceed within the lines of Mexico and means, if it means anything, a declaration of war. War from this basis means destruction of life and property and a sad farewell to peace and prosperity on the border of our State for a long season.

It will be noted that the resolution which you are asked to adopt, impliedly charges the National Administration with bad faith because the National Democratic Party had declared to pro-

tect life and property, and not doing so now, makes void the Democratic policy.

Your minority insists that the Democratic National Administration is actively engaged now and using all due diligence to meet the demand cited in the National Democratic platform to the satisfaction of every patriotic citizen.

Wherefore, we recommend that the resolution do not pass.

LONG,  
COFFEY,  
BARRETT of Jones,  
WILLIAMS of Hopkins,  
COOPER.

Question—Shall the motion to substitute the minority for the majority report prevail?

(Speaker in the chair.)

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

Yeas—58.

Baker.	Mills.
Barrett of Jones.	Morris of Coryell.
Barrett of Titus.	Morris of Victoria.
Bierschwale.	Owsley.
Butler.	Parker.
Coffey.	Parks.
Cope.	Powell.
Cox of Delta.	Reeves.
Cox of Ellis.	Rich.
Craven.	Rickerson.
Davis.	Robertson.
Dickson.	Rogers.
Dunn.	Rowell.
Fields.	Russell.
Gates.	Schwegman.
Goodner.	Smith.
Grindstaff.	Spann.
Hagins.	Sullivan.
Haney.	Tarver.
Haxthausen.	Taylor.
Heilig.	Thompson.
Herder.	Vickers.
Hornby.	Watson of Hays.
Householder.	Webb.
Humphrey.	Williams of Hopkins.
Jordan.	Williams of McLennan.
Kirby.	Woods of Fisher.
Long.	Woods of Navarro.
McAskill.	
Mangum.	

Nays—58.

Mr. Speaker.	Calvin.
Allison.	Campbell.
Bartley.	Chrestman.
Blalock.	Collins.
Bruce.	Colquitt.
Burges.	Crisp.
Burns.	Cunningham.

Diffie.	Nabours.	Hunter.	Ridgell.
Dove.	Neeley.	King.	Roach.
Fountain.	Olander.	Lane.	Robbins.
Fuller.	Oliver.	Lewelling.	Simpson.
Furrh.	Patton.	Low.	Spann.
Gentry.	Penry.	Macgill.	Spradley.
Greenwood.	Ratliff.	McDaniel.	Stephens.
Greer.	Ridgell.	Mendell.	Stone.
Griggs.	Roach.	Nabours.	Templeton.
Hall.	Robbins.	Neeley.	Tiller.
Harp.	Savage.	Olander.	Tillotson.
Harris.	Simpson.	Oliver.	Ussery.
Henry of Bowie.	Spradley.	Patton.	Vannoy.
Hill.	Stephens.	Penry.	Wortham.
Hunter.	Stone.	Ratliff.	Yarbrough.
King.	Templeton.		
Lane.	Tiller.		Nays—62.
Lewelling.	Tillotson.	Allison.	McAskill.
Low.	Ussery.	Baker.	Mangum.
Macgill.	Vannoy.	Barrett of Jones.	Mills.
McDaniel.	Wortham.	Barrett of Titus.	Morris of Coryell.
Mendell.	Yarbrough.	Bierschwale.	Morris of Victoria.
		Bruce.	Owsley.
		Butler.	Parker.
		Coffey.	Parks.
		Cope.	Powell.
		Cox of Delta.	Reeves.
		Cox of Ellis.	Rickerson.
		Craven.	Rich.
		Davis.	Robertson.
		Dickson.	Rogers.
		Dunn.	Rowell.
		Fields.	Russell.
		Gates.	Savage.
		Goodner.	Schwegman.
		Grindstaff.	Smith.
		Hagins.	Sullivan.
		Haney.	Tarver.
		Haxthausen.	Taylor.
		Heilig.	Thompson.
		Henry of Bowie.	Vickers.
		Henry of Wichita.	Watson of Hays.
		Herder.	Webb.
		Hornby.	Williams
		Householder.	of Hopkins.
		Humphrey.	Williams
		Jordan.	of McLennan.
		Kirby.	Woods of Fisher.
		Long.	Woods of Navarro.
			Present—Not Voting.
		Kennedy.	Absent.
	Yeas—54.		
Bartley.	Dove.	Bagby.	Hughes.
Blalock.	Fountain.	Boehmer.	Paddock.
Burges.	Fuller.	Byrne.	Reedy.
Burns.	Furrh.	Flournoy.	Tyson.
Calvin.	Gentry.	Foster.	Wahrmund.
Campbell.	Greenwood.		
Chrestman.	Greer.		Absent—Excused.
Collins.	Griggs.		
Colquitt.	Hall.	Broughton..	McKamy.
Crisp.	Harp.	Brown.	Mulcahy.
Cunningham.	Harris.	Dodson.	Murray.
Diffie.	Hill.	Glasscock.	Raiden.

Ritchie.  
Ross.

Wagstaff.  
Watson of Mills.

Paired.

Mr. Cooper, present, who would vote "nay," with Mr. Burmeister, absent, who would vote "yea."

Reason for Vote.

I vote "nay" because I believe that when a citizen of one country becomes a resident of a foreign country he takes his chances under such conditions as exist or may arise in the country where he takes up his residence. I do not believe the government from which he emigrates should intervene in his behalf except when the government of his residence interferes with his life, liberty or property because of his nationality.

This view of the matter is not in accord with the law of nations, but is my conception of common sense.

COX of Ellis.

Mr. Mills moved to reconsider the vote by which the resolution was lost and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 4 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to a third reading,

Senate bill No. 4, A bill to be entitled "An Act for the retirement of \$500,000 in bonds of the State of Texas issued by virtue of Chapter 7 of the Acts of the Third Called Session of the Thirty-first Legislature and appropriating funds derived by the way of penalties assessed against the Standard Oil Company of New Jersey and certain amounts out of the State Treasury for said purpose; and authorizing the Governor to retire said bonds, and specifying that the bonds held by the permanent Agricultural and Mechanical College fund shall be among those retired, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to a third reading?

Mr. Spann offered the following amendments to the bill:

(1)

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

"Section 1. The Treasurer of the

State is hereby directed to pay off, and the Governor is hereby authorized to retire the remainder of the one hundred and seventy-four thousand dollars of the certain series of three per cent bonds owned by the permanent fund of the Agricultural and Mechanical College, now amounting to the sum of one hundred and seventy thousand dollars, issued under and by virtue of Chapter 7, Section 2, of the General Laws passed by the Third Called Session of the Thirty-first Legislature; provided, that all funds realized in the retirement of said bonds shall be reinvested in bonds of school districts and schoolhouse bonds in the State of Texas, bearing interest at a rate of not less than five per cent. "Sec. 2. That the sum of one hundred and seventy thousand dollars of the funds derived from penalties assessed against the Standard Oil Company of New Jersey and paid by it, and which said funds are now in the hands of the Treasurer of the State, the aggregate amount of which is in the total sum of five hundred thousand dollars, less the attorney's fees, making the actual sum of four hundred and eighty-six thousand two hundred and fifty dollars, and the said sum of one hundred and seventy thousand dollars thereof shall be used for the purpose of retiring said bonds, and is hereby appropriated for said purpose.

"Sec. 3. The fact that said funds when paid into the State Treasury will become a part of the general revenue and will not then be available for the purpose herein specified, and the fact that the bonds held by the A. and M. College do not bear the rate of interest required by the Federal government, under the terms of its endowment of said college, and that some change must be made in the rate of interest on said bonds, and the fact that this session of the Legislature will be a short one, creates an emergency and an imperative public necessity, requiring the constitutional rule which requires that bills be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

(2)

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

Senate bill No. 4, A bill to be entitled "An Act for the payment and retiring of the remainder of the outstanding three per cent bonds of the permanent

**Agricultural and Mechanical College fund, issued by virtue of Chapter 7, Section 2, of the General Laws of the Third Called Session of the Thirty-first Legislature; and appropriating the sum of one hundred and seventy thousand dollars of the funds now in the hands of the Treasurer of the State of Texas, derived from penalties assessed against and collected from the Standard Oil Company of New Jersey; and directing the said State Treasurer to pay off said bonds to said amount of said fund; and authorizing the Governor of Texas to retire same; and providing for the reinvestment of the funds arising from the retirement of such bonds, and declaring an emergency."**

Question—Shall the amendments be adopted?

Mr. Cope offered the following amendment to the bill:

Amend Senate bill No. 4 by striking out the enacting clause.

Question—Shall the amendment striking out the enacting clause of the bill be adopted?

Mr. Spann moved to table the amendment striking out the enacting clause, and the motion was lost.

Question recurred—Shall the amendment striking out the enacting clause be adopted?

(Mr. Calvin in the chair.)

#### RELATIVE TO PRINTING REPORT OF PENITENTIARY INVESTIGATING COMMITTEE.

Mr. Hornby submitted the following report, which was read to the House:

Austin, Texas, July 31, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your committee appointed to look into the matter of printing penitentiary investigation report, including all testimony, beg leave to report that we have had the matter under consideration and recommend that the House agree with the Senate to take 2000 bound copies of said printed report at \$1450 and pay our pro rata out of contingent fund of the House, and the Contingent Expense Committee is hereby authorized to pay same at completion of work.

It is understood that the House is not to receive more than 1500 copies.

Respectfully submitted,  
**HORNBY**, Chairman.

The report was adopted.

9-H

#### RELATIVE TO PRINTING PENITENTIARY INVESTIGATING COMMITTEE REPORT.

Mr. Savage offered the following resolution:

Whereas, Von Boeckmann-Jones Company, who are printers holding contract with the State of Texas for printing of the first class, have waived their rights under existing contract for the printing and binding of the report and findings of the Penitentiary Investigating Committee appointed by the Thirty-third Legislature of the State of Texas, together with the record consisting of the questions and answers, exhibits and statements placed before the said committee; and

Whereas, The House, during the First Called Session of the Thirty-third Legislature, contemplates entering into a special contract for the printing and binding of the aforesaid matter at a price far in excess of the contract existing with the aforesaid Von Boeckmann-Jones Company, the same to be paid for out of the contingent expense fund of the House; therefore, be it

Resolved by the House, That the Expert Printer and the Public Printing Board of the State of Texas be, and they are hereby authorized and instructed, to approve the account for said printing under said special contract, whatever the amount may be, and the Comptroller of the State of Texas be, and he is hereby authorized and instructed, to issue Treasury warrants therefor.

The resolution was read second time and was adopted.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, July 28, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House Concurrent Resolution No. 5, Providing for compensation of a committee appointed during the Regular Session of the Thirty-third Legislature to investigate certain affairs of the penitentiary and convicts therein.

Respectfully,  
**JOHN D. McCALL**,  
Assistant Secretary of the Senate.

## RECESS.

On motion of Mr. Dove, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

## AFTERNOON SESSION.

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

## SENATE BILL NO. 4 ON PASSAGE TO THIRD READING.

(Pending Business.)

The House resumed consideration of pending business, same being Senate bill No. 4, relating to the Standard Oil Company fine collected by the Attorney General, on its passage to a third reading, with amendments by Mr. Spann and amendment by Mr. Cope, striking out the enacting clause of the bill pending.

Question — Shall the amendment striking out the enacting clause of the bill be adopted?

(Mr. Rogers in the chair.)

Mr. Williams of McLennan moved the previous question on the amendment striking out the enacting clause of the bill, and the main question was ordered.

(Speaker in the chair.)

Question then recurring on the amendment striking out the enacting clause, yeas and nays were demanded.

The amendment was lost by the following vote:

Yea—26.

Barrett of Jones.	McAskill.
Blalock.	Oliver.
Burns.	Parker.
Cope.	Penry.
Cox of Ellis.	Reeves.
Dickson.	Russell.
Fields.	Stephens.
Greer.	Tarver.
Hagins.	Templeton.
Henry of Bowie.	Ussery.
Hill.	Vickers.
Lewelling.	Watson of Hays.
Long.	Woods of Navarro.

Nay—84.

Allison.	Chrestman.
Baker.	Coffey.
Barrett of Titus.	Collins.
Bartley.	Colquitt.
Bruce.	Cooper.
Burges.	Cox of Delta.
Butler.	Craven.
Kyrne.	Crisp.
Calvin.	Cunningham.

Davis.	Nabours.
Dove.	Feeley.
Foster.	Olander.
Fountain.	Owsley.
Fuller.	Parks.
Gates.	Patton.
Gentry.	Powell.
Goodner.	Ratliff.
Greenwood.	Reedy.
Griggs.	Rickerson.
Grindstaff.	Rich.
Hall.	Ridgell.
Haney.	Roach.
Harp.	Robbins.
Harris.	Rogers.
Heilig.	Rowell.
Henry of Wichita.	Savage.
Herder.	Schwegman.
Hornby.	Simpson.
Householder.	Spann.
Hughes.	Spradley.
Humphrey.	Sullivan.
Hunter.	Taylor.
Kennedy.	Thompson.
King.	Tiller.
Kirby.	Tillotson.
Lane.	Vannoy.
Low.	Webb.
Macgill.	Williams
McDaniel.	of Hopkins.
Mangum.	Williams
Mendell.	of McLennan.
Morris of Coryell.	Woods of Fisher.
Morris of Victoria.	Yarbrough.

## Absent.

Bagby.	Jordan.
Bierschwale.	Mills.
Boehmer.	Paddock.
Campbell.	Robertson.
Diffie.	Smith.
Dunn.	Stone.
Flournoy.	Tyson.
Furrh.	Wahrmund.
Haxthausen.	Wortham.

## Absent—Excused.

Broughton.	Murray.
Brown.	Raiden.
Burmeister.	Ritchie.
Dodson.	Ross.
Glasscock.	Wagstaff.
McKamy.	Watson of Mills.
Mulcahy.	

Question recurred—Shall the amendments by Mr. Spann be adopted?

Mr. Griggs offered the following substitute for the amendments:

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

"A bill to be entitled 'An Act for the retirement of \$170,000 in bonds of the State of Texas issued by virtue of Chapter 7 of the Acts of the Third Called

Session of the Thirty-first Legislature, owned and held by the permanent Agricultural and Mechanical College fund, and providing for the reinvestment of the funds arising from the retirement of such bonds, and declaring an emergency."

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

"Section 1. The Governor of the State is hereby authorized to pay off and retire \$170,000 worth of the bonds of this State, issued under and by virtue of Chapter 7 of the General Laws passed by the Third Called Session of the Thirtieth Legislature, owned by the permanent Agricultural and Mechanical fund; provided, that all funds realized from the retiring of said bonds shall be reinvested in bonds of school districts and school house bonds of the State of Texas, bearing interest at a rate not less than five per cent.

"Sec. 2. That a sufficient amount of the funds derived from penalties assessed against the Standard Oil Company of New Jersey, and paid by it and which said funds are now in the hands of the Treasurer of the State, shall be used for the purpose of retiring said bonds, and same is hereby appropriated for said purpose; provided, however, that if the total amount of such penalties now in the Treasury to the credit of the general revenue shall have been consumed in payment of outstanding warrants, the said bonds mentioned herein shall nevertheless be paid off and retired out of the general revenue, and there is hereby appropriated out of the general revenue fund such an amount not otherwise appropriated as may be needed to pay off said above mentioned bonds.

"Sec. 3. The fact that the bonds above mentioned so held by the Agricultural and Mechanical College do not bear the rate of interest required by the Federal Government, under the terms of its endowment of said college, and that some change must be made in the rate of interest on said bonds, and the fact that this session of the Legislature will be a short one, creates an emergency, and an imperative public necessity requiring that the constitutional rule which requires that bills be read on three several days in each house, be suspended, and it is so enacted."

Question—Shall the substitute be adopted?

Pending consideration of the substitute, Mr. Mangum occupied the chair temporarily.

(Speaker in the chair.)

Mr. Cope raised a point of order on consideration of the substitute, on the ground that it embraces legislation on a subject not submitted by the Governor.

The Speaker overruled the point of order.

Mr. Lewelling raised a point of order on consideration of the substitute, on the ground that it is not germane to the purposes of the bill.

The Speaker sustained the point of order.

Mr. Griggs then withdrew the substitute.

Question recurred—Shall the amendments by Mr. Spann be adopted?

Mr. Ridgell moved the previous question on the amendments, and the passage of the bill to a third reading, and the main question was ordered.

Question first recurring on the amendments, they were severally adopted.

Senate bill No. 4 was passed to a third reading.

#### STATEMENT OF HON. D. M. REEDY ORDERED PRINTED.

On motion of Mr. Lane, a statement made to the House today by Mr. Reedy, under a question of personal privilege, relating to the operation of the penitentiary system, together with certain letters and documents, which he had read to the House, were ordered printed in the Journal.

#### HOUSE BILL NO. 2 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, House bill No. 2, A bill to be entitled "An Act making appropriations to pay the salaries and employes of certain departments and courts of the State and other expenses of maintaining and conducting them, as follows: Governor's Office, Mansion and Grounds, Department of State, State Revenue Agent, Public Buildings and Grounds, Department of Insurance and Banking, State Insurance Commission, Texas Library and Historical Commission, State Tax Board, State Purchasing Agent, Public Printing, Bureau of Labor Statistics, State Inspector of Masonry, Public Buildings and Works, Adjutant General's Department, State Board of Health, Game, Fish and Oyster Commissioner, Live Stock Sanitary Commission, State Mining Board, Pure Food Com-

mission, State Pension Department, Attorney General's Department, Department of Education, Treasury Department, Comptroller's Department, General Land Office, Railroad Commission, Department of Agriculture, Board of Water Engineers, and State Levee and Drainage Commission."

The bill was read third time and was passed.

#### RELATING TO PRINTING OF HOUSE JOURNAL AND MANUAL.

Mr. Hornby, Chairman of the committee to investigate the delay in the printing of the House Journal and Legislative Manual, submitted the following report, which was read to the House:

Austin, Texas, July 31, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: We, your committee appointed to investigate the cause of delay in completing the State printing by the parties having the printing contract, beg to say that we have investigated the matter and find that there is much room for better service in this regard and make the following recommendations and suggestions and attach hereto statements from Von Boeckmann-Jones Company.

In view of the fact that many of the regulations providing for the printing for the State are contained in statutes passed by the Legislature when the printing business was entirely different from what it is today, we recommend that the State Expert Printer draft an entirely new bill covering the contracts for printing for the State and have same ready for approval by the next session of the Legislature, which bill shall meet the conditions as they exist today.

We believe, furthermore, that no one printing establishment in Austin can successfully and satisfactorily handle the contract for the first class printing of the State and that this should be divided into two or more parts to be let out to different establishments, or contractors.

We also recommend that no corrections or changes be made in the daily Journal of the House by members after seven days have elapsed. This will obviate the necessity of the Journal Clerk holding back the pages of the permanent Journal for correction until the end of the session.

We also recommend that the Journal Clerk proceed to proofread the daily

Journals as soon as practicable after they are received and deliver the corrected proof to the parties having the contract for the publication as speedily as possible, so that there may be no delay in the publication of the Journal for the session as soon after the adjournment as is practicable.

We recommend that the House adopt a resolution early in the session authorizing the printing of the permanent Journal as the Journal Clerk has no authority to arrange for its publication until authorized to do so by resolution.

As the contract with the State gives a sixty-day limit from the time the last copy is received by the contractor to the completion of the work, the printing firm of Von Boeckmann-Jones Company still have some time in which to complete their contract for the Manual, as the sixty days has not expired. They assure us, however, that the permanent Journal of the Regular Session of the Thirty-third Legislature will be ready for delivery this week.

We find the firm of Von Boeckmann-Jones Company have not complied with the conditions expressed in resolution adopted by the House providing for the publication of the Journal of the Thirty-third Regular Session.

This resolution states that 48 pages of proof must be delivered to the Journal Clerk each day after the close of the session until it is all delivered.

The Journal Clerk informs us that for twenty days after said adjournment he received only eight pages of proof per day, and as the index could not be compiled until the last page of proof of the Journal had been read, this failure on the part of Von Boeckmann-Jones Company to comply with the resolution under which they received this work caused several weeks' delay in its final publication.

The Journal Clerk further states that the Journal of the last two days of the Legislature was not received until 20 days after adjournment, at which time it was mailed out to the members.

The Journal Clerk states that he has at all times furnished the printers with copy for the daily Journal as soon as it could be made up and no time has he caused them unnecessary delay.

This committee cannot agree with the Von Boeckmann-Jones Company that the Journal Clerk of the House is in any way responsible for their delay in completing the Journals or Manuals.

We believe that the cause of the delay is the result of an insufficient number

of employes in the Von Boeckmann-Jones Company to get out the private or individual work and State work the company seeks to do, through the company being unable to secure the necessary help.

We also find that the Von Boeckmann-Jones Company have failed to print 5,000 copies of Speaker Terrell's speech in pamphlet form, according to resolution made on last day of regular session.

Mr. Savage of the committee called on the State Contractor this morning to ascertain the cause of the non-printing of the speech of Speaker Terrell ordered printed to the number of 5,000 by resolution in the regular session.

The Von Boeckmann-Jones Company informed him that the matter had, in the volume and rush of work, gotten sidetracked unintentionally and that it would at once be completed and delivered to the House by noon today.

As it is almost 90 days since this copy was placed with the contractor, we leave the matter of payment for this work with the House, the contract providing a penalty of 3 per cent per day for failure to perform in the 60 days' limit.

The Journal Clerk informs the committee that he corrected the proof on this speech, but the copies have never been delivered.

We have examined a good deal of correspondence passed between the Speaker of the House and the Journal Clerk; also by the Speaker to Von Boeckmann-Jones Company urging the prompt publication of the Journal and Manual. This correspondence dates from June 16 and continues in July, in which the Journal Clerk complains that the Von Boeckmann-Jones Company are unreasonably slow and in which the Von Boeckmann-Jones Company assured the Speaker they are using "their best efforts, etc."

#### STATEMENTS FROM VON BOECKMANN-JONES COMPANY.

Austin, Texas July 30, 1913.

Hon. H. P. Hornby, Chairman, House of Representatives.

Dear Sir: Complying with request of your committee that this company furnish you with a statement regarding the delay of the permanent Journal of the Regular Session of the Thirty-third Legislature and the Legislative Manual we have to say: The Journal will be delivered this week and the Manual in some 15 or 20 days.

The causes of the delay of the Journals have been manifold, chief of which has

been the difficulty in obtaining pressmen, feeders and linotype operators, and that you may be assured we have made honest and energetic efforts to get such help, we attach letters from Mr. J. A. Paddleford, secretary Austin Typographical Union No. 138, and Wm. Haschke, secretary Printing Pressmen's Union No. 143.

The Journal will contain 2000 pages or more and a job of its magnitude and importance requires the services of first-class men and it has been our policy to turn out only first-class work at the risk of heavy financial loss and when the Journals are delivered we feel confident we will be given credit for having turned out a job first class and satisfactory in all respects.

In this connection, we wish to say it has heretofore been the custom for the Journal Clerk during the session to correct the Journal from time to time and furnish the printer the same that the printing of the Journal might be in progress so that upon the adjournment of the Legislature a considerable part of the work would be completed, thereby enabling the contractor to expedite the delivery of the Journal to the State. During the past regular session, although we asked for this accommodation and assistance, it was denied us and not only prevented us from working on the Journal simultaneously with the sitting of the Legislature, but because of the vast amount of metal tied up in the standing uncorrected Journal put us to the unnecessary trouble, delay and expense of purchasing some five tons of extra metal.

And we also wish to state in the matter of the daily Journal that if we could be furnished the copy during the day on at such times as would be convenient, as has also been the custom heretofore, we would not experience the trouble we do in delivering the Journal upon the meeting of the House each morning, thus would the inconvenience of the members and the criticism of this company be avoided. Only a very little co-operation on the part of those who could extend it would obviate much of the existing delay and loss of both time and money to this company.

The Legislative Manual, as explained to your committee will, when completed, make a volume of about 800 pages and is a job requiring great painstaking. We are today supplying a large amount of the proof of this and are giving it our very best attention and will rush it to the earliest possible completion.

The complete copy for this was turned over to us on the 14th day of June and

since which time we have been crowded with other State work and with a shortage of help it has been somewhat delayed.

Another cause of delay in the permanent Journal and other State work was the order of the State Printing Board a few weeks ago to the effect that all State work of whatsoever nature be sidetracked and the General Laws of the Regular Session be gotten out, which was done, and 10,000 of these laws printed, bound and delivered to the Secretary of State. We respectfully refer you to the Honorable Secretary of State as to the prompt and satisfactory delivery of this big job, as before said, in compliance with an order by the State Printing Board.

All things considered, an unusual condition has existed during the present year. The work of the State Department and institutions has been unusually heavy and exacting, the meeting of the Legislature at this time in Called Session and the great demand over the country for first-class workmen, all of which have conspired to delay and confuse matters; however, we can truthfully assure you we have made every reasonable effort to comply with, and carry out, our contract with the State, and upon a fair and full understanding feel you will exonerate us from any desire or intention to delay or dodge any part of our contract, but on the contrary, in the main, have lived up and carried it out.

Bespeaking your good attention and consideration, and holding ourselves ready to furnish you any further information at our command and thanking the committee for its kindness and patience in making this investigation, we are,

Yours very truly,  
VON BOECKMANN-JONES CO.,  
(Signed) Per W. B. Wortham,  
Secretary.  
(Copy)

Austin, Texas, July 29, 1913.

Von Boeckmann-Jones Company, Austin, Texas.

Dear Sirs: Complying with your request that I furnish you with a statement to the effect that as Secretary of Printers' Pressmen Union No. 143 I have used every effort looking to the securing for you the assistance of press feeders, etc., I wish to say during the past few months I have done so but have failed to secure either the number or kind of assistance needed.

My efforts have not been confined to

the State but have been extended outside, and as you know I have not been successful to the extent desired by you.

Yours very truly,  
(Signed) WM. HASCHKE,  
Secretary Printers' Pressmen Union  
No. 143.

(Copy)

July 29, 1913.

Von Boeckmann-Jones Co., City.

Gentlemen: In reply to your repeated request for linotype operators, I am sorry to say that up to date I have been unable to secure any. I have endeavored to get men from the other Texas towns, but there seems to be few idle men. As you know, the extra men go North during the summer and come South when the winter begins. I may be able to get some from Houston, as I have a request with the Secretary of that Union.

If you should get "in bad" with the authorities on the Hill, you are at liberty to show this letter, and that should relieve you, as you have done all that you could do. I could use six operators in Austin if I could get my hands on them.

Yours truly,  
(Signed) J. A. PADDLEFORD,  
Secretary-Treasurer.

Respectfully submitted,  
HORNBY, Chairman;  
SAVAGE,  
CRISP,  
STEPHENSON,  
CHRESTMAN,  
WATSON of Hays,  
WEBB.

#### HOUSE BILL NO. 4 ON SECOND READING.

On motion of Mr. Kennedy, 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. 4, A bill to be entitled "An Act providing for the election of United States Senators from Texas to the Congress of the United States and providing for the selection and nomination of candidates therefor.

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

Question—Shall the bill be passed to engrossment?

Mr. Kennedy offered the following (committee) amendments to the bill:

(1)

**Amend the caption by adding "defining violations of this act, fixing the punishment therefor, and limiting the campaign expenses of candidates for United States Senators."**

(2)

**Amend Section 2 by striking out the words "sixty and ninety" and insert in lieu thereof "thirty and sixty."**

(3)

**Amend Section 9 by striking out in the first line of said section the words "each and every" and insert in lieu thereof "any." Insert after the word "person" and before the word "who" the following: "who is thirty years of age or over, and who has been for nine years a citizen of the United States and is a bona fide inhabitant of the State." Strike out in said section, on line 11, the word "voter" and insert in lieu thereof "he voted."**

(4)

**Amend Section 11, line 5, by striking out the words "each and every" and insert in lieu thereof the word "any." Strike out in same line the word "any" before "law." Strike out in line 6 the word "or" and the word "after" in line 7.**

(5)

**Amend Section 36 by inserting after the words "any person" in the first line the following: "who has not been defeated at the primary election preceding the general or special election for United States Senators."**

The (committee) amendments were adopted.

Question recurred—Shall House bill No. 4 be passed to engrossment?

#### ADJOURNMENT.

Mr. Tarver moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

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

Mr. Williams of McLennan moved that the House adjourn until 9 o'clock a. m. tomorrow.

The motion of Mr. Tarver prevailed, and the House accordingly, at 5:20 o'clock p. m., adjourned until 9:30 o'clock a. m. tomorrow.

#### APPENDIX.

##### REPORT OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, July 31, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 2, A bill to be entitled "An Act making appropriations to pay the salaries and employes of certain departments and courts of the State and other expenses of maintaining and conducting them, as follows: Governor's Office, Mansion and Grounds, Department of State, State Revenue Agent, Public Buildings and Grounds, Department of Insurance and Banking, State Insurance Commission, Texas Library and Historical Commission, State Tax Board, State Purchasing Agent, Public Printing, Bureau of Labor Statistics, State Inspector of Masonry, Public Buildings and Works, Adjutant General's Department, State Board of Health, Game, Fish and Oyster Commissioner, Live Stock Sanitary Commission, State Mining Board, Pure Food Commission, State Pension Department, Attorney General's Department, Department of Education, Treasury Department, Comptroller's Department, General Land Office, Railroad Commission, Department of Agriculture, Board of Water Engineers, and State Levee and Drainage Commission,"

And find the same correctly engrossed.

HERDER, Acting Chairman.

##### REPORT OF COMMITTEE ON APPROPRIATIONS.

Committee Room,

Austin, Texas, July 31, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Appropriations, to whom was referred House bill No. 24, beg to report that we have had same under consideration, and report the same back to the House with the recommendation that it do pass.

WORTHAM, Chairman.

## TENTH DAY.

(Friday, August 1, 1913.)

The House met at 9:30 o'clock a. m., pursuant to adjournment.

Speaker Terrell in the chair.

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

Allison.	Jordan.
Baker.	Kennedy.
Barrett of Jones.	King.
Barrett of Titus.	Kirby.
Bartley.	Lane.
Bierschwale.	Lewelling.
Blalock.	Long.
Bruce.	Low.
Burges.	Macgill.
Burns.	McAskill.
Butler.	McDaniel.
Byrne.	Mangum.
Calvin.	Mendell.
Campbell.	Mills.
Chrestman.	Morris of Coryell.
Coffey.	Morris of Victoria.
Collins.	Nabours.
Colquitt.	Neeley.
Cooper.	Olander.
Cope.	Oliver.
Cox of Delta.	Parker.
Cox of Ellis.	Parks.
Craven.	Patton.
Crisp.	Penry.
Cunningham.	Powell.
Davis.	Ratliff.
Dickson.	Reedy.
Diffie.	Reeves.
Dove.	Rich.
Dunn.	Kickerson.
Fields.	Ridgell.
Foster.	Roach.
Fountain.	Robbins.
Fuller.	Robertson.
Furrr.	Rowell.
Gentry.	Russell.
Goodner.	Savage.
Greenwood.	Schwegman.
Greer.	Simpson.
Griggs.	Spann.
Grindstaff.	Spradley.
Hagins.	Stephens.
Hall.	Stone.
Haney.	Sullivan.
Harris.	Tarver.
Haxthausen.	Taylor.
Heilig.	Templeton.
Henry of Bowie.	Thompson.
Henry of Wichita.	Tiller.
Herder.	Tillotson.
Hill.	Ussery.
Hornby.	Vannoy.
Householder.	Vickers.
Hughes.	Wagstaff.
Humphrey.	Watson of Hays.
Hunter.	Webb.

Williams of Hopkins.	Woods of Fisher. Woods of Navarro.
Williams of McLennan.	Wortham. Yarbrough.

Absent.

Bagby.	Paddock.
Dodson.	Rogers.
Flournoy.	Smith.
Harp.	Tyson.
Owsley.	Wahrmund.

Absent—Excused.

Boehmer.	Mulcahy.
Broughton.	Murray.
Brown.	Raiden.
Burmeister.	Ritchie.
Gates.	Ross.
Glascock.	Watson of Mills.
McKamy.	

A quorum was announced present.

Prayer by Rev. H. M. Sears, Chaplain of the Senate.

## LEAVE OF ABSENCE GRANTED.

On account of important committee work:

Mr. Reedy for last Wednesday and yesterday morning, on motion of Mr. Roach.

On account of important business:

Mr. Gates for today and tomorrow, on motion of Mr. Cooper.

## HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to appropriate committees, as follows:

By Mr. Humphrey:

House bill No. 25, A bill to be entitled "An Act appropriating the sum of two million dollars for the payment of the outstanding indebtedness of the State's penitentiary system; appropriating one million five hundred thousand dollars for the support and maintenance of the prison system for the year 1914, and one million five hundred thousand dollars for the year 1915; and the repealing of Chapter 57 of General Laws of the State of Texas, passed by the Regular Session of the Thirty-third Legislature, relating to the issuance of penitentiary bonds."

Referred to Committee on Appropriations.

By Mr. Tillotson and Mr. Diffie:

House bill No. 26, A bill to be entitled

**"An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide rules and regulations for the government and conduct of such prison system; to provide for a Prison Commission; to provide for their appointment and defining their powers, duties and authority; to provide for the appointment of a general business manager and an auditor for the prison system and prescribing their duties; declaring and establishing the financial policy of the prison system and making an appropriation for the maintenance and operation thereof; making an appropriation for the payment of the indebtedness of the prison system; providing that prisoners and ex-prisoners as herein defined shall be permitted to testify in certain cases; and repealing Chapters 1 and 2 of Title 104, Revised Civil Statutes of 1911, and all laws and parts of laws in conflict with this act."**

Referred to Committee on Penitentiaries.

By Mr. Henry of Wichita:

House bill No. 27. A bill to be entitled "An Act to amend Title 76, Articles 5221, 5222, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5232, 5233 and 5234 of the Revised Civil Statutes of 1911, concerning the management and control of the State Institution for the Training of Juveniles, and to add thereto Articles 5234a and 5234b."

Referred to Committee on Juvenile Reforms.

#### RELATIVE TO THE SALE OF CERTAIN STATE BONDS.

Mr. Kennedy offered the following resolution:

Whereas, His Excellency, Governor O. B. Colquitt, has repeatedly stated during the past few weeks that a bond of the State of Texas, or a bond with the guaranty of the State of Texas behind it, could be sold at a premium of 20 to 25 per cent; and,

Whereas, The permanent school fund and the endowment funds of other State institutions hold \$3,976,200 worth of State bonds; and,

Whereas, If these bonds could be sold at a premium of 20 per cent, as the Governor has claimed that State bonds could be sold for such a bonus, it would increase these several funds to the amount of \$795,240; and,

Whereas, The principal and the bonus of these several funds could be reinvested in gilt-edged securities of the several counties, cities, towns and other districts of this State, which would increase the revenues from said funds approximately \$70,000 annually; therefore be it

Resolved by the House of Representatives, That the Governor is respectfully requested to authorize the Legislature, now in extra session, to enact legislation authorizing the sale of the aforesaid bonds, and the reinvestment of the proceeds from said sale in the bonds of counties, cities, towns, irrigation districts, school districts, etc.

The resolution was read second time and was adopted.

#### PROVIDING NEWSPAPERS FOR CONFEDERATE WOMEN'S HOME.

Mr. Cunningham offered the following resolution:

Resolved, That 25 copies of waste newspapers of the House be sent the Women's Confederate Home by the Sergeant-at-Arms daily.

CUNNINGHAM,  
BURNS,  
FIELDS.

The resolution was read second time and was adopted.

#### RELATIVE TO APPROPRIATION BILL.

Mr. Cox of Ellis offered the following resolution:

Whereas, the newspapers of the State have quoted Governor O. B. Colquitt as saying the pending appropriation bill should be cut down about two million dollars; and

Whereas, the members of the House of Representatives in special session are experiencing some difficulty in finding a sufficient number of items to cut out to make such \$2,000,000 reduction; and

Whereas, we feel that it is the duty of His Excellency to give to the members of the Legislature all the information in his possession concerning such bill; therefore, be it

Resolved by the Thirty-third Legislature, in special session, That His Excellency be and is hereby requested to submit to the Legislature any suggestion he may deem advisable for their guidance in passing on said appropriation bill.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Haney moved to refer the resolution to the Committee on State Affairs.

On motion of Mr. Hornby, the motion to refer was tabled.

Question recurring on the resolution, it was lost.

#### REPORT OF COMMITTEE TO INVESTIGATE CONFEDERATE HOME CONTROVERSY.

Mr. Long submitted the following report of the Committee to Investigate the Confederate Home Controversy:

Hall of the House of Representatives.

Austin, Texas, July 31, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your committee appointed to examine into the differences existing between the superintendent, Major R. Lyles, and the inmates of the Confederate Home, have performed that duty and are pleased to report an amicable settlement, arranged by the mutual consent of both sides.

Very respectfully,

PARKER,  
CUNNINGHAM,  
LONG.

#### HOUSE BILL NO. 4 ON ENROSSMENT.

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

House bill No. 4, A bill to be entitled "An Act providing for the election of United States Senators from Texas to the Congress of the United States and providing for the selection and nomination of candidates therefor.

The bill having been read second time on yesterday.

Question—Shall the bill be passed to engrossment?

Mr. Kirby offered the following amendment to the bill:

Amend House bill No. 4 by striking out all after the enacting clause and insert the following:

"Section 1. Senators shall be elected to represent the State of Texas in the Senate of the United States at a general election by the qualified electors who possesses the requisite qualifications for electors of the most numerous branch of the State Legislature, and the

candidate receiving the highest number of such votes cast at any election held under this act for Senator shall be and is hereby declared elected, and a certificate of election shall be issued to him by the Governor.

"Sec. 2. When a vacancy happens in the representation of this State in the Senate of the United States, the Governor shall issue the necessary writ of election to fill such vacancy, the election to be held not less than ninety (90) days nor more than four (4) months from the date of the issuance of the writ; provided, if the Congress or the Senate is in session at the time of such vacancy, or should convene before the result of said election can be officially ascertained under the law, the Governor shall make temporary appointment of a suitable and qualified person to represent the State in the Senate until the vacancy is filled by election.

"Sec. 3. Election for United States Senators shall, except as otherwise provided, be held under the general election laws for State officers; the returns thereof shall be made, result ascertained and declared, and certificate of election issued as is provided for the election of Representatives in Congress by Chapter seven (7), Title forty-nine (49), Revised Civil Statutes of 1911.

"Sec. 4. Candidates for the United States Senate shall be nominated by each organized political party that cast one hundred thousand (100,000) votes or more at the last general election by the qualified voters of such party in the general primary elections at which candidates for State and county officers shall be chosen.

"Sec. 5. Any person affiliated with any party who desires his name to appear on the official ballot for a general primary as a candidate for the nomination of such party for the office of United States Senator shall file with the State Chairman, not later than the first Monday in June preceding such primary, his written request that his name be placed upon such official ballot as a candidate for the nomination as United States Senator, giving his age and occupation, the county of his residence and postoffice address, which shall be signed by him and acknowledged by him before some officer. And also twenty-five (25) qualified voters may likewise join in a request that the name of any person affiliating with such party be placed upon the official ballot as a candidate for United States Senator, giving the occupation, county

of residence and postoffice address of such person, signing and acknowledging same as above provided, and may file the same with the State Chairman on or prior to the date above mentioned with the same effect as if such request had been filed by the party named therein as a candidate for such nomination. All requests shall be considered filed with the State Chairman when they are sent from any point within the United States by registered mail, addressed to the State Chairman at his postoffice address.

"Sec. 6. Nominations for United States Senators, except as otherwise provided, shall be held under the general primary laws for State officers; the returns thereof shall be made, the result ascertained and declared as is provided for the nomination of Governor and other State officers by Chapter 10, Title 49, Revised Statutes of 1911, and all the provisions of said title and chapter which apply to the nomination of Governor and other State officers shall apply to the nomination of United States Senators, unless otherwise provided.

"Sec. 7. Nominations of candidates for the United States Senate to be voted for at any special election shall be made at a primary election at such time as the party State Executive Committee shall determine; provided, said primary shall be held not less than thirty (30) days from the date of said election as named in the writ issued by the Governor. No such committee shall ever have the power to make such nominations.

"Sec. 8. Any candidate who desires his name to appear on the official ballot for a special primary as a candidate for the nomination of such party for the office of United States Senator shall file with State Chairman of his party, not later than thirty (30) days prior to the date of such primary election, his written request that his name be placed upon such official ballot as a candidate for the nomination of United States Senator, giving his age and occupation, the county of his residence and postoffice address, which shall be signed by him and acknowledged by him before some officer. And also twenty-five (25) qualified voters may likewise join in a request that the name of any person affiliating with such party be placed upon the official ballot as a candidate for United States Senator, giving the occupation, county of residence and postoffice address of such person.

signing and acknowledging same as above provided, and may file the same with the State Chairman within the time above mentioned with the same effect as if such request had been filed by the party named therein as a candidate for such nomination. All requests shall be considered filed with the State Chairman when they are sent from any point within the United States by registered mail, addressed to the State Chairman at his postoffice address. On the first Saturday following such special primary election the county executive committee of each county in this State shall meet and canvass the returns of such election, and shall immediately thereafter certify by its chairman and secretary the result of said election and forward same to the State Chairman. The State Executive Committee shall meet at a time not later than fifteen (15) days after the date of said special primary and canvass and tabulate the returns of said election as certified by the county chairman, and the candidate receiving the highest number of votes cast at such primary shall be the nominee of the party for such office; and the State chairman shall order the name of such candidate placed upon the official ballot of said party.

"Sec. 9. The fact that there is now no law upon the statutes of this State providing for the appointment, nomination and election of United States Senators, and the fact that a vacancy might occur at any time in the representation of the State of Texas in the Senate of the United States, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted."

Question—Shall the amendment be adopted?

(Mr. Woods of Navarro in the chair.)

Mr. Ussery offered the following amendment to the amendment:

Amend the amendment by adding at the end of Section 1, page 1, after the word "Governor," the following: "Provided, no one shall be allowed to vote for United States Senator unless he is either able to read and write the English language or his grandfather was a qualified voter."

Mr. Kennedy raised a point of order on consideration of the amendment to the amendment on the ground that the

qualifications for electors for United States Senators are prescribed by the Constitution and additional qualifications for such electors can not be prescribed by legislative enactment.

The Speaker sustained the point of order.

Mr. Chrestman offered the following substitute for the amendment:

Amend the bill by striking out all after the enacting clause and substitute therefor the following:

Section 1. Senators shall be elected to represent the State of Texas in the Senate of the United States at a general election by the qualified electors who possess the requisite qualifications for elector of the most numerous branch of the State Legislature, and the candidate receiving the highest number of such votes cast at any election held under this act for a senator shall be and is hereby declared elected, and a certificate of election shall be issued to him by the Governor.

Sec. 2. When a vacancy occurs in the representation of this State in the Senate of the United States, the Governor shall, within ten days from the date of such vacancy, issue the necessary writ of election to fill such vacancy, the election to be held within not less than thirty days and not more than ninety days from the date of the issuance of the writ. Provided, that when Congress is in session at the time such vacancy occurs, or provided Congress should be convened in the interval before the election of the United States Senator, as heretofore provided, that the Governor may make a temporary appointment of a suitable and qualified person to represent the State in the Senate until the election and qualification of a Senator by the people.

Sec. 3. Election for United States Senator shall, except as otherwise provided, be held under the general election laws for State officers, the returns thereof shall be made, result ascertained and declared, and certificate of election issued as is provided for the election of Representatives in Congress, by Chapter 7, Title 49, Revised Civil Statutes of 1911.

Sec. 4. Candidates for United States Senator shall be nominated by each organized political party that cast one hundred thousand votes or more at the last general election by the qualified voters of such party in the general primary elections at which candidates for State and county officers shall be chosen.

Sec. 5. Any person affiliated with any

party who desires his name to appear on the official ballot for a general primary as a candidate for the nomination of such party for the office of United States Senator, shall file with the State chairman not later than the first Monday in June preceding such primary his written request that his name be placed upon such official ballot as a candidate for the nomination as United States Senator, giving his age and occupation, the county of his residence and his postoffice address, which shall be signed by him and acknowledged by him before some officer. And also twenty-five qualified voters may likewise join in a request that the name of any person affiliating with such party be placed upon the official ballot for United States Senator, giving the occupation, county of residence and postoffice address of such person, signing and acknowledging same as above provided, and may file the same with the State chairman prior to or on the date above mentioned with the same effect as if such request had been filed by the party named therein as a candidate for such nomination. All petitions or requests filed by twenty-five voters as provided herein shall be endorsed by the person in whose favor the request is made, showing his willingness to qualify for the position, if elected. All requests shall be considered filed with the State chairman when they are sent from any point within the United States by registered mail, addressed to the State chairman at his postoffice address.

Sec. 6. Nominations for United States Senators, except as otherwise provided, shall be held under the general primary laws for State officers; the returns thereof shall be made, and the results ascertained and declared as is provided for the nomination of Governor and other State officers by Chapter 10, Title 49, Revised Statutes of 1911, and all the provisions of said title and chapter which apply to the nomination of Governor and other State officers, not in conflict with the provisions of this act, shall apply to the nomination of United States Senators unless otherwise provided.

Sec. 6a. That in case a vacancy shall occur requiring the election of two United States Senators at the same election, then the proclamation ordering the election shall require that each candidate offering his name for election shall designate whether he is a candidate for the position of senior Senator or junior Senator.

Sec. 7. Nominations of candidates for the United States Senate to be voted for

at any special election shall be made at a primary election at such time as the party State executive committee shall determine, provided said primary shall be held not less than thirty (30) days nor more than ninety (90) days from the date of the election as named in the writ issued by the Governor. No such committee shall ever have the power to make such nominations.

Sec. 7a. No person shall be declared the nominee of any political party for United States Senator unless such person shall receive a majority of the votes cast for Senator at the primary election, and if at such election no candidate receive such majority, then another election shall be held on the twenty-first day succeeding said first election, at which second election the two candidates receiving the greatest number of votes shall be the only candidates, and the candidate receiving the majority of the votes cast at said second election shall be the nominee of the said party for United States Senator. This provision shall apply to all primary elections for United States Senator.

Sec. 7b. No person shall be entitled to a position on the official ballot at any general or special election held to select a United States Senator who shall have spent in the election preceding the nomination more than \$5000, or who shall have failed or refused to comply with each and every provision of any law regulating the collection and disbursement of funds preceding or after election. Should the nomination of any candidate for United States Senator be contested, the same shall be conducted under the provision of the law regulating contests before party election committees or the courts for State offices.

Sec. 8. Any candidate who desires his name to appear on the official ballot for a special primary as a candidate for the nomination of such party for the office of United States Senator shall file with the State chairman of his party, not later than ten (10) days prior to the date of such primary, his written request that his name be placed upon such official ballot as a candidate for the nomination of United States Senator, giving his age and occupation, the county of his residence and postoffice address, which shall be signed by him and acknowledged by him before some officer. And also twenty-five (25) qualified voters may likewise join in a request that the name of any person affiliating with such party be placed upon the official ballot as a candidate for United States

Senator, giving the occupation, county of residence and postoffice address of such person, signing and acknowledging same as above provided, and may file the same with the State chairman within the time above mentioned with the same effect as if such request had been filed by the party named therein as a candidate for such nomination, provided said petition shall be endorsed by the candidate as provided in Section 5 hereof. And the chairman and secretary of the State committee shall forthwith cause to be mailed to the chairman and secretary of every county committee of the party in the State the name of such candidate for United States Senator, with instructions that it be placed on the official ballot of such county. All requests shall be considered filed with the State chairman when they are sent from any point within the United States by registered mail, addressed to the State chairman at his postoffice address. On the first Saturday following such special primary election, the county executive committee of each county in this State shall meet and canvass the returns of such election, and shall immediately thereafter certify by its chairman and secretary the result of said election and forward same to the State chairman. The State executive committee shall meet at a time not later than fifteen days after the date of said special primary and canvass and tabulate the returns of said election as certified by the county chairman, and the candidate receiving the highest number of votes cast at such primary shall be the nominee for the party for such office; and the State chairman shall order the name of such candidate placed upon the official ballot of said party.

Sec. 9. The fact that there is now no law upon the statutes of this State providing for the appointment, nomination and election of United States Senators, and the fact that a vacancy might occur at any time in the representation of the State of Texas in the Senate of the United States creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the substitute be adopted?

Mr. Williams of McLennan moved to postpone further consideration of the bill until the House is in receipt of a Senate bill on the same subject and the Senate bill has been printed.

Mr. Householder moved to postpone further consideration of the bill until 2 o'clock p. m. tomorrow.

Mr. Kennedy moved to table the pending motions to postpone.

Mr. Householder called for a division of the question.

Question first recurring on the motion to table the motion of Mr. Williams of McLennan, it prevailed.

Question next recurring on the motion to table the motion of Mr. Householder, it prevailed.

Mr. Kirby moved to postpone further consideration of the bill until 10 o'clock a. m. next Monday.

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

Question recurred—Shall the substitute be adopted?

#### RECESS.

Mr. Templeton moved that the House recess to 2:30 o'clock p. m. today.

Mr. Mills moved that the House recess to 2 o'clock p. m. today.

The motion of Mr. Templeton prevailed, and the House, accordingly, at 12 o'clock m., took recess to 2:30 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2:30 o'clock p. m. and was called to order by the Speaker.

#### HOUSE BILL NO. 4 ON ENROSSMENT.

(Pending Business.)

The House resumed consideration of pending business, same being House bill No. 4, providing for the popular election of United States Senators, on its passage to engrossment, with amendment by Mr. Kirby and substitute by Mr. Chrestman for the amendment pending.

Question—Shall the substitute be adopted?

Mr. Kennedy, by unanimous consent, offered the following amendment to the bill:

Amend by striking out Section 10 and inserting in lieu thereof the following:

"Sec. 10. In all primary elections for United States Senator, each voter may express his first and second choice for all candidates for such office."

"No candidate for United States Senator shall be entitled to the nomination of any party as a candidate for the office unless he shall receive a majority of all the votes cast by his party for all the candidates for said office at said primary as herein provided.

"In estimating and canvassing the returns for United States Senator in the primary election the executive committee shall first ascertain the number of first-choice votes cast for each candidate for United States Senator, and the candidate receiving a majority of first-choice shall be declared to be the nominee of the party for the office for which he was a candidate. When no candidate receives a majority of first-choice votes, then the first-choice votes and the second-choice votes shall be added together, and if any candidate has received a majority of the first and second-choice votes then he shall be declared to be the nominee of his party for the office; but if no candidate has received a majority of first and second-choice votes, then the executive committee shall order a second primary, to be held on the fourth Saturday in August after the general primary day, at which only the two candidates receiving the largest number of first and second-choice votes shall be voted for, and that candidate receiving a majority of the votes cast for United States Senator at said primary shall receive the nomination. By majority of first and second-choice votes is meant that if there are one hundred votes cast and the first and second-choice votes cast for any one candidate added together make fifty-one or more, then he is entitled to the nomination, unless some other candidate received fifty-one or more first-choice votes.

"Where second primaries are held, the results shall be estimated and canvassed and the result declared by the executive committee having jurisdiction without the intervention of a convention. In such cases the chairman of the executive committee shall certify the results to the proper parties and issue nomination papers."

KENNEDY.  
TEMPLETON.  
BRUCE.

Question—Shall the amendment be adopted?

Mr. Kennedy offered the following amendment to the amendment:

Amend the amendment by adding: "Whenever a voter votes his second choice, such second-choice vote must be for some other person than the one who is designated his first choice."

KENNEDY.  
BLALOCK.  
SULLIVAN.  
PENRY.  
DOVE.

**Question**—Shall the amendment to the amendment be adopted?

On motion of Mr. Haney, the amendment and the amendment to the amendment were tabled.

Question then recurring on the substitute by Mr. Chrestman for the amendment by Mr. Kirby, it was lost.

Question next recurring on the amendment, it was lost.

Mr. Lewelling offered the following amendment to the bill:

Amend the bill, on page 7, after line 33, by adding another paragraph, numbered 5, to read as follows:

"That every payment or disbursement made by a candidate or his duly authorized agent or committee, if above one dollar in amount, shall be evidenced by a receipted bill stating the particulars of expense, and every such record, voucher, receipt or account shall be preserved for fifteen months after the primary election to which it relates."

The amendment was lost.

Mr. Tarver offered the following amendment to the bill:

Amend House bill No. 4, page 7, line 4, by striking out the words "over five dollars in amount or value"; and line 12, page 7, "over five dollars in amount or value"; lines 19 and 20, page 7, "which aggregates five dollars or over in amount or value"; line 27, page 7, "aggregating five dollars or over in amount or value."

TARVER,  
NABOURS.

The amendment was adopted.

Mr. Templeton offered the following amendment to the bill:

Add to Section 2, page 1, the following: "Provided, if the Congress or the Senate is in session at the time of such vacancy, or should convene before such election, or before the result of same can be officially ascertained under the law, the Governor shall make temporary appointment of a suitable and qualified person to represent the State in the United States Senate until the vacancy is filled by election."

Mr. Spann offered the following substitute for the amendment:

Amend House bill No. 4 by adding after the word "occurs" in Section 2 thereof in line 23 of page 1, the following: "Provided, that during the period of time intervening between the occurrence of such vacancy and the filling of the same by election, as provided herein, the Governor of this State shall be and he is hereby empowered and re-

quired to make temporary appointment until such election is held and the person elected takes his seat as such United States Senator from this State; provided, always, that no person who is the Governor of this State at the time any such vacancy occurs, or who is Governor at the time of such temporary appointment, shall be eligible to any such temporary appointment, nor shall the person so appointed be eligible to election at the election so ordered to fill such vacancy."

**Question**—Shall the substitute be adopted?

(Mr. Kirby in the chair.)

On motion of Mr. Spradley, the substitute was tabled.

The amendment was adopted.

Mr. Henry of Bowie offered the following amendment to the bill:

Amend House bill No. 4, page 10, by adding another section after Section 36, to be known as Section 37, and which shall read as follows:

"Sec. 37. Any person desiring to have his name appear upon the official ballot as a candidate for United States Senator at any special election held for the purpose of filling a vacancy in the United States Senate, when no party primary is held, may do so by presenting his application to the Secretary of State, which shall set forth: (1) That he is a candidate for United States Senator; (2) his age; (3) his occupation; (4) the county of his residence; (5) his post-office address; (6) that he is a member in good faith of the political party upon whose ballot he wishes his name to appear and that if a voter at the preceding election he voted for the nominees of said party; (7) that he will during term of office, if elected, endeavor to truly respect the wishes of his constituency and to abide by and support such measures as may be endorsed by the primary voters of his party in this State, and that he will use all honorable means at his command to secure the appointment for such applicants for positions in the Federal service as receive a majority of the votes at any primary held by the members of his party to determine their wishes with reference thereto. Said application to be signed by the candidate and properly acknowledged before some person authorized to take acknowledgments. The Secretary of State shall, on the receipt of the application which conforms to the above requirements, issue his instruction to the county clerks of this State directing that the name of the applicant shall be print-

ed on the official ballot in the column under the title of the office for which he is a candidate."

The amendment was adopted.

Mr. Reedy offered the following amendment to the bill:

Amend House bill No. 4, page 3, line 4, by striking out the words "the primary voters of his party in this State," and insert in lieu of said words the following: "a majority of the voters of his party in the primary election at which he was nominated after such measures were placed on the ticket in said primary, and had received a majority of the votes cast in said primary election."

Question—Shall the amendment be adopted?

(Speaker in the chair.)

Mr. Penry offered the following substitute for the amendment:

Amend page 3, line 4, by adding after the word "State," "as declared by their vote at a primary election."

The substitute was adopted.

The amendment as substituted was adopted.

Mr. Kirby offered the following amendment to the bill:

Amend Section 28, page 8, line 37, by striking out "\$5000" and insert "\$10,000."

Mr. Tarver offered the following substitute for the amendment:

Amend House bill No. 4, page 8, Section 28, by adding after the figures "\$5000" in line 37, the following: "Provided, that the expenditures allowed in Section 17 shall not be included in estimating the \$5000."

Amend the bill, page 9, line 6, by adding after the word "law" the following: "Provided, that the expenditures allowed in Section 17 hereof shall not be included in estimating the \$5000."

The substitute was adopted.

The amendment as substituted was adopted.

Mr. Penry offered the following amendment to the bill:

Amend House bill No. 4 by striking out Section 14, page 4.

The amendment was lost.

Mr. Butler offered the following amendment to the bill:

Amend House bill No. 4, page 2, lines 24 and 25, by striking out the words "any State office," and substitute therefor the following, "United States Senator."

The amendment was adopted.

Mr. Templeton offered the following amendment to the bill:

Amend by striking out on page 3, line

4, the last three words of line 4, and all of lines 5, 6, 7, and down to the word "said" in line 8.

The amendment was adopted.

Mr. Griggs offered the following amendment to the bill:

Amend House bill No. 4 by adding after the last word in Section 2, on page 1, as amended, the following: "Provided further, that should a vacancy occur within sixty days next preceding the general election at which a Senator is to be elected and during which period the National Congress is not in session, no special election to fill such vacancy shall be called."

GRIGGS,  
RICKERSON.

Question—Shall the amendment be adopted?

Mr. Dickson moved the previous question on the amendment and the passage of the bill to engrossment, and the main question was ordered.

Question first recurring on the amendment, it was lost.

Mr. Lewelling, by unanimous consent, offered the following amendment to the bill:

Amend bill, page 7, by adding after line 33, a new paragraph to be number 5, and to read as follows: "That every payment or disbursement made by any candidate for the United States Senate or by any duly authorized committee or person in his behalf, and which shall exceed \$5.00 in amount, shall be endorsed by a record, check, voucher, receipt or account, shall be preserved by the candidate or duly authorized committee or person making such expenditure in his behalf, and such candidate, committee or persons shall file said voucher, check, record, receipt or account with the Secretary of State, who shall preserve same for one year after said election."

The amendment was lost.

Question then recurring on the passage of the bill to engrossment, yeas and nays were demanded.

House bill No. 4 was passed to engrossment by the following vote:

Yea—67.

Allison.	Cope.
Baker.	Craven.
Barrett of Jones.	Cunningham.
Barrett of Titus.	Davis.
Bartley.	Dickson.
Blalock.	Diffie.
Burmeister.	Dove.
Burns.	Foster.
Butler.	Fuller.

Gentry.	Powell.
Goodner.	Ratliff.
Greer.	Reeves.
Griggs.	Rich.
Grindstaff.	Rickerson.
Hagins.	Robbins.
Henry of Bowie.	Russell.
Hughes.	Savage.
Humphrey.	Simpson.
Hunter.	Smith.
Jordan.	Spann.
Kennedy.	Spradley.
Lewelling.	Stephens.
Long.	Tarver.
Mangum.	Templeton.
Mills.	Thompson.
Morris of Coryell.	Vannoy.
Morris of Victoria.	Vickers.
Nabours.	Wagstaff.
Olander.	Watson of Hays.
Owsley.	Webb.
Parker.	Williams
Parks.	of Hopkins.
Patton.	Woods of Fisher.
Penry.	Woods of Navarro.

**Nays—34.**

Bierschwale.	Householder.
Byrne.	King.
Calvin.	Kirby.
Campbell.	Lane.
Chrestman.	Low.
Collins.	Macgill.
Colquitt.	Mendell.
Cooper.	Neeley.
Dunn.	Reedy.
Fountain.	Roach.
Greenwood.	Schwegman.
Hall.	Stone.
Haney.	Tillotson.
Harris.	Williams
Haxthausen.	of McLennan.
Herder.	Wortham.
Hill.	

**Absent.**

Bagby.	Hornby.
Boehmer.	McAskill.
Burges.	Paddock.
Coffey.	Ridgell.
Cox of Delta.	Robertson.
Cox of Ellis.	Rogers.
Crisp.	Rowell.
Fields.	Sullivan.
Flournoy.	Tyson.
Furrh.	Ussery.
Harp.	Wahrmund.
Henry of Wichita	Yarbrough.

**Absent—Excused.**

Broughton.	Mulcahy.
Brown.	Murray.
Dodson.	Raiden.
Gates.	Ritchie.
Glasscock.	Ross.
McKamy.	Watson of Mills.

**Paired.**

Mr. Oliver (present), who would vote "yea," with Mr. Heilig (absent), who would vote "nay."

Mr. Bruce (present), who would vote "yea," with Mr. McDaniel (absent), who would vote "nay."

**Reasons for Votes.**

We are in favor of election of United States Senators by popular vote under any reasonable law, but consider this measure in its present form as vicious and dangerous in the extreme, likely to put crooks in office and honest men in jail.

**HOUSEHOLDER,  
HANEY.**

I vote "yea" on this question, not because I am satisfied with the provisions of this bill, but because I think we should have some bill on this subject; and to pass this one and get it to a Conference Committee seems to be about the only chance for such legislation at this session.

**MILLS.**

I vote "yea" in order to get the bill to a Free Conference Committee.

**PARKS.**

Mr. Dove moved to reconsider the vote by which House bill No. 4 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

**HOUSE BILL NO. 14 ON THIRD  
READING.**

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

House bill No. 14, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, towit: The University of Texas, Agricultural and Mechanical College, Prairie View Normal, College of Industrial Arts for Women, Sam Houston Normal Institute, North Texas State Normal, Southwest Texas State Normal, and West Texas State Normal, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

Mr. Woods of Navarro offered the following (committee) amendment to the bill:

Amend House bill No. 14 by adding

at the end of the bill just preceding the emergency clause the following: "Provided, that the purchase of equipment and furniture for buildings authorized to be constructed, added to or improved by this bill and of material and equipment for the installation of fire protection shall be contracted for by the State Purchasing Agent in accordance with the provisions of Chapter 1, of Title 125, of the Revised Statutes of 1911."

The (committee) amendment was adopted.

House bill No. 14 was passed.

**HOUSE BILL NO. 24 SET AS SPECIAL ORDER.**

Mr. Wortham moved that House bill No. 24, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, towit: State Orphans' Home, Confederate Home, Confederate Woman's Home, Blind Institute, Deaf and Dumb Institute, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institution for the Training of Juveniles, Tuberculosis Sanitarium at Carlsbad, State Lunatic Asylum, Southwestern Insane Asylum, and North Texas Hospital for the Insane," be set as a special order for 10 o'clock a. m. tomorrow.

The motion prevailed.

**ADJOURNMENT.**

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

Mr. Fuller moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

The motion of Mr. Tarver prevailed, and the House accordingly, at 5:10 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

**ELEVENTH DAY.**

(Saturday, August 2, 1913.)

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

Speaker Terrell in the chair.

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

Allison.	Bartley.
Baker.	Bierschwale.
Barrett of Jones.	Blalock.

Bruce.	Mendell.
Burmeister.	Mills.
Burns.	Morris of Coryell.
Butler.	Morris of Victoria.
Campbell.	Nabours.
Chrestman.	Neeley.
Coffey.	Olander.
Collins.	Oliver.
Colquitt.	Owsley.
Cooper.	Parker.
Cope.	Parks.
Cox of Ellis.	Patton.
Craven.	Penry.
Cunningham.	Powell.
Davis.	Ratliff.
Dickson.	Reedy.
Diffee.	Reeves.
Dove.	Rich.
Dunn.	Rickerson.
Fields.	Ridgell.
Foster.	Roach.
Fountain.	Robbins.
Fuller.	Russell.
Furhr.	Savage.
Gentry.	Schwegman.
Goodner.	Simpson.
Greenwood.	Smith.
Greer.	Spann.
Griggs.	Spradley.
Grindstaff.	Stone.
Hagins.	Sullivan.
Hall.	Tarver.
Haney.	Taylor.
Harp.	Templeton.
Harris.	Thompson.
Henry of Bowie.	Tiller.
Henry of Wichita.	Tillotson.
Herder.	Ussery.
Hill.	Vannoy.
Householder.	Vickers.
Hughes.	Wagstaff.
Humphrey.	Watson of Hays.
Hunter.	Webb.
Kennedy.	Williams
King.	of Hopkins.
Lane.	Williams
Lewelling.	of McLennan.
Long.	Woods of Fisher.
Macgill.	Woods of Navarro.
McDaniel.	Wortham.
Mangum.	

Absent.

Bagby.	Low.
Byrne.	Paddock.
Calvin.	Rogers.
Crisp.	Tyson.
Flournoy.	Wahrmund.

Absent—Excused.

Barrett of Titus.	Dodson.
Boehmer.	Gates.
Broughton.	Glasscock.
Brown.	Haxthausen.
Burges.	Heilig.
Cox of Delta.	Hornby.

Jordan.	Ritchie.
Kirby.	Robertson.
McAskill.	Ross.
McKamy.	Rowell.
Mulcahy.	Stephens.
Murray.	Watson of Mills.
Raiden.	Yarbrough.

A quorum was announced present.  
Prayer by Rev. H. M. Sears, Chaplain of the Senate.

#### LEAVE OF ABSENCE GRANTED.

On account of important business:  
Mr. Jordan, for today, on motion of Mr. Vickers.

Messrs. McAskill, Hornby and Cox of Delta, until next Tuesday, on motion of Mr. Baker.

Mr. Kirby, for today, on motion of Mr. Bruce.

Mr. Robertson, for today, on motion of Mr. Cooper.

Mr. Haxthausen, for today, on motion of Mr. Wortham.

Mr. Yarbrough, until next Tuesday, on motion of Mr. Haney.

Mr. Rowell and Mr. Barrett of Titus, until next Tuesday, on motion of Mr. Lewelling.

Mr. Heilig, for today, on motion of Mr. Reedy.

Mr. Stephens, for today, on motion of Mr. Burns.

#### STATEMENT BY HON. DWIGHT L. LEWELLING.

Mr. Lewelling, under a question of personal privilege, submitted the following statement, which he asked to have printed in the Journal:

August 2, 1913.

Mr. Lewelling, rising to a question of personal privilege, addressed the House as follows:

Mr. Speaker and Gentlemen: During my service as a member of this House, both during the Regular Session and up to this time in the Special Session, I have never found occasion to rise to a question of personal privilege on what the newspapers have said concerning any action or position of mine, although at times some very inaccurate statements have been made.

However, there appears this morning in the San Antonio Express—and perhaps in other papers—the following, which I deem to be so unjust and which is, in fact, so untrue, that some public refutation is necessary. The article is as follows:

#### Lewelling Strikes Snag.

Representative Demanded Money for Warrant at Once—Treasurer Compels Him to Wait.

"Austin, Tex., Aug. 1.—On the ground that he is a constitutional officer, Representative Lewelling today presented his warrant, paid him as salary for services as a member of the House, to State Treasurer Edwards and demanded that it be paid. On account of the State being on a deficiency basis, some members of the Legislature, who needed the ready cash, have been forced to discount their warrants at 4 per cent. Mr. Lewelling thought he was entitled to cash his warrant at its full face value.

Treasurer Edwards refused to comply with the demand. He firmly, but politely, informed Mr. Lewelling that he did not propose to change his present system of registration warrants. That if he should cash Mr. Lewelling's warrant, all other State employes would be entitled to the same treatment. He made the strong point if the code was changed as Mr. Lewelling would have it, all State employes residing outside of Austin would be placed at a great disadvantage as compared with the employes who are in the capital city and at all times close to the State's till.

When the Treasurer had made his explanation why he would not cash the warrant, Mr. Lewelling announced that he would not insist upon his demand, and it is believed that the incident is closed. It is closed as far as the State Treasurer is concerned."

This article puts me in the selfish attitude of seeking an advantage over others who hold prior warrants, by trying to get my money, although they had to wait, and of being rebuffed by the Treasurer, who seeks to protect people living away from Austin and holding warrants yet unpaid.

The statements contained in this article are absolutely unfounded and untrue. There is no basis whatever for such assertions. The facts are these:

The Attorney General on June 2, 1913, had rendered to Mr. J. M. Edwards, State Treasurer, an opinion, which, among other things, held that any officer whose salary was fixed by the Constitution was entitled to have his warrant cashed immediately upon its presentation, provided any funds were on hand to meet it.

In conversation with Mr. Edwards in his office, I merely asked him if he agreed that the Attorney General had

so ruled, stating to him, however, at the same time, that I not only did not demand, but did not even present my warrant for payment, but merely asked his position in view of the ruling of the Attorney General.

He told me that the Attorney General had ruled exactly as I had stated, and that one of the assistants of the Attorney General had gone further and told him that in his opinion the Treasurer would be entitled to pay any warrant presented by any officer or employe of the State government, whether the salary of said officer or employe was fixed by the Constitution or not.

Hence, as will be seen, the Treasurer in this conversation with me informed me that he had been advised by the Attorney General's Department that the law went much further than I had suggested. He told me, however, that it would disarrange his system of paying warrants according to the order in which they were registered, if he should honor them in any other order.

I told him that I in nowise desired to interfere with any system he had adopted, and I not only did not demand payment, but made no presentation of my warrant or request for payment whatever, my sole object was to understand exactly what his holding was in view of the Attorney General's opinion.

Of course, when an article like this goes out over the State it looks very nice for the Treasurer, who announces that a Representative has demanded his pay ahead of everybody else, but that he, standing like a stone wall between the Representative's selfishness and the hundreds of people who hold warrants throughout the State yet unpaid, refuses the Representative's demands and protects those holding previous outstanding warrants.

This, I say, sounds very nice for the Treasurer, but bad for the Representative. Hence, when such statements have no warrant or justification, they should not be allowed to stand unchallenged.

However, I do not accuse the Treasurer of making an untrue statement intentionally. I am willing to assume that he made a mistake, or else the representative of the paper misunderstood him.

I assume, also, that the representative of the Express who wrote the article did not intentionally misrepresent the facts, but that a very hurtful injustice crept in his report there can be no question.

I should say that neither Mr. Armistead or Mr. Perkins wrote the article, and I will say for them, as well as the writer of the article and the newspaper fraternity in general, that I am sure they are all honorable men and would not intentionally do any man an injustice. Especially do I desire to commend Mr. George D. Armistead, whom I have known for years, having the honor of his acquaintance while he lived in Dallas, and knowing him to be one of the most upright, conscientious men in the newspaper world today.

Therefore, Mr. Speaker and gentlemen of the House, to you men who know and I think believe in me, regardless of how you may differ from me on many questions, I present this statement of the truth of what occurred and thank you for your attention and ask unanimous consent that this statement be incorporated in the Journal.

HOUSE BILL NO. 24 ON SECOND READING.

(Special Order.)

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

House bill No. 24, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, towit: State Orphans' Home, Confederate Home, Confederate Woman's Home, Blind Institute, Deaf and Dumb Institute, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institution for the Training of Juveniles, Tuberculosis Sanitarium at Carlsbad, State Lunatic Asylum, Southwestern Insane Asylum, and North Texas Hospital for the Insane."

(Mr. Mendell in the chair.)

The Speaker stated that if there was no objection the House would consider the bill section by section.

There was no objection offered.

The section of the bill relating to the State Orphans' Home was read.

Mr. Ussery offered the following amendment to this section of the bill:

Amend House bill No. 24, page 1, line 31, by striking out "\$1800" and inserting "\$1500 for each year."

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

There being no further amendments to this section of the bill, it was passed over.

**The section of the bill relating to the Confederate Home was read and passed over.**

**The section of the bill relating to the Confederate Woman's Home was read and was passed over.**

**The section of the bill relating to the Blind Institute was read.**

**Mr. Mangum offered the following amendment to this section of the bill:**

**Amend bill, page 7, line 9, by striking out "\$1400" and in insert in lieu thereof "\$1500 for each year."**

The amendment was adopted.

**Mr. Ussery offered the following amendment to this section of the bill:**

**Amend the bill, page 11, line 19, by adding the following: "or so much thereof as may be necessary."**

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

**The section of the bill relating to the Deaf and Dumb Institute was read.**

**Mr. Wortham offered the following (committee) amendment to this section of the bill:**

**Amend House bill No. 24, page 13, after line 16, by inserting "salary of 16th (sixteenth) oral teacher, without board, \$660 each year."**

The (committee) amendment was adopted.

**Mr. Reedy offered the following amendment to this section of the bill:**

**Amend House bill No. 24 by striking out all the words and numerals in lines 10 to 33, inclusive, on pages 12 and 13 of said bill, and by adding the amounts stated in said lines into one lump sum, the same to be called the teachers' fund for the Deaf and Dumb Institute, and which said sum shall be used by the governing board in employing such teachers as may be needed for said institute in such amounts as may be fixed by said board as the salary for each person employed to teach in the said Deaf and Dumb Institute.**

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

**Mr. Ussery offered the following amendment to this section of the bill:**

**Amend the bill, page 15, line 13, by adding "or so much thereof as may be necessary."**

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

**The section of the bill relating to the Epileptic Colony was read and was passed over.**

**The section of the bill relating to the Deaf, Dumb and Blind Institute for Colored Youths was read.**

**Mr. Olander offered the following amendment to this section of the bill:**

**Amend House bill No. 24, page 19, line 16, by striking out "450" wherever it occurs and insert in lieu thereof "600."**

**OLANDER,  
HUNTER,  
WILLIAMS of Hopkins,  
SCHWEGMANN,  
OLIVER.**

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

**The section of the bill relating to the State Institution for the Training of Juveniles was read.**

**Mr. Henry of Wichita offered the following amendment to this section of the bill:**

**Amend House bill No. 24 by adding a new paragraph between lines 27 and 28, page 22, to read as follows:**

**"Should the name of the State Institution for the Training of Juveniles be changed by statute, it shall not affect the above appropriation in any way, and all amounts for said institution shall be available under any such changed name on the same terms named herein for the State Institution for the Training of Juveniles."**

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

**The section of the bill relating to the Tuberculosis Sanitarium was read and was passed over.**

**The section of the bill relating to the State Lunatic Asylum was read and was passed over.**

**The section of the bill relating to the Southwestern Insane Asylum was read and was passed over.**

**The section of the bill relating to the North Texas Hospital for the Insane was read and was passed over.**

**Mr. Wortham offered the following (committee) amendments to the bill:**

(1)

**Amend House bill No. 24 by adding after line 7, page 34, the following: "Provided, that all equipment and furnishing for new buildings, additions and improvements to old buildings and for the installation of fire protection, for which appropriations are made herein,**

and supplies for the State Juvenile Training School at Gatesville, shall be purchased by the State Purchasing Agent in accordance with the provisions of Chapter 1, of Title 125, of the Revised Statutes of 1911."

(2)

Amend House bill No. 24 by adding at line 34, page 33, the following: "Provided, that the buildings to be erected under and by virtue of the appropriations herein made, shall be of fireproof construction, and all plans and specifications for the erection of fire protection shall be subject to the approval of the State Fire Insurance Commission."

The (committee) amendments were severally adopted.

Mr. Woods of Navarro offered the following amendment to the bill:

Amend House bill No. 24 by striking out lines 38, 39 and 40, page 3, and inserting in lieu thereof the following: "Provided, that the Board of Managers are hereby authorized to sell surplus products raised and manufactured at the State Orphans' Home, and to apply the proceeds thereof to the needs of the Home, keeping correct, accurate and full accounts of the receipts and disbursements from this source, and making sworn reports thereof to the Comptroller of Public Accounts, which reports shall also be incorporated in the annual reports of said Home."

The amendment was adopted.

Question—Shall the bill be passed to engrossment?

House bill No. 24 was passed to engrossment.

(Speaker in the chair.)

#### ADJOURNMENT.

On motion of Mr. Tarver, the House, at 12:20 o'clock p. m., adjourned until 2 o'clock p. m. next Monday.

#### APPENDIX.

#### REPORT OF COMMITTEE ON EN-GROSSED BILLS.

Committee Room,  
Austin, Texas, August 1, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.  
Sir: Your Committee on Engrossed

Bills have carefully examined and compared

House bill No. 14, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them, as follows, to wit: The University of Texas, Agricultural and Mechanical College, Prairie View Normal, College of Industrial Arts for Women, Sam Houston Normal Institute, North Texas State Normal, Southwest Texas State Normal, and West Texas State Normal, and declaring an emergency,"

And find the same correctly engrossed.

HERDER, Chairman.

#### REPORT OF COMMITTEE ON JUVENILE REFORMS.

Committee Room,  
Austin, Texas, August 1, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Juvenile Reforms, to whom was referred House bill No. 27, having had the same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

JORDAN, Chairman.

#### TWELFTH DAY.

(Monday, August 4, 1913.)

The House met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Chief Clerk W. R. Long in the absence of Speaker Terrell.

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

Allison.	Cooper.
Baker.	Cope.
Barrett of Jones.	Cox of Delta.
Barrett of Titus.	Cox of Ellis.
Bartley.	Craven.
Bierschwale.	Crisp.
Blalock.	Cunningham.
Broughton.	Davis.
Bruce.	Dickson.
Burges.	Diffie.
Burmeister.	Dodson.
Burns.	Dove.
Butler.	Dunn.
Calvin.	Foster.
Campbell.	Fountain.
Chrestman.	Furrh.
Coffey.	Gentry.
Colquitt.	Goodner.

Greer.	Reeves.
Griggs.	Rich.
Grindstaff.	Rickerson.
Hagins.	Ridgell.
Harp.	Ritchie.
Harris.	Roach.
Henry of Bowie.	Hall.
Henry of Wichita.	Rogers.
Herder.	Rowell.
Hill.	Russell.
Hornby.	Savage.
Householder.	Schwegman.
Humphrey.	Simpson.
Hunter.	Smith.
Kennedy.	Spann.
Kirby.	Spradley.
Lane.	Stone.
Lewelling.	Sullivan.
Low.	Tarver.
Long.	Taylor.
Macgill.	Templeton.
McAskill.	Thompson.
McDaniel.	Tiller.
Mangum.	Tillotson.
Mendell.	Tyson.
Morris of Coryell.	Ussery.
Morris of Victoria.	Vannoy.
Nabours.	Vickers.
Feeley.	Wagstaff.
Olander.	Wahrmund.
Owsley.	Watson of Hays.
Parker.	Webb.
Parks.	Williams of Hopkins.
Patton.	Woods of Fisher.
Penry.	Woods of Navarro.
Powell.	Wortham.
Raiden.	Yarbrough.
Ratliff.	
Reedy.	Absent.

Bagby.	Haney.
Collins.	King.
Fields.	Mills.
Flournoy.	Paddock.
Gates.	Robertson.

Absent—Excused.

Boehmer.	McKamy.
Brown.	Mulcahy.
Byrne.	Murray.
Fuller.	Oliver.
Glasscock.	Robbins.
Greenwood.	Ross.
Haxthausen.	Stephens.
Heilig.	Watson of Mills.
Hughes.	Williams
Jordan.	of McLennan.

A quorum was announced present.  
 Prayer by Hon. John B. Long of Cherokee county, a member of the House.

The Chief Clerk announced that he was informed that the Speaker would be present in the Hall within about ten

minutes and if there was no objection the House would stand at ease for that length of time.

There was no objection offered.

The Speaker arriving in the Hall, took the chair, and called the House to order.

(Mr. Kennedy in the chair.)

LEAVE OF ABSENCE GRANTED.

On account of important business:

Mr. Crisp, for last Saturday, on motion of Mr. Savage.

Mr. Fuller, indefinitely, on motion of Mr. Savage.

Mr. Stephens, for today, on motion of Mr. Barrett of Titus.

Mr. Williams of McLennan, for today, on motion of Mr. Savage.

Mr. Jordan, indefinitely, on motion of Mr. Vickers.

Mr. Byrne, indefinitely, on motion of Mr. Wahrmund.

Mr. Hughes, indefinitely, on motion of Mr. Allison.

Mr. Heilig, for today, on motion of Mr. Reedy.

Mr. Haney, indefinitely, on motion of Mr. Henry of Wichita.

Mr. Robbins, for today, on motion of Mr. Yarbrough.

Mr. Fields, indefinitely, on motion of Mr. Tarver.

Mr. Greenwood, indefinitely, on motion of Mr. Griggs.

On account of sickness:

Mr. Oliver, indefinitely, on motion of Mr. Harp.

RELATING TO BILLS PERTAINING  
TO PENITENTIARY AFFAIRS.

Mr. McAskill submitted the following motion in writing:

I move that the Committee on Penitentiaries be instructed to report to the House on all bills before it, on or before 10 o'clock a. m. tomorrow, August 5, 1913.

Question—Shall the motion prevail?

Mr. Sullivan moved to table the motion, and the motion to table was lost.

Mr. Chrestman moved the previous question on the motion of Mr. McAskill, and the main question was ordered.

Question then recurring on the motion, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—59.

Allison.	Barrett of Titus.
Baker.	Blalock.
Barrett of Jones.	Broughton.

Burmeister.	Long.	Fuller.	Mulcahy.
Burns.	McAskill.	Gates.	Murray.
Chrestman.	McDaniel.	Glasscock.	Oliver.
Coffey.	Morris of Coryell.	Greenwood.	Robbins.
Cope.	Nabours.	Haney.	Ross.
Cox of Delta.	Patton.	Haxthausen.	Stephens
Craven.	Raiden.	Heilig.	Watson of Mills.
Cunningham.	Reeves.	Jordan.	Williams
Davis.	Rickerson.	Hughes.	of McLennan.
Dickson.	Rogers.	McKamy.	
Diffie.	Rowell.		
Dodson.	Russell.		
Dove.	Spann.		
Foster.	Tarver.		
Furrh.	Templeton.		
Gentry.	Thompson.		
Griggs.	Tiller.		
Grindstaff.	Tyson.		
Hagins.	Ussery.		
Henry of Bowie.	Vannoy.		
Henry of Wichita.	Vickers.		
Hornby.	Wagstaff.		
Householder.	Watson of Hays.		
Humphrey.	Webb.		
Hunter.	Woods of Fisher		
King.	Yarbrough.		
Lewelling.			
Nays—53.			
Bartley.	Morris of Victoria.		
Bierschwale.	Neeley.		
Bruce.	Olander.		
Burges.	Owsley.		
Butler.	Parker.		
Calvin.	Parks.		
Campbell.	Penry.		
Colquitt.	Powell.		
Cooper.	Ratliff.		
Cox of Ellis.	Reedy.		
Crisp.	Rich.		
Dunn.	Ridgell.		
Fountain.	Ritchie.		
Goodner.	Roach.		
Greer.	Savage.		
Hall.	Schwegmann.		
Harp.	Simpson.		
Harris.	Smith.		
Herder.	Spradley.		
Hill.	Stone.		
Kennedy.	Sullivan.		
Kirby.	Taylor.		
Lane.	Tillotson.		
Low.	Williams		
Macgill.	of Hopkins.		
Mangum.	Woods of Navarro.		
Mendell.	Wortham.		
Absent.			
Bagby.	Paddock.		
Collins.	Robertson.		
Flournoy.	Wahrmund.		
Mills.			
Absent—Excused.			
Boehmer.	Byrne.		
Brown.	Fields.		

Mr. Tarver moved to reconsider the vote by which the motion of Mr. McAskill prevailed, and to table the motion to reconsider.

The motion to table prevailed.

#### MESSAGE FROM THE GOVERNOR.

Mr. J. T. 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:

Governor's Office,  
Austin, Texas, August 2, 1913.

To the House of Representatives.

I acknowledge the receipt of the following resolution adopted by the House of Representatives:

Resolution by Mr. Kennedy.

"Whereas, His Excellency, Governor O. B. Colquitt, has repeatedly stated during the past few weeks that a bond of the State of Texas, or a bond with the guaranty of the State of Texas behind it, could be sold at a premium of 20 to 25 per cent; and

Whereas, the permanent school fund, and the endowment funds of other State institutions, hold \$3,976,200 worth of State bonds; and

Whereas, if these bonds could be sold at a premium of 20 per cent, as the Governor has claimed that State bonds could be sold for such a bonus, it would increase these several funds to the amount \$795,240; and

Whereas, the principal, and the bonus of these several funds could be reinvested in gilt-edge securities of the several counties, cities, towns and other districts of this State, which would increase the revenues from said funds approximately \$70,000 annually; therefore, be it

Resolved, by the House of Representatives, That the Governor is respectfully requested to authorize the Legislature, now in extra session, to enact legislation authorizing the sale of the aforesaid bonds, and the reinvestment

of the proceeds from said sale in the bonds of counties, cities, towns, irrigation districts, school districts, etc."

August 1, 1913, read second time and adopted.

W. R. LONG,  
Chief Clerk, House of Representatives.

During the campaign, in discussing the proposed amendments to the Constitution as submitted by the Regular Session of the Thirty-third Legislature, and voted on at an election held Saturday, July 19, 1913, I stated that 5 per cent bonds, running thirty years, with the payment of interest and principal guaranteed by the State of Texas, could be sold in the open market at a premium of 20 to 25 cents on the dollar, and this statement I adhere to and reiterate, and have no fear but that such bonds could be sold even at a greater premium, with ordinary conditions prevailing in the bond and money market.

Since the receipt of your resolution I have requested the State Treasurer to furnish me a statement of the bonds outstanding against the State, the date of their issuance, when due and by what funds held. Below I quote the State Treasurer's letter showing the amount of 5 per cent State bonds outstanding and the funds to which they belong, as follows, to-wit:

Austin, Texas, August 1, 1913.  
Hon. O. B. Colquitt, Governor, Capitol.

Dear Sir: In reply to your request, beg to advise that the following is a list of all 5 per cent State bonds, and the various institutions holding same:

#### Permanent School Fund.

Issued November 11, 1890, option five years, due November 11, 1920, amount \$81,000; issued January 15, 1891, option 5 years, due January 15, 1921, amount \$11,000; issued March 17, 1891, option five years, due March 17, 1921, amount \$8,000; issued August 31, 1891, option five years, due August 31, 1921, amount \$7,500. Total, \$107,500.

#### Permanent Blind Asylum Fund.

Issued March 13, 1891, option 5 years, due March 13, 1921, amount \$17,000; issued August 31, 1891, option five years, due August 31, 1921, amount \$1,400; issued March 17, 1891, option five years, due March 17, 1921, amount \$9,000. Total, \$27,400.

#### Permanent Deaf and Dumb Asylum Fund.

Issued March 13, 1891, option five years, due March 13, 1921, amount \$12,000; issued August 31, 1891, option five years, due August 31, 1921, amount \$2,300. Total, \$14,300.

#### Permanent Lunatic Asylum Fund.

Issued March 13, 1891, option five years, due March 13, 1921, amount, \$10,000; issued August 31, 1891, option five years, due August 31, 1921, amount \$1,300; issued March 17, 1891, option five years, due March 17, 1921, amount \$10,000. Total, \$21,300.

#### Permanent Orphan Asylum Fund.

Issued March 13, 1891, option five years, due March 13, 1921, amount, \$8,000; issued August 31, 1891, option five years, due August 31, 1921, amount \$600. Total, \$8,600.

Grand total, \$179,100.

Yours very truly,  
J. M. EDWARDS,  
State Treasurer.

In addition to the foregoing, the University holds \$173,900 of 5 per cent bonds. The foregoing shows that only a small percentage of the State's bonded indebtedness bears 5 per cent interest.

If the House of Representatives will assure me of the passage of a bill on the subject, I will present to you the subject of refunding these 5 per cent bonds so that the money invested in them by the Permanent School Fund, the Blind Asylum Fund, the Deaf and Dumb Asylum Fund, the Lunatic Asylum Fund, and the Orphan Asylum Fund may be increased by the premium which can be obtained in the sale of such 5 per cent bonds. I haven't the slightest doubt that they can be disposed of at a premium of not less than 20 cents on the dollar.

Another statement from Hon. J. M. Edwards, State Treasurer, shows the remainder of the bonds outstanding against the State, the date of their issuance, the date when due and the funds to which they belong; they are as follows, towit:

Austin, Texas, August 1, 1913.  
Hon. O. B. Colquitt, Governor, Capitol.

Dear Sir: In reply to your request, beg to advise that the following is a list of all 3 per cent and 4 per cent

State bonds, and the various institutions holding same:

**Permanent School Fund.**

Issued March 1, 1894, option pleasure, due March 1, 1934, rate 4 per cent, amount \$229,500; issued January 1, 1904, option five years, due January 1, 1944, rate 3 per cent, amount \$178,000; issued January 1, 1906, option five years, due January 1, 1946, rate 3 per cent, amount \$1,447,000; issued September 1, 1910, option twenty years, due September 1, 1950, rate 3 per cent, amount, \$810,000. Total, \$2,664,500.

**Permanent Blind Asylum Fund.**

Issued March 1, 1894, option pleasure, due March 1, 1934, rate 4 per cent; amount \$57,000; issued January 1, 1904, option five years, due January 1, 1944, rate 3 per cent, amount \$20,000; issued September 1, 1910, option twenty years, due September 1, 1950, rate 3 per cent, amount \$30,000. Total, \$107,000.

**Permanent Deaf and Dumb Asylum Fund.**

Issued March 1, 1894, option pleasure, due March 1, 1934, rate 4 per cent, amount \$18,000; issued January 1, 1904, option five years, due January 1, 1944, rate 3 per cent, amount \$22,000; issued September 1, 1910, option twenty years, due September 1, 1950, rate 3 per cent, amount \$50,000. Total, \$90,000.

**Permanent Lunatic Asylum Fund.**

Issued March 1, 1894, option pleasure, due March 1, 1934, rate 4 per cent, amount \$30,000; issued January 1, 1904, option five years, due January 1, 1944, rate 3 per cent, amount \$15,000; issued September 1, 1910, option twenty years, due September 1, 1950, rate 3 per cent, amount \$60,000. Total, \$105,000.

**Permanent Orphan Asylum Fund.**

Issued January 1, 1904, option five years, due January 1, 1944, rate 3 per cent, amount \$2000; issued September 1, 1910, option twenty years, due September 1, 1950, rate 3 per cent, amount \$20,000. Total, \$22,000.

Grand total, \$2,988,500.

The University holds \$429,700 3 per cent bonds which are not included in the above statement.

Yours very truly,  
J. M. EDWARDS,  
State Treasurer.

I invite the attention of the House of Representatives to the fact that under our Constitution the University Permanent Fund has to be invested in State or United States bonds. In addition to the foregoing statements, the Agricultural and Mechanical College holds \$205,000 of 3 per cent bonds, which are not included in the statements.

The totals of the two foregoing statements show that the bonded indebtedness of the State outstanding is \$3,976,200, distributed as follows:

Permanent school fund: 3 per cent, \$2,434,500; 4 per cent, \$229,500; 5 per cent, \$108,000; total, \$2,772,000.

Blind Institute fund: 3 per cent, \$50,000; 4 per cent, \$57,000; 5 per cent, \$27,400; total, \$134,400.

Deaf and Dumb fund: 3 per cent, \$72,000; 4 per cent, \$18,000; 5 per cent, \$14,300; total, \$104,300.

Lunatic asylum fund: 3 per cent, \$75,000; 4 per cent, \$30,000; 5 per cent, \$21,300; total, \$126,300.

Orphans Home fund: 3 per cent, \$22,500; 5 per cent, \$8,100; total, \$30,600.

Permanent University Fund: 3 per cent, \$429,700; 5 per cent, \$173,900; total, \$603,600.

A. & M. fund: 3 per cent, \$205,000; total, \$205,000.

Totals: 3 per cent, \$3,288,700; 4 per cent, \$334,500; 5 per cent, \$353,000.

Grand total, \$3,976,200.

It would be impossible to sell the 3 per cent bonds even at par, and if these bonds were in the hands of individuals, and subject to taxation in either of the principal cities of the State, the combined municipal, county and State tax would almost equal the interest thereon. Under such conditions, as a matter of course, 3 per cent bonds could not be disposed of at par, and it is doubtful if they could be sold at all, except to the trust funds which now hold them.

I shall be glad to present the question of the redemption of the 5 per cent bonds if the House of Representatives will pass another resolution by a sufficient affirmative vote asking me to submit the question for consideration, which will give assurance of favorable action thereon if question is submitted. In this connection I notice that the combined vote for and against the resolution quoted above did not equal a quorum of the House of Representatives.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

**RELATING TO AUTOMATIC TAX BOARD.**

Mr. Householder offered the following resolution:

House Concurrent Resolution No. 6, Requesting the Governor to submit for legislation the question of amending the provisions of the law relating to the Automatic Tax Board.

Whereas, By an act of the Thirtieth Legislature in 1907, as provided by Title 126, Chapter 1, Articles 7349-7351, Revised Civil Statutes, inclusive, an act was passed creating what is known as the Automatic Tax Board; and

Whereas, By the provisions of this act the duty and responsibility of fixing the ad valorem tax rate to be levied on the people of Texas was taken from the Legislature and placed in the hands of the Governor and two other commissioners; and

Whereas, By the provisions of the Constitution of this State, this is a responsibility and a duty that should devolve upon the Legislature of the State of Texas, and is a responsibility too great to be placed upon any single individual, to the end that the people may hold their representatives accountable for both the appropriations passed and the tax levied to provide the money to meet these appropriations; therefore, be it

Resolved by the House of Representatives, the Senate concurring, that we respectfully request His Excellency, Hon. O. B. Colquitt, Governor of Texas, to submit to the consideration of this Special Session of the Thirty-third Legislature the question of whether or not the said Articles 7349-7351, inclusive, should be amended and the authority and responsibility of fixing the ad valorem tax rate be vested in the Legislature of the State of Texas, as was intended by the framers of our Constitution.

HOUSEHOLDER,  
HENRY of Wichita,  
SULLIVAN.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Dove moved to refer the resolution to the Committee on Revenue and Taxation.

Mr. Lewelling moved to table the resolution.

Question first recurring on the motion to table the resolution, it prevailed.

**RELATING TO STATEMENT BY HON. D. M. REEDY.**

Mr. Coffey offered the following resolution:

Whereas, On Thursday, July 31, the Hon. D. M. Reedy, a member of this House, under the plea of personal privilege made a virulent and defamatory attack upon a man who had in no way offended this House, or any of its members; and

Whereas, In the same statement reference was made to a certain newspaper in Austin as "that scavenger sheet miscalled a newspaper"; and

Whereas, The said statement of the said Reedy was almost wholly given over to matters in nowise concerning his dignity as a legislator, nor the dignity of this House; therefore, be it

Resolved, That the Journal Clerk of this House be directed to expunge the said statements of the said Reedy from the records of this House.

COFFEY.  
FIELDS.  
BURNS.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Parks moved to table the resolution.

Mr. Reedy raised a point of order on consideration of the resolution at this time on the ground that a motion to expunge is in substance a motion to reconsider, and under the rules of the House, a motion to reconsider would not be in order at this time.

The Speaker overruled the point of order.

Question recurring on the motion to table the resolution, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yea—42.

Bierschwale.	Hill.
Bruce.	Hunter.
Burges.	King.
Burmeister.	Kirby.
Byrne.	Lewelling.
Calvin.	Macgill.
Campbell.	Neeley.
Colquitt.	Owsley.
Cooper.	Parks.
Crisp.	Penry.
Dunn.	Powell.
Fountain.	Reedy.
Greer.	Rich.
Grindstaff.	Ridgell.
Harp.	Ritchie.

Roach.	Tiller.
Schwegman.	Tillotson.
Smith.	Wagstaff.
Spradley.	Woods of Fisher.
Stone.	Wortham.
Thompson.	Yarbrough.

Nays—55.

Allison.	Humphrey.
Barrett of Jones.	Long.
Barrett of Titus.	McAskill.
Bartley.	Mendell.
Blalock.	Morris of Coryell.
Broughton.	Nabours.
Burns.	Parker.
Butler.	Patton.
Chrestman.	Raiden.
Coffey.	Reeves.
Cope.	Rickerson.
Cox of Delta.	Rogers.
Craven.	Rowell.
Cunningham.	Russell.
Davis.	Savage.
Dickson.	Simpson.
Dodson.	Spann.
Dove.	Tarver.
Foster.	Templeton.
Furrr.	Tyson.
Gentry.	Ussery.
Griggs.	Vannoy.
Hagins.	Vickers.
Harris.	Watson of Hays.
Henry of Bowie.	Webb.
Henry of Wichita.	Williams of Hopkins.
Herder.	Woods of Navarro

Present—Not Voting.

Householder.	Morris of Victoria.
Kennedy.	Williams
Mangum.	of McLennan.

Absent.

Ragby.	Low.
Baker.	McDaniel.
Collins.	Olander.
Cox of Ellis.	Paddock.
Diffie.	Ratliff.
Flournoy.	Robertson.
Goodner.	Sullivan.
Hall.	Taylor.
Lane.	Wahrmund.

Absent—Excused.

Boehmer.	Heilig.
Brown.	Hughes.
Fields.	Jordan.
Fuller.	McKamy.
Gates.	Mills.
Glasscock.	Mulcahy.
Greenwood.	Murray.
Haney.	Oliver.
Hæxhausen.	Robbins.

Ross.	Watson of Mills.
Stephens of Upshur.	

Question then recurring on the adoption of the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yea—53.

Allison.	Humphrey.
Barrett of Jones.	Hunter.
Barrett of Titus.	Kennedy.
Blalock.	Lewelling.
Broughton.	Long.
Burns.	McAskill.
Butler.	Mendell.
Chrestman.	Morris of Coryell.
Coffey.	Parker.
Cope.	Raiden.
Cox of Delta.	Reeves.
Craven.	Rickerson.
Cunningham.	Rogers.
Davis.	Rowell.
Dickson.	Russell.
Dodson.	Savage.
Dove.	Spann.
Furrr.	Tarver.
Foster.	Templeton.
Gentry.	Tyson.
Griggs.	Ussery.
Hagins.	Vannoy.
Harris.	Vickers.
Henry of Bowie.	Watson of Hays.
Henry of Wichita.	Webb.
Herder.	Williams
Hornby.	of Hopkins.

Nays—44.

Bierschwale.	Patton.
Bruce.	Penry.
Burges.	Powell.
Burmeister.	Reedy.
Byrne.	Rich.
Calvin.	Ridgell.
Campbell.	Ritchie.
Colquitt.	Roach.
Cooper.	Schwegman.
Crisp.	Simpson.
Dunn.	Smith.
Fountain.	Spradley.
Greer.	Stone.
Grindstaff.	Thompson.
Harp.	Tiller.
Hill.	Tillotson.
Householder.	Wagstaff.
King.	Williams
Kirby.	of McLennan.
Macgill.	Woods of Fisher.
Feeley.	Wortham.
Owsley.	Yarbrough.
Parks.	

Present—Not Voting.

McDaniel.	Morris of Victoria.
Mangum.	Nabours.

**Absent.**

Bagby.	Low.
Baker.	Mills.
Bartley.	Olander.
Collins.	Paddock.
Cox of Ellis.	Ratliff.
Diffie.	Robertson.
Flournoy.	Sullivan
Goodner.	Taylor.
Hall.	Wahrmund.
Lane.	Woods of Navarro.

**Absent—Excused.**

Boehmer.	Hughes.
Brown.	Jordan.
Fields.	McKamy.
Fuller.	Mulcahy.
Gates.	Murray.
Glasscock.	Oliver.
Greenwood.	Robbins.
Haney.	Ross.
Haxthausen.	Stephens
Heilig.	Watson of Mills.

**Reason for Vote.**

My vote is cast in favor of this resolution not because of any personal opposition to the gentleman from Smith county. I think remarks of a privileged nature should be made a part of the record, but to my mind Mr. Reedy's remarks were not given over to a defense of his personal dignity as a member of the Legislature, being rather an attack on men and issues foreign to the point of personal privilege.

BLALOCK.

Mr. Burns moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

The motion to table prevailed.

#### EXTENDING PRIVILEGES OF THE FLOOR.

Mr. Rowell offered the following resolution:

Whereas, Dr. A. C. Oliver of Cass county, Texas, a former member of the House of Representatives, and Hon. C. A. Wheeler of Bowie county, Texas, recent candidates for the State Senate from the First Senatorial District, are now in the city; and

Whereas, There is a contest pending in the Senate as to which of the two above named gentlemen were elected Senator for said district; therefore, be it

**Resolved by the House of Representatives,** That the privileges of the floor

be extended to Dr. A. C. Oliver and Hon. C. A. Wheeler until such time as the Senate may decide to administer the oath of office to one or the other of said contestants.

RO WELL,  
DICKSON,  
HENRY of Bowie,  
RICKERSON.

The resolution having been approved by the Committee on Rules, it was read second time and was adopted.

**ADJOURNMENT.**

Mr. Spradley moved that the House recess to 8 o'clock p. m. today.

Mr. Tarver moved that the House adjourn until 9:30 o'clock a. m tomorrow.

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

Mr. Simpson moved that the House adjourn until 9 o'clock a. m. tomorrow.  
(Speaker in the chair.)

Question first recurring on the motion of Mr. Tillotson, yeas and nays were demanded.

The motion prevailed by the following vote:

Yea s—52.

Barrett of Jones.	Neeley.
Bierschwale	Parker.
Broughton.	Powell.
Burns.	Raiden.
Coffey.	Reedy.
Colquitt.	Recves.
Cooper.	Rich.
Cope.	Rickerson.
Cox of Delta.	Roach.
Dedson.	Rogers.
Fountain.	Rowell.
Furrh.	Russell.
Gentry.	Smith.
Grindstaff.	Spann.
Hagins.	Tillotson.
Harris.	Tyson.
Herder.	Ussery.
Hill.	Vannoy.
Hornby.	Vickers.
Humphrey.	Wagstaff.
Hunter.	Webb.
Kirby.	Williams
Lewelling.	of Hopkins.
Long.	Woods of Fisher.
McAskill.	Woods of Navarro.
Morris of Victoria.	Yarbrough.
Nabours.	

Nays—49.

Allison.	Burmeister.
Barrett of Titus.	Butler.
Bartley.	Byrne.
Blalock.	Calvin.
Bruce.	Campbell.

Chrestman.	Mendell.
Craven.	Morris of Coryell
Crisp.	Owsley.
Cunningham.	Parks.
Davis.	Patton.
Dickson.	Penry.
Dove.	Ridgell.
Dunn.	Ritchie.
Foster.	Savage.
Greer.	Schwegman.
<b>Griggs.</b>	Simpson.
Harp.	Spradley.
Henry of Bowie.	Stone.
Henry of Wichita.	Tarver.
Householder.	Thompson.
Kennedy.	Tiller.
King.	Watson of Hays.
Macgill.	Williams
McDaniel.	of McLennan.
Mangum.	Wortham.

## Present—Not Voting.

Burges.

## Absent.

Bagby.	Low.
Baker.	Olander.
Collins.	Paddock.
Cox of Ellis.	Ratliff.
Diffie.	Robertson.
Flournoy.	Sullivan.
Goodner.	Taylor.
Hall.	Templeton.
Lane.	Wahrmund.

## Absent—Excused.

Boehmer.	Jordan.
Brown.	McKamy.
Fields.	Mills.
Fuller.	Mulcahy.
Gates.	Murray.
Glascock.	Oliver.
Greenwood.	Robbins.
Haney.	Ross.
Haxthausen.	Stephens.
Heilig.	Watson of Mills.
Hughes.	

The House, accordingly, at 6:35 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

## APPENDIX.

## REPORTS OF COMMITTEE ON EN-GROSSED BILLS.

Committee Room,  
Austin, Texas, August 4, 1913.

Hon Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 24, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, towit: State Orphans' Home, Confederate Home, Confederate Woman's Home, Blind Institute, Deaf and Dumb Institute, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institution for the Training of Juveniles, Tuberculosis Sanitarium at Carlsbad, State Lunatic Asylum, Southwestern Insane Asylum, and North Texas Hospital for the Insane,"

And find the same correctly engrossed.  
HERDER, Chairman.

Committee Room,  
Austin, Texas, August 4, 1913.  
Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 4, A bill to be entitled "An Act providing for the election of United States Senators from Texas to the Congress of the United States and providing for the selection and nomination of candidates therefor,"

And find the same correctly engrossed.  
HERDER, Chairman.

## THIRTEENTH DAY.

(Tuesday, August 5, 1913.)

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

Speaker Terrell in the chair.

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

Allison.	Cooper.
Baker.	Cope.
Barrett of Jones.	Cox of Delta.
Barrett of Titus.	Cox of Ellis.
Bartley.	Craven.
Bierschwale.	Crisp.
Blalock.	Cunningham.
Broughton.	Davis.
Bruce.	Dickson.
Burges.	Diffie.
Burmeister.	Dodson.
Burns.	Dove.
Butler.	Dunn.
Byrne.	Foster.
Calvin.	Fountain.
Campbell.	Furrr.
Chrestman.	Gentry.
Coffey.	Goodner.
Colquitt.	Greer.

Griggs.	Ratliff.
Grindstaff.	Reedy.
Hagins.	Reeves.
Hall.	Rich.
Harp.	Rickerson.
Harris.	Ridgell.
Haxthausen.	Ritchie.
Heilig.	Roach.
Henry of Bowie.	Rogers.
Henry of Wichita.	Rowell.
Herder.	Russell.
Hill.	Savage.
Hornby.	Schwegman.
Householder.	Simpson.
Hughes.	Smith.
Humphrey.	Spann.
Hunter.	Spradley.
Jordan.	Stephens
Kennedy.	Stone.
King.	Sullivan.
Kirby.	Tarver.
Lane.	Taylor.
Lewelling.	Templeton.
Low.	Thompson.
Long.	Tiller.
Macgill.	Tillotson.
McAskill.	Tyson.
McDaniel.	Ussery.
Mangum.	Vannoy.
Mendell.	Vickers.
Mills.	Wagstaff.
Morris of Coryell.	Wahrmund.
Morris of Victoria.	Watson of Hays.
Nabours.	Webb.
Neeley.	Williams of Hopkins.
Olander.	Williams of McLennan.
Owsley.	Woods of Fisher.
Parker.	Woods of Navarro.
Parks.	Wortham.
Patton.	Yarbrough.
Penry.	
Powell.	
Raiden.	
	Absent.
Bagby.	Paddock.
Flournoy.	Robertson.
	Absent—Excused.
Boehmer.	Haney.
Brown.	McKamy.
Collins.	Mulcahy.
Fields.	Murray.
Fuller.	Oliver.
Gates.	Robbins.
Glasscock.	Ross.
Greenwood.	Watson of Mills.

A quorum was announced present.

Prayer by Rev. W. J. Joyce, Chaplain.

#### LEAVE OF ABSENCE GRANTED.

On account of important business:

Mr. Collins, indefinitely, on motion of  
Mr. Parks.

Mr. Greenwood, for today, on motion of Mr. Griggs.

Mr. Robbins, for today, on motion of Mr. Yarbrough.

Mr. Fuller, indefinitely, on motion of Mr. Templeton.

On account of sickness:

Mr. Williams of Hopkins, indefinitely, on motion of Mr. Hunter.

#### RELATING TO QUARTERS OF INSURANCE COMMISSION.

Mr. Hornby offered the following resolution:

House Concurrent Resolution No. 7, Providing for the appointment of a committee to investigate the needs of the State Insurance Commission as to permanent quarters.

Be it resolved by the House of Representatives, the Senate concurring, That a committee composed of three members of the House, to be appointed by the Speaker, and two members of the Senate, to be appointed by the President of the Senate, be created. The said joint committee shall investigate the needs of the State Insurance Commission as to permanent quarters and confer with the Superintendent of Public Buildings and Grounds as to what quarters in the Capitol building are available.

The fact that the present quarters are but a temporary arrangement and that valuable records are left without adequate protection, and the further fact that unless this Legislature acts at this time most serious inconvenience will ensue to this most important State Department during the winter months makes it imperative that prompt action be taken.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Burmeister moved to refer the resolution to the Committee on Public Buildings and Grounds.

Mr. Calvin moved to table the motion to refer, and the motion to table was lost.

The motion to refer prevailed.

#### RELATING TO PHOTO GROUP OF THE HOUSE.

Mr. Tarver offered the following resolution:

Be it resolved, That the "Elliotts," makers of the "block picture" of the House of Representatives of the Thirty-third Legislature, be requested to have said picture placed in the hands of the

Speaker, to be hung immediately in the House, not later than August 10, 1913, and that the Sergeant-at-Arms be directed to notify the Elliotts of the passage of this resolution.

TARVER,  
WOODS of Navarro,  
McASKILL.

The resolution was read second time and was adopted.

#### HOUSE BILL NO. 4 ON THIRD READING.

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

House bill No. 4, A bill to be entitled "An Act providing for the election of United States Senators from Texas to the Congress of the United States and providing for the selection and nomination of candidates therefor."

The bill was read third time.

Question—Shall the bill be passed?

Mr. Blalock offered the following amendment to the bill:

Amend House bill No. 4, page 10, Section 28, as amended by adding: "In case a second election is had a candidate may be allowed the additional expenditure of \$2000."

The amendment was adopted.

House bill No. 4 was passed.

Mr. Burmeister moved to reconsider the vote by which House bill No. 4 was passed and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 24 ON THIRD READING.

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

House bill No. 24, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, towit: State Orphans' Home, Confederate Home, Confederate Woman's Home, Blind Institute, Deaf and Dumb Institute, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institution for the Training of Juveniles, Tuberculosis Sanitarium at Carlsbad, State Lunatic Asylum, Southwestern Insane Asylum, and North Texas Hospital for the Insane."

The bill was read third time.

Question—Shall the bill be passed?

Mr. Henry of Wichita offered the following amendment to the bill;

Amend House bill No. 24 by adding on line 8, page 35, the following:

#### State Training School for Girls.

For the year ending August 31, 1915:	
Salary of superintendent.....	\$1,200 00
Salary of five matrons, \$600 each .....	3,000 00
Salary of principal.....	900 00
Salary of three industrial and literary teachers, \$720 each.	2,160 00
Salary of graduate nurse instructor .....	900 00
Salary of garden instructor....	480 00
Maintenance and per diem and traveling and other expenses of board, or so much thereof as may be necessary.....	7,500 00
Express, postage and stationery	100 00
Discharge and transportation.	250 00

\$16,490 00

None of the above appropriations shall be available until Section 11, of Chapter 144 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas shall have been complied with, and then only so much thereof as may be necessary. The salary of all employes to be paid monthly, and none to begin until Section 11 of Chapter 144, above referred to, is complied with.

The amendment was adopted.

Mr. Henry of Wichita offered the following amendment to the bill:

Amend the caption of House bill No. 24 by adding thereto "the State Training School for Girls," after "the North Texas Hospital for the Insane."

The amendment was adopted.

House bill No. 24 was passed.

#### HOUSE BILL NO. 13 ON SECOND READING.

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

House bill No. 13, A bill to be entitled "An Act to amend Chapter 150, General Laws, passed at the Regular Session of the Thirty-third Legislature, relating to application for witnesses in felony cases so as to repeal Section 4 of said chapter, which provides for the payment of one dollar and fifty cents per day for each day that witnesses residing in the county of the prosecution may have been necessarily absent from their homes or business in attendance upon court."

The bill was read second time.  
 Question—Shall the bill be passed to engrossment?  
 (Mr. Henry of Wichita in the chair.)

## RECESS.

On motion of Mr. Spradley, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

## AFTERNOON SESSION.

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

## HOUSE BILL NO. 13 ON ENGROSSMENT.

(Pending Business.)

The House resumed consideration of pending business, same being House bill No. 13, relating to the payment of witnesses, on its passage to engrossment.

Question—Shall the bill be passed to engrossment?

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

Question recurred—Shall the bill be passed to engrossment?

Yeas and nays were demanded, and House bill No. 13 was passed to engrossment by the following vote:

## Yea—59.

Barrett of Jones.	Lane.
Bartley.	Lewelling.
Bierschwale.	Macgill.
Blalock.	McDaniel.
Bruce.	Mendell.
Burges.	Mills.
Burmeister.	Neeley.
Butler.	Owsley.
Byrne.	Parker.
Calvin.	Penry.
Campbell.	Powell.
Chrestman.	Reedy.
Cooper.	Rich.
Crisp.	Ridgell.
Dodson.	Ritchie.
Fountain.	Roach.
Greer.	Rowell.
Hagins.	Savage.
Hall.	Schwegman.
Harp.	Smith.
Harris.	Spradley.
Henry of Wichita.	Stephens
Herder.	Sullivan.
Hill.	Templeton.
Householder.	Tiller.
Hughes.	Tillotson.
Kirby.	Wagstaff.

Wahrmund.	Woods of Fisher.
Watson of Hays.	Wortham.
Williams	
of McLennan.	

## Nays—56.

Allison.	Long.
Baker.	Low.
Barrett of Titus.	McAskill.
Broughton.	Mangum.
Coffey.	Morris of Coryell.
Colquitt.	Morris of Victoria.
Cope.	Nabours.
Cox of Delta.	Parks.
Cox of Ellis.	Patton.
Craven.	Raiden.
Cunningham.	Ratliff.
Davis.	Reeves.
Dickson.	Rickerson.
Diffee.	Rogers.
Dove.	Russell.
Foster.	Simpson.
Furrrh.	Spann.
Gentry.	Stone.
Goodner.	Tarver.
Griggs.	Taylor.
Grindstaff.	Thompson.
Heilig.	Tyson.
Henry of Bowie.	Ussery.
Hornby.	Vannoy.
Humphrey.	Vickers.
Hunter.	Webb.
Kennedy.	Woods of Navarro.
King.	Yarbrough.

## Absent.

Bagby.	Haxthausen.
Burns.	Olander.
Dunn.	Paddock.
Flournoy.	Robertson.

## Absent—Excused.

Boehmer.	McKamy.
Brown.	Mulcahy.
Collins.	Murray.
Fields.	Oliver.
Fuller.	Robbins.
Gates.	Ross.
Glascock.	Watson of Mills.
Greenwood.	Williams
Haney.	of Hopkins.
Jordan.	

## Reasons for Votes.

I vote "yea" on engrossment of House bill No. 13 because I have been led to believe that the present law on that subject would entail an expense on the State that it can ill afford under the present financial strain, and further because it would lead to much corruption in summoning of witnesses.

STEPHENS.

I vote "no" because there is pending before the House a bill to amend the present law. If a juror is paid by the State for his services, if a teacher is paid by the State to attend institutes, I believe that witnesses in felony cases should be paid when they are called from their homes to serve the State.

HENRY of Bowie.

Mr. Penry moved to reconsider the vote by which House bill No. 13 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 18 SET AS SPECIAL ORDER.

On motion of Mr. Wagstaff, House bill No. 18, relating to the penitentiary system, was set as a special order for 10 o'clock a. m. next Thursday.

#### ADDITION TO STANDING COMMITTEE.

On motion of Mr. Calvin, by unanimous consent, Mr. Kirby was added to the Committee on Agriculture.

#### HOUSE BILL NO. 9 ON SECOND READING.

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

House bill No. 9, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State, all stocks, bonds or other obligations of private, foreign and domestic corporations, organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of such stocks, bonds or other obligation of such corporation, or proposed corporation; and fixing commission and promotion fees allowed to be charged and providing for services of process, examination fees and exempting certain corporations from the effect of this act, providing penalty for the violation of the provisions hereof, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

#### ADJOURNMENT.

Mr. Mendell moved that the House recess to 8 o'clock p. m. today.

Mr. Ussery moved that the House recess until 9 o'clock a. m. tomorrow.

Mr. Tarver moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

The motion of Mr. Tarver prevailed, and the House, accordingly, at 2:50 o'clock p. m., adjourned until 9:30 o'clock a. m. tomorrow.

#### FOURTEENTH DAY.

(Wednesday, August 6, 1913.)

The House met at 9:30 o'clock a. m., pursuant to adjournment.

Speaker Terrell in the chair.

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

Allison.	Henry of Wichita.
Baker.	Herder.
Barrett of Jones.	Hill.
Barrett of Titus.	Hornby.
Bartley.	Householder.
Bierschwale.	Hughes.
Blalock.	Humphrey.
Broughton.	Hunter.
Brown.	Kennedy.
Bruce.	King.
Burges.	Kirby.
Burmeister.	Lane.
Butler.	Lewelling.
Byrne.	Low.
Campbell.	Long.
Chrestman.	Macgill.
Coffey.	McAskill.
Collins.	McDaniel.
Colquitt.	Mangum.
Cooper.	Mendell.
Cope.	Mills.
Cox of Delta.	Morris of Coryell.
Cox of Ellis.	Morris of Victoria.
Craven.	Nabours.
Crisp.	Neeley.
Cunningham.	Olander.
Davis.	Owsley.
Dickson.	Parker.
Diffie.	Parks.
Dodson.	Patton.
Dove.	Penry.
Dunn.	Powell.
Flournoy.	Raiden.
Foster.	Ratliff.
Fountain.	Reedy.
Gentry.	Reeves.
Goodner.	Rich.
Greenwood.	Rickerson.
Greer.	Ridgell.
Griggs.	Ritchie.
Grindstaff.	Roach.
Hagins.	Robbins.
Hall.	Robertson.
Haney.	Rogers.
Harp.	Rowell.
Harris.	Russell.
Haxthausen.	Savage.
Heilig.	Schwegman.
Henry of Bowie.	Simpson.

Smith.	Vannoy.
Spann.	Vickers.
Spradley.	Wagstaff.
Stephens.	Wahrmund.
Stone.	Watson of Hays.
Sullivan.	Webb.
Tarver.	Williams
Taylor.	of McLennan.
Templeton.	Woods of Fisher.
Templeton.	Woods of Navarro.
Tiller.	Wortham.
Tillotson.	Yarbrough.
Ussery.	

Absent.

Bagby.	Paddock.
Gates.	

Absent—Excused.

Boehmer.	Murray.
Burns.	Mulcahy.
Calvin.	Oliver.
Fields.	Ross.
Fuller.	Tyson.
Furrrh.	Watson of Mills.
Glasscock.	Williams
Jordan.	of Hopkins.
McKamy.	

(Mr. Rowell in the chair.)

A quorum was announced present.

Prayer by Rev. Arthur F. Bishop, pastor of the First Presbyterian church of Austin.

#### LEAVE OF ABSENCE GRANTED.

On account of sickness:

Mr. Burns, for yesterday afternoon and indefinitely, on motion of Mr. Broughton.

Mr. Furrrh, for today, on motion of Mr. Blalock.

On account of important business:

Mr. Jordan, for today, on motion of Mr. Tarver.

Mr. Calvin, for today and tomorrow, on motion of Mr. Dickson.

Mr. Tyson, indefinitely, on motion of Mr. Dodson.

#### PROVIDING FOR PENITENTIARY INVESTIGATING COMMITTEE.

Mr. Hill offered the following resolution:

Whereas, It has been charged upon the floor of the House and through the public press, by members of this Legislature, that certain persons connected with the management, conduct and operations of the penitentiary system of this State have been guilty of grossly violating the law, and that said persons have stolen and embezzled large sums of money and property belonging to the said penitentiary system; and

Whereas, Such charges show conditions that imperatively demand that the Legislature should at once institute and prosecute a most rigid investigation, so that the true facts may be known, to the end that the lawmaking body may throw greater legal safeguards around the management, conduct and operation of said penitentiary system; and if said charges be sustained by the evidence that the facts may be placed in the possession of the proper authorities in order that the law may be enforced against all parties guilty of its infractions; therefore, be it

Resolved by the House of Representatives of the Thirty-third Legislature:

1. That the Speaker if the House be authorized, and that he do immediately, upon the passage of this resolution, appoint a committee of five members of the House of Representatives which committee shall investigate and determine as to whether or not any person connected in any manner whatsoever with the management, conduct or operations of the penitentiary system of this State has been guilty of theft or embezzlement of the penitentiary funds or property, or has been guilty of any other violations of the law whereby the penitentiary system has been defrauded.

2. Said committee shall make its report to the House at the present session of the Legislature, if possible, but if it does not have sufficient time to make the necessary investigations and file its report before the adjournment of this session, it shall continue its labors after adjournment until a full and complete investigation of said charges shall have been made, and said committee shall make its report to the House when the Thirty-fourth Legislature shall convene in its Regular Session; or, in the event another called session of the Thirty-third Legislature shall be had, it shall make its report to the House at said called session.

3. If said investigation shall develop a violation of the law on the part of any person connected in any manner whatsoever with the management, conduct and operations of the penitentiary system it shall be the duty of said committee to immediately make a report of the facts to the district or county attorney in the county or counties having jurisdiction of such offenses, and also to the grand jury of the county or counties, if said grand jury should be in session.

4. Said committee shall be known as

the "House Penitentiary Investigating Committee." It shall elect its own chairman and such other officers as it may desire, and shall establish and make such rules for governing its own procedure and forms of process as may be permitted by law.

5. Said committee shall have the power to issue process, summon witnesses, administer oaths and to make all investigations that may seem necessary to ascertain whether or not the law has been violated by any person connected in any manner with the management, conduct and operations of the penitentiary system.

6. In addition to all the power necessary to carry out the full and complete terms of this resolution said committee appointed hereunder shall have all the authority conferred by law under Chapter 3, Title 82, Revised Statutes, 1911, and shall act under this resolution and under said chapter and title.

7. All the necessary expenses incurred by the members of the committee appointed hereunder, including the necessary traveling expenses by the members of the committee, or incurred under its direction and in pursuance of this investigation, shall be paid out of the Contingent Expense Fund of the House.

HILL,  
RIDGELL,  
ROACH,  
SULLIVAN,  
COOPER.

The resolution was read second time.  
Question—Shall the resolution be adopted?

Mr. Savage raised a point of order on further consideration of the resolution at this time, on the ground that the time allotted under the rules for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Lewelling moved to suspend the rule limiting the time for consideration of resolutions.

The Speaker ruled the motion out of order at this time.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, August 6, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

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

House bill No. 1, A bill to be entitled "An Act making appropriations to pay salaries of judges and for the support of the Judicial Department of the State government for two years, beginning September 1, 1913, and ending August 31, 1915," with amendments.

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

#### HOUSE BILL NO. 9 ON ENROSSMENT.

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

House bill No. 9, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State, all stocks, bonds or other obligations of private, foreign and domestic corporations, organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of such stocks, bonds or other obligation of such corporation, or proposed corporation; and fixing commission and promotion fees allowed to be charged and providing for services of process, examination fees and exempting certain corporations from the effect of this act, providing penalty for the violation of the provisions hereof, and declaring an emergency."

The bill having been read second time on yesterday.

Question—Shall the bill be passed to engrossment?

Mr. Coffey offered the following amendment to the bill:

Amend House bill No. 9 by striking out all after the enacting clause and insert the following:

Section 1. Every private corporation or association, foreign or domestic, which has been, is now being, or may hereafter be, or attempted to be organized for profit, which shall, directly or indirectly, through itself, its agents, or employes, or through any person or association of persons, holding companies, sales companies, all of which are herein-after referred to and called "promoter," in this State, sell or contract to sell any stocks or other obligations of such corporation, proposed corporation, or association, all of which are hereinafter referred to as "securities" in the organization of which, or promotion thereof, any part of the proceeds to be derived therefrom are to be used, directly or indirectly, for the payment of any commission, promotion fee or organization fee, or other expenses incident, directly

or indirectly, to the organization or promotion of such corporation, proposed corporation, or association, except attorney's fees, charter fees and permit fees, shall be subjected to this act.

Sec. 2. Such promoters shall, before offering for sale or contracting to sell, directly or indirectly, any securities for the purpose of organizing any corporation, foreign or domestic, or association under the laws of this State, make and enter into a contract with one or more banks, trust companies, or banks and trust companies, authorized to do business in this State, hereinafter referred to as trustee, or trustees, having a capital stock of not less than twenty-five thousand dollars and which shall have been in business in this State for at least one year prior thereto, to act as trustee or trustees for the collection of all moneys or things of value for which such securities are sold or exchanged, and shall print, or cause to be printed, in addition to any other matter on such securities, the following: "All payments in cash for this security must be made to the (here name of the trustee) located at (give the exact location of such trustee) by check, draft or money order." And if property other than cash is taken or exchanged for said securities, such securities shall further state: "And all other property than cash taken in exchange for this security shall be payable to, transferred or conveyed to, this bank or trust company (as the case may be) as trustee." Such security shall also contain the written consent of the trustee to act as such trustee for the collection and distribution of all moneys or property, for which this security is sold or exchanged, as follows: "We hereby agree to act as trustee for the collection and distribution of all moneys or other property for which this security is sold" (to which must be written or printed the name of the trustee).

Sec. 3. All agreements or contracts with any such trustee to act as such trustee must be in writing and within five days after such agreement or contract is made such trustee shall forward, by registered mail, to the Commissioner of Banking and Insurance of this State a certified copy thereof, together with a fee of five dollars; which said contract shall be by said Commissioner filed and properly indexed in a convenient form for future reference. And if such trustee is a bank or trust company organized under the laws of this State, said Commissioner shall have the same supervision over it as he would have over any

other contract or obligation by such bank or trust company. If such trustee is under the supervision of any other department of this State, then said Commissioner shall be furnished with two such copies, one of which he shall forward to the proper authorities for the supervision of such corporation in this State, and the other he shall file as herein provided for banks and trust companies, or banks organized under the laws of this State.

Sec. 4. The agents or person selling such securities shall not be permitted to collect, in his or their name, any part of the proceeds for which such securities are sold or exchanged, but all such payments shall be made direct to such trustee, by check, draft, money order or note, payable to such trustee, or by proper transfer or conveyance.

Sec. 5. Such trustee shall be authorized to pay to the promoter on each individual sale, only that portion of such securities to be paid for promotion fees, which amount must be stipulated in contract, and in no instance shall exceed twenty per cent, including all expenses relating to such organization or incorporation, the balance, as and when collected, shall be paid by it to the trustees or directors of such corporation or association; provided, that no money other than promotion fees shall be paid, or property transferred or conveyed by the trustee to anyone until after the charter has been granted, or permit to do business in this State, if a foreign corporation, has been obtained; and provided further:

(a) When a sufficient amount of money has been collected and the required amount of stock has been subscribed for, to authorize the incorporation thereof, or the granting of a permit to do business in this State, under the laws of this State, then such trustee shall, as and when any charter or permit is applied for, address an itemized statement under oath by one of its active executive officers, to the Secretary of State, showing the total amount of securities sold and reported to it, the said trustee; the total sum for which same were sold; the amount of money paid to the promoters, and the amount of money then on deposit with such trustee to the credit of said proposed corporation or association.

(b) If property of any kind is taken in lieu of cash, the Secretary of State shall at once examine such property so taken, in person or by a duly authorized agent, and for such services the Secretary of State shall be paid a fee

of ten dollars for the time required to make such examination, together with all necessary hotel bills and traveling expenses. If in all other respects the laws of this State have been complied with, and the Secretary of State is satisfied from such examination that the total value of such property is worth the amount of money for which the same was taken, the Secretary of State shall grant such charter, or permit to do business in this State; but, if not so satisfied, then he shall refuse to grant such charter or permit.

(c) Nothing herein, however, shall prevent such promoters from bringing suit by mandamus, as in other such suits in the district of Travis county, Texas, to require the Secretary of State to grant such charter, or permit; and if it be determined by final judgment in such suit that the promoters have complied with all the requirements of this act, and all other laws of this State relative to the organization of such corporation, or association, then the Secretary of State shall grant such charter or permit.

Sec. 6. After such charter or permit has been granted, such trustee shall then convey or transfer, by proper conveyance or transfer, all property so received by it, up to that time, to said corporation or association; provided, that should property of any kind be taken for promotion fees in lieu of cash, such property shall not be taken for a less sum than the same was taken by the promoters, in exchange for such securities.

Sec. 7. This act shall apply as well to securities sold after such charter or permit is granted as before, or to the increase of the capital stock of any corporation or association; provided, such securities are sold in the promotion thereof and out of which a promotion fee is paid, and by "promotion" is meant the organization or increase of the capital stock of such corporation or association; provided further, that such trustee or trustees may, after the charter or permit is granted, pay any moneys, as and when collected, from the sale of such securities; but any other property received by such trustee or trustees shall be conveyed or transferred to such corporation or association only after report has been made to and acted upon by the Secretary of State, as provided in Subdivisions (a), (b) and (c) of Section 5 of this act. Such corporation or association and such trustee or trustees may at any time within two years after such charter or permit is granted, make such report, and if this law has been complied

with, such trustee or trustees shall then transfer or convey to such corporation or association the said property so held by it.

Sec. 8. Every such corporation or association shall, within two years after its charter or permit is granted, make report to the Secretary of State as is required by Article 1141 of the Revised Statutes of the State of Texas, and in addition to the requirements of the article, report to the Secretary of State under oath made by the president, vice president or secretary, the amount of money paid for promotion, and to whom paid; and if in property other than cash, such report shall particularly describe such property, to whom it was transferred, or conveyed, the amount of money for which such promoter or promoters accepted the same in exchange for such securities, and the amount of money for which such promoter or promoters or agent accepted the same as commission or promotion fees, and such report shall also be accompanied by the report of the trustee or trustees as provided in Subdivision (a) of Section 5 of this act.

Sec. 9. Every foreign corporation or proposed foreign corporation or association desiring to sell or contract to sell its securities in this State, in the promotion thereof and out of which a promotion fee is paid, shall first file with the Commissioner of Banking and Insurance of this State a like power of attorney to that provided for life insurance corporations in Article 4773, Revised Civil Statutes of the State of Texas of 1911; and service may be had upon such corporation or association and the said Commissioner as therein provided for; and said Commissioner, upon receipt of such process, shall proceed as is provided in Article 4774, Revised Civil Statutes of the State of Texas of 1911; and the said Commissioner's acts and conduct in regard to such power of attorney and such persons shall be the same as is provided in said Articles 4773 and 4774, and the effect, force and result of such acts shall be the same as is herein provided.

Sec. 10. Provided further, before any promoter or promoters shall sell or offer for sale any such securities in this State he or they shall make and enter into a good and sufficient bond, to be approved by the Commissioner of Banking and Insurance, in a sum equal to 20 per cent of the proposed capital of such corporation or association, conditioned that should such promoter or promoters sell, trade or exchange any

such securities in this State and should fail or refuse for any cause to incorporate or organize the corporation or association of the kind and character named on such security within two years after the making of such bond and deliver or cause to be delivered to any purchaser or purchasers who have subscribed and paid for, or should such promoter or promoters make any false or fraudulent representations in or upon said securities or in the authorized literature of such promoters, then and in that event such promoter or promoters shall and will return to such purchasers or subscribers any and all moneys which such purchasers or subscribers have paid upon such securities; provided further, should any subscriber or purchaser of such securities have transferred, sold or conveyed to such promoter or promoters any property other than cash in exchange for such securities, then said promoter or promoters shall reconvey, reassign or retransfer to such purchaser or subscriber all such property as they shall have assigned, transferred or conveyed; provided further, if said promoter or promoters shall have converted any such property so that they cannot redeliver the identical property, then he or they shall pay and refund to such purchaser or purchasers a sum of money equal to that for which said property was taken in the first instance in exchange for such proposed securities; provided further, should such purchaser or purchasers be required to employ an attorney or attorneys to collect any such money so paid or to enforce the return of any property given in exchange for such securities, then such purchaser shall recover an additional amount equal to 10 per cent of the amount of cash paid or the sum for which any such property was taken in exchange for said securities; provided, an expression of opinion as to the probable value or worth of such securities, contingent upon future development or expansion of business, shall not be considered cause for the return of money unless willfully made for the purpose of committing a fraud upon such purchaser.

Any suit or suits filed for the collection of any moneys or the return of any properties, as provided for in this section, may be filed in any court having jurisdiction within any county in this State where any one or more of such promoters reside, or in any court in Travis county having jurisdiction.

Sec. 11. It shall hereafter be unlawful for any promoter, officer, agent or employee or trustee or holding company

or sales agents or persons or associations of persons in this State to sell or offer to sell or contract to sell, directly or indirectly, any securities as defined in this act, of any corporation or association or proposed corporation or association, subject to this act without first complying with the provisions of this act, or in violation of any provisions hereof; and any person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than two thousand dollars, or may be imprisoned in the county jail for any period not more than one year, or by both such fine and imprisonment.

Sec. 12. All railroads, interurban railroads, street railroads, whether using steam, electricity or other motive power, and all State and national banks are exempted from this act, nor is it intended to govern or regulate the sale of stocks, bonds or other securities of corporations or associations except in the promotion thereof as promotion is in this act defined.

Sec. 13. This act shall be construed as cumulative of any law or laws of this State, and shall not be construed as repealing any law.

Sec. 14. The fact that there is no law in this State regulating the sale of stocks, bonds or obligations of numerous corporations which are selling such stocks, bonds and other obligations throughout this State, many of which are worthless, and the fact that the people of this State are being imposed upon by unscrupulous persons selling such worthless stock, bonds or other obligations, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended and that this act shall take effect and be in force from and after its passage, and it is so enacted.

COFFEY.  
RATLIFF.

Question—Shall the amendment be adopted?

Mr. Tarver moved to postpone further consideration of the bill until the pending amendment has been printed in the Journal.

Mr. Williams of McLennan moved to table the motion to postpone, and the motion to table was lost.

Question—Shall the motion to postpone prevail?

Mr. Ridgell moved to recommit the bill to the Committee on Private Corporations and that the committee be in-

structed to consider all bills on the subject and report to the House by 10 o'clock a. m. tomorrow if possible.

Mr. Tillotson moved to refer the bill, with all other bills on the same subject, to a special committee of five members, with instructions to report to the House by 2 o'clock p. m. next Friday.

The Speaker held the motion out of order.

Mr. Williams of McLennan moved to table the motion of Mr. Ridgell.

Yea<sup>s</sup> and nays were demanded, and the motion to table prevailed by the following vote:

Yea<sup>s</sup>—69.

Allison.	Hughes.
Baker.	Hunter.
Barrett of Jones.	King.
Bierschwale.	Lane.
Burges.	Lewelling.
Burmeister.	Long.
Byrne.	Mills.
Campbell.	Morris of Coryell.
Collins.	Morris of Victoria.
Colquitt.	Nabours.
Cope.	Olander.
Cox of Ellis.	Owsley.
Crisp.	Parker.
Cunningham.	Penry.
Davis.	Raiden.
Dickson.	Reedy.
Dodson.	Rickerson.
Dove.	Roach.
Dunn.	Robbins.
Flournoy.	Rogers.
Foster.	Rowell.
Fountain.	Russell.
Gentry.	Savage.
Greer.	Schwegman.
Griggs.	Simpson.
Grindstaff.	Spradley.
Haney.	Sullivan.
Haxthausen.	Templeton.
Heilig.	Tiller.
Henry of Bowie.	Vannoy.
Henry of Wichita.	Watson of Hays.
Herder.	Williams
Hill.	of McLennan.
Hornby.	Woods of Fisher.
Householder.	Yarbrough

Nay<sup>s</sup>—47.

Barrett of Titus.	Hagins.
Blalock.	Hall.
Broughton.	Harris.
Brown.	Humphrey.
Bruce.	Kennedy.
Butler.	Kirby.
Chrestman.	Low.
Coffey.	Macgill.
Cooper.	McDaniel.
Cox of Delta.	Mangum.
Craven.	Mendell.
Goodner.	Neeley.

Parks.	Stone.
Patton.	Tarver.
Powell.	Taylor.
Ratliff.	Thompson.
Reeves.	Tillotson.
Rich.	Ussery.
Ridgell.	Vickers.
Ritchie.	Wagstaff.
Robertson.	Webb.
Smith.	Woods of Navarro.
Spann.	Wortham.
Stephens.	

Absent.

Bagby.	Harp.
Bartley.	McAskill.
Diffie.	Paddock.
Gates.	Wahr mund.

Absent—Excused.

Boehmer.	McKamy.
Burns.	Mulcahy.
Calvin.	Murray.
Fields.	Oliver.
Fuller.	Ross.
Furrrh.	Tyson.
Glasscock.	Watson of Mills.
Greenwood.	Williams
Jordan.	of Hopkins.

Question then recurred—Shall the motion to postpone prevail?

(Speaker in the chair.)

Mr. Tarver moved the previous question on the motion, and the main question was ordered.

Question then recurring on the motion to postpone, yeas and nays were demanded.

The motion to postpone prevailed by the following vote:

Yea<sup>s</sup>—68.

Allison.	Henry of Bowie.
Baker.	Humphrey.
Barrett of Titus.	Kennedy.
Bartley.	King.
Blalock.	Kirby.
Brown.	Low.
Bruse.	Long.
Burmeister.	Macgill.
Butler.	McAskill.
Chrestman.	McDaniel.
Coffey.	Mangum.
Cooper.	Mendell.
Cox of Delta.	Morris of Coryell.
Craven.	Morris of Victoria.
Davis.	Nabours.
Dove.	Noeley.
Flournoy.	Parks.
Foster.	Patton.
Goodner.	Powell.
Hall.	Raiden.
Harris.	Ratliff.
	Reeves.

Rickerson.	Templeton.
Rich.	Thompson.
Ridgell.	Tillotson.
Ritchie.	Ussery.
Robertson.	Vannoy.
Rogers.	Vickers.
Russell.	Wagstaff.
Simpson.	Watson of Hays.
Smith.	Webb.
Spann.	Woods of Navarro
Stephens.	Wortham.
Tarver.	Yarbrough.

## Nays—48.

Barrett of Jones.	Hill.
Bierschwale.	Hornby.
Burges.	Householder.
Byrne.	Hughes.
Campbell.	Hunter.
Collins.	Lane.
Colquitt.	Lewelling.
Cox of Ellis.	Mills.
Crisp.	Owsley.
Cunningham.	Parker.
Dickson.	Penry.
Dodson.	Reedy.
Dunn.	Rooach.
Fountain.	Robbins.
Gentry.	Rowell.
Greer.	Savage.
Griggs.	Schwegman.
Grindstaff.	Spradley.
Hagins.	Stone.
Haney.	Taylor.
Harp.	Tiller.
Haxthausen.	Williams
Heilig.	of McLennan.
Henry of Wichita.	Woods of Fisher.
Herder.	Absent.

## Absent—Excused.

Boehmer.	McKamy.
Burns.	Mulcahy.
Calvin.	Murray.
Fields.	Oliver.
Fuller.	Ross.
Furhr.	Tyson.
Gates.	Watson of Mills.
Glasscock.	Williams
Greenwood.	of Hopkins.
Jordan.	

## Paired.

Mr. Broughton (present), who would vote "yea," with Mr. Sullivan (absent). who would vote "nay."

## Reasons for Votes.

I vote "nay" because the limited time for future legislation during this ses-

sion creates a necessity for immediate action, and I feel that it is important that we pass a blue sky law.

ROBBINS.

I vote "nay" on postponing for the reason that I favor some legislation on this subject, and to postpone or delay means a less chance to get any such legislation at this session; the penitentiary bills are set for tomorrow as a special order.

DICKSON.

Mr. Tarver moved to reconsider the vote by which the motion to postpone prevailed and to table the motion to reconsider.

The motion to table prevailed.

## RECESS.

On motion of Mr. Stephens, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

## AFTERNOON SESSION

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

## SENATE BILL NO. 4 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, Senate bill No. 4, A bill to be entitled "An Act for the retirement of \$500,000 in bonds of the State of Texas issued by virtue of Chapter 7 of the Acts of the Third Called Session of the Thirty-first Legislature and appropriating funds derived by the way of penalties assessed against the Standard Oil Company of New Jersey and certain amounts out of the State Treasury for said purpose; and authorizing the Governor to retire said bonds, and specifying that the bonds held by the permanent Agricultural and Mechanical College fund shall be among those retired, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

## HOUSE BILL NO. 13 ON THIRD READING.

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

House bill No. 13, A bill to be entitled "An Act to amend Chapter 150, General Laws, passed at the Regular Session of

the Thirty-third Legislature, relating to application for witnesses in felony cases so as to repeal Section 4 of said chapter, which provides for the payment of one dollar and fifty cents per day for each day that witnesses residing in the county of the prosecution may have been necessarily absent from their homes or business in attendance upon court."

The bill was read third time.

Question—Shall the bill be passed?

Mr. Spann offered the following amendment to the bill:

Amend the bill by striking out the enacting clause.

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

Question recurring on the passage of the bill, yeas and nays were demanded.

House bill No. 13 was passed by the following vote:

Yea—58.

Barrett of Jones.	Mendell.
Bartley.	Mills.
Bierschwale.	Olander.
Brown.	Owsley.
Bruce.	Penry.
Burges.	Powell.
Burmeister.	Reedy.
Butler.	Rich.
Byrne.	Ridgell.
Campbell.	Ritchie.
Chrestman.	Roach.
Colquitt.	Robbins.
Crisp.	Robertson.
Dodson.	Rowell.
Fountain.	Savage.
Greer.	Schwegman.
Hagins.	Smith.
Hall.	Stephens.
Haney.	Sullivan.
Harp.	Templeton.
Harris.	Thompson.
Henry of Wichita.	Tiller.
Herder.	Tillotson.
Hill.	Wagstaff.
Householder.	Watson of Hays.
Hughes.	Williams
Hunter.	of McLennan.
Lane.	Woods of Fisher.
Lewelling.	Wortham.
Low.	

Nay—47.

Allison.	Davis.
Baker.	Dickson.
Barrett of Titus.	Dove.
Blalock.	Foster.
Broughton.	Furrh.
Coffey.	Gentry.
Cope.	Griggs.
Cox of Delta.	Grindstaff.
Cox of Ellis.	Heilig.
Craven.	Henry of Bowie.
Cunningham.	Hornby.

King.	Rogers.
Long.	Russell.
Macgill.	Simpson.
McAskill.	Spann.
Mangum.	Spradley.
Morris of Coryell.	Tarver.
Morris of Victoria.	Taylor.
Nabours.	Vannoy.
Parks.	Vickers.
Patton.	Webb.
Raiden.	Woods of Navarro.
Reeves.	Yarbrough.
Rickerson.	

Absent.

Bagby.	Kirby.
Collins.	McDaniel.
Cooper.	Neeley.
Diffie.	Paddock.
Dunn.	Parker.
Flournoy.	Ratliff.
Gates.	Stone.
Goodner.	Ussery.
Humphrey.	Wahrmund.
Kennedy.	

Absent—Excused.

Boehmer.	McKamy.
Burns.	Mulcahy.
Calvin.	Murray.
Fields.	Oliver.
Fuller.	Ross.
Glascock.	Tyson.
Greenwood.	Watson of Mills.
Haxthausen.	Williams
Jordan.	of Hopkins.

Mr. Lewelling moved to reconsider the vote by which House bill No. 13 was passed and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 1 WITH SENATE AMENDMENTS.

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

House bill No. 1, A bill to be entitled "An Act making appropriations to pay salaries of judges, and for the support of the Judicial Department of the State government for the two years beginning August 31, 1915."

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

(1)

Amend by striking out the figures "360" and "360," in line 31, page 5 of the printed bill, and insert in lieu thereof the figures "480" and "480." Also

amend by inserting in line 5, page 6, the following: "For books for library, \$200 for the first year and \$200 for the second year."

(2)

Amend House bill No. 1, page 10, by inserting between lines 28 and 29, the following: "For the payment of transcripts in cases where the court is required to and does appoint an attorney to represent the defendant in a criminal action, and where the official shorthand reporter is required to and does furnish the attorney for said defendant, if convicted, with a transcript of his notes, as provided for in Section 14, of Chapter 119, page 264, of the General Laws of the State of Texas passed at the Regular Session of the Thirty-second Legislature. For the years ending August 31, 1914, \$800; August 31, 1915, \$800."

(3)

Amend bill by allowing each porter of Court of Civil Appeals \$480 per year for each year.

(4)

Amend bill to fix salary of one stenographer for Court of Civil Appeals at \$900 for each year, and for one bailiff of each Court of Civil Appeals at \$100 for each year.

Question—Shall the House concur in the Senate amendments?

On motion of Mr. Wortham, the House concurred in the Senate amendments.

#### HOUSE BILL NO. 16 ON SECOND READING.

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

House bill No. 16, A bill to be entitled "An Act making it an offense punishable by confinement in the penitentiary for any person in this State to represent in any capacity or to transact business for any foreign corporation where such foreign corporation has not under the law of this State been granted a permit to do business herein; and making it an offense punishable by confinement in the penitentiary for any person in this State in any capacity to transact business for or representing any unincorporated company, association or firm, representing the same to be incorporated, and providing that the act shall not be construed to apply to or interfere with interstate commerce."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Mr. Wagstaff raised a point of order on consideration of the bill, on the ground that the subject matter of the bill is not on a subject submitted by the Governor for legislation at the present session of the Legislature.

The Speaker sustained the point of order.

#### HOUSE BILL NO. 27 ON SECOND READING.

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

House bill No. 27, A bill to be entitled "An Act to amend Title 76, Articles 5221, 5222, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5232, 5233 and 5234 of the Revised Civil Statutes of 1911, concerning the management and control of the State Institution for the Training of Juveniles, and to add thereto Articles 5234a and 5234b."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Mr. Henry of Wichita offered the following amendments to the bill:

(1)

Amend House bill No. 27 by striking out the words "three members" in line 20, page 1, and insert in lieu thereof the following: "Six persons."

(2)

Amend House bill No. 27, line 17, page 1, by striking out the words "State Industrial School for Boys" and inserting in lieu thereof the following, "State Juvenile Training School," and striking out the words "The Industrial School," on line 18, and inserting in lieu thereof "The Training School," and substitute the words "The Training School" for the words "The Industrial School" wherever appearing.

The amendments were severally adopted.

Mr. Hunter offered the following amendment to the bill:

Amend page 3, line 11, by striking out all after the word "Texas" and inserting the following: "And shall be approved by the Secretary and State and deposited in his office."

The amendment was adopted.

Mr. Henry of Wichita offered the following amendment to the bill:

Amend House bill No. 27, page 3, line 21, by striking out the word "same" and adding in lieu thereof the word "name."

RUSSELL.  
HENRY of Wichita.

The amendment was adopted.

Mr. Penry offered the following amendment to the bill:

Amend House bill No. 27, page 2, line 8, by striking out the words "a biennial" and inserting the word "annual."

The amendment was adopted.

Mr. Templeton offered the following amendment to the bill:

Amend by striking out in line 28, page 7, after the word "only," "in the presence of the superintendent and a resident nurse; and at no time shall any inmate be struck more than twenty times," and substitute "upon authority of the superintendent."

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

Mr. Woods of Navarro offered the following amendment to the bill:

Amend House bill No. 27 by adding after the word "plan," in line 32, page 6. the words "provided that no inmate shall be committed to said institution for a longer period than five years."

WOODS of Navarro.  
TARVER.

The amendment was adopted.

Mr. Penry offered the following amendment to the bill:

Amend House bill No. 27, page 5, by adding after the words "otherwise disposed of," in line 14, the words "or unless by reason of the length of the term for which he is sentenced, he is required under the law to be confined in the State penitentiary."

The amendment was adopted.

Mr. Chrestman offered the following amendment to the bill:

Amend House bill No. 27 by striking out all of lines 26, 27 and 28 and to semicolon after "nurse" in line 29, page 7, and insert: "When corporal punishment is necessary, it shall be inflicted by the superintendent or in his presence."

On motion of Mr. Henry of Wichita, the amendment was tabled.

Mr. Lewelling offered the following amendment to the bill:

Amend bill, page 7, line 30, by adding after the word "times" the following: "And then only with such instrument and in such manner as will inflict reasonable and moderate punishment, considering the age, size and strength of the culprit, and the strength of the person administering such punishment, and at no time shall any weapon or instrument of torture be used or any instrument which by its make, coupled with the manner of its use, would be calculated to inflict serious bodily injury."

The amendment was adopted.

Mr. Henry of Wichita moved the previous question on the engrossment of the bill, and the main question was ordered.

House bill No. 27 was then passed to engrossment.

#### REPORTS OF COMMITTEE ON RULES.

The Speaker laid before the House and had read the following reports of the Committee on Rules:

Committee Room,  
Austin, Texas, August 6, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Rules, to whom was referred an amendment to Rule 18, proposed by the gentleman from Wharton, and which appears in full on page 29 of the House Journal for Wednesday, July 23, have had the same under consideration, and I am instructed to report the amendment back to the House with the recommendation that it do not pass.

KENNEDY, Chairman.

Committee Room,  
Austin, Texas, August 6, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Rules, to whom was referred House Concurrent Resolution No. 3, amending the joint rules, which appears in full on page 30 of the House Journal of Wednesday, July 23, 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.

KENNEDY, Chairman.

**RESOLUTION 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 resolution:

House Concurrent Resolution No. 5. Providing compensation for the Indeterminate Sentence Committee.

**ADJOURNMENT.**

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

Mr. Allison moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

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

The motion of Mr. Tarver prevailed, and the House, accordingly, at 3:45 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

**APPENDIX.**

**REPORT OF COMMITTEE ON REFORMS IN CRIMINAL PROCEDURE.**

Committee Room,  
Austin, Texas, August 4, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Criminal Procedure, to whom was referred House bill No. 23, having had same under consideration, beg leave to report same back to the House with the recommendation that it do not pass. Notice of minority report was given by Messrs. Spann, Allison, Butler and Diffie.

BRUCE, Vice Chairman.

**REPORT OF COMMITTEE ON ENGRAVED BILLS.**

Committee Room,  
Austin, Texas, August 6, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 13, A bill to be entitled "An Act to amend Chapter 150, General Laws, passed at the Regular Session of the Thirty-third Legislature, relating to application for witnesses in felony cases so as to repeal Section 4 of said chapter, which provides for the payment of one dollar and fifty cents per day for each day that witnesses residing in the

county of the prosecution may have been necessarily absent from their homes or business in attendance upon court,"

And find the same correctly engrossed.  
**HERDER, Chairman.**

**REPORT OF COMMITTEE ON PENITENTIARIES.**

Committee Room,  
Austin, Texas, August 6, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Penitentiaries, to whom was referred House bill No. 18, have had the same under consideration, and beg leave to report same back to the House with the recommendation that it do pass with amendments. Mr. Ridgell gave notice of minority report.

**REEDY, Chairman.**

**FIFTEENTH DAY.**

(Thursday, August 7, 1913.)

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

Speaker Terrell in the chair.

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

Allison.	Fountain.
Baker.	Furrr.
Barrett of Jones	Gates.
Barrett of Titus.	Gentry.
Bartley.	Goodner.
Bierschwale.	Greenwood.
Blalock.	Greer.
Broughton.	Griggs.
Brown.	Grindstaff.
Bruce.	Hagins.
Burges.	Hall.
Burmeister.	Haney.
Butler.	Harp.
Byrne.	Harris.
Campbell.	Hellig.
Chrestman.	Henry of Bowie.
Coffey.	Henry of Wichita.
Collins.	Herder.
Colquitt.	Hill.
Cooper.	Hornby.
Cope.	Householder.
Cox of Ellis.	Hughes.
Craven.	Humphrey.
Crisp.	Hunter.
Cunningham.	King.
Davis.	Kirby.
Dickson.	Lane.
Diffie.	Lewelling.
Dodson.	Long.
Dove.	Low.
Dunn.	Macgill.
Flournoy.	McAskill.
Foster.	McDaniel.

Mangum.	Savage.
Mendell.	Schwegman.
Mills.	Simpson.
Morris of Coryell.	Smith.
Morris of Victoria.	Spann.
Nabours.	Spradley.
Neeley.	Stephens.
Olander.	Stone.
Owsley.	Sullivan.
Parker.	Tarver.
Parks.	Taylor.
Patton.	Templeton.
Penry.	Tiller.
Powell.	Tillotson.
Raiden.	Thompson.
Ratliff.	Ussery.
Reedy.	Vannoy.
Reeves.	Vickers.
Rich.	Wagstaff.
Rickerson.	Watson of Hays.
Ridgell.	Watson of Mills.
Ritchie.	Webb.
Roach.	Williams
Robbins.	of McLennan.
Robertson.	Woods of Fisher.
Rogers.	Woods of Navarro.
Rowell.	Wortham.
Russell.	Yarbrough.

Absent.

Bagby.	Paddock.
Kennedy.	Wahrmund.

Absent—Excused.

Boehmer.	McKamy.
Burns.	Mulcahy.
Calvin.	Murray.
Cox of Delta.	Oliver.
Fields.	Ross.
Fuller.	Tyson.
Glasscock.	Williams
Haxthausen.	of Hopkins.
Jordan.	

(Mr. Savage in the chair.)

A quorum was announced present.

Prayer by Rev. W. J. Joyce, Chaplain.

#### LEAVE OF ABSENCE GRANTED.

On account of important business:

Mr. Jordan, for today, on motion of Mr. Tarver.

Mr. Cox of Delta, indefinitely, on motion of Mr. Hornby.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to appropriate committees, as follows:

By Mr. Morris of Victoria:

House bill No. 28, A bill to be entitled

"An Act to provide for the regulation and supervision of investment companies and providing penalties for the violation thereof."

Referred to Committee on Private Corporations.

By Mr. Wortham:

House bill No. 29, A bill to be entitled "An Act making appropriations to pay various miscellaneous claims against the State, and authorizing the payment of said miscellaneous items on the taking effect of this act, and declaring an emergency."

Referred to Committee on Appropriations.

(Speaker in the chair.)

#### CONDOLENCE WITH HON. A. C. MURRAY.

Mr. Savage offered the following resolution:

Whereas, We learn from the Speaker with sadness and regret that Mrs. A. C. Murray, wife of our fellow member, A. C. Murray, of Burleson county, departed this life this morning at their home; therefore, be it

Resolved, That we tender to Mr. Murray our heartfelt sympathy in this sad hour of bereavement, and assure him that each of us bear with him the sorrow and grief into which he is plunged; and be it further

Resolved, That a properly indorsed copy of this resolution be forwarded to Mr. Murray today.

Signed—Savage, Crisp, Byrne, Burmeister, Wortham, Mills, Rowell, Kirby, Williams of McLennan, Craven, Goodner, Coffey, Hornby, Baker, Butler.

The resolution was read second time and was adopted unanimously.

#### THANKING HON. T. H. McGREGOR.

Mr. Macgill offered the following resolution:

Whereas, On Tuesday afternoon, August 5, the members of the House of Representatives and appurtenances thereto had the good fortune to be the guests of Hon. T. H. McGregor at a bounteous barbecue given at his beautiful country home at Idylwilde; therefore, be it

Resolved, That the House of Representatives extend a rising vote of thanks for the true Southern hospitality so generously extended to them by the silver-tongued Senator from Travis.

MACGILL,  
HARRIS,  
HOUSEHOLDER.

The resolution was read second time and was adopted.

**REQUESTING APPROPRIATION FOR MONUMENT.**

Mr. Watson of Hays offered the following resolution:

Whereas, One of the heroes of the battle of San Jacinto, General Edward Burleson, who after rendering the people of Texas conspicuous and gallant service on the field of battle was afterward chosen as Vice President of the Republic of Texas, that in commemoration of his bravery and patriotism, and as one of the leading forefathers of Texas, it is the sense of this Legislature that an appropriation be made for the purpose of erecting a suitable monument over his grave in the State Cemetery; therefore, be it

Resolved, That the Committee on Appropriations be directed to appropriate the sum of ten thousand dollars, or so much thereof as may be necessary, out of the general revenue fund for the purpose of erecting said monument over the grave of this distinguished patriot and hero.

WATSON of Hays,  
BYRNE,  
MENDELL.

The resolution was read second time and was lost.

**HOUSE BILL NO. 18 ON SECOND READING.**

(Special Order.)

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

House bill No. 18, A bill to be entitled "An Act to repeal Article 6214 of the Revised Statutes of 1911; to amend Article 6215, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners of the State penitentiary system need not be paid for Sunday labor; to amend Article 6220, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners worked on farms may be required to labor from sunrise to sunset, and amending Article 6223, Title 104, of the Revised Statutes of 1911, so as to provide that the State need not pay the transportation of discharged convicts to any point within the State, but only to the nearest depot to the point from whence sentenced, or an equal distance."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Mr. Hill offered the following (committee) amendment to the bill:

Amend the bill by striking out all after the enacting clause and substituting therefor the following:

Section 1. That Article 6181, Revised Civil Statutes, 1911, be and the same is hereby repealed.

Sec. 2. That Article 6214 be so amended as to hereafter read as follows:

Every married prisoner who has an indigent family who shall become entitled to a diminution of his term of sentence by good conduct, and who shall faithfully perform his duties, to be determined by the Prison Commission, shall receive compensation from the earnings of the State prison to the amount of twenty (20) cents per day, for the time said prisoner is confined, which compensation shall only be paid for each day's work done and paid only in case the prisoner has kept the rules of the prison and not been guilty of violating any of the rules or laws of the prison and has faithfully discharged his duties, and in case any prisoner shall violate any of the rules of the prison, he shall forfeit any part of his good time for misconduct or violation of the rules of regulation of the prison; and, provided, further, that said compensation so earned shall be paid monthly to the dependent member of the prisoner's family; provided, however, before any prisoner is entitled to compensation, that the county judge from the county where the prisoner was convicted shall certify that the family is dependent and that said per diem if earned is necessary for the support and maintenance of the prisoner's family.

Sec. 3. That Article 6215 of Title 104 of the Revised Statutes of 1911 be amended so as to hereafter read as follows:

Except in case of extreme and unavoidable emergency, no labor shall be required of any prisoner on Sunday except the feeding of live stock, cooking and other similar incidental and necessary work.

Sec. 4. That Section 6220 of Title 104 of the Revised Statutes of 1911 be amended so as to hereafter read as follows:

Prisoners shall be kept at work under such rules and regulations as may be adopted by the Prison Commission.

In going to and returning from work prisoners shall not be required to travel faster than a walk. No greater amount of labor shall be required of any

with intermission of not less than one strength will reasonably permit, nor shall any prisoner be placed at such labor as the prison physician may pronounce him unable to perform.

No prisoner, upon his admission to the prison, shall be assigned to any labor until having first been examined by the prison physician. Within the walls, no prisoner shall be required to perform more than ten hours labor per day.

Prisoners worked on farms may be required to work from sunrise to sunset with intermission not less than one hour for dinner; provided, that in the months of October, November and December prisoners worked on farms may be required to labor as much as ten hours per day, including the time spent in going to and returning from work.

Any officer or employe violating any of the provisions of this section shall be dismissed from the services.

Sec. 5. That Article 6227, Title 104 of the Revised Statutes of 1911, be amended so as to hereafter read as follows: When a prisoner is entitled to a discharge from prison he shall be furnished with a written or printed discharge from the Prison Commission, with seal affixed, signed by the Chairman of the Board of Prison Commissioners, giving prisoner's name; date of sentence; from what county sentenced; amount of commutation received, if any; the trade he has learned, if any, his proficiency in same, and such other description as may be practical. He shall be furnished with a decent outfit of citizen's clothing, of good quality and fit; two suits of underwear; \$5.00 in money in addition to any money held to his credit, and transportation to the nearest depot from whence sentenced, or if such prisoner prefers he may receive transportation to any other point of equal distance as the nearest depot to the point from whence sentenced.

Sec. 6. That Article 6223 of Revised Civil Statutes of State of Texas of 1911 be amended so that it shall hereafter read as follows:

If any prisoner shall die while in prison, the officers in charge of the prisoner at the time of such death, shall immediately report the same to the Prison Commission, and if he knows the address or place of residence of any relatives of said prisoner within the third degree, consanguinity or affinity, he shall also notify said relatives or relative of the death of said prisoner and if the relative of such prisoner claims the body or will take charge of

same, then the body of such prisoner shall be turned over to such relative, at the place where said prisoner died and the expense of shipping the said prisoner's body to where it is to be buried shall be paid by the party claiming such body; if the residence and address of the relatives or relative of such prisoner is unknown such prisoner shall be decently buried in citizen's clothes, in a place provided for by the Prison Commission. If the body of such prisoner is not claimed within a reasonable length of time by the relative of the prisoner, the Prison Commission shall at once notify the county judge of the county from which the prisoner was sentenced of such death; the date and cause of death and place of burial. The Prison Commission shall cause to be made and kept a record of the death of prisoners and certify copies of same made by the custodian thereof shall be admissible as evidence under the rules of law applying to official record. Any officer or employe of the prison system of whom any duties are required by this article who fail to discharge his duties shall be guilty of a misdemeanor and upon conviction shall be punished as provided by the Penal Code, Article 1612.

Sec. 7. All laws, parts of laws in conflict are hereby repealed.

Sec. 8. The fact that the present law lays upon the penitentiary system the burden of paying a per diem to prisoners and places unwise restrictions upon the hours of labor of prisoners creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be placed on its third reading and final passage and take effect and be enforced from this day, and it is so enacted.

Question—Shall the (committee) amendment be adopted?

Mr. Wagstaff offered the following substitute for the (committee) amendment:

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

Section 1. That Article 6177, Revised Civil Statutes of 1911, be and the same is hereby amended so as to hereafter read as follows:

Article 6177. Each member of the Board of Prison Commissioners shall receive as compensation for his services the sum of \$6 per day while in the actual discharge of the duties of his

**office, and in addition thereto he shall be allowed all reasonable and necessary traveling expenses actually incurred when traveling on business for the prison system, to be paid, together with his per diem salary, by the State Treasurer upon warrants approved by the Comptroller, and all such expense accounts shall be itemized and sworn to in duplicate, and a copy filed with the Comptroller.**

Said Prison Commissioners shall meet quarterly on the first Monday in January, April, July and October, and may remain in session for fifteen days after each meeting, and may have such other meetings at such times as may be determined by them, provided that they shall receive no pay for serving for any period longer than a total of one hundred and twenty days during any one year.

Sec. 2. That Article 6178, Revised Civil Statutes of Texas, 1911, be, and the same is hereby, amended so as to hereafter read as follows:

**Article 6178.** No member of said board shall be directly or indirectly connected with, or interested in, any contract, sale or purchase of any property or thing whatsoever which may be made during his term of office, and in which either the State or the prison system is interested, and any violation of any of the provisions of this article shall be sufficient ground for his removal from office.

Sec. 3. That Article 6181, Revised Civil Statutes of Texas, 1911, be, and the same is hereby, amended so as to hereafter read as follows:

**Article 6181.** A majority of said Prison Commission shall constitute a quorum for the transaction of business. The commissioners shall select one of their number as chairman. The Prison Commission shall keep, or cause to be kept, in a well-bound book a minute of the proceedings of all meetings held by them.

Sec. 4. That Article 6188, Revised Civil Statutes of Texas, 1911, be, and the same is hereby, amended so as to hereafter read as follows:

**Article 6188.** On Monday of each week the Prison Commission shall remit, or cause to be remitted, to the State Treasurer all moneys received by the prison system from whatever source during the preceding week and belonging to the system. The current obligations of the prison system shall be paid from the appropriations made by the Legislature for the maintenance and operation of the prison system by voucher check drawn and signed by the auditor of the prison

system and approved by the State Comptroller.

Sec. 5. That Article 6190, Revised Civil Statutes of 1911, be, and the same is hereby, amended so as to hereafter read as follows:

**Article 6190.** It shall be the duty of some member or members of the Prison Commission to visit at least one time each quarter, without notice, each place, prison or farm where prisoners are kept or worked, and to carefully inspect same with reference to food, clothing and treatment of the prisoners, and the general sanitary conditions existing at such places, prisons, camps or farms.

Sec. 6. That Article 6192, Revised Civil Statutes of Texas, 1911, be, and the same is hereby, amended so as to hereafter read as follows:

**Article 6192.** The Prison Commission shall keep, or cause to be kept, correct and accurate accounts of each and every transaction of the prison system, including all receipts of money or other things of value from each and every source whatsoever, and including all disbursement of money or supplies or other things of value and every kind and character whatsoever.

They shall provide for the keeping of full and correct accounts with each and every industry, equipment and farm and with each and every person, firm or corporation having financial transactions with the prison system.

In order to carry out the provisions of this section, the Commission shall have the power to appoint such accountants and clerical assistants as may be necessary with such salary and compensation as may be provided and may require such statements and reports as in the judgment of the Prison Commission are necessary for the keeping of complete and accurate accounts.

Sec. 7. That Article 6196, Revised Civil Statutes of Texas, 1911, be, and the same is hereby, amended so as to hereafter read as follows:

**Article 6196.** The Prison Commission shall, except as otherwise provided, fix the salaries of all officers and employes of the prison system, upon such basis as the labor and ability of the officers or employes entitles him to, said salary to be paid monthly at the end of each month.

They may pay to the general manager a salary of not exceeding \$5000 per annum, and his actual and necessary traveling expenses incurred in the performance of official duty, to be paid upon

Comptroller's warrant against the State treasury based upon sworn statement of services rendered and expenses incurred in such form and manner as the Prison Commission shall direct.

They shall pay to those employed as guards of the convicts a salary of not less than \$30 per month and furnish them board and lodging free. Provided, that for meritorious services and adaptability to the work, the Prison Commission may increase the pay of any guard at the rate of \$2.50 per month until a maximum salary of \$60 per month shall be attained.

On the first day of the month next following the date when this Act becomes effective, the salaries of all guards in the employ of the prison system shall be reduced to \$30 per month, and the same rules shall then apply to guards now in the service of the prison system as to persons hereafter employed.

No person shall be employed as a guard to guard convicts who is not at least twenty-one years of age, of good moral character, and who is not able to read and to write and has not a fair knowledge of the English language. No person shall be employed as a guard to guard convicts who uses intoxicating liquors.

The Prison Commission may provide such other qualifications as they may deem expedient regarding the employment and discharge of guards, and shall require all officers and employes connected with the prison system to familiarize themselves with and conform to the rules and regulations and law governing the prison system of this State, and shall require all officers and employes connected with the prison system to take and subscribe to the oath of office prescribed by the Constitution.

The Prison Commission may adopt rules and regulations preventing the employment of persons to act as guards who have been discharged from the service.

Sec. 8. There shall be added after Article 6200, Revised Civil Statutes of Texas, Articles 6200a and 6200b, which articles shall read as follows:

Article 6200a. For the maintenance and operation of the prison system for the two years beginning September 1, 1913, and ending August 31, 1915, there is hereby appropriated out of the general revenues of the treasury not otherwise appropriated the sum of \$100,000 for the fiscal year beginning September 1, 1913, and the sum of \$100,000 for the fiscal year beginning September 1, 1914, and

in addition thereto there is hereby appropriated out of any funds in the State Treasury not otherwise appropriated a sum equal to all of the receipts coming into the treasury from the operation of the prison system from whatever source during the said period from September 1, 1913, to August 31, 1915.

Article 6200b. The Prison Commission shall as soon as this Act takes effect select a general manager of the prison system, who shall have the active conduct of the business transactions of the prison system in accordance with the policies, rules and regulations established by the Prison Commission, and he shall have full authority to manage and control the prison system in all its business activities subject only to the control of the Prison Commissioners; and such general manager shall be elected annually by the Prison Commission and may receive such salary as the Commission may determine, not to exceed \$5000 per annum and expenses as provided in Article 6196 of this bill.

Sec. 9. That Article 6202 be amended so as to read as follows:

Article 6202. The wearing of striped or checked clothes shall not be required of prisoners, except it may be required as a mode of punishment.

Sec. 10. That Article 6208, Revised Civil Statutes of 1911, be and the same is hereby amended so as to hereafter read as follows:

Article 6208. It shall be the duty of the Prison Commission to provide opportunity and encouragement for moral reform of the prisoners, and to this end the Prison Commission shall provide for the classification of prisoners into as many classes as may be deemed advisable and necessary; and provide that incorrigible prisoners shall be segregated and kept apart from other prisoners; and provided, further, that whites, Mexicans and negroes shall be kept separate and apart.

The Commission shall provide rules for promotion and reduction of prisoners and shall provide specifically for the extension or denial of privileges to the different grades of prisoners; provided, in order that prison discipline may be enforced, the Prison Commission may adopt such modes of punishment as may be necessary, such punishment being always humane. Placing prisoners in stocks shall be prohibited. Whipping with not exceeding twenty lashes may be resorted to with incorrigible prisoners, who can not be made to observe the rules by milder methods of punishment. The

strap used must be of leather, not over two and one-half inches wide and twenty-four inches long, attached to a wooden handle. No convict shall be whipped until same has been authorized by at least two members of the Prison Commission, or by the general manager of the prison system, and upon written order, and such order so issued shall be executed only in the presence of a prison physician and a sworn report shall be made by the officer executing such order, to the Penitentiary Commission, who shall keep a record of all such reports in a well-bound book, to be kept for that purpose, which shall be at all times open to public inspection, and such reports to be made by such officer executing the order of the Penitentiary Commission, or the general manager, shall state the name of the convict whipped, the number of strokes administered, the size of the strap used, the time and place thereof, in whose presence same was done, and the cause thereof. It shall further be the duty of the Penitentiary Commission to make a semi-annual report of the whipping of convicts to the district judge of the county where such whippings occurred, who shall report same to the grand jury, which is hereby authorized to make investigation thereof.

The utmost care must be used by the officer executing the order of the Commission, or general manager, not to break the skin of the prisoner whipped, and any person guilty of whipping a prisoner more lashes, or other than as provided herein, or striking a prisoner, except in self-defense, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$500, or imprisoned in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

**Sec. 11.** That Article 6214, Revised Civil Statutes of Texas, 1911, be, and the same is hereby repealed.

**Sec. 12.** That Article 6215, Revised Civil Statutes of Texas, 1911, be, and the same is here now amended so as to hereafter read as follows:

**Article 6215.** Except in case of extreme and unavoidable emergencies, no labor on Sunday shall be required of any prisoner except the feeding of live stock, cooking, and other similar incidental and necessary work.

**Sec. 13.** That Article 6220, Revised Civil Statutes of Texas, 1911, be and the same is hereby amended so as to hereafter read as follows:

**Article 6220.** Prisoners shall be kept

at work under such rules and regulations as may be adopted by the Prison Commission.

In going to and returning from work, prisoners shall not be required to travel faster than a walk. No greater amount of labor shall be required of any prisoner than his physical health and strength will reasonably permit, nor shall any prisoner be placed at such labor as the prison physician may pronounce him unable to perform.

No prisoner, upon his admission to the prison, shall be assigned to any labor until first having been examined by the prison physician. Within the walls, no prisoner shall be required to perform more than ten hours labor per day.

Prisoners worked on farms may be required to work from sunrise to sunset with intermission of not less than one hour for dinner; provided, that in the months of October, November and December prisoners worked on farms may be required to labor as much as ten hours per day, including the time spent in going to and returning from work.

Any officer or employe violating any of the provisions of this section shall be dismissed from the services.

**Sec. 14.** That Article 6227, Title 104, of the Revised Statutes of 1911, be amended so as to hereafter read as follows:

**Article 6227.** When a prisoner is entitled to a discharge from prison he shall be furnished with a written or printed discharge from the Prison Commission, with seal affixed, signed by the chairman of the Board of Prison Commissioners, giving prisoner's name, date of sentence, from what county sentenced, amount of commutation received, if any, the trade he has learned, if any; his proficiency in same, and such other description as may be practicable. He shall be furnished with a decent outfit of citizen's clothing, of good quality and fit; two suits of underwear, \$5.00 in money in addition to any money held to his credit, and transportation to the nearest depot from whence sentenced, or if such prisoner prefers he may receive transportation to any other point of equal distance as the nearest depot to the point from whence sentenced.

**Sec. 15.** Whereas, there is now no adequate law existing relating to the government of the State prisons, and there being a necessity for such a law upon the statute book and the near approach of the close of this session creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three sev-

eral days be suspended, and the same is hereby suspended, and this bill shall take effect from and after its passage, and it is so enacted.

Signed—Wagstaff, Cope, Burmeister, Humphrey, Lewelling, Long, Griggs, Bartley.

Question—Shall the substitute be adopted?

On motion of Mr. Wagstaff, the House, at 10:35 o'clock a. m., took recess to 11 o'clock a. m. today.

The House met at 11 o'clock a. m. and was called to order by the Speaker.

The House resumed consideration of pending business, same being House bill No. 18, relating to the penitentiary system, on its passage to engrossment, with (committee) amendment by Mr. Hill and substitute by Mr. Wagstaff for the (committee) amendment pending.

Question—Shall the substitute be adopted?

#### RECESS.

On motion of Mr. Wagstaff, the House, at 11:25 o'clock a. m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

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

#### HOUSE BILL NO. 18 ON ENGROSSMENT.

(Pending Special Order.)

The House resumed consideration of pending business, same being House bill No. 18, relating to the penitentiary system, on its passage to engrossment, with (committee) amendment by Mr. Hill and substitute by Mr. Wagstaff for the (committee) amendment pending.

Question—Shall the substitute be adopted?

Pending discussion of the substitute, Mr. Rogers occupied the chair temporarily.

(Speaker in the chair.)

Mr. Wagstaff moved the previous question on the substitute, and the main question was ordered.

Question then recurring on the substitute, yeas and nays were demanded.

The substitute was adopted by the following vote:

Yea—78.

Allison.  
Baker.

Barrett of Jones  
Barrett of Titus.

Blalock.	McAskill.
Broughton.	McDaniel.
Brown.	Mangum.
Bruce.	Morris of Coryell.
Burmeister.	Morris of Victoria.
Butler.	Nabours.
Campbell.	Neeley.
Chrestman.	Olander.
Coffey.	Parker.
Cope.	Patton.
Cox of Ellis.	Penry.
Craven.	Raiden.
Davis.	Reeves.
Dickson.	Rich.
Diffie.	Rickerson.
Dodson.	Ritchie.
Dove.	Robertson.
Foster.	Rogers.
Furrr.	Rowell.
Gentry.	Russell.
Goodner.	Simpson.
Greer.	Spann.
Griggs.	Spradley.
Grindstaff.	Stephens.
Hagins.	Templeton.
Haney.	Thompson.
Harp.	Tarver.
Harris.	Ussery.
Henry of Bowie.	Vannoy.
Henry of Wichita.	Vickers.
Hornby.	Wagstaff.
Householder.	Watson of Hays.
Hughes.	Watson of Mills.
Humphrey.	Webb.
Hunter.	Woods of Navarro.
Lewelling.	Woods of Fisher.
Long.	Yarbrough.

#### Nays—37.

Bagby.	Mendell.
Bierschwale.	Mills.
Collins.	Owsley.
Colquitt.	Parks.
Cooper.	Powell.
Crisp.	Ratliff.
Cunningham.	Reedy.
Dunn.	Roach.
Flournoy.	Savage.
Fountain.	Schwegman.
Gates.	Smith.
Hall.	Stone.
Heilig.	Sullivan.
Herder.	Taylor.
Hill.	Tiller.
Kirby.	Tillotson.
Lane.	Williams
Low.	of McLennan.
Macgill.	Wortham.

#### Present—Not Voting.

Byrne.

#### Absent.

Burges.	Paddock.
Haxthausen.	Ridgell.
Kennedy.	Robbins.
King.	Wahr mund.

**Absent—Excused.**

Boehmer.	McKamy.
Burns.	Mulcahy.
Calvin.	Murray.
Cox of Delta.	Oliver.
Fields.	Ross.
Fuller.	Tyson.
Glasscock.	Williams
Jordan.	of Hopkins.

**Paired.**

Mr. Greenwood (present), who would vote "nay," with Mr. Bartley (absent), who would vote "yea."

**Reasons for Votes.**

I voted "no" because I do not believe in sustaining or encouraging the bull whip bat or Spanish inquisition.

CUNNINGHAM,

We vote "no" because this substitute fails to make anyone absolutely responsible for the conduct in the affairs of our prison system, which in my judgment is too large an institution to be operated under several different managers who are responsible to no one.

MENDELL,  
BAGBY.

I vote "yea," but believe the substitute should be amended so as to increase the compensation of the Commissioner and men competent to manage, even in an advisory capacity, the penitentiary system can not in my judgment be procured for \$720 per year. The chief troubles of the system have heretofore resulted from incompetency in the management.

RITCHIE.

Question then recurring on the amendment as substituted, it was adopted.

Mr. Woods of Navarro offered the following amendment to the bill:

Amend the amendment or substitute for House bill No. 18 by striking out all of Section 10 after the word "prohibited," which occurs on the tenth line from the bottom of the first column on page 264 of the Journal, and insert the following:

Whipping shall also be prohibited as also hanging by the wrists or arms. The Prison Commission shall cause to be kept as a permanent record an accurate statement of all punishments administered, the nature and cause thereof, open to public inspection. Any person who shall strike a prisoner, except in self-defense, shall be guilty of a misdemeanor and upon conviction

thereof shall be fined not less than \$25 nor more than \$500 or imprisoned in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

CUNNINGHAM,  
WOODS of Navarro.

**Question—Shall the amendment be adopted?**

**STATEMENT BY THE SPEAKER.**

The Speaker made the following statement:

On yesterday the Speaker notified six stenographers that their services would be no longer required after Saturday, August 9, 1913, and in the opinion of the Speaker their services are not necessary, but inasmuch as 86 members of the House had presented to the Speaker a petition for their retention the Speaker feels that the majority of the House should control the matter, and has withdrawn his request for resignations.

**PETITION TO RETAIN STENOGRAPHERS.**

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Whereas, It has been rumored that it is the intention of the Speaker of the House to cut the stenographic force in order to curtail a small contingent expense; and

Whereas, These employes accepted their positions with the expectation that they would perform at least thirty days' service and have made their arrangements to such effect; and

Whereas, To dismiss them at this time would effect a very small saving to the State, and in some cases work particular hardship on the employes affected; therefore, since the House by resolution has authorized the appointment of these employes, we, the undersigned members, request you to retain them until the end of the present session.

Signed—Coffey, Diffie, Allison, Hornby, Davis, Campbell, Crisp, Barrett of Titus, Rowell, Haney, Parker, Grindstaff, Blalock, Lewelling, Vannoy, Dickson, Rich, Ratliff, Foster, Rickerson, Householder, Dunn, Henry of Wichita, Reedy, Thompson, Nabours, Williams of McLennan, McDaniel, Ussery, Smith, Hughes, Furrh, Robbins, Reeves, McAskill, Webb, Simpson, Patton, Watson of Mills, Vickers, Ritchie, Lane, Haney, Spradley, Morris of Victoria, Stone.

King, Hill, Low, Bruce, Colquitt, Roach, Fountain, Ridgell, Harp, Henry of Bowie, Schwegman, Wagstaff, Spann, Collins, Mendell, Wortham, Byrne, Cooper, Yarbrough, Gates, Robertson, Neeley, Kirby, Humphrey, Chrestman, Penry, Greer, Brown, Olander, Hall, Herder, Cox of Ellis, Flournoy, Heilig, Broughton, Tillotson, Hunter, Owsley, Burmeister, Bartley, Woods of Fisher.

#### ADJOURNMENT.

On motion of Mr. Wagstaff, the House, at 5:50 o'clock p. m., adjourned until 9:30 o'clock a. m. tomorrow.

#### APPENDIX.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,  
Austin, Texas, August 7, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred House Concurrent Resolution No. 5, have carefully compared same and find it correctly enrolled, and have this day, at 4:25 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

#### SIXTEENTH DAY.

(Friday, August 8, 1913.)

The House met at 9:30 o'clock a. m., pursuant to adjournment.

Speaker Terrell in the chair.

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

Allison.	Collins.
Bagby.	Colquitt.
Baker.	Cooper.
Barrett of Jones.	Cope.
Barrett of Titus.	Cox of Ellis.
Bartley.	Craven.
Bierschwale.	Crisp.
Blalock.	Cunningham.
Broughton.	Davis.
Brown.	Dickson.
Bruce.	Diffie.
Burges.	Dodson.
Burmeister.	Dove.
Butler.	Dunn.
Byrne.	Flournoy.
Campbell.	Foster.
Chrestman.	Fountain.
Coffey.	Fuller.

Furrh.	Patton.
Gates.	Penry.
Gentry.	Powell.
Goodner.	Raiden.
Greenwood.	Ratliff.
Greer.	Reedy.
Griggs.	Reeves.
Grindstaff.	Rich.
Hagins.	Ridgell.
Hall.	Ritchie.
Haney.	Koach.
Harp.	Robbins.
Harris.	Robertson.
Heilig.	Rogers.
Henry of Bowie.	Rowell.
Henry of Wichita.	Russell.
Herder.	Savage.
Hill.	Schwegman.
Hornby.	Simpson.
Householder.	Smith.
Hughes.	Spann.
Humphrey.	Spradley.
Hunter.	Stephens.
Jordan.	Stone.
Kennedy.	Sullivan.
King.	Tarver.
Kirby.	Taylor.
Lane.	Templeton.
Lewelling.	Thompson.
Long.	Tiller.
Low.	Tillotson.
Macgill.	Ussery.
McAskill.	Vannoy.
McDaniel.	Vickers.
Mangum.	Wagstaff.
Mendell.	Watson of Hays.
Mills.	Watson of Mills.
Morris of Coryell.	Webb.
Morris of Victoria.	Williams
Nabours.	of McLennan.
Neeley.	Woods of Fisher.
Olander.	Woods of Navarro.
Owsley.	Wortham.
Parker.	Yarbrough.
Parks.	Absent.
Haxthausen.	Wahrmund.
Paddock.	Absent—Excused.

Boehmer.	Murray.
Burns.	Oliver.
Calvin.	Rickerson.
Cox of Delta.	Ross.
Fields.	Tyson.
Glasscock.	Williams
McKamy.	of Hopkins.
Mulcahy.	

A quorum was announced present.  
Prayer by Rev. W. J. Joyce, Chaplain.

#### LEAVE OF ABSENCE GRANTED.

On account of important business:  
Mr. Calvin for today, on motion of  
Mr. Dickson.

**On account of sickness:**

**Mr. Rickerson** for today, on motion of **Mr. Yarbrough**.

**HOUSE BILL ON FIRST READING.**

The following House bill, introduced today, was laid before the House, read first time, and referred to the Committee on Private Corporations:

By Mr. Haney and Mr. Coffey:

House bill No. 30, A bill to be entitled "An Act to amend Article 1314, Revised Statutes, prescribing conditions upon which foreign corporations may obtain permits to do business in Texas, and providing penalties for violating the provisions of this act, and declaring an emergency."

**PROVIDING COMMITTEE TO VISIT GOVERNOR.**

Mr. Reeves offered the following resolution:

Whereas, Governor O. B. Colquitt has stated publicly that if the Legislature would meet him half way he could dispose of the business now pending before the Legislature in six days; therefore, be it

Resolved, That the Speaker of the House appoint a committee of five selected from the members of the House, to call on the Governor at once and notify him that the Legislature has accepted his offer and will meet him half way any hour, day or night, on any proposition that will expedite penitentiary legislation or any other business now or that may come before the House.

Signed—Griggs, McAskill, Henry of Bowie, Webb, Humphrey, Dickson, Russell, Thompson, Cox of Ellis, Yarbrough, Diffie, Hunter, Davis, Dove, McDaniel, Watson of Hays, Barrett of Titus, Broughton, Reeves, Cope, Craven, Coffey, Long, Raiden, Hornby, Barrett of Jones, Grindstaff, Hagins, Vickers, Stephens, Watson of Mills, Haney, Burmeister, Rich, Woods of Fisher, Foster, Robbins, Morris of Coryell.

The resolution was read second time.

Question—Shall the resolution be adopted?

On motion of Mr. Bagby, the resolution was tabled.

**GRANTING JUDGE SWAYNE LEAVE OF ABSENCE.**

Mr. Rogers offered the following resolution:

House Concurrent Resolution No. 8, Granting Judge James W. Swayne leave of absence from the State.

Be it resolved by the House, the Senate concurring, That Honorable James W. Swayne, Judge of the Seventeenth Judicial District, be granted leave of absence from the State during the months of August and September, 1913, and during the months of July, August and September, 1914.

TERRELL,  
ROGERS,  
MILLS.

The resolution was read second time and was adopted.

**PROVIDING FOR ARRANGING BLOCK PICTURES.**

Mr. Bruce offered the following resolution:

Whereas, The block picture of the membership of the House of Representatives of the Thirty-third Legislature is now about ready to be placed in the Hall of the House; therefore be it

Resolved, That the Speaker of the House direct the Sergeant-at-Arms, before placing same, to rearrange on the walls of the House the various block pictures of former Legislatures so that they will follow one another in regular order, the earliest picture to be placed in one corner and the subsequent ones to follow along the walls in chronological order.

The resolution was read second time and was adopted.

**HOUSE BILL NO. 18 ON ENROSSMENT.**

(Unfinished Special Order.)

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

House bill No. 18. A bill to be entitled "An Act to repeal Article 6214 of the Revised Statutes of 1911. To amend Article 6215, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners of the State penitentiary system need not be paid for Sunday labor. To amend Article 6220, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners worked on farms may be required to labor from sunrise to sunset, and amending Article 6223, Title 104, of the Revised Statutes of 1911, so as to provide that the State need not pay the transportation of discharged convicts to any point within the State, but only to the nearest depot to the point from whence sentenced, or an equal distance."

With amendment by Mr. Woods of Navarro and Mr. Cunningham pending.

the bill having been read second time on yesterday.

Question—Shall the amendment be adopted?

Mr. Wagstaff moved to table the amendment.

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

Yea—75.

Allison.	Kirby.
Baker.	Lewelling.
Barrett of Jones.	Low.
Barrett of Titus.	Macgill,
Bartley.	McAskill.
Broughton.	McDaniel.
Brown.	Mangum.
Bruce.	Mendell.
Burmeister.	Mills.
Chhrestman.	Morris of Coryell.
Coffey.	Nabours.
Collins.	Neeley.
Craven.	Olander.
Davis.	Parker.
Dickson.	Patton.
Diffie.	Raiden.
Dodson.	Reeves.
Dove.	Rich.
Flournoy.	Ridgell.
Foster.	Ritchie.
Fountain.	Robbins,
Fuller.	Robertson.
Furrh.	Rowell.
Gentry.	Russell.
Griggs.	Simpson.
Hagins.	Stephens.
Hall.	Stone.
Harris.	Taylor.
Henry of Bowie.	Templeton.
Herder.	Thompson.
Hill.	Tiller.
Hornby.	Vannoy.
Househouder.	Wagstaff.
Hughes.	Watson of Mills.
Humphrey.	Woods of Fisher.
Hunter.	Wortham.
Kennedy.	Yarbrough.
King.	

Nay—41.

Bagby.	Greer.
Bierschwale.	Grindstaff.
Blalock.	Heilig.
Burges.	Henry of Wichita.
Butler.	Jordan.
Byrne.	Lane.
Campbell.	Long.
Colquitt.	Owsley.
Cox of Ellis.	Parks.
Crisp.	Penry.
Cunningham.	Powell.
Dunn.	Ratliff.
Gates.	Rcedy.
Goodner.	Rogers.
Greenwood.	Savage.

Schwegman.  
Smith.  
Spann.  
Spradley.  
Sullivan.  
Tarver.

Tillotson.  
Vickers.  
Webb.  
Williams  
of McLennan.  
Woods of Navarro.

Absent.

Cooper.	Paddock.
Cope.	Roach.
Haney.	Ussery.
Harp.	Wahrmund.
Haxthausen.	Watson of Hays.
Morris of Victoria.	

Absent—Excused.

Boehmer.	Murray.
Burns.	Oliver.
Calvin.	Rickerson.
Cox of Delta.	Ross.
Fields.	Tyson.
Glasscock.	Williams
McKamy.	of Hopkins.
Muleahy.	

Reason for Vote.

I believe that conditions in our prisons depend altogether on the management and for that reason am not in favor of tying the hands of the management by legislation. If we have incompetent and brutal men in charge of the prisons we will have inhuman treatment of the men, regardless of what rules we adopt. I believe the emphasis should be placed on selecting competent men for officers rather than on complicated regulations which brutal men can easily find a way to get around. For this reason I vote to table this amendment.

#### HOUSEHOLDER.

Mr. Campbell offered the following amendment to the bill:

Amend the substitute bill by adding after the last word in Article 6196, Section 7, the following: "In all suits brought by the State or the Prison Commission the parties thereto shall be authorized to plead any and all payments offsets, or counter claims, incident to or growing out of the contract or matter in controversy, and this right shall extend to and include suits heretofore brought and now pending, as well as those hereafter instituted affecting the management of the prison system; and no execution shall issue against the property of State or prison system on any judgment against the State or its Prison Commission, but a duly certified copy of any such final judgment and an abstract thereof may be presented to the Legislature for proper appropriation of funds

for the payment of same as other claims against the State.

CAMPBELL,  
TARVER.

Mr. Wagstaff moved to table the amendment.

Yea<sup>s</sup> and nays were demanded, and the motion to table was lost by the following vote:

Yea<sup>s</sup>—57.

Allison.	Humphrey.
Baker.	King.
Barrett of Jones.	Kirby.
Barrett of Titus.	Lewelling.
Bartley.	McDaniel.
Blalock.	Mangum.
Broughton.	Mills.
Bruce.	Nabours.
Burmeister.	Patton.
Butler.	Raiden.
Chrestman.	Reedy.
Coffey.	Reeves.
Collins.	Rich.
Cope.	Robertson.
Craven.	Rogers.
Crisp.	Rowell.
Davis.	Russell.
Dickson.	Savage.
Dodson.	Simpson.
Dove.	Stephens.
Dunn.	Thompson.
Furrrh.	Tillotson.
Gentry.	Vannoy.
Griggs.	Wagstaff.
Grindstaff.	Watson of Hays.
Hagins.	Watson of Mills.
Harp.	Webb.
Householder.	Woods of Fisher.
Hughes.	

Nay<sup>s</sup>—59.

Bagby.	Hunter.
Bierschwale.	Kennedy.
Brown.	Lane.
Burges.	Long.
Byrne.	Low.
Campbell.	Macgill.
Colquitt.	McAskill.
Cox of Ellis.	Mendell.
Cunningham.	Morris of Coryell.
Flournoy.	Neeley.
Foster.	Olander.
Fountain.	Owsley.
Fuller.	Parker.
Gates.	Parks.
Goodner.	Penry.
Greenwood.	Powell.
Greer.	Ratliff.
Hall.	Ridgell.
Harris.	Ritchie.
Heilig.	Roach.
Henry of Bowie.	Robbins.
Henry of Wichita.	Schwegman.
Herder.	Smith.
Hornby.	Spann.

Stone.	Vickers.
Sullivan.	Williams
Tarver.	of McLennan.
Taylor.	Woods of Navarro.
Templeton.	Wortham.
Tiller.	Yarbrough.

Present—Not Voting.

Hill. Spradley.

Absent.

Cooper.	Morris of Victoria.
Diffee.	Paddock.
Haney.	Ussery.
Haxthausen.	Wahrmund.
Jordan.	

Absent—Excused.

Boehmer.	Mulcahy.
Burns.	Oliver.
Calvin.	Rickerson.
Cox of Delta.	Ross.
Fields.	Tyson.
Glasscock.	Williams
McKamy.	of Hopkins.
Murray.	

Reason For Not Voting.

I represent the State in a number of suits that will be affected by this amendment, and because of the fact of my relationship to said litigation I do not think it proper for me to vote on this amendment, and hence I decline to vote.

HILL.

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

Question then recurring on the amendment, it was adopted.

Mr. McAskill offered the following amendment to the bill:

Amend substitute to House bill No. 18 by inserting immediately after Article 6215, Section 12, the following:

Article 6217 of the Revised Civil Statutes of 1911, be and the same is hereby amended so as to hereafter read as follows:

Article 6217. Reward for Good Conduct; Relaxation of Discipline; Parole; Commutation.—In order to encourage prison discipline, a distinction may be made in the treatment of prisoners so as to extend to all such as are orderly, industrious and obedient comforts and privileges according to their deserts. The rewards to be bestowed on prisoners for good conduct shall consist of such relaxation of strict prison rules and extension of social privileges as may not be inconsistent with proper dis-

cipline. Commutation of time for good conduct shall be granted by the Prison Commission, and the following deductions shall be made from the term or terms of sentences when no charge of misconduct has been sustained against a prisoner, viz: Two to five days per month off the first year of sentence; three to seven days per month off the second year of sentence; four to nine days per month off the third year of sentence; five to eleven days per month off the fourth year of sentence; six to thirteen days per month off the fifth year of sentence; seven to fifteen days per month off the sixth year of sentence; eight to eighteen days per month off the seventh year of sentence; nine to twenty days per month off the eighth year of sentence; ten to twenty-two days per month off the ninth year of sentence; fifteen to twenty-five days per month off the tenth year and all succeeding years of sentence. A prisoner under two or more cumulative sentences shall be allowed commutation as if they were all one sentence. For each sustained charge of misconduct in violation of any rule known to the prisoner in any year of the term, the commutation allowed for one month of such year may be forfeited; for any sustained charge of escape, or attempt to escape, mutinous conduct, or other serious misconduct, all the commutation which shall have accrued in favor of the prisoner up to that day shall be forfeited, unless in case of escape the prisoner voluntarily returns without expense to the State, such forfeiture may be set aside by the Prison Commission. For extra meritorious conduct on the part of any prisoner, he shall be recommended to the favorable consideration of the Governor for increased commutation or pardon; and, in the case of any prisoner who shall have escaped and been captured, part or all of his good time thereby forfeited may be restored by the Prison Commission, if in their judgment his subsequent conduct entitled him thereto.

And as a further reward in addition to the foregoing, where a prisoner has a perfect record for twelve consecutive months, the Prison Commission may allow him from ten to twenty days, and where he has a perfect record for good conduct for a period of twenty-four months, the Prison Commission may allow him a further commutation of from fifteen to thirty days, and where the prisoner has a perfect record for thirty-six consecutive months, the Prison Commission may allow him an additional

commutation of from twenty to forty days, and when a prisoner has a continuous record for perfect conduct of forty-eight months, he may be allowed an additional commutation of from thirty to sixty days, and where a prisoner has a continuous perfect record for sixty months he may be allowed additional commutation of from forty to eighty days, and where a prisoner has a perfect record for good conduct for a continuous period of seventy-two months, he may be allowed an additional commutation of from fifty to one hundred days, and where a prisoner has a perfect prison record for a period of eighty-four months, he may be allowed a commutation in addition of sixty to one hundred and twenty days, and where a prisoner has a perfect prison record for good conduct for a period of ninety-six months, in addition to the regular commutation, he may be allowed from seventy to one hundred and forty days, and where a prisoner has a perfect record for one hundred and eight months, he may be allowed an additional commutation of from eighty to one hundred and sixty days, and where a prisoner has a perfect prison record for one hundred and twenty months, he may be allowed a commutation of from ninety to one hundred and eighty days.

Signed—Tarver, Woods of Navarro, McAskill, Cope, Dove, Foster, Ritchie, Vickers, Russell, Allison, Spann, Reeves, Long.

The amendment was adopted.

Mr. Kennedy moved to reconsider the vote by which the amendment by Mr. Campbell and Mr. Tarver was adopted.

(Mr. Mendell in the chair.)

Mr. Campbell moved to table the motion to reconsider.

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

Yea—38.

Bagby.	Henry of Bowie.
Bierschwale.	Henry of Wichita.
Burges.	Herder.
Byrne.	Hunter.
Campbell.	Macgill.
Colquitt.	McAskill.
Cox of Ellis.	Mendell.
Foster.	Morris of Coryell.
Fountain.	Neeley.
Fuller.	Parker.
Goodner.	Penry.
Greenwood.	Ridgell.
Greer.	Ritchie.
Hall.	Spann.
Harris.	Tarver.
Heilig.	Taylor.

Templeton.	Williams
Thompson.	of McLennan.
Vickers.	Woods of Navarro.
	Wortham.

Nays—79.

Allison.	Lewelling.
Baker.	Long.
Barrett of Jones.	Low.
Barrett of Titus.	McDaniel.
Bartley.	Mangum.
Blalock.	Mills.
Broughton.	Nabours.
Brown.	Olander.
Bruce.	Owsley.
Burmeister.	Parks.
Butler.	Patton.
Chrestman.	Powell.
Coffey.	Raiden.
Collins.	Ratliff.
Cooper.	Reedy.
Cope.	Reeves.
Craven.	Rich.
Cunningham.	Roach.
Davis.	Robertson.
Dickson.	Rogers.
Diffie.	Rowell.
Dodson.	Russell.
Dove.	Savage.
Dunn.	Schwegman.
Flournoy.	Simpson.
Furrh.	Smith.
Gentry.	Spradley.
Griggs.	Stephens.
Grindstaff.	Stone.
Hagins.	Sullivan.
Haney.	Tiller.
Harp.	Tillotson.
Hornby.	Vannoy.
Householder.	Wagstaff.
Hughes.	Watson of Hays.
Humphrey.	Watson of Mills.
Kennedy.	Webb.
King.	Woods of Fisher.
Kirby.	Yarbrough.
Lane.	

Present—Not Voting.  
Hill.

Absent.

Crisp.	Paddock.
Gates.	Robbins.
Haxthausen.	Ussery.
Jordan.	Wahrmund.
Morris of Victoria.	

Absent—Excused.

Boehmer.	Murray.
Burns.	Oliver.
Calvin.	Rickerson.
Cox of Delta.	Ross.
Fields.	Tyson.
Glasscock.	Williams
McKamy.	of Hopkins.
Mulcahy.	

Question recurring on the motion to reconsider, it prevailed.

Question then recurred—Shall the amendment by Mr. Campbell be adopted?

Mr. Kennedy offered the following amendment to the amendment:

Amend amendment by striking out all beginning with the word "and," in line 4, and ending with the word "system," in line 7, and insert after the word word "suit," in line 1, the following: "hereafter."

Question—Shall the amendment to the amendment be adopted?

MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, August 8, 1913.  
Hon. Chester H. Terrell, 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. 12, A bill to be entitled "An Act to amend Chapter 132 of the Acts of the Thirty-third Legislature, entitled 'An Act to provide for indeterminate sentences of persons convicted of certain crimes; for the termination of such sentences and the release of such persons on parole; providing for exemption from the operations of the law in certain cases, and repealing all laws in conflict herewith, and declaring an emergency.'"

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

RECESS.

On motion of Mr. Mills, the House, at 12:05 o'clock p. m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

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

HOUSE BILL NO. 18 ON ENGROSSMENT.

(Pending Special Order.)

The House resumed consideration of pending business, same being House bill No. 18, relating to the penitentiary system, on its passage to engrossment, with amendment by Mr. Campbell and amendment by Mr. Kennedy to the amendment pending.

Question—Shall the amendment to the amendment be adopted?

(Mr. Rowell in the chair.)

Mr. Terrell offered the following substitute for the amendment and the amendment to the amendment:

Amend by adding after the last word in Article 6196, Section 7, the following: "In all suits affecting the prison system hereafter brought by the State or the Prison Commission on contracts or agreements hereafter made, the parties thereto shall be authorized to plead any and all payments, offsets, credits or counter claims incident to or growing out of the contract agreement or matter in controversy. No execution shall issue against the property of the State or the prison system on any judgment against the State or the Prison Commission, but a duly certified copy of any such final judgment, and an abstract thereof may be presented to the Legislature for its consideration in the same manner as other claims against the State.

Question—Shall the substitute be adopted?

Mr. Blalock moved the previous question on the substitute and the pending amendments, and the main question was ordered.

Question first recurring on the substitute, it was adopted.

Question next recurring on the amendment as substituted, yeas and nays were demanded.

The amendment as substituted was adopted by the following vote:

Yea—75.

Mr. Speaker.	Harris.
Allison.	Heilig.
Bartley.	Henry of Bowie.
Bierschwale.	Henry of Wichita
Blalock.	Herder.
Brown.	Hornby.
Bruce.	Householder.
Burges.	Hughes.
Burmeister.	Hunter.
Byrne.	Jordan.
Campbell.	Kennedy.
Collins.	King.
Colquitt.	Kirby.
Cooper.	Lane.
Cox of Ellis.	Macgill.
Cunningham.	McAskill.
Foster.	McDaniel.
Fountain.	Mangum.
Fuller.	Mendell.
Gates.	Neeley.
Goodner.	Olander.
Hagins.	Owsley.
Hall.	Parker.
Haney.	Parks.

Patton.	Stephens.
Penry.	Tarver.
Ratliff.	Taylor.
Reedy.	Tiller.
Rich.	Tillotson.
Ridgell.	Ussery.
Ritchie.	Watson of Mills.
Roach.	Webb.
Robertson.	Williams
Rowell.	of McLennan.
Savage.	Woods of Fisher.
Schwegman.	Woods of Navarro.
Smith.	Wortham.
Spradley.	Yarbrough.

Nays—37.

Baker.	Harp.
Barrett of Jones.	Humphrey.
Barrett of Titus.	Lewelling.
Broughton.	Long.
Butler.	Mills.
Chrestman.	Morris of Coryell.
Coffey.	Nabours.
Cope.	Raiden.
Craven.	Reeves.
Crisp.	Rickerson.
Davis.	Rogers.
Dickson.	Russell.
Diffee.	Simpson.
Dodson.	Vannoy.
Dove.	Thompson.
Dunn.	Vickers.
Flournoy.	Wagstaff.
Griggs.	Watson of Hays.
Grindstaff.	

Present—Not Voting.

Hill.

Absent.

Eagby.	Paddock.
Furrrh.	Powell.
Gentry.	Robbins.
Greenwood.	Spann.
Greer.	Stone.
Haxthausen.	Sullivan.
Low.	Templeton.
Morris of Victoria.	Wahrmund.

Absent—Excused.

Boehmer.	Mulcahy.
Burns.	Murray.
Calvin.	Oliver.
Cox of Delta.	Ross.
Fields.	Tyson.
Glasscock.	Williams
McKamy.	of Hopkins.

Mr. Terrell moved to reconsider the vote by which the amendment as substituted was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Herder offered the following amendment to the bill:

**Amend Article 6200b by adding after said article the following:** "The general manager shall within ten days after his appointment execute a bond payable to the Governor of this State and his successors in office for the State in the sum of fifty thousand dollars and conditioned that he will faithfully execute the duties of his office, which said bond shall be executed with two or more good and sufficient sureties, or with some indemnity, fidelity or bonding companies, authorized to do business in Texas; the form of which bond shall be prepared by the Attorney General, and the sufficiency of the sureties thereon approved by, and the same shall be filed with the Secretary of State, which said bond shall not be void on the first recovery of part or of the whole of the penalty, but shall thereafter continue in force for the whole amount of the penalty thereof, and may be sued on from time to time, and shall be deemed to extend to the faithful performance of the duties of his trust until his successor shall be duly qualified, and shall have entered upon the duties of his office. And it shall be the duty of the Attorney General, upon notice of the default or failure to perform the duties as contemplated by law by the said general manager, to bring suit in any court of competent jurisdiction in Travis county, Texas, for the forfeiture and collection of said bond, and before entering upon the duties of his office, the general manager shall take and subscribe the oath of office prescribed by the Constitution of this State."

The amendment was adopted.

(Speaker in the chair.)

**Mr. Wagstaff offered the following amendment to the bill:**

**Amend House bill No. 18 by inserting after Section 1, Section 1a, as follows:**

**Section 1a.** That Article 6176, Revised Civil Statutes, 1911, be, and the same is, hereby amended so as to hereafter read as follows:

**Art. 6176.** Each member of said Commission shall within ten days after his appointment execute a bond payable to the Governor of this State and his successors in office for the use of the State, in the sum of \$5000, and conditioned that he will faithfully execute the duties of his office, which said bond shall be executed with two or more good and sufficient sureties, or with some indemnity, fidelity or bonding company authorized to do business in Texas, the form of which bond shall be prepared by the Attorney

General and the sufficiency of the sureties thereon approved by, and the same shall be filed with, the Secretary of State; which said bond shall not be void on the first recovery of part of the whole of the penalty, but shall thereafter continue in force for the whole amount of the penalty thereof and may be sued on from time to time, and shall be deemed to extend to the faithful performance of the duties of his trust until his successor shall be duly qualified and shall have entered upon the duties of his office. And it shall be the duty of the Attorney General upon notice of default or failure to perform the duties as contemplated by law by any member of said Prison Commission to bring suit in any court of competent jurisdiction in Travis county, Texas, for the forfeiture and collection of said bond; and before entering upon the duties of his office each member of said board shall take and subscribe the oath of office prescribed by the Constitution of this State.

The amendment was adopted.

**Mr. Long offered the following amendment to the bill:**

**Amend House bill No. 18 by inserting after Article 6200b, Section 8, the following:**

"Article 6201 is hereby amended so as to hereafter read as follows:

"Art. 6201. It shall be the duty of the Prison Commission to make suitable provision and regulation for the safe and speedy transportation of prisoners from counties where sentenced to the penitentiary at Huntsville or Rusk by the sheriffs of such respective counties, if such sheriffs are willing to perform such service as cheaply as said Commission can have it done otherwise. Said transportation shall be on State account; and in no instance shall the prisoners be carried direct from the county jails to the State farms, but shall first be carried to the penitentiary at Huntsville or Rusk, where the character of labor which each prisoner may reasonably perform shall be determined. Upon the arrival of each prisoner at the penitentiary at Huntsville or Rusk the Prison Commission shall cause a statement to be made by the prisoner, giving a brief history of his life, and showing where he has resided, the names and postoffice addresses of his immediate relatives, and such other facts as will tend to show his past habits and character; and the Prison Commission shall, by correspondence or otherwise, verify or disprove such statements, if practicable, and shall preserve the record and information so obtained for future reference."

The amendment was adopted.

Mr. Blalock offered the following amendment to the bill:

Amend the substitute, Section 8, Article 6200b, by adding: "In the selection of a general manager, the Commission shall not be confined to citizens of the State of Texas, and no member of the Commission shall be eligible to the position of general manager during the term of office for which he was appointed, nor for two years thereafter."

BLALOCK,  
TARVER,  
FURRH,  
WOODS of Fisher.

The amendment was adopted.

Mr. Tillotson offered the following amendment to the bill:

Amend the bill so that Article 6214, Revised Civil Statutes of 1911, shall read as follows:

"Every person who shall be entitled to a diminution of his term of sentence by good conduct shall be allowed a credit of ten cents per day, and for every dollar of such credits he shall be allowed a credit of one day off the term of his sentence, in addition to all other credits; provided, that whenever any prisoner shall forfeit any part of his good time for misconduct or violation of the rules or regulations of the prison system he shall forfeit twenty-five cents of such extra credit on his term of sentence."

The amendment was adopted.

Mr. Tarver offered the following amendment to the bill:

Amend the substitute, Section 6, Article 6192, by adding at the end of said section the following: "The Commission shall make or cause to be made a complete statement of the financial condition of the system once each quarter to the Governor of the State; and said Commission shall furnish or cause to be furnished a copy of said statement to the public press of the State, at the time it is made to the Governor."

The amendment was adopted.

Mr. Vannoy offered the following amendment to the bill:

Amend the substitute bill, Article 6208, after the first paragraph therein, by inserting the following:

The Prison Commission shall take a census of all convicts for the purpose of learning what craft or vocation each convict has been trained in, and such convicts as are skilled in any craft or who may be available for structural work to be erected by the State or other skilled labor in the shops and factories

of the prison system may be so worked by the directory of the Prison Commission.

Provided, however, that no incorrigible prisoner shall be included in such industrial classification; and further provided, that any prisoner who shall be adjudged an incorrigible after having been classified as a skilled laborer shall be taken out of such classification.

Question—Shall the amendment be adopted?

Mr. Parks moved to table the amendment.

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

Yea—70.

Broughton.	Lane.
Blalock.	Lewelling.
Bruce.	Macgill.
Burges.	Mendell.
Butler.	Neeley.
Byrne.	Owsley.
Campbell.	Parker.
Coffey.	Parks.
Collins.	Patton.
Colquitt.	Penry.
Cope.	Ratliff.
Cox of Ellis.	Reedy.
Crisp.	Ridgell.
Davis.	Roach.
Dickson.	Robbins.
Dodson.	Rogers.
Dove.	Rowell.
Foster.	Russell.
Fountain.	Savage.
Fuller.	Schwegman.
Furrrh.	Smith.
Greenwood.	Spradley.
Griggs.	Stephens.
Grindstaff.	Sullivan.
Hall.	Taylor.
Haney.	Tiller.
Harp.	Tillotson.
Harris.	Ussery.
Heilig.	Wagstaff.
Henry of Bowie.	Watson of Hays.
Henry of Wichita.	Williams
Hill.	of McLennan.
Hornby.	Woods of Navarro
Humphrey.	Wortham.
Jordan.	Yarbrough.
King.	

Nays—46.

Baker.	Cooper.
Barrett of Jones.	Craven.
Barrett of Titus.	Cunningham.
Bartley.	Diffie.
Bierschwale.	Dunn.
Brown.	Flournoy.
Burmeister.	Gates.
Chrestman.	Gentry.

Goodner.	Reeves.
Hagins.	Rich.
Herder.	Rickerson.
Hughes.	Ritchie.
Hunter.	Robertson.
Kennedy.	Simpson.
Kirby.	Stone.
Long.	Tarver.
Mangum.	Templeton.
Mills.	Thompson.
Morris of Coryell.	Vannoy.
Nabours.	Vickers.
Olander.	Watson of Mills.
Powell.	Webb.
Raiden.	Woods of Fisher.

**Absent.**

Allison.	McAskill.
Bagby.	McDaniel.
Greer.	Morris of Victoria.
Haxtbausen.	Paddock.
Householder.	Spann.
Low.	Wahrmund.

**Absent—Excused.**

Boehmer.	Mulcahy.
Burns.	Murray.
Calvin.	Oliver.
Fields.	Ross.
Glasscock.	Tyson.
McKamy.	Williams of Hopkins.

Mr. Ritchie offered the following amendment to the bill:

Amend the bill by adding at the end thereof Section 15, as follows:

Sec. 15. That Article 6174, Title 104, of the Revised Statutes of 1911 be so amended as to hereafter read as follows:

Art. 6174. It is hereby declared to be the policy of this State to work all prisoners within prison walls and upon farms owned by the State, and in no event shall the labor of any prisoner be sold to any contractor or lessee to work on farms or elsewhere, nor shall any prisoner be worked on any farm or otherwise upon the share plan.

Provided that the Prison Commission shall have power, under such conditions, rules and regulations as it may adopt, not inconsistent herewith, to permit, upon the application of any county, use of the labor of short term convicts in the building of macadamized, paved, graveled, shell or sand clay roads, in such county, such county to pay the cost of transporting, housing and feeding such convicts during the time of such work, and in addition thereto the sum of not to exceed 50 cents per day to cover the cost of clothing and guards for

such convicts, and any other necessary expenses.

Question—Shall the amendment be adopted?

Mr. Lewelling offered the following substitute for the amendment:

Amend substitute to House bill No. 18 by inserting, at the beginning of Section 1, the following:

That Article 6174, Title 104, Chapter 1, of the Revised Civil Statutes of 1911 be and the same is hereby amended so as to hereafter read as follows:

It is hereby declared the policy of this State to work all prisoners within prison walls and upon farms owned or leased by the State and upon public roads, highways and land improvements, and the Prison Commission, or the manager thereof, subject to the approval of said Commission, is hereby authorized and empowered to contract with and furnish convict labor to any county in this State for the purpose of building, improving or maintaining public highways and roads upon such terms and conditions as may be mutually agreed upon between such county and the Prison Commission, and the Prison Commission shall have authority on behalf of the State to make contracts with any person or persons for clearing or grubbing timbered land, or for ditching, irrigation or drainage, reclamation or any like purpose; provided, however, that all convict labor used in any such work shall be under the rules and regulations of the laws and prison system and under the supervision and control of the prison management and the manager and guards thereof, and no contractor or private person shall have any direction or control whatsoever over the work of such contracts, and in no event shall the labor of a prisoner be sold to contractor or lessee to work on farms or elsewhere, nor shall any prisoner be worked on any farm or otherwise upon shares or upon any other farm or place than that owned or controlled by the State of Texas after January 1, 1914; provided, that all contracts for prison labor in existence January 20, 1911, shall terminate not later than January 1, 1914, and no contract for any prison labor shall be made which would extend beyond January 1, 1914.

LEWELLING.  
BURMEISTER.

Question—Shall the substitute be adopted?

Mr. Tarver moved to table the substitute and the amendment.

Mr. Ritchie called for a division of the question.

Question first recurring on the motion to table the substitute, it prevailed.

Question next recurring on the motion to table the amendment, it was lost.

Question recurred—Shall the amendment be adopted?

Mr. Tillotson offered the following substitute for the amendment:

Amend Article 6174, Revised Civil Statutes 1911, to read as follows:

"Section 3. It is hereby declared the policy of this State to work all prisoners within the prison walls and upon farms owned by the State; provided, that the Prison Commission may lease or rent such amount of land as may be essential to provide for the employment of convicts assigned to farm work, until such time as the State shall acquire for the use of the prison system such necessary acreage of agricultural lands."

Question—Shall the substitute be adopted?

Mr. Tarver moved the previous question on the substitute and the amendment, and the main question was ordered.

Question first recurring on the substitute, it was lost.

Question next recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yea—62.

Baker.	Heilig.
Barrett of Jones.	Henry of Bowie.
Barrett of Titus.	Herder.
Blalock.	Householder.
Bruce.	Hughes.
Burges.	Hunter.
Burmeister.	Jordan.
Byrne.	King.
Chrestman.	Kirby.
Colquitt.	Lewelling.
Cooper.	Macgill.
Cox of Ellis.	Mendell.
Crisp.	Mills.
Cunningham.	Morris of Coryell.
Dunn.	Neeley.
Fountain.	Owsley.
Fuller.	Penry.
Furrh.	Powell.
Gates.	Raiden.
Gentry.	Rich.
Goodner.	Ritchie.
Greenwood.	Robbins.
Griggs.	Robertson.
Hagins.	Rowell.
Hall.	Stephens.
Haney.	Stone.
Harp.	Sullivan.
Harris.	Templeton.

Tiller.	Williams
Vannoy.	of McLennan.
Vickers.	Woods of Fisher.
Watson of Mills.	

Nays—38.

Bierschwale.	Ratliff.
Brown.	Reedy.
Coffey.	Reeves.
Collins.	Roach.
Cope.	Rogers.
Craven.	Russell.
Dickson.	Savage.
Dodson.	Schwegman.
Dove.	Simpson.
Foster.	Smith.
Grindstaff.	Spradley.
Hill.	Tarver.
Kennedy.	Thompson.
Lane.	Tillotson.
Long.	Ussery.
McDaniel.	Wagstaff.
Nabours.	Watson of Hays.
Parker.	Woods of Navarro.
Parks.	Wortham.

Present—Not Voting.

Greer.	Patton.
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Absent.

Allison.	McAskill.
Bagby.	Mangum.
Bartley.	Morris of Victoria.
Broughton.	Olander.
Butler.	Paddock.
Campbell.	Ridgell.
Diffie.	Spann.
Flournoy.	Taylor.
Haxthausen.	Wahrmund.
Hornby.	Webb.
Humphrey.	Yarbrough.
Low.	

Absent—Excused.

Boehmer.	Murray.
Burns.	Oliver.
Calvin.	Rickerson.
Cox of Delta.	Ross.
Fields.	Tyson.
Glasscock.	Williams
McKamy.	of Hopkins.
Mulcahy.	

Paired.

Mr. Henry of Wichita, present, who would vote "nay," with Mr. Davis, absent, who would vote "yea."

Reason for Vote.

I am in favor of working convicts on the public roads, but do not believe the financial condition of the system will justify this step at this time. I therefore vote "yea" on the motion to table.

DODSON.

**Mr. Ritchie** moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

**Mr. Foster** offered the following amendment to the bill:

Amend Section 7 of the substitute bill by adding to the second paragraph thereof after the word "direct," the following: "and the Prison Commission shall permit the general manager to occupy, free of rent, a residence house belonging to the prison system."

**Mr. Wagstaff** moved the previous question on the amendment and passage of the bill to engrossment, and the motion was duly seconded.

Question—Shall the main question be now ordered?

Yea and nays were demanded, and the House refused to order the main question by the following vote:

Yea—42.

Baker.	Long.
Barrett of Jones.	McDaniel.
Blalock.	Mills.
Burneister.	Morris of Coryell.
Chrestman.	Powell.
Coffey.	Raiden.
Collins.	Reeves.
Craven.	Robbins.
Cunningham.	Rogers.
Dickson.	Russell.
Dodson.	Stephens.
Fountain.	Simpson.
Fuller.	Tarver.
Furhr.	Thompson.
Gentry.	Vannoy.
Griggs.	Vickers.
Hagins.	Wagstaff.
Hornby.	Watson of Hays.
Householder.	Williams
Hughes.	of McLennan.
Humphrey.	Woods of Fisher.
Kennedy.	

Nay—61.

Bierschwale.	Greenwood.
Brown.	Greer.
Bruce.	Haney.
Burges.	Harp.
Byrne.	Harris.
Calvin.	Heilig.
Campbell.	Henry of Bowie.
Colquitt.	Henry of Wichita.
Cooper.	Herder.
Cope.	Hill.
Cox of Ellis.	Hunter.
Crisp.	Jordan.
Dove.	Kirby.
Dunn.	Lane.
Flournoy.	Lewelling.
Foster.	Macgill.
Gates.	Mendell.

Nabours.	Rowell.
Neeley.	Savage.
Owsley.	Schwegman.
Parker.	Smith.
Parks.	Spradley.
Patton.	Stone.
Penry.	Templeton.
Ratliff.	Tiller.
Reedy.	Tillotson.
Rich.	Ussery.
Ridgell.	Watson of Mills.
Ritchie.	Woods of Navarro.
Roach.	Wortham.
Robertson.	

Absent.

Allison.	Low.
Bagby.	McAskill.
Barrett of Titus.	Mangum.
Bartley.	Morris of Victoria.
Broughton.	Olander.
Eutler.	Paddock.
Davis.	Spann.
Diffee.	Sullivan.
Goodner.	Taylor.
Grindstaff.	Wahrmund.
Hall.	Webb.
Haxthausen.	Yarbrough.
King.	

Absent—Excused.

Boehmer.	Murray.
Burns.	Oliver.
Cox of Delta.	Rickerson.
Fields.	Ross.
Glasscock.	Tyson.
McKamy.	Williams
Mulcahy.	of Hopkins.

Question—Shall the amendment be 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 enrolled bill:

House bill No. 1, "An Act making appropriations to pay salaries of judges, and for the support of the Judicial Department of the State government for the two years ending August 31, 1915."

#### SENATE BILL ON FIRST READING.

Senate bill No. 12 was laid before the House, read the first time, and referred to the Committee on Penitentiaries.

#### HOUSE BILLS ON FIRST READING.

(By Unanimous Consent.)

The following House bills, introduced today, were laid before the House, read

severally first time, and referred to appropriate committees, as follows:

By Mr. Reedy:

House bill No. 31, A bill to be entitled "An Act providing for the employment of felony convicts of this State, and for the disposal of the products of the labor of such convicts, and providing that the Prison Commission shall have control, regulation and supervision of the labor of such convicts and for the disposal of the products of their labor."

Referred to Committee on Penitentiaries.

By Mr. Cope:

House bill No. 32, A bill to be entitled "An Act to repeal Chapter 57 of the General Laws passed by the Regular Session of the Thirty-third Legislature, authorizing the Prison Commission to issue bonds to the amount of two million dollars, bearing interest at the rate of five per cent per annum; to provide for the redemption and sale of said bonds; to provide for a lien upon the properties of the penitentiary system; to secure said bonds; to provide for the payment of the debts of the penitentiary system; to provide for funds for the erection of buildings, for the purchase of lands, machinery, tools and supplies, and the establishment of factories provided for by the act of the Legislature, approved September 17, 1910; to provide for the operation of the penitentiary system for the years 1913 and 1914; to provide that this act shall be cumulative of all other laws, and declaring an emergency."

Referred to Committee on Appropriations.

#### RECESS.

Mr. Mills moved that the House recess to 8 o'clock p. m. today.

Mr. Woods of Fisher moved that the House recess until 9 o'clock a. m. tomorrow.

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

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

#### Yeas—47.

Brown.	Cooper.
Coffey.	Cope.
Collins.	Cox of Ellis.
Colquitt.	Cunningham.

Flournoy.	Raiden.
Foster.	Reedy.
Fountain.	Reeves.
Furrh.	Rich.
Gates.	Ridgell.
Gentry.	Russell.
Greer.	Stephens.
Hill.	Stone.
Hornby.	Tarver.
Hunter.	Tiller.
Lane.	Tillotson.
Lewelling.	Ussery.
Long.	Vannoy.
McDaniel.	Vickers.
Mendell.	Watson of Hays.
Morris of Coryell.	Watson of Mills.
Nabours.	Williams
Neeley.	of McLennan.
Patton.	Woods of Fisher.
Penry.	Woods of Navarro

#### Nays—57.

Baker.	Hughes.
Barrett of Jones.	Humphrey.
Bierschwale.	Jordan.
Blalock.	Kennedy.
Bruce.	King.
Burmeister.	Kirby.
Byrne.	Macgill.
Calvin.	Mills.
Campbell.	Owsley.
Chrestman.	Parker.
Craven.	Parks.
Crisp.	Powell.
Dickson.	Ratliff.
Dodson.	Ritchie.
Dove.	Roach.
Dunn.	Robbins.
Fuller.	Robertson.
Goodner.	Rogers.
Greenwood.	Rowell.
Griggs.	Savage.
Hagins.	Schwegman.
Haney.	Simpson.
Harp.	Smith.
Harris.	Spradley.
Heilig.	Templeton.
Henry of Bowie.	Thompson.
Henry of Wichita.	Wagstaff.
Herder.	Wortham.
Householder.	

#### Absent.

Allison.	Low.
Bagby.	McAskill.
Barrett of Titus.	Mangum.
Bartley.	Morris of Victoria.
Broughton.	Glander.
Burges.	Paddock.
Butler.	Spann.
Davis.	Sullivan.
Diffee.	Taylor.
Grindstaff.	Wahrmund.
Hall.	Webb.
Haxthausen.	Yarbrough.

**Absent—Excused.**

Boehmer.	Murray.
Burns.	Oliver.
Cox of Delta.	Rickerson.
Fields.	Ross.
Glasscock.	Tyson.
McKamy.	Williams
Mulcahy.	of Hopkins.

The motion of Mr. Woods of Fisher prevailed, and the House accordingly, at 5:50 o'clock p. m., took recess to 9 o'clock a. m. tomorrow.

**AFTER RECESS.**

(Saturday, August 9, 1913.)

The House met at 9 o'clock a. m., and was called to order by the Speaker.

**HOUSE BILL NO. 18 ON ENROSSMENT.**

(Pending Special Order.)

The House resumed consideration of pending business, same being House bill No. 18, relating to the penitentiary system, on its passage to engrossment, with amendment by Mr. Foster pending.

Question—Shall the amendment be adopted?

The amendment was adopted.

Mr. Long offered the following amendment to the bill:

Amend House bill No. 18 as amended by inserting after Section 9 the following:

Amend Article 6204, Revised Civil Statutes, so as to hereafter read as follows:

Art. 6204. The Prison Commission shall provide for religious services at prisons, farms and camps where prisoners are kept or worked. They shall employ such chaplains as may be necessary to afford all prisoners an opportunity to attend at least two religious services each month, said chaplains to devote their time to religious and moral training and education of the prisoners under their care, teaching them the principles and practice of every Christian and moral duty; provided, that chaplains may also be teachers as provided for in this chapter.

The amendment was adopted.

Mr. Russell offered the following amendment to the bill:

Amend the substitute by inserting after the word "self-defense," in Section

10, paragraph 3, line 8, the following: "Or as provided herein."

The amendment was adopted.

Mr. Hill offered the following amendment to the bill:

Amend the substitute, Section 10, column 2, of the Journal, by inserting after the words "general manager of the prison system" the following: "Provided, that no order to whip a convict shall be issued until an affidavit in writing, signed by some credible person, shall be filed with the officer in charge of the convict, charging the convict with the violation of some rule of the penitentiary system and until the officer making the request for a whipping order shall submit to the Prison Commission and general manager written evidence of the charge of misconduct or violation of the prison rule upon which said request for an order to whip is based, which evidence shall be sworn to by the person or persons making the charge and approved by the manager, warden or foreman in charge of the convict. And the Prison Commission and general manager shall not sign any order to whip a convict until they have examined said written evidence and shall find that said convict has been guilty of the offense charged, and shall certify to that fact upon the minutes of the Prison Commission. And in every case the convict shall have the right to be heard and give evidence in his own defense and to have witnesses summoned and testify in his behalf, if any he has, and convicts shall have the right to testify; and the person making the complaint against said convict shall not execute said punishment order.

Question—Shall the amendment be adopted?

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

Mr. Penry offered the following amendment to the amendment:

Amend the amendment by adding thereto: "Provided, any employee of the prison system who makes a willfully false charge against a prisoner shall be at once dismissed from the service, and the fact of such false affidavit having been made shall be communicated by the manager to the grand jury of the county in which such affidavit is made, to the end that he may be prosecuted for false swearing."

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Mr. Hill moved to reconsider the vote by which the amendment as amended was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Henry of Bowie offered the following amendment to the bill:

Amend the substitute to House bill No. 18 by adding another section to the substitute, which shall read as follows:

"Section 16. There shall be added after Article 6227, Revised Civil Statutes of Texas, Article 6227a, which article shall read as follows:

Article 6227a. If for any reason any section or part of this act shall be held to be unconstitutional or invalid, then that fact shall not invalidate any other part of this act, but the same shall be enforced without reference to the parts, if any, so held to be invalid, unless the entire act shall be held invalid."

The amendment was adopted.

Mr. Cope offered the following amendment to the bill:

Amend substitute to House bill No. 18, Article 6192, by adding after the words "with the prison system," in paragraph 2, on page 263, House Journal, the following: "including a full and complete labor account in all departments of the prison system."

The amendment was adopted.

Mr. Tillotson offered the following amendment to the bill:

Amend Article 6173, Revised Civil Statutes, 1911, to read as follows:

The prison system of this State, as referred to in this act, shall include such penitentiaries as are now used, or as may hereafter be established, and all farms or camps where State prisoners are, or may be kept or worked, together with all property of every character belonging thereto or connected therewith.

"The Prison Commission is hereby directed to discontinue the Rusk penitentiary at the earliest practicable date, and not later than January 1, 1915."

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

Mr. Reedy offered the following amendment to the bill:

Amend substitute to House bill No. 18 by striking out all after the words Section 1, in substitute and insert in lieu thereof the following:

It is hereby declared to be the policy of the State of Texas in the operation of its prison system to so manage and

conduct the same as to give those persons who are convicted of a felony and sentenced to serve in the penitentiary of the State humane treatment and every reasonable and necessary opportunity to reform.

Sec. 2. In carrying out this policy all convicts sentenced to the penitentiary shall be worked within the walls of the prisons or in some factory or industry owned and operated in connection therewith or at labor incident thereto, and on farms owned or leased by the State; and the practice of hiring or leasing convicts to any person or association of persons is hereby forbidden.

Sec. 3. The State shall use the labor of its convict system for the purpose of improving its own buildings and properties and additional buildings as the necessities of the system may require.

Sec. 4. It is further declared to be the policy of the State of Texas to so use its convict labor, in so far as reasonable and profitable to manufacture and grow everything which may be necessary to supply the demands of every State institution which is maintained in whole or in part out of the appropriations from the State Treasury; and to effectuate and carry out this purpose a reasonable and reciprocal preference shall be given in the purchase and sale of such products by and between these different institutions of the State and the prison system.

Sec. 5. The prison system of the State of Texas wherever mentioned in this act shall be understood to include all prisons, properties and farms owned and operated by the State in connection with the keeping, control and working of its felony convicts or incident thereto. The State railroad from Palestine to Rusk and all the property owned and used as a part of said railroad system shall not hereafter be known, owned or used as a part of the prison system.

Sec. 6. To execute and carry out such policy the management and control of the prison system of the State of Texas, shall be vested in a board to be known as the Board of Prison Commissioners, and who for the purposes of this act, shall be referred to and known as the Prison Commission of the State of Texas. Said Prison Commission shall be composed of three persons who shall be appointed by the Governor, with the advice and consent of the Senate, if the Senate is in session when said appointment is made, but if not in session then without said advice and consent, whose term of office shall be six years from date of appointment or until their suc-

cessors are appointed and qualified. Those persons first appointed under this act shall hold their respective offices as follows: One shall hold for two years, one for four years; one for six years; the terms to be decided by lot after they shall have qualified. In case of vacancy in the office of either Commissioner the Governor shall fill the unexpired term by appointment. Appointments made when the Senate is not in session shall only continue until the next succeeding session of the Legislature.

Sec. 7. Each member of said Commission shall be known as Prison Commissioner, and he shall, within ten days after his appointment, execute a bond payable to the Governor of the State, and his successors in office, for the use of the State, in the sum of fifty thousand dollars, conditioned that he will faithfully discharge the duties of his office, which said bond shall be executed with two or more good and sufficient sureties, or with some indemnity, fidelity or bonding companies authorized to do business in Texas, the form of which bond shall be prepared by the Attorney General, and the sufficiency of the sureties thereon approved by him, and the same when so approved by him shall be filed with the Secretary of State; which said bond shall not be void on the first recovery of part or of the whole of the penalty, but shall thereafter continue in force for the whole amount of the penalty thereof and may be sued on from time to time, and shall be deemed to extend to the faithful performance of his duties of his trust, until his successor shall be qualified, and shall have entered upon the duties of his office. And it shall be the duty of the Attorney General upon notice of the default or failure to perform the duties as contemplated by law, by any member of said Prison Commission to bring suit in any court of competent jurisdiction in Travis county, Texas, for the forfeiture and collection of said bonds, and before entering upon the duties of his office, each member of said board shall take the oath prescribed by the Constitution of this State.

Sec. 8. The Prison Commission shall hold regular sessions in the city of Austin on the first Monday in January, March, May, July, September and November of each year. No regular session of said Commission shall extend beyond thirty days; provided, the Governor may by written order prolong any regular session for good cause beyond thirty days; and in case of emergency he may in the same manner convene

said Commission in extra session. Should a session be prolonged, or an extra session be called as herein provided, no business shall be considered or disposed of at any such prolonged or called session other than that which the Governor shall submit to it for consideration therein. The said Commission may appoint a stenographer who shall perform all the duties incident to such appointment.

Sec. 9. Each member of the Board of Prison Commissioners shall receive as full compensation for his services the sum of six dollars per day for each day devoted to the discharge of his duty as such, to be paid at the end of each regular session which the Prison Commission may hold; and in addition thereto he shall be allowed all reasonable and necessary traveling expenses actually incurred when traveling on business of the prison system, to be paid, together with said salary, out of the funds of the prison system, all such expense accounts to be itemized and sworn to in duplicate, and approved by the Board of Prison Commissioners, or a majority of said board, and audited by the auditor of the prison system, one copy to be kept with the records of the Board of Prison Commissioners and one copy to be filed with the Comptroller of Public Accounts. The Prison Commission shall maintain a general office in the town of Huntsville, in Walker county, Texas, which is hereby designated as the headquarters of the prison system, and where they shall continuously reside in houses which they shall be permitted to occupy, free of rent. Besides this, neither of said Commissioners shall receive any other compensation or privilege for his services.

Sec. 10. Each member of the Prison Commission shall devote so much of his time to the discharge of the duties of his office as may be required by law, and neither member of said board shall be directly or indirectly connected with or interested in any contract, sale or purchase of any property or thing whatsoever which may be owned or made during his term of office, and in which either the State or the prison system is interested. And any violation of any of the provisions of this article shall be sufficient ground for his immediate removal from office.

Sec. 11. Said Commission shall be held responsible for the enforcement of all laws and rules for the proper care, treatment, feeding, clothing and management of the prisoners confined within the prisons, and at all times for the faithful enforcement of the spirit, intent and purpose of all laws and rules now

or hereafter made for governing said system; and it is especially provided that the Prison Commission shall be held responsible for maltreatment of prisoners, and, if permitted by them, the same shall be sufficient grounds for immediate removal from office.

Sec. 12. The Prison Commission shall promulgate rules and regulations for the feeding, clothing, care, keeping and treatment of prisoners. These rules shall be in writing and kept continuously and conspicuously before all convicts and all persons in authority over convicts; and the said Commission shall cause these rules, and all rules and regulations promulgated by them for the treatment and government of convicts, to be read to the convicts, and to the persons in authority over them not less than twice in each month; and no convict shall be punished for the infraction of any prison rule with which he has not had a fair and reasonable opportunity to familiarize himself. The Prison Commission are hereby authorized to grant paroles to deserving convicts who have served not less than the minimum term of their sentence with clear prison records and faithful and efficient performance of such duties and labors as they were directed to perform. Paroles so granted shall contain explicit rules for the government, conduct and duty of the convict receiving same, which rules shall be made by the Prison Commission, signed and accepted by the convict. All paroles granted by the Prison Commission shall be revokable by the said Commission for breach of same, or for other sufficient cause. It shall not be necessary for the Prison Commission before granting a parole to any convict to cause any publication of their intention to do so in any newspaper published in the community where the offense for which conviction was had was committed, or elsewhere, nor shall it be necessary to have the recommendation of the prison chaplain, but they shall make inquiry and ascertain if there is reasonable objection to the granting of such parole, and if there proves to be such objection they shall not grant parole until that objection is removed or overcome.

The Prison Commission shall not have authority to grant paroles to persons previously convicted of two or more felonies; nor shall they have power to grant paroles to life term convicts who have served less than fifteen years of their term with a clear or a cleared prison record. The Prison Commission shall execute and aid on the enforcement of

the indeterminate sentence law and any amendments thereto, to the end that said law may have full and practical effect.

Sec. 14. The Prison Commission, with the approval of the Governor, shall have power to purchase, or cause to be purchased, with such funds as may be at their disposal, any lands, buildings, machinery, and tools for the use of said prison system, and may establish such factories as in their judgment may be practicable and that will afford useful and proper employment to prisoners confined in the State prison, under such regulations, conditions and restrictions as may be deemed best for the welfare of the State and the prisoners, under the terms of and to carry out the spirit of this act.

Sec. 15. The Prison Commission shall have the power, with the approval of the Governor, to purchase such land as may in their judgment be necessary in the operation of said system, and the employment of prisoners confined in said prison; and in the purchase thereof they may pay such sum in cash as may be agreed upon with the vendor; and for the unpaid purchase money to become due upon said land, they shall execute to the vendor notes payable in such sum and at such time as may be agreed upon between the parties; and the payment of which shall be secured by a deed of trust upon such land in the usual form, containing such covenants as may be agreed upon between the parties, and may pledge a sufficient amount of the net revenues of the property so purchased to pay the deferred installments of purchase money thereon; and it shall be expressly provided in the conveyance to said land, the notes executed for the unpaid purchase money, and the deed of trust upon said land, and the net revenues so pledged for payment and that no personal liabilities against the Prison Commission or the State of Texas shall arise out of said transaction beyond said liens; and the purchase money paid originally, as well as the installments paid upon the deferred payments, may be paid out of any funds belonging to said prison system. The title to all lands purchased by the Prison Commission under the terms of this section shall be examined, passed upon and approved as good and sufficient by the Attorney General; and all conveyances, notes and trust deeds and other instruments executed under the provisions of this section shall be prepared, passed upon and approved by the Attorney General. The title to all lands so purchased

shall vest in the Prison Commission, and their successors in office, as trustees for the State.

Sec. 16. The Prison Commission is authorized, and it shall be its duty, with the approval of the Governor, to cause to be constructed upon land now belonging to the prison system, and upon such land as may be bought hereafter, all necessary, modern, well-ventilated prison buildings, with proper bathing facilities and all necessary sanitary water closets and other sanitary arrangements within such buildings; also sanitary kitchens, dining rooms, hospitals, school rooms, and chapels as may be necessary for the benefit of the prisoners, using convict labor for such purposes whenever it can be so used to the benefit of the prison system. The provisions of this article shall be carried out to completion as rapidly as is practicable; provided, however, that no building shall be hereafter built for the use of the prison system of the value of one thousand dollars or more except on uniform plans, specifications and estimates of an architect to be appointed by the Governor, which plans, specifications and estimates shall be approved by the Governor, or some building commission especially created to select plans for and supervise the erection of prison buildings.

Sec. 17. Immediately upon the taking effect of this act, the Attorney General, State Treasurer and State Comptroller shall appoint a prison auditor, who shall hold office for two years, or until his successor is appointed and qualifies; and an auditor shall have qualified. Such prison auditor shall be a practical book-keeper, a thorough and competent business man, and be familiar with the values of all personal property to be purchased or sold by the Prison Commission. He shall, under such rules as may be adopted by the Prison Commission, except as otherwise provided in this act, have control of the books and accounts of the prison system and all persons appointed or employed to keep such books and accounts, and he shall establish and maintain a complete and comprehensive system of double entry bookkeeping, a combined voucher-check system, and cost of manufacture system; and he shall do and perform under the written direction of the Prison Commission all such duties as are required of him by the Commission and are ordinarily done and performed by an auditor, including taking and keeping a correct inventory of all the property of the prison system; and he shall draw all voucher checks which shall be drawn on

the State Treasurer for all property bought for the system.

Sec. 18. The prison auditor, before entering upon the discharge of his duties, shall execute a good and sufficient bond, to be prepared and approved by the Attorney General, payable to the Governor of the State of Texas, in the sum of twenty-five thousand dollars, conditioned that he will faithfully and truly perform the duties of his office. He shall also take and subscribe to the oath of office prescribed by the Constitution of the State of Texas.

Sec. 19. Upon the taking effect of this act general business manager herein provided for may appoint an officer to be known as the general farm manager, if he deems it best so to do, who shall hold his office for two years, or until his successor is appointed and has qualified. Each succeeding general farm manager shall be so appointed for a term of two years and shall hold his office until his successor is elected and qualifies. He shall, with the approval of the general business manager have the right to employ and discharge the manager or any assistant manager for any of the farms or any employe thereon. The general farm manager herein provided for, with the approval of the general business manager, shall adopt such general plan of farming, and the crops which shall be grown on each farm, but all details incident thereto shall be under the full management and control of the general farm manager.

Sec. 20. It shall be the duty of the general farm manager at the beginning of each year to make or cause to be made a complete inventory on each of the State convict farms. This inventory shall show all the State-owned property of each and every kind which was on said farm at the beginning of the year just ended and the value of same. It shall show all crops raised on said farm for the year just ended, the quantity and value of each of said crops and the disposition made of same. Said report shall show the number and value of all increase or decrease in value of live stock on said farm during the year just ended, and the increase or decrease of the value of all tools and machinery added to or taken from said farm during said period.

It shall also be the duty of the general farm manager to notify the general business manager whenever any crop, or crops, grown on the State prison farms are ready for market, or are about to be ready for market. Said notice shall state the real or probable value of such

crop, the amount which will be needed for consumption on the farm and the amount which will be for sale. This notice shall be made through the prison auditor, who shall make and keep a copy of same for use in his own office, and another copy he shall deliver to the Prison Commission. The general farm manager shall do and perform all such other duties as may be required of him by order of the general business manager and he shall make such other and further reports as may be required of him by the general business manager.

Sec. 21. No property belonging to any of the State prison farms shall be used thereon or removed therefrom except on written requisition made on and allowed by the general far manager.

Sec. 22. The general farm manager shall be allowed such compensation as may be agreed to by and between the general business manager and the general farm manager, to be paid out of the earnings of the prison system, in the manner provided by law.

Sec. 23. The general farm manager shall, before entering upon the discharge of his official duties, take the oath of prescribed by the Constitution of the State of Texas, and execute and deliver to the Prison Commission a good and sufficient bond in the sum of twenty-five thousand dollars, payable to the Governor of the State of Texas, or his successors in office, conditioned that he will faithfully and honestly perform all the duties of his office. The form and sufficiency of said bond shall be examined and approved by the Attorney General.

Sec. 24. To further aid in carryeing out the purposes of this act there shall be appointed by the Prison Commission a capable and experienced business man to be known as general business manager of the penitentiary system. The person so appointed shall hold his office for a term of two years or until his successor shall have been elected and shall have qualified. The general business manager shall receive as full pay for his services such compensation as may be agreed to between himself and the Prison Commission, together with all necessary and reasonable traveling expenses incurred in the discharge of his duty, but no account for traveling expenses shall ever be paid unless the same is properly itemized and duly verified as to reasonableness and necessity for same by the person presenting it, examined and approved by the prison auditor and allowed by the Prison Commission.

The general business manager shall, before entering upon the discharge of his duties, execute a good and sufficient bond payable to the Governor of the State of Texas and his successors in office in the sum of fifty thousand dollars, to be examined and approved by the Attorney General as to form and sufficiency. Such bond shall be signed by two or more individuals or by some approved bonding company. Each subsequent general business manager shall be elected by the Prison Commissioners and he shall hold his office for a term of two years or until his successor shall have been elected and shall have qualified.

Sec. 25. The general business manager shall have general supervisory charge and control over all the business of the prison system, including the farms and farming, which shall be under the supervision of the general farm manager, as is inthis act otherwise provided. He shall promptly and fully report to the Prison Commission all needs of and the improvements for said system, with reports shall be in writing and made through the prison auditor. He shall receive and carefully examine and report to the Prison Commission with his approval or rejection endorsed thereon, all requisitions for the purchase or sale of personal property, buildings, work stock, machinery, groceries, supplies, including clothes and shoes for convicts, and pay of all employes of the system. He shall supervise and direct the distributing of convict labor and convicts through the prison system, having due regard for the health of the convicts and the adaptability of each convict to perform the work assigned to him; provided, however, he shall not bring third class convicts in contact with convicts of the first and second class nor shall he cause or permit a general intermingling of the races, but in so far as is possible he shall keep white convicts, black convicts and Mexican convicts each separate from the other. The general business manager shall make requisition in writing on the Prison Commission for the purchase of all property required by the prison system, and each such requisition shall be made through the prison auditor.

Sec. 26. In addition to the foregoing powers conferred on the general business manager and duties imposed on him, he shall do and perform all additional things that may be imposed on him, or required of him by order of the Prison Commission in any of its regular or called sessions or by law.

**Sec. 27.** The Prison Commission shall cause the business manager and the general farm manager of the system to make or cause to be made annually on January 1st of each year, or oftener, a full and complete inventory of all lands, buildings, machinery, tools, live stock, and all other property of every description, under, in or belonging to their respective departments owned by the prison system, and they shall cause to be set opposite each item the book value and also the actual value of the same so as to afford an easy comparison with the previous annual statement. And the Prison Commission shall cause to be kept in the accounting department of the prison a system of books, showing a separate account with each industry and farm, and for the system as a whole, showing the losses, profits and net earnings of each industry and each farm connected with the system, and they shall make a report of the same annually as soon after January 1st of each year as possible to the Governor, which report shall be published by the Governor in a sufficient number of copies to give general publicity to such report; such report to include the rules and regulations in force for the financial management of said system, and the methods of dealing with the convicts thereof.

**Sec. 28.** The State Treasurer is hereby made the Treasurer for the prison system; the prison auditor is hereby created the accounting officer for the prison system; and the State Purchasing Agent is hereby created the purchasing and sales agent for the prison system. The State Treasurer, prison auditor and the State Purchasing Agent, in discharging the duties hereby imposed, shall do and perform all such duties as are incident to their appointment, unless otherwise provided in this act. All purchases for the prison system shall be by sealed bids and no bids shall be opened except in the presence of the Prison Commission.

**Sec. 29.** The Governor may cause the books of the prison system to be audited at the close of each fiscal year, and he shall have power and he may appoint a certified auditor at the close of each year for the purpose of carrying out the provisions of this section of this act. The person appointed auditor under the terms of this section shall receive a fair and reasonable compensation for his services, the amount to be agreed to and fixed between the person so appointed and the Governor before the person so appointed shall have entered upon the

discharge of his duties. The person so appointed auditor shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed by the State Constitution, and, in addition thereto, he shall swear to each report that he may make that his examination and audit set out in his report is full, fair and correct.

**Sec. 30.** The Prison Commission shall have the right to bring and maintain any and all suits on behalf of the Prison Commission to recover any money or property belonging to said system; to prosecute any suit for said purposes now pending in any court; to bring suit to prevent any wrong about to be committed against the prison system, and to enforce any legal demand which it may have. All such suits may be brought in the county where the general office of the Prison Commission is maintained. Any person or corporation so sued by the Prison Commission may plead in offset any counter claim or offset which he may have against the Prison Commission growing out of the immediate matter of the suit, or any liquidated demand which he may have against the Prison Commission; provided, however, that no person or corporation shall ever be permitted to plead any such defense against any suit so brought any claim for unliquidated damages or sounding in court without permission of the Legislature so to do; provided, however, no defendant shall ever be permitted to plead any such defensive matter in any suit now pending or hereafter brought on any cause of action which may have arisen prior to the passage of this act against the prison system without permission of the Legislature so to do.

**Sec. 31.** The Prison Commission shall, unless otherwise provided by law, fix the salaries of all officers and employees of the prison system upon such basis as the labor and ability of the officer and employee entitles him to, such salary to be paid monthly at the end of each month. They shall pay to those employed as guards of the convicts a salary such as may be agreed upon by the Prison Commission and furnish them board and lodging free; provided, that for long and meritorious service, adaptability to the work, the Prison Commission may increase the pay of any guard to an amount per month adequate to the service rendered. No person shall be employed as guard to guard convicts who is not able to read and write and has not a fair knowledge of the English

language; and the Prison Commission may provide such other qualifications as they may deem expedient; provided, that no person shall be employed as a guard who is in any way addicted to the use of intoxicating liquors, narcotics, or who habitually smokes cigarettes; and any guard who is vulgar, boisterous or profane shall be dismissed from the service. The Prison Commission shall require all officers and employes connected with the prison system of this State to take and subscribe to the oath of office prescribed by the Constitution.

Sec. 32. It shall be the duty of some member or members of the Prison Commission, at such times as he or they may consider necessary, without notice, to visit each prison, camp or farm where prisoners are kept or worked, and to carefully inspect same with reference to the food, clothing and treatment of the prisoners, the general sanitary conditions existing at such prisons, camps or farms, reporting upon such conditions, the efforts at reformation, the general conduct of all officers and employes connected therewith, and punishment administered for the enforcement of prison discipline; provided, that the various prison camps and farms where prisoners are kept may be divided for the purpose of this inspection between two or more members of the Prison Commission.

Sec. 33. Each member of the Board of Prison Commissioners, in the discharge of his duties is authorized to administer oaths, to summon and examine witnesses and take such other steps as he deems necessary to ascertain the truth of any matter about which he may have the right to inquire.

Sec. 34. If any member of the Board of Prison Commissioners shall be guilty of malfeasance, misfeasance or nonfeasance in office, or shall become incapable or unfit to discharge his official duties, or shall willfully fail, refuse or neglect to discharge the duties of his office, such member shall be subject to removal from office as provided by Article 6027 of the Revised Civil Statutes of the State of Texas of 1911.

Sec. 35. The Prison Commission may, from time to time, and in such numbers as in their judgment seems best for the prison system, authorize the general business manager to appoint from among the trusties of the system such persons as are suitable for guard service; and as an inducement to faithful and efficient guard service by persons so appointed, conditioned alone on fidelity and effi-

cacy, the Prison Commission may reward any such person so assigned to guard duty by moderate cash compensation, recommendation to the Governor for parole, diminution of time, commutation of sentence or pardon, or such other favorable consideration as he or she may merit; and they may extend to such convicts any consideration or favor to which they consider them entitled by reason of such service, not inconsistent with the laws of the State of Texas. The prison system shall adopt rules by which convicts may become trusties and for the government of trusties.

Sec. 36. The Prison Commission shall provide a seal whereon shall be engraved in the center a star of five points with the words "The Prison Commission of the State of Texas" around its margin, which said seal shall be used to attest their official acts.

Sec. 37. If any person shall carry into or be concerned in carrying into any penitentiary, prison building or convict camp in this State any spirituous liquors, vinous or malt liquors or medicated bitters capable of producing intoxication, or shall give, sell, barter or exchange to any convict in this State any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, he shall upon conviction thereof be punished by confinement in the penitentiary for not less than two nor more than five years.

Sec. 38. Any officer or employe of the prison system, who shall fraudulently convert to his own use and benefit any food, clothing or property belonging to or under the control of the prison system, shall be guilty of theft, and upon conviction be punished as prescribed by law.

Sec. 39. Any officer, agent or employe in any capacity of the prison system of this State who shall be financially interested, either directly or indirectly, in any contract for the furnishing of supplies or property to the prison system, or the purchase of supplies or property for the prison system, or who shall be financially interested in any contract to which said prison system is a party, or who shall knowingly and fraudulently sell or dispose of any property belonging to said prison system below its reasonable market value, or who shall be financially interested in any other transaction connected with the prison system, shall be guilty of the offense of theft and, upon conviction thereof, shall be punished as provided by the Penal Code for

such offense, and each transaction shall constitute a separate offense.

Sec. 40. Any sergeant, guard or other officer of the prison system of this State who shall inflict any punishment upon a prisoner not authorized by the rules of the prison system shall be guilty of an assault and, upon conviction thereof, shall be punished as prescribed by law, and the fact that the person assaulted is a convict shall be no defense; and it shall be the duty of the Prison Commission to make complaint before the proper officer of any county in which such assault was committed upon such prisoner. Provided, that in all cases where any person is charged by complaint or indictment with an offense against a prisoner, prisoners and ex-prisoners shall be permitted to testify.

Sec. 41. The more effectually to carry out the policy of this act there is hereby appointed a Board of Prison Visitors, who shall be known as the Legislative Visiting Board. Said board shall be composed of one member of the House of Representatives and one member of the Senate of the State of Texas and the Lieutenant Governor; the member from the House and from the Senate shall each be appointed by the Governor, and each member of said committee shall receive five (\$5) dollars per day and all reasonable necessary expenses, to be paid on the approval of the Governor out of any funds in the treasury not otherwise appropriated, as compensation for service.

Sec. 42. It shall be the duty of said visiting board to visit each of the penitentiaries and prison farms of Texas once in each two months. They shall have the right and it shall be their duty to personally inquire into the conduct and treatment of all prisoners and prison property, examine books and accounts at such times as may to them seem best. When the committee shall have completed each visit they shall report their findings and recommendations in writing to the Governor, for the use of the Governor and subsequent Legislatures in dealing with the convicts and prison problems.

Sec. 43. It shall be the especial duty of said visiting board to call to the attention of the Governor for pardon, commutation or parole any convict whose prison life is such as will entitle him thereto, and they shall also, in their reports, call to the attention of the Governor the conduct of any officer of the prison system which is unusually good

or bad. Said board shall have the power and it shall be its duty to extend to all convicts entitled thereto, all the benefits of the indeterminate sentence law who have not otherwise received the benefit thereof, under such rules as the said visiting committee may adopt, but their power herein shall only extend to granting paroles.

Sec. 44. The said visiting board while engaged in the discharge of its official duties may exercise all the powers of a magistrate in subpoenaing witnesses, administering oaths and taking testimony, and any person who shall knowingly make any false statement under oath while testifying before the board shall be punished for false swearing as provided in the Penal Code of the State of Texas.

Sec. 45. It shall be the duty of the Prison Commission to make suitable provision and regulation for the safe and speedy transportation of prisoners from counties where sentenced to the penitentiary. Said transportation shall be on State account; and in no instance shall the prisoners be carried direct from the county jails to the State farms, but they shall first be carried to some central point or place in the system where a large number of convicts are assembled and where the character of labor which each prisoner may reasonably perform shall be determined. Upon the arrival of each prisoner at the point or place in the penitentiary designated for that purpose, some person appointed for that purpose shall cause a statement to be made by the prisoner, which shall contain a brief history of his life, and showing where he has resided, the names and postoffice addresses of his immediate relatives, and such other facts as will tend to show his past habits and character; and the Prison Commission shall, by correspondence, or otherwise, secure such further facts as are obtainable and verify or disprove such statements, if practicable, and shall preserve the record and information so obtained for future reference and use. It shall be the duty of each district judge, before passing sentence on any convicted person, to secure from said convict the information mentioned in this section and to transmit or cause to be transmitted to the prison authorities with the convict all such information so obtained.

Sec. 46. Except for third class prisoners the Prison Commission shall abolish striped or checked clothes for prisoners, except as a mode of punishment for the

violation of prison discipline, substituting in place of stripes some suitable uniform.

Sec. 47. The Prison Commission shall, as soon as practicable, provide at each prison, farm and camp where prisoners are kept or worked, schools for instruction of prisoners in elementary branches of the English language, mathematics and industrial training, and such other instruction as they may prescribe, and they shall also provide suitable recreation for the prisoners at reasonable hours. They shall employ such number of competent teachers to instruct the prisoners as in the judgment of the Prison Commission may seem necessary; and the Prison Commission shall make reasonable rules and regulations whereby the prisoners may attend such schools, which attendance shall not materially conflict with the convict's hours of labor. The Prison Commission shall prescribe and furnish to the prisoners suitable books and other reading matter, and to this end may establish and operate among the prisoners a circulating library, and they may adopt such other means of distributing among the prisoners good and wholesome literature as in the judgment of the Prison Commission will best enable the prisoners to avail themselves of the same; provided, that all teachers herein provided for shall as far as practicable be taken from the convicts, and such convict teachers may be excused from further labors. The prison chaplain shall be ex-officio librarian of the penitentiary, and direct such work as may be prescribed for such library management.

Sec. 48. The Prison Commission shall provide for religious services at prisons, farms and camps where prisoners are kept or worked. They shall employ such chaplains as may be necessary to afford all prisoners an opportunity to attend at least two religious services each month, said chaplains to devote their entire time to the religious and moral training and education of the prisoners under their care, teaching them the principles and practice of every Christian and moral duty; provided, that chaplains may also be teachers as provided for in this section. The prison chaplains are also required to look after the bodily welfare of the convicts in their care. They shall make reasonably frequent personal visits to each convict and shall see that convicts have prescribed diet and treatment while sick.

Sec. 49. The Prison Commission shall

see that all State prisoners are fed good and wholesome food, properly and cleanly prepared and cooked under wholesome, sanitary conditions, and in sufficient quantity and reasonable variety; and they shall hold all under officers performing this work or supervising it strictly to account for any failure to carry out this provision. That their food may be properly prepared, the Prison Commission shall provide for the training of prisoners as cooks. The Prison Commission shall properly consider and reward such cooks for cleanliness and proficiency in cooking food.

Sec. 50. The Prison Commission shall require, at the end of each month, reports showing fully the condition and treatment of all prisoners and the changes in prison population during the month, including itemized statements of all different items of food, clothing and tools and implements used and on hand in each of the units of the prison system and such other matters as they may require. All such reports shall be sworn to as full, complete and correct by the persons making same.

Sec. 51. The Prison Commission shall keep a register of all prisoners belonging to the prison system, showing the number of each prisoner, giving the aliases, name, age, height, color of hair, color of eyes, complexion, marks on person, sex, nativity, residence, county where convicted, offense of which convicted, date of sentence, date of receipt, previous occupation and habits, if known, and may adopt such other means of identification as they may deem proper and necessary. They shall keep a record of the general conditions and conduct of each prisoner, noting all punishments, forfeitures for bad conduct, changes and incidents of importance that may occur during his confinement; and to the end that complete records may be kept, they may require from all under-officers such monthly and other reports as they may deem proper, which said reports shall be sworn to as true and correct by the person making same. They shall issue discharges to such prisoners as are entitled thereto by expiration of sentence or otherwise.

Sec. 52. That persons confined in the State prisons of this State may have every opportunity and encouragement for moral reform, it shall be the duty of the Prison Commission, in addition to the requirements of this title, to provide every reasonable and practicable means for the encouragement of such reforms.

To this end, the Prison Commission shall provide for the classification of all prisoners, separating them into the following classes: First class, second class and third class. In the first class shall be included young men, first offenders, those appearing to be corrigible or less vicious than others, and likely to observe the laws, and to maintain themselves by honest industry after their discharge. Incorrigible convicts shall not be permitted to remain in this class. In the second class shall be included those appearing to be less corrigible, or more vicious, but content to work and to be so reasonably obedient to prison discipline as not to seriously interfere with the productiveness of the labor or with the conduct of those with whom they may be employed. In the third class shall be included those appearing to be incorrigible or so insubordinate or so vicious in their nature and conduct as to seriously interfere with the labor and moral development of those with whom they must come in contact. All insubordinate, profane or vulgar convicts shall be confined in this class. The Prison Commission shall make and enforce rules and regulations for the promotion and reduction of the prisoners from one of the foregoing classes to another, and shall transfer them from one of said classes to another, from time to time, as they may seem to merit promotion or reduction. The prisoners in each of the classes named shall be kept separate from each other and in different prisons or camps, or upon different farms, or at separate places upon the same farm. Each prisoner, upon entering the prison system, shall be assigned to one of its institutions, according to his class, and placed in the class to which he belongs, and he shall be furnished with the uniform designated for that class. The uniforms for classes Nos. 1 and 2 shall not be stripes, but they shall not be of like appearance, and shall be easily distinguished from each other, so that the prisoner's class can be easily known by his clothing. The Prison Commission shall provide specifically for the extension or denial of privileges for the various classes provided for. In order that prison discipline may be enforced, the Prison Commission may adopt such modes of punishment as may be necessary, such punishment being always humane. Whipping convicts and placing them in stocks is hereby prohibited, and the hanging of prisoners by wrists or arms is also forbidden. Convicts of the

third class shall be placed in stripes and shall not be permitted to work with, mingle with, eat with or sleep with convicts of the first and second classes.

Solitary confinement in a cell separated from all other cells, and built for that purpose, with a diet of bread and water, and the withdrawal of all privileges, shall be the extreme penalty which may be inflicted for any breach of prison discipline, failure to perform a reasonable amount of labor in the right way, or insubordination. Any convict who shall curse or abuse any guard or any fellow convict may be punished by such solitary confinement. The cell herein provided shall be cleanly kept and reasonably comfortable, and the bread and water diet shall be sufficient to sustain the convict.

Sec. 53. All female prisoners shall be kept separate and apart from the male prisoners. Where practicable, the Prison Commission shall keep the female prisoners on a separate farm or at a separate prison from the male prisoners, and shall provide reasonable rules and regulations for the government of the same.

Sec. 54. The Prison Commission shall provide such labor for said female prisoners as in their judgment they can reasonably perform, but the prison physician for such female prisoners shall at any time have the authority to say whether the physical condition of any female prisoner is such that she can perform any physical labor; provided that in the absence of the physician the matron shall pass upon the physical condition of the female prisoners.

Sec. 55. The Prison Commission shall keep the white female prisoners separate and apart from the negro female prisoners, and they shall select and place over said female prisoners a matron or matrons whose duty it shall be to give her personal attention to the welfare of the female prisoners. The matron or matrons so employed to look after the welfare of the female prisoners shall reside at the place where the female prisoners are kept.

Sec. 56. At the place where female prisoners are kept none but married men shall be kept as guards, and the houses for such guards and their families shall be provided by the State without cost of rent. The houses mentioned in this section shall not be situated farther than one hundred yards from the main prison building where such female prisoners are kept.

Sec. 57. If a female prisoner be re-

ceived with an infant, or if any child be born in the penitentiary, the child shall be permitted to remain with its mother until three to six years of age, in the discretion of and under such rules as may be described by the Prison Commission.

Sec. 58. Every prisoner who shall obey the law and observe the prison rules, whose conduct is good, and who shall do his work well and in proper manner shall receive compensation therefor at the rate of ten cents per day, so long as such good service and good work may continue, and no longer; which may be paid to him or his order in cash, or it may be credited on the term of his sentence, as he may direct, to purchase for him a further reduction of his term of service at the rate of one dollar per day for the reduction so purchased. When any prisoner shall forfeit any part of his good time for misconduct or violation of the rules or regulations of the prison system, he shall forfeit out of the compensation allowed under this section twenty-five cents per day for each of such good time so purchased. But no per diem credit shall be allowed to any convict as a matter of legal right, and only on the recommendation of the guard foreman, manager or warden, with the approval of the Prison Commission. Provided, however, if the prisoner be a life term prisoner, such per diem may be paid to him in cash under the rules and regulations as to conduct herein provided, or it may be paid out as directed by him, with the approval of the Prison Commission. Should any life term convict secure a commutation of his sentence to a term of years, then and in that event the per diem herein provided to which he may be entitled may be purchased a still further reduction of his term, as and under the rules governing persons serving a term of years. The per diem herein provided for shall be awarded under such rules and regulations as the Prison Commission may adopt for that purpose, but no such per diem shall ever be awarded except for good work and good conduct combined.

Sec. 59. No prisoner shall be worked on Sunday, except in cases of extreme necessity; and all prisoners so required to work on Sunday shall be paid out of the funds of the prison system in cash or shall be credited on their term of services as hereinbefore provided, as to the Prison Commission may seem best for the convict in the sum of one dollar per day for each Sunday worked. The terms

of this section shall not apply to cooks, waiters or persons who are employed at nonproductive labor.

Sec. 60. The various provisions of this law are designed to secure to the prisoners humane treatment, suitable moral instructions, to preserve and protect their health, and to extend to them such comforts and privileges as may be consistent with their situation, and at the same time to require of them due attention to their various duties and a strict observance of the discipline, rules and regulations of the prison system without which they shall not of a right be entitled to any of the privileges resulting under the provisions of this act.

Sec. 61. In order to encourage prison discipline, a distinction may be made in the treatment of prisoners so as to extend to all such as are orderly, industrious and obedient, comforts and privileges not given to others. The rewards bestowed on prisoners for good conduct shall be privileges and not rights and they shall consist of such relaxation of strict prison rules and the extention of them of social privileges as may not be inconsistent with proper discipline, and the per diem herein specified. Commutation of time for good conduct shall be granted by the Prison Commission, and the following deduction shall be made from the term or terms of sentences when no charge of misconduct has been sustained against a prisoner, viz.: Two days per month off the first year of sentence; three days per month off the second year of sentence; four days per month off the third year of sentence; five days per month off the fifth year of sentence; seven days per month off the sixth year of sentence; eight days per month off the seventh year of sentence; nine days per month off the eighth year of sentence; ten days per month off the ninth year of sentence; fifteen days per month off the tenth year of sentence and all succeeding years of sentence, all of which said privileges shall be granted if deserved in addition to that mentioned in previous sections of this act. A prisoner under two or more cumulative sentences shall be allowed cummutation as if they were all one continuous sentence. For each sustained charge of misconduct in violation of any rule known to the prisoner, which results in putting the offender in the third class in any one year of his term, the commutation allowed for one month of such year may be held forfeited for any sustained charge of escape, or attempt to escape, mutin-

ous conduct, or other serious misconduct, all the commutation which shall have accrued in favor of the prisoner for the last preceding year shall be forfeited, unless in case of escape the prisoner voluntarily returns without expense to the State, when such forfeiture may be set aside by the Prison Commission, and the prisoner's good time so lost restored to him. For extra meritorious conduct on the part of any prisoner he shall be recommended by the Prison Commission to the favorable consideration of the Governor for additional commutation or pardon; and, in the case of any prisoner who shall have escaped and been captured, part or all of his good time thereby forfeited may be restored by the Prison Commission, if in their judgment his subsequent conduct entitles him thereto.

Sec. 62. Hereafter life or long term prisoners who have actually served fifteen years or longer, and have no sustained charges of misconduct against them, and have a good prison record, may receive at the hands of the Prison Commission additional commutation of sentence; and, if a life sentence is commuted to a term of years, then such convict shall have the benefit of the ordinary commutation as if originally sentenced for a term of years, unless the Governor shall otherwise direct. The approval of this act by the Governor shall constitute his approval of each commutation of life sentence as may hereafter be granted by said Commission.

Sec. 63. Suitable clothing of substantial material, uniform make and reasonable fit and such footwear as will be substantial and comfortable, shall be furnished all prisoners; and no prisoners shall be allowed to wear or permitted to wear other clothing than that furnished by the prison authorities, except in case of meritorious conduct only, when the Prison Commission may allow the prisoners to wear citizen's underwear. Sufficient food of wholesome quality and variety and wholesomely prepared shall be furnished to all convicts, and such provisions shall be made for serving the food to prisoners as will tend to encourage and elevate them. It shall be the duty of every officer charged with the preparation of food to the prisoners to post in the dining room each morning the bill of food for that day, and the rules promulgated by the Prison Commission shall prescribe the quality, kind and variety. A true copy of the bill of

fare for each day shall be forwarded on the first day of each week to the Prison Commission. Prisoners shall not be allowed spirituous, vinous or malt liquors, except upon the prescription of the physician.

Sec. 64. Prisoners shall be kept at work under such rules and regulations as may be adopted by the Prison Commission; provided, that no prisoner shall be required to work more than ten hours per day in any shop or factory of the prison system, except in case of an extreme and unavoidable emergency, which time shall include the time spent in going to and returning from work, but not to include the intermission for dinner, which shall not be less than one hour. No convict who shall work on any of the farms of the prison system shall ever be required to work a longer time in any one day than from sunrise to sunset, including in said work day the time spent in going to and returning from work. Such convicts shall be given such time for dinner each day as is usually given to free farm laborers, at the time of the year when the work is being done. In going to and returning from work, prisoners shall not be required to travel faster than the usual walk. No greater amount of labor shall be required of any prisoner than his physical health and strength will reasonably permit, nor shall any prisoner be placed at such labor as the prison physician may pronounce him unable to perform. No prisoner upon his admission to the prison shall be assigned to any labor until first having been examined by the prison physician. Any officer or employee violating any provisions of this article shall be dismissed from the service.

Sec. 65. Prisoners who have been reported by the physician or other officer in charge as in a condition of health which required their removal to some other place shall be immediately so removed.

Sec. 66. Prisoners when received into the penitentiary shall be carefully searched. If money be found on the person of a prisoner, or received by him at any time, it shall be delivered to the chairman of the Prison Commission, and placed by him to the prisoner's credit in some bank, and a certificate of such deposit for same delivered to the prisoner, and the same may be paid out on the prisoner's written order, under such restrictions as may be prescribed by law or the prison rules. Any officer or employee having charge of a prisoner's money, or other thing of value, who

misappropriates the same, or any part thereof, shall be deemed guilty of a felony, and upon conviction thereof shall be confined in the penitentiary for a term of not less than two or more than five years.

Sec. 67. If any convict shall die in prison, the officer in charge of the prisoner at the time of his death shall immediately report the same to the Prison Commission, and, if he knows the address or place of residence of any relative within the third degree, either by consanguinity or affinity, he shall also notify by wire such relative of the death of such prisoner; and if such relative of the prisoner claims the body or will take charge of same, and is willing to defray the necessary expense, the body of such prisoner shall be turned over to such relative for burial, and the expense of shipping the body to where it is to be buried shall be paid by such relative. If the residence and address of the relative of such prisoner is unknown, and if such relative is not able and willing to defray the expense incident to the burial, the body of the prisoner shall be decently buried in citizens' clothes, and the grave marked by a stone with the convict's number and date of death inscribed thereon. If the body of such prisoner is not claimed by the relatives, the Prison Commission shall at once notify the county judge of the county from which the prisoner was sentenced of his death, the date and cause of death and place of burial. The Prison Commission shall cause to be made and kept a record of the deaths of prisoners; and certified copies of same made by the custodian thereof shall be admissible in evidence under the rules of law applying to official records. Any officer or employe of the prison system of whom any duties are required by this section who shall fail or refuse to discharge such duties, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, and he may be removed from office or discharged.

Sec. 68. The Prison Commission, or other person in charge of prisoners, upon the death of any prisoner under their care and control, shall at once notify the nearest justice of the peace of the county in which said prisoner died, of the death of said prisoner, if said death is sudden or violent or suspicious, and it shall be the duty of such justice of the peace, when so notified of the death of such prisoner, to go in person and make a

personal examination of the body of such prisoner, and inquire into the cause of the death of such prisoner; and said justice of the peace shall reduce to writing the evidence taken during such inquest, and shall furnish a copy of the same to the district clerk of the county in which said prisoner died; and the copy so furnished to said district clerk shall be turned by the district judge to the succeeding grand jury, and the said judge shall charge the grand jury if there should be an suspicion of wrong doing shown by the inquest papers, to thoroughly investigate the cause of such death. Any officer or employe of the prison system having charge of any prisoner at the time of the death of such prisoner who shall fail to immediately notify a justice of the peace of the death of such prisoner shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and by confinement in the county jail not less than sixty days nor more than one year; provided, if an inquest is held, the justice of the peace holding same shall be paid a fee of not more than two dollars in each inquest, said fee to be on sworn account therefor approved by the Prison Commission and paid out of any money belonging to the prison system.

Sec. 69. The Prison Commission shall provide for competent medical attention for all prisoners, and shall establish rules whereby all prison physicians shall be required to keep a record of all cases of sickness, accident or injury which they treat. The physicians so employed shall be reputable practicing physicians of not less than five years of successful experience in practice. Each physician employed in the prison system shall, at the end of each month, file with the Prison Commission a report in writing, subscribed and sworn to by him, which report shall state the names, race and sex of each prisoner treated or examined by him during said month, the malady or disease with which each was afflicted, and if any shall be suffering with wounds or injuries inflicted by accident or some individual he shall state the nature and extent of said injuries, by whom and by what means inflicted, or how the same occurred, and all such other information concerning said matters, and the condition of each prisoner treated or examined by him during said months as he may possess; provided further, that

**for a failure to make such a report or any false statement knowingly made by any such physician in any such report, he shall be prosecuted for the offense of false swearing as provided by law.**

**Sec. 70.** The Prison Commission shall also provide a competent dentist or dentists, whose duty it shall be to care for the teeth of the prisoners. Such dentist or dentists shall, at the direction of the Prison Commission, visit the various places where prisoners are kept or worked, at such intervals as prescribed for the purpose of examining the teeth and doing all necessary dental work.

**Sec. 71.** When a prisoner is entitled to a discharge from prison, he shall be furnished with a written or printed discharge from the Prison Commission, with seal affixed and signed by the chairman of the Prison Commission, giving prisoner's name, date of sentence, from what county sentenced, amount of commutation received, if any, the trade he has learned, if any, his proficiency in same, and such other description as may be helpful to the person so discharged. The prisoner on his discharge shall be furnished with a decent outfit of citizen's clothing of good quality and fit, two suits of underwear, ten dollars in money, in addition to any money held to his credit, and unredeemable and non-transferable railroad transportation not further from the place of discharge than to a point equal to the nearest depot to the county seat of the county in which he was sentenced.

**Sec. 72.** The Governor and all other members of the executive and judicial departments of the State and members of the Legislature shall be admitted into the prisons, camps and other places where prisoners are kept or worked, at all proper hours, for the purpose of observing the conduct and treatment of prisoners therein, and may hold conversation with convicts apart from all prison officers and all other persons. Other persons may visit the penitentiary under such rules and regulations as may be established by law or the Prison Commission.

**Sec. 73.** The Prison Commission, with the Governor's approval, may offer such reward for the apprehension of an escaped prisoner as may be fixed by the Prison Commission, which shall be paid as directed by the Prison Commission.

**Sec. 74.** No gambling shall be permitted at any prison, farm or camp where prisoners are kept or worked. Any officer or employe engaging in or

knowingly permitting gambling at any such prison, farm or camp shall be immediately discharged from the service.

**Sec. 75.** The Prison Commission, by and with the consent of the Governor, shall have the power to work convicts on public roads when they cannot employ them on the State farms or within the walls or at prison work. When convicts are worked on public roads owned by the State or a subdivision of the State, the humane provisions of this chapter shall be strictly complied with and enforced.

**Sec. 76.** For the purpose of minimizing the evil of political interference with the management of the Texas prison system and the convicts therein, it is hereby especially provided that no elected or appointed officer or hired employe of the said prison system of the State of Texas shall become a candidate for the nomination or election to any district, judicial or State office himself, nor shall he aid in securing the nomination or election of any other person to any such office while holding said office, or so employed; and no person shall be appointed or elected to any office in the Texas prison system, or given any employment therein, who, after the passage of this act contributes of his time or money or influence to secure the nomination or election of any person to any district, judicial or State office within the gift of the people of Texas. Any person now holding an appointment or elective position in said penitentiary system or who shall hereafter hold such position, and any person now or hereafter employed therein who shall seek for himself or for any one else any nomination to or election to any district, judicial or State office while holding such office, appointment or employment, shall be immediately removed from said office, appointive position or employment; and no person who hereafter contributes of his money, time or influence to aid any other person in securing the nomination to any district, judicial or State office shall ever be elected to, appointed to, or employed in any position in the Texas prison system during the term of office to which said candidate may be nominated or elected and if so elected, appointed or employed in the said prison system after extending such aid to any such candidate the person so extending any such financial or other aid shall be immediately removed from such office, appointment or employment.

**Sec. 77.** It is hereby made the duty

of each district judge in this State whose duty it is to hold court in any county where Texas prison convicts are kept or employed to instruct at least one grand jury in each year to visit the prison or place where such convicts are kept or worked, and the State prison, situated within said county for the purpose of inquiring into the mistreatment or maltreatment of any convicts employed therein.

Sec. 78. If any provision or provisions of this act should be held invalid the remaining portion shall not be affected thereby, but the same shall be given full force and effect.

Sec. 79. Chapters 1 and 2, of Title 104, of the Revised Civil Statutes of 1911, relating to the penitentaries and their management and all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 80. The fact that the laws now contain no adequate provisions for the management and operation of the prison system and that said system is now being operated at a great loss and unnecessary expenses and that the passage of the foregoing act is an imperative demand to relieve the condition of the prison system, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended and the same is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

Question—Shall the amendment be adopted?

Mr. Wagstaff raised a point of order on consideration of the amendment, on the ground that it proposes to strike out matter from the bill which the House has already inserted by amendment.

The Speaker sustained the point of order as follows:

The gentleman from Taylor (Mr. Wagstaff) raised a point of order against the amendment offered by the gentleman from Smith (Mr. Reedy), that it sought to strike out matters already inserted in the bill by an entire substitute for the bill after the enacting clause, when the House had already adopted an amendment, in the nature of a substitute for the bill, striking out all after the enacting clause, offered by the gentleman from Taylor (Mr. Wagstaff).

The Chair holds that, where an amendment striking out all after the enacting clause is adopted, it is subject to amendment as to particular matters contained in the substitute adopted, but an amend-

ment which would strike out the entire substitute already adopted by the House is not in order, for it seeks to strike out, rather than to make changes in, the substitute adopted. In other words, if it has been carried affirmatively to strike out all the bill after the enacting clause and insert "A," the substitute, it could not afterwards be permitted to strike out "A" and insert "B," another substitute. The insertion of "B" could only be made by defeating "A," or by a motion to reconsider the adoption of "A." An entire substitute may be adopted by the House, and with the expectation of amending and perfecting it, but certainly it would not be adopted with the intention of afterwards discarding the entire substitute.

Mr. Reedy offered the following amendment to the bill:

Amend House substitute for committee substitute by adding thereto another section, which shall be known as "Article 6227a, which shall read as follows:

"Article 6227a. For the purpose of minimizing the evil of political interference with the management of the Texas prison system and the convicts therein, it is hereby especially provided that no elected or appointed officer or hired employee of the said prison system of the State of Texas shall become a candidate for the nomination or election to any district, judicial or State office himself, nor shall he aid in securing the nomination or election of any other person to any such office while holding said office or so employed; and no person shall be appointed or elected to any office in the Texas prison system, or given any employment therein who, after the passage of this act, contributes of his time or money or influence to secure the nomination or election of any person to any district, judicial or State office within the gift of the people of Texas. Any person now holding an appointment or elective position in said penitentiary system or who shall hereafter hold such position, and any person now or hereafter employed therein, who shall seek for himself or for any one else, any nomination to or election to any district, judicial or State office while holding such office, appointment, or employment, shall be immediately removed from said office, appointive position or employment; and no person who hereafter contributes of his money, time or influence to aid any other person in securing the nomination to any district, judicial or

State office shall ever be elected to, appointed to, or employed in any position in the Texas prison system during the term of office to which said candidate may be nominated or elected, and if so elected, appointed or employed in the said prison system after extending such aid to any such candidate the person so extending any such financial or other aid shall be immediately removed from such office, appointment or employment.

**Question**—Shall the amendment be adopted?

Mr. Mills raised a point of order on consideration of the amendment, on the ground that it is not germane to the purposes of the bill and that it relates to elections, a subject not submitted by the Governor for legislation at the present session.

The Speaker overruled the point of order.

Mr. Allison moved the previous question on the amendment and the passage of the bill to engrossment, and the motion was duly seconded.

**Question**—Shall the main question be now ordered?

Yea<sup>s</sup> and nays were demanded, and the main question was ordered by the following vote:

**Yea<sup>s</sup>—75.**

Allison.	Hagins.
Baker.	Henry of Bowie.
Barrett of Titus.	Hill.
Barrett of Jones.	Hornby.
Bartley.	Hughes.
Blalock.	Humphrey.
Burmeister.	Hunter.
Butler.	Kennedy.
Byrne.	King.
Calvin.	Lewelling.
Chrestman.	Long.
Cope.	Macgill.
Cox of Delta.	McDaniel.
Craven.	Mills.
Crisp.	Morris of Coryell.
Cunningham.	Neeley.
Davis.	Powell.
Dickson.	Reedy.
Difflie.	Reeves.
Dodson.	Rickerson.
Dove.	Roach.
Dunn.	Robbins.
Flournoy.	Robertson.
Foster.	Rogers.
Fountain.	Rowell.
Fuller.	Russell.
Furrh.	Savage.
Goodner.	Simpson.
Greenwood,	Spann.
Griggs.	Spradley.

Stephens.	Wagstaff.
Tarver.	Watson of Hays.
Taylor.	Webb.
Thompson.	Williams
Tiller.	of McLennan.
Tillotson.	Woods of Fisher.
Vannoy.	Wertham.
Vickers.	Yarbrough.

**Nays—36.**

Bagby.	Nabours.
Bierschwale.	Olander.
Brown.	Owsley.
Bruce.	Parker.
Campbell.	Parks.
Coffey.	Patton.
Cooper.	Penry.
Cox of Ellis.	Ratliff.
Gates.	Rich.
Greer.	Ridgell.
Haney.	Ritchie.
Harris.	Schwegman.
Heilig.	Stone.
Herder.	Sullivan.
Householder.	Templeton.
Kirby.	Ussery.
Lane.	Watson of Mills.
Mendell.	Woods of Navarro.

**Absent.**

Broughton.	Jordan.
Burges.	Low.
Collins.	McAskill.
Colquitt.	Mangum.
Gentry.	Morris of Victoria.
Grindstaff.	Paddock.
Hall.	Raiden.
Harp.	Smith.
Haxthausen.	Wahrmund.
Henry of Wichita.	

**Absent—Excused.**

Boehmer.	Murray.
Burns.	Oliver.
Fields.	Ross.
Glasscock.	Tyson.
McKamy.	Williams
Mulcahy.	of Hopkins.

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

**Yea<sup>s</sup>—17.**

Brown.	Hunter.
Campbell.	Ratliff.
Cox of Ellis.	Reedy.
Cunningham.	Schwegman.
Fountain.	Spradley.
Heilig.	Stone.
Hill.	Sullivan.
Hughes.	Vickers.

## Nays—92.

Allison.  
Bagby.  
Baker.  
Barrett of Jones.  
Barrett of Titus.  
Bierschwale.  
Blalock.  
Bruce.  
Burmeister.  
Butler.  
Byrne.  
Calvin.  
Chrestman.  
Coffey.  
Cooper.  
Cope.  
Cox of Delta.  
Craven.  
Crisp.  
Davis.  
Dickson.  
Diffie.  
Dodson.  
Dove.  
Dunn.  
Flournoy.  
Foster.  
Fuller.  
Furrr.  
Gates.  
Goodner.  
Greenwood.  
Greer.  
Griggs.  
Hagins.  
Haney.  
Harris.  
Henry of Bowie.  
Hornby.  
Householder.  
Humphrey.  
Kennedy.  
King.  
Kirby.  
Lane.  
Lewelling.

Long.  
Low.  
Macgill.  
McDaniel.  
Mendell.  
Mills.  
Morris of Coryell.  
Nabours.  
Neeley.  
Olander.  
Owsley.  
Parker.  
Parks.  
Patton.  
Penry.  
Powell.  
Reeves.  
Rickerson.  
Rich.  
Ridgell.  
Robbins.  
Robertson.  
Rowell.  
Russell.  
Savage.  
Simpson.  
Spann.  
Stephens.  
Tarver.  
Taylor.  
Templeton.  
Thompson.  
Tiller.  
Tillotson.  
Ussery.  
Vannoy.  
Wagstaff.  
Watson of Hays.  
Watson of Mills.  
Webb.  
Williams  
of McLennan.  
Woods of Fisher.  
Woods of Navarro.  
Wortham.  
Yarbrough.

## Present—Not Voting.

Bartley. Ritchie.

## Absent.

Broughton.  
Burges.  
Collins.  
Colquitt.  
Gentry.  
Grindstaff.  
Hall.  
Harp.  
Haxthausen.  
Henry of Wichita.

Jordan.  
McAskill.  
Mangum.  
Morris of Victoria.  
Paddock.  
Raiden.  
Rogers.  
Smith.  
Wahrmund.

## Absent—Excused.

Boehmer.  
Burns.  
Fields.  
Glasscock.  
McKamy.  
Mulcahy.

Murray.  
Oliver.  
Ross.  
Tyson.  
Williams  
of Hopkins

Mr. Reedy moved to reconsider the vote by which the previous question was ordered.

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

Question then recurring on the passage of the bill to engrossment, yeas and nays were demanded.

House bill No. 18 was passed to engrossment by the following vote:

## Yea—91.

Allison.	McDaniel.
Baker.	Mills.
Barrett of Titus.	Morris of Coryell.
Barrett of Jones.	Nabours.
Bartley.	Neeley.
Blalock.	Olander.
Burmeister.	Parker.
Butler.	Parks.
Byrne.	Patton.
Calvin.	Penry.
Campbell.	Powell.
Chrestman.	Ratliff.
Coffey.	Reedy.
Cope.	Reeves.
Cox of Delta.	Rich.
Cox of Ellis.	Rickerson.
Craven.	Ridgell.
Crisp.	Ritchie.
Cunningham.	Robbins.
Davis.	Robertson.
Dickson.	Rogers.
Dodson.	Rowell.
Dove.	Russell.
Dunn.	Savage.
Foster.	Simpson.
Fuller.	Spann.
Furrr.	Spradley.
Goodner.	Stephens.
Greer.	Stone.
Griggs.	Tarver.
Hagins.	Taylor.
Haney.	Templeton.
Harris.	Thompson.
Henry of Bowie.	Tiller.
Hill.	Tillotson.
Hornby.	Ussery.
Householder.	Vannoy.
Hughes.	Vickers.
Humphrey.	Wagstaff.
Hunter.	Watson of Hays.
Kennedy.	Watson of Mills.
King.	Webb.
Kirby.	Williams of McLennan.
Lewelling.	Woods of Fisher.
Long.	

**Woods of Navarro. Yarbrough.  
Wortham.**

Nays—20.

Bagby.	Heilig.
Bierschwale.	Lane.
Brown.	Low.
Bruce.	Macgill.
Cooper.	Mendell.
Flournoy.	Owsley.
Fountain.	Roach.
Gates.	Schwegman.
Greenwood.	Sullivan.
Herder.	

Absent.

Broughton.	Henry of Wichita.
Burges.	Jordan.
Collins.	McAskill.
Colquitt.	Mangum.
Diffie.	Morris of Victoria.
Gentry.	Paddock.
Grindstaff.	Raiden.
Hall.	Smith.
Harp.	Wahrmund.
Haxthausen.	

Absent—Excused.

Boehmer.	Murray.
Burns.	Oliver.
Fields.	Ross.
Glasscock.	Tyson.
McKamy.	Williams
Mulcahy.	of Hopkins.

Reason for Vote.

I vote for House bill No. 18 today conscious of the fact that it has but little or no merit in it as it passed on second reading, but in hopes that its imperfections and absurdities may be cured on its final passage, or in Free Conference Committee. I regard the bill as passed as merely patchwork.

REEDY.

Mr. Wagstaff moved to reconsider the vote by which House bill No. 18 was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### ADJOURNMENT.

Mr. Yarbrough moved that the House adjourn until 10 o'clock a. m. next Monday.

Mr. Stephens moved that the House adjourn to 2 o'clock p. m. today.

Mr. Cope moved that the House recess to 2 o'clock p. m. today.

The motion of Mr. Stephens prevailed, and the House accordingly, at 12:05 o'clock p. m., adjourned to 2 o'clock p. m. today.

#### APPENDIX.

#### REPORT OF COMMITTEE ON EN- GROSSED BILLS.

Committee Room,  
Austin, Texas, August 7, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

House bill No. 27, A bill to be entitled "An Act to amend Title 76, Articles 5221, 5222, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5232, 5233 and 5234 of the Revised Civil Statutes of 1911, concerning the management and control of the State Institution for the Training of Juveniles, and to add thereto Articles 5234a and 5234b,"

Have carefully compared same and find it correctly engrossed.

HERDER, Chairman.

#### REPORT OF COMMITTEE ON AP- PROPRIATIONS.

Committee Room,  
Austin, Texas, August 6, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Appropriations, to whom was referred House bill No. 29, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

WORTHAM, Chairman.

#### REPORT OF COMMITTEE ON EN- ROLLED BILLS.

Committee Room,  
Austin, Texas, August 8, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 1, "An Act making appropriations to pay salaries of judges, and for the support of the Judicial Department of the State government for two years, beginning September 1, 1913, and ending August 31, 1915, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 4:30 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

## SEVENTEENTH DAY.

(Saturday, August 9, 1913.)

The House met at 2 o'clock p. m., pursuant to adjournment.

Speaker Terrell in the chair.

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

Allison.	Kennedy.
Bagby.	King.
Baker.	Kirby.
Barrett of Jones.	Lane.
Barrett of Titus.	Lewelling.
Bartley.	Long.
Bierschwale.	Low.
Blalock.	Macgill.
Brown.	McDaniel.
Bruce.	Mendell.
Burmeister.	Mills.
Butler.	Morris of Coryell.
Byrne.	Nabours.
Calvin.	Neeley.
Campbell.	Olander.
Chrestman.	Owsley.
Coffey.	Parker.
Colquitt.	Parks.
Cooper.	Patton.
Cope.	Penry.
Cox of Delta.	Powell.
Cox of Ellis.	Ratliff.
Craven.	Reedy.
Crisp.	Reeves.
Cunningham.	Rich.
Davis.	Rickerson.
Dickson.	Ridgell.
Diffie.	Ritchie.
Dodson.	Roach.
Dove.	Robbins.
Dunn.	Robertson.
Fields.	Rogers.
Flournoy.	Rowell.
Foster.	Russell.
Fountain.	Savage.
Fuller.	Schwegman.
Furrh.	Simpson.
Gates.	Spann.
Gentry.	Spradley.
Goodner.	Stephens.
Greenwood.	Stone.
Greer.	Tarver.
Griggs.	Taylor.
Grindstaff.	Templeton.
Hagins.	Thompson.
Haney.	Tiller.
Harris.	Tillotson.
Heilig.	Ussery.
Henry of Bowie.	Vannoy.
Herder.	Vickers.
Hill.	Wagstaff.
Hornby.	Watson of Hays.
Householder.	Watson of Mills.
Hughes.	Webb.
Humphrey.	Williams
Hunter.	of McLennan.

Woods of Fisher.	Wortham.
Woods of Navarro.	Yarbrough.

## Absent.

Harp.	Paddock.
Henry of Wichita.	Smith.
McAskill.	Sullivan.

## Absent—Excused.

Boehmer.	Morris of Victoria.
Broughton.	Mulcahy.
Burges.	Murray.
Burns.	Oliver.
Collins.	Raiden.
Glasscock.	Ross.
Hall.	Tyson.
Haxthausen.	Wahrmund.
Jordan.	Williams
McKamy.	of Hopkins.
Mangum.	

A quorum was announced present.  
Prayer by Rev. A. R. Watson of Mills county, a member of the House.

## LEAVE OF ABSENCE GRANTED.

On account of important business:

Mr. Burges for today, on motion of Mr. Harris.

Mr. Mangum indefinitely, on motion of Mr. Stone.

Mr. Wahrmund for last Thursday and Friday and today, on motion of Mr. Byrne.

Mr. Broughton for today, on motion of Mr. Henry of Bowie.

Mr. Kennedy, for last Thursday, on motion of Mr. Burmeister.

Mr. Hall, indefinitely, on motion of Mr. Macgill.

Mr. Haxthausen, for last Thursday and Friday and today, on motion of Mr. Heilig.

Mr. Jordan, for today, on motion of Mr. Vickers.

Mr. Collins, for today and next Monday, on motion of Mr. Parks.

Mr. Henry of Wichita, for today, on motion of Mr. Haney.

On account of sickness:

Mr. Morris of Victoria, for today, on motion of Mr. Fuller.

Mr. Raiden, indefinitely, on motion of Mr. Cope.

## RELATING TO PROOFREADING ON LEGISLATIVE MANUAL.

Mr. Savage offered the following resolution:

Whereas, the proofs of the text of the Manual of the House have not yet all been read; and

**Whereas,** this is delaying the printers in completing the book; therefore, be it

**Resolved,** That the House authorize the Contingent Expense Committee to have the same read and pay the costs thereof out of the contingent expense fund of this House.

The resolution was read second time and was adopted.

#### THANKING STAR-TELEGRAM.

Mr. Savage offered the following resolution:

**Whereas,** since the time when memory of man runneth not to the contrary, the press of the State has been very unjust and unreasonable in its comments upon the work of the Legislature, and especially of the Thirty-third session, in charging it with frittering away time and thereby wasting the people's money; and

**Whereas,** the Fort Worth Star-Telegram of August 7th comes to the rescue of the said Legislature and calls down an erring brother of the press for misstating, misquoting and unjustly criticizing that body, and in said editorial the Star-Telegram ably defends the Legislature and its activities; and

**Whereas,** that this, the first time a newspaper has said anything real good of the Texas Legislature, is an evidence that the Star-Telegram, if not the world, is growing better, and that a "follow suit" on the part of others of the press of the State may yet result in much legislative good and encouragement; and

**Whereas,** the silvery lining of a long dark cloud is showing itself as the result of the light turned on by the "Star;" therefore, be it

**Resolved,** That we tender our thanks to the Star-Telegram for its able defense of our earnest efforts to serve the people of the State justly and well, and that it be commended for its wisdom and fairness.

The resolution was read second time and was adopted.

#### MESSAGE FROM THE SENATE.

Senate Chamber.

Austin, Texas, August 9, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution No. 8, granting leave of absence to Judge James W. Swayne.

Respectfully,

W. V. HOWERTON,  
Secretary of the Senate.

#### INVITING GOVERNOR TO ADDRESS THE HOUSE.

Mr. Fuller offered the following resolution:

**Whereas,** It is essential to a representative form of government, that the legislative, executive and judicial branches thereof co-operate together as far as practicable to the end that the best results possible may be attained; and

**Whereas,** It is especially essential to the best interest of the State that the executive and legislative branches of our government have a free, full and fair understanding of their relations to each other; therefore, be it

**Resolved** by the House of Representatives, That Governor O. B. Colquitt be requested to address the House at such time or times as he may desire.

The resolution was read second time.

Question—Shall the resolution be adopted?

(Mr. Calvin in the chair.)

Mr. Lane raised a point of order on further consideration of the resolution at this time on the ground that the time allotted under the rules for consideration of resolutions has expired.

The Speaker sustained the point of order.

(Speaker in the chair.)

#### HOUSE BILL NO. 9 ON ENGROSSMENT.

(Postponed Business.)

The Speaker laid before the House, as postponed business, on its passage to engrossment,

House bill No. 9, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State all stocks, bonds or other obligations of private, foreign and domestic corporations, organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of such stocks, bonds or other obligation of such corporation, or proposed corporation; and fixing commission and promotion fees allowed to be charged and providing for services of process, examination fees and exempting certain corporations from the effect of this act, providing penalty for the violation of the provisions hereon, and declaring an emergency."

With amendment by Mr. Coffey pending.

Question—Shall the amendment be adopted?

Mr. Williams of McLennan offered the

following substitute for the amendment:

Amend House bill No. 9 by striking out all after the enacting clause, and inserting the following:

Section 1. Every private corporation, foreign or domestic, organized for profit, which is now attempting or shall hereafter attempt to increase its capital stock, and every proposed corporation attempted to be organized, which shall, directly or indirectly, through itself, its agents or employes, or through any person or association of persons, holding companies, sales companies or otherwise, or through any other agents, sell or contract to sell any stock of such corporation or proposed corporation, upon which sale or proposed sale, or contract of sale, any part of the proceeds derived, or to be derived therefrom are used, or to be used, directly or indirectly, for the payment of any commission, promotion, organization fee or other expenses incident, directly or indirectly, to the sale of its share of stock, except attorney's fees, charter fees, franchise tax, permit fees, and stationery and supplies, shall be subject to the provisions of this act.

Sec. 2. This act shall also apply to any mining, oil or gas corporation increasing its stock, or proposed mining, oil or gas corporation attempting to sell stock in which any land or mineral or thing of value is to be procured from, in or under such land that has been or is to be placed as an asset with or in the corporation or proposed corporation, whether any promotion fee is charged or not, and to any townsite corporation or proposed townsite corporation.

Sec. 3. Before offering for sale, or contracting to sell, directly or indirectly, any stock of such proposed corporation, or such increased stock of any existing corporation, or before selling any stock in any townsite corporation as provided in Section 2, such corporation or proposed corporation, shall file, under oath, in the office of the Secretary of State, where, under the law a charter would be filed in his department, or in the office of the Commissioner of Insurance and Banking, where, under the law a charter would be filed in his department, together with a filing fee of twenty dollars, the following documents: A statement showing in full detail the plan upon which the corporation proposes to increase its capital stock, or upon which the proposed corporation proposes to sell its stock and organize the corporation, together with a copy of all the forms of contracts, stock (or deeds, if the same shall come under Section 2 hereof), to

be used by the corporation or proposed corporation in connection with such stock sales. The statement shall further show the name, location and domicile of such corporation, and the names of its officers or proposed officers or promoters, and the address of all of the parties; the amount of capital stock of any corporation already organized, the proposed increase, or the proposed capital stock of the corporation to be organized, and the price at which the stock is proposed to be sold; and the price at which the stock is proposed to be sold shall not be changed without filing with the secretary or commissioner, as the case may be, a statement of such change, which shall be subject to his approval. Any such corporation shall furnish the secretary or commissioner such other information as may be necessary or proper concerning the sale of its stock.

If it shall be a corporation organized under the laws of any other jurisdiction, it shall file with the Secretary or Commissioner a copy of its charter, and such other evidence of its authority as the Secretary or Commissioner may require.

Said statement shall also show the commission, promotion fee and other estimated incidental expenses proposed to be charged for the organization of such proposed corporation, or the increase in the capital stock of any corporation already organized, and how the commissions or fees are to be paid.

If the corporation or proposed corporation comes under Section 2 hereof, it shall state the actual value of the property which is to become an asset of the corporation, and the Secretary or Commissioner shall require such proof as he may deem proper to establish the actual value of the property.

Sec. 4. The Secretary or Commissioner, upon the receipt of the information as provided for in Section 3 shall grant or refuse such permit.

If the Secretary or Commissioner shall decide that the sale of stock will be fairly and honestly conducted, both to the corporation and to the public, such permit shall be granted, provided that the commissions, promotion and other incidental expenses, exclusive of the exempted expenses mentioned in Section 1 of this act shall not be more than fifteen (15) per cent of the price at which such stock is to be sold as shown by the application or amended application.

The commission or promotion fee shall be paid to the agent or promoter as the stock is sold by him and paid for by the

purchaser. The stock shall be considered as paid for when paid for in cash, property or labor.

No permit shall be granted unless there shall appear upon the subscription lists and contracts of such corporation or proposed corporation, in bold type, the amount of the commissions, promotion fees and other estimated expenses incident to the sale of such stock, and the interest which the officer, agent, employe or promoter selling or contracting to sell such stock has in such sale; nor shall such permit be granted until the applicants therefore have entered into a bond for not less than one thousand dollars (\$1000) nor more than one hundred thousand dollars (\$100,000), the same to be fixed by the Secretary or Commissioner at not more than ten per cent of the stock proposed to be issued. The said bond shall be payable to the Secretary or Commissioner, as the case may be, and his successor in office, conditioned that the facts set forth in the application for such permit, and the proof and statements offered to such Secretary or Commissioner, upon which the application is based, are true, and that they will comply with the provisions of this act in the sale of the stock of such corporation or proposed corporation. Said bond may be made with individual sureties or a surety company authorized to do business in the State of Texas, and the bond shall be approved by the Secretary or Commissioner.

Sec. 5. If a permit shall be refused by the Secretary or Commissioner the parties applying therefor may bring suit in the district court of Travis county, Texas, to require said Secretary or Commissioner to issue such permit.

Sec. 6. Any person who shall be induced to purchase any stock of any corporation or proposed corporation by the officers, agents, employes, promoters or trustees, by reason of any false and fraudulent representation of any material fact concerning such stock, such person or persons shall have the right to bring suit upon the bond above provided for, and such bond shall be subject to, and security for, such person so purchasing the stock, provided that such person shall not be entitled to recover more than the money paid, or the actual value of the property given, or the labor performed, in exchange for such stock, with legal interest from the date of the payment, or the performance of the services, or the transfer of the property.

One or more recoveries upon such bond

shall not vitiate the same, but it shall remain in full force and effect, but no recoveries upon such bond shall ever exceed the full amount of same, and upon suits being filed in excess of the amount of same, the Secretary or Commissioner may require a new bond, and if the same is not given within thirty days, he may cancel the permit herein provided for.

Whenever any permit has been issued, the corporation or person receiving the same shall file a list of the names of their or its authorized officers, agents and employes, and the postoffice address of each; and, in case of the change of any of its officers, agents or employes it shall file a list of such changes with the Secretary or Commissioner.

Sec. 7. All moneys or other things of value collected by such corporation or proposed corporation, for the sale of its stock, or contract for the sale of its stock, shall be deposited by said corporation, to its credit, or by said proposed corporation, to the credit of its proposed officers or trustees, with the exception of the amount allowed for commissions, promotion fees and other incidental expenses, with a bank, bank and trust company or trust company incorporated under the laws of this State, or of the United States.

Sec. 8. All such corporations, and the organizers or trustees of proposed corporations shall keep a set of books, which shall show the amount of money, or other thing of value received by such corporation or proposed corporation, from the sale of its stock, or from contracts of sale of its stock, and such books shall show the number and amounts of stock sold or contracted to be sold, by whom sold, and to whom sold, or contracted to be sold, and the postoffice address of each. Said books shall at all times be open for inspection by the secretary or commissioner, or his duly authorized agent.

Sec. 9. Whenever the secretary or commissioner shall have information that any corporation, or proposed corporation, its officers, agents or employes, not complying with the terms of this act in the sale of its stock they shall notify such corporation, or the officers, agents or employes of the proposed corporation to appear, within twenty days, and show cause why such permit should not be cancelled, and after the hearing such secretary or commissioner shall have the right to cancel such permit if the proof shall show that such corporation or proposed corporation, or its officers, agents or employes are not complying with the

terms of this act, but the parties or corporation holding such permit shall have the right to bring suit, in the district court of Travis county, Texas, against the secretary or commissioner, to reinstate such permit to sell stock.

Sec. 10. No permit to sell stock shall ever be issued to any foreign corporation which could not under the facts and circumstances and conditions, at the time of its application for a permit to sell stock, or amended application, have procured a charter under the laws of Texas.

Sec. 11. Each foreign corporation or proposed foreign corporation desiring to sell or contract to sell its stock in this State shall first file with the secretary or commissioner a like power of attorney to that provided for life insurance corporations in Article 4773, Revised Civil Statutes of the State of Texas of 1911, and service may be had upon the corporation and the secretary or commissioner, as the case may be, as therein provided for, and the secretary or commissioner, as the case may be, upon receipt of such process as is therein provided for, shall proceed as is provided for him to do in Article 4774, Revised Civil Statutes of the State of Texas of 1911, and the secretary or commissioner's acts and conduct in regard to such power of attorney, and such process shall be the same as is provided for in said Articles 4774 and 4773, and the effect, force and result of such acts shall be the same as therein provided for.

Sec. 12. It shall hereafter be unlawful for any officer, agent or employe or trustee, or holding company, or sales agents, or person, or association of persons in this State to sell, or offer to sell, or contract to sell, directly or indirectly, for such concern any stock of any corporation, or proposed corporation, subject to this act, which has been, proposed to be, is now being, or may hereafter be organized for profit, without first complying with the provisions of this act, and any person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than two thousand dollars, and in addition thereto may be imprisoned in the county jail for any period not more than one year, or by both such fine and imprisonment.

Sec. 13. This act shall be construed to be cumulative of any other law or laws of this State.

Sec. 14. The terms of this act shall not apply to any National bank, nor to any State bank, bank and trust company or trust company organized under the

laws of this State, nor to any corporation organized under the Federal Reclamation Act, approved June 17, 1902, or the regulations established by the Secretary of the Department of the Interior in pursuance thereof. Nor shall the terms of this act apply to any corporation organized under the laws of Texas which does not sell, or contract to sell, its stock to more than twenty-five bona fide purchasers; provided, it does not act as the agent or trustee, holding company or sales company in the promotion of any concern which is included under the terms of this act. Nor shall this act apply to any railroad or railway company, or interurban railroad or railway company, or street railroad or railway company. Nor shall this act apply to the sale of stock of a corporation by a bona fide owner of same, who had, in good faith, bought the same, and who in the purchase and sale of same was and is not acting directly or indirectly as promoter or agent of such corporation. Nor shall this act apply to a bona fide stock or stock broker in the sale of stock, which stock has been by such corporation sold and issued to a bona fide purchaser prior to the offering of same for sale by such broker, provided that such purchaser or broker were not acting directly or indirectly as promoter of such corporation.

Sec. 15. All moneys collected under the terms of this act by the secretary or commissioner shall be quarterly deposited by him with the State Treasurer and credited to the general fund. Whenever the secretary or commissioner shall deem it necessary to examine the books of any corporation, or proposed corporation, subject to the provisions of this act, or investigate its financial condition, he shall do so at the expense of the corporation, or proposed corporation, under investigation, and the corporation, or the agents of the corporation or proposed corporation being investigated shall pay to the secretary or commissioner, or his agent, making the investigation, his actual expenses and seven dollars and fifty cents per day for such investigation, which said expenses shall be paid at the termination of such investigation by the concern investigated.

Sec. 16. Whenever the word "secretary" is used in this act, it shall be considered to mean secretary of the State of Texas, and wherever the word "commissioner" is used in this act it shall be considered to mean Commissioner of Insurance and Banking of the State of Texas.

**Sec. 17.** The fact that there is no law in this State regulating the sale of stocks of numerous corporations which are selling sumh stocks throughout this State, many of which are worthless, and the fact that the people of this State are being imposed upon by unscrupulous persons selling such worthless stocks, creates an emergency, and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the substitute be adopted?

(Mr. Calvin in the chair.)

#### ADJOURNMENT.

Mr. Hornby moved that the House adjourn until 9:30 o'clock a. m. next Monday.

Mr. Blalock moved that the House adjourn until 10 o'clock a. m. next Monday.

The motion of Mr. Blalock prevailed, and the House accordingly, at 4:30 o'clock p. m., adjourned until 10 o'clock a. m. next Monday.

#### APPENDIX.

#### OPINION OF ATTORNEY GENERAL.

Mr. Wortham submitted the following opinion of the Attorney General, relating to the Legislature changing salaries of statutory officers, which he asked to have printed in the Journal:

Austin, Texas, August 6, 1913.

Hon. Louis J. Wortham, Chairman Appropriation Committee, House of Representatives, Austin, Texas.

Dear Sir: In your oral communication to this Department, transmitted through your secretary, you desire to know whether or not the Legislature has the right to alter, increase or diminish the salaries of statutory officers during their terms of office.

In reply to your inquiry, we beg to inform you that the Legislature has this right, and that it may alter, increase or diminish the salary of any statutory officer either by bill or law passed directly for that purpose or that it may do so by a clause or provision in the appropriation bill. There is no provision in our Constitution which prohibits the increase, alteration or decrease of

the salary of any officer whose compensation is fixed only by statute, and therefore the statute fixing the salary of an officer may be at any time amended by the Legislature. Of course, the amended salary would apply only to the unexpired term of the officer. The confusion which seems to prevail with reference to this matter possibly arises out of Article 7086, Revised Statutes, which read as follows:

"The salary of an officer shall not be increased or diminished during the term of office of the officer entitled thereto."

This is a purely statutory provision, which may be amended or repealed or which may be suspended during the two years for which an appropriation bill is effective by a clause placed in the appropriation bill for the purpose of increasing, diminishing or altering the salary of a statutory officer. Of course, any such clause passed in the appropriation bill should be sufficiently comprehensive as to show plainly the intent of the Legislature to increase the salary or to decrease the salary or to alter the salary of the officer for the support of which the appropriation is made. The provision of the statutes above quoted is modified by a subsequent article of the same chapter, which is Article 7091, which reads as follows:

"The enumeration of various officers and their salaries in this title shall not operate to repeal or affect provisions of law found elsewhere in the statutes on any appropriation bills permitting or authorizing the existence or prescribing the compensation of other officers."

The general rule which obtains in the State of Texas and which obtains generally is that in the absence of constitutional prohibition an officer's compensation may be altered, increased, diminished or discontinued even during the term of incumbency.

Mecham on Public Officers, Sec. 857.

Grayson County vs. May, 19 S. W., 332.

23 Am. and Eng. Ency. of Law, 401.

The rule as laid down by the last authority just above cited is:

"In the absence of constitutional prohibition the Legislature may change both the term of office and the compensation of those then in office as well as a future incumbent."

In support of this proposition, this well known authority cites the following cases:

Butler vs. Pennsylvania, 10 How. (U. S.), 402.

Benford vs. Gibson, 15 Ala., 521; Ex Parte Lambert, 52 Ala., 79.  
 Com. vs. Bailey, 81 Ky., 395.  
 Farwell vs. Rockland, 62 Me., 296.  
 Knappen vs. Barry County, 46 Mich., 22; Wyandotte vs. Drennan, 46 Mich., 478.  
 Hennepin County v. Jones, 18 Minn., 199.  
 Wilcox vs. Rodman, 46 Mo., 322; Givens vs. Daviess County, 107 Mo., 603.  
 Lloyd vs. Silver Bow County, 11 Mont., 408.  
 Douglas County vs. Timme, 32 Neb., 272; State vs. Vincent, 46 Neb., 408; State vs. Stewart, 52 Neb., 243.  
 Denver vs. Hobart, 10 Nev., 28.  
 Taylor vs. New York, 67 N. Y., 88; Phillips vs. New York, 1 Hilt. (N. Y.), 483; Conner vs. New York, 2 Sandf. (N. Y.), 355.  
 Bunting vs. Gales, 77 N. Cor., 283; White vs. Auditor, 126, N. Car., 570.  
 Com. vs. Bacon, 6 S. & R. (Pa.), 322; Barker vs. Pittsburgh, 4 Pa. St., 51; McCormich vs. Fayette County, 150 Pa. St., 190.  
 Alexander vs. McKenzie, 2 S. Car., 81.  
 Haynes vs. State, 3 Humph. (Tenn.), 480, 39 Am. Dec., 187.  
 Loving vs. Auditor, 76 Va., 942.  
 West Virginia, Rucker vs. Pocahontas County, 7 W. V., 661.  
 State vs. Kalb, 50 Wis., 178, 7 Am. Rep., 87; State vs. Kalb, 50 Wis., 178.  
 Castle vs. Uinta County, 2 Wyo., 126.

In answering your question and determining the issue as we have determined it here, we act on the well known proposition which obtains in American jurisprudence that an office is not the property of the officeholder, but is a public trust or agency and that the office is not held by either contract or grant, and that the officer has no vested right therein. The authorities go so far as to hold that subject to constitutional restrictions the office may be vacated or abolished, the duties thereof changed and the term and compensation increased or diminished.

23 Am. & Eng. Encyc. of Law, 328.  
 Jones vs. Shaw, 15 Texas, 577.  
 See also the long list of authorities cited in Note 7, on page 328 of Vol. 23 Am. & Eng. Encyc. of Law.

It is an axiomatic provision of law that one Legislature cannot pass an act which may not be altered, amended or repealed by another Legislature, and this principle is the one directly involved on the question of the right of the present

Legislature to alter, increase or diminish the salaries fixed by its predecessors. To say that the Thirty-third Legislature cannot diminish or increase the salaries fixed by the Thirty-second or preceding Legislatures is to say that we have the peculiar anomaly in American legislation of one Legislature passing a law which another Legislature can not repeal. The only instances in which a Legislature is prohibited from repealing a law as to certain parties is where certain parties have acted upon previous legislative acts and have obtained vested rights under the Constitution of the United States. But the possession of an office, as has been shown, is not a vested right, and therefore this Legislature may increase, diminish or alter the salary of any officer whose salary is fixed by statute instead of by Constitution without violating any provision of either the State Constitution or the Constitution of the United States. Of course the rule is different as to salaries which are fixed by the Constitution of the State, as for instance the salary of the Governor. The Legislature, of course, could not change the salary of the Governor or of any constitutional officer except in the manner provided by the Constitution. But so far as statutory salaries are concerned the Thirty-third Legislature has absolute plenary power. That it may enact laws in an appropriation bill is sustained by the opinion of the Supreme Court of this State in the case of Conley vs. The Daughters of the Republic. Without going into a discussion of the facts of that case, it is sufficient to say that the Daughters of the Republic claimed the right to improve the Alamo property under an act of the Legislature passed in 1905. In 1911 the Legislature appropriated \$5000 for the improvement of the Alamo property to be expended under the direction of the Superintendent of Public Buildings and Grounds upon the approval of the Governor. It was contended by the Daughters of the Republic that this being a mere item in the appropriation bill could not be construed as either a repeal or a suspension of the general law of 1905, which placed the improvement of the property exclusively upon them. The Supreme court decided this question against the contention of the Daughters of the Republic, saying:

"By necessary implication the Act of 1911 conferred authority upon the Governor to do what he might find necessary in the making of the authorized improvements, and it being the last expression of the legislative will that act must pre-

vail over the former to the extent the conflict is irreconcilable."

**Conley vs. Daughters of the Republic,**  
157 S. W., 937.

**Conley vs. Daughters of the Republic,**  
156 S. W., 197.

We therefore answer your inquiry and say that the Thirty-third Legislature has full, complete and ample authority to alter, change, increase or diminish the salary of any officer in this State whose salary is merely fixed by the statutes and not by the Constitution, and that it may make this change, alteration, increase or reduction in the appropriation bill if it chooses so to do.

The general rule here laid down is subject perhaps to some qualification in the case of officers whose office is created by the Constitution but the salary of which is fixed by statute. Our view of the matter is this: that where an office is created by the Constitution the Legislature cannot, of course, abolish the office, and that inasmuch as the Legislature may not abolish a constitutional office directly that then of course it cannot do so indirectly; in other words, if the Legislature should undertake to reduce the salary fixed by statute for a constitutional officer to such an extent that the reduction would have the practical effect of abolishing the office, then such a reduction would be in violation of the Constitution and the former salary fixed by the statute would prevail.

**Bastrop County vs. Hearne,** 70 Texas, 563.

**State vs. Mayor of Nashville,** 15 Lea (Tenn.), 697.

**DeSoto County vs. Westbrook,** 64 Miss., 312.

Opinions of Attorney General of Texas (1908), p. 337.

Yours very truly,  
C. M. CURETON,  
First Office Assistant Attorney General.

This opinion has been passed upon and approved by the department in executive session, and is now ordered recorded.

B. F. LOONEY,  
Attorney General.

#### REPORT OF COMMITTEE ON REFORMS IN CRIMINAL PROCEDURE.

Committee Room,  
Austin, Texas, August 9, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Criminal Procedure, to whom was re-

ferred Senate bill No. 12, have had the same under consideration, and beg leave to report same back to the House with the recommendation that it do pass.

SPANN, Chairman.

#### EIGHTEENTH DAY.

(Monday, August 11, 1913.)

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

Speaker Terrell in the chair.

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

Bagby.	Heilig.
Allison.	Henry of Bowie.
Baker.	Henry of Wichita.
Barrett of Jones.	Herder.
Barrett of Titus.	Hill.
Bartley.	Hornby.
Bierschwale.	Householder.
Blalock.	Humphrey.
Broughton.	Hunter.
Brown.	Kennedy.
Bruce.	King.
Burges.	Kirby.
Burmeister.	Lane.
Butler.	Lewelling.
Byrne.	Long.
Calvin.	Macgill.
Campbell.	McDaniel.
Chrestman.	Mendell.
Coffey.	Mills.
Colquitt.	Morris of Coryell.
Cooper.	Morris of Victoria.
Cope.	Mulcahy.
Cox of Delta.	Murray.
Cox of Ellis.	Nabours.
Craven.	Neeley.
Crisp.	Olander.
Cunningham.	Owsley.
Davis.	Parker.
Diffie.	Parks.
Dickson.	Patton.
Dodson.	Penry.
Dove.	Powell.
Dunn.	Ratliff.
Fields.	Reedy.
Flournoy.	Reeves.
Foster.	Rich.
Fountain.	Rickerson.
Fuller.	Ridgell.
Furh.	Ritchie.
Gates.	Roach.
Gentry.	Robbins.
Goodner.	Rogers.
Greenwood.	Ross.
Greer.	Rowell.
Griggs.	Russell.
Grindstaff.	Savage.
Hagins.	Schwegman.
Haney.	Simpson.
Harris.	Smith.

Spann.	Wagstaff.
Stone.	Wahrmund.
Spradley.	Watson of Hays.
Stephens.	Watson of Mills.
Sullivan.	Webb.
Tarver.	Williams
Taylor.	of Hopkins.
Templeton.	Williams
Thompson.	of McLennan.
Tiller.	Woods of Fisher.
Tillotson.	Woods of Navarro.
Ussery.	Wortham.
Vannoy.	Yarbrough.

Absent.

Low.	Robertson.
Paddock.	

Absent—Excused.

Boehmer.	Jordan.
Burns.	McAskill.
Collins.	McKamy.
Glasscock.	Mangum.
Hall.	Oliver.
Harp.	Raiden.
Haxthausen.	Vickers.
Hughes.	Tyson.

A quorum was announced present.  
Prayer by Rev. W. D. Bradfield, pastor  
of the First Methodist Church of Austin.

#### LEAVE OF ABSENCE GRANTED.

On account of important business:

Mr. McAskill for last Saturday and  
today, on motion of Mr. Tarver.

Mr. Vickers indefinitely, on motion of  
Mr. Colquitt.

Mr. Hall indefinitely, on motion of Mr.  
Herder.

Mr. Harp indefinitely, on motion of  
Mr. Kirby.

Ed Graham, Calendar Clerk, for to-  
day, on motion of Mr. Mills.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced  
today, were laid before the House, read  
severally first time, and referred to ap-  
propriate committees, as follows:

By Mr. Harris:

House bill No. 33, A bill to be entitled  
“An Act to reorganize the Thirty-fourth  
Judicial District of Texas, to regulate  
the time of holding the district courts  
in the various counties composing the  
Thirty-fourth Judicial District of Texas,  
providing for the returning of the pro-  
cess issued and to be issued by said  
courts, validating process heretofore is-  
sued by said court, and declaring an  
emergency.”

Referred to Committee on Judicial  
Districts.

By Mr. Kennedy:

House bill No. 34, A bill to be entitled  
“An Act to amend Articles 7435, 7442  
and 7452, of the Revised Civil Statutes  
of 1911, relating to the regulation of the  
liquor traffic.”

Referred to Committee on Liquor  
Traffic.

By Mr. Allison:

House bill No. 35, A bill to be entitled  
“An Act to amend Chapter 67 of the  
Acts of the Regular Session of the Thir-  
ty-third Legislature of the State of  
Texas, entitled ‘An Act to prohibit the  
interstate shipment and transportation  
of intoxicating liquors, prohibiting any  
person, firm, corporation or any officer,  
agent or employe thereof, from deliver-  
ing to any other person, firm, corpora-  
tion or any officer, agent or employe  
thereof, any intoxicating liquor for ship-  
ment, transportation or carriage from  
any point within this State to any other  
point within this State; prohibiting any  
person, firm, corporation or any officer,  
agent, or employe thereof from receiving  
for shipment, transportation or carriage,  
or from shipping, transporting, carrying  
or delivery any intoxicating liquor from  
any point within this State to any other  
person, firm or corporation, or any offi-  
cer, agent or employe thereof, within  
this State; providing that this act shall  
not apply to any person personally car-  
rying any intoxicating liquor from any  
point within this State to any other  
point within this State for the use of  
himself or members of his family resid-  
ing with him; providing this act shall  
not apply to the transportation, car-  
riage, or delivery of intoxicating liquors  
to persons licensed under the laws of  
this State to sell spirituous, vinous or  
malt liquors; providing that this act  
shall not prohibit the shipment, trans-  
portation or delivery by persons licensed  
under the laws of this State to sell  
spirituous, vinous or malt liquors within  
the county or subdivision of a county in  
which such persons are authorized or  
licensed under the laws of this State to  
pursue such business; providing that  
this act shall not apply to the inter-  
state shipment or delivery of intoxica-  
ting liquors; providing exception to this  
act for sacramental purposes; providing  
penalties for violation of the provisions  
of this act; repealing all laws in con-  
flict herewith; providing that if any sec-  
tion or part of this act shall be held to  
be invalid that this fact shall not in-

validate any other part of this act; and declaring an emergency, and repealing Section 8 and providing for the shipment, transportation, carriage and delivery of alcohol to drug stores, hospitals, educational or eleemosynary institutions of this State for scientific or medicinal purposes; and prohibiting the transportation, carriage and delivery of intoxicating liquor within this State or the shipment originating and beyond the limits as well as within this State, and declaring an emergency."

Referred to Committee on Liquor Traffic.

By Mr. Allison:

House bill No. 36, A bill to be entitled "An Act to amend Articles 7435, 7442, 7443, 7451 and 7452, of the Revised Civil Statutes of the State of Texas, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day; and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers, and providing for the reinstatement of such license, and declaring an emergency."

Referred to Committee on Liquor Traffic.

By Mr. Ridgell:

House bill No. 37, A bill to be entitled "An Act to provide for the service of citation upon agents of non-resident defendants and defendants absent from the State in causes pending in the courts of this State, and to declare who are the agents of such defendants, and declaring an emergency."

Referred to Committee on Reforms in Civil Procedure.

By Mr. Mendell:

House bill No. 38, A bill to be entitled "An Act to amend Article 7642, of Chapter 13, Title 126, Revised Statutes, 1911 providing for the redemption by the owner of lands or lots heretofore sold or that may hereafter be sold to the State, city or town for taxes, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Wortham:

House bill No. 39, A bill to be entitled

"An Act to prohibit the use of any imitation label, trade mark, design, device, imprint or form of the flag of the State of Texas for advertising or commercial purposes, and prohibiting the offering or exposing for sale any article or commodity bearing such imitation, design, imprint or form of the flag of the State of Texas, fixing a penalty for violation thereof, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

#### HOUSE BILL NO. 32 RE-REFERRED.

House bill No. 32 was withdrawn by the Speaker from the Committee on Appropriations and referred to the Committee on Penitentiaries.

#### BILL ORDERED PRINTED.

On motion of Mr. Spann, it was ordered that House bill No. 23, reported unfavorably, be printed.

#### INVITING GOVERNOR TO ADDRESS THE HOUSE.

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, for consideration at this time, the resolution offered by Mr. Fuller on last Saturday, inviting the Governor to address the House of Representatives.

Question—Shall the resolution be adopted?

Mr. Rowell moved the previous question on the resolution, and the main question was ordered.

Question then recurring on the adoption of the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yea—101.

Allison.	Cox of Delta.
Bagby.	Cox of Ellis.
Baker.	Craven.
Barrett of Jones.	Crisp.
Barrett of Titus.	Cunningham.
Bartley.	Davis.
Bierschwale.	Dickson.
Brown.	Diffie.
Bruce.	Dove.
Burges.	Dunn.
Butler.	Fields.
Byrne.	Flournoy.
Calvin.	Fountain.
Campbell.	Fuller.
Chrestman.	Gates.
Colquitt.	Gentry.
Cooper.	Greenwood.
Cope.	Greer.

Griggs.	Rickerson.
Grindstaff.	Ridgell.
Hagins.	Ritchie.
Haney.	Roach.
Harris.	Ross.
Heilig.	Rowell.
Henry of Bowie.	Russell.
Herder.	Savage.
Hornby.	Schwegman.
Householder.	Simpson.
Hunter.	Smith.
Kennedy.	Spann.
Kirby.	Stephens.
Lane.	Sullivan.
Long.	Tarver.
Macgill.	Taylor.
McDaniel.	Templeton.
Mendell.	Thompson.
Morris of Coryell.	Tiller.
Morris of Victoria.	Tillotson.
Mulcahy.	Ussery.
Murray.	Vannoy.
Nabours.	Watson of Hays.
Feeley.	Watson of Mills.
Olander.	Webb.
Owsley.	Williams of Hopkins.
Parker.	Williams of McLennan.
Parks.	Woods of Fisher.
Patton.	Woods of Navarro.
Powell.	Wortham.
Ratliff.	Yarbrough.
Reedy.	
Reeves.	
Rich.	
Nays—15.	
Mr. Speaker.	Humphrey.
Blalock.	King.
Broughton.	Lewelling.
Burmeister.	Mills.
Coffey.	Penry.
Dodson.	Robbins.
Furrh.	Wagstaff.
Hill.	
Absent.	
Foster.	Robertson.
Goodner.	Rogers.
Henry of Wichita.	Spradley.
Low.	Stone.
Paddock.	
Absent—Excused.	
Boehmer.	McAskill.
Burns.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Hall.	Raiden.
Harp.	Tyson.
Haxthausen.	Vickers.
Hughes.	Wahrmund.
Jordan.	

## Reason for Vote.

I vote for this resolution simply as a courtesy to the Chief Executive of the

State, but do so with much reluctance after the abuse he has heaped upon the members of the House.

## VANNOY.

Mr. Fuller moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

The motion to table prevailed.

In accordance with the above action, the Speaker announced the appointment of the following committee to invite the Governor to address the House: Messrs. Bagby, Fuller, Kirby, Allison and Reeves. (Mr. Calvin in the chair.)

The committee in a short while appeared at the bar of the House, accompanied by the Governor, and escorted him to the Speaker's stand.

The Governor being then presented by Mr. Calvin, who was in the chair, addressed the House.

(Speaker in the chair.)

## HOUSE BILL NO. 18 ON THIRD READING.

(By Unanimous Consent.)

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

House bill No. 18, A bill to be entitled "An Act to repeal Article 6214 of the Revised Statutes of 1911; to amend Article 6215, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners of the State penitentiary system need not be paid for Sunday labor; to amend Article 6220, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners worked on farms may be required to labor from sunrise to sunset, and amending Article 6223, Title 104, of the Revised Statutes of 1911, so as to provide that the State need not pay the transportation of discharged convicts to any point within the State, but only to the nearest depot to the point from whence sentenced, or an equal distance."

The bill was read third time.

Question—Shall the bill be passed?

Mr. Haney offered the following amendment to the bill:

Amend by inserting between Section 14 and Section 15, on page 265, the following, which shall be numbered Section 15:

"Sec. 15. There shall be added after Article 6223, Revised Civil Statutes of Texas, 1911, Article 6223a, which shall read as follows:

Art. 6223a. It shall be the duty of the Prison Commission at its regular quarterly meeting to sit as a board of parole to consider applications for parole

of prisoners as is provided for in Title 100, Chapter 2, of the Revised Civil Statutes, 1911. Before releasing upon parole any prisoner deemed worthy of parole the Prison Commission shall seek employment for the said prisoner with a good reliable employer. The prisoner to be paroled shall then be sent directly to the said employer under the rules and regulations adopted or to be adopted by the Prison Commission. It shall also be the duty of the Prison Commission, as far as possible, to find employment for all prisoners about to be discharged from the custody of the Commission. For the purpose of performing this duty and the further duty of visiting each paroled prisoner as often as once every year during the time for which he shall be on parole, the Prison Commission shall employ a parole agent, whose duty it shall be, under the direction of the Prison Commission, to find employment for paroled and discharged prisoners, visit them at their places of employment, assist in securing changes of employment when necessary, and to assist them in every way possible to become self-sustaining and law-abiding citizens; provided, that the wages earned by paroled prisoners shall belong to the said prisoners and not to the Prison Commission."

HANEY,  
HENRY of Wichita,  
HOUSEHOLDER,  
DAVIS,  
WOODS of Fisher,  
OWSLEY,  
RATLIFF,  
NABOURS,  
LEWELLING.

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

Mr. Ridgell offered the following amendment to the bill:

Amend Article 6177 of amendment to House bill No. 18, so same shall hereafter read as follows:

"Art. 6177. Each member of the Board of Prison Commissioners shall receive as compensation for his services the sum of \$8.00 per day while in the actual discharge of the duties of his office, and in addition thereto he shall be allowed all reasonable and necessary traveling expenses actually incurred when traveling on business for the prison system, to be paid, together with his per diem salary, by the State Treasurer upon warrants approved by the Comptroller, and all such expense accounts shall be itemized and sworn to in duplicate, and a copy filed with the Comptroller.

"Said Prison Commission shall meet monthly on the first Monday in each

month and may remain in session for fifteen days after each meeting, and may have such other meeting at such time as may be determined by them. Provided, that they shall receive no pay for serving for any period longer than a total of two hundred and forty days during any one year."

Question—Shall the amendment be adopted?

Mr. Wagstaff moved to table the amendment.

Question—Shall the motion to table prevail?

#### MESSAGE FROM THE GOVERNOR.

Mr. J. T. 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:

Governor's Office,  
Austin, Texas, August 11, 1913.

To the Texas Legislature:

In harmony with the proclamation of the Governor convening the First Special Session of the Thirty-third Legislature, and as provided in Section 40, Article 3, of the State Constitution, I present the following subjects for legislation:

1. The passage of an act to amend Chapter 14, General Laws of the Regular Session of the Thirty-third Legislature, the same being "An Act to prohibit the use of any imitation label, trade mark, design, device, imprint or form of the flag of the State of Texas for advertising or commercial purposes and prohibiting the offering or exposing for sale any article or commodity bearing such imitation, design, imprint, or form of the flag of the State of Texas, and fixing a penalty for violation thereof"; so as to extend the time within which persons who have heretofore used the flag of the State of Texas for such purpose may dispose of their wares and goods and comply with the law without financial loss and injury to their business.

2. The passage of an act to amend Chapter 162, General Laws of the Regular Session of the Thirty-third Legislature, the same being "An Act to amend Chapter 24 of the Acts of the First Called Session of the Thirty-first Legislature of the State of Texas, entitled 'An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experiment stations in certain parts of Texas; to provide for proper appropriations therefor, and repealing all laws in conflict herewith, and declaring an emergency,' and providing

further for a governing board for the Texas Agricultural Experiment Stations, defining the place of residence of the Director of Texas Experiment Stations," so as to prescribe the number of members constituting the governing board of the Texas Agricultural Experiment Stations, fixing their terms of office, and conforming the State law to the Federal statute, which provides for aid from the Federal government for the support of agricultural experiment stations.

3. The passage of an act to amend Article 7642, of Chapter 13, Title 126 Revised Statutes of 1911, providing for the redemption by the owners of lands or lots heretofore sold or that may hereafter be sold to the State, city or town for taxes.

4. The passage of an act to reorganize the Thirty-fourth Judicial District of Texas, to regulate the time of holding the district courts in the various counties composing the Thirty-fourth Judicial District of Texas, providing for the returning of the process issued and to be issued by said courts, validating process heretofore issued by said court.

5. The passage of an act amending Chapter 7 of the Acts of the Regular Session of the Thirty-third Legislature, known as the "Suspended Sentence Law," and an act amending Chapter 132, passed by the Regular Session of the Thirty-third Legislature, known as the "Indeterminate Sentence Law," so as to reconcile and conform said acts as embraced in Chapters 7 and 132, General Laws of the Regular Session of the Thirty-third Legislature.

6. The passage of an act to determine the existence of vacant lands and excess lands owned by the State, creating a board to have control and direction of making of all surveys necessary for the discovery, surveying, locating and platting of said lands; providing for the appraisement and sale of such lands, and also providing for the prosecution of all suits that may be necessary for the recovery thereof, and generally for the enactment of all incidental provisions necessary for the execution of the purpose of said act.

7. The passage of an act providing for the creation of corporations for the purpose of acquiring, improving, subdividing and selling unimproved lands in this State, and providing for the creation of land credit unions, whereby the owners of improved and unimproved lands, together with their tenants and prospective tenants may form themselves into an association to enable those who do not own a home to acquire and pay

for the same as may be provided in said act, defining the powers of such corporations and unions, and generally regulating the same; and also prescribing the terms, conditions and powers of foreign corporations chartered for such purpose admitted to do business in this State.

8. The enacting of a law providing for the creation of a State Warehouse Commission, prescribing its duties; to provide for a system of bonded warehouses, and affording a method of cooperative marketing for those engaged in the production of farm and ranch products.

9. The passage of an act providing for the payment of deficiencies in the State government for the fiscal years ending August 31, 1912, and August 31, 1913, not already provided for.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

#### DESIGNATION OF SPEAKER PRO TEM.

The Speaker stated that he would probably be called home on account of sickness in his family at some time during the session, and in that event he would designate Hon. A. M. Kennedy as Speaker Pro Tem., this designation to be effective any time during the remainder of the session.

#### RECESS.

On motion of Mr. Broughton, the House, at 12:05 o'clock p. m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

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

#### HOUSE BILL NO. 18 ON FINAL PASSAGE.

(Pending Business.)

The House resumed consideration of pending business, same being House bill No. 18, relating to the penitentiary system, on its final passage, with amendment by Mr. Ridgell and motion by Mr. Wagstaff to table the amendment pending.

Question—Shall the motion to table prevail?

The motion to table prevailed.

Mr. Woods of Navarro offered the following amendment to the bill:

Amend substitute to House bill No. 18

by striking out the fifth paragraph of Section 13, beginning with the words "prisoners worked on farms" and ending with the word "work," and by inserting the following: "Ten hours shall constitute a day's work, but in cases of emergency, which may include the needs of the crops, longer hours may be required, but officers in charge of the prisoners shall make a weekly report showing the overtime worked by the men, which reports shall be open to public inspection, and a summary of such overtime shall be made in the Commission's annual report. Such prisoners shall be allowed a credit upon their sentences for such overtime at the rate of one day for each ten hours thereof. Intermission for dinner shall not be considered a part of the ten hours constituting a day's labor."

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

Mr. Ussery offered the following amendment to the bill:

Amend House bill No. 18 by adding to Section 11 the following: "Each married prisoner having a wife or minor children in a helpless or indigent condition shall be entitled to a compensation of 25 cents per day for each day he is confined in prison, said sum shall be paid on the first day of each month by the Commissioners to the wife or minor children of the prisoner; provided further, said compensation shall not be paid unless on a certificate of the county judge of the county from which the prisoner was convicted that said widow or minor children are in a helpless or indigent condition and said compensation is necessary for their support."

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

Mr. Griggs offered the following amendment to the bill:

Amend Article 6200b, as amended, by adding the following: "The Prison Commissioners shall require a new bond to be executed by the general manager at any time they may deem his original or his then existing bond insufficient by reason of any of the sureties thereon having become insolvent or any other cause."

The amendment was adopted.

Mr. Bruce offered the following amendment to the bill:

Amend House bill No. 18 by striking out of Section 1 the following portion of the second paragraph of Article 6177, towit: "Provided, that they shall receive no pay for serving for any period longer than a total of 120 days during any one year."

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

Mr. Humphrey offered the following amendment to the bill:

Amend the caption as follows: Strike out all after the word "entitled" and insert in lieu thereof the following: "An Act to amend Article 6177, Revised Statutes of 1911, fixing the compensation of each member of the Board of Prison Commissioners, providing when said board shall meet, and the number of days of annual service; amending Article 6176, Revised Statutes of 1911, fixing the bond of the members of the Board of Prison Commissioners; amending Article 6178, Revised Statutes of 1911, providing that no member of said board shall be interested in contracts with the prison system or the State; amending Article 6181, Revised Statutes of 1911, providing that a majority of said board shall constitute a quorum, and shall keep minutes of the board meetings; amending Article 6188, Revised Statutes of 1911, providing for remitting of prison funds to State Treasury, and for disbursement of prison funds; amending Article 6190, Revised Statutes of 1911, providing that the Prison Commissioners shall visit places where prisoners are kept; amending Article 6192, Revised Statutes of 1911, providing for keeping of accounts of the prison system; amending Article 6196, providing for fixing of salaries of officers and employees; amending Article 6200, Revised Civil Statutes of 1911, by adding 6200a, providing for certain appropriations from the State Treasury for maintenance of the prison system, and Article 6200b, providing for the appointment and qualification of a general manager of the prison system; amending Article 6201, Revised Statutes of 1911, providing for transportation of prisoners to Huntsville or Rusk; amending Article 6202, Revised Statutes of 1911, prohibiting wearing of stripes by prisoners except by punishment; amending Article 6204, Revised Civil Statutes of 1911, providing for appointment of chaplains and holding of religious services; amending Article 6208, Revised Civil Statutes of 1911, providing for classification of prisoners and for punishment of prisoners; amending Article 6214, Revised Civil Statutes of 1911, providing for reward for prisoners entitled to diminution of sentence; amending Article 6215, Revised Civil Statutes of 1911, providing for Sunday labor; amending Article 6217, Revised Civil Statutes of 1911, fixing number of days allowed off of sentence for good conduct; amending Article 6220, Revised Civil Statutes, 1911,

providing for regulation of labor of prisoners; amending Article 6227, Revised Civil Statutes of 1911, providing what shall be furnished to prisoners discharged; amending Article 6174, Revised Statutes of 1911, declaring the policy of this system with reference to convict labor; amending Article 6227, Revised Statutes of 1911, by adding thereto Article 6227a, providing that if any section or part of this act is unconstitutional, such holding shall not affect the remainder of said act, and declaring an emergency."

The amendment was adopted.

Mr. Lewelling offered the following amendment to the bill:

Amend the bill by adding after the word "thereof," in the middle of page 264 of the Journal copy, Article 6208, the following: "No prisoner shall be punished by hanging him by the wrists, thumbs, arms or under the arms, and any guard or other person inflicting any such punishment upon a prisoner shall be promptly dismissed from the service and shall be deemed guilty of an aggravated assault and, upon conviction, punished accordingly."

LEWELLING.  
MILLS.

Question—Shall the amendment be adopted?

Mr. Ridgell moved the previous question on the amendment and the final passage of the bill, and the main question was ordered.

Question first recurring on the amendment, it was adopted.

House bill No. 18 was passed.

Mr. Humphrey moved to reconsider the vote by which House bill No. 18 was passed and to table the motion to reconsider.

The motion to table prevailed.

#### BILL ORDERED NOT PRINTED.

On motion of Mr. Harris, by unanimous consent, it was ordered that House bill No. 33 be not printed.

#### HOUSE BILL NO. 29 SET AS SPECIAL ORDER.

On motion of Mr. Wortham, House bill No. 29, making appropriations to pay miscellaneous claims against the State, was set as a special order for 10 o'clock a. m. tomorrow.

#### HOUSE BILL NO. 27 ON THIRD READING.

(By Unanimous Consent.)

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

House bill No. 27, A bill to be entitled "An Act to amend Title 76, Articles 5221, 5222, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5232, 5233 and 5234 of the Revised Civil Statutes of 1911, concerning the management and control of the State Institution for the Training of Juveniles, and to add thereto Articles 5234a and 5234b."

The bill was read third time.

Question—Shall the bill be passed?

Mr. Henry of Wichita offered the following amendments to the bill:

Amend printed House bill No. 27 as follows:

Strike out at the end of the caption "5234b" and insert in lieu thereof "declaring an emergency."

Strike out on page 1, line 15, the words "board of trustees" and insert in lieu thereof "Article 5221."

In line 39, page 1, strike out the words "meetings of board" and insert in lieu thereof "Article 5222."

In line 6, page 2, strike out the words "powers of board" and insert in lieu thereof "Article 5223."

In line 19, page 2, strike out the words "shall provide instruction, etc." and insert in lieu thereof "Article 5224."

In line 37, page 2, strike out the words "the superintendent" and insert in lieu thereof "Article 5225."

In line 16, page 3, strike out the words "powers and duties of the superintendent" and insert in lieu thereof "Article 5226."

In line 16, page 4, strike out the words "salaries, etc., how paid." and insert in lieu thereof "Article 5227."

In line 38, page 4, strike out the words "who to be confined" and insert in lieu thereof "Article 5228."

In line 40, page 4, after the word "effect" insert the following: "and all persons committed to the State Training School for Boys."

In line 11, page 5, strike out the word "same" and insert in lieu thereof the following: "Article 5229."

In line 20, page 5, strike out the words "leave of probation" and insert in lieu thereof "Article 5230."

In line 31, page 6, strike out the words "duration of sentence" and insert in lieu thereof "Article 5231."

In line 37, page 6, strike out the words "inmates to be divided into classes," and insert in lieu thereof "Article 5232."

In line 2, page 7, strike out the words "clothing, books, etc., to be furnished," and insert in lieu thereof "Article 5233."

In line 8, page 7, strike out the word "escapes" and insert in lieu thereof "Article 5234."

In line 26, page 7, insert before the word "corporal" the following "Article 5234a."

Strike out all of lines 35 and 36, on page 7.

In line 37, page 7, insert before the word "the" at the beginning of the line, the following "Section 16."

In line 32, page 3, after the word "expended" add the following: "Provided, that all supplies for this institution shall be purchased by the State Purchasing Agent the same as for other similar State institutions."

The amendments were adopted.

Question recurred—Shall the bill be passed?

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

Yea—112.

Allison.	Fuller.
Bagby.	Gates.
Baker.	Gentry.
Barrett of Jones.	Goodner.
Barrett of Titus.	Greenwood.
Bartley.	Greer.
Bierschwale.	Griggs.
Blalock.	Grindstaff.
Broughton.	Hagins.
Brown.	Haney.
Bruce.	Heilig.
Burges.	Henry of Bowie.
Burmeister.	Henry of Wichita.
Butler.	Herder.
Byrne.	Hill.
Calvin.	Hornby.
Campbell.	Householder.
Chrestman.	Hughes.
Coffey.	Hunter.
Colquitt.	Kennedy.
Cooper.	King.
Cope.	Lane.
Cox of Delta.	Lewelling.
Craven.	Long.
Crisp.	Macgill.
Cunningham.	McDaniel.
Davis.	Mendell.
Dickson.	Mills.
Diffie.	Morris of Coryell.
Dodson.	Morris of Victoria.
Dunn.	Muleahy.
Flournoy.	Murray.
Foster.	Nabours.
Fountain.	Neeley.

Olander.	Spradley.
Owsley.	Stephens.
Parker.	Sullivan.
Parks.	Tarver.
Patton.	Taylor.
Penry.	Templeton.
Powell.	Thompson.
Ratliff.	Tiller.
Keeves.	Thompson.
Reedy.	Ussery.
Rich.	Vannoy.
Rickerson.	Wagstaff.
Ritchie.	Wahrmund.
Roach.	Watson of Hays.
Rogers.	Watson of Mills.
Ross.	Williams of Hopkins.
Rowell.	Williams of McLennan.
Russell.	Woods of Fisher.
Savage.	Woods of Navarro.
Schwegman.	Wortham.
Simpson.	Yarbrough.
Smith.	
Spann.	

Absent.

Cox of Ellis.	Low.
Dove.	Paddock.
Fields.	Ridgell.
Furrh.	Robbins.
Harris.	Robertson.
Humphrey.	Stone.
Kirby.	Webb.

Absent—Excused.

Boehmer.	McAskill.
Burns.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Hall.	Raiden.
Harp.	Tyson.
Haxthausen.	Vickers.
Jordan.	

#### HOUSE BILL NO. 9 ON ENGROSSMENT.

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

House bill No. 9. A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State, all stocks, bonds or other obligations of private, foreign and domestic corporations, organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of such stocks, bonds or other obligation of such corporation, or proposed corporation; and fixing commission and promotion fees allowed to be charged and providing for services of process, examination fees and exempting certain corporations from

the effect of this act, providing penalty for the violation of the provisions hereof, and declaring an emergency."

With amendment by Mr. Coffey and substitute by Mr. Williams of McLennan for the amendment pending.

Question—Shall the substitute be adopted?

(Mr. Calvin in the chair.)

The substitute was adopted.

The amendment as substituted was adopted.

Mr. Kirby offered the following amendment to the bill:

Strike out all after enacting clause and insert the following:

"Section 1. It shall be unlawful for any corporation organized under the laws of this State, or any foreign corporation offering its shares, directly or indirectly, for sale in this State, to pay out of its assets or out of any cash property or other thing received by it from the sale of its shares, stocks, bonds or other obligations any commission or promotion fee for the sale of such shares, or for the sale of contracts convertible into such shares, or for the sale of any character of agreement, contract or obligation entitling the holder to any shares of its capital stock.

"Sec. 2. Any director, trustee, stockholder or other representative of a corporation who shall violate the provisions of Section 1 of this act, in the sale, directly or indirectly, of the shares of such corporation, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than two hundred dollars nor more than two thousand dollars, or may be confined in the county jail for any period not exceeding two years, or by both such fine and imprisonment.

"Sec. 3. Any agent, representative, attorney of any foreign corporation, or other person, who shall violate the provisions of Section 1 of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than two hundred dollars nor more than two thousand dollars, or may be confined in the county jail for any period not exceeding two years, or by both such fine and imprisonment."

Question—Shall the amendment be adopted?

Mr. Terrell raised a point of order on consideration of the amendment, on the ground that it proposes to insert matter in lieu of matter already inserted in the bill by amendment.

The Speaker sustained the point of order.

Mr. Kirby moved to reconsider the vote by which the amendment as substituted was adopted.

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

Mr. Williams of McLennan offered the following amendment to the bill:

Amend House bill No. 9, by striking out all before the enacting clause and inserting the following: "A bill to be entitled 'An Act to regulate and supervise the sale and purchase, in this State, of stocks of private, foreign and domestic corporations organized for profit, which propose to increase their capital stock; and to regulate and supervise the sale and purchase, in this State, of stocks of private, foreign and domestic corporations being organized and hereafter organized, or proposed to be organized for profit; and to regulate and supervise the offering or contracting for sale and purchase of such stock of such corporation or proposed corporation, and to fix commission and promotion fees allowed to be charged; and providing for service of process, examination fees, and exempting certain corporations from the effect of this act; providing penalty for the violation of the provisions of this act, and declaring an emergency.'"

The amendment was adopted.

Mr. Lewelling offered the following amendment to the bill:

Amend bill by adding after word "application," on page 276, Journal, Section 4, of bill, the following: "Provided further that where any stock in any proposed corporation has heretofore been sold at an expense for promotion fees of not more than 25 per cent, such proposed corporation shall, nevertheless, be entitled to receive a permit from the proper authority as provided herein permitting the sale of stock at not more than 15 per cent hereafter as provided in Section 4 of this bill; and provided any stock heretofore sold at more than 15 per cent shall not be affected by this act."

LEWELLING,  
TARVER.

Question—Shall the amendment be adopted?

Mr. Williams of McLennan moved the previous question on the amendment and the passage of the bill to engrossment, and the motion was lost.

Mr. Kirby moved that the House consider the bill section by section.

The motion prevailed.

**MESSAGE FROM THE SENATE.**

Senate Chamber,  
Austin, Texas, August 11, 1913.  
**Hon. Chester H. Terrell, 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 substitute for House bill No. 4,**  
**A bill to be entitled "An Act providing**  
**for the election of United States Sena-**  
**tors from Texas to the Congress of the**  
**United States and providing for the se-**  
**lection and nomination of candidates**  
**therefor."**

**House bill No. 14, A bill to be entitled**  
**"An Act making appropriations to pay**  
**the salaries of officers and employes of**  
**certain educational institutions and other**  
**expenses of maintaining and conducting**  
**them, as follows, towit: The University**  
**of Texas, Agricultural and Mechanical**  
**College, Prairie View Normal, College of**  
**Industrial Arts for Women, Sam Hous-**  
**ton Normal Institute, North Texas State**  
**Normal, Southwest Texas State Normal,**  
**and West Texas State Normal, and de-**  
**claring an emergency," with amend-**  
**ments.**

**House Concurrent Resolution No. 2,**  
**Requesting the Governor to submit the**  
**subject of appointment of notaries pub-**  
**lic.**

**House bill No. 2, A bill to be entitled**  
**"An Act making appropriations to pay**  
**the salaries of employes of certain**  
**departments and courts of the State and**  
**other expenses of maintaining and con-**  
**ducting them, as follows: Governor's**  
**Office, Mansion and Grounds, Depart-**  
**ment of State, State Revenue Agent,**  
**Public Buildings and Grounds, Depart-**  
**ment of Insurance and Banking, State**  
**Insurance Commission, Texas Library**  
**and Historical Commission, State Tax**  
**Board, State Purchasing Agent, Public**  
**Printing, Bureau of Labor Statistics,**  
**State Inspector of Masonry, Public**  
**Buildings and Works, Adjutant General's**  
**Department, State Board of Health,**  
**Game, Fish and Oyster Commissioner,**  
**Live Stock Sanitary Commission, State**  
**Mining Board, Pure Food Commission,**  
**State Pension Department, Attorney**  
**General's Department, Department of**  
**Education, Treasury Department, Compt-**  
**roller's Department, General Land Of-**  
**fice, Railroad Commission, Department**  
**of Agriculture, Board of Water Engi-**  
**neers, and State Levee and Drainage**  
**Commission."**

Respectfully,  
**JOHN D. McCALL,**  
**Assistant Secretary of the Senate.**

**BILL ORDERED NOT PRINTED.**

On motion of Mr. Wortham, by unanimous consent, it was ordered that House bill No. 39 be not printed.

**ADJOURNMENT.**

On motion of Mr. Macgill, the House, at 5:30 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

**APPENDIX.****REMARKS OF HON. T. D. ROWELL.**

The House having under consideration a resolution extending an invitation to O. B. Colquitt, Governor, to address the House, Mr. Rowell spoke as follows:

Mr. Speaker and Gentlemen of the House:

As much as I regret to do so, I feel compelled to take issue with the gentleman from Dallas, Mr. Lewelling, who has just taken his seat, who, as I consider in a very intemperate way, has addressed the House in opposition to extending the Governor an invitation to address us.

One day last week, Mr. Reeves, of Grayson, presented to me a resolution requesting that the Governor be invited to address the House, which resolution I did not sign because, as I then stated, I felt that the Governor ought to visit the House at will without any special invitation and because I expected as soon as the Governor returned to the city to call upon him and personally invite him to visit the House. The resolution was presented for consideration by the House, and as soon as read, without any discussion of the question, Mr. Bagby of Lavaca county, an anti-prohibitionist, and a recognized friend of the Governor, promptly moved to table the resolution, and without a roll call showing who voted for said resolution, the same was tabled by the anti-prohibitionists of the House, and in the next issue of the papers of the State it was charged in bold headlines that the prohibition members of the House had declined to extend to Governor Colquitt an invitation to visit the House and had signified by their vote upon said resolution that they would not co-operate with him in matters of legislation now pending before the House.

I emphatically state that the gentleman from Dallas when he undertakes to inject the question of pro or anti-pro

hibition in the question of extending to our Governor an invitation to address us, does not represent the sentiments of the conservative members of the House, either of the pros or anti-prohibitionists.

I charge that the anti-prohibition members of the House and not the prohibition members, are the ones who have been responsible for the failure to pass resolutions inviting the Governor to address us, and I am not willing for the odium to be cast upon the prohibition members of the House by the press of the State in the oft-repeated statement that "the pros will not co-operate with Governor Colquitt," when as a plain matter of truth and of fact, a majority of the pros have always been ready and willing to consult and concur with him on all matters of pending legislation.

The gentleman from Dallas is doing the prohibition cause an injury when he undertakes to inject the prohibition question into a resolution inviting our Governor to come before us and to address us on such matters as he may consider proper to discuss.

Because the Governor has unjustly assailed us, and because the Governor has charged us with playing politics and with many other things which are not true, is no reason why we should hesitate a moment to invite him in a respectful manner to come before us, and, if he likes, to address us.

I commend the statement of our Speaker, Mr. Terrell, on the floor of the House last Saturday, in defending the membership of the House against the unjust criticisms of the Governor, and yet I am perfectly willing to concede to Governor Colquitt the right to make any address before us, which may seem to him to be proper, and if he shall choose, to assail us and to unjustly accuse us, his said statements will result in greater harm for him than they will for the membership of the House. Whether I am a political partisan of the Governor or not, I certainly feel that we should extend to him the courtesy which is due the Governor of our State to extend to him the invitation called for in the pending resolution, and I urge each and every prohibition member upon the floor of the House to cast his vote for same, and if it is defeated, to let the responsibility be with the anti-prohibition members of the House, who have heretofore defeated similar resolutions, and so that there may be a record vote upon same, I shall ask for an "aye" and "nay" vote on the proposition.

I do know that this House has worked faithfully to dispose of every important pending measure, and I do know also

that the question of who favored or opposed said measure has never been taken into consideration by the conservative members of the House, either pro or anti, but the sole question of inquiry has always been as to what was wise and right for the interest of the State.

I appeal now in conclusion to each and every pro member of the House of Representatives to vote for said resolution because Governor Colquitt is the Governor of the entire people and we should be wise, fair and just enough to him to extend to him this courtesy, which, I believe, if extended, will be accepted, and which if not extended, will subject those who vote against it to the righteous and just condemnation of the people of the State without reference of whether he be a pro- or an anti-prohibitionist.

#### REMARKS OF HON. CHESTER H. TERRELL.

Mr. Terrell spoke as follows:

Mr. Speaker and Gentlemen of the House: I very much regret that the resolution was offered by the gentleman from San Jacinto to invite the Governor to address this body. Under ordinary conditions I should be the last member, in this House, to object to inviting the Executive of this State to address the House of Representatives, but the conditions now are extraordinary. Shortly before the Legislature convened the Governor gave out a statement that he would submit other subjects than those in his call if the Legislature showed a disposition to work in harmony with him. In order to expedite the work of the Legislature the majority of the Appropriation Committee met in advance of the convening of the Legislature, and I met with them and assisted them in whatever way I was able in preparing the appropriation bills, and on the very day that the Legislature convened we began the consideration of the appropriation bill covering the judicial system of this State. From that day to this, the House has been busy considering many measures, especially the appropriation bills. As soon as the Legislature convened, in order to carry out his desire for harmony, the Governor held up the pay of the members.

The judicial appropriation bill was finally passed by the House on the 22d day of July, the session having convened on July 21st, and that bill carried, for the two years, appropriations amounting to about two million dollars; and each separate item was considered by the House and by the committee.

**On the 24th day of July the bill providing for every department of the State, carrying appropriations amounting to about two million dollars, was passed to engrossment in the House, and on the 31st day of July was finally passed and sent to the Senate. In this bill each separate item was considered by the committee and by the House, and many amendments were offered.**

**On August the 1st the bill providing for the election of United States Senators was engrossed in the House, and on August 5th was finally passed and sent to the Senate.**

**On August the 5th the bill, submitted by the Governor, for repealing the law in reference to paying in-county witnesses in felony cases was engrossed by the House, and on August 5th was finally passed.**

**On July 30th the bill providing for all the educational institutions in this State was considered by the House, item by item, and was engrossed. This bill carries appropriations for the two years of something over four million dollars; and the bill was finally passed on the 1st day of August.**

**On August 9th the penitentiary bill was engrossed in the House, and will be finally passed on next Monday, August 11. Today, August 9th, the House is considering the Blue Sky law, and the work on that bill will be finished by the House on Monday, August 11th.**

**On August 2d the bill providing for the different eleemosynary institutions was engrossed, and on August 5th was finally passed and sent to the Senate. This bill carries appropriations of over four million dollars. This bill was considered item by item, both by the committee and in the House, and necessarily many amendments were offered and considered by the House.**

**On August 6th an act for the control of the State Institution for Juveniles was engrossed in the House, and will be finally passed on Monday, August 11th.**

**The Senate bill in reference to the disposal of the Standard Oil fine was defeated in the House after due consideration.**

**In other words, the House has completed, or will complete by Monday night, August 11th, the passage of every measure submitted by the Governor except the one in reference to the Standard Oil fine, which was defeated, and the passage of an act requiring the Attorney General to examine and certify to all charters and applications for permits to do business in Texas, and this matter is still in the hands of the com-**

**mittee, and this bill will be before the House next week for its consideration.**

**Notwithstanding this record, the Governor continues his attack on the Legislature as a whole, and the House in particular. For instance, he refers to the Legislature as the "State Assembly Criminal Penal Manufacturing Institution," in his speech at Fort Worth on August 7th.**

**Last week, when the members of the Legislature and the Governor were invited to partake of the well known hospitality of Senator McGregor, at a barbecue given at his home, the Governor took advantage of the occasion to attack the members of the Legislature, and to say the least, it is not ordinarily expected that a gentleman should criticise and abuse guests at a social function. He complained there that he had not been invited to address the Legislature. That is true, and so far as I know other Governors have not. The Constitution provides that he shall communicate with them by written message.**

**He further states that the Legislature was trying to dig his political grave. I never heard of attempting to dig a grave where a grave was already dug and the corpse at hand.**

**On August 7th, at Fort Worth, he declared that the divorce laws were vastly improved at the last session of the Legislature, and then stated, "If I could get the Legislature to co-operate, I believe I would submit the proposition to repeal all of the laws passed by the regular session, which spent sixty days on two propositions, and didn't accomplish anything." The Governor admits that he signed over two hundred bills that he now wishes to repeal. He admits he would like to repeal the suspended sentence law, the verified pleading law, the law for the submission of civil cases on special issues, the irrigation law, which is stated by those familiar with the subject to be the best law on that subject of any State in the Union, the district irrigation bill, the mining bill, which is the first law we have had that would tend to develop the mineral deposits of this State, and many other laws, including road laws for counties, independent school districts, and even the divorce law, which he says has done much to perfect the system of this State in reference to granting divorces.**

**On yesterday he stated, "I am glad to see the so-called insurgents enter the field at Austin, for it shows some attempt is being made to organize the House into some attitude of business."**

I believe in just criticism of the Legislature, both by the press and the citizens of this State, but I do not believe in criticism unfounded in fact, and known to be untrue by every informed man.

The records of the Legislature are public documents that can be seen by any citizen, and the record shows, as to this Special Session, what I have indicated before.

In the last session of the House (1897), when Governor Colquitt was a member of the Senate, the Legislature was in session ninety-six days; its Journal shows 1414 pages. In the Regular Session of the Thirty-third Legislature, the Legislature was in actual session, eliminating the time when the members were excused by reason of sickness, about sixty days, and the Journal shows 2182 pages; showing that the Thirty-third Legislature actually considered more matters, and performed more work in sixty days, than did the House, at the time Governor Colquitt was in the Legislature in 1897, performed in ninety-six days. And in the Journal of the House at this time we make no reference to petitions and memorials that are sent to different members of the Legislature, as was done at that time, and, therefore, saves possibly two hundred pages of the Journal of the House.

So far as I am concerned, under ordinary conditions I should be glad to have the Governor of the State address the Legislature, but when the Governor sees fit, in his office and in the public press, to abuse the members of the Legislature, singly and collectively, in every conceivable form, I see no reason on earth why he should be invited to address a body that he at all times seeks to discredit before the people, by statements unfounded, and which the records do not substantiate. It seems to me that the Governor is troubled with what the alienists call "exaggerated ego," and I believe that if he will spend more time in attending to the duties of the executive office, rather than to try to attend to the duties of the legislative department, and criticise and abuse its members, that the work, both in the Legislature and the executive office, will be better conducted.

It seems to me that the record shows that the House has evidenced a desire to work with the Governor, but that the Governor has not evinced that desire, but has abused the membership of the House, individually and collectively.

If there are subjects to be submitted,

they should be before the Legislature now, but I presume that if the Governor intends to submit other subjects he will wait until later, and there will be hardly time for their consideration, and then he will make the plea before the people of this State that he submitted the matters, and the Legislature would not consider them.

The Governor has also stated in the press and to others that the appropriation bill should be three million less than it is, and yet he has not, by message or otherwise, pointed out a single item that should be eliminated. So far as I am concerned I do not propose to invite any man to address a body that he continues to insult and misrepresent.

#### REPORT OF COMMITTEE ON REVENUE AND TAXATION.

Committee Room,  
Austin, Texas, August 11, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Revenue and Taxation, to whom was referred House bill No. 38, beg leave to report that we have considered same and recommend that it do pass.

RITCHIE, Vice Chairman.

#### REPORT OF COMMITTEE ON EN-GROSSED BILLS.

Committee Room,  
Austin, Texas, August 11, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

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

House bill No. 18, A bill to be entitled "An Act to repeal Article 6214 of the Revised Statutes of 1911. To amend Article 6215, Title 104, of the Revised Statutes of 1911 so as to provide that prisoners of the State penitentiary system need not be paid for Sunday labor. To amend Article 6220, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners worked on farms may be required to labor from sunrise to sunset, and amending Article 6223, Title 104, of the Revised Statutes of 1911, so as to provide that the State need not pay the transportation of discharged convicts to any point within the State, but only to the nearest depot to the point from whence sentenced, or an equal distance."

And find the same correctly engrossed.

MULCAHY, Chairman.

**REPORT OF COMMITTEE ON CRIMINAL JURISPRUDENCE.**

Committee Room,  
Austin, Texas, August 11, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred House bill No. 39, have had the same under consideration and beg to report same back to the House with the recommendation that it do pass.

WILLIAMS of McLennan. Chairman.

**REPORTS OF COMMITTEE ON PRIVATE CORPORATIONS.**

Committee Room,  
Austin, Texas, August 11, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Private Corporations, to whom was referred House bill No. 17 have had the same under consideration and beg to report same back to the House with the recommendation that it do pass with amendment. Mr. Rich is appointed to make a full report.

BAGBY, Chairman.

Committee Room,  
Austin, Texas, August 11, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Private Corporations, to whom was referred House bill No. 22, have had the same under consideration and beg leave to report same back to the House with the recommendation that it do pass with amendments. Mr. Tillotson is appointed to make a full report.

BAGBY. Chairman.

**REPORTS OF COMMITTEE ON PENITENTIARIES.**

Committee Room,  
Austin, Texas, August 11, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Penitentiaries, to whom was referred House bill No. 32, have had same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass. Mr. Broughton having given notice of the minority report is appointed by the Chair to make the report for the minority, which report for the minority is filed herewith.

REEDY, Chairman.

Committee Room,  
Austin, Texas, August 11, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Penitentiaries, to whom was referred House bill No. 31, have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass, and the chairman appoints Mr. Roach to make the full report for the committee.

REEDY, Chairman.

**REPORT OF COMMITTEE ON JUDICIAL DISTRICTS.**

Committee Room,  
Austin, Texas, August 11, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred House bill No. 33, have had the same under consideration, and beg to report same back to the House with the recommendation that it do pass.

DIFFIE, Chairman.

**NINETEENTH DAY.**

(Tuesday, August 12, 1913.)

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

Speaker Terrell in the chair.

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

Allison.	Cunningham.
Baker.	Davis.
Barrett of Jones.	Dickson.
Barrett of Titus	Diffie.
Bartley.	Dodson.
Bierschwale.	Dove.
Blalock.	Dunn.
Broughton.	Fields.
Brown.	Flournoy.
Bruce.	Foster.
Burges.	Fountain.
Burmeister.	Fuller.
Burns.	Furrh.
Butler.	Gates.
Byrne.	Gentry.
Calvin.	Goodner.
Campbell.	Greenwood.
Chrestman.	Greer.
Coffey.	Griggs.
Colquitt.	Grindstaff.
Cope.	Hagins.
Cox of Delta.	Haney.
Cox of Ellis.	Harris.
Craven.	Haxthausen.
Crisp.	Heilig.

Henry of Bowie.	Rich.
Henry of Wichita.	Rickerson.
Herder.	Ridgell.
Hill.	Ritchie.
Hornby.	Roach.
Householder.	Robbins.
Hughes.	Rogers.
Humphrey.	Ross.
Hunter.	Rowell.
Jordan.	Russell.
Kennedy.	Savage.
King.	Schwegman.
Kirby.	Simpson.
Lane.	Smith.
Lewelling.	Spradley.
Long.	Stephens.
Low.	Stone.
Macgill.	Sullivan.
McAskill.	Tarver.
McDaniel.	Taylor.
Mendell.	Templeton.
Mills.	Thompson.
Morris of Coryell.	Tiller.
Morris of Victoria.	Tillotson.
Mulcahy.	Ussery.
Murray.	Vannoy.
Nabours.	Wagstaff.
Feeley.	Wahrmund.
Olander.	Watson of Hays.
Owsley.	Watson of Mills.
Parker.	Webb.
Parks.	Williams
Patton.	of Hopkins.
Penry.	Williams
Powell.	of McLennan.
Raiden.	Woods of Fisher.
Ratliff.	Woods of Navarro.
Reedy.	Wortham.
Reeves.	Yarbrough.
Absent.	
Bagby.	Robertson.
Paddock.	Spann.

**Absent—Excused.**

Boehmer.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Hall.	Tyson.
Harp.	Vickers.

A quorum was announced present.

Prayer by Rev. A. R. Watson of Mills county, a member of the House.

**LEAVE OF ABSENCE GRANTED.**

On account of important business:

Mr. Jordan, for yesterday, on motion of Mr. Tarver.

**HOUSE BILLS ON FIRST READING.**

The following House bills, introduced today, were laid before the House, read

severally first time, and referred to appropriate committees, as follows:

**By Mr. Burmeister:**

House bill No. 40, A bill to be entitled "An Act to amend Chapter 162 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to amend Chapter 24 of the Acts of the First Called Session of the Thirty-first Legislature of the State of Texas, entitled "An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experiment stations in certain parts of Texas; to provide for proper appropriations therefor, and repealing all laws in conflict herewith, and declaring an emergency," and providing further for a governing board for the Texas Agricultural Experiment Station, defining the place of residence of the Director of Texas Experiment Stations, and declaring an emergency'; providing for the payment of the salary of the director of said experiment stations, defining his powers and duties and also the powers and duties of the governing board; also providing that the Texas State Agricultural Experiment Station located at College Station, Brazos county, Texas, at the Agricultural and Mechanical College of Texas, shall remain under the control of the board of directors of the Agricultural and Mechanical College, and authorizing the said board to receive from the Federal government the aid that has been or may hereafter be available for it under an act of Congress, and declaring an emergency."

Referred to Committee on Agriculture.

**By Mr. Foster:**

House bill No. 41, A bill to be entitled "An Act pledging the faith and credit of the State of Texas to the payment of penitentiary improvement bonds authorized by Chapter 57, page 110, of the General Laws of the Regular Session of the Thirty-third Legislature, approved March 29, 1913, and guaranteeing the payment of same, and directing the Governor to indorse upon each bond issued under said act a statement pledging the faith and credit of the State to its payment and guaranteeing its payment, and declaring an emergency."

Referred to Committee on Penitentiaries.

**By Mr. Reedy:**

House bill No. 42, A bill to be entitled "An Act to prohibit the shipment, transportation or carriage or the delivery to any person, corporation or company

**whatsoever for shipment, transportation or carriage any intoxicating liquor from any point in this State to any other point in said State where the sale of such intoxicating liquors is prohibited by law at the time of such shipment, transportation or carriage, or at the time of the delivery of such liquors for shipment, transportation or carriage, and to prohibit the delivery of any such liquors at any point in this State where the sale thereof is prohibited by law at such time, and to prohibit the receipt of any such liquors for shipment, transportation or carriage from any point in this State to any other point in said State where the sale of any such liquors is prohibited by law; and to prohibit any person from receiving any such liquors at any point within this State where the sale of such liquors is prohibited by law, except as provided herein; and to prohibit any person from giving or otherwise dispensing any such liquors at any outhouse, inn, tavern, hotel, store, livery stable, or any other place whatsoever other than at the place of the residence of such person so giving or dispensing the same, except as hereinafter provided; defining a public place; requiring publicity of delivery and record of same; providing penalties for the violation of this act; and providing for the repeal of Chapter 67, passed at the Regular Session of the Thirty-third Legislature, relating to shipments of intoxicating liquors into prohibition territory, and all other laws and parts of laws in conflict herewith."**

Referred to Committee on Liquor Traffic.

**By Mr. Greer:**

House bill No. 43, A bill to be entitled "An Act to fix the time for holding the terms of the district court in the Forty-seventh Judicial District, and to repeal all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Judicial Districts.

**By Mr. Calvin, Mr. Fields and Mr. Dove:**

House bill No. 44, A bill to be entitled "An Act to amend Chapter 5 of the Revised Criminal Statutes of Texas of 1911, and Title 131 of the Revised Civil Statutes of Texas of 1911; providing for the conduct of the business of public warehousemen, describing what constitutes such warehouse, and defining who shall be held to be public warehousemen; providing that all persons, firms, and corporations, or associations

of persons, shall obtain a certificate of authority from the county clerk of the county in which they intend to engage in said business of warehousemen, and defining the requisites of said certificate; providing that such warehousemen shall issue negotiable and non-negotiable receipts for property stored in such warehouses, and vesting the supervision of such public warehouses in the Commissioner of Insurance and Banking, and defining his duty with reference to such warehouses, and directing said Commissioner to prescribe uniform public warehouse receipts for cotton; and requiring that any encumbrance on cotton stored in public warehouses shall be disclosed in the endorsement on the back of such negotiable receipt or certificate, and providing a penalty for failure to truthfully disclose such facts; preventing public warehousemen, by provisions inserted in their receipts, from limiting their liability under the law; providing for the negotiability of receipts issued; providing a penalty for public warehousemen who violate the provisions of this act; providing the conditions under which private warehousemen may conduct such business; providing for the appointment of a board of cotton grading examiners and defining their duties; requiring public warehousemen storing cotton to employ a competent cotton classer, and affixing a penalty for failure to do so.

Referred to Committee on Agriculture.

**By Mr. Allison:**

House bill No. 45, A bill to be entitled "An Act on the subject of private corporations, authorizing the chartering of corporations for the purpose of acquiring, improving, subdividing and selling unimproved lands within the State of Texas under the terms, conditions, and limitations prescribed in this act, and said corporations to be known as 'Colonization Companies,' and all corporations organized under the provisions of this act, or which accept the provisions of same, shall be under the supervision of the Commissioner of Banking and Insurance; prescribing the powers, duties and limitations of said corporations, requiring the same to make reports; prescribing the amount of franchise taxes to be paid; prescribing the terms and conditions under which corporations now in existence chartered for other purposes may accept the provisions of this act and exercise the powers and privileges thereof; prescribing

the terms and conditions on which foreign corporations chartered for the same purpose may be admitted to do business in this State, and prescribing the powers, duties and privileges of said foreign corporations, and prohibiting any foreign corporation granted a permit to do business in this State from acquiring, improving, subdividing or selling real estate except as an agent for the owner of said lands; prescribing the procedure to be pursued against companies violating the provisions of this act; and further providing that any foreign corporation doing business in this State under a permit that without the consent of the other party to the litigation shall remove a suit or proceeding brought by or against it in a State court to any Federal court against any domestic corporation or citizen of this State shall have its permit canceled and it shall be barred from doing business in this State, and declaring an emergency."

Referred to Committee on Private Corporations.

By Mr. Rowell, Mr. Blalock and Mr. Furrh:

House bill No. 46, A bill to be entitled "An Act to amend Sections 3, 4 and 10 of Chapter 173 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, approved April 9, 1913, relating to the development of minerals in public lands."

Referred to Committee on Mines and Mining.

By Mr. Chrestman:

House bill No. 47, A bill to be entitled "An Act to incorporate the Fruitvale Independent School District in Van Zandt county for free school purposes only; describing its boundaries; providing for a board of school trustees for the control and management of the said independent school district; prescribing the rights, powers, privileges and duties of the said Fruitvale Independent School District and its board of school trustees; vesting it with all the rights, powers, privileges and duties of a town or village incorporated under the General Laws of this State for free school purposes; providing for a treasurer of school funds of the district, and declaring an emergency."

Referred to Committee on Education.

By Mr. Fuller:

House bill No. 48, A bill to be entitled "An Act making it an offense punishable by confinement in the penitentiary for any person in this State to represent in any capacity or transact business for any foreign corporation, where such corporation has not under the law of this State been granted a permit to do business herein, and making it an offense punishable by confinement in the penitentiary for any person in this State in any capacity to transact business for or represent any unincorporated company, association, or firm representing the same to be incorporated, and providing that the act shall not be construed to apply to or to interfere with interstate commerce."

Referred to Committee on Private Corporations.

#### BILL ORDERED PRINTED.

On motion of Mr. Woods of Navarro, it was ordered that House bill No. 15, reported unfavorably, be printed.

#### RELATING TO ESTABLISHMENT OF MESCALERO NATIONAL PARK.

Mr. Burges offered the following resolution:

House Concurrent Resolution No. 9, Requesting Texas Representatives in Congress to support bill for the establishment of the Mescalero National Park.

Whereas, the Hon. A. B. Fall has introduced in the Senate of the United States a bill to create a National park out of a portion of the Mescalero Indian Reservation; and

Whereas, there have been established throughout the Rocky Mountain States and Pacific Coast States numerous National parks for the use of the people of the United States for health resorts and pleasure resorts; and

Whereas, it is just and reasonable that a National park should be established in the Southwest for the convenience, health and comfort of all the people; and

Whereas, the said Mescalero Indian Reservation contains great areas of majestic forest, clear flowing rivers and rugged and beautiful scenery, peculiarly adapting it to the use of the people of this State, as well as the State of New Mexico and neighboring States, as a great public park; and

Whereas, the said lands are the public property of the United States; now, therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That our Senators and Representatives

in the Congress of the United States be, and they are hereby requested to actively and vigorously support the bill for the creation of the Mescalero National Park.

The resolution was read second time and was adopted.

**RELATIVE TO GRANTING FURLoughs TO INMATES OF CONFEDERATE HOMES.**

Mr. Reedy offered the following resolution:

Be it resolved by the House of Representatives of the Thirty-third Legislature, That the Speaker is hereby authorized and directed to appoint a committee of three members of the House whose duty is shall be to immediately investigate and report to this House if it be possible and wise under existing laws and prevailing conditions to permit inmates of the Confederate Veterans Home and the Home for Aged Women of the Confederacy to obtain furloughs and to draw their per capita from the main tenance fund each month or each three months while on such furlough without impairing their right to return to the Home at will.

The resolution was read second time. Question—Shall the resolution be adopted?

Mr. Dodson raised a point of order on further consideration of the resolution at this time, on the ground that the time allotted under the rules for consideration of resolutions has expired.

The Speaker sustained the point of order.

**CONFERENCE COMMITTEE ON HOUSE BILL NO. 2.**

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

House bill No. 2, A bill to be entitled "An Act making appropriations to pay the salaries and employes of certain departments and courts of the State and other expenses of maintaining and conducting them, as follows: Governor's Office, Mansion and Grounds, Department of State, State Revenue Agent, Public Buildings and Grounds, Department of Insurance and Banking, State Insurance Commission, Texas Library and Historical Commission, State Tax Board, State Purchasing Agent, Public Printing, Bureau of Labor Statistics, State Inspector of Masonry, Public Buildings and Works, Adjutant General's Department, State Board of

Health, Game, Fish and Oyster Commissioner, Live Stock Sanitary Commission, State Mining Board, Pure Food Commission, State Pension Department, Attorney General's Department, Department of Education, Treasury Department, Comptroller's Department, General Land Office, Railroad Commission, Department of Agriculture, Board of Water Engineers, and State Levee and Drainage Commission."

The Speaker laid the bill before the House.

Question—Shall the House concur in the Senate amendments?

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

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Free Conference Committee on the part of the House: Messrs. Wortham, Goodner, Hill, Kirby and Woods of Navarro.

**CONFERENCE COMMITTEE ON HOUSE BILL NO. 14.**

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

House bill No. 14, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows: The University of Texas, Agricultural and Mechanical College, Prairie View Normal, College of Industrial Arts for Women, Sam Houston Normal Institute, North Texas State Normal, Southwest Texas State Normal, and West Texas State Normal, and declaring an emergency."

The Speaker laid the bill before the House.

Question—Shall the House concur in the Senate amendments?

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

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Free Conference Committee on the part of the House: Messrs. Wortham, Goodner, Hill, Kirby and Woods of Navarro.

**HOUSE BILL NO. 33 ON SECOND READING.**

On motion of Mr. Harris, 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. 33, A bill to be entitled "An Act to reorganize the Thirty-fourth Judicial District of Texas, to regulate the time of holding the district courts in the various counties composing the Thirty-fourth Judicial District of Texas, providing for the returning of the process issued and to be issued by said courts, validating process heretofore issued by said court, and declaring an emergency."

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

**HOUSE BILL NO. 9 ON ENROSSMENT.**

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

House bill No. 9, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State all stocks, bonds or other obligations of private, foreign and domestic corporations, organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of such stocks, bonds or other obligation of such corporation, or proposed corporation; and fixing commission and promotion fees allowed to be charged and providing for services of process, examination fees and exempting certain corporations from the effect of this act, providing penalty for the violation of the provisions hereof, and declaring an emergency,"

With amendment by Mr. Lewelling pending, the House having agreed to consider the bill section by section.

Question—Shall the amendment be adopted?

Section 1 of the bill was read.

Mr. Morris of Victoria moved to postpone further consideration of the bill indefinitely.

On motion of Mr. Savage, the motion to postpone indefinitely was tabled.

Mr. Coffey offered the following amendment to Section 1 of the bill:

Amend the substitute by striking out Section 1 and insert the following:

Section 1. Every private corporation or association, unincorporated joint stock company or partnership, foreign or do-

mestic, which has been, is now being, or may hereafter be, or attempted to be, organized for profit which shall, directly or indirectly, through itself, its agents or employes, or through any person or association of persons, holding companies, sales companies, all of which are hereinafter referred to and called "promoters," in this State, sell or contract to sell any stocks or other obligations of such corporation, proposed corporation or association, all of which are hereinafter referred to as "securities," in the organization of which, or promotion of, any part of the proceeds to be derived therefrom are to be used, directly or indirectly, for the payment of any commission, promotion fee or organization fee, or other expenses incident, directly or indirectly, to the organization or promotion of such corporation, proposed corporation or association, except attorney's fees, charter fees and permit fees, shall be subject to this act.

COFFEY.  
HANEY.

(Mr. Rowell in the chair.)

Question—Shall the amendment be adopted?

Mr. Williams of McLennan raised a point of order on consideration of the amendment, on the ground that the House has already defeated an amendment containing identical subject matter.

The Speaker overruled the point of order.

Mr. Terrell moved to table the amendment.

Question—Shall the motion to table prevail?

Mr. Kirby raised a point of order on further consideration of the bill at this time on the ground that the hour set apart by the House for the consideration of a special order had arrived.

The Speaker sustained the point of order.

**HOUSE BILL NO. 29 ON SECOND READING.**

(Special Order.)

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

House bill No. 29, A bill to be entitled "An Act making appropriations to pay various miscellaneous claims against the State, and authorizing the payment of said miscellaneous items on the taking effect of this act, and declaring an emergency."

On motion of Mr. Terrell, by unani-

**mous consent, the House agreed to consider the bill item by item.**

The item of the bill relating to the payment of certain liquor dealers' claims was read and was passed over.

The item of the bill relating to payment of claim of Jake Giles was read and was passed over temporarily.

The item of the bill relating to the payment of claim of C. W. Howth was read and was passed over temporarily.

Mr. Broughton, by unanimous consent, offered the following amendment to the item relating to the payment of certain claims of retail liquor dealers:

Amend House bill No. 29, page 1, line 20, by adding after the word "districts" the following: "And restricted districts on account of amended city charters."

The amendment was adopted.

The item of the bill relating to the payment of claim of T. F. Skerington was read and was passed over.

The item of the bill relating to payment of claim of Dennis Richardson was read.

Mr. Raiden offered the following amendment to this item of the bill:

Amend House bill No. 29, page 1, by striking out all of lines 33, 34 and 35.  
(Speaker in the chair.)

The amendment was lost.

The item of the bill relating to the payment of claim of J. P. Flynt was read and was passed over.

The item of the bill relating to the payment of the claim of William Reese was read and was passed over.

The item of the bill relating to the payment of claim of Marshall Traction Co. was read and was passed over.

The item of the bill relating to the payment of claim of Mrs. E. L. Wesley was read and was passed over.

The item of the bill relating to the payment of claim of Higgins Oil & Fuel Company was read.

Mr. Lewelling offered the following amendment to this item of the bill:

Amend bill 29, page 2, by striking out all of lines 8 to 13, inclusive.

Question—Shall the amendment be adopted?

(Mr. Mills in the chair.)

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

The item of the bill relating to payment of claim of Swann Furniture Company was read.

Mr. Mendell offered the following amendment to this item of the bill:

Amend line 16, page 2, by increasing the amount due to "\$2483.35."

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

The items of the bill, from the item relating to the payment of claim of C. and E. Branch to the item relating to the payment of claim of Rural Telephone Company of Holland, Texas, inclusive, were read and were passed over.

The item of the bill relating to the payment of claim of the State Mercantile Company of Grayson county was read.

Mr. Tarver offered the following amendment to this item of the bill:

Amend House bill No. 29, page 2, by striking out all of lines 26 to 30, inclusive.

TARVER,  
WEBB,  
REEVES,  
CRAVEN,  
COFFEY,  
COPE.

Question—Shall the amendment be adopted?

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, August 12, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has corrected its action on House bill No. 4 to show that the bill was passed with amendments.

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

#### RECESS.

On motion of Mr. Blalock, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

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

#### CONFERENCE COMMITTEE ON HOUSE BILL NO. 4.

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

House bill No. 4. A bill to be entitled "An Act providing for the election of United States Senators from Texas to the Congress of the United States and providing for the selection and nomination of candidates therefor."

The Speaker laid the bill before the House.

Question—Shall the House concur in the Senate amendments?

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

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Free Conference Committee on the part of the House: Messrs. Kennedy, Dove, Mills, Kirby and Hunter.

#### HOUSE BILL NO. 29 ON ENGROSSMENT.

(Pending Business.)

The House resumed consideration of pending business, same being House bill No. 29, making appropriations to pay miscellaneous claims against the State, on its passage to engrossment, with amendment by Mr. Tarver and others pending, the House considering the bill item by item, and the item of the bill relating to the payment of the State Mercantile Company of Grayson county being under consideration.

Question—Shall the amendment by Mr. Tarver and others to this item of the bill be adopted?

Mr. Chrestman moved the previous question on the adoption of the amendment, and the main question was ordered.

(Mr. Mills in the chair.)

Question then recurring on the adoption of the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

#### Yea—88.

Allison.	Davis.
Baker.	Dickson.
Barrett of Jones.	Diffie.
Barrett of Titus.	Dove.
Blalock.	Fields.
Broughton.	Foster.
Brown.	Fuller.
Burges.	Gates.
Burmeister.	Gentry.
Burns.	Goodner.
Butler.	Greer.
Byrne.	Griggs.
Calvin.	Grindstaff.
Chrestman.	Hagins.
Coffey.	Haney.
Colquitt.	Harris.
Cope.	Henry of Bowie.
Cox of Delta.	Henry of Wichita.
Craven.	Hornby.
Cunningham.	Hughes.

Humphrey.	Rogers.
Hunter.	Ross.
Jordan.	Rowell.
Kennedy.	Russell.
Lewelling.	Savage.
Long.	Simpson.
McAskill.	Spradley.
McDaniel.	Stephens.
Mills.	Sullivan.
Morris of Victoria.	Tarver.
Morris of Coryell.	Taylor.
Nabours.	Thompson.
Olander.	Tiller.
Owsley.	Ussery.
Parker.	Vannoy.
Patton.	Wagstaff.
Powell.	Watson of Hays.
Raiden.	Watson of Mills.
Ratliff.	Webb.
Reedy.	Williams of Hopkins.
Reeves.	Williams of McLennan.
Rickerson.	Woods of Fisher.
Ritchie.	Yarbrough.
Rich.	
Robbins.	

#### Nay—29.

Bartley.	Kirby.
Bierschwale.	Lane.
Bruce.	Mendell.
Campbell.	Mulcahy.
Cooper.	Murray.
Crisp.	Parks.
Dunn.	Penry.
Flournoy.	Roach.
Fountain.	Schwegman.
Greenwood.	Smith.
Haxthausen.	Stone.
Heilig.	Tillotson.
Herder.	Wahrmund.
Hill.	Wortham.
King.	

Present—Not Voting.

#### Cox of Ellis.

	Absent.
Bagby.	Ridgell.
Furrh.	Robertson.
Low.	Spann.
Macgill.	Templeton.
Neeley.	Woods of Navarro.
Paddock.	

#### Absent—Excused.

Boehmer.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Hall.	Tyson.
Harp.	Vickers.

#### Paired.

Mr. Dodson (present), who would vote "yea," with Mr. Householder (absent), who would vote "nay."

**Mr. Tarver** moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

The items of the bill, from the item relating to payment of claim of Mrs. P. B. Carr to the item relating to payment of claim of R. B. Minor, inclusive, were read and were passed over.

**Mr. Wortham** offered the following (committee) amendment to the bill:

Amend House bill No. 29 by inserting after line 37, page 2, the following: "To pay Andres Coy, Jr., district clerk, Bexar county, Texas, for costs in the case of Hewgley versus Lane, \$27.55."

The (committee) amendment was adopted.

The items of the bill, from the item relating to the payment of claim of G. H. Huston to the item relating to the payment of the claim of George G. Markley, inclusive, were read and were passed over.

**Mr. Williams** of McLennan offered the following amendment to the bill:

Amend House bill No. 29, page 4, line 25, by adding the following:

"To pay Hall Etter, official district court stenographer, one-half of transcript fees in the hereinafter styled and numbered causes, where the court was required to and did appoint attorneys to represent defendants in criminal action, as provided in Section 14, Chapter 119, Acts of the Thirty-second Legislature, which one-half of said transcript fees are as follows, to-wit:

No. 3166. The State of Texas vs. Alfred Alexander, \$20.

No. 3162. The State of Texas vs. Cul len Nobles and Curtis McGinsey, \$14.

No. 3162. The State of Texas vs. Curtis McGinsey, \$12.

No. 3251. The State of Texas vs. Curtis McGinsey, \$17.

No. 3282 and No. 3283. The State of Texas vs. Will Johnson, \$15.

No. —. The State of Texas vs. Dan M. Cline, \$20.

No. —. The State of Texas vs. Willie Maxwell, \$19.

Total, \$117."

The amendment was adopted.

The items of the bill, from the item relating to claim of Earl Carter to the item relating to the support and maintenance fund of the Deaf, Dumb and Blind Institute, colored, inclusive, were read and were passed over.

The item of the bill relating to the appropriation for the erection of a monument over the grave of General John A. Wharton was read.

**Mr. Kirby** offered the following (committee) amendment to this item of the bill:

Amend House bill No. 29, page 5, line 10, by striking out the word "Brigadier" and inserting the word "Major." Also insert after the word "necessary," in line 11, the words, "to be expended under the direction of the Governor."

The (committee) amendment was adopted.

**Mr. Spann** offered the following amendment to the bill:

Amend House bill No. 29 by inserting therein after line 5, page 5, the following:

To complete the erection of a monument in the court house yard at Granbury, Hood county, Texas, to the memory of Brigadier General H. B. Granbury, to be expended under the direction of the Daughters of the Confederacy of Granbury Camp, or so much thereof as may be necessary, \$1000.

The amendment was adopted.

The item of the bill relating to the payment of claim of Clark & Courts was read.

**Mr. Watson** of Hays offered the following amendment to this item of the bill:

Amend House bill No. 29 by striking out lines 12 and 13, page 5.

WATSON of Hays,  
CRAVEN.

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

The item of the bill relating to payment of claim of George D. Barnard & Co. was read.

**Mr. Watson** of Hays offered the following amendment to this item of the bill:

Amend House bill No. 29, page 5, by striking out lines 14, 15, 16 and 17.

CRAVEN,  
WATSON of Hays.

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

The items of the bill relating to the payment of claims of E. T. Rosborough were read.

**Mr. Lewelling** offered the following amendment to the third item of E. T. Rosborough:

Amend bill, page 5, by striking out all on line 23 to line 25, inclusive.

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

The items of the bill, from the item relating to the payment of claim of W. Murray to the item relating to the payment claim of Underwood Type

writer Company, inclusive, were read and were passed over.

Mr. Wortham offered the following (committee) amendment to the bill:

Add on page 5, after line 38, the following:

"To pay John W. Benson for services as a Texas Ranger for five months, at \$40 per month, from March, 1860, to July, 1860, inclusive, \$200."

The (committee) amendment was adopted.

The item of the bill relating to payment of claim of E. M. Bacon was read.

Mr. Watson of Hays offered the following amendment to this item of the bill:

Amend House bill No. 29, page 5, by striking out line 40, and by striking out 1, 2, 3 and 4 on page 6.

CRAVEN,  
WATSON of Hays.

Question—Shall the amendment be adopted?

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

Yeas—38.

Baker.	Lewelling.
Barrett of Jones.	Long.
Bierschwale.	Mills.
Blalock.	Morris of Coryell.
Burges.	Raiden.
Burmeister.	Reeves.
Burns.	Ross.
Chrestman.	Spann.
Coffey.	Stephens.
Cope.	Sullivan.
Cox of Delta.	Tarver.
Cox of Ellis.	Ussery.
Craven.	Vannoy.
Davis.	Watson of Hays.
Fields.	Watson of Mills.
Foster.	Webb.
Furrh.	Williams
Hagins.	of Hopkins.
Harris.	Woods of Navarro.
Hughes.	

Nays—65.

Brown.	Gentry.
Calvin.	Goodner.
Campbell.	Greenwood.
Colquitt.	Greer.
Cooper.	Griggs.
Crisp.	Haney.
Cunningham.	Haxthausen.
Dodson.	Heilig.
Dove.	Henry of Bowie.
Dunn.	Herder.
Flournoy.	Hill.
Fountain.	Hornby.
Fuller.	Humphrey.
Gates.	Hunter.

Kennedy.	Roach.
Kirby.	Robbins.
Lane.	Rowell.
Mendell.	Russell.
Morris of Victoria.	Savage.
Mulcahy.	Schwegman.
Murray.	Simpson.
Neeley.	Smith.
Olander.	Spradley.
Owsley.	Stone.
Parker.	Taylor.
Parks.	Templeton.
Patton.	Tiller.
Penry.	Tillotson.
Powell.	Wahrmund.
Ratliff.	Williams
Reedy.	of McLennan.
Rich.	Woods of Fisher.
Ritchie.	Wortham.

Present—Not Voting.

Dickson.	Thompson.
Nabours.	

Absent.

Allison.	King.
Bagby.	Low.
Barrett of Titus.	Macgill.
Bartley.	McAskill.
Broughton.	McDaniel.
Bruce.	Paddock.
Butler.	Rickerson.
Byrne.	Ridgell.
Diffie.	Robertson.
Grindstaff.	Rogers.
Henry of Wichita.	Wagstaff.
Hòuseholder.	Yarbrough.
Jordan.	

Absent—Excused.

Boehmer.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Hall.	Tyson.
Harp.	Vickers.

Mr. Tarver called for a verification of the vote.

Mr. Terrell raised a point of order on the demand for a verification of the vote, on the ground that the Rules do not give a member a right to make such demand unless there is a probability that such verification would change the result of the vote.

The Speaker sustained the point of order.

The item of the bill relating to the payment of claim of C. A. Dahlich was read and was passed over.

Mr. Wortham offered the following (committee) amendment to the bill:

Amend House bill No. 29, page 6, after line 4, by adding the following:

To refund H. T. Reutermann, of Bexar county, State portion of

a tax as sewing machine agent for the years from April 16 1910, to April 15, 1911, and from April 16, 1911, to April 15, 1912, due to the fact that the law known as the "Merchants' Occupation Tax Law" was declared unconstitutional about the latter date.....\$30.00

The (committee) amendment was adopted.

The items of the bill relating to payment of claims of Assistant Inspector of Masonry were read and were passed over.

The item of the bill relating to the payment of claim of Wm. J. Bailey was read.

Mr. Watson of Hays offered the following amendment to this item of the bill:

Amend House bill No. 29, page 6, by striking out lines 14, 15, 16 and 17.

·  
· CRAVEN.  
WATSON of Hays.

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

The items of the bill, from the item relating to payment of claims of live stock inspectors to the item relating to the payment of claim of Fourth Infantry, Texas National Guard, were read and were passed over.

The item of the bill relating to the payment of claim of judges of Courts of Civil Appeals was read.

Mr. Kirby offered the following amendment to the bill:

Amend House bill No. 29, page 7, line 5, by striking out "th" after the figure "8."

The amendment was adopted.

The remaining items of the bill were read and were passed over.

Question—Shall House bill No. 29 be passed to engrossment?

Mr. Wortham offered the following (committee) amendment to the bill:

Amend House bill No. 29, page 7, by adding after line 23 the following:

"To pay claims of court reporters for transcribing testimony in felony cases where pauper oath is filed, as provided by law.....\$250.00"

The (committee) amendment was adopted.

Mr. Wortham offered the following (committee) amendments to the bill:

(1)

Amend House bill No. 29, page 6, after line 23, by adding the following:

"To refund to Wm. M. Dunson, Travis county, State taxes erroneously paid for the year 1911, same having been paid twice .....\$ 22.92"

(2)

Amend by adding the following item:

"To pay J. T. Robison for copying General and Special Laws of the Thirty-third Legislature, and for proof reading General Laws, 114 days' work .....\$400.00"

The (committee) amendments were severally adopted.

Mr. Dodson offered the following amendment to the bill:

Amend House bill No. 29 by inserting at line 24 on page 7 the following:

"To pay wolf and other wild animal scalp bounties for the two years beginning August 31, 1913, and ending September 1, 1915, the unexpended portion of the appropriation of \$100,000 made by the Thirty-second Legislature for this purpose, to be expended under the terms of the act of the Thirty-second Legislature making said appropriation."

DODSON,  
GRIGGS.

Question—Shall the amendment be adopted?

Mr. Spann offered the following amendment to the amendment:

Amend the amendment by inserting after the word "wolf," in line 3, the words "jack rabbit."

Question—Shall the amendment to the amendment be adopted?

Mr. Burmeister raised a point of order on consideration of the amendment to the amendment on the ground that it is not germane to the purposes of the amendment.

The Speaker sustained the point of order.

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

Mr. Tarver offered the following amendment to the bill:

Amend the bill, page 1, lines 20 and 21, by striking out the words "and for other purposes."

Question—Shall the amendment be adopted?

Mr. Ridgell moved the previous question on the amendment and the passage of the bill to engrossment, and the motion was not seconded.

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

The amendment was adopted.

Mr. Woods of Navarro offered the following (committee) amendments to the bill:

(1)

Amend House bill No. 29 by adding after line 24 the following:

Approved Deficiencies for the Year Ending August 31, 1913.

State Tax Board.

Salary of bookkeeper, stenographer, etc.....\$	150.00
Postage, express, telegraphing and telephone .....	100.00
Contingent expenses .....	75.00

Insurance and Banking.

Postage, stationery, express, etc. ....	1,000.00
Contingent expenses .....	150.00

- State Library.

Library supplies, postage and freight .....	100.00
Contingent expenses .....	25.00

State Lunatic Asylum.

Support and maintenance....	30,000.00
Dry goods and clothing.....	6,000.00
Repairs .....	2,000.00

State Purchasing Agent.

Contingent expenses .....	300.00
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Agricultural and Mechanical College.

Support and maintenance, salaries .....	45,000.00
Support and maintenance, running expenses .....	15,000.00

Prairie View Normal.

Support and maintenance....	10,000.00
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Public Buildings and Grounds.

Water, light, fuel and contingencies .....	1,200.00
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Public Printing.

Printing first, second and third classes, etc.....	12,000.00
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Claims Registered in the Comptroller's Office, Appropriation being exhausted for the Fiscal Year Ending August 31, 1911.

Southwestern Insane Asylum.

Support and maintenance....\$	430.15
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For the Fiscal Year Ending August 31, 1912.

To pay special judges.....\$	239.28
To refund liquor dealers the proportionate amount of taxes paid by them for the unexpired term of their license in local option districts, and to refund the State's portion of liquor license under Chapter 17 of the First Called Session of the Thirty-first Legislature, Sections 17 and 16, August 31, 1913 .....	2,500.00
For the payment of fees and costs of sheriffs, clerks and attorneys in felony cases for the year ending August 31, 1913—registered .....	51,070.91
For the year ending August 31, 1911 .....	2,865.94
Fees of county judges, county attorneys, justices of the peace, sheriffs and constables in examining trials....	1,784.00
For the payment of sheriffs, clerks and attorneys in felony cases for the year ending August 31, 1912.....	56.85
For expenses of attached witnesses for the year ending August 31, 1912.....	29.66
Fees of county judges, county attorneys, justices of the peace, sheriffs and constables in examining trials for the year ending August 31, 1912	7.00

(2)

Amend House bill No. 29 by adding at the close of Section 1, page 1, line 15, the following: "and for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913."

(3)

Amend caption to House bill No. 29 by striking out the caption and inserting the following: "An Act making appropriations to pay various miscellaneous claims against the State, authorizing the payment of said miscellaneous items on the taking effect of this act, making appropriations for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913, and declaring an emergency."

The (committee) amendments were adopted.

Mr. Campbell offered the following amendment to the bill:

Amend House bill No. 29, page 7, by adding after line 24 the following: "To refund to the Leon and H. Blum Land Co. taxes erroneously paid on land in E. Thomas survey, abstract 73, Harris county, Texas, \$17.33."

The amendment was adopted.

Mr. Foster offered the following amendment to the bill:

Amend the bill, line 26, page 1, by striking out "\$224.40" and inserting in lieu thereof "\$206.40."

The amendment was adopted.

Mr. Penry offered the following amendment to the bill:

Amend House bill No. 29 by adding to the bill the following: "To repay to the school fund the amount paid to the State of Texas by certain railroads on bonds of said railroads in which the school fund was invested, which amount has not been returned to the school fund by the State, as shown by the annual report of the Comptroller of Public Accounts of the State of Texas for the year ending August 31, 1912, page 7, \$891, 455.46."

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

House bill No. 29 was then passed to engrossment.

(Speaker in the chair.)

#### RELATING TO PRINTING OF HOUSE BILLS.

Mr. Kennedy, for the Committee on Rules, offered the following resolution:

Whereas, There are several bills of importance pending before the House, which, because of the near approach of the end of the session can not be printed in the regular way; therefore be it

Resolved, That the rules of the House be amended as follows: "Add the following to Rule —: All bills introduced within the last eight days of the end of the session coming within the call of the Governor shall be printed in the Journal at the earliest practicable moment; the Chief Clerk to furnish copies to the Journal Clerk."

KENNEDY,  
HUMPHREY,  
HANEY.

The resolution was read second time.  
Question—Shall the resolution be adopted?

Mr. Cope offered the following amendment to the resolution:

Amend to make it read the day bill is presented to the House.

The amendment was adopted.

Mr. Savage offered the following amendment to the resolution:

Amend by adding, "and that the same be not printed in regular bill form."

The amendment was lost.

Mr. Chrestman offered the following amendment to the resolution:

Amend the amendment to the rules by inserting after the words, "all bills introduced," the words "and reported favorably by committees."

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

Mr. Harris moved to table the resolution, and the motion to table was lost.

Question recurring on the resolution, it was lost.

#### HOUSE BILLS ON FIRST READING.

(By Unanimous Consent.)

The following House bills, introduced today, were laid before the House, read severally first time, and referred to appropriate committees, as follows:

By Mr. Woods of Navarro:

House bill No. 49, A bill to be entitled "An Act to require every person having control of any child between the ages of eight and fourteen years to cause such child to attend some public school, or a private, denominational or parochial school, or to be instructed privately by a competent tutor for a session of not less than sixty school days, and providing in certain cases that the board of trustees, on satisfactory evidence, may excuse the attendance of such children whose services are required for the support of the family, providing for the appointment of attendance officers, and providing penalties for failure of parents or guardians to comply with the provisions of this act, and providing for the organization and maintenance of schools for truants."

Referred to Committee on Education.

By Mr. Henry of Bowie and Mr. Rowell:

House bill No. 50, A bill to be entitled "An Act to create a special district court for the Fifth Judicial District of Texas; to prescribe its jurisdiction, to limit its existence, to fix its terms, to conform all writs and process from said court to the district court in said district to such changes as are made in the jurisdiction of the said court by this bill, to empower the judge of said district court, and the judge of the Fifth Judicial District to transfer cases from their respective courts to the other of

said courts, to provide for the appointment of a judge for said special district court, to fix his salary and term of office, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Calvin:

House bill No. 51, A bill to be entitled "An Act to create a State Bonded Warehouse System and afford a method of co-operative marketing for those engaged in the production of farm and ranch products; and for the purpose of effectuating this end the creation of a State Warehouse Commission; specifying that said Commission shall be composed of two members to be appointed by the Governor and a third member to be Commissioner of Agriculture; defining the authority of the Commission and giving it powers of visitation over corporations chartered under this act; as a part of the system organizing the formation of State Bonded Warehouse Corporations to be under the supervision and control of the State Warehouse Commission; defining the purposes, power and authority of such corporations and regulating the chartering, management and business of the same; defining and prescribing the receipts to be issued by State Bonded Warehouse Corporations and the law, rules and regulations regulating the same, and defining the rights of all parties relative to and concerning such receipts; stating the business which may be conducted by State Bonded Warehouses as incidents of their warehouse business; declaring gins to be subject to public use and requiring that all gins in the State after July 31, 1914, shall obtain a license from the State Warehouse Commission and prescribing certain rules and regulations relative to the ginning and baling of cotton and sampling the same; authorizing the Warehouse Commission to employ the necessary clerical help, office force and examiners and creating the office of Warehouse Examiner and defining their authority and compensation; prescribing the salaries of the members of the State Warehouse Commission and the additional compensation of the Commissioner of Agriculture as a member of such Commission; conferring certain additional duties and authorities on the Commissioner of Agriculture and the Governor of the State, and creating and defining offenses in violation of this act, and prescribing penalties therefor; making an appropriation to carry the act into effect; and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Reedy:

House bill No. 52, A bill to be entitled "An Act to amend the Special Road Law for Smith County, Texas, passed at the Regular Session of the Thirty-third Legislature, and known as Chapter 70, Special Laws of the Thirty-third Legislature, and declaring an emergency, and providing for the suspension of the constitutional rule requiring all bills to be read on three several days."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Hill:

House bill No. 53, A bill to be entitled "An Act granting permission to the Imperial Sugar Company, a private corporation, its successors and assigns, to bring suit or suits against the State of Texas and the Prison Commission of the State of Texas for specific performance and to ascertain, fix and establish the amount of any damages that may accrue to and be sustained by the Imperial Sugar Company, its successors and assigns, for any breach that may take place of a certain agreement entered into between the Imperial Sugar Company and the Prison Commission, approved by the Governor, for the sale and delivery for — years of the sugar cane that is grown on 2250 acres of the State's lands, being a part of its penitentiary system, the said contract being entered into contemporaneously with an agreement by which the Imperial Sugar Company agrees to dismiss its suit against the Prison Commission of Texas now pending in the district court of Fort Bend county, being cause No. 7151 on the docket of said court, styled 'Imperial Sugar Company vs. Ben E. Cabell et al.,' in which is involved the title to what is known as the Imperial Farm, heretofore purchased by the State of Texas from the Imperial Sugar Company, and containing 5435 acres of land, more or less, situated in Fort Bend county, Texas, the said suit to be dismissed by the plaintiff and said lands conveyed unconstitutionally to the State of Texas free from all liens and encumbrances whatsoever in consideration that the said Imperial Sugar Company, its successors and assigns, be granted the right to bring suit or suits for specific performance and for damages that may be sustained for any breach of said contract or agreement for the sale and delivery of sugar cane; fixing the venue

of any such suit or suits, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Wagstaff and Mr. Woods of Fisher:

House bill No. 54, A bill to be entitled "An Act to amend Section 5695, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's liens on real estate, and providing how said sections shall hereafter read, and declaring an emergency."

Referred to Committee on Reforms in Civil Procedure.

By Mr. Dunn:

House bill No. 55, A bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas; to fix the times for holding the terms of district court therein; to make all process heretofore issued as well as bonds and recognizances heretofore entered into conform thereto, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Dunn:

House bill No. 56, A bill to be entitled "An Act creating the Port Aransas Independent School District, known as Common School District No. 8, in Nueces county, Texas, and including within its limits the municipal corporation of the town of Port Aransas; and defining its boundaries; and to provide for the creating of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers, and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support of said schools, providing for a board of equalization and prescribing the duty and authority of said board, and further prescribing the duty and authority of the board of trustees, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this act, and declaring an emergency."

Referred to Committee on Education.

By Mr. Ridgell and Mr. Hunter:

House bill No. 57, A bill to be entitled "An Act to amend Chapter 1, Title 11, of the Revised Civil Statutes of this State of 1911, relating to attachments, by adding thereto Article 247a, providing for the issuance of attachments in suits founded in tort and upon unliquidated demands and providing for the fixing of the amount of bond in such cases, and declaring an emergency."

Referred to Committee on Reforms in Civil Procedure.

By Mr. Ussery:

House bill No. 58, A bill to be entitled "An Act to amend Chapter 38, of the Special Laws of the Thirty-second Legislature, as amended by the Thirty-third Legislature, entitled 'An Act to create a more efficient road system for Wood county, etc.' by making it unlawful to injure or damage any public road in said county; prescribing penalties, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Savage:

House bill No. 59, A bill to be entitled "An Act to incorporate Thorndale School District in Milam and Williamson counties, as an independent school district, and to provide for the election of trustees, raising revenue by taxation, and issuing bonds for the erection of school buildings within said district, and declaring an emergency."

Referred to Committee on Education.

By Mr. Mendell:

House bill No. 60, A bill to be entitled "An Act to amend Sections 26 and 53, of Article 30, of Title 5, of the Revised Statutes of Texas, 1911, and to change and prescribe the time for holding the district court in the Twenty-sixth Judicial District of the State of Texas, and the Fifty-third Judicial District of the State of Texas, and to define the jurisdiction of said courts, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third district courts, and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial District courts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit grand juries of such courts to the changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Judicial Districts.

**MESSAGE FROM THE GOVERNOR.**

Mr. J. T. 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:

Governor's Office,  
Austin, Texas, August 12, 1913.

To the Texas Legislature:

Attached to this message is a copy of an opinion by the Attorney General, in which he advises me that the Legislature has no authority to appropriate any part of the public funds of this State for the erection of a building, the gathering together of exhibits and maintaining same at the Panama-Pacific Exposition, to be held at San Francisco in 1915, and cites Section 48 of Article 3 of the Constitution of this State.

I have been importuned to give my endorsement to a proposed concurrent resolution calling upon the Governor to appoint a number of commissioners for the purpose of organizing a movement to secure, by public subscription, funds sufficient for the erection of a creditable building and a display of the resources of Texas at the Panama-Pacific Exposition to be held in San Francisco, California, in 1915.

It would please me personally and as Governor of the State very much to see a creditable exhibit of the resources of Texas at this exposition, but in view of the holding of the Attorney General I could not conscientiously approve an appropriation out of the public revenues for this purpose, having taken an oath to uphold and support the Constitution of the State.

I will be glad to co-operate in the best manner possible with other citizens of the State and with the Legislature in giving approval and endorsement to a movement for the collection of funds to erect a building and make an exhibit at the Panama-Pacific Exposition in 1915, as indicated in the proposed concurrent resolution, a copy of which has been submitted to me. I endorse and approve the sentiment in the resolution, and will be glad to act in accordance with its provisions to the best of my ability.

Respectfully submitted.

O. B. COLQUITT,  
Governor of Texas.

**Opinion of Attorney General Relating to Appropriations for Expositions.**

Under the provisions of the Constitution of Texas, the Legislature would have no authority to appropriate money for the erection of a building at the Panama-Pacific Exposition.

Constitution, Article 3, Section 48.

August 6, 1913.

Hon. O. B. Colquitt, Governor, Capitol.

Dear Sir: We have your favor of recent date in which you propound the following question:

"Is the Legislature authorized by the terms of our Constitution to appropriate money for the erection of buildings in other States and to gather together exhibits?"

You state that the particular question being the appropriation for a building and the gathering of exhibits for the Panama-Pacific Exposition to be held in San Francisco in 1915.

Replying thereto, we beg to call Your Excellency's attention to the provision of Section 48 of Article 3 of the Constitution, which provides that:

"The Legislature shall not have the right to levy taxes or impose burdens upon the people except to raise revenue sufficient for the economical administration of the government, in which may be included the following purposes  
\* \* \*"

Then follows in such section an enumeration of various purposes which may be included, none of which could be construed to permit the expenditure of the funds of this State for the purposes named. Another provision of the Constitution of similar purport is Article 8, Section 3, reading as follows:

"Taxes shall be levied and collected by general laws and for public purposes only."

The latter quotation from our Constitution is contained in the Constitution of various States of the Union, and same has been before the courts for construction upon questions identical with the one you present, and same has been construed to permit of an appropriation for the erection of buildings and the maintenance of exhibits at various world's fairs or expositions, the courts holding that the exhibit of the resources of the State in calling the attention of the world to the products of that State is the public purpose, in that it is for the general good of the people of the State, and for the public welfare of the Commonwealth.

**Daggett vs. Colgan**, 14 L. R. A., 474.  
**Norman vs. Kentucky Board of Managers**, 18 L. R. A., 556.

**Minneapolis vs. Janney**, 90 N. W., 312.

**Shelby County vs. Tennessee Centennial Exposition Company**, 36 S. W., 694.

**State vs. Cornell**, 39 L. R. A., 516.

**House of Reform vs. Lexington**, 65 S. W., 350.

Were this the only provision of our Constitution dealing with the subject, we would be constrained to hold that an appropriation for the purpose named would be permissible as being a public purpose, in that the entire State and all of the people would reap a benefit from a display of the resources and products of Texas, and that it would be for the common good and general public welfare of Texas to display to the people of the earth the resources and products of the State, but we are confronted with that other provision of the Constitution first above quoted, providing that the right to impose burdens upon the people and to levy taxes is limited to the raising of revenue sufficient for the economical administration of the government. All of the funds coming into the treasury of the State are raised by taxation upon its people, and the burden thereby laid must only reach the extent of producing a revenue sufficient of running the affairs of the government, administered in an economical manner. We take this to mean that the only purpose for which taxation can be made is that of raising revenue sufficient to meet the expenses necessarily incurred in the operation of the usual and ordinary affairs of government. Of course, there are other provisions of the Constitution which permit the expenditure of public funds for purposes that are not in a strict sense necessary in the operation of the government, but they do not cover an expenditure of the character under discussion. We refer here to appropriations for preserving and perpetuating memorials of the history of Texas, which could not be construed to be a governmental purpose, but expressly permitted by the Constitution.

There is yet another provision of our Constitution which might be well to call attention to here, to be found in Article 16, Section 56, which prohibits the appropriation of money for the purpose of bringing immigrants to this State. This section is often referred to as prohibiting the appropriation of funds for exhibits at expositions. While a display of the products of Texas at an exposition of the magnitude of the one

under discussion would doubtless bring number of immigrants to the State of Texas, yet we are of the opinion that such is not the primary purpose of such an exhibit, but we are constrained to believe that the chief gain to be made by such an exhibit would be to bring to the knowledge of people generally the character of the products of Texas, and thereby create a market for same, and we would not hold an appropriation for that purpose unconstitutional upon this section alone.

We base our opinion herein upon the provisions of the Constitution first above quoted, being Section 48 of Article 3, and advise you that under that section and article the Legislature would have no power to appropriate any part of the public funds of this State for the erection of a building, the gathering together of exhibits and maintaining same at the Panama-Pacific Exposition at San Francisco in 1915.

With respect, I am yours very truly,  
C. W. TAYLOR,  
Assistant Attorney General.

This opinion has been passed upon, approved by the Department in executive session, and is now ordered re-ordered.

B. F. LOONEY,  
Attorney General.

#### HOUSE BILL NO. 39 SET AS A SPECIAL ORDER.

On motion of Mr. Wortham, House bill No. 39, relating to using imitations of Texas flag, was set as a special order for 10 o'clock a. m. next Thursday.

#### ADJOURNMENT.

On motion of Mr. Mills, the House, at 6 o'clock p. m., adjourned until 9:30 o'clock a. m. tomorrow.

#### APPENDIX.

#### REPORT OF COMMITTEE ON JUDICIAL DISTRICTS.

Committee Room,  
Austin, Texas, August 12, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred House bill No. 43, have had same under consideration, beg leave to report same

back to the House with the recommendation that it do pass.

GATES, Vice Chairman.

**REPORT OF COMMITTEE ON EDUCATION.**

Committee Room,  
Austin, Texas, August 12, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 47, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

YARBROUGH, Chairman.

**REPORTS OF COMMITTEE ON AGRICULTURE.**

Committee Room,  
Austin, Texas, August 12, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Agriculture, to whom was referred House bill No. 44, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

CALVIN, Chairman.

Committee Room.

Austin, Texas, August 12, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Agriculture, to whom was referred

House bill No. 40, A bill to be entitled "An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experiment stations in certain parts of Texas,"

Have had same under consideration, and beg leave to report same back to the House with the recommendation that it do pass.

MURRAY, Vice Chairman.

**REPORT OF COMMITTEE ON ENGROSSED BILLS.**

Committee Room,  
Austin, Texas, August 12, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 33, A bill to be entitled "An Act to reorganize the Thirty-fourth

Judicial District of Texas; to regulate the time of holding the district courts in the various counties composing the Thirty-fourth Judicial District of Texas; providing for the returning of the process issued and to be issued by said courts; validating process heretofore issued by said court, and declaring an emergency."

And find the same correctly engrossed.  
MULCAHY, Chairman.

**TWENTIETH DAY.**

(Wednesday, August 13, 1913.)

The House met at 9:30 o'clock a. m., pursuant to adjournment.

Speaker Terrell in the chair.

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

Allison.	Greenwood.
Bagby.	Greer.
Baker.	Griggs.
Barrett of Jones.	Grindstaff.
Barrett of Titus.	Hagins.
Bartley.	Haney.
Bierschwale.	Harris.
Blalock.	Haxthausen.
Broughton.	Heilig.
Brown.	Henry of Bowie.
Bruce.	Henry of Wichita.
Burges.	Herder.
Burmeister.	Hill.
Butler.	Hornby.
Burns.	Householder.
Byrne.	Hughes.
Calvin.	Humphrey.
Campbell.	Hunter.
Chrestman.	Jordan.
Coffey.	Kennedy.
Colquitt.	King.
Cooper.	Kirby.
Cope.	Lane.
Cox of Delta.	Lewelling.
Cox of Ellis.	Long.
Craven.	Low.
Crisp.	Macgill.
Cunningham.	McAskill.
Davis.	McDaniel.
Dickson.	Mendell.
Diffie.	Mills.
Dodson.	Morris of Coryell.
Dove.	Morris of Victoria.
Dunn.	Mulcahy.
Fields.	Murray.
Flournoy.	Nabours.
Foster.	Neeley.
Fountain.	Olander.
ruller.	Owsley.
Furrh.	Parker.
Gates.	Parks.
Gentry.	Patton.
Goodner.	Penry.

Powell.	Sullivan.
Raiden.	Tarver.
Ratliff.	Taylor.
Reedy.	Templeton.
Reeves.	Thompson.
Rich.	Tiller.
Rickerson.	Tillotson.
Ridgell.	Tyson.
Ritchie.	Ussery.
Roach.	Vannoy.
Robbins.	Wagstaff.
Robertson.	Wahrmund.
Rogers.	Watson of Hays.
Ross.	Watson of Mills.
Rowell.	Webb.
Russell.	Williams of Hopkins
Savage.	Williams of McLennan.
Schwegman.	Smith.
Simpson.	Woods of Fisher.
Smith.	Woods of Navarro.
Spradley.	Wortham.
Stephens.	Yarbrough.

Absent.

Paddock. Spann.

Absent—Excused.

Boehmer.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Hall.	Vickers.
Harp.	

A quorum was announced present.  
Prayer by Rev. H. M. Wheeling of Austin.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to appropriate committees, as follows:

By Mr. Taylor and Mr. Ross:

House bill No. 61, A bill to be entitled "An Act to amend Section 1, Chapter 40, Special Laws, passed at the Regular Session of the Thirty-third Legislature, being 'An Act creating Rising Star Independent School District in Eastland county, Texas, providing for a board of trustees in said independent school district and conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed upon independent school districts, and the board of trustees thereof; providing that the taxes assessed for the old Rising Star Independent School District for the year 1913 shall be collected and paid to the treasurer of said Rising Star Independ-

ent School District hereby established, etc,' and declaring an emergency."

Referred to Committee on Education.

By Mr. Smith:

House bill No. 62, A bill to be entitled "An Act to change and prescribe the time for holding district court in the Forty-ninth Judicial District of Texas, and to repeal all laws in conflict here-with, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Russell:

House bill No. 63, A bill to be entitled "An Act authorizing the city of Nacogdoches, a municipal corporation, to sell the United States of America a portion of the Main Plaza, for a Federal building site, and declaring an emergency."

Referred to Committee on Municipal Corporations.

By Mr. Davis, Mr. Lewelling and Mr. Parks:

House bill No. 64, A bill to be entitled "An Act to amend Article 7642, of Chapter 13, Title 126, Revised Statutes of 1911, providing for the redemption by the owners of lands or lots heretofore sold or that may hereafter be sold to the State, city or town for taxes, and to provide for the sale of land that may have been, or may hereafter be sold to the State of Texas, under judgment foreclosing tax lien, providing a method of conveying same and the disposition of the proceeds of such sale and freeing such land when sold from any other accrued State and county taxes, and declaring an emergency."

Referred to Committee on Private Corporations.

By Mr. Nabours:

House bill No. 65, A bill to be entitled "An Act creating the Belcher Independent School District in Montague county, Texas, defining its boundaries, providing for a board of trustees to manage and control public free schools within said district, divesting the city of Belcher of the control of its public free schools, and the title of all properties now held and used for public free school purposes, investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only, under the General Laws of this State, and declaring an emergency."

Referred to Committee on Education.

By Mr. Morris of Victoria:

House bill No. 66, A bill to be entitled

"An Act to prohibit the selling and dispensing to minors of any beverage, syrup, mixture or compound in the preparation of which caffeine or extracts containing caffeine have been used; fixing a penalty therefor, and declaring an emergency."

Referred to Committee on Public Health.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Mendell, it was ordered that House bill No. 60 be not printed.

On motion of Mr. Chrestman, it was ordered that House bill No. 47 be not printed.

On motion of Mr. Woods of Fisher, it was ordered that House bill No. 54 be not printed in bill form.

On motion of Mr. Smith, it was ordered that House bill No. 62 be not printed.

On motion of Mr. Savage, it was ordered that House bill No. 59 be not printed.

On motion of Mr. Reedy, it was ordered that House bill No. 52 be not printed.

On motion of Mr. Taylor, it was ordered that House bill No. 61 be not printed.

On motion of Mr. Ussery, it was ordered that House bill No. 58 be not printed.

On motion of Mr. Fuller, it was ordered that House bill No. 48 be not printed.

On motion of Mr. Greer, it was ordered that House bill No. 43 be not printed.

On motion of Mr. Hill, it was ordered that House bill No. 53 be not printed.

On motion of Mr. Dunn, it was ordered that House bills Nos. 55 and 56 be not printed.

#### GRANTING JUDGE W. B. HOPKINS LEAVE OF ABSENCE.

Mr. Dunn offered the following resolution:

House Concurrent Resolution No. 10, Granting Judge W. B. Hopkins leave of absence.

Be it resolved by the House, the Senate concurring, That Hon. W. B. Hopkins, judge of the Twenty-eighth Judicial District, be granted leave of absence from the State during the months of August and September, 1913.

The resolution was read second time and was adopted.

#### TEXAS PAN-AMERICAN EXPOSITION COMMISSION.

Mr. Terrell offered the following resolution:

House Concurrent Resolution No. 11, Providing for appointing the Texas Pan-American Exposition Commission.

Be it resolved by the Legislature of the State of Texas:

Section 1. That the Governor of this State be and he is hereby authorized and empowered to appoint a commission to consist of three men and two women, citizens of this State, to be known as the Texas Pan-American Exposition Commission.

Sec. 2. Such commission, when appointed by the Governor, shall be authorized to receive and disburse funds and moneys which may be subscribed and contributed for the purposes of erecting a building, collecting exhibits and data, and paying all expenses incident to the making of a suitable exhibit from this State at the Pan-American Exposition, to be held in San Francisco, Cal., in the year of 1915. Said commission shall have full power and authority to do all things requisite and necessary to the establishment and maintenance of the State exhibit from this State at said exposition; provided, that nothing in this resolution contained shall be construed to authorize such commission or any member thereof to incur any expense on behalf of this State, or to incur any obligations, pecuniary or otherwise, on behalf of this State, but all expenses incurred by such commission, or under its authority, shall be defrayed solely by voluntary contributions which may be raised by such commission.

TERRELL.  
BURGES.  
RITCHIE.  
BURMEISTER.  
HUMPHREY.  
CALVIN.  
HANEY.  
HENRY of Wichita.  
HARRIS.  
MILLS.  
KENNEDY.  
FULLER.  
HOUSEHOLDER.  
DODSON.  
SAVAGE.  
HILL.  
ALLISON.  
TARVER.  
WORTHAM.

The resolution was read second time and was adopted.

(Mr. Rowell in the chair.)

#### THANKING SPEAKER OF THE HOUSE.

Mr. Vannoy offered the following resolution:

Resolved, That a vote of thanks be tendered the Speaker of the House for the logical and fearless manner in which he has replied to certain criticisms published in the press of the State and directed against the members of this body.

VANNOY.  
BAKER.

The resolution was read second time and was adopted.

#### ASKING APPROPRIATION FOR ATTORNEY GENERAL'S DEPARTMENT.

Mr. Tarver offered the following resolution:

Whereas, There has been pending for several months in the district court of Travis county a suit filed by the State against the Houston Oil Company for the recovery of about eighty thousand acres of school land and for damages for the destruction of timber thereon, said petition, among other things, alleging fraud and collusion in the original purchase of said land; and,

Whereas, Said case is of vast importance to the school fund of the State and the preparation of the same for trial will necessarily require an immense amount of labor and research, and while the Attorney General's Department has been and is now diligently getting said case ready for trial, still an immense amount of labor and research remains to be performed in order to properly prepare said case for trial; and,

Whereas, This House is desirous of giving to the Attorney General's Department its moral support in the prosecution of said cause and to render said department all material assistance necessary; and,

Whereas, It has been learned that an additional appropriation to the Attorney General's Department, to be used in the prosecution of said suit, is probably necessary; now, therefore, be it

Resolved, That the House conferees on the Appropriation Committee be and are hereby instructed to insist that an additional appropriation of two thousand five hundred dollars (\$2500) be made to the Attorney General's Department, to

be expended by the Attorney General on the approval of the Governor (or so much thereof as may be necessary) to properly prepare said cause for trial and to diligently prosecute the same to a finality, to the end that the courts of our State shall fix the status of the title to said school land sued for and the amount of damages recoverable.

TARVER.  
FIELDS.  
HORNBY.  
COX of Delta.  
VANNOY.  
HUNTER.

The resolution was read second time and was adopted.

(Speaker in the chair.)

#### HOUSE BILL NO. 33 ON THIRD READING.

(By Unanimous Consent.)

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

House bill No. 33, A bill to be entitled "An Act to reorganize the Thirty-fourth Judicial District of Texas, to regulate the time of holding the district courts in the various counties composing the Thirty-fourth Judicial District of Texas, providing for the returning of the process issued and to be issued by said courts, validating process heretofore issued by said court, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—117.

Allison.	Cope.
Bagby.	Cox of Delta.
Baker.	Cox of Ellis.
Barrett of Jones.	Craven.
Barrett of Titus.	Crisp.
Bartley.	Cunningham.
Bierschwale.	Davis.
Blalock.	Dickson.
Broughton.	Diffie.
Brown.	Dodson.
Bruce.	Dove.
Burges.	Dunn.
Burneister.	Fields.
Burns.	Flournoy.
Butler.	Foster.
Byrne.	Fountain.
Calvin.	Fuller.
Campbell.	Furrh.
Chrestman.	Gates.
Coffey.	Gentry.
Colquitt.	Goodner.
Cooper.	Greer.

Griggs.	Reedy.
Grindstaff.	Reeves.
Hagins.	Rich.
Haney.	Rickerson.
Harris.	Roach.
Haxthausen.	Robertson.
Heilig.	Rogers.
Henry of Bowie.	Ross.
Henry of Wichita.	Rowell.
Herder.	Russell.
Hill.	Savage.
Hornby.	Schwegman.
Householder.	Simpson.
Hughes.	Smith.
Kennedy.	Stephens.
King.	Stone.
Kirby.	Sullivan.
Lane.	Tarver.
Lewelling.	Taylor.
Long.	Templeton.
Low.	Thompson.
Macgill.	Tiller.
McAskill.	Tyson.
Mendell.	Ussery.
Mills.	Vannoy.
Morris of Coryell.	Wahrmund.
Mulcahy.	Watson of Hays.
Murray.	Watson of Mills.
Nabours.	Webb.
Neeley.	Williams of Hopkins.
Olander.	Williams of McLennan.
Owsley.	Woods of Fisher.
Parks.	Woods of Navarro.
Parker.	Wortham.
Penry.	Yarbrough.
Powell.	
Raiden.	
Ratliff	Absent.
Greenwood.	Ridgell.
Humphrey.	Ritchie.
Hunter.	Robbins.
Jordan.	Spann.
McDaniel.	Spradley.
Morris of Victoria.	Tillotson.
Paddock.	Wagstaff.
Patton.	
Boehmer.	Absent—Excused.
Collins.	McKamy.
Glasscock.	Mangum.
Hall.	Oliver.
Harp.	Vickers.

(Mr. Calvin in the chair.)

#### HOUSE BILL NO. 9 ON ENROSS- MENT.

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

House bill No. 9, A bill to be entitled

"An Act to regulate and supervise the sale and purchase in this State, all stocks, bonds or other obligation of private, foreign and domestic corporations, organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of such stocks, bonds or other obligation of such corporation, or proposed corporation, and fixing commission and promotion fees allowed to be charged, and providing for services of process, examination fees and exempting certain corporations from the effect of this act, providing penalty for the violation of the provisions hereof, and declaring an emergency."

With amendment by Mr. Lewelling pending, the House considering the bill section by section, and Section 1 of the bill being under consideration, with amendment by Mr. Coffey to this section of the bill and motion by Mr. Terrell to table the amendment pending.

Question—Shall the motion to table prevail?

Mr. Coffey then withdrew the amendment to Section 1.

There being no further amendments to this section of the bill, it was passed over.

Section 2 of the bill was read.

Mr. Kirby offered the following amendment to this section of the bill:

Amend House bill No. 9 by striking out Section 2 and renumbering the succeeding sections to conform thereto.

Question—Shall the amendment be adopted?

Mr. Williams of McLennan moved to table the amendment, and the motion to table was lost.

Mr. Burmeister offered the following substitute for the amendment:

Amend Section 2 by striking out the words "whether any promotion fee is charged or not" and insert in lieu thereof "whenever any promotion fee is charged as mentioned in Section 1 of this act."

Question—Shall the substitute be adopted?

Mr. Mills moved the previous question on the substitute, the amendment and Section 2 of the bill, and the main question was ordered.

Question first recurring on the substitute, it was adopted.

Question next recurring on the amendment as substituted, yeas and nays were demanded.

The amendment as substituted was lost by the following vote:

Yea—60.

Allison.  
Bagby.

Bierschwale.  
Brown.

Bruce.	Mendell.
Burges.	Morris of Victoria.
Burmeister.	Mulcahy.
Campbell.	Murray.
Coffey.	Nabours.
Cooper.	Neeley.
Flournoy.	Owsley.
Foster.	Parks.
Fountain.	Patton.
Fuller.	Ratliff.
Gates.	Rich.
Griggs.	Ridgell.
Hagins.	Ritchie.
Harris.	Roach.
Haxthausen.	Robertson.
Heilig.	Rowell.
Henry of Bowie.	Russell.
Herder.	Stone.
Householder.	Tarver.
Hunter.	Templeton.
Jordan.	Thompson.
Kennedy.	Tillotson.
King.	Tyson.
Kirby.	Ussery.
Lane.	Wahrmund.
Low.	Webb.
Macgill.	Woods of Navarro.
McDaniel.	Wortham.

## Nays—62.

Mr. Speaker.	Lewelling.
Baker.	Long.
Barrett of Jones.	Mills.
Bartley.	Morris of Coryell.
Blalock.	Olander.
Broughton.	Parker.
Burns.	Penry.
Butler.	Powell.
Byrne.	Raiden.
Calvin.	Reedy.
Chrestman.	Reeves.
Cope.	Rickerson.
Cox of Delta.	Rogers.
Craven.	Ross.
Crisp.	Savage.
Cunningham.	Schwegman.
Davis.	Simpson.
Dickson.	Smith.
Diffie.	Stephens.
Dodson.	Sullivan.
Dove.	Taylor.
Dunn.	Tiller.
Fields.	Vannoy.
Greenwood.	Wagstaff.
Gentry.	Watson of Hays.
Greer.	Watson of Mills.
Grindstaff.	Williams of Hopkins.
Haney.	Williams of McLennan.
Henry of Wichita.	Woods of Fisher.
Hill.	Yarbrough.
Hughes.	
Humphrey.	

## Present—Not Voting.

Robbins.

## Absent.

Barrett of Titus.	Hornby.
Boehmer.	McAskill.
Colquitt.	Paddock.
Furh.	Spann.
Goodner.	Spradley.

Absent—Excused.

Collins.	Mangum.
Glasscock.	Oliver.
Harp.	Vickers.
McKamy.	

## Paired.

Mr. Cox of Ellis (present), who would vote "nay," with Mr. Hall (absent), who would vote "yea."

## Reason for Vote.

Having been placed on record as present and not voting was occasioned by the fact that I was absent from the floor at the time of the discussion on the question, and consequently was not familiar with the subject under discussion.

## ROBBINS.

Mr. Watson of Hays called for a verification of the vote.

The Clerk was directed to call the roll of members recorded as voting "yea."

The roll of "yeas" was called and found correct as first announced.

The Clerk was then directed to call the roll of members recorded as voting "nay."

The roll of "nays" was called and found correct as first announced.

The verified vote stood as first announced: Yeas 60, nays 62.

Mr. Terrell moved to reconsider the vote by which amendment as substituted was lost and to table the motion to reconsider.

The motion to table prevailed.

Section 2 of the bill was then adopted.

Mr. Williams of McLennan moved to reconsider the vote by which Section 2 of the bill was adopted and to table the motion to reconsider.

The motion to table prevailed.

## MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for the appointment of a Free Conference Committee on House bill No. 4, and the fol-

lowing have been appointed on the part of the Senate: Senators Taylor, Brelsford, Collins, Warren and Hudspeth.

The Senate grants the request of the House for a Free Conference Committee on House bill No. 2, and the following have been appointed on the part of the Senate: Senators Lattimore, Hudspeth, Wiley, Bailey of Harris, Collins and Willacy ex-officio.

The Senate grants the request of the House for a Free Conference Committee on House bill No. 14, and the following members have been appointed on the part of the Senate: Senators Cowell, Real, Astin, Nugent, Harley, and Willacy ex-officio.

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

#### RECESS.

On motion of Mr. Tarver, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

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

(Mr. Calvin in the chair.)

#### HOUSE BILL NO. 9 ON ENGROSSMENT.

(Pending Business.)

The House resumed consideration of pending business, same being House bill No. 9, regulating the sale of stock, bonds, etc., on its passage to engrossment, the House considering the bill section by section and Sections 1 and 2 of the bill having been considered.

Section 3 of the bill was read.

Mr. Terrell offered the following amendments to this section of the bill:

(1)

Amend House bill No. 9, Section 3, by inserting in line 7, page 275 of the Journal, after the word "or" the following: "those promoting or having charge of the sale of stock of any."

(2)

Amend House bill No. 9, page 276 of the Journal, line 5, after the word "the" the following: "promoters or those having charge of the sale of stock of any," and by inserting the same after the word "or" in line 10, same page, and by inserting after the word "corporation," in line —, the following: "or pro-

moters of such proposed corporation," and by striking out of the last paragraph in Section 3, the word "it," and insert the following: "the officers of the corporation or the promoters of the proposed corporation."

The amendments were adopted.

Mr. Williams of McLennan offered the following amendment to this section of the bill:

Amend House bill No. 9, page 276 of the Journal, in the last paragraph of Section 3, by inserting before the word "actual" the following: "facts upon which they base their estimate of" and by inserting at the end of said paragraph the following: "The secretary or commissioner shall have the right to employ such experts as he may deem necessary, and the experts shall be employed at the expense of the corporation or promoters of a proposed corporation."

The amendment was adopted.

Mr. Coffey offered the following amendment to this section of the bill:

Amend the substitute to House bill 9 by striking out of Section 3 the following: "officers or proposed officers or," line 15, page 276.

Mr. Householder offered the following substitute for the amendment:

Insert after the word "officers" where it occurs the second time, in line 15, the words "if any."

The substitute was adopted.

The amendment as substituted was adopted.

Mr. Campbell offered the following amendment to this section of the bill:

Amend House bill No. 9, Section 3, page 4, line 7, by adding the following: "No right of action shall lie for the recovery or any subscription for stock of a corporation under the provisions of this act until a charter shall have been granted, and unless the corporation shall in good faith own personal or real property of the value of the amount of its authorized capital."

On motion of Mr. Williams of McLennan, the amendment was tabled.

Mr. Lewelling offered the following amendment to this section of the bill:

Amend the bill by adding at the end of Section 3 the following:

"No corporation proposed to be organized for the purpose of buying or selling townsites and town lots shall hereafter be granted a charter by the Secretary of State, or if a foreign corporation shall not be granted a permit to do business in the State of Texas unless the incorporators of said proposed corporation or officer of such foreign corporation shall file with the Secretary of State each and every document, contract and all papers

referred to in Section 3 of this act, as well as a general statement of the plan of its proposed townsite, and a general statement of its methods of advertising same, together with a sample copy of its advertising literature, and no charter shall be granted any corporation unless after the compliance with the provisions of this act and in the judgment of the Secretary of State such business of any proposed townsite corporation will be honestly and fairly conducted, both to the corporation and to the public. And each and every corporation in this State now existing or hereafter organized desiring to engage in the sale of townsite lots or sites shall, prior to such sale, file with the Secretary of State a general plan of said proposed lots to be sold, as well as a copy of any and all proposed contracts to be made with the public in the sale thereof, and a general statement of the literature proposed to be issued, and all matter referred to in Section 3 hereof, and if in the judgment of the Secretary of State said sale will be conducted both honestly and fairly to the corporation and to the public, a permit to conduct said sale shall be granted. This provision shall not be construed to authorize the creation of any corporation for any purpose not now authorized by the laws of this State."

LEWELLING,  
McDANIEL.

Question—Shall the amendment be adopted?

Mr. Burns moved the previous question on the amendment, and the motion was not seconded.

The amendment was adopted.

Mr. Tarver moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table was lost.

Mr. Tarver asked that the motion to reconsider be spread upon the Journal.

Mr. Terrell called up the motion to reconsider for consideration at this time.

Question—Shall the motion to reconsider prevail?

Mr. Lewelling moved the previous question on the motion to reconsider, and the main question was ordered.

Question then recurring on the motion to reconsider, it was lost.

There being no further amendments to Section 3 of the bill, it was passed over.

Section 4 of the bill was read.

Mr. Lewelling offered the following

amendment to this section of the bill:

Amend House bill No. 9, as amended, by inserting on page 276 of the Journal, Section 4 after the word "applications," the following: "Provided, that where any proposed corporation has already sold its stock, or a part thereof, or any part thereof has been subscribed at the time this act shall take effect, this act shall not affect stock previously sold or subscribed nor any contracts made in reference to same; but if any of the stock of said proposed corporation remains unsold or unsubscribed, said corporation shall, nevertheless, be entitled to a permit upon complying with the other conditions of this act, including the future sale or subscription of any of its stock."

LEWELLING,  
COFFEY.  
TARVER.

The amendment was adopted.

Mr. Ridgell offered the following amendment to this section of the bill:

Amend the bill by striking out all of paragraph two of Section 4 after the word "than" where same appears before the words "15 per cent" and insert the following: "20 per cent of the price at which such stock is to be sold, as shown by the application or amended application: provided, however, the secretary or the commissioner shall determine the per cent which may be charged, which per cent, however, in no case shall be more than the maximum per cent herein provided."

Mr. Coffey offered the following substitute for the amendment:

Amend the amendment by striking out "15 per cent" where it occurs in Section 4 and insert "20 per cent."

On motion of Mr. Penry, the substitute and the amendment were tabled.

There being no further amendments to this section of the bill, it was passed over.

Section 5 of the bill was read and was passed over.

Section 6 of the bill was read.

Mr. Morris of Victoria offered the following amendment to this section of the bill:

Amend House bill No. 9 on page 277 of the House Journal by adding the following paragraph at the end of Section 6:

"No corporation or proposed corporation shall be permitted to sell stock in this State which has an officer, director or majority stockholder who has served as such in any corporation whose

charter has been forfeited for any fraudulent act or which has voluntarily withdrawn from business with any fraudulent intent."

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

Mr. Ridgell offered the following amendment to this section of the bill:

Amend the bill by adding:

"Section 6a. Every such person, firm or corporation offering any such stock for sale to any person within this State shall take from each subscriber therefor or purchaser thereof, at the time of the taking of the subscription, or the sale thereof of any such stock, a written acknowledgment of the delivery to him of a true copy of the verified statement of the purposes of the corporation on file with the Secretary of State, or Commissioner of Insurance and Banking, and a written acknowledgment that such subscriber or purchaser understood the amount or percentage paid or to be paid by such corporation as a commission, promotion or organization expense; and, provided, further, that a failure to take such acknowledgment shall be sufficient grounds to authorize the subscriber or purchaser to rescind and cancel his subscription or purchase and entitle him to recover of said person, firm or corporation, and the sureties on said bond, the amount paid by such subscriber or purchaser for such stock."

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

There being no further amendments to this section of the bill, it was passed over.

Section 7 of the bill was read.

Mr. Terrell offered the following amendment to this section of the bill:

Amend Section 7 by inserting before "proposed corporation" the following, "the promoters of a" where same occurs in said section.

The amendment was adopted.

Mr. Cope offered the following amendment to this section of the bill:

Amend the bill by striking out all of Section 7, and inserting in lieu thereof the following:

"All moneys or other things of value collected by such corporation or proposed corporation, for the sale of its stock, or contract for the sale of its stock, shall be deposited by said corporation, to its credit, or by said proposed corporation, to the credit of its proposed officer or trustee, with a bank, bank and trust company or trust company incorporated under the laws of this State or of the United States. And the said corporation

officer or trustee shall pay to the person so depositing such money or other thing of value the amount allowed for commission, promotion fees and other incidental expenses as such be due and charge such amount so paid against the account of such officer or trustee, stating for what purpose it was paid."

On motion of Mr. Williams of McLennan, the amendment was tabled.

There being no further amendments to this section of the bill, it was passed over.

Section 8 of the bill was read and was passed over.

Section 9 of the bill was read.

Mr. Terrell offered the following amendment to this section of the bill:

Amend Section 9 by inserting before the word "proposed," in line 3 of said section, the following, "the promoters of the," wherever same appears in the section.

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

Section 10 of the bill was read and was passed over.

Section 11 of the bill was read.

Mr. Terrell offered the following amendment to this section of the bill:

Amend Section 11, line 1, after the word "or," by adding "the promoters of any."

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

Section 12 of the bill was read.

Mr. Burmeister offered the following amendment to this section of the bill:

Amend Section 12 by striking out the word "misdemeanor" and insert "felony;" strike out the words "fined not less than twenty-five dollars nor more than two thousand dollars and in addition thereto may be imprisoned in the county jail for any period not more than one year or by both said fine and imprisonment" and insert in lieu thereof the following, "confined in the State penitentiary for the term of not less than one year nor more than three years."

On motion of Mr. Williams of McLennan, the amendment was tabled.

Mr. Coffey offered the following amendment to this section of the bill:

Amend the substitute by adding a new section, 12a:

"Sec. 12a. At the expiration of two years from the granting of a permit under this act if the proposed corporation has failed to organize then all subscribers must be refunded the amount paid

**to the promotor or trustee; provided, however, that the Secretary or Commissioner may grant an extension of time for the sale of securities."**

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

Section 13 of the bill was read and was passed over.

(**Speaker in the chair.**)

Section 14 of the bill was read.

Mr. Williams of McLennan offered the following amendment to this section of the bill:

Amend Section 14, page 278 of the Journal, line 12, after the word "corporation," by adding the following: "or the promoters of any corporation."

The amendment was adopted.

Mr. Kennedy offered the following amendment to this section of the bill:

Add after the words "national bank" the words "nor to any corporation having a charter granted under any act of the Congress of the United States."

The amendment was adopted.

Mr. Barrett of Titus offered the following amendment to this section of the bill:

Amend substitute by striking out the words "bank and trust company," in lines 3 and 4, Section 14, page 278 of the Journal.

BARRETT of Titus,  
McDANIEL,  
LEWELLING,  
STEPHENS.

On motion of Mr. Williams of McLennan, the amendment was tabled.

There being no further amendments to this section of the bill it was passed over.

Sections 15, 16 and 17, the remaining sections of the bill, were read and passed over.

Question—Shall House bill No. 9 be passed to engrossment?

Mr. Lewelling, by unanimous consent, offered the following amendment to the bill:

Amend Section 6 of bill as amended by striking out the words "false and fraudulent representations" and substituting in lieu thereof the word "misrepresentations."

LEWELLING,  
McDANIEL,  
BARRETT of Titus.

Question—Shall the amendment be adopted?

Mr. Williams of McLennan moved the previous question on the amendment and the passage of the bill to engrossment, and the main question was ordered.

Question first recurring on the amendment, it was adopted.

House bill No. 9 was passed to engrossment.

Mr. Williams of McLennan moved to reconsider the vote by which House bill No. 9 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### BILL ORDERED NOT PRINTED.

On motion of Mr. Nabours, House bill No. 65 was ordered not printed.

#### HOUSE BILL NO. 29 ON THIRD READING.

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

House bill No. 29, A bill to be entitled "An Act making appropriations to pay various miscellaneous claims against the State, and authorizing the payment of said miscellaneous items on the taking effect of this act, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

Mr. Mendell offered the following amendment to the bill:

Amend the bill by inserting after line 25 the following: "To pay to Miss Mary Mercer for stenographic work in preparing an application for a deficiency appropriation for the Colored Deaf and Dumb and Blind Asylum, at the request of the Board of Managers for said asylum, \$5.00."

The amendment was adopted.

Mr. Woods of Navarro offered the following amendments to the bill:

(1)

Amend House bill No. 29 by adding before Section 2 the following: "Public Debt—Payment of interest on public debt, for the year ending August 31, 1914, \$129,691; for the year ending August 31, 1915, \$129,691."

(2)

Amend Section 1 so as to read as follows:

"Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the Treasury not otherwise appropriated to pay various miscellaneous claims against the State, as herein enumerated; and for the deficiencies incurred in the support of the State government for the fiscal years ending August 31, 1911, 1912

and 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913, and to pay the interest on the public debt for the two years ending August 31, 1915."

(3)

Amend caption to House bill No. 29 so as to read as follows: "An Act making appropriations to pay various miscellaneous claims against the State, authorizing the payment of said miscellaneous items on the taking effect of this act, making appropriations for deficiencies incurred in the support of the State government for the fiscal years ending August 31, 1911, 1912 and 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913, and to pay the interest on the public debt for the two years ending August 31, 1915, and declaring an emergency."

The amendments were adopted.

The Clerk was directed to call the roll, and House bill No. 29 was passed by the following vote:

Yea—102.

Baker.	Grindstaff.
Barrett of Jones.	Hagins.
Barrett of Titus.	Haney.
Bartley.	Haxthausen.
Bierschwale.	Heilig.
Blalock.	Henry of Bowie.
Broughton.	Henry of Wichita.
Bruce.	Herder.
Burmeister.	Hill.
Burns.	Householder.
Butler.	Hughes.
Byrne.	Humphrey.
Calvin.	Jordan.
Chrestman.	Kirby.
Coffey.	Lane.
Cope.	Lewelling.
Cox of Delta.	Long.
Cox of Ellis.	Macgill.
Craven.	McDaniel.
Crisp.	Mendell.
Cunningham.	Mills.
Dickson.	Morris of Coryell.
Diffie.	Morris of Victoria.
Dodson.	Muleahy.
Dove.	Murray.
Dunn.	Nabours.
Flournoy.	Neeley.
Foster.	Olander.
Fountain.	Owsley.
Fuller.	Parker.
Furrrh.	Parks.
Gentry.	Penry.
Goodner.	Powell.
Greer.	Raiden.
Griggs.	Ratliff.

Reedy.	Templeton.
Reeves.	Thompson.
Rich.	Tiller.
Ridgell.	Tillotson.
Ritchie.	Tyson.
Roach.	Vannoy.
Rogers.	Wagstaff.
Ross.	Watson of Hays.
Rowell.	Watson of Mills.
Savage.	Williams of Hopkins.
Schwegman.	Williams of McLennan.
Simpson.	Woods of Fisher.
Smith.	Woods of Navarro.
Spann.	Wortham.
Stephens.	
Sullivan.	
Taylor.	

Nays—1.

Campbell.

Absent.

Allison.	Low.
Bagby.	McAskill.
Brown.	Paddock.
Burges.	Patton.
Colquitt.	Rickerson.
Cooper.	Robbins.
Davis.	Robertson.
Fields.	Russell.
Gates.	Spradley.
Greenwood.	Stone.
Harris.	Tarver.
Hornby.	Ussery.
Hunter.	Webb.
Kennedy.	Yarbrough.
King.	

Absent—Excused.

Boehmer.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Hall.	Vickers.
Harp.	

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, August 13, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

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

House bill No. 24, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, towit: State Orphan Home, Confederate Home, Confederate Woman's Home, Blind Institute, Deaf and Dumb Institute, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institution for the Training of Juveniles, Tuberculosis Sanitarium at Carlsbad, State Lunatic

**Asylum, Southwestern Insane Asylum, and North Texas Hospital for the Insane," with amendments.**

Respectfully,  
**JOHN D. McCALL,**  
Assistant Secretary of the Senate.

#### MESSAGE FROM THE GOVERNOR.

Mr. J. T. 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:

Governor's Office,  
Austin, Texas, August 12, 1913.

To the Texas Legislature:

In harmony with the Governor's proclamation convening the First Called Session of the Thirty-third Legislature, and in accordance with Section 40 of Article 3 of the State Constitution, I present the following additional subjects for legislation:

1. The passage of acts creating independent school districts, and the passage of acts amendatory of acts creating existing independent school districts.

2. The enactment of measures on the subject of special road laws for any county or counties of this State, and for the amendment of special road laws heretofore enacted for any county or counties in the State.

3. The enactment of measures regulating, changing or fixing the time and terms of holding district court in any county or counties constituting any existing judicial district or districts in this State.

4. The passage of an act to amend Article 4954, Title 71, Chapter 15 of the Revised Civil Statutes of the State of Texas, 1911, so that the term "special or board contract or similar provision" shall be construed to have a technical meaning and not a literal meaning.

5. The enactment of a law authorizing the State of Texas to guarantee the payment of the principal and interest of all bonds that may be issued and sold by virtue of Chapter 57, Acts of the Thirty-third Legislature, approved March 29, 1913, and which provides for the issuance of penitentiary bonds.

6. The passage of an act to amend Article 6003, Title 97, Chapter 1 of the Revised Civil Statutes of the State of Texas, 1911, relating to the appoint-

ment of notaries public, and amending said article so that it shall hereafter provide that notaries public may be appointed by the Governor, with the advice and consent of the Senate, during extra sessions of the Legislature.

7. The passage of an act to amend Article 911 of the Penal Code of the State of Texas, as amended by Chapter 135, Acts of the Regular Session of the Thirty-third Legislature, so as to strengthen the powers of the Game, Fish and Oyster Commissioner and to prevent seining and netting in all passes leading from Texas bay waters into the Gulf of Mexico, etc.

8. The passage of an act to amend Section 5695, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's lien on real estate.

9. The passage of an act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, 1911, regulating the manner of railroad companies and receivers and trustees thereof furnishing to shippers upon written demand cars to be loaded with freight, and regulating demurrage thereon.

10. The passage of an act amending the present laws of this State so as to permit the levying of attachment and garnishment, and other similar process on property and debts within this State, owned by non-resident individuals, firms and unincorporated associations in all cases arising out of torts as well as out of contracts, and the issuance and levy of such writs in suits based upon unliquidated as well as liquidated demands.

11. The passage of an act to amend and re-enact Articles 5585 and 5588, Title 83, Chapter 3 of the Revised Civil Statutes of Texas, relating to seawalls and breakwaters.

12. The passage of an act to create and establish the county of Lott, taken from existing territory of Duval county, prescribing its area and boundaries, and providing for its organization and election of county officials.

13. The passage of an act to authorize the Governor, Attorney General and Land Commissioner to lease the water rights in the Guadalupe river in De Witt county upon such terms and for such consideration as they may prescribe, or as may be prescribed by law.

as provided in an act passed by the Regular Session of the Thirty-third Legislature, but which was passed without an enacting clause, as shown on page 69, General Laws, passed by the Regular Session of the Thirty-third Legislature.

14. The passage of acts providing for special district courts, regulating the time of holding same, in the Fifth and Twenty-eighth Judicial Districts of the State of Texas, the term of said courts to expire January 1, 1915.

15. The enacting of a law authorizing the Imperial Sugar Company, its successors and assigns, to bring suit against the State and against the Prison Commission of the State of Texas, for specific performance and for damages, if any should accrue, by reason of the breach of a certain contract which will be entered into in the event the litigation is adjusted between the Prison Commission and the Imperial Sugar Company, involved in cause No. 7151, on the docket of the district court of Fort Bend county, wherein the Imperial Sugar Company is plaintiff, and Ben E. Cabell et al. are defendants, in which the plaintiff is seeking to recover 5435 acres of land known as the Imperial farm, belonging to the State.

16. The passage of an act amending Article 7137 of the Revised Civil Statutes of 1911, prescribing the term of office of constables and regulating the number of their deputies.

17. The passage of an act to amend Sections 3, 7, 10 and 12, of Chapter 173 of the Acts of the Regular Session of the Thirty-third Legislature, relating to prospecting and developing minerals on lands owned by the State of Texas, and by the public free school fund, and the University and Asylum funds, so as to amend the provisions which limits the leasing of such lands for oil and gas development to 200 acres when said lease is within ten miles of a producing oil or gas well, by increasing the maximum number of acres that can be leased to any one person, firm or corporation to not exceed 1000 acres.

18. The passage of an act to prohibit the creation of deficiencies and debts in the name of the State by regents, directors, officers or members of governing boards of educational or eleemosynary institutions of the State of Texas; to prohibit the making of any contract or creating any debt inconsistent with existing laws; making invalid all such contracts and

debts; prohibiting the diverting of funds, and providing penalties for violations of such an act.

19. The passage of an act in compliance with the recommendation of the Democratic State platform creating the position of public highway engineer, with jurisdiction and authority to co-operate with county officials in laying out and building better public roads, and providing for the levying and collection of a just and equitable tax from automobile owners; providing that said tax when collected shall be paid into the State Treasury and credited to the "Good Road Fund"; and providing further that upon the recommendation of the highway engineer and on the approval of the Governor, the money derived from the automobile tax may be used in the construction of substantial and first-class roads and public highways in those communities or counties which are willing, either by county taxes or public contributions, to supplement the allowance from said highway tax fund with double the amount appropriated from said fund.

20. The passage of an act providing for the abolition of drainage districts heretofore organized, or that may hereafter be organized under the general laws of the State of Texas, and providing for a method for the collection of claims or debts against such districts.

21. The passage of an act to redistrict the State into eight Supreme Judicial Districts so as to equalize the work of the eight Courts of Civil Appeals.

22. The passage of a bill to be entitled "An Act providing for the construction of necessary buildings for the University of Texas; for the raising of the necessary funds for such purpose by the creation of the University of Texas Building Fund out of the income of the permanent University endowment and other revenue producing funds and out of the other sources of revenue from properties of the University and the issuance and sale of certificates against said University of Texas Building Fund so created; and authorizing the expenditure of the proceeds of said certificates in payment for the construction of the buildings authorized and permitted under the act; creating the Board of Building Commissioners, whose duty it is to supervise the construction of the necessary buildings under the act and the expenditure of the funds provided therefor, and further defining the duties and authority of said Board of Building

**Commissioners and fixing their salary; prescribing certain duties for carrying into effect the provisions of this act of the Governor of the State, the Attorney General, the Superintendent of Public Instruction, the President of the University of Texas and the President of the Board of Regents of the University of Texas, and conferring certain authority upon the Board of Regents of the University of Texas; making an appropriation of funds derived from the sale of the certificates herein provided for for the erection of the buildings and carrying out the provisions of this act, and declaring an emergency."**

23. The passage of an act authorizing the Governor, under conditions to be prescribed, to sell to J. J. Kane of the city of Galveston, his heirs and assigns, or to any other person, his heirs or assigns, any right, title or claim the State of Texas has in and to certain submerged plats or land under water on the shores of Galveston bay in Galveston county, for the purpose of the construction of a dry dock or marine railways.

24. The passage of an act amending Article 4893, Title 71, Chapter 9, of the Revised Civil Statutes of the State of Texas, 1911, as amended by Chapter 104, General Laws passed by the Regular Session of the Thirty-third Legislature, relating to co-insurance; and the passage of an act amending Chapter 105, General Laws passed by the Regular Session of the Thirty-third Legislature, known as the "Technicality Act."

25. The passage of an act amending Chapter 67, General Laws passed by the Regular Session of the Thirty-third Legislature, which chapter relates to intoxicating liquors and prohibits the intra-state shipment of same into prohibition territory, so that the provisions of said chapter will permit the shipment of alcohol into prohibition districts to druggists for use in compounding prescriptions only; and to permit the shipment of wines into such prohibition districts for sacramental purposes; to make provisions prohibiting the shipment of intoxicating liquors for other purposes into prohibited territory from inter-state points; and to further amend the act so as to permit the shipment of intoxicating liquors from one point in the State where it is licensed to be sold to individuals at other points in the State where its manufacture and sale is not prohibited.

26. The passage of an act to amend Articles 7435, 7442, 7451 and 7452, of

the Revised Civil Statutes of the State of Texas of 1911, so as to provide for fixing the hours of opening and closing any house or places of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6:00 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6:00 a. m. of the following morning of any week day, and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers.

In presenting this subject for legislation it is intended only that the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold be fixed so as to conform the civil statute herein referred to to the hours prescribed in Article 615, Title 11, Chapter 8, of the Penal Code, as amended by Chapter 75, General Laws of the Regular Session of the Thirty-third Legislature.

27. The passage of an act to set apart a portion of Harbor Island for a State quarantine station and providing for the relinquishment of inchoate rights and refunding of payments made on such rights.

28. The passage of an act redistricting the State into thirty-one Senatorial Districts, as provided by the Constitution.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

#### EXTRA JOURNALS ORDERED PRINTED.

On motion of Mr. Burmeister, by unanimous consent, it was ordered that 2000 extra copies of today's proceedings be printed for the use of the members of the House.

#### HOUSE BILL NO. 43 ON SECOND READING.

(By Unanimous Consent.)

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

House bill No. 43. A bill to be entitled "An Act to fix the time for holding the terms of the district court in the Forty-seventh Judicial District, and to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 47 ON SECOND READING.

(By Unanimous Consent.)

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

House bill No. 47, A bill to be entitled "An Act to incorporate the Fruitvale Independent School District in Van Zandt county for free school purposes only; describing its boundaries; providing for a board of school trustees for the control and management of the said independent school district; prescribing the rights, powers, privileges and duties of the said Fruitvale Independent School District and its board of school trustees; vesting it with all the rights, powers, privileges and duties of a town or village incorporated under the General Laws of this State for free school purposes; providing for a treasurer of school funds of the district, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 55 ON SECOND READING.

(By Unanimous Consent.)

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

House bill No. 55, A bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas; to fix the times for holding the terms of district court therein; to make all process heretofore issued as well as bonds and recognizances heretofore entered into conform thereto, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 56 ON SECOND READING.

(By Unanimous Consent.)

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

House bill No. 56, A bill to be entitled "An Act creating the Port Aransas Independent School District, known as Common School District No. 8, in Nueces county, Texas, and including within its

limits the municipal corporation of the town of Port Aransas; and defining its boundaries; and to provide for the creating of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers, and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support of said schools, providing for a board of equalization and prescribing the duty and authority of said board, and further prescribing the duty and authority of the board of trustees, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this act, and declaring an emergency."

The bill was read second time and was passed to negrossment.

#### HOUSE BILL NO. 52 ON SECOND READING.

(By Unanimous Consent.)

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

House bill No. 52, A bill to be entitled "An Act to amend the Special Road Law for Smith county, Texas, passed at the Regular Session of the Thirty-third Legislature, and known as Chapter 70, Special Laws of the Thirty-third Legislature, and creating an emergency, and providing for the suspension of the constitutional rule requiring all bills to be read on three several days."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 58 ON SECOND READING.

(By Unanimous Consent.)

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

House bill No. 58, A bill to be entitled "An Act to amend Chapter 38, of the Special Laws of the Thirty-second Legislature, as amended by the Thirty-third Legislature, entitled 'An Act to create a more efficient road system for Wood county, etc.,' by making it unlawful to injure or damage any public road in said county; prescribing penalties, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 59 ON SECOND READING.

(By Unanimous Consent.)

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

House bill No. 59, A bill to be entitled "An Act to incorporate Thorndale School District in Milam and Williamson counties, as an independent school district, and to provide for the election of trustees, raising revenue by taxation, and issuing bonds for the erection of school buildings within said district, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 50 ON SECOND READING.

(By Unanimous Consent.)

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

House bill No. 50, A bill to be entitled "An Act to create a special district court for the Fifth Judicial District of Texas; to prescribe its jurisdiction, to limit its existence, to fix its terms, to conform all writs and process from said court to the district court in said district to such changes as are made in the jurisdiction of the said court by this bill, to empower the judge of said district court, and the judge of the Fifth Judicial District to transfer cases from their respective courts to the other of said courts, to provide for the appointment of a judge for said special district court, to fix his salary and term of office, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 60 ON SECOND READING.

(By Unanimous Consent.)

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

House bill No. 60, A bill to be entitled "An Act to amend Sections 26 and 53, of Article 30, of Title 5, of the Revised Statutes of Texas, 1911, and to change and prescribe the time for holding the district court in the Twenty-sixth Judicial District of the State of Texas, and the Fifty-third Judicial District of the State of Texas, and to define the juris-

diction of said courts, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third district courts, and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial District courts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit grand juries of such courts to the changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 40 ON SECOND READING.

(By Unanimous Consent.)

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

House bill No. 40, A bill to be entitled "An Act to amend Chapter 162 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to amend Chapter 24 of the Acts of the First Called Session of the Thirty-first Legislature of the State of Texas, entitled "An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experiment stations in certain parts of Texas; to provide for proper appropriations therefor, and repealing all laws in conflict herewith, and declaring an emergency," and providing further for a governing board for the Texas Agricultural Experiment Station, defining the place of residence of the Director of Texas Experiment Stations, and declaring an emergency'; providing for the payment of the salary of the director of said experiment stations, defining his powers and duties and also the powers and duties of the governing board; also providing that the Texas State Agricultural Experiment Station located at College Station, Brazos county, Texas, at the Agricultural and Mechanical College of Texas, shall remain under the control of the board of directors of the Agricultural and Mechanical College, and authorizing the said board to receive from the Federal government the aid that has been or may hereafter be available for it under an act of Congress, and declaring an emergency."

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

**SENATE BILL NO. 12 ON SECOND READING.**

The Speaker laid before the House, on its second reading and passage to a third reading,

Senate bill No. 12, A bill to be entitled "An Act to amend Chapter 132 of the Acts of the Thirty-third Legislature, entitled 'An Act to provide for indeterminate sentences of persons convicted of certain crimes; for the termination of such sentences and the release of such persons on parole; providing for exemption from the operations of the law in certain cases, and repealing all laws in conflict herewith, and declaring an emergency.'"

The bill was read second time and was passed to a third reading.

**HOUSE BILL NO. 17 ON SECOND READING.**

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

House bill No. 17, A bill to be entitled "An Act to provide for the incorporation and regulation of certain corporations generally known as building and loan associations; and for the government and control of the same; placing the same under the control and supervision of the Commissioner of Insurance and Banking; and providing for the admission in this State of foreign building and loan associations; and providing penalties for the violation of this act, and repealing all laws in conflict with this act."

**HOUSE BILLS ON FIRST READING.**

(By Unanimous Consent.)

The following House bills, introduced today, were laid before the House, read severally first time, and referred to appropriate committees, as follows:

By Mr. Rogers:

House bill No. 67, A bill to be entitled "An Act to amend Article 6002, Title 97, Chapter 1, of the Revised Civil Statutes of the State of Texas, relating to the appointment of notaries public, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Dunn:

House bill No. 68, A bill to be entitled "An Act to create and establish the county of Lott, in honor of Uriah Lott,

taken from the existing territory of Duval county, prescribing its area and boundaries, designating the commissioners court of Duval county to organize said county, and prescribing their duties; providing for a division of said county into commissioners' and justices' precincts; providing for holding county and precinct elections for the election of county and precinct officers, and the location of the county seat of said county; providing for the attachment of said county to judicial, representative, senatorial and congressional districts and supreme judicial district; providing for the assessment and collection of taxes, and for the defraying of the expenses of organizing said county, and for the new county to pay its pro rata share of the debt of the county from which it is taken; providing that Duval county shall pay one-half the expense of surveying and marking the boundary line between it and the new county; for the payment by Duval county to the new county one-half of its county school fund, both permanent and available, and also the interest on the same as it matures; for the payment of the teachers of the public schools of the new county until the close of the present scholastic year; for the payment by Duval county to the use of the new county one-half of all county funds on hand when the officers thereof shall have been elected and the manner of paying the same; for the transfer of certain suits from the district court of Duval county to the new county; providing that all laws and parts of laws in conflict herewith shall have no application, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Humphrey:

House bill No. 69, A bill to be entitled "An Act to apportion the State of Texas into Senatorial districts, declaring what counties shall compose each district, providing for returning officer for each district, and declaring an emergency."

Referred to Committee on Senatorial Districts.

By Mr. Reedy:

House bill No. 70, A bill to be entitled "An Act authorizing the incorporation and organization of building and loan associations and homestead associations in the State of Texas, and providing for their organization, government and control; placing all buildings and loan associations and homestead associations heretofore organized, or that may here-

after be organized, or that secure a permit to do business in this State, under the control of the Commissioner of Insurance and Banking, and providing for the admission of foreign building and loan associations and homestead associations to do business in this State, and providing for their government and control, and providing further for penalties for the violation of this act, and declaring an emergency."

Referred to Committee on Private Corporations.

By Mr. Wahrmund:

House bill No. 71, A bill to be entitled "An Act to amend Article 7137, Revised Civil Statutes of 1911, State of Texas, and provide the election of the constable in each justice's precinct, his term of office, and providing that in cities of eight thousand or more inhabitants such constable may by the consent and approval of the commissioners court of the county in which the justice of the peace precinct for which the constable is elected is located, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Campbell and Mr. Macgill:

House bill No. 72, A bill to be entitled "An Act to amend and re-enact Article 5585 and Article 5588, Title 83, Chapter 3 of the Revised Civil Statutes of Texas, relating to seawalls and breakwaters, and declaring an emergency."

Referred to Committee on Internal Improvements.

By Mr. Campbell and Mr. Macgill:

House bill No. 73, A bill to be entitled "An Act to create a more efficient road system for Galveston county, Texas, and making county commissioners precinct road commissioners of their respective precincts, providing their compensation, defining their powers and duties, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Householder and Mr. Glasscock:

House bill No. 74, A bill to be entitled "An Act to amend Sections 7, 8, 23, 29, 36 and 61 of Chapter 118, General Laws, passed by the Regular Session of the Thirty-second Legislature, and adding thereto Sections 23a, 23b and 23c, said amended and added sections to change the present law in regard to the organization and operation of drain-

age districts so as to give said districts more authority in the conduct and management of the affairs of the districts, reducing the fees allowed the county judges and county treasurers for approving and selling the bonds and handling the funds of the district, requiring drainage commissioners to render more frequent and complete reports of their official acts, and declaring an emergency."

Referred to Committee on Irrigation.

By Mr. Dunn:

House bill No. 75, A bill to be entitled "An Act creating the Copita Independent School District in Duval county, Texas; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general law; providing for a board of trustees therefor, and declaring an emergency."

Referred to Committee on Education.

By Mr. Dove, Mr. Fuller, Mr. Hill and Mr. Tarver:

House bill No. 76, A bill to be entitled "An Act to prohibit any retail dealer in spirituous, vinous or malt liquors or medicated bitters from locating or operating his place of business and from selling any spirituous, vinous or malt liquors or medicated bitters within two miles of any local option line or boundary of any territory in which local option is in force unless the same shall be within the corporate limits of an incorporated city or town; providing a penalty therefor, and declaring an emergency."

Referred to Committee on Liquor Traffic.

By Mr. Davis, Mr. Parks and Mr. Lewelling:

House bill No. 77, A bill to be entitled "An Act to amend Chapter 41, Acts of the Twenty-ninth Legislature, as amended by the Thirtieth Legislature, being an act to create a more efficient road system for Dallas county, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Maegill and Mr. Hall:

House bill No. 78, A bill to be entitled "An Act providing for the abolition of drainage districts, heretofore organized, or that may hereafter be organized, under the General Laws of the State of Texas, and providing a method for the

creation of a trustee and treasurer to take charge of the property and effects of said abolished district, and for the collecting of claims or debts against such districts, and winding up the affairs thereof, and declaring an emergency."

Referred to Committee on Irrigation.

By Mr. Byrne, Mr. Goodner, Mr. Ritchie and Mr. Chrestman:

House bill No. 79, A bill to be entitled "An Act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, revision of 1911, requiring railroad companies, receivers or trustees to furnish cars to shippers upon written demand, and providing penalties for their failure so to do; requiring such shippers to deposit with the agent or person to whom application is made one-fourth of the amount of freight charges to accrue for the use of such cars if demand be made therefor; requiring such applicants to load cars when so furnished within forty-eight hours after delivery of same, and providing penalties; requiring the parties to whom such cars are consigned to unload same within forty-eight hours after delivery and notice; requiring parties bringing suit against any railroad company, receiver or trustee for failure to furnish cars upon demand therefor to show that such cars would have been loaded, if furnished, within forty-eight hours after receipt of same, and declaring an emergency."

Referred to Committee on Common Carriers.

By Mr. Templeton:

House bill No. 80, A bill to be entitled "An Act apportioning the State of Texas into senatorial districts, designating returning officers, and declaring an emergency."

Referred to Committee on Senatorial Districts.

By Mr. Rich:

House bill No. 81, A bill to be entitled "An Act to repeal Chapter 121, Special Laws of the Regular Session of the Thirtieth Legislature, the same being a special road law for Liberty county, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Coffey:

House bill No. 82, A bill to be entitled "An Act to amend Article 2827 and Article No. 2862 of the Revised Civil Statutes of the State of Texas so as to

provide that the valuation placed on property for taxation in county line independent school districts having their own tax assessor shall not be governed by the valuation placed thereon for State and county taxation, and declaring an emergency."

Referred to Committee on Education.

#### RESOLUTIONS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally the following enrolled resolutions:

House Concurrent Resolution No. 2, Relating to the appointment of notaries public.

House Concurrent Resolution No. 8, Granting Judge James W. Swayne leave of absence from the State.

#### ADJOURNMENT.

Mr. Householder moved that the House recess to 8 o'clock p. m. today.

Mr. Burns moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

The motion of Mr. Burns prevailed, and the House accordingly, at 5:45 o'clock p. m., adjourned until 9:30 o'clock a. m. tomorrow.

#### APPENDIX.

#### REPORT OF COMMITTEE ON BANKS AND BANKING.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Banks and Banking, to whom was referred House bill No. 51, have had the same under consideration, and beg leave to report same back to the House with the recommendation that it do pass.

FLOURNOY, Chairman.

#### REPORTS OF COMMITTEE ON JUDICIAL DISTRICTS.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred House bill No. 50, having had same under consideration, beg leave to report same back

to the House with the recommendation that it do pass.

DIFFIE, Chairman.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred House bill No. 60, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

DIFFIE, Chairman.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred House bill No. —, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

GATES, Vice Chairman.

#### REPORT OF COMMITTEE ON PUBLIC HEALTH.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Public Health, to whom was referred House bill No. 66, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

COLQUITT, Vice Chairman.

#### REPORTS OF COMMITTEE ON EDUCATION.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 65, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

YARBROUGH, Chairman.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 75, having had same under consideration,

beg leave to report same back to the House with the recommendation that it do pass.

HANEY, Vice Chairman.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 56, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

YARBROUGH, Chairman.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 61, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

YARBROUGH, Chairman.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 59, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

YARBROUGH, Chairman.

#### REPORT OF COMMITTEE ON PRIVATE CORPORATIONS.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Private Corporations, to whom was referred House bill No. 48, have had the same under consideration, and beg leave to report same back to the House with the recommendation that it do pass.

BAGBY, Chairman.

#### REPORTS OF COMMITTEE ON ROADS, BRIDGES AND FERRIES.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Roads,

Bridges and Ferries, to whom was referred House bill No. 52, have had the same under consideration and beg to report same back to the House with the recommendation that it do pass.

PENRY, Chairman.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 58, have had the same under consideration and beg leave to report same back to the House with the recommendation that it do pass.

BROWN, Vice Chairman.

**REPORT OF COMMITTEE ON REFORMS IN CIVIL PROCEDURE.**

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred House bill No. 54, having had same under consideration, beg leave to report it back to the House with the recommendation that it do pass.

WAGSTAFF, Chairman.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred House bill No. 57, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

WAGSTAFF, Chairman.

**REPORT OF JUDICIARY COMMITTEE.**

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Judiciary Committee, to whom was referred House bill No. 67, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

HUMPHREY, Chairman.

**REPORT OF COMMITTEE ON EN-GROSSED BILLS.**

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 29, A bill to be entitled "An Act making appropriations to pay various miscellaneous claims against the State, authorizing the payment of said miscellaneous items on the taking effect of this act, making appropriations for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913, and declaring an emergency,"

And find the same correctly engrossed.

HERDER, Chairman.

**TWENTY-FIRST DAY.**

(Thursday, August 14, 1913.)

The House met at 9:30 o'clock a. m., pursuant to adjournment.

Speaker Terrell in the chair.

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

Allison.	Diffie.
Bagby.	Dodson.
Baker.	Dove.
Barrett of Jones.	Foster.
Barrett of Titus.	Fountain.
Bartley.	Fuller.
Bierschwale.	Furrrh.
Blalock.	Gates.
Broughton.	Gentry.
Bruce.	Goodner.
Burges.	Greenwood.
Burmeister.	Greer.
Burns.	Griggs.
Butler.	Grindstaff.
Byrne.	Hagins.
Calvin.	Haney.
Campbell.	Harris.
Chrestman.	Haxthausen.
Coffey.	Heilig.
Colquitt.	Henry of Bowie.
Cooper.	Henry of Wichita.
Cope.	Herder.
Cox of Delta.	Hill.
Cox of Ellis.	Hornby.
Craven.	Householder.
Crisp.	Hughes.
Cunningham.	Humphrey.
Davis.	Hunter.
Dickson.	Jordan.

Kennedy.	Robertson.
King.	Ross.
Kirby.	Rowell.
Lane.	Russell.
Lewelling.	Savage.
Long.	Schwegman.
Low.	Simpson.
Macgill.	Smith.
McAskill.	Spann.
McDaniel.	Spradley.
Mendell.	Stephens.
Mills.	Stone.
Morris of Coryell.	Sullivan.
Morris of Victoria.	Tarver.
Mulcahy.	Taylor.
Murray.	Templeton.
Nabours.	Thompson.
Neeley.	Tiller.
Olander.	Tillotson.
Owsley.	Tyson.
Parker.	Ussery.
Parks.	Vannoy.
Patton.	Wagstaff.
Penry.	Wahrmund.
Powell.	Watson of Hays.
Raiden.	Watson of Mills.
Ratliff.	Webb.
Reedy.	Williams
Reeves.	of Hopkins.
Rich.	Williams
Rickerson.	of McLennan.
Ridgell.	Woods of Fisher.
Ritchie.	Woods of Navarro.
Roach.	Wortham.
Robbins.	Yarbrough.

Absent.

Dunn.	Paddock.
Fields.	Rogers.
Flournoy.	Absent—Excused.

Boehmer.	Harp.
Brown.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Hall.	Vickers.

A quorum was announced present.  
Prayer by Rev. W. J. Joyce, Chaplain.

#### LEAVE OF ABSENCE GRANTED.

On account of sickness:

Mr. Brown for today, on motion of  
Mr. Murray.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to appropriate committees, as follows:

By Mr. Fields, Mr. Dove and Mr. Calvin:

House bill No. 83, A bill to be entitled

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"An Act conferring certain additional power and authority upon State banks and State banks and trust companies, chartered and operating under the General Laws of the State; authorizing such institutions to create and maintain land loan departments, and regulating the manner, method and operation of said departments; authorizing such institutions to issue bonds in connection with and as a part of said land loan department; prescribing the method of securing such bond issued, and the rules and regulations governing the same, and providing that certain investments authorized to be made under the laws of the State may be made in said bonds so issued; prescribing certain additional duties for the Commissioner of Insurance and Banking, the Attorney General and the State Treasurer; authorizing the collection of certain fees therefor, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Macgill and Mr. Campbell:

House bill No. 84, A bill to be entitled "An Act to authorize the Governor to sell and conditionally relinquish to J. J. Kane of the city of Galveston, his heirs and assigns, or other persons, any right, title or claim the State of Texas has in and to certain flats, or lands under water, on the shores of Galveston bay, in Galveston county, for the purpose of the construction of a dry dock or marine railway, and authorizing the Governor of the State of Texas to make necessary conveyances, and declaring an emergency."

Referred to Committee on Internal Improvements.

By Mr. Tillotson:

House bill No. 85, A bill to be entitled "An Act creating a State Highway Department, and establishing a State Highway Commission and the office of State Highway Engineer; prescribing the duties of each, and fixing the compensation of said State Highway Engineer; creating a fund by the license of motor vehicles; fixing a penalty for failure to pay such license; making an appropriation to carry out the provisions of this act, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Ratliff:

House bill No. 86, A bill to be entitled "An Act to repeal Chapter 106 of the General Laws of the Regular Session of the Thirty-third Legislature of the State

of Texas, approved April 2, 1913, and known as a State Fire Insurance Commission Law, providing conditions on which fire insurance companies may hereafter transact business in the State of Texas."

Referred to Committee on Insurance.

By Mr. Cunningham:

House bill No. 87, A bill to be entitled "An Act dividing Ridings Common School District No. 95 in Fannin county, Texas, into two common school districts, to be known as 'Riding Common School District No. 95,' and 'Finley Common School District No. 126,' by a line running east and west across said Ridings Common School District No. 95, so as to give each of the newly created common school districts about an equal number of square miles of territory."

Referred to Committee on Education.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Haney, it was ordered that House bill No. 80 be not printed.

On motion of Mr. Allison, House bill No. 35 was ordered not printed.

On motion of Mr. Rich, it was ordered that House bill No. 81 be not printed.

On motion of Mr. Dunn, it was ordered that House bill No. 75 be not printed.

On motion of Mr. Ritchie, it was ordered that House bill No. 79 be not printed.

On motion of Mr. Wahrmund, it was ordered that House bill No. 71 be not printed.

On motion of Mr. Davis, it was ordered that House bill No. 77 be not printed.

On motion of Mr. Campbell, it was ordered that House bill No. 73 be not printed.

(Mr. Calvin in the chair.)

#### RELATING TO APPROPRIATION FOR COMPTROLLER'S DEPARTMENT.

Mr. Tarver offered the following resolution:

Whereas, In the engrossed House bill No. 2, the same being the departmental appropriation bill, there appeared in the appropriations for the Comptroller's Department the following, towit: "For enforcing the provisions of Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h and 9i, of Chapter 17, of the Acts of the First Called Session of the Thirty-first Legislature; also for enforcing the provisions of Chapters 67 and 75 of the General Laws of the Thirty-third Legislature passed at its Regular Session, convened on Jan-

uary 14, 1913, adjourned on April 1 1913, and all other laws regulating the sale of intoxicating liquors. The Governor, Attorney General and Comptroller shall employ secret service men such as may be necessary, to be paid out of the appropriation herein made, whose duties shall be to ferret out all violations of the foregoing laws. Any two of the above named officials, towit: the Governor, Attorney General and Comptroller, may act, but the secret service men shall be under the control of the Comptroller, \$25,000, or so much thereof as may be necessary, and same shall be spent in two years, beginning September 1, 1913, and ending August 31, 1915. Provided, \$10,000 of the said amount shall be for enforcing the provisions of Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h and 9i, of Chapter 17, of the Acts of the First Called Session of the Thirty-first Legislature, and the remainder for the purposes herein specified, \$25,000"; and

Whereas, Said appropriation was placed in said bill by a practically unanimous vote of the House; and

Whereas, The Senate has in its departmental appropriation bill allowed the Comptroller's Department the sum of only \$5000 each year for the enforcement of all liquor laws; and

Whereas, It is the sense of the House that the sum provided in the said Senate bill is wholly inadequate; and

Whereas, The Comptroller has stated that said sum would be wholly inadequate for said purposes; and

Whereas, It is the sense of the House that all of the violations of the liquor law be thoroughly ferreted out; and

Whereas, It is the sense of the House that the Comptroller should have the benefit of the services of secret service men to enable him to ferret out said violations, as provided in said House bill No. 2; therefore, be it

Resolved by the House, That the House conferees appointed to consider the differences between the House and Senate appropriation bills be, and they are hereby instructed to retain in any bill reported back to this House the provision contained in said House bill No. 2, as above quoted, and they are instructed to refuse to agree to any appropriations less than \$25,000, to be devoted to ferreting out all of the violations of the liquor laws of this State, said \$25,000 to be expended in two years, or so much thereof as may be necessary.

Signed—Tarver, McAskill, Reeves, Cope, Burns of Hill, Broughton, Webb, Long, Craven, Barrett of Jones, Hagins, Cox of Delta, Fields, Hornby, Baker,

**Coffey, Lewelling, Spann, Ritchie, Allison, Dove, Macgill.**

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Tarver moved the previous question on the resolution, and the main question was ordered.

Question then recurring on the adoption of the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yea—75.

Allison.	Macgill.
Baker.	McAskill.
Barrett of Jones.	McDaniel.
Barrett of Titus.	Morris of Coryell.
Blalock.	Nabours
Broughton.	Neeley.
Eurmeister.	Olander.
Burns.	Patton.
Butler.	Raiden.
Calvin.	Reeves.
Coffey.	Rich.
Cope.	Rickerson.
Cox of Delta.	Ridgell.
Craven.	Ritchie.
Cunningham.	Robbins.
Davis.	Robertson.
Dickson.	Rogers.
Diffie.	Ross.
Dodson.	Rowell.
Dove.	Russell.
Fields.	Simpson.
Foster.	Spann.
Fuller.	Spradley.
Furh.	Stephens.
Gentry.	Tarver.
Griggs.	Templeton.
Grindstaff.	Thompson.
Hagins.	Tyson.
Haney.	Ussery.
Henry of Bowie.	Vannoy.
Henry of Wichita.	Wagstaff.
Hornby.	Watson of Mills.
Humphrey.	Webb.
Hughes.	Williams
Jordan.	of Hopkins.
Kennedy.	Woods of Fisher.
Lewelling.	Woods of Navarro.
Long.	Yarbrough.

Nay—47.

Bartley.	Crisp.
Bierschwale.	Dunn.
Bruce.	Fountain.
Burges.	Gates.
Byrne.	Goodner.
Campbell.	Greenwood.
Chrestman.	Greer.
Alquitt.	Harris.
Per.	Haxthausen.
of Ellis.	Heilig.

Herder.	Powell.
Hill.	Ratliff.
Householder.	Reedy.
Hunter.	Savage.
King.	Schwegman.
Kirby.	Smith.
Lane.	Stone.
Mendell.	Sullivan.
Mills.	Taylor.
Mulcahy.	Tillotson.
Owsley.	Wahrmund.
Parker.	Williams
Parks.	of McLennan.
Penry.	Wortham.

Powell.	Absent.
Ratliff.	
Reedy.	
Savage.	
Schwegman.	
Smith.	
Stone.	
Sullivan.	
Taylor.	
Tillotson.	
Wahrmund.	
Williams	
of McLennan.	
Wortham.	

Absent.	
Bagby.	Murray.
Brown.	Paddock.
Flournoy.	Roach.
Low.	Tiller
Morris of Victoria	Watson of Hays.

Absent—Excused.

Boehmer.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Hall.	Vickers.
Harp.	

Mr. Tarver moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 39 ON SECOND READING.

(Special Order.)

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

House bill No. 39. A bill to be entitled "An Act to prohibit the use of any imitation label, trade mark, design, device, imprint or form of the flag of the State of Texas for advertising or commercial purposes, and prohibiting the offering or exposing for sale any article or commodity bearing such imitation, design, imprint or form of the flag of the State of Texas, fixing a penalty for violation thereof, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Mr. Wortham moved to reconsider the vote by which House bill No. 39 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

## MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, 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 to amend Chapters 1 and 2, Title 104, Revised Civil Statutes of 1911, the same being an act passed by the Fourth Called Session of the Thirty-first Legislature, and entitled 'An Act to establish a prison system, and declaring the policy of the State with reference thereto; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners as herein defined shall be permitted to testify in certain cases; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such person system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act,' and declaring an emergency."

Senate bill No. 26, A bill to be entitled "An Act to amend Article 6002, Title 97, Revised Statutes of Texas, 1911, providing for the appointment of notaries public, and declaring an emergency."

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

## HOUSE BILL NO. 51 SET AS A SPECIAL ORDER.

Mr. Wortham moved that House bill No. 51, establishing a public warehouse system, be set as a special order for 10 o'clock a. m. tomorrow.

Yea<sup>s</sup> and nays were demanded, and the motion to set the bill as a special order prevailed by the following vote:

Yea<sup>s</sup>—105.

Mr. Speaker. Allison.

Bagby.	Mills.
Baker.	Morris of Coryell.
Barrett of Titus.	Mulcahy.
Bartley.	Murray.
Bierschwale.	Nabours.
Blalock.	Feeley.
Burmeister.	Olander.
Burges.	Owsley.
Butler.	Parker.
Byrne.	Parks.
Calvin.	Patton.
Campbell.	Penry.
Cooper.	Powell.
Cox of Delta.	Raiden.
Crisp.	Ratliff.
Cunningham.	Reedy.
Davis.	Reeves.
Diffie.	Kidgell.
Dove.	Ritchie.
Dunn.	Roach.
Fields.	Robbins.
Flournoy.	Robertson.
Fountain.	Rogers.
Fuller.	Rowell.
Furrh.	Russell.
Gates.	Savage.
Goodner.	Schwegman.
Greenwood.	Simpson.
Greer.	Smith.
Griggs.	Spann.
Grindstaff.	Spradley.
Hagins.	Stephens.
Haney.	Stone.
Harris.	Sullivan.
Haxthausen.	Taylor.
Heilig.	Thompson.
Henry of Bowie.	Tiller.
Henry of Wichita.	Tillotson.
Herder.	Tyson.
Hill.	Ussery.
Hornby.	Vannoy.
Householder.	Wahrmund.
Hughes.	Watson of Mills.
Hunter.	Webb.
Jordan.	Williams of Hopkins.
Kennedy.	Williams of McLennan.
King.	Woods of Fisher.
Kirby.	Woods of Navarro.
Lane.	Wortham.
Low.	Yarbrough.
Macgill.	
McDaniel.	
Mendell.	

Nays—19.

Barrett of Jones.	Humphrey.
Broughton.	Lewelling.
Burns.	Long.
Chrestman.	McAskill.
Colquitt.	Rickerson.
Cope.	Ross.
Cox of Ellis.	Tarver.
Dickson.	Templeton.
Dodson.	Watson of Hays.
Gentry.	

**Absent.**

Bruce.	Morris of Victoria
Coffey.	Paddock.
Craven.	Rich.
Foster.	Wagstaff.

**Absent—Excused.**

Boehmer.	Harp.
Brown.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Hall.	Vickers.

Mr. Terrell moved to reconsider the vote by which House bill No. 51 was set as a special order and to table the motion to reconsider.

The motion to table prevailed.  
(Speaker in the chair.)

**RELATING TO PRINTING OF BILLS.**

The Speaker stated that if there was no objection he would order not printed all bills ordered printed in the Journal and reported favorably without amendments.

There was no objection offered.

**HOUSE BILL NO. 17 ON ENGROSSMENT.**

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

House bill No. 17. A bill to be entitled "An Act to provide for the incorporation and regulation of certain corporations generally known as building and loan associations; and for the government and control of the same; placing the same under the control and supervision of the Commissioner of Insurance and Banking; and providing for the admission in this State of foreign building and loan associations; and providing penalties for the violation of this act, and repealing all laws in conflict with this act."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

(Mr. Mills in the chair.)

Mr. Woods of Navarro raised a point of order on further consideration of the bill on the ground that it relates to a subject not submitted by the Governor for legislation at the present session of the Legislature.

The Speaker overruled the point of order.

Question referred—Shall the bill be referred to engrossment?

**MESSAGE FROM THE SENATE.**

Senate Chamber,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 27, A bill to be entitled "An Act to amend Title 76, Articles 5221, 5222, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5232, 5233 and 5234 of the Revised Civil Statutes of 1911, concerning the management and control of the State Institution for the Training of Juveniles, and to add thereto Articles 5234a and 5234b."

House bill No. 18, A bill to be entitled "An Act to repeal Article 6214 of the Revised Statutes of 1911; to amend Article 6215, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners of the State penitentiary system need not be paid for Sunday labor; to amend Article 6220, Title 104, of the Revised Statutes of 1911 so as to provide that prisoners worked on farms may be required to labor from sunrise to sunset, and amending Article 6223, Title 104, of the Revised Statutes of 1911, so as to provide that the State need not pay the transportation of discharged convicts to any point within the State, but only to the nearest depot to the point from whence sentenced, or an equal distance," with amendments.

Respectfully,

JOHN D. McCALL,  
Assistant Secretary of the Senate.

**RECESS.**

Mr. Burns moved that the House recess to 2 o'clock p. m. today.

Mr. Ritchie moved that the House recess to 1:30 o'clock p. m. today.

The motion of Mr. Burns prevailed, and the House accordingly, at 12 o'clock m., took recess to 2 o'clock p. m. today.

**AFTERNOON SESSION.**

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

**HOUSE BILL NO. 17 ON ENGROSSMENT.**

(Pending Business.)

The House resumed consideration of

pending business, same being House bill No. 17, relating to the incorporation of building and loan associations, on its passage to engrossment.

Question—Shall the bill be passed to engrossment?

Mr. Penry offered the following amendment to the bill:

Amend House bill No. 17 as follows: Strike out all on lines 35 and 36, page 12, except the word "provided."

The amendment was adopted.

Mr. Penry offered the following amendment to the bill:

Insert on page 14, after the word "apply," in line 5, the following: "nor shall this act apply to corporations, foreign or domestic, which are engaged solely in lending money without requiring the borrower to contract for or purchase or hold any stock in such corporation."

The amendment was lost.

Mr. Lane offered the following amendment to the bill:

Amend the bill by striking out Section 11, page 6, and renumber sections to conform therewith.

The amendment was adopted.

Mr. Tarver moved that the House consider the bill section by section, and the motion was lost.

Mr. Reedy moved to postpone further consideration of the bill until 2 o'clock p. m. tomorrow.

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

Question recurring on the motion to postpone, yeas and nays were demanded.

The motion to postpone was lost by the following vote:

Yea—31.

Baker.	McAskill.
Barrett of Jones.	Morris of Coryell.
Broughton.	Morris of Victoria.
Burns.	Nabours.
Butler.	Reeves.
Campbell.	Rickerson.
Cope.	Robbins.
Cox of Delta.	Russell.
Craven.	Simpson.
Diffie.	Spann.
Greenwood.	Tarver.
Grindstaff.	Templeton.
Hagins.	Tyson.
Hornby.	Vannoy.
Householder.	Watson of Hays.
Long.	

Nay—80.

Mr. Speaker.	Blalock.
Barrett of Titus.	Bruce.
Bartley.	Burges.
Bierschwale.	Burmeister.

Byrne.	Olander.
Chrestman.	Owsley.
Coffey.	Parker.
Colquitt.	Parks.
Cooper.	Patton.
Cox of Ellis.	Penry.
Crisp.	Powell.
Cunningham.	Raiden.
Davis.	Ratliff.
Dickson.	Reedy.
Dodson.	Ridgell.
Durr.	Ritchie.
Foster.	Roach.
Fuller.	Robertson.
Gates.	Rogers.
Gentry.	Ross.
Greer.	Rowell.
Griggs.	Savage.
Haney.	Schwegman.
Harris.	Smith.
Heilig.	Spradley.
Henry of Bowie.	Stephens.
Henry of Wichita.	Stone.
Herder.	Sullivan.
Hughes.	Taylor.
Humphrey.	Thompson.
Hunter.	Tiller.
Kennedy.	Tillotson.
King.	Wagstaff.
Kirby.	Wahrmund.
Lane.	Watson of Mills.
Macgill.	Williams of Hopkins.
McDaniel.	Williams of McLennan.
Mendell.	Woods of Fisher.
Mills.	Yarbrough.
Mulcahy.	
Murray.	

Absent.

Allison.	Hill.
Bagby.	Jordan.
Brown.	Low.
Calvin.	Neeley.
Dove.	Paddock.
Fields.	Rich.
Flournoy.	Ussery.
Fountain.	Webb.
Furrr.	Woods of Navarro.
Goodner.	Wortham.
Haxthausen.	

Absent—Excused.

Boehmer.	Lewelling.
Collins.	McKamy.
Glasscock.	Mangum.
Hall.	Oliver.
Harp.	Vickers.

Mr. Tarver moved to reconsider the vote by which the House refused to consider the bill section by section.

The motion to reconsider prevailed.

Question then recurring on the motion to consider the bill section by section, it prevailed.

**Section 1** of the bill was read and was passed over.

**Section 2** of the bill was read.

Mr. Campbell offered the following amendment to this section of the bill:

Amend the bill page 2 by adding after last word in Section 2, line 19, the following: "The provisions of this act shall not apply to loan corporations heretofore incorporated under the laws of Texas loaning money on real estate or improvements thereon in cities of this State of more than 30,000 inhabitants, and not requiring the borrowers to be members thereof or holders of shares in such corporations, and which have been doing business for as long as ten years prior to passage of this act."

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

Sections 3 and 4 of the bill were read and were passed over.

**Section 5** of the bill was read.

Mr. Penry offered the following amendment to this section of the bill:

Amend Section 5, page 3, line 15, by changing "this" to "the."

The amendment was adopted.

There being no further amendments to this section of the bill, it was passed over.

**Section 6** of the bill was read.

Mr. Herder offered the following amendment to this section of the bill:

Amend House bill No. 17 by striking out Section 6.

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

The amendment was adopted.

Mr. Tarver moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

**Section 7** of the bill was read.

Mr. Burmeister offered the following amendment to this section of the bill:

Amend Section 7, line 16, by inserting after the word "corporation" the following: "paying therefor out of their separate property."

The amendment was adopted.

Mr. Campbell offered the following amendment to this section of the bill:

Amend by striking out Section 7 of the bill.

CAMPBELL,  
TARVER,  
RAIDEN.

Mr. Savage moved to table the amendment, and the motion to table was lost. The amendment was adopted.

Mr. Tarver moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

Sections 8 to 18 of the bill, inclusive, were read and were passed over.

Mr. Simpson, by unanimous consent, offered the following amendment to Section 17 of the bill:

Amend line 3, page 8, by adding the word "twenty" after the word "forfeit."

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

Sections 19 to 22 of the bill, inclusive, were read and were passed over.

**Section 23** of the bill was read.

Mr. Herder offered the following amendment to this section of the bill:

Amend Section 23 by striking out "may by a majority vote of all shareholders," and insert "by 80 per cent of the vote of all shareholders."

Mr. Penry offered the following amendment to the amendment:

Amend the amendment by substituting for the words "eighty per cent" the word "two-thirds."

The amendment to the amendment was adopted.

The amendment as amended was adopted.

There being no further amendments to this section of the bill, it was passed over.

Sections 24 to 28 of the bill, inclusive, were read and were passed over.

On motion of Mr. Rogers, further consideration of the bill section by section was discontinued.

Question—Shall the bill be passed to engrossment?

Mr. Penry offered the following amendments to the bill:

(1)

Amend House bill No. 17 by adding Section 11 in line 16, page 6:

"Sec. 11. By the term 'withdrawal value,' as used herein, is meant, the then value of the stock at the time indicated in the connection in which the words are used, less the lawful charges against such shares, in favor of the corporation."

(2)

Amend Section 21, page 10, line 20, by striking out the words "such notice as shall be required of a withdrawing shareholder," and insert the words "such notice as the by-laws may prescribe."

The amendments were severally adopted.

Mr. Herder offered the following amendments to the bill:

(1)

Amend House bill No. 17, Section 17, by adding at the end of said section, "and shall within thirty days after such refusal to file such annual statement, investigate the affairs of the association and if found in a failing condition, take charge of its affairs."

(2)

Amend House bill No. 17, Section 13, by adding at the end of said section "and to the highest bidder after advertising same in some local paper for four consecutive weeks."

The amendments were severally adopted.

Mr. Campbell offered the following amendment to the bill:

Amend the bill, page 9, line 22, by adding after the word "compensation," Section 19, the following:

"The compensation to be allowed a receiver under this act shall be an amount reasonably in proportion to the value of the property of the association, and in no event shall exceed \$2500 per annum."

The amendment was adopted.

Mr. Penry offered the following amendment to the bill:

Amend the bill by renumbering the sections so as to conform to the amended bill.

The amendment was adopted.

House bill No. 17 was then passed to engrossment.

Mr. Penry moved to reconsider the vote by which House bill No. 17 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 13, A bill to be entitled "An Act to amend Chapter 150, General Laws, passed at the Regular Session of the Thirty-third Legislature, relating to application for witnesses in felony cases so as to repeal Section 4 of said chapter,

which provides for the payment of one dollar and fifty cents per day for each day that witnesses residing in the county of the prosecution may have been necessarily absent from their homes or business in attendance upon court," with amendments.

Respectfully,

JOHN D. McCALL,  
Assistant Secretary of the Senate.

#### MESSAGE FROM THE GOVERNOR.

Mr. J. T. 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:

Governor's Office,  
Austin, Texas, August 14, 1913.

To the Texas Legislature:

In harmony with the proclamation of the Governor convening the First Called Session of the Thirty-third Legislature, and as provided by Section 40, of Article 4, of the Constitution, I present to you the following additional subject for legislation:

The passage of an act authorizing the city of Nacogdoches, a municipal corporation, to sell to the United States of America a portion of the Main Plaza for a Federal building site.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

#### INVITING HON. F. F. HILL TO ADDRESS THE HOUSE.

Mr. Heilig offered the following resolution:

Whereas, The great and eminent statesman and member of the Thirty-second Legislature, the Hon. F. F. Hill, is now occupying a seat in the gallery; and

Whereas, This House would like to enjoy the words of wisdom, flowing from his eloquent lips; therefore be it

Resolved, That the Hon. F. F. Hill be offered the privilege of the floor of the House and be requested to address this august assembly.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker appointed Mr. Heilig, Mr. Rogers and Mr. Terrell as a committee to escort Mr. Hill to the Speaker's stand.

The committee having performed its duty, Mr. Hill addressed the House.

(Speaker in the chair.)

**CONFERENCE COMMITTEE ON  
HOUSE BILL NO. 18.**

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

House bill No. 18, A bill to be entitled "An Act to repeal Article 6214 of the Revised Statutes of 1911. To amend Article 6215, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners of the State penitentiary system need not be paid for Sunday labor. To amend Article 6220, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners worked on farms may be required to labor from sunrise to sunset, and amending Article 6223, Title 104, of the Revised Statutes of 1911, so as to provide that the State need not pay the transportation of discharged convicts to any point within the State, but only to the nearest depot to the point from whence sentenced, or an equal distance."

The Speaker laid the bill before the House.

Question—Shall the House concur in the Senate amendments?

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

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Free Conference Committee on the part of the House: Messrs. Humphrey, Dodson, Hill, Tillotson and Wagstaff.

**HOUSE BILL NO. 61 ON SECOND READING.**

(By Unanimous Consent.)

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

House bill No. 61, A bill to be entitled "An Act to amend Section 1, Chapter 40, Special Laws, passed at the Regular Session of the Thirty-third Legislature, being 'An Act creating Rising Star Independent School District in Eastland county, Texas; providing for a board of trustees in said independent school district and conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed upon independent school districts and the board of trustees thereof; providing that the taxes assessed for the old Rising Star

Independent School District for the year 1913 shall be collected and paid to the treasurer of said Rising Star Independent School District hereby established, and declaring an emergency, and declaring an emergency."

The bill was read second time and was passed to engrossment.

**HOUSE BILL NO. 62 ON SECOND READING.**

(By Unanimous Consent.)

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

House bill No. 62, A bill to be entitled "An Act to change and prescribe the time for holding district court in the Forty-ninth Judicial District of Texas, and to repeal all laws in conflict here-with, and declaring an emergency."

The bill was read second time and was passed to engrossment.

**HOUSE BILL NO. 65 ON SECOND READING.**

(By Unanimous Consent.)

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

House bill No. 65, A bill to be entitled "An Act creating the Belcher Independent School District in Montague county, Texas, defining its boundaries, providing for a board of trustees to manage and control public free schools within said district, divesting the city of Belcher of the control of its public free schools, and the title of all properties now held and used for public free school purposes, investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only, under the General Laws of this State, and declaring an emergency."

The bill was read second time and was passed to engrossment.

**HOUSE BILL NO. 73 ON SECOND READING.**

(By Unanimous Consent.)

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

House bill No. 73, A bill to be entitled "An Act to create a more efficient road system for Galveston county, Texas, and making county commissioners precinct road commissioners of their respective precincts, providing their com-

pensation, defining their powers and duties, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 75 ON SECOND READING.

(By Unanimous Consent.)

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

House bill No. 75, A bill to be entitled "An Act creating the Copita Independent School District in Duval county, Texas; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general law; providing for a board of trustees therefor, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 77 ON SECOND READING.

(By Unanimous Consent.)

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

House bill No. 77, A bill to be entitled "An Act to amend Chapter 41, Acts of the Twenty-ninth Legislature, as amended by the Thirtieth Legislature, being an act to create a more efficient road system for Dallas county, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 81 ON SECOND READING.

(By Unanimous Consent.)

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

House bill No. 81, A bill to be entitled "An Act to repeal Chapter 121, Special Laws of the Regular Session of the Thirty-third Legislature, the same being a special road law for Liberty county, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 43 ON THIRD READING.

(By Unanimous Consent.)

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

House bill No. 43, A bill to be entitled "An Act to fix the time for holding the terms of the district court in the Forty-seventh Judicial District, and to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—103.

Mr. Speaker.	Lewelling
Allison.	Long.
Baker.	Macgill.
Barrett of Jones.	Mendell.
Barrett of Titus.	Mills.
Bartley.	Morris of Coryell.
Bierschwale.	Morris of Victoria.
Blalock.	Mulcahy.
Broughton.	Murray.
Bruce.	Nabours.
Burges.	Neeley.
Burmeister.	Olander.
Burns.	Owsley.
Calvin.	Parker.
Campbell.	Parks.
Chrestman.	Patton.
Coffey.	Penry.
Colquitt.	Raiden.
Cooper.	Ratliff.
Cope.	Reedy.
Cox of Delta.	Reeves.
Cox of Ellis.	Rich.
Craven.	Rickerson.
Crisp.	Ritchie.
Cunningham.	Roach.
Dickson.	Robertson.
Diffie.	Ross.
Dodson.	Rowell.
Dove.	Russell.
Dunn.	Savage.
Fields.	Schwegman.
Flournoy.	Simpson.
Fountain.	Spann.
Fuller.	Spradley.
Gates.	Stephens.
Gentry.	Stone.
Goodner.	Taylor.
Greenwood.	Thompson.
Greer.	Tiller.
Griggs.	Tillotson.
Grindstaff.	Tyson.
Hagins.	Vannoy.
Harris.	Wagstaff.
Henry of Bowie.	Wahrmund.
Herder.	Watson of Mills.
Hill.	Williams of Hopkins.
Hornby.	Williams of McLennan.
Hughes.	Woods of Fisher.
Hunter.	Woods of Navarro.
Jordan.	Wortham.
Kennedy.	
Kirby.	
Lane.	

Absent.	Craven.	Olander.
Bagby.	McDaniel.	Parker.
Butler.	Paddock.	Parks.
Byrne.	Powell.	Patton.
Davis.	Ridgell.	Diffie.
Foster.	Robbins.	Dodson.
Furh.	Rogers.	Dove.
Haney.	Smith.	Dunn.
Haxthausen.	Sullivan.	Fields.
Heilig.	Tarver.	Flournoy.
Henry of Wichita.	Templeton.	Foster.
Householder.	Ussery.	Fountain.
Humphrey.	Watson of Hays.	Fuller.
King.	Webb.	Gates.
Low.	Yarbrough.	Gentry.
McAskill.		Greenwood.
Absent—Excused.		Greer.
Boehmer.	Harp.	Griggs.
Brown.	McKamy.	Grindstaff.
Collins.	Mangum.	Hagins.
Glasscock.	Oliver.	Harris.
Hall.	Vickers.	Henry of Bowie.
HOUSE BILL NO. 47 ON THIRD READING.		Herder.
(By Unanimous Consent.)		Hill.
The Speaker laid before the House, on its third reading and final passage,		Hornby.
House bill No. 47, A bill to be entitled "An Act to incorporate the Fruitvale Independent School District in Van Zandt county for free school purposes only; describing its boundaries; provid- ing for a board of school trustees for the control and management of the said independent school district; prescribing the rights, powers, privileges and duties of the said Fruitvale Independent School District and its board of school trustees; vesting it with all the rights, powers, privileges and duties of a town or village incorporated under the General Laws of this State for free school purposes; pro- viding for a treasurer of school funds of the district, and declaring an emergency."		Hughes.
The bill was read third time.		Humphrey.
Question—Shall the bill be passed?		Hunter.
The Clerk was directed to call the roll, and the bill was passed by the following vote:		Jourdan.
Yeas—100.		Kirby.
Mr. Speaker.	Burns.	Lane.
Allison.	Byrne.	Lewelling.
Baker.	Calvin.	Long.
Barrett of Jones.	Campbell.	Low.
Barrett of Titus.	Chrestman.	Mendell.
Bierschwale.	Coffey.	Mills.
Blalock.	Colquitt.	Morris of Coryell.
Broughton.	Cooper.	Mulcahy.
Bruce.	Cope.	Murray.
Clegg.	Cox of Delta.	Nabours.
McGehee.	Cox of Ellis.	
Absent—Excused.		Present—Not Voting.
Boehmer.	Harp.	Roach.
Brown.	McKamy.	Absent.
Collins.	Mangum.	Bagby.
Glasscock.	Oliver.	Bartley.
Hall.	Vickers.	Butler.
Absent—Excused.		Davis.
Boehmer.	Harp.	Furh.
Brown.	McKamy.	Goodner.
Collins.	Mangum.	Haney.
Glasscock.	Oliver.	Haxthausen.
Hall.	Vickers.	Heilig.
Absent—Excused.		Henry of Wichita.
Boehmer.	Harp.	Householder.
Brown.	McKamy.	Kennedy.
Collins.	Mangum.	King.
Glasscock.	Oliver.	Macgill.
Hall.	Vickers.	McAskill.
Absent—Excused.		McDaniel.

**HOUSE BILL NO. 50 ON THIRD READING.**

(By Unanimous Consent.)

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

House bill No. 50, A bill to be entitled "An Act to create a special district court for the Fifth Judicial District of Texas; to prescribe its jurisdiction, to limit its existence, to fix the terms, to conform all writs and process from said court to the district court in said district to such changes as are made in the jurisdiction of the said court by this bill, to empower the judge of said district court, and the judge of the Fifth Judicial District to transfer cases from their respective courts to the other of said courts, to provide for the appointment of a judge for said special district court, to fix his salary and term of office, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

Mr. Henry of Bowie offered the following amendment to the bill:

Amend House bill No. 50, page 3, section 9, fifth paragraph, by striking out the words, "third Monday in May," and insert in lieu thereof "first Monday in September."

HENRY of Bowie,  
BARRETT of Titus,  
ROEWELL,  
RICKERSON.

The amendment was adopted.

Question recurred—Shall the bill be passed?

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

Yea—95.

Mr. Speaker.	Dickson.
Allison.	Dodson.
Barrett of Jones.	Dove.
Barrett of Titus.	Dunn.
Blalock.	Flournoy.
Broughton.	Foster.
Bruce.	Fountain.
Burges.	Fuller.
Burmeister.	Gates.
Burns.	Gentry.
Calvin.	Greenwood.
Campbell.	Greer.
Chrestman.	Griggs.
Coffey.	Grindstaff.
Colquitt.	Hagins.
Cope.	Harris.
Cox of Delta.	Henry of Bowie.
Cox of Ellis.	Herder.
Crisp.	Hill.
Cunningham.	Hornby.

Hughes.	Robbins.
Humphrey.	Robertson.
Hunter.	Rogers.
Jordan.	Ross.
Kirby.	Rowell.
Lane.	Russell.
Lewelling.	Savage.
Long.	Schwegman.
Low.	Simpson.
Macgill.	Spann.
Mendell.	Spradley.
Mills.	Stephens.
Morris of Coryell.	Taylor.
Morris of Victoria.	Thompson.
Mulcahy.	Tillotson.
Nabours.	Ussery.
Olander.	Vannoy.
Parker.	Wagstaff.
Parks.	Wahrmund.
Patton.	Watson of Hays.
Penry.	Watson of Mills.
Raiden.	Williams of Hopkins.
Ratliff.	Williams of McLennan.
Reedy.	Woods of Fisher.
Reeves.	Woods of Navarro.
Rich.	Wortham.
Rickerson.	
Ritchie.	
Roach.	

Nays—1.

Craven.

Absent.

Bagby.	King.
Baker.	McAskill.
Bartley.	McDaniel.
Bierschwale.	Murray.
Brown.	Neeley.
Butler.	Owsley.
Byrne.	Paddock.
Cooper.	Powell.
Davis.	Ridgell.
Diffie.	Smith.
Fields.	Stone.
Furrh.	Sullivan.
Goodner.	Tarver.
Haney.	Templeton.
Haxthausen.	Tiller.
Heilig.	Tyson.
Henry of Wichita.	Webb.
Householder.	Yarbrough.
Kennedy.	

Absent—Excused.

Boehmer.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Hall.	Vickers.
Harp.	

**HOUSE BILL NO. 52 ON THIRD READING.**

(By Unanimous Consent.)

The Speaker laid before the House, on its third reading and final passage, House bill No. 52, A bill to be entitled

"An Act to amend the Special Road Law for Smith county, Texas, passed at the Regular Session of the Thirty-third Legislature, and known as Chapter 70, Special Laws of the Thirty-third Legislature, and providing for the suspension of the constitutional rule requiring all bills to be read on three several days."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—100.

Mr. Speaker.	Lewelling.
Allison.	Long.
Baker.	Low.
Barrett of Jones.	Macgill.
Barrett of Titus.	Mendell.
Bierschwale.	Mills.
Blalock.	Morris of Coryell.
Broughton.	Morris of Victoria.
Bruce.	Mulcahy.
Burges.	Murray.
Burmeister.	Nabours.
Burns.	Olander.
Byrne.	Parker.
Calvin.	Parks.
Campbell.	Patton.
Chrestman.	Penry.
Coffey.	Kaiden.
Colquitt.	Ratliff.
Cope.	Reedy.
Cox of Delta.	Reeves.
Cox of Ellis.	Rich.
Craven.	Rickerson.
Crisp.	Ritchie.
Cunningham.	Roach.
Dickson.	Robertson.
Dodson.	Rogers.
Dove.	Ross.
Dunn.	Rowell.
Flournoy.	Russell.
Foster.	Savage.
Fountain.	Schwegman.
Fuller.	Simpson.
Gates.	Spann.
Gentry.	Spradley.
Greenwood.	Stephens.
Greer.	Taylor.
Griggs.	Thompson.
Grindstaff.	Tiller.
Harris.	Tillotson.
Henry of Bowie.	Ussery.
Herder.	Vannoy.
Hill.	Wagstaff.
Hornby.	Wahrmund.
Hughes.	Watson of Hays.
Humphrey.	Watson of Mills.
Jordan.	Williams
Kennedy.	of Hopkins.
Kirty.	Williams
Lane.	of McLennan.

Woods of Fisher.	Wortham.
Woods of Navarro.	Yarbrough.

Present—Not Voting.

Hagins.	Hunter.
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Absent.

Bagby.	McAskill.
Bartley.	McDaniel.
Butler.	Neely.
Cooper.	Owsley.
Davis.	Paddock.
Diffie.	Powell.
Fields.	Ridgell.
Furrh.	Robbins.
Goodner.	Smith.
Haney.	Stone.
Haxthausen.	Sullivan.
Heilig.	Tarver.
Henry of Wichita.	Templeton.
Householder.	Tyson.
King.	Webb.

Absent—Excused.

Boehmer.	Harp.
Brown,	Mangum.
Collins.	McKamy.
Glasscock.	Oliver.
Hall.	Vickers.

#### HOUSE BILL NO. 55 ON THIRD READING.

(By Unanimous Consent.)

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

House bill No. 55. A bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas; to fix the times for holding the terms of district court therein; to make all process heretofore issued as well as bonds and recognizances heretofore entered into conform thereto, and to repeal all laws and parts of law in conflict therewith, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—100.

Mr. Speaker.	Bruce.
Allison.	Burges.
Baker.	Burmeister.
Barrett of Jones.	Burns.
Barrett of Titus.	Byrne.
Bierschwale.	Calvin.
Blalock.	Campbell.
Broughton.	Chrestman.

Colquitt.	Morris of Victoria.
Cope.	Mulcahy.
Cox of Delta.	Murray.
Cox of Ellis.	Nabours.
Craven.	Olander.
Crisp.	Parker.
Cunningham.	Parks.
Dickson.	Patton.
Dodson.	Penry.
Dove.	Raiden.
Dunn.	Ratliff.
Fields.	Reedy.
Flournoy.	Reeves.
Foster.	Rich.
Fountain.	Rickerson.
Fuller.	Ritchie.
Furrrh.	Roach.
Gates.	Robertson.
Gentry.	Rogers.
Greenwood.	Rowell.
Griggs.	Russell.
Grindstaff.	Savage.
Hagins.	Schwegman.
Haney.	Simpson.
Harris.	Spann.
Henry of Bowie.	Spradley.
Herder.	Stephens.
Hill.	Taylor.
Hornby.	Thompson.
Hughes.	Tillotson.
Humphrey.	Ussery.
Hunter.	Wagstaff.
Jordan.	Wahrmund.
Kennedy.	Watson of Hays.
Kirby.	Watson of Mills.
Lane.	Williams
Lewelling.	of Hopkins.
Long.	Williams
Low.	of McLennan.
Maegill.	Woods of Fisher.
Mendell.	Woods of Navarro.
Mills.	Wortham.
Morris of Coryell.	Absent.
Bagby.	Owsley.
Bartley.	Paddock.
Brown.	Powell.
Butler.	Ridgell.
Coffey.	Robbins.
Cooper.	Ross.
Davis.	Smith.
Diffie.	Stone.
Goodner.	Sullivan.
Haxthausen.	Tarver.
Heilig.	Templeton.
Henry of Wichita.	Tiller.
Householder.	Tyson.
King.	Vannoy.
McAskill.	Webb.
McDaniel.	Yarbrough.
Neeley.	Absent—Excused.
Boehmer.	Hall.
Collins.	Harp.
Glasscock.	McKamy.

Mangum.  
Oliver.

HOUSE BILL NO. 63 ORDERED NOT PRINTED.

On motion of Mr. Russell, by unanimous consent, House bill No. 63 was ordered not printed.

HOUSE BILL NO. 63 ON SECOND READING.

(By Unanimous Consent.)

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

House bill No. 63, A bill to be entitled "An Act authorizing the city of Nacogdoches, a municipal corporation, to sell the United States of America a portion of the Main Plaza for a Federal building site, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 58 ON THIRD READING.

(By Unanimous Consent.)

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

House bill No. 58, A bill to be entitled "An Act to amend Chapter 38 of the Special Laws of the Thirty-second Legislature, as amended by the Thirty-third Legislature, entitled 'An Act to create a more efficient road system for Wood county,' etc., by making it unlawful to injure or damage any public road in said county; prescribing penalties, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—96.

Mr. Speaker.	Campbell.
Allison.	Chrestman.
Baker.	Colquitt.
Barrett of Jones.	Cope.
Barrett of Titus.	Cox of Delta.
Bierschwale.	Cox of Ellis.
Blalock.	Craven.
Broughton.	Crisp.
Bruce.	Cunningham.
Burges.	Dickson.
Burmeister.	Dodson.
Burns.	Dove.
Byrne.	Dunn.
Calvin.	Fields.

Flournoy.	Patton.
Foster.	Penry.
Fountain.	Raiden.
Fuller.	Ratliff.
Furrh.	Reedy.
Gates.	Reeves.
Gentry.	Rickerson.
Greenwood.	Ritchie.
Griggs.	Roach.
Grindstaff.	Robertson.
Hagins.	Ross.
Haney.	Rowell.
Harris.	Russell.
Henry of Bowie.	Savage.
Herder.	Schwegman.
Hill.	Simpson.
Hornby.	Smith.
Hunter.	Spann.
Jordan.	Spradley.
Kennedy.	Stephens.
Kirby.	Thompson.
Lane.	Tiller.
Lewelling.	Ussery.
Long.	Vannoy.
Low.	Wagstaff.
Macgill.	Watson of Hays.
Mendell.	Watson of Mills.
Mills.	Williams
Morris of Coryell.	of Hopkins.
Morris of Victoria.	Williams
Mulcahy.	of McLennan.
Murray.	Woods of Fisher.
Nabours.	Woods of Navarro.
Olander.	Wortham.
Parks.	

Present—Not Voting.

Parker.

Absent.

Bagby.	Owsley.
Bartley.	Paddock.
Butler.	Powell.
Coffey.	Rich.
Cooper.	Ridgell.
Davis.	Robbins.
Diffie.	Rogers.
Goodner.	Stone.
Haxthausen.	Sullivan.
Heilig.	Tarver.
Henry of Wichita.	Taylor.
Householder.	Templeton.
Hughes.	Tillotson.
Humphrey.	Tyson.
King.	Wahrmund.
McAskill.	Webb.
McDaniel.	Yarbrough.
Neeley.	

Absent—Excused.

Boehmer.	Harp.
Brown.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Hall.	Vickers.

### HOUSE BILL NO. 59 ON THIRD READING.

(By Unanimous Consent.)

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

House bill No. 59, A bill to be entitled "An Act to incorporate Thorndale School District in Milam and Williamson counties, as an independent school district, and to provide for the election of trustees, raising revenue by taxation, and issuing bonds for the erection of school buildings within said district, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yeas—96.

Mr. Speaker.	Hunter.
Allison.	Jordan.
Baker.	Kennedy.
Barrett of Jones.	Kirby.
Barrett of Titus.	Lane.
Bierschwale.	Lewelling.
Blalock.	Long.
Broughton.	Low.
Bruce.	Macgill.
Burges.	McAskill.
Burmeister.	Mendell.
Burns.	Mills.
Byrne.	Morris of Coryell.
Calvin.	Morris of Victoria.
Campbell.	Mulcahy.
Chrestman.	Murray.
Colquitt.	Nabours.
Cope.	Olander.
Cox of Delta.	Parker.
Cox of Ellis.	Parks.
Craven.	Patton.
Crisp.	Penry.
Cunningham.	Raiden.
Dickson.	Ratliff.
Dodson.	Reedy.
Dove.	Reeves.
Fields.	Rickerson.
Flournoy.	Ritchie.
Fountain.	Roach.
Fuller.	Robertson.
Furrh.	Ross.
Gates.	Rowell.
Gentry.	Russell.
Greenwood.	Savage.
Greer.	Schwegman.
Griggs.	Simpson.
Grindstaff.	Spann.
Hagins.	Spradley.
Haney.	Stephens.
Harris.	Thompson.
Henry of Bowie.	Tiller.
Herder.	Tillotson.
Hill.	Ussery.
Hornby.	Vannoy.

Wagstaff.	Williams
Watson of Hays.	of McLennan.
Watson of Mills.	Woods of Fisher.
Williams of Hopkins.	Woods of Navarro. Wortham.

## Absent.

Bagby.	Neeley.
Bartley.	Owsley.
Butler.	Paddock.
Coffey.	Powell.
Collins.	Rich.
Cooper.	Ridgell.
Davis.	Robbins.
Diffie.	Rogers.
Dunn.	Smith.
Foster.	Stone.
Goodner.	Sullivan.
Haxthausen.	Tarver.
Heilig.	Taylor.
Henry of Wichita.	Templeton.
Householder.	Tyson.
Hughes.	Wahrmund.
Humphrey.	Webb.
King.	Yarbrough.
McDaniel.	

## Absent—Excused.

Boehmer.	McKamy.
Brown.	Mangum.
Glasscock.	Oliver.
Hall.	Vickers.
Harp.	

HOUSE BILL NO. 60 ON THIRD  
READING.

(By Unanimous Consent.)

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

House bill No. 60, A bill to be entitled "An Act to amend Sections 26 and 53, of Article 30, of Title 5, of the Revised Statutes of Texas, 1911, and to change and prescribe the time for holding the district court in the Twenty-sixth Judicial District of the State of Texas, and the Fifty-third Judicial District of the State of Texas, and to define the jurisdiction of said courts, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third district courts, and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial district courts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit grand juries of such courts to the changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read third time.

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

Yea—95.

Mr. Speaker.	Lewelling.
Allison.	Long.
Baker.	Macgill.
Barrett of Jones.	Mendell.
Barrett of Titus.	Mills.
Bierschwale.	Morris of Coryell.
Blalock.	Morris of Victoria.
Broughton.	Mulcahy.
Bruce.	Murray.
Burges.	Nabours.
Burmeister.	Olander.
Burns.	Parker.
Byrne.	Parks.
Calvin.	Patton.
Campbell.	Penry.
Chrestman.	Raiden.
Colquitt.	Ratliff.
Cope.	Reedy.
Cox of Delta.	Rich.
Cox of Ellis.	Rickerson.
Craven.	Ritchie.
Crisp.	Roach.
Cunningham.	Robertson.
Dodson.	Ross.
Dove.	Rowell.
Dunn.	Russell.
Fields.	Savage.
Flournoy.	Schwegman.
Fountain.	Simpson.
Fuller.	Smith.
Furrh.	Spann.
Gates.	Spradley.
Gentry.	Stephens.
Greenwood.	Thompson.
Greer.	Tiller.
Griggs.	Tillotson.
Grindstaff.	Ussery.
Hagins.	Vannoy.
Haney.	Wagstaff.
Harris.	Watson of Hays.
Henry of Bowie.	Watson of Mills.
Herder.	Williams
Hill.	of Hopkins.
Hornby.	Williams
Hunter.	of McLennan.
Jordan.	Woods of Fisher.
Kennedy.	Woods of Navarro.
Kirby.	Wortham.
Lane.	

## Absent.

Bagby.	Goodner.
Bartley.	Haxthausen.
Butler.	Heilig.
Coffey.	Henry of Wichita.
Cooper.	Householder.
Davis.	Hughes.
Dickson.	Humphrey.
Diffie.	King.
Foster.	Low.

McAskill.	Stone.
McDaniel.	Sullivan.
Neeley.	Tarver.
Owsley.	Taylor.
Paddock.	Templeton.
Powell.	Tyson.
Reeves.	Webb.
Ridgell.	Wahrmund.
Robbins.	Yarbrough.
Rogers.	

**Absent—Excused.**

Boehmer.	Harp.
Brown.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Hall.	Vickers.

**HOUSE BILL NO. 9 ON THIRD READING.**

(By Unanimous Consent.)

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

House bill No. 9, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State, all stocks, bonds or other obligations of private, foreign and domestic corporations, organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of such stocks, bonds or other obligations of such corporation, or proposed corporation; and fixing commission and promotion fees allowed to be charged, and providing for services of process, examination fees and exempting certain corporations from the effects of this act, providing penalty for the violation of the provisions hereof, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

Mr. McDaniel offered the following amendment to the bill:

Amend caption of House bill No. 9, page 275 of the Journal, by adding after the word "profit," in line 11, the following: "and to supervise and regulate the sale of town-site lots and town-sites and town lots by corporations proposed to be organized or organized and authorized to sell same."

McDANIEL,  
LEWELLING

The amendment was adopted.  
House bill No. 9 was passed.

**HOUSE BILL NO. 40 ON THIRD READING.**

The Speaker laid before the House, on its third reading and final passage,  
House bill No. 40, A bill to be entitled

"An Act to amend Chapter 162 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to amend Chapter 24 of the Acts of the First Called Session of the Thirty-first Legislature of the State of Texas, entitled "An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experiment stations in certain parts of Texas; to provide for proper appropriations therefor, and repealing all laws in conflict herewith, and declaring an emergency," and providing further for a governing board for the Texas Agricultural Experiment Station, defining the place of residence of the Director of Texas Experiment Stations, and declaring an emergency'; providing for the payment of the salary of the director of said experiment stations, defining his powers and duties and also the powers and duties of the governing board; also providing that the Texas State Agricultural Experiment Station located at College Station, Brazos county, Texas, at the Agricultural and Mechanical College of Texas, shall remain under the control of the board of directors of the Agricultural and Mechanical College, and authorizing the said board to receive from the Federal government the aid that has been or may hereafter be available for it under an act of Congress, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—95.

Mr. Speaker.	Diffie.
Allison.	Dodson.
Baker.	Dove.
Barrett of Jones.	Dunn.
Barrett of Titus.	Fields.
Bierschwale.	Flournoy.
Blalock.	Foster.
Broughton.	Fountain.
Bruce.	Fuller.
Burges.	Furrr.
Burmeister.	Gates.
Burns.	Gentry.
Byrne.	Greenwood.
Calvin.	Greer.
Campbell.	Griggs.
Chrestman.	Hagins.
Colquitt.	Haney.
Cope.	Harris.
Cox of Delta.	Henry of Bowie.
Cox of Ellis.	Herder.
Craven.	Hill.
Crisp.	Hornby.
Cunningham.	Hunter.
Dickson.	Jordan.

Kennedy.	Roach.
Kirby.	Robertson.
Lane.	Ross.
Lewelling.	Rowell.
Long.	Russell.
Macgill.	Savage.
Mendell.	Schwegman.
Mills.	Simpson.
Morris of Coryell.	Smith.
Morris of Victoria.	Spann.
Mulcahy.	Spradley.
Murray.	Stephens.
Nabours.	Thompson.
Olander.	Tiller.
Parker.	Tillotson.
Parks.	Ussery.
Patton.	Wagstaff.
Penry.	Watson of Hays.
Raiden.	Watson of Mills.
Ratliff.	Williams
Reedy.	of Hopkins.
Reeves.	Woods of Fisher.
Rickerson.	Woods of Navarro.
Ritchie.	Wortham.

**Absent.**

Bagby.	Neeley.
Bartley.	Owsley.
Brown.	Powell.
Butler.	Rich.
Coffey.	Ridgell.
Cooper.	Robbins.
Davis.	Rogers.
Goodner.	Stone.
Grindstaff.	Sullivan.
Haxthausen.	Tarver.
Heilig.	Taylor.
Henry of Wichita.	Templeton.
Householder.	Tyson.
Hughes.	Vanncy.
Humphrey.	Wahrmund.
King.	Webb.
Low.	Williams
McAskill.	of McLennan.
McDaniel.	Yarbrough.

**Absent—Excused.**

Boehmer.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Hall.	Paddock.
Harp.	Vickers.

**CONFERENCE COMMITTEE ON HOUSE BILL NO. 13.**

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

House bill No. 13, A bill to be entitled "An Act to amend Chapter 150, General Laws passed at the Regular Session of the Thirty-third Legislature, relating to application for witnesses in felony cases so as to repeal Section 4 of said chapter, which provides for the payment of

one dollar and fifty cents per day for each day that witnesses residing in the county of the prosecution may have been necessarily absent from their homes or business in attendance upon court."

The Speaker laid the bill before the House.

Question—Shall the House concur in the Senate amendments?

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

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Free Conference Committee on part of the House: Messrs. Penry, Burmeister, Spann, Bruce and Tillotson.

**HOUSE BILL NO. 44 ON SECOND READING.**

On motion of Mr. Dove, 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. 44, A bill to be entitled "An Act to amend Chapter 5 of the Revised Criminal Statutes of Texas of 1911, and Title 131 of the Revised Civil Statutes of Texas of 1911; providing for the conduct of the business of public warehousemen, describing what constitutes such warehouse, and defining who shall be held to be public warehousemen; providing that all persons, firms and corporations or associations of persons shall obtain a certificate of authority from the county clerk of the county in which they intend to engage in said business of warehousemen, and defining the requisites of said certificate; providing that such warehousemen shall issue negotiable and non-negotiable receipts for property stored in such warehouses, and vesting the supervision of such public warehouses in the Commissioner of Insurance and Banking, and defining his duty with reference to such warehouses, and directing said commissioner to prescribe uniform public warehouse receipts for cotton; and requiring that any encumbrance on cotton stored in public warehouses shall be disclosed in the endorsement on the back of such negotiable receipt or certificate, and providing a penalty for failure to truthfully disclose such facts; preventing public warehousemen, by provisions inserted in their receipts, from limiting their liability under the law; providing

for the negotiability of receipts issued; providing a penalty for public warehousemen who violate the provisions of this act; providing the conditions under which private warehousemen may conduct such business; providing for the appointment of a board of cotton grading examiners and defining their duties; requiring public warehousemen storing cotton to employ a competent cotton classer, and affixing a penalty for failure to do so."

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

Question—Shall the bill be passed to engrossment?

Mr. Burns offered the following amendment to the bill:

Amend House bill No. 44, page 2, line 1, by striking out the word "whisky."

The amendment was adopted.

Mr. Tillotson offered the following amendments to the bill:

(1)

Amend House bill No. 44, page 3, line 32, by striking out all in Section 5, after the word "certificates," and substitute the following:

"The Commissioner of Insurance and Banking is hereby empowered and directed to make not less than one examination each year of all such public warehouses, the necessary expense of such examination or examinations to be paid by the warehouse."

(2)

Amend House bill No. 44, page 6, line 33, by adding after the word "meeting," the following: "such meeting or meetings not to exceed six days in any one year."

The amendments were severally adopted.

Mr. Calvin offered the following amendments to the bill:

Amend by adding another section to be known as Section 18:

"Sec. 18. The fact that existing law regarding the regulation of bonded warehouses is inadequate to meet the requirements of commerce and properly safeguard the handling of cotton and other products stored in such warehouses creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be placed on a third reading and final passage and take effect and be enforced from and after its passage, and it is so enacted."

Amend the caption by adding the fol-

lowing at the end of line 33, on page 1, "and declaring an emergency."

The amendments were adopted.

Mr. Dove offered the following amendment to the bill:

Amend House bill No. 44, page 6, line 5, by making that part of Section 14, from the word "any," to the close of the section into a new section, numbered 15, and number the sections following accordingly.

The amendment was adopted.

House bill No. 44 was then passed to engrossment.

#### HOUSE BILL NO. 46 ON SECOND READING.

On motion of Mr. Rowell, 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. 46, A bill to be entitled "An Act to amend Sections 3, 4 and 19 of Chapter 173 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, approved April 9, 1913, relating to the development of minerals in public lands."

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

Question—Shall the bill be passed to engrossment?

Mr. Rowell offered the following amendment to the bill:

Amend House bill No. 46 by striking out all after the enacting clause and insert the following:

Section 1. That Section 3, of Chapter 173, General Laws of the Thirty-third Legislature be amended so as to hereafter read as follows:

Section 3. One desiring to obtain the right to prospect for and develop petroleum oil or natural gas that may in any of the surveyed lands mentioned herein shall first file with the clerk of the court of the county in which the area desired, or a portion thereof, is situated, or with the clerk of the county to which said county may be attached for judicial purposes, a separate application in writing for each tract applied for, designating the land in which he desires to acquire the aforesaid rights. No individual or corporation shall be awarded exceeding 1280 acres of the public lands of the State for oil or gas development purposes, and no individual or corporation shall be awarded exceeding 1000 acres for oil and gas development purposes within ten miles of any producing oil or gas well. The said 1280 acres in undeveloped territory, or the 1000 acres within ten miles of any producing oil

or gas well, may be in as many different tracts of land or fresh water lakes as the applicant may desire, provided the applicant correctly describes the land or fresh water lakes desired for development purposes. The lines of all tracts less than a whole survey shall conform to the exterior of the lines of the survey of which it may be a part, as nearly as practicable. The said clerk shall file and record the application or applications aforesaid and note the same on his register opposite the entry of the proper survey if surveyed or in his record book if unsurveyed, giving the time of filing, and the applicant shall file such application in the General Land Office, together with one dollar as filing fees within thirty days after the date it was filed by the county clerk.

Sec. 2. That Section 4, of Chapter 173, of the General Laws of the Thirty-third Legislature, be amended so as to hereafter read as follows:

Sec. 4. One desiring to obtain the right to prospect for and develop petroleum oil or natural gas in any of the State's islands, salt water lakes, bays, marshes, reefs and fresh water lakes owned by the State, or in any of the unsurveyed public land, shall first file a separate written application for each tract applied for with the county surveyor of the county in which the area or a part of same may be situated or the county to which said county may be attached for surveying purposes giving a designation of the same sufficient to identify it. The surveyor shall immediately file and record same, giving time of such filing, and within ninety days thereafter he shall survey and deliver to the applicant the field notes and original application. Said papers, together with one dollar as filing fee, shall be filed in the General Land Office, within one hundred days after the application was filed with the county surveyor, and not thereafter. Locations and surveys under this section shall not exceed 1280 acres in undeveloped territory and not exceeding 1000 acres within ten miles of a producing gas or oil well. All locations and surveys under this section shall, if practicable, be of regular form, but in every case the line or lines adjacent to other surveys shall conform to the lines of such adjacent surveys. If there are no adjacent surveys the surveyor shall connect such survey wth some established survey on the main land.

Sec. 3. That Section 10, of Chapter 173, of the General Laws of the Thirty-third Legislature, be amended so as to hereafter read as follows:

Section 10. No person, association of

persons, corporate or otherwise, shall hold or own at one time by permit or lease, direct or through assignment, nor hold or own a controlling interest in more than two sections of 640 acres each, more or less, of surveyed school land, University, Asylum or other public land, nor more than 1280 acres of islands, lakes, bays, marshes, reefs, or unsurveyed school, University or asylum or other public land in any undeveloped field, nor more than one thousand acres within ten miles of any producing oil or gas well.

Sec. 4. That there is hereby added Section 35 to Chapter 173, of the General Laws of the Thirty-third Legislature, which shall read as follows:

The fact that the oil and mine resources of the State of Texas cannot be developed under existing laws, and the urgent necessity for the development of the mineral in the lands belonging to the school fund and University of the State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house should be suspended, and that this bill should be placed upon its third reading and final passage and take effect from and after its passage, and said rule is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

The amendment was adopted.

Mr. Rowell offered the following amendment to the bill:

Amend by striking out all before the enacting clause and inserting the following:

House bill No. 46, A bill to be entitled "An Act to amend Sections 3, 4 and 10, of Chapter 173 of the Acts of the Regular Session of the State of Texas, approved April 9, 1913, and entitled an act relating to prospecting and developing minerals on land owned by the State of Texas, by the public free school fund and University and Asylum funds, and upon such land as the State has heretofore sold or may hereafter sell with reservation of the mineral therein and upon such land as may have been purchased with the waiver of mineral rights; and also the prospecting and development of minerals in fresh water lakes and in islands, bays, marshes, reefs and salt water lakes relating to the disposition of the minerals and mineral rights therein; providing royalties and other compensation to be paid to the State therefor; appropriating to certain funds the proceeds arising from such de-

velopment; authorizing the adoption of rules and regulations to carry out the provisions of this act; providing penalties for violations of the provisions of this act; prescribing terms upon which, and the method by which access to mineral deposits may be acquired by condemnation or otherwise; repealing Chapter 1, Title 93, of the Revised Civil Statutes adopted in 1911, and declaring an emergency."

The amendment was adopted.

House bill No. 46 was passed to engrossment.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate accedes to the request of the House for a Free Conference Committee on House bill No. 13, and the following members have been elected on the part of the Senate: Senators Brelsford, Warren, Gibson, Morrow and Carter.

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

#### HOUSE BILL NO. 38 ON SECOND READING.

On motion of Mr. Mendell, 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. 38, A bill to be entitled "An Act to amend Article 7642, of Chapter 13, Title 126, Revised Statutes, 1911, providing for the redemption by the owner of lands or lots heretofore sold or that may hereafter be sold to the State, city or town for taxes, 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?

Mr. Cope offered the following amendment to the bill:

Amend House bill No. 38 by inserting after the word "right," in line 18, the following:

"At any time within two years from the date of the taking effect of this act."

The amendment was adopted.

House bill No. 38 was passed to engrossment.

#### HOUSE BILL NO. 72 ON SECOND READING.

On motion of Mr. Campbell, 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. 72, A bill to be entitled "An Act to amend and re-enact Article 5585 and Article 5588, Title 83, Chapter 3 of the Revised Civil Statutes of Texas, relating to seawalls and breakwaters, and declaring an emergency."

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

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Allison, House bills Nos. 91 and 92 were ordered not printed.

#### SENATE BILLS ON FIRST READING.

The following Senate bills were laid before the House, read severally the first time and referred to appropriate committees, as follows:

Senate bill No. 26, to Committee on State Affairs.

Senate bill No. 6, to Committee on Penitentiaries.

#### HOUSE BILLS ON FIRST READING.

(By Unanimous Consent.)

The following House bills, introduced today, were laid before the House, read severally first time and referred to appropriate committees, as follows:

By Mr. Raiden:

House bill No. 88. A bill to be entitled "An Act to amend Article 6682 of the Revised Statutes of 1911, providing that it shall be the duty of the railroad companies to deliver loaded cars to the consignee within a reasonable time, and providing that the consignee shall unload such cars within forty-eight hours after delivery and notice or forfeit to the railroad company the sum of twenty-five dollars per day for each car so left unloaded so as to provide the penalty of twenty-five dollars per day for each car negligently delayed in transportation beyond a reasonable time to be recovered by the consignee and so as to provide that where the consignee, having received two or more such loaded cars on the same day and shall have unloaded one or more of the same within twenty-four hours he shall have twenty-four hours' additional

time to unload a number of such loaded cars equal to the number of cars unloaded within such twenty-four hour period, and so as to provide that the penalties to be recovered by the consignee shall be cumulative of other remedies given the consignee by existing law and declaring an emergency."

Referred to Committee on Common Carriers.

By Mr. Williams of Hopkins:

House bill No. 89, A bill to be entitled "An Act to amend Chapter 37, Section 26, of the Special Laws of the Thirty-third Legislature, passed at the Regular Session, being a special road law for Hopkins county, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Tillotson:

House bill No. 90, A bill to be entitled "An Act to amend Article 4954, Title 71, Chapter 15, of the Revised Civil Statutes of the State of Texas, 1911, so that the terms 'special or board contract or similar provision' shall be construed to have a technical meaning and not a literal meaning, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Allison, Mr. Barrett of Jones, Mr. Hagins, Mr. Raiden and Mr. Lewelling:

House bill No. 91, A bill to be entitled "An Act to prohibit any person, firm or corporation from soliciting or taking orders for any intoxicating liquors in any county, justice precinct, town, city or other subdivision of a county where the qualified voters thereof have by a majority vote adopted prohibition, and fixing a penalty, and declaring an emergency."

Referred to Committee on Liquor Traffic.

By Mr. Allison, Mr. Barrett of Jones, Mr. Hagins, Mr. Raiden and Mr. Lewelling:

House bill No. 92, A bill to be entitled "An Act to prohibit the sale of non-intoxicating malt liquors by unlicensed dealers in prohibition territory, defining what is meant by non-intoxicating malt liquors, and fixing a penalty for a violation thereof, and declaring an emergency."

Referred to Committee on Liquor Traffic.

#### HOUSE BILL NO. 54 ON SECOND READING.

On motion of Mr. Woods of Navarro, 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. 54, A bill to be entitled "An Act to amend Section 5695, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's liens on real estate, and providing that said sections shall hereafter read as follows, 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?

#### ADJOURNMENT.

Mr. Cope moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

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

Mr. Penry moved that the House recess to 8 o'clock p. m. today.

Question first recurring on the motion of Mr. Cope, yeas and nays were demanded:

The motion was lost by the following vote:

Yea—47.

Allison.	Kirby.
Bierschwale.	Lane.
Broughton.	Lewelling.
Bruce.	Long.
Burges.	Morris of Coryell.
Burmeister.	Morris of Victoria.
Burns.	Parks.
Chrestman.	Raiden.
Cope.	Reedy.
Cox of Delta.	Reeves.
Cox of Ellis.	Rickerson.
Craven.	Ross.
Cunningham.	Schwegman.
Diffee.	Spradley.
Fields.	Tiller.
Flournoy.	Tillotson.
Fountain.	Ussery.
Greenwood.	Vannoy.
Griggs.	Wagstaff.
Grindstaff.	Watson of Hays.
Hagins.	Watson of Mills.
Henry of Bowie.	Williams
Hornby.	of Hopkins.
Kennedy.	Woods of Navarro.

## Nays—49.

Barrett of Jones.	Mendell.
Barrett of Titus.	Mills.
Blalock.	Murray.
Byrne.	Nabours.
Calvin.	Owsley.
Campbell.	Parker.
Colquitt.	Patton.
Crisp.	Penry.
Dickson.	Ratliff.
Dodson.	Rich.
Dove.	Ritchie.
Dunn.	Roach.
Foster.	Robertson.
Fuller.	Rogers.
Furrh.	Rowell.
Gentry.	Russell.
Greer.	Savage.
Haney.	Simpson.
Harris.	Smith.
Herder.	Stephens.
Hill.	Thompson.
Humphrey.	Williams
Hunter.	of McLennan.
Jordan.	Woods of Fisher.
Macgill.	Wortham.

## Absent.

Bagby.	Mulcahy.
Baker.	Neeley.
Bartley.	Olander.
Butler.	Paddock.
Coffey.	Powell.
Cooper.	Ridgell.
Davis.	Robbins.
Gates.	Spann.
Goodner.	Stone.
Haxthausen.	Sullivan.
Heilig.	Tarver.
Henry of Wichita.	Taylor.
Householder.	Templeton.
Hughes.	Tyson.
King.	Wahrmund.
Low.	Webb.
McAskill.	Yarbrough.
McDaniel.	

## Absent—Excused.

Boehmer.	Harp.
Brown.	McKamy.
Collins.	Manigum.
Glasscock.	Oliver.
Hall.	Vickers.

Question next recurring on the motion of Mr. Fuller, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yea—54.

Allison.	Brunmeister.
Barrett of Jones.	Burns.
Bierschwale.	Chrestman.
Broughton.	Cope.
Bruce.	Cox of Delta.

Cox of Ellis.	
Craven.	
Cunningham.	
Diffee.	
Fields.	
Flournoy.	
Fountain.	
Fuller.	
Gentry.	
Greenwood.	
Griggs.	
Grindstaff.	
Hagins.	
Henry of Bowie.	
Herder.	
Hill.	
Hornby.	
Humphrey.	
Kennedy.	
Kirby.	
Lane.	
Lewelling.	
Long.	

Morris of Coryell.	
Morris of Victoria.	
Murray.	
Parker.	
Parks.	
Raiden.	
Reedy.	
Reeves.	
Rickerson.	
Roach.	
Ross.	
Schwegman.	
Stephens.	
Tillotson.	
Tyson.	
Ussery.	
Vannoy.	
Wagstaff.	
Watson of Hays.	
Watson of Mills.	
Williams	
of Hopkins.	

## Nays—39.

Barrett of Titus.	Nabours.
Blalock.	Owsley.
Byrne.	Patton.
Calvin.	Penry.
Campbell.	Ratliff.
Crisp.	Rich.
Dickson.	Ritchie.
Dodson.	Robertson.
Dove.	Rogers.
Dunn.	Rowell.
Foster.	Russell.
Furrh.	Savage.
Greer.	Simpson.
Haney.	Smith.
Harris.	Thompson.
Herder.	Williams
Hill.	of McLennan.
Humphrey.	Woods of Fisher.
Hunter.	Woods of Navarro.
Jordan.	Wortham.

## Absent.

Bagby.	McDaniel.
Baker.	Mulcahy.
Bartley.	Neeley.
Burges.	Olander.
Butler.	Paddock.
Coffey.	Powell.
Colquitt.	Ridgell.
Cooper.	Robbins.
Davis.	Spann.
Gates.	Spradley.
Goodner.	Stone.
Haxthausen.	Sullivan.
Heilig.	Tarver.
Henry of Wichita.	Taylor.
Householder.	Templeton.
Hughes.	Tiller.
King.	Wahrmund.
Low.	Webb.
McAskill.	Yarbrough.

## Absent—Excused.

Boehmer.	Harp.
Brown.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Hall.	Vickers.

The House accordingly, at 6:25 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

## APPENDIX.

## REPORTS OF COMMITTEE ON LIQUOR TRAFFIC.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Liquor Traffic, to whom was referred House bill No. 35, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass, with amendments. Mr. Craven has been appointed to make full report.

FULLER, Chairman.

## REPORTS OF COMMITTEE ON EN-

GROSSED BILLS.

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 40, A bill to be entitled "An Act to amend Chapter 162 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to amend Chapter 24 of the Acts of the First Called Session of the Thirty-first Legislature of the State of Texas, entitled "An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experiment stations in certain parts of Texas; to provide for proper appropriations therefor, and repealing all laws in conflict herewith, and declaring an emergency," and providing further for a governing board for the Texas Agricultural Experiment Station, defining the place of residence of the Director of Texas Experiment Stations, and declaring an emergency'; providing for the payment of the salary of the director of said experiment stations, defining his powers and duties and also

the powers and duties of the governing board; also providing that the Texas State Agricultural Experiment Station located at College Station, Brazos county, Texas, at the Agricultural and Mechanical College of Texas, shall remain under the control of the board of directors of the Agricultural and Mechanical College, and authorizing the said board to receive from the Federal government the aid that has been or may hereafter be available for it under an act of Congress, and declaring an emergency,"

And find same correctly engrossed.  
**MULCAHY**, Chairman.

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 43, A bill to be entitled "An Act to fix the time for holding the terms of the district court in the Forty-seventh Judicial District, and to repeal all laws in conflict herewith, and declaring an emergency,"

And find same correctly engrossed.  
**MULCAHY**, Chairman.

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 50, A bill to be entitled "An Act to create a special district court for the Fifth Judicial District of Texas; to prescribe its jurisdiction, to limit its existence, to fix its terms, to conform all writs and process from said court to the district court in said district to such changes as are made in the jurisdiction of the said court by this bill, to empower the judge of said district court, and the judge of the Fifth Judicial District to transfer cases from their respective courts to the other of said courts, to provide for the appointment of a judge for said special district court, to fix his salary and term of office, and declaring an emergency,"

And find same correctly engrossed.  
**MULCAHY**, Chairman.

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

House bill No. 47, A bill to be entitled "An Act to incorporate the Fruitvale Independent School District in Van Zandt county for free school purposes only; describing its boundaries; providing for a board of school trustees for the control and management of the said independent school district; prescribing the rights, powers, privileges and duties of the said Fruitvale Independent School District and its board of school trustees; vesting it with all the rights, powers, privileges and duties of a town or village incorporated under the General Laws of this State for free school purposes; providing for a treasurer of school funds of the district, and declaring an emergency."

And find the same correctly engrossed.  
MULCAHY, Chairman.

Committee Room,

Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 60, A bill to be entitled "An Act to amend Sections 26 and 53, of Article 30, of Title 5, of the Revised Statutes of Texas, 1911, and to change and prescribe the time for holding the district court in the Twenty-sixth Judicial District of the State of Texas, and the Fifty-third Judicial District of the State of Texas, and to define the jurisdiction of said courts, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third District Courts, and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial District courts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit grand juries of such courts to the changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.  
MULCAHY, Chairman.

Committee Room,

Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 52, A bill to be entitled "An Act to amend the special road law for Smith county, Texas, passed at the Regular Session of the Thirty-third Legislature, and known as Chapter 70, Special Laws of the Thirty-third Legislature, and creating an emergency, and providing for the suspension of the constitutional rule requiring bills to be read on three several days,"

And find the same correctly engrossed.  
MULCAHY, Chairman.

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 55, A bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas; to fix the times for holding the terms of district court therein; to make all process heretofore issued, as well as bonds and recognizances heretofore entered into, conform thereto, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency,"

And find the same correctly engrossed.  
MULCAHY, Chairman.

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 58. A bill to be entitled "An Act to amend Chapter 38 of the Special Laws of the Thirty-second Legislature, as amended by the Thirty-third Legislature, entitled 'An Act to create a more efficient road system for Wood county, etc.' by making it unlawful to injure or damage any public road in said county; prescribing penalties, and declaring an emergency,"

And find the same correctly engrossed.  
MULCAHY, Chairman.

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 59, A bill to be entitled "An Act to incorporate Thorndale School District in Milam and Williamson counties, as an independent school district, and to provide for the election of trustees, raising revenue by taxation, and issuing bonds for the erection of school buildings within said district, and declaring an emergency,"

And find the same correctly engrossed.

MULCAHY, Chairman.

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 9, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State of all stocks, bonds or other obligations of private, foreign and domestic corporations, organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of such stock, bonds or other obligation of such corporation or proposed corporation; and fixing commission and promotion fees allowed to be charged and providing for services of process, examination fees and exempting certain corporations from the effect of this act, providing penalty for the violation of the provisions hereof, and declaring an emergency,"

And find the same correctly engrossed.

MULCAHY, Chairman.

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 39, A bill to be entitled "An Act to prohibit the use of any imitation label, trade mark, design, device, imprint or form of the flag of the State of Texas for advertising or commercial purposes, and prohibiting the offering or exposing for sale any article or commodity bearing such imitation, design, imprint or form of the flag of the State of Texas, fixing a penalty for violation thereof, and declaring an emergency,"

And find the same correctly engrossed.

MULCAHY, Chairman.

#### REPORTS OF COMMITTEE ON ENROLLED BILLS.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House Concurrent Resolution No. 8:

Be it resolved by the House, the Senate concurring, That Hon. James W. Swayne, Judge of the Seventeenth Judicial District, be granted leave of absence from the State during the months of August and September, 1913, and during the months of July, August and September, 1914,

Have carefully compared same, and find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House Concurrent Resolution No. 2:

Resolved by the House, the Senate concurring, That we request that His Excellency Hon. O. B. Colquitt submit to the Special Session of the Legislature the subject of amending Article 6002, Title 97, Chapter 1, Revised Statutes, relating to appointments of notaries public for the purpose of permitting appointments of the notaries at the Special Session as well as at the Regular Session of the Legislature,

Have carefully compared same, and find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

#### REPORT OF COMMITTEE ON MUNICIPAL CORPORATIONS.

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Municipal Corporations, to whom was referred House bill No. 63, have had the same under consideration, and beg leave to report same back to the House with the recommendation that it do pass.

LANE, Chairman.

**REPORT OF COMMITTEE ON MINES  
AND MINING.**

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Mines and Mining, to whom was referred House bill No. 46, have had the same under consideration, and beg leave to report same back to the House with the recommendation that it do pass. Mr. Rowell has been appointed to make full report

BURGES, Chairman.

**REPORTS OF COMMITTEE ON COMMON CARRIERS.**

Committee Room,  
Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Common Carriers, to whom was referred House bill No. 88, have had the same under consideration, and beg leave to report same back to the House with the recommendation that it do pass.

BYRNE, Vice Chairman.

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Common Carriers, to whom was referred House bill No. 79, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

GOODNER, Chairman.

**REPORT OF COMMITTEE ON SENATORIAL DISTRICTS.**

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Senatorial Districts, to whom was referred House bill No. 80, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

SULLIVAN, Chairman.

**REPORT OF COMMITTEE ON LIQUOR TRAFFIC.**

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Liquor

Traffic, to whom was referred House bill No. 36, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass. Mr. Burmeister was appointed to make a full report. Notice of minority report.

FULLER, Chairman.

**REPORT OF COMMITTEE ON INTERNAL IMPROVEMENTS.**

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Internal Improvements, to whom was referred House bill No. 72, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

MACGILL, Chairman.

**REPORTS OF COMMITTEE ON IRRIGATION.**

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Irrigation, to whom was referred House bill No. 74, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

BURGES, Chairman.

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Irrigation, to whom was referred House bill No. 78, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

BURGES, Chairman.

**REPORTS OF COMMITTEE ON ROADS, BRIDGES AND FERRIES.**

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 77, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

BROWN, Vice Chairman.

Committee Room,  
Austin, Texas, August 14, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Roads,  
Bridges and Ferries, to whom was re-  
ferred

House bill No. 81, A bill to be entitled  
"An Act to repeal Chapter 121, Special  
Laws of the Regular Session of the  
Thirty-third Legislature, the same be-  
ing a special road law for Liberty  
county, and declaring an emergency,"

Have had the same under considera-  
tion, and beg leave to report same back  
to the House with the recommendation  
that it do pass.

PENRY, Chairman,

Committee Room,  
Austin, Texas, August 14, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Roads,  
Bridges and Ferries, to whom was re-  
ferred House bill No. 73, have had the  
same under consideration, and I am in-  
structed to report it back to the House  
with the recommendation that it do pass.

BROWN, Vice Chairman.

#### TWENTY-SECOND DAY.

(Friday, August 15, 1913.)

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

Speaker Terrell in the chair.

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

Allison.	Cox of Ellis.
Baker.	Craven.
Barrett of Jones.	Crisp.
Barrett of Titus.	Cunningham.
Bartley.	Davis.
Bierschwale.	Dickson.
Blalock.	Diffie.
Broughton.	Dodson.
Brown.	Dove.
Bruce.	Dunn.
Burges.	Fields.
Burmeister.	Flournoy.
Burns.	Foster.
Butler.	Fountain.
Byrne.	Fuller.
Calvin.	Furrh.
Campbell.	Gates.
Chrestman.	Gentry.
Coffey.	Goodner.
Colquitt.	Greenwood.
Cooper.	Greer.
Cope.	Griggs.
Cox of Delta.	Grindstaff.

Hagins.	Rich.
Hall.	Rickerson.
Haney.	Ridgell.
Harris.	Ritchie.
Heilig.	Roach.
Henry of Bowie.	Robbins.
Henry of Wichita.	Robertson.
Herder.	Rogers.
Hill.	Ross.
Hornby.	Rowell.
Householder.	Russell.
Hughes.	Savage.
Humphrey.	Schwegman.
Hunter.	Simpson.
Jordan.	Smith.
Kennedy.	Spann.
King.	Spradley.
Kirby.	Stephens.
Lane.	Stone.
Lewelling.	Sullivan.
Long.	Tarver.
Macgill.	Taylor.
McAskill.	Templeton.
McDaniel.	Thompson.
Mendell.	Tiller.
Mills.	Tillotson.
Morris of Coryell.	Tyson.
Morris of Victoria.	Ussery.
Mulcahy.	Vannoy.
Murray.	Vickers.
Nabours.	Wagstaff.
Neeley.	Wahrmund.
Olander.	Watson of Hays.
Owsley.	Watson of Mills.
Parker.	Webb.
Parks.	Williams of Hopkins
Patton.	Williams of McLennan.
Penry.	Woods of Fisher.
Powell.	Woods of Navarro.
Raiden.	Wortham.
Ratliff.	Yarbrough.
Reedy.	
Reeves.	

Absent.

Bagby.	Low.
Haxthausen.	Paddock.

Absent—Excused.

Boehmer.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Harp.	

A quorum was announced present.

Prayer by Rev. V. A. Godby, presiding  
elder of the Methodist church, South, of  
the Austin District.

#### HOUSE BILL ON FIRST READING.

The following House bill, introduced  
today, was laid before the House, read  
first time, and referred to the Commit-  
tee on Insurance:

**By Mr. Lewelling (by request):**

House bill No. 93, A bill to be entitled "An Act amending Chapters 104 and 106 of the General Laws of the Regular Session of the Thirty-third Legislature, so as to permit the use of the co-insurance clause in policies of insurance at the option of the assured of property owner."

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Raiden, it was ordered that House bill No. 87 be not printed.

On motion of Mr. Williams of Hopkins, it was ordered that House bill No. 89 be not printed.

#### RELATING TO GRANTING OF FURLoughs TO INMATES OF CONFEDERATE HOMES.

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, for consideration at this time, the resolution offered by Mr. Reedy on last Wednesday relating to granting furloughs to the inmates of the Confederate Homes.

Question recurring on the resolution, it was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee to investigate the question of allowing furloughs to inmates of Confederate Homes:

Messrs. Reedy, Morris of Coryell and Long.

#### RELATING TO CALLING CONSTITUTIONAL CONVENTION.

Mr. Humphrey offered the following resolution:

House Concurrent Resolution No. 12, Relating to the calling of a constitutional convention.

Be it resolved by the House of Representatives, the Senate concurring:

First—That the question of calling a convention to write a new Constitution for the State of Texas be submitted to the qualified voters of the State at a general election to be held on the first Tuesday after the first Monday in November, A. D. 1914.

Second—That the official ballot used in said election shall contain the words, "For a Constitutional Convention," and the words, "Against a Constitutional Convention." The voter favoring the calling of said convention shall draw a line through the words "Against a Constitutional Convention," and the voter opposed to the calling of said convention

shall draw a line through the words "For a Constitutional Convention." The Secretary of State is directed to include the words "For a Constitutional Convention" and the words "Against a Constitutional Convention" as a part of the official ballot furnished to election officers of the various counties as provided in the general election laws.

Third—That the return of said election be made in the manner provided for making of returns of elections on proposed amendments to the Constitution.

Fourth—That if a majority of the votes cast on said subject in said election be in favor of calling said convention, then the Thirty-fourth Legislature shall enact a law or laws providing for the holding of said convention, the election of delegates thereto, the drafting of a proposed new Constitution and submission of the same to the people for their ratification or rejection during the year 1915.

HUMPHREY,  
FULLER,  
McDANIEL.

The resolution was read second time. Question—Shall the resolution be adopted?

Mr. Reedy raised a point of order on consideration of the resolution, on the ground that the provisions of the resolution are already embodied in existing law.

The Speaker overruled the point of order.

Mr. Lane raised a point of order on consideration of the resolution, on the ground that it relates to a subject not submitted by the Governor for consideration by the present session of the Legislature.

Mr. Sullivan raised a point of order on further consideration of the resolution at this time on the ground that the time allotted under the Rules for consideration of resolutions has expired.

The Speaker sustained the point of order.

#### HOUSE BILL NO. 72 ON THIRD READING.

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

House bill No. 72, A bill to be entitled "An Act to amend and re-enact Article 5585 and Article 5588, Title 83, Chapter 3, of the Revised Civil Statutes of Texas, relating to seawalls and breakwaters, and declaring an emergency."

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

**SENATE BILL NO. 12 ON THIRD READING.**

(By Unanimous Consent.)

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

Senate bill No. 12, A bill to be entitled "An Act to amend Chapter 132 of the Acts of the Thirty-third Legislature, entitled 'An Act to provide for indeterminate sentences of persons convicted of certain crimes; for the termination of such sentences and the release of such persons on parole; providing for exemption from the operations of the law in certain cases, and repealing all laws in conflict herewith, and declaring an emergency.'"

The bill was read third time.

Question—Shall the bill be passed?

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

**Yea—114.**

Allison.	Greenwood.
Baker.	Greer.
Barrett of Jones.	Griggs.
Barrett of Titus.	Grindstaff.
Bartley.	Hagins.
Bierschwale.	Hall.
Blalock.	Haney.
Brown.	Harris.
Bruce.	Heilig.
Burges.	Henry of Bowie.
Burmeister.	Henry of Wichita.
Burns.	Herder.
Butler.	Hill.
Calvin.	Hornby.
Campbell.	Householder.
Chrestman.	Hughes.
Coffey.	Hunter.
Colquitt.	Jordan.
Cooper.	Kennedy.
Cox of Delta.	Kirby.
Cox of Ellis.	Lane.
Craven.	Lewelling.
Crisp.	Long.
Cunningham.	Mills.
Davis.	Morris of Coryell.
Dickson.	Morris of Victoria.
Diffie.	Mulcahy.
Dodson.	Murray.
Dunn.	Nabours.
Flournoy.	Neeley.
Foster.	Olander.
Fountain.	Owsley.
Fuller.	Parker.
Furrh.	Parks.
Gentry.	Patton.
Goodner.	Penry.

Powell.	Tarver.
Raiden.	Taylor.
Ratliff.	Temptleton.
Reeves.	Thompson.
Rickerson.	Tiller.
Kidgell.	Tillotson.
Ritchie.	Tyson.
Roach.	Ussery.
Robbins.	Vannoy.
Robertson.	Vickers.
Rogers.	Wagstaff.
Rowell.	Wahrmund.
Russell.	Watson of Hays.
Savage.	Watson of Mills.
Schwegman.	Webb.
Simpson.	Williams of Hopkins.
Smith.	Woods of Fisher.
Spann.	Woods of Navarro.
Spradley.	Wrtham.
Stephens.	Yarbrough.
Stone.	
Sullivan.	

**Nays—1.**

Broughton.

**Present—Not Voting.**  
Mendell.

**Absent.**

Bagby.	Macgill.
Byrne.	McAskill.
Cope.	McDaniel.
Dove.	Paddock.
Fields.	Reedy.
Gates.	Rich.
Haxthausen.	Ross.
Humphrey.	Williams of McLennan.
King.	
Low.	

**Absent—Excused.**

Boehmer.	Mangum.
Collins.	McKamy.
Glasscock.	Oliver.
Harp.	

(Mr. Kennedy in the chair.)

**HOUSE BILL NO. 39 ON THIRD READING.**

(By Unanimous Consent.)

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

House bill No. 39, A bill to be entitled "An Act to prohibit the use of any imitation label, trade mark, design, device, imprint or form of the flag of the State of Texas for advertising or commercial purposes, and prohibiting the offering or exposing for sale any article or commodity bearing such imitation, design, imprint or form of the flag of the State of Texas, fixing a penalty for violation thereof, and declaring an emergency."

The bill was read third time and was passed.

**HOUSE BILL NO. 56 ON THIRD READING.**

(By Unanimous Consent.)

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

House bill No. 56, A bill to be entitled "An Act creating the Port Aransas Independent School District, known as Common School District No. 8 in Nueces county, Texas, and including within its limits the municipal corporation of the town of Port Aransas; and defining its boundaries; and to provide for the creating of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers, and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support of said schools, providing for a board of equalization and prescribing the duty and authority of said board, and further prescribing the duty and authority of the board of trustees, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this act, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—118.

Allison.	Cope.
Baker.	Cox of Delta.
Barrett of Jones.	Cox of Ellis.
Barrett of Titus.	Craven.
Bartley.	Crisp.
Bierschwale.	Cunningham.
Blalock.	Davis.
Broughton.	Dickson.
Brown.	Diffie.
Bruce.	Dodson.
Burges.	Dove.
Burneister.	Dunn.
Burns.	Flournoy.
Butler.	Foster.
Byrne.	Fountain.
Calvin.	Fuller.
Campbell.	Furrrh.
Chrestman.	Gentry.
Coffey.	Greenwood.
Colquitt.	Greer.
Cooper.	Griggs.

Grindstaff.	Reedy.
Hagins.	Reeves.
Hall.	Rich.
Haney.	Ritchie.
Harris.	Roach.
Heilig.	Robbins.
Henry of Bowie.	Robertson.
Henry of Wichita.	Rogers.
Herder.	Rowell.
Hornby.	Russell.
Householder.	Savage.
Hughes.	Schwegman.
Humphrey.	Simpson.
Hunter.	Smith.
Jordan.	Spann.
Kennedy.	Spradley.
Kirby.	Stephens.
Lane.	Stone.
Lewelling.	Sullivan.
Long.	Tarver.
Macgill.	Taylor.
McDaniel.	Thompson.
Mendell.	Tiller.
Mills.	Tillotson.
Morris of Coryell.	Tyson.
Morris of Victoria.	Ussery.
Mulcahy.	Vickers.
Murray.	Wagstaff.
Nabours.	Wahrmund.
Needle.	Watson of Hays.
Olander.	Watson of Mills.
Owsley.	Webb.
Parker.	Williams
Parks.	of McLennan.
Patton.	Woods of Fisher.
Penry.	Woods of Navarro.
Powell.	Wortham.
Raiden.	Yarbrough.
Ratliff.	

Absent.

Bagby.	Paddock.
Fields.	Rickerson.
Gates.	Ridgell.
Goodner.	Ross.
Haxthausen.	Templeton.
Hill.	Vannoy.
King.	Williams
Low.	of Hopkins.
McAskill.	

Absent—Excused.

Boehmer.	McKamy.
Collins	Mangum.
Glasscock.	Oliver.
Harp.	

**HOUSE BILL NO. 87 ON SECOND READING.**

(By Unanimous Consent.)

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

House bill No. 87, A bill to be entitled "An Act dividing Ridings Common School

District No. 95 in Fannin county, Texas, into two common school districts, to be known as 'Riding Common School District No. 95,' and 'Finley Common School District No. 126,' by a line running east and west across said Ridings Common School District No. 95, so as to give each of the newly created common school districts about an equal number of square miles of territory."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 75 ON THIRD READING.

(By Unanimous Consent.)

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

House bill No. 75, A bill to be entitled "An Act creating the Copita Independent School District in Duval county, Texas; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general law; providing for a board of trustees therefor, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—122.

Allison.	Dodson.
Baker.	Dove.
Barrett of Jones.	Dunn.
Barrett of Titus.	Fields.
Bierschwale.	Flournoy.
Blalock.	Foster.
Broughton.	Fountain.
Brown.	Furrh.
Bruce.	Gates.
Burges.	Gentry.
Burmeister.	Goodner.
Burns.	Greenwood.
Butler.	Greer.
Byrne.	Griggs.
Calvin.	Grindstaff.
Campbell.	Hagins.
Chrestman.	Hall.
Coffey.	Haney.
Colquitt.	Harris.
Cooper.	Heilig.
Cope.	Henry of Bowie.
Cox of Delta.	Henry of Wichita.
Cox of Ellis.	Herder.
Craven.	Hill.
Crisp.	Hornby.
Cunningham.	Householder.
Davis.	Hughes.
Dickson.	Humphrey.
Diffie.	Hunter.

Jordan.	Russell.
Kennedy.	Savage.
Kirby.	Schwegman.
Lane.	Simpson.
Lewelling.	Smith.
Long.	Spann.
Macgill.	Spradley.
McAskill.	Stephens.
McDaniel.	Stone.
Mills.	Sullivan.
Morris of Coryell.	Tarver.
Morris of Victoria.	Taylor.
Mulcahy.	Templeton.
Murray.	Thompson.
Nabours.	Tiller.
Olander.	Tillotson.
Owsley.	Tyson.
Parker.	Ussery.
Parks.	Vannoy.
Patton.	Vickers.
Penry.	Wagstaff.
Powell.	Wahrmund.
Raiden.	Watson of Hays.
Ratliff.	Watson of Mills.
Reedy.	Webb.
Reeves.	Williams of Hopkins.
Rich.	Williams of McLennan.
Ridgell.	Woods of Fisher.
Ritchie.	Woods of Navarro.
Robbins.	Wortham.
Robertson.	Yarbrough.
Rogers.	
Rowell.	

#### Absent.

Bagby.	Mendell.
Bartley.	Neeley.
Fuller.	Paddock.
Haxthausen.	Rickerson.
King.	Roach.
Low.	Ross.

#### Absent—Excused.

Boehmer.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Harp.	

#### HOUSE BILL NO. 81 ON THIRD READING.

(By Unanimous Consent.)

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

House bill No. 81, A bill to be entitled "An Act to repeal Chapter 121, Special Laws of the Regular Session of the Thirtieth Legislature, the same being a special road law for Liberty county, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

The Clerk was directed to call the

roll, and the bill was passed by the following vote:

Yea—125.

Allison.	Long.
Baker.	Macgill.
Barrett of Jones.	McAskill.
Barrett of Titus.	McDaniel.
Bierschwale.	Mendell.
Blalock.	Mills.
Broughton.	Morris of Coryell.
Brown.	Morris of Victoria.
Bruce.	Mulcahy.
Burges.	Murray.
Burmeister.	Nabours.
Burns.	Neeley.
Butler.	Olander.
Byrne.	Owsley.
Calvin.	Parker.
Campbell.	Parks.
Chrestman.	Patton.
Coffey.	Penry.
Colquitt.	Powell.
Cox of Delta.	Raiden.
Cox of Ellis.	Ratliff.
Craven.	Reedy.
Crisp.	Reeves.
Cunningham.	Rich.
Dickson.	Rickerson.
Davis.	Ridgell.
Diffie.	Ritchie.
Dodson.	Roach.
Dove.	Robbins.
Dunn.	Robertson.
Fields.	Rogers.
Flournoy.	Rowell.
Foster.	Russell.
Fountain.	Savage.
Fuller.	Schwegman.
Furrh.	Simpson.
Gates.	Smith.
Gentry.	Spann.
Goodner.	Spradley.
Greenwood.	Stephens.
Greer.	Stone.
Griggs.	Sullivan.
Grindstaff.	Tarver.
Hagins.	Taylor.
Hall.	Templeton.
Haney.	Thompson.
Harris.	Tiller.
Heilig.	Tillotson.
Henry of Bowie.	Tyson.
Henry of Wichita.	Ussery.
Herder.	Vannoy.
Hill.	Vickers.
Hornby.	Wagstaff.
Householder.	Wahrmund.
Hughes.	Watson of Hays.
Humphrey.	Watson of Mills.
Hunter.	Webb.
Jordan.	Williams
Kennedy.	of Hopkins.
Kirby.	Williams
Lane.	of McLennan.
Lewelling.	Woods of Fisher.

Woods of Navarro Yarbrough.  
Wortham.

Present—Not Voting.

Cooper.	Absent.
Bagby.	King.
Bartley.	Low.
Cope.	Paddock.
Haxthausen.	Ross.

Absent—Excused.

Boehmer.	Mangum.
Collins.	McKamy.
Glasscock.	Oliver.
Harp.	

#### HOUSE BILL NO. 62 ON THIRD READING.

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

House bill No. 62, A bill to be entitled "An Act to change and prescribe the time for holding district court in the Forty-ninth Judicial District of Texas, and to repeal all laws in conflict here-with, and declaring an emergency."

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

Question—Shall the bill be passed?

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

Yea—125.

Allison.	Crisp.
Baker.	Cunningham.
Barrett of Jones.	Davis.
Barrett of Titus.	Dickson.
Bartley.	Diffie.
Bierschwale.	Dodson.
Blalock.	Dove.
Broughton.	Dunn.
Brown.	Fields.
Bruce.	Flournoy.
Burges.	Foster.
Burmeister.	Fountain.
Burns.	Fuller.
Eutler.	Furrh.
Byrne.	Gates.
Calvin.	Gentry.
Campbell	Greenwood.
Chrestman.	Greer.
Coffey.	Griggs.
Colquitt.	Grindstaff.
Cooper.	Hagins.
Cope.	Hall.
Cox of Delta.	Haney.
Cox of Ellis.	Harris.
Craven.	Heilig.

Henry of Bowie.	Ridgell.
Henry of Wichita.	Ritchie.
Herder.	Roach.
Hill.	Robbins.
Hornby.	Robertson.
Householder.	Rogers.
Hughes.	Rowell.
Humphrey.	Russell.
Hunter.	Savage.
Jordan.	Schwegman.
Kennedy.	Simpson.
Kirby.	Smith.
Lane.	Spann.
Lewelling.	Spradley.
Long.	Stephens.
Macgill.	Stone.
McAskill.	Sullivan.
McDaniel.	Tarver.
Mendell.	Taylor.
Mills.	Templeton.
Morris of Coryell.	Thompson.
Morris of Victoria.	Tiller.
Mulcahy.	Tillotson.
Murray.	Tyson.
Nabours.	Ussery.
Neeley.	Vannoy.
Olander.	Vickers.
Owsley.	Wagstaff.
Parker.	Wahrmund.
Patton.	Watson of Hays.
Penry.	Watson of Mills.
Powell.	Webb.
Raiden.	Williams
Ratliff.	of Hopkins.
Reedy.	Woods of Fisher.
Reeves.	Woods of Navarro.
Rich.	Wortham.
Rickerson.	Yarbrough.

## Absent.

Bagby.	Paddock.
Goodner.	Parks.
Haxthausen.	Ross.
King.	of McLennan.
Low.	Williams

## Absent—Excused.

Boelmer.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Harp.	

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, August 15, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate accedes to the request of the House for a Free Conference Committee on House bill No. 18, and the following members have been elected on the part of the

Senate: Senators Warren, Willacy, Hudspeth, Brelsford and Collins.  
Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

CONFERENCE COMMITTEE ON  
HOUSE BILL NO. 24.

Mr. Wortham called up from the Speaker's table, with Senate amendments, for consideration of the amendments, House bill No. 24, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, towit: State Orphans' Home, Confederate Home, Confederate Woman's Home, Blind Institute, Deaf and Dumb Institute, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institution for the Training of Juveniles, Tuberculosis Sanitarium at Carlsbad, State Lunatic Asylum, Southwestern Insane Asylum, and North Texas Hospital for the Insane."

The Speaker laid the bill before the House.

Question—Shall the House concur in the Senate amendments?

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

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Free Conference Committee on the part of the House:

Messrs. Wortham, Hill, Kirby, Woods of Navarro and Goodner.

HOUSE BILL NO. 51 ON SECOND  
READING.

(Special Order.)

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

House bill No. 51, A bill to be entitled "An Act to create a State Bonded Warehouse System and afford a method of co-operative marketing for those engaged in the production of farm and ranch products; and for the purpose of effectuating this end the creation of a State Warehouse Commission; specifying that said Commission shall be composed of two members to be appointed by the Governor and a third member to

be Commissioner of Agriculture; defining the authority of the Commission and giving it powers of visitation over corporations chartered under this act; as a part of the system organizing the formation of State Bonded Warehouse Corporations to be under the supervision and control of the State Warehouse Commission; defining the purposes, power and authority of such corporations and regulating the chartering, management and business of the same; defining and prescribing the receipts to be issued by State Bonded Warehouse Corporations and the law, rules and regulations regulating the same, and defining the rights of all parties relative to and concerning such receipts; stating the business which may be conducted by State Bonded Warehouses as incidents of their warehouse business; declaring gins to be subject to public use and requiring that all gins in the State after July 31, 1914, shall obtain a license from the State Warehouse Commission and prescribing certain rules and regulations relative to the ginning and baling of cotton and sampling the same; authorizing the Warehouse Commission to employ the necessary clerical help, office force and examiners and creating the office of Warehouse Examiner and defining their authority and compensation; prescribing the salaries of the members of the State Warehouse Commission and the additional compensation of the Commissioner of Agriculture as a member of such Commission; conferring certain additional duties and authorities on the Commissioner of Agriculture and the Governor of the State, and creating and defining offenses in violation of this act, and prescribing penalties therefor; making an appropriation to carry the act into effect; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Mr. McAskill offered the following amendment to the bill:

Amend House bill No. 51 by striking out the enacting clause.

Signed—Raiden, Cope, McAskill, Burns of Hill, Reeves, Broughton, Long, Morris, Barrett of Jones, Hagins, Vickers, Spann, Rickerson, Ussery, Griggs, Watson of Hays.

Question—Shall the amendment be adopted?

#### RECESS.

On motion of Mr. Cope, the House, at 11:50 o'clock a. m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

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

#### HOUSE BILL NO. 57 ON SECOND READING.

On motion of Mr. Hunter, 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. 57, A bill to be entitled "An Act to amend Chapter 1, Title 11, of the Revised Civil Statutes of this State of 1911, relating to attachments, by adding thereto Article 247a, providing for the issuance of attachments in suits founded in tort and upon unliquidated demands, and providing for the fixing of the amount of bond in such cases, and declaring an emergency."

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

#### HOUSE BILL NO. 51 ON ENROSSMENT.

(Pending Special Order.)

The House resumed consideration of pending business, same being House bill No. 51, establishing a public warehouse system, on its passage to engrossment, with amendment by Mr. McAskill and others striking out the enacting clause of the bill pending.

Question—Shall the amendment be adopted?

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

Question then recurring on the amendment striking out the enacting clause of the bill, yeas and nays were demanded.

The amendment striking out the enacting clause of the bill was adopted by the following vote:

Yea—65.

Allison.	Cox of Ellis.
Baker.	Craven.
Barrett of Jones.	Cunningham.
Barrett of Titus.	Diffie.
Blalock.	Dodson.
Broughton.	Dove.
Burmeister.	Fields.
Burns.	Foster.
Butler.	Furrr.
Byrne.	Gentry.
Chrestman.	Greenwood.
Cope.	Griggs.
Cox of Delta.	Grindstaff.

Hagins.	Ross.
Haney.	Rowell.
Henry of Bowie.	Simpson.
Henry of Wichita.	Spann.
Hornby.	Stephens.
Householder.	Sullivan.
Hughes.	Tarver.
Humphrey.	Thompson.
Lewelling.	Tiller.
Long.	Tyson.
McAskill.	Ussery.
McDaniel.	Vannoy.
Morris of Coryell.	Vickers.
Morris of Victoria.	Wagstaff.
Olander.	Watson of Hays.
Patton.	Watson of Mills.
Raiden.	Webb.
Reeves.	Woods of Fisher.
Rickerson.	Yarbrough.
Robbins.	

Nays—55.

Mr. Speaker.	Macgill.
Bagby.	Mendell.
Bartley.	Mills.
Bruce.	Mulcahy.
Burges.	Murray.
Calvin.	Nabours.
Campbell.	Neeley.
Coffey.	Owsley.
Cooper.	Parker.
Crisp.	Penry.
Dunn.	Powell.
Flournoy.	Reedy.
Fountain.	Rich.
Fuller.	Ritchie.
Gates.	Roach.
Goodner.	Robertson.
Greer.	Rogers.
Hall.	Russell.
Harris.	Savage.
Heilig.	Schwegman.
Herder.	Smith.
Hill.	Stone.
Hunter.	Taylor.
Jordan.	Tillotson.
King.	Williams
Kirby.	of McLennan.
Lane.	Woods of Navarro.
Low.	Wortham.

Present—Not Voting.

Dickson.	Williams
Kennedy.	of Hopkins.

Absent.

Brown.	Paddock.
Haxthausen.	Templeton.

Absent—Excused.

Boehmer.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Harp.	

Paired.

Mr. Parks (present), who would vote "nay," with Mr. Davis (absent), who would vote "yea."

Mr. Ratliff (present), who would vote "nay," with Mr. Bierschwale (absent), who would vote "yea."

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

Mr. Ridgell (present), who would vote "yea," with Mr. Spradley (absent), who would vote "nay."

#### Reasons for Votes.

I am voting to strike the enacting clause from this bill because I believe the subject is too intricate to be passed on by the Legislature in the two or three remaining days of this session. On yesterday a bill by Fields and Dove was passed which provided for warehouses in such a way as the farmers of Texas want, and I believe further consideration of this bill will block the passage of many important measures, without the hope of getting this one through both branches of this Legislature.

BLALOCK.

I vote for striking out the enacting clause of House bill No. 51 because the nearness of the end of the present session will not admit of the proper consideration that such an important measure deserves. Consideration at this time of a bill of ninety sections would result in blocking all matters of legislation before the House and in all probability if given the balance of time of session the bill would not be enacted into law.

BARRETT of Titus,  
STEPHENSONS.

I vote against the amendment striking out the enacting clause for the reason that the matter is of very great importance and should be considered on its merits.

NABOURS.

We vote "yea" to strike out the enacting clause of House bill No. 51 because it is a measure of ninety sections, which renders it a physical and mental impossibility to consider it in the time before the expiration of the session. Consideration of the measure means that no other legislation can be enacted at this session.

WATSON of Hays,  
COX of Delta.

While I am not in favor of all the provisions of the bill, I am unwilling to

**strike out the enacting clause and kill the bill. I, therefore, vote "nay."**

TAYLOR.

We vote to strike out the enacting clause without passing upon the merits of the bill, for the reason that the subject was not submitted by the Governor until five days before final adjournment and the bill contains ninety sections and it is impossible to give a bill of such importance proper consideration before adjournment without sidetracking all other legislation, and even then it is doubtful that it could be passed before adjournment, and we find most of the farmer members opposed to the bill in its present form.

FOSTER,  
FURRH,  
HUGHES,  
ROBBINS,  
DODSON,  
WAGSTAFF

Believing in the principle of the Warehouse bill and the many interests that it affects, we think the bill should be considered more carefully by the people, and a more favorable bill as well as more time than we now have to perfect same should be given a measure of so much importance. We therefore vote to strike out the enacting clause.

YARBROUGH.  
RICKERSON.

I vote "yea" for the reason that bill No. 44, endorsed by the Farmers' Union of Texas, is now before this House, and as bill No. 51 contains ninety-six distinct sections the time to consider this important measure is too short.

PATTON.

I vote "nay" because I believe the enactment of this measure will improve the marketing system by improving methods of binding and grading cotton and, consequently, save the farmers of Texas millions of dollars.

RICH.

I vote to strike out the enacting clause of this bill because to consider the bill would require all the remaining time of this session and kill the large number of meritorious bills now pending against which there is practically no objection and whose enactment is undoubtedly demanded by the people. There is not the remotest possibility that the Senate would even take up the bill, should we consider it and pass it, as we have already passed a warehouse bill embodying every essen-

tial feature of this bill. I see no excuse for this bill and regard its injection into the proceedings at this time as little short of a calamity.

HOUSEHOLDER.

I vote "nay" on the motion to strike out the enacting clause because I believe an effort should be made to perfect the bill.

RITCHIE.

I vote to strike out the enacting clause because I do not believe we have time to properly consider this bill at this time.

RAIDEN.

We vote "yea" on House bill No. 51 for the reason that to properly consider this bill would require the remainder of this session without the passage of any bill on the subject. We favor a bill on this subject, but, owing to the fact that this bill would not take effect until September, 1914, and as the Thirty-fourth Legislature convenes four months later, we believe it best to defer action on this subject until then.

To consider this bill now would defeat the consideration of action on many other important measures, like the intrastate shipment of liquors, the 9:30 closing bill (civil), Senatorial redistricting, and other good measures, hence our vote "yea" on the bill.

WOODS of Fisher,  
HANEY.

Mr. Cope moved to reconsider the vote by which the amendment striking out the enacting clause of the bill was adopted and to table the motion to reconsider.

The motion to table prevailed.  
(Speaker in the chair.)

#### MESSAGE FROM THE GOVERNOR.

Mr. J. T. 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:

Governor's Office,  
Austin, Texas, August 15, 1913.

To the Texas Legislature:

In harmony with the proclamation of the Governor convening the First Called Session of the Thirty-third Legislature, and as provided by Section 40, of Article 4, of the Constitution, I present the following subject for legislation:

The passage of a bill to be entitled "An Act conferring additional authority

upon the Prison Commission of the State and the Governor of the State relative to the issuance of bonds under the provisions of Chapter 57, Acts of the Regular Session of the Thirty-third Legislature, known as Penitentiary Improvement Bonds, and authorizing said Commission, with the approval of the Governor, to issue said bonds, in their discretion, as serial bonds, making the same payable at any time as may be determined, provided the time of payment shall not exceed that specified in the act authorizing the issuance of the bonds; conferring upon the Commission authority to execute the bonds with or without the ten year option of payment; and conferring upon the Commission, with the approval of the Governor, authority to execute said bonds so that any holder or purchaser thereof may have the option of making said bonds registered bonds instead of coupon bonds, and authorizing their transfer only on the books of the State Treasurer; authorizing and requiring the Governor to endorse on the bonds that the faith and credit of the State is pledged to the payment of the bonds and interest thereon, and that the State guarantees the payment of the same; providing that the law shall not be construed to repeal any law heretofore passed by the Legislature, but that this law shall be cumulative thereof, and declaring an emergency."

In a former list of subjects presented for your consideration was included the proposition that the Legislature authorize the State to endorse upon the Penitentiary Improvement Bonds already provided for by an act of the Regular Session of the present Legislature, that the State guarantees the payment of the principal and interest of same. We have several enquiries for these bonds which are authorized to be issued in coupon form. Bidders are making offers on the basis of a ten year bond, and express preference either for registered or serial bonds.

After fully advising with the Attorney General and further considering the matter, I deem it expedient to submit this question in the form as above presented so that the Legislature can authorize the issuance and sale of the bonds provided for by the act of the Regular Session either in coupon, serial or registered form.

I am glad to be able to report to the Legislature that the bonds, since the ruling of the Attorney General, seem to be in demand by the bond purchasing public. I wish to say further, as an

answer to inquiries of members of the Legislature, that it is not the desire of the Governor of this State to sell these bonds to the school fund; that with the changes in the law as provided in the foregoing subject as presented, it is believed these bonds can be promptly and advantageously disposed of without presenting them for purchase by the State Board of Education at all. As a matter of fact, it would take the school fund a year and a half to absorb these bonds. When I became Governor the policy was adopted by the State Board of Education of purchasing school house bonds, giving preference to them over others, in order that small issues of school house bonds might have a ready market and sale, and be of material assistance, in this way, in the prompt construction of commodious and substantial school houses throughout the State.

With the assurance that it is not the purpose nor desire to sell these bonds to the State school fund, I solicit the prompt co-operation of the Legislature in the passage of an act in line with the subject herein presented.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

#### MESSAGES FROM THE SENATE.

Senate Chamber,  
Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, 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. 28, Dallas county road law.

Senate bill No. 25, A bill to be entitled "An Act to authorize the Governor, Attorney General and Land Commissioner to lease the water rights in the Guadalupe river in De Witt county upon such terms and for such consideration as they may prescribe, and providing priority of interest in leasing and also providing means of adjusting damage for the destruction of dams or property now owned by certain persons, and providing for the number of dams to be erected by any person, firm or corporation; the manner of measuring water and further providing for the manner of distributing power and regulating the sale of same, and also regulating the terms under which a sale of leasehold may be made and fixing the rights of purchasers of said leaseholds, and declaring an emergency."

The Senate accedes to the request of the House for a Free Conference Committee on House bill No. 24, and the following members have been elected on the part of the Senate:

Messrs. McGregor, Johnson, Brelsford, Taylor, Bailey of DeWitt.

Respectfully,

JOHN D. McCALL,  
Assistant Secretary of the Senate.

Senate Chamber,  
Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, 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. 22, A bill to be entitled "An Act to create a more efficient road law for Hall county, and declaring an emergency."

Senate bill No. 45, A bill to be entitled "An Act creating the Files Valley Orphans' Home Independent School District; providing for the appointment of trustees of said district; defining the boundaries, and declaring an emergency."

Senate bill No. 29, A bill to be entitled "An Act to prohibit the creation of deficiencies or debts in the name of the State by regents, directors, officers or members of governing boards of any of the educational or eleemosynary institutions of the State of Texas; to prohibit the making of any contract or the creating of any debt inconsistent with existing laws, making invalid all such contracts and debts, prohibiting the diverting of funds, providing for penalties for violations of this act, repealing all laws and parts of laws in conflict here-with, and declaring an emergency."

Senate bill No. 16, A bill to be entitled "An Act on the subject of private corporations, authorizing the chartering of corporations for the purpose of acquiring, improving, subdividing and selling unimproved lands within the State of Texas under the terms, conditions and limitations prescribed in this act; the said corporations to be known as 'colonization companies'; and all corporations organized under the provisions of this act, or which accept the provisions of the same, shall be under the supervision of the Commissioner of Banking and Insurance; prescribing the powers, duties and limitations of said corporations, requiring the same to make reports; prescribing the amount of franchise taxes to be paid; prescribing the terms and conditions under which corporations now in existence chartered for

other purposes may accept the provisions of this act and exercise the powers and privileges thereof; prescribing the terms and conditions on which foreign corporations chartered for the same purpose may be admitted to do business in this State, and prescribing the powers, duties and privileges of said foreign corporations, and prohibiting any foreign corporation granted a permit to do business in this State from acquiring, improving, subdividing or selling real estate except as an agent for the owner of said lands; prescribing the procedure to be pursued against companies violating the provisions of this act; and further providing that any foreign corporation doing business in this State under a permit that without the consent of the other party to the litigation shall remove a suit or proceeding brought by or against it in a State court to any Federal court, or shall institute any suit in a Federal court against any domestic corporation or citizen of this State, shall have its permit cancelled and it shall be barred from doing business in this State, and declaring an emergency."

The Senate adopts the Free Conference Committee report on House bill No. 13, by vote of 22 yeas, 0 nays.

Respectfully,

JOHN D. McCALL.  
Assistant Secretary of the Senate.

#### MESSAGE FROM THE GOVERNOR.

Mr. J. T. 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:

Governor's Office,  
Austin, Texas, August 15, 1913.  
To the Texas Legislature:

In harmony with the proclamation of the Governor convening the First Called Session of the Thirty-third Legislature, and as provided by Section 40, of Article 4, of the Constitution, I present the following additional subjects for legislation:

1. The passage of an act to amend Article 632, Title 18, Chapter 2, of the Revised Civil Statutes of Texas, 1911, relating to the issuance of road bonds; and the passage of an act to amend Article 611, Title 18, Chapter 1, of the Revised Civil Statutes of Texas, 1911, relating to the maturity of county bonds.

2. The passage of an act providing for a special district court for El Paso county, and the appointment of a spe-

cial district judge thereof, the term of said court and judge to expire January 1, 1915. I have been assured that this relief is necessary and that the docket of the district court of El Paso county is more than a year behind.

3. The passage of an act for the relief of persons who have on file in the General Land Office valid applications to purchase school and other public lands, and where awards to them have been duly made on such applications, and such persons failed to settle on their lands within the ninety days required by law but have in fact settled thereon in good faith to make the same their home, and in all cases where the applicant has become an actual bona fide settler on the land but failed to file his affidavit of settlement within the time required by law, but did file the affidavit, and such purchaser or his legal assignee has continued to reside thereon; then in that event such settlement and attempted purchases may be validated.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

#### PROPOSING AMENDMENTS TO RULES.

Mr. Tarver offered the following resolution:

Be it resolved by the House that the following amendments be made to the Rules of the House:

1. Amend Rule 1, Section 9, so as to hereafter read as follows:

Rule 1, Section 9a. The House shall elect a committee to be known as the "Committee on Committees," which shall consist of fifteen members of the House, and which shall be chosen as follows: The election shall be upon nominations made by members of the House and when all nominations have been made the vote shall be ordered by ballot and if upon the first ballot the required number shall not be elected by a majority of the votes cast, the House shall proceed to a second vote in which a plurality shall be sufficient for election; and in case a greater number than that required to compose or complete the committee shall have an equal number of votes, the House shall proceed to another ballot. The member of the committee receiving the highest ballot cast by the House shall be the chairman. In case of a tie the Committee on Committees shall break the tie by a vote of its members.

Rule 1, Section 9b. Said Committee on Committees shall name all other committees of the House and the respective chairmen thereof.

2. Amend Rule 7, so as to hereafter read as follows:

The Committee on Committees provided by Rule 1, Section 9a, shall appoint the following committees, and the chairmen thereof; provided, that no member shall be made chairman of more than one committee and no member shall be placed on more than four committees. Committees to be as shown on pages 206-208 of the Journal of the House of the Thirty-third Legislature.

3. Amend Rule 18, Section 5, by adding thereto the following: No bill shall be brought before the House on a floor report except purely local bills.

4. Amend Rule 2 by adding thereto Rule 2a, which shall read as follows:

Rule 2a. The House shall elect from one of its own members a Speaker. In the election of the Speaker the vote shall be by roll call, each member rising in his seat and orally announcing his choice for Speaker.

Signed—Tarver, Woods of Navarro, Lewelling, Rowell, Fields, McAskill, Cope, Long, Webb, Reeves, Craven, Diffie, Davis, Burns of Hill, Barrett of Jones, Broughton, Hunter, Allison, Foster, Coffey, Rickerson, Griggs, Morris of Coryell, Raiden, Ussery, McDaniel, Vannoy, Stephens, Grindstaff, Robbins, Barrett of Titus, Dove, Russell, Nabours, Dodson, Blalock, Furrh, Rogers, Simpson, Mills.

The resolution was read and referred by the Speaker to the Committee on Rules.

#### MOTION TO SET HOUSE BILL NO. 80 AS A SPECIAL ORDER.

Mr. Haney moved that House bill No. 80, the Senatorial redistricting bill, be set as a special order for 10 o'clock a.m. tomorrow.

The motion to set the bill as a special order was lost.

#### HOUSE BILL NO. 61 ON THIRD READING.

(By Unanimous Consent.)

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

House bill No. 61, A bill to be entitled "An Act to amend Section 1, Chapter 40, Special Laws, passed at the Regular Session of the Thirty-third Legislature, being An Act creating Rising Star Independent School District in Eastland county, Texas; providing for a board of trustees in said independent school district and conferring upon said district and its board of trustees all of the

rights, powers, privileges and duties now conferred and imposed upon independent school districts and the board of trustees thereof; providing that the taxes assessed for the old Rising Star Independent School District for the year 1913 shall be collected and paid to the treasurer of said Rising Star Independent School District hereby established, declaring an emergency, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

Mr. Taylor offered the following amendment to the bill:

Amend House bill No. 61 by adding at the end of the caption thereof the following: "To more clearly define and establish its boundaries, and declaring an emergency."

The amendment was adopted.

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

Yea—111.

Allison.	Griggs.
Bagby.	Grindstaff.
Barrett of Jones.	Hagins.
Barrett of Titus.	Hall.
Bartley.	Haney.
Bialock.	Harris.
Broughton.	Heilig.
Bruce.	Henry of Bowie.
Burmeister.	Henry of Wichita.
Burns.	Herder.
Butler.	Hill.
Byrne.	Hornby.
Calvin.	Householder.
Campbell.	Hughes.
Chrestman.	Humphrey.
Coffey.	Hunter.
Colquitt.	Jordan.
Cooper.	Kennedy.
Cope.	King.
Cox of Delta.	Lane.
Cox of Ellis.	Long.
Craven.	Low.
Crisp.	Macgill.
Cunningham.	Mendell.
Dickson.	Mills.
Dodson.	Morris of Coryell.
Dove.	Morris of Victoria.
Dunn.	Muleahy.
Fields.	Murray.
Flournoy.	Nabours.
Foster.	Neeley.
Fountain.	Olander.
Fuller.	Parker.
Furrh.	Parks.
Gates.	Patton.
Gentry.	Penry.
Goodner.	Raiden.
Greenwood.	Ratliff.
Greer.	Teedy.

Rich.	Thompson.
Rickerson.	Tiller.
Ridgell.	Tyson.
Ritchie.	Ussery.
Roach.	Vannoy.
Robbins.	Vickers.
Robertson.	Wagstaff.
Rogers.	Watson of Hays.
Ross.	Watson of Mills.
Rowell.	Webb.
Russell.	Williams
Savage.	of Hopkins.
Schwegman.	Williams
Simpson.	of McLennan.
Stephens	Woods of Fisher.
Stone.	Woods of Navarro.
Taylor.	Yarbrough.
Templeton.	
Reeves.	

Nays—1.

Present—Not Voting.

Kirby.

Absent.

Baker.	Paddock.
Bierschwale.	Powell.
Burges.	Smith.
Davis.	Spann.
Diffie.	Spradley.
Haxthausen.	Sullivan
Lewelling.	Tarver.
McAskill.	Tillotson.
McDaniel.	Wahrmund.
Owsley.	Wortham.

Absent—Excused.

Boehmer.	Harp.
Brown.	McKamy.
Collins.	Mangum.
Glascock.	Oliver.

#### HOUSE BILL NO. 35 SET AS SPECIAL ORDER.

On motion of Mr. Allison, House bill No. 35, relating to interstate shipments of intoxicating liquors, was set as a special order for 10 o'clock a. m. tomorrow.

#### BILL ORDERED NOT PRINTED.

On motion of Mr. Rogers, by unanimous consent, it was ordered that Senate bill No. 26 be not printed.

#### HOUSE BILL NO. 63 ON THIRD READING.

(By Unanimous Consent.)

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

House bill No. 63, A bill to be entitled

"An Act authorizing the city of Nacog-

doches, a municipal corporation, to sell the United States of America a portion of the Main Plaza for a Federal building site, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—108.

Allison.	King.
Bagby.	Kirby.
Barrett of Jones.	Lane.
Barrett of Titus.	Lewelling.
Bartley.	Long.
Blalock.	Low.
Broughton.	Macgill.
Bruce.	Mendell.
Burmeister.	Mills.
Burns.	Morris of Coryell.
Butler.	Morris of Victoria.
Byrne.	Nabours.
Calvin.	Neeley.
Campbell.	Parker.
Chrestman.	Parks.
Coffey.	Patton.
Colquitt.	Penry.
Cooper.	Raiden.
Cope.	Ratliff.
Cox of Ellis.	Reedy.
Craven.	Reeves.
Crisp.	Rickerson.
Cunningham.	Ridgell.
Dickson.	Ritchie.
Dodson.	Roach.
Dove.	Robbins.
Dunn.	Robertson.
Fields.	Rogers.
Flournoy.	Ross.
Foster.	Rowell.
Fountain.	Russell.
Fuller.	Savage.
Furrh.	Schwegman.
Gates.	Simpson.
Gentry.	Stephens.
Goodner.	Stone.
Greenwood.	Taylor.
Greer.	Thompson.
Griggs.	Tiller.
Grindstaff.	Tyson.
Hagins.	Ussery.
Hall.	Vannoy.
Haney.	Vickers.
Harris.	Wagstaff.
Heilig.	Watson of Hays.
Henry of Bowie.	Watson of Mills.
Henry of Wichita.	Webb.
Herder.	Williams of Hopkins.
Hill.	Williams of McLennan.
Householder.	Woods of Fisher.
Hughes.	Woods of Navarro.
Humphrey.	Wortham.
Hunter.	Yarbrough.
Jordan.	
Kennedy.	

### Absent.

Baker.	Olander.
Bierschwale.	Owsley.
Brown.	Paddock.
Burges.	Powell.
Cox of Delta.	Rich.
Davis.	Smith.
Diffee.	Spann.
Haxthausen.	Spradley.
Hornby.	Sullivan.
McAskill.	Tarver.
McDaniel.	Templeton.
Mulcahy.	Tillotson.
Murray.	Wahrmund.

### Absent—Excused.

Boehmer.	Mangum.
Collins.	McKamy.
Glasscock.	Oliver.
Harp.	

### HOUSE BILL NO. 65 ON THIRD READING.

(By Unanimous Consent.)

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

House bill No. 65, A bill to be entitled "An Act creating the Belcher Independent School District in Montague county, Texas, defining its boundaries, providing for a board of trustees to manage and control public free schools within said district, divesting the city of Belcher of the control of its public free schools, and the title of all properties now held and used for public free school purposes, investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only, under the General Laws of this State, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—95.

Mr. Speaker.	Campbell.
Allison.	Chrestman.
Bagby.	Coffey.
Barrett of Jones.	Colquitt.
Barrett of Titus.	Cope.
Blalock.	Craven.
Broughton.	Crisp.
Bruce.	Cunningham.
Burges.	Dickson.
Burmeister.	Dodson.
Burns.	Dove.
Butler.	Dunn.
Byrne.	Flournoy.
Calvin.	Foster.

Fountain.	Penry.
Fuller.	Raiden.
Furh.	Reedy.
Gentry.	Rickerson.
Goodner.	Ritchie.
Greenwood.	Roach.
Greer.	Robbins.
Griggs.	Rogers.
Grindstaff.	Ross.
Hagins.	Rowell.
Hall.	Russell.
Haney.	Savage.
Harris.	Schwegman.
Henry of Bowie.	Simpson.
Henry of Wichita.	Stephens.
Herder.	Taylor.
Hill.	Thompson.
Householder.	Tiller.
Hughes.	Tyson.
Humphrey.	Ussery.
Hunter.	Vannoy.
Jordan.	Vickers.
Kennedy.	Wagstaff.
Kirby.	Watson of Hays.
Lane.	Watson of Mills.
Lewelling.	Webb.
Long.	Williams
Macgill.	of Hopkins.
McDaniel.	Williams
Mendell.	of McLennan.
Mills.	Woods of Fisher.
Morris of Coryell.	Woods of Navarro.
Nabours.	Wertham.
Parker.	Yarbrough.
Patton.	

Present—Not Voting.

Tillotson.	Absent.
Baker.	Neeley.
Bartley.	Olander.
Bierschwale.	Owsley.
Brown.	Paddock.
Cooper.	Parks.
Cox of Delta.	Powell.
Cox of Ellis.	Ratliff.
Davis.	Reeves.
Diffie.	Rich.
Fields.	Ridgell.
Gates.	Robertson.
Haxthausen.	Smith.
Heilig.	Spann.
Hornby.	Spradley.
King.	Stone.
Low.	Sullivan.
McAskill.	Tarver.
Morris of Victoria.	Templeton.
Mulcahy.	Wahrmund.
Murray.	

Absent—Excused.

Boehmer.	McKamy.
Collins.	Mangum.
Glasscock.	Oliver.
Harp.	

#### HOUSE BILL NO. 38 ON THIRD READING.

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

House bill No. 38, A bill to be entitled "An Act to amend Article 7642 of Chapter 13, Title 126, Revised Statutes, 1911, providing for the redemption by the owner of lands or lots heretofore sold or that may hereafter be sold to the State, city or town for taxes, and declaring an emergency."

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

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Crisp, it was ordered that Senate bill No. 25 be not printed.

On motion of Mr. Flournoy, it was ordered that Senate bill No. 33 be not printed.

On motion of Mr. Cope, it was ordered that Senate bill No. 42 be not printed.

On motion of Mr. Macgill, it was ordered that House bill No. 84 be not printed.

On motion of Mr. Burns, it was ordered that Senate bill No. 45 be not printed.

#### HOUSE BILL NO. 17 ON THIRD READING.

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

House bill No. 17, A bill to be entitled "An Act to provide for the incorporation and regulation of certain corporations generally known as building and loan associations; and for the government and control of the same; placing the same under the control and supervision of the Commissioner of Insurance and Banking; and providing for the admission in this State of foreign building and loan associations; and providing penalties for the violation of this act, and repealing all laws in conflict with this act."

The bill was read third time and was passed.

#### HOUSE BILL NO. 44 ON THIRD READING.

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

House bill No. 44, A bill to be entitled

"An Act to amend Chapter 5 of the Revised Criminal Statutes of Texas of 1911, and Title 131 of the Revised Civil Statutes of Texas of 1911; providing for the conduct of the business of public warehousemen, describing what constitutes such warehouse, and defining who shall be held to be public warehousemen; providing that all persons, firms and corporations, or associations of persons, shall obtain a certificate of authority from the county clerk of the county in which they intend to engage in said business of warehousemen, and defining the requisites of said certificate; providing that such warehousemen shall issue negotiable and non-negotiable receipts for property stored in such warehouses, and vesting the supervision of such public warehouses in the Commissioner of Insurance and Banking, and defining his duty with reference to such warehouses, and directing said Commissioner to prescribe uniform public warehouse receipts for cotton; and requiring that any encumbrance on cotton stored in public warehouses shall be disclosed in the endorsement on the back of such negotiable receipt or certificate, and providing a penalty for failure to truthfully disclose such facts; preventing public warehousemen, by provisions inserted in their receipts, from limiting their liability under the law; providing for the negotiability of receipts issued; providing a penalty for public warehousemen who violate the provisions of this act; providing the conditions under which private warehousemen may conduct such business; providing for the appointment of a board of cotton grading examiners and defining their duties; requiring public warehousemen storing cotton to employ a competent cotton classer, and affixing a penalty for failure to do so."

The bill was read third time and was passed.

#### SENATE BILL NO. 26 ON SECOND READING.

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

Senate bill No. 26, A bill to be entitled "An Act to amend Article 6002, Title 97, Revised Statutes of Texas, 1911, providing for the appointment of notaries public, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to a third reading.

#### SENATE BILLS ON FIRST READING.

The following Senate bills were laid before the House, read severally the first time, and referred to appropriate committees, as follows:

Senate bill No. 45, to Committee on Education.

Senate bill No. 29, to Committee on Criminal Jurisprudence.

Senate bill No. 28, to Committee on Roads, Bridges and Ferries.

Senate bill No. 22, to Committee on Roads, Bridges and Ferries.

Senate bill No. 25, to Committee on Commerce and Manufactures.

#### HOUSE BILLS ON FIRST READING.

(By Unanimous Consent.)

The following House bills, introduced today, were laid before the House, read severally first time, and referred to appropriate committee, as follows:

By Mr. Penry, Mr. Harris, Mr. Dunn and Mr. Householder:

House bill No. 94, A bill to be entitled "An Act to validate certain settlement on and purchases of public free school land, and declaring an emergency."

Referred to Committee on Public Lands and Land Office.

By Mr. Nabours:

House bill No. 95, A bill to be entitled "An Act to amend Section 9 of the special road law for Montague county, passed at the Regular Session of the Thirty-third Legislature, relating to the salaries of the county commissioners."

Referred to Judiciary Committee.

By Mr. Maegill (by request):

House bill No. 96, A bill to be entitled "An Act repealing Chapter 105 of the General Laws of the Regular Session of the Thirty-third Legislature, relating to insurance."

Referred to Committee on Insurance.

#### ADJOURNMENT.

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

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

The motion of Mr. Griggs prevailed, and the House accordingly, at 6:30 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

**APPENDIX.****REPORT OF COMMITTEE ON COMMERCE AND MANUFACTURES.**

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Commerce and Manufactures, to whom was referred Senate bill No. 25, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

KIRBY, Chairman.

**REPORT OF COMMITTEE ON COUNTIES.**

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Counties, to whom was referred House bill No. 68, having had same under consideration, beg leave to report same back to the House with recommendation that it do pass.

WOODS of Fisher, Chairman.

**REPORTS OF COMMITTEE ON PENITENTIARIES.**

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Penitentiaries, to whom was referred House bill No. 41, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass. Respectfully,

REEDY, Chairman.

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Penitentiaries, to whom was referred House bill No. 53, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass. Respectfully,

REEDY, Chairman.

**REPORT OF COMMITTEE ON LIQUOR TRAFFIC.**

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Liquor Traffic, to whom was referred House bill No. 76, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass. Mr. Lewelling appointed to make full report. Minority report filed by Mr. Burmeister.

Respectfully,  
FULLER, Chairman.

**REPORT OF JUDICIARY COMMITTEE.**

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Judiciary Committee, to whom was referred Senate bill No. 26, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

HUMPHREY, Chairman.

**REPORTS OF COMMITTEE ON PRIVATE CORPORATIONS.**

Committee Room,

Austin, Texas, August 8, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Private Corporations, to whom was referred House bill No. 21, having had same under consideration, beg leave to report same back to the House with the recommendation that it do not pass.

RICH, Chairman.

Committee Room,

Austin, Texas, August 8, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Private Corporations, to whom was referred House bill No. 20, having had same under consideration, beg leave to report same back to the House with the recommendation that it do not pass.

RICH, Chairman.

Committee Room,

Austin, Texas, August 8, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Private Cor-

porations, to whom was referred House bill No. 28, having had same under consideration, beg leave to report same back to the House with the recommendation that it do not pass.

RICH, Chairman.

**REPORTS OF COMMITTEE ON EN-GROSSED BILLS.**

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 17. A bill to be entitled "An Act to provide for the incorporation and regulation of certain corporations generally known as building and loan associations; and for the government and control of the same; placing the same under the control and supervision of the Commissioner of Insurance and Banking; and providing for the admission in this State of foreign building and loan associations; and providing penalties for the violation of this act, and repealing all laws in conflict with this act,"

And find the same correctly engrossed.

MULCAHY, Chairman.

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 38, A bill to be entitled "An Act to amend Article 7642 of Chapter 13. Title 126, Revised Statutes, 1911, providing for the redemption by the owner of lands or lots heretofore sold or that may hereafter be sold to the State, city or town for taxes, and declaring an emergency,"

And find the same correctly engrossed.

MULCAHY, Chairman.

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 44. A bill to be entitled "An Act to amend Chapter 5 of the

Revised Criminal Statutes of Texas of 1911, and Title 131 of the Revised Civil Statutes of Texas of 1911; providing for the conduct of the business of public warehousemen, describing what constitutes such warehouse, and defining who shall be held to be public warehousemen; providing that all persons, firms and corporations or associations of persons shall obtain a certificate of authority from the county clerk of the county in which they intend to engage in said business of warehousemen, and defining the requisites of said certificate; providing that such warehousemen shall issue negotiable and non-negotiable receipts for property stored in such warehouses, and vesting the supervision of such public warehouses in the Commissioner of Insurance and Banking, and defining his duty with reference to such warehouses, and directing said commissioner to prescribe uniform public warehouse receipts for cotton; and requiring that any encumbrance on cotton stored in public warehouses shall be disclosed in the endorsement on the back of such negotiable receipt or certificate, and providing a penalty for failure to truthfully disclose such facts; preventing public warehousemen, by provisions inserted in their receipts, from limiting their liability under the law; providing for the negotiability of receipts issued; providing a penalty for public warehousemen who violate the provisions of this act; providing the conditions under which private warehousemen may conduct such business; providing for the appointment of a board of cotton grading examiners and defining their duties; requiring public warehousemen storing cotton to employ a competent cotton classer, and affixing a penalty for failure to do so,"

And find the same correctly engrossed.

MULCAHY, Chairman.

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 46, A bill to be entitled "An Act to amend Sections 3, 4 and 10 of Chapter 173 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, approved April 9, 1913, relating to the development of minerals in public lands,"

And find the same correctly engrossed.

MULCAHY, Chairman.

Committee Room,  
Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills have carefully examined and com-  
pared

House bill No. 56, A bill to be entitled  
"An Act creating the Port Aransas In-  
dependent School District, known as  
Common School District No. 8 in Nueces  
county, Texas, and including within its  
limits the municipal corporation of the  
town of Port Aransas; and defining its  
boundaries; and to provide for the cre-  
ating of a board of trustees thereof and  
authorizing the board of trustees to  
levy, assess and collect special taxes,  
and conferring upon the board of trustees  
plenary powers, and providing au-  
thority to issue bonds for the purpose  
of purchasing school sites and erecting,  
furnishing and equipping school build-  
ings within the same, and to levy a tax  
therefor, and to pay current expenses  
for the maintenance and support of said  
schools, providing for a board of equali-  
zation and prescribing the duty and au-  
thority of said board, and further pre-  
scribing the duty and authority of the  
board of trustees, declaring valid an  
issue of bonds heretofore made, declar-  
ing valid a maintenance tax heretofore  
voted, and repealing all laws in conflict  
herewith in so far as they conflict with  
this act, and declaring an emergency."

And find the same correctly engrossed.  
MULCAHY, Chairman.

Committee Room,  
Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills have carefully examined and com-  
pared

House bill No. 57, A bill to be entitled  
"An Act to amend Chapter 1, Title 11,  
of the Revised Civil Statutes of this  
State of 1911, relating to attachments,  
by adding thereto Article 247a, provid-  
ing for the issuance of attachments in  
suits founded in tort and upon unliquidated  
demands, nad providing for the  
fixing of the amount of bond in such  
cases, and declaring an emergency."

And find the same correctly engrossed.  
MULCAHY, Chairman.

Committee Room,  
Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed

Bills have carefully examined and com-  
pared

House bill No. 61, A bill to be entitled  
"An Act to amend Section 1, Chapter  
40, Special Laws passed at the Regular  
Session of the Thirty-third Legislature,  
being 'An Act creating Rising Star Inde-  
pendent School District in Eastland  
county, Texas, providing for a board of  
trustees in said independent school dis-  
trict and conferring upon said district  
and its board of trustees all of the  
rights, powers, privileges and duties now  
conferred and imposed upon independ-  
ent school districts and the board of  
trustees thereof; providing that the  
taxes assessed for the old Rising Star  
Independent School District for the year  
1913 shall be collected and paid to the  
treasurer of said Rising Star Independ-  
ent School District hereby established,  
and declaring an emergency,' and declar-  
ing an emergency."

And find the same correctly engrossed.  
MULCAHY, Chairman.

Committee Room,  
Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills have carefully examined and com-  
pared

House bill No. 62, A bill to be entitled  
"An Act to change and prescribe the  
time for holding district court in the  
Forty-ninth Judicial District of Texas,  
and to repeal all laws in conflict here-  
with, and declaring an emergency,"

And find same correctly engrossed.  
MULCAHY, Chairman.

Committee Room,  
Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills have carefully examined and com-  
pared

House bill No. 63, A bill to be entitled  
"An Act authorizing the city of Nacog-  
doches, a municipal corporation, to sell  
the United States of America a portion  
of the Main Plaza for a Federal build-  
ing site, and declaring an emergency,"

And find the same correctly engrossed.  
MULCAHY, Chairman.

Committee Room,  
Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

House bill No. 65, A bill to be entitled "An Act creating the Belcher Independent School District in Montague county, Texas, defining its boundaries, providing for a board of trustees to manage and control public free schools within said district, divesting the city of Belcher of the control of its public free schools, and the title of all properties now held and used for public free school purposes, investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only, under the General Laws of this State, and declaring an emergency,"

And find same correctly engrossed.

MULCAHY, Chairman.

Committee Room,  
Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 72, A bill to be entitled "An Act to amend and re-enact Article 5585 and Article 5588, Title 83, Chapter 3 of the Revised Civil Statutes of Texas, relating to seawalls and breakwaters, and declaring an emergency,"

And find same correctly engrossed.

MULCAHY, Chairman.

Committee Room,  
Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 73, A bill to be entitled "An Act to create a more efficient road system for Galveston county, Texas, and making county commissioners precinct road commissioners of their respective precincts, providing their compensation, defining their powers and duties, and declaring an emergency,"

And find the same correctly engrossed.

MULCAHY, Chairman.

Committee Room,  
Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 75, A bill to be entitled

"An Act creating the Copita Independent School District in Duval county, Texas; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general law; providing for a board of trustees therefor, and declaring an emergency,"

And find the same correctly engrossed.

MULCAHY, Chairman.

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 77, A bill to be entitled "An Act to amend Chapter 41, Acts of the Twenty-ninth Legislature, as amended by the Thirtieth Legislature, being an act to create a more efficient road system for Dallas county, and declaring an emergency,"

And find the same correctly engrossed.

MULCAHY, Chairman.

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 81, A bill to be entitled "An Act to repeal Chapter 121, Special Laws of the Regular Session of the Thirty-third Legislature, the same being a special road law for Liberty county, and declaring an emergency,"

And find the same correctly engrossed.

MULCAHY, Chairman.

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 87, A bill to be entitled "An Act dividing Ridings Common School District No. 95, in Fannin county, Texas, into two common school districts, to be known as 'Ridings Common School District No. 95' and 'Finley Common School District No. 126,' by a line running east and west across said Ridings Common School District No. 95 so as to give to each of the newly created common school districts about an

equal number of square miles of territory, and declaring an emergency," And find the same correctly engrossed.

MULCAHY, Chairman.

**REPORT OF COMMITTEE ON EDUCATION.**

Committee Room,  
Austin, Texas, August 15, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 82, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

YARBROUGH, Chairman.

**REPORT OF COMMITTEE ON INTERNAL IMPROVEMENTS.**

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Internal Improvements, to whom was referred House bill No. 84, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass. Mr. Roach was appointed to make full report.

MACGILL, Chairman.

**TWENTY-THIRD DAY.**

(Saturday, August 16, 1913.)

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

Speaker Terrell in the chair.

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

Allison.	Colquitt.
Bagby.	Cooper.
Baker.	Cope.
Barrett of Jones.	Cox of Delta.
Barrett of Titus.	Cox of Ellis.
Bierschwale	Craven.
Blalock.	Crisp.
Broughton.	Cunningham.
Bruce.	Davis.
Burges.	Dickson.
Burmeister.	Diffie.
Burns.	Dodson.
Butler.	Dove.
Byrne.	Dunn.
Calvin.	Fields.
Campbell.	Foster.
Crestman.	Fountain.

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Fuller.	Parks.
Furrh.	Patton.
Gates.	Penry.
Gentry.	Powell.
Goodner.	Raiden.
Greenwood.	Ratliff.
Greer.	Reedy.
Griggs.	Reeves.
Grindstaff.	Rich.
Hagins.	Rickerson.
Hall.	Ridgell.
Haney.	Ritchie.
Harris.	Roach.
Haxthausen.	Robbins.
Heilig.	Robertson.
Henry of Bowie.	Rogers.
Henry of Wichita.	Ross.
Herder.	Rowell.
Hill.	Russell.
Hornby.	Savage.
Householder.	Schwegman.
Hughes.	Simpson.
Humphrey.	Spradley.
Hunter.	Stephens.
Jordan.	Stone.
Kennedy.	Sullivan.
King.	Taylor.
Kirby.	Templeton.
Lane.	Thompson.
Lewelling.	Tiller.
Long.	Tillotson.
Low.	Tyson.
Macgill.	Ussery.
McDaniel.	Vannoy.
Mendell.	Vickers.
Mills.	Wagstaff.
Morris of Coryell	Watson of Hays.
Morris of Victoria.	Watson of Mills.
Mulcahy.	Webb.
Murray.	Williams
Nabours.	of Hopkins.
Neeley.	Woods of Fisher.
Olander.	Woods of Navarro.
Owsley.	Wertham.
Parker.	Yarbrough.

Absent.

Bartley.	McAskill.
Flournoy.	Paddock.

Absent—Excused.

Boehmer.	Oliver.
Brown.	Smith.
Coffey.	Spann.
Collins.	Tarver.
Glasscock.	Wahrmund.
Harp.	Williams
McKamy.	of McLennan.
Mangum.	

A quorum was announced present.  
Prayer by Rev. William Hall Williams of Austin.

## LEAVE OF ABSENCE GRANTED.

On account of important business:

Mr. Tarver, for today, on motion of Mr. Burns.

Mr. Wahrmund, for today, on motion of Mr. Byrne.

Mr. Smith, for today, on motion of Mr. Owsley.

Mr. Williams of McLennan, for today, on motion of Mr. Savage.

Mr. Woods of Navarro, for the balance of the day, on motion of Speaker Terrell.

On account of sickness:

Mr. Coffey, indefinitely, on motion of Mr. Burns.

Mr. Brown, indefinitely, on motion of Mr. Murray.

Mr. Spann, for today, on motion of Mr. Cope.

## BILLS ORDERED NOT PRINTED.

On motion of Mr. Nabours, it was ordered that House bill No. 95 be not printed.

On motion of Mr. Dunn, it was ordered that Senate bill No. 34 be not printed.

On motion of Mr. Ritchie, it was ordered that Senate bill No. 40 be not printed.

On motion of Mr. Davis it was ordered that Senate bill No. 28 be not printed.

On motion of Mr. Burges, it was ordered that Senate bill No. 53 be not printed.

## MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, August 16, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 33, A bill to be entitled "An Act to reorganize the Thirty-fourth Judicial District of Texas, to regulate the time of holding the district courts in the various counties composing the Thirty-fourth Judicial District of Texas, providing for the returning of the process issued and to be issued by said courts, validating process heretofore issued by said court, and declaring an emergency."

House bill No. 43, A bill to be entitled "An Act to fix the time for holding the terms of the district court in the Forty-seventh Judicial District, and to repeal all laws in conflict herewith, and declaring an emergency."

House bill No. 47, A bill to be entitled "An Act to incorporate the Fruitvale Independent School District in Van Zandt county for free school purposes only; describing its boundaries; providing for a board of school trustees for the control and management of the said independent school district; prescribing the rights, powers, privileges and duties of the said Fruitvale Independent School District and its board of school trustees; vesting it with all the rights, powers, privileges and duties of a town or village incorporated under the general laws of this State for free school purposes; providing for a treasurer of school funds of the district, and declaring an emergency."

House bill No. 52, A bill to be entitled "An Act to amend the Special Road Law for Smith county, Texas, passed at the Regular Session of the Thirty-third Legislature, and known as Chapter 70, Special Laws of the Thirty-third Legislature, and creating an emergency, and providing for the suspension of the constitutional rule requiring all bills to be read on three several days."

House bill No. 55, A bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas; to fix the times for holding the terms of district court therein; to make all process heretofore issued as well as bonds and recognizances heretofore entered into conform thereto, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

House bill No. 50, A bill to be entitled "An Act to create a special district court for the Fifth Judicial District of Texas; to prescribe its jurisdiction, to limit its existence, to fix its terms, to conform all writs and process from said court to the district court in said district to such changes as are made in the jurisdiction of the said court by this bill, to empower the judge of said district court, and the judge of the Fifth Judicial District to transfer cases from their respective courts to the other of said courts, to provide for the appointment of a judge for said special district court, to fix his salary and term of office, and declaring an emergency," with amendments.

House bill No. 56, A bill to be entitled "An Act creating the Port Aransas Independent School District, known as Common School District No. 8, in Nueces county, Texas, and including within its limits the municipal corporation of the town of Port Aransas; and defining its boundaries; and to provide for the creating of a board of trustees thereof and

authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers, and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support of said schools, providing for a board of equalization and prescribing the duty and authority of said board, and further prescribing the duty and authority of the board of trustees, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this act, and declaring an emergency."

House bill No. 59, A bill to be entitled "An Act to incorporate Thorndale School District in Milam and Williamson counties as an independent school district, and to provide for the election of trustees, raising revenue by taxation, and issuing bonds for the erection of school buildings within said district, and declaring an emergency."

House bill No. 60, A bill to be entitled "An Act to amend Sections 26 and 53, of Article 30, of Title 5, of the Revised Statutes of Texas, 1911, and to change and prescribe the time for holding the district court in the Twenty-sixth Judicial District of the State of Texas, and the Fifty-third Judicial District of the State of Texas, and to define the jurisdiction of said courts, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third district courts, and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial district courts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit grand juries of such courts to the changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency."

Senate Concurrent Resolution No. 5, Providing for the appointment of a State Commission to raise the funds, assemble, prepare, install and maintain an exhibit of the resources of the State of Texas at the Panama-Pacific International Exposition at San Francisco, 1915.

Senate bill No. 21, A bill to be entitled "An Act adding to and making a part of the Memphis Independent School District of Hall county, Texas, certain lands and territory adjoining thereto, situate in Hall county, and adding

thereto and making a part thereof certain lands and territory adjoining thereto, situate in the county of Collingsworth, all for school purposes; giving the board of trustees of said district power and jurisdiction over said lands and territory and the inhabitants thereof; requiring such board of trustees to levy, assess, collect and pay into the Treasury annually a proportional part of a certain tax fund existing on part of said territory, and declaring an emergency."

House bill No. 62, A bill to be entitled "An Act to change and prescribe the time for holding district court in the Forty-ninth Judicial District of Texas, and to repeal all laws in conflict herewith, and declaring an emergency."

House bill No. 72, A bill to be entitled "An Act to amend and re-enact Article 5585 and Article 5588, Title 83, Chapter 3, of the Revised Civil Statutes of Texas, relating to seawalls and breakwaters, and declaring an emergency."

House bill No. 75, A bill to be entitled "An Act creating the Copita Independent School District in Duval county, Texas; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general law; providing for a board of trustees therefor, and declaring an emergency."

House bill No. 81, A bill to be entitled "An Act to repeal Chapter 121, Special Laws of the Regular Session of the Thirty-third Legislature, the same being a special road law for Liberty county, and declaring an emergency."

House bill No. 58, A bill to be entitled "An Act to amend Chapter 38, of the Special Laws of the Thirty-second Legislature, as amended by the Thirty-third Legislature, entitled 'An Act to create a more efficient road system for Wood county, etc.' by making it unlawful to injure or damage any public road in said county; prescribing penalties, and declaring an emergency."

House bill No. 39, A bill to be entitled "An Act to prohibit the use of any imitation label, trade mark, design, device, imprint or form of the flag of the State of Texas for advertising or commercial purposes, and prohibiting the offering or exposing for sale any article or commodity bearing such imitation, design, imprint or form of the flag of the State of Texas, fixing a penalty for violation thereof, and declaring an emergency," with amendments.

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

**RELATING TO CALLING CONSTITUTIONAL CONVENTION.**

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, for consideration at this time, the resolution offered on yesterday by Mr. Humphrey and others relating to the calling of a constitutional convention, with point of order by Mr. Lane on further consideration of the resolution on the ground that it relates to a subject not submitted for consideration at the present session of the Legislature pending.

The Speaker sustained the point of order.

**HOUSE BILL NO. 73 ON THIRD READING.**

(By Unanimous Consent.)

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

House bill No. 73, A bill to be entitled "An Act to create a more efficient road system for Galveston county, Texas, and making county commissioners precinct road commissioners of their respective precincts, providing their compensation, defining their powers and duties, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—112.

Allison.	Dickson.
Bagby.	Dodson.
Baker.	Dove.
Barrett of Jones.	Dunn.
Barrett of Titus.	Fields.
Bierschwale.	Foster.
Blalock.	Fountain.
Broughton.	Furrrh.
Bruce.	Gates.
Burges.	Gentry.
Burmeister.	Goodner.
Burns.	Greenwood.
Butler.	Greer.
Byrne.	Griggs.
Calvin.	Grindstaff.
Campbell.	Hagins.
Chrestman.	Hall.
Colquitt.	Harris.
Cooper.	Haxthausen.
Cope.	Heilig.
Cox of Delta.	Henry of Bowie.
Cox of Ellis.	Henry of Wichita.
Craven.	Herder.
Crisp.	Hill.
Cunningham.	Hornby.
Davis.	Householder.

Hughes.	Robbins.
Humphrey.	Robertson.
Hunter.	Rogers.
Jordan.	Ross.
Kennedy.	Rowell.
Lane.	Russell.
Long.	Savage.
Low.	Schwegman.
Macgill.	Simpson.
Mendell.	Spradley.
Mills.	Stephens.
Morris of Coryell.	Sullivan.
Morris of Victoria.	Taylor.
Mulcahy.	Templeton.
Murray.	Thompson.
Nabours.	Tiller.
Neely.	Tillotson.
Olander.	Tyson.
Owsley.	Ussery.
Parker.	Vannoy.
Parks.	Vickers.
Patton.	Wagstaff.
Penry.	Watson of Hays.
Powell.	Watson of Mills.
Raiden.	Webb.
Ratliff.	Williams
Reeves.	of Hopkins.
Rickerson.	Woods of Fisher.
Ridgell.	Wortham.
Ritchie.	Yarbrough.
Roach.	

Absent.

Bartley.	Lewelling.
Diffie.	McAskill.
Flournoy.	McDaniel.
Fuller.	Paddock.
Haney.	Reedy.
King.	Rich.
Kirby.	Stone.

Absent—Excused.

Boehmer.	Oliver.
Brown.	Smith.
Coffey.	Spann.
Collins.	Tarver.
Glasscock.	Wahrmund.
Harp.	Williams
McKamy.	of McLennan.
Mangum.	Woods of Navarro.

**HOUSE BILL NO. 77 ON THIRD READING.**

(By Unanimous Consent.)

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

House bill No. 77, A bill to be entitled "An Act to amend Chapter 41, Acts of the Twenty-ninth Legislature, as amended by the Thirtieth Legislature, being an act to create a more efficient road system for Dallas county, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—108.

Allison.	Long.
Bagby.	Low.
Baker.	Macgill.
Barrett of Jones.	Mendell.
Bierschwale.	Mills.
Blalock.	Morris of Coryell.
Bruce.	Morris of Victoria.
Burges.	Mulcahy.
Burmeister.	Murray.
Burns.	Nabours.
Butler.	Neeley.
Byrne.	Olander.
Calvin.	Owsley.
Campbell.	Parker.
Chrestman.	Parks.
Colquitt.	Patton.
Cooper.	Powell.
Cope.	Raiden.
Cox of Delta.	Ratliff.
Craven.	Reeves.
Crisp.	Rich.
Cunningham.	Rickerson.
Davis.	Ridgell.
Dickson.	Ritchie.
Dodson.	Roach.
Dove.	Robbins.
Dunn.	Robertson.
Fields.	Rogers.
Foster.	Rowell.
Fountain.	Russell.
Furrh.	Savage.
Gates.	Schwegmann.
Gentry.	Simpson.
Goodner.	Spradley.
Greenwood.	Stephens.
Greer.	Sullivan.
Griggs.	Taylor.
Grindstaff.	Templeton.
Hagins.	Thompson.
Hall.	Tiller.
Haney.	Tillotson.
Harris.	Tyson.
Haxthausen.	Ussery.
Heilig.	Vannoy.
Henry of Bowie.	Vickers.
Henry of Wichita.	Wagstaff.
Herder.	Watson of Hays.
Hill.	Watson of Mills.
Householder.	Webb.
Hunter.	Williams of Hopkins.
Jordan.	Woods of Fisher
Kennedy.	Wortham.
Kirby.	Yarbrough.
Lane.	
Lewelling.	Absent.
Barrett of Titus.	Coffey.
Bartley.	Cox of Ellis.
Broughton.	Diffie.
Brown.	Flournoy.

Fuller.	McDaniel.
Hornby.	Paddock.
Hughes.	Penry.
Humphrey.	Reedy.
King.	Ross.
McAskill.	Stone.

Absent—Excused.

Boehmer.	Smith.
Collins.	Spann.
Glasscock.	Tarver.
Harp.	Wahrmund.
McKamy.	Williams
Mangum.	of McLennan.
Oliver.	Woods of Navarro.

#### HOUSE BILL NO. 87 ON THIRD

##### READING.

(By Unanimous Consent.)

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

House bill No. 87, A bill to be entitled "An Act dividing Ridings Common School District No. 95, in Fannin county, Texas, into two common school districts, to be known as 'Ridings Common School District No. 95,' and 'Finley Common School District No. 126,' by a line running east and west across said Ridings Common School District No. 95, so as to give each of the newly created common school districts about an equal number of square miles of territory."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—107.

Allison.	Dodson.
Bagby.	Dove.
Baker.	Dunn.
Barrett of Jones.	Fields.
Barrett of Titus.	Foster.
Bierschwale.	Fountain.
Blalock.	Furrh.
Broughton.	Gates.
Burmeister.	Gentry.
Burns.	Goodner.
Byrne.	Greenwood.
Calvin.	Greer.
Campbell.	Griggs.
Chrestman.	Grindstaff.
Colquitt.	Hagins.
Cooper.	Hall.
Cope.	Haney.
Cox of Delta.	Harris.
Cox of Ellis.	Haxthausen.
Craven.	Heilig.
Cunningham.	Henry of Bowie.
Davis.	Henry of Wichita.
Dickson.	Hill.

Hornby.	Ritchie.	lature of the State of Texas, approved April 9, 1913, relating to the development of minerals in public lands."
Householder.	Roach.	The bill was read third time.
Hughes.	Robbins.	Question—Shall the bill be passed?
Hunter.	Robertson.	The Clerk was directed to call the roll, and the bill was passed by the following vote:
Jordan.	Rogers.	Yea—111.
Kennedy.	Rowell.	
King.	Russell.	
Kirby.	Savage.	
Lane.	Schwegman.	
Lewelling.	Simpson.	
Long.	Spradley.	
Low.	Stephens.	
Mendell.	Stone.	
Mills.	Sullivan.	
Morris of Coryell.	Taylor.	
Morris of Victoria.	Thompson.	
Mulcahy.	Tiller.	
Murray.	Tillotson.	
Nabours.	Tyson.	
Needey.	Ussery.	
Olander.	Vannoy.	
Owsley.	Vickers.	
Parker.	Wagstaff.	
Parks.	Watson of Hays.	
Patton.	Watson of Mills.	
Powell.	Webb.	
Raiden.	Williams	
Reedy.	of Hopkins.	
Reeves.	Woods of Fisher.	
Rich.	Wortham.	
Rickerson.	Yarbrough.	
Absent.		
Bartley.	Humphrey.	
Brown.	Maegill.	
Bruce.	McAskill.	
Burges.	McDaniel.	
Butler.	Paddock.	
Crisp.	Penry.	
Diffie.	Ratliff.	
Flournoy.	Ridgell.	
Fuller.	Ross.	
Herder.	Templeton.	
Absent—Excused.		
Boehmer.	Smith.	
Coffey.	Spann.	
Collins.	Tarver.	
Glasscock.	Wahrinund.	
Harp.	Williams	
McKamy.	of McLennan.	
Mangum.	Woods of Navarro.	
Oliver.		
HOUSE BILL NO. 46 ON THIRD READING.		
(By Unanimous Consent.)		
The Speaker laid before the House, on its third reading and final passage,		
House bill No. 46, A bill to be entitled "An Act to amend Sections 3, 4 and 10, of Chapter 173, of the Acts of the Regular Session of the Thirty-third Legis-		
		lature of the State of Texas, approved April 9, 1913, relating to the development of minerals in public lands."
		The bill was read third time.
		Question—Shall the bill be passed?
		The Clerk was directed to call the roll, and the bill was passed by the following vote:
		Yea—111.
Allison.	Kirby.	
Bagby.	Lane.	
Baker.	Lewelling.	
Barrett of Jones.	Long.	
Barrett of Titus.	Low.	
Bierschwale.	Macgill.	
Blalock.	McDaniel.	
Broughton.	Mills.	
Burges.	Morris of Coryell.	
Burmeister.	Morris of Victoria.	
Burns.	Mulcahy.	
Butler.	Murray.	
Byrne.	Nabours.	
Calvin.	Needey.	
Campbell.	Olander.	
Chrestman.	Owsley.	
Colquitt.	Parker.	
Cooper.	Patton.	
Cope.	Powell.	
Cox of Delta.	Raiden.	
Cox of Ellis.	Ratliff.	
Craven.	Reedy.	
Crisp.	Reeves.	
Cunningham.	Rickerson.	
Davis.	Ridgell.	
Dickson.	Ritchie.	
Dodson.	Roach.	
Dove.	Robbins.	
Dunn.	Robertson.	
Foster.	Rowell.	
Fountain.	Russell.	
Furrh.	Savage.	
Gates.	Schwegman.	
Gentry.	Simpson.	
Goodner.	Spradley.	
Greenwood.	Stephens	
Greer.	Stone.	
Griggs.	Sullivan.	
Grindstaff.	Taylor.	
Hagins.	Templeton.	
Hall.	Thompson.	
Haney.	Tiller.	
Harris.	Tillotson.	
Haxthausen.	Tyson.	
Heilig.	Ussery.	
Henry of Bowie.	Vannoy.	
Henry of Wichita.	Vickers.	
Herder.	Wagstaff.	
Hill.	Watson of Hays.	
Householder.	Watson of Mills.	
Hughes.	Webb.	
Humphrey.	Williams	
Hunter.	of Hopkins.	
Jordan.	Woods of Fisher.	
Kennedy.	Wortham.	
King.	Yarbrough.	

Absent.	Kirby. Lane. Long. Low. Macgill. McDaniel. Mendell. Mills. Morris of Coryell. Mulcahy. Murray. Nabours. Neely. Olander. Owsley. Parker. Park <sup>s</sup> . Patton. Powell. Ratliff. Reedy. Reeves. Rickerson. Ridgell. Ritchie. Roach.	Robertson. Rogers. Ross. Russell. Savage. Schwegman. Simpson. Spradley. Stephens. Sullivan. Taylor. Templeton. Thompson. Tiller. Tillotson. Tyson. Ussery. Vannoy. Wagstaff. Watson of Hays. Watson of Mills. Williams of Hopkins. Woods of Fisher. Wortham. Yarbrough.
Bartley. Brown. Bruce. Coffey. Diffie. Fields. Flournoy. Fuller. Hornby.	McAskill. Mendell. Paddock. Parks. Penry. Rich. Rogers. Ross.	Absent—Excused.
Boehmer. Collins. Glasscock. Harp. McKamy. Mangum. Oliver.	Smith. Spann. Tarver. Wahrmund. Williams of McLennan. Woods of Navarro.	
SENATE BILL NO. 26 ON THIRD READING.		
(By Unanimous Consent.)		
<p>The Speaker laid before the House, on its third reading and final passage,</p> <p>Senate bill No. 26, A bill to be entitled "An Act to amend Article 6002, Title 97, Revised Statutes of Texas, 1911, providing for the appointment of notaries public, and declaring an emergency."</p>		
<p>The bill was read third time.</p> <p>Question—Shall the bill be passed?</p> <p>The Clerk was directed to call the roll, and the bill was passed by the following vote:</p>		
Yea—105.		
Allison. Bagby. Baker. Barrett of Jones. Barrett of Titus. Bierschwale. Blalock. Broughton. Burges. Burmeister. Burns. Butler. Byrne. Campbell. Chrestman. Colquitt. Cooper. Cope. Cox of Delta. Cox of Ellis. Craven. Crisp. Cunningham. Davis. Dickson. Dodson. Dunn.	Foster. Fountain. Fuller. Furrrh. Gates. Gentry. Goodner. Greer. Griggs. Grindstaff. Hagins. Haney. Harris. Haxthausen. Heilig. Henry of Bowie. Henry of Wichita. Herder. Hill. Hornby. Householder. Hughes. Humphrey. Hunter. Jordan. Kennedy. King.	Absent.
<p>Bartley. Brown. Bruce. Calvin. Diffic. Dove. Fields. Flournoy. Greenwood. Hall. Lewelling.</p>		
<p>McAskill. Morris of Victoria. Paddock. Penry. Raiden. Rich. Robbins. Rowell. Stone. Vickers. Webb.</p>		
Absent—Excused.		
<p>Boehmer. Coffey. Collins. Glasscock. Harp. McKamy. Mangum. Oliver.</p>		
<p>Smith. Spann. Tarver. Wahrmund. Williams of McLennan. Woods of Navarro.</p>		
HOUSE BILL NO. 57 ON THIRD READING.		
(By Unanimous Consent.)		
<p>The Speaker laid before the House, on its third reading and final passage,</p> <p>House bill No. 57, A bill to be entitled "An Act to amend Chapter 1, Title 11, of the Revised Civil Statutes of this State of 1911, relating to attachments, by adding thereto Article 247a, providing for the issuance of attachments in suits founded in tort and upon unliquidated demands and providing for the</p>		

fixing of the amount of bond in such cases, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

Mr. Ridgell offered the following amendment to the bill:

Amend the bill and the caption by adding in each between the words "suits" and "founded" the following: "Against person, co-partnerships, association or corporations upon whom personal service can not be obtained within this State."

RIDGELL,  
HUNTER,  
WAGSTAFF.

The amendment was adopted.

The Clerk was directed to call the roll, and House bill No. 57 was passed by the following vote:

Yea—100.

Allison.	Hughes.
Bagby.	Humphrey.
Baker.	Hunter.
Barrett of Jones.	Jordan.
Barrett of Titus.	Kennedy.
Blalock.	King.
Burges.	Kirby.
Burmeister.	Lane.
Butler.	Lewelling.
Byrne.	Macgill.
Campbell.	McDaniel.
Chrestman.	Mendell.
Colquitt.	Mills.
Cooper.	Morris of Coryell.
Cope.	Mulcahy.
Cox of Delta.	Murray.
Cox of Ellis.	Nabours.
Crisp.	Neeley.
Cunningham.	Olander.
Davis.	Owsley.
Dickson.	Parker.
Dodson.	Parks.
Dove.	Patton.
Dunn.	Powell.
Fountain.	Raiden.
Fuller.	Ratliff.
Furrh.	Reedy.
Gates.	Reeves.
Gentry.	Rickerson.
Goodner.	Ridgell.
Greer.	Ritchie.
Griggs.	Robertson.
Grindstaff.	Rogers.
Hagins.	Ross.
Hall.	Russell.
Haxthausen.	Savage.
Heilig.	Schwegman.
Henry of Bowie.	Simpson.
Henry of Wichita.	Spradley.
Herder.	Stephens.
Hill.	Stone.
Hornby.	Sullivan.
Householder.	Taylor.

Thompson.	Watson of Mills.
Tiller.	Webb.
Tillotson.	Williams
Tyson.	of Hopkins.
Ussery.	Woods of Fisher.
Vickers.	Wortham.
Wagstaff.	Yarbrough.
Watson of Hays.	

Nays—4.

Bierschwale.	Burns.
Broughton.	Craven.

Absent.

Bartley.	Long.
Brown.	Low.
Bruce.	McAskill.
Calvin.	Morris of Victoria.
Coffey.	Paddock.
Diffie.	Penry.
Fields.	Rich.
Flournoy.	Roach.
Foster.	Robbins.
Greenwood.	Rowell.
Haney.	Templeton.
Harris.	Vannoy.

Absent—Excused.

Boehmer.	Smith.
Collins.	Spann.
Glasscock.	Tarver.
Harp.	Wahrmund.
McKamy.	Williams
Mangum.	of McLennan.
Oliver.	Woods of Navarro.

(Mr. Kennedy in the chair.)

#### HOUSE BILL NO. 78 ON SECOND READING.

On motion of Mr. Hall, 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. 78, A bill to be entitled "An Act providing for the abolition of drainage districts, heretofore organized, or that may hereafter be organized, under the General Laws of the State of Texas, and providing a method for the creation of a trustee and treasurer to take charge of the property and effects of said abolished district, and for the collecting of claims or debts against such districts, and winding up the affairs thereof, and declaring an emergency."

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

Mr. Macgill moved to reconsider the vote by which House bill No. 78 was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

**SENATE BILL NO. 45 ON SECOND READING.**

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

Senate bill No. 45, A bill to be entitled "An Act creating the File Valley Orphans' Home Independent School District; providing for the appointment of trustees of said district; defining the boundaries, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to a third reading.

**HOUSE BILL NO. 35 ON SECOND READING.**

(Special Order.)

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

House bill No. 35, A bill to be entitled "An Act to amend Chapter 67 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to prohibit the interstate shipment and transportation of intoxicating liquors, prohibiting any person, firm, corporation or any officer, agent or employe thereof, from delivering to any other person, firm, corporation or any officer, agent or employe thereof, any intoxicating liquor for shipment, transportation or carriage from any point within this State to any other point within this State; prohibiting any person, firm, corporation or any officer, agent or employe thereof from receiving for shipment, transportation or carriage, or from shipping, transporting, carrying or delivery any intoxicating liquor from any point within this State to any other person, firm or corporation, or any officer, agent or employe thereof, within this State; providing that this act shall not apply to any person personally carrying any intoxicating liquor from any point within this State to any other point within this State for the use of himself or members of his family residing with him; providing this act shall not apply to the transportation, carriage, or delivery of intoxicating liquors to persons licensed under the laws of this State to sell spirituous, vinous or malt liquors; providing that his act shall not prohibit the shipment, transportation or delivery by persons licensed under the laws of this State to sell spirituous, vinous or malt liquors within

the county or subdivision of a county in which such persons are authorized or licensed under the laws of this State to pursue such business; providing that this act shall not apply to the interstate shipment or delivery of intoxicating liquors; providing exception to this act for sacramental purposes; providing penalties for violation of the provisions of this act; repealing all laws in conflict herewith; providing that if any section or part of this act shall be held to be invalid that this act shall not invalidate any other part of this act; and declaring an emergency, and repealing Section 8 and providing for the shipment, transportation, carriage and delivery of alcohol to drug stores, hospitals, education or eleemosynary institutions of this State for scientific or medicinal purposes; and prohibiting the transportation, carriage and delivery of intoxicating liquor within this State or the shipment originating and beyond the limits as well as within this State, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Mr. Allison offered the following amendment to the bill:

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

Section 1. That Chapter 67 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas be, and the same is hereby amended to read as follows:

See. 2. Except as otherwise provided in this act it shall be unlawful for any person, firm or corporation, or any officer, agent or employe thereof in this State, to deliver to any other person, firm or corporation, or any agent, officer or employe thereof, any intoxicating liquor for shipment, transportation, carriage or delivery within this State.

See. 3. Except as otherwise provided in this act, it shall be unlawful for any person, firm or corporation, or any agent, officer or employe thereof in this State to receive from any other person, firm or corporation, or any agent, officer or employe thereof, any intoxicating liquor for shipment, transportation, carriage or delivery within this State.

See. 4. Except as otherwise provided in this act, it shall be unlawful for any person, firm or corporation, or any agent, officer or employe thereof to ship, transport, carry or deliver any intoxicating liquor to any other person, firm or corporation, or any agent, officer or employe thereof in this State.

Sec. 5. It shall be unlawful for any person, firm or corporation, or any officer, agent or employe thereof to ship, or transport in any manner or by any means whatsoever any spirituous, vinous, malted, fermented or other intoxicating liquor of any kind from a point within any other State or territory or district of the United States to any person, firm or corporation, or agent, officer or employe thereof in this State residing or living within any territory within this State where intoxicating liquors have been prohibited under the laws of this State, which such spirituous, vinous or malted, fermented or other intoxicating liquor is intended by any person interested therein to be received, possessed, sold or in any manner sold in violation of any law of this State.

Sec. 6. It shall be unlawful for any person, firm or corporation in person, by letter, circular, or other printed or written matter, or in any other manner to solicit or take orders for any intoxicating liquors in any county, justice precinct, town, city or other subdivision of a county where the qualified voters thereof have by a majority vote determined that the sale of intoxicating liquors shall be prohibited therein.

Sec. 7. Nothing in this act shall prohibit any owner, proprietor, agent or employe of any drug store in which drugs are compounded and employing a registered pharmacist, whether incorporated or unincorporated, or any owner, proprietor, agent or employe of any educational or eleemosynary institution, whether incorporated or unincorporated, or any owner, proprietor, agent or employe of any public or private hospital, whether incorporated or unincorporated, or any agent, officer or employe of any manufacturer, or the owner or proprietor of any manufacturing establishment, whether incorporated or unincorporated, from receiving alcohol for the uses of his, their or its business only: provided, such business is not manufacturing of any intoxicating liquors capable of being used as a beverage; provided further that the order for the same shall be accompanied with an affidavit showing that the person ordering or receiving same is entitled to receive the same under the provisions of this section; in which said affidavit the fact shall be stated as to the status of the person so ordering or receiving the same, and the quantity of alcohol so ordered and an original of such affidavit at the time of the making of such order shall be filed with the clerk of the district court of

the county where such intoxicating liquor is to be delivered.

Sec. 8. Nothing in this act shall make it unlawful for any person licensed or authorized under the laws of this State to sell spirituous, vinous or malt liquors, to ship, transport, carry or deliver such liquors to any person within the limits of the territory wherein the sale of intoxicating liquors is permitted under the laws of this State.

Sec. 9. Nothing in this act shall make it unlawful for any person for the use of himself or the members of his family residing with him to personally carry such liquor to any point within this State.

Sec. 10. Nothing in this act shall make it unlawful for any person, firm or corporation, or any agent, officer or employe thereof to ship, transport, carry or deliver intoxicating liquor to any person authorized or licensed under the laws of this State to sell spirituous, vinous or malt liquors (including dealers licensed and authorized under the laws of this State to sell such liquor for medicinal purposes on prescription in local option territory).

Sec. 11. Nothing in this act shall make it unlawful for any priest or minister of any religious denomination or sect, to order or receive wine for sacramental purposes, or for any common carrier to ship, transport, carry or deliver same to any priest or minister of any religious denomination or sect for sacramental purposes only, in quantities of one gallon or less.

Sec. 12. It shall not be necessary in any prosecution under this act to negative the exceptions herein made, but the same shall be available to the defendant as purely defensive matters.

Sec. 13. Any owner, proprietor, agent or employe of any drug store, or any owner, proprietor, agent or employe of any board of directors of any hospital, educational or eleemosynary institution of this State, or any owner, agent or employe of any manufacturer or manufacturing establishment who shall order any alcohol without accompanying the order with an affidavit as required in Section 7 of this act, or who shall fail or refuse to file an original of such affidavit with the clerk of the county where such liquor is to be delivered shall be guilty of violating the provisions of this act.

Sec. 14. Any corporation which shall violate any of the provisions of this act shall for each such violation forfeit and pay the sum of five hundred dollars, which may be recovered by any individual of the State of Texas in any court

of competent jurisdiction in this State, but no compensation shall be allowed such citizen and he may be required to give security for cost, and it shall be the duty of the county or district attorney to prosecute for the recovery of same.

Sec. 15. Any person, or any officer, agent or employe of any firm or any corporation who shall violate any of the provisions of this act, shall be deemed guilty of a felony and upon conviction thereof shall be confined in the State penitentiary for not less than one nor more than three years.

Sec. 16. A conviction for a violation of any of the provisions herein may be had on the unsupported evidence of an accomplice or participant, and such accomplice or participant shall be exempt from prosecution for any offense under this law about which he may be required to testify.

Sec. 17. If for any reason any section or part of this act shall be held to be unconstitutional or invalid, then that fact shall not invalidate any other part of this act, but the same shall be enforced without reference to the parts so held to be invalid.

Sec. 18. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 19. The fact that there is now no law in this State prohibiting the receipt, transportation and delivery of intoxicating liquors on interstate shipments, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the amendment be adopted?

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, August 16, 1913.  
Hon. Chester H. Terrell, 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. 35. A bill to be entitled "An Act appropriating the sum of five thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, and declaring an emergency."

Senate bill No. 48, a special road law for Mason county, and declaring an emergency.

Senate bill No. 53. A bill to be entitled

"An Act providing for a special district court for El Paso county, and declaring an emergency."

Senate bill No. 40, A bill to be entitled "An Act to amend Article 911 of the Penal Code of the State of Texas, as amended at the Regular Session of the Thirty-third Legislature, Chapter 135, page 268, Acts of the Thirty-third Legislature, so as to prevent taking fish or terrapin by drag seine during the breeding season and to prevent seining and netting in all passes leading from Texas bay waters into the Gulf of Mexico, and in all streams and canals leading from one body of salt water to another body of salt water in the State of Texas; to empower the Game, Fish and Oyster Commissioner to close waters against seining and netting under certain conditions, and to prevent seining during the breeding season in salt waters, and providing penalty for the violation of this act, and declaring an emergency."

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

#### HOUSE BILL NO. 39 WITH SENATE AMENDMENTS.

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

House bill No. 39, A bill to be entitled "An Act to prohibit the use of any imitation label, trade mark, design, device, imprint or form of the flag of the State of Texas for advertising or commercial purposes, and prohibiting the offering or exposing for sale any article or commodity bearing such imitation, design, imprint or form of the flag of the State of Texas, fixing a penalty for violation thereof, and declaring an emergency."

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

Amend caption of House bill No. 39 by inserting after the word "thereof" in the next to the last line of said caption the following: "Repealing all laws in conflict herewith, fixing date when this bill shall go into effect."

"Section 2a. That because of the fact that there are large quantities of goods now in the hands of merchants and dealers, bearing stamps and labels in violation of this act, therefore this act shall go into effect and become operative on and after July 1, 1914.

"Sec. 2b. That House bill No. 27, passed at the Regular Session of the Thirty-third Legislature, and all laws

and parts of laws in conflict herewith be and same are hereby repealed.

"Sec. 3. And by striking out the words "and this act shall take effect and be in force from and after July 1, 1914."

Amend the bill by adding after Section 1, Section 1a as follows:

"Section 1a. Provided, that none of the provisions of this act shall apply to any fraternal or patriotic organization using the Texas flag for an emblem."

Question—Shall the House concur in the Senate amendments?

On motion of Mr. Wortham, the House concurred in the Senate amendments.

#### RELATING TO TEXAS EXHIBIT AT PANAMA-PACIFIC EXPOSITION.

On motion of Mr. Burges, by unanimous consent, the regular order of business was suspended to take up for consideration at this time, the following resolution:

Senate Concurrent Resolution No. 5, Providing for the appointment of a State Commission to raise the funds, assemble, prepare, install and maintain an exhibit of the resources of the State of Texas at the Panama-Pacific International Exposition at San Francisco, 1915.

Whereas, there is in course of preparation at San Francisco a great international exposition in celebration of the completion of the Panama canal in which exposition the States of the Union and the nations of the world are invited by the National Government to participate; and

Whereas, it is desirable that the State of Texas should be fully and adequately represented at said exposition; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Governor be authorized to name a commission of representative citizens, consisting of five persons, to be known as the Panama-Pacific International Exposition Commission of Texas, which said Commission shall have full charge of the matter of raising the funds, preparing, installing and maintaining the exhibits from the State of Texas at the Panama Exposition at San Francisco and to do such things and perform such functions as usually pertain to such enterprises; the Governor to name one of said commissioners be chief commissioner, and the said commission to make its own rules and regulations, fix all salaries, etc.; be it further

Resolved, etc., That the people of Texas be requested to give their aid and co-operation, and the several departments

of the State Government be authorized to lend such aid and assistance as may be possible, under existing laws; be it further

Resolved, etc., That a full and final report of all moneys raised and how expended, shall be made to the Governor at the close of the labors of said commission; provided that in no case shall the State of Texas be liable for any debts, obligations or expenses connected with said Commission or its participation in the Panama-Pacific International Exposition at San Francisco.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Burges offered the following amendment to the resolution:

Amend Senate Concurrent Resolution No. 5, page 1, line 15, by striking out the words "five persons" and inserting in lieu thereof the words "three men and two women."

The amendment was adopted.

Question recurring on the resolution as amended, it was adopted.

#### HOUSE BILL NO. 88 ON SECOND READING.

Mr. Raiden moved to suspend the regular order of business, to take up and have placed on its second reading and passage to engrossment,

House bill No. 88, A bill to be entitled "An Act to amend Articles 6682 of the Revised Statutes of 1911, providing that it shall be the duty of the railroad companies to deliver loaded cars to the consignee within a reasonable time, and providing that the consignee shall unload such cars within forty-eight hours after delivery and notice or forfeit to the railroad company the sum of twenty-five dollars per day for each car so left unloaded so as to provide the penalty of twenty-five dollars per day for each car negligently delayed in transportation beyond a reasonable time to be recovered by the consignee and so as to provide that where the consignee, having received two or more such loaded cars on the same day and shall have unloaded one or more of the same within twenty-four hours he shall have twenty-four hours' additional time to unload a number of such loaded cars equal to the number of cars unloaded within such twenty-four hour period, and so as to provide that the penalties to be recovered by the consignee shall be cumulative of other remedies given the consignee by existing law, and declaring an emergency."

Question—Shall the motion to suspend prevail?

Mr. Tillotson raised a point of order on consideration of the motion to suspend, on the ground that House bill No. 88 relates to a subject not submitted by the Governor for consideration by the present session of the Legislature.

The Speaker overruled the point of order.

Question recurring on the motion to suspend, yeas and nays were demanded.

The motion to suspend prevailed by the following vote:

**Yea—72.**

Allison.	Heilig.
Baker.	Henry of Bowie.
Barrett of Jones.	Henry of Wichita.
Barrett of Titus.	Herder.
Blalock.	Hill.
Broughton.	Householder.
Burmeister.	Hughes.
Burns.	Hunter.
Butler.	King.
Calvin.	Lewelling.
Campbell.	Long.
Chrestman.	McDaniel.
Cope.	Mendell.
Cox of Delta.	Morris of Coryell.
Cox of Ellis.	Necley.
Craven.	Olander.
Crisp.	Owsley.
Cunningham.	Parker.
Davis.	Patton.
Dickson.	Penry.
Diffie.	Raiden.
Dove.	Reeves.
Fields.	Rich.
Foster.	Nickerson.
Fuller.	Ridgell.
Furrh.	Robertson.
Gentry.	Rogers.
Goodner.	Russell.
Greenwood.	Simpson.
Greer.	Spradley.
Griggs.	Stephens.
Grindstaff.	Sullivan.
Hagins.	Thompson.
Hall.	Vickers.
Haney.	Watson of Hays.
Harris.	Watson of Mills.

**Nay—31.**

Bagby.	Hornby.
Bartley.	Humphrey.
Bruse.	Jordan.
Burges.	Kirby.
Byrne.	Lane.
Colquitt.	Mills.
Cooper.	Mulcahy.
Dodson.	Nabours.
Fountain.	Parks.
Gates.	Powell.

Ratliff.	Tyson.
Rooach.	Wagstaff.
Savage.	Williams
Schwegman.	of Hopkins.
Stone.	Woods of Fisher.
Tillotson.	Wortham.

**Present—Not Voting.**

Kennedy.	Ritchie.
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**Absent.**

Bierschwale.	Reedy.
Brown.	Robbins.
Dunn.	Ross.
Flournoy.	Rowell.
Haxthausen.	Taylor.
Low.	Templeton.
Macgill.	Tiller.
McAskill.	Ussery.
Morris of Victoria.	Vannoy.
Murray.	Webb.
Paddock.	Yarbrough.

**Absent—Excused.**

Boehmer.	Smith.
Coffey.	Spann.
Collins.	Tarver.
Glasscock.	Wahrmund.
Harp.	Williams
McKamy.	of McLennan.
Mangum.	Woods of Navarro.
Oliver.	

The Speaker then laid House bill No. 88 before the House, it was read second time, and was passed to engrossment.

**MOTION TO RECONSIDER SPREAD UPON THE JOURNAL.**

Mr. Calvin moved to reconsider the vote by which House bill No. 88 was passed to engrossment, and asked to have the motion to reconsider spread upon the Journal.

**MESSAGE FROM THE SENATE.**

Senate Chamber,  
Austin, Texas, August 16, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

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

House bill No. 40, A bill to be entitled "An Act to amend Chapter 162 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to amend Chapter 24 of the Acts of the First Called Session of the Thirty-first Legislature

of the State of Texas, entitled "An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experiment stations in certain parts of Texas; to provide for proper appropriations therefor, and repealing all laws in conflict herewith, and declaring an emergency," and providing further for a governing board for the Texas Agricultural Experiment Station, defining the place of residence of the Director of Texas Experiment Stations, and declaring an emergency'; providing for the payment of the salary of the director of said experiment stations, defining his powers and duties and also the powers and duties of the governing board; also providing that the Texas State Agricultural Experiment Station located at College Station, Brazos county, Texas, at the Agricultural and Mechanical College of Texas, shall remain under the control of the board of directors of the Agricultural and Mechanical College, and authorizing the said board to receive from the Federal government the aid that has been or may hereafter be available for it under an act of Congress, and declaring an emergency," with amendments.

Senate bill No. 33, A bill to be entitled "An Act to authorize and empower San Patricio county or any political subdivision or any defined district now or hereafter to be described and defined, of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision, or any defined district now or hereafter to be described and defined, thereof, voting thereon to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, or any defined district now or hereafter to be described and defined, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, gravelled or paved roads. and declaring an emergency."

Senate bill No. 34, A bill to be entitled "An Act to create and establish the county of Lott, in honor of Uriah Lott, taken from the existing territory of Duval county, prescribing its area and boundaries, providing that all laws and parts of laws in conflict herewith shall have no application, and declaring an emergency."

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

#### HOUSE BILL NO. 79 ON SECOND READING.

On motion of Mr. Ritchie, 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. 79, A bill to be entitled "An Act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, revision of 1911, requiring railroad companies, receivers or trustees to furnish cars to shippers upon written demand, and providing penalties for their failure so to do; requiring such shippers to deposit with the agent or person to whom application is made one-fourth of the amount of freight charges to accrue for the use of such cars if demand be made therefor; requiring such applicants to load cars when so furnished within forty-eight hours after delivery of same, and providing penalties; requiring the parties to whom such cars are consigned to unload same within forty-eight hours after delivery and notice; requiring parties bringing suit against any railroad company, receiver or trustee for failure to furnish cars upon demand therefor to show that such cars would have been loaded, if furnished, within forty-eight hours after receipt of same, 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?

Mr. Wagstaff offered the following amendment to the bill:

Amend Section 4 by striking out all after the word "follows," and insert in lieu thereof the following:

"Art. 6683. It shall be necessary for the party or parties bringing suit against any railroad company under the provisions of this law to show by evidence that he or they had on hand at the time any demand for cars was made the amount of lumber, cotton, wood, wool, hides or other freight necessary to load the cars so ordered; or that it was reasonably certain that he would have on hand the amount of freight so necessary, and it shall be further necessary for said party or parties to show by satisfactory evidence that such cars would have been loaded within the time specified by this act; provided, that the provisions of this law shall not apply in cases of strikes, public calamities or car shortage not caused by the negligence of the carrier sued, and provided further, that it shall be a defense for

penalties under this act that the carrier has used reasonable diligence to furnish said cars, or that to furnish cars under the application made hereunder would operate as a discrimination against other shippers entitled to cars."

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

House bill No. 79 was passed to engrossment.

(Speaker in the chair.)

#### HOUSE BILL NO. 84 ON SECOND READING.

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

House bill No. 84, A bill to be entitled "An Act to authorize the Governor to sell and conditionally relinquish to J. J. Kane of the city of Galveston, his heirs and assigns, or other persons, any right, title or claim the State of Texas has in and to certain flats, or lands under water, on the shores of Galveston bay, in Galveston county, for the purpose of the construction of a dry dock or marine railway, and authorizing the Governor of the State of Texas to make necessary conveyances, 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.

Mr. Campbell offered the following (committee) amendments to the bill:

Add after Section 1 the following:

"Section 1a. When the purchaser or purchasers of the property described in the foregoing section are ready to close the purchase of said property, the Governor of this State shall be authorized to execute and deliver a proper instrument of conveyance prepared by the Attorney General of any and all right, title or claim of the State of Texas in and to said submerged flats, or land under water, for the purposes herein provided."

Amend caption by adding after word "railways" the following: "or other shipping purposes," and by adding after word "railway," Section 2, the following: "or other shipping purposes."

Add "Section 1b:"

"Section 1b. Public notice of the bids filed with the Governor for said property shall be made ten days before acceptance of any bid or conveyance is made."

Amend by adding after word "best," Section 1, the following:

"After ninety days' prior notice being given of the proposed sale in some newspaper of general circulation."

The (committee) amendments were adopted.

Mr. Allison offered the following amendment to the bill:

Amend the bill by adding to Section 2: "The Attorney General is hereby instructed to institute such proceedings as may be necessary to quiet the right of the State to said property against the claim of the West End Dock Company or other claimants, and if necessary to bring suit to forfeit the charter of said company. The title of the State shall be quieted before said property shall be offered for sale."

ALLISON,  
COPE,  
CAMPBELL,  
MACGILL.

The amendment was adopted.

House bill No. 84 was passed to engrossment.

#### SENATE BILL NO. 25 ON SECOND READING.

On motion of Mr. Crisp, the regular order of business was suspended to take up and have placed on its second reading and passage to a third reading,

Senate bill No. 25, A bill to be entitled "An Act to authorize the Governor, Attorney General and Land Commissioner to lease the water rights in the Guadalupe river in DeWitt county upon such terms and for such consideration as they may prescribe, and providing priority of interest in leasing and also providing means of adjusting damage for the destruction of dams or property now owned by certain persons, and providing for the number of dams to be erected by any person, firm or corporation; the manner of measuring water and further providing for the manner of distributing power and regulating the sale of same, and also regulating the terms under which a sale of leasehold may be made and fixing the rights of purchasers of said leaseholds, 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 a third reading?

Mr. Crisp offered the following amendments to the bill:

(1)

Amend Senate bill No. 25, Section 1, by adding at the end thereof the following: "Provided, also, that the Gov-

ernor, the Attorney General, and the Commissioner of the General Land Office shall lease said water rights to said Cuero Light and Power Company, or to any other parties, at a rate of not less than one-tenth of one per cent annually, upon the gross earnings of said lessees."

(2)

Amend the bill and caption thereof by striking out wherever they occur the words "Land Commissioner" and inserting in lieu thereof the words "Commissioner of the General Land Office."

The amendments were severally adopted.

Mr. Cope offered the following amendment to the bill:

Amend the bill, Section —, to provide that for each dam erected there shall be a special grant as herein provided.

(Mr. Mendell in the chair.)

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

Senate bill No. 25 was passed to a third reading.

Mr. Crisp moved to reconsider the vote by which Senate bill No. 25 was passed to a third reading, and to table the motion to reconsider.

The motion to table prevailed.

(Speaker in the chair.)

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, August 16, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate concurs in the House amendment to Senate Concurrent Resolution No. 5.

Respectfully,

JOHN D. McCALL,  
Assistant Secretary of the Senate.

#### HOUSE BILL NO. 53 ON SECOND READING.

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

House bill No. 53, A bill to be entitled "An Act granting permission to the Imperial Sugar Company, a private corporation, its successors and assigns, to bring suit or suits against the State of Texas and the Prison Commission of the State of Texas for specific performance and to ascertain, fix and establish the amount of any damages that may accrue to and be sustained by the Imperial Sugar Company, its successors and as-

sians, for any breach that may take place of a certain agreement entered into between the Imperial Sugar Company and the Prison Commission, approved by the Governor, for the sale and delivery for — years of the sugar cane that is grown on 2250 acres of the State's lands, being a part of its penitentiary system, the said contract being entered into contemporaneously with an agreement by which the Imperial Sugar Company agrees to dismiss its suit against the Prison Commission of Texas now pending in the district court of Fort Bend county, being cause No. 7151 on the docket of said court, styled 'Imperial Sugar Company vs. Ben E. Cabell et al.', in which is involved the title to what is known as the Imperial farm, heretofore purchased by the State of Texas from the Imperial Sugar Company, and containing 5435 acres of land, more or less, situated in Fort Bend county, Texas, the said suit to be dismissed by the plaintiff and said lands conveyed unconstitutionally to the State of Texas free from all liens and encumbrances whatsoever in consideration that the said Imperial Sugar Company, its successors and assigns, be granted the right to bring suit or suits for specific performance and for damages that may be sustained for any breach of said contract or agreement for the sale and delivery of sugar cane; fixing the venue of any such suit or suits, and declaring an emergency."

Mr. Humphrey moved to reconsider the vote by which the regular order of business was suspended to take up the bill.

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

#### RECESS.

On motion of Mr. Blalock, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

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

#### HOUSE BILL NO. 53 ON SECOND READING.

(Pending Business).

The House resumed consideration of pending business, same being House bill No. 53, relating to the suit of the Imperial Sugar Company against the State, on its second reading and passage to engrossment.

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

Question—Shall the bill be passed to engrossment?

Mr. Lewelling raised a point of order on further consideration of the bill at this time, on the ground that the bill has not been considered at a session of a committee and reported therefrom, the report on same being what is commonly termed a floor report.

The Speaker overruled the point of order.

Mr. Lewelling appealed from the ruling of the Chair, and the appeal was duly seconded.

Mr. Calvin was called to the chair pending the appeal.

Question—Shall the ruling of the Chair be sustained?

Mr. Hornby moved the previous question on the appeal, and the main question was ordered.

Question recurring on the appeal, yeas and nays were demanded.

The ruling of the Chair was sustained by the following vote:

Yea—99.

Allison.	Hall.
Bagby.	Haney.
Baker.	Harris.
Barrett of Jones	Heilig.
Bartley.	Henry of Bowie.
Bierschwale.	Henry of Wichita.
Broughton.	Herder.
Bruce.	Hill.
Burges.	Hornby.
Burmeister.	Householder.
Burns.	Hughes.
Butler.	Jordan.
Byrne.	Kennedy.
Calvin.	King.
Campbell.	Lane.
Chrestman.	Long.
Colquitt.	Low.
Cooper.	Macgill.
Cox of Ellis.	McDaniel.
Crisp.	Mendell.
Cunningham.	Morris of Coryell.
Davis.	Morris of Victoria.
Dickson.	Mulcahy.
Dodson.	Murray.
Dove.	Nabours.
Dunn.	Neeley.
Fields.	Olander.
Foster.	Owsley.
Fountain.	Parker.
Fuller.	Parks.
Gates.	Patton.
Gentry.	Penry.
Goodner.	Powell.
Greer.	Raiden.
Griggs.	Ratliff.
Hagins.	Reedy.

Rich.	Taylor.
Rickerson.	Tiller.
Ridgell.	Tillotson.
Ritchie.	Tyson.
Roach.	Ussery.
Rogers.	Vannoy.
Rowell.	Vickers.
Russell.	Wagstaff.
Savage.	Watson of Hays.
Schwegman.	Watson of Mills.
Simpson.	Williams
Spradley.	of Hopkins.
Stephens.	Wortham.
Sullivan.	Yarbrough.

Nays—14.

Barrett of Titus.	Hunter.
Blalock.	Lewelling.
Cope.	Mills.
Cox of Delta.	Reeves.
Craven.	Ross.
Grindstaff.	Templeton.
Humphrey.	Woods of Fisher.

Absent.

Brown.	McAskill.
Diffie.	Paddock.
Flournoy.	Robbins.
Furrrh.	Robertson.
Greenwood.	Stone.
Haxthausen.	Thompson.
Kirby.	Webb.

Absent—Excused.

Boehmer.	Smith.
Coffey.	Spann.
Collins.	Tarver.
Glasscock.	Wahrmund.
Harp.	Williams
McKamy.	of McLennan.
Mangum.	Woods of Navarro.
Oliver.	

(Speaker in the chair.)

Question recurred—Shall House bill No. 53 be passed to engrossment?

Mr. Templeton moved to recommit the bill to the Judiciary Committee.

On motion of Mr. Hill, the motion to recommit was tabled.

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

Question recurred—Shall House bill No. 53 be passed to engrossment?

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

Yea—92.

Allison.	Bartley.
Baker.	Bierschwale.
Barrett of Jones.	Blalock.

Broughton.	Maegill.	Paddock.	Williams
Bruce.	Mendell.	Rich.	of McLennan.
Burmeister.	Mills.	Robbins.	Yarbrough
Butler.	Morris of Coryell.		Absent—Excused.
Byrne.	Morris of Victoria.		
Calvin.	Mulcahy.		
Campbell.	Murray.	Boehmer.	Oliver.
Chrestman.	Neeley.	Collins.	Smith.
Colquitt.	Olander.	Glasscock.	Tarver.
Cooper.	Owsley.	Harp.	Wahrmund.
Crisp.	Parker.	McKamy.	Woods of Navarro.
Cunningham.	Parks.	Mangum.	
Dickson.	Patton.		
Diffee.	Penry.		
Dodson.	Powell.		
Dove.	Ratliff.		
Dunn.	Reedy.		
Fields.	Reeves.		
Foster.	Rickerson.		
Fountain.	Ridgell.		
Fuller.	Roach.		
Gates.	Robertson.		
Gentry.	Rogers.		
Goodner.	Rowell.		
Greer.	Russell.		
Griggs.	Savage.		
Hagins.	Schwegman.		
Hall.	Spann.		
Haney.	Stephens.		
Harris.	Stone.		
Haxthausen.	Sullivan.		
Heilig.	Taylor.		
Henry of Wichita.	Tiller.		
Herder.	Tillotson.		
Hill.	Ussery.		
Hornby.	Vickers.		
Householder.	Wagstaff.		
Hughes.	Watson of Hays.		
Hunter.	Watson of Mills.		
Kennedy.	Williams		
King.	of Hopkins.		
Kirby.	Woods of Fisher.		
Lane.	Wortham.		
Long.			
	Nays—19.		
Burges.	Raiden.		
Burns.	Ritchie.		
Cope.	Ross.		
Cox of Delta.	Simpson.		
Craven.	Spradley.		
Davis.	Templeton.		
Grindstaff.	Tyson.		
Humphrey.	Vannoy.		
Lewelling.	Webb.		
Nabours.			
	Present—Not Voting.		
McDaniel.	Thompson.		
	Absent.		
Bagby.	Furrh.		
Barrett of Titus.	Greenwood.		
Brown.	Henry of Bowie.		
Coffey.	Jordan.		
Cox of Ellis.	Low.		
Flournoy.	McAskill.		

Mr. Hill moved to reconsider the vote by which House bill No. 53 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 54 ON ENGROSSMENT.

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

House bill No. 54, A bill to be entitled "An Act to amend Section 5695, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the removal and extension of liens that are secured by deeds of trust, mortgages or original vendor's liens on real estate, and providing that said sections shall hereafter read as follows, and declaring an emergency."

The bill having been read second time on last Thursday.

Question—Shall the bill be passed to engrossment?

House bill No. 54 was passed to engrossment.

#### HOUSE BILL NO. 36 ON SECOND READING.

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

House bill No. 36, A bill to be entitled "An Act to amend Articles 7435, 7442, 7443, 7451 and 7452, of the Revised Civil Statutes of the State of Texas, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day; and authorizing

recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers, and providing for the reinstatement of such license, and declaring an emergency."

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

(Mr. Kennedy in the chair.)

#### REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 13.

Mr. Penry called up from the Speaker's Table, for consideration at this time, the report of the Free Conference Committee on House bill No. 13.

The Speaker laid the report before the House, and it was read as follows:

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, beg leave to report that we have had under consideration House bill No. 13, with the amendments thereto, and that in order to reconcile the differences between the Senate and the House, beg leave to report the following bill:

A bill to be entitled "An Act to amend Section 4, Chapter 150, of the laws enacted by the Thirty-third Legislature, Regular Session, entitled 'An Act to require applications under oath to be made for witnesses in felony cases; to provide adequate penalties against district clerks or their deputies for unlawfully issuing subpoenas in felony cases; to define the duties of the district judge with reference to sheriff's accounts, and to provide for fees of witnesses residing in the county of the prosecution in felony cases, repealing all laws and parts of laws in conflict herewith,' etc., and declaring an emergency."

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

Section 1. That Section 4 of Chapter 150 of the Acts of the Thirty-third Legislature, Regular Session, be amended so as to hereafter read as follows:

Section 4. All witnesses residing in the county of the prosecution, when summoned under the provisions of this act to appear and give evidence in any felony case, shall be entitled to one dollar per day for each day they may have been necessarily absent from their homes or business in attendance upon court, said fees to be paid by the State, and the

Comptroller of Public Accounts is hereby authorized to draw a warrant against the State Treasury for same when the accounts are properly presented to him, approved by the presiding district judge, and when after inspection by him he finds said accounts to be correct; provided, that no witness fees shall be paid to peace officers, nor to any witness in habeas corpus cases, or summoned on a motion for change of venue; and provided further, that no fees shall be approved by the court in any case where the charge includes a misdemeanor case until the case is finally disposed of, and in case of a conviction for misdemeanor no fees shall be paid by the State; and provided further, that witnesses attending court in more than one case at the same time shall receive fees in only one case; and provided further, that in no event shall the State pay per diem in any one case of more than five dollars to any witness in any one case at any one term of the court; and provided further, that the fee to be collected by the district clerk for swearing each witness to his account for his attendance in a case shall be ten cents.

Sec. 2. The near approach of the close of the session of the Legislature and the importance of this subject matter creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

PENRY,  
BURMEISTER,  
TILLOTSON,  
BRUCE,

On the part of the House.

BRELSFORD,  
CARTER,  
MORROW,  
WARREN,  
GIBSON,

On the part of the Senate.

Question—Shall the report be adopted? Mr. Penry moved that the report be adopted.

The Clerk was directed to call the roll, and the report was adopted by the following vote:

Yea—103.

Allison.	Bruce.
Bagby.	Burges.
Baker.	Burmeister.
Barrett of Jones.	Butler.
Bartley.	Byrne.
Broughton.	Calvin.

Campbell.	Morris of Coryell.	Absent—Excused.
Chrestman.	Morris of Victoria.	
Colquitt.	Murray.	Oliver.
Cope.	Nabours.	Smith.
Cox of Ellis.	Neeley.	Spann.
Craven.	Olander.	Tarver.
Crisp.	Owsley.	Wahrmund.
Cunningham.	Parker.	Woods of Navarro.
Davis.	Parks.	Manguni.
Dickson.	Patton.	
Diffie.	Penry.	
Dodson.	Powell.	
Dove.	Raiden.	
Dunn.	Ratliff.	
Fields.	Reedy.	
Foster.	Reeves.	
Fountain.	Rich.	
Fuller.	Rickerson.	
Furrh.	Roach.	
Gates.	Robertson.	
Gentry.	Rogers.	
Goodner.	Ross.	
Greer.	Rowell.	
Griggs.	Russell.	
Grindstaff.	Savage.	
Hagins.	Schwegman.	
Hall.	Simpson.	
Haney.	Spradley.	
Harris.	Stephens.	
Haxthausen.	Sullivan.	
Heilig.	Taylor.	
Henry of Bowie.	Thompson.	
Henry of Wichita	Tiller.	
Herder.	Tillotson.	
Hill.	Ussery.	
Hornby.	Vannoy.	
Householder.	Vickers.	
Hunter.	Wagstaff.	
Jordan.	Watson of Mills.	
Kennedy.	Webb.	
King.	Williams	
Lane.	of Hopkins.	
Lewelling.	Williams	
Long.	of McLennan.	
Macgill.	Woods of Fisher.	
Mendell.	Yarbrough.	
Mills.		
	Nays—4.	
Bierschwale.	McDaniel.	
Kirby.	Templeton.	
	Present—Not Voting.	
Burns.	Ritchie.	
Mulcahy.		
	Absent.	
Barrett of Titus.	Low.	
Blalock.	McAskill.	
Brown.	Paddock.	
Cooper.	Ridgell.	
Cox of Delta.	Robbins.	
Flournoy.	Stone.	
Greenwood.	Tyson.	
Hughes.	Watson of Hays.	
Humphrey.	Wortham.	

said board to receive from the Federal government the aid that has been or may hereafter be available for it under an act of Congress, and declaring an emergency."

The Speaker laid the bill before the House.

Question—Shall the House concur in the Senate amendments?

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

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee on part of the House: Messrs. Burmeister, Rowell, Fountain, Crisp and Bruce.

#### MEMBER OF CONFERENCE COMMITTEE APPOINTED.

The Speaker announced the appointment of Mr. Burmeister as a member of the Conference Committee on House bill No. 18, to take the place of Mr. Wagstaff, resigned.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Templeton, it was ordered that Senate bill No. 21 be not printed.

On motion of Mr. Wortham, it was ordered that Senate bill No. 35 be not printed.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, August 16, 1913.  
Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 73. A bill to be entitled "An Act to create a more efficient road system for Galveston county, Texas, and making county commissioners precinct road commissioners of their respective precincts, providing their compensation, defining their powers and duties, and declaring an emergency."

House bill No. 29, A bill to be entitled "An Act making appropriations to pay various miscellaneous claims against the State, and authorizing the payment of said miscellaneous items on the taking effect of this act, and declaring an emergency," with amendments.

House bill No. 63, A bill to be entitled

"An Act authorizing the city of Nacogdoches, a municipal corporation, to sell the United States of America a portion of the Main Plaza for a Federal building site, and declaring an emergency."

House bill No. 46, A bill to be entitled "An Act to amend Sections 3, 4 and 10 of Chapter 173 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, approved April 9, 1913, relating to the development of minerals in public lands."

The Senate has adopted the Free Conference Committee report on House bill No. 4 by vote of 22 yeas, 1 nay.

Respectfully,

JOHN D. McCALL,  
Assistant Secretary of the Senate.

#### HOUSE BILL NO. 35 ON ENGROSSMENT.

(Pending Special Order.)

The House resumed consideration of pending special order, same being House bill No. 35, regulating the sale of intoxicating liquors, on its passage to engrossment, with amendment by Mr. Allison pending.

Question—Shall the amendment be adopted?

Mr. Lewelling offered the following amendment to the amendment:

Amend the amendment by striking out Section 8.

LEWELLING,  
REEVES.

Question—Shall the amendment to the amendment be adopted?

Mr. Allison moved to table the amendment to the amendment.

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

Yea—100.

Allison.	Crisp.
Bagby.	Cunningham.
Baker.	Diffie.
Barrett of Jones.	Dodson.
Barrett of Titus.	Dove.
Bartley.	Dunn.
Bierschwale.	Fields.
Broughton.	Foster.
Bruce.	Fountain.
Burges.	Fuller.
Burmeister.	Gates.
Butler.	Gentry.
Byrne.	Goodner.
Calvin.	Greer.
Campbell.	Griggs.
Chrestman.	Hagins.
Cooper.	Hall.
Cope.	Haney.

Harris.	Reedy.
Haxthausen.	Rich.
Heilig.	Rickerson.
Henry of Bowie.	Roach.
Henry of Wichita.	Robertson.
Herder.	Rogers.
Hill.	Rowell.
Hornby.	Raiden.
Householder.	Russell.
Humphrey.	Savage.
Hunter.	Schwegman.
Jordan.	Simpson.
Kennedy.	Spradley.
King.	Stephens.
Kirby.	Stone.
Lane.	Sullivan.
Macgill.	Taylor.
McDaniel.	Templeton.
Mendell.	Tiller.
Mills.	Tillotson.
Morris of Coryell.	Vannoy.
Morris of Victoria.	Vickers.
Mulcahy.	Wagstaff.
Murray.	Watson of Hays.
Nabours.	Watson of Mills.
Olander.	Webb.
Owsley.	Williams
Parker.	of Hopkins.
Parks.	Williams
Patton.	of McLennan.
Penry.	Woods of Fisher.
Powell.	Wortham.
Ratliff.	Yarbrough.

Nays—12.

Blalock.	Long.
Burns.	Reeves.
Davis.	Ritchie.
Dickson.	Ross.
Furh.	Thompson.
Lewelling.	Ussery.

Present—Not Voting.

Cox of Ellis.	Absent.
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Brown.	Hughes.
Coffey.	Low.
Colquitt.	McAskill.
Cox of Delta.	Neeley.
Craven.	Paddock.
Flournoy.	Ridgell.
Greenwood.	Robbins.
Grindstaff.	Tyson.

Absent—Excused.

Boehmer.	Oliver.
Collins.	Smith.
Glasscock.	Spann.
Harp.	Tarver.
McKamy.	Wahrmund.
Mangum.	Woods of Navarro

Mr. Bagby offered the following amendment to the amendment:

Amend the amendment by adding after Section 8 a new section to be known as Section 8a, to read as follows:

"Sec. 8a. Nothing in this act or the laws of this State shall make it unlawful for any person who is engaged in the planting or growing of a vineyard to ship, transport, carry or deliver any grape juice or wine made by him from grapes so grown, to any person within the limits of any territory in this State in which the sale of intoxicating liquors is permitted under the laws of this State."

(Speaker in the chair.)

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

The amendment was adopted.

Mr. Bagby offered the following amendment to the amendment:

Amend the amendment by striking out all of Section 17.

Mr. Allison moved to table the amendment to the amendment.

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

Yea—71.

Allison.	Lewelling.
Baker.	Long.
Barrett of Jones.	McDaniel.
Barrett of Titus.	Morris of Coryell.
Bartley.	Nabours.
Blalock.	Olander.
Broughton.	Parker.
Burmeister.	Patton.
Burns.	Penry.
Butler.	Raiden.
Chrestman.	Ratliff.
Cope.	Reedy.
Cox of Delta.	Reeves.
Craven.	Rich.
Cunningham.	Rickerson.
Davis.	Ritchie.
Dickson.	Rogers.
Diffie.	Ross.
Dove.	Russell.
Foster.	Simpson.
Fuller.	Spradley.
Furh.	Stephens.
Gentry.	Stone.
Goodner.	Templeton.
Greer.	Thompson.
Griggs.	Tiller.
Grindstaff.	Ussery.
Hagins.	Vannoy.
Haney.	Vickers.
Henry of Bowie.	Wagstaff.
Henry of Wichita.	Watson of Mills.
Hill.	Webb.
Hornby.	Williams
Householder.	of Hopkins.
Kennedy.	Woods of Fisher.
King.	Yarbrough.

Nays—35.		Dove.	Powell.
Bagby.		Foster.	Raider.
Bierschwale.		Fuller.	Reeves.
Bruce.		Furrh.	Rich.
Calvin.		Gentry.	Rickerson.
Campbell.		Goodner.	Ritchie.
Cooper.		Greer.	Robertson.
Cox of Ellis.		Griggs.	Rogers.
Crisp.		Grindstaff.	Ross.
Dunn.		Hagins.	Rowell.
Flournoy.		Haney.	Russell.
Fountain.		Heilig.	Simpson.
Gates.		Henry of Bowie.	Spradley.
Hall.		Henry of Wichita.	Stephens.
Harris.		Herder.	Thompson.
Haxthausen.		Hornby.	Tiller.
Heilig.		Householder.	Ussery.
Herder.		Lewelling.	Vannoy.
Jordan.		Long.	Vickers.
Wortham.		McDaniel.	Wagstaff.
Absent.		Morris of Coryell.	Watson of Mills.
Brown.		Morris of Victoria.	Webb.
Byrne.		Nabours.	Williams
Colquitt.		Olander.	of Hopkins.
Dodson.		Parker.	Woods of Fisher.
Fields.		Patton.	Yarbrough.
Greenwood.		Penry.	
Hughes.			Nays—33.
Hunter.		Bagby.	Lane.
Low.		Bartley.	Macgill.
McAskill.		Bierschwale.	Mendell.
Absent—Excused.		Bruce.	Mills.
Boehmer.		Byrne.	Murray.
Coffey.		Cooper.	Parks.
Collins.		Cox of Ellis.	Ratlifl.
Glasscock.		Crisp.	Roach.
Harp.		Dunn.	Savage.
Mangum.		Fountain.	Schwegman.
McKamy.		Gates.	Stone.
Paired.		Hall.	Taylor.
Mr. Burges (present), who would vote "nay," with Mr. Humphrey (absent), who would vote "yea."		Harris.	Templeton.
Mr. Bagby offered the following amendment to the amendment:		Haxthausen.	Tillotson.
Amend the amendment by striking out all of Section 9.		Jordan.	Watson of Hays.
Mr. Allison moved to table the amendment to the amendment.		King.	Wortham.
Yea and nays were demanded, and the motion to table prevailed by the following vote:		Kirby.	Absent.
Yeas—68.		Brown.	Low.
Allison.		Calvin.	McAskill.
Baker.		Campbell.	Mulcahy.
Barrett of Jones.		Coffee.	Neeley.
Barrett of Titus.		Colquitt.	Owsley.
Blalock.		Diffie.	Paddock.
Broughton.		Dodson.	Reedy.
Burmeister.		Fields.	Ridgell.
Burns.		Flournoy.	Robbins.
		Greenwood.	Sullivan.
		Hill.	Tyson.
		Hughes.	Williams
		Hunter.	of McLennan.
Absent—Excused.		Boehmer.	Harp.
		Kennedy.	McKamy.
		Collins.	Mangum.
		Glasscock.	Oliver.

Smith.                   Wahrmund.  
Spann.                  Woods of Navarro.  
Tarver.                 Paired.

Mr. Burges (present), who would vote "nay," with Mr. Humphrey (absent), who would vote "yea."

Mr. Bagby offered the following amendment to the amendment:

Amend the amendment by adding at the end of Section 9:

"Provided, however, should any person so carrying any such liquors within or into the limit of any county or subdivision thereof, justice precinct, city or town in this State within which the sale of intoxicating liquors has been or may hereafter be prohibited under the laws of the State of Texas, or of said county, or subdivision thereof, justice precinct, city or town, dispose of the same to any other person in such manner or same would not otherwise be a violation of or prohibited by the laws of such county or subdivision thereof, justice precinct, city or town then such disposal of such intoxicating liquors so made shall be prima facie evidence of the intention of said person to use said intoxicating liquors for a purpose in violation of the provisions of this act, and that said liquors were not intended nor provided for the use of himself, or the members of his family residing with him."

Question—Shall the amendment to the amendment be adopted?

Mr. Chrestman moved the previous question on the pending amendments and the passage of the bill to engrossment, and the main question was ordered.

Question first recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment to the amendment was lost by the following vote:

Yea—31.

Bagby.	Macgill,
Bartley.	Mendell.
Bruce.	Mills.
Byrne.	Morris of Victoria.
Calvin.	Parker.
Campbell.	Parks.
Chrestman.	Powell.
Cooper.	Ratliff.
Crisp.	Ritchie.
Dunn.	Roach.
Gates.	Savage.
Hall.	Schwegman.
Haxthausen.	Tillotson.
Jordan.	Watson of Hays.
Kirby.	Wortham.
Lane.	

Nays—74.	
Allison.	Lewelling.
Baker.	Long.
Barrett of Jones.	McDaniel.
Barrett of Titus.	Morris of Coryell.
Bierschwale.	Nabours.
Blalock.	Olander.
Broughton.	Patton.
Burmeister.	Penry.
Burns.	Raiden.
Butler.	Reedy.
Cope.	Reeves.
Cox of Delta.	Rich.
Craven.	Rickerson.
Cunningham.	Robbins,
Davis.	Robertson.
Dickson.	Rogers.
Diffie.	Ross.
Dove.	Rowell.
Foster.	Russell.
Fountain.	Simpson.
Fuller.	Spradley.
Furrh.	Stephens.
Gentry.	Stone.
Goodner.	Templeton.
Greer.	Thompson.
Griggs.	Tiller.
Grindstaff.	Ussery.
Hagins.	Vannoy.
Haney.	Vickers.
Harris.	Wagstaff.
Heilig.	Watson of Mills.
Henry of Bowie.	Webb.
Henry of Wichita.	Williams
Herder.	of Hopkins.
Hornby.	Williams
Househouder.	of McLennan.
Kennedy.	Woods of Fisher.
King.	Yarbrough.

Present—Not Voting.

Burges.	Absent.
Absent.	
Brown.	Low.
Colquitt.	McAskill.
Cox of Ellis.	Mulcahy.
Dodson.	Murray.
Fields.	Neeley.
Flournoy.	Owsley.
Greenwood.	Paddock.
Hill.	Ridgell.
Hughes.	Sullivan.
Humphrey.	Taylor.
Hunter.	Tyson.
Absent—Excused.	
Boehmer.	Oliver.
Coffey.	Smith.
Collins.	Spann.
Glasscock.	Tarver.
Harp.	Wahrmund.
McKamy.	Woods of Navarro.
Mangum.	

Question next recurring on the amendment as amended, it was adopted.

\* Mr. Allison, by unanimous consent, offered the following amendment to the bill:

Amend the bill by striking out all before the enacting clause and insert in lieu thereof the following:

A bill to be entitled "An Act to amend Chapter 67 of the Acts of the Thirty-third Legislature, Regular Session, of the State of Texas, entitled 'An Act to prohibit the intrastate shipment and transportation of intoxicating liquors, prohibiting any person, firm, corporation or any officer, agent or employe thereof, from delivering to any other person, firm, corporation or any officer, agent or employe thereof, any intoxicating liquor for shipment, transportation or carriage from any point within this State to any other point within this State; prohibiting any person, firm, corporation, or any officer, agent or employe thereof from receiving for shipment, transportation or carriage, or from shipping, transporting, carrying or delivering any intoxicating liquor from any point within this State to any other person, firm or corporation, or any officer, agent or employe thereof, within this State; providing that this act shall not apply to any person personally carrying any intoxicating liquor from any point within this State to any other point within this State for the use of himself or member of his family residing with him; providing this act shall not apply to the transportation, carriage, or delivery of intoxicating liquors to persons licensed under the laws of this State, to sell spirituous, vinous or malt liquors; providing that this act shall not prohibit the shipment, transportation or delivery by persons licensed under the laws of this State to sell spirituous, vinous or malt liquors within the county or subdivision of a county in which such persons are authorized or licensed under the laws of this State to pursue such business; providing that this act shall not apply to the interstate shipment or delivery of intoxicating liquors, providing exceptions to this act for sacramental purposes; providing penalties for violations of the provisions of this act; repealing all laws in conflict herewith, providing if any section or part of this act shall be held to be invalid that that fact shall not invalidate any other part of this act; and declaring an emergency;" and providing for the shipment, transportation, carriage and delivery of alcohol to drug stores, hospitals, educational or eleemosynary institutions of this State for scientific or medicinal purposes; and providing for

the shipment, transportation, carriage and delivery to manufacturers or manufacturing establishments not manufacturing establishments not manufacturing intoxicating liquors capable of being used as a beverage; and prohibiting the transportation, carriage and delivery of intoxicating liquors within this State on shipments originating from beyond the limits of this State where such shipment is intended to be received, possessed, sold or in any manner used in violation of any law of this State; and providing penalties therefor; and also prohibiting any person, firm or corporation from soliciting or taking orders in any county, justice precinct, town, city or other subdivision of a county where the qualified voters thereof have by a majority vote prohibited the sale of intoxicating liquors; prohibiting the shipment, transportation, carriage and delivery of intoxicating liquors within this State except within the territory within which the sale of intoxicating liquors is permitted under the laws of the State; requiring a participant or accomplice to testify and exempting such witness from punishment; providing penalties for violation of the provisions of this act; and creating and defining certain offenses in violation of this act, prescribing the penalty and punishment therefor; repealing all laws in conflict herewith, and declaring an emergency."

The amendment was adopted.

House bill No. 35 was then passed to engrossment.

#### BILLS SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

Senate bill No. 26, "An Act to amend Article 6002, Title 97, Revised Statutes of Texas, 1911, providing for the appointment of notaries public, and declaring an emergency."

- House bill No. 27, "An Act to amend Title 76, Articles 5221, 5222, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5232, 5233 and 5234, of the Revised Civil Statutes of 1911, concerning the management and control of the State Institution for the Training of Juveniles, and to add thereto Articles 5234a and 5234b."

House bill No. 72 "An Act to amend and re-enact Article 5585 and Article 5588, Title 83, Chapter 3, of the Revised Civil Statutes of Texas, relating to sea-walls and breakwaters, and declaring an emergency."

**CONFERENCE COMMITTEE ON  
HOUSE BILL NO. 29.**

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

House bill No. 29, A bill to be entitled "An Act making appropriations to pay various miscellaneous claims against the State, and authorizing the payment of said miscellaneous items on the taking effect of this act, and declaring an emergency."

The Speaker laid the bill before the House.

Question—Shall the House concur in the Senate amendments?

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

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Free Conference Committee on part of the House: Messrs. Wortham, Hill, Kirby, Goodner and Woods of Navarro.

**MESSAGES FROM THE SENATE.**

Senate Chamber,

Austin, Texas, August 16, 1913.

Hon. Chester H. Terrell, 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. 39, A bill to be entitled "An Act providing for the construction of necessary buildings for the University of Texas; for raising the necessary funds for such purpose by the creation of the University of Texas building fund; prescribing certain duties for carrying into effect the provisions of this act of the Governor of the State, the Attorney General, the Superintendent of Public Instruction, the President of the University of Texas and the President of the Board of Regents of the University of Texas, and declaring an emergency."

Respectfully,

JOHN D. McCALL,  
Assistant Secretary of the Senate.

Senate Chamber,

Austin, Texas, August 16, 1913.

Hon. Chester H. Terrell, 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. 57, A bill to be entitled "An Act creating the Gonzales Independent School District in Gonzales county, Texas, and declaring an emergency."

The Senate accedes to the request of the House for a Free Conference Committee on House bill No. 29, and the following members have been elected on the part of the Senate: Senators Cowell, Brelsford, Collins, Lattimore, Hudspeth, and Willacy, ex-officio.

The Senate accedes to the request of the House for a Free Conference Committee on House bill No. 40, and the following have been elected on the part of the Senate: Senators Gibson, Nugent, Bailey of DeWitt, Townsend and Watson.

Respectfully,

JOHN D. McCALL,  
Assistant Secretary of the Senate.

Senate Chamber,

Austin, Texas, August 16, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 87, A bill to be entitled "An Act dividing the Riding Common School District No. 95, in Fannin county, Texas, declaring an emergency."

Respectfully,

JOHN D. McCALL,  
Assistant Secretary of the Senate.

**SENATE BILLS ON FIRST READING.**

The following Senate bills were laid before the House, read severally the first time, and referred to appropriate committees, as follows:

Senate bill No. 35 to Committee on Appropriations.

Senate bill No. 28 to Committee on Roads, Bridges and Ferries.

Senate bill No. 39 to the Committee on Education.

Senate bill No. 16 to the Committee on Private Corporations.

Senate bill No. 33 to the Committee on Roads, Bridges and Ferries.

Senate bill No. 34 to the Committee on Counties.

Senate bill No. 40, to the Committee on Criminal Jurisprudence.

Senate bill No. 48, to the Committee on Roads, Bridges and Ferries.

**MOTION TO PRINT SENATE BILL  
NO. 39 IN JOURNAL.**

Mr. Burges moved that Senate bill No. 39 be printed in the Journal.

The Speaker ruled the motion out of order at this time.

Mr. Burges appealed from the ruling of the Chair.

Mr. Calvin was called to the chair pending the appeal.

Question—Shall the ruling of the Chair be sustained?

Mr. Householder moved a call of the House, and the motion was duly seconded.

The Speaker directed the Doorkeeper to close the main entrance to the Hall and permit no member to leave the Hall without written permission from the Chair, and he instructed the Sergeant-at-Arms to lock all other doors leading out of the Hall.

Question recurred—Shall the ruling of the Chair be sustained?

Yea<sup>s</sup> and nays were demanded, and the roll was called, and the vote of the House recorded as follows:

Yea<sup>s</sup>—62.

Bagby.	Mills.
Barrett of Jones.	Morris of Victoria.
Bartley.	Mulcahy.
Bierschwale.	Olander.
Blalock.	Parker.
Bruce.	Patton.
Burmeister.	Penry.
Byrne.	Powell.
Calvin.	Raiden.
Chrestman.	Reeves.
Cope.	Rich.
Cox of Delta.	Rickerson.
Craven.	Robertson.
Crisp.	Rogers.
Cunningham.	Ross.
Davis.	Savage.
Dodson.	Schwegman.
Dunn.	Stephens.
Foster.	Taylor.
Fountain.	Templeton.
Fuller.	Thompson.
Furrh.	Tillotson.
Gentry.	Ussery.
Greer.	Vickers.
Grindstaff.	Wagstaff.
Haxthausen.	Watson of Hays.
Henry of Bowie.	Watson of Mills.
Hornby.	Williams
Jordan.	of McLennan.
Kennedy.	Woods of Fisher.
Lewelling.	Wortham.
Long.	

Nay<sup>s</sup>—18.

Allison.	Harris.
Barrett of Titus.	Heilig.
Burges.	Henry of Wichita.
Campbell.	Householder.
Cooper.	Kirby.
Hall.	Maegill.
Haney.	Mendell.

Nabours.	Ritchie.
Neeley.	Tiller.

Present—Not Voting.

Dove.	Herder.
Griggs.	Russell.

Absent.

Baker.	McDaniel.
Broughton.	Morris of Coryell.
Brown.	Murray.
Burns.	Owsley.
Butler.	Paddock.
Colquitt.	Parks.
Cox of Ellis.	Ratliff.
Dickson.	Reedy.
Diffee.	Ridgell.
Fields.	Roach.
Flournoy.	Robbins.
Gates.	Rowell.
Goodner.	Simpson.
Greenwood.	Spradley.
Hagins.	Stone.
Hill.	Sullivan.
Hughes.	Tyson.
Humphrey.	Vannoy.
Hunter.	Webb.
King.	Williams
Lane.	of Hopkins.
Low.	Woods of Navarro.
McAskill.	Yarbrough.

Absent—Excused.

Boehmer.	Mangum.
Coffey.	Oliver.
Collins.	Smith.
Glasscock.	Spann.
Harp.	Tarver.
McKamy.	Wahrmund.

The roll call developed the fact that there was not a quorum present, and it was so announced.

ADJOURNMENT.

Mr. Jordan moved that the House adjourn until 9:30 o'clock a. m. next Monday.

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

Question first recurring on the motion of Mr. Jordan, yea<sup>s</sup> and nays were demanded.

The motion prevailed by the following vote:

Yea<sup>s</sup>—44.

Mr. Speaker.	Byrne.
Bagby.	Cooper.
Bartley.	Crisp.
Bierschwale.	Cunningham.
Bruce.	Dodson.
Burges.	Dunn.
Burmeister.	Fountain.

Greer.	Penry.
Hall.	Powell.
Haxthausen.	Rich.
Heilig.	Ritchie.
Herder.	Robertson.
Jordan.	Savage.
Kennedy.	Schwegman.
Kirby.	Taylor.
Macgill.	Tiller.
Mendell.	Tillotson.
Mills.	Wagstaff.
Morris of Victoria.	Watson of Mills.
Mulcahy.	Williams
Neeley.	of McLennan.
Parker.	Wortham.
Parks.	

Nays—43.

Allison.	Henry of Wichita.
Barrett of Jones	Hornby.
Barrett of Titus.	Householder.
Blalock.	Lewelling.
Calvin.	Long.
Campbell.	Nabours.
Chrestman.	Olander.
Cope.	Patton.
Cox of Delta.	Raiden.
Craven.	Reeves.
Davis.	Rickerson.
Dickson.	Rogers.
Dove.	Ross.
Foster.	Russell.
Fuller.	Stephens.
Furhr.	Templeton.
Gentry.	Thompson.
Griggs.	Ussery.
Grindstaff.	Vickers.
Haney.	Watson of Hays.
Harris.	Woods of Fisher.
Henry of Bowie.	

Absent.

Baker.	McAskill.
Broughton.	McDaniel.
Brown.	Morris of Coryell.
Burns.	Murray.
Butler.	Owsley.
Coffey.	Paddock.
Colquitt.	Ratliff.
Cox of Ellis.	Reedy.
Diffie.	Ridgell.
Fields.	Roach.
Flournoy.	Robbins.
Gates.	Rowell.
Goodner.	Simpson.
Greenwood.	Spradley.
Hagins.	Stone.
Hill.	Sullivan.
Hughes.	Tyson.
Humphrey.	Vannoy.
Hunter.	Webb.
King.	Williams
Lane.	of Hopkins.
Low.	Yarbrough.

Absent—Excused.

Boehmer. Collins.

Glasscock.	Smith.
Harp.	Spann.
McKamy.	Tarver.
Mangum.	Wahr mund.
Oliver.	Woods of Navarro.

The House, accordingly, at 7 o'clock p. m., adjourned until 9:30 o'clock a. m. next Monday.

## APPENDIX.

### REPORTS OF COMMITTEE ON EN- GROSSED BILLS.

Committee Room,  
Austin, Texas, August 16, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

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

House bill No. 84, A bill to be entitled "An Act to authorize the Governor to sell and conditionally relinquish to J. J. Kane of the city of Galveston, his heirs and assigns, or other persons, any right, title or claim the State of Texas has in and to certain flats, or lands under water, on the shores of Galveston bay, in Galveston county, for the purpose of the construction of a dry dock or marine railway, and authorizing the Governor of the State of Texas to make necessary conveyances, and declaring an emergency,"

And find the same correctly engrossed.  
**MULCAHY, Chairman.**

Committee Room,  
Austin, Texas, August 16, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

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

House bill No. 79, A bill to be entitled "An Act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, revision of 1911, requiring railroad companies, receivers or trustees to furnish cars to shippers upon written demand, and providing penalties for their failure so to do; requiring such shippers to deposit with the agent or person to whom application is made one-fourth of the amount of freight charges to accrue for the use of such cars if demand be made therefor; requiring such applicants to load cars when so furnished within forty-eight hours after de-

livery of same, and providing penalties; requiring the parties to whom such cars are consigned to unload same within forty-eight hours after delivery and notice; requiring parties bringing suit against any railroad company, receiver or trustee for failure to furnish cars upon demand therefor to show that such cars would have been loaded, if furnished, within forty-eight hours after receipt of same, and declaring an emergency."

And find the same correctly engrossed.  
MULCAHY, Chairman.

Committee Room,

Austin, Texas, August 16, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 88, A bill to be entitled "An Act to amend Article 6682 of the Revised Statutes of 1911, providing that it shall be the duty of the railroad companies to deliver loaded cars to the consignee within a reasonable time, and providing that the consignee shall unload such cars within forty-eight hours after delivery and notice or forfeit to the railroad company the sum of twenty-five dollars per day for each car so left unloaded so as to provide the penalty of twenty-five dollars per day for each car negligently delayed in transportation beyond a reasonable time to be recovered by the consignee and so as to provide that where the consignee, having received two or more such loaded cars on the same day and shall have unloaded one or more of the same within twenty-four hours he shall have twenty-four hours' additional time to unload a number of such loaded cars equal to the number of cars unloaded within such twenty-four hour period, and so as to provide that the penalties to be recovered by the consignee shall be cumulative of other remedies given the consignee by existing law, and declaring an emergency,"

And find the same correctly engrossed.  
MULCAHY, Chairman.

Committee Room,

Austin, Texas, August 16, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 78, A bill to be entitled "An Act providing for the abolition of drainage districts, heretofore organized,

or that may hereafter be organized, under the General Laws of the State of Texas, and providing a method for the creation of a trustee and treasurer to take charge of the property and effects of said abolished district, and for the collection of claims or debts against such districts, and winding up the affairs thereof, and declaring an emergency,"

And find the same correctly engrossed.  
MULCAHY, Chairman.

Committee Room,  
Austin, Texas, August 16, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 54, A bill to be entitled "An Act to amend Section 5695, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's liens on real estate, and providing that said sections shall hereafter read as follows, and declaring an emergency,"

And find the same correctly engrossed.  
MULCAHY, Chairman.

Committee Room,  
Austin, Texas, August 16, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 53, A bill to be entitled "An Act granting permission to the Imperial Sugar Company, a private corporation, its successors and assigns, to bring suit or suits against the State of Texas and the Prison Commission of the State of Texas for specific performance and to ascertain, fix and establish the amount of any damages that may accrue to and be sustained by the Imperial Sugar Company, its successors and assigns, for any breach that may take place of a certain agreement entered into between the Imperial Sugar Company and the Prison Commission, approved by the Governor, for the sale and delivery for — years of the sugar cane that is grown on 2250 acres of the State's lands, being a part of its penitentiary system, the said contract being entered into contemporaneously with an agreement by which the Imperial Sugar Company agrees to dismiss its suit

against the Prison Commission of Texas now pending in the district court of Fort Bend county, being cause No. 7151 on the docket of said court, styled 'Imperial Sugar Company vs. Ben E. Cabell et al.', in which is involved the title to what is known as the Imperial Farm, heretofore purchased by the State of Texas from the Imperial Sugar Company, and containing 5435 acres of land, more or less, situated in Fort Bend county, Texas, the said suit to be dismissed by the plaintiff and said lands conveyed unconstitutionally to the State of Texas free from all liens and encumbrances whatsoever in consideration that the said Imperial Sugar Company, its successors and assigns, be granted the right to bring suit or suits for specific performance and for damages that may be sustained for any breach of said contract or agreement for the sale and delivery of sugar cane, fixing the venue of any such suit or suits, and declaring an emergency."

And find the same correctly engrossed.  
HERDER, Vice Chairman.

#### REPORTS OF COMMITTEE ON ENROLLED BILLS.

Committee Room,  
Austin, Texas, August 16, 1913.  
Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred House bill No. 72, "An Act to amend and re-enact Article 5585 and Article 5588, Title 83, Chapter 3, of the Revised Civil Statutes of Texas relating to seawalls and breakwaters, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 4 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 16, 1913.  
Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 27, "An Act to amend Title 76, Articles 5221, 5222, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5232, 5233 and 5234, of the Revised Civil Statutes of 1911, concerning the management and control of the State Institution for the Training of Juveniles, and to add thereto Article 5234a, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 4 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

#### REPORT OF COMMITTEE ON APPROPRIATIONS.

Committee Room,  
Austin, Texas, August 16, 1913.  
Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Appropriations, to whom was referred Senate bill No. 35, have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

WORTHAM, Chairman.

#### REPORT OF JUDICIARY COMMITTEE.

Committee Room,  
Austin, Texas, August 16, 1913.  
Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Judiciary Committee, to whom was referred House bill No. 95, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

HUMPHREY, Chairman.

#### REPORT OF COMMITTEE ON CRIMINAL JURISPRUDENCE.

Committee Room,  
Austin, Texas, August 16, 1913.  
Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred Senate bill No. 28, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

WILLIAMS of McLennan, Chairman.

#### REPORT OF COMMITTEE ON BANKS AND BANKING.

Committee Room,  
Austin, Texas, August 15, 1913.  
Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Banks and Banking, to whom was referred House bill No. 83, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

FLOURNOY, Chairman.

**REPORT OF COMMITTEE ON PRIVATE CORPORATIONS.**

Committee Room,  
Austin, Texas, August 16, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Private Corporations, to whom was referred Senate bill No. 16, having had the same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

BAGBY, Chairman.

**REPORTS OF COMMITTEE ON ROADS, BRIDGES AND FERRIES.**

Committee Room,  
Austin, Texas, August 15, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 28, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

PENRY, Chairman.

Committee Room,  
Austin, Texas, August 15, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 22, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

PENRY, Chairman.

Committee Room,  
Austin, Texas, August 16, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 89, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

PENRY, Chairman.

**REPORT OF COMMITTEE ON JUDICIAL DISTRICTS.**

Committee Room,  
Austin, Texas, August 16, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred Senate bill No. 53, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

DIFFIE, Chairman.

**REPORT OF COMMITTEE ON PUBLIC LANDS AND LAND OFFICE.**

Committee Room,  
Austin, Texas, August 16, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: We, your Committee on Public Lands and Land Office, have had under consideration House bill No. 94, beg leave to report the same to the House with the recommendation that it do pass.

BARTLEY, Chairman.

**REPORTS OF COMMITTEE ON EDUCATION.**

Committee Room,  
Austin, Texas, August 15, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Education, to whom was referred Senate bill No. 45, having had same under consideration, beg leave to report back to the House with the recommendation that it do pass.

YARBROUGH, Chairman.

Committee Room,  
Austin, Texas, August 16, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Education, to whom was referred Senate bill No. 21, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

YARBROUGH, Chairman.

# In Memory

## of

# Hon. Edward LeGrand Dunlap

Mr. Morris of Victoria offered the following resolution:

Whereas, Hon. Edward LeGrand Dunlap of Victoria, Texas, a member of the House of Representatives of the Twenty-first Legislature of the State of Texas, recently departed this life; and

Whereas, As a member of this body and in other positions of honor and public trust to which he was elevated by the people he exhibited a steadfast loyalty and adherence to the interests of the people; therefore, be it

Resolved, That we express our sincere grief at his death, and that we extend to his family and relatives our heartfelt sympathy in their irreparable loss; and be it further

Resolved, That a page of the House Journal containing these resolutions be set aside to his memory; that a copy of such resolutions, properly engrossed be sent to his family at Victoria, Texas, and that when the House adjourn on this date it do so in honor of his memory.

MORRIS of Victoria,  
CRISP.

The resolution was read second time and was adopted unanimously.

## TWENTY-FOURTH DAY.

(Monday, August 18, 1913.)

The House met at 9:30 o'clock a. m.,  
pursuant to adjournment.

Speaker Terrel in the chair.

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

Allison.	Hunter.
Barrett of Jones.	Kennedy.
Barrett of Titus.	Kirby.
Bartley.	Lane.
Bierschwale.	Lewelling.
Blalock.	Long.
Brown.	Low.
Bruce.	Macgill.
Burges.	McAskill.
Burmeister.	McDaniel.
Burns.	Mills.
Butler.	Morris of Coryell.
Byrne.	Morris of Victoria.
Calvin.	Murray.
Campbell.	Nabours.
Chrestman.	Neeley.
Colquitt.	Olander.
Cooper.	Owsley.
Cope.	Parker.
Cox of Delta.	Parks.
Cox of Ellis.	Patton.
Craven.	Penry.
Crisp.	Powell.
Cunningham.	Raiden.
Davis.	Ratliff.
Dickson.	Reedy.
Diffie.	Reeves.
Dodson.	Rich.
Dove.	Rickerson.
Dunn.	Ridgell.
Fields.	Ritchie.
Foster.	Roach.
Flournoy.	Robbins.
Fountain.	Robertson.
Fuller.	Rogers.
Furrh.	Ross.
Gates.	Rowell.
Gentry.	Russell.
Goodner.	Savage.
Greer.	Schwegman.
Griggs.	Simpson.
Grindstaff.	Spann.
Hagins.	Spradley.
Hall.	Stephens.
Haney.	Stone.
Harris.	Sullivan.
Haxthausen.	Tarver.
Heilig.	Taylor.
Henry of Bowie.	Templeton.
Henry of Wichita	Thompson.
Herder.	Tiller.
Hill.	Tillotson.
Hornby.	Ussery.
Householder.	Vannoy.
Hughes.	Vickers.
Humphrey.	Wagstaff.

Watson of Hays.  
Watson of Mills.  
Williams  
of Hopkins.

Williams  
of McLennan.  
Woods of Fisher.  
Wortham.

Absent.

Bagby.  
Baker.  
King.  
Mendell.

Paddock.  
Tyson.  
Yarbrough.

Absent—Excused.

Boehmer.  
Broughton.  
Coffey.  
Collins.  
Glasscock.  
Greenwood.  
Harp.  
Jordan.

McKamy.  
Mangum.  
Mulcahy.  
Oliver.  
Smith.  
Wahrmund.  
Webb.  
Woods of Navarro.

A quorum was announced present.

Prayer by Rev. H. M. Wheeling of Austin.

(Mr. Tarver in the chair.)

## LEAVE OF ABSENCE GRANTED.

On account of important business:

Mr. Mendell, for today, on motion of Mr. Dove.

Mr. Mulcahy, indefinitely, on motion of Mr. Hall.

Mr. Webb, indefinitely, on motion of Mr. Reeves.

Mr. Greenwood, indefinitely, on motion of Mr. Griggs.

Mr. Spann, indefinitely, on motion of Mr. Cope.

Mr. Jordan, indefinitely, on motion of Mr. Vickers.

Mr. Woods of Navarro, for today, on motion of Mr. Fields.

Mr. Smith, for today, on motion of Mr. Owsley.

Mr. Broughton, for today, on motion of Mr. Byrne.

## BILLS ORDERED NOT PRINTED.

On motion of Mr. Bartley, it was ordered that Senate bill No. 48 be not printed.

On motion of Mr. Hornby, it was ordered that Senate bill No. 56 be not printed.

## PROVIDING FOR ADVISORY APPROPRIATION COMMITTEE.

Mr. Goodner offered the following resolution:

Whereas, It is the past experience of the House of Representatives that in the preparation of the general appropriation

bill for the support of the State government that fully sixty days' time is consumed by the Appropriation Committee in preparing the appropriation bill, and that in few instances has the Legislature been able to pass the appropriation bill during the first sixty days of the Regular Session of the Legislature; and,

Whereas, It is believed that said consummation of time is largely due to the hearings before the Appropriation Committee or subcommittees of the Appropriation Committee, and to the time consumed in visiting the various institutions of the State by subcommittees of the Appropriation Committee; and,

Whereas, It is believed that a great measure of this time may be saved by the appointment of a committee, whose duty it shall be to hold open hearings for the various departments of the State government, prior to the time of the next session of the Legislature, and by empowering said committee to visit the various institutions of the State government prior to the meeting of the Legislature, and empowering, authorizing and requiring said committee, so appointed, to prepare the first draft of the appropriation bill, and submit the same, through the Speaker, to the Appropriation Committee, when the Legislature shall again meet together, with a carefully prepared report.

Now, therefore, be it resolved by the House of Representatives:

1. That there is hereby constituted a committee of three members to be appointed from the membership of the House, by the Speaker, to be known as "The House Advisory Appropriation Committee."

2. That said committee be authorized and instructed to meet in the city of Austin at such time as may suit the convenience of the committee, and there enter upon its duties of preparing an advisory appropriation bill, to be submitted to the House of the Thirty-fourth Legislature when the same shall have convened in January, A. D. 1915. That said committee shall hold such hearings and make such investigations as to the various departments and institutions of the State government, as to enable it to obtain reliable information as to the needs of same. It shall conduct such hearings in the city of Austin, and such other places and points in the State of Texas as may be necessary in the performance of its duties. It shall visit each and all of the State institutions, and carefully investigate the conditions and financial needs of said institutions.

It shall be the duty of said committee to call on the heads of all State departments and institutions for reports, statements of the requirements of their several offices and institutions, in order to enable the committee to determine the financial needs of the same. The committee is vested with full authority to make these investigations, the same as though it were a subcommittee of the Appropriation Committee during the session of the Legislature.

3. The committee is empowered and authorized to employ such clerks, stenographers and other help as may be necessary in conducting its sessions and its investigations, and may fix the compensation of those employed at not exceeding the sum paid for similar employment by the House of Representatives during its Regular Session.

4. Each member of the committee shall receive a per diem compensation of five dollars during the time it is engaged on its report, beginning on the day each member thereof leaves his home for the city of Austin, and ending on the day when he shall have reached his home; in addition thereto the members of said committee shall receive their actual traveling expenses, including hotel bills, from the day they leave home and during the period of time when they are engaged in their reports, until they again reach home. The clerical help, stenographers and others employed by the committee shall, when absent from the city of Austin, receive their necessary traveling expenses, including hotel bills, in addition to the salary agreed upon by and between them and the committee.

5. The committee, on entering upon its reports, shall keep regular minutes of its proceedings, which minute book shall be embraced in its report.

6. All funds herein authorized to be expended, and the per diem of the members of the committee, and all other expenses, shall be paid out of the State Treasury, upon warrants issued by the Comptroller, based upon sworn statements, approved by the chairman of the committee, and shall be paid out of the contingent expense fund of the Thirty-third Legislature, and all other expenses shall also be paid in the same manner out of the same fund.

7. The committee shall have authority to sit as long as sixty days. When it shall have prepared its report, it shall make the report and the bill drawn by it in the form of a report, to the Speaker of the Thirty-fourth Legislature, and shall cause the same to be printed, in convenient form, similar to that in which

bills are ordinarily printed, and shall have five hundred copies thereof printed for distribution among the heads of the departments of the State government, and the House of Representatives and the Senate, when the House of the Thirty-fourth Legislature shall meet, which expense of publication shall be paid as provided for the payment of other expenses in this resolution.

8. It shall be the duty of the Speaker of the Thirty-fourth Legislature to transmit the report and advisory bill herein referred to, to the Appropriation Committee of the Thirty-fourth Legislature, when said committee shall have been appointed.

9. Should the Senate create a committee similar to that created by this resolution, then the committee herein created shall have authority, in its discretion, to sit with the Senate committee for all the purposes herein provided, and join such Senate committee in making a joint report to the House and Senate, if in its discretion the House committee should decide to do so.

GOODNER,  
ROWELL.

The resolution was read second time.  
Question—Shall the resolution be adopted?

(Speaker in the chair.)  
On motion of Mr. Tarver, the resolution was tabled.

#### THANKING CITIZENS OF AUSTIN.

Mr. Ridgell offered the following resolution:

Whereas, the city of Austin, Austin Chamber of Commerce and Young Men's Business Club gave an informal reception to the members of the Legislature at Wooldridge Park on Friday evening, August 15, 1913, which invitation was very promptly accepted by both branches of the Legislature; now, therefore, be it

Resolved by the House of Representatives of the Thirty-third Legislature, That we express our appreciation for the cordial reception given us, and for the universal kindness and courtesies extended the Legislature by the people of Austin during their stay.

The resolution was read second time and was adopted.

#### HOUSE BILL NO. 35 ON THIRD READING.

(By Unanimous Consent.)

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

House bill No. 35, A bill to be entitled "An Act to amend Chapter 67 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to prohibit the interstate shipment and transportation of intoxicating liquors, prohibiting any person, firm, corporation or any officer, agent or employe thereof, from delivering to any other person, firm, corporation or any officer, agent or employe thereof, any intoxicating liquor for shipment, transportation or carriage from any point within this State to any other point within this State; prohibiting any person, firm, corporation or any officer, agent or employe thereof from receiving for shipment, transportation or carriage, or from shipping, transporting, carrying or delivery any intoxicating liquor from any point within this State to any other person, firm or corporation, or any officer, agent or employe thereof, within this State; providing that this act shall not apply to any person personally carrying any intoxicating liquor from any point within this State to any other point within this State for the use of himself or members of his family residing with him; providing this act shall not apply to the transportation, carriage, or delivery of intoxicating liquors to persons licensed under the laws of this State to sell spirituous, vinous or malt liquors; providing that this act shall not prohibit the shipment, transportation or delivery by persons licensed under the laws of this State to sell spirituous, vinous or malt liquors within the county or subdivision of a county in which such persons are authorized or licensed under the laws of this State to pursue such business; providing that this act shall not apply to the interstate shipment or delivery of intoxicating liquors; providing exception to this act for sacramental purposes; providing penalties for violation of the provisions of this act; repealing all laws in conflict herewith; providing that if any section or part of this act shall be held to be invalid that this act shall not invalidate any other part of this act; and declaring an emergency; and repealing Section 8 and providing for the shipment, transportation, carriage and delivery of alcohol to drug stores, hospitals, education or eleemosynary institutions of this State for scientific or medicinal purposes; and prohibiting the transportation, carriage and delivery of intoxicating liquor within this State or the shipment originating and beyond the

limits as well as within this State, and declaring an emergency."

The bill was read third time and was passed.

**HOUSE BILL NO. 36 ON THIRD READING.**

(By Unanimous Consent.)

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

House bill No. 36, A bill to be entitled "An Act to amend Articles 7435, 7442, 7443, 7451 and 7452, of the Revised Civil Statutes of the State of Texas, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day; and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers, and providing for the reinstatement of such license, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

**Yea—112.**

Allison.	Dunn.
Barrett of Jones.	Fields.
Barrett of Titus.	Flournoy.
Bartley.	Foster.
Blalock.	Fountain.
Brown.	Fuller.
Bruce.	Furrh.
Burges.	Gates.
Burmeister.	Gentry.
Burns.	Goodner.
Butler.	Greer.
Byrne.	Griggs.
Calvin.	Hagins.
Campbell.	Hall.
Chrestman.	Haney.
Colquitt.	Harris.
Cooper.	Haxthausen.
Cope.	Heilig.
Cox of Delta.	Henry of Bowie.
Cox of Ellis.	Henry of Wichita.
Craven.	Herder.
Crisp.	Hill.
Cunningham.	Hornby.
Davis.	Householder.
Dickson.	Hughes.
Diffie.	Humphrey.
Dodson.	Hunter.

Kennedy.	Robertson.
Kirby.	Rogers.
Lane.	Ross.
Long.	Rowell.
Low.	Russell.
Macgill.	Savage.
McDaniel.	Schwegman.
Mills.	Simpson.
Morris of Coryell.	Spradley.
Morris of Victoria.	Stephens.
Murray.	Stone.
Nabours.	Sullivan.
Neeley.	Tarver.
Olander.	Taylor.
Owsley.	Templeton.
Parker.	Thompson.
Parks.	Tiller.
Patton.	Tillotson.
Penry.	Ussery.
Powell.	Vannoy.
Raiden.	Vickers.
Ratliff.	Wagstaff.
Reedy.	Watson of Hays.
Reeves.	Watson of Mills.
Rich.	Williams of Hopkins.
Rickerson.	Williams of McLennan.
Ridgell.	Woods of Fisher.
Ritchie.	Wortham.
Roach.	
Robbins.	

**Nays—1.**

Bierschwale.

Absent.

Bagby.	Lewelling.
Baker.	McAskill.
Coffey.	Paddock.
Dove.	Tyson.
Grindstaff.	Yarbrough.
King.	

Absent—Excused.

Boehmer.	Mendell.
Broughton.	Mulcahy.
Collins.	Oliver.
Glasscock.	Smith.
Greenwood.	Spann.
Harp.	Wahrmund.
Jordan.	Webb.
McKamy.	Woods of Navarro.
Mangum.	

**HOUSE BILL NO. 53 ON THIRD READING.**

(By Unanimous Consent.)

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

House bill No. 53, A bill to be entitled "An Act granting permission to the Imperial Sugar Company, a private corporation, its successors and assigns, to bring suit or suits against the State of Texas and the Prison Commission of the State of Texas for specific performance

and to ascertain, fix and establish the amount of any damages that may accrue to and be sustained by the Imperial Sugar Company, its successors and assigns, for any breach that may take place of a certain agreement entered into between the Imperial Sugar Company and the Prison Commission, approved by the Governor, for the sale and delivery for — years of the sugar cane that is grown on 2250 acres of the State's lands, being a part of its penitentiary system, the said contract being entered into contemporaneously with an agreement by which the Imperial Sugar Company agrees to dismiss its suit against the Prison Commission of Texas now pending in the district court of Fort Bend county, being cause No. 7151 on the docket of said court, styled 'Imperial Sugar Company vs. Ben E. Cabell et al.', in which is involved the title to what is known as the Imperial farm, heretofore purchased by the State of Texas from the Imperial Sugar Company, and containing 5435 acres of land, more or less, situated in Fort Bend county, Texas, the said suit to be dismissed by the plaintiff and said lands conveyed unconstitutionally to the State of Texas free from all liens and encumbrances whatsoever in consideration that the said Imperial Sugar Company, its successors and assigns, be granted the right to bring suit or suits for specific performance and for damages that may be sustained for any breach of said contract or agreement for the sale and delivery of sugar cane; fixing the venue of any such suit or suits, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—86.

<b>Barrett of Jones.</b>	Diffie.
Bartley.	Dodson.
Bierschwale.	Dcve.
Blalock.	Dunn.
Brown.	Fields.
Burmeister.	Flournoy.
Bruce.	Foster.
Butler.	Fountain.
Byrne.	Fuller.
Calvin.	Furrrh.
Campbell.	Gates.
Chrestman.	Gentry.
Colquitt.	Greer.
Cooper.	Griggs.
Cox of Ellis.	Haney.
Cunningham.	Harris.
Dickson.	Heilig.

Henry of Wichita.	Rickerson.
Herder.	Ridgell.
Hill.	Roach.
Hornby.	Robbins.
Householder.	Robertson.
Hughes.	Rogers.
Hunter.	Ross.
Kirby.	Rowell.
Lane.	Russell.
Long.	Savage.
Low.	Schwegman.
Macgill.	Stephens.
McDaniel.	Stone.
Mills.	Sullivan.
Morris of Coryell.	Tarver.
Morris of Victoria.	Taylor.
Murray.	Thompson.
Neely.	Tiller.
Owsley.	Tillotson.
Parker.	Ussery.
Parks.	Wagstaff.
Patton.	Watson of Mills.
Penry.	Williams of Hopkins.
Powell.	Williams of McLennan.
Ratliff.	Wortham.

Nays—22.

Barrett of Titus.	Nabours.
Burns.	Raiden.
Cope.	Reeves.
Cox of Delta.	Ritchie.
Craven.	Simpson.
Davis.	Spradley.
Grindstaff.	Templeton.
Hagins.	Vannoy.
Henry of Bowie.	Vickers.
Humphrey.	Watson of Hays.
Lewelling.	Woods of Fisher.

Present—Not Voting.

Crisp.	Absent.
Allison.	Kennedy.
Bagby.	King.
Baker.	McAskill.
Burges.	Olander.
Goodner.	Paddock.
Hall.	Tyson.
Haxthausen.	Yarbrough.
Absent—Excused.	
Boehmer.	Mangum.
Broughton.	Mendell.
Coffey.	Mulcahy.
Collins.	Oliver.
Glasscock.	Smith.
Greenwood.	Spann.
Harp.	Wahrmund.
Jordan.	Webb.
McKamy.	Woods of Navarro.

**HOUSE BILL NO. 54 ON THIRD READING.**

(By Unanimous Consent.)

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

House bill No. 54, A bill to be entitled "An Act to amend Section 5695, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deed of trust, mortgages or original vendor's lien's on real estate, and providing that said sections shall hereafter read as follows, and declaring an emergency."

The bill was read third time and was passed.

**MESSAGE FROM THE SENATE.**

Senate Chamber,  
Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, 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. 36, A bill to be entitled "An Act to amend the special road law of Kaufman county, and declaring an emergency."

Senate bill No. 46, A bill to be entitled "An Act to amend Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of the State of Texas of 1911, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers, and declaring an emergency."

Respectfully,

JOHN D. McCALL,  
Assistant Secretary of the Senate.

**HOUSE BILL NO. 78 ON THIRD READING.**

(By Unanimous Consent.)

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

House bill No. 78, A bill to be entitled

"An Act providing for the abolition of drainage districts, heretofore organized, or that may hereafter be organized, under the General Laws of the State of Texas, and providing a method for the creation of a trustee and treasurer to take charge of the property and effects of said abolished districts, and for the collecting of claims or debts against such districts, and winding up the affairs thereof, and declaring an emergency."

The bill was read third time and was passed.

**HOUSE BILL NO. 79 ON THIRD READING.**

(By Unanimous Consent.)

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

House bill No. 79, A bill to be entitled "An Act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, revision of 1911, requiring railroad companies, receivers or trustees to furnish cars to shippers upon written demand, and providing penalties for their failure so to do; requiring such shippers to deposit with the agent or person to whom application is made one-fourth of the amount of freight charges to accrue for the use of such cars if demands be made therefor; requiring such applicants to load cars when so furnished within forty-eight hours after delivery of same, and providing penalties; requiring the parties to whom such cars are consigned to unload same within forty-eight hours after delivery and notice; requiring parties bringing suit against any railroad company, receiver or trustee for failure to furnish cars upon demand therefor to show that such cars would have been loaded, if furnished, within forty-eight hours after receipt of same, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

Mr. Wagstaff moved to postpone further consideration of the bill indefinitely, and the motion was lost.

House bill No. 79 was passed.

**HOUSE BILL NO. 84 ON THIRD READING.**

(By Unanimous Consent.)

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

House bill No. 84, A bill to be entitled "An Act to authorize the Governor to

sell and conditionally relinquish to J. J. Kane of the city of Galveston, his heirs and assigns, or other persons, any right, title or claim the State of Texas has in and to certain flats, or lands under water, on the shores of Galveston bay, in Galveston county, for the purpose of the construction of a dry dock or marine railway, and authorizing the Governor of the State of Texas to make necessary conveyances, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—96.

Allison.	Kennedy.
Barrett of Jones.	Kirby.
Barrett of Titus.	Lane.
Bartley.	Low.
Bierschwale.	Macgill.
Blalock.	Mills.
Brown.	Morris of Coryell.
Bruce.	Morris of Victoria.
Burges.	Murray.
Burmeister.	Nabours.
Burns.	Neeley.
Butler.	Olander.
Byrne.	Owsley.
Calvin.	Parker.
Campbell.	Parks.
Chrestman.	Patton.
Colquitt.	Powell.
Cooper.	Raiden.
Cope.	Ratliff.
Cox of Delta.	Rickerson.
Crisp.	Ridgell.
Cunningham.	Ritchie.
Davis.	Roach.
Dickson.	Robertson.
Dodson.	Ross..
Dove.	Rowell.
Dunn.	Russell.
Fields.	Savage.
Flournoy.	Schwegman.
Foster.	Spann.
Fountain.	Spradley.
Fuller.	Stephens
Gates.	Stone.
Goodner.	Sullivan.
Greer.	Tarver.
Griggs.	Taylor.
Harris.	Templeton.
Haxthausen.	Thompson.
Heilig.	Tiller.
Henry of Bowie.	Tillotson.
Henry of Wichita.	Ussery.
Herder.	Vannoy.
Hill.	Vickers.
Hornby.	Wagstaff.
Householder.	Watson of Hays.
Hughes.	Watson of Mills.
Humphrey.	Woods of Fisher.
Hunter.	Wortham.

Nays—13.

Cox of Ellis.	Reeves.
Craven.	Rogers.
Grindstaff.	Simpson.
Hagins.	Williams
Lewelling.	of Hopkins.
Long.	Williams
McDaniel.	of McLennan.
Reedy.	

Absent.

Bagby.	McAskill.
Baker.	Paddock.
Diffee.	Penry.
Furrh.	Rich.
Gentry.	Robbins.
Haney.	Tyson.
King.	Yarbrough.

Absent—Excused.

Boehmer.	Mangum.
Broughton.	Mendell.
Coffey.	Mulcahy.
Collins.	Oliver.
Glasscock.	Smith.
Greenwood.	Wahrmund.
Harp.	Webb.
Jordan.	Woods of Navarro.
McKamy.	

Mr. Macgill moved to reconsider the vote by which House bill No. 84 was passed and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 88 ON THIRD READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its third reading and final passage, House bill No. 88, A bill to be entitled "An Act to amend Article 6682 of the Revised Statutes of 1911, providing that it shall be the duty of the railroad companies to deliver loaded cars to the consignee within a reasonable time, and providing that the consignee shall unload such cars within forty-eight hours after delivery and notice or forfeit to the railroad company the sum of twenty-five dollars per day for each car so left unloaded so as to provide the penalty of twenty-five dollars per day for each car negligently delayed in transportation beyond a reasonable time to be recovered by the consignee and so as to provide that where the consignee, having received two or more such loaded cars on the same day and shall have unloaded one or more of the same within twenty-four hours he shall have twenty-four hours' additional

time to unload a number of such loaded cars equal to the number of cars unloaded within such twenty-four hour period, and so as to provide that the penalties to be recovered by the consignee shall be cumulative of other remedies given the consignee by existing law, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

#### SENATE BILL NO. 22 ON THIRD READING.

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

Senate bill No. 22, A bill to be entitled "An Act to create a more efficient road law for Hall county, and declaring an emergency."

The bill was read third time and was passed.

#### SENATE BILL ON FIRST READING.

Senate bill No. 46 was laid before the House, read first time and referred to the Committee on Liquor Traffic.

#### BILL AND RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolution:

Senate Concurrent Resolution No. 5, Providing for the appointment of a State Commission to raise the funds, assemble, prepare, install and maintain an exhibit of the resources of the State of Texas at the Panama-Pacific International Exposition at San Francisco, 1915.

Senate bill No. 12, "An Act to amend Chapter 132 of the Acts of the Thirty-third Legislature, entitled 'An Act to provide for indeterminate sentences of persons convicted of certain crimes; for the termination of such sentences and the release of such persons on parole; providing for exemption from the operations of the law in certain cases, and repealing all laws in conflict herewith, and declaring an emergency."

#### SENATE BILL NO. 25 ON THIRD READING.

(By Unanimous Consent.)

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

Senate bill No. 25, A bill to be entitled "An Act to authorize the Governor, Attorney General and Land Commissioner to lease the water rights in the Guadalupe river in De Witt county upon such terms and for such consideration as they may prescribe, and providing priority of interest in leasing and also providing means of adjusting damage for the destruction of dams or property now owned by certain persons, and providing for the number of dams to be erected by any person, firm or corporation; the manner of measuring water and further providing for the manner of distributing power and regulating the sale of same, and also regulating the terms under which a sale of leasehold may be made and fixing the rights of purchasers of said leaseholds, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

Mr. Mills offered the following amendment to the bill:

Amend the bill on page 2, Section 2, by striking out the following words: "and to erect, build, construct, maintain and operate additional dams across the Guadalupe river in DeWitt county, Texas."

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

Senate bill No. 25 was passed.

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

The motion to table prevailed.

#### SENATE BILL NO. 45 ON THIRD READING.

(By Unanimous Consent.)

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

Senate bill No. 45, A bill to be entitled "An Act creating the Files Valley Orphans' Home Independent School District; providing for the appointment of trustees of said district; defining the boundaries, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—100.

Allison.	Burges.
Barrett of Jones.	Burmeister.
Barrett of Titus.	Burns.
Bierschwale.	Butler.
Blalock.	Byrne.
Brown.	Calvin.
Bruce.	Campbell.

Chrestman.	Mills.
Colquitt.	Morris of Victoria.
Coooper.	Morris of Coryell.
Cope.	Murray.
Cox of Delta.	Nabours.
Cox of Ellis.	Neeley.
Craven.	Olander.
Crisp.	Owsley.
Cunningham.	Parker.
Davis.	Parks.
Diffie.	Patton.
Dodson.	Powell.
Dove.	Raiden.
Dunn.	Ratliff.
Flournoy.	Reeves.
Foster.	Rickerson.
Fountain.	Ridgell.
Furrrh.	Ritchie.
Gates.	Roach.
Goodner.	Robbins.
Greer.	Robertson.
Griggs.	Rogers.
Grindstaff.	Ross.
Hagins.	Rowell.
Haney.	Russell.
Harris.	Savage.
Haxthausen.	Schwegman.
Heilig.	Simpson.
Henry of Bowie.	Spradley.
Henry of Wichita:	Stephens.
Herder.	Stone.
Hill.	Sullivan.
Hornby.	Tarver.
Householder.	Taylor.
Hughes,	Thompson.
Humphrey.	Ussery.
Hunter.	Vickers.
Kennedy.	Watson of Hays.
Kirby.	Watson of Mills.
Lane.	Williams
Long.	of Hopkins.
Low.	Woods of Fisher.
Macgill.	Wortham.
McDaniel.	
Vannoy.	

**Nays—1.****Absent.**

Bagby.	Reedy.
Baker.	Rich.
Bartley.	Spann.
Dickson.	Templeton.
Fields.	Tiller.
Fuller.	Tillotson.
Gentry.	Tyson.
King.	Wagstaff.
Lewelling.	Williams
McAskill.	of McLennan.
Paddock.	Yarbrough.
Penry.	

**Absent—Excused.**

Boehmer.	Glasscock.
Broughton.	Greenwood.
Coffey.	Harp.
Collins.	Jordan.

McKamy.
Mangum.
Mendell.
Mulcahy.
Oliver.

Smith.
Wahrmund.
Webb.
Woods of Navarro.

**REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 4.**

Mr. Kennedy called up from the Speaker's table, for consideration at this time, the report of the Free Conference Committee on House bill No. 4.

The Speaker laid the report before the House, and it was read as follows:

Committee Room,  
Austin, Texas, August 16, 1913.  
Hon. W. H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sirs: Your Conference Committee, to whom was referred the differences of the two houses on Senate bill No. 3, by Taylor, relating to the election of United States Senators, have had the same under consideration and beg leave to make the following report, towit:

As a working basis, we took House bill No. 4 on the same subject and after making certain corrective amendments in the House bill, which were necessary, we made the following additions, taken from the Senate bill:

1. Adding to Section 3 after the word "Act," the following: "The returns from any election held for United States Senator shall be made, the result ascertained and declared; a certificate of election issued, and as provided for the election of Representatives to the Congress by Chapter 7, Title 49, Revised Civil Statutes of 1911."

2. We added Section 8 of Senate bill as follows:

"Sec. 8. Any candidate who desires his name to appear on the official ballot for a special primary as a candidate for the nomination of such party for the office of United States Senator shall file with the State chairman of his party, not later than thirty (30) days prior to the date of such primary, his written request that his name be placed upon such official ballot as a candidate for the nomination of United States Senator, giving his age and occupation, the county of his residence and post office address, which shall be signed by him and acknowledged by him before some officer, and also twenty-five (25) qualified voters may likewise join in a request that the name of any person affiliating with such party be placed upon

the official ballot as a candidate for United States Senator, giving the occupation, county of residence and post-office address of such person, signing and acknowledging same as above provided, and may file the same with the State chairman within the time above mentioned with the same effect as if such request had been filed by the party named therein as a candidate for such nomination. And the chairman and secretary of the State committee shall forthwith cause to be mailed to the chairman and secretary of every county committee of the party in the State, the name of such candidate for United States Senator, with instructions that it be placed on the official ballot of such county. All requests shall be considered filed with the State chairman when they are sent from any point within the United States by registered mail, addressed to the State chairman at his postoffice address. On the first Saturday following such special primary election, the county executive committee of each county in the State, shall meet and canvass the returns of such election, and shall immediately thereafter certify by its chairman and secretary the result of said election and forward same to the State chairman. The State executive committee shall meet at a time not later than fifteen (15) days after the date of said special primary and canvass and tabulate the returns of said election as certified by the county chairman, and the candidate receiving a majority of the votes cast at such primary shall be the nominee of the party for such office; and the State chairman shall order the name of such candidate placed upon the official ballot of said party."

3. We added the following: "Provided, however, if at the first primary election no candidate receives a majority of the votes polled by his party for all the candidates for United States Senator before said party, the State executive committee or State chairman thereof shall call a second primary election for the purpose of determining the choice of the party as between the two candidates receiving the largest number of votes at the first primary election. Said second primary shall be held on the third Saturday following the first primary, and at such second primary, only the candidates in each party, receiving the two highest votes, shall be voted upon."

Sec. 30. When there are two Senators to be elected from Texas to the Congress of the United States, each candidate offering his name for election shall designate in his application for a position

on the ticket whether in a general or special election or primary, whether he is a candidate for the short or long term.

Sec. 40. Emergency clause.

4. We added a provision providing for a second primary in special elections. This necessitated amending Section 2 of the House bill so that the Governor could call an election in not less than sixty days nor more than ninety days. It is absolutely necessary to make this change if we have majority nominations where vacancies occur and special elections are held to fill them.

5. As adopted, the House bill carried with it a provision allowing \$2000 additional expense where there was a second primary. The amount for the second primary is reduced by the accompanying bill to \$1000.

We respectfully submit that the accompanying substitute for the two bills shall be adopted.

HUDSPETH,  
TAYLOR,  
WARREN,  
COLLINS,  
BRELSFORD,

On the part of the Senate.

KENNEDY,  
DOVE,  
MILLS,  
HUNTER,  
KIRBY,

On the part of the House.

Free Conference Committee Substitute Bill.

An Act providing for the election of United States Senators from Texas to the Congress of the United States; providing for the appointment of United States Senators by the Governor under certain conditions, and providing for the selection and nomination of candidates therefor, defining violations of this act, fixing the punishment therefor, and limiting the campaign expenses of candidates for United States Senators, and declaring an emergency.

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

Section 1. An election for the election of a Senator from Texas to the Congress of the United States shall be held on the first Tuesday after the first Monday in November of each and every year immediately preceding the 4th day of March, when the term of any United States Senator from the State of Texas to the Congress of the United States is to expire. That at such election no person shall be qualified to vote for any candidate for United States Senator un-

less he is a qualified elector in any election held to elect members of the most numerous branch of the Legislature of this State.

Sec. 2. When any vacancy happens or occurs in the representation of this State in the United States Senate, the Governor of this State shall within ten days issue writs of election to fill such vacancy, which election shall be held not less than sixty days nor more than ninety days after such vacancy occurs.

Provided if the Congress or Senate is in session at the time of such vacancy or should convene before such election or before the result of the same can be officially ascertained under the law, the Governor shall make temporary appointment of a suitable and qualified person to represent the State in the United States Senate, until the election and qualification of a Senator can be made.

Sec. 3. Every law regulating or in any manner governing elections or the holding of primaries in this State shall be held to apply to each and every election or nomination of a candidate for a United States Senator so long as they are not in conflict with the Constitution of the United States or of any law or statute enacted by the Congress of the United States regulating the election of United States Senators or the provisions of this Act.

The returns from any election held for United States Senator shall be made, the result ascertained and declared, a certificate of election issued, as is provided for the election of representatives in Congress, by Chapter 7, Title 49, Revised Civil Statutes of 1911.

Sec. 4. The name of no candidate for United States Senator shall be placed upon the official ballot of any party or of any organization as the nominee of said party or organization for said office unless said candidate has been duly nominated and selected as herein provided.

Sec. 5. Each and every party desiring to nominate a candidate for United States Senator shall, if such election is to be held on the first Tuesday after the first Monday in November of any year, nominate or select such candidate or candidates for United States Senator at a general primary election to be held throughout the State on the fourth Saturday in July next preceding such election for United States Senator.

Sec. 6. At each and every primary election held in this State for the nomination of a candidate for United States Senator, each and every provision of the laws of this State which has for its

object the protection of the ballot and the safe guarding of the public against fraudulent voting, illegal methods, undue influence, corrupt practices, and in fact each and every restriction of whatever kind or character or nature as applied to any election held in this State, whether general, special or primary, shall be held to apply to a primary election held for or when a candidate for United States Senator is to be nominated when not in conflict with the provisions of this Act. And the violation of any such provisions or restrictions at any such primary election shall be punished in the same manner as prescribed by law for the violation of any election law, whether general, special or primary.

Sec. 7. When the law with reference to holding Senatorial primaries is silent the election officers in securing supplies, in conducting the election and in making returns and in canvassing the votes shall in every particular follow the methods provided by law covering primary elections or general elections held for the purpose of electing or nominating State, district, county and precinct officers.

Sec. 8. Any person affiliating with any political party who desires his name to appear on the general official primary ballot of said party as a candidate for the nomination of such party for United States Senator shall file with the State chairman of said party not later than the first Monday in June preceding such general primary his written request that his name shall be placed on the official ballot of said party as a candidate at the aforesaid general primary for the nomination as a candidate for United States Senator before the party with which he affiliates.

Sec. 9. Any person who is thirty years of age or over, and who has been for nine years a citizen of the United States and is a bona fide inhabitant of the State who desires his name to appear on the official ballot at any primary election as a candidate for the nomination of said party as a candidate for United States Senator shall address his application to the State chairman of the party with which he affiliates and shall set forth in said application: (1) That he is a candidate for the nomination of his party as a candidate for United States Senator. (2) His age. (3) His occupation. (4) The county of his residence. (5) His postoffice address. (6) That he is a member in good faith of the political party upon whose ballot he wishes his name to appear and that

if he voted at the preceding election he voted for the nominees of said party. (7) That he will, during his term of office, if elected, endeavor to truly respect the wishes of his constituency and to abide by and support such measures as may be endorsed by the primary voters of his party in this State as declared by their vote at a primary election.

Said application to be signed by the candidate and properly acknowledged before some person authorized to take acknowledgments. And also twenty-five (25) qualified voters may likewise join in a request that the name of any person affiliating with such party be placed upon the official ballot as a candidate for United States Senator, giving the occupation, county of residence and postoffice address of such person, signing and acknowledging same as above provided, and may file the same with the State chairman or prior to the date above mentioned with the same effect as if such request had been filed by the party named therein as a candidate for such nomination. All petitions or requests filed by twenty-five voters, as provided herein, shall be endorsed by the person, in whose favor the request is made, showing his willingness to qualify for the position, if elected. All requests, whether made by the candidate or by petition, shall be considered filed with the State chairman when they are sent from any point within the United States by registered mail, on or before the date mentioned, addressed to the State chairman at his postoffice address.

Sec. 10. No person shall be declared the nominee of any political party for United States Senator unless he has complied with every requirement of this Act and all other laws applicable hereto and has received a majority of all the votes cast at said primary election for all the candidates of that party for United States Senator. If at the first primary election no candidate receives a majority of the vote polled by his party for all the candidates for United States Senator before said party, the State executive committee or State chairman thereof shall call a second primary election for the purpose of determining the choice of the party as between the two candidates receiving the largest number of votes at the first primary election. Said second primary shall be held on the fourth Saturday in August, immediately after the first primary is held. At such second primary, only the two candidates in each party receiving the highest votes shall be voted upon.

Sec. 11. No person shall be entitled

to a position on the official ballot at any general or special election held to select a United States Senator, who shall have spent in the campaign preceding the nomination, more than \$5000, or who shall have failed or refused to comply with any provision of the law regulating the collection and disbursement of funds preceding election. Should the nomination of any candidate for United States Senator be contested, the same shall be conducted under the provision of the law regulating contests before party election committees or the courts for State offices.

Provided that where there is a second primary, each candidate for United States Senator may expend in his own behalf, under the regulations prescribed by this Act, an additional \$1000.

Sec. 12. The following provisions shall be held to apply to all primaries and elections for United States Senator, whether special or general.

Sec. 13. No person shall receive or accept any money, property or other thing of value, or any promise or pledge thereof, constituting a disbursement made for political purposes contrary to law.

Sec. 14. In any prosecution for the violation of this provision it shall be a defense if the accused person shall prove that he had neither knowledge that such disbursements constituted a disbursement made for political purposes contrary to law, nor any reasonable cause to believe that it constituted such disbursement.

Sec. 15. No candidate for United States Senator shall make any disbursement for political purposes except under his personal direction, which for every purpose shall be considered his act, through a party committee, or through a personal committee, whose authority to act shall be filed, as provided by this act.

Sec. 16. Any candidate for United States Senator may select a personal campaign committee to consist of one or more persons, but before any personal campaign committee shall make any disbursement in behalf of any candidate, or shall incur any obligation, express or implied, to make any disbursement in his behalf, it shall file with the Secretary of State a written statement, signed by such candidate for United States Senator setting forth that such personal campaign committee has been appointed and giving the name and address of each member thereof, and the name and address of the secretary thereof. If such campaign committee con-

sists of only one person, such person shall be deemed the secretary thereof. Any candidate for United States Senator may revoke the selection of any member of such personal campaign committee by a revocation in writing which, with proof of personal service on the member whose selection is so revoked, shall be filed with the officer with whom the appointment was filed. Such candidate may fill the vacancy thus created in the manner in which an original appointment is made. The acts of every member of such personal campaign committee will be presumed to be with the knowledge and approval of the candidate until it has been clearly proved that the candidate did not have knowledge of and approved the same, and that in the exercise of reasonable care and diligence, he could not have had knowledge of or any opportunity to disapprove the same.

Sec. 17. No person or group of persons, other than a candidate or his personal campaign committee or a party committee, shall in an election for a United States Senator or nomination of a candidate for United States Senator make any disbursement for political purposes otherwise than through a personal campaign committee or a party committee, except that expenses incurred for rent of hall or other room for public speaking, for printing, for postage, for advertising, for distributing printed matter, for clerical assistance and for hotel and traveling expenses solely in connection with a public speaking engagement, may be contributed and paid by a person or group of persons residing within the county where such expenses are incurred, but not otherwise.

Sec. 18. No candidate for the nomination or election for United States Senator shall make any disbursements for political purposes except:

(1) For his personal hotel and traveling expenses and for postage, telegraph and telephone expenses.

(2) For payments which he may make to the State pursuant to law.

(3) For contributions to his duly registered campaign committee.

(4) For contributions to his party committee.

(5) For other purposes enumerated by law when such candidate has no personal campaign committee, but not otherwise.

(6) After the primary, no candidate for United States Senator for election shall make any disbursement in behalf of his candidacy, except contributions to his party committee, for his own actual necessary personal traveling expenses,

and for postage, telegraph and telephone expenses.

Sec. 19. No party committee nor personal campaign committee shall make any disbursements except:

(1) For maintenance of headquarters and for hall rentals, incident to the holding of public meetings.

(2) For necessary stationery, postage and clerical assistance to be employed for the candidate at his headquarters or at the headquarters of the personal campaign committee, or party committee incident to the writing, addressing and mailing of letters and campaign literature.

(3) For necessary expenses incident to the furnishing and printing of badges, banners and other insignia, to the printing and posting of hand bills, posters, lithographs and other campaign literature and the distribution thereof through the mails or otherwise.

(4) For campaign advertising in newspapers, periodicals or magazines, as provided by law.

(5) For actual and necessary personal expenses of public speaking.

(6) For traveling expenses of members of party committees or personal campaign committees. Nothing herein shall be construed as authorizing the employment on a salary or any other reward, any campaign manager, booster or political organizer.

Sec. 20. Every person who shall have any bill, charge or claim upon or against any personal campaign committee, any party committee or any candidate for United States Senator for any disbursement made, services rendered, or thing of value furnished, for political purposes or incurred in any manner in relation to any primary or election for United States Senator shall render in writing to such committee or candidate, such bill, charge or claim within ten days after the day of election or primary in connection with which such bill, charge or claim was incurred. No candidate for United States Senator and no personal campaign or party committee shall pay any bill, charge or claim so incurred prior to any primary or election which is not so presented within ten days after such primary or election.

Sec. 21. Every candidate for United States Senator and the secretary of every party committee shall on the second Saturday occurring after such candidate for United States Senator or committee has first made a disbursement or first incurred any obligation, express or implied, to make a disbursement for political purposes, and there-

after, on the second Saturday of each calendar month, until all disbursements shall have been accounted for, and also on the Saturday preceding any election or primary, file a financial statement verified upon the oath of such candidate for United States Senator or upon the oath of the secretary of such committee, as the case may be, which statement shall cover all transactions not accounted for and reported upon in statements theretofore filed. Each statement after the first shall contain a summary of all preceding statements, and summarize all items theretofore reported under the provisions of each subdivision of this Act in a separate total, and shall state the sum and total of all disbursements up to date of the report. On or before the second Saturday after the election, a final statement shall be filed by said candidate for United States Senator and the secretary of every personal campaign committee, and the secretary of every party committee, which said statement shall include all former statements and be as full and complete as that required for the statements required to be made on the last Saturday before the election and required by this Act.

Sec. 22. The statement of every candidate for United States Senator and the statement of his personal campaign committee shall be filed with the county clerk of the county where such candidate resides and with the Secretary of State.

Sec. 23. Each statement shall give in full detail:

(1) Every sum of money and all property, and every other thing of value received by such candidate or committee during such period from any source whatsoever which he uses or has used, or is at liberty to use for political purposes, together with the name of every person from which each was received, the specific purposes for which it was received, and the date when each was received, together with the total amount received from all sources in any amounts or manner whatsoever.

(2) Every promise or pledge of money, property or other thing of value received by such candidate or committee during such period, the proceeds of which he uses or has used or is at liberty to use for political purposes, together with the names of the person by whom each was promised or pledged, and the date when each was so promised or pledged, together with the total amounts promised or pledged from all sources in any amounts or manner whatsoever.

(3) Every disbursement made by such candidate or committee for political purposes during such period, together with the name of every person to whom the disbursement is made, the specific purpose for which each was made, and the date when each was made, together with the total amount of disbursements made in any amounts or manner whatsoever.

(4) Every obligation, express or implied, to make any disbursement incurred by such candidate or committee for political purposes during such period, together with the names of the person or persons to or with whom each such obligation has been incurred, the specific purpose for which each was made, and the date when each was incurred, together with the total amount of such obligations made in any amount or manner whatsoever.

Sec. 24. Each and every person who shall receive any payment directly or indirectly, for political purposes in a campaign before a primary or a general election for United States Senator whether as salary or as expenses, shall within thirty days after such payment has been made, or such payment has been promised, make a sworn statement showing in detail said payment or promised payments, by whom made, what services were rendered for same. This statement shall be filed with the Secretary of State. Any person who comes within the provisions of this section and fails to make the statements herein shall upon conviction be confined in the county jail for not less than ten nor more than thirty days.

Sec. 25. Blanks for all statements required by law shall be prepared by the Secretary of State and copies thereof together with a copy of this Act, shall be furnished by the Secretary of State to the secretary of every personal campaign committee and to the secretary of every party committee, and to every candidate for United States Senator upon the filing of nomination papers and all other persons required by law to file such statements who may apply therefor.

Sec. 26. The name of no candidate for United States Senator chosen at a primary election or otherwise, shall be printed on the official ballot for the ensuing election, unless there has been filed by or on behalf of said candidate and by his personal campaign committee, if any, the statements of accounts and expenses relating to the nominations of candidates for United States Senator required by this Act.

Sec. 27. Every person other than a

candidate or a personal campaign committee or party committee, who shall within any twelve months before or after any election for United States Senator make any disbursements for any political purposes relating to the election nor nomination of a candidate for United States Senator exceeding in the aggregate, twenty-five (\$25) dollars in amount and value, shall file within forty-eight hours after making any disbursement, causing the aggregate of such disbursements to reach such amount, a sworn statement thereof with the clerk of the county wherein he resides. (2) Such statements shall give in full detail, with date, every item of money, property, or other thing of value constituting any part of such disbursement, the exact means by which and the manner in which each such disbursement is made, and the name and address of every person to whom each was made, and the specific purpose for which each was made.

Sec. 28. No disbursement shall be made and no obligation, express or implied, to make such disbursement or payment, shall be incurred by or on behalf of any candidate for the nomination for United States Senator, which shall be in the aggregate in excess of \$5000 and \$1000 additional when a second primary is necessary. Provided that the expenditures allowed in Section 17 shall not be included in estimating the \$5000, or the additional \$1000 for the second primary.

Sec. 29. Any candidate for United States Senator may delegate to his personal campaign committee, or to any party committee or his party, in writing duly subscribed by him, the expenditure of any portion of the total disbursements which are authorized to be incurred by him or in his behalf, by the provisions of this act, but the total of all disbursements, by himself, by his personal campaign committee in his behalf, by all party committees in his behalf, or otherwise made in his behalf, shall not exceed in the aggregate the amounts in this Section, except as provided by law. Provided that the expenditures allowed in Section 17 hereof shall not be included in estimating the total amount.

Sec. 30. Any person other than a candidate for United States Senator and any or all members of any personal campaign committee, or any party committee, who shall fail to do and perform any and all the things required by him or them in reference to the disbursement or collection, or the payment

of money, or things of value for political purposes, as defined by this Act, shall upon conviction be confined in the county jail not less than thirty nor more than one hundred days, and in addition thereto may be fined in a sum of not less than one hundred, nor more than five hundred dollars.

Sec. 31. Any person (not a candidate) and any and all members of any personal campaign committee or party committee who shall do any of the things forbidden by this act with reference to the payment, collection or disbursement of money or other things of value for political purposes, as defined herein, shall, upon conviction, be confined, in the county jail not less than thirty nor more than one hundred days, and in addition thereto may be fined in a sum of not less than two hundred nor more than five hundred dollars.

Sec. 32. Any candidate for United States Senator who shall fail to do and perform any of the things or acts required of him under the provision of this Act relating to the disbursement or collection of money or anything of value for political purposes, shall upon conviction be confined in the county jail for not less than thirty nor more than one hundred days, and in addition thereto, may be fined not less than two hundred, nor more than five hundred dollars, nor shall he be entitled to hold the office for which he may be elected, or if nominated, his name shall not be placed upon the official ballot for the ensuing election.

Sec. 33. If any candidate for United States Senator shall do any of the things or acts forbidden by the provisions of this Act with reference to the disbursement or collection of money, or anything or things of value, for political purposes as defined by this Act, he shall upon conviction, be confined in the county jail not less than thirty nor more than one hundred days, and in addition thereto may be fined in any sum not less than two hundred, nor more than five hundred dollars, nor shall he be entitled to hold the office for which he may be elected, or if nominated, his name shall not be placed upon the official ballot for the ensuing election.

Sec. 34. At each and every primary held for the nomination of a candidate for United States Senator, the election shall be conducted by the duly appointed and constituted election officers of the several polling places and voting precincts throughout the State who shall be paid as provided by law for holding elections in other cases.

Sec. 35. At each and every primary held for the purpose of nominating a candidate for United States Senator no person not a qualified elector to vote for United States Senator under the Constitution of the United States shall be permitted to vote and no person shall vote for any candidate for the nomination for United States Senator who does not belong to the same political party with which the voter affiliates and when any voter attempts to vote for any person as a candidate for the nomination for United States Senator and is challenged, he shall, before being permitted to vote, make an affidavit that he is a bona fide member of said party and if he voted in the preceding general election held for the election of State officials, he voted for the nominees of the party whose ticket he desires to vote. Upon making such an affidavit he shall be permitted to vote.

Sec. 36. Any person who has not been defeated at the primary election preceding the general or special election for United States Senators, desiring to have his name appear upon the official ballot at any general election as a candidate for United States Senator who is not the nominee of any political party or political organization may do so only upon presenting a petition to the Secretary of State signed by at least ten per cent of the qualified voters in the State of Texas as measured by the total vote for Governor at the preceding general election. Said petitioner shall conform in every particular to the requirements of the laws of this State with reference to placing the name of any candidate, other than the nominee of any party upon the official ballot, provided, further, that in no case shall the name of any person be placed upon the official ballot at any general election as a candidate for United States Senator as the nominee of any party unless he has been nominated under the provisions of this Act and has complied with every provision of the laws of this State with reference to the nomination of candidates for United States Senators.

Sec. 37. Any person desiring to have his name appear upon the official ballot as a candidate for United States Senator at any special election held for the purpose of filling a vacancy in the United States Senate, when no party primary is held, may do so by presenting his application to the Secretary of State which shall set forth: (1) That he is a candidate for United States Senator. (2) His age. (3) His occupation. (4) The county of his residence. (5) His postoffice address. (6) That he is a

member in good faith of the political party upon whose ballot he wishes his name to appear that if a voter at the preceding election he voted for the nominees of said party. (7) That he will during the term of his office, if elected, endeavor to truly respect the wishes of his constituency and to abide by and support such measures as may be endorsed by the primary voters of his party in this State, and that he will use all honorable means at his command to secure the appointment for such applicants for positions in the Federal service as receive a majority of the votes at any primary held by the members of his party to determine their wishes with reference thereto. Said application to be signed by the candidate and properly acknowledged before some person authorized to take acknowledgments. The Secretary of State shall upon receipt of the application which conforms to the above requirements issue his instruction to the county clerks of this State directing that the name of the applicant shall be printed on the official ballot in the column under the title of the office for which he is a candidate.

Sec. 38. Any candidate who desires his name to appear on the official ballot for a special primary as a candidate for the nomination of such party for the office of United States Senator shall file with the State chairman of his party, not later than fifteen (15) days prior to the date of such primary, his written request that his name be placed upon such official ballot as a candidate for the nomination of United States Senator, giving his age and occupation, the county of his residence and postoffice address, which shall be signed by him and acknowledged by him before some officer, and also twenty-five (25) qualified voters may likewise join in a request that the name of any person affiliating with such party be placed upon the official ballot as a candidate for United States Senator, giving the occupation, county of residence and post-office address of such person, signing and acknowledging same as above provided, and may file the same with the State chairman within the time above mentioned with the same effect as if such request had been filed by the party named therein as a candidate for such nomination. And the chairman and secretary of the State committee shall forthwith cause to be mailed to the chairman and secretary of every county committee of the party in the State the name of such candidate for United

States Senator, with instructions that it be placed on the official ballot of such county. All requests shall be considered filed with the State chairman when they are sent from any point within the United States by registered mail, or by telegraph, addressed to the State chairman at his postoffice address. On the first Saturday following such special primary election, the county executive committee of each county in the State, shall meet and canvass the returns of such election, and shall immediately thereafter certify by its chairman and secretary the result of said election and forward same to the State chairman. The State executive committee shall meet at a time not later than fifteen (15) days after the date of said special primary and canvass and tabulate the returns of said election as certified by the county chairman, and the candidate receiving the majority of the number of votes cast at such primary shall be the nominee of the party for such office; and the State chairman shall order the name of such candidate placed upon the official ballot of said party.

Provided, however, if at the first primary election no candidate receives a majority of the votes polled by his party for all the candidates for United States Senator before said party, the State executive committee or State chairman thereof shall call a second primary election for the purpose of determining the choice of the party as between the two candidates receiving the largest number of votes at the first primary election. Said second primary shall be held on the third Saturday following the first primary, and at such second primary, only the two candidates in each party, receiving the two highest votes shall be voted upon.

Sec. 39. When there are two senators to be elected from Texas to the Congress of the United States, each candidate offering his name for election shall designate in his application for a position on the ticket whether in a general or special election or primary, whether he is a candidate for the short term or long term.

Sec. 40. The fact that there is now no law upon the Statutes of this State providing for the appointment, nomination and election of United States Senators, and the fact that a vacancy might occur at any time in the representation of the State of Texas in the Senate of the United States creates an emergency and an imperative public necessity that the constitutional rule requiring bills to

be read on three several days be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted? Mr. Kennedy moved that the report be adopted.

The Clerk was directed to call the roll, and the report was adopted by the following vote:

Yea—104.

Barrett of Jones.	Low.
Barrett of Titus.	Macgill.
Bartley.	McAskill.
Blalock.	McDaniel.
Brown.	Mills.
Bruce.	Morris of Victoria.
Burges.	Morris of Coryell.
Burneister.	Murray.
Burns.	Nabours.
Butler.	Neeley.
Byrne.	Olander.
Calvin.	Owsley.
Campbell.	Parker.
Chrestman.	Parks.
Colquitt.	Patton.
Cooper.	Powell.
Cope.	Raiden.
Cox of Delta.	Ratliff.
Craven.	Reeves.
Crisp.	Rich.
Cunningham.	Rickerson.
Davis.	Ridgell.
Dickson.	Ritchie.
Dodson.	Roach.
Dove.	Robbins.
Dunn.	Robertson.
Fields.	Rogers.
Flournoy.	Ross.
Foster.	Russell.
Fountain.	Savage.
Fuller.	Schwegman.
Furrh.	Simpson.
Gates.	Spradley.
Greer.	Stephens.
Griggs.	Stone.
Grindstaff.	Sullivan.
Hagins.	Tarver.
Haney.	Taylor.
Harris.	Templeton.
Haxthausen.	Thompson.
Heilig.	Tillotson.
Henry of Bowie.	Ussery.
Henry of Wichita.	Vannoy.
Hill.	Vickers.
Hornby.	Wagstaff.
Householder.	Watson of Hays.
Hughes.	Watson of Mills.
Hunter.	Williams
Kennedy.	of Hopkins.
Kirby.	Williams
Lane.	of McLennan.
Lewelling.	Woods of Fisher.
Long.	Wortham.

	Nays—2.
Cox of Ellis.	Herder.
Present—Not Voting.	
Goodner.	Absent.
Allison.	Paddock.
Bagby.	Penry.
Baker.	Reedy.
Bierschwale.	Rowell.
Coffey.	Spann.
Diffie.	Tiller.
Gentry.	Tyson.
Humphrey.	Woods of Navarro.
King.	Yarbrough.
Absent—Excused.	
Boehmer.	Mangum.
Broughton.	Mendell.
Collins.	Mulcahy.
Glasscock.	Oliver.
Greenwood.	Smith.
Harp.	Wahrmund.
Jordan.	Webb.
McKamy.	
(Mr. Mills in the chair.)	
Mr. Kennedy moved to reconsider the vote by which the report was adopted and to table the motion to reconsider.	
The motion to table prevailed.	

## MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 57, A bill to be entitled "An Act to amend Chapter 1, Title 11, of the Revised Civil Statutes of this State of 1911, relating to attachments, by adding thereto Article 247a, providing for the issuance of attachments in suits founded in tort and upon liquidated demands, and providing for the fixing of the amount of bond in such cases, and declaring an emergency."

Senate bill No. 23, A bill to be entitled "An Act to name the several counties composing the Sixty-third Judicial District and fix the time for holding district courts therein and to repeal all laws in conflict therewith, and declaring an emergency."

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

**REPORT OF FREE CONFERENCE COMMITTEE ON HOUSE BILL NO. 2.**

Mr. Wortham called up from the Speaker's table, for consideration at this time, the report of the Free Conference Committee on House bill No. 2.

The Speaker laid the report before the House, and it was read as follows:

Committee Room,  
Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred House bill No. 2, with Senate amendments thereto, have had the same under consideration at a session of said committee, and beg leave to report it back to the Senate and House with the recommendation that it do not pass, but that the accompanying Free Conference Committee substitute for House bill No. 2 do pass in lieu thereof.

WORTHAM,  
HILL,  
GOODNER,  
KIRBY,  
WOODS of Navarro,  
On the part of the House.

LATTIMORE,  
HUDSPETH,  
WILEY,  
COLLINS,  
BAILEY,  
WILLACY,  
On the part of the Senate.

**Free Conference Committee Substitute for House Bill No. 2.****A Bill To Be Entitled**

An Act making appropriations for the support of the State government for two years beginning September 1, 1913, and ending August 31, 1915, and for other purposes, and prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the support of the State government for the year ending August 31, 1913, and to pay various miscellaneous claims against the State, and declaring an emergency.

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

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the support of the State government from September 1, 1913, to August 31, 1915; provided, that each and every employe of each and every institution or department of this State shall be paid by voucher issued in his or her name; said voucher shall state the amount of salary or sum due, and for what service performed, with the date and time of said service, and no money or moneys shall be paid except upon presentation of said voucher or vouchers endorsed by the payee; provided, further, that all of said vouchers upon which any money or moneys have been paid shall be filed with the Comptroller for the inspection of the Governor and the Legislature or by their authority; and provided further, that the correct accounts shall be kept for all sums paid, or obligations outstanding against each item of appropriation herein, and weekly statements of the net balances to the credit of each account, after all payments made and obligations outstanding have been deducted, shall be forwarded to the State Comptroller, and it shall be unlawful for the State Purchasing Agent or the authority in charge of any institution or department of this State to purchase or issue orders for any supplies or otherwise pledge the credit of this State beyond the amounts herein appropriated or otherwise lawfully authorized.

## Executive Office.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Governor.....	\$ 4,000 00	\$ 4,000 00
Salary of private secretary.....	2,400 00	2,400 00
Salary of two stenographers at \$1200 each.....	2,400 00	2,400 00
Salary of porter.....	480 00	480 00
Payment of rewards and other expenses necessary for the enforcement of the law, and telegraphing and telephoning for all purposes.....	7,500 00	7,500 00
Payment of rewards and other expenses necessary for the enforcement of the law heretofore authorized, to be expended under the direction of the Governor.....	1,000 00	1,000 00
Traveling expenses of Governor.....	1,000 00	1,000 00
Books and stationery.....	500 00	500 00
Freight and postage.....	500 00	500 00
Ice .....	36 00	36 00
Contingent expenses .....	100 00	100 00
To pay Lieutenant Governor for acting as Governor, to be used in two years.....	500 00	
Salaries of Board of Pardon Advisers is hereby fixed at.	5,000 00	5,000 00
Salary of stenographic clerk and bookkeeper for Board of Pardon Advisers.....	1,200 00	1,200 00
Contingent expenses of Board of Pardon Advisers.....	300 00	300 00
Furniture for Board of Pardon Advisers.....	200 00	
One typewriter for Board of Pardon Advisers.....	100 00	
Expenses of Board of Pardon Advisers in visiting penitentiaries, reformatory, camps and farms .....	500 00	500 00
Total .....	\$ 27,716 00	\$ 25,916 00

The Governor of Texas is hereby authorized to pay into the State Treasury any and all funds that may be in his possession due to the volunteers from Texas in the war between the United States and Spain. Any such fund so paid into the State Treasury by the Governor shall be placed to the credit of the volunteers from Texas in the war with Spain, and upon proper proof being submitted in accordance with law by any volunteer from Texas to whom any portion of said money is due, the Governor shall approve same, and any accounts thus approved shall be sufficient upon which the Comptroller shall issue his warrant upon the State Treasury for payment of same, out of any money in the Treasury to the credit of the volunteers from Texas."

## Mansion and Grounds.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

For Governor's Mansion, including repairs and remodeling of Mansion, improvement of grounds surrounding the Mansion, including repairs and improvements to Mansion and grounds and the necessary labor to care for same, to be expended in two years.	\$ 12,000 00
Labor and employes at Mansion.	1,000 00
Fuel, lights, water, ice, groceries and incidentals.....	2,000 00
Total .....	\$ 15,000 00
	\$ 3,000 00

The appropriations herein provided for the Executive Office and Mansion and Grounds are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

## Department of State.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Secretary of State.....	\$ 2,000 00	\$ 2,000 00
Salary of chief clerk.....	2,000 00	2,000 00
Salary of cashier and clerk (to be placed under \$10,000 bond) .....	1,800 00	1,800 00
Salary of bookkeeper.....	1,500 00	1,500 00
Salary of general clerk.....	1,350 00	1,350 00
Salary of charter clerk.....	1,200 00	1,200 00
Salary of assistant bookkeeper.....	1,350 00	1,350 00
Salary of executive clerk.....	1,350 00	1,350 00
Salaries of three stenographers.....	3,600 00	3,600 00
Salary of porter.....	600 00	600 00
Salary of emergency clerks, not to exceed \$100 per month .....	2,500 00	2,500 00
Freight, postage, express, telegraphing and telephoning and contingent expenses.....	2,800 00	2,800 00
Books and stationery.....	1,500 00	1,500 00
Furniture, files and typewriters.....	600 00	600 00
For copying and proof reading Acts of the Called Session, Thirty-third Legislature.....	200 00	
Total .....	\$ 24,350 00	\$ 24,150 00

Provided, that the head of said department keep a record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences shall be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

## State Revenue Agent.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of State Revenue Agent.....	\$ 2,000 00	\$ 2,000 00
Salary of chief clerk and stenographer.....	1,500 00	1,500 00
Traveling and other expenses.....	1,000 00	1,000 00
Stationery, stamps and telegraphing.....	300 00	300 00
Office furniture .....	200 00	
Total .....	\$ 5,000 00	\$ 4,800 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

## Public Buildings and Grounds.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent.....	\$ 1,500 00	\$ 1,500 00
Salary of Superintendent for looking after State's property outside of Austin.....	500 00	500 00
Salary of clerk.....	1,200 00	1,200 00
Salary of engineer and electrician.....	1,200 00	1,200 00

	For the Years Ending Aug. 31, 1914.	Aug. 31, 1915.
Salary of assistant engineer and electrician.....	\$ 1,000 00	\$ 1,000 00
Salaries of seven watchmen, ex-confederate soldiers and sailors to be given preference in employment...	5,460 00	5,460 00
Salary of carpenter.....	1,000 00	1,000 00
Salaries of two firemen.....	1,440 00	1,440 00
Salary of two elevator operators.....	960 00	960 00
Salary of painter.....	1,100 00	1,100 00
Salary of plasterer.....	800 00	800 00
Salaries of seven cleaners.....	3,780 00	3,780 00
Salary of teamster.....	600 00	600 00
Salary of W. P. Zuber, guide in charge of paintings....	480 00	480 00
Salary of Mrs. Rebecca J. Fisher, assistant guide in charge of paintings.....	480 00	480 00
Labor and material on Capitol grounds; keeping State cemetery, repairing State sewer, headstones for Con- federate and Texas veterans interred in State ceme- tery .....	6,000 00	6,000 00
New fence around State cemetery.....	5,000 00	
Water, light, fuel, contingencies and to purchase ma- chinery .....	13,500 00	13,500 00
Oil and waste for engines, dynamos and steam pumps and drawing paper and stationery.....	400 00	400 00
Feed for teams.....	250 00	250 00
Tools and implements.....	200 00	200 00
Laying water mains and fire hydrants.....	4,000 00	
Paving for unfinished portions of Capitol drives.....	5,000 00	
Salaries of two night watchmen at Capitol building, for purpose of fire protection, to thoroughly patrol the building at least once each hour under direc- tion of Superintendent of Public Buildings and Grounds, at \$50 per month each.....	1,200 00	1,200 00
For improvements, maintenance and care of San Ja- cinto State Park.....	10,000 00	10,000 00
Salary of keeper of San Jacinto State Park.....	900 00	900 00
Feed for teams at San Jacinto State Park.....	200 00	200 00
Pipes and fittings.....	400 00	400 00
Repairing and repainting the Capitol and for furni- ture in House and Senate.....	1,500 00	1,500 00
For repairing roof of Capitol.....	7,500 00	
For the care and maintenance of the Fannin Battlefield State Park and the Gonzales State Park.....	1,000 00	1,000 00
<b>Total .....</b>	<b>\$ 78,550 00</b>	<b>\$ 57,050 00</b>

Provided, that the head of this department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department; and provided further, that the superintendent shall keep an itemized account of the expenses of the department and incorporate the same in his annual report.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Statutes of 1911.

Inspector of Masonry, Public Buildings and Works.

	For the Years Ending Aug. 31, 1914.	Aug. 31, 1915.
Salary of Inspector.....	\$ 2,000 00	\$ 2,000 00
Salary of two assistants.....	3,600 00	3,600 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Stationery, postage and box rent.....	\$ 75 00	\$ 90 00
Office furniture, plan reading tables, shelving, cases for blue prints, record files for operation and materials on works for two years.....	300 00	300 00
Contingent office expenses, including telephone, water and ice .....	100 00	100 00
Material tests and analyses, long distance telephone, telegraphing, express and freight charges, incidentals pertaining to the supervision of State buildings and traveling expenses for two assistants and the Inspector	3,575 00	3,560 00
<b>Total .....</b>	<b>\$ 9,650 00</b>	<b>\$ 9,650 00</b>

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

#### Department of Insurance and Banking.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Commissioner is hereby fixed at.....	\$ 4,000 00	\$ 4,000 00
Salary of Commissioner as ex-officio Superintendent of Banking .....	500 00	500 00
Salary of Commissioner as member of State Insurance Commission .....	500 00	500 00
Salary of chief clerk.....	2,000 00	2,000 00
Salary of actuary.....	2,500 00	2,500 00
Salary of actuary's clerk.....	1,500 00	1,500 00
Salary of bank clerk.....	1,800 00	1,800 00
Salaries of three assistant bank clerks.....	3,600 00	3,600 00
Salary of stenographer.....	1,200 00	1,200 00
Salary of certificate clerk.....	1,200 00	1,200 00
Salary of bookkeeper and general clerk.....	1,500 00	1,500 00
Salary of general clerk and stenographer.....	1,200 00	1,200 00
Salary of statistical clerk.....	1,200 00	1,200 00
Salary of stenographer, Banking Department.....	1,200 00	1,200 00
Salary of porter and file clerk.....	480 00	480 00
Traveling expenses, hotel bills, incurred by the Commissioner, or any of his assistants or employes when out of the city of Austin on business for the department .....	1,500 00	1,500 00
Expenses of Commissioner in enforcing the insurance and banking laws.....	2,000 00	2,000 00
Postage, stationery, telegraph, express and long distance phone calls .....	3,500 00	3,500 00
Rent of telephones.....	60 00	60 00
Binding annual statements of insurance companies.....	50 00	50 00
Ice .....	36 00	36 00
Contingent expenses .....	250 00	250 00
Publishing insurance laws, to be expended in two years	500 00	500 00
Office furniture, including typewriters, calculating machines and other necessary repairs.....	1,000 00	500 00
Salaries of seventeen bank examiners at \$2000 each...	34,000 00	34,000 00
Traveling expenses of seventeen bank examiners, and of the Commissioner in connection with bank matters, or so much as may be necessary .....	31,875 00	31,875 00
Salaries of three additional bank examiners first year, and five second year, if necessary to be appointed;		

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

provided, the Commissioner of Insurance and Banking is authorized to appoint necessary bank examiners not to exceed one for every forty banks organized and operated under the laws of this State....	\$ 6,000 00	\$ 10,000 00
Traveling expenses of additional bank examiners, if appointed, or so much thereof as may be necessary.....	5,625 00	9,375 00

**State Insurance Commission.**

Salaries of two members of State Insurance Commission to be appointed by the Governor, \$2500 each....	5,000 00	5,000 00
Compensation of experts, clerical force and other persons employed by the State Insurance Commission, and all necessary traveling expenses, and such other expenses as may be necessary in carrying out the provisions of the act creating said State Insurance Commission .....		94,500 00
Workmen's Compensation Act—		
Salary of chairman of Industrial Accident Board to be appointed by the Governor.....	3,000 00	3,000 00
Salaries of two members of Industrial Accident Board, to be appointed by the Governor, \$2500 each.....	5,000 00	5,000 00
Salary of Secretary of Industrial Accident Board.....	2,000 00	2,000 00
For clerical services, traveling expenses, office furniture and equipment, postage, telegraph, telephone, typewriter, express and such other expenses as may be necessary in carrying out the act creating said Industrial Accident Board.....	5,000 00	5,000 00
Expenses which may be incurred by the Board of Directors of the Texas Employers' Insurance Association, under the provisions of Section 23, Part III, Chapter 79, Acts of the Thirty-third Legislature, to be expended in two years.....	5,000 00	
Total of needed appropriations.....	\$135,776 00	\$232,526 00

Provided, that all money collected by the authority of law from insurance companies and State bank and trust companies be paid into the State Treasury.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that a record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes, except under the provisions provided for in Article 4242, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

**Texas Library and Historical Commission.**

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Librarian.....	\$ 2,000 00	\$ 2,000 00
Salary of assistant librarian and cataloguer.....	1,200 00	1,200 00
Salary of archivist.....	1,200 00	1,200 00
Salary of stenographer and copyist.....	1,000 00	1,000 00
Salary of general assistant.....	720 00	720 00
Books for State Library.....	1,000 00	1,000 00
Gathering historical data.....	700 00	700 00
Stationery, library supplies, postage, freight.....	500 00	500 00
Subscriptions to newspapers and periodicals.....	250 00	250 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Printing and publishing two volumes of Texas Archives, to be expended in two years.....	\$ 2,000 00	
Binding and repairs.....	400 00	400.00
Traveling expenses of Commission when attending board meetings .....	100 00	100 00
Traveling expenses of State Librarian in the service of the Commission .....	100 00	100 00
Collecting and disseminating information about public libraries .....	200 00	200 00
Shelving for books, newspapers and manuscripts, with the necessary stack floors, railings and stairs; tables and chairs for reading room; office furniture, filing cabinets for legislative reference section, card cata- logue cases; gratings over windows in manuscript room, cases for Texas, Mexican and Confederate flags.	2,000 00	2,000 00
Telephone rent .....	48 00	48 00
Contingent expenses, including typewriter.....	200 00	100 00
Fire extinguishers .....	150 00	
For maintenance of Legislative Reference Department	5,000 00	5,000 00
 Total .....	 \$ 18,768 00	 \$ 16,518 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Statutes of 1911.

#### State Tax Board.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Tax Commissioner.....	\$ 2,500 00	\$ 2,500 00
Salary of stenographer.....	900 00	900 00
Porter hire .....	72 00	72 00
Extra account help.....	300 00	300 00
Furniture .....	100 00	
Typewriter .....	100 00	
Postage, express, telegraph and telephone.....	300 00	300 00
Books and stationery.....	100 00	50 00
Contingent expenses .....	100 00	100 00
 Total .....	 \$ 4,472 00	 \$ 4,252 00

Provided, that the head of said department keep a record of the absences of the various employees and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences shall be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### State Purchasing Agent.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of State Purchasing Agent is hereby fixed at...\$	2,500 00	\$ 2,500 00
Salary of chief clerk.....	1,500 00	1,500 00
Salary of assistant clerk.....	1,200 00	1,200 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of porter.....	\$ 480 00	\$ 480 00
Extra help for preparing and making awards.....	150 00	150 00
One electric adding machine.....	355 00	
One typewriter .....		85 00
Furniture .....	100 00	
Contingent and traveling expenses.....	850 00	850 00
Total .....	\$ 7,135 00	\$ 6,765 00

Provided further, that the State Purchasing Agent shall advise the Financial Agent of the State Penitentiary when any department or State institution desires or needs any furniture or machinery, or anything else that is or may be manufactured at the State penitentiary, or the time set for receiving bids for said articles. Said notification shall be made by means of sending a duplicate notice of any public advertisement calling for bids by registered mail to the Financial Agent of the Penitentiary at Huntsville.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

#### Public Printing.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Expert Printer and Secretary of Printing Board .....	\$ 1,800 00	\$ 1,800 00
Salary of one assistant and bookkeeper.....	1,200 00	1,200 00
First, second and third class printing and binding, and for printing papers of first, second and third class public printing .....	30,000 00	30,000 00
For printing and binding Texas Reports, Texas Civil Appeals Reports and Texas Criminal Reports.....	9,000 00	9,000 00
For advertising State business.....	500 00	500 00
Telephone rent, postage, stationery and files, furniture and contingent expenses.....	150 00	150 00
Total .....	\$ 42,650 00	\$ 42,650 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### Bureau of Labor Statistics.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915
Salary of Commissioner.....	\$ 2,000 00	\$ 2,000 00
Salary of two factory inspectors.....	3,000 00	3,000 00
Salary of one safety appliance inspector.....	1,500 00	1,500 00
Salary of one statistician and stenographer.....	1,500 00	1,500 00
Traveling expenses for the department.....	5,100 00	5,100 00
Stationery and postage.....	300 00	300 00
One typewriter, one bookcase.....	110 00	
Contingent expenses, telegraphing, telephone, ice and janitor .....	212 00	212 00
Totals .....	\$ 13,722 00	\$ 13,612 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

**Adjutant General's Department.**

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.
Salary of Adjutant General.....	\$ 2,000 00 \$ 2,000 00
Salary of Assistant Adjutant General, who shall be chief clerk .....	1,800 00 1,800 00
Salary of Quartermaster General.....	1,500 00 1,500 00
Salary of stenographer.....	1,200 00 1,200 00
Salary of porter, messenger and armorer.....	480 00 480 00
Stationery, postage, telegraphing and telephoning.....	1,000 00 1,000 00
Ranger force in suppression of lawlessness and crime... .	20,000 00 20,000 00
Payment of transportation and subsistence for the Texas National Guard when called into actual service under the law, and for such other military expenses incidental thereto, or so much thereof as may be necessary .....	5,000 00 5,000 00
For labor in arsenal and storeroom, repair of arms and equipment, laundry and repair of uniforms in store-rooms, transportation of military stores and supplies, transportation and expenses of officers serving on military courts and boards, and transportation and expenses of witnesses appearing before military courts and boards .....	2,500 00 2,500 00
Payment of transportation and subsistence of Texas National Guard for camps of instruction at Camp Mabry, and all other military expenses.....	10,000 00 10,000 00
Office files, furniture and floor coverings.....	400 00 100 00
Rent and maintenance of armories and purchase of armory equipment .....	20,000 00 20,000 00
Erection of storehouse at Camp Mabry.....	20,000 00
To make the final payment on 63 acres of land adjoining Camp Mabry .....	3,412 00
<b>Total .....</b>	<b>\$ 89,292 00 \$ 65,580 00</b>

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

**Texas State Board of Health.**

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.
Salary of president.....	\$ 2,500 00 \$ 2,500 00
Salary of board and mileage.....	1,000 00 1,000 00
Salary of registrar of vital statistics.....	1,800 00 1,800 00
Salary of chemist and bacteriologist.....	1,800 00 1,800 00
Salary of stenographer and bookkeeper.....	1,200 00 1,200 00
Salary of filing and index and general clerk.....	900 00 900 00
Salary of porter.....	480 00 480 00

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
Salary of quarantine officer at Galveston when actually engaged in service, at \$200 per month.....\$	2,400 00	\$ 2,400 00
Salary of assistant quarantine officer at Galveston when actually engaged in service.....	1,500 00	1,500 00
Salary of engineer on launch at Galveston, at \$75 per month .....	900 00	900 00
Salary of disinfector at Galveston, at \$75 per month..	900 00	900 00
Salary of two assistant disinfectors at Galveston, at \$720 each .....	1,440 00	1,440 00
Salary of captain on disinfecting vessel at Galveston, at \$100 per month.....	1,200 00	1,200 00
Salary of engineer on disinfecting vessel at Galveston, at \$100 per month.....	1,200 00	1,200 00
Salaries of two deck hands on disinfecting vessel at Galveston, \$720 each.....	1,440 00	1,440 00
Salary of quarantine officer at Sabine Pass, when actually engaged in service, at \$150 per month.....	1,800 00	1,800 00
Salary of one disinfector at Sabine Pass, at \$60 per month .....	720 00	720 00
Salary of one boatman at Sabine Pass, at \$50 per month	600 00	600 00
Salary of engineer at disinfecting plant at Sabine Pass, at \$75 per month.....	900 00	900 00
Salary of quarantine inspector at Brownsville, when actually engaged in service, at \$150 per month for six months .....	900 00	900 00
Salary of quarantine officer at Aransas Pass, when actually engaged in service, at \$150 per month.....	1,800 00	1,800 00
Salary of boatman at Aransas Pass, when actually engaged in service, at \$50 per month.....	600 00	600 00
Salary of engineer at Aransas Pass.....	900 00	900 00
Salary of quarantine officer at Velasco, when actually engaged in service, at \$100 per month.....	1,200 00	1,200 00
Salary of quarantine officer at Pass Cavallo, when actually engaged in service, at \$50 per month, for six months .....	300 00	300 00
Salary of boatman at Pass Cavallo, when actually engaged in service, at \$10 per month.....	120 00	120 00
Salary of quarantine officer at El Paso while actually engaged in service, at \$150 per month, for six months	900 00	900 00
Salary of quarantine officer at Eagle Pass, when actually engaged in service, at \$150 per month.....	900 00	900 00
Salary of quarantine officer at Laredo, when actually engaged in service, at \$150 per month, for six months	900 00	900 00
Traveling expenses and office expenses, including telegraphing and telephoning, and maintenance of permanent quarantine station, except for salaries at Galveston, Sabine Pass, Velasco, Pass Cavallo, Brownsville, Eagle Pass and El Paso, for guarding State line at other places against infectious diseases as may become necessary from time to time, and for necessary repairs to State property; also for necessary expenses, equipment and supplies for the hookworm department and for charbon work and the State laboratory each year .....	15,000 00	15,000 00
Purchase of boat at Sabine Pass.....	6,000 00	
Purchase of boat at Aransas Pass.....	6,000 00	
For the purpose of carrying out the provisions of House bill No. 366 as passed by the Thirty-third Legislature, providing for a public health exhibit in rail-		

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

road car or cars, and carrying on educational campaign for the protection of public health against communicable diseases .....	\$ 10,000 00	\$ 10,000 00
<b>Total</b> .....	<b>\$ 70,200 00</b>	<b>\$ 58,200 00</b>

Provided, that the President of said Board may abolish such positions as are herein set forth, if, in his judgment, the same are not necessary for the protection of the public health, or he may require officers to perform such other work in his department as he may think for the interest of the public health.

Provided, that the President of said Board shall submit to the Governor at the end of each three months an itemized report, showing the manner in which said funds are expended; and said itemized report shall, after approval, be filed with the Comptroller for public inspection.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and said record shall be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### Game, Fish and Oyster Commission.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915

Salary of Commissioner .....	\$ 1,800 00	1,800 00
Salary of general clerk and stenographer .....	1,200 00	1,200 00
Salary of first assistant to enforce game laws .....	1,200 00	1,200 00
Salary of second assistant to enforce game laws .....	1,200 00	1,200 00
Salary of third assistant to enforce game laws .....	1,200 00	1,200 00
Office rent, traveling expenses and other expenses of the Commissioner .....	600 00	600 00
Stationery .....	50 00	50 00
Purchasing and repairing boats, to be expended in two years .....	2,500 00	
<b>Total</b> .....	<b>\$ 9,750 00</b>	<b>\$ 7,250 00</b>

Provided, that the salary of the chief deputy Game, Fish and Oyster Commissioner, deputy fish and oyster commissioner, and deputy game commissioners, and all necessary expenses of the department, including means of transportation for the Commissioner and deputies and their traveling expenses in the enforcement of the law, furniture for office at Austin, stationery, printing, one adding machine, stamps, etc., to be paid out of the fish and oyster and game funds on designation and approval of the Commissioner.

Provided, the Commissioner may expend not to exceed \$1000 of such funds each year in procuring a museum collection of fish, oysters, animals and birds and their skins and eggs for scientific purposes.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

## Live Stock Sanitary Commission.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
To pay per diem and expenses of three Commissioners.....	\$ 4,000 00	\$ 4,000 00
Salary of chief inspector.....	1,500 00	1,500 00
Expenses of chief inspector.....	600 00	600 00
Salaries of thirty inspectors at \$1000 each.....	30,000 00	30,000 00
Expense account of inspectors engaged in tick or scab eradication and charbon work, at \$25 per month....	9,000 00	9,000 00
Emergency fund for extra help.....	3,500 00	3,500 00
Expense of stationery inspectors, approximating five, at \$10 per month.....	600 00	600 00
Salary of State Veterinarian.....	1,800 00	1,800 00
Expense account of State Veterinarian.....	700 00	700 00
Salary of stenographer and bookkeeper.....	1,200 00	1,200 00
Office rent, stationery, stamps, telegrams and telephone bills and other necessary office expenses.....	1,000 00	1,000 00
Spray pumps and medicine furnished inspectors engaged in tick and scab eradication work.....	600 00	600 00
 Total .....	 \$ 54,500 00	 \$ 54,500 00

Provided, that the inspectors of the Live Stock Sanitary Commission provided for in this bill shall be exempt from the provisions of Article 1533 of the Revised Criminal Statutes of 1911.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

## State Mining Board.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Per diem expense of Board.....	\$ 600 00	\$ 600 00
Traveling expenses of the Board.....	1,000 00	1,000 00
Maintaining and equipping an office for the use of the State Mining Board and State Mine Inspector.....	900 00	900 00
Salary of State Mine Inspector.....	2,000 00	2,000 00
Traveling expenses of State Mine Inspector.....	1,000 00	1,000 00
For the purchase of oxygen helmet apparatus for instruction and mine rescue work and for the expense of maintenance .....	2,000 00	
 Total .....	 \$ 7,500 00	 \$ 4,900 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

## Pure Food Commission.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Commissioner is hereby fixed at.....	\$ 2,500 00	\$ 2,500 00
Salaries of two chemists.....	3,600 00	3,600 00
Salaries of two inspectors.....	3,000 00	3,000 00
Salary of stenographer.....	1,200 00	1,200 00
Office and laboratory supplies.....	900 00	900 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Stamps and stationery.....	\$ 300 00	\$ 300 00
Traveling and other expenses.....	4,000 00	4,000 00
<b>Total .....</b>	<b>\$ 15,500 00</b>	<b>\$ 15,500 00</b>

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

#### State Pension Department.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Pension Commissioner.....	\$ 2,000 00	\$ 2,000 00
Salary of clerk.....	1,200 00	1,200 00
Salary of stenographer.....	1,200 00	1,200 00
Stationery, postage and contingent expenses.....	2,500 00	2,500 00
One typewriter .....	100 00	
To pay veterans of Mexican war as provided by Article 6257 of the Revised Statutes of 1911.....	14,500 00	14,500 00
<b>Total .....</b>	<b>\$ 21,500 00</b>	<b>\$ 21,400 00</b>

For the payment of Confederate pensions, all of the net revenue accruing from the assessment and collection of the tax of five cents on the one hundred dollars, according to the provisions of Chapter 141, Acts of the Regular Session of the Thirty-third Legislature, are hereby appropriated for the payment of pensions under the provisions of said act.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

#### Attorney General's Department.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Attorney General.....	\$ 2,000 00	\$ 2,000 00
And the further sum each year, or so much thereof as .may be necessary, to pay such fees as may be pre- scribed by law .....	2,000 00	2,000 00
Salary of First Assistant, who shall act as Attorney General in the absence of the Attorney General..	3,500 00	3,500 00
Salary of assistant, who shall assist the Attorney Gen- eral in enforcing anti-trust laws.....	3,000 00	3,000 00
Salary of the assistant who has charge of all matters pertaining to railroad litigation.....	3,000 00	3,000 00
Salaries of four other assistants who shall perform such duties as may be assigned by the Attorney General, at \$3000 each per year.....	12,000 00	12,000 00
Salary of assistant bond examiner.....	2,400 00	2,400 00
Salary of chief clerk and bookkeeper.....	1,800 00	1,800 00
Salaries of three stenographers; also an additional ste- nographer, if necessary, not exceeding \$100 per month	4,800 00	4,800 00
Salary of porter.....	480 00	480 00
Furniture, typewriters, postage, telephone service, tele- graph services and fixtures for office.....	1,250 00	1,250 00

	For the Years Ending	
	Aug. 31, 1913.	Aug. 31, 1915.
Law books and periodicals.....	\$ 1,000 00	\$ 500 00
Actual traveling expenses incurred by the Attorney General and any of his assistants and representatives, in giving attention to the State's business pending elsewhere than in the courts of the city of Austin.....	1,000 00	1,000 00
Cost in civil cases, in which the State of Texas, or any head of a department is a party.....	1,500 00	1,500 00
For the enforcement of the anti-trust, land, corporation and other laws.....	7,500 00	7,500 00
For the necessary expenses in defending cause original No. 13, The State of New Mexico vs. The State of Texas, pending in the Supreme Court of the United States, involving the boundary between the State of New Mexico and the State of Texas, including cost of investigation and all other necessary expenses pertaining to this suit.....	10,000 00	
Total .....	\$ 57,230 00	\$ 46,730 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as to the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Statutes.

#### Department of Education.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of State Superintendent.....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	2,000 00	2,000 00
Salary of assistant to Superintendent.....	1,800 00	1,800 00
Salary of law and certificate clerk.....	1,350 00	1,350 00
Salary of statistical clerk.....	1,220 00	1,220 00
Salary of auditing and apportionment clerk.....	1,220 00	1,220 00
Salaries of two stenographic, filing and general clerks..	2,400 00	2,400 00
Salary of mailing and blank room clerk.....	1,000 00	1,000 00
Salaries of two clerks for three months—July, August and September—at \$100 per month each.....	.600 00	.600 00
Salary of porter.....	480 00	480 00
Actual traveling expenses of State Superintendent or his representative when on official duty.....	1,000 00	1,000 00
Postage, stationery, office furniture, files, binding reports and other books, forms and pamphlets.....	3,500 00	3,500 00
Express, freight, telegraphing and telephoning.....	2,000 00	2,000 00
Contingent expenses .....	100 00	100 00
Paper, printing and distributing county superintendents' record books, teachers' daily questions, teachers', superintendents' and treasurers' blank reports, census blanks, courses of study, circulars to school officers and teachers and other blank forms for use of teachers and other school officers or for the advancement of the cause of education.....	9,000 00	9,000 00
For continuing State aid to such high schools as have heretofore established departments of agriculture, manual training or domestic economy; provided, that the inspector from the State Department of Educa-		

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tion after visiting said high schools finds further State aid advisable and necessary and recommends it; and for establishing, equipping and maintaining such departments in additional high schools in accordance with the provisions of Section 3, Chapter 26, General Laws, Regular Session, Thirty-second Legislature . . . . .	\$100,000 00	\$100,000 00
For support of public free schools for two years all the available free school fund arising from the interest or lease of the school lands, interest on bonds, school taxes and all other sources of revenue to said fund.		
Total . . . . .	\$130,170 00	\$130,170 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### Treasury Department.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of State Treasurer . . . . .	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk . . . . .	2,000 00	2,000 00
Salaries of three assistants . . . . .	4,500 00	4,500 00
Salary of stenographer and general assistant clerk . . . . .	1,200 00	1,200 00
Salary of night watchman . . . . .	800 00	800 00
Salary of porter . . . . .	480 00	480 00
Books, stationery, furniture and postage . . . . .	2,300 00	1,200 00
Keeping in repair time locks, combinations, vaults and office furniture and files . . . . .	100 00	100 00
Contingent expenses . . . . .	300 00	300 00
To pay express charges, etc . . . . .	50 00	50 00
Total . . . . .	<hr/> \$ 14,230 00	<hr/> \$ 13,130 00

To refund to purchasers and to lessees of public domain, public school, University or asylum lands, and to purchasers of timber, or their vendees or assignees, money which has been or which may be paid by them into the State Treasury, or to the Attorney General, if in any of the following instances: (a) Through error made in good faith, to be supported by the official signature of the State Treasurer or of the Attorney General, to whom such payment is made; (b) where the payment is made in accordance with law, but title can not issue or possession can not pass because of conflict in boundaries, erroneous sale, erroneous leases, or other causes; (c) in case of sales of leased lands; (d) where lease money has been paid on previously forfeited sales, the same having been reinstated and all back interest paid; (e) where erroneous timber sales have been made; (f) where overpayments have been made in final payments to State Treasurer; (g) where a reduction

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has been made in acreage of timber sold or of lands sold or leased; (h) in case of sale of timber which has been previously cut and appropriated without such fact having been reported to the General Land Office prior to such sale; and to pay over to newly organized counties where school lands set apart to such county are under lease at the time of the organization of such county the previously paid but unearned portion of lease money on such lands; all refunds and payments herein provided for to be paid out of the respective funds to which such payments have been made or may be credited, and all claims for refund or payment except those embraced in subdivision (a) hereof to be certified by the certificate of the Commissioner of the General Land Office and also by the certificate of the Attorney General, as the case may be, as to the proper amount, and all such claims to be verified by the affidavit of the claimant and approved by the Attorney General as to the correctness of the claims and to whom due; provided, that the money so paid by any purchaser or lessee shall be refunded to the vendee or assignee of such purchaser or lessee in case of sale of land by the purchaser or assignment of the lease by the lessee after payment of such money, so that such refund to be paid to the person upon whom the loss falls in case of failure of the title or right of possession. . . \$ 25,000 00 \$ 25,000 00

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and said record of such absences shall be incorporated in the report made annually by the head of said institution.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Comptroller's Department.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Comptroller.....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	2,000 00	2,000 00
Salary of chief bookkeeper.....	1,800 00	1,800 00
Salary of assistant bookkeeper.....	1,500 00	1,500 00
Salary of corresponding clerk.....	1,200 00	1,200 00
Salary of assistant corresponding clerk.....	1,200 00	1,200 00
Salary of one license permit clerk.....	1,500 00	1,500 00
Salaries of two sheriffs' clerks, witnesses' and attorneys' accounts at \$1500 each.....	3,000 00	3,000 00
Salary of assistant sheriffs' clerk, witnesses' and attorneys' accounts .....	1,200 00	1,200 00
Salary of receiving clerk, who shall perform the duties of first assistant clerk to the Comptroller.....	1,350 00	1,350 00
Salary of clerk for registering county and city bonds.....	1,500 00	1,500 00
Salary of general warrant clerk.....	1,500 00	1,500 00
Salary of assistant warrant clerk.....	1,200 00	1,200 00
Salary of school and special warrant clerk.....	1,500 00	1,500 00
Salary of bookkeeper in warrant department.....	1,500 00	1,500 00
Salary of chief tax clerk.....	1,500 00	1,500 00
Salary of assistant tax clerk.....	1,200 00	1,200 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of assistant special tax clerk.....	\$ 1,200 00	\$ 1,200 00
Salary of redemption clerk.....	1,500 00	1,500 00
Salaries of three assistant redemption clerks at \$1200 each .....	3,600 00	3,600 00
Salary of examining clerk.....	1,350 00	1,350 00
Salary of assistant examining clerk.....	1,200 00	1,200 00
Salary of auditing clerk.....	1,500 00	1,500 00
Salaries of two assistant auditing clerks.....	2,400 00	2,400 00
Salary of pension clerk.....	1,500 00	1,500 00
Salary of two assistant pension clerks at \$1200 each..	2,400 00	2,400 00
Salary of deposit warrant and register clerk.....	1,200 00	1,200 00
Salary of general warrant and register clerk.....	1,200 00	1,200 00
Salary of cancellation and erroneous assessments clerk	1,200 00	1,200 00
Salary of stenographer, who shall perform such other duties as may be required by the Comptroller.....	1,200 00	1,200 00
Salary of unorganized county tax clerk.....	1,200 00	1,200 00
Salary of mailing and file clerk.....	1,200 00	1,200 00
Salary of assistant mailing and file clerk.....	1,200 00	1,200 00
Salary of messenger and file clerk.....	900 00	900 00
Salaries of two porters, at \$480 each.....	960 00	960 00
For cleaning up basement under Comptroller's Department, indexing records and books; purchasing file cases, etc.....	2,500 00	2,500 00
To purchase two adding machines.....	1,000 00	
Letter-addressing machine .....	500 00	
Steel filing cases for Redemption Department.....	3,000 00	
Postage, telegraphing, express, office furniture and floor covering .....	7,500 00	7,500 00
Contingent expenses .....	250 00	250 00
Books and stationery .....	1,500 00	1,500 00
Traveling expenses for Comptroller or his representatives, when necessary to check up tax collectors' accounts, or official business.....	500 00	500 00
For enforcing the provisions of Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h and 9i, of Chapter 17 of the Acts of the First Called Session of the Thirty-first Legislature; also for enforcing the provisions of Chapters 67 and 75 of the General Laws of the Thirty-third Legislature passed at its Regular Session, convened on January 14, 1913, adjourned on April 1, 1913, and all other laws regulating the sale of intoxicating liquors. The Governor, Attorney General and Comptroller shall employ secret service men such as may be necessary, to be paid out of the appropriation herein made, whose duties shall be to ferret out all violations of the foregoing laws. Any two of the above named officials, towit, the Governor, Attorney General and Comptroller, may act, but the secret service men shall be under the control of the Comptroller, \$25,000, or so much thereof as may be necessary, and same shall be spent in two years, beginning September 1, 1913, and ending August 31, 1915. Provided, \$10,000 of the said amount shall be for enforcing the provisions of Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h and 9i, of Chapter 17, of the Acts of the First Called Session of the Thirty-first Legislature, and the remainder for the purposes herein specified.....	25,000 00	
Total .....	\$ 95,810 00	\$ 66,310 00

Provided, that the head of said department keep a record of absences of the various employes and the reason therefor, whether from sickness, vacation or on

leave of absence, and that the record of such absence be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

General Land Office.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Commissioner .....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	2,000 00	2,000 00
Salary of legal examiner.....	1,500 00	1,500 00
Salary of receiver .....	1,500 00	1,500 00
Salary of Spanish translator.....	1,400 00	1,400 00
Salary of old title and deposition clerk.....	1,500 00	1,500 00
Salary of head transcript clerk.....	1,300 00	1,300 00
Salary of two assistant transcript clerks at \$1200 each	2,400 00	2,400 00
Salary of two patent clerks at \$1200 each.....	2,400 00	2,400 00
Salary of head transfer clerk.....	1,400 00	1,400 00
Salary of assistant transfer clerk.....	1,200 00	1,200 00
Salary of custodian of files and file room clerk.....	1,200 00	1,200 00
Salary of letter registry clerk.....	1,200 00	1,200 00
Salary of letter index clerk.....	1,200 00	1,200 00
Salary of compiling abstract clerk.....	1,500 00	1,500 00
Salaries of seven corresponding clerks at \$1200 each...	8,400 00	8,400 00
Salary of night watchman.....	600 00	600 00
Salary of janitor.....	750 00	750 00

School Land Division—

Salary of chief clerk.....	\$ 1,500 00	\$ 1,500 00
Salary of head sales clerk.....	1,350 00	1,350 00
Salary of award clerk.....	1,200 00	1,200 00

Accounting Division—

Salary of cashier.....	\$ 1,600 00	\$ 1,600 00
Salary of remittance listing clerk.....	1,300 00	1,300 00
Salary of four bookkeepers, at \$1500 each.....	6,000 00	6,000 00

Drafting Division—

Salary of chief draftsman.....	\$ 1,600 00	\$ 1,600 00
Salary of five compiling draftsmen, at \$1400 each.....	7,000 00	7,000 00
Salary of six assistant draftsmen, at \$1200 each.....	7,200 00	7,200 00

Miscellaneous Items—

Postage, stationery, books and express.....	\$ 4,000 00	\$ 4,000 00
Vellum, blue print paper and drafting supplies.....	1,250 00	1,250 00
Furniture, fixtures and repairs of same.....	250 00	250 00
Wood, water and ice.....	400 00	400 00
Telephone, telegraphing, towels and laundry of towels..	150 00	150 00
Traveling expenses of Commissioner .....	750 00	750 00
Contingent expenses .....	250 00	250 00
Repair of building, to be expended in two years.....	5,000 00	

Total ..... \$ 74,000 00 \$ 69,000 00

Provided, that it shall be the duty of the Commissioner of the General Land Office to change any employe of his office to any desk or place when necessary to keep all employed.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

## Railroad Commission.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salaries of three Commissioners.....	\$ 12,000 00	\$ 12,000 00
Salary of secretary.....	1,800 00	1,800 00
Salary of one expert rate clerk.....	2,700 00	2,700 00
Salary of one assistant expert rate clerk.....	2,500 00	2,500 00
Salary of rate clerk.....	1,500 00	1,500 00
Salary of one assistant expert accountant and rate clerk.....	1,800 00	1,800 00
Salary of one chief expert accountant.....	2,700 00	2,700 00
Salary of one civil engineer.....	3,000 00	3,000 00
Salaries of two additional experts at \$2400 each.....	4,800 00	4,800 00
Salaries of two general clerks at \$1200 each.....	2,400 00	2,400 00
Salary of porter.....	480 00	480 00
For contingent expenses, sheriffs' fees, transportation of Commissioners and clerks, furniture, fixtures and files, postage, stationery, books, telegraph, telephone and express charges, for printing blanks, maps, pamphlets, rulings, tariffs and for other necessary expenses.....	7,500 00	7,500 00
Total .....	\$ 43,180 00	\$ 43,180 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that said record be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

## Department of Agriculture.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Commissioner.....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	1,500 00	1,500 00
Salary of stenographer.....	1,200 00	1,200 00
Salary of porter.....	480 00	480 00
Furniture .....	100 00	100 00
Floor coverings .....	270 00	
Stationery, postage, express and telegraphing, or so much thereof as may be necessary.....	3,000 00	3,000 00
Telephone rent .....	48 00	48 00
Traveling expenses of Commissioner and chief clerk.....	1,000 00	1,000 00
Collecting, compiling and disseminating agricultural information .....	20,000 00	20,000 00
Enforcing nursery and orchard inspection law .....	7,500 00	7,500 00
Contingent expenses .....	100 00	100 00
Conducting farmers' institute work.....	25,000 00	25,000 00
Poultry experiments in feeding and breeding, eradication of diseases and parasites; inspection and further advancing farm poultry interests .....	1,000 00	1,000 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915

For collecting, tabulating and systematizing information in regard to the best methods and plans for marketing farm products, and for disseminating such information through bulletins, circular letters, press announcements, reports and other approved public agencies, to be expended under the supervision of the Department of Agriculture, and to be expended in two years .....	\$ 15,000 00
For the purpose of aiding experiment stations in collecting, maintaining, transporting and exhibiting farm products at the National Corn Show, to be held at Dallas, Texas .....	10,000 00
Total .....	<u>\$ 88,698 00</u> <u>\$ 63,428 00</u>

Provided, that the head of said department keep a record of the absences the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### Board of Water Engineers.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915

Salaries of three members of Board at \$3600 each.....	\$ 10,800 00	\$ 10,800 00
Salary of secretary.....	2,000 00	2,000 00
Salary of stenographer.....	1,200 00	1,200 00
Furniture, stationery, supplies, etc.....	1,000 00	1,000 00
Traveling expenses of members and employes.....	5,000 00	5,000 00
Contingent expenses .....	200 00	200 00
Total .....	<u>\$ 20,200 00</u>	<u>\$ 20,200 00</u>

Provided, that any additional field or office assistant or expenses which may be necessary because of the provisions of the act creating the Board of Water Engineers, not covered by the provisions herein specified, may be allowed by the Governor upon proper application, sworn to by the chairman of the Board of Water Engineers, such additional expenses to be paid out of the fees to be collected by the Board of Water Engineers under the provisions of said act.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### State Levee and Drainage Board.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915

For salary State Reclamation Engineer.....	\$ 3,600 00	\$ 3,600 00
For the purpose of carrying out the primary object of the work, as stated in said Chapter 145, General Laws of 1913, to wit: to make the necessary investigations, examinations, measurements, computations,		

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

estimates, surveys, maps, reports, and publications, and doing any other necessary work incident thereto which may be required in the process of designing, planning or marking out on the ground the most effective, practical, permanent, economical, feasible and equitable improvements or system of improvements, such as levees, dykes, dams, canals, drains, waterways, or reservoirs, or any or all of them, and other improvements incidental thereto; and for the employment of such assistants and the making of such purchases as may be necessary to further carry out the provisions of said Chapter 145, General Laws of 1913; for the two fiscal years ending August 31,

1915 ..... \$ 44,800 00

Total ..... \$ 48,400 00 \$ 3,600 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, the Governor, Attorney General and State Comptroller, are hereby authorized to pass upon the value of the portrait of Hon. John H. Reagan, now adorning the walls of the Senate Chamber, and an appropriation is hereby made out of any money in the State Treasury, not otherwise appropriated, equal to the value of said portrait, as ascertained by the said Governor, Attorney General and State Comptroller, or a majority thereof, for the purpose of purchasing said portrait.

Sec. 2. The near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that requires bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

#### Recapitulation.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Executive Office .....	\$ 27,716 00	\$ 25,916 00
Mansion and grounds.....	15,000 00	3,000 00
Department of State.....	24,350 00	24,150 00
State Revenue Agent.....	5,000 00	4,800 00
Public Buildings and Grounds.....	78,550 00	57,050 00
Inspector of Masonry, etc.....	9,650 00	9,650 00
Insurance and Banking.....	135,776 00	232,526 00
Texas Library Commission.....	18,768 00	16,518 00
State Tax Board.....	4,472 00	4,252 00
State Purchasing Agent.....	7,135 00	6,765 00
Public Printing .....	42,650 00	42,650 00
Labor Bureau .....	13,722 00	13,612 00
Adjutant General's Department.....	89,292 00	65,580 00
State Board of Health.....	70,200 00	58,200 00
Game, Fish and Oyster Commission.....	9,750 00	7,250 00
Live Stock Commission.....	54,500 00	54,500 00
State Mining Board.....	7,500 00	4,900 00
Board of Water Engineers.....	21,000 00	20,500 00
Pure Food Commission.....	15,500 00	15,500 00
State Pension Department.....	21,500 00	21,400 00
Attorney General's Department.....	57,230 00	46,730 00
Department of Education.....	130,170 00	130,170 00

	For the Years Ending	
	Aug. 31, 1913.	Aug. 31, 1915.
Treasury Department .....	\$ 14,230 00	\$ 13,130 00
Comptroller's Department .....	95,810 00	66,310 00
General Land Office .....	74,000 00	69,000 00
Railroad Commission .....	46,180 00	46,180 00
Department of Agriculture .....	88,698 00	63,428 00
Board of Water Engineers .....	20,200 00	20,200 00
Levee and Draining Board .....	48,400 00	3,600 00
Total .....	\$1,246,949 00	\$1,147,467 00

Question—Shall the report be adopted?

RECESS.

On motion of Mr. Tarver, the House, at 12:05 o'clock p. m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

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

CONFERENCE COMMITTEE REPORT  
ON HOUSE BILL NO. 2.

(Pending Business.)

The House resumed consideration of pending business, same being the report of the Free Conference Committee on House bill No. 2, making appropriations for the support of certain departments of the State government.

Question—Shall the report be adopted?

Mr. Wortham moved that the report be adopted.

Mr. Savage moved a call of the House, for the purpose of securing the presence of the absentees, and the motion was duly seconded.

The Speaker directed the Doorkeeper to close the main entrance to the Hall and permit no member to leave the Hall without written permission from the Chair, and he instructed the Sergeant-at-Arms to lock all other doors leading out of the Hall.

The following members were announced absent without leave:

Messrs. Bagby, Baker, Calvin, Cooper, Crisp, Diffie, Dodson, Flournoy, Furrh, Goodner, Griggs, Haxthausen, Henry of Wichita, Householder, Kennedy, King, Low, McAskill, McDaniel, Owsley, Padcock, Penry, Ritchie, Robbins, Ross, Stone, Taylor, Tillotson, Tyson, Ussery, Watson of Hays, Watson of Mills and Yarbrough.

While the House was standing at ease awaiting the development of a quorum, the following members came in and were announced present:

Messrs. Crisp, Flournoy, Dodson, McDaniel, Penry, Tillotson, Ritchie, Kennedy and Griggs.

Question recurred—Shall the report be adopted?

The Clerk was directed to call the roll, and the report was adopted by the following vote:

Yeas—99.

Mr. Speaker.	Hill.
Allison.	Hornby.
Barrett of Jones.	Hughes.
Barrett of Titus.	Humphrey.
Bartley.	Hunter.
Bierschwale.	Kennedy.
Brown.	Kirby.
Bruce.	Lane.
Burges.	Lewelling.
Burmeister.	Long.
Burns.	Macgill.
Butler.	McAskill.
Byrne.	McDaniel.
Campbell.	Mills.
Chrestman.	Morris of Coryell.
Coffey.	Murray.
Colquitt.	Nabours.
Cope.	Neeley.
Cox of Delta.	Olander.
Craven.	Owsley.
Crisp.	Parker.
Cunningham.	Parks.
Davis.	Patton.
Dickson.	Penry.
Dodson.	Powell.
Dove.	Raiden.
Dunn.	Ratliff.
Fields.	Reedy.
Flournoy.	Rich.
Foster.	Rickerson.
Fountain.	Ridgell.
Fuller.	Ritchie.
Gates.	Roach.
Gentry.	Robertson.
Greer.	Rogers.
Griggs.	Rowell.
Grindstaff.	Russell.
Hagins.	Savage.
Haney.	Schwegman.
Harris.	Simpson.
Heilig.	Spann.
Herder.	Spradley.

Stephens.	Wagstaff.	Cooper.	Robbins.
Sullivan.	Wahrmund.	Diffie.	Ross.
Tarver.	Williams of Hopkins.	Furrh.	Stone.
Templeton.	Williams of McLennan.	Haxthausen.	Taylor.
Thompson.	Woods of Fisher.	Henry of Wichita.	Tyson.
Tiller.	Wortham.	Householder.	Ussery.
Tillotson.		King.	Watson of Hays.
Vannoy.		Low.	Watson of Mills.
Vickers.		Morris of Victoria.	Yarbrough.
	Nays—3.	Paddock.	
Cox of Ellis.	Reeves.		Absent—Excused.
Henry of Bowie.		Boehmer.	Mangum.
	Present—Not Voting.	Broughton.	Mendell.
Goodner.	Absent.	Collins.	Mulcahy.
Bagby.	Blalock.	Glasscock.	Oliver.
Baker.	Calvin.	Greenwood.	Smith.
		Harp.	Webb.
		Jordan.	Woods of Navarro.
		McKamy.	

## REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 14.

Mr. Wortham called up from the Speaker's table, for consideration at this time, the report of the Free Conference Committee on House bill No. 14.

The Speaker laid the report before the House, and it was read, as follows:

Committee Room,  
Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives:

Sirs: We, your Free Conference Committee, to whom was referred House bill No. 14, with Senate amendments thereto, have had the same under consideration at a session of said committee, and beg leave to report it back to the Senate and House with the recommendation that it do not pass, but that the accompanying Free Conference Committee substitute for House bill No. 14 do pass in lieu thereof.

WORTHAM,  
HILL,  
GOODNER,  
KIRBY,  
WOODS of Navarro,  
On the part of the House.

COWELL,  
REAL,  
ASTIN,  
NUGENT,  
HARLEY,  
WILLACY,  
On the part of the Senate.

## Free Conference Committee Substitute Bill for House Bill No. 14.

## A Bill To Be Entitled

An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, towit: University of Texas, Agricultural and Mechanical College, Prairie View Normal, College of Industrial Arts for Women, Sam Houston Normal Institute, North Texas State Normal, Southwest Texas Normal School and West Texas Normal School, and declaring an emergency.

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

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated to pay the salaries of officers and employes and other expenses necessary for the support and maintenance of certain educational institutions of the State, as follows, towit:

## University of Texas.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

For the maintenance, support and direction of the University of Texas, including the Medical Department at Galveston, including repairs, extensions, improvements and buildings for the years beginning September 1, 1913, and ending August 31, 1915; all the available University funds, including interest from its bonds, land notes, endowments and donations, all gifts and fees collected and all receipts whatsoever from any source.

Provided, however, that the Board of Regents of the University of Texas shall set aside and appropriate out of the income from the permanent University fund the sum of \$65,000, to be expended by said Board of Regents for the erection of a Nurses' Home in connection with the John Sealy Hospital at Galveston, Texas.

For the maintenance, support and direction of the University of Texas, including the Medical College at Galveston, for the two years beginning September 1, 1913, and ending August 31, 1915, from the general revenue .....

\$658,300 00 \$700,250 00

## Bureau of Economic Geology and Technology—

For field work, printing bulletins of artesian and other underground waters, preparation of general report on the mining resources of the State, preparation of a geological and mineral map of the State, for the completion of work on the fuels of the State, for publications, mapping, help, etc.....

12,500 00 12,500 00

Total ..... \$670,800 00 \$712,750 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

## Agricultural and Mechanical College.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salaries . . . . .	\$135,000 00	\$150,000 00
Dean's Office . . . . .	1,000 00	1,000 00
Publicity . . . . .	1,000 00	1,000 00
Chemistry . . . . .	3,500 00	3,500 00
Drawing . . . . .	1,000 00	1,000 00
Physics . . . . .	2,500 00	3,000 00
Student Labor . . . . .	10,000 00	10,000 00
Board Expense, including Clerk . . . . .	1,500 00	1,500 00
Library . . . . .	12,000 00	12,000 00
President's contingent . . . . .	4,500 00	4,500 00
History and Economics . . . . .	500 00	500 00
Agronomy . . . . .	5,000 00	5,000 00
Animal husbandry . . . . .	7,500 00	10,000 00
Biology . . . . .	2,000 00	2,000 00
Dairy husbandry . . . . .	2,000 00	2,000 00
Entomology . . . . .	4,800 00	4,200 00
Extension work . . . . .	17,500 00	17,500 00
Visiting, to Schools . . . . .	2,000 00	2,000 00
Horticulture . . . . .	2,500 00	2,500 00
Dean of Agriculture office . . . . .	500 00	500 00
Veterinary Science . . . . .	3,000 00	3,000 00
Production and Distribution of Serum . . . . .	2,000 00	2,000 00
Architecture . . . . .	1,000 00	1,000 00
Experiment station . . . . .	15,000 00	15,000 00
Civil Engineering . . . . .	4,000 00	4,000 00
Highway Engineering . . . . .	6,700 00	6,700 00
Electrical Engineering . . . . .	7,500 00	7,500 00
Mechanical Engineering . . . . .	7,500 00	7,500 00
Operating Power Plant . . . . .	30,000 00	30,000 00
Repairs . . . . .	15,000 00	14,000 00
Field Workers, Agricultural Department . . . . .	10,000 00	10,000 00
Proposed new branches of the agricultural educational department, embracing forestry, poultry, husbandry, crop marketing, farm management, floriculture, landscape gardening, and agricultural engineering . . . . .		10,000 00
Agricultural Building . . . . .		150,000 00
Hospital and Equipment . . . . .	35,000 00	
Cottages . . . . .	10,000 00	10,000 00
Veterinary Building . . . . .		100,000 00
Building for Animal Husbandry Department, to include an—		
Animal Judging Pavilion . . . . .	38,000 00	
Horse and Cattle Barn . . . . .	10,000 00	
Sheep Barn . . . . .	1,500 00	
Hog Barn . . . . .	1,500 00	
Hog Cholera Building . . . . .	4,000 00	
Incinerator . . . . .	2,500 00	
Roads, Bridges and Sidewalks . . . . .	10,000 00	10,000 00
Waterworks and apparatus and air compressor . . . . .	15,000 00	20,000 00
Power Lines . . . . .	3,000 00	
Laundry . . . . .	4,000 00	
Athletic Grounds . . . . .	500 00	500 00
Total . . . . .	\$453,000 00	\$634,900 00

The proceeds of the Pure Feed Control Department, not to exceed \$25,000, are hereby appropriated for the year ending August 31, 1914, for the purpose of providing a hydraulic laboratory.

The proceeds of the Pure Feed Control Department, for the years beginning September 1, 1913, and ending August 31, 1915, subject to the preceding item,

are hereby appropriated for the purpose of building a mechanical and engineering building, the same to cost not to exceed \$75,000.

Provided, that this appropriation is conditioned that the president of said Agricultural and Mechanical College shall require some of the industrial classes taught at said college.

Provided, that in addition to the above, the interest on \$209,000 of State bonds, held by the Agricultural and Mechanical College fund, is hereby appropriated for the support of this institution; provided further, that the board of directors of the Agricultural and Mechanical College of Texas shall include in this report the number of and the salaries of the faculty and employes of the Agricultural and Mechanical College and of the Prairie View Normal School, and of receipts and expenditures, itemized, of each of these institutions and in the same manner as the law requires the board of regents to report the salaries and number of the faculty and employes and the receipts of the University of Texas.

Provided, that all the proceeds of the sale of farm and dairy products, surplus stock and wornout property shall be paid into the State Treasury, and become a part of the general revenue of the State.

Provided, first, reports shall be made quarterly and filed with the Comptroller, giving an itemized statement of all moneys paid out and showing from what particular fund said money was paid.

Second, the full amount of money taken in from all sources, including farm products, dairy products, and the amount paid in by each student for board or other items during the term. Said statement shall show what disposition is made of said funds, and if any surplus remains on hand at the end of any school year, it shall be remitted to the State Treasury.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### State Experimental Sub-stations.

For the Years Ending  
Aug. 31. 1914. Aug. 31, 1915.

For support and maintenance of eleven sub-stations, including the station at Nacogdoches, at \$7500 each....	\$ 82,500 00	\$ 82,500 00
For co-operative feeding and breeding experiments on Texas farms and ranches.....	5,000 00	5,000 00
For sheep breeding work (under way at present time)	2,000 00	2,000 00
For printing station bulletins and circulars.....	3,000 00	3,000 00
 <b>Total . . . . .</b>	 <b>\$ 92,500 00</b>	 <b>\$ 92,500 00</b>

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### Prairie View Normal.

For the Years Ending  
Aug. 31. 1914. Aug. 31, 1915.

Maintenance and support.....	\$ 17,500 00	\$ 17,500 00
Female Industrial Department.....	2,000 00	2,000 00
Agricultural and Mechanical Department, Including		
Dairy .....	5,000 00	5,000 00
Library and Periodicals.....	500 00	500 00
Laboratory .....	500 00	500 00
Stationery, Postage and Printing.....	300 00	300 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Improvements on Grounds and Roads.....	\$ 1,000 00	\$ 1,000 00
Repairs and Painting.....	5,000 00	5,000 00
Furniture for Dormitories.....	1,000 00	1,000 00
Student Labor .....	2,500 00	2,500 00
Fences and Bridges.....	500 00	500 00
Steam and Electric Plant and Running Expenses.....	2,000 00	2,000 00
Cottage: .....	2,000 00	2,000 00
To plaster and equip Assembly Hall.....	4,500 00	
Gallery for Assembly Hall, complete and equipped.....		3,000 00
Water tower .....	3,000 00	
New well .....	2,500 00	
Water mains and fire hydrants, as per estimate of State Fire Marshal .....	12,600 00	
Underwriters' pump and engine.....		4,200 00
Kitchen equipment .....	5,000 00	
New boilers .....	7,500 00	
Domestic Science Building (fireproof), complete and equipped .....	40,000 00	
Dormitory (fireproof), complete and equipped.....		50,000 00
Addition to shops.....	20,000 00	10,000 00
Power plant and equipment.....		
Laundry, complete and equipped.....		20,000 00
To purchase one jack and stallion.....	1,300 00	
Sanitary closets for boys' dormitories and to connect to sewer .....	650 00	
Bathhouse .....		2,100 00
Total .....	\$136,850 00	\$129,100 00

Provided, that the receipts from the sales of farm and dairy products, surplus stock and wornout property shall be paid into the State Treasury and become a part of the general revenue of the State.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named therein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### College of Industrial Arts for Women.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Maintenance and support, salaries of president, teachers and other employes.....	\$ 42,000 00	\$ 46,000 00
For student labor.....	1,500 00	1,500 00
Printing bulletins and catalogues.....	750 00	750 00
Stationery and postage.....	350 00	350 00
Telephone, telegraph, small printing and office supplies.....	700 00	700 00
Material and supplies for several departments—brushes, brooms, toilet supplies, chemicals and practice materials .....	1,000 00	1,000 00
Support for summer school for industrial instruction, salaries of teachers and supplies.....	1,500 00	1,500 00
Light, heat, power, coal, wood, gasoline and electricity.....	2,000 00	2,000 00
Fire protection, including hose, chemical extinguisher, pipe, etc. ....	1,500 00	
Library books and periodicals.....	750 00	750 00
Advertising .....	200 00	200 00
Inside improvements and repairs to buildings .....	2,000 00	1,000 00
Department funds for purchase of apparatus, cases, charts, models, specimens, etc.....	2,500 00	2,000 00

	For the Years Ending Aug. 31, 1914.	Aug. 31, 1915.
Outside improvements—fences, sheds, painting, shade trees, sidewalks, grading.....	\$ 3,000 00	\$ 1,500 00
For vocational departments, instruction and equipment.....	2,000 00	2,000 00
Dairy, horse and poultry feed, including dairy yards and farm implements .....	750 00	750 00
Regents' fund and auditing books.....	500 00	500 00
Commencement expenses, programs, invitations and recitals .....	150 00	150 00
Traveling expenses of president of college.....	100 00	100 00
Contingent expenses .....	750 00	750 00
Labor on grounds.....	3,000 00	3,000 00
Extension demonstration, including salary, traveling and incidental expenses.....	2,000 00	2,000 00
Special permanent equipment for chemistry, physiology, including the hospital, biology and agriculture.....	2,500 00	

**Permanent Improvements.**

Greenhouse, enlarging and repairs, seeds, pots, plants and tools .....	1,200 00	150 00
Household arts cottage.....		1,800 00
One dormitory and dining hall.....	125,000 00	
Equipment for dormitory and furnishings.....		15,000 00
Completion of main building.....		40,000 00
One laundry building and equipment.....	12,000 00	
Enlargement of boiler house and one additional boiler.		15,000 00
One farm cottage.....	1,200 00	

**Additional Equipment.**

Domestic science equipment.....	\$ 1,109 00	
Chairs for auditorium.....	1,923 95	
Woodworking machinery .....	1,642 87	
Twenty-four double work benches.....	936 00	
Art equipment—stands, tables, etc.....	967 00	
Pottery kiln .....	175 00	
Blue-print frame .....	55 82	
Dining room equipment.....	80 80	
Casts and art equipment.....	155 75	
144 chairs .....	432 00	
24 tables for domestic art.....	144 00	
24 sewing machines.....	660 00	

Total ..... \$219,182 19 \$140,450 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Sam Houston Normal Institute.

	For the Years Ending Aug. 31, 1914.	Aug. 31, 1915.
For support and maintenance.....	\$ 54,000 00	\$ 54,000 00
Apparatus and equipment.....	4,000 00	4,000 00
Repairs and improvements.....	5,000 00	5,000 00
Apparatus for physical education.....		2,000 00
Department of Agriculture.....	3,800 00	1,700 00
Department of Manual Training.....	2,000 00	2,500 00
Department of Domestic Science and Art, including equipment for sewing classes.....	1,750 00	1,500 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Student labor fund.....	\$ 1,000 00	\$ 1,000 00
Well, tank, pump and fixtures for fire protection and water supply (based on Fire Marshal's estimate)....	11,800 00	
Science building .....	50,000 00	
Central heating plant and connections, to be spent in two years .....	30,000 00	
Industrial building .....		50,000 00
Furniture and equipment for training school building.		5,000 00
 Total .....	 \$163,350 00	 \$126,700 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

## North Texas State Normal.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Support and maintenance .....	\$ 56,000 00	\$ 56,000 00
Repairs of buildings .....	2,500 00	1,000 00
Improvement of grounds .....	500 00	1,000 00
Apparatus and equipment .....	2,000 00	3,000 00
Painting of buildings .....	300 00	200 00
Department of Agriculture.....	500 00	500 00
Department of Manual Training .....	500 00	500 00
Department of Domestic Science .....	500 00	500 00
Reference books for library .....	3,000 00	3,000 00
Equipment for library building and gymnasium .....	11,000 00	
Construction of central heating plant, complete with boilers, pipes, etc. .....	30,000 00	
Grounds for athletics and improvement of same.....	6,000 00	
Construction of building for model training department.		50,000 00
Equipment of Model Training Department, with furniture, apparatus, etc.....		5,000 00
Construction of Manual Arts Building.....	50,000 00	
 Total .....	 \$162,800 00	 \$120,700 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

## Southwest Texas State Normal.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Support and maintenance .....	\$ 54,000 00	\$ 54,000 00
Library, apparatus, repairs, equipment and improvement .....	5,000 00	5,000 00
Improvement of grounds.....	2,000 00	2,000 00
Training Department Building.....		50,000 00
Grounds for Training Department.....	5,000 00	
Equipment for Training Department Building.....		5,000 00
Additional lands .....	4,000 00	
Agricul'ure, Home Economics and Manual Training....	2,000 00	

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Heating plant .....	\$ 25,000 00
Remodeling stairways of Library Building.....	\$ 2,800 00
<b>Total .....</b>	<b>\$ 74,800 00 \$141,000 00</b>

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

West Texas State Normal.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Maintenance and support.....	\$ 40,000 00	\$ 45,000 00
Library, books and improvements.....	5,000 00	5,000 00
Equipments for Agriculture, Physics, Chemistry, Biology, Domestic Science, Manual Training, Music, Art and Training School .....	5,000 00	
To complete heating plant.....	4,000 00	
Training School or Industrial Building.....		50,000 00
Wiring, plumbing and equipment, Training School or Industrial Building .....		5,000 00
Floor covering and office furniture.....	2,500 00	
Fencing and improving grounds and driveways.....	5,000 00	
Dormitories fitted for "batching" and "light house-keeping" for students unable to pay board.....	60,000 00	
Estimate of cost for proposed private inside and outside fire protection (based on Fire Marshal's report) .	5,900 00	
Salary of watchman .....	600 00	600 00
<b>Total .....</b>	<b>\$128,000 00</b>	<b>\$105,600 00</b>

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

In addition to the appropriations made by this act, for the support of the several State Normals, the Board of Education is hereby authorized to direct and to permit each of such Normals to collect from each student attending the same for each year, an incidental fee not to exceed the sum of \$15, and shall direct how the same may be applied.

Provided, that all new buildings authorized by this act and for which appropriations are hereby made shall be of fireproof construction and all plans and specifications for the erection of buildings and for the installation of fire protection shall be subject to the approval of the State Fire Insurance Commission.

Provided, that the purchase of equipment and furniture for buildings authorized to be constructed, added to or improved by this bill, and of material and equipment for the installation of fire protection, shall be contracted for by the State Purchasing Agent in accordance with the provisions of Chapter 1, of Title 125, of the Revised Statutes of 1911.

Sec. 2. The near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that requires bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

## Recapitulation.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

University of Texas.....	\$ 670,800 00	\$ 712,750 00
Agricultural and Mechanical College.....	453,000 00	634,900 00
State experimental sub-stations.....	92,500 00	92,500 00
Prairie View Normal.....	136,850 00	129,100 00
College of Industrial Arts for Women.....	219,182 19	140,450 06
Sam Houston Normal Institute.....	163,350 00	126,700 00
North Texas State Normal.....	162,800 00	120,700 00
Southwest Texas State Normal.....	74,800 00	141,000 00
West Texas State Normal.....	128,000 00	105,600 00
Total .....	\$2,101,282 19	\$2,203,700 00

Question—Shall the report be adopted?

Mr. Wortham moved that the report be adopted.

The Clerk was directed to call the roll, and the report was adopted by the following vote:

Yea—101.

Barrett of Jones.	Dunn.	Low.	Rogers.
Barrett of Titus.	Fields.	Macgill.	Rowell.
Bartley.	Flournoy.	McAskill.	Russell.
Bierschwale.	Foster.	McDaniel.	Savage.
Brown.	Fountain.	Mills.	Schwegman.
Bruce.	ruller.	Morris of Coryell.	Simpson.
Burges.	Gates.	Morris of Victoria.	Spann.
Burmeister.	Gentry.	Murray.	Spradley.
Burns.	Greer.	Nabours.	Stephens.
Butler.	Griggs.	Neeley.	Stone.
Byrne.	Grindstaff.	Olander.	Sullivan.
Calvin.	Hagins.	Owsley.	Tarver.
Campbell.	Haney.	Parker.	Templeton.
Chrestman.	Harris.	Parks.	Thompson.
Coffey.	Heilig.	Penry.	Tiller.
Colquitt.	Henry of Bowie.	Powell.	Vannoy.
Cooper.	Herder.	Raiden.	Vickers.
Cope.	Hill.	Ratliff.	Wagstaff.
Cox of Delta.	Hornby.	Reedy.	Wahrmund.
Cox of Ellis.	Hughes.	Reeves.	Williams
Craven.	Humphrey.	Rich.	of Hopkins
Crisp.	Hunter.	Rickerson.	Williams
Cunningham.	Kennedy.	Ridgell.	of McLennan.
Davis.	Kirby.	Ritchie.	Woods of Fisher.
Dickson.	Lane.	Roach.	Wortham.
Dove.	Long.	Robertson.	

Absent.

Allison.	Furrh.	Lewelling.	Tillotson.
Bagby.	Goodner.	Paddock.	Tyson.
Baker.	Haxthausen.	Patton.	Ussery.
Blalock.	Henry of Wichita.	Robbins.	Watson of Hays.
Diffie.	Householder.	Ross.	Watson of Mills.
Dodson.	King.	Taylor.	Yarbrough.

Absent—Excused.

Boehmer.	Greenwood.	Mangum.	Smith.
Broughton.	Harp.	Mendell.	Webb.
Collins.	Jordan.	Mulcahy.	Woods of Navarro.
Glasscock.	McKamy.	Oliver.	

## SENATE BILLS ON FIRST READING.

Senate bills Nos. 23 and 36 were laid before the House, read first time and referred to the Committee on Roads, Bridges and Ferries and the Committee on Judicial Districts, respectively.

## BILLS ORDERED NOT PRINTED.

On motion of Mr. Tarver, it was ordered that Senate bills Nos. 36 and 57 be not printed.

On motion of Mr. Harris, it was ordered that Senate bill No. 23 be not printed.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, August 18, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Free Conference Committee report on House bill No. 24 by vote of yeas 29, nays 0.

The Senate has adopted the Free Conference Committee report on House bill No. 14 by vote of yeas 31, nays 0.

The Senate concurs in the House amendments to Senate bill No. 25 by vote of yeas 23, nays 0.

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

## REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 24.

Mr. Wortham called up from the Speaker's table, for consideration at this time, the report of the Free Conference Committee on House bill No. 24.

The Speaker laid the report before the House, and it was read, as follows:

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred House bill No. 24, with Senate amendments thereto, have had same under consideration at a session of said committee, and beg leave to report it back to the Senate and House with the recommendation that it do not pass, but that the accompanying Free Conference Committee Substitute for House bill No. 24 do pass in lieu thereof.

WORTHAM,	McGREGOR,
HILL,	BRELSFORD,
GOODNER,	TAYLOR,
KIRBY,	BAILEY,
WOODS of Navarro,	JOHNSON,
On the part of the House.	WILLACY,
	On the part of the Senate.

## Free Conference Committee Substitute for House Bill No. 24.

## A Bill To Be Entitled

An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, towit: State Orphans' Home; Confederate Home; Confederate Woman's Home; Blind Institute; Deaf and Dumb Institute; Epileptic Colony; Deaf, Dumb and Blind Institute for Colored Youths; State Institution for the Training of Juveniles; Tuberculosis Sanitarium at Carlsbad; State Lunatic Asylum; Southwestern Insane Asylum, and North Texas Hospital for the Insane and State Training School for Girls, and declaring an emergency.

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

Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the salaries of officers and employes and other expenses necessary for the support and maintenance of certain eleemosynary institutions of the State from September 1, 1913, to August 31, 1915, as follows, towit:

## State Orphans' Home.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent, with provisions for himself and family not to exceed \$500 per annum, and fuel, lights, laundry, water and housing.....	\$ 1,800 00	\$ 1,800 00
Salary of principal of school, with board for nine months	810 00	810 00
Salary of chaplain to act as teacher during school time in connection with his duties as chaplain.....	720 00	720 00
Salary of teacher of English and Latin.....	540 00	540 00
Salary of teacher of history and civics.....	540 00	540 00
Salary of teacher of music, vocal and instrumental.....	540 00	540 00
Salary of teacher of commercial course.....	540 00	540 00
Salary of two primary teachers at \$45 per month each.	810 00	810 00
Salary of one grade teacher.....	405 00	405 00
Salary of instructor in cooking, sewing and manual training .....	1,000 00	1,000 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of head matron.....	\$ 540 00	\$ 540 00
Salary of one assistant matron and four ward matrons .....	1,500 00	1,500 00
Salary of chief cook.....	500 00	500 00
Salary of two assistant cooks.....	600 00	600 00
Salary of stewardess.....	240 00	240 00
Salary of head laundress.....	300 00	300 00
Salary of one assistant laundress.....	240 00	240 00
Salary of industrial manager.....	1,200 00	1,200 00
Salary of farm laborers and gardeners.....	600 00	600 00
Salay of night watchman.....	420 00	420 00
Salary of physician not to live at the Home.....	600 00	600 00
Salary of trained nurse in hospital.....	720 00	720 00
Salary of engineer, electrician and plumber.....	900 00	900 00
Salary of shoe and harness repairer.....	420 00	420 00
Salary of instructor in broom and mattress factory.....	660 00	660 00
Salary of carpenter and blacksmith.....	660 00	660 00
Salary of three seamstresses.....	720 00	720 00
Salary of storekeeper and accountant.....	900 00	900 00
Salary of band instructor.....	300 00	300 00
Material, supplies and machinery for mattress factory.	400 00	400 00
General repairing for powerhouse.....	250 00	250 00
Rebuilding and repairing electric lines, and for the purchase of fire extinguishers.....	2,000 00	500 00
Repairing heating lines.....	150 00	150 00
Sewer and plumbing.....	250 00	250 00
Material for heating and light plant.....	300 00	300 00
Fuel .....	4,000 00	4,000 00
Postage and stationery.....	200 00	200 00
School supplies, books, crayon, tablets, pencils, furniture, etc.....	600 00	600 00
Transportation .....	250 00	250 00
Telephone rent .....	100 00	100 00
Purchasing mules, horses, vehicles and farm implements .....	600 00	300 00
General maintenance and pay for board of managers...	30,360 00	30,360 00
Improving grounds and driveways.....	300 00	300 00
Stock and forest trees.....	75 00	75 00
Installing storage batteries for lighting purposes for dormitories .....	500 00	500 00
For the construction and furnishing of toilet and bath room to be 18x18, equipped with five comodes and three bath tubs; said building to be of brick with concrete floor and metal roof.....	1,200 00	
For the construction, equipping and installing apparatus in manual training, domestic science, domestic art and commercial building complete.....	15,000 00	
Total .....	\$ 76,260 00	\$ 58,260 00

Provided, that the interest on all securities held by the Orphan Asylum fund is hereby appropriated in part payment of the appropriation of the State Orphan Home, the remainder of the appropriation to be paid out of the general revenue.

Provided, that all proceeds of sale of all products raised or manufactured at the State Orphan Home shall be turned into the State Treasury.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

## Confederate Home.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent with provisions for himself and family, not to exceed \$500 per annum, and fuel, light, water and housing.....	\$ 2,000 00	\$ 2,000 00
Support and maintenance, including pay for Board of Trustees, burial of the dead and compensation of chaplain .....	55,000 00	55,000 00
Salary of surgeon, to include attendance upon Confederate Woman's Home.....	2,000 00	2,000 00
For treatment of ear, eye and nose.....	300 00	300 00
Salary of storekeeper and accountant, who shall be bookkeeper .....	900 00	900 00
Salary of matron.....	480 00	480 00
Salary of apothecary.....	780 00	780 00
Salary of chief cook.....	600 00	600 00
Salary of baker.....	480 00	480 00
Salary of two assistant cooks at \$240 each.....	480 00	480 00
Salay of head waiter.....	300 00	300 00
Salary of ten waiters at \$180 each.....	1,800 00	1,800 00
Salary of chief cook at hospital.....	600 00	600 00
Salary of assistant cook at hospital.....	240 00	240 00
Salary of stewardess at hospital.....	480 00	480 00
Salary of two trained nurses.....	1,200 00	1,200 00
Salary of five male nurses.....	1,440 00	1,440 00
Salary of two night nurses.....	720 00	720 00
Salary of three hospital waiters.....	540 00	540 00
Salary of one scrubber.....	180 00	180 00
Salary of barber.....	360 00	360 00
Salary of head laundryman.....	500 00	500 00
Salaries of six laundresses.....	1,080 00	1,080 00
Salary of carpenter and plumber.....	600 00	600 00
Salary of seamstress .....	480 00	480 00
Salary of one yard man.....	240 00	240 00
To pay hostler, postmaster, wood chopper, day and night guard .....	850 00	850 00
Salary of driver of delivery wagon.....	300 00	300 00
Shoe repairing .....	400 00	400 00
Furniture and beds .....	600 00	600 00
Dry goods and clothing .....	11,000 00	11,000 00
Transportation .....	200 00	200 00
Repairs and painting .....	800 00	800 00
Books, periodicals, newspapers and postage.....	550 00	550 00
Improvements of grounds, to be expended under the supervision of the superintendent.....	600 00	600 00
Medicine, instruments and hospital supplies.....	2,500 00	2,500 00
Kitchen, dining room and laundry supplies.....	600 00	600 00
For dental work .....	300 00	300 00
Notions .....	200 00	200 00
Salary of secretary, who shall be stenographer to superintendent .....	740 00	740 00
For repairs, painting, papering, etc.....	3,000 00	
One surrey .....	125 00	
One delivery wagon .....	75 00	
One horse or mule .....	150 00	
Total .....	\$ 96,770 00	\$ 93,420 00

Provided, that the board of managers are hereby authorized to sell such articles of clothing, hats, shoes, queensware, dry goods and supplies as are of no use to the Home and apply the proceeds to the use of said Home.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no

expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

**Confederate Woman's Home.**

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

**Maintenance and Support—**

Groceries, drugs, clothing, laundry, dairy, meat market, vegetables, coal, wood, gas, electric lights and water .....	\$ 12,000 00	\$ 12,000 00
Salary of cook.....	360 00	360 00
Salary of janitor and yardman.....	480 00	480 00
Salary of night watchman .....	480 00	480 00
Salaries of two attendants.....	480 00	480 00
Salaries of two dining room waiters, who shall also assist with kitchen work .....	480 00	480 00
Salaries of trained nurses to be called at discretion of the superintendent .....	600 00	600 00
Salary of superintendent .....	1,200 00	1,200 00
Incidentals .....	150 00	150 00
General repairs and plumbing .....	400 00	400 00
Improvements .....	375 00	
 Total .....	\$ 17,005 00	\$ 16,630 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342. of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

**Blind Institute.**

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent, provided he shall receive provisions not to exceed in value \$500 per annum, fuel, light, laundry, water and housing for himself and family .....	\$ 2,000 00	\$ 2,000 00
Salary of oculist .....	900 00	900 00
Salary of medical attendant .....	600 00	600 00
Salary of storekeeper and accountant with board for self and wife .....	1,200 00	1,200 00
Salary of matron eleven months, with board.....	550 00	550 00
Salary of second matron, ten months, with board.....	500 00	500 00
Salary of principal .....	1,500 00	1,500 00
Salaries of three high school teachers.....	2,700 00	2,700 00
Salary of eighth grade teacher.....	675 00	675 00
Salary of seventh grade teacher.....	675 00	675 00
Salary of sixth grade teacher.....	675 00	675 00
Salary of fifth grade teacher .....	675 00	675 00
Salary of fourth grade teacher .....	675 00	675 00
Salary of third grade teacher .....	675 00	675 00
Salary of second grade teacher.....	900 00	900 00
Salary of first grade and kindergarten teacher.....	900 00	900 00
Salary of kindergarten assistant .....	540 00	540 00
Salary of teacher of typewriting and telegraphy.....	675 00	675 00
Salary of teacher of pipe organ, piano and harmony ..	810 00	810 00
Salary of teacher of orchestral instruments.....	810 00	810 00
Salary of piano, mandolin and guitar teacher .....	765 00	765 00
Salary of teacher of vocal music.....	675 00	675 00

For the Years Ending  
Aug. 31, 1914, Aug. 31, 1915.

<b>Salary of teacher of piano tuning and repairing and keeping all pianos in tune and repair.....\$</b>	<b>675 00</b>	<b>\$ 675 00</b>
<b>Salary of teacher of piano and music reader.....</b>	<b>675 00</b>	<b>675 00</b>
<b>Salary of teacher of piano and music reader.....</b>	<b>675 00</b>	<b>675 00</b>
<b>Salary of assistant teacher of orchestral instruments and piano .....</b>	<b>675 00</b>	<b>675 00</b>
<b>Salary of violin teacher.....</b>	<b>540 00</b>	<b>540 00</b>
<b>Salary of director of girls' industrial department.....</b>	<b>675 00</b>	<b>675 00</b>
<b>Salary of assistant teacher of girls' industrial department without board.....</b>	<b>360 00</b>	<b>360 00</b>
<b>Salary of director of boys' industrial department ten months without board.....</b>	<b>720 00</b>	<b>720 00</b>
<b>Salary of teacher of boys' industrial department without board .....</b>	<b>550 00</b>	<b>550 00</b>
<b>Salary of trained nurse for girls, nine months with board .....</b>	<b>540 00</b>	<b>540 00</b>
<b>Salary of trained nurse for boys, nine months with board .....</b>	<b>540 00</b>	<b>540 00</b>
<b>Salary of physical director for girls.....</b>	<b>540 00</b>	<b>540 00</b>
<b>Salary of physical director for boys.....</b>	<b>540 00</b>	<b>540 00</b>
<b>Salaries of all teachers, not otherwise specified, are for nine months and without board, except those who may be assigned to do dormitory duties and other resident work; provided, the Superintendent in his report shall give the name of every teacher who thus gets board; and provided further, the teacher appointed chief monitress shall receive \$5 per month additional salary .....</b>	<b>45 00</b>	<b>45 00</b>
<b>Salaries of two seamstresses nine months, and one seamstress three months, with day board.....</b>	<b>630 00</b>	<b>630 00</b>
<b>Salary of house mother for little girls nine months with board .....</b>	<b>315 00</b>	<b>315 00</b>
<b>Salary of house mother for little boys nine months with board .....</b>	<b>315 00</b>	<b>315 00</b>
<b>Salary of housekeeper for large boys nine months with board .....</b>	<b>315 00</b>	<b>315 00</b>
<b>Salary of supervisor of dining room, study hall, showing visitors around, and doing dormitory duty, nine months with board.....</b>	<b>450 00</b>	<b>450 00</b>
<b>Salary of night watchman twelve months without board</b>	<b>600 00</b>	<b>600 00</b>
<b>Salary of engineer, electrician and plumber twelve months with day board.....</b>	<b>900 00</b>	<b>900 00</b>
<b>Salary of assistant engineer, electrician and plumber, ten months with board.....</b>	<b>500 00</b>	<b>500 00</b>
<b>Salary of second assistant engineer five months with board .....</b>	<b>150 00</b>	<b>150 00</b>
<b>Salary of yard man twelve months with board.....</b>	<b>360 00</b>	<b>360 00</b>
<b>Salary of assistant yard man and hostler twelve months with board .....</b>	<b>360 00</b>	<b>360 00</b>
<b>Salary of janitor of school building nine months with board .....</b>	<b>270 00</b>	<b>270 00</b>
<b>Salary of office assistant and stenographer.....</b>	<b>480 00</b>	<b>480 00</b>
<b>Salary of carpenter and painter twelve months, with day board .....</b>	<b>480 00</b>	<b>480 00</b>
<b>Salaries of one baker and five cooks nine months, with board .....</b>	<b>1,665 00</b>	<b>1,665 00</b>
<b>Salaries of five dining room girls nine months, with board .....</b>	<b>900 00</b>	<b>900 00</b>
<b>Salaries of four chambermaids nine months, with board</b>	<b>720 00</b>	<b>720 00</b>
<b>Salary of head laundress twelve months, with board.</b>	<b>360 00</b>	<b>360 00</b>
<b>Salaries of five assistant laundresses nine months, with board .....</b>	<b>900 00</b>	<b>900 00</b>
<b>Salary of one cook three summer months, with board..</b>	<b>90 00</b>	<b>90 00</b>

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of one chambermaid three summer months, with board .....	\$ 60 00	\$ 60 00
Salaries of six trustees, payable monthly.....	360 00	360 00
Transportation for indigent pupils.....	1,500 00	1,600 00
Dry goods and clothing for indigent pupils.....	2,000 00	2,000 00
Fuel .....	4,000 00	4,000 00
Water, electric lighting and power.....	1,800 00	1,800 00
To purchase pianos, music in ordinary and point print, dissected maps, globes, apparatus for school, kindergarten materials, school furniture, and the Superintendent is authorized to sell or exchange the old pianos now in the Institute at such price as he may be able to get for them.....	2,000 00	2,000 00
General repairs to buildings and grounds, painting buildings and fences, mending and extending concrete walks, enameling iron beds and bath tubs, repairing and upholstering furniture.....	2,700 00	2,700 00
For stamps, stationery, copy books, telephone rent, telephoning and telegraphing.....	600 00	600 00
Maintenance of girls' industrial department, materials, machines and other supplies.....	800 00	800 00
Maintenance of boys' industrial department.....	3,000 00	3,000 00
Groceries, provisions, supplies, printing, medicines, supplies for oculist, contingent and miscellaneous expenses .....	2,500 00	2,500 00
To purchase swings, graphophones and records, and to provide for other forms of amusement and exercise for the children.....	250 00	250 00
Furniture, furnishings, floor coverings, dining room and kitchen belongings, shower baths, bath tubs, toilet and toilet supplies, and electric, steam heating and plumbing supplies .....	1,800 00	1,800 00
To purchase two horses.....	400 00	
For remodeling and making fireproof the old buildings	78,000 00	
To add third story to old buildings.....	21,000 00	
For iron and concrete porches and galleries.....	12,000 00	
For electric wiring.....	3,100 00	
For plumbing .....	6,100 00	
For replacing entire heating system.....	14,700 00	
New powerhouse and laundry.....	12,000 00	
New boiler and moving and resetting old ones.....	3,500 00	
For changing old powerhouse into hospital and equipment .....	8,500 00	
One mangle for laundry.....	1,000 00	
Sewer with all connections.....	1,100 00	
Extending the underground conduit.....	1,000 00	
For an electric motor.....	225 00	
To purchase additional grounds, or so much thereof as may be necessary.....	15,000 00	
Total .....	\$239,580 00	\$ 62,055 00

Provided, that the interest on all securities held by the Blind Institute fund is hereby appropriated in part payment of the appropriation for the Blind Institute, the remainder of the appropriation to be paid out of the general revenue.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or

on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said institution.

## Deaf and Dumb Institute.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent, provided he shall receive provisions not to exceed in value \$500 per year, fuel, water and housing for himself and family.....	\$ 2,000 00	\$ 2,000 00
Salary of principal, without board.....	1,500 00	1,500 00
Salary of first teacher, without board.....	1,150 00	1,150 00
Salary of second teacher, without board.....	1,150 00	1,150 00
Salary of third teacher, without board.....	1,000 00	1,000 00
Salary of fourth teacher, without board.....	900 00	900 00
Salary of fifth teacher, without board.....	800 00	800 00
Salary of sixth teacher, without board.....	720 00	720 00
Salary of seventh teacher, without board.....	720 00	720 00
Salary of eighth teacher, without board.....	720 00	720 00
Salary of ninth teacher, without board.....	720 00	720 00
Salary of tenth teacher, without board.....	720 00	720 00
Salary of eleventh teacher, without board.....	720 00	720 00
Salary of twelfth teacher, without board.....	660 00	660 00
Salary of thirteenth teacher, without board.....	660 00	660 00
Salary of first oral teacher, without board.....	1,000 00	1,000 00
Salary of second oral teacher, without board.....	900 00	900 00
Salary of third oral teacher, without board.....	900 00	900 00
Salary of fourth oral teacher, without board.....	800 00	800 00
Salary of fifth oral teacher, without board.....	800 00	800 00
Salary of sixth oral teacher, without board.....	800 00	800 00
Salary of seventh oral teacher, without board.....	780 00	780 00
Salary of eighth oral teacher, without board.....	780 00	780 00
Salary of ninth oral teacher, without board.....	720 00	720 00
Salary of tenth oral teacher, without board.....	720 00	720 00
Salary of eleventh oral teacher, without board.....	720 00	720 00
Salary of twelfth oral teacher, without board.....	660 00	660 00
Salary of thirteenth oral teacher, without board.....	660 00	660 00
Salary of fourteenth oral teacher, without board.....	660 00	660 00
Salary of fifteenth oral teacher, without board.....	660 00	660 00
Salary of sixteenth oral teacher, without board.....	660 00	660 00
Salary of seventeenth oral teacher, without board.....	600 00	600 00
Salary of eighteenth oral teacher, without board.....	600 00	600 00
Salary of art teacher, without board.....	720 00	720 00
Salary of instructor in printing, without board.....	720 00	720 00
Salary of instructor in shoemaking, without board.....	720 00	720 00
Salary of instructor in carpentry, without board.....	720 00	720 00
Salary of instructor in tailoring, without board.....	720 00	720 00
Salary of instructor in sewing, without board.....	540 00	540 00
Salary of instructor in painting, without board.....	720 00	720 00
Salary of storekeeper and accountant.....	1,200 00	1,200 00
Salary of stenographer and assistant storekeeper and accountant, with board.....	600 00	600 00
Salary of matron, with board.....	480 00	480 00
Salary of housekeeper, with board.....	550 00	550 00
Salary of supervisor, with board.....	480 00	480 00
Salary of assistant supervisor, with board.....	480 00	480 00
Salaries of two supervisoresses for small boys, with board .....	800 00	800 00
Salaries of two supervisoresses for girls, with board.....	800 00	800 00
Salary of night watchman, without board.....	600 00	600 00
Salary of engineer, electrician and plumber.....	900 00	900 00
Salary of assistant engineer and plumber, with board.....	600 00	600 00
Salaries of two trained nurses, with board.....	960 00	960 00

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
Salary of one night supervisor and seamstress, with board	\$ 400 00	\$ 400 00
Salary of gardener, with board	300 00	300 00
Salaries of two laborers, with board	540 00	540 00
Salary of one laborer, without board	360 00	360 00
Salary of foreman of laundry, with board	500 00	500 00
Salaries of seven laundresses, with board	1,400 00	1,400 00
Salary of baker, with board	600 00	600 00
Salary of chief cook, with board	480 00	480 00
Salary of one assistant cook for twelve months, with board	360 00	360 00
Salaries of two assistant cooks for twelve months, with board	500 00	500 00
Salaries of two chambermaids, with board	480 00	480 00
Salaries of seven dining room girls, with board	1,260 00	1,260 00
Salaries of two dining room girls for three summer months	120 00	120 00
Maintenance, supplies and provisions	45,000 00	45,000 00
Water, light and power	3,600 00	3,600 00
Furniture, iron beds and furnishings	1,500 00	1,500 00
Clothing and transportation of indigents	3,600 00	3,600 00
Art material	250 00	250 00
Salaries of board of trustees	360 00	360 00
Dry goods and blankets	2,000 00	2,000 00
Medical attention and dentistry	1,500 00	1,500 00
Literary and school supplies	1,000 00	1,000 00
Harness and tools	100 00	100 00
Repairs to buildings and grounds	2,000 00	2,000 00
For care, maintenance and education of the deaf blind	2,000 00	2,000 00
Laundry machinery and repairs to the same	200 00	200 00
Picture films and amusements	500 00	500 00
New buildings for girls' dormitories and detention room for contagious diseases or so much thereof as may be necessary	30,000 00	
Addition to boys' dormitories	20,000 00	
Additional appropriations needed to equip new girls' and boys' dormitories, beds, mattresses and blankets		2,500 00
Steel lockers		1,500 00
Wiring, plumbing, lighting and heating same		2,000 00
Tearing down rotten front porch (4 stories) and replacing with one-story stone structure		2,000 00
Erecting two-story brick storeroom, in place of present dangerous wooden structure		7,000 00
Rewiring entire institution		2,000 00
Two new boilers and installing same		8,000 00
To provide ventilation for girls' toilet and bath, renew floors in girls' dormitories, to provide apparatus for little children's playgrounds, and to purchase new sewing machines		1,000 00
For screening all upper galleries and windows, with iron grating to protect children from falling	1,200 00	
For two fire escapes for school building	2,500 00	
For fireproof steel lockers for dormitories to replace present out of date and worn out ones which are fire traps		2,500 00
Painting iron roofs of all buildings		750 00
Insurance of all institution buildings	1,500 00	
Instructors needed to new departments instituted, etc.—		
Teacher of bookkeeping and typewriting	720 00	720 00
Teacher of domestic science	500 00	500 00
Physical director and instructor in gymnasium work and physical culture	720 00	720 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Equipping dental office and barber shop.....	\$ 500 00	
Equipping millinery and domestic science department.	500 00	500 00
Equipping gymnasium, and heating, lighting and plumb- ing for same .....	4,000 00	
For wiring gallery for the protection of inmates.....	1,200 00	
One janitor, who shall also serve as supervisor of boys on third floor of dormitory.....	480 00	\$ 480 00
One supervisoress of girls, who shall have charge of girls in new dormitory.....		400 00
Total .....	\$175,600 00	\$144,350 00

Provided, that the interest on all securities held by the Deaf and Dumb Institute funds are hereby appropriated, the remainder to be paid out of the general revenue.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

#### Epileptic Colony.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent, provided he shall receive pro- visions not to exceed \$500 per year, and fuel, lights, water and housing for himself and family.....	\$ 2,000 00	\$ 2,000 00
Salary of first assistant physician.....	1,250 00	1,250 00
Salary of second assistant physician.....	1,250 00	1,250 00
Salary of druggist and stenographer .....	720 00	720 00
Salary of storekeeper and accountant.....	900 00	900 00
Salary of supervisoress .....	480 00	480 00
Salary of supervisor .....	600 00	600 00
Salary of matron.....	600 00	600 00
Salary of engineer .....	1,100 00	1,100 00
Salary of assistant engineer and electrician.....	600 00	600 00
Salaries of three firemen.....	1,080 00	1,080 00
Salary of laundryman or laundress.....	420 00	420 00
Salaries of four laundresses .....	960 00	960 00
Salary of head seamstress .....	300 00	300 00
Salaries of three seamstresses .....	720 00	720 00
Salaries of four dining room girls.....	960 00	960 00
Salaries of 28 day and night attendants .....	8,400 00	8,400 00
Salary of outside nightwatch.....	360 00	360 00
Salaries of two skilled nurses .....	840 00	840 00
Salary of head farmer .....	480 00	480 00
Salary of gardener .....	360 00	360 00
Salaries of two farm hands .....	480 00	480 00
Salary of dairyman.....	300 00	300 00
Salaries of nine cooks.....	2,700 00	2,700 00
Salary of carpenter.....	480 00	480 00
Salary of baker.....	360 00	360 00
Salary of tailor.....	360 00	360 00
Salary of plasterer and painter .....	480 00	480 00
Salary of shoemaker.....	360 00	360 00
Salary of chaplain.....	300 00	300 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Maintenance and support, including groceries, transportation, medical stores, surgical instruments and tools, drugs and pay for managers, water, light, fuel, including mileage .....	\$ 50,000 00	\$ 50,000 00
Tailor supplies .....	200 00	200 00
Literature and amusements.....	450 00	450 00
Dry goods .....	6,000 00	6,000 00
Horses, mules, cows and hogs.....	500 00	500 00
Trees and seeds.....	250 00	250 00
Farm and grounds.....	300 00	300 00
To purchase furniture.....	1,000 00	1,000 00
Wagons, hacks and harness.....	500 00	500 00
General repairs .....	1,000 00	1,000 00
For new pumps at lake, pipe and excavating and setting tank .....	4,000 00	
Fire fighting equipment, as per estimate of State Fire Marshall S. W. English, or so much thereof as may be necessary .....	10,000 00	
For increase in laundry .....	5,000 00	
For laundry machinery.....	1,000 00	
For carpenter shop, machine shop and machinery.....	1,000 00	
For storeroom and employes' house.....	10,000 00	
To build and equip four buildings, two each year, for housing 160 patients.....	37,500 00	37,500 00
For repairing filters.....	600 00	
For silos .....	500 00	500 00
Recreation building .....	4,000 00	
In the event the additional cottages are allowed, the following appropriations are made:		
Maintenance and support.....		10,000 00
Six day and night attendants.....		1,800 00
Two cooks .....		600 00
Total .....	\$163,800 00	\$140,800 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

#### Deaf, Dumb and Blind Institute for Colored Youths.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent.....	\$ 1,500 00	\$ 1,500 00
Salary of principal.....	810 00	810 00
Salary of one music teacher.....	450 00	450 00
Salary of instructor in broom and mattress making...	450 00	450 00
Salary of one shoemaker.....	600 00	600 00
Salary of one seamstress and teacher.....	450 00	450 00
Salary of head laundryman.....	360 00	360 00
Salary of matron of dining hall.....	360 00	360 00
Salary of night watchman.....	300 00	300 00
Salary of engineer and plumber.....	600 00	600 00
Salary of head cook.....	420 00	420 00
Salary of assistant cook.....	180 00	180 00
Salary of preceptress and nurse.....	450 00	450 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of instructor in tailoring.....	\$ 450 00	\$ 450 00
Salary of oculist.....	600 00	600 00
Salary of storekeeper and accountant.....	480 00	480 00
Salary of matron for small boys.....	225 00	225 00
Salary of matron for large boys.....	270 00	270 00
Salary of a farmer and gardener.....	300 00	300 00
Salary of gardener and laborer.....	300 00	300 00
Salary of Board of Trustees.....	300 00	300 00
Salary of three class room teachers for the blind.....	1,350 00	1,350 00
Salary of three class room teachers for the deaf.....	1,350 00	1,350 00
Transportation for indigent pupils.....	500 00	500 00
Repairs and improvements.....	1,000 00	1,000 00
For two new pianos.....	800 00	
Books .....	175 00	175 00
Equipment for steam laundry.....	1,500 00	
Stationery, postage and printing.....	150 00	150 00
Clothing for indigent pupils.....	1,000 00	1,000 00
Tools for shops and apparatus.....	150 00	150 00
Groceries and miscellaneous.....	14,000 00	14,000 00
Amusements .....	150 00	150 00
Salary of Domestic Science teacher.....	450 00	450 00
Boys' dormitory .....	30,000 00	
Water and fire protection.....	5,000 00	
Hospitals and fixtures.....	2,500 00	
Furniture .....	400 00	400 00
Traveling expenses, Superintendent.....	100 00	100 00
Total .....	\$ 70,430 00	\$ 30,630 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated for and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

#### State Institution for the Training of Juveniles.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent, with provisions for himself and family not to exceed in value \$800 per annum.	\$ 1,800 00	\$ 1,800 00
Salary of Assistant Superintendent.....	1,200 00	1,200 00
Salary of accountant.....	1,000 00	1,000 00
Salary of engineer.....	900 00	900 00
Salary of assistant engineer.....	600 00	600 00
Salary of school principal.....	1,200 00	1,200 00
Salary of six letter teachers.....	3,960 00	3,960 00
Salary of seven trade teachers, at \$720 each.....	5,040 00	5,040 00
Salary of ten field instructors.....	6,000 00	6,000 00
Salary of one instructor in barbering.....	600 00	600 00
Salaries of five night watchmen.....	3,000 00	3,000 00
Salary of trained nurse.....	720 00	720 00
Salary of physician, to furnish own consultation.....	1,200 00	1,200 00
Salary of chaplain.....	720 00	720 00
Salary of band instructor.....	720 00	720 00
Salary of man and wife for boys' cottage.....	900 00	900 00

## HOUSE JOURNAL.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Maintenance, fuel, expenses and per diem of Board of Trustees .....	\$ 40,000 00	\$ 40,000 00
Books and school supplies.....	1,200 00	1,200 00
Postage and express.....	400 00	400 00
Medicines .....	500 00	500 00
Hospital equipment .....	750 00	750 00
Discharge and transportation.....	3,600 00	3,600 00
Farm implements .....	1,500 00	1,500 00
Engine, pump and equipment for irrigation.....	2,500 00	
Repairs to buildings, replacing burned barn, overhauling negro dormitory and general repairs, including heating equipment .....	35,000 00	3,500 00
One negro school and dormitory building, to be erected on the farm at a distance and separate from the white school .....	40,000 00	
Change present residences into cottages for boys.....	3,000 00	3,000 00
Equipment and extension of trades building.....	10,000 00	
Insurance .....	1,750 00	1,750 00
Laundry .....	3,000 00	
<b>Total .....</b>	<b>\$172,760 00</b>	<b>\$ 85,760 00</b>

Provided, that the per diem of the Board of Managers shall be \$5.00 for each member of the Board for each day while actually engaged in their official duties, including time actually spent in travel, if any.

Provided, that the Board of Managers are hereby authorized to use the farm products' fund to acquire additional lands for the institution when said purchase and expenditure has been approved by the Governor.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and said record of such absences shall be incorporated in the report made annually by the head of said institution.

Should the name of the State Institution for the Training of Juveniles be changed by statute, it shall not affect the above appropriation in any way, and all amounts for said institution shall be available under any such changed name, on the same terms named herein for the State Institution for the Training of Juveniles.

## Tuberculosis Sanitarium.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Stationery, books, etc.....	\$ 200 00	\$ 200 00
Coal .....	2,200 00	3,000 00
Gasoline and oils.....	1,200 00	1,500 00
Groceries .....	13,500 00	17,700 00
Dry goods, beds and furniture.....	300 00	466 00
Drugs .....	1,200 00	1,326 00
Laundry supplies .....	300 00	400 00
Produce .....	3,600 00	5,300 00
Fresh meats .....	2,400 00	3,600 00
Feed .....	1,800 00	1,800 00
Ice .....	1,500 00	2,000 00
Dishes .....	150 00	225 00
Farming implements and tools.....	200 00	150 00
Sputum cups and disinfectants.....	1,500 00	2,500 00
Steam fittings .....	200 00	200 00
Electrical supplies .....	200 00	200 00

	For the Years Ending		
	Aug. 31, 1914.		Aug. 31, 1915.
Hardware and kitchen cutlery.....	\$ 200 00	\$ 200 00	
Alcohol .....	60 00	150 00	
Plumbing supplies .....	200 00	200 00	
Pay roll .....	15,939 88	17,999 88	
Serums .....	200 00	200 00	
Expenses and salaries.....	1,000 00	1,000 00	
Telephone and telegrams.....	300 00	400 00	
In case work of Austin office is transferred to Carlsbad—stenographer .....	600 00		
Two dormitories, one each year, for males and females, with capacity for 50 patients each.....	20,000 00	20,000 00	
Heating buildings, electric plant, wiring and plumbing.	10,000 00		
One store house, 37x65 ft., two stories high with rooms on second story, for employees.....	6,500 00		
Surgical instruments and laboratory.....	300 00		
Addition and changes in power house, including one new boiler .....	2,500 00		
For electricity and additional machinery in laundry..	1,000 00		
Septic tank for sewerage and tiling for refuse water..	2,600 00		
New dairy barn.....	2,500 00		
Equipment for additional buildings.....	3,500 00		
Two mules .....	400 00		
A dam and damages for purchase of land protecting State for water privileges on the river.....	3,000 00		
A concrete tank to hold at least 200,000 gallons .....	2,500 00		
Six-inch iron piping.....	4,500 00		
For improvement of grounds, walks, drives, irrigation pipe, etc.....	1,250 00	1,250 00	
To make addition to subsistence building for dining rooms, servants' quarters and kitchen.....	5,000 00		
Building for Lecture Hall and Chapel, with library and reading room .....	7,500 00		
Two silos, machinery for silos, wagons, harness and farming tools .....	2,500 00		
Clearing land .....	750 00		
Total .....	\$125,249 88	\$ 81,966 88	

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4842, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

#### State Lunatic Asylum.

	For the Years Ending		
	Aug. 31, 1914.		Aug. 31, 1915.
Salary of Superintendent, provided he shall receive provisions not to exceed in value \$500 per year, fuel, lights, water and housing for himself and family....	2,000 00	2,000 00	
Salary of first assistant physician.....	1,250 00	1,250 00	
Salary of second assistant physician.....	1,250 00	1,250 00	
Salary of third assistant physician.....	1,250 00	1,250 00	
Salary of fourth assistant physician.....	1,250 00	1,250 00	
Salary of fifth assistant physician .....	1,250 00	1,250 00	
Salary of steward, storekeeper and accountant.....	600 00	600 00	

	For the Years Ending		
	Aug. 31, 1914.		Aug. 31, 1915.
Salary of stenographer .....	\$ 480 00	\$ 480 00	
Salary of druggist .....	720 00	720 00	
Salary of matron .....	600 00	600 00	
Salary of supervisor .....	540 00	540 00	
Salary of assistant supervisor .....	480 00	480 00	
Salary of night supervisor .....	480 00	480 00	
Salary of supervisoress .....	540 00	540 00	
Salary of assistant supervisoress .....	480 00	480 00	
Salary of night supervisoress .....	480 00	480 00	
Salary of chaplain .....	300 00	300 00	
Salary of outside supervisor and head farmer .....	600 00	600 00	
Salary of chief engineer and plumber .....	1,100 00	1,100 00	
Salary of first assistant engineer and electrician .....	660 00	660 00	
Salary of second assistant engineer and plumber .....	600 00	600 00	
Salary of third assistant engineer .....	600 00	600 00	
Salary of three firemen .....	1,440 00	1,440 00	
Salary of two ice men .....	840 00	840 00	
Salary of carpenter .....	600 00	600 00	
Salary of assistant carpenter .....	420 00	420 00	
Salary of blacksmith .....	480 00	480 00	
Salary of painter and plasterer .....	540 00	540 00	
Salary of gardener and florist .....	480 00	480 00	
Salary of butcher .....	450 00	450 00	
Salary of tailor .....	480 00	480 00	
Salary of shoemaker .....	400 00	400 00	
Salary of dairyman .....	360 00	360 00	
Salary of two assistant dairymen .....	540 00	540 00	
Salary of four trained nurses .....	1,680 00	1,680 00	
Salary of two nurses, tuberculosis cottages .....	840 00	840 00	
Salaries of ninety-six attendants .....	23,000 00	23,000 00	
Salaries of twenty-five night attendants .....	7,680 00	7,680 00	
Salary of the farm hands .....	600 00	600 00	
Salary of scavenger .....	300 00	300 00	
Salary of six dining room assistants .....	1,080 00	1,080 00	
Salary of chief cook .....	600 00	600 00	
Salary of first assistant cook .....	360 00	360 00	
Salary of second assistant cook .....	360 00	360 00	
Salary of third assistant cook .....	320 00	320 00	
Salary of nine assistant cooks .....	2,160 00	2,160 00	
Salary of two cooks, tuberculosis cottages .....	720 00	720 00	
Salary of baker .....	550 00	550 00	
Salary of two assistant bakers .....	600 00	600 00	
Salary of head laundryman or laundress .....	480 00	480 00	
Salary of assistant laundryman or laundress .....	300 00	300 00	
Salary of 16 laundresses .....	3,840 00	3,840 00	
Salary of head seamstress .....	300 00	300 00	
Salary of seven seamstresses .....	1,680 00	1,680 00	
Salary of knitting machine operator .....	420 00	420 00	
Salary of assistant knitting machine operator .....	240 00	240 00	
Support, maintenance, groceries, fuel, lights and water, pay of board of managers, including mileage, drugs, medical stores and surgical instruments .....	185,000 00	185,000 00	
Dry goods and clothing .....	36,000 00	36,000 00	
Furniture and beds .....	3,000 00	3,000 00	
Transportation of patients .....	1,000 00	1,000 00	
Literature and amusements .....	1,000 00	1,000 00	
Trees and seeds .....	500 00	500 00	
Farm machinery and tools .....	.350 00	350 00	
Engineer's and carpenter's tools .....	400 00	400 00	
Horses, mules, cows and hogs .....	600 00	600 00	
Bridges, culverts and grounds .....	400 00	400 00	

	For the Years Ending Aug. 31, 1914.	Aug. 31, 1915.
<b>Repairs</b> .....	\$ 10,000 00	\$ 10,000 00
Wagons, hacks and harness .....	400 00	400 00
For purchase fire hose .....	500 00	500 00
For converting second story of old laundry into a ward and equipping same .....	3,000 00	
For enlarging boiler house and purchasing new boil- ers, and other machinery, or as much as may be necessary .....	20,000 00	
For building carpenter and blacksmith and industrial shop for patients .....	3,000 00	
For purchasing pipe to put in new pipe line to pump station at Camp Mabry .....	2,400 00	
For purchasing laundry machinery .....	3,500 00	
For purchasing underground gasoline and kerosene tanks .....	600 00	
Equipping a pathological laboratory.....	1,500 00	
For putting cement floor in store room and building wall between storeroom and engineer's shop .....	1,500 00	
For new fence around the asylum grounds.....	4,000 00	
For porches for negro female department.....	4,000 00	
For repairing residence .....	1,000 00	
For purchasing two silos and ensilage cutter and car- riér .....	1,200 00	
Hospital for 75 white women, equipped.....	35,000 00	
Hospital for 100 white men, equipped.....	40,000 00	
Hospital for 100 negro men, equipped.....		40,000 00
Hospital for 100 negro women, equipped.....		40,000 00
Enlarging dining room and kitchen for negroes.....	6,000 00	
<b>Total</b> .....	<b>\$434,500 00</b>	<b>\$395,800 00</b>

Provided, that all fees collected from non-indigent patients treated at the Pasteur Institute may be used as directed by the Board of Managers and Superintendent, for the purposes of its proper support and operation, and that a record of all fees so collected shall be kept, and an itemized account, showing each item of expenditure made out of such fund, and a detailed account made and included in an annual report of the hospital to the Governor.

Provided, that the Board of Managers of the State Lunatic Asylum may use \$500 from the fees arising from treatment of the Pasteur Institute to supplement and increase salaries of the assistant physicians who do the Pasteur work.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation, or on leave of absence, and that such record of the absences be incorporated in the report made annually by the head of said institution.

#### Southwestern Insane Asylum.

	For the Years Ending Aug. 31, 1914.	Aug. 31, 1915.
<b>Salary of Superintendent</b> , provided he shall receive pro- visions not to exceed in value \$500 per year, fuel, lights, water and housing for himself and family.....	\$ 2,000 00	\$ 2,000 00
<b>Salary of first assistant physician</b> .....	1,250 00	1,250 00
<b>Salary of second assistant physician</b> .....	1,250 00	1,250 00
<b>Salary of third assistant physician</b> .....	1,250 00	1,250 00
<b>Salary of storekeeper and accountant</b> .....	900 00	900 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of assistant storekeeper and accountant and stenographer .....	\$ 600 00	\$ 600 00
Salary of druggist.....	720 00	720 00
Salary of matron.....	600 00	600 00
Salary of supervisoress.....	480 00	480 00
Salary of assistant supervisoress.....	420 00	420 00
Salary of supervisor.....	480 00	480 00
Salary of assistant supervisor.....	420 00	420 00
Salary of outside supervisor and head farmer.....	550 00	550 00
Salary of chief engineer.....	1,100 00	1,100 00
Salary of assistant engineer and electrician.....	550 00	550 00
Salary of assistant engineer and plumber.....	550 00	550 00
Salaries of three firemen.....	1,080 00	1,080 00
Salary of ice factory engineer.....	360 00	360 00
Salary of gardener and florist.....	320 00	320 00
Salary of assistant gardener.....	300 00	300 00
Salary of chaplain.....	300 00	300 00
Salary of chief cook and dietition.....	720 00	720 00
Salaries of five assistant cooks in main kitchen.....	1,500 00	1,500 00
Salary of one cook for officers' kitchen.....	360 00	360 00
Salary of special cook for male hospital.....	420 00	420 00
Salary of special cook for female hospital.....	420 00	420 00
Salary of special cook for male tubercular cottage....	300 00	300 00
Salary for special cook for female tubercular cottage...	300 00	300 00
Salary of baker.....	480 00	480 00
Salary of assistant baker.....	240 00	240 00
Salary of carpenter.....	720 00	720 00
Salary of barber.....	300 00	300 00
Salary of assistant barber.....	240 00	240 00
Salary of mattress maker.....	360 00	360 00
Salary of blacksmith.....	400 00	400 00
Salary of painter and plasterer.....	480 00	480 00
Salary of tailor or tailoress.....	400 00	400 00
Salary of shoemaker.....	360 00	360 00
Salaries of four housekeepers.....	960 00	960 00
Salaries of four farm hands.....	960 00	960 00
Salary of hostler.....	300 00	300 00
Salary of scavenger.....	240 00	240 00
Salaries of twelve night watchmen for eighteen wards containing 960 patients.....	4,320 00	4,320 00
Salaries for two trained night nurses for female hos- pital .....	720 00	720 00
Salaries of two trained night nurses for male hospital	720 00	720 00
Salary of one trained night nurse for tubercular cottage for females .....	360 00	360 00
Salary of one trained night nurse for tubercular cottage for males .....	360 00	360 00
Salaries of two outside watchmen.....	720 00	720 00
Salaries of seventy attendants, one attendant for sixteen patients .....	21,000 00	21,000 00
Salaries of two special trained day attendants for con- valescent cases, one man and one woman.....	720 00	720 00
Salaries for two trained day nurses for female hospital	840 00	840 00
Salaries for two trained day nurses for male hospital..	840 00	840 00
Salary of one trained day nurse for female tubercular cottage .....	420 00	420 00
Salary of one trained day nurse for male tubercular cottage .....	420 00	420 00
Salary of head laundress or laundryman.....	480 00	480 00
Salaries of seven laundresses.....	1,680 00	1,680 00
Salary of head seamstress.....	360 00	300 00
Salaries of six seamstresses.....	1,440 00	1,440 00
Salary of dairymen.....	360 00	360 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of assistant dairyman.....	\$ 270 00	\$ 270 00
Salary of butcher.....	450 00	450 00
Salary of poultryman.....	300 00	300 00
Support, maintenance, groceries, fuel, lights and water, pay of Board of Managers, including mileage, drugs, medical stores, and surgical instruments.....	115,000 00	115,000 00
Dry goods and clothing.....	20,000 00	20,000 00
Transportation of patients.....	750 00	750 00
Literature and amusement.....	1,000 00	1,000 00
Cows, horses, mules and hogs.....	500 00	500 00
Wagons, hacks and harness.....	300 00	300 00
Trees, seeds, farm machinery and tools.....	500 00	500 00
Bridges, culverts, fencing and grounds.....	500 00	500 00
Engineer's and carpenter's tools.....	150 00	150 00
General repairs and paintings, extraordinary repairs on buildings, painting outside iron and woodwork and galleries of old buildings.....	9,300 00	5,300 00
Furniture and beds.....	1,700 00	1,700 00
Laundry machinery and repairs.....	500 00	500 00
Fire department .....	250 00	250 00
Remodel and repair old female infirmary.....	1,000 00	1,000 00
Enlarging baker shop and installing one bake oven (new) .....	2,500 00	
To erect 2 lavatory buildings for old wards.....	12,000 00	
Extraordinary repairs to administration buildings....	10,000 00	
Removing and rebuilding fuel oil storage depot.....	2,500 00	
To erect and equip one hospital building to accommo- date 100 acutely insane sick women.....	50,000 00	
To erect and equip buildings to accommodate 400 pa- tients; also to enlarge heating and power plant, and laundry, kitchen, employes' quarters, as may be required .....		225,000 00
Total .....	\$291,110 00	\$435,110 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation or on leave of absence, and that such record of the absences be incorporated in the report made annually by the head of said institution.

#### North Texas Hospital for the Insane.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent, with provisions for himself and family, not to exceed in value \$500 per year, fuel, lights, water and housing.....	\$ 2,000 00	\$ 2,000 00
Support, maintenance, groceries and fuel, lights and water, pay of Board of Managers, including mileage, drugs, medical stores and surgical instruments.....	200,000 00	200,000 00
Dry goods and clothing.....	32,000 00	32,000 00
Salary of first assistant physician.....	1,250 00	1,250 00
Salary of second assistant physician.....	1,250 00	1,250 00
Salary of third assistant physician.....	1,250 00	1,250 00
Salary of fourth assistant physician.....	1,250 00	1,250 00
Salary of fifth assistant physician.....	1,250 00	1,250 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of storekeeper and accountant.....	\$ 1,200 00	\$ 1,200 00
Salary of assistant storekeeper and accountant.....	600 00	600 00
Salary of druggist.....	720 00	720 00
Salary of matron.....	600 00	600 00
Salaries of two supervisors.....	1,200 00	1,200 00
Salary of outside supervisor and head farmer.....	600 00	600 00
Salaries of two supervisoresses.....	960 00	960 00
Salary of chief engineer.....	1,100 00	1,100 00
Salary of assistant engineer and electrician.....	600 00	600 00
Salary of night engineer.....	600 00	600 00
Salary of plumber.....	600 00	600 00
Salary of assistant plumber.....	480 00	480 00
Salaries of six firemen.....	2,880 00	2,880 00
Salary of gardener and florist.....	320 00	320 00
Salary of chaplain.....	300 00	300 00
Salary of chief cook.....	600 00	600 00
Salary of assistant cook.....	360 00	360 00
Salaries of eight under-cooks.....	1,920 00	1,920 00
Salary of baker.....	600 00	600 00
Salaries of two assistant bakers.....	540 00	540 00
Salary of carpenter.....	600 00	600 00
Salary of assistant carpenter.....	480 00	480 00
Salary of blacksmith.....	400 00	400 00
Salary of plasterer.....	720 00	720 00
Salary of assistant plasterer.....	420 00	420 00
Salary of painter.....	480 00	480 00
Salary of assistant painter .....	360 00	360 00
Salary of tailor or tailoress .....	400 00	400 00
Salary of shoemaker .....	400 00	400 00
Salaries of five dining room girls .....	1,080 00	1,080 00
Salaries of twenty night attendants .....	6,000 00	6,000 00
Salaries of six farm hands .....	1,260 00	1,260 00
Salary of head laundryman or laundress.....	480 00	480 00
Salary of assistant laundryman or laundress.....	300 00	300 00
Salaries of thirteen laundresses .....	3,120 00	3,120 00
Salaries of four trained nurses .....	1,680 00	1,680 00
Salary of head seamstress .....	300 00	300 00
Salaries of two outside watchmen .....	840 00	840 00
Salaries of ten seamstresses .....	2,400 00	2,400 00
Salary of mattress maker .....	360 00	360 00
Salaries of 115 attendants.....	34,500 00	34,500 00
Salary of dairyman .....	420 00	420 00
Salaries of three assistant dairymen.....	720 00	720 00
Salary of butcher .....	450 00	450 00
Salary of scavenger .....	300 00	300 00
Transportation .....	800 00	800 00
For dental work .....	1,000 00	1,000 00
Furniture and beds .....	3,500 00	3,500 00
General repairs and painting.....	15,000 00	15,000 00
Literature and amusements.....	1,000 00	1,000 00
Fire department .....	800 00	800 00
Trees and seeds .....	400 00	400 00
Horses, mules, cows and hogs .....	500 00	500 00
Engineer's and carpenter's tools.....	500 00	500 00
Bridges, culverts and grounds .....	500 00	500 00
Laundry machinery and repairs.....	750 00	750 00
Fencing .....	250 00	250 00
Wagons, hacks and harness .....	300 00	300 00
To erect carpenter shop.....	2,000 00	
Mowers, plows and farm tools .....	300 00	300 00
For overhauling steam plant.....	5,000 00	

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

To erect and equip two buildings complete for consumptive patients, one each year.....	\$ 37,500 00	\$ 37,500 00
Total .....	\$385,600 00	\$378,600 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that all buildings to be erected under and by virtue of the appropriations herein made, shall be of fireproof construction and all plans and specifications for the erection of fire protection shall be subject to the approval of the State Fire Insurance Commission.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absence be incorporated in the report made annually by the head of said institution.

Provided, that all equipment and furnishing for new buildings, additions and improvements to old buildings and for installation of fire protection, for which appropriations are made herein, and supplies for the State Juvenile Training School at Gatesville shall be purchased by the State Purchasing Agent in accordance with the provisions of Chapter 1, Title 125, of the Revised Statutes of 1911.

#### State Training School for Girls.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent.....	\$ 1,200 00
Salary of five matrons, \$600 each.....	3,000 00
Salary of principal.....	900 00
Salary of three industrial and literary teachers, \$720 each .....	2,160 00
Salary of garden instructor.....	480 00
Maintenance and per diem and traveling and other expenses of Board, or so much thereof as may be necessary .....	7,500 00
Express, postage and stationery.....	100 00
Discharge and transportation.....	250 00
 Total .....	 \$ 16,490 00

None of the above appropriations for the Training School for Girls shall be available until Section 11 of Chapter 144 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas shall have been complied with, and then only so much thereof as may be necessary. The salary of all employes to be paid monthly and none to begin until Section 11 of Chapter 144, above referred to, is complied with.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Sec. 2. The near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that requires bills to be read on three several days and that this act shall take effect and be in force from and after its passage, and it is so enacted.

## RECAPITULATION.

	For the Years Ending	Aug. 31, 1914.	Aug. 31, 1915.
State Orphan Home.....	\$ 76,260 00	\$ 58,260 00	
Confederate Home .....	96,770 00	93,420 00	
Confederate Woman's Home.....	17,005 00	16,630 00	
Blind Institute .....	239,580 00	62,055 00	
Deaf and Dumb Institute.....	175,600 00	144,350 00	
Epileptic Colony .....	163,800 00	140,800 00	
Deaf, Dumb and Blind Institute for Colored Youths.	70,430 00	30,630 00	
State Institution for the Training of Juveniles.....	172,760 00	85,760 00	
Tuberculosis Sanitarium .....	125,249 88	81,966 88	
State Lunatic Asylum.....	434,500 00	395,800 00	
Southwestern Insane Asylum.....	291,110 00	435,110 00	
North Texas Hospital for Insane.....	385,600 00	378,600 00	
State Training School for Girls.....			16,490 00
Total .....	\$2,248,664 88		\$1,939,871 88

Question—Shall the report be adopted?

Mr. Wortham moved that the report be adopted.

The Clerk was directed to call the roll, and the report was adopted by the following vote:

Yea—103.

Barrett of Jones.	Dunn.	Low.	Russell.
Barrett of Titus.	Fields.	Macgill.	Savage.
Bierschwale.	Flournoy.	McAskill.	Schwegman.
Bartley.	Foster.	McDaniel.	Simpson.
Brown.	Fountain.	Mills.	Spann.
Bruce.	Fuller.	Morris of Coryell.	Spradley.
Burges.	Gates.	Morris of Victoria.	Stephens.
Burmeister.	Gentry.	Murray.	Stone.
Burns.	Greer.	Nabours.	Sullivan.
Butler.	Griggs.	Neeley.	Tarver.
Byrne.	Grindstaff.	Olander.	Taylor.
Calvin.	Hagins.	Owsley.	Templeton.
Campbell.	Haney.	Parker.	Thompson.
Chrestman.	Harris.	Parks.	Tiller.
Coffey.	Heilig.	Penry.	Tillotson.
Colquitt.	Henry of Bowie.	Powell.	Vannoy.
Cooper.	Herder.	Raiden.	Vickers.
Cope.	Hill.	Ratliff.	Wagstaff.
Cox of Delta.	Hornby.	Reedy.	Wahrmund.
Cox of Ellis.	Hughes.	Reeves.	Williams
Craven.	Humphrey.	Rich.	of Hopkins.
Crisp.	Hunter.	Rickerson.	Williams
Cunningham.	Kennedy.	Ridgell.	of McLennan.
Davis.	Kirby.	Ritchie.	Woods of Fisher.
Dickson.	Lane.	Roach.	Wortham.
Dodson.	Lewelling.	Robertson.	
Dove.	Long.	Rowell.	

Absent.

Allison.	Haxthausen.	Robbins.	Watson of Mills.
Bagby.	Henry of Wichita.	Rogers.	Woods of Navarro.
Baker.	Householder.	Ross.	Yarbrough.
Blalock.	King.	Tyson.	
Diffie.	Paddock.	Ussery.	
Furrh.	Patton.	Watson of Hays.	

Absent—Excused.

Boehmer.	Goodner.	McKamy.	Oliver.
Broughton.	Greenwood.	Mangum.	Smith.
Collins.	Harp.	Mendell.	Webb.
Glasscock.	Jordan.	Mulcahy.	

**HOUSE BILL NO. 50 WITH SENATE AMENDMENTS.**

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

House bill No. 50, A bill to be entitled "An Act to create a special district court for the Fifth Judicial District of Texas; to prescribe its jurisdiction, to limit its existence, to fix its terms, to conform all writs and process from said court to the district court in said district to such changes as are made in the jurisdiction of the said court by this bill, to empower the judge of said district court, and the judge of the Fifth Judicial District to transfer cases from their respective courts to the other of said courts, to provide for the appointment of a judge for said special district court, to fix his salary and term of office, and declaring an emergency."

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

(1)

Amend the bill by adding at the end of Section 10 the following: "and the sum of \$4400, or so much thereof as may be necessary, is hereby appropriated to pay the salary of the special judge herein provided for."

(2)

Amend the bill, Section 9, by striking out the words "one week" at the end of paragraph 3 and inserting in lieu thereof the words "two weeks."

(3)

Amend the bill, Section 9, paragraph 3, line 1, by striking out the word "second" before the word "Monday," and inserting in lieu thereof the word "first."

(4)

Amend the bill, Section 9, by striking out the words "twelve weeks" at the end of the paragraph and inserting in lieu thereof the following: "until the first Monday in May."

(5)

Amend the bill, Section 9, paragraph 2, line 2, by striking out the word "second" and inserting in lieu thereof the word "first."

(6)

Amend the caption by adding after the word "office" and before the words

"and declaring an emergency" the following: "and making appropriation for payment of salary of the special judge."

Question—Shall the House concur in the Senate amendments?

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

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

Yea—101.

Barrett of Jones.	McAskill.
Barrett of Titus.	McDaniel.
Bartley.	Mills.
Bierschwale.	Morris of Coryell.
Brown.	Morris of Victoria.
Bruce.	Murray.
Burges.	Nabours.
Burns.	Neeley.
Butler.	Olander.
Byrne.	Owsley.
Calvin.	Parker.
Campbell.	Parks.
Chrestman.	Penry.
Coffey.	Powell.
Colquitt.	Raiden.
Cooper.	Ratliff.
Cope.	Reedy.
Cox of Delta.	Reeves.
Cox of Ellis.	Rich.
Craven.	Rickerson.
Crisp.	Ridgell.
Cunningham.	Ritchie.
Davis.	Roach.
Dickson.	Robertson.
Dodson.	Rowell.
Dove.	Russell.
Dunn.	Savage.
Fields.	Schwegman.
Flournoy.	Simpson.
Foster.	Spann.
Fountain.	Spradley.
Fuller.	Stephens.
Gates.	Stone.
Gentry.	Sullivan.
Greer.	Tarver.
Grindstaff.	Taylor.
Hagins.	Templeton.
Haney.	Thompson.
Harris.	Tiller.
Heilig.	Tillotson.
Henry of Bowie.	Vannoy.
Herder.	Vickers.
Hill.	Wagstaff.
Hornby.	Wahrmund.
Hughes.	Watson of Hays.
Hunter.	Williams
Kennedy.	of Hopkins.
Kirby.	Williams
Lane.	of Melennan.
Long.	Woods of Fisher.
Low.	Wortham.
Macgill.	

	Absent.	Parker. Parks. Penry. Powell. Raiden. Ratliff. Reedy. Reeves. Rich. Rickerson. Ritchie. Roach. Robertson. Rogers. Ross. Rowell. Russell. Savage. Schwegman. Simpson. Spann. Spradley. Stephens. Stone. Sullivan. Tanner. Taylor. Templeton. Thompson. Tiller. Tillotson. Vannoy. Vickers. Wagstaff. Wahrmund. Watson of Hays. Williams of Hopkins. Williams of McLennan. Woods of Fisher. Wortham.
Allison.	King.	
Bagby.	Lewelling.	
Baker.	Paddock.	
Blalock.	Patton.	
Burmeister.	Robbins.	
Diffie.	Rogers.	
Furrr.	Ross.	
Griggs.	Tyson.	
Haxthausen.	Ussery.	
Henry of Wichita.	Watson of Mills.	
Householder.	Woods of Navarro.	
Humphrey.	Yarbrough.	
Absent—Excused.		
Boehmer.	McKamy.	
Broughton.	Mangum.	
Collins.	Mendell.	
Glasscock.	Mulcahy.	
Goodner.	Oliver.	
Greenwood.	Smith.	
Harp.	Webb.	
Jordan.		
SENATE BILL NO. 35 ON SECOND READING.		
(By Unanimous Consent.)		
<p>The Speaker laid before the House, on its second reading and passage to a third reading,</p> <p>Senate bill No. 35, A bill to be entitled "An Act appropriating the sum of five thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, and declaring an emergency."</p>		
<p>The bill was read second time and was passed to a third reading.</p>		

SENATE BILL NO. 35 ON THIRD READING.

Mr. Wortham, by unanimous consent, moved that the constitutional rule requiring bill to be read on three several days be suspended, and that Senate bill No. 35 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100.

Barrett of Jones.	Campbell.
Barrett of Titus.	Chrestman.
Bierschwale.	Coffey.
Brown.	Colquitt.
Bruce.	Cooper.
Burges.	Cope.
Burns.	Cox of Delta.
Butler.	Cox of Ellis.
Byrne.	Craven.

Absent.

Allison.	Householder.
Bagby.	Humphrey.
Baker.	King.
Bartley.	Lewelling.
Blalock.	Paddock.
Burmeister.	Patton.
Calvin.	Ridgell.
Diffie.	Robbins.
Furrr.	Tyson.
Griggs.	Ussery.
Haxthausen.	Watson of Mills.
Henry of Wichita.	Yarbrough.

Absent—Excused.

Boehmer.	Jordan.
Broughton.	McKamy.
Collins.	Mangum.
Glasscock.	Mendell.
Goodner.	Mulcahy.
Greenwood.	Oliver.
Harp.	

Smith. Woods of Navarro.  
Webb.

The Speaker then laid Senate bill No. 35 before the House on its third reading and final passage.

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—101.

Barrett of Jones.	McAskill.
Barrett of Titus.	McDaniel.
Bierschwale.	Mills.
Brown.	Morris of Coryell.
Bruce.	Morris of Victoria.
Burges.	Murray.
Burns.	Nabours.
Butler.	Neeley.
Byrne.	Olander.
Campbell.	Owsley.
Chrestman.	Parker.
Coffey.	Parks.
Colquitt.	Penry.
Cooper.	Powell.
Cope.	Raiden.
Cox of Delta.	Ratliff.
Cox of Ellis.	Reedy.
Craven.	Reeves.
Crisp.	Rich.
Cunningham.	Rickerson.
Davis.	Ridgell.
Dickson.	Ritchie.
Dodson.	Roach.
Dove.	Robertson.
Dunn.	Rowell.
Fields.	Russell.
Flournoy.	Savage.
Foster.	Schwegman.
Fountain.	Simpson.
Fuller.	Spann.
Gates.	Spradley.
Gentry.	Stephens.
Greer.	Stone.
Griggs.	Sullivan.
Grindstaff.	Tarver.
Hagins.	Taylor.
Haney.	Templeton.
Harris.	Thompson.
Heilig.	Tiller.
Henry of Bowie.	Tillotson.
Herder.	Vannoy.
Hill.	Vickers.
Hornby.	Wagstaff.
Hughes.	Wahrmund.
Humphrey.	Watson of Hays.
Hunter.	Williams
Kennedy.	of Hopkins.
Kirby.	Williams
Lane.	of McLennan.
Long.	Woods of Fisher.
Low.	Wortham.
Macgill.	

Absent.

Allison.	King.
Bagby.	Lewelling.
Baker.	Paddock.
Bartley.	Patton.
Blalock.	Robbins.
Burmeister.	Rogers.
Calvin.	Ross.
Diffie.	Tyson.
Furrr.	Ussery.
Haxthausen.	Watson of Mills.
Henry of Wichita.	Yarbrough.
Householder.	

Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mendell.
Glasscock.	Mulcahy.
Goodner.	Oliver.
Greenwood.	Smith.
Harp.	Webb.
Jordan.	Woods of Navarro.

#### SENATE BILL NO. 34 ON SECOND READING.

On motion of Mr. Dunn, the regular order of business was suspended to take up and have placed on its second reading and passage to a third reading,

Senate bill No. 34. A bill to be entitled "An Act to create and establish the county of Lott, in honor of Uriah Lott, taken from the existing territory of Duval county, prescribing its area and boundaries, providing that all laws and parts of laws in conflict herewith shall have no application, and declaring an emergency."

The Speaker laid the bill before the House.

Mr. Woods of Fisher raised a point of order on consideration of the bill at this time on the ground that it has not been considered by a committee in session and reported therefrom, the report on same being what is commonly termed a floor report.

The Speaker overruled the point of order.

Mr. Woods of Fisher appealed from the ruling of the Chair.

Mr. Rowell was called to the chair pending the appeal.

Question—Shall the ruling of the Chair be sustained?

The ruling of the Chair was sustained.

(Speaker in the chair.)

Mr. Woods of Fisher raised a further point of order on further consideration of the bill at this time on the ground that it has not been referred to, and reported

from, a committee three days before final adjournment of the Legislature.

The Speaker overruled the point of order.

The bill was read second time.

Question—Shall the bill be passed to a third reading?

Mr. Rogers offered the following amendment to the bill:

Amend Senate bill No. 34, Section 1, line 34, by striking out the word "Lott" and insert in lieu thereof the name "Dunn."

Amend the caption of the bill, line 7, by striking out the words "Lott, in honor of Uriah Lott," and insert in lieu thereof the words "Dunn, in honor of P. F. Dunn."

ROGERS,  
BURMEISTER,  
MILLS.  
WORTHAM.

Question—Shall the amendment be adopted?

Mr. Woods of Fisher offered the following amendment to the bill:

Amend the bill by striking out the enacting clause.

Question—Shall the amendment by Mr. Woods of Fisher be adopted?

Mr. Hornby moved the previous question on the amendment striking out the enacting clause of the bill, and the main question was ordered.

Question recurring on the adoption of the amendment striking out the enacting clause of the bill, yeas and nays were demanded.

The amendment striking out the enacting clause of the bill was lost by the vote:

Yea—26.

Barrett of Jones.	Henry of Wichita.
Barrett of Titus.	Hughes.
Bierscnwale.	Lewelling.
Blalock.	Long.
Burns.	McDaniel.
Butler.	Morris of Coryell.
Cope.	Parker.
Craven.	Raiden.
Fields.	Reeves.
Foster.	Rowell.
Furrh.	Tarver.
Hagins.	Ussery.
Haney.	Woods of Fisher.

Nay—83.

Allison.	Bruce.
Bagby.	Burges.
Brown.	Burmeister.

Byrne.	Murray.
Calvin.	Nabours.
Campbell.	Needley.
Chrestman.	Olander.
Coffey.	Owsley.
Colquitt.	Parks.
Cooper.	Patton.
Cox of Delta.	Powell.
Cox of Ellis.	Ratliff.
Crisp.	Reedy.
Cunningham.	Rich.
Davis.	Rickerson.
Cickson.	Ritchie.
Difflie.	Roach.
Dove.	Robbins.
Dunn.	Robertson.
Flournoy.	Rogers.
Fountain.	Ross.
Gates.	Russell.
Gentry.	Savage.
Greer.	Schwegman.
Griggs.	Simpson.
Harris.	Spann.
Heilig.	Stone.
Henry of Bowie.	Sullivan.
Herder.	Templeton.
Hill.	Thompson.
Hornby.	Tiller.
Householder.	Tillotson.
Humphrey.	Vannoy.
Hunter.	Vickers.
Kennedy.	Wahrmund.
Kirby.	Watson of Hays.
Lane.	Watson of Mills.
Low.	Williams
Macgill.	of Hopkins.
McAskill.	Williams
Mendell.	of McLennan.
Mills.	Wortham.
Morris of Victoria.	

Present—Not Voting.  
Stephens.

Absent.

Baker.	Penry.
Bartley.	Ridgell.
Dodson.	Spradley.
Fuller.	Taylor.
Grindstaff.	Tyson.
Haxthausen.	Wagstaff.
King.	Yarbrough.
Paddock.	

Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mulcahy.
Glesscock.	Oliver.
Goodner.	Smith.
Greenwood.	Webb.
Harp.	Woods of Navarro.
Jordan.	

Question recurred—Shall the amendment by Mr. Rogers be adopted?

Mr. Rowell offered the following substitute for the amendment:

Amend the bill by striking out the name "Lott" wherever it may appear in said bill and insert the word "Colquitt" as the name for the new county.

On motion of Mr. Burns, the substitute was tabled.

Mr. Rogers moved the previous question on the amendment and the passage of the bill to a third reading, and the main question was ordered.

Question first recurring on the amendment, it was adopted.

Senate bill No. 34 was passed to a third reading.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, August 18, 1913.  
Hon. Chester H. Terrell, 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. 54, A bill to be entitled "An Act to validate certain settlement on and purchase of public free school land, and declaring an emergency."

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

#### REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 40.

Mr. Burmeister called up from the Speaker's table, for consideration at this time, the report of the Free Conference Committee on House bill No. 40.

The Speaker laid the report before the House, and it was read as follows:

Austin, Texas, August 18, 1913.  
Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee appointed to adjust the differences between the two houses on House bill No. 40, beg leave to report as follows:

First. That the Senate recedes from its action in adopting amendment No. 1, which is as follows:

Amend the bill, Section 6, line 1, by striking out the word "Governor" and insert in lieu thereof "the Legislature."

Second. That there be added after the word "advisable," in line 5, paragraph B, of Section 6, the following:

"Provided, however, no station shall be abandoned and relocated beyond the

bounds of the county in which such station was originally located."

Respectfully submitted,  
BURMEISTER,  
ROWELL,  
FOUNTAIN,  
CRISP,  
BRUCE,

On the part of the House.  
TOWNSEND,  
NUGENT,  
GIBSON,  
BAILEY of DeWitt,  
WATSON,

On the part of the Senate.

Question—Shall the report be adopted? Mr. Burmeister moved that the report be adopted.

The Clerk was directed to call the roll, and the report was adopted by the following vote:

Yea—108.

Allison.	Henry of Bowie.
Barrett of Jones.	Henry of Wichita.
Barrett of Titus.	Herder.
Bartley.	Hill.
Bierschwale.	Hornby.
Brown.	Hughes.
Bruce.	Humphrey.
Burges.	Hunter.
Burmeister.	Kirby.
Burns.	Lane.
Butler.	Lewelling.
Byrne.	Long.
Calvin.	Low.
Campbell.	Macgill.
Chrestman.	McAskill.
Coffey.	McDaniel.
Colquitt.	Mendell.
Cooper.	Mills.
Cox of Delta.	Morris of Victoria.
Cox of Ellis.	Murray.
Craven.	Nabours.
Crisp.	Neeley.
Cunningham.	Olander.
Davis.	Owsley.
Dickson.	Parker.
Dolson.	Parks.
Dunn.	Penry.
Fields.	Powell.
Fournoy.	Raiden.
Foster.	Ratliff.
Fountain.	Reedy.
Fuller.	Reeves.
Furrh.	Rich.
Gates.	Rickerson.
Gentry.	Ridgell.
Greer.	Ritchie.
Griggs.	Roach.
Grindstaff.	Robbins.
Hagins.	Robertson.
Haney.	Rogers.
Harris.	Ross.
Heilig.	Rowell.

Russell.	Tiller.
Savage.	Tillotson.
Schwegman.	Ussery.
Simpson.	Vickers.
Spann.	Wahrmund.
Spradley.	Watson of Hays.
Stephens.	Watson of Mills.
Stone.	Williams
Sullivan.	of Hopkins.
Tarver.	Williams
Taylor.	of McLennan.
Templeton.	Woods of Fisher.
Thompson.	Wortham.

## Present—Not Voting.

Cope.

## Absent.

Bagby.	King.
Baker.	Morris of Coryell.
Blalock.	Paddock.
Diffie.	Patton.
Dove.	Tyson.
Haxthausen.	Vannoy.
Householder.	Wagstaff.
Kennedy.	Yarbrough.

## Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mulcahy.
Glascock.	Oliver.
Goodner.	Smith.
Greenwood.	Webb.
Harp.	Woods of Navarro.
Jordan.	

## RELATING TO CALLING CONSTITUTIONAL CONVENTION.

## (Unfinished Business.)

Mr. Humphrey, by unanimous consent, called up from the Speaker's table, as unfinished business, for consideration at this time, House Concurrent Resolution No. 12, read second time on last Friday, relating to the calling of a constitutional convention, with a point of order by Mr. Lane on further consideration of the resolution on the ground that it relates to a subject not submitted by the Governor for legislation at the present session of the Legislature pending.

The Speaker overruled the point of order.

Question—Shall the resolution be adopted?

Mr. Humphrey moved the previous question on the resolution, and the main question was ordered.

Question recurring on the adoption of

the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yea—70.

Allison.	McDaniel.
Barrett of Jones.	Nabours.
Barrett of Titus.	Neeley.
Blalock.	Olander.
Burmeister.	Owsley.
Butler.	Parker.
Calvin.	Parks.
Chrestman.	Patton.
Coffey.	Powell.
Cope.	Raiden.
Cox of Delta.	Reeves.
Craven.	Rich.
Cunningham.	Rickerson.
Davis.	Ridgell.
Dickson.	Ritchie.
Dodson.	Robbins.
Dove.	Rogers.
Fields.	Ross.
Foster.	Rowell.
Fuller.	Russell.
Furh.	Simpson.
Gentry.	Spann.
Greer.	Spradley.
Griggs.	Stephens.
Grindstaff.	Tarver.
Haney.	Templeton.
Henry of Bowie.	Thompson.
Henry of Wichita.	Tiller.
Hill.	Ussery.
Hornby.	Vannoy.
Humphrey.	Vickers.
Hunter.	Watson of Mills.
Lewelling.	Williams
Long.	of Hopkins.
Macgill.	Woods of Fisher.
McAskill.	

Nay—43.

Bagby.	Kirby.
Bierschwale.	Lane.
Brown.	Low.
Bruce.	Mendell.
Burges.	Mills.
Burns.	Morris of Victoria.
Byrne.	Murray.
Campbell.	Ratliff.
Colquitt.	Reedy.
Cooper.	Roach.
Cox of Ellis.	Robertson.
Crisp.	Savage.
Dunn.	Schwegman.
Flournoy.	Stone.
Fountain.	Sullivan.
Gates.	Taylor.
Hagins.	Tillotson.
Harris.	Wahrmund.
Heilig.	Watson of Hays.
Herder.	Williams
Hughes.	of McLennan.
Kennedy.	Wortham.

**Absent.**

Baker.	Morris of Coryell.
Bartley.	Paddock.
Diffee.	Penry.
Haxthausen.	Tyson.
Householder.	Wagstaff.
King.	Yarbrough.

**Absent—Excused.**

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mulcahy.
Glasscock.	Oliver.
Goodner.	Smith.
Greenwood.	Webb.
Harp.	Woods of Navarro.
Jordan.	

**Reasons for Votes.**

I vote "nay" because I am of opinion this Special Session of the Thirty-third Legislature is without authority to entertain the subject, the same not having been submitted by the Governor.

CAMPBELL.

I vote "nay" because I believe that the resolution is unconstitutional.

SULLIVAN.

I vote "nay" not because I am opposed to submitting the matter to the people for their vote, but because I am in doubt as to this matter being properly before the House, or that the House has a right to pass this resolution on a majority vote of this body.

SAVAGE.

On the resolution submitting the question as to whether or not a constitutional convention shall be called to a vote of the people, I vote "nay" for the reason that I am absolutely sure that at least 90 per cent of the Democrats of my district who supported me for the nomination, as well as a large number of those who did not support me, are opposed to the calling of or the agitation for the calling of a constitutional convention; otherwise I would vote "yea."

KENNEDY.

I voted "yea" on this resolution submitting the question to the will of the people, believing all powers belong to the great mass of our citizenship, but believing our homestead laws should ever remain intact.

CUNNINGHAM.

Mr. Fuller moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

The motion to table prevailed.

**MESSAGE FROM THE SENATE.**

Senate Chamber,

Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Free Conference Committee report on House bill No. 40 by vote of yeas 24, nays 2.

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

**REPORT OF HOUSE CONFEREES ON HOUSE BILL NO. 18.**

Mr. Humphrey submitted the following report of the House conferees on House bill No. 18, which was read to the House:

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: We, the House members of the Free Conference Committee appointed to adjust the differences between the House and the Senate on House bill No. 18, beg leave to report that we have diligently labored since our appointment to reconcile the differences, and are glad to report that all important differences appear to have been adjusted with the exception of the salaries of the Prison Commissioners. Upon this point, the difference between the House members of the committee and the Senate members of the committee appears to be beyond reconciliation. We have, therefore, decided to make this report to the House, and ask that the House instruct us what further course to pursue with reference to the question of compensation of the members of the Prison Commission.

Very respectfully,

HUMPHREY,  
BURMEISTER,  
HILL,  
DODSON.

**INSTRUCTING HOUSE CONFEREES ON HOUSE BILL NO. 18.**

Mr. Hill offered the following resolution:

Resolved, That the House conferees on House bill No. 18, the penitentiary bill, are hereby declared released from any instructions indicated by the vote of the House on the provision of said bill which limits the number of days the members of the Prison Commission may devote to the work of the Commission, and the

said conferees are released from such instruction and requested to reach an agreement with the Senate conferees and report the result of such agreement.

Signed—Ridgell, Mills, Burges, Cooper, Reedy, Hunter, Byrne, Roach, Kirby, Williams of Hopkins, Thompson, Watson of Mills, Savage, Williams of McLennan, Hill, Tillotson, Campbell.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Cope offered the following substitute for the resolution:

Resolved, That the House conferees on House bill No. 18 be authorized to agree that the following compensation be allowed each member of the Prison Commission, namely, \$1200 per year salary and all necessary actual traveling expenses when engaged on business of the prison system; and that each of said Commissioners be allowed to occupy free of rent, a residence belonging to the prison system.

COPE,  
REEVES,  
SPANN,  
BURNS of Hill,  
CRAVEN,  
LONG.

(Mr. Mendell in the chair.)

Question—Shall the substitute be adopted?

Mr. Hill moved to postpone further consideration of the resolution to 6:30 o'clock p. m. today.

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

Mr. Dickson moved the previous question on the substitute and the resolution, and the main question was ordered.

(Speaker in the chair.)

Question first recurring on the substitute, it was adopted.

The resolution as substituted was adopted.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Free Conference Committee report on House bill No. 2 by vote of 30 yeas, 0 nays.

The Senate has passed

House bill No. 35, A bill to be entitled "An Act to amend Chapter 67 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to prohibit the interstate shipment and transportation of intoxicating liquors, prohibiting any person, firm, corporation or any officer, agent or employe thereof, from delivering to any other person, firm, corporation or any officer, agent or employe thereof any intoxicating liquor for shipment, transportation or carriage from any point within this State; to any other point within this State; prohibiting any person, firm, corporation or any officer, agent or employe thereof from receiving for shipment, transportation or carriage, or from shipping, transporting, carrying or delivery any intoxicating liquor from any point within this State to any other person, firm or corporation, or any officer, agent or employe thereof, within this State; providing that this act shall not apply to any person personally carrying any intoxicating liquor from any point within this State to any other point within this State for the use of himself or members of his family residing with him; providing this act shall not apply to the transportation, carriage or delivery of intoxicating liquors to persons licensed under the laws of this State to sell spirituous, vinous or malt liquors; providing that this act shall not prohibit the shipment, transportation or delivery by persons licensed under the laws of this State to sell spirituous, vinous or malt liquors within the county or subdivision of a county in which such persons are authorized or licensed under the laws of this State to pursue such business; providing that this act shall not apply to the interstate shipment or delivery of intoxicating liquors; providing exception to this act for sacramental purposes; providing penalties for violation of the provisions of this act; repealing all laws in conflict herewith; providing that if any section or part of this act shall be held to be invalid that this fact shall not invalidate any other part of this act; and declaring an emergency," and repealing Section 8, and providing for the shipment, transportation, carriage and delivery of alcohol to drug stores, hospitals, education or eleemosynary institutions of this State for scientific or medicinal purposes; and prohibiting the transportation, carriage and delivery of intoxicating liquor within this State or the shipment originating and beyond the limits as well as within this State, and

declaring an emergency," with amendments.

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

**SENATE BILL NO. 46 ON SECOND READING.**

Mr. Allison moved to suspend the constitutional rule requiring bills to be read on three several days and that Senate bill No. 46 be placed on its second reading and passage to a third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yea—109.

Allison.	Householder.
Bagby.	Hughes.
Barrett of Jones.	Humphrey.
Barrett of Titus.	Hunter.
Blalock.	Kennedy.
Brown.	Kirby.
Bruce.	Lane.
Burges.	Lewelling.
Burmeister.	Long.
Burns.	Low.
Butler.	Macgill.
Calvin.	McAskill.
Campbell.	McDaniel.
Chrestman.	Mendell.
Coffey.	Mills.
Colquitt.	Morris of Coryell.
Cooper.	Morris of Victoria.
Cope.	Murray.
Cox of Delta.	Nabours.
Cox of Ellis.	Neeley.
Craven.	Olander.
Crisp.	Owsley.
Cunningham.	Parker.
Davis.	Parks.
Dickson.	Patton.
Diffie.	Powell.
Dove.	Raiden.
Dunn.	Ratliff.
Fields.	Reedy.
Flournoy.	Reeves.
Foster.	Rich.
Fountain.	Rickerson.
Fuller.	Ridgell.
Furrh.	Ritchie.
Gates.	Robbins.
Gentry.	Robertson.
Greer.	Ross.
Griggs.	Rowell.
Grindstaff.	Russell.
Hagins.	Savage.
Haney.	Schwegman.
Harris.	Simpson.
Hellig.	Spann.
Henry of Bowie.	Stephens.
Henry of Wichita.	Stone.
Herder.	Sullivan.
Hornby.	Tarver.

Taylor.  
Templeton.  
Thompson.  
Tiller.  
Tillotson.  
Ussery.  
Vannoy.  
Vickers.  
Wagstaff.

Watson of Hays.  
Watson of Mills.  
Williams  
of Hopkins.  
Williams  
of McLennan.  
Woods of Fisher.  
Wortham.

**Nays—1.**

Bierschwale.

Absent.

Baker.	Penry.
Bartley.	Roach.
Byrne.	Rogers.
Dodson.	Spradley.
Haxthausen.	Tyson.
Hill.	Wahrmund.
King.	Yarbrough.
Paddock.	

Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mulcahy.
Glasscock.	Oliver.
Goodner.	Smith.
Greenwood.	Webb.
Harp.	Woods of Navarro.
Jordan.	

The Speaker then laid before the House, on its second reading and passage to a third reading,

Senate bill No. 46, A bill to be entitled "An Act to amend Articles 7435, 7442, 7451 and 7452, of the Revised Civil Statutes of the State of Texas of 1911, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to a third reading?

Mr. Allison offered the following amendments to the bill:

(1)

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

Section 1. That Articles 7435, 7442, 7451 and 7452, of the Revised Civil Statutes of Texas, be so amended as to hereafter read as follows:

Art. 7435. Any person or persons desiring to obtain a retail liquor dealer's license in this State or a retail malt dealer's license shall, before filing his or their petition for such license with the county judge as now provided by this law, make application under oath to the Comptroller of Public Accounts of this State for a permit to apply for a license to engage in such business, which application shall be in form substantially as follows:

To the Comptroller of Public Accounts of the State of Texas:

I, or we,.....and.....of the county of....., State of Texas, hereby apply for a permit to apply for a license to engage in the business of retail liquor dealer or dealers (or retail malt dealer or dealers under the laws of this State, said business to be conducted at No.... Street, in.....in the county of..... State of Texas; that there is now no statute or ordinance of the city in force prohibiting the retail sale of liquors at said place; that I, or we, have resided for the past two years in.....county, State of Texas, and during said time have been engaged in the business of .....; that I am, or we are, not disqualified under the laws of this State from engaging in the proposed business; that no other person or corporation is in any manner interested in or to be interested in the proposed business; that I, or we, have not, since the first day of May, A. D. 1909, as owner, or as the representative, agent or employe of any other person, kept open any saloon or place of business where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication were sold, or sold, aided or advised any other person in selling in or near any such house or place of business any such liquor after 12 o'clock midnight on Saturday, and between that hour and 5 o'clock a. m. of the following Monday of any week; and have not since the first day of July, A. D. 1913, as owner or as the representative, agent or employe of any other person kept open any saloon or place of business where spirituous

vinous or malt liquors or medicated bitters capable of producing intoxication were sold, or sold, aided or advised any other person in selling in or near any such house or place of business any such liquor after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. of the following Monday of any week, or between the hours of 9:30 p. m. and 6:00 o'clock a. m. of the following morning of any week day; or since said date, either in person or by agent or employe, knowingly sold or permitted to be sold or given away in or near any such place of business, any spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, to any person under the age of 21 years, or to any student of any institution of learning, or to any habitual drunkard, after having been notified in writing through the sheriff or other peace officer, by the wife, sister, father, mother or daughter of such person not to sell to such habitual drunkard; or permitted any person not over the age of 21 years to enter and remain in such house or place of business, or permitted any games prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, or rented or let any part of the house or place of business in which such business was conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sold or given away any adulterated or impure liquors of any kind, or sold or permitted, aided or advised in selling under a retail malt dealer's license any other liquors than those defined by the law as malt liquors. And if the permission herein sought be granted and the said retail license be issued, I, or we, will not either in person, or knowingly by an agent, employe or representative, during the year for which such license shall run, keep open house or place where liquors shall be sold under such license or transact any business in such house or place of business after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week; or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day; or knowingly sell in or near any such place of business, or give away, or permit to be given away, any spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, to any person under the age of 21 years, or to any student of any institu-

tion of learning, or to any habitual drunkard, after having been notified in writing, through the sheriff or other peace officer, by the wife, mother, father, daughter or sister not to sell to such habitual drunkard; or to permit any person not over the age of 21 years to enter and remain in such house or place of business; or permit any game prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, or rent or let any part of the house or place of business in which such business is conducted to any person or persons, for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sell or give away any impure liquor or adulterated liquors of any kind; and if the application be for a retail malt dealer's license, it shall further state that he or they under the said license, will not sell any other liquors than those defined by law as "malt liquors." And it is hereby agreed that if the license to be applied for be issued, that the same will be issued upon condition that it shall remain in force only so long as I, or we, observe and carry out each and all of the declarations herein made, and that in the event, I, or we, violate any of the promises or do or perform any one or more of the acts which it is herein declared shall not be done or performed, or in the event that I, or we, violate any law of this State relating to the regulation, sale or transportation of intoxicating liquors that either the county judge or the Comptroller of Public Accounts of the State of Texas, in the manner provided in this law, may rescind, cancel and annul the said State and county license granted in pursuance of this application, and that all money paid for such license shall be forfeited to the State and county or city to whom paid; and that I, or we, will at once, upon the cancellation of such license, close up the place where such business is being conducted, and cease to do such business, and will not within five years from that date again, either as owner, agent, representative or employee of any other person, attempt to enter into or engage in the retail liquor business, unless the order of the Comptroller cancelling and rescinding such license shall be annulled, in case such licenses shall have been cancelled by the Comptroller.

.....  
.....

Sworn to and subscribed before me,

....., within and for the county of....., State of Texas, by....., on this the .... day of .....19..

(L. S.) (Signature of Officer.)

That upon receiving such application, it shall be the duty of the Comptroller to file the same and keep it as a permanent record in his office, to examine and act upon the same; and, if he is satisfied that such applicant is entitled to such permit, he shall, upon the payment to him by the applicant of \$2.00, issue to him such permit, under his hand and the seal of his office, which, together with a copy of such application, duly certified to under the hand and seal of the Comptroller, shall be delivered by him to the applicant; and the said permit, together with the certified copy of said application, shall be filed with the county judge, together with the petition for license to be filed with the county judge, and shall remain a permanent record in the office of the county judge; and no petition for a license shall be entertained by the county judge until said certified copy and permit have been filed with him by the applicant.

Art. 7442. Upon receipt of the said depositions, the Comptroller shall open and proceed to consider the same, and, if he shall determine from the preponderance of the credible evidence therein contained, that at any time after the issuance of said license the house or place where the business of selling liquors under said license was conducted was kept open and business conducted therein after 9:30 p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week, or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, or that any intoxicating liquors or medicated bitters capable of producing intoxication were knowingly sold, permitted to be sold or given by the holder or holders of such license to any person under the age of 21 years, or to any student of any institution of learning or to any habitual drunkard after having been notified in writing through the sheriff, or other peace officer, by the wife, mother, father, daughter or sister of such habitual drunkard not to sell same to him, or that any person not over the age of twenty-one years had been permitted to enter and remain in such house or place of business, or that games prohibited by laws of this State had been permitted to be played, dealt or exhibited in or about such house or place of busi-

ness, or that the person or persons holding such license had rented or let any part of the said house or place of business where such business is conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State, or that the person or persons holding such license had knowingly sold or given away any adulterated or impure liquors of any kind, or sold or knowingly permitted to be sold, or aided or advised in selling, under a retail malt dealer's license, any other liquors than those define by law as malt liquors, he shall rescind, vacate and withdraw such license, and shall issue a certificate in triplicate under his hand and the seal of said office, declaring the rescission of such license, theretofore issued, to such person or persons, one copy of which certificate shall remain on file in his office, and one copy shall be forwarded by the Comptroller by mail to the county judge of the county where the place of business of the person or persons whose license is withdrawn and rescinded is located, and the other copy shall be forwarded by mail to the person or persons whose license has been so rescinded and withdrawn; and it shall be unlawful thereafter for such person or persons to continue such business, and any attempt to do so shall subject him or them to the penalty herein provided for pursuing such business without a license; and any person or persons whose license has been so rescinded and withdrawn shall forfeit to the State, county and city all money paid therefor, and they shall never have any claim against the State, county or city on account of any money paid for such license.

Art. 7451. Every person or firm having a license under the provisions of this law, who may be engaged in or who may hereafter engage in the sale of intoxicating liquors to be drunk on the premises in any locality of this State, other than where local option is in force, shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week; or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 9:30 p. m Saturday until 6 a. m. of the following Monday of each week; and

between the hours of 9:30 p. m. and 6 a. m. of any week day.

Art. 7452. Every person or firm desiring to engage in the sale of spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication to be drunk on the premises, shall, before engaging in such sale, be required to enter into a bond in the sum of five thousand dollars; provided, however, that any person or firm dealing exclusively in malt liquors shall be required to give bond only in the sum of one thousand dollars, with at least two good, lawful and sufficient sureties, and the sureties required by law on the bonds of liquor dealers shall make affidavit, before some officer authorized to administer oaths, that they, in their own right, over and above all exemptions, are each worth the full amount of the bond they sign as sureties; and no county judge shall approve any such bond unless the affidavit as provided for in this article shall have been duly made. The approval of any such bond by the county judge without such affidavit shall make said county judge liable for any penalty recovered on such liquor dealer's bond; and any person who shall make any false affidavit, as required by this law, shall be punished as provided for in the Penal Code of this state; provided, that nothing herein shall prevent the making of such bond by a surety company as permitted by law, payable to the State of Texas, to be approved as to security by the county judge; which bond shall be conditioned that said person or firm selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, shall not, either in person or knowingly by any agent, employe or representative, during the year for which such license shall run, keep open the house or place where liquors shall be sold under such license for the sale thereof, or transact such business in such house or place of business, after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week, or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and that such person or firm shall keep an open, quiet and orderly house or place for the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, and that such person or firm, or his or their agent or employe, will not sell or permit to be sold in his or their house or place of business, nor give or permit to be given any spirituous, vinous or malt liquors, or medicated

bitters, capable of producing intoxication, to any person under the age of 21 years, or to a student of any institution of learning, or any habitual drunkard, after having been notified in writing, through the sheriff or other peace officer, by the wife, father, mother, daughter or sister of such habitual drunkard, said notice shall be in force and effect for a period of two years, not to sell to any such person, and that he or they will not permit any person under the age of twenty-one years to enter and remain in such house or place of business; that he or they will not permit any games prohibited by the law of this State to be played, dealt or exhibited in or about such house or place of business, and that he or they will not rent or let any part of the house or place in which he or they have undertaken to sell spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, to any person or persons for the purpose of running or conducting any game or games prohibited by the laws of this State, and that he or they will not adulterate the liquors sold by them in any manner, mixing the same with any drug, and that he or they will not knowingly sell or give away any impure or adulterated liquors of any kind, and that he or they will not violate any law of this State relating to the regulation, sale or transportation of intoxicating liquors, which said bond shall be filed in the office of the county clerk of the county where such business is conducted, and shall be recorded by such clerk in a book to be kept for such purpose; for which service said clerk shall be entitled to a fee of 75 cents; which said bond may be sued on at the instance of any person or persons aggrieved by the violations of its provisions, and such person shall be entitled to recover the sum of five hundred dollars as liquidated damages for such infraction of the conditions of such bond; and the said bond shall not be void on the first recovery, but may be sued on until the full penal sum named therein shall have been recovered. In addition to civil proceedings for individual injuries brought on said bond, as above indicated, if any person or firm shall violate any of the conditions of the bond herein required, it shall be the duty of the county and district attorneys, or either of them, to institute suit thereupon; or any person owning real property in the county may institute suit thereupon in the name of the State of Texas, for the use and benefit of the county, but no compensation shall be al-

lowed such citizen, and he may be required to give security for costs; and the amount of five hundred dollars as a penalty shall be recovered from the principals and sureties upon the liquor dealer's bond, upon the breach of any of the conditions thereof; and thereafter when any recovery is had by any person or by any county or district attorney, for the use and benefit of the county in any action in any court of competent jurisdiction, upon the bond of any person or firm engaged in the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, or malt liquors exclusively, to be drunk on the premises, in any locality other than where local option is in force, upon the ground that such licensee sold, or permitted to be sold, or gave or permitted to be given, any such liquors to a minor in his place of business, or permitted a minor to enter and remain in his place of business, or sold such liquor to any habitual drunkard, after having been notified in writing not to sell to such habitual drunkard, or that such licensee permitted prostitutes or lewd women to enter and remain in his place of business, or permitted any games prohibited by law to be played, dealt or exhibited in or about his place of business, or of renting or letting his place of business, or any part thereof, for such purpose or purposes, the license of such person or firm shall, by reason of such recovery, be forfeited, revoked and cancelled; and the court entering judgment of recovery shall also enter an order declaring forfeited, revoked and cancelled such license; and the unearned portion of the occupation tax paid therefor shall not be refunded, but shall be forfeited to the State and county, city or town to which the money for the same may have been paid. And any person or firm who shall sell any such liquors or medicated bitters in any quantity, to be drunk on the premises, without first giving bond, as required by law, or who shall sell the same after said license shall have been forfeited, revoked or cancelled, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in the same amount provided for sales where no license has been obtained. An open house, in the meaning of this chapter, is one in which no screens or other device is used or placed inside or outside of such house or place of business for the purposes of or that will obstruct the view through the open door or place of entrance into any such house or place where intoxicating liquors are sold to be drunk on the premises. A quiet house or place of

business, in the meaning of this chapter, is one in which no music, loud or boisterous talking, yelling or indecent or vulgar language is allowed, used or practiced, or any other noise calculated to disturb or annoy any person residing or doing business in the vicinity of such house or place of business, or those passing along the streets or public highways. By an orderly house is meant one in which no prostitutes or lewd woman or women are allowed to enter or remain; and it is further provided that said house must not contain any vulgar or obscene pictures. Any surety on such bond may relieve himself from further liability thereon by giving the principal in said bond notice in writing that he will no longer remain as surety thereon, and filing with the county judge an affidavit that such notice has been given; and, if within five days after such notice the principal fails to make a new bond, he shall cease to pursue said business until a new bond is given. Any person who shall continue to pursue said business after such notice is given and such affidavit is filed, shall be guilty of a misdemeanor and shall be punished as provided in cases where no license has been procured; provided, that where the sale was made in good faith, or the minor permitted to enter and remain in good faith, with the belief that the minor was of age, and there is good ground for such belief, that shall be a valid defense to any recovery on such bond; provided, further, that where the sale to any habitual drunkard is made in good faith, with the belief that he is not an habitual drunkard, and there are good grounds for such belief, that shall be a valid defense to any recovery on such bond; provided, the provisions of this law shall apply to suits by the State or of any individual. Provided, that no license shall be issued under this law to any person who has been convicted of a felony and served such term of conviction.

Sec. 2. The fact that there is no civil law governing applications for a license and providing for a forfeiture of license for violations of the criminal law prohibiting liquor dealers from selling liquors or keeping open their place of business after 9:30 p. m., creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

(2)

Amend the bill by striking out all

before the enacting clause and inserting in lieu thereof the following:

"A bill to be entitled 'An Act to amend Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of the State of Texas, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day; and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any law of this State relating to the regulation, sale or transportation of intoxicating liquors, and declaring an emergency.'

The amendments were severally adopted.

Senate bill No. 46 was passed to a third reading.

#### SENATE BILL NO. 46 ON THIRD READING.

The Speaker then laid Senate bill No. 46 before the House, on its third reading and final passage.

The bill was read third time.

Question—Shall the bill be passed?

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

Yeas—110.

Allison.	Dunn.
Bagby.	Fields.
Barrett of Jones.	Flournoy.
Barrett of Titus.	Foster.
Blalock.	Fountain.
Brown.	Fuller.
Burges.	Furrh.
Burmeister.	Gates.
Burns.	Gentry.
Butler.	Greer.
Byrne.	Griggs.
Calvin.	Grindstaff.
Campbell.	Hagins.
Chrestman.	Haney.
Coffey.	Harris.
Colquitt.	Heilig.
Cooper.	Henry of Bowie.
Cope.	Henry of Wichita.
Cox of Delta.	Herder.
Cox of Ellis.	Hill.
raven.	Hornby.
risp.	Householder.
unningham.	Hughes.
Davis.	Humphrey.
Jackson.	Hunter.
Diffee.	Kennedy.
Dove.	Lane.

Lewelling.	Rogers.
Long.	Ross.
Low.	Rowell.
Macgill.	Russell.
McAskill.	Savage.
McDaniel.	Schwegman.
Mendell.	Simpson.
Mills.	Spann.
Morris of Coryell.	Stephens.
Morris of Victoria.	Stone.
Murray.	Sullivan.
Nabours.	Tarver.
Neeley.	Taylor.
Olander.	Templeton.
Owsley.	Thompson.
Parker.	Tiller.
Parks.	Tillotson.
Patton.	Ussery.
Powell.	Vannoy.
Raiden.	Vickers.
Ratliff.	Wagstaff.
Reedy.	Watson of Hays.
Reeves.	Watson of Mills.
Rich.	Williams
Rickerson.	of Hopkins.
Ridgell.	Williams
Ritchie.	of McLennan.
Robbins.	Woods of Fisher.
Robertson.	Wortham.

## Nays—1.

Bierschwale.

## Absent.

Baker.	Paddock.
Bartley.	Penry.
Bruce.	Roach.
Dodson.	Spradley.
Harp.	Tyson.
Haxthausen.	Wahrmund.
King.	Woods of Navarro.
Kirby.	Yarbrough.

## Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Muleahy.
Glasscock.	Oliver.
Goodner.	Smith.
Greenwood	Webb.
Jourdan.	

## HOUSE BILL NO. 35, WITH SENATE AMENDMENTS.

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

House bill No. 35. A bill to be entitled "An Act to amend Chapter 67 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to prohibit the interstate shipment and transportation

of intoxicating liquors, prohibiting any person, firm, corporation or any officer, agent or employe thereof, from delivering to any other person, firm, corporation or any officer, agent or employe thereof, any intoxicating liquor for shipment, transportation or carriage from any point within this State to any other point within this State; prohibiting any person, firm, corporation or any officer, agent, or employe thereof from receiving for shipment, transportation or carriage, or from shipping, transporting, carrying or delivery any intoxicating liquor from any point within this State to any other person, firm or corporation, or any officer, agent or employe thereof, within this State; providing that this act shall not apply to any person personally carrying any intoxicating liquor from any point within this State to any other point within this State for the use of himself or members of his family residing with him; providing this act shall not apply to the transportation, carriage or delivery of intoxicating liquors to persons licensed under the laws of this State to sell spirituous, vinous or malt liquors; providing that this act shall not prohibit the shipment, transportation or delivery by persons licensed under the laws of this State to sell spirituous, vinous or malt liquors within the county or subdivision of a county in which such persons are authorized or licensed under the laws of this State to pursue such business; providing that this act shall not apply to the interstate shipment or delivery of intoxicating liquors; providing exception to this act for sacramental purposes; providing penalties for violation of the provisions of this act; repealing all laws in conflict herewith; providing that if any section or part of this act shall be held to be invalid that this act shall not invalidate any other part of this act; and declaring an emergency, and repealing Section 8 and providing for the shipment, transportation, carriage and delivery of alcohol to drug stores, hospitals, educational or eleemosynary institutions of this State for scientific or medicinal purposes; and prohibiting the transportation, carriage and delivery of intoxicating liquor within this State or the shipment originating and beyond the limits as well as within this State, and declaring an emergency."

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

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

"Any corporation which shall violate any of the provisions of this act, shall for each such violation forfeit and pay the sum of five hundred dollars to the State of Texas. The county attorney for the county, or in case there is no county attorney for said county, then the district attorney for the district, including such county in which such violation may occur, shall upon credible information furnished him, institute suit or suits in the name of the State of Texas against such corporation for the recovery of said penalties; and in case of a recovery of any penalties, the said attorney instituting and prosecuting said cases shall be entitled to one-fourth of the amount thereof as commission for his services, and the remainder thereof shall be paid into the road and bridge fund of said county; provided, that the State of Texas shall in no event be liable for any costs in any suit authorized by this law to enforce its provisions and the State shall not be required to give any bond for cost in any suit instituted under the provisions of this act.

"And provided further, that should any county or district attorney refuse to bring suit after credible information has been furnished him, then, and in that event, any private person, a citizen of the county in which the violation occurred, may institute suit in his own name for the use and benefit of the State of Texas as provided for herein for the recovery of such penalties provided for in this act; and said person so instituting any suit may be required to give security for costs as provided for under the general laws of the State of Texas.

"Provided further, that should any private citizen institute suit as herein provided for, and he be required to give bond, and thereafter any county or district attorney desiring to prosecute same, said attorney shall be permitted so to do, and his name shall be entered upon the court docket where said case is pending, and thereafter said private citizen and his sureties shall be relieved of all costs in said case at that time remaining unpaid, which have accrued or which may thereafter accrue."

Amend the bill, Section 8, by adding after the word "licensed" where it first appears in said section, and add the words "or authorized."

Amend the bill on the last line of Section 5 by striking out the word "sold" and insert in lieu thereof the word "used."

Question—Shall the House concur in the Senate amendments?

On motion of Mr. Allison, the House concurred in the Senate amendments.

#### BILLS SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

Senate bill No. 22, "An Act to create a more efficient road law for Hall county, and declaring an emergency."

Senate bill No. 45, "An Act creating the Files Valley Orphans' Home Independent School District; providing for the appointment of trustees of said district; defining the boundaries, and declaring an emergency."

Senate bill No. 25, "An Act to authorize the Governor, Attorney General and Land Commissioner to lease the water rights in the Guadalupe river in DeWitt county upon such terms and for such consideration as they may prescribe and providing priority of interest in leasing and also providing means of adjusting damage for the destruction of dams or property now owned by certain persons, and providing for the number of dams to be erected by any person, firm or corporation; the manner of measuring water and further providing for the manner of distributing power and regulating the sale of same, and also regulating the terms under which a sale of leasehold may be made and fixing the rights of purchasers of said leaseholds, and declaring an emergency."

Senate bill No. 35, "An Act appropriating the sum of five thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, and declaring an emergency."

#### RECESS.

Mr. Calvin moved that the House recess to 8 o'clock p. m. today.

Mr. Burns moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

The motion of Mr. Calvin prevailed, and the House accordingly, at 6:10 o'clock p. m., took recess to 8 o'clock p. m. today.

#### NIGHT SESSION.

The House met at 8 o'clock p. m. and was called to order by the Speaker.

**Mr. Savage** moved a call of the House for the purpose of maintaining a quorum, and the motion was duly seconded.

The Speaker directed the Doorkeeper to close the main entrance to the Hall and permit no member to leave the Hall without written permission from the Chair, and he instructed the Sergeant-at-Arms to lock all other doors leading out of the Hall.

#### HOUSE BILL NO. 89 ON SECOND READING.

(By Unanimous Consent.)

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

House bill No. 89, A bill to be entitled "An Act to amend Chapter 37, Section 26, of the Special Laws of the Thirty-third Legislature, passed at the Regular Session, being a special road law for Hopkins county, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 95 ON SECOND READING.

(By Unanimous Consent.)

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

House bill No. 95, A bill to be entitled "An Act to amend Section 9 of the special road law for Montague county, passed at the Regular Session of the Thirty-third Legislature, relating to the salaries of the county commissioners."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Mr. Nabours offered the following amendment to the bill:

Amend the caption to House bill No. 95 by adding "and declaring an emergency."

Amend House bill No. 95 by adding thereto the following section:

"See. 2. The near approach of the close of this session of the Legislature, which must expire by law in a few days, and the importance of this legislation, creates an emergency and an imperative public necessity that the constitutional rule which requires bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

House bill No. 95 was passed to engrossment.

#### SENATE BILL NO. 28 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to a third reading,

Senate bill No. 28, A bill to be entitled "An Act amending the road law for Dallas county."

The bill was read second time and was passed to a third reading.

#### SENATE BILL NO. 29 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to a third reading,

Senate bill No. 29, A bill to be entitled "An Act to prohibit the creation of deficiencies or debts in the name of the State by regents, directors, officers or members of governing boards of any of the educational or eleemosynary institutions of the State of Texas; to prohibit the making of any contract or the creating of any debt inconsistent with existing laws, making invalid all such contracts and debts, prohibiting the diverting of funds, providing for penalties for violations of this act, repealing all laws and parts of laws in conflict here-with, and declaring an emergency."

The bill was read second time and was passed to a third reading.

#### SENATE BILL NO. 33 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to a third reading,

Senate bill No. 33, A bill to be entitled "An Act to authorize and empower San Patricio county or any political subdivision or any defined district now or hereafter to be described and defined, of said county by a vote of a two-thirds majority of the resident property tax-payers, qualified voters of such county or political subdivision, or any defined district now or hereafter to be described and defined, thereof, voting thereon to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, or any defined district now or hereafter to be described

and defined, 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 declaring an emergency."

The bill was read second time and was passed to a third reading.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 44, A bill to be entitled "An Act to amend Chapter 5 of the Revised Criminal Statutes of Texas of 1911, and Title 131 of the Revised Civil Statutes of Texas of 1911; providing for the conduct of the business of public warehousemen, describing what constitutes such warehouse, and defining who shall be held to be public warehousemen; providing that all persons, firms and corporations, or associations of persons, shall obtain a certificate of authority from the county clerk of the county in which they intend to engage in said business of warehousemen, and defining the requisites of said certificate; providing that such warehousemen shall issue negotiable and non-negotiable receipts for property stored in such warehouses, and vesting the supervision of such public warehouses in the Commissioner of Insurance and Banking, and defining his duty with reference to such warehouses, and directing said Commissioner to prescribe uniform public warehouse receipts for cotton; and requiring that any encumbrance on cotton stored in public warehouses shall be disclosed in the endorsement on the back of such negotiable receipt or certificate, and providing a penalty for failure to truthfully disclose such facts; preventing public warehousemen, by provisions inserted in their receipts, from limiting their liability under the law; providing for the negotiability of receipts issued; providing a penalty for public warehousemen who violate the provisions of this act; providing the conditions under which private warehousemen may conduct such business; providing for the appointment of a board of cotton grading examiners and defining their duties; requiring public warehousemen storing cotton to employ a competent cotton classer, and affixing a

penalty for failure to do so," with amendments.

Senate bill No. 56, A bill to be entitled "An Act for changing the time for holding district court in the Thirty-eighth Judicial District of Texas, and declaring an emergency."

House bill No. 54, A bill to be entitled "An Act to amend Section 5695, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's liens on real estate, and providing that said sections shall hereafter read as follows, and declaring an emergency."

House Concurrent Resolution No. 9, Requesting the Congress of the United States to support the bill for the creation of the Mescalero National Park.

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

#### SENATE BILL NO. 40 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to a third reading,

Senate bill No. 40, A bill to be entitled "An Act to amend Article 911 of the Penal Code of the State of Texas, as amended at the Regular Session of the Thirty-third Legislature, Chapter 135, page 268, Acts of the Thirty-third Legislature, so as to prevent taking fish or terrapin by drag seine during the breeding season and to prevent seining and netting in all passes leading from Texas bay waters in to the Gulf of Mexico, and in all streams and canals leading from one body of salt water to another body of salt water in the State of Texas; to empower the Game, Fish and Oyster Commissioner to close waters against seining and netting under certain conditions, and to prevent seining during the breeding season in salt waters, and providing penalty for the violation of this act, and declaring an emergency."

The bill was read second time and was passed to a third reading.

#### SENATE BILL NO. 48 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to a third reading,

Senate bill No. 48, A bill to be entitled "An Act creating a special road law for Mason county, and declaring an emergency."

The bill was read second time and was passed to a third reading.

**SENATE BILL NO. 53 ON SECOND READING.**

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to a third reading,

Senate bill No. 53, A bill to be entitled "An Act providing for a special district court for El Paso county, and declaring an emergency."

The bill was read second time and was passed to a third reading.

**SENATE BILL NO. 57 ON SECOND READING.**

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to a third reading,

Senate bill No. 57, A bill to be entitled "An Act creating the Gonzales Independent School District in Gonzales county, Texas, and declaring an emergency."

The bill was read second time and was passed to a third reading.

**SENATE BILL NO. 21 ON SECOND READING.**

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to a third reading,

Senate bill No. 21, A bill to be entitled "An Act adding to and making a part of the Memphis Independent School District of Hall county, Texas, certain lands and territory adjoining thereto situate in Hall county, and adding thereto and making a part thereof certain lands and territory adjoining thereto, situate in the county of Collingsworth, all for school purposes; giving the board of trustees of said district power and jurisdiction over said lands and territory and the inhabitants thereof; requiring such board of trustees to levy, assess, collect and pay into the Treasury annually a proportional part of a certain tax fund existing on part of said territory, and declaring an emergency."

The bill was read second time and was passed to a third reading.

**SENATE BILL NO. 56 ON FIRST READING.**

Senate bill No. 56 was laid before the House, read first time and referred to the Committee on Judicial Districts.

**HOUSE BILL NO. 74 ON SECOND READING.**

(By Unanimous Consent.)

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

House bill No. 74, A bill to be entitled "An Act to amend Sections 7, 8, 23, 29, 36 and 61 of Chapter 118, General Laws, passed by the Regular Session of the Thirty-second Legislature, so that they shall hereafter read as follows, and adding thereto Sections 23a, 23b and 36a, said amended and added sections to change the present law in regard to the organization and operation of drainage districts so as to give said districts more authority in the conduct and management of the affairs of the districts, reducing the fees allowed the county judges and county treasurers for approving and selling the bonds and handling the funds of the district, requiring drainage commissioners to render more frequent and complete reports of their official acts, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Mr. Fountain offered the following amendment to the bill:

Amend House bill No 74 by inserting after Section 36a, another section to be known as 36b, which shall read as follows:

"36b. In all such improvement districts which have heretofore been created under any law of this State or that may hereafter be created, the commissioners' courts of the respective counties, or the commissioners of said districts, where said districts have voted to take charge of the assessing, collecting and equalizing of taxes of said district, shall be and are hereby authorized to levy and cause to be assessed and collected for the maintenance and keep-up of the levee and improvement districts an annual tax not to exceed five cents on the one hundred dollars valuation upon all property within said improvement district, whether real, personal or mixed, and said tax shall be used for the purpose of maintenance, repairs and keep-ups of said levees and improvements within the district.

And also amend the bill by inserting in the caption thereof and in the first paragraph of Section 1 of said bill, after the numerals "36a" the numerals "36b."

FOUNTAIN,  
HOUSEHOLDER.

The amendment was adopted.  
House bill No. 74 was passed to engrossment.

HOUSE BILL NO. 82 ON SECOND  
READING.

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

House bill No. 82, A bill to be entitled "An Act to amend Article No. 2827 and Article No. 2862 of the Revised Civil Statutes of the State of Texas so as to provide that the valuation placed on property for taxation in county line independent school districts having their own tax assessor shall not be governed by the valuation placed thereon for State and county taxation, 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?

Mr. Williams of McLennan offered the following amendments to the bill:

Amend House bill No. 82, page 450, of House Journal of August 14, after the word "Purposes" and before the word "provided" the following: "Provided further that the valuation placed on property in such county line Independent School Districts shall not be greater than the valuation placed on property for State and county purposes in the county governing such districts."

Amend caption to House bill No. 82, after the word "taxation" and before the word "and" by adding the following: "and limiting and fixing the manner of valuing said property."

The amendments were severally adopted.

House bill No. 82 was passed to engrossment.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

House bill No. 13, "An Act to amend Chapter 150, General Laws, passed at the Regular Session of the Thirty-third

Legislature, relating to application for witnesses in felony cases so as to repeal Section 4 of said Chapter, which provides for the payment of one dollar and fifty cents per day for each day that witnesses residing in the county of the prosecution may have been necessarily absent from their homes or business in attendance upon court."

House bill No. 56, "An Act creating the Port Aransas Independent School District, known as Comomn School District No. 8, in Nueces county, Texas, and including within its limits the municipal corporation of the town of Port Aransas; and defining its boundaries; and to provide for the creating of a board of trustees thereof and authorizing the board of trustees to levy, assess and colect special taxes, and conferring upon the board of trustees plenary powers, and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support of said schools, providing for a board of equalization and prescribing the duty and authority of said board, and further prescribing the duty and authority of the board of trustees, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this act, and declaring an emergency."

House bill No. 43, "An Act to fix the time for holding the terms of the district court in the Forty-seventh Judicial District, and to repeal all laws in conflict herewith, and declaring an emergency."

House bill No. 46, "An Act to amend Sections 3, 4 and 10 of Chapter 173 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, approved April 9, 1913, relating to the development of minerals in public lands."

House bill No. 52, "An Act to amend the Special Road Law for Smith county, Texas, passed at the Regular Session of the Thirty-third Legislature, and known as Chapter 70, Special Laws of the Thirty-third Legislature, and creating an emergency, and providing for the suspension of the constitutional rule requiring all bills to be read on three several days."

House bill No. 47, "An Act to incorporate the Fruitvale Independent School District in Van Zandt county for free school purposes only; describing its boundaries; providing for a board of

school trustees for the control and management of the said independent school district; prescribing the rights, powers, privileges and duties of the said Fruitvale Independent School District and its board of school trustees; vesting it with all the rights, powers, privileges and duties of a town or village incorporated under the general laws of this State for free school purposes; providing for a treasurer of school funds of the district, and declaring an emergency."

House bill No. 33, "An Act to reorganize the Thirty-fourth Judicial District of Texas, to regulate the time of holding the district courts in the various counties composing the Thirty-fourth Judicial District of Texas, providing for the returning of the process issued and to be issued by said courts, validating process heretofore issued by said court, and declaring an emergency."

House bill No. 39, "An Act to prohibit the use of any imitation label, trade mark, design, device, imprint or form of the flag of the State of Texas for advertising or commercial purposes, and prohibiting the offering or exposing for sale any article or commodity bearing such imitation, design, imprint or form of the flag of the State of Texas, fixing a penalty for violation thereof, and declaring an emergency."

House bill No. 62, "An Act to change and prescribe the time for holding district court in the Forty-ninth Judicial District of Texas, and to repeal all laws in conflict herewith, and declaring an emergency."

House bill No. 57, "An Act to amend Chapter 1, Title 11, of the Revised Civil Statutes of this State of 1911, relating to attachments, by adding thereto Article 247a, providing for the issuance of attachments in suits founded in tort and upon unliquidated demands, and providing for the fixing of the amount of bond in such cases and declaring an emergency."

House bill No. 73, "An Act to create a more efficient road system for Galveston county, Texas, and making county commissioners precinct road commissioners of their respective precincts, providing their compensation, defining their powers and duties and declaring an emergency."

House bill No. 55, "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas; to fix the times for holding the terms of district court therein; to make all process heretofore issued as well as bonds and recognizances heretofore entered into conform thereto, and to repeal all laws and

parts of law in conflict therewith, and declaring an emergency."

House bill No. 75, "An Act creating the Copita Independent School District in Duval county, Texas; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general laws; providing for a board of trustees therefor, and declaring an emergency."

House bill No. 58, "An Act to amend Chapter 38, of the Special Laws of the Thirty-second Legislature, as amended by the Thirty-third Legislature, entitled 'An Act to create a more efficient road system for Wood county, etc.' by making it unlawful to injure or damage any public road in said county; prescribing penalties, and declaring an emergency."

House bill No. 59, "An Act to incorporate Thorndale School District in Milam and Williamson counties, as an independent school district, and to provide for the election of trustees, raising revenue by taxation, and issuing bonds for the erection of school buildings within said district, and declaring an emergency."

House bill No. 60, "An Act to amend Sections 26 and 53, of Article 30, of Title 5, of the Revised Statutes of Texas, 1911, and to change and prescribe the time for holding the district court in the Twenty-sixth Judicial District of the State of Texas, and the Fifty-third Judicial District of the State of Texas, and to define the jurisdiction of said courts, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third district courts, and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial District courts in and for Travis county, and to conform drawing of petit grand juries of such courts to the changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency."

House bill No. 63, "An Act authorizing the city of Nacogdoches, a municipal corporation, to sell the United States of America a portion of the Main Plaza, for a Federal building site, and declaring an emergency."

House bill No. 81, "An Act to repeal Chapter 121, Special Laws of the Regular Session of the Thirty-third Legislature, the same being a special road law for Liberty county, and declaring an emergency."

House bill No. 87, "An Act dividing

Ridings Common School District No. 95 in Fannin county, Texas, into two common school districts, to be known as 'Ridings Common School District No. 95,' and 'Finley Common School District No. 126,' by a line running east and west across said Ridings Common School District No. 95, so as to give each of the newly created common school districts about an equal number of square miles of territory."

#### ADJOURNMENT.

On motion of Mr. Reeves, the House, at 8:45 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

#### APPENDIX.

#### REPORTS OF COMMITTEE ON EN- GROSSED BILLS.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

House bill No. 36, A bill to be entitled "An Act to amend Articles 7435, 7442, 7443, 7451 and 7452 of the Revised Civil Statutes of the State of Texas, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day; and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any law of this State relating to the regulation, sale or transportation of intoxicating liquors, and providing for the reinstatement of such license, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

MULCAHY, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

House bill No. 35, A bill to be entitled "An Act to amend Chapter 67 of the Acts of the Thirty-third Legislature,

Regular Session, of the State of Texas, entitled 'An Act to prohibit the intra-state shipment and transportation of intoxicating liquors, prohibiting any person, firm, corporation or any officer, agent or employe thereof, from delivering to any other person, firm, corporation, or any officer, agent or employe thereof, any intoxicating liquor for shipment, transportation or carriage from any point within this State to any other point within this State; prohibiting any person, firm, corporation, or any officer, agent or employe thereof from receiving for shipment, transportation or carriage, or from shipping, transporting, carrying or delivering any intoxicating liquor from any point within this State to any other person, firm or corporation, or any officer, agent or employe thereof, within this State; providing that this act shall not apply to any person personally carrying any intoxicating liquor from any point within this State to any other point within this State for the use of himself or members of his family residing with him; providing this act shall not apply to the transportation, carriage or delivery of intoxicating liquors to persons licensed under the laws of this State, to sell spirituous, vinous or malt liquors; providing that this act shall not prohibit the shipment, transportation or delivery by persons licensed under the laws of this State to sell spirituous, vinous or malt liquors within the county or subdivision of a county in which such persons are authorized or licensed under the laws of this State to pursue such business; providing that this act shall not apply to the interstate shipment or delivery of intoxicating liquors; providing exception to this act for sacramental purposes; providing penalties for violations of the provisions of this act; repealing all laws in conflict herewith; providing if any section or part of this act shall be held to be invalid that that fact shall not invalidate any other part of this act, and declaring an emergency," and providing for the shipment, transportation, carriage and delivery of alcohol to drug stores, hospitals, educational or eleemosynary institutions of this State for scientific or medicinal purposes; and providing for the shipment, transportation, carriage and delivery to manufacturers or manufacturing establishments not manufacturing intoxicating liquors capable of being used as a beverage; and prohibiting the transportation, carriage and delivery of intoxicating liquors within this State on shipments originat-

ing from beyond the limits of this State where such shipment is intended to be received, possessed, sold, or in any manner used in violation of any law of this State; and providing penalties therefor; and also prohibiting any person, firm or corporation from soliciting or taking orders in any county, justice precinct, town, city or other subdivision of a county where the qualified voters thereof have by a majority vote prohibited the sale of intoxicating liquors; prohibiting the shipment, transportation, carriage and delivery of intoxicating liquors within this State, except within the territory within which the sale of intoxicating liquors is permitted under the laws of the State; requiring a participant or accomplice to testify, and exempting such witnesses from punishment; providing penalties for violations of this act; and creating and defining certain offenses in violation of this act, prescribing the penalty and punishment therefor; repealing all laws in conflict herewith, and declaring an emergency."

Have carefully compared same and find it correctly engrossed.

MULCAHY, Chairman.

#### REPORT OF COMMITTEE ON LIQUOR TRAFFIC.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Liquor Traffic, to whom was referred Senate bill No. 46, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

FULLER, Chairman.

#### REPORT OF COMMITTEE ON JUDICIAL DISTRICTS.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred Senate bill No. 56, having had same under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

DIFFIE, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Judicial

Districts, to whom was referred Senate bill No. 23, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

DIFFIE, Chairman.

#### REPORT OF COMMITTEE ON PUBLIC LANDS AND LAND OFFICE.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Public Lands and Land Office, to whom was referred Senate bill No. 54, have had same under consideration, and beg leave to report same back to the House with the recommendation that it do pass.

PENRY, Chairman.

#### REPORT OF COMMITTEE ON COUNTIES.

Committee Room,  
Austin, Texas, August 16, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Counties, to whom was referred Senate bill No. 34, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

BAGBY, Chairman.

#### REPORTS OF COMMITTEE ON ROADS, BRIDGES AND FERRIES.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 33, having had same under consideration, beg leave to report it back to the House with the recommendation that it do pass.

RITCHIE, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 48, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

BROWN, Vice Chairman.

Committee Room,  
Austin, Texas, August 18, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 36, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

BROWN, Vice Chairman.

**REPORT OF COMMITTEE ON EDUCATION.**

Committee Room,  
Austin, Texas, August 18, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Education, to whom was referred Senate bill No. 57, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

HANEY, Vice Chairman.

**REPORT OF COMMITTEE ON CRIMINAL JURISPRUDENCE.**

Committee Room,  
Austin, Texas, August 17, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred Senate bill No. 40, having had same under consideration, beg leave to report back to the House with the recommendation that it do pass.

WILLIAMS of McLennan, Chairman.

**TWENTY-FIFTH DAY.**

(Tuesday, August 19, 1913.)

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

Speaker Terrell in the chair.

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

Mr. Speaker.	Butler.
Allison.	Byrne.
Bagby.	Calvin.
Baker.	Campbell.
Barrett of Jones.	Chrestman.
Barrett of Titus.	Coffey.
Bartley.	Colquitt.
Bierschwale.	Cooper.
Blalock.	Cope.
Brown.	Cox of Delta.
Bruce.	Cox of Ellis.
Burges.	Craven.
Burmeister.	Crisp.
Burns.	Cunningham.

Davis.	Parks.
Dickson.	Patton.
Diffee.	Penry.
Dodson.	Powell.
Dove.	Raiden.
Dunn.	Ratliff.
Flournoy.	Rcedy.
Foster.	Reeves.
Fountain.	Rich.
Fuller.	Rickerson.
Furrh.	hidgell.
Gates.	Ritchie.
Gentry.	Roach.
Greer.	Robbins.
Griggs.	Robertson.
Grindstaff.	Rogers.
Hagins.	Ross.
Haney.	Rowell.
Harris.	Russell.
Heilig.	Savage.
Henry of Bowie.	Schwegman.
Henry of Wichita.	Simpson.
Herder.	Smith.
Hill.	Spradley.
Hornby.	Stephens.
Householder.	Stone.
Hughes.	Sullivan.
Humphrey.	Tarver.
Hunter.	Taylor.
Kennedy.	Templeton.
Kirby.	Thompson.
Lane.	Tiller.
Lewelling.	Tillotson.
Long.	Ussery.
Low.	Vannoy.
Macgill.	Vickers.
McAskill.	Wagstaff.
McDaniel.	Wahrmund.
Mendell.	Watson of Hays.
Mills.	Watson of Mills.
Morris of Coryell.	Williams
Morris of Victoria	of Hopkins.
Murray.	Williams
Nabours.	of McLennan.
Neeley.	Woods of Fisher
Olander.	Woods of Navarro.
Owsley.	Wortham.
Parker.	Absent.

Paddock.  
Tyson.

Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mulcahy.
Goodner.	Oliver.
Glasscock.	Spann.
Greenwood.	Webb.
Harp.	Yarbrough.
Jordan.	

A quorum was announced present.  
Prayer by Rev. A. R. Watson of Mills county, a member of the House.

**LEAVE OF ABSENCE GRANTED.**

On account of important business:

Mr. Yarbrough for yesterday and today, on motion of Mr. Spradley.

Mr. Baker for yesterday, on motion of Mr. Vannoy.

Mr. Spann for today, on motion of Mr. Cope.

Mr. Mills for the balance of today, on motion of Speaker Terrell.

**MESSAGE FROM THE SENATE.**

Senate Chamber,

Austin Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate concurs in the House amendments to Senate bill No. 46 by vote of yeas 17, nays 7.

The Senate has passed the following bills:

House bill No. 78, A bill to be entitled "An Act providing for the abolition of drainage districts, heretofore organized, or that may hereafter be organized, under the General Laws of the State of Texas, and providing a method for the creation of a trustee and treasurer to take charge of the property and effects of said abolished district, and for the collecting of claims or debts against such districts, and winding up the affairs thereof, and declaring an emergency."

House bill No. 65, A bill to be entitled "An Act creating the Belcher Independent School District in Montague county, Texas, defining its boundaries, providing for a board of trustees to manage and control public free schools within said district, divesting the city of Belcher of the control of its public free schools, and the title of all properties now held and used for public free school purposes, investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only, under the General Laws of this State, and declaring an emergency."

House bill No. 9, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State, all stocks, bonds or other obligations of private, foreign and domestic corporations organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of such stock, bonds or other obligation of such corporation, or proposed corporation; and fixing commission and promotion

fees allowed to be charged and providing for services of process, examination fees and exempting certain corporations from the effect of this Act, providing penalty for the violation of the provisions hereof, and declaring an emergency," with amendments.

House bill No. 84, A bill to be entitled "An Act to authorize the Governor to sell and conditionally relinquish to J. J. Kane of the city of Galveston any right, title and interest the State of Texas has in and to certain flats or lands in Galveston county, and declaring an emergency."

House bill No. 38, A bill to be entitled "An Act to amend Article 7642, of Chapter 13, Title 126, Revised Statutes, 1911, providing for the redemption by the owner of lands or lots heretofore sold or that may hereafter be sold to the State, city or town for taxes, and declaring an emergency."

House bill No. 17, A bill to be entitled "An Act to provide for the incorporation and regulation of certain corporations generally known as building and loan associations; and for the government and control of the same; placing the same under the control and supervision of the Commissioner of Insurance and Banking; and providing for the admission in this State of foreign building and loan associations; and providing penalties for the violation of this act, and repealing all laws in conflict with this act."

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

**PROVIDING FOR POST-SESSION CLERICAL WORK.**

Mr. Savage offered the following resolution:

Be it resolved, That the Chief Clerk be retained four (4) days and the Calendar Clerk be retained (1) day after adjournment for the purpose of collecting and arranging all bills, resolutions and petitions in possession of either of said officers and delivering the same, after proper classification, to the Secretary of State.

Be it resolved, That the Sergeant-at-Arms and the Clerk to the Sergeant-at-Arms be retained for ten (10) days each, and they shall be charged with the duty of arranging for publication in the Journal of such accounts as are now required to be published, or which have been ordered published by the House; also report of the Contingent Expense Committee. Also the expense account of

each member or employe of the First Called Session. The Sergeant-at-Arms shall collect all supplies and stationery left over and remaining, which shall be turned over to the Secretary of State, and he shall collect and deliver all furniture now in possession of the House to the Superintendent of Public Buildings and Grounds, taking a receipt for all such items, and an inventory of all such items shall be printed in the permanent Journal.

The Sergeant-at-Arms may retain three (3) porters for two (2) days at \$2.00 per day each; also retain four (4) porters eight (8) days each at \$2.00 per day, to be discharged by him sooner if their work is completed in less time than herein provided.

The Clerk of the Committee on Contingent Expenses shall be retained for two (2) days to work under the direction of the Chairman of the Committee on Contingent Expenses. The Clerk of the Speaker shall be retained for two days and the stenographer of the Speaker one day after adjournment.

That two hundred and fifty (250) volumes of the House Journal of the First Called Session of the Thirty-third Legislature, when completed, shall be printed and shall be bound in full law sheep, and that one volume when thus bound shall be forwarded by the Journal Clerk of the House to each member of the House of Representatives, to each elective officer of the House and to each Senator, and the remainder shall be turned over to the Secretary of State. The printing of such House Journals in permanent form shall be done in accordance with pre-existing laws and with the provisions of this resolution under the supervision of the Journal Clerk of the House; and it is further provided, that the Journals herein provided for shall be delivered to the Journal Clerk of the House within sixty days after the last copy of the text of the Journal shall have been furnished to the contractor. And it is further provided that the contractor shall furnish daily to the Journal Clerk of the House, for the purpose of correction and indexing, three proofs of forty-eight pages of the House Journal until all proofs have been thus submitted, as such pages will appear when finally printed, such proofs to be furnished within one day after the copy for such batch of forty-eight pages shall have been furnished by the Journal Clerk to the contractor; and it is further provided, that it shall be the duty of the Journal Clerk of the House of Repre-

sentatives not to receive or receipt for said House Journal until correctly published, as required herein, and by pre-existing law. All enrolled bills and all bills ordered printed in the Journal shall be eliminated from the permanent Journal.

When said Journals have been published and the account approved by the State Printing Board the same shall be paid out of the Contingent Expense Fund of the First Called Session of the Thirty-third Legislature that is available; provided, that the Chairman of the Committee on Contingent Expenses shall not issue voucher for said amount until the Journal Clerk has certified to him that the Journals have been published and delivered in accordance with the provisions of this resolution.

Be it resolved, That the Chairman of the Committee on Rules be authorized to employ a stenographer at a cost not to exceed \$50 to prepare matter, rulings and decisions that have come up during the First Called Session for the Manual, which will not be printed for some time, so that when complete it will be up to and including the closing hours of this session, the Chairman of Rules Committee, Mr. Kennedy, not to receive any compensation for services in preparing this additional matter.

The Journal Clerk and his Assistant, Noel Brown, shall be retained thirty-six (36) days after adjournment for the purpose of correcting and indexing and the supervision of the publication of the Journals of the House of Representatives for the First Called Session of the Thirty-third Legislature, and that said Clerk is hereby charged with the duty of seeing that said Journals are properly corrected and published, and that the remainder of the proofs of the Manual be read and corrected by him, and the book properly mailed to the members when completed.

That each employe so retained shall receive, except as otherwise stated, the same salary as authorized to be paid him for services during the First Called Session of the House, to be paid out of any sum appropriated for mileage and per diem of members and officers and employes of the First Called Session of the Thirty-third Legislature, or for contingent expenses of the First Called Session of the Thirty-third Legislature. Also the amounts to be paid by warrants to be signed by the Speaker and Chief Clerk of the House.

The resolution was read second time and was adopted.

## RELATING TO MARKETING FARM PRODUCTS.

Mr. Householder offered the following resolution:

Whereas, There are thousands of dollars lost to the farmers of Texas every year through inadequate marketing facilities and imperfect knowledge in regard to the same; and

Whereas, Every farmers' organization in Texas has declared in favor of State and Federal aid in better marketing conditions; and

Whereas, This Legislature in the present session has appropriated fifteen thousand (\$15,000) dollars to be used in gathering and distributing information in regard to more efficient methods of marketing farm crops; therefore, be it

Resolved by the House of Representatives of the Legislature of Texas, That our Representatives and Senators in Congress be urged to give the subject of marketing farm products, and especially those of a perishable nature, their most earnest consideration, to the end that some method may be devised to prevent the enormous waste that now annually takes place between the producer and consumer of farm products; and be it further

Resolved, That a copy of this resolution, properly endorsed, be sent by the Chief Clerk of the House, to each of the Texas Representatives and Senators in Congress as well as to the Secretary of Agriculture.

HOUSEHOLDER,  
HENRY of Wichita,  
FOSTER,  
BRUCE,  
RAIDEN,  
PATTON,  
CHRESTMAN.

The resolution was read second time and was adopted.

## PROVIDING FOR PEACE DAY.

Mr. Haney offered the following resolution:

Whereas, Our times are constantly disturbed by wars and rumors of wars, not alone in the Balkan regions of Europe but also at our very door, wars by which the peace of Europe and America is hourly threatened, our industries and commerce endangered and thousands of lives sacrificed; and

Whereas, The governments of the world are constantly increasing their warlike preparations, calling into their

armies a larger portion of the young men for a longer period of years and investing larger and larger sums of the people's earnings in battleships and instruments of destruction, entailing an intolerable burden upon the legitimate industries and resources of the people, three-fourths of the total expenses of our own national government being expended on account of past wars, or in preparation for future wars; and

Whereas, May the 18th has been designated both as a national and international peace day for the purpose of directing the attention of the peoples of the world to the horrors of war and to the destruction and waste of human life and material resources resulting from war; now, therefore, be it

Resolved by the House of Representatives of the Legislature of Texas, That the Governor of this State be and he is hereby requested to designate May 18th of each year as a peace day in Texas, urging its appropriate observance upon the schools and colleges of the State and the churches and patriotic organizations, to the end that the people of Texas may become increasingly a people who love peace and hate war, and may contribute their full share to hasten the coming of the time when the war drum shall sound no longer; when men shall beat their swords into plow shares and their spears into pruning hooks, and the "kindly earth shall slumber, lapped in universal peace."

HANEY.  
HENRY of Wichita.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Hornby moved to refer the resolution to the Committee on Military Affairs.

Mr. Haney moved to table the motion to refer, and the motion to table was lost.

Question recurring on the motion to refer, it prevailed.

## PROVIDING FOR INDEXING TESTIMONY.

Mr. Cope offered the following resolution:

Whereas, It is probable that the Thirty-fourth Legislature will be called upon to consider penitentiary legislation; and

Whereas, The record of the recent penitentiary investigation contains much valuable information on penitentiary subjects; and

Whereas, The same has not been indexed; therefore, be it

Resolved by the House of Representatives, That the Chief Clerk of the House be authorized to have the testimony indexed so as to show the information therein contained with reference to the topics and with reference to individual witnesses, said work to be paid for out of the contingent expense fund of the House and not to exceed in cost the sum of \$100.

REEVES,  
COPE.

The resolution was read second time.  
Question—Shall the resolution be adopted?

Mr. Reedy moved to table the resolution, and the motion to table was lost.

The resolution was adopted.

**SENATE BILL NO. 53 ON THIRD READING.**

(By Unanimous Consent.)

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

Senate bill No. 53, A bill to be entitled "An Act providing for a special district court for El Paso county, and declaring an emergency."

The bill was read third time and was passed.

**SENATE BILL NO. 57 ON THIRD READING.**

(By Unanimous Consent.)

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

Senate bill No. 57, A bill to be entitled "An Act creating the Gonzales Independent School District in Gonzales county, Texas, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—107.

Allison.	Burmeister.
Bagby.	Burns.
Barrett of Jones.	Butler.
Barrett of Titus.	Byrne.
Bartley.	Calvin.
Bierschwale.	Campbell.
Blalock.	Chrestman.
Brown.	Coffey.
Bruce.	Colquitt.
Burges.	Cooper.

Cope.	Parker.
Cox of Delta.	Parks.
Cox of Ellis.	Patton.
Craven.	Penry.
Cunningham.	Powell.
Davis.	Raiden.
Dickson.	Ratliff.
Dove.	Reedy.
Dunn.	Reeves.
Flournoy.	Rich.
Foster.	Rickerson.
Fountain.	Ridgell.
Fuller.	Kitchie.
Furrh.	Roach.
Gates.	Robbins.
Greer.	Robertson.
Griggs.	Rogers.
Grindstaff.	Russell.
Hagins.	Savage.
Haney.	Schwegman.
Harris.	Simpson.
Henry of Bowie.	Smith.
Henry of Wichita.	Stephens.
Herder.	Stone.
Hill.	Sullivan.
Hornby.	Tarver.
Householder.	Templeton.
Hughes.	Thompson.
Hunter.	Tiller.
Kennedy.	Tillotson.
Lane.	Ussery.
Lewelling.	Vannoy.
Long.	Vickers.
Low.	Wagstaff.
Macgill.	Wahrmund.
McAskill.	Watson of Hays.
McDaniel.	Watson of Mills.
Mendell.	Williams of Hopkins.
Morris of Coryell.	Williams of McLennan.
Morris of Victoria.	Woods of Fisher.
Murray.	Woods of Navarro.
Nabours.	Wortham.
Olander.	
Owsley.	

Absent.

Crisp.	Kirby.
Diffie.	Mills.
Dodson.	Neeley.
Fields.	Paddock.
Gentry.	Ross.
Haxthausen.	Rowell.
Heilig.	Spradley.
Humphrey.	Taylor.
King.	Tyson.

Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mulcahy.
Glasscock.	Oliver.
Goodner.	Spann.
Greenwood.	Webb.
Harp.	Yarbrough.
Jordan.	

**VOTE ON SENATE BILL NO. 53 RE-  
CONSIDERED.**

Mr. Burges moved to reconsider the vote by which Senate bill No. 53 was passed.

The motion to reconsider prevailed.

**SENATE BILL NO. 53 ON FINAL  
PASSAGE.**

The Speaker then laid Senate bill No. 53 before the House, on its final passage.

Question—Shall the bill be passed?

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

Yea—109.

Allison.	Herder.
Bagby.	Hill.
Baker.	Hornby.
Barrett of Jones	Householder.
Barrett of Titus.	Hughes.
Bartley.	Humphrey.
Bierschwale.	Hunter.
Blalock.	Kennedy.
Brown.	Kirby.
Bruce.	Lane.
Burges.	Lewelling.
Burmeister.	Long.
Burns.	Low.
Butler.	McAskill.
Calvin.	McDaniel.
Campbell.	Mendell.
Chrestman.	Morris of Coryell.
Coffey.	Morris of Victoria.
Colquitt.	Murray.
Cooper.	Nabours.
Cope.	Olander.
Cox of Delta.	Owsley.
Cox of Ellis.	Parker.
Crisp.	Parks.
Cunningham.	Patton.
Davis.	Penry.
Dickson.	Powell.
Diffee.	Raiden.
Dodson.	Ratliff.
Dove.	Reedy.
Dunn.	Reeves.
Flournoy.	Rich.
Foster.	Rickerson.
Fountain.	Ridgell.
Fuller.	Ritchie.
Furrh.	Roach.
Gates.	Robbins.
Greer.	Robertson.
Griggs.	Russell.
Grindstaff.	Savage.
Hagins.	Schwegman.
Haney.	Simpson.
Harris.	Smith.
Henry of Bowie.	Spradley.
Henry of Wichita.	Stephens.

Stone.	Wahrmund.
Sullivan.	Watson of Hays.
Tarver.	Watson of Mills.
Templeton.	Williams
Thompson.	of Hopkins.
Tiller.	Williams
Tillotson.	of McLennan.
Ussery.	Woods of Fisher.
Vannoy.	Woods of Navarro.
Vickers.	Wortham.
Wagstaff.	

Nays—1.

**Craven.**

Absent.

Byrne.	Paddock.
Fields.	Rogers.
Gentry.	Ross.
Haxthausen.	Rowell.
Heilig.	Spann.
King.	Taylor.
Macgill.	Tyson.
Feeley.	

Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mills.
Glasscock.	Mulcahy.
Goodner.	Oliver.
Greenwood.	Webb.
Harp.	Yarbrough.
Jordan.	

**SENATE BILL NO. 21 ON THIRD  
READING.**

(By Unanimous Consent.)

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

Senate bill No. 21, A bill to be entitled "An Act adding to and making a part of the Memphis Independent School District of Hall county, Texas, certain lands and territory adjoining thereto situate in Hall county, and adding thereto and making a part thereof certain lands and territory adjoining thereto, situate in the county of Collingsworth, all for school purposes; giving the board of trustees of said district power and jurisdiction over said lands and territory and the inhabitants thereof; requiring such board of trustees to levy, assess, collect and pay into the treasury annually a proportional part of a certain tax fund existing on part of said territory, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

Mr. Templeton offered the following amendment to the bill:

Amend Senate bill No. 21 by striking out all of the last part of Section 2 of the bill after the words "also the following lands situate in Collingsworth county, Texas," and adding the following: "Beginning at the S. W. corner of Collingsworth county; thence north along the west line of said county four miles; thence from that point on said county line, east, four miles; thence south four miles to the county line between Collingsworth county and Hall county; thence west along such county line four miles to the place of beginning."

The amendment was adopted.

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

Yea—104.

Bagby.	Hill.
Baker.	Hornby.
Barrett of Jones.	Householder.
Barrett of Titus.	Hughes.
Bartley.	Humphrey.
Bierschwale.	Hunter.
Blalock.	Kennedy.
Brown.	Kirby.
Bruce.	Lane.
Burges.	Lewelling.
Burmeister.	Long.
Burns.	Low.
Butler.	Macgill.
Campbell.	McAskill.
Chrestman.	McDaniel.
Coffey.	Mendell.
Colquitt.	Morris of Coryell.
Cooper.	Morris of Victoria.
Cope.	Murray.
Cox of Delta.	Nabours.
Craven.	Neely.
Cunningham.	Olander.
Davis.	Owsley.
Dickson.	Parker.
Diffie.	Parks.
Dodson.	Patton.
Dunn.	Penry.
Flournoy.	Powell.
Foster.	Raiden.
Fountain.	Ratliff.
Fuller.	Reeves.
Furrh.	Rich.
Gates.	Rickerson.
Greer.	Ridgell.
Griggs.	Ritchie.
Grindstaff.	Roach.
Hagins.	Robbins.
Haney.	Robertson.
Harris.	Russell.
Henry of Bowie.	Savage.
Henry of Wichita.	Schwegman.
Herder.	Simpson.

Smith.	Vannoy.
Spradley.	Vickers.
Stephens.	Wagstaff.
Stone.	Wahrmund.
Sullivan.	Watson of Hays.
Tarver.	Williams
Templeton.	of Hopkins.
Thompson.	Woods of Fisher.
Tiller.	Woods of Navarro.
Tillotson.	Wortham.
Ussery.	

Nays—1.

Cox of Ellis.

Allison.	Paddock.
Byrne.	Reedy.
Calvin.	Rogers.
Crisp.	Ross.
Dove.	Rowell.
Fields.	Taylor.
Gentry.	Tyson.
Haxthausen.	Watson of Mills.
Heilig.	Williams
King.	of McLennan.

Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mills.
Glasscock.	Mulcahy.
Goodner.	Oliver.
Greenwood.	Spann.
Harp.	Webb.
Jordan.	Yarbrough

#### SENATE BILL NO. 33 ON THIRD READING.

(By Unanimous Consent.)

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

Senate bill No. 33, A bill to be entitled "An Act to authorize and empower San Patricio county or any political subdivision or any defined district now or hereafter to be described and defined, of said county, by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision, or any defined district now or hereafter to be described and defined, thereof, voting thereon to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, or any defined district now or hereafter to be described and defined, 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 declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—99.

Allison.	Lewelling.
Baker.	Long.
Barrett of Jones.	Low.
Barrett of Titus.	Macgill.
Bartley.	McAskill.
Bierschwale.	McDaniel.
Blalock.	Mendell..
Brown.	Morris of Coryell.
Bruce.	Morris of Victoria.
Burmeister.	Murray.
Burns.	Nabours.
Butler.	Olander.
Campbell.	Owsley.
Chrestman.	Parker.
Coffey.	Parks.
Colquitt.	Patton.
Cooper.	Penry.
Cope.	Powell.
Cox of Delta.	Ratliff.
Cox of Ellis.	Reedy.
Craven.	Reeves.
Cunningham.	Rich.
Davis.	Rickerson.
Dickson.	Ridgell.
Diffie.	Ritchie.
Dodson.	Roach.
Dove.	Robbins.
Dunn.	Robertson.
Flournoy.	Russell.
Foster.	Savage.
Fountain.	Schwegman.
Fuller.	Simpson.
Furrh.	Spradley.
Gates.	Stephens.
Greer.	Stone.
Griggs.	Sullivan.
Grindstaff.	Tarver.
Hagins.	Templeton.
Haney.	Thompson.
Harris.	Tiller.
Henry of Bowie.	Tillotson.
Herder.	Ussery.
Hill.	Vannoy.
Hornby.	Vickers.
Householder.	Watson of Hays.
Humphrey.	Williams
Hunter.	of Hopkins.
Kennedy.	Woods of Navarro.
Kirby.	Woods of Fisher.
Lane.	

Present—Not Voting.

Hughes.

Absent.

Bagby.	Raiden.
Burges.	Rogers.
Byrne.	Ross.
Calvin.	Rowell.
Crisp.	Smith.
Fields.	Taylor.
Gentry.	Tyson.
Haxthausen.	Wagstaff.
Heilig.	Wahrmund.
Henry of Wichita.	Watson of Mills.
King.	Williams
Paddock.	of McLennan.
Neeley.	Wortham.

Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mills.
Glasscock.	Mulcahy.
Goodner.	Oliver.
Greenwood.	Spann.
Harp.	Webb.
Jordan.	Yarbrough.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 79, A bill to be entitled "An Act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, revision of 1911, requiring railroad companies, receivers or trustees to furnish cars to shippers upon written demand, and providing penalties for their failure so to do; requiring such shippers to deposit with the agent or person to whom application is made one-fourth of the amount of freight charges to accrue for the use of such cars if demand be made therefor; requiring such applicants to load cars when so furnished within forty-eight hours after delivery of same, and providing penalties; requiring the parties to whom such cars are consigned to unload same within forty-eight hours after delivery and notice; requiring parties bringing suit against any railroad company, receiver or trustee for failure to furnish cars upon demand therefor to show that such cars would have been loaded, if furnished, within forty-eight hours after receipt of same, and declaring an emergency," with amendments.

The Senate adopts the Free Confer-

ence Committee report on House bill No. 29 by vote of 28 yeas, 0 nays.

Respectfully,

JOHN D. McCALL,

Assistant Secretary of the Senate.

**SENATE BILL NO. 28 ON THIRD READING.**

(By Unanimous Consent.)

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

Senate bill No. 28, A bill to be entitled "An Act to amend the special road law for Dallas county, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—107.

Allison.	Haney.
Bagby.	Harris.
Baker.	Henry of Bowie.
Barrett of Jones.	Henry of Wichita.
Barrett of Titus.	Herder.
Bartley.	Hill.
Bierschwale.	Hornby.
Blalock.	Hughes.
Brown.	Humphrey.
Burges.	Hunter.
Burmeister.	Kirby.
Burns.	Lane.
Butler.	Lewelling.
Calvin.	Low.
Campbell.	Long.
Chrestman.	Macgill.
Coffey.	McAskill.
Colquitt.	McDaniel.
Cooper.	Mendell.
Cope.	Morris of Coryell.
Cox of Delta.	Murray.
Cox of Ellis.	Nabours.
Craven.	Olander.
Crisp.	Owsley.
Cunningham.	Parker.
Davis.	Parks.
Dickson.	Patton.
Diffee.	Penry.
Dodson.	Powell.
Dove.	Raiden.
Dunn.	Ratliff.
Fields.	Reedy.
Flournoy.	Reeves.
Foster.	Rich.
Fountain.	Rickerson.
Fuller.	Ridgell.
Furrr.	Ritchie.
Gates.	Roach.
Griggs.	Robbins.
Grindstaff.	Robertson.
Hagins.	Rogers.

Rowell.	Tiller.
Russell.	Tillotson.
Savage.	Ussery.
Schwegman.	Vannoy.
Simpson.	Vickers.
Spradley.	Wagstaff.
Stephens.	Watson of Hays.
Stone.	Williams
Sullivan.	of Hopkins.
Tarver.	Woods of Fisher.
Taylor.	Woods of Navarro.
Templeton.	Wortham.
Thompson.	

Absent.

Bruce.	Morris of Victoria.
Byrne.	Neeley.
Gentry.	Paddock.
Greer.	Ross.
Haxthausen.	Smith.
Heilig.	Tyson.
Householder.	Watson of Mills.
Kennedy.	Williams
King.	of McLennan.

Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mills.
Glasscock.	Mulcahy.
Goodner.	Oliver.
Greenwood.	Spann.
Harp.	Webb.
Jordan.	Yarbrough.

**CONFERENCE COMMITTEE ON HOUSE BILL NO. 44.**

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

House bill No. 44, A bill to be entitled "An Act to amend Chapter 5 of the Revised Criminal Statutes of Texas of 1911, and Title 131 of the Revised Civil Statutes of Texas of 1911; providing for the conduct of the business of public warehousemen, describing what constitutes such warehouse, and defining who shall be held to be public warehousemen; providing that all persons, firms and corporations or associations of persons shall obtain a certificate of authority from the county clerk of the county in which they intend to engage in said business of warehousemen, and defining the requisites of said certificate; providing that such warehousemen shall issue negotiable and non-negotiable receipts for property stored in such warehouses, and vesting the supervision of such public warehouses in the Commissioner of Insurance and Banking, and defining his

duty with reference to such warehouses, and directing said commissioners to prescribe uniform public warehouse receipts for cotton; and requiring that any encumbrance on cotton stored in public warehouses shall be disclosed in the endorsement on the back of such negotiable receipt or certificate, and providing a penalty for failure to truthfully disclose such facts; preventing public warehousemen, by provisions inserted in their receipts, from limiting their liability under the law; providing for the negotiability of receipts issued; providing a penalty for public warehousemen who violate the provisions of this act; providing the conditions under which private warehousemen may conduct such business; providing for the appointment of a board of cotton grading examiners and defining their duties; requiring public warehousemen storing cotton to employ a competent cotton classer, and affixing a penalty for failure to do so."

The Speaker laid the bill before the House.

Question—Shall the House concur in the Senate amendments?

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

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Free Conference Committee on the part of the House: Messrs. Calvin, Fields, Dove, Coffey and Nabours.

#### SENATE BILL NO. 48 ON THIRD READING.

(By Unanimous Consent.)

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

Senate bill No. 48, A bill to be entitled "An Act creating a special road law for Mason county, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—99.

Allison.	Brown.
Baker.	Burges.
Barrett of Jones	Burmeister.
Barrett of Titus.	Burns.
Bartley.	Butler.
Blalock.	Byrne.

Calvin.	Mendell.
Campbell.	Morris of Coryell.
Chrestman.	Murray.
Coffey.	Nabours.
Colquitt.	Olander.
Cooper.	Owsley.
Cope.	Parker.
Cox of Delta.	Parks.
Cox of Ellis.	Patton.
Craven.	Penry.
Crisp.	Powell.
Cunningham.	Ratliff.
Davis.	Reedy.
Dickson.	Rich.
Dodson.	Rickerson.
Dunn.	Ridgell.
Fields.	Ritchie.
Flournoy.	Roach.
Foster.	Robbins.
Fountain.	Robertson.
Fuller.	Rowell.
Furrh.	Russell.
Gates.	Savage.
Griggs.	Schwegman.
Grindstaff.	Simpson.
Hagins.	Spradley.
Haney.	Stephens.
Harris.	Stone.
Henry of Bowie.	Sullivan.
Henry of Wichita.	Tarver.
Herder.	Thompson.
Hill.	Tiller.
Hornby.	Tillotson.
Householder.	Ussery.
Hughes.	Vickers.
Humphrey.	Wagstaff.
Hunter.	Wahrmund.
Kennedy.	Watson of Hays.
Kirby.	Williams
Lane.	of Hopkins.
Lewelling.	Woods of Fisher.
Long.	Woods of Navarro.
McDaniel.	Wortham.
Macgill.	

Absent.

Bagby.	Paddock.
Bierschwale.	Raiden.
Bruce.	Reeves.
Diffie.	Rogers.
Dove.	Ross.
Gentry.	Smith.
Greer.	Taylor.
Haxthausen.	Templeton.
Heilig.	Tyson.
King.	Vannoy.
Low.	Watson of Mills.
McAskill.	Williams
Morris of Victoria.	of McLennan.
Neeley.	

Absent—Excused.

Boehmer.	Harp.
Broughton.	Jordan.
Collins.	McKamy.
Glasscock.	Mangum.
Goodner.	Mills.
Greenwood.	Mulcahy.

Oliver.	Webb.
Spann.	Yarbrough.

**SENATE BILL NO. 29 ON THIRD READING.**

(By Unanimous Consent.)

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

Senate bill No. 29, A bill to be entitled "An Act to prohibit the creation of deficiencies or debts in the name of the State by regents, directors, officers or members of governing boards of any of the educational or eleemosynary institutions of the State of Texas; to prohibit the making of any contract or the creating and debt inconsistent with existing laws, making invalid all such contracts and debts, prohibiting the diverting of funds, providing for penalties for violations of this act, repealing all laws and parts of laws in conflict here-with, and declaring an emergency."

The bill was read third time and was passed.

**SENATE BILL NO. 40 ON THIRD READING.**

(By Unanimous Consent.)

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

Senate bill No. 40, A bill to be entitled "An Act to amend Article 911 of the Penal Code of the State of Texas, as amended at the Regular Session of the Thirty-third Legislature, Chapter 135, page 268, Acts of the Thirty-third Legislature, so as to prevent taking fish or terrapin by drag seine during the breeding season and to prevent seining and netting in all passes leading from Texas bay waters into the Gulf of Mexico, and in all streams and canals leading from one body of salt water to another body of salt water in the State of Texas; to empower the Game, Fish and Oyster Commissioner to close waters against seining and netting under cer-tain conditions, and to prevent seining during the breeding season in salt waters, and providing penalty for the violation of this act, and declaring an emergency."

The bill was read third time and was passed.

**HOUSE BILL NO. 74 ON THIRD READING.**

(By Unanimous Consent.)

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

House bill No. 74, A bill to be entitled "An Act to amend Sections 7, 8, 23, 29, 36 and 61 of Chapter 118, General Laws, passed by the Regular Session of the Thirty-second Legislature, so that they shall hereafter read as follows, and adding thereto Sections 23a, 23b and 36a, said amended and added sections to change the present law in regard to the organization and operation of drainage districts so as to give said districts more authority in the conduct and man-agement of the affairs of the districts, reducing the fees allowed the county judges and county treasurers for approv-ing and selling the bonds and handling the funds of the district, requiring drainage commissioners to render more frequent and complete reports of their official acts and declaring an emer-gency."

The bill was read third time.

Question—Shall the bill be passed?

Mr. Roach offered the following amendments to the bill:

(1)

Amend the amendment to Section 36 by striking out "one-eighth" and insert-ing "one-fourth" wherever it occurs in the amendment to the bill.

(2)

Amend the amendment to Section 29 by striking out "one-fourth" and insert-ing "one-half" where it occurs in the amendment to the bill.

The amendments were severally adopted.

House bill No. 74 was passed.

**HOUSE BILL NO. 95 ON THIRD READING.**

(By Unanimous Consent.)

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

House bill No. 95, A bill to be entitled "An Act to amend Section 9 of the spe-cial road law for Montague county, passed at the Regular Session of the Thirty-third Legislature, relating to the salaries of the county commissioners."

The bill was read third time and was passed.

**HOUSE BILL NO. 89 ON THIRD READING.**

(By Unanimous Consent.)

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

House bill No. 89, A bill to be entitled "An Act to amend Chapter 37, Section 26, of the Special Laws of the Thirty-third Legislature, passed at the Regular Session, being a special road law for Hopkins county, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—104.

Allison.	Kirby.
Bagby.	Lane.
Baker.	Lewelling.
Barrett of Jones.	Low.
Barrett of Titus.	Long.
Bartley.	Macgill.
Bierschwale.	McDaniel.
Blalock.	Mendell.
Brown.	Morris of Victoria.
Burges.	Murray.
Burmeister.	Nabours.
Burns.	Olander.
Butler.	Owsley.
Calvin.	Parker.
Campbell.	Parks.
Chhrestman.	Patton.
Coffey.	Penry.
Colquitt.	Powell.
Cooper.	Raiden.
Cope.	Ratliff.
Cox of Delta.	Roedy.
Cox of Ellis.	Reeves.
Craven.	Rich.
Crisp.	Rickerson.
Cunningham.	Ridgell.
Davis.	Roach.
Dickson.	Robbins,
Diffie.	Robertson.
Dodson.	Rogers.
Dunn.	Rowell.
Fields.	Russell.
Flournoy.	Savage.
Foster.	Schwegman.
Fountain.	Simpson.
Fuller.	Smith.
Furrh.	Spradley.
Gates.	Stephens.
Greer.	Stone.
Griggs.	Sullivan.
Hagins.	Tarver.
Haney.	Thompson.
Harris.	Tiller.
Henry of Bowie.	Tillotson.
Henry of Wichita.	Vickers.
Herder.	Wagstaff.
Hill.	Wahrmund.
Hornby.	Watson of Hays.
Househouder.	Watson of Mills.
Hughes.	Williams
Humphrey.	of Hopkins.
Hunter.	

Williams  
of McLennan.  
Woods of Fisher.

Woods of Navarro.  
Wortham.

Absent.

Bruce.	Morris of Coryell.
Byrne.	Neeley.
Dove.	Paddock.
Gentry.	Ritchie.
Grindstaff.	Ross.
Haxthausen.	Taylor.
Heilig.	Templeton.
Kennedy.	Tyson.
King.	Ussery.
McAskill.	Vannoy.

Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mills.
Glasscock.	Mulcahy.
Goodner.	Oliver.
Greenwood.	Spann.
Harp.	Webb.
Jordan.	Yarbrough.

#### SENATE BILL NO. 23 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to a third reading,

Senate bill No. 23. A bill to be entitled "An Act to name the several counties composing the Sixty-third Judicial District and fix the time for holding district courts therein and to repeal all laws in conflict therewith, and declaring an emergency."

The bill was read second time and was passed to a third reading.

#### SENATE BILL NO. 23 ON THIRD READING.

Mr. Burges, by unanimous consent, moved to suspend the constitutional rule requiring bills to be read on three several days and that Senate bill No. 23 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—99.

Allison.	Bierschwale.
Bagby.	Blalock.
Baker.	Brown.
Barrett of Jones.	Burges.
Barrett of Titus.	Burmeister.
Bartley.	Burns.

Butler.	Mendell.	Collins.	Mangum.
Byrne.	Murray.	Glasscock.	Mills.
Calvin.	Nabours.	Goodner.	Mulcahy.
Campbell.	Olander.	Greenwood.	Oliver.
Chrestman.	Parker.	Harp.	Spann.
Coffey.	Patton.	Jordan.	Webb.
Colquitt.	Penry.	McKamy.	Yarbrough.
Cooper.	Powell.		
Cope.	Raiden.		
Cox of Delta.	Ratliff.		
Cox of Ellis.	Reedy.		
Craven.	Reeves.		
Cunningham.	Rich.		
Davis.	Rickerson.		
Dickson.	Ridgell.		
Dodson.	Ritchie.		
Dove.	Roach.		
Dunn.	Robbins.		
Fields.	Robertson.	Allison.	Hornby.
Foster.	Rogers.	Bagby.	Householder.
Fountain.	Rowell.	Baker.	Humphrey.
Furh.	Russell.	Barrett of Jones.	Hunter.
Gates.	Savage.	Barrett of Titus.	Kennedy.
Greer.	Simpson.	Bartley.	Kirby.
Griggs.	Smith.	Bierschwale.	Lane.
Grindstaff.	Spradley.	Blalock.	Lewelling.
Hagins.	Stephens.	Brown.	Long.
Harris.	Stone.	Burges.	Low.
Henry of Bowie.	Sullivan.	Burns.	Macgill.
Henry of Wichita.	Tarver.	Butler.	McAskill.
Herder.	Thompson.	Byrne.	McDaniel.
Hill.	Tiller.	Calvin.	Mendell.
Hornby.	Tillotson.	Campbell.	Murray.
Hughes.	Ussery.	Chrestman.	Nabours.
Humphrey.	Vannoy.	Coffey.	Olander.
Hunter.	Vickers.	Colquitt.	Owsley.
Kennedy.	Wagstaff.	Cooper.	Parker.
Lane.	Watson of Hays.	Cope.	Parks.
Lewelling.	Williams	Cox of Delta.	Patton.
Long.	of Hopkins.	Cox of Ellis.	Penry.
Low.	Woods of Fisher.	Craven.	Powell.
Macgill.	Woods of Navarro.	Cunningham.	Raiden.
McAskill.	Wortham.	Davis.	Ratliff.
McDaniel.		Dickson.	Reeves.
		Diffie.	Rich.
		Dodson.	Rickerson.
		Dove.	Ridgell.
		Dunn.	Ritchie.
		Fields.	Roach.
		Flournoy.	Robbins.
		Foster.	Robertson.
		Fountain.	Rogers.
		Fuller.	Rowell.
		Furh.	Russell.
		Gates.	Savage.
		Greer.	Schwegman.
		Griggs.	Simpson.
		Grindstaff.	Spradley.
		Hagins.	Stephens.
		Haney.	Sullivan.
		Harp.	Tarver.
		Harris.	Taylor.
		Henry of Bowie.	Thompson.
		Henry of Wichita.	Tiller.
		Herder.	Tillotson.
		Hill.	Ussery.

The Speaker then laid Senate bill No. 23 before the House on its third reading and final passage.

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—106.

Vannoy.	Williams
Vickers.	of Hopkins.
Wagstaff.	Williams
Wahrmund.	of McLennan.
Watson of Hays.	Woods of Fisher.
Watson of Mills.	Woods of Navarro.
	Wortham.

**Absent.**

Bruce.	Morris of Victoria.
Burmeister.	Neeley.
Crisp.	Paddock.
Gentry.	Reedy.
Haxthausen.	Ross.
Heilig.	Smith.
Hughes.	Stone.
King.	Templeton.
Morris of Coryell.	Tyson.

**Absent—Excused.**

Boehmer.	Mangum.
Broughton.	Mills.
Collins.	Mulcahy.
Glasscock.	Oliver.
Goodner.	Spann.
Greenwood.	Webb.
Jordan.	Yarbrough.
McKamy.	

**MESSAGE FROM THE SENATE.**

Senate Chamber,  
Austin, Texas, August 19, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate requests the House to return to the Senate for correction and further consideration, House bill No. 9.

The Senate has adopted Senate Concurrent Resolution No. 6, providing a suspension of a part of Joint Rule No. 11.

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

**RETURNING HOUSE BILL NO. 9 TO  
SENATE.**

Mr. Williams of McLennan moved that the House grant the request of the Senate for the return to the Senate of House bill No. 9 for further consideration.

The motion prevailed.

**SENATE BILL NO. 36 ON SECOND  
READING.**

(By Unanimous Consent.)

The Speaker laid before the House, on

its second reading and passage to a third reading,

Senate bill No. 36, A bill to be entitled "An Act to amend the special road law of Kaufman county, and declaring an emergency."

The bill was read second time and was passed to a third reading.

**SENATE BILL NO. 36 ON THIRD  
READING.**

Mr. Thompson, by unanimous consent, moved to suspend the constitutional rule requiring bills to be read on three several days and that Senate bill No. 36 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yea—103.**

Allison.	Harris.
Bagby.	Henry of Bowie.
Baker.	Henry of Wichita.
Barrett of Jones.	Herder.
Barrett of Titus.	Hornby.
Bartley.	Householder.
Bierschwale	Hughes.
Blalock.	Humphrey.
Brown.	Hunter.
Burges.	Kennedy.
Burmeister.	Kirby.
Burns.	Lane.
Butler.	Lewelling.
Byrne.	Long.
Calvin.	Low.
Campbell.	Macgill.
Chrestman.	McAskill.
Coffey.	McDaniel.
Colquitt.	Mendell.
Cooper.	Murray.
Cope.	Nabours.
Cox of Delta.	Olander.
Cox of Ellis.	Owsley.
Craven.	Parker.
Crisp.	Parks.
Cunningham.	Patton.
Davis.	Penry.
Dickson.	Powell.
Diffee.	Raiden.
Dodson.	Ratliff.
Dove.	Reedy.
Dunn.	Rickerson.
Fields.	Ritchie.
Flournoy.	Roach.
Foster.	Rogers.
Fountain.	Ross.
Fuller.	Rowell.
Furrh.	Russell.
Gates.	Savage.
Greer.	Schwegman.
Grindstaff.	Simpson.
Hagins.	Smith.
Haney.	Spradley.

Stephens.	Vickers.	Herder.	Robertson.
Stone.	Wahrmund.	Hill.	Rogers.
Sullivan.	Watson of Hays.	Hornby.	Ross.
Tarver.	Watson of Mills.	Householder.	Rowell.
Templeton.	Williams	Humphrey.	Russell.
Thompson.	of Hopkins.	Hunter.	Savage.
Tiller.	Woods of Fisher.	Kennedy.	Schwegman.
Tillotson.	Woods of Navarro.	Kirby.	Simpson.
Ussery.	Wortham.	Lewelling.	Smith.
Absent.			
Bruce.	Reeves.	Long.	Spradley.
Gentry.	Rich.	Low.	Stephens.
Griggs.	Ridgell.	Macgill.	Sullivan.
Haxthausen.	Robbins.	McAskill.	Tarver.
Heilig.	Robertson.	McDaniel.	Templeton.
Hill.	Taylor.	Mendell.	Thompson.
King.	Tyson.	Murray.	Tiller.
Morris of Coryell.	Vannoy.	Olander.	Tillotson.
Morris of Victoria.	Wagstaff.	Owsley.	Ussery.
Feeley.	Williams	Parker.	Vickers.
Paddock.	of McLennan.	Parks.	Wagstaff.
Absent—Excused.			
Boehmer.	McKamy.	Patton.	Wahrmund.
Broughton.	Mangum.	Penry.	Watson of Hays.
Collins.	Mills.	Powell.	Watson of Mills.
Glasscock.	Mulcahy.	Raiden.	Williams
Goodner.	Oliver.	Ratliff.	of Hopkins.
Greenwood.	Spann.	Reedy.	Woods of Fisher.
Harp.	Webb.	Reeves.	Woods of Navarro.
Jordan.	Yarbrough.	Rickerson.	Wortham.
Present—Not Voting.			
Cox of Delta.		Lane.	
Absent.			

The Speaker then laid Senate bill No. 36 before the House, on its third reading and final passage.

The bill was read third time.

Question—Shall the bill be passed?

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

Yea—99.

Allison.	Crisp.
Bagby.	Cunningham.
Baker.	Davis.
Barrett of Jones.	Dickson.
Barrett of Titus.	Diffie.
Bartley.	Dodson.
Blalock.	Dove.
Brown.	Dunn.
Burges.	Fields.
Burmeister.	Flournoy.
Burns.	Fountain.
Butler.	Furrh.
Byrne.	Gates.
Calvin.	Greer.
Campbell.	Griggs.
Coffey.	Grindstaff.
Colquitt.	Hagins.
Cooper.	Haney.
Cope.	Harris.
Cox of Ellis.	Henry of Bowie.
Craven.	Henry of Wichita.

Bierschwale.	Neeley.
Bruce.	Paddock.
Chrestman.	Rich.
Foster.	Ridgell.
Fuller.	Ritchie.
Gentry.	Robbins.
Haxthausen.	Stone.
Heilig.	Taylor.
Hughes.	Tyson.
King.	Vannoy.
Morris of Coryell.	Williams
Morris of Victoria.	of McLennan.
Nabours.	

Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mills.
Glasscock.	Mulcahy.
Goodner.	Oliver.
Greenwood.	Spann.
Harp.	Webb.
Jordan.	Yarbrough.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, August 19, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.  
Sir: I am directed by the Senate to

inform the House that the Senate accedes to the request of the House for a Free Conference Committee on House bill No. 44, and the following members have been elected on the part of the Senate: Senators Lattimore, Brelsford, Townsend, Taylor and Darwin.

The Senate concurs in House amendments to Senate bill No. 21, by vote of 31 yeas, 0 nays.

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

#### SENATE BILL NO. 56 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to a third reading,

Senate bill No. 56, A bill to be entitled "An Act for changing the time for holding district court in the Thirty-eighth Judicial District of Texas, and declaring an emergency."

The bill was read second time and was passed to a third reading.

#### SENATE BILL NO. 56 ON THIRD READING.

Mr. Harris, by unanimous consent, moved to suspend the constitutional rule requiring bills to be read on three several days and that Senate bill No. 56 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—99.

Allison.	Cunningham.
Bagby.	Davis.
Baker.	Dickson.
Barrett of Jones.	Diffie.
Barrett of Titus.	Dodson.
Bartley.	Dove.
Bierschwale.	Dunn.
Blalock.	Fields.
Brown.	Flournoy.
Burges.	Foster.
Burmeister.	Fuller.
Burns.	Furrh.
Butler.	Gates.
Byrne.	Greer.
Calvin.	Griggs.
Campbell.	Grindstaff.
Coffey.	Hagins.
Colquitt.	Haney.
Cooper.	Harris.
Cope.	Henry of Bowie.
Cox of Delta.	Henry of Wichita.
Cox of Ellis.	Herder.
Crisp.	Hornby.

Householder.	Robbins.
Humphrey.	Robertson.
Hunter.	Rogers.
Kennedy.	Ross.
Kirby.	Rowell.
Lane.	Russell.
Lewelling.	Savage.
Long.	Schwegman.
Macgill.	Simpson.
McAskill.	Smith.
McDaniel.	Spradley.
Mendell.	Stephens.
Murray.	Sullivan.
Nabours.	Tarver.
Olander.	Templeton.
Owsley.	Thompson.
Parker.	Ussery.
Parks.	Vickers.
Patton.	Wagstaff.
Penry.	Wahrmund.
Powell.	Watson of Hays.
Raiden.	Watson of Mills.
Reedy.	Williams of Hopkins.
Reeves.	Woods of Fisher.
Rickerson.	Woods of Navarro.
Ritchie.	Wortham.
Rooach.	

Absent.

Bruse.	Necley.
Chrestman.	Paddock.
Craven.	Ratliff.
Fountain.	Rich.
Gentry.	Ridgell.
Haxthausen.	Stone.
Heilig.	Taylor.
Hill.	Tiller.
Hughes.	Tillotson.
King.	Tyson.
Low.	Vannoy.
Morris of Coryell.	Williams
Morris of Victoria.	of McLennan.

Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mills.
Glasscock.	Mulcahy.
Goodner.	Oliver.
Greenwood.	Spann.
Harp.	Webb.
Jordan.	Yarbrough.

The Speaker then laid Senate bill No. 56 before the House, on its third reading and final passage.

The bill was read third time and was passed.

#### HOUSE BILL NO. 79 WITH SENATE AMENDMENTS.

Mr. Ritchie called up from the Speak-

er's table, with Senate amendments, for consideration of the amendments,

House bill No. 79, A bill to be entitled "An Act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, revision of 1911, requiring railroad companies, receivers or trustees to furnish cars to shippers upon written demand, and providing penalties for their failure so to do; requiring such shippers to deposit with the agent or person to whom application is made one-fourth of the amount of freight charges to accrue for the use of such cars if demand should be made therefor requiring such applicants to load cars when so furnished within forty-eight hours after delivery of same, and providing penalties; requiring the parties to whom such cars are consigned to unload same within forty-eight hours after delivery and notice; requiring parties bringing suit against any railroad company, receiver or trustee for failure to furnish cars upon demand therefor to show that such cars would have been loaded, if furnished, within forty-eight hours after receipt of same, and declaring an emergency."

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

Amend the bill and caption in accordance therewith by adding to Section 4, Article 6683a: "Provided, that the provisions of this act shall not be held to forfeit or annul the demurrage regulations provided by the Railroad Commission of Texas, and all penalties accruing to the carrier hereunder shall be cumulative of and additional to all demurrage charges prescribed by said Commission."

Amend House bill No. 79 by striking out in Article 6681, first line, House Journal of August 3, 1913, same being in Section 2 of said printed bill, all after the word "shall" in first line of said Article 6681 up to and including the word "cars" in fifth line of said paragraph, so as to make said paragraph read in part as follows: "Such applicant shall deposit with such agent," etc.

Amend bill, Article 6682, by striking out after the word "notice" the following: "Or forfeit to the railway company all actual damages that such railway company may sustain by reason of the failure to so unload said cars," and insert in lieu thereof the following: "Or forfeit and pay to the company the sum of twenty-five dollars per day for each car not so unloaded."

Question—Shall the House concur in the Senate amendments?

On motion of Mr. Ritchie, the House concurred in the Senate amendments.

#### REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 29.

Mr. Wortham called up from the Speaker's table, for consideration at this time, the report of the Free Conference Committee on House bill No. 29.

The Speaker laid the report before the House, and it was read as follows:

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: We, your Free Conference Committee, to whom was referred House bill No. 29, with Senate amendments thereto, have had the same under consideration at a session of said committee, and beg leave to report it back to the Senate and House with the recommendation that it do not pass, but that the accompanying Free Conference Committee Substitute for House bill No. 29 do pass in lieu thereof.

WORTHAM,  
HILL,  
WOODS of Navarro,  
GOODNER,  
KIRBY,

On the part of the House.

COWELL,  
COLLINS,  
LATTIMORE,  
HUDSPETH,  
BRELSFORD,

On the part of the Senate.

Free Conference Committee Substitute  
for House bill No. 29.

House bill No. 29, A bill to be entitled "An Act making appropriations to pay various miscellaneous claims against the State, authorizing the payment of said miscellaneous items on the taking effect of this act, making appropriations for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1913, and declaring an emergency."

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

Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the

Treasury not otherwise appropriated to pay various miscellaneous claims against the State, as herein enumerated; and for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913.

Miscellaneous Items.

To refund liquor dealers the proportionate amount of taxes heretofore paid by them for the unexpired term of their licenses in local option district, and restricted districts on account of amended city charters, up to August 31, 1915, and to refund the State's portion of all such liquor licenses, heretofore paid under laws, heretofore enacted, or so much thereof as may be necessary .....	\$ 10,000 00	
To pay Jake Giles, sheriff of Jefferson county, fees in criminal cases .....	206 40	
To pay C. W. Howth fees as county attorney in felony cases, on which payments were made, as if the county was under the fee bill....	184 00	
To pay T. F. Skevington, tax assessor of Dimmit county, for assessing State revenue and State school taxes for year 1912, as per Comptroller's certificate No. 1..	883 85	
To pay Dennis Richardson for services as a Texas ranger for five months at \$40 a month, from March, 1860, to July, 1860, inclusive .....	200 00	
To pay J. P. Flynt, sheriff of Runnels county, fees in felony cases .....	20 00	
To pay William Reese, manager for the Colonial and United States Mortgage Company, Ltd., overpaid franchise tax .....	72 00	
To pay Marshall Traction Company amount erroneously paid as franchise tax on account of said company being subject to the gross receipts tax law.....	37 50	
To pay Mrs. E. L. Wesley, public free school teacher of Coleman county, Texas, for amount due her for ser-		vices rendered during the year of 1891, account having the approval of State Superintendent F. M. Bralley .....
		40 00
		To pay Higgins Oil and Fuel Company claim against the State for four cars of fuel oil, shipped and delivered to the State Lunatic Asylum, at Austin, during the year 1907, which account now has the approval of the storekeeper and accountant and the Purchasing Agent at that time...
		859 43
		To pay the Swann Furniture and Carpet Company for desks, chairs, carpet and linoleum for the House of Representatives .....
		2,380 02
		To refund to C. and E. Branch, citizens of Jackson county, amount overpaid in taxes.....
		41 33
		To refund State taxes erroneously paid by the Ragle-Saner Lumber Company of Jasper county....
		13 31
		To refund to the First National Bank of Amarillo, Texas, taxes erroneously paid .....
		155 00
		To refund to the Rural Telephone Company of Holland, Texas, gross receipts taxes illegally and erroneously paid .....
		85 93
		To refund to Mrs. P. B. Carr taxes erroneously paid on lot in city of Dallas.....
		6 00
		To pay amount due W. M. Atkinson, district attorney of the Twenty-fifth Judicial District, for services rendered in trial of certain cases in the years 1908 and 1909, included.....
		180 00
		To pay R. B. Minor salary as codifying commissioner from December 15, 1912, to January 1, 1913.....
		145 83
		To pay Andreas Coy, Jr., district clerk, Bexar county, Texas, for costs in the case of H. E. W. Gley vs. Lane .....
		27 55
		To refund to S. H. Huston of Houston, Texas, taxes erroneously paid to the State .....
		10 32
		To pay the Southwestern Traction Company, franchise tax erroneously paid, on account of paying a gross receipt tax .....
		172 55

To pay accounts of annotators and assistants, as per list of approved accounts by the Codifying Commissioners .....		furthermore, these claims have never been presented to the Finance Committee, for the reason that they had been misplaced.
To pay Judge Sam R. Scott and assistants, for services rendered in connection with the locating and re-marking boundary line between New Mexico and the State of Texas, as per contract entered into by the Governor of Texas and Judge Scott on the 12th day of April, 1911, included.....	4,413 21	To pay A. L. Ledbetter of Dallas county, fees due in trials of certain cases....
To pay the San Antonio Drug Company for drugs, etc., delivered to the Southwestern Insane Asylum at San Antonio, State Orphans' Home, at Corsicana, and the North Texas Insane Asylum at Terrell, Texas, said claims being properly approved by the boards of each of the above named institutions, the same having never been paid, papers having been lost in the past .....	10,073 49	To pay Tom D. Smith for yeast furnished the Deaf and Dumb Institute, colored, during months of April and May, 1913, said account being approved by the board of said institution .....
To pay Swift & Co. for two shipments of butterine, made to the Southwestern Insane Asylum of San Antonio, April 26, 1911, and June 2, 1911 .....	224 81	To pay W. H. Graham fees in case No. 3744 in the district court of Taylor county, State of Texas, vs. Bernardo Acosta; also case No. 3751, State of Texas vs. Sam Spicer .....
To pay Austin Light & Power Company for water and light furnished the State Deaf, Dumb and Blind Institute, colored, during the months of May, June, July and August, 1911, and July and August, 1912; also State Insane Asylum, July and August, 1912; State Confederate Home, August, 1911; also water furnished Capitol grounds during the months of July and August, 1911; also Land Office, August, 1911, and 1912; also water and light furnished the State Confederate Home for July and August, 1907; January, April and July, 1908 The above claims have never been paid, as the funds for the different institutions to cover such items having been exhausted for those months, and	268 80	To pay account of stenographers, as per approved accounts by the codifying commissioners .....
	1,968 93	To pay Z. R. McDonald, official court reporter, Fifty-ninth Judicial District, fees allowed for services rendered in case No. 11687, State of Texas vs. Wood Maxcey .....
		To pay O. P. Fowler, official court reporter Twenty-fourth Judicial District, for services in criminal cases, as per accounts filed in Comptroller's Department .....
		To pay H. P. Bickler, official court reporter Twentysixth Judicial District, stenographic fees in cases of State of Texas vs. Raphael Lopez, C. O. Turner and W. M. Stevens.....
		To pay T. M. Harrell, official court reporter Seventy-first Judicial District, case of Texas vs. Mose Wilson..
		To pay George G. Markley, official court reporter of the First Judicial District, stenographic fees in sundry cases .....
		To pay Earl Carter, official court reporter of the Sixty-sixth Judicial District, for services in case of State of Texas vs. Bush Coker.....
		To pay Hall Etter, official

district court stenographer, one-half of transcript fees in the hereinafter styled and numbered causes, where the court was required to and did appoint attorneys to represent defendants in criminal action, as provided in Section 14, Chapter 119, Acts of the Thirty-second Legislature, which one-half of said transcript fees are as follows, towit:	A. Calderon and Frank Smith .....	10 40
No. 3166. The State of Texas vs. Alfred Alexander .....	To complete the erection of a monument in the court house yard at Granbury, Hood county, Texas, to the memory of Brigadier General H. B. Granbury, to be expended under the direction of the Daughters of the Confederacy of Granbury Camp, or so much thereof as may be necessary .....	1,000 00
No. 3162. The State of Texas vs. Cullen Nobles and Curtis McGinsey ..	For support and maintenance of the Deaf and Dumb and Blind Institute, Colored, for the fiscal year ending August 31, 1913.....	400 00
No. 3162. The State of Texas vs. Curtis McGinsey .....	To erect a monument in the State Cemetery over the grave of Major General John A. Wharton, or so much thereof as may be necessary, to be expended under the direction of the Governor .....	1,000 00
No. 3251. The State of Texas vs. Curtis McGinsey .....	To pay Clarke & Courts for stationery bought June 18, 1913, by the Court of Civil Appeals at Texarkana .....	37 75
No. 3282 and No. 3283. The State of Texas vs. Will Johnson .....	To pay Geo. D. Barnard & Co., stationery accounts for the Court of Civil Appeals at Texarkana for Stationery bought during the months of April, May and October, 1911, and January, 1913 .....	201 80
No. .... The State of Texas vs. Dan McCline..	To pay E. T. Rosborough for one typewriter furnished Court of Civil Appeals, Sixth District, during year 1907.....	100 00
No. .... The State of Texas vs. Lillie Maxwell	To pay E. T. Rosborough for one wide carriage typewriter furnished Court of Civil Appeals, Sixth District, during year 1908..	115 00
To pay Sam W. Davis, official court reporter Fifteenth Judicial District, in case of State of Texas vs. Carl Oliver .....	To pay E. T. Rosborough difference in exchange of two typewriters for Court of Civil Appeals, Sixth District, during year 1911..	125 00
To pay Charles E. Pickle, official court reporter, Fifty-third Judicial District, for services in cases of State of Texas vs. John Henry and W. M. Stevens.....	To pay E. T. Rosborough difference in exchange of one typewriter for the Court of Civil Appeals, Sixth District, during year 1912	35 00
To pay Henry Mings, official court reporter Seventh Judicial District, for services rendered in case of State of Texas vs. Tom Tate....	To pay E. T. Rosborough for repairing and remodeling one typewriter for Court	
To pay T. M. Harrell, official court reporter Seventy-first Judicial District, for services rendered in case of State of Texas vs. Philip Brookins .....		
To pay C. I. Evans, official court reporter of Criminal District No. 2, Dallas county, in case of State of Texas vs. Ed Jones.....		
To pay George E. Bell, official court reporter Thirty-seventh Judicial District, in cases of State of Texas vs.		

of Civil Appeals, Sixth District .....	15 00	To pay Wm. J. Bailey of Ft. Worth, Texas, ten months' rent on feeding station for the months of February to November, 1911, inclusive, said account being approved by the Director of State Experiment Stations .....	833 33
To pay Joe Murray for postage stamps for Court of Civil Appeals, Fourth District, during months of May, June and July, 1913, account being approved by W. S. Fly, Chief Justice.	26 50	To pay additional expenses of extra live stock inspectors up to September 1, 1913..	2500 00
To pay Remington Type-writer Company balance due on typewriters for the General Land Office.....	297 20	To refund to the State Farmers' Mutual Hail Insurance Company of Minnesota, fees paid to the State of Texas for permit to do business in the State, said application being refused..	46 25
To pay the Underwood Type-writer Company balance due on typewriters for the General Land Office.....	247 53	To refund William M. Dunsen, Travis county, State taxes erroneously paid the year 1911, same having been paid twice.....	22 92
To pay John W. Benson the following: For service as a Texas Ranger for five months at \$40 per month, from March, 1860, to July, 1860, inclusive .....	200 00	To pay J. T. Robinson for copying General and Special Laws of the Thirty-third Legislature and for proof reading General Laws, 114 days' work....	400 00
To refund E. M. Bacon money paid into the State Treasury for land applied for under Act of 1879, said application being rejected by the Land Commissioner in accordance with judgment of the district court of Mitchell county, as per certificate of Land Commissioner .....	579 00	To pay sundry accounts due by the Nacogdoches Experiment Station, vouchers to be approved by the Director of Experiment Stations, as follows:	
To refund to H. T. Reutermann, of Bexar county, State portion of a tax as sewing machine agent for the years from April 16, 1910, to April 15, 1911, and from April 16, 1911, to April 15, 1912, due to the fact that the law known as the merchants' occupation tax law was declared unconstitutional about the latter date .....	30 00	Labor on buildings.....	123 80
To pay C. A. Dahlich for chairs, etc. furnished the Deaf and Dumb Institute, November, 1910, said account having approval of the board, which has never been paid .....	46 60	Superintendent's account	341 00
Salary of one assistant inspector of masonry from July 3, 1913, to September 1, 1913 .....	290 00	Fertilizers .....	105 00
Expenses of assistant inspector of masonry, July 3, 1913, to August 1, 1913....	76 35	Feed stuffs .....	80 20
Estimated expenses of assistant inspector of masonry August 1, 1913, to September 1, 1913.....	80 00	Salaries June, July and August, 1913 .....	300 00
		Labor .....	50 00
		To pay the Texas State prison system for cast iron pipe furnished the Confederate Home, said account being approved by the storekeeper for said Home .....	411 03
		To pay amount due Company I, 2d Infantry, Texas National Guard, for services rendered at Laredo February and March, 1913, in aid of civil authority.....	143 45
		To pay for services rendered by Companies A, B, D and Hospital detachment, 4th Infantry, Texas National Guard, at Ft. Worth, Texas, May, 1913, on the call of the sheriff of Tarrant county, in aid of civil authority .....	1,075 45

To pay increase of salaries of twenty-four judges of the Eighth Supreme Judicial District from July 1, 1913, to August 31, 1913, inclusive .....	2,000 00	issued by Chapter 57 of the Acts of the General Session of the Thirty-third Legislature of r the purpose of paying the debts of the prison system, that then the debts here referred to shall be paid out of the funds realized from the sale of said bonds; but in the event the State should not be able to sell said bonds, then such debts shall be paid out of the general revenue, and in figuring the tar rate the State Tax Board shall take into consideration the sums herein appropriated for the paymen of said debts.
To pay increase of salaries for the six judges of the Supreme Court and Court of Criminal Appeals, from July 1, 1913, to August 31, 1913 . .....	1,000 00	
To pay amount due the city of Austin for paving Lavaca street, from Tenth to Eleventh streets, in the rear of the Governor's Mansion .. .....	1,058 75	
For mileage and per diem, Regular Session Thirty-third Legislature, being balance due J. L. Robinson and Noel Brown, Journal Clerks .. .....	150 00	Provided, that said appropriations shall and are hereby made as follows:
To pay the following amounts necessary for the enforcement of the provisions of Section 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h and 9i, of Chapter 17, Acts of the First Called Session of the Thirtyninth Legislature, to be expended in two years ending August 31, 1913, as follows:	2,073 72	For the year ending August 31, 1914 .. .... \$675,430 27 For the year ending August 31, 1915 .. .... 675,430 00 To pay Raymond Gilmore for overtime work on Senate Journal .. .... 150 00 To pay J. L. Robinson and Noel Brown and W. R. Long for overtime. .... 360 00
Registered claims .....	250 00	Approved deficiencies for the year ending August 31, 1913:
To pay claims of court reporters for transcribing testimony in felony cases where pauper oath is filed, as provided by law .....	4,000 00	State Tax Board: Salary of bookkeeper, stenographer, etc. .... 150 00 Postage, express, telegraphing and telephone.... 100 00 Contingent expenses .... 75 00
To pay the salary of the judge of the special district court in and for El Paso county, from the 1st day of Sept., 1913, to the 31st day of Dec., 1914...		Insurance and Banking: Postage, stationery, express, etc. .... 1,000 00 Contingent expenses .... 150 00
There is hereby appropriated, to be paid out of the State Treasury out of any funds not otherwise appropriated, the sum of one million three hundred and fifty thousand eight hundred sixty and 27-100 (\$1,350,860.27) dollars, with which to pay the debts incurred by the Prison Commission of the State; provided, however, that in the event the State is able to sell the one million and five hundred thousand dollars in bonds authorized to be		State Library: Library supplies, postage and freight .... 100 00 Contingent expenses .... 25 00
		State Lunatic Asylum: Support and maintenance. .... 30,000 00 Dry goods and clothing... 6,000 00 Repairs .... .... 2,000 00
		State Purchasing Agent: Contingent expenses .... 300 00
		A. and M. College: Support and maintenance, salaries .... 45,000 00

Support and maintenance, running expenses .....	15,000 00	tices of the peace, sheriffs and constables in examining trials for the year ending August 31, 1912 .....	
Prairie View Normal:		To refund to the Leon H. Blum Land Company taxes erroneously paid on land in E. Thomas Survey, Abstract 73, Harris county, Texas .....	7 00
Support and maintenance	10,000 00		
Public Buildings and Grounds:			
Water, light, fuel and contingencies .....	1,200 00		
Public Printing:			
Printing, first, second and third class, etc.....	12,000 00		17 33
Claims registered in the Comptroller's office, appropriations being exhausted for the fiscal year ending August 31, 1913.			
Southwestern Insane Asylum:			
Support and maintenance..	430 15		
For the fiscal year ending August 31, 1912:			
To pay special judges..	239 28		
To refund liquor dealers the proportionate amount of taxes paid by them for the unexpired term of their license in local option districts and to refund the State's portion of liquor license under Chapter 17, of the First Called Session of the Thirty-first Legislature, Sections 17 and 16, August 31, 1913 .....	2,500 00		5 00
For the payment of fees and costs of sheriffs, clerks and attorneys in felony cases for the year ending August 31, 1913:			
Registered .....	51,070 91		
For the year ending August 31, 1911 .....	2,865 94		
Fees of county judges, county attorneys, justices of the peace, sheriffs and constables in examining trials .....	1,784 00		
For the payment of sheriffs, clerks and attorneys in felony cases for the year ending August 31, 1912.....			
For expenses of attached witnesses for the year ending August 31, 1913 .....	56 85		
Fees of county judges, county attorneys, jus-	29 66		
		To purchase a bust of General Mumecan Hunt, now in possession of his widow in Montgomery, Texas, together with any papers and historical data that may be in possession of said widow, to be deposited in	

the State Library in the Capitol at Austin.....	2,000 00	at the Regular Session, being House bill No. 142, said appropriation being included in Section 6 of said act, are hereby appropriated for the purposes of said act and the payment of said bounties as therein enumerated, for the two years beginning September 1, 1913, and ending August 31, 1915.
And the Governoire is hereby authorized to draw a warrant for said sum against the general revenue for the purpose, and the Comptroller is hereby authorized to issue warrant against the State Treasurer, and the Treasurer is hereby authorized to pay same.		To pay the keeper of San Jacinto Battle Ground for services rendered up to and inclusive of August 31, 1913, under the direction and supervision of the Superintendent of Public Buildings and Grounds....
Special Judges:		
To pay Judge J. Llewellyn (special judge for the Ninth Judicial District) salary from April 26, 1913, to August 31, 1913	1,041 66	To pay F. W. Axtell & Company for supplies furnished the State Experiment Station during the years 1910 and 1911.....
To pay Judge W. J. Mathis (special judge for Grayson county) salary from May 12, 1913, to August 31, 1913 .....	908 33	To pay George Harper, ex-tax collector of El Paso county, amount of excess taxes
To pay Ellis Brothers of El Paso, account created by the Court of Civil Appeals (Eighth Supreme Judicial District), upon approved account .....	97 95	To pay freight and other miscellaneous items due by the Adjutant General's Department, as per accounts on file in said Department
To pay J. I. Driscoll, clerk of the Eighth Supreme Judicial District Court, amount paid for stamps..	35 00	To pay T. M. Harrell, official court reporter of the Seventy-first Judicial District, case of State of Texas vs. Israel Hill .....
To pay George D. Barnard & Co. for supplies furnished the Eighth Supreme Judicial District Court.....	47 50	Treasury Department: To refund to purchasers or lessees of public domain, public school lands, etc., when approved by the Attorney General .....
To erect a monument in San Patricio county to the memory of James McGloin, empresario of the McMullen and McGloin colony, subject to the approval of the Governor...	1,000 00	For the purpose of carrying into effect the provisions of Article 5353, 5354 and 5355 of the Revised Civil Statutes of 1911, there is hereby appropriated out of any funds in the hands of the Treasurer not otherwise appropriated, or so much thereof as may be necessary, to be expended in two years under the direction of the Governor, Attorney General and Commissioner of the General Land Office of the State of Texas, in resurveying the lands conveyed in payment for the building of the State Capitol.....
To pay Bascom Lynn, Superintendent Tuberculosis Sanitarium, amount paid for salary account of the State on December, 1912, payroll .....	1,572 54	To pay the fees of witnesses
To reimburse Continental Land & Cattle Co. for taxes erroneously collected by the State and erroneously paid on lands in Hall, Cottle and Motley counties for the years 1892 to 1911, inclusive.....	1,169 77	10,000 00
All the unexpended balance of the appropriation made by the Thirty-second Legislature, Chapter 32 of the General Laws as enacted		

in felony cases who are subpoenaed in the county in which the case is tried, as provided in the Acts of the First Called Session of the Thirty-third Legislature, provided that the said appropriations shall and are hereby made as follows:

For the year ending

August 31, 1914..... 100,000 00

For the year ending

August 31, 1915..... 100,000 00

Total ..... \$2,164,915 24

Sec. 2. The appropriations herein provided for are to be construed as the and for the several purposes named herein, and no expenditure shall be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Sec. 3. Whereas, there are no appropriations to pay claims against the State herein provided for, which are outstanding and are legal claims against the State, creates an emergency and an imperative public necessity, which justifies the suspension of the constitutional rule requiring bills to be read on three several days in each House, and this act take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

(Mr. Haney in the Chair.)

Mr. Terrell moved a call of the House for the purpose of maintaining a quorum until the House has completed consideration of the report, and the motion was duly seconded.

The Speaker directed the Doorkeeper to close the main entrance to the Hall and permit no member to leave the Hall without written permission from the Chair, and he instructed the Sergeant-at-Arms to lock all other doors leading out of the Hall.

Question recurred—Shall the report be adopted?

The Clerk was directed to call the roll, and the report was adopted by the following vote:

Yea—101.

Mr. Speaker.	Bartley.
Allison.	Bierschwale.
Bagby.	Blalock.
Baker.	Brown.
Barrett of Jones.	Bruce.
Barrett of Titus.	Burges.

Burmeister.	McAskill.
Burns.	McDaniel.
Butler.	Mendell.
Calvin.	Morris of Victoria.
Campbell.	Murray.
Chrestman.	Nabours.
Coffey.	Neeley..
Colquitt.	Olander.
Cooper.	Parker.
Cope.	Parks.
Cox of Delta.	Penry.
Cox of Ellis.	Powell.
Craven.	Raiden.
Crisp.	Ratliff.
Cunningham.	Reedy.
Davis.	Reeves.
Dickson.	Rich.
Diffee.	Robbins.
Dodson.	Robertson.
Dove.	Rogers.
Dunn.	Ross.
Flournoy.	Rowell.
Foster.	Russell.
Fountain.	Savage.
Fuller.	Schwegmann.
Furrh.	Simpson.
Gates.	Spradley.
Greer.	Stephens.
Griggs.	Stone.
Grindstaff.	Sullivan.
Hagins.	Thompson.
Haney.	Tiller.
Harris.	Tillotson.
Henry of Wichita.	Vannoy.
Herder.	Vickers.
Hill.	Wagstaff.
Hornby.	Wahrmund.
Householder.	Watson of Mills.
Humphrey.	Williams
Hunter.	of Hopkins.
Kennedy.	Williams
Kirby.	of McLennan.
Lane.	Woods of Fisher
Lewelling.	Woods of Navarro.
Long.	Wortham.
Macgill.	

Nays—3.

Henry of Bowie. Tarver.

Watson of Hays.

Absent.

Byrne.	Patton.
Fields.	Rickerson.
Gentry.	Ridgell.
Haxthausen.	Ritchie.
Heilig.	Roach.
Hughes.	Smith.
King.	Taylor.
Low.	Templeton.
Morris of Coryell.	Tyson.
Owsley.	Ussery.
Paddock.	

Absent—Excused.

Boehmer.	Glasscock.
Broughton.	Goodner.
Collins.	Greenwood.

Harp.	Mulcahy.
Jordan.	Oliver.
McKamy.	Spann.
Mangum.	Webb.
Mills.	Yarbrough.

**SENATE BILL NO. 54 ORDERED  
NOT PRINTED.**

On motion of Mr. Penry, by unanimous consent, it was ordered that Senate bill No. 54 be not printed.

**SENATE BILL NO. 54 ON SECOND  
READING.**

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

Senate bill No. 54, A bill to be entitled "An Act to validate certain settlement on and purchase of public free school land, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to a third reading.

**SENATE BILL NO. 54 ON THIRD  
READING.**

Mr. Penry, by unanimous consent, moved to suspend the constitutional rule requiring bills to be read on three several days and that Senate bill No. 54 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—98.

Allison.	Diffie.
Bagby.	Dove.
Baker.	Dunn.
Barrett of Jones.	Fields.
Barrett of Titus.	Flournoy.
Bartley.	Foster.
Bierschwale.	Fountain.
Blalock.	Fuller.
Brown.	Furrrh.
Bruce.	Gates.
Burges.	Greer.
Burns.	Griggs.
Butler.	Grindstaff.
Calvin.	Hagins.
Campbell.	Haney.
Chrestman.	Harris.
Colquitt.	Henry of Bowie.
Cooper.	Henry of Wichita.
Cox of Delta.	Herder.
Cox of Ellis.	Hornby.
Craven.	Householder.
Crisp.	Hunter.
Cunningham.	Kennedy.
Davis.	Kirby.
Dickson.	Lane.

Lewelling.	Rogers.
Long.	Ross.
McAskill.	Rowell.
McDaniel.	Russell.
Mendell.	Savage.
Morris of Coryell.	Schwegman.
Morris of Victoria.	Simpson.
Murray.	Spradley.
Nabours.	Stephens.
Neeley.	Stone.
Olander.	Tarver.
Parker.	Thompson.
Parks.	Tiller.
Penry.	Vannoy.
Powell.	Vickers.
Raiden.	Wagstaff.
Ratliff.	Wahrmund.
Reedy.	Watson of Hays.
Reeves.	Watson of Mills.
Rich.	Williams
Ridgell.	of Hopkins.
Ritchie.	Woods of Fisher.
Roach.	Woods of Navarro.
Robbins.	Wortham.
Robertson.	

Absent.

Burmeister.	Owsley.
Byrne.	Paddock.
Coffey.	Patton.
Cope.	Rickerson.
Dodson.	Smith.
Gentry.	Sullivan.
Haxthausen.	Taylor.
Heilig.	Templeton.
Hill.	Tillotson.
Hughes.	Tyson.
Humphrey.	Ussery.
King.	Williams
Low.	of McLennan.
Macgill.	

Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mills.
Glasscock.	Mulcahy.
Goodner.	Oliver.
Greenwood.	Spann.
Harp.	Webb.
Jordan.	Yarbrough.

The Speaker then laid Senate bill No. 54 before the House on its third reading and final passage.

The bill was read third time and was passed.

RECESS.

On motion of Mr. Tarver, the House, at 12:05 o'clock p. m., took recess to 2:30 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2:30 o'clock p. m. and was called to order by the Speaker.

**REPORT OF COMMITTEE ON  
RULES.**

Mr. Tarver called up from the Speaker's table, for consideration at this time, the following report of the Committee on Rules:

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Rules, to whom was referred certain proposed amendments to the Rules of the House, offered by the gentleman from Navarro, Mr. Tarver et al., and which are printed on page 312 of the House Journal for Friday, August 15th, have had the same under consideration, and I am directed to report the same back to the House without recommendations.

All of which is respectfully submitted.  
KENNEDY, Chairman.

(Minority Report.)

Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives, Capitol.

Dear Sir: As a member of the Committee on Rules, to which committee was referred the resolution by Mr. Tarver and others, looking to certain changes in the Rules, I beg to say that I have not had any time to consider this matter since its introduction. As a member of the Free Conference Committee appointed to adjust the difference on the penitentiary bill, every minute of my time has been taken up.

I am entirely willing, however, that this resolution be submitted to the House for such action as the members of the House desire to take. In the proposition contained in said resolution, providing that election of a Speaker shall be by open vote, there is a grave constitutional question.

I am entirely willing to be guided by the Attorney General's ruling on this subject, if a ruling can be procured. About two months ago I wrote the Attorney General a letter requesting a ruling on this point and he replied, stating that the query involved so much of labor that his Department did not wish to rule. I am willing to be guided by the Attorney General's ruling on this question. Further than that, I have not now time to look into this matter. When I have time, I will be very glad to submit my views very fully.

Yours very respectfully,  
HUMPHREY.

The Speaker laid the reports before the House, and they were read.

Question—Shall the resolution reported be adopted?

(Mr. Calvin in the chair.)

Mr. Terrell asked unanimous consent of the House that each proposed amendment be considered separately.

There was no objection offered.

The proposed amendment relating to the selection of committees was read.

Mr. Allison, by unanimous consent, moved the previous question on the resolution, and the main question was ordered.

(Speaker in the chair.)

Question—Shall the proposed amendment relating to the selection of committees be adopted?

Yeas and nays were demanded, and this proposed amendment was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—56.

Allison.	McAskill.
Barrett of Jones.	Morris of Coryell.
Barrett of Titus.	Nabours.
Blalock.	Olander.
Burns.	Parker.
Butler.	Raiden.
Cope.	Reedy.
Cox of Delta.	Reeves.
Cox of Ellis.	Rich.
Craven.	Rickerson.
Cunningham.	Robbins.
Davis.	Rogers.
Dickson.	Ross.
Diffie.	Rowell.
Dove.	Russell.
Foster.	Simpson.
Fuller.	Stephens.
Furrr.	Tarver.
Greer.	Thompson.
Grindstaff.	Tiller.
Griggs.	Ussery.
Hagins.	Vannoy.
Haney.	Vickers.
Henry of Bowie.	Watson of Mills.
Henry of Wichita.	Williams
Hunter.	of Hopkins.
Lewelling.	Woods of Fisher.
Long.	Woods of Navarro.

Nays—45.

Mr. Speaker.	Cooper.
Bagby.	Crisp.
Bierschwale.	Dunn.
Brown.	Flournoy.
Bruce.	Fountain.
Burges.	Gates.
Byrne.	Harris.
Calvin.	Hornby.
Coffey.	Householder.
Colquitt.	Kennedy.

Kirby.	Roach.
Lane.	Robertson.
Low.	Savage.
Macgill.	Schwegman.
Mendell.	Smith.
Morris of Victoria.	Spann.
Murray.	Spradley.
Neeley.	Stone.
Owsley.	Taylor.
Parks.	Tillotson.
Patton.	Wagstaff.
Powell.	Williams
Ratliff.	of McLennan.

The proposed amendment relating to committee reports was read and was adopted.

The proposed amendment relating to the election of Speaker was read.

Question—Shall the proposed amendment relating to the election of Speaker be adopted?

Yea and nays were demanded, and this proposed amendment to Rule 2 was lost by the following vote (not receiving the necessary two-thirds vote):

Present—Not Voting.

Ritchie.

Absent.

Baker.	Humphrey.
Bartley.	King.
Burmeister.	McDaniel.
Campbell.	Paddock.
Dodson.	Penry.
Fields.	Ridgell.
Gentry.	Sullivan.
Haxthausen.	Templeton.
Heilig.	Tyson.
Hill.	Wahrmund.
Hughes.	Watson of Hays.

Absent—Excused.

Boehmer.	Jordan.
Broughton.	McKamy.
Collins.	Mangum.
Glasscock.	Mulcahy.
Goodner.	Oliver.
Greenwood.	Webb.
Harp.	Yarbrough.

Paired.

Mr. Chrestman (present), who would vote "yea," with Mr. Herder (absent), who would vote "nay."

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

Reason for Vote.

I had intended to vote "yea" on Section 1 of the resolution, but, it being made to appear during the discussion that a secret caucus of members have bound themselves in writing to act together in the organization of the House of Representatives of the Thirty-fourth Legislature, I think it probable that more partisanship and discrimination will be used than has been the case in appointment of committees by the Speaker in this and previous Legislatures.

I, therefore, ask to be marked present and not voting.

RITCHIE.

Yea—54.

Allison.	Lewelling.
Baker.	Long.
Barrett of Jones.	McAskill.
Barrett of Titus.	Morris of Coryell.
Blalock.	Morris of Victoria.
Burns.	Nabours.
Butler.	Olander.
Cope.	Raiden.
Cox of Delta.	Reeves.
Craven.	Rich.
Cunningham.	Rickerson.
Davis.	Robbins.
Dickson.	Rogers.
Diffie.	Ross.
Dove.	Rowell.
Foster.	Russell.
Fuller.	Simpson.
Furrr.	Stephens.
Greer.	Tarver.
Griggs.	Thompson.
Grindstaff.	Ussery.
Hagins.	Vannoy.
Haney.	Vickers.
Henry of Bowie.	Watson of Hays.
Henry of Wichita.	Watson of Mills.
Hunter.	Woods of Navarro.

Nays—49.

Bagby.	Lane.
Bierschwale.	Low.
Brown.	Macgill.
Bruce.	Mendell.
Burges.	Murray.
Byrne.	Neeley.
Calvin.	Owsley.
Campbell.	Parker.
Coffey.	Parks.
Colquitt.	Patton.
Cox of Ellis.	Powell.
Crisp.	Ratliff.
Dunn.	Reedy.
Flournoy.	Ritchie.
Fountain.	Roach.
Gates.	Robertson.
Harris.	Savage.
Hornby.	Schwegman.
Householder.	Smith.
Kennedy.	Spann.
Kirby.	Spradley.
	Stone.

Taylor.  
Tiller.  
Tillotson.  
Wagstaff.

Williams  
of McLennan.  
Woods of Fisher.

Absent.

Bartley.  
Burmeister.  
Dodson.  
Fields.  
Gentry.  
Haxthausen.  
Heilig.  
Hill.  
Hughes.  
Humphrey.

King.  
McDaniel.  
Paddock.  
Penry.  
Ridgell.  
Sullivan.  
Templeton.  
Tyson.  
Wahrmund.

Absent—Excused.

Boehmer.  
Broughton.  
Collins.  
Glasscock.  
Goodner.  
Greenwood.  
Harp.

Jordan.  
McKamy.  
Mangum.  
Mulcahy.  
Oliver.  
Webb.  
Yarbrough.

Paired:

Mr. Chrestman (present), who would vote "yea," with Mr. Herder (absent), who would vote "nay."

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

#### Reason for Vote.

I vote "nay" upon Sections 1 and 4 of the resolution because there is no power nor authority vested in this Legislature to bind the next or subsequent Legislatures, as to the rule of procedure in the organization of the House, and could not apply to the conduct of this one, which is recognized and admitted by the proponents thereof; and for the further reason that Section 4 is, in my judgment, in direct contravention of the expressed direction of the Constitution of Texas, and a nullity.

SPANN.

#### PROVIDING FOR RETAINING STENOGRAPHERS.

Mr. Blalock offered the following resolution:

Resolved. That the Speaker be, and is hereby authorized, to appoint four stenographers to continue service in the House for one day after adjournment of this Special Session, each to be paid the

sum of \$4 on voucher signed by the Speaker and Chief Clerk of the House.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Savage offered the following amendment to the resolution:

Amend by striking out "four" and insert "two" instead.

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

The resolution was adopted.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 9, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State of stocks of private, foreign and domestic corporations organized for profit which propose to increase their capital stock; and to regulate and supervise the sale and purchase in this State of stocks of private, foreign and domestic corporations being organized and hereafter organized or proposed to be organized for profit and to regulate and supervise the offering or contracting for sale and purchase of such stock of such corporation or proposed corporation, and to fix commission and promotion fees allowed to be and providing for service of process examining fees, and exempting certain corporations from the effect of this act; providing penalty for the violation of the provisions of this act, and declaring an emergency," with amendments.

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

#### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions hand been read severally, the following enrolled bills and resolutions:

House Concurrent Resolution No. 9, Requesting Texas Representatives in Congress to support bill for the establishment of the Mescalero National Park.

House bill No. 14, "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, towit: The University of Texas, Agricultural and Mechanical College, Prairie View Normal, College of Industrial Arts for Women, Sam Houston Normal Institute, North Texas State Normal, Southwest Texas State Normal, and West Texas State Normal, and declaring an emergency."

House bill No. 40, "An Act to amend Chapter 162 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to amend Chapter 24 of the Acts of the First Called Session of the Thirty-first Legislature of the State of Texas, entitled "An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experiment stations in certain parts of Texas; to provide for proper appropriations therefor, and repealing all laws in conflict herewith, and declaring an emergency," and providing further for a governing board for the Texas Agricultural Experiment Station, defining the place of residence of the Director of Texas Experiment Stations, and declaring an emergency'; providing for the payment of the salary of the director of said experiment stations, defining his powers and duties and also the powers and duties of the governing board; also providing that the Texas State Agricultural Experiment Station located at College Station, Brazos county, Texas, at the Agricultural and Mechanical College of Texas, shall remain under the control of the board of directors of the Agricultural and Mechanical College, and authorizing the said board to receive from the Federal government the aid that has been or may hereafter be available for it under an act of Congress, and declaring an emergency."

House bill No. 50, "An Act to create a special district court for the Fifth Judicial District of Texas; to prescribe its jurisdiction, to limit its existence, to fix its terms, to conform all writs and process from said court to the district court in said district to such changes as are made in the jurisdiction of the said court by this bill, to empower the judge of said district court and the judge of the Fifth Judicial District to transfer cases from their respective courts to the other of said courts, to provide for the appointment

of a judge for said special district court, to fix his salary and term of office, and declaring an emergency."

Senate bill No. 36, "An Act to amend the special road law of Kaufman county, and declaring an emergency."

Senate bill No. 57, "An Act creating the Gonzales Independent School District in Gonzales county, Texas, and declaring an emergency."

Senate bill No. 48, "An Act creating a special road law for Mason county, and declaring an emergency."

Senate bill No. 28, "An Act to amend Chapter 41, Acts of the Twenty-ninth Legislature, as amended by the Thirtieth Legislature, being an act to create a more efficient road system for Dallas county, and declaring an emergency."

#### SUSPENDING JOINT RULE.

On motion of Mr. Kennedy, the regular order of business was suspended to take up, for consideration at this time, the following resolution:

Senate Concurrent Resolution No. 6, Suspending the last sentence of Joint Rule 11.

Resolved by the Senate, the House concurring, That the last sentence in Rule 11 of the Joint Rules of the two Houses, which provides that no vote shall be taken upon the passage of any bill within the last twenty-four hours of the session is hereby suspended in so far as same applies to local bills.

The Speaker laid the resolution before the House, and it was read and referred by the Speaker to the Committee on Rules.

#### VOTE ON SENATE AMENDMENTS TO HOUSE BILL NO. 44 RECON- SIDERED.

Mr. Dove moved to reconsider the vote of the House in refusing to concur in the Senate amendments to House bill No. 44 and in asking for a Free Conference Committee on said bill.

The motion prevailed.

#### HOUSE BILL NO. 44 WITH SENATE AMENDMENTS.

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

House bill No. 44, A bill to be entitled "An Act to amend Chapter 5 of the Revised Criminal Statutes of Texas of 1911, and Title 131 of the Revised Civil Statutes of Texas of 1911; providing for

the conduct of the business of public warehousemen, describing what constitutes such warehouse, and defining who shall be held to be public warehousemen; providing that all persons, firms and corporations or associations of persons shall obtain a certificate of authority from the county clerk of the county in which they intend to engage in said business of warehousemen, and defining the requisites of said certificate; providing that such warehousemen shall issue negotiable and non-negotiable receipts for property stored in such warehouses, and vesting the supervision of such public warehouses in the Commissioner of Insurance and Banking, and defining his duty with reference to such warehouses, and directing said Commissioner to prescribe uniform public warehouse receipts for cotton; and requiring that any encumbrance on cotton stored in public warehouses shall be disclosed in the endorsement on the back of such negotiable receipt or certificate, and providing a penalty for failure to truthfully disclose such facts; preventing public warehousemen, by provisions inserted in their receipts, from limiting their liability under the law; providing for the negotiability of receipts issued; providing a penalty for public warehousemen who violate the provisions of this act; providing the conditions under which private warehousemen may conduct such business; providing for the appointment of a board of cotton grading examiners and defining their duties; requiring public warehousemen storing cotton to employ a competent cotton classer, and fixing a penalty for failure to do so."

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

Amend House bill No. 44 as follows: Amend caption, line 1, by inserting after the word "amend" and before the word "Chapter" the following: "Articles 969, 970, 971, 972, 973, 974, 975, 976 and 977 of," and by inserting after the words and figures "Chapter 5" the following: "Title 14," and by inserting before the word "Revised" the following: "Penal Code of the," and further amend said caption, line 2, by inserting after the word "and" the following: "to amend Articles 7819, 7820, 7821, 7822, 7823, 7824, 7825, 7826 and 7827."

Also amend Section 1 of said bill, line 2, by inserting the words "Title 14" between the figure "5" and the word "of" and the words "Penal Code of the" between the word "the" and the word "Revised."

Amend the bill, page 6, by striking out Section 17.

Amend the bill in next to the last line of Section 13 between the word "being" and "in" by inserting the word "subject."

Amend the caption, line 29, by striking out all after the word "Business" down to and including the word "duties" in line 31.

Question—Shall the House concur in the Senate amendments?

On motion of Mr. Dove, the House concurred in the Senate amendments.

#### RECESS.

On motion of Mr. Woods of Fisher, the House, at 5:45 o'clock p. m., took recess to 8:30 o'clock p. m. today.

#### NIGHT SESSION.

The House met at 8:30 o'clock p. m., and was called to order by the Speaker.

#### APPOINTMENT OF PORTERS.

The Speaker announced the appointment of the following porters:

To be retained two days after adjournment: Joe Johnson, Henry Mattison, Robert Robinson.

To be retained eight days: General Jackson, Douglas Williams, Tom Allen, Milton Nobles.

#### HOUSE BILL NO. 9 WITH SENATE AMENDMENTS.

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

House bill No. 9, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State, all stocks, bonds or other obligations of private, foreign and domestic corporations, organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of such stocks, bonds or other obligations of such corporation, or proposed corporation; and fixing commission and promotion fees allowed to be charged, and providing for services of process, examination fees and exempting certain corporations from the effects of this act, providing penalty for the violation of the provisions hereof, and declaring an emergency."

The Speaker laid the bill before the

House, and the Senate amendments were read as follows:

Amend bill by inserting after words "Bill to be entitled," the following:

"An Act to regulate and supervise the sale and purchase, in this State, of stocks of private, foreign and domestic corporations organized for profit, which propose to increase their capital stock; and to regulate and supervise the sale and purchase, in this State, of stocks of private, foreign and domestic corporations being organized and hereafter organized, or proposed to be organized, for profit; and to regulate and supervise the offering or contracting for sale and purchase of such stock of such corporation or proposed corporation, and to fix commission and promotion fees allowed to be charged; and providing for services of process, examination fees, and exempting certain corporations from the effect of this act; providing penalty for the violation of the provisions of this act, and declaring an emergency."

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

Section 1. Every private corporation, foreign or domestic, organized for profit, which is now attempting or shall hereafter attempt to increase its capital stock, and every proposed corporation attempted to be organized which shall, directly or indirectly, through itself, its agents or employes, or through any person or association of persons, holding companies, sales companies or otherwise, or through any other agents, sell or contract to sell any stock of such corporation or proposed corporation, upon which sale or proposed sale or contract of sale any part of the proceeds derived or to be derived therefrom are used or to be used, directly or indirectly, for the payment of any commission, promotion, organization fee or other expenses incident, directly or indirectly, to the sale of its share of stock, except attorney's fees, charter fees, franchise tax, permit fees and stationery and supplies, shall be subject to the provisions of this act.

Sec. 2. This act shall also apply to any mining, oil or gas corporation increasing its stock or proposed mining, oil or gas corporation attempting to sell stock in which any land or mineral or thing of value is to be procured from, in or under such land that has been or is to be placed as an asset with or in the corporation or proposed corporation, whether any promotion fee is charged or

not, and to any townsite corporation or proposed townsite corporation.

Sec. 3. Before offering for sale or contracting to sell, directly or indirectly, any stock of such proposed corporation, or such increased stock of any existing corporation, or before selling any stock in any townsite corporation as provided in Section 2, such corporation, or those promoting or having charge of the sale of stock of any proposed corporation, shall file, under oath, in the office of the Secretary of State, where, under the law, a charter would be filed in his department, or in the office of the Commissioner of Insurance and Banking, where, under the law, a charter would be filed in his department, together with a filing fee of twenty dollars, the following documents: A statement showing in full detail the plan upon which the corporation proposes to increase its capital stock, or upon which the promoters or those having charge of the sale of stock of any proposed corporation proposes to sell its stock and organize the corporation, together with a copy of all the forms of contracts, stock (or deeds, if the same shall come under Section 2 hereof) to be used by the corporation or promoters, or those having charge of the sale of stocks of any proposed corporation in connection with such stock sales. The statement shall further show the name, location and domicile of such corporation, and the names of its officers or proposed officers, if any, or promoters, and the addresses of all the parties; the amount of capital stock of any corporation already organized, the proposed increase, or the proposed capital stock of the corporation to be organized, and the price at which the stock is proposed to be sold; and the price at which the stock is proposed to be sold shall not be changed without filing with the secretary or commissioner, as the case may be, a statement of such change, which shall be subject to his approval. Any such corporation or promoters of such proposed corporation shall furnish the secretary or commissioner such other information as may be necessary or proper concerning the sale of its stock.

If it shall be a corporation organized under the laws of any other jurisdiction, it shall file with the Secretary or commissioner a copy of its charter, and such other evidence of its authority as the secretary or commissioner may require.

Said statement shall also show the commission, promotion fee and other estimated incidental expenses proposed to be

charged for the organization of such proposed corporation, or the increase in the capital stock of any corporation already organized, and how the commissions or fees are to be paid.

If the corporation or proposed corporation comes under Section 2 hereof, the officers of the corporation, or the promoters of the proposed corporation shall state the facts upon which they base their estimate of the actual value of the property which is to become an asset of the corporation, and the secretary or commissioner shall require such proof as he may deem proper to establish the actual value of the property.

The secretary or commissioner shall have the right to employ such experts as he may deem necessary, and the experts shall be employed at the expense of the corporation or promoters of a proposed corporation.

No corporation proposed to be organized for the purpose of buying or selling town sites and town lots shall hereafter be granted a charter by the Secretary of State, or if a foreign corporation shall not be granted a permit to do business in the State of Texas unless the incorporators of said proposed corporation or officer of such foreign corporation shall file with the Secretary of State each and every document, contract and all papers referred to in Section 3 of this act, as well as a general statement of the plan of its proposed townsite, and a general statement of its methods of advertising same, together with a sample copy of its advertising literature, and no charter shall be granted any corporation unless after the compliance with the provisions of this act and in the judgment of the Secretary of State, such business of any proposed townsite corporation will be honestly and fairly conducted, both to the corporation and to the public. And each and every corporation in this State now existing or hereafter organized desiring to engage in the sale of townsite lots or sites shall, prior to such sale, file with the Secretary of State a general plan of said proposed lots to be sold, as well as a copy of any and all proposed contracts to be made with the public in the sale thereof, and a general statement of the literature proposed to be issued, and all matter referred to in Section 3 hereof, and if in the judgment of the Secretary of State said sale will be conducted both honestly and fairly to the corporation and to the public, a permit to conduct said sale shall be granted. This provision

shall not be construed to authorize the creation of any corporation for any purpose not now authorized by the laws of this State.

Sec. 4. The secretary or commissioner, upon the receipt of the information as provided for in Section 3, shall grant or refuse such permit.

If the secretary or commissioner shall decide that the sale of stock will be fairly and honestly conducted, both to the corporation and to the public, such permit shall be granted, provided that the commissions, promotion and other incidental expenses, exclusive of the exempted expenses mentioned in Section 1 of this act shall not be more than fifteen (15) per cent of the price at which such stock is to be sold as shown by the application or amended application.

Provided, that where any proposed corporation has already sold its stock, or a part thereof, or any part thereof has been subscribed at the time this act shall take effect, this act shall not affect stock previously sold or subscribed nor any contracts made in reference to same; but if any of the stock of said proposed corporation remains unsold or unsubscribed, said corporation shall, nevertheless, be entitled to a permit upon complying with the other conditions of this act, including the future sale or subscription of any of its stock.

The commission or promotion fee shall be paid to the agent or promoter as the stock is sold by him and paid for by the purchaser. The stock shall be considered as paid for when paid for in cash, property or labor.

No permit shall be granted unless there shall appear upon the subscription lists and contracts of such corporation or proposed corporation, in bold type, the amount of the commissions, promotion fees and other estimated expenses incident to the sale of such stock, and the interest which the officer, agent, employe or promoter selling or contracting to sell such stock has in such sale; nor shall such permit be granted until the applicants therefor have entered into a bond for not less than one thousand dollars (\$1000) nor more than one hundred thousand dollars (\$100,000), the same to be fixed by the secretary or commissioner at not more than ten per cent of the stock proposed to be issued. The said bond shall be payable to the secretary or commissioner as the case may be, and his successor in office, conditioned that the facts set forth in the application for such permit, and the

and statements offered to such secretary or commissioner, upon which the application is based, are true, and that they will comply with the provisions of this act in the sale of the stock of such corporation or proposed corporation. Said bond may be made with individual sureties or a surety company authorized to do business in the State of Texas, and the bond shall be approved by the secretary or commissioner.

Sec. 5. If a permit shall be refused by the secretary or commissioner the parties applying therefor may bring suit in the district court of Travis county, Texas, to require said secretary or commissioner to issue such permit.

Sec. 6. Any person who shall be induced to purchase any stock of any corporation or proposed corporation by the officers, agents, employes, promoters or trustees, by reason of any misrepresentation of any material fact concerning such stock, such person or persons shall have the right to bring suit upon the bond above provided for, and such bond shall be subject to, and security for, such person so purchasing the stock, provided that such person shall not be entitled to recover more than the money paid, or the actual value of the property given, or the labor performed, in exchange for such stock, with legal interest from the date of the payment or the performance of the services, or the transfer of the property.

One or more recoveries upon such bond shall not vitiate the same, but it shall remain in full force and effect, but no recoveries upon such bond shall ever exceed the full amount of same, and upon suits being filed in excess of the amount of same, the secretary or commissioner may require a new bond, and if the same is not given within thirty days, he may cancel the permit herein provided for.

Whenever any permit has been issued, the corporation or persons receiving the same shall file a list of the names of their or its authorized officers, agents and employes, and the postoffice address of each; and, in case of the change of any of its officers, agents or employes, it shall file a list of such changes with the secretary or commissioner.

Sec. 7. All moneys or other things of value collected by such corporation or the promoters of a proposed corporation, for the sale of its stock, or contract for the sale of its stock, shall be deposited by said corporation to its credit, or by the promoters of a proposed corporation, to the credit of its

proposed officers or trustees, with the exception of the amount allowed for commissions, promotion fees and other incidental expenses, with a bank, bank and trust company or trust company incorporated under the laws of this State, or of the United States.

Sec. 8. All such corporations, and the organizers or trustees of proposed corporations shall keep a set of books, which shall show the amount of money, or other things of value received by such corporation or proposed corporation, from the sale of its stock, or from contracts of sale of its stock, and such books shall show the number and amounts of stock sold or contracted to be sold, by whom sold, and to whom sold, or contracted to be sold, and the postoffice address of each. Said books shall at all times be open for inspection by the secretary or commissioner, or his duly authorized agent.

Sec. 9. Whenever the secretary or commissioner shall have information that any corporation, or the promoters of the proposed corporation, its officers, agents or employes, are not complying with the terms of this act in the sale of its stock they shall notify such corporation, or the officers, agents or employes or the promoters of the proposed corporation to appear, within twenty days, and show cause why such permit should not be cancelled, and after the hearing such secretary or commissioner shall have the right to cancel such permit if the proof shall show that such corporation or proposed corporation, or its officers, agents or employes are not complying with the terms of this act, but the parties or corporation holding such permit shall have the right to bring suit in the district court of Travis county, Texas, against the secretary or commissioner, to reinstate such permit to sell stock.

Sec. 10. No permit to sell stock shall ever be issued to any foreign corporation which could not, under the facts and circumstances and conditions, at the time of its application for a permit to sell stock, or amended application, have procured a charter under the laws of Texas.

Sec. 11. Each foreign corporation or the promoters of any proposed foreign corporation desiring to sell or contract to sell its stock in this State shall first file with the secretary or commissioner a like power of attorney to that provided for life insurance corporations in Article 4773, Revised Civil Statutes of the State of Texas of 1911, and service may be had

upon the corporation and the secretary or commissioner, as the case may be, as therein provided for, and the secretary or commissioner, as the case may be, upon receipt of such process as is therein provided for, shall proceed as is provided for him to do in Article 4774, Revised Civil Statutes of the State of Texas of 1911, and the secretary or commissioner's acts and conduct in regard to such power of attorney, and such process shall be the same as is provided for in said Articles 4774 and 4773, and the effect, force and result of such acts shall be the same as therein provided for.

Sec. 12. It shall hereafter be unlawful for any officer, agent or employe or trustee, or holding company, or sales agents, or person, or association of persons in this State to sell, or offer to sell, or contract to sell, directly or indirectly, for such concern, any stock of any corporation or proposed corporation, subject to this act, which has been, proposed to be, is now being, or may hereafter be organized for profit, without first complying with the provisions of this act, and any person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than two thousand dollars, and in addition thereto may be imprisoned in the county jail for any period not more than one year, or by both such fine and imprisonment.

Sec. 12a. At the expiration of two years from the granting of a permit under this act if the proposed corporation has failed to organize, then all subscribers must be refunded the amount paid to the promoter or trustee; provided, however, that the secretary or commissioner may grant an extension of time for the sale of securities.

Sec. 13. This act shall be construed to be cumulative of any other law or laws of this State.

Sec. 14. The terms of this act shall not apply to any national bank, nor to any corporation having a charter granted under any act of the Congress of the United States, nor to any State Bank, bank and trust company, or trust company organized under the laws of this State, nor to any corporation organized under the Federal Reclamation Act, approved June 17, 1902, or the regulations established by the Secretary of the Department of the Interior in pursuance thereof. Nor shall the terms of this act apply to any corporation or the promoters of any corporation organized under

the laws of Texas which does not sell or contract to sell its stock to more than twenty-five bona fide purchasers; provided, it does not act as the agent or trustee, holding company or sales company in the promotion of any concern which is included under the terms of this act. Nor shall this act apply to any railroad or railway company or interurban railroad or railway company, or street railroad or railway company. Nor shall this act apply to the sale of stock of a corporation by a bona fide owner of same, who had in good faith bought the same, and who in the purchase and sale of same was and is not acting directly or indirectly as promoter or agent of such corporation. Nor shall this act apply to a bona fide stock or stock broker in the sale of stock, which stock has been by such corporation sold and issued to a bona fide purchaser prior to the offering of same for sale by such broker; provided, that such purchaser or broker was not acting, directly or indirectly, as promoter of such corporation.

Sec. 15. All moneys collected under the terms of this act by the secretary or commissioner shall be quarterly deposited by him with the State Treasurer and credited to the general fund. Whenever the secretary or commissioner shall deem it necessary to examine the books of any corporation or proposed corporation, subject to the provisions of this act, or investigate its financial condition, he shall do so at the expense of the corporation or proposed corporation under investigation, and the corporation or the agents of the corporation or proposed corporation being investigated shall pay to the secretary or commissioner, or his agent, making the investigation his actual expenses and seven dollars and fifty cents per day for such investigation, which said expenses shall be paid at the termination of such investigation by the concern investigated.

Sec. 16. Whenever the word "secretary" is used in this act it shall be considered to mean Secretary of the State of Texas, and wherever the word "commissioner" is used in this act it shall be considered to mean Commissioner of Insurance and Banking of the State of Texas.

Sec. 17. The fact that there is no law in this State regulating the sale of stocks of numerous corporations which are selling such stocks throughout this State, many of which are worthless, and the fact that the people of this State are

being imposed upon by unscrupulous persons selling such worthless stocks, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Amend the bill by striking out all of Section 10 and insert in lieu thereof the following:

"Sec. 10. No permit to sell stock shall ever be issued to any foreign corporation which has not at the time of making application for permit at least fifty per cent of its capital stock subscribed and paid in, providing that this shall not apply to any foreign corporation engaged exclusively in the business of lending money in this State, nor to any insurance company that is required by law to obtain a permit from the Commissioner of Insurance and Banking."

Question—Shall the House concur in the Senate amendments?

Mr. Williams of McLennan moved that the House concur in the Senate amendments.

Mr. Kirby raised a point of order on further consideration of the motion to concur on the ground that the joint rules provide that no vote can be taken on the passage of a bill within the last twenty-four hours of the session, except to correct an error therein.

The Speaker overruled the point of order.

Mr. Williams of McLennan moved the previous question on the motion to concur in the Senate amendments, and the main question was ordered.

Question—Shall the motion to concur in the Senate amendments prevail?

Yea and nays were demanded on the motion to concur.

Mr. Savage moved a call of the House for the purpose of maintaining a quorum until final adjournment, and the motion was duly seconded.

The Speaker directed the Doorkeeper to close the main entrance to the Hall and permit no member to leave the Hall without written permission from the Chair, and he instructed the Sergeant-at-Arms to lock all other doors leading out of the Hall.

Mr. Penry moved to reconsider the vote by which the previous question was ordered.

On motion of Mr. Williams of McLennan, the motion to reconsider was tabled.

Question recurred—Shall the motion to concur in the Senate amendments prevail?

The Clerk was directed to call the roll, and the House concurred in the Senate amendments to House bill No. 9 by the following vote:

Yea—69.

Allison.	Nabours.
Barrett of Jones.	Olander.
Barrett of Titus.	Owsley.
Blalock.	Parker.
Burges.	Patton.
Burns.	Penry.
Byrne.	Powell.
Calvin.	Raiden.
Colquitt.	Ratliff.
Cope.	Reedy.
Cox of Delta.	Rickerson.
Cox of Ellis.	Ridgell.
Crisp.	Ritchie.
Cunningham.	Robbins.
Davis.	Rogers.
Dickson.	Ross.
Dodson.	Rowell.
Dove.	Russell.
Dunn.	Savage.
Fields.	Schwegman.
Flournoy.	Simpson.
Fuller.	Spradley.
Furhr.	Stephens.
Greer.	Sullivan.
Griggs.	Taylor.
Grindstaff.	Thompson.
Hagins.	Tiller.
Haney.	Tillotson.
Henry of Wichita.	Vickers.
Hill.	Watson of Hays.
Hornby.	Watson of Mills.
Humphrey.	Williams
Hunter.	of Hopkins.
Lewelling.	Williams
Long.	of McLennan.
Morris of Coryell.	

Nay—35.

Mr. Speaker.	Low.
Bagby.	McAskill.
Brown.	Mendell.
Bruce.	Morris of Victoria.
Burmeister.	Murray.
Campbell.	Neeley.
Chrestman.	Parks.
Coffey.	Reeves.
Craven.	Roach.
Foster.	Robertson.
Fountain.	Spann.
Gates.	Stone.
Harris.	Tarver.
Henry of Bowie.	Vannoy.
Householder.	Wagstaff.
Kennedy.	Woods of Navarro.
Kirby.	Wortham.
Lane.	

## Absent.

Baker.	King.
Bartley.	Macgill.
Bierschwale.	McDaniel.
Butler.	Paddock.
Cooper.	Rich.
Diffie.	Smith.
Gentry.	Templeton.
Haxthausen.	Tyson.
Heilig.	Ussery.
Herder.	Wahrmund.
Hughes.	Woods of Fisher.

## Absent—Excused.

Boehmer.	Jordan.
Broughton.	McKamy.
Collins.	Mangum.
Glascock.	Mills.
Goodner.	Mulcahy.
Greenwood.	Webb.
Harp.	Yarbrough.

Mr. Williams of McLennan moved to reconsider the vote by which the House concurred in the Senate amendments to House bill No. 9 and to table the motion to reconsider.

The motion to table prevailed.

## MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, August 19, 1913.

Hon Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 95. A bill to be entitled "An Act to amend the special road law of Montague county, and declaring an emergency."

House bill No. 89, A bill to be entitled "An Act to create a more efficient road law for Hopkins county, declaring an emergency."

House bill No. 61, A bill to be entitled "An Act creating the Rising Star Independent School District in Eastland county, Texas, and declaring an emergency," with amendments.

Also, adopted the Free Conference Committee report on House bill No. 18, the penitentiary bill, by vote of 22 yeas, 3 nays.

Respectfully,  
JOHN D. McCALL,  
Assistant Secretary of the Senate.

## REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 18.

Mr. Humphrey called up from the Speaker's table, for consideration at this time, the report of the Free Conference Committee on House bill No. 18.

The Speaker laid the report before the House, and it was read as follows:

Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred

House bill No. 18, A bill to be entitled "An Act to repeal Article 6214 of the Revised Statutes of 1911; to amend Article 6215, Title 104, Revised Statutes of 1911, so as to provide that prisoners of the State Penitentiary System need not be paid for Sunday labor; to amend Article 6220, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners worked on farms may be required to labor from sunrise to sunset, to amend Article 6223, Title 104, of the Revised Statutes of 1911, so as to provide that the State need not pay the transportation of discharged convicts to any point within the State, only to the nearest depot to the point from which sentenced or an equal distance," with Senate and House amendments thereto, beg leave to report that we recommend that the same do not pass, but that the following Free Conference Committee substitute bill be passed in lieu thereof.

WARREN,  
HUDSPETH,  
WILLACY,  
BRELSFORD,  
COLLINS,

On the part of the Senate.

HUMPHREY,  
BURMEISTER,  
DODSON,

On the part of the House.

Free Conference Committee substitute for House bill No. 18, with Senate and House amendments:

A bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; providing for the management and control of such prison system; providing for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners shall be permitted to testify as

qualified witnesses in certain instances; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the conduct and government of such prison system; providing for a board of Prison Commissioners and a General Manager, and providing for their appointment and for the powers, duties and authority of said Prison Commissioners and General Manager; and providing for the terms of service of the said board and said General Manager, and fixing their compensation; providing that titles for all real estate and other property owned by the prison system shall vest in said prison system; providing for the appointment of an auditor for said prison system, and prescribing his duties; prescribing penalties for the violation of the provisions of this Act; prescribing penalties for the selling or giving of intoxicating liquors or drugs to convicts; prescribing penalties for receiving money or other thing of value to secure pardon of convicts; declaring the wealth earned by the prison system over and above the cost of operation and maintenance to be the rightful property of the wife and child of said prisoners if there be such wife and child, with certain exceptions, or, under certain circumstances of the prisoners themselves; providing for the classification of all prisoners and units of labor value, defining the word child for the purpose of this Act; providing for the appointment of a guardian for the children of such prisoners where no guardian has been appointed, declaring that State prisoners are wealth earning units held in trust by the State for the benefit of himself or herself or of his or her dependents; providing for the apportionment of the net proceeds of the prison system among the prisoners according to the value of service performed, and for the disposition of certain apportionment; providing for a prison labor fund and for the disposition of said fund; prescribing credits on terms of sentence of prisoners for good conduct; providing the manner in which prisoners may be classified, rewarded and punished; providing certain restrictions as to the purchase and sale of land for said prison system; fixing limitations upon expenditures of prison funds for certain purposes; making an appropriation for the use of the prison system; providing that all proceeds of the prison system shall be deposited in the State Treasury, and providing the manner in which same may be expended and providing that if any part of this

Act shall be declared invalid such declaration shall not affect any other provision hereof; providing that the provisions hereof shall not affect nor apply to the indeterminate sentence law except in certain cases; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

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

Section 1. That it shall be the policy of this State in the operation of its prison system to so manage and conduct the same that those convicted of violating the law and sentenced to a term in the penitentiary shall have humane treatment and be given opportunity, encouragement and training in the matter of reformation, and that the net proceeds of the prison system, arising from the labor of the prisoners, shall be apportioned among said prisoners by the Prison Commission, according to classification as provided for in subdivision (e) of this Act and paid to the wife of said prisoner, if there be a wife, for the use of said wife and children, if any, or, if there be no children, then for the benefit of said wife, provided; that should the wife of said prisoner be not living or be divorced, or if said prisoner be a woman, then the apportionment of net proceeds as provided for herein shall be paid to the guardian of said children, if there be such guardian, and if there be no guardian, then to some reliable person selected by the Prison Commission, for the benefit of said children; and, provided, further, that should the prisoner have neither wife nor children, then the said apportionment may be paid to the mother, or other female relative, as the said prisoner may direct in writing to the Prison Commission, provided, that not to exceed twenty per cent of said apportionment may be retained by said prisoner upon his written request to the Prison Commission.

In the event that any prisoner has neither wife nor children and has not requested in writing to the Prison Commission that his apportionment be paid to his mother or other female relative, nor revoked any such request theretofore made, then it shall be the duty of the Prison Commission, and the same is hereby directed, to remit to the State Treasurer the amount apportioned to each such prisoner within fifteen days after said apportionment is made, by check or draft upon any funds to the credit of the Prison Commission account. The State Treasurer shall act as

bailee for said prisoners and shall receipt for such remittances and hold same as a fund to be hereafter known as "The Prisoners' Labor Fund," which shall be kept separate and apart from all other funds and deposited, at interest, for the benefit of said prisoner, or prisoners, in accordance with the provisions of Chapter 164 of the Acts of the Twenty-ninth Legislature, known as "The State Depository Law."

(a) For the purpose of this act, the word "children" as used herein, shall be construed to mean either plural or singular.

(b) Any prisoner having an amount to his or her credit in the prisoners' labor fund, who shall escape from the prison authorities, shall forfeit such amount to his or her credit to the State. Upon proof provided by the Prison Commission that a prisoner, having any sum to his or her credit, in the Prisoners' Labor Fund has escaped, the State Treasurer, acting as bailee, is hereby directed to transfer said account to the credit of said prisoner, from the Prisoners' Labor Fund to the general revenue in the State Treasury.

(c) Any prisoner being a life prisoner who shall have a credit to his account in the Prisoners' Labor Fund, and who may not be paroled or pardoned, or any prisoner, having such credit in the Prisoners' Labor Fund who shall die, having no wife or children, shall have the right to bequeath to any person whomsoever he may select, the amount to his or her credit in said fund; provided, that if no such bequest be made then the said amount to his or her credit in said fund shall revert to the State and be covered and transferred by proper voucher into the general revenue.

(d) For the purposes of this act, it is hereby declared that all State prisoners are wealth earning units held in trust by the State for the benefit of the dependent wives and children, if such there be, of said prisoners, or, if there be no dependent wife or children, then for the benefit of the prisoner himself, or herself, as the case may be, and that the wealth created by said prisoners, over and above the cost of operating and maintaining the prison system, is the rightful property of the dependent wives and children of said prisoners, except as herein provided.

(e) For the purposes of equitable proportion and apportionment of any surplus earned by the prison system arising from the labor or service performed by State prisoners, over and above the cost

of maintenance and operation of said system, the following percentage of labor value shall be used: For common labor, each day's work shall constitute one unit; for intermediate labor, each day's work shall constitute two units; for skilled labor, each day's work shall constitute three units. At each apportionment period, the total net proceeds of the prison system shall be divided by the total number of units as represented by the labor performed by all prisoners since the last preceding apportionment, and the quotient shall be the money value of each unit. After ascertaining the unit value, each prisoner shall be apportioned a sum equal to said unit value multiplied by the number of units represented by the labor performed by said prisoner since the last preceding apportionment and the product shall be the apportionment of net proceeds of said prison system to be credited to said prisoner and disposed of as provided for in section one of this act; provided, that the first apportionment shall be calculated upon the labor performed between the date of said first apportionment and the date of taking effect of this act; provided, that no units shall be allowed except for such days, or parts of days, during which actual labor has been performed under the direction of the officers or managers in charge; provided, that before distribution of any net profits as hereinbefore provided, there shall be set aside 10 per cent of said net profits as a surplus fund, and provided that said surplus fund shall be available for the purpose of meeting, in whole or in part, any deficit that may arise in the operation of said system, and, provided, that the said surplus fund shall be disposed of by the Legislature as it may determine.

(f) The Prison Commission is hereby directed to classify all convicts as herein defined as soon as same may be done according to the value of the labor or service performed and to provide rules for promotion or reduction from one class to another as the labor or service performed becomes more or less efficient, providing thereby a system of promotion as a reward and encouragement for earnest effort upon the part of the convict wards of the State that they may become proficient in some useful occupation.

(g) As often as practicable, and at periods not less often than twelve months apart, the Prison Commission shall ascertain as near as possible the surplus arising from the labor of the State's

prisoners, over and above the cost to the State for the period intervening since the last apportionment, and shall apportion said surplus as provided in Section 1 of this act; provided, that the first apportionment shall be made on January 1, 1914, after this act takes effect, and annually thereafter on the first day of January of each year.

(h) Immediately after the taking effect of this act, the Prison Commission shall ascertain, as near as possible, the name and residence of the wife of each State prisoner, if there be such wife, and if there be no wife, then of the children and their guardian, if any, and make a record of same. As soon as apportionments are made, as provided for in subdivision (e) of this act, the Prison Commission shall issue a voucher upon the prison account in favor of the beneficiary as provided herein, which voucher shall be authority for the State Treasurer to pay to said beneficiary, by warrant drawn upon the prison account, the amount specified in said voucher. All vouchers shall be numbered consecutively and filed by the State Treasurer and kept subject to inspection by the Legislature and the Governor, or by their authority; provided that in the case of prisoners having neither wife nor children, nor any female relative to whom he or she has bequeathed that his or her apportionment be paid, then such apportionment shall be paid by voucher upon the prison account into the Prisoners' Labor Fund for the benefit of such prisoner, as provided in Section 1 of this act.

(i) Any prisoner who shall exercise his or her right to retain twenty per cent of his or her apportionment shall have the privilege of depositing all or any part of it in the Prisoners' Labor Fund, said deposit to be subject to his or her disposition and direction; provided, that in the event of the death of such prisoner, the amount so deposited in the Prisoners' Labor Fund shall be paid to the wife of said prisoner or to his or her children according to the provisions of Section 1 of this act.

(j) Should any prisoner, having an account to his or her credit, in the Prisoners' Labor Fund, be paroled or conditionally pardoned, it is hereby made the duty of the State Treasurer, upon proof of the issuance of said parole or conditional pardon, to pay to said paroled or conditionally pardoned prisoner one-half the amount to the credit of said paroled or conditionally pardoned prisoner, in the Prisoners' Labor Fund, the

remainder to be paid to said prisoner upon the expiration of his or her term of sentence, whether said term expires by process of time or by pardon; provided, that if said credit in the Prisoners' Labor Fund represents, in whole or in part, the twenty per cent of apportionment retained by said prisoners, as provided for in Section 1 of this act, then the State Treasurer shall issue a warrant for the full amount of said credit in favor of said paroled or conditionally pardoned prisoner.

(k) In ascertaining the proceeds of the prison system over and above the cost of maintenance and operation, the Prison Commission shall not consider nor charge any interest upon the value of the prison system as the same now exists; provided, however, that interest at not to exceed five per cent may be charged and included in the cost of maintenance upon all future enlargements and betterments; and provided, that the cost of enlargements and betterments, including clearing and ditching land, the erection of buildings and the purchase of land, shall be provided for by direct appropriation out of the general revenue in the State Treasury by the Legislature or by the proceeds of the issuance and sale of bonds as may be authorized by law, and that said enlargements and betterments shall not be charged against the proceeds of the prison system, it being the purpose of this act that the State of Texas shall not acquire property, or profit, at the expense of the State's convicts, nor of their dependent wives and children.

(l) All prisoners physically able to perform ordinary labor, who shall refuse to perform the labor assigned them by proper officers, or managers, shall have charged against them, which sum shall be deducted from the total value of their labor units, a charge equal, as near as may be determined, to the cost of his or her maintenance and support for the period of time such prisoner may refuse to work.

Sec. 2. The prison system of this State, as referred to in this act, shall include the State penitentiary at Huntsville, the State penitentiary at Rusk, and such other penitentiaries as may hereafter be established, and all farms or camps where State prisoners are or may hereafter be kept or worked, together with all property of every character belonging thereto or connected therewith.

Sec. 3. It is hereby declared the pol-

icy of this State to work all prisoners within the prison walls and upon farms owned or controlled by the State, and in no event shall the labor of the prisoners be sold to any contractor or lessee to work on farms or elsewhere, nor shall any prisoner be worked upon any farm, or place other than that owned or controlled by the State of Texas, except as hereinafter provided.

Sec. 4. To better carry out such policy, the management and control of the prison system of the State of Texas shall be vested in a board to be known as the Board of Prison Commissioners, and for the purposes of this act shall be referred to as the Prison Commission. Said Board of Prison Commissioners shall be composed of three men to be appointed by the Governor, with the advice and consent of the Senate, whose term of office shall be six years from date of appointment, except those first appointed under this act, who shall hold their offices, respectively, for two, four and six years from the date of their appointment and qualification. Their terms to be decided by lot, after they shall have qualified, and one Prison Commissioner shall be appointed every two years thereafter. In case of a vacancy in said office, the Governor of this State shall fill said vacancy for the unexpired term thereof. Two members of said board shall constitute a quorum for the transaction of business, and its proceedings shall be entered of record and kept in a well-bound book. It may appoint a secretary to keep a record of its proceedings, to receive such compensation as the board may determine, provided the Legislature does not otherwise provide. Each member of the Board of Prison Commissioners shall be paid a salary not to exceed twelve hundred dollars per annum in monthly installments of one hundred dollars, and in addition thereto, they shall be paid all actual and necessary traveling and other expenses incident to the performance of their official duties. Said commissioners shall be required to devote only so much time to the business of the prison system as may be necessary for the best interest of said system. No member of said commission shall be required to reside at any particular place, but each member of said commission shall have the right to the use of one of the residences owned by the prison system. No member of said Board of Prison Commissioners shall be disqualified to serve as such except in instances where such commissioners are engaged in business

or pursuit that would furnish supplies and material to, or entering into any contract with the State prison system. The payment of the expenses herein provided for shall be made by the Comptroller's warrants based upon sworn statement of actual expenses incurred. A copy of said sworn statement to be retained in the office of the Prison Commission, and a copy to be furnished the Comptroller of public accounts.

Sec. 5. Each member of said commission shall within ten days after his appointment, execute a bond payable to the Governor of this State and his successors in office for the use of the State in the sum of ten thousand dollars, and conditioned that he will faithfully execute the duties of his office, which said bond shall be executed with two or more good and sufficient sureties, or with some indemnity, fidelity or bonding companies authorized to do business in Texas; the form of which bond shall be prepared by the Attorney General, and the sufficiency of the sureties thereon approved by, and the same shall be filed with, the Secretary of State; which said bond shall not be void on the first recovery of part or of the whole of the penalty, but shall thereafter continue in force for the whole amount of the penalty thereof, and may be sued on by the State from time to time, and shall be deemed to extend to the faithful performance of the duties of his trust, until his successor shall be duly qualified, and shall have entered upon the duties of his office. And it shall be the duty of the Attorney General, upon notice of default, or failure to perform the duties as contemplated by law by any member of said Prison Commission, to bring suit in any court of competent jurisdiction in Travis County, Texas, for the forfeiture and collection of said bond, and, before entering upon the duties of his office, each member of said board shall take and subscribe the oath of office prescribed by the Constitution of this State.

Sec. 6. The said board shall have the general management and control of the prison system of this State and of all convicts sentenced to the penitentiary, whether within or without the walls thereof. It may provide for all contracts for the building of any new penitentiary buildings, and for any additions, repairs and improvements necessary to be made in connection with the penitentiary or convict system of this State which shall cost not more than one hundred thousand dollars with the

understanding that the Governor may create a deficiency in case of extraordinary circumstances for the erection of buildings. No member of said board nor any officer or employe of said prison system shall be directly or indirectly connected with any contract, sale or purchase of any property, or sale or any transfer shall be made during his term of office and in which either the State or the prison system are interest. Any violation of any of the provisions of this section of this act shall be sufficient ground for his removal from office and shall invalidate any such contract to or in which such commissioner, officer or employe was a party.

Sec. 7. The said Prison Commission shall be vested with the management and control of the prison system of this State, and shall be held responsible for the proper care, treatment, feeding, clothing and management of the prisoners confined therein, and at all times for the faithful enforcement of the spirit, intent, and purpose of the laws and rules governing said system; provided that the Prison Commission shall be held responsible for maltreatment of prisoners, and if permitted it shall be grounds for removal from office.

Sec. 8. The Prison Commission shall select one of its members as chairman, and no order of the commission shall be effective unless approved by two of the members of the said commission who shall constitute a quorum for the transaction of business. The commission shall keep, or cause to be kept, in a well-bound book a minute of the proceedings of all matters held by them; and all official actions of the Commission shall be recorded in said book. All orders promulgated by the commission shall be issued through the chairman who shall be charged with the duty of executing all orders of the commission, and the chairman shall be charged with the enforcement of all policies of the commission, in accordance with the rules that may be adopted for the control of the prison system, except as the commission by official order duly recorded shall direct otherwise.

Sec. 9. The Prison Commission shall as soon as this act takes effect select a general manager of the prison system, who shall have the active conduct of the business transactions of the prison system in accordance with the policies, rules and regulations established by the Prison Commission, and he shall have full authority to manage and control the prison system in all its business activi-

ties subject only to the control of the Prison Commission; and such general manager shall be elected annually by the Prison Commission and shall receive \$5000 per annum and expenses as provided of this act.

The general manager shall within ten days after his appointment execute bond payable to the Governor of this State and his successors in office for the State in the sum of \$50,000 and conditioned that he will faithfully execute the duties of his office, which said bond shall be executed with two or more good and sufficient sureties, or with some indemnity, fidelity or bonding company authorized to do business in Texas; the form of which bond shall be prepared by the Attorney General, and the sufficiency of the sureties thereon approved by and the same shall be filed with the Secretary of State, which said bond shall not be void on first recovery of part or the whole of the penalty, but shall thereafter continue in force for the whole amount of the penalty, thereon, and may be sued on from time to time by the State, and shall be deemed to extend to the faithful performance of the duties of his trust until his successor shall be duly qualified and shall have entered upon the duties of his office. And it shall be the duty of the Attorney General upon notice of the default or failure to perform the duties as contemplated by law by the said general manager, to bring suit in any court of competent jurisdiction in Travis county, Texas, for the forfeiture and collection of said bond. And before entering upon the duties of his office the general manager shall take and subscribe the oath of office prescribed by the Constitution of the State.

In the selection of a general manager, the commission shall not be confined to citizens of the State of Texas, and no member of the commission shall be eligible to the position of general manager during the term of office for which he was appointed, nor for two years thereafter.

Sec. 10. No lands shall be purchased by the Prison Commission, nor shall any lands be sold by said Prison Commission, except upon authority first received from the Legislature, and no such authority shall be granted except upon application made to the Legislature in writing by the Prison Commission. Said application shall state the number of acres to be offered for sale, or purchase, the location and character of said land, the improvements thereon, if any, and

the price and terms upon which the same is being offered, or to be offered, for sale or purchase; provided, that all proposals either to purchase any land for the prison system or to sell any land belonging to the prison system, before being submitted to the Legislature, shall first be advertised for a period of not less than thirty days in three or more newspapers having general circulation in the territory where such land is situated. Provided, the Prison Commission is hereby authorized to take options for the purchase of such lands, as may be deemed necessary without cost to the State, in excess of \$10.00, and in no case shall any option which may be rejected by the Legislature create or give rise to any obligation against the State or against the prison system. Provided, that neither the general manager or the Prison Commission, nor any other authority shall inaugurate any industry, or industries, the cost of which shall aggregate more than the sum of \$100,000.00 without the expressed approval and authority of the Legislature; nor shall it buy, construct, sell, tear up, dismantle or abandon any railroad or part of railroad, without expressed and specified authority from the Legislature.

Sec. 11. The Prison Commission shall as soon as practicable, employ all male prisoners, physically able and not otherwise employed, in clearing the uncleared timber land of the prison system, and preparing the same for cultivation, thereby providing permanent employment for large numbers of prisoners on land owned by the State. It is hereby specifically provided that land, the title of which is not in the State or the prison system, shall not be cleared of brush, stumps, or timber, nor shall such land be improved either as above stated or by the erection of permanent improvements, by the prison system, under the terms of new contracts or leases, it being one of the purposes of this act to divorce the operations of the prison system from all private interests of every character; provided, that in case the State should not have enough land available for the employment of convicts upon State farms, and it should be necessary to procure the use of any farming lands for the employment of such convicts, then the general manager, with the consent of the Prison Commission, may rent or lease such lands as may be necessary. The price paid for the rented or leased land, in no case to exceed the usual and customary price.

Sec. 12. The Prison Commission is authorized and it shall be its duty, to cause to be constructed upon land now belonging to the prison system, and upon such land as may be hereafter acquired, all necessary modern, well ventilated prison buildings, with proper bathing facilities and all necessary sanitary water-closets and other sanitary arrangements, within such buildings; also sanitary kitchens, dining rooms, hospitals, school rooms, and chapels, and other necessary conveniences for the benefit of the prisoners.

Sec. 13. The general manager shall have the power to sell and dispose of all farm products, and the products of all factories connected with the prison system, and all personal and movable property at such price, and on such terms as may be deemed best by him. The Prison Commission, or general manager, shall, in the purchase or sale of any machinery for the equipment of the prison system, exceeding in value the sum of five thousand dollars, advertise in the manner prescribed by the Prison Commission for bids for such property in at least three daily papers in this State, having a general circulation, at least thirty days before any such contract is let.

Sec. 14. On Monday of each week the general manager, herein provided for, shall remit to the State Treasury all money received by him, as such, from whatever source, including proceeds of accounts receivable, or bills receivable, now or hereafter held by the Prison Commission, which remittances shall be paid into the general revenue on deposit warrants issued by the State Comptroller; provided, that the said general manager with the approval of the State Comptroller is hereby authorized to draw upon the State Treasury for such sum, or sums, so that he may have on hand not to exceed one thousand dollars for the purpose of paying incidental expenses of the prison system.

For the years beginning September 1, 1913, and ending August 31, 1915, there is hereby appropriated out of the general revenue in the State Treasury, not otherwise appropriated, for the maintenance and support of the prison system, and all other expenditures necessary to the operation of the prison system the sum of one hundred thousand dollars for the year ending August 31, 1914, and the sum of one hundred thousand dollars for the year ending August 31, 1915, and in addition thereto, there is

hereby appropriated out of the general revenue in the State Treasury, not otherwise appropriated, for the period beginning September 1, 1913, and ending August 31, 1915, a sum equal to all the revenue deposited in the State Treasury arising from the sale of all products of the State farms, factories and any other source or activity of the prison system, including bills receivable, and accounts receivable of every character during the period of time for which this appropriation is made; less such sums, if any, as may have accrued, and be due to any prisoner or his dependents as provided for by Section 1 of this act.

Sec. 15. It shall be the duty of the Attorney General to prosecute and defend all actions in the several courts in this State in which the Prison Commission, or the property of the penitentiary, may be interested, and also to render to such Commission, or the general manager, advice and interpretation of the laws covering their respective legal duties, and no additional counsel shall be employed to represent said Commission, or general manager, except by and with the advice of the Attorney General, provided that the Prison Commission and the general manager, may employ local counsel for advice and assistance on local matters arising in the conduct of the system, but that no litigation shall be carried on, or defended, except under the authority and direction of the Attorney General.

Sec. 16. The Prison Commission may at any time issue such orders, and prescribe such rules and regulations for the government of the Prison Commission of this State, not inconsistent with the law, as it may deem proper, or to provide such details not embraced herein, or for such contingencies that may at any time arise, concerning the management of the prison system, or its proper and effective operation, and such rules and regulations shall be made with the view of carrying out the general principles on which the penal laws are founded, and for which the prison system is established, and shall be binding on all under officers, employes, and all persons whomsoever in any way connected with the State prison system, or its management, and its prisoners within and without the walls. The Prison Commission shall have all laws, rules and regulations of the prison system printed in pamphlet form for the information and guidance of all connected with the management of the prison sys-

tem, and such parts of said rules as relate to the duties of subordinate officers and prisoners shall be printed in suitable form and posted wherever prisoners may be confined for the information of all concerned. All officers, employes and guards having supervision of prisoners shall be furnished with a copy of the laws, rules and regulations governing the prison system, and shall give a receipt therefor, and the Prison Commission shall from time to time require examination of such officers, employes and guards as will ascertain their knowledge of such laws, rules and regulations, and any such officer, employe or guard who shall fail to familiarize himself with the laws, rules and regulations of the prison system shall be dismissed from the service.

Sec. 17. It shall be the duty of some member, or members, of the Prison Commission to spend at least one whole day each month without notice at each prison, camp or farm where prisoners are kept or worked, and to carefully inspect same with reference to the food, clothing, and treatment of the prisoners; the general sanitary conditions existing at such prisons, camps or farms, reporting on such conditions, the efforts at reformation, the general conduct of all officers and employes connected therewith, and punishment administered for the enforcement of prison discipline, making such reports to the full Board of Prison Commissioners; provided, that the various prisons, camps and farms where prisoners are kept may be divided for the purpose of this inspection between two or more members of the Prison Commission, or such other person as may be designated by the Prison Commission.

Sec. 18. It shall be the duty of the Prison Commission to make suitable provision and regulation for the safe and speedy transportation of prisoners from counties where sentenced to the penitentiary at Huntsville by sheriffs of such respective counties, if such sheriffs are willing to perform such service as cheaply as said Commission can have it done otherwise. Said transportation shall be on State account, and in no instance shall the prisoners be carried direct from the county jails to the State farms, but shall first be carried to the penitentiary at Huntsville, where the character of labor which each prisoner may reasonably perform shall be determined. Upon the arrival of each prisoner at Huntsville, the Prison Commis-

sion shall cause a statement to be made by the prisoner giving a brief history of his life, and showing where he has resided, the names and postoffices of his immediate relatives, and such other facts as will tend to show his past habits and character; and the Prison Commission shall by correspondence or otherwise verify or disprove such statements if practicable, and shall preserve a record of the information so obtained for future reference.

Sec. 19. The Prison Commission shall cause to be made annually on the first day of January a full and complete inventory of all lands, buildings, machinery, tools, live stock and all other property of every description belonging to the prison system, and shall cause to be set opposite each item the book value, also the actual value of the same so as to afford an easy comparison with the previous annual statement. And the Prison Commission shall cause to be kept in the accounting department of the prison system, a system of books showing a separate account with each industry and farm, and for the system as a whole, showing the losses, profits and net earnings of each industry and farm connected with the system, and shall make a report of the same annually on the first day of January to the Governor, which report shall be published by the Governor in a sufficient number of copies to give general publicity to such report; such report to include the rules and regulations in force for the management of said system, and the methods of dealing with the convicts thereof. Such statements shall disclose the cost per capita of the maintenance and operation of each of the different industries, farms and enterprises of the system, and an equitable distribution of the overhead or general system expenses among the several departments.

Sec. 20. The Prison Commission shall provide a seal whereon shall be engraved in the center of a star of five points the words "Board of Prison Commissioners of Texas" around the margin, which seal shall be used to attest all of its official acts.

Sec. 21. The Prison Commission shall make or cause to be made a complete statement of the financial condition of the system once each quarter to the Governor of the State; and said commission shall furnish or cause to be furnished a copy of said statement to the public press of the State at the time it is made to the Governor.

Sec. 22. On the taking effect of this act and annually thereafter there shall be appointed by the State Treasurer, Attorney General and Comptroller of public accounts an auditor for the prison system, who shall hold his office for the term of one year subject to discharge at any time as hereinafter provided. It shall be the duty of such auditor to audit all accounts, vouchers, pay rolls and all other business transactions of the prison system, and to check all property, material and supplies received and disposed of by, or distributed within, the prison system, and he shall make a full report thereof to the Governor on the first day of January of each year. Such auditor shall be subject to discharge at any time by the majority of those who have the authority to appoint him for any incompetency, neglect, failure or refusal to discharge the duties of his office or for any wrongful conduct that in the judgment of those by whose authority he was appointed renders him unfit for said office, and in case of discharge or resignation of any auditor another shall be appointed. During the time of his service such auditor shall be paid monthly a salary of two hundred dollars per month and all actual and necessary traveling expenses to be paid at the end of each month out of any moneys to the credit of the prison system, such traveling expenses to be evidenced by itemized sworn statements by the auditor and filed with the board.

Sec. 23. Each member of the Board of Prison Commissioners, the general manager and auditor, in the discharge of their duties is authorized to administer oaths, to summon and examine witnesses and take such other steps as they deem necessary to ascertain the truth of any matter about which they may have the right to inquire.

Sec. 24. Within a reasonable time, and not later than one month after the taking effect of this act, the Prison Commission shall abolish striped or checked clothes for prisoners except as a mode of punishment for violations of prison discipline, substituting therefor some suitable uniform.

Sec. 25. The Prison Commission as soon as practicable shall provide at each prison farm and camp where prisoners are kept or worked schools for instruction of prisoners in elementary branches of the English language and industrial education and such other instruction as they may prescribe, and shall provide suitable recreation for the prisoners at reasonable hours, including music, and

they shall employ such number of competent teachers to instruct the prisoners as in the judgment of the Prison Commission may seem necessary, and the Prison Commission shall make reasonable rules and regulations whereby the prisoners may attend such schools. The Prison Commission shall prescribe and furnish to the prisoners suitable books and other reading matter, and to this end may establish and operate among the prisoners a circulating library and may adopt such other means of distributing among the prisoners good and wholesome literature as in the judgment of the Prison Commission will best enable the prisoners to avail themselves of the same; provided, that all teachers herein provided for shall, so far as practicable, be taken from the convicts, and such teachers may be excused from further labors. The chaplain shall be ex-officio librarian of the penitentiary, passing upon all library books, and direct such other work as may be prescribed for such library management.

Sec. 26. The Prison Commission shall provide for religious services at prisons, farms and camps where prisoners are kept or worked; they shall employ such chaplains as may be necessary to afford all prisoners an opportunity to attend at least two religious services each month, and said chaplains shall devote their entire time to religious and moral training and education of the prisoners under their care, teaching them the principles and practices of every Christian and moral duty, provided that chaplains may be teachers as provided for in this act.

Sec. 27. If any officer or employee of the prison system shall receive any money or value from any prisoner or any other person, directly or indirectly, for the purpose of securing a pardon or parole or attempting to secure such pardon or parole or aiding therein, he shall upon conviction be punished by confinement in the penitentiary for a period of not less than two nor more than ten years.

Sec. 28. If any person shall sell or give to any State convict or cause to be sold or given to any such convict any spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication or any opium, morphine or cocaine, except upon the prescription of a regular practicing physician, he shall upon conviction be punished by confinement in the penitentiary for a period of

not less than two nor more than five years.

Sec. 29. If any member of the Board of Prison Commissioners shall be guilty of malfeasance or nonfeasance in office, or shall become incapable or unfit to discharge his official duty, or shall wilfully fail, or refuse or neglect to discharge the duties of his office, such member shall be subject to removal from office as provided by law.

Sec. 30. The Prison Commission shall, except as otherwise provided, fix the salaries of all officers and employees of the prison system upon such basis as the labor and ability of the officer or employe entitles him to, said salary to be paid monthly at the end of each month.

They shall pay to the general manager a salary of \$5,000 per annum, and his actual and necessary traveling expenses incurred in the performance of official duty, to be paid upon Comptroller's warrant against the State Treasury, based upon sworn statement of services rendered and expenses incurred in such form and maner as the Prison Commission shall direct, and the Prison Commission shall permit the general manager to occupy, free of rent, a residence belonging to the prison system.

Sec. 31 On the first day of the month following the date on which this act becomes effective the salaries of all new guards in the employ of the prison system shall not exceed twenty-five dollars per month, but the meritorious guards now in the employ of the prison system may be paid forty dollars per month; and thereafter for meritorious service and adaptability to the work of the prison system the Prison Commission may increase the pay of any guard at the rate of two dollars and fifty cents a month until a maximum salary of sixty dollars per month shall be attained.

No person shall be employed as a guard to guard convicts who is not at least twenty-one years of age, of good moral character, and who is not able to read and to write and has not a fair knowledge of the English language. No person shall be employed as a guard to guard convicts who uses intoxicating liquors.

Sec. 32. The Prison Commission may provide such other qualifications as they may deem expedient regarding the employment and discharge of guards, and shall require all officers and employees connected with the prison system to familiarize themselves with and conform to the rules and regulations and law

governing the prison system of this State, and shall require all officers and employees connected with the prison system, to take and subscribe to the oath of office prescribed by the Constitution.

Sec. 33. The Prison Commission is hereby authorized to bring and maintain all suits for recovery of any debt that may be due to the prison system and to defend any action that may be brought against the Prison Commission or any officer thereof involving the right to State property, or contracts affecting the prison system; provided, that venue of all suits brought by the Prison Commission is hereby fixed in Travis County, Texas; and provided further, that in all suits hereafter instituted against the prison system the venue is hereby fixed in Travis County, Texas. Nothing herein contained shall be construed to give any right to sue the Prison Commission.

Sec. 34. The Prison Commission shall see that all State prisoners are fed good and wholesome food, properly prepared under wholesome, sanitary conditions, and in sufficient quantity and reasonable variety, and they shall hold all under-officers performing this work strictly to account for any failure to carry out this provision. That the food may be properly prepared, the Prison Commission shall provide for the training of prisoners as cooks.

Sec. 35. The Prison Commission shall require, at the end of each month, reports showing fully the condition and treatment of the prisoners, and the changes in prison population during the month, including itemized statements of all different items of food, clothing and utensils used and on hand in each of the units of the prison system, and such other matters as they may require.

Sec. 36. The Prison Commission shall keep a register of all prisoners belonging to the prison system, showing the number of each prisoner, giving the aliases, name, age, height, color of hair, color of eyes, complexion, marks on person, sex, nativity, residence, county where convicted, offense of which convicted, date of sentence, date of receipt, previous occupation and habits, if known, and may adopt such other means of identification as they may deem proper and necessary. They shall keep a record of the general conditions and conduct of each prisoner, noting all punishments, forfeitures, bad conduct, changes and incidents of importance that may occur during his confinement; and to the end that complete records may be kept, they may require from all under-

officers such monthly and other reports as they may deem proper. They shall issue discharges to such prisoners as are entitled thereto by expiration of sentence and otherwise.

Sec. 37. That persons confined in the State prisons of this State may have every opportunity and encouragement for moral reform, it shall be the duty of the Prison Commission, in addition to the requirements of this title, to provide every reasonable and practicable means for the encouragement of such reforms. To this end, the Prison Commission shall provide for the classification of all prisoners, separating them into the following classes: In the first class shall be included young men, first offenders, those appearing to be corrigible, or less vicious than others, and likely to observe the laws, and to maintain themselves by honest industry after their discharge. In the second class shall be included those appearing to be less corrigible, or more vicious, but content to work and reasonably obedient to prison discipline as not to seriously interfere with the productiveness of their labor, or with the labor or conduct of those with whom they may be employed. In the third class shall be included those appearing to be incorrigible or so insubordinate or so vicious in their nature as to seriously interfere with the labor and moral development of those with whom they must come in contact. The Prison Commission shall make rules and regulations for the promotion and reduction of the prisoners from one class to another, and shall transfer them from one class to another, from time to time as they may seem to merit promotion or reduction. The prisoners in each of the classes hereinbefore named shall be kept in or upon different or separate prisons or farms. Any prisoner, upon entering the prison system, shall be assigned to one of its institutions according to his class, as hereinbefore provided, and shall be entered in said institution in a neutral grade which shall be known as grade No. 2, and in which he shall be furnished with a suitable uniform designated for that grade. The Prison Commission shall adopt rules for a higher grade which shall be known as grade No. 1, as a reward for obedience to prison discipline and good conduct, and shall provide a suitable uniform for this grade; and they shall provide for a lower grade as a punishment for misconduct and violation of prison disci-

pline, which grade shall be known as No. 3, and in which the prisoner shall be clothed in stripes. The uniforms for grades Nos. 1 and 2 shall not be stripes. The Prison Commission shall provide rules for promotion of prisoners from any grade to another for good conduct and obedience to prison discipline, and for demotion of prisoners for misconduct, and violation of prison discipline. The Prison Commission shall provide specifically for the extension or denial of privileges for the various grades herein provided. It shall be the duty of the Prison Commission to provide opportunity and encouragement for moral reform of the prisoners, and to this end the Prison Commission shall provide for the classification of prisoners into as many classes as may be deemed advisable and necessary; and provided, that incorrigible prisoners shall be segregated and kept apart from other prisoners; and provided further, that whites, Mexicans and negroes shall be kept separate and apart.

The Commission shall provide rules for promotion and reduction of prisoners and shall provide, specifically, for the extension or denial of privileges to the different grades of prisoners; provided, in order that prison discipline may be enforced, the Prison Commission may adopt such modes of punishment as may be necessary, such punishment being always humane. Placing prisoners in stocks shall be prohibited. Whipping with not exceeding twenty lashes may be resorted to with incorrigible prisoners who cannot be made to observe the rules by milder methods of punishment. The strap used must be of leather and not over two and one-half inches wide and twenty-four inches long, attached to a wooden handle. No convict shall be whipped until same has been authorized by at least two members of the Prison Commission, or by the general manager of the prison system. Provided, that no order to whip a convict shall be issued until an affidavit in writing, signed by some credible person, shall be filed with the officer in charge of the convict, charging the convict with the violation of some rule of the penitentiary system and until the officer making the request for a whipping shall submit to the Prison Commission and general manager written evidence of the charge of misconduct or violation of the prison rule upon which said request for an order to whip is based, which evidence shall be sworn to by the person

or persons making the charge and approved by the manager, warden or foreman in charge of the convict. And the Prison Commission and general manager shall not sign any order to whip a convict until they have examined said written evidence and shall find that said convict has been guilty of the offense charged, and shall certify to that fact upon the minutes of the Prison Commission, and in every case the convict shall have the right to be heard and give evidence in his own defense and to have witnesses summoned and testify in his behalf, if any he has, and convicts shall have the right to testify, and the person making the complaint against said convict shall not execute said punishment order.

Provided, any employe of the prison system who makes a wilfully false affidavit against a prisoner, shall be at once dismissed from the service, and the fact of such false affidavit having been made shall be communicated by the Prison Commission to the grand jury of the county in which such affidavit is made, to the end that he may be prosecuted for false swearing, and upon written order, and such order so issued shall be executed only in the presence of a prison physician and a sworn report shall be made by the officer executing such order, to the Prison Commission, who shall keep a record of all such reports in a well-bound book to be kept for that purpose, which shall at all times be open to public inspection, and such reports to be made by such officer executing the order of the Prison Commission, or the general manager, shall state the name of the convict whipped, the number of strokes administered, the size of the strap used, the time and place thereof, in whose presence same was done, and the cause thereof. It shall further be the duty of the Prison Commission to make a semi-annual report of the whipping of convicts to the district judge of the county where such whippings occurred, who shall report same to the grand jury, which is hereby authorized to make investigations thereof.

The utmost care must be used by the officer executing the order of the Commission or general manager not to break the skin of the prisoner whipped, and any person guilty of whipping a prisoner more lashes, or other than as provided herein, or striking a prisoner except in self-defense, or as provided herein, shall be guilty of a misdemeanor,

and upon conviction thereof, shall be fined not less than \$25 nor more than \$500, or imprisoned in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

Sec. 38. All female prisoners shall be kept separate and part from the male prisoners. Where practicable, the Prison Commission shall keep the female prisoners upon a separate farm, or at a separate prison, from the male prisoners, and shall provide reasonable rules and regulations for the government of the same.

Sec. 39. The Prison Commission shall provide such labor for said female prisoners as in their judgment they can reasonably perform, but the prison physician for such female prisoners shall at any time have the authority to say whether the physical condition of said female prisoners is such they they can perform any physical labor; provided, that in the absence of the physician the matron shall pass upon the physical condition of said female prisoners.

Sec. 40. The Prison Commission shall keep the white female prisoners separate and apart from the negro female prisoners, and shall select and place over said female prisoners a matron or matrons, whose duty it shall be to give her personal attention to the welfare of such female prisoners. The matron or matrons so employed to look after the welfare of the female prisoners shall reside at the place where female prisoners are kept.

Sec. 41. At the place where female prisoners are kept, none but married men shall be employed as guards; and the houses for such guards and their families shall be provided by the State, in which the families of the guards shall live. Said guards shall be allowed ten dollars per month in addition to his salary in lieu of his board, said houses not to be situated further than three hundred yards from the main prison building where such female prisoners are kept.

Sec. 42. If a female prisoner be received with an infant, or if any child be born in the penitentiary, the child shall be permitted to remain with its mother until three to six years of age, in the discretion of and as prescribed by the Prison Commission.

Sec. 43. Every person who shall be entitled to a diminution of his term of sentence by good conduct shall be allowed a credit of ten cents per day, and

for every dollar of such credits he shall be allowed a credit of one day off the term of his sentence, in addition to all other credits; provided, that whenever any prisoner shall forfeit any part of his good time for misconduct or violation of the rules or regulations of the prison system he shall forfeit twenty-five cents of such extra credit of his term of sentence.

Sec. 44. Except in case of extreme and unavoidable emergencies no labor on Sunday shall be required of any prisoner except the feeding of live stock and other similar essential and necessary work; provided, that a prisoner who shall be required to work on Sunday in such character of work as is different from that above mentioned shall be allowed one day's deduction for each Sunday so worked on the time of his sentence.

Sec. 45. The various provisions of this title are designed to secure to the prisoners humane treatment, suitable moral instruction, to provide for their health, and to extend to them such comforts and privileges as may be consistent with their situation, and at the same time to require of them a due attention to their various duties and a strict observance of the discipline, rules and regulations of the prison.

Sec. 46. In order to encourage prison discipline, a distinction may be made in the treatment of prisoners so as to extend to all such as are orderly, industrious and obedient comforts and privileges according to their deserts. The rewards to be bestowed on prisoners for good conduct shall consist of such relaxation of strict prison rules and extension of social privileges as may not be inconsistent with proper discipline. Commutation of time for good conduct shall be granted by the Prison Commission, and the following deduction shall be made from the term or terms of sentences when no charge of misconduct has been sustained against a prisoner, viz.: Two days per month off the first year of sentence; three days per month off the second year of sentence; four days per month off the third year of sentence; five days per month off the fourth year of sentence; six days per month off the fifth year of sentence; seven days per month off the sixth year of sentence; eight days per month off the seventh year of sentence; nine days per month off the eighth year of sentence; ten days per month off the ninth year of sentence; fifteen days per month off the tenth year and all succeeding years of

sentence. A prisoner under two or more cumulative sentences shall be allowed commutation as if they were all one sentence. For each sustained charge of misconduct in violation of any rule known to the prisoner, in any year of the term, the commutation allowed for one month of such year may be forfeited; for any sustained charge of escape, or attempt to escape, mutinous conduct, or other serious misconduct, all the commutation which shall have accrued in favor of the prisoner up to that day shall be forfeited, unless in case of escape the prisoner voluntarily returns without expense to the State, such forfeiture may be set aside by the Prison Commission. For extra meritorious conduct on the part of any prisoner, he shall be recommended to the favorable consideration of the Governor for increased commutation or pardon; and, in case of any prisoner who shall have escaped and been captured, part or all of his good time thereby forfeited may be restored by the Prison Commission, if in their judgment his subsequent conduct entitles him thereto.

Sec. 47. Hereafter, life or long term prisoners who have actually served fifteen years and have no sustained charges of misconduct, and have a good prison record, and who shall be favorably recommended to the Governor, may receive at the hands of the Governor a reasonable commutation of sentence; and, if a life sentence is commuted to a term of years, then such convict shall have the benefit of the ordinary commutation, as if originally sentenced for a term of years, except the Governor shall otherwise direct.

Sec. 48. Suitable clothing of substantial material, uniform make and reasonable fit, and such footwear as will be substantial and comfortable, shall be furnished the prisoners; and no prisoner shall be allowed to wear other clothing than that furnished by the prison authorities, except in case of extra meritorious conduct only, the Prison Commission may allow the prisoners to wear citizen underwear. Sufficient food of wholesome quality and variety and wholesomely prepared shall be furnished to all, and such provisions shall be made for serving the food to prisoners as will tend to encourage and elevate them. It shall be the duty of every officer charged with the preparation and serving of food to the prisoners to post in the dining room each Monday morning for the coming week the bill of food for that week, and the rules promulgated by the Prison

Commission shall prescribe the quality, kind and variety of food to be furnished. Prisoners shall not be allowed spirituous, vinous or malt liquors, except upon the prescription of the physician.

Sec. 49. Prisoners who have been reported by the physician or other officer in charge as in a condition of health which requires their removal to some other place shall be accordingly removed.

Sec. 50. Prisoners when received into the penitentiary shall be carefully searched. If money be found on the person of the prisoner, or received by him at any time, it shall be taken in charge by the Prison Commission and placed to the prisoner's credit, and expended for the prisoner's benefit on his written order, and under such restrictions as may be prescribed by law or the rules. Any officer or employee having charge of a prisoner's money who misappropriates the same, or any part thereof, shall be deemed guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary for a term of not more than five years.

Sec. 51. If any prisoner shall die while in prison, the officer in charge of the prisoner at the time of his death shall immediately report the same to the Prison Commission, and, if he knows the address or place of residence of any relative within the third degree, either by consanguinity or affinity, shall also notify by wire said relative of the death of such prisoner; and, if the relative of such prisoner claim the body or will take charge of same, then the body of such prisoner shall be turned over to such relative, and the expense of shipping the body to where it is to be buried, provided it is within this State, shall be paid by the Prison Commission out of any available penitentiary funds on hand upon the request of such relative. If the residence and address of the relative of such prisoner is unknown, such prisoner shall be decently buried in citizen's clothes, and the grave marked by a stone with the name of said prisoner, date of death and age, if known, inscribed thereon. If the body of such prisoner is not claimed by the relatives, the Prison Commission shall at once notify the county judge of the county from which the prisoner was sentenced of his death, the date and cause of death and place of burial. The Prison Commission shall cause to be made and kept a record of the deaths of prisoners; and certified copies of same made by the custodian thereof shall be admissible in evidence.

under the rules of law applying to official records. Any officer or employe of the prison system of whom any duties are required by this article, who shall fail to discharge such duties, shall be guilty of a misdemeanor, and, upon conviction, shall be punished as provided by the Penal Code.

Sec. 52. The Prison Commission, or other person in charge of prisoners, upon the death of any prisoner under their care and control, shall at once notify the nearest justice of the peace of the county in which said prisoner died, of the death of said prisoner; and it shall be the duty of such justice of the peace, when so notified of the death of such prisoner, to go in person and make a personal examination of the body of such prisoner, and inquire into the cause of the death of such prisoner; and said justice of the peace shall reduce to writing the evidence taken during such inquest, and shall furnish a copy of the same to the Prison Commission, to the district judge of the county in which said prisoner died; and the copy so furnished to said district judge shall be turned over by the district judge to the succeeding grand jury; and the said judge shall charge the grand jury, if there should be any suspicion of wrong-doing shown by the inquest papers, to thoroughly investigate the cause of such death. Any officer or employe of the prison system having charge of any prisoner at the time of the death of such prisoner, who shall fail to immediately notify a justice of the peace of the death of such prisoner, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and by confinement in the county jail not less than sixty days nor more than one year; provided, that the justice of the peace making such examination shall be paid a fee as is now provided by law for holding inquests, said fee to be on sworn account therefor approved by the Prison Commission.

Sec. 53. The Prison Commission shall provide for competent medical attention for all prisoners, and shall establish rules whereby all physicians shall be required to keep a record of all cases of sickness, accident or injury which they treat. The physicians so employed shall be reputable practicing physicians of not less than two years of experience in practice. Each physician employed in the prison system shall, at the end of each month, file with the Prison Com-

mission a report in writing, subscribed and sworn to by him; which report shall state the names, race and sex of each prisoner treated or examined by him during said month, the malady or disease with which each was afflicted, and, if any shall be suffering with wounds or injuries inflicted by accident or some individual, he shall state the nature and extent of said injuries, by whom and by what means inflicted, or how the same occurred, and all such other information concerning said matters, and the condition of each prisoner treated or examined by him during said time, as he may possess; provided further, that for a failure to make such a report, or any false statement knowingly made by any such physician in any such reports, he shall be prosecuted for the offense of perjury or false swearing, as provided by law.

Sec. 54. The Prison Commission shall also provide a competent dentist or dentists, whose duty it shall be to care for the teeth of the prisoners. Such dentist or dentists shall, at the direction of the Prison Commission, visit the various places where prisoners are kept or worked, at such intervals as may be prescribed.

Sec. 55. When a prisoner is entitled to a discharge from prison he shall be furnished with a written, or printed, discharge from the Prison Commission, with seal affixed, signed by the chairman of the Board of Prison Commissioners, giving the prisoner's name, date of sentence, from what county sentenced, amount of commutation received, if any, the trade he has learned, if any, his proficiency in same, and such other description as may be practicable. He shall be furnished with a decent outfit of citizen's clothing, of good quality and fit, two suits of underwear, five dollars in money in addition to any money held to his credit, and transportation to the nearest depot from whence sentenced, or, if such prisoner prefers, he may receive transportation to any other point of equal distance as the nearest depot to the point from whence sentenced.

Sec. 56. The Governor and all other members of the executive and judicial departments of the State, and members of the Legislature, shall be admitted into the prisons, camps and other places where prisoners are kept or worked, at all proper hours, for the purpose of observing the conduct thereof, and may hold conversation with the convicts, apart from all prison officers. Other persons may visit the penitentiary under

such rules and regulations as may be established.

**Sec. 57.** The Prison Commission may offer such reward for the apprehension of an escaped prisoner as may be fixed by the Prison Commission, and to be paid as directed by the Prison Commission.

**Sec. 58.** Any officer or employe of the prison system who shall fraudulently convert to his own use and benefit any food, clothing or other property belonging to or under control of the prison system, shall be guilty of theft, and upon conviction punished as prescribed by law.

**Sec. 59.** Any officer, agent or employe, in any capacity connected with the prison system of this State, who shall be financially interested, either directly or indirectly, in any contract for the furnishing of supplies or property to the prison system, of the purchase of supplies or property for the prison system, or who shall be financially interested in any contract to which said prison system is a party, or who shall knowingly and fraudulently sell or dispose of any property belonging to said prison system below its reasonable market value, or who shall be financially interested in any other transaction connected with the prison system, shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than two years nor more than five years, and each transaction shall constitute a separate offense.

**Sec. 60.** Any sergeant, guard or other officer or employe of the prison system of this State, who shall inflict any punishment upon a prisoner not authorized by the rules of the prison system, shall be guilty of an aggravated assault, and upon conviction thereof shall be punished as prescribed by law, and it shall be the duty of the Prison Commission to make complaint before the proper officer of any county in which such assault was committed upon such prisoner.

**Sec. 61.** No gambling shall be permitted at any prison, farm or camp where prisoners are kept or worked. Any officer or employe engaging in or knowingly permitting gambling at any such prison, farm or camp shall be immediately dismissed from the service.

**Sec. 62.** The Prison Commission shall have the power to work convicts on public works when they cannot employ them on the State farms or within the walls by reason of some unforeseen calamity such as failure of crops or the

destruction of crops by wind or flood. When convicts are worked on public works owned by the State or a subdivision of the State the humane provisions of this act shall be strictly complied with; provided, that the Prison Commission shall have power, under such conditions, rules and regulations as it may adopt, not inconsistent herewith, to permit the employment of short term convicts in the building of public roads.

**Sec. 63.** All laws and parts of laws in conflict with this act are hereby repealed; and provided further, if any provision or provisions of this act shall be held invalid, the remaining provisions hereof shall not be affected thereby, but the same shall be in full force and effect.

**Sec. 64.** Provided, that nothing herein contained shall be held to repeal the indeterminate sentence law as passed by the Regular Session of the Thirty-third Legislature and amended at the First Special Session thereof; and provided further, that the Prison Commissioners may allow the same benefits and privileges and commutations heretofore provided for in this act to convicts sentenced under said indeterminate sentence law as applies to prisoners not so sentenced, and shall allow a deduction and commutation of the term of sentence from the minimum sentence assessed against any prisoner convicted under said indeterminate sentence law above mentioned.

**Sec. 65.** The fact that there is now no law upon the statute of this State providing for the efficient business management of the penitentiary system 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 and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

Pending the reading of the report, Mr. Kennedy occupied the chair temporarily.

(Speaker in the chair.)

Mr. Penry moved the previous question on the report, and the main question was ordered.

Mr. Hill raised a point of order on further consideration of the report, on the ground that the bill as reported contains matter inserted by the Conference Committee not germane to the purpose of the original bill, and that the Rules provide that no vote shall be taken on the passage of a bill within the last

twenty-four hours of the session, except to correct an error therein.

The Speaker overruled the point of order.

Mr. Hill appealed from the ruling of the Chair.

Mr. Kennedy was called to the chair pending the appeal.

Question—Shall the ruling of the Chair be sustained?

Mr. Humphrey moved the previous question on the appeal, and the main question was ordered.

The House sustained the ruling of the Chair.

(Speaker in the chair.)

Question recurred—Shall the report be adopted?

Yea<sup>s</sup> and nays were demanded, and the report was adopted by the following vote:

Yea<sup>s</sup>—70.

Allison.	Hunter.
Baker.	Humphrey.
Barrett of Jones.	Lewelling.
Barrett of Titus.	Long.
Blalock.	Macgill.
Burmeister.	Morris of Coryell.
Burns.	Nabours.
Butler.	Olander.
Calvin.	Parker.
Campbell.	Patton.
Chrestman.	Powell.
Colquitt.	Raiden.
Cope.	Reeves.
Cox of Delta.	Rich.
Cox of Ellis.	Rickerson.
Crisp.	Ritchie.
Cunningham.	Robbins.
Davis.	Rogers.
Dickson.	Ross.
Diffie.	Rowell.
Dodson.	Russell.
Dove.	Savage.
Dunn.	Simpson.
Fields.	Spann.
Foster.	Stephens.
Fuller.	Sullivan.
Furrh.	Taylor.
Gates.	Thompson.
Griggs.	Ussery.
Grindstaff.	Vannoy.
Hagins.	Vickers.
Haney.	Wagstaff.
Henry of Bowie.	Watson of Hays.
Henry of Wichita.	Watson of Mills.
Hornby.	Woods of Navarro.
Householder.	

Nay<sup>s</sup>—36.

Mr. Speaker.	Byrne.
Ragby.	Coffey.
Bierschwale.	Cooper.
Brown.	Craven.
Burges.	Flournoy.

Fountain.  
Greer.  
Harris.  
Hill.  
Kennedy.  
Kirby.  
Lane.  
Mendell.  
Morris of Victoria.  
Low.  
Murray.  
Neeley.  
Owsley.  
Parks.

Penry.  
Ratliff.  
Reedy.  
Robertson.  
Schwegman.  
Stone.  
Tarver.  
Tiller.  
Tillotson.  
Williams  
of Hopkins.  
Williams  
of McLennan.  
Wortham.

#### Present—Not Voting.

McAskill.  
Ridgell.

Spradley.

#### Absent.

Bartley.  
Bruce.  
Gentry.  
Haxthausen.  
Heilig.  
Herder.  
Hughes.  
King.

McDaniel.  
Paddock.  
Roach.  
Smith.  
Templeton.  
Tyson.  
Wahrmund.  
Woods of Fisher.

#### Absent—Excused.

Boehmer.  
Broughton.  
Collins.  
Glasscock.  
Goodner.  
Greenwood.  
Harp.  
Jordan.

McKamy.  
Mangum.  
Mills.  
Mulcahy.  
Oliver.  
Webb.  
Yarbrough.

#### Reasons for Votes.

I vote in favor of the adoption of the report. To some of its provisions I do not agree because I believe the bill overcomes large expenses imposed by the present law, but I think it unwise to provide so inadequate compensation for the Commissioners imposed by the Constitution with the care and control of such a large and important institution of our State government.

CAMPBELL.

I vote for House bill No. 18 notwithstanding I object to the bill for the following reason:

I do not believe that prisoners should share in profits of the penitentiary as long as the penitentiary is in debt to the State, but I am forced to vote for the bill or to vote to kill it. Hence, I voted for it, believing it better than the present law.

RAIDEN.

We vote for the report because it came up for passage at 9:15 p. m., and when read by the Clerk and the question of its passage put to the House it was 10:45 p. m., and the Special Session could last no longer than 12 p. m., and the bill reported as substitute has many good features and will save the State thousands of dollars, and it being too late for another Free Conference Committee to act before the Special Session expires, we prefer this bill to the present law. But we do protest against the Senate amendment forced upon the Conference Committee providing for a distribution of the entire profits made for any year among the convicts or their families as being a foolish provision, based upon a mawkish sentimentality, which will cost the overburdened taxpayers of the State a million dollars a year upon the average.

HUNTER.  
OLANDER.

I vote "no" for the reason that this conference report was brought in during the closing hours of the session, and was read amid confusion, it being impossible to hear the Reading Clerk fifteen feet away.

I believe that the penitentiary system is too important to be regulated under such legislative proceedings.

MENDELL.

I vote "no" on the adoption of the Free Conference report on the penitentiary bill (House bill No. 18) for the reason that the Conference report in effect presents a new bill, which it was impossible for us to consider.

TARVER.

#### RELATING TO VOTE ON HOUSE BILL NO. 18.

Mr. Hill presented the following motion, which he asked to have printed in the Journal:

I move that the vote by which the report of the Free Conference Committee on House bill No. 18, by Humphrey, and being known as the penitentiary bill, be expunged from the record for the following reasons:

1. Because said Conference Committee report was presented to this House on August 19, 1913, at 8:30 o'clock p. m., less than four hours before the special session of the Legislature expired by law, and said vote is void and contrary to the Constitution of the State of Texas, providing that no bill shall

be passed which has not been presented and referred to a committee at least three days before the final adjournment of the Legislature.

2. Because said vote is void and contrary to that provision of the Constitution and rule of the House, which provides that no vote shall be taken within twenty-four hours next preceding final adjournment of the Legislature upon the passage of any bill except it be to correct an error therein, because said report of said Free Conference Committee and the vote thereon was taken within less than three hours of adjournment and was not to correct an error in the original bill, but was and is a new and independent bill embracing entirely new subjects of legislation from that embraced in the original bill, and that this motion be inserted in the Journal.

#### RELATING TO VOTE ON HOUSE BILL NO. 9.

Pending consideration of the Conference Committee report on House bill No. 18, Mr. Kirby submitted the following as a privileged motion:

I move that the record of the vote by which House bill No. 9 was passed and the Senate amendments thereto concurred in be expunged from the record for the following reasons, towit:

That the vote concurring in the Senate amendments to said bill, which in their nature and effect changed the purposes and effect of the original bill as adopted by the House, was a legislative action on the final passage of a bill and the adoption of an amendment thereto material and effective in its nature and not the correction of an error therein, taken and had in less than twenty-four hours before the hour of sine die adjournment of the present session of the Legislature, under the law and Constitution, towit: less than three hours before such adjournment, towit: fifteen minutes after nine (9) p. m., August 19, A. D. 1913, all of which is forbidden by House Rule No. 18, subdivision 5, and by Joint Rule 11 of the House and Senate.

The Speaker ruled the motion out of order at this time on the ground that it is not a privileged motion.

(Mr. Calvin in the chair.)

#### MESSAGE FROM THE GOVERNOR.

Mr. J. T. 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:

Governor's Office,  
Austin, Texas, August 19, 1913.

To the House of Representatives:

House bill No. 1, making appropriations to pay salaries of judges, and for the support of the judicial department of the State government, for two years beginning September 1, 1913, and ending August 31, 1915, and declaring an emergency, was received in the Governor's office on the 8th day of August at 4:45 p. m. The same has been filed with the Secretary of State on this date, with approval, except the item under the head of "Judiciary" for "expenses of district judges and district attorneys as allowed by the Acts of the Thirty-second Legislature, Chapter 27, including amounts accrued since June 6, 1911, the date said law became effective, \$19,000 for the year ending August 31, 1914, and \$19,000 for the year ending August 31, 1915." Of the \$19,000 appropriated for each of the fiscal years named, the sum of \$14,000 for each of the fiscal years has been approved, and the sum of \$5000 for each year has been disapproved. The effect of this action is to reduce the appropriation from \$19,000 to \$14,000 for each fiscal year, respectively.

The item under the head of "Judiciary" for "expenses of attached witnesses and witness fees and mileage allowed witnesses in felony cases who reside in counties other than the counties in which the cause is being tried, \$180,000 for each of the fiscal years ending August 31, 1914, and 1915, respectively," is objected to in part. I have approved \$160,000 of said item for each of the said fiscal years, and have disapproved of \$20,000 in each item for each fiscal year.

The item under the head of "Judiciary" for "fees and costs for sheriffs, clerks and attorneys in felony cases, \$340,000 for each of the fiscal years ending August 31, 1914, and 1915," respectively, is objected to in part. I have approved \$320,000 of said item for each of the said fiscal years, and have disapproved of \$20,000 in each item for each fiscal year. The effect of this action is to reduce the appropriation in this item from \$340,000 to \$320,000 for each year.

In approving a portion of the item and disapproving of a part of same, I am advised by the legal department of

the State government that I am act within the authority of the Governor conferred upon him by the Constitution of the State. In an opinion to Comptroller of Public Accounts, undate of March 8, 1913, concerning former veto of one-half of the appropriation made by the Thirty-second Legislature for the Attorney General's Department, the present Attorney General discusses the subject at length, and extract the following statement from his opinion:

"We desire here to call your attention to a construction of veto message which has been approved, and which we think, in effect, is the same as the construction placed upon the veto of Governor in this particular instance. It seems to us that the proper construction of the opinion of the Supreme Court in the case of Fulmore vs. Lane, that while the Legislature made an appropriation of \$83,160 to the Attorney General's Department, that the Governor cut this appropriation in two, so that finally it was only \$41,580. This, as we have previously said, is undoubtedly the effect and holding of the Supreme Court of the State. There was, of course, but one appropriation for the Attorney General's Department, and the effect of Governor's action was to cut this appropriation in half. So that by whatever principle of reason one may pursue, the final conclusion must be that the effect of the Governor's veto was to reduce the original appropriation by one-half. The veto has been approved by the Supreme Court of this State, nor is this position without additional authority to support it.

"In the case of Commonwealth vs. Barnett, 199 Pa., 162, the question under review was an appropriation by which had been vetoed in part by the Governor. The Constitution of Pennsylvania is similar to our own, which authorizes the Governor to disapprove a item or items of any bill making appropriations of money, embracing distinct items, etc. The appropriation bill, when submitted to the Governor, made an appropriation of \$11,000,000 for two years for the support of the public schools of the commonwealth of Pennsylvania. The Governor approved the appropriation to the extent of ten million dollars and disapproved one million dollars thereof. The Governor of Pennsylvania in passing upon this appropriation bill said:

"I am compelled to reduce the amount

proportion to the common schools \$500,000 a year, amounting to \$1,000,000 in two years. \* \* \*

"The authority of the Governor to disapprove part of an item is doubted, but several of my predecessors in office have established precedents by withholding their approval from part of an item and approving other parts of the same item. Following these precedents, and believing that the authority which confers the right to approve whole of an item necessarily includes the power to approve part of the same item, I, therefore, approve of so much of this item which appropriates \$5,000,000 annually, making \$10,000,000 for the two years beginning June 1, 1899, and withhold my approval from \$500,000 annually, making \$1,000,000 for the two school years beginning June 1, 1899."

"The above and foregoing are substantially the facts upon which the opinion of the court in the case named is based. The court held that the Governor had the right to execute the veto as he did execute it and that the appropriation was reduced from \$11,000,000 to \$10,000,000.

"In view of this authority and in view of the holding of the Supreme Court of this State, which in effect in this particular instance is the same as that of the Pennsylvania court, it would not be proper for this department to give any other interpretation to the effect of the Governor's veto."

In order that the Legislature may have the benefit of the Attorney General's full opinion, I attach a copy of same hereto, and make it a part of this message.

Respectfully submitted,

O. B. COLQUITT,  
Governor of Texas.

The opinion of the Attorney General follows:

Attorney General's Department,  
Austin, Texas, March 8, 1913.

Sir: You have submitted to us for construction the appropriation made for the Attorney General's Department at the First Called Session of the Thirty-second Legislature, which appropriation appears on pages 17 and 18 of the official publication of the laws passed by that Legislature.

There is now remaining on hand unexpended in the Treasury something like one thousand dollars of this appropriation, and the question is, whether or

not this money is available for use by the Attorney General's Department for the year ending August 31, 1913? In all the varied courses which it has been the fate of this appropriation to take through the courts of the land, the question here submitted has not been adjudicated. We are left, therefore, to the ordinary rules of construction to determine whether or not the \$41,580 appropriated was appropriated only for use during the year 1912 or whether the balance thereof may be expended during the year 1913. In determining the question, we are also obliged to consider and determine the effect of the Governor's veto as made to the original bill itself. This naturally involved, of course, a history of, and the effect of, the qualified negative, which a Chief Executive has under our Constitution.

#### The Status of the Veto Power.

In the convention which framed the Constitution of the United States, there does not appear to have been any difference of opinion as to the propriety of giving the President a negative on laws enacted by Congress. The principal subject which seems to have been discussed was as to whether or not the negative should be absolute or qualified, and what number of votes should be necessary to pass the measure over the Executive disapproval. During the progress of this particular section in the constitutional convention, which framed the organic law of the United States, it was first placed in the section that it took an affirmative vote of two-thirds of the members of each House to pass the measure over the Executive veto. Subsequent to this, however, it was changed to three-fourths, but ultimately it was established as we now find it in the Constitution, which requires two-thirds of the members of each House to pass a vetoed measure over the veto. (Storey on Constitution, Sec. 881.)

Inasmuch as the veto of the Chief Executive is only a qualified negative, and a law may be passed, notwithstanding the Executive disapproval, it appears that the veto within itself is rather in the nature of a mere appeal to the Legislature and a suggestion to that body for a revision of its own judgment. In other words, the effect of a veto is a motion for reconsideration upon the part of the Chief Executive, which, if overruled by a sufficient number of members of each House, the measure becomes the law, notwithstanding the Executive dis-

approval. (Storey on Constitution, Sec. 888.)

It appears from the foregoing that in the approval or disapproval of laws the Governor is a component part of the Legislature and that his act in vetoing a measure is purely a legislative act.

Cooley on Constitutional Limitations, p. 184.

Fulmore vs. Lane, 140 S. W., 412.

#### Rules of Construction.

It will appear from the foregoing that, in construing the veto of the Governor, we must construe it in the same manner and with the same purpose in view that we would a legislative act.

The following is a statement of the rules of construction which has been repeatedly approved by the Supreme Court of Texas, the rules referred to being stated briefly as follows:

"Among the most important of these rules are the maxims that the intention of the Legislature is to be deduced from the whole and every part of a statute, when considered and compared together; that the real intention, when ascertained, will prevail over the literal import of the terms; and that the reason and intent of the legislator will control the strict letter of the law, when the latter would lead to palpable injustice, contradiction and absurdity; that when the words are not explicit the intention is to be collected from the occasion and necessity of the law, and from the mischief and objects and remedy in view; and the intention is to be presumed according to what is consonant to reason and good discretion. It is another established rule that all acts in pari materia are to be taken together, as if they were one law, and that if it can be gathered from a subsequent statute, in pari materia, what meaning the Legislature attached to the words of a former statute, this will amount to a legislative declaration of its meaning, and will govern the construction of the first statute.

"These and other rules by which the sages of the law have been guided in seeking for the intention of the law-giver have been accumulated by the experience, and ratified by the approbation of ages."

Cannon vs. Vaughan, 12 Texas, 399.

Fulmore vs. Lane, 140 S. W., 419.

It is also an elementary rule of construction, and one directly applicable, and which must be observed in this particular instance, that we should not, un-

less required to do so, give such a construction to the Governor's veto as would necessarily occasion great public and private mischief, but a construction will be preferred which will occasion neither, unless the latter would do violence to a well settled rule of law.

Fulmore vs. Lane, 140 S. W., 419.

"When the meaning of the statute is doubtful, it is proper to recur to the history of the enactment to aid the construction, and, when the words are not explicit, the intention is to be collected from the occasion and necessity of the law and from the mischief and object and remedy in view."

Farmer vs. Shaw, 93 Texas, 438.

Wallraven vs. Farmers' National Bank, 96 Texas, 331.

Ross vs. Terrell, 99 Texas, 502.

"It is indispensable to a correct understanding of a statute to inquire first what is the subject of it, what object is intended to be accomplished by it. When the subject matter is once clearly ascertained and its general intent, a key is found to all its intricacies. General words may be restrained to it and those of narrower import may be extended to express it to effectuate that intent. When the intention can be collected from the statute, words may be modified, altered or supplied so as to obviate any repugnancy or inconsistency with such intention. Thus in the construction of a temporary appropriation act the presumption is that any special provisions of a general character therein contained are intended to be restricted in their operation to the subject matter of the act, and not permanent regulations, unless the intention of making them so is clearly expressed."

(Lewis' Sutherland on Statutory Construction, Sec. 347.)

"The intention of the Legislature being ascertained with reasonable certainty, words may be supplied in the statute so as to give it effect and avoid any repugnancy or inconsistency with such intention."

(Sutherland, Sec. 382: Talbot vs. Silver Bow County, 139 U. S., 438.)

#### "One Word Substituted for Another.

"The Constitution of Illinois provides for the division of counties into not more than three classes according to population, for the purpose of regulating the compensation of county officers. In 1872 an act was passed concerning fees and salaries, which by Section 13 divided counties into three classes: first, those

having not exceeding 20,000 population; second, those having 20,000 and not exceeding 70,000; third, those exceeding 70,000. Section 33 provided for the fees of the clerk of the Circuit Court 'in counties having a population exceeding 70,000.' In 1883 Section 13 was amended so as to make the classes (1) not exceeding 25,000, (2) 25,000 and not exceeding 100,000, and (3) exceeding 100,000. Section 33 remained unchanged until 1893, when it was amended and reenacted so as to change the fees but continuing the words, 'in counties having a population exceeding 70,000.' This amendment was claimed to be void because it made a fourth class of counties in violation of the Constitution. Section 33 was preceded in the original statute by a subheading as follows: 'Fees and compensation of clerks of courts of record, except in probate matters, in counties of the third class.' It was held, considering the subtitle and the whole act, that Section 33 was intended to apply to counties of the third class and that the words 'one hundred thousand' should be substituted for the words 'seventy thousand' in the section. The court says: 'The title should have its due share of consideration in determining the intention of the Legislature, and clearly shows, when taken in connection with the clause hereinafter referred to, that the Legislature made a mistake, when it passed, the amendment of 1893, in not substituting the words 'one hundred' for and in place of the word 'seventy,' so that the first clause in the section should have read: 'in counties having a population exceeding one hundred thousand inhabitants.' It is manifest that the thing within the letter, towit: 'seventy thousand,' is not within the statute because not within the intention, while the thing within the intention, towit: 'one hundred thousand,' is within the statute, though not within the letter."

(Sutherland, Sec. 383; People vs. Gaulter, 149 Ill., 39.)

"Where a word or phrase in a statute would make the clause in which it occurs unintelligible, the word may be eliminated and the clause read without it."

(Sutherland, Sec. 384.)

All the several rules of construction, to which we have made reference, are general and well known rules constantly applied by the courts in the interpretation of laws and written instruments. They are a part of the tools of machinery of those whose duty it is to ascertain

the intent and meaning of written laws. They are in fact as much a part of the laws themselves as legislative enactments, and their disregard ordinarily leads to confusion, and a wrong construction of the subject matter under consideration. Of course, the whole purpose of the courts in laying down these rules of construction has been to enable one to understand the meaning and intent of the law under review and the rules should not be used for any other purpose, and in considering the matter before us we should bear in mind that the rules of construction are to be used only for the purpose of determining what was intended by the Legislature.

#### The Bill as Passed by the Legislature.

We will not undertake to set out in detail the appropriation bill as passed by the Legislature, nor even that particular part of the same which had reference only to the Attorney General's Department, but we will take up in a general way the entire appropriation bill and that part of same making the appropriations for the Attorney General's Department sufficiently to understand the intention and purpose of the Legislature in passing the measure.

In the first place, the Regular Session of the Thirty-second Legislature met in January, 1911, but after remaining in session some two months adjourned without passing a general appropriation bill for the support of the State government for the two years beginning September 1, 1911. Afterwards, in July, 1911, the Governor of the State called the Legislature together in extra session by a proclamation dated Austin, Texas, June 20, 1911, in which he called the Legislature together in special session to meet on Monday, July 31, 1911. In this call the Governor said, among other things: "An emergency having arisen by reason of the fact that the Regular Session of the Legislature adjourned without making appropriations for the support of the State government and for the public service for the fiscal years beginning September 1, 1911, and September 1, 1912, etc., \* \* \* therefore, an extraordinary session of the Thirty-second Legislature is hereby called, for the date above indicated, for the following purposes, towit: (1) To make appropriations for the support of the State government and for the public service for the fiscal years beginning September 1, 1911, and September 1, 1912. \* \* \*"

Upon the convening of the Legislature

it passed, among other measures, what was known as Free Conference Committee substitute for Senate bill No. 3, which is now Chapter 3 of the General Laws passed by the First Called Session of the Thirty-second Legislature. The caption of this bill is as follows:

"An Act making appropriations for the support of the State government for two years, beginning September 1, 1911, and ending August 31, 1913, and for other purposes, and prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the support of the State government for the year ending August 31, 1911, and to pay various miscellaneous claims against the State, and declaring an emergency."

In Section 1 of the bill is found the following:

"Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated for the support of the State government from September 1, 1911, to August 31, 1913, and for other purposes, etc."

Following the foregoing language in Section 1, after various and sundry provisions, we find the appropriations set out for each of the several departments of the State government. The appropriation for each department throughout the bill is followed by language in substance as follows:

"Provided, that the amounts herein appropriated for each item, as stated herein, and no more, shall be paid out of the general revenue for the . . . . . Department during the fiscal years beginning September 1, 1911, and ending August 31, 1913, and no surplus shall be diverted from one account to another."

The usual method of setting out an appropriation throughout the bill is to establish two columns; at the top of which two columns are the words, "for the years ending," and then before the first column is found "August 31, 1912," and before the second column, "August 31, 1913." Then follows a specification of the various items of each appropriation with the amount for the year under each of the columns aforesaid. The following extract from the appropriation for the executive office will illustrate this arrangement:

#### Executive Office.

For the Years Ending  
Aug. 31, 1912. Aug. 31, 1913.

Salary of Governor	\$4,000 00	\$4,000 00
Salary of private secretary .....	2,400 00	2,400 00
Salaries of two stenographers .....	2,400 00	2,400 00
Salary of porter...	480 00	480 00

On page 62 of the appropriation bill referred to is found the following:

"Provided, that any portion of the appropriations made herein for the year ending August 31, 1911, for maintenance and support, the erection, remodeling or equipment, for repairs of buildings, or for any institution of this State for which appropriations have been made herein which remain unexpended at the end of said fiscal year, shall be available, and may be used for the year ending August 31, 1913."

The bill also on the same page provides:

"Provided, that the Governor, in case of any extraordinary emergency, may authorize a deficiency for such purpose or purposes which could not have been anticipated or provided for by the Legislature. This provision shall apply to all State institutions and departments. All money appropriated by this act shall remain in the State Treasury and be paid out only as it is expended or as the necessity or emergency may require, etc."

So it appears conclusively from the above and foregoing extracts of the general appropriation bill that the undoubted purpose of the Legislature was to make an appropriation for the support of the State government for a period of two years. The Attorney General's Department, of course, was one of the departments of the State government and an appropriation having been made for it within the terms of this identical bill, it will be presumed that the Legislature intended also that the appropriation made for that department should be for two years, unless it clearly appears that such was not the intention of the Legislature. This proposition is too plain to merit discussion, but this interpretation is one not only consistent with common sense, but is a conclusion consonant with the rules of construction heretofore invoked by us.

Intention of the Legislature.

Having determined in the preceding

section of this opinion that the general intention of the Legislature was to make an appropriation for the support of the State government for a period of two years, including within this intention the Attorney General's Department, we will now examine the appropriation for that department and see if there is anything within the appropriation itself contrary to the general intention of the Legislature.

The appropriation made for the Attorney General's Department was somewhat different in its arrangement to that made for the other several departments of the State government in this way: That the appropriation was not itemized and embraced sundry directions not ordinarily embraced within one of the departmental appropriations. As originally drawn and passed by the Legislature it was in the following form:

"Attorney General's Department.

"For the support and maintenance of the Attorney General's Department, including postage, stationery, telegrams, telephones, furniture, repairs, express, typewriters and fittings, contingent expenses, costs in civil cases in which the State of Texas or any head of a department is a party; for the actual traveling expenses and hotel bills incurred by the Attorney General or any of his assistants or employes in giving attention to the business of the State elsewhere than in the city of Austin; for depositions and procuring evidence and documents to be used in civil suits or contemplated suits wherein the State is a party; for law books and periodicals; for the payment of any and all expenses incident to and connected with the administration of the duties of the Attorney General's office; for the enforcement of any and all laws, wherein such duty devolves upon the Attorney General; for the payment of any and all expenses in bringing, prosecuting and defending suits; for the payment of the salary and maximum fees provided by the Constitution for the Attorney General, and for the payment of the salaries and compensation of his assistants and employes and other help deemed by the Attorney General to be necessary to carry on the work of the Attorney General's Department, there is hereby appropriated the sum of eighty-three thousand and one hundred and sixty (\$83,160) dollars, to be expended during the two fiscal years ending August 31, 1912, and August 31, 1913, to be paid by the

Treasurer on warrants drawn by the Comptroller upon vouchers approved by the Attorney General. For the year ending August 31, 1912, \$41,580; for the year ending August 31, 1913, \$41,580.

"For the guidance of the Attorney General in the expenditure of such sums out of the above item of appropriation of \$83,160 as may be necessary to properly conduct the business of his department, he is hereby empowered and authorized to employ such regular assistants as he may deem necessary, not to exceed seven in number at any one time, one of such assistants he shall designate as First Office Assistant Attorney General; and there may be expended out of the above item of appropriation a sum not exceeding \$20,000 per annum for the purpose of paying the salary of the Attorney General at \$2000 per annum and such fees as are prescribed by law, not to exceed \$2000 per annum, and for the purpose of paying the salaries of the assistants employed; provided, that no assistant shall receive more salary than \$2500 per annum; and the Attorney General shall have the power and authority to employ such stenographic clerks as he may deem necessary to carry on the work of the department, not to exceed four in number, one of whom shall be chief clerk and book-keeper; and there may be expended out of the above item of appropriation a sum not to exceed \$4000 per annum to pay the salaries of such stenographic clerks, provided, that no stenographic clerk shall receive more than \$1300 per annum; there may be employed one porter, who shall be paid out of the above item of appropriation a salary of \$480 per annum; there may be expended out of the above item of appropriation, for postage, stationery, telegrams, telephones, furniture, repairs, express, typewriters, and fittings and contingent expenses so much thereof as may be necessary, not to exceed the sum of \$1350 per annum. The remainder of the above item of appropriation, or so much thereof as may be deemed necessary by the Attorney General, shall be expended for costs in civil cases in which the State of Texas or any head of a department is a party; for the actual traveling expenses and hotel bills incurred by the Attorney General, or any of his assistants or employes, in giving attention to the business of the State elsewhere than in the city of Austin; for depositions and procuring evidence and documents to be used in civil suits, or contem-

plated suits, wherein the State is a party; for law books and periodicals; and for the enforcement of any and all laws of the State of Texas wherein that duty devolves upon the Attorney General, and for the payment of any and all expenses deemed necessary by the Attorney General in the prosecution and defense of all suits, and particularly for the enforcement of the anti-trust and corporation laws and for the employment of special counsel and other help when the same may be deemed necessary by the Attorney General, provided that the head of said department shall keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absence be incorporated in the report made biennially by the head of said department; provided, that the amount herein appropriated as stated herein, and no more, shall be paid out of the general revenue for the Attorney General's Department during the fiscal years beginning September 31, 1911, and ending August 31, 1913; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated."

In the foregoing quotation of the original appropriation for the Attorney General's Department we have enclosed with blue pencil, or marked across with a blue pencil, those particular parts of the same which were so crossed out or marked by the Governor in his veto message, but for the purpose of this immediate discussion, we will consider the measure as originally passed by the Legislature, disregarding the veto or crossed out passages of the same.

For the purpose of a clearer discussion, we will disregard a considerable part of the provisions in the first portion of the appropriation and simply put down the essential features of the same, which when done, will determine the meaning of the appropriation with reference to the different items thereof, and when so done, will read as follows:

#### Attorney General's Department.

"For the support and maintenance of the Attorney General's Department \* \* \* there is hereby appropriated eighty-three thousand and one hundred and sixty (\$83,160) dollars, to be expended during the two fiscal years ending August 31, 1912, and August 31, 1913, to be paid by the Treasurer on

warrants drawn by the Comptroller upon vouchers approved by the Attorney General. For the year ending August 31, 1912, \$41,580; for the year ending August 31, 1913, \$41,580."

It is plain from the foregoing that the Legislature intended to appropriate \$83,160 for the support and maintenance of the Attorney General's Department for the two years ending August 31, 1912, and August 31, 1913, and that in the expenditure of this money a limitation was placed upon the amount which might be expended each year; that is to say, under the column headed "August 31, 1912," the amount which might be expended was \$41,580, and for the year ending "August 31, 1913," the same amount. In other words, it is plain from the foregoing that the figures placed under the year columns were placed there as matters of limitation on the amount which might be expended in any one year. Of course, naturally they were words of appropriation as well, but the previous language, towit: "The sum of \$83,160," etc., were words of appropriation and limitation upon the amount which might be spent during the period of two years; but that they were words of appropriation for the two years there can be no reasonable doubt, because the itemized appropriation, as shown above, is followed by a lengthy statement as to the uses to which this sum of \$83,160 may be put by the Attorney General, and throughout the discussion of the uses to which it may be put the \$83,160 is treated as a single item in the appropriation bill. For instance, the bill stated: "For the guidance of the Attorney General in the expenditure of such sums of money out of the above item of appropriation of \$83,160"; \* \* \* "and there may be expended out of the above item of appropriation a sum not exceeding \$20,000 per annum," etc. \* \* \* "and there may be expended out of the above item of appropriation a sum not exceeding \$4000 per annum," etc. \* \* \* "there may be employed one porter who shall be paid out of the above item of appropriation a salary of \$480 per annum"; "there may be expended out of the above item of appropriation for postage, stationery, telegrams, etc., not to exceed the sum of \$1350 per annum." etc. "The remainder of the above item of appropriation, or so much thereof as may be deemed necessary by the Attorney General," etc. "The amount herein appropriated, as stated herein, and no more, shall be paid out of the

general revenue for the Attorney General's Department during the fiscal years beginning September 31, 1911, and ending August 31, 1913," etc.

Upon examination, therefore, of the foregoing, it appears that it was the undoubtedly purpose of the Legislature to make an appropriation of \$83,160 for the support of the Attorney General's Department for a period of two years; that in the original measure the Legislature designated this appropriation as one item and throughout the bill so treated it, except that it limited the amount which might be spent during the year 1912, to \$41,580 and limited the amount that might be spent during 1913 to \$41,580; also that in the directions following the above, various limitations were placed on the amounts which might be expended, as for example, "exceeding \$20,000 per annum for the payment of the salary of the Attorney General and his assistants"; "an amount not exceeding \$4000 per annum for the payment of the salaries of the stenographic clerks" and "an amount not exceeding \$1350 per annum for the payment of contingent expenses, etc." In other words, this bill, as it originally passed the Legislature meant that \$83,160 was passed for the support of the Attorney General's Department for a period of two years and that various limitations were placed upon the department in the expenditure of this money. In the first place, the department could not expend exceeding one-half the amount the first year, and one-half the amount the second year, and it could not spend more than certain designated amounts for certain particular purposes in the course of either of the years, but it is clear and definite that there was nothing in this appropriation bill as originally passed by the Legislature which indicated in any manner that the Legislature did not intend to make an appropriation for the support and maintenance of the Attorney General's Department for a period of two years. The entire appropriation for this department is entirely consistent with the declared purpose and intention of the Legislature as expressed in the title of the measure and in the first section of the bill. The title of the act, of course, may be resorted to in aid of the construction of the act.

*State vs. Delesdenier, 7 Texas, 76.*

*Byrnes vs. Sampson, 74 Texas, 79.*

#### The Veto of the Governor.

The general appropriation bill under consideration, after its passage by both houses of the Legislature, was submitted to the Governor of the State for his consideration. The measure was considered by him and when he reached the appropriation for the Attorney General's Department he crossed out those parts of the foregoing copy of the appropriation which we have crossed out with a blue pencil, so that the appropriation when he returned the same to the Legislature read substantially as follows :

#### "Attorney General's Department.

"For the support and maintenance of the Attorney General's Department, including postage, etc. \* \* \* There is hereby appropriated to be expended during the two fiscal years ending August 31, 1912, and August 31, 1913, to be paid by the Treasurer on warrants drawn by the Comptroller upon vouchers approved by the Attorney General. For the year ending August 31, 1912, \$41,580."

The figures "\$41,580" were left under the column headed "August 31, 1912." The Governor also crossed out with his pen the directions as to the expenditure of the appropriation for the Attorney General's Department, but the Supreme Court held that this particular part of his veto was void, and therefore of no effect, so when considering the appropriation for the Attorney General's Department, the directions given remain intact and a part of the measure. The Supreme Court, however, held that the Governor's veto, in so far as his erasure of the words "the sum of \$83,160" and his erasure of the figures "\$41,580" appearing under the column headed August 31, 1913, were concerned, that the veto was valid; that the Governor had a right to make this character of veto and it is not left to us to determine whether or not such right existed. That question has been settled by the Supreme Court of this State.

*Fulmore vs. Lane, 140 S. W., 411, 412.*

#### The Intention of the Governor.

Inasmuch as the action of the Governor in making this veto, which the Supreme Court of the State has said that he had a right to make, is a legislative act, we must construe the veto by the same rules of construction that we would an act of the Legislature.

Authorities, *supra*.

Fulmore vs. Lane, 140 S. W., 412.

The Governor, in the exercise of his constitutional duty, filed with the Legislature his objections to the appropriation bill, specifying his objections to the appropriation for the Attorney General's Department. In his specifications of objections, among other things, he said:

"On page 30 the item in words as follows: 'The sum of \$83,160' is objected to and disapproved (1) because it is an excessive appropriation of the public funds for the purposes appropriated at a time when the burden of taxation upon the people of this State must necessarily be increased to supply deficits and pay the necessary expenses of government; (2) because the same is an evasion of the Constitution, etc."

"The item on page 30 of \$41,580 for the fiscal year ending August 31, 1913, is objected to and disapproved. The remaining item of \$41,580, as appropriated, is available for use until exhausted and may be applied during both of the fiscal years ending August 31, 1912, and August 31, 1913, etc."

(See the Governor's veto message as copied in Fulmore vs. Lane, 140 S. W., 416.)

It is therefore apparent from the foregoing that it was the intention and purpose of the Governor that the \$41,580 should be available for both the years 1912 and 1913. In one respect it is not a question of the interpretation put upon the measure passed by the Legislature by the Governor, but it is a specific expression of his own intention in vetoing those parts of the measure vetoed by him. In other words, it is an expression of his intention in performing a legislative act, and as such, it must be considered under the rules heretofore invoked in construing this bill and determining the final result.

#### Comparison of the Intention of the Legislature and the Governor.

From what we have said heretofore it appears that the Legislature of the State intended to make an appropriation for the Attorney General's Department for a period of two years; that the Governor in performing his legislative function in the exercise of the veto power, intended that the appropriation should be made for a period of two years for the support and maintenance of the Attorney General's Department. It there-

fore appears that the legislative department and the executive department, in exercising a legislative function, met in entire harmony as to their purpose and intention in enacting the appropriation bill for the Attorney General's Department. It matters not that there may be some ambiguities and contradictions in the appropriation, yet this intention is so manifest that the spirit of the act cannot be disregarded and surrendered to mere words which may have been inserted or left in the bill through inadvertence or mistake. We are not now construing this bill as an original proposition of law, but we are construing the measure after the Supreme Court of this State has definitely settled the question, that the Governor had the right to make the veto which he did make. We are not confronted with the proposition as to whether or not the Governor exercised the veto right in a constitutional way—that feature of the discussion has been settled by the Supreme Court of this State, and the only thing left us to determine is whether or not after the exercise of the veto power by the Governor in a constitutional way, the measure then is still capable of the construction that it was and is applicable to the support of the Attorney General's Department for two years? If it should be held that it is not so, then it is apparent that the Governor by his veto destroyed both his own and the legislative intention in the matter. If he did this, then it was manifestly a mistake and an error on his part, unintended and unintentional, and under the authority we have heretofore cited in Section 383 of Sutherland on Statutory Construction, in which it was held that where a manifest mistake had been made by the Legislature, that the court could supply the mistake, then we think it is conclusive that in this instance any mistake of the Legislature or the Governor in this matter may be rectified by the court and the bill made to read as it was manifestly intended that it should read by both the Legislature and the Governor.

The only thing in this bill which creates any doubt to the intention and purpose of the Legislature and the Governor is that the figures \$41,580 were left under the column headed August 31, 1912. If it be considered for a moment that the fact that this was so left is in contradiction of the express terms of the appropriation, towit: to be expended during the two fiscal years ending Au-

gust 31, 1912, and August 31, 1913, then the rule undoubtedly is that the last named feature of the appropriation must control, that is to say, the words "to be expended during the two fiscal years ending August 31, 1912, and August 31, 1913," are found later in the provisions of this particular appropriation and must, under the decisions, be held to supersede the mere designation of the years at the top of the columns; in other words, the effect of the decisions is, that the provision which is latest in position supersedes the other.

Sutherland on Statutory Construction, Sec. 349, p. 668.

Farmers Bank vs. Hale, 59 N. Y., 53. Weaver vs. Davidson county, 59 S. W., 1107.

In the case of the Farmers Bank vs. Hale, cited above, it was held that the second section of an act declared an intention directly opposed to the express provisions of the first section. The court in passing upon the question said:

"When different constructions may be put upon an act, one of which will accomplish the purpose of the Legislature and the other render it nugatory, the former should be adopted; but when the provisions of an act are such that to make it operative would violate the declared meaning of the Legislature, courts should be astute in construing it inoperative. The second question was treated in the nature of a proviso and controlling the previous section."

We append here a list of authorities in support of the proposition relied upon.

Parker vs. Ry. Co., 19 Pa. St. Rep., 219.

Gibbons vs. Brittenum, 56 Miss., 250.

Hand vs. Stapleton, 135 Ala., 162.

Ryan vs. The State, 5 Neb., 282.

In the case of Hand and others vs. Stapleton, cited above, the question was the construction of an act authorizing the removal of the county seat. It appeared from a consideration of the law under construction, that there was a contradiction between the last section of the act and the previous section. In passing upon the question, the Supreme Court of Alabama said:

"While it is true, as we have said, the first section of the act provides for the unconditional removal of the county seat, the tenth makes the removal conditional and must control. The rule is, as between conflicting sections of the same act, the last in the order of arrangement will control."

In the Gibbons case, *supra*, the matter under consideration was conflicting sections in the code of Mississippi. In passing upon the question, the court followed the rule here invoked, saying:

"Differences of time are to be disregarded in construing a code, if by disregarding them and looking at the work as whole harmony can thereby be produced; but if this proves impossible, if, after exhausting every scheme of reconciliation, there still remains a palpable and irrepressible conflict, we are compelled in the absence of anything else indicative of the legislative will, to determine it by adopting its latest declaration. \* \* \*

"It is a well settled rule of interpretation that although the subsequent statute be not repugnant in all its provisions to a prior one, yet if the later statute was clearly intended to prescribe the only rule that should govern in the case provided for, it repeals the original act."

(*Swann vs. Buck*, 40 Miss., 308.)

"The sections of the code giving the widow one-half prescribed a rule of division of the estate of the intestate different from and repugnant to that which gives her the entire estate and being later in date, must repeal it. So fundamental is the canon of construction which makes the later expression overrule the former one that it is well settled when the later clauses of the same section or of the same will destroy preceding ones, with which they are in conflict. *Potters Dwar. on Stat.*, 156, Note; 9 Bac. Ar. Tit. Stat. d., 277; *Harrington vs. Trustees*, 10 Wend., 550.

"If a later clause of a will qualified a preceding one, both can stand, but if the passages cannot be reconciled, the later must prevail, if it is equally relative to the testator's primary intention. *O'Hara on Wills*, Chap. 2, Sec. 11."

In the directions following the statement of the amount of money appropriated which the Governor crossed out, but which the Supreme Court has held he could not and did not veto, specific directions are found for the expenditure of money for the period of two years, as has been shown by several illustrations quoted therefrom, but which will appear more fully by reference to the bill itself, all showing that the funds specified as appropriated were to be spent during the period of two years. It will be found, too, that the period of time is written out in words and not specified

in figures as is specified at the column headings referred to and by which it has been claimed that the period of appropriation of this act is limited. It is a well known rule of construction that words when written out must prevail over figures when they have reference to the same subject matter. This is a rule followed generally in the commercial business, notably with banks in cashing checks and vouchers. It is equally a rule of law in construing written instruments. The general rule of construction is that where there is a conflict between words and figures, the words must prevail.

Weaver vs. Davidson Co., *supra*.

Warder vs. Millard, 8 Lea., 531.

Payne vs. Clark, 19 Mo., 152.

The rule we have here invoked with reference to the later clauses in the appropriation act controlling matter previously stated by the years as designated at the column headings, is a well-known rule in construction of laws, the rule being based upon the proposition that in the reading of a subject, matter near the close may be presumed to receive the last consideration, and if assented to, is a later conclusion. Slight circumstances preponderate when a question is at equipose. (*Sutherland on Statutory Construction*, Sec. 349, p. 669.)

#### Another Construction of the Veto.

We desire here to call your attention to a construction of veto messages, which has been approved, and which we think, in effect, is the same as the construction placed upon the veto of the Governor in this particular instance. It seems to us that the proper construction of the opinion of the Supreme Court in the case of Fulmore vs. Lane is, that while the Legislature made an appropriation of \$83,160 to the Attorney General's Department, that the Governor cut this appropriation in two, so that finally it was only \$41,580. This, as we have previously said, is undoubtedly the effect and holding of the Supreme Court of the State. There was, of course, but one appropriation for the Attorney General's Department, and the effect of the Governor's action was to cut this appropriation in half. So that by whatever principles of reason one may pursue, the final conclusion must be that the effect of the Governor's veto was to reduce the original appropriation by one-half. This veto has been approved

by the Supreme Court of this State, nor is this position without additional authority to support it.

In the case of Commonwealth vs. Barnett, 199 Pa., 162, the question under review was an appropriation bill which had been vetoed in part by the Governor. The Constitution of Pennsylvania is similar to our own, which authorizes the Governor to disapprove any item or items of any bill making appropriations of money, embracing distinct items, etc. The appropriation bill, when submitted to the Governor, made an appropriation of \$11,000,000 for two years for the support of the public schools of the commonwealth of Pennsylvania. The Governor approved the appropriation to the extent of ten million dollars and disapproved one million dollars thereof. The Governor of Pennsylvania, in passing upon this appropriation bill, said:

"I am compelled to reduce the appropriation to the common schools \$500,000 a year, amounting to \$1,000,000 in two years. \* \* \*

"The authority of the Governor to disapprove part of an item is doubted, but several of my predecessors in office have established precedents by withholding their approval from part of an item and approving other parts of the same item. Following these precedents, and believing that the authority which confers the right to approve whole of an item necessarily includes the power to approve part of the same item, I, therefore, approve of so much of this item which appropriates \$5,000,000 annually, making \$10,000,000 for the two years beginning June 1, 1899, and withhold my approval from \$500,000 annually, making \$1,000,000 for the two school years beginning June 1, 1899."

The above and foregoing are substantially the facts upon which the opinion of the court in the case named is based. The court held that the Governor had the right to execute the veto as he did execute it and that the appropriation was reduced from \$11,000,000 to \$10,000,000.

In view of this authority and in view of the holding of the Supreme Court of this State, which in effect in this particular instance is the same as that of the Pennsylvania court, it would not be proper for this department to give any other interpretation to the effect of the Governor's veto.

### Another Rule of Construction.

It has been noted that when the Governor vetoed that particular part of the appropriation bill referred to, he returned the bill to the Legislature; that the Legislature declined and refused to pass the original measure over the Governor's veto. Therefore, to that extent it made the Governor's action a part of its own action, or rather it approved the action of the Governor, after their attention had been directed to the matters pointed out in the Governor's veto message. Certainly it cannot be for a moment contended that the Legislature by acquiescing in the Governor's veto intended that there should be no appropriation for the Attorney General's Department for the year 1913. It must be presumed that the Legislature, and every member thereof, intended to perform his constitutional duty and to make an appropriation for the Attorney General's Department for two years. So, then, we have this rule of construction to enable us to determine the meaning of the appropriation bill as passed by the Legislature, as vetoed by the Governor, and as it finally existed when the Legislature declined to pass it over his veto. The rule referred to is the construction which the executive and legislative departments have placed upon a measure of their own enactment. It is an elementary rule that the courts will follow the construction of a statute which has been adopted by the Legislature, unless it is repugnant to sound rules of construction or the plain letter of the act.

*Ex parte Rodriguez*, 39 Texas, 705, 768.

*Snyder vs. Compton*, 87 Texas, 374.

"Where the construction of the Legislature occurred contemporaneously with the adoption of the Constitution and by those who had an opportunity to understand the intention of the instrument, it is not to be denied that a strong presumption exists that the construction rightly interprets the intention."

*State vs. McAlister*, 88 Texas, 284.

*Bagby vs. Bateman*, 50 Texas, 446.

*Smith vs. McGaughay*, 87 Texas, 61.

*Holmes vs. State*, 44 Texas, 631.

*Cook vs. Brown*, 45 Texas, 73.

By a review of the Supreme Court decisions of this State, the appropriation act and the Governor's veto has been before the Supreme Court of this

State, but this particular feature of it has not been construed, because it was not before the court. However, the Supreme Court of the State, in passing upon the question in the opinion of Judge Brown, 140 S. W., page 1082, said:

"We agree that the question whether the excess, if any, of the appropriation for 1911-1912 will be available in the succeeding year is not properly before this court; that question has not been decided, and no intimation to that effect was intended to be expressed in the former opinions. It is not the province of this court to decide upon rights which have not been presented to us, or upon questions which would in no way contribute to the proper determination of the issues presented here."

Then the court adds:

"The veto message being expressed in plain language, we must derive the meaning and effect of the veto from the language used by the Governor." (140 S. W., p. 1083.)

So it appears from the foregoing that the Supreme Court of the State has not passed upon the question here submitted, and we feel entirely at liberty to give that construction which appears to us to be reasonable and which from every consideration appears to have been the intention of the Legislature and of the Governor in performing their several duties in reference thereto. The construction we give is:

1. In harmony with the Governor's message calling the Legislature together to make an appropriation for two years.
2. It is in harmony with the caption of the appropriation bill.
3. It is in harmony with the first section of the bill.
4. It is in harmony with the bill as it passed the Legislature before reaching the Governor.
5. It is in harmony with the Governor's veto message which expressly stated the effect and purpose of the message.
6. It is in harmony with the express language of the appropriation bill after the same was vetoed.
7. It is in harmony with the necessities of the public service and with the belief that it was the intention of the Legislature to perform its constitutional duty.
8. It is not in conflict with the decision of the Supreme Court of this State.
9. It is in harmony with the opin-

ion of the Supreme Court of Pennsylvania in the Barnett case cited above.

10. It is in harmony with other items of appropriation in other Departments, as for instance under the appropriation for the Department of Insurance and Banking we find the following item:

"Office furniture, including shelving, one typewriter and calculating machine, to be expended in two years, \$1000"; the figures "\$1000" being placed in the column at the top of which is "for the years ending August 31, 1912."

In the Department of Education we find the following:

"For the support of public free schools for two years all the available free school fund arising from the interest or lease of school lands, interest on bonds, school taxes and all other sources of revenue to said fund," leaving the amount thereof blank as to the columns headed by the years ending August 31, 1912, and August 31, 1913.

So we might cite other instances of appropriations being made for two years embraced in a single item, although the item itself is placed under the 1912 column. In other words, the mere fact that the item of the appropriation is placed under either one or the other of the columns ought not to be the sole controlling factor in determining the purpose and intent of the Legislature, but is only to be considered as one of the factors, and if it be apparent from the bill that it was not intended as a limitation prohibiting the amount therein specified from being spent in another year, then, of course, it ought not to be so considered; and, under the rules of construction shown, the intent must be determined from the whole measure, not only from the language used, but from the purpose to be effectuated.

#### In Conclusion.

We, therefore, conclude, and we do not believe there is any other reasonable conclusion possible to be reached, that the unexpended portion of the appropriation made by the First Called Session of the Thirty-second Legislature for the Attorney General's Department is available for the year 1913, and that it was so intended to be by the Legislature and by the Governor in the performance of their several duties relative to the enactment of the law, and that any other construction would do violence to their intention and do violence to the presumption that the Legisla-

ture and the Governor intended to and did perform their constitutional duties.

Respectfully submitted,  
C. M. CURETON,  
First Office Assistant Attorney  
General.

This opinion has been passed upon, approved by the Department in executive session, and is now ordered recorded.

B. F. LOONEY,  
Attorney General.

(Speaker in the chair.)

#### HOUSE BILL NO. 61 WITH SENATE AMENDMENTS.

Mr. Taylor, by unanimous consent, called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

House bill No. 61, A bill to be entitled "An Act to amend Section 1, Chapter 40, Special Laws passed at the Regular Session of the Thirty-third Legislature, being 'An Act creating Rising Star Independent School District in Eastland county, Texas, providing for a board of trustees in said independent school district and conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed upon independent school districts and the board of trustees thereof; providing that the taxes assessed for the old Rising Star Independent School District for the year 1913 shall be collected and paid to the treasurer of said Rising Star Independent School District hereby established,' etc., and declaring an emergency."

The Speaker laid the bill before the House.

Question—Shall the House concur in the Senate amendments?

On motion of Mr. Taylor, the House concurred in the Senate amendments.

#### SUSPENDING JOINT RULE.

Mr. Kennedy called up from the Speaker's table, for consideration at this time, the report of the Committee on Rules recommending the adoption of Senate Concurrent Resolution No. 6, providing for the suspension of Joint Rule No. 11.

The Speaker laid the report before the House, and it was read.

Question—Shall the resolution reported be adopted?

Yea<sup>s</sup> and nays were demanded, and the resolution reported was adopted by the following vote:

Yea<sup>s</sup>—79.

Bagby.	Mendell.
Baker.	Morris of Victoria.
Bialock.	Murray.
Brown.	Neeley.
Burges.	Glander.
Burmeister.	Owsley.
Byrne.	Parker.
Calvin.	Parks.
Campbell.	Patton.
Chrestman.	Penry.
Coffey.	Ratliff.
Colquitt.	Reedy.
Cox of Delta.	Rich.
Cox of Ellis.	Rickerson.
Crisp.	Ridgell.
Cunningham.	Ritchie.
Davis.	Robbins.
Diffee.	Robertson.
Dove.	Rogers.
Dunn.	Rowell.
Flournoy.	Russell.
Fountain.	Savage.
Fuller.	Schwegman.
Gates.	Simpson.
Greer.	Spann.
Griggs.	Spradley.
Grindstaff.	Stone.
Haney.	Sullivan.
Harris.	Taylor.
Henry of Bowie.	Tiller.
Hill.	Tillotson.
Hornby.	Vannoy.
Householder.	Vickers.
Humphrey.	Wagstaff.
Hunter.	Watson of Hays.
Kennedy.	Watson of Mills.
Kirby.	Williams
Lane.	of McLennan.
Low.	Wortham.
Macgill.	

Nay<sup>s</sup>—26.

Allison.	Lewelling.
Barrett of Jones.	Long.
Barrett of Titus.	McAskill.
Bierschwale.	Morris of Coryell.
Burns.	Raiden.
Butler.	Reeves.
Cope.	Ross.
Craven.	Tarver.
Dickson.	Thompson.
Dodson.	Ussery.
Fields.	Williams
Foster.	of Hopkins.
Furrrh.	Woods of Navarro
Hagins.	

Present—Not Voting.

Nabours. Stephens.

Bartley.	Absent.
Bruce.	King.
Cooper.	McDaniel.
Gentry.	Paddock.
Haxthausen.	Roach.
Heilig.	Templeton.
Herder.	Tyson.
Hughes.	Wahrmund.
	Woods of Fisher.

## Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mills.
Glasscock.	Mulcahy.
Goodner.	Oliver.
Greenwood.	Webb.
Harp.	Yarbrough.
Jordan.	

## Paired.

Mr. Henry of Wichita (present), who would vote "nay," with Mr. Smith (absent), who would vote "yea."

## TO SUSPEND PARAGRAPH 5 OF RULE 18.

Mr. Kennedy moved to suspend paragraph 5 of Rule 18, providing that no vote shall be taken on the passage of a bill within the last twenty-four hours before final adjournment of the Legislature, except to correct an error therein, for the purpose of taking up Senate bill No. 34 for consideration.

Question—Shall the motion to suspend prevail?

Mr. Calvin moved the previous question on the motion to suspend, and the motion was duly seconded.

Question—Shall the main question be now ordered?

Yea<sup>s</sup> and nays were demanded, and the main question was ordered by the following vote:

Yea<sup>s</sup>—86.

Bagby.	Davis.
Baker.	Dickson.
Brown.	Diffee.
Burges.	Dodson.
Burmeister.	Dove.
Byrne.	Dunn.
Calvin.	Flournoy.
Campbell.	Fountain.
Chrestman.	Fuller.
Coffey.	Furrrh.
Colquitt.	Gates.
Cox of Delta.	Greer.
Cox of Ellis.	Griggs.
Crisp.	Grindstaff.
Cunningham.	Haney.

Harris.	Reedy.
Henry of Bowie.	Rich.
Henry of Wichita.	Rickerson.
Hill.	Ridgell.
Hornby.	Ritchie.
Householder.	Robbins.
Humphrey.	Robertson.
Hunter.	Rogers.
Kennedy.	Russell.
Kirby.	Savage.
Lane.	Schwegman.
Long.	Simpson.
Low.	Spann.
Macgill.	Spradley.
McAskill.	Stone.
Mendell.	Sullivan.
Morris of Coryell.	Taylor.
Morris of Victoria.	Thompson.
Murray.	Tiller.
Nabours.	Tillotson.
Neeley.	Vannoy.
Olander.	Vickers.
Owsley.	Wagstaff.
Parker.	Watson of Hays.
Parks.	Watson of Mills.
Patton.	Williams
Penry.	of McLennan.
Powell.	Wortham.

Nays—20.

Allison.	Hagins.
Barrett of Jones.	Lewelling.
Barrett of Titus.	Raiden.
Bierschwale.	Reeves.
Blalock.	Ross.
Burns.	Tarver.
Butler.	Ussery.
Cope.	Williams
Craven.	of Hopkins.
Fields.	Woods of Navarro
Foster.	

Present—Not Voting.

Stephens.

Absent.

Bartley.	McDaniel.
Bruce.	Paddock.
Cooper.	Roach.
Gentry.	Rowell.
Hæxthausen.	Smith.
Heilig.	Templeton.
Herder.	Tyson.
Hughes.	Wahrmund.
King.	Woods of Fisher.

Absent—Excused.

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mills.
Glasscock.	Mulcahy.
Goodner.	Oliver.
Greenwood.	Webb.
Harp.	Yarbrough.
Jordan.	

Question then recurring on the motion to suspend the rule, yeas and nays were demanded.

The motion to suspend prevailed by the following vote:

Yea—88.

Bagby.	Mendell.
Baker.	Morris of Coryell.
Blalock.	Morris of Victoria.
Brown.	Murray.
Burges.	Nabours.
Burmeister.	Neeley.
Byrne.	Olander.
Calvin.	Owsley.
Campbell.	Parker.
Chrestman.	Parks.
Coffey.	Patton.
Colquitt.	Penry.
Cox of Delta.	Powell.
Cox of Ellis	Raiden.
Crisp.	Ratliff.
Cunningham.	Reedy.
Davis.	Reeves.
Diffee.	Rich.
Dodson.	Rickerson.
Dove.	Ridgell.
Dunn.	Ritchie.
Flournoy.	Robbins.
Fountain.	Robertson.
Fuller.	Rogers.
Furrh.	Russell.
Gates.	Savage.
Greer.	Schwegman.
Griggs.	Simpson.
Grindstaff.	Spann.
Haney.	Spradley.
Harris.	Stone.
Henry of Bowie.	Sullivan.
Henry of Wichita.	Taylor.
Hill.	Thompson.
Hornby.	Tiller.
Householder.	Tillotson.
Humphrey.	Vannoy.
Hunter.	Vickers.
Kennedy.	Wagstaff.
Kirby.	Watson of Hays.
Lane.	Watson of Mills.
Long.	Williams
Low.	of McLennan.
Macgill.	Wortham.
McAskill.	

Nays—18.

Allison.	Foster.
Barrett of Jones.	Hagins.
Barrett of Titus.	Lewelling.
Bierschwale.	Ross.
Burns.	Tarver.
Butler.	Ussery.
Cope.	Williams
Craven.	of Hopkins.
Dickson.	Woods of Navarro.
Fields.	

Present—Not Voting.

Stephens

Absent.	Yeas—74.
Bartley.	McDaniel.
Bruce.	Paddock.
Cooper.	Roach.
Gentry.	Rowell.
Haxthausen.	Smith.
Heilig.	Templeton.
Herder.	Tyson.
Hughes.	Wahrmund.
King.	Woods of Fisher.
Absent—Excused.	
Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mills.
Glasscock.	Mulcahy.
Goodner.	Oliver.
Greenwood.	Webb.
Harp.	Yarbrough.
Jordan.	
SENATE BILL NO. 34 ON THIRD READING.	
The Speaker then laid before the House, on its third reading and final passage,	
Senate bill No. 34, A bill to be entitled "An Act to create and establish the county of Lott, in honor of Uriah Lott, taken from the existing territory of Duval county, prescribing its area and boundaries, providing that all laws and parts of laws in conflict herewith shall have no application, and declaring an emergency."	
The bill was read third time.	
Question—Shall the bill be passed?	
Mr. Burns raised a point of order on further consideration of the bill, on the ground that it is not a local bill.	
The Speaker overruled the point of order.	
Mr. Cope raised a point of order on further consideration of the bill, on the ground that notice of intention to apply for the passage thereof has not been published in the locality affected as required by the Constitution.	
The Speaker overruled the point of order.	
Mr. Lewelling appealed from the ruling of the Chair.	
Mr. Calvin was called to the chair pending the appeal.	
Question—Shall the ruling of the Chair be sustained?	
Mr. Terrell moved the previous question on the appeal, and the main question was ordered.	
Yea and nays were demanded, and the House sustained the ruling of the Chair by the following vote:	
Allison.	McAskill.
Bagby.	Mendell.
Baker.	Morris of Victoria.
Barrett of Jones.	Murray.
Brown.	Neeley.
Burges.	Olander.
Burmeister.	Owsley.
Byrne.	Parker.
Calvin.	Parks.
Campbell.	Patton.
Chrestman.	Penry.
Colquitt.	Powell.
Cooper.	Ratliff.
Cox of Delta.	Feeby.
Crisp.	Rich.
Cunningham.	Rickerson.
Diffee.	Ridgell.
Dodson.	Ritchie.
Dunn.	Robertson.
Flournoy.	Rogers.
Foster.	Ross.
Fountain.	Savage.
Gates.	Schwegman.
Greer.	Simpson.
Haney.	Spann.
Harris.	Stone.
Henry of Bowie.	Sullivan
Henry of Wichita.	Taylor.
Hill.	Thompson.
Hornby.	Tiller.
Humphrey.	Tillotson.
Hunter.	Vickers.
Kennedy.	Wagstaff.
Kirby.	Watson of Hays.
Lane.	Williams
Long.	of McLennan.
Low.	Wortham.
Macgill.	
Nays—29.	
Barrett of Titus.	Hcuseholder.
Blalock.	Lewelling.
Burns.	Morris of Coryell.
Coffey.	Nabours.
Cope.	Raiden.
Craven.	Reeves.
Davis.	Robbins.
Dickson.	Russell.
Dove.	Tarver.
Fields.	Ussery.
Fuller.	Vannoy.
Furrh.	Watson of Mills.
Griggs.	Williams
Grindstaff.	of Hopkins.
Hagins.	Woods of Navarro.
Present—Not Voting.	
Bierschwale.	Cox of Ellis.
Butler.	Stephens
Absent.	
Bartley.	Gentry.
Bruce.	Haxthausen.

Heilig.	Rowell.
Herder.	Smith.
Hughes.	Spradley.
King.	Templeton.
McDaniel.	Tyson.
Paddock.	Wahrmund.
Roach.	Woods of Fisher.

**Absent—Excused.**

Boehmer.	McKamy.
Broughton.	Mangum.
Collins.	Mills.
Glasscock.	Mulcahy.
Goodner.	Oliver.
Greenwood.	Webb.
Harp.	Yarbrough.
Jordan.	

(Speaker in the chair.)

Question recurred—Shall the bill be passed?

Yeas and nays were demanded, and Senate bill No. 34 was passed by the following vote:

**Yeas—82.**

Allison.	Long.
Bagby.	Low.
Baker.	Macgill.
Brown.	McAskill.
Burges.	Mendell.
Eurneister.	Morris of Victoria.
Byrne.	Murray.
Calvin.	Neeley.
Campbell.	Olander.
Chrestman.	Owsley.
Coffey.	Parker.
Colquitt.	Parks.
Cooper.	Patton.
Cox of Delta.	Penry.
Cox of Ellis.	Powell.
Crisp.	Ratliff.
Cunningham.	Reedy.
Diffie.	Rich.
Dodson.	Rickerson.
Dove.	Ridgell.
Dunn.	Ritchie.
Flournoy.	Robbins.
Fountain.	Robertson.
Fuller.	Rogers.
Gates.	Ross.
Greer.	Savage.
Griggs.	Schwegman.
Grindstaff.	Simpson.
Haney.	Spann.
Harris.	Stone.
Henry of Bowie.	Sullivan.
Henry of Wichita.	Taylor.
Hornby.	Thompson.
Householder.	Tiller.
Humphrey.	Tillotson.
Hunter.	Vannoy.
Kennedy.	Vickers.
Kirby.	Wagstaff.
Lane.	Watson of Hays.
Lewelling.	Watson of Mills.

Williams	Wortham.
of McLennan.	

**Nays—20.**

Mr. Speaker.	Furrh.
Barrett of Titus.	Hagins.
Bierschwale.	Karden.
Blalock.	Reeves.
Burns.	Russell.
Eutler.	Tarver.
Cope.	Ussery.
Craven.	Williams
Davis.	of Hopkins.
Fields.	Woods of Navarro.
Foster.	

**Present—Not Voting.**

Barrett of Jones.	Morris of Coryell.
Dickson.	Nabours.
Hill.	Stephens.

**Absent.**

Bartley.	Paddock.
Bruce.	Watson.
Gentry.	Rowell.
Haxthausen.	Spradley.
Heilig.	Templeton.
Herder.	Tyson.
Hughes.	Wahrmund.
King.	Woods of Fisher.
McDaniel.	

**Absent—Excused.**

Boehmer.	Mangum.
Broughton.	Willis.
Collins.	Mulcahy.
Glasscock.	Oliver.
Goodner.	Smith.
Greenwood.	Webb.
Harp.	Yarbrough.
Jordan.	
McKamy.	

**Reasons for Votes.**

I vote "yea" on creation of Dunn county in deference to my friendship for my colleague, Mr. Pat F. Dunn; however, I believe the bill creating said county is a local law, and no notice was published of intention to have such law passed at this session of the Legislature.

**GRIGGS.**

I voted "yea" solely for the purpose of moving a reconsideration, as I am very much opposed to the creation of this new county, and did all I could to defeat it. I am of opinion it means Mexican domination and control. I could not obtain recognition, although I desired it, to move a reconsideration. Another was recognized to move to reconsider and to table, which prevailed. I make this statement so that my vote may be understood.

**LEWELLING.**

**Reason for Not Voting.**

I decline to vote for the reason that it is now, at the time the roll is being called, 1:15 o'clock, Wednesday, August 20th, and the constitutional limit of thirty days fixed for a Special Session has expired, and this session of the Legislature has ended and no valid act can now be performed by this House. While the House clock shows 11 o'clock, the clock has been twice turned back by order of the Speaker of this House for one hour at each time.

HILL.

Mr. Ridgell moved to reconsider the vote by which Senate bill No. 34 was passed and to table the motion to reconsider.

The motion to table prevailed.

(Mr. Burges in the chair.)

**MESSAGE FROM THE SENATE.**

Senate Chamber,

Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate concurs in the House amendments to Senate bill No. 34.

Also passed the following bill:

House bill No. 74, A bill to be entitled "An Act to amend the drainage law of the State of Texas; declaring an emergency."

Respectfully,  
JOHN D. McCALL,

Assistant Secretary of the Senate.

(Speaker in the chair.)

**BILLS SIGNED BY THE SPEAKER.**

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

House bill No. 24, "An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, towit: State Orphans' Home, Confederate Home, Confederate Woman's Home, Blind Institute, Deaf and Dumb Institute, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institution for the Training of Juveniles, Tuberculosis Sanitarium at Carlsbad, State Lunatic Asylum, Southwestern Insane Asylum,

and North Texas Hospital for the Insane."

Senate bill No. 54, "An Act to validate certain settlement on and purchase of public free school land, and declaring an emergency."

House bill No. 78, "An Act providing for the abolition of drainage districts, heretofore organized, or that may hereafter be organized, under the general laws of the State of Texas, and providing a method for the creation of a trustee and treasurer to take charge of the property and effects of said abolished district, and for the collecting of claims or debts against such districts, and winding up the affairs thereof, and declaring an emergency."

House bill No. 2, "An Act making appropriations to pay the salaries and employes of certain departments and courts of the State and other expenses of maintaining and conducting them, as follows: Governor's Office, Mansion and Grounds, Department of State, State Revenue Agent, Public Buildings and Grounds, Department of Insurance and Banking, State Insurance Commission, Texas Library and Historical Commission, State Tax Board, State Purchasing Agent, Public Printing, Bureau of Labor Statistics, State Inspector of Masonry, Public Buildings and Works, Adjutant General's Department, State Board of Health, Game, Fish and Oyster Commissioner, Live Stock Sanitary Commission, State Mining Board, Pure Food Commission, State Pension Department, Attorney General's Department, Department of Education, Treasury Department, Comptroller's Department, General Land Office, Railroad Commission, Department of Agriculture, Board of Water Engineers, and State Levee and Drainage Commission."

House bill No. 84, "An Act to authorize the Governor to sell and conditionally relinquish to J. J. Kane of the city of Galveston, his heirs and assigns, or other persons, any right, title or claim the State of Texas has in and to certain flats, or lands under water, on the shores of Galveston bay, in Galveston county, for the purpose of the construction of a dry dock or marine railway, and authorizing the Governor of the State of Texas to make necessary conveyances, and declaring an emergency."

House bill No. 35, "An Act to amend Chapter 67 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to prohibit the interstate shipment and

transportation of intoxicating liquors, prohibiting any person, firm, corporation or any officer, agent or employe thereof, from delivering to any other person, firm, corporation or any officer, agent or employe thereof, any intoxicating liquor for shipment, transportation or carriage from any point within this State to any other point within this State; prohibiting any person, firm, corporation or any officer, agent or employe thereof from receiving for shipment, transportation or carriage, or from shipping, transporting, carrying or delivery any intoxicating liquor from any point within this State to any other person, firm or corporation, or any officer, agent or employe thereof, within this State; providing that this act shall not apply to any person personally carrying any intoxicating liquor from any point within this State to any other point within this State for the use of himself or members of his family residing with him; providing this act shall not apply to the transportation, carriage or delivery of intoxicating liquors to persons licensed under the laws of this State to sell spirituous, vinous or malt liquors; providing that this act shall not prohibit the shipment, transportation or delivery by persons licensed under the laws of this State to sell spirituous, vinous or malt liquors within the county or subdivision of a county in which such persons are authorized or licensed under the laws of this State to pursue such business; providing that this act shall not apply to the interstate shipment or delivery of intoxicating liquors; providing exception to this act for sacramental purposes; providing penalties for violation of the provisions of this act, repealing all laws in conflict herewith; providing that if any section or part of this act shall be held to be invalid that this act shall not invalidate any other part of this act; and declaring an emergency, and repealing Section 8, and providing for the shipment, transportation, carriage and delivery of alcohol to drug stores, hospitals, education or eleemosynary institutions of this State for scientific or medicinal purposes; and prohibiting the transportation, carriage and delivery of intoxicating liquor within this State or the shipment originating and beyond the limits as well as within this State, and declaring an emergency."

House bill No. 9, "An Act to regulate and supervise the sale and purchase in this State of all stocks, bonds or other

obligations of private, foreign and domestic corporations, organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of such stock, bonds or other obligation of such corporation or proposed corporation; and fixing commission and promotion fees allowed to be charged, and providing for services of process, examination fees and exempting certain corporations from the effect of this act, providing penalty for the violation of the provisions hereof, and declaring an emergency."

House bill No. 4, "An Act providing for the election of United States Senators from Texas to the Congress of the United States and providing for the selection and nomination of candidates therefor."

House bill No. 17, "An Act to provide for the incorporation and regulation of certain corporations generally known as building and loan associations; and for the government and control of the same; placing the same under the control and supervision of the Commissioner of Insurance and Banking; and providing for the admission in this State of foreign building and loan associations; and providing penalties for the violation of this act, and repealing all laws in conflict with this act."

House bill No. 38, "An Act to amend Article 7642 of Chapter 13, Title 126, Revised Statutes, 1911, providing for the redemption by the owner of lands or lots heretofore sold or that may hereafter be sold to the State, city or town for taxes, and declaring an emergency."

House bill No. 29, "An Act making appropriations to pay various miscellaneous claims against the State, and authorizing the payment of said miscellaneous items on the taking effect of this act, and declaring an emergency."

House bill No. 65, "An Act creating the Belcher Independent School District in Montague county, Texas, defining its boundaries, providing for a board of trustees to manage and control public free schools within said district, divesting the city of Belcher of the control of its public free schools, and the title of all properties now held and used for public free school purposes, investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only, under the General Laws of this State, and declaring an emergency."

House bill No. 79, "An Act to amend Articles 6678, 6681, 6682 and 6683, Re-

vised Civil Statutes of the State of Texas, revision of 1911, requiring railroad companies, receivers or trustees to furnish cars to shippers upon written demand, and providing penalties for their failure so to do; requiring such shippers to deposit with the agent or person to whom application is made one-fourth of the amount of freight charges to accrue for the use of such cars if demand be made therefor; requiring such applicants to load cars when so furnished within forty-eight hours after delivery of same, and providing penalties; requiring the parties to whom such cars are consigned to unload same within forty-eight hours after delivery and notice; requiring parties bringing suit against said railroad company, receiver or trustee for failure to furnish cars upon demand therefor to show that such cars would have been loaded, if furnished, within forty-eight hours after receipt of same, and declaring an emergency."

Senate bill No. 53, "An Act providing for a special district court for El Paso county, and declaring an emergency."

Senate bill No. 33, "An Act to authorize and empower San Patricio county or any political subdivision or any defined district now or hereafter to be described and defined, of said county by a vote of a two-thirds majority of the resident property taxpay-  
ers, qualified voters of such county or political subdivision, or any defined district now or hereafter to be described and defined, thereof, voting thereon to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, or any defined district now or hereafter to be described and defined, 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 declaring an emergency."

Senate bill No. 21, "An Act adding to and make a part of the Memphis Independent School District of Hall county, Texas, certain lands and territory adjoining thereto situate in Hall county, and adding thereto and making a part thereof certain lands and territory adjoining thereto, situate in the county of Collingsworth, and for school purposes; giving the board of trustees of said district power and jurisdiction over said lands and territory and the

inhabitants thereof; requiring such board of trustees to levy, assess, collect and pay into the Treasury annually a proportional part of a certain tax fund existing on part of said territory, and declaring an emergency."

House bill No. 54, "An Act to amend Section 5695, Revised Civil Statutes of 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's liens on real estate, and providing that said sections shall hereafter read as follows, and declaring an emergency."

Senate bill No. 46, "An Act to amend Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of the State of Texas of 1911, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers, and declaring an emergency."

Senate bill No. 40, "An Act to amend Article 911 of the Penal Code of the State of Texas, as amended at the Regular Session of the Thirty-third Legislature, Chapter 135, page 268, Acts of the Thirty-third Legislature, so as to prevent taking fish or terrapin by drag seine during the breeding season and to prevent seining and netting in all passes leading from Texas bay waters into the Gulf of Mexico, and in all streams and canals leading from one body of salt water to another body of salt water in the State of Texas; to empower the Game, Fish and Oyster Commissioner to close waters against seining and netting under certain conditions, and to prevent seining during the breeding season in salt waters, and providing penalty for the violation of this act, and declaring an emergency."

Senate bill No. 29, "An Act to prohibit the creation of deficiencies or debts in the name of the State by regents, directors, officers or members of governing boards of any of the educational or eleemosynary institutions of the State of Texas; to prohibit the making of any

contract or the creating of any debt inconsistent with existing laws, making invalid all such contracts and debts, prohibiting the diverting of funds, providing for penalties for violations of this act, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senate bill No. 23, "An Act to name the several counties composing the Sixty-third Judicial District and fix the time for holding district courts therein and to repeal all laws in conflict therewith, and declaring an emergency."

Senate bill No. 34, "An Act to create and establish the county of Lott in honor of Uriah Lott, taken from the existing territory of Duval county, prescribing its area and boundaries, providing that all laws and parts of laws in conflict herewith shall have no application, and declaring an emergency."

House bill No. 95, "An Act to amend Section 9 of the special road law for Montague county, passed at the Regular Session of the Thirty-third Legislature, relating to the salaries of the county commissioners."

House bill No. 89, "An Act to amend Chapter 37, Section 26, of the Special Laws of the Thirty-third Legislature, passed at the Regular Session, being a special road law for Hopkins county, and declaring an emergency."

House bill No. 61, "An Act to amend Section 1, Chapter 40, Special Laws passed at the Regular Session of the Thirty-third Legislature, being 'An Act creating Rising Star Independent School District in Eastland county, Texas, providing for a board of trustees in said independent school district and conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed upon independent school districts and the board of trustees thereof; providing that the taxes assessed for the old Rising Star Independent School District for the year 1913 shall be collected and paid to the treasurer of said Rising Star Independent School District hereby established, and declaring an emergency,' and declaring an emergency."

House bill No. 74, "An Act to amend Sections 7, 8, 23, 29, 36 and 61 of Chapter 118, General Laws, passed by the Regular Session of the Thirty-second Legislature, so that they shall hereafter read as follows, and adding thereto Sections 23a, 23b and 36a, said amended and added sections to change the present law in regard to the organization

and operation of drainage districts so as to give said districts more authority in the conduct and management of the affairs of the districts, reducing the fees allowed the county judges and county treasurers for approving and selling the bonds and handling the funds of the district, requiring drainage commissioners to render more frequent and complete reports of their official acts, and declaring an emergency."

House bill No. 44, "An Act to amend Chapter 5 of the Revised Criminal Statutes of Texas of 1911, and Title 131 of the Revised Civil Statutes of Texas of 1911; providing for the conduct of the business of public warehousemen, describing what constitutes such warehouse, and defining who shall be held to be public warehousemen; providing that all persons, firms and corporations or associations of persons shall obtain a certificate of authority from the county clerk of the county in which they intend to engage in said business of warehousemen, and defining the requisites of said certificate; providing that such warehousemen shall issue negotiable and non-negotiable receipts for property stored in such warehouses, and vesting the supervision of such public warehouses in the Commissioner of Insurance and Banking, and defining his duty with reference to such warehouses, and directing said commissioner to prescribe uniform public warehouse receipts for cotton; and requiring that any encumbrance on cotton stored in public warehouses shall be disclosed in the endorsement on the back of such negotiable receipt or certificate, and providing a penalty for failure to truthfully disclose such facts; preventing public warehousemen, by provisions inserted in their receipts from limiting their liability under the law; providing for the negotiability of receipts issued; providing a penalty for public warehousemen who violate the provisions of this act; providing the conditions under which private warehousemen may conduct such business; providing for the appointment of a board of cotton grading examiners and defining their duties; requiring public warehousemen storing cotton to employ a competent cotton classer, and affixing a penalty for failure to do so."

House bill No. 18, "An Act to repeal Article 6214 of the Revised Statutes of 1911; to amend Article 6215, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners of the State penitentiary system need not be paid for

Sunday labor; to amend Article 6220, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners worked on farms may be required to labor from sunrise to sunset, and amending Article 6223, Title 104, of the Revised Statutes of 1911, so as to provide that the State need not pay the transportation of discharged convicts to any point within the State, but only to the nearest depot to the point from whence sentenced, or an equal distance."

#### RELATING TO SIGNING HOUSE BILL NO. 18.

The Speaker of the House announced that he would sign in the presence of the House, House bill No. 18, an act to establish a prison system; whereupon Mr. Hill of Walker county made the point of order that the constitutional limit of thirty days for this Special Session of the Legislature had expired and that the Legislature could transact no business, it now being 1:40 o'clock a.m., August 20th.

The Speaker overruled the point of order.

#### PROVIDING FOR PRESERVING BLOCK PICTURE.

Mr. Haney offered the following resolution:

Whereas, The picture of the Thirteenth Legislature, which now adorns a part of the south wall of the House of Representatives, is becoming faded; and

Whereas, It is the sense of this House that the great liberators of Texas should be preserved in their exact likeness; therefore, be it

Resolved, That the Chief Clerk of the House be instructed to have said picture properly retouched, so that the picture will not fade, and the cost therefor paid out of the contingent fund of the House not to exceed twenty-five (\$25) dollars.

Signed—Haney, Henry of Wichita, Householder, Dunn, Ratliff, Grindstaff, Cunningham, Vickers, Kennedy, Rogers, Byrne, Reedy, Savage, Barrett of Titus, Coffee.

The resolution was read second time and was adopted.

#### PROVIDING FOR PEACE DAY.

Mr. Haney called up from the Speaker's table, for consideration at this time, the resolution offered this morning providing for observance of a peace day.

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

#### STATEMENT BY MR. LEWELLING.

I call attention to and make the point that it is now 2:25 o'clock Wednesday morning, August 20, 1913, and that the constitutional limit of thirty days for special legislative session expired at midnight last night and that this House has no further jurisdiction over this bill, Senate bill No. 34, and the Speaker has no right to sign Senate bill No. 34, and that this House has no further jurisdiction over this matter, because we have gone beyond the constitutional limit set for our session.

LEWELLING.

#### HOUSE NOTIFIED.

A committee from the Senate appeared at the bar of the House, and, being duly announced, notified the House that the Senate had completed its labors, and was ready to adjourn sine die.

#### COMMITTEES TO NOTIFY GOVERNOR AND SENATE.

Mr. Hill moved that two committees of three members each be appointed by the Speaker, one to notify the Governor and the other to notify the Senate, that the House has completed its labors, and is now ready to adjourn sine die.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following committees:

To notify the Governor: Messrs. Reeves, Cope and Allison.

To notify the Senate: Messrs. Hill, Bagby and Woods of Navarro.

#### SENATE NOTIFIED.

The committee appointed to notify the Senate appeared at the bar of the House and, being duly announced, stated that the duty had been performed.

#### GOVERNOR NOTIFIED.

The committee appointed to notify the Governor appeared at the bar of the House and, being duly announced, stated that the duty had been performed.

#### ADJOURNMENT SINE DIE.

Speaker Terrell announced that the hour, 12 o'clock midnight, having arrived, the First Called Session of the

Thirty-third Legislature had terminated by constitutional limitation, and pronounced the House adjourned without day.

Here the gavel fell.

## APPENDIX.

### REPORTS OF COMMITTEE ON ENROLLED BILLS.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 13, "An Act to amend Section 4, Chapter 150, of the laws enacted by the Thirty-third Legislature, Regular Session, entitled 'An Act to require applications under oath to be made for witnesses in felony cases; to provide adequate penalties against district clerks or his deputy for unlawfully issuing subpoenas in felony cases; to define the duties of the district judge with reference to sheriffs' accounts, and to provide for fees of witnesses residing in the county of the prosecution in felony cases, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,' and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 33, "An Act to reorganize the Thirty-fourth Judicial District of Texas; to regulate the time of holding the district courts in the various counties composing the Thirty-fourth Judicial District of Texas; providing for the returning of the process issued and to be issued by said courts; validating process heretofore issued by said courts, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 39, "An Act to prohibit the use of any imitation label, trade-mark, design, device, imprint or form of the flag of the State of Texas for advertising or commercial purposes, and prohibiting the offering or exposing for sale any article or commodity bearing such imitation, design, imprint or form of the flag of the State of Texas; fixing a penalty for violation thereof, repealing all laws in conflict herewith; fixing date when this bill shall go into effect, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 43, "An Act to fix the time for holding the terms of the district court in the Forty-seventh Judicial District, and to repeal all laws in conflict herewith, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 46, "An Act to amend Sections 3, 4 and 10 of Chapter 173 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, approved April 9, 1913, and entitled 'An Act relating to prospecting and developing minerals on land owned by the State of Texas, by the public free school fund and University and asylum funds, and upon such land as the State has heretofore sold or may hereafter sell with reservation of the mineral therein and upon such land as may have been

purchased with the waiver of mineral rights; and also the prospecting and development of minerals in fresh water lakes and in islands, bays, marshes, reefs and salt water lakes; relating to the disposition of the minerals and mineral rights therein; authorizing the lease of such lands and the mineral rights therein; providing royalties and other compensation to be paid to the State therefor; appropriating to certain funds the proceeds arising from such development; authorizing the adoption of rules and regulations to carry out the provisions of this act; prescribing terms upon which, and the method by which, access to mineral deposits may be acquired by condemnation or otherwise; repealing Chapter 1, Title 93, of the Revised Civil Statutes, adopted in 1911, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 47, "An Act to incorporate the Fruitvale Independent School District in Van Zandt county for free school purposes only; describing its boundaries; providing for a board of school trustees for the control and management of the said independent school district; prescribing the rights, powers, privileges and duties of the said Fruitvale Independent School District and its board of school trustees; vesting it with all the rights, powers, privileges and duties of a town or village incorporated under the general laws of this State for free school purposes; providing for a treasurer of school funds of the district, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 52, "An Act to amend the special road law for Smith county, Texas, passed at the Regular Session of the Thirty-third Legislature, and known as Chapter 70, Special Laws of the Thirty-third Legislature and creating an emergency, and providing for the suspension of the constitutional rule requiring all bills to be read on three several days."

Have carefully compared same and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 55, "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas; to fix the times for holding the terms of district court therein; to make all process heretofore issued as well as bonds and recognizances heretofore entered into conform thereto, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 56, "An Act creating the Port Aransas Independent School District, known as Common School District No. 8, in Nueces county, Texas, and including within its limits the municipal corporation of the town of Port Aransas; and defining its boundaries; and to provide for the creating of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers, and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support of said

schools, providing for a board of equalization and prescribing the duty and authority of said board, and further prescribing the duty and authority of the board of trustees, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this act, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 57, "An Act to amend Chapter 1, Title 11 of the Revised Civil Statutes of this State, of 1911, relating to attachments, by adding thereto Article 247a, providing for the issuance of attachments in suits against persons, copartnerships, associations or corporations upon whom personal service cannot be obtained within this State, founded in tort and upon unliquidated demands and providing for the fixing of the amount of bond in such cases, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 58, "An Act to amend Chapter 38, of the Special Laws of the Thirty-second Legislature, as amended by the Thirty-third Legislature, entitled 'An Act to create a more efficient road system for Wood county, etc.' by making it unlawful to injure or damage any public road in said county; prescribing penalties, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 59, "An Act to incorporate Thorndale School District in Milam and Williamson counties, as an independent school district, and to provide for the election of trustees, raising revenue by taxation, and issuing bonds for the erection of school buildings within in said district, and declaring an emergency,"

Have carefully compared same, and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 62, "An Act to change and prescribe the time for holding district court in the Forty-ninth Judicial District of Texas, and to repeal all laws in conflict herewith, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 60, "An Act to amend Sections 26 and 53 of Article 30 of Title 5, of the Revised Civil Statutes of Texas, 1911, and to change and prescribe the time for holding the district court in the Twenty-sixth Judicial District of the State of Texas, and the Fifty-third Judicial District of the State of Texas, and to define the jurisdiction of said courts, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third Judicial district courts, and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial district courts in and for Travis county, and to conform all writs, process, bonds, recog-

nizances and drawing of petit and grand juries of such courts to the changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 63, "An Act authorizing the city of Nacogdoches, a municipal corporation, to sell the United States of America, a portion of the Main Plaza for a Federal building site, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 73, "An Act to create a more efficient road system for Galveston county, Texas, and making county commissioners precinct road commissioners of their respective precincts, providing their compensation, defining their powers and duties, and declaring an emergency,"

Have carefully compared same, and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 75, "An Act creating the Copita Independent School District in Duval county, Texas; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes

only under the general law; providing for a board of trustees therefor, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 81, "An Act to repeal Chapter 121, Special Laws of the Regular Session of the Thirty-third Legislature, the same being a special road law for Liberty county, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 87, "An Act dividing Ridings Common School District No. 95 in Fannin county, Texas, into two common school districts, to be known as 'Ridings Common School District No. 95,' and 'Finley Common School District No. 126,' by a line running east and west across said Ridings Common School District No. 95, so as to give each of the newly created common school districts about an equal number of square miles of territory."

Have carefully compared same and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House Concurrent Resolution No. 9, creating national park out of fraction of the Mescalero Indian reservation,

Have carefully compared same and find it correctly enrolled, and have this

day, at 4 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 40, "An Act to amend Chapter 162 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to amend Chapter 24 of the Acts of the First Called Session of the Thirty-first Legislature of the State of Texas, entitled "An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experiment stations in certain parts of Texas; to provide for proper appropriations therefor, and repealing all laws in conflict herewith, and declaring an emergency," and providing further for a governing board for the Texas agricultural experiment station, defining the place of residence of the director of Texas experiment stations, and declaring an emergency'; providing for the payment of the salary of the director of said experiment stations, defining his powers and duties and also the powers and duties of the governing board; also providing that the Texas State agricultural experiment station located at College Station, Brazos county, Texas, at the Agricultural and Mechanical College of Texas, shall remain under the control of the Board of Directors of the Agricultural and Mechanical College, and authorizing the said board to receive from the Federal government the aid that has been or may hereafter be available for it under an act of Congress, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 4 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 78, "An Act providing for the abolition of drainage districts, heretofore organized, or that may hereafter be organized, under the general

laws of the State of Texas, and providing a method for the creation of a trustee and treasurer to take charge of the property and effects of said abolished district and for the collecting of claims or debts against such districts, and winding up the affairs thereof, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 8:45 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 54, "An Act to amend Article 5695, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's lien on real estate, and providing that said article shall hereafter read as follows, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 8:45 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 35, "An Act to amend Chapter 67 of the Acts of the Thirty-third Legislature, Regular Session, of the State of Texas, entitled 'An Act to prohibit the intrastate shipment and transportation of intoxicating liquors, prohibiting any person, firm, corporation or any officer, agent or employe thereof, from delivering to any other person, firm, corporation, or any officer, agent or employe thereof, any intoxicating liquor for shipment, transportation or carriage from any point within this State to any other point within this State; prohibiting any person, firm, corporation, or any officer, agent or employe thereof from receiving for shipment, transportation or carriage, or from shipping, transporting, carrying or delivering any intoxicating liquor from any

point within this State to any other person, firm or corporation, or any officer, agent or employe thereof, within this State; providing that this act shall not apply to any person personally carrying any intoxicating liquor from any point within this State to any other point within this State for the use of himself or member of his family residing with him; providing this act shall not apply to the transportation, carriage, or delivery of intoxicating liquors to persons licensed under the laws of this State, to sell spirituous, vinous or malt liquors; providing that this act shall not prohibit the shipment, transportation or delivery by persons licensed under the laws of this State to sell spirituous, vinous or malt liquors within the county or subdivision of a county in which such persons are authorized or licensed under the laws of this State to pursue such business; providing that this act shall not apply to the interstate shipment or delivery of intoxicating liquors, providing exceptions to this act for sacramental purposes; providing penalties for violations of the provisions of this act; repealing all laws in conflict herewith, providing if any section or part of this act shall be held to be invalid that that fact shall not invalidate any other part of this act, and declaring an emergency; and providing for the shipment, transportation, carriage and delivery of alcohol to drug stores, hospitals, educational or eleemosynary institutions of this State for scientific or medicinal purposes; and providing for the shipment, transportation, carriage and delivery to manufacturers or manufacturing establishments not manufacturing intoxicating liquors capable of being used as a beverage; and prohibiting the transportation, carriage and delivery of intoxicating liquors within this State on shipments originating from beyond the limits of this State where such shipment is intended to be received, possessed, sold, or in any manner used in violation of any law of this State; and providing penalties therefore; and also prohibiting any person, firm or corporation from soliciting or taking orders in any county, justice precinct, town, city or other subdivision of a county where the qualified voters thereof have by a majority vote prohibited the sale of intoxicating liquors; prohibiting the shipment, transportation, carriage and delivery of intoxicating liquors within this State, except within the territory within which

the sale of intoxicating liquors is permitted under the laws of the State, requiring a participant or accomplice to testify and exempting such witnesses from punishment; providing penalties for violations of the provisions of this act; and creating and defining certain offenses in violation of this act, prescribing the penalty and punishment therefor; repealing all laws in conflict herewith, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 8:45 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 50, "An Act to create a special district court for the Fifth Judicial District of Texas; to prescribe its jurisdiction, to limit its existence, to fix its terms, to conform all writs and process from said court to the district court in said district to such changes as are made in the jurisdiction of the said court by this bill, to empower the judge of said special district court, and the judge of the Fifth Judicial District to transfer cases from their respective courts to the other of said courts, to provide for the appointment of a judge for said special district court, to fix his salary and term of office, and making appropriation for payment of salary of the special judge, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 4 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 18, "An Act to establish a prison system and declaring the policy of the State with reference thereto; providing for the management and control of such prison system; providing for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners shall be permitted to testify as

qualified witnesses in certain instances; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the conduct and government of such prison system; providing for a Board of Prison Commissioners and a general manager and providing for their appointment and for the powers, duties and authority of said Prison Commissioners and general manager; and providing for the terms of service of the said board and said general manager, and fixing their compensation; providing that titles for all real estate and other property owned by the prison system shall vest in said prison system; providing for the appointment of an auditor for said prison system, and prescribing his duties; prescribing penalties for the violation of the provisions of this act; prescribing penalties for the selling or giving of intoxicating liquors or drugs to convicts; prescribing penalties for receiving money or other thing of value to secure pardon of convicts; declaring the wealth earned by the prison system over and above the cost of operation and maintenance to be the rightful property of the wife and child of said prisoners, if there be such wife and child, with certain exceptions, or, under certain circumstances of the prisoners themselves; providing for the classification of all prisoners and units of labor value, defining the word child for the purpose of this act; providing for the appointment of a guardian for the children of such prisoners where no guardian has been appointed, declaring that State prisoners are wealth-earning units held in trust by the State for the benefit of himself or herself or of his or her dependents; providing for the apportionment of the net proceeds of the prison system among the prisoners according to the value of service performed, and for the disposition of certain apportionment; providing for a prison labor fund and for the disposition of said fund; prescribing credits on terms of sentence of prisoners for good conduct; providing the manner in which prisoners may be classified, rewarded and punished; providing certain restrictions as to the purchase and sale of land for said prison system; fixing limitations upon expenditures of prison funds for certain purposes; making an appropriation for the use of the prison system; providing that all proceeds of the prison system shall be deposited in the State Treasury, and providing the manner in which same may be expended, and providing that if any part of this

act shall be declared invalid such declaration shall not effect any other provision hereof; providing that the provisions hereof shall not effect nor apply to the indeterminate sentence law except in certain cases; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 11 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 84, "An Act to authorize the Governor to sell and conditionally relinquish to J. J. Kane of the city of Galveston, his heirs and assigns, or other persons, any right, title or claim the State of Texas has in and to certain flats, or lands under water, on the to make necessary conveyances, and de-shores of Galveston bay, in Galveston county, for the purpose of the construction of a dry dock or marine railway, or other shipping purposes, and authorizing the Governor of the State of Texas claring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 8:45 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 9, "An Act to regulate and supervise the sale and purchase, in this State, of stocks of private, foreign and domestic corporations organized for profit, which propose to increase their capital stock; and to regulate and supervise the sale and purchase, in this State, of stocks of private, foreign and domestic corporations being organized and hereafter organized or proposed to be organized, for profit; and to regulate and supervise the offering or contracting for sale and purchase of such stock of such corporation or proposed corporation, and to fix commission and promotion fees allowed to be charged; and providing for service of process, exami-

nation fees, and exempting certain corporations from the effect of this act; providing penalty for the violation of the provisions of this act, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 11 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 38, "An Act to amend Article 7642, of Chapter 13, Title 126, Revised Statutes, 1911, providing for the redemption by the owner of lands or lots heretofore sold or that may hereafter be sold to the State, city or town for taxes, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 11 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 17, "An Act to provide for the incorporation and regulation of certain corporations generally known as building and loan associations; and for the government and control of the same; placing the same under the control and supervision of the Commissioner of Insurance and Banking; and providing for the admission into this State of foreign building and loan associations; and providing penalties for the violation of this act, and repealing all laws in conflict with this act, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 11 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 14, "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, towit: University of Texas, Agricultural and Mechanical College, State Experimental Station, Prairie View Normal, College of Industrial Arts for Women, Sam Houston Normal Institute, North Texas State Normal, Southwest Texas Normal School, and West Texas Normal School, and declaring an emergency.

Have carefully compared same, and find it correctly enrolled, and have this day, at 8:45 o'clock p. m., presented to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 2, "An Act making appropriations for the support of the State government for two years, beginning September 1, 1913, and ending August 31, 1915, and for other purposes, and prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the support of the State government for the year ending August 31, 1913, and to pay various miscellaneous claims against the State, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 11 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 79, "An Act to amend Articles 6678, 6681, 6682 and 6683, and adding Article 6683a, Revised Civil Statutes of the State of Texas, revision of 1911, requiring railroad companies, receivers or trustees to furnish cars to shippers upon written demand, and providing penalties for their failure so to do; requiring such shippers to deposit with the agent or person to whom application is made one-fourth of the amount of freight charges to accrue for

the use of such cars, requiring such applicants to load cars when so furnished within forty-eight hours after delivery of same, and providing penalties; requiring the parties to whom such cars are consigned to unload same within forty-eight hours after delivery and notice; requiring parties bringing suit against any railroad company, receiver or trustee for failure to furnish cars upon demand therefor to show that such cars would have been loaded, if furnished, within forty-eight hours after receipt of same, providing that the provisions of this act shall not affect the demurrage regulations of the Railroad Commission of Texas, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 11 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 4, "An Act providing for the election of United States Senators from Texas to the Congress of the United States; providing for the appointment of United States Senators by the Governor under certain conditions, and providing for the selection and nomination of candidates therefor, defining violations of this act, fixing the punishment therefor, and limiting the campaign expenses of candidates for United States Senators, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 11 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 29, "An Act making appropriations to may various miscellaneous claims against the State, authorizing the payment of said miscellaneous items on the taking effect of this act, making appropriations for deficiencies incurred in the support of the State gov-

ernment for the fiscal year ending August 31, 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 11 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 65, "An Act creating the Belcher Independent School District in Montague county, Texas, defining its boundaries, providing for a board of trustees to manage and control public free schools within said district, divesting the city of Belcher of the control of its public free schools, and the title of all properties now held and used for public free school purposes, investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only, under the General Laws of this State, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 11 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 44, "An Act to amend Articles 969, 970, 971, 972, 973, 974, 975, 976 and 977 of Chapter 5, Title 14 of the Penal Code of the Revised Criminal Statutes of Texas of 1911, and to amend Articles 7819, 7820, 7821, 7822, 7823, 7824, 7825, 7826 and 7827, Title 131 of the Revised Civil Statutes of Texas of 1911; providing for the conduct of the business of public warehousemen, describing what constitutes such warehouse, and defining who shall be held to be public warehousemen; providing that all persons, firms and corporations, or association of persons, shall obtain a certificate of authority from the county clerk of the county in

which they intend to engage in said business of warehousemen, and defining the requisites of said certificate; providing that such public warehousemen shall issue negotiable and non-negotiable receipts for property stored in such warehouses, and vesting the supervision of such public warehouses in the Commissioner of Insurance and Banking, and defining his duty with reference to such warehouses, and directing said Commissioner to prescribe uniform public warehouse receipts for cotton; and requiring that any encumbrance on cotton stored in public warehouses shall be disclosed in the endorsement on the back of such negotiable receipt or certificate, and providing a penalty for failure to truthfully disclose such facts; preventing public warehousemen, by provisions inserted in their receipts, from limiting their liability under the law; providing for the negotiability of receipts issued; providing a penalty for public warehousemen who violate the provisions of this act; providing the conditions under which private warehousemen may conduct such business; requiring public warehousemen storing cotton to employ a competent cotton classer and affixing a penalty for failure to do so, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 11 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 74, "An Act to amend Sections 7, 8, 23, 29, 36 and 61 of Chapter 118, General Laws passed by the Regular Session of the Thirty-second Legislature, so that they shall hereafter read as follows, and adding thereto Sections 23a, 23b, 36a and 36b, said amended and added sections to change the present law in regard to the organization and operation of drainage districts so as to give said districts more authority in the conduct and management of the affairs of the districts, reducing the fees allowed the county judge and county treasurers for approving and selling the bonds and handling the funds of the district, requiring drainage commissioners to render more frequent and complete reports

of their official acts, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 11 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 95, "An Act to amend Section 9 of the special road law for Montague county, passed at the Regular Session of the Thirty-third Legislature, relating to the salaries of the county commissioners, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 11 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 89, "An Act to amend Chapter 37, Section 26, of the Special Law of the Thirty-third Legislature, passed at the Regular Session, being a special road law for Hopkins county, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 11 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 61, "An Act to amend Section 1, Chapter 40, Special Laws, passed at the Regular Session of the Thirty-third Legislature, being 'An Act creating Rising Star Independent School District in Eastland county, Texas, providing for a board of trustees in said independent school district and conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now con-

ferred and imposed upon independent school districts and the board of trustees thereof; providing that the taxes assessed for the old Rising Star Independent School District for the year 1913 shall be collected and paid to the treasurer of said Rising Star Independent School District hereby established, and declaring an emergency, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 11 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

House bill No. 24, "An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State, and other expenses of maintaining and conducting them, as follows, towit: State Orphans' Home, Confederate Home, Confederate Woman's Home, Blind Institute, Deaf and Dumb Institute, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institution for the training of Juveniles, Tuberculosis Sanitarium at Carlsbad, State Lunatic Asylum, Southwestern Insane Asylum, and North Texas Hospital for the Insane, and State Training School for Girls, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 11 o'clock p. m., presented same to the Governor for his approval.

TILLOTSON, Chairman.

#### REPORT OF COMMITTEE TO CONSIDER MATTER OF GRANTING FURLoughS.

Austin, Texas, August 19, 1913.  
Hon. Chester H. Terrell, Speaker of the  
House of Representatives.

Dear Sir: The undersigned, the committee appointed by you to ascertain and report if it be practicable and permissible under existing conditions and law for inmates of the Confederate Home and the Home for Aged Women of the Confederacy to draw their pro rata share from the maintenance fund appropriated for the support of the home of which he or she may be an inmate while away

from the home on furlough, have given the matters of our appointment due consideration, and beg to report as follows:

First. We find the average number of persons on furlough during the year from the Confederate Home is 40.

Second. We find that none of the inmates from the Home get any part of the maintenance fund for the Home while away from it on furlough.

Third. We find that the monthly per capita from each inmate of the Confederate Home from the maintenance fund to be about \$16.

Fourth. We find that the real and true purpose of the people of Texas in establishing these homes is to give comfort and support to their honored but unfortunate inmates.

Therefore we find and so report:

First. That it is a great source of pleasure and a coveted privilege for most of the inmates of these homes to visit friends and relatives from time to time.

Second. We see no reason why each inmate of either home who desires to do so should not be permitted to leave the home on furlough as often as he or she may desire, and for as long a time as desired.

Third. We see no reason, unless the law prohibits it being done, why any inmate of either home should not be permitted to draw from the maintenance fund to which he or she belongs, an amount equal to that given as a pension to total disability pensioners each month, payable quarterly, that is, each three months. This, however, we think should not be done unless the furlough is for not less than three months, preferably for six months.

Fourth. It is our opinion that such a plan would result in great pleasure and benefit to many worthy aged men and women and in considerable saving to the State, the saving being between \$6 and \$8 per month on each person so furloughed. No furlough should be given unless asked for, and no one should forfeit his or her right to return to the home by reason of absence on furlough.

Fifth. We believe that this plan should be considered and adopted by the governing board of both homes; and that it can easily be carried out by the superintendent of the home giving immediate notice of each furlough granted, and of its cancellation, to the Pension Commissioner. Upon the receipt of the notice of each furlough granted by the Pension Commissioner he could place the person on furlough on the total disability pen-

sion roll, and thereafter so long as the furlough existed the holder of it could be paid out of the pension fund and the amount so paid could be by the Commissioner charged against, and deducted from, the maintenance fund for the home to which the furloughed person belongs.

Unless there are legal inhibitions against the foregoing findings and recommendations, we respectfully refer them to the proper authorities for adoption; and if there are legal inhibitions which prohibit them from being carried into execution, we respectfully urge their removal by the Thirty-fourth Legislature.

We further recommend that this report be printed in the Journal of the House and that the Chief Clerk of the House send a copy hereof to each member of the governing board of the Home for Confederate Veterans and of the Home for Aged Women of the Confederacy to the Commissioner of Pensions and to the superintendent of each of said homes.

Respectfully,  
REEDY, Chairman.  
LONG,  
MORRIS.

#### REPORT OF COMMITTEE ON MILITARY AFFAIRS.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: Your Committee of Military Affairs, to whom was referred simple resolution relating to peace day, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

WAHRMUND, Chairman.

#### REPORTS OF COMMITTEE ON EN-GROSSED BILLS.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 95, A bill to be entitled "An Act to amend Section 9 of the Montague county road law,"

And find the same correctly engrossed.  
HERDER, Chairman.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 74, A bill to be entitled "An Act to amend Sections 7, 8, 23, 29, 36 and 61, Chapter 118, General Laws of the Regular Session of the Thirty-second Legislature, in regard to drainage districts,"

And find the same correctly engrossed.  
HERDER, Chairman.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

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

House bill No. 89, A bill to be entitled "An Act to amend Chapter 37, Section 26 of the Hopkins county road law,"

And find the same correctly engrossed.  
HERDER, Chairman.

## REPORT OF COMMITTEE ON CONTINGENT EXPENSES—FIRST CALLED SESSION.

AUSTIN, TEXAS, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: We, your Committee on Contingent Expenses, beg leave to report that accounts have been allowed, approved and warrants issued for the following amounts during the First Called Session of the Thirty-third Legislature:

Date.	Warrant No.	To Whom Issued.	For What Purpose.	Amount.
1913				
July 24	1	W. L. Escaville.....	Stamps for members.....	\$1,000.00
July 24	2	W. L. Escaville.....	For box rent.....	136.92
Aug. 3	3	W. L. Escaville.....	Stamps for members.....	400.00
Aug. 1	4	Swan Furniture Co.....	Carpet for House.....	7.50
Aug. 1	5	Jno. W. Campbell.....	Com. Ex. Senator Kaufman funeral....	11.70
Aug. 1	6	Jas. H. Roach.....	Com. Ex. Senator Kaufman funeral....	23.20
Aug. 1	7	Chas. P. Macgill.....	Com. Ex. Senator Kaufman funeral....	22.20
Aug. 1	8	Roger Byrne.....	Com. Ex. Senator Kaufman funeral....	22.20
Aug. 1	9	H. B. Savage.....	Com. Ex. Senator Kaufman funeral....	20.30
Aug. 1	10	B. F. Wright, cashier.....	Meters for Lt. Gov. and Speaker's rooms.....	8.50
Aug. 1	11	W. L. Hill.....	Member Indeter-Sen. Com.....	408.30
Aug. 1	12	Texas Trust Co.....	Penitentiary expenses of Waverly Briggs, D. M. Reedy and F. L. Shelton.....	
Aug. 14	13	A. C. Baldwin & Sons.....	Penitentiary report.....	872.88
Aug. 15	14	Walter Tips.....	Brackets for House.....	.80
Aug. 15	15	D. M. Reedy (Bal.).....	Services Pen. Committee.....	141.90
Aug. 15	16	Austin El. Supply Co.....	Supplies for House of Representatives.....	22.45
Aug. 15	17	Calcasieu Lbr. Co.....	Lbr. for ice tables.....	8.22
Aug. 15	18	W. H. Richardson & Co.....	Tubs for House.....	4.50
Aug. 15	19	Germo Mfg. Co.....	Carboline for House.....	10.00
Aug. 15	20	Chatman Walker.....	Porter services, two days.....	4.00
Aug. 15	21	S. W. Tel. & Tel. Co.....	Phones for House.....	12.00
Aug. 15	22	L. K. Smoot.....	Services, keeping Supreme Court Library open for House.....	25.00
Aug. 15	23	A. S. Crisp.....	Telephone calls for Claims and Accounts Committee.....	.75
Aug. 15	24	Carl Assman.....	Work on desks, keys, etc.....	13.75
Aug. 15	25	H. B. Savage.....	Stamps Contingent Expense Committee work.....	2.00
Aug. 19	26	Douglas Williams.....	Laundry, Sergeant-at-Arms.....	2.00
Aug. 19	27	Hyde Park Floral Co.....	Wreath, E. Kaufman.....	25.00
Aug. 19	28	Carl Assman.....	Repairing locks, etc.....	3.75
Aug. 19	29	The Troy Laundry.....	Laundry.....	.75
Aug. 19	30	Daily Courier-Lt.....	Subscriptions.....	.50
Aug. 19	31	The Waco News.....	Subscriptions.....	.60
Aug. 19	32	Sun-Light Pub. Co.....	Subscriptions.....	.50
Aug. 19	33	The Enterprise Pub. Co.....	Subscriptions.....	1.00
Aug. 19	34	Temple Daily Tel.....	Subscriptions.....	.60
Aug. 19	35	Austin Tribune.....	Subscriptions.....	5.60
Aug. 19	36	L. J. Wortham, Mgr.....	Subscriptions.....	22.00
Aug. 19	37	Austin Statesman Co.....	Subscriptions.....	66.00
Aug. 19	38	Houston Chronicle.....	Subscriptions.....	12.50
Aug. 19	39	Houston Post.....	Subscriptions.....	34.50
Aug. 19	40	San Antonio Express.....	Subscriptions.....	48.00
Aug. 19	41	Gal.-Dallas News.....	Subscriptions.....	66.00
Aug. 19	42	Lone Star Ice Co.....	Subscriptions.....	143.32
Aug. 19	43	E. L. Steck.....	Printing.....	418.86
Aug. 19	44	E. L. Steck.....	Printing.....	5.06
Aug. 19	45	Jno. L. Martin.....	Supplies, fan and wiring.....	40.50
Aug. 19	46	E. L. Steck.....	Printing.....	4.88
Aug. 19	47	W. H. Richardson & Co.....	Supplies.....	17.70

We have issued warrants for all approved accounts, in amounts so approved, in many cases reducing them from their original amounts, and in addition to these warrants we have approved accounts of the Tobin's Book Store for supplies furnished the House, but no warrant has yet been issued for the amount, one thousand two hundred and sixteen dollars and twenty-nine cents (\$1,216.29).

The accounts of the Von Boeckmann-Jones Company, printing contractors, have not yet been filed with us, but will be approved later by the chairman of this committee and the Speaker.

SAVAGE, Chairman,  
CRAVEN,  
BIERSCHWALE,  
ROBBINS,

Contingent Expense Committee of the House.

## SUPPLEMENTARY REPORT OF COMMITTEE ON CONTINGENT EXPENSES.

AUSTIN, TEXAS, August 19, 1913.

Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: We, your Committee on Contingent Expenses, beg leave to report that accounts have been allowed, approved and warrants issued for the following amounts covering expenditures of the Regular Session of the Thirty-third Legislature, which were not filed with the committee in time to be acted upon before the adjournment of the Regular Session of the Thirty-third Legislature:

Date.	Warrant No.	To Whom Issued.	For What Purpose.	Amount.
1913				
April 2	259	J. L. Robinson.....	Postage, mailing Journals .....	\$50.00
April 9	260	D. L. M. Strowd.....	Illness, D. C. Kelley.....	75.00
April 9	261	A. P. Clark.....	Undertaker, D. C. Kelley.....	70.00
April 9	262	Dr. Rowe.....	Illness, D. C. Kelley.....	2.00
April 18	263	Fort Worth Record.....	Subscriptions to date.....	33.55
April 23	264	W. R. Long.....	Stamps, Irrigation Bill.....	30.00
May 2	265	J. L. Robinson.....	Postage, Journals.....	50.00
June 29	266	Croft Drug Co.....	Drugs, D. C. Kelley.....	10.00
May 29	267	Lavender & Mulkey.....	Drugs, D. C. Kelley.....	9.40
May 29	268	Dr. R. W. Halton.....	Illness, D. C. Kelley.....	28.00
May 29	269	J. W. Park, M. D.....	Illness, D. C. Kelley.....	24.00
May 29	270	J. F. Arnold.....	Nurse, D. C. Kelley.....	23.00
June 6	271	A. M. Kennedy.....	Manual work.....	250.00
June 21	272	Lavender & Mulkey.....	Drugs, D. C. Kelley.....	7.10
June 21	273	Geo. Mendell, Jr.....	Piano, Memorial Service.....	6.00
Aug. 2	274	Geo. P. Herder.....	Expenses Appropriation Committee, Regular Session.....	28.15
Aug. 13	275	S. W. Tel. & Tel. Co.....	Messages .....	1.91
				<b>\$698.11</b>

SAVAGE,  
HERDER,  
ROBBINS,  
CRAVEN,  
BIERSCHWALE,  
Contingent Expense Committee of the House.

## REPORT OF SERGEANT-AT-ARMS.

Austin, Texas, August 29, 1913.

Hon. H. B. Savage, Chairman Committee on Contingent Expenses, House of Representatives.

Sir: The following is a statement of stamp account for the First Called Session of the Thirty-third Legislature:

Amount bought for the First Called Session of the Thirty-third Legislature ..... \$1,352 00

## Amount of Stamps Purchased.

July 28 by warrant drawn \$1000, and discounted at 4 per cent ..... \$ 960 00

July 31 by warrant drawn \$400, and discounted at 2 per cent ..... 392 00

Total ..... \$1,352 00

July 28 to stamps bought.... \$ 960 00  
July 31 to stamps bought.... 392 00

Total ..... \$1,352 00

By stamps sold to members and officers, statement attached ..... \$1,237 83

By stamps on hand and turned over to Journal Clerk..... 114 17

Total ..... \$1,352 00

## Stamps Sold to Members and Officers.

Chester H. Terrell.....	\$ 5 00
Matt F. Allison.....	9 80
W. T. Bagby.....	9 80
S. S. Baker.....	9 80
T. J. Barrett of Jones.....	9 60
Julius Barrett of Titus.....	9 60
T. M. Bartley.....	1 50
William Bierschwale .....	9 60
M. G. Blalock.....	9 60
J. O. Boehmer.....	9 60
Z. Broughton .....	9 60
E. R. Brown.....	9 60
E. L. Bruce.....	9 60
Richard F. Burges.....	3 00
Frank H. Burmeister.....	9 60
R. T. Burns.....	9 60
W. R. Butler.....	9 60
Roger Byrne .....	9 60
E. A. Calvin.....	9 60
John W. Campbell.....	9 60
E. M. Chrestman.....	9 60
Joe F. Coffey.....	9 60
T. G. Collins.....	50

Dr. L. A. Colquitt.....	9 60
S. Bronson Cooper, Jr.....	6 00
W. D. Cope.....	9 80
G. J. Cox of Delta.....	9 60
W. E. Cox of Ellis.....	9 60
G. O. Craven.....	9 80
A. S. Crisp.....	9 60
Dr. John Cunningham.....	9 60
John E. Davis.....	9 60
D. W. Dickson.....	9 60
W. O. Diffie.....	9 80
E. M. Dodson.....	9 60
D. C. Dove.....	9 80
Pat F. Dunn.....	9 60
M. C. Fields.....	9 60
John W. Flournoy.....	9 60
T. L. Foster.....	9 60
Dr. J. L. Fountain.....	9 60
F. O. Fuller.....	9 60
J. B. Furrh.....	9 60
Sam Gates .....	9 60
G. N. Gentry.....	9 60
Dr. W. B. Goodner.....	9 60
James Greenwood .....	9 60
H. R. Greer.....	1 00
R. S. Griggs .....	9 60
E. H. Grindstaff.....	9 60
A. J. Hagins.....	9 60
W. L. Hall.....	9 60
Edgar P. Haney.....	9 60
D. Leon Harp.....	9 60
Eugene L. Harris.....	8 00
August Haxthausen .....	9 60
G. A. Heilig.....	9 60
Lewie H. Henry of Bowie....	9 60
Patrick Henry, Jr., of Wichita	9 60
George Herder .....	3 00
W. L. Hill.....	9 60
H. P. Hornby.....	9 60
Sam B. Householder.....	9 60
John D. Hughes.....	3 00
R. B. Humphrey.....	9 80
Sam J. Hunter.....	9 60
H. P. Jordan.....	9 60
A. M. Kennedy.....	9 80
W. W. King.....	9 60
John H. Kirby.....	1 00
Hunter P. Lane.....	9 60
John B. Long.....	9 60
S. D. W. Low .....	9 60
Chas. P. Macgill.....	9 60
D. A. McAskill.....	9 60
E. A. McDaniel.....	9 80
E. P. Mangum.....	9 60
George W. Mendell.....	8 63
Charles H. Mills.....	9 60
J. H. Morris of Coryell.....	9 60
Leopold Morris of Victoria...	9 60
R. T. Mulcahy .....	9 80
A. C. Murray.....	9 80
W. R. Nabours.....	9 60
W. E. Neeley.....	9 60

Rev. O. E. Olander.....	9 60	Supplies bought for the First Called Session of Thirty- third Legislature .....	1,233 29
Geo. F. Oliver.....	9 60		
Alvin M. Owsley.....	9 60		
Daniel Parker .....	1 00		
J. W. Parks.....	9 60		
Nat Patton .....	9 60	Supplies delivered to members and receipted for by them..	709 49
L. C. Penry.....	1 50		
Dr. R. G. Powell.....	9 60	Supplies furnished officers and clerks and receipted for by	
J. M. Raiden.....	9 60	them .....	301 67
W. H. Ratliff.....	9 60		
D. M. Reedy.....	9 60	Balance on hand at the close of	
Ice B. Reeves.....	9 60	the First Called Session of	
J. M. Rich.....	9 60	the Thirty-third Legislature	230 86
J. M. Rickerson.....	9 60		
T. B. Ridgell.....	9 60		
E. B. Ritchie.....	9 80		
Jas. H. Roach.....	9 60	I hereby attach statement of accounts of the members, officers and clerks:	
A. C. Robbins.....	9 60		
O. B. Robertson.....	9 60	Supplies Furnished Members.	
A. D. Rogers.....	9 60		
T. S. Ross.....	5 00	Chester H. Terrell.....\$ 11 91	
T. D. Rowell.....	9 60	Matt F. Allison..... 5 75	
A. T. Russell.....	9 60	S. S. Baker..... 2 25	
H. B. Savage.....	9 60	T. J. Barrett of Jones..... 1 20	
Bernard Schwegman .....	9 60	Julius Barrett of Titus..... 2 90	
J. E. Simpson.....	5 00	T. M. Bartley..... 1 78	
Asher R. Smith.....	9 60	William Bierschwale .....	1 19
C. D. Spann.....	9 60	M. G. Blalock..... 6 30	
Charles M. Spradley.....	9 60	Z. Broughton .....	3 07
J. J. Stephens.....	9 60	E. R. Brown..... 98	
C. L. Stone.....	9 60	E. L. Bruce..... 2 50	
R. L. Sullivan.....	9 60	Richard F. Burges..... 77	
W. A. Tarver.....	9 80	Frank H. Burmeister..... 5 35	
H. P. Taylor.....	9 60	R. T. Burns..... 5 85	
R. L. Templeton.....	9 60	W. R. Butler..... 2 35	
E. E. Thompson.....	9 60	Roger Byrne .....	2 57
F. L. Tiller.....	7 50	E. A. Calvin..... 4 89	
Leonard Tillotson .....	2 00	John W. Campbell..... 3 35	
R. R. Tyson.....	9 60	E. M. Chrestman..... 4 30	
J. W. Ussery .....	9 60	Joe F. Coffey..... 7 52	
J. J. Vannoy.....	9 80	T. G. Collins..... 90	
Fred T. Vickers.....	9 60	Dr. L. A. Colquitt..... 2 00	
J. M. Wagstaff.....	9 80	S. Bronson Cooper, Jr..... 4 05	
Otto Wahrmund .....	9 60	W. D. Cope..... 10 20	
Daniel Watson of Hays.....	9 80	G. J. Cox of Delta..... 3 47	
A. R. Watson of Mills.....	9 60	W. E. Cox of Ellis..... 2 45	
J. L. Webb.....	9 60	G. O. Craven..... 1 55	
R. R. Williams of Hopkins...	9 60	A. S. Crisp..... 19 19	
N. B. Williams of McLennan.	9 60	Dr. John Cunningham..... 5 25	
John W. Woods of Fisher....	9 80	John E. Davis..... 11 34	
J. H. Woods of Navarro.....	9 60	D. W. Dickson..... 3 40	
Louis J. Wortham.....	9 60	W. O. Diffie..... 5 20	
J. L. Yarbrough.....	9 60	E. M. Dodson..... 80	
W. R. Long.....	5 00	D. C. Dove..... 6 55	
W. L. Escavaille.....	5 00	Pat F. Dunn..... 2 00	
		M. C. Fields..... 7 50	
Total .....	\$1,237 83	John W. Flournoy..... 5 35	
		T. L. Foster..... 5 76	
Stationery and Supplies.		Dr. J. L. Fountain..... 4 61	
Brought forward from the Reg- ular session of the Thirty- third Legislature .....	\$ 7 73	F. O. Fuller..... 5 47	
		J. B. Furrh..... 2 74	
		Sam Gates .....	1 61
		G. N. Gentry..... 3 10	

Dr. W. B. Goodner.....	8 75	A. T. Russell.....	4 00
James Greenwood .....	1 75	H. B. Savage.....	2 66
H. R. Greer.....	5 07	Bernard Schwegman .....	7 75
R. S. Griggs.....	4 40	J. E. Simpson.....	7 50
E. H. Grindstaff.....	8 35	Asher R. Smith.....	7 95
A. J. Hagins.....	7 20	C. D. Spann.....	5 37
W. L. Hall.....	6 35	Charles M. Spradley.....	6 65
Edgar P. Haney.....	13 84	J. J. Stephens.....	6 60
D. Leon Harp.....	10 42	C. L. Stone.....	13 61
Eugene L. Harris.....	6 02	R. L. Sullivan.....	6 04
August Haxthausen .....	2 80	W. A. Tarver.....	6 75
G. A. Heilig.....	8 60	H. P. Taylor.....	6 45
Lewie H. Henry of Bowie.....	2 08	R. L. Templeton.....	6 55
Patrick Henry, Jr., of Wichita	12 66	E. E. Thompson.....	4 75
George Herder .....	2 35	F. L. Tiller.....	5 02
W. L. Hill.....	4 51	Leonard Tillotson .....	3 93
H. P. Hornby.....	6 16	R. R. Tyson.....	30
Sam B. Householder.....	8 63	J. W. Ussery.....	12 12
John D. Hughes.....	98	J. J. Vannoy.....	8 85
R. B. Humphrey.....	10 10	Fred T. Vickers.....	3 10
Sam J. Hunter.....	6 20	J. M. Wagstaff.....	50
H. P. Jordan.....	11 26	Daniel Watson of Hays.....	4 45
A. M. Kennedy.....	4 21	A. R. Watson of Mills.....	1 20
W. W. King.....	2 25	J. L. Webb.....	13 41
John H. Kirby.....	8 65	R. R. Williams of Hopkins...	2 15
Hunter P. Lane.....	2 60	N. B. Williams of McLennan..	1 05
Dwight L. Lewelling.....	9 32	John W. Woods of Fisher...	12 43
John B. Long.....	10 15	J. H. Woods of Navarro.....	1 75
Chas. P. Macgill.....	4 35	Louis J. Wortham.....	1 53
D. A. McAskill.....	75	J. L. Yarbrough.....	10 80
E. A. McDaniel.....	2 27	Total .....	\$ 709 49
W. C. McKamy.....	80	Supplies Furnished Officers and Clerks.	
E. P. Mangum.....	2 75	C. F. Gunther.....\$ 11 16	
George W. Mendell.....	8 25	Miss Blanch Hillyer..... 16 93	
Charles H. Mills.....	1 35	Ed Graham .....	13 05
J. H. Morris of Coryell.....	2 55	Miss Grace Ward..... 9 11	
Leopold Morris of Victoria.....	18 00	B. M. Montgomery .....	14 66
R. T. Mulcahy.....	75	T. B. Reese.....	2 80
A. C. Murray.....	2 33	Miss Sallie Kate Logan..... 12 85	
W. R. Nabours.....	5 95	Miss Mary Johnson..... 5 95	
W. E. Neeley.....	11 80	E. J. Martin.....	14 83
Rev. O. E. Olander.....	3 48	Miss Allie Smith..... 9 94	
Geo. F. Oliver.....	80	Miss Minnie Ramsey..... 6 98	
Alvin M. Owsley.....	9 27	T. L. Shelton.....	5 29
Daniel Parker .....	1 45	Laten Stansberry .....	14 55
J. W. Parks.....	3 50	Miss Virgie Turner..... 9 85	
Nat Patton .....	17 89	Miss Mattie Eanes..... 7 85	
L. C. Penry.....	3 75	T. G. Eisenlohr..... 4 60	
Dr. R. G. Powell.....	80	Miss Hallie McKellar..... 7 90	
J. M. Raiden.....	3 61	Louis Porter .....	8 19
W. H. Ratliff.....	96	Ralston P. Haun.....	1 80
D. M. Reedy.....	8 55	Miss Maggie E. Wright..... 10 94	
Ice B. Reeves.....	4 96	Miss Myrtle Bryant..... 9 46	
J. M. Rich.....	9 90	Miss Mary Goldstein..... 8 00	
J. M. Rickerson.....	3 35	N. K. Brown.....	7 80
T. B. Ridgell.....	6 60	Miss A. Tony.....	10 34
E. B. Ritchie.....	2 15	A. J. Weaver.....	9 10
Jas. H. Roach.....	3 51	Miss Jennie Kirk.....	7 32
A. C. Robbins.....	4 31	Miss Elizabeth Martin.....	9 61
O. B. Robertson.....	1 30	Paul D. Casey.....	12 15
A. D. Rogers.....	1 10	J. L. Robinson.....	4 85
T. S. Ross.....	1 80		
T. D. Rowell.....	2 40		

John Butts .....	7 00
Mrs. J. L. McCarty.....	7 46
J. T. Robison.....	7 65
W. R. Long.....	11 70
	\$ 301 67

Stationery and Supplies Left on Hand at  
the Close of First Called Session of  
Thirty-third Legislature.

27 wire baskets.....\$	13 23
11 galvanized tubs.....	9 25
18 ink wells.....	9 00
24 letter files.....	12 00
14 dusters .....	21 00
1 water cooler.....	7 00
5 rolls of towel paper.....	4 50
7½ quarts of Thomas mucilage	4 05
4 quarts Stafford black ink...	3 00
15 brooms .....	11 25
162 large blotters.....	2 65
7000 No. 10 envelopes.....	18 00
1000 No. 6½ envelopes.....	2 60
1 quart of red ink.....	1 70
¼ of box toilet paper.....	10 00
3½ dozen pencil protectors.....	2 10
19 dozen assorted key rings...	5 40
4 boxes of carbon.....	18 00
3 reams onion skin.....	1 00
600 bill covers.....	7 68
2 clothes brushes.....	1 00
9 dozen penholders.....	10 80
½ dozen pencil erasers.....	30
1 box pens.....	75
5 bottles TXX oil.....	50
5 dozen indelible pencils.....	6 00
18 boxes paper fastners.....	4 50
5 boxes clips.....	1 75
6 memorandum books.....	90
1 box pins.....	25
2 TXX brushes.....	30
14 dozen Mongol pencils.....	15 40
5 reams of second sheets.....	1 00
48 pads letter paper.....	24 00
	\$ 230 86

## Receipt of Journal Clerk for Postage.

Austin, Texas, August 28, 1913.

Received from W. L. Escavaille, Sergeant-at-Arms of the House of Representatives, stamps to the amount of \$114.17.

J. L. ROBINSON,  
Journal Clerk, House of Representatives.

## Receipt of Secretary of State for Supplies.

Austin, Texas, August 29, 1913.

Received of W. L. Escavaille, Sergeant-at-Arms, First Called Session,

Thirty-third Legislature, the following articles, towit:

20 Cane baskets.
73 Old wire baskets.
27 New wire baskets.
100 Bill files.
87 Journal files.
11 Galvanized tubs.
4 Tin buckets.
100 Old ink wells.
18 New ink wells.
24 Letter files.
16 Feather dusters.
3 Water coolers.
2 Neostyles—No. 5.
5 Rolls of towel paper.
7 ½ Qt. bottles Thomas' mucilage.
7 New enamel cuspidors.
4 Qt. bottles Stafford's ink.
1 Qt. bottle red ink.
14 Brooms.
2 Journal or bill punches.
162 Blotters—19x24.
6½ M No. 10 House printed envelopes.
1 M No. 6½ House printed envelopes.
¼ Box of toilet paper.
23 Pencil point protectors.
18 Dozen assorted key rings.
4 Full boxes carbon paper.
3 Reams onion skin typewriter paper.
600 Printed bill covers.
2 Clothes brushes.
7 Dozen "Premier" penholders.
2½ Dozen "Ready" penholders.
½ Dozen "Ruby" erasers.
6 Rolls pins.
¼ Pounds loose pins.
5 Bottles typewriter oil.
5 Dozen copying pencils.
16 boxes "Star" paper fasteners.
5 Boxes paper clips.
½ Dozen memorandum books.
1 Full box pen points.
4 Comet erasers.
2 Typewriter brushes.
8 Dozen "Mongol" lead pencils.
2 Reams railroad manilla paper, 8½x11.
3 Reams white second sheets, 8½x11.
48 Pads ruled printed House letter-heads.
9 Electric sockets.
1 Pair scales.
10 Stationery trays.

D. A. GREGG,  
Acting Secretary of State.

## Receipt of Superintendent of Public Buildings and Grounds for Furniture, Etc.

Austin, Texas, August 29, 1913.

Received of W. L. Escavaille, Sergeant-

at-Arms, First Called Session Thirty-third Legislature, the following articles, towit:

Sergeant-at-Arms' Office.

- 1 flat top desk.
- 2 revolving chairs.
- 2 leather lined chairs.
- 2 plain chairs.
- 4 plain tables.
- 1 stenographer's table.
- 2 stationery cabinets.
- 1 newspaper file.
- 1 water cooler.
- 4 water pitchers.
- 3 tin buckets.
- 1 large waste basket.
- 2 small waste baskets.
- 3 brooms.
- 1 dustpan.
- 10 gallons carboline.
- 3 gallons Germo.
- 124 paper composition cupidores.
- 12 metal cupidores.
- 4 enameled cupidores.

Chief Clerk's Room.

- 2 combination writing desks.
- 3 long cloth covered tables.
- 1 stationery cabinet.
- 1 oak chair.
- 25 stenographer's tables.

Gallery.

- 428 seats—some broken and in bad state of repair.
- 1 old chair.
- 2 broken chairs.

House Committee Rooms Nos. 10 and 11.  
Enrolling and Engrossing Department.

- 2 stenographer's tables.
- 1 typewriter table.
- 3 oak chairs.
- 2 stenographer's chairs.
- 1 letter or bill copying press.
- 1 revolving chair.
- 3 oak tables.
- 1 combination writing desk.
- 1 leather lined chair.
- 12 plain chairs. •

Hall of the House.

- 142 desks.
- 146 revolving chairs.
- 1 Speaker's table.
- 6 settees.
- 1 Reading Clerk's desk or stand.
- 3 flat top desks.
- 2 tables.
- 2 bill files and tables.
- 1 revolving stool.

House Committee Room No. 4.

- 4 oak tables.
- 3 leather lined chairs.
- 2 stenographer's tables.
- 1 student's lamp.
- 1 stationery basket.
- 2 writing cabinets.
- 1 water cooler and table.
- 2 tin buckets.
- 1 water pitcher.
- 3 small waste baskets.
- 1 large waste basket.
- 1 dustpan.
- 1 broom.
- 8 cupidores.

House Committee Room No. 3.

- 1 Oak table.
- 26 Oak chairs—small.
- 15 Oak chairs—large.

House Committee Room No. 2.

- 20 Oak chairs—small.
- 51 Leather-lined chairs.
- 15 Plain chairs.
- 1 Plain table.

House Committee Room No. 1.

- 1 Old washstand.
- 1 Old writing desk.

Enrolling Room No. 1.

- 1 Plain table.
- 18 Oak chairs—small.
- 17 Oak chairs—large.
- 25 New straight back oak chairs.
- 23 Plain chairs.
- 2 Stenographer's chairs.

Enrolling Room No. 2.

- 5 Tables for water coolers.
- 6 Combination fan and ice tables.
- 1 Long table—in bad condition.
- 1 Writing table.

Reception Room.

- 1 Oak table.

Speaker's Office.

- 1 Roller top desk.
- 1 Flat top desk.
- 1 Library table.
- 1 Revolving chair.
- 1 Davenport.
- 2 Rocking chairs.
- 5 Parlor chairs.
- 1 Carpet.
- 1 Rug.
- 1 Waste basket.

**Speaker's Private Room.**

1 Brass bed.  
1 Dresser.  
1 Wardrobe.  
1 Chiffonier.  
1 Mattress and spring.  
1 Bolster.  
1 Pillow.  
2 Quilts.  
4 Parlor chairs.  
1 Plain chair.  
1 Water cooler.  
1 Washstand.  
1 Broom.  
1 Tin bucket.  
2 Cuspidors.  
1 Screen.  
1 Table for water cooler.

2 Pairs lace curtains.  
2 Velvet curtains.  
1 Carpet.

18 Buzz fans.  
6 Two-light plugs.  
6 Receptacles.  
420 Feet of lamp cord.

A. B. CONLEY,  
Superintendent of Public Buildings  
and Grounds.

The foregoing report is respectfully  
submitted.

W. L. ESCAVAILLE,  
Sergeant-at-Arms, House of Repre-  
sentatives.



# HOUSE AND SENATE BILLS AND RESOLUTIONS—HISTORY OF.

## HOUSE BILLS, HISTORY OF IN THE HOUSE (In numerical order)—

(Note.—First number following subject indicates page where introduced, read first time, referred to committee and entered in the Journal.)

1. By Mr. Wortham: Making appropriations for the support of the Judicial Department of the State Government for two years, 3.—Favorable report, 26.—Taken up, 20.—Read second time, passed to engrossment, 22.—Read third time, 25.—Passed, 26.—Reported engrossed, 86.—Returned from the Senate, 164.—House concurs in the Senate amendments, 170.—Signed, 193.—Reported enrolled, 213.
2. By Mr. Wortham: Making appropriations for the support of certain departments of the State Government for two years, 3.—Taken up on second reading, 43.—Taken up on engrossment, 44, 90, 100, 109, 111.—Read second time, passed to engrossment, 114.—Read third time, passed, 131.—Reported engrossed, 135.—Returned from the Senate, 231.—House requests conference committee, 239.—Senate grants request, 257.—House adopts report of conference committee, 392.—Senate reports adoption of conference committee report, 430.—Signed, 517.—Reported enrolled, 529.
3. By Mr. Kirby: Providing for the election of United States Senators from Texas, 3.—Adverse report, 26.—Ordered printed, 28.
4. By Mr. Kennedy: Providing for the election of United States Senators from Texas, 3.—Favorable report, 86.—Read second time, 134.—Taken up on engrossment, 138.—Passed to engrossment, 144.—Reported engrossed, 158.—Read third time, passed, 160.—Returned from Senate, 231.—House requests conference committee, 241.—Senate grants request, 257.—Senate reports adoption conference committee report, 341.—House adopts report,

## HOUSE BILLS, HISTORY OF IN THE HOUSE—continued.

- 369.—Signed, 518.—Reported enrolled, 530.
5. By Mr. Reedy: Providing a system of laws for the regulation and control of the penitentiaries of the State, 3.
6. By Mr. Wortham: Providing for the retirement of \$500,000 in bonds issued by the State of Texas, 24.
7. By Mr. Templeton: Providing for the election of United States Senators from Texas, 25.
8. By Mr. Kennedy: Providing for the disposition of fines paid to the State by the Standard Oil Co., 27.
9. By Mr. Williams of McLennan, Mr. Byrne, Mr. Reedy, and Mr. Hill: Regulating the sale of stocks and bonds, 40.—Favorable report, 123.—Read second time, 162.—Taken up, 164, 215, 229, 240, 256.—Passed to engrossment, 261.—Read third time, passed, 289.—Reported engrossed, 298.—Returned from Senate, 447, 474.—Senate requests return, request granted, 459.—House concurs in Senate amendments, 481.—Signed, 518.—Reported enrolled, 528.
10. By Mr. Tillotson: Regulating the sale of stocks, bonds, etc., 41.
11. By Mr. Henry of Wichita and Mr. Haney: Requiring applications of corporations for permits to be examined and approved by the Attorney General, 41.
12. By Mr. Ussery: Requiring written evidences of indebtedness given for a patent right consideration to state on the face the consideration for which they are given, 41.
13. By Mr. Penry: Relating to the payment of witnesses, 41.—Favorable report, 106.—Read second time, 160.—Passed to engrossment, 161.—Read

**HOUSE BILLS, HISTORY OF IN THE HOUSE—continued.**

- third time, passed, 169.—Reported engrossed, 173.—Returned from the Senate, 280.—House requests conference committee, 290.—Senate grants request, 293.—Senate reports adoption conference committee report, 311.—House adopts report, 339.—Signed, 442.—Reported enrolled, 522.
14. By Mr. Wortham: Making appropriations for the support of the State educational institutions for two years, 41.—Favorable report, 93.—Read second time, set as special order, 114.—Taken up, 117, 120.—Passed to engrossment, 122.—Read third time, 145.—Passed, 146. — Reported engrossed, 150.—Returned from the Senate, 231.—House requests conference committee, 239.—Senate grants request, 257.—House adopts report of conference committee, 401.—Senate adopts report, 402.—Signed, 475.—Reported enrolled, 532.
15. By Mr. Woods of Navarro: Regulating the sale of stocks, bonds, etc., 87.—Ordered printed, 238.
16. By Mr. Fuller: Making it an offense to represent in this State a corporation not granted a permit to do business in Texas, 87.—Favorable report, 106.—Read second time, held out of order, not relating to a subject submitted by the Governor for legislation, 171.
17. By Mr. Penry: Relating to the incorporation of building and loan associations, 87.—Favorable report, 235.—Read second time, 277.—Passed to engrossment, 280.—Read third time, passed, 315.—Reported engrossed, 318.—Returned from the Senate, 447.—Signed, 518.—Reported enrolled, 529.
18. By Mr. Humphrey and others: Relating to the regulation and control of the State penitentiaries, 96.—Favorable report, 173.—Set as special order, 162.—Read second time, 175.—Taken up on engrossment, 183, 195.—Passed to engrossment, 212.—Read third time, 224.—Passed, 228.—Reported engrossed, 234.—Returned from the Senate, 277.—House requests conference committee, 281.—Senate grants request, 306.—Report of House conferees, 429.—Senate reports adoption of conference committee report, 482.—

**HOUSE BILLS, HISTORY OF IN THE HOUSE—continued.**

- House adopts report, 497.—Signed, 520.—Reported enrolled, 527.
19. By Mr. Humphrey and Mr. Fuller: Providing a system of laws for the regulation and control of the State penitentiaries, 97.
20. By Mr. Ratliff: Regulating the sale of stocks, bonds, etc., 107.—Adverse report, 317.
21. By Mr. Ridgell: Regulating the sale of stocks, bonds, etc., 107.—Adverse report, 317.
22. By Mr. Hill: Prescribing conditions upon which certain corporations may obtain permits to do business in Texas, 124.—Favorable report, 235.—Read second time, passed to engrossment, 340.
23. By Mr. Spann, Mr. Allison, and Mr. Diffie: Amending the provisions of the General Laws of the Thirty-third Legislature relating to the fees of witnesses, 124.—Adverse report, 173.—Ordered printed, 223.
24. By Mr. Wortham: Making appropriations for the support of the State eleemosynary institutions for two years, 124.—Favorable report, 125.—Set as a special order, 146.—Taken up, 148.—Read second time, passed to engrossment, 150. — Reported engrossed, 158.—Read third time, passed, 160.—Returned from the Senate, 262.—House requests conference committee, 306.—Senate grants request, 311.—House adopts report of conference committee, 422.—Senate adopts report, 402.—Signed, 517.—Reported enrolled, 532.
25. By Mr. Humphrey: Making appropriations for the payment of certain indebtedness of the State prison system and for the support of same, 136.
26. By Mr. Tillotson and Mr. Diffie: Providing a system of laws for the regulation and control of State penitentiaries, 136.
27. By Mr. Henry of Wichita: Relating to the control and management of the State institution for the training of juveniles, 137.—Favorable report, 150.—Read second time, passed to engrossment, 171.—Reported en-

**HOUSE BILLS, HISTORY OF IN THE HOUSE—continued.**

grossed, 213.—Read third time, 228.—Passed, 229.—Returned from the Senate, 277.—Signed, 345.—Reported enrolled, 350.

28. By Mr. Morris of Victoria: Regulating the operation of investment companies in this State, 74.—Adverse report, 317.

29. By Mr. Wortham: Making appropriations to pay miscellaneous claims against the State of Texas, 174.—Favorable report, 213.—Set as a special order, 228.—Taken up as a special order, 240.—Taken up on engrossment, 241.—Read second time, passed to engrossment, 247.—Read third time, passed, 261.—Reported engrossed, 272.—Returned from the Senate, 341.—House requests conference committee, 346.—Senate grants request, 346.—House adopts report of conference committee, 470.—Senate adopts report, 453.—Signed, 518.—Reported enrolled, 530.

30. By Mr. Haney and Mr. Coffey: Prescribing conditions upon which foreign corporations may be granted permits to do business in this State, 183.

31. By Mr. Reedy: Relating to the disposal of convict-made goods, 194.—Favorable report, 235.

32. By Mr. Cope: Relating to the redemption and sale of certain penitentiary bonds, 194.—Re-referred, 223.—Adverse report, 235.

33. By Mr. Harris: Reorganizing the Thirty-fourth Judicial District, 222.—Favorable report, 235.—Ordered not printed, 228.—Read second time, passed to engrossment, 240.—Reported engrossed, 252.—Read third time, passed, 253.—Returned from the Senate, 322.—Signed, 442.—Reported enrolled, 522.

34. By Mr. Kennedy: Regulating the sale of intoxicating liquors, 222.

35. By Mr. Allison: Prohibiting the interstate shipment of intoxicating liquors into local option territory of this State, 222.—Favorable report, 290.—Ordered not printed, 274.—Set as a special order, 313.—Read second time, 329.—Taken up on engrossment, 341.—Passed to engrossment, 345.—

**HOUSE BILLS, HISTORY OF IN THE HOUSE—continued.**

Read third time, passed, 355.—Returned from the Senate, 430.—House concurs in the Senate amendments, 437.—Reported engrossed, 444.—Signed, 517.—Reported enrolled, 526.

36. By Mr. Allison: Regulating the hours of closing saloons, 233.—Favorable report, 299.—Read second time, passed to engrossment, 338.—Read third time, passed, 356.—Reported engrossed, 444.

37. By Mr. Ridgell: Providing for the service of citation upon non-resident defendants, 233.

38. By Mr. Mendell: Providing for the redemption of lands heretofore sold for taxes, 233.—Favorable report, 234.—Read second time, passed to engrossment, 293.—Read third time, passed, 315.—Reported engrossed, 318.—Returned from the Senate, 447.—Signed, 518.—Reported enrolled, 529.

39. By Mr. Wortham: Relating to the use of any imitation of the Texas flag for commercial purposes, 233.—Favorable report, 235.—Ordered not printed, 231.—Set as a special order, 251.—Read second time, passed to engrossment, 275.—Reported engrossed, 298.—Read third time, passed, 302.—Returned from the Senate, 323.—House concurs in the Senate amendments, 331.—Signed, 442.—Reported enrolled, 522.

40. By Mr. Burmeister: Relating to the management and control of the agricultural experiment stations, 236.—Favorable report, 252.—Read second time, passed to engrossment, 267.—Read third time, passed, 289.—Reported engrossed, 296.—Returned from the Senate, 333.—House requests conference committee, 340.—Senate grants request, 346.—House adopts report of conference committee, 427.—Senate adopts report, 429.—Signed, 475.—Reported enrolled, 526.

41. By Mr. Foster: Pleading the credit of the State to the payment of certain penitentiary bonds, 236.—Favorable report, 317.

42. By Mr. Reedy: Relating to the shipment of intoxicating liquors into local option territory, 236.

## HOUSE BILLS, HISTORY OF IN THE HOUSE—continued.

43. By Mr. Greer: Fixing the time for holding the terms of court in the Forty-seventh Judicial District, 237.—Favorable report, 251.—Ordered not printed, 254.—Read second time, passed to engrossment, 265.—Read third time, passed, 282.—Reported engrossed, 296.—Returned from the Senate, 322.—Signed, 442.—Reported enrolled, 532.
44. By Mr. Calvin, Mr. Fields and Mr. Dove: Providing for the establishment of a public warehouse system, 237.—Favorable report, 252.—Read second time, passed to engrossment, 290.—Read third time, passed, 315.—Reported engrossed, 318.—Returned from the Senate, 440.—House requests conference committee, 455.—Senate grants request, 460.—Vote reconsidered, House concurs in Senate amendments, 475.—Signed, 520.—Reported enrolled, 530.
45. By Mr. Allison: Providing for the organization of colonization companies, 237.
46. By Mr. Rowell, Mr. Blalock and Mr. Furrh: Relating to the development of minerals in the public lands of the State, 238.—Favorable report, 299.—Read second time, passed to engrossment, 291.—Reported engrossed, 318.—Read third time, passed, 326.—Returned from the Senate, 341.—Signed, 442.—Report enrolled, 522.
47. By Mr. Chrestman: Creating the Fruitvale Independent School District, 238.—Favorable report, 252.—Ordered not printed, 254.—Read second time, passed to engrossment, 266.—Read third time, passed, 283.—Reported engrossed, 296.—Returned from the Senate, 322.—Signed, 442.—Reported enrolled, 523.
48. By Mr. Fuller: Making it a penal offense to represent foreign corporations not permitted to do business in this State, 238.—Favorable report, 271.—Ordered not printed, 254.
49. By Mr. Woods of Fisher: Compelling children within certain age limits to attend school, 247.
50. By Mr. Henry of Bowie and Mr. Rowell: Creating a special district court for the Fifth Judicial District,

## HOUSE BILLS, HISTORY OF IN THE HOUSE—continued.

- 247.—Favorable report, 270.—Ordered not printed, read second time, passed to engrossment, 267.—Read third time, passed, 284.—Report engrossed, 296.—Returned from the Senate, 322.—House concurs in Senate amendments, 423.—Signed, 475.—Reported enrolled, 527.
51. By Mr. Calvin: Providing for the establishment of a public warehouse system, 248.—Favorable report, 270.—Set as a special order, 276.—Taken up on second reading, read second time, killed, 307.
52. By Mr. Reedy: Amending the special road law for Smith county, 248.—Favorable report, 271.—Ordered not printed, 254.—Read second time, passed to engrossment, 266.—Read third time, passed, 284.—Reported engrossed, 297.—Returned from the Senate, 322.—Signed, 442.—Reported enrolled, 523.
53. By Mr. Hill: Relating to the suit of the Imperial Sugar company against the State, 248.—Favorable report, 317.—Ordered not printed, 254.—Taken up on second reading, 336.—Read second time, passed to engrossment, 337.—Reported engrossed, 349.—Read third time, passed, 356.
54. By Mr. Wagstaff and Mr. Woods of Fisher: Relating to the renewal and extension of liens, 249.—Favorable report, 272.—Ordered not printed, 254.—Read second time, 294.—Passed to engrossment, 338.—Reported engrossed, 349.—Read third time, passed, 358.—Returned from Senate, 440.—Signed, 519.—Reported enrolled, 526.
55. By Mr. Dunn: Reorganizing the Twenty-eighth Judicial District, 249.—Ordered not printed, 254.—Read second time, passed to engrossment, 266.—Read third time, passed, 285.—Reported engrossed, 297.—Returned from the Senate, 322.—Signed, 442.—Reported enrolled, 523.
56. By Mr. Dunn: Creating the Port Aransas Independent School District, 249.—Favorable report, 271.—Ordered not printed, 254.—Read second time, passed to engrossment, 266.—Read third time, passed, 303.—Reported engrossed, 319.—Returned from the Sen-

**HOUSE BILLS, HISTORY OF IN THE HOUSE—continued.**

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57. By Mr. Ridgell and Mr. Hunter: Relating to the issuance of writs of attachment, 249.—Favorable report, 272.—Ordered not printed, read second time, passed to engrossment, 307.—Reported engrossed, 319.—Read third time, passed, 327.—Returned from the Senate, 370.—Signed, 442.—Reported enrolled, 524.

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