THIRTEENTH DAY.

Hall of the House of Representatives,
Austin, Texas,
Saturday, August 6, 1910.

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

Speaker Marshall in the chair.

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

Adams.
Anderson.
Aston.
Baker of Hood.
Baker of Panola.
Ballengee.
Barrett.
Bartlett.
Bell.
Bierschwale.
Bogard.
Bostic.
Boswell.
Bowles.
Branch.
Briscoe.
Brooks.
Brookshire.
Brownlee.
Buchanan.
Byrne.
Cable.
Canales.
Cathey.
Caves.
Cox.
Craven.
Crawford.
Crockett of Mitchell.
Currey.
Davis.
Dotson.
Driggers.
Elliott.
Fant.
Fitzhugh.
Flournoy.
Fuller.
German.
Gilmore.
Goodman.
Graham.
Hamilton of Childress.
Hamilton of McCulloch.
Harman.
Haxthausen.
Highsmith.
Hill.
Humphrey.
Hunt.
Jackson.
Jennings.
Johnson.
Johnston.
Keeble.
Kennedy.
Lawson.
Lee.
Lively.
Looney.
Luce.
Maddox.
Mason.
Matthews.
Maxwell.
McCallum.
McDaniel.
McDonald.
McGown.
McKinney.
McLain.
Minton.
Moller.
Morris.
Munson.
Nelson of Hopkins.
Nelson of Kaufman.
Nickels.
O'Bryan.
O'Bryant.
Odom.
Pearson.
Perkins.
Pharr.
Porter.
Rabb.
Ray.
Rayburn.
Reedy.
Reid.
Roach.
Robertson of Bell.
Robertson of Travis.
Ross.
Schluter.
Schofield.
Self.
Spradley.
Stamps.
Standifer.
Stephenson.
Stepter.
Strickland.
Tarver.
Terrell of Bexar.
Terrell of Cherokee.
Tillotson.
Turner.
Turney.
Vaughan.
Wahrmund.
Walter.
Watson.
Werner.
Wilburn.
Wilson.
Wortham.
Yantis.

Absent.

Chaney.
Crisp.
Cureton.

Absent—Excused.

Brown.
Crockett of Washington.
Dalby.
Leach.
Ralston.
Roberson of Erath.
Smith.
Stead.
Stratton.
Von Rosenberg.

A quorum was announced present.

Prayer by Rev. W. J. Joyce, Chaplain.

LEAVE OF ABSENCE GRANTED.

On account of important business:

Mr. Stratton for today, on motion of Mr. Lee.

Mr. Smith indefinitely, on motion of Mr. Tarver.

On account of sickness:

Mr. McDonald for yesterday, on motion of Mr. Maddox.

Mr. Roberson of Erath indefinitely, on motion of Mr. Flournoy.

INVITING HON. O. B. COLQUITT TO ADDRESS HOUSE.

Mr. Bell offered the following resolution:

Whereas, Several distinguished citizens of this State have been invited to address the members of the House, but no invitation has yet been extended to our distinguished nominee for Governor, Hon. O. B. Colquitt, to deliver an address; and

Whereas, It is desired that the members of the House shall have an opportunity to hear this eminent statesman discuss the issues of the day; therefore, be it

Resolved by the House of Representatives, That Hon. O. B. Colquitt be invited to address the House at such time as may suit his convenience.

BELL,
WILSON.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Ray offered the following amendnt to the resolution:
Amend by adding: "After the State ıvention."
On motion of Mr. Bell, the amendıt was tabled.
Mr. Baker of Hood offered the folving amendment to the resolution:
Strike out "at his convenience" and bstitute "8:30 p. m."
On motion of Mr. Schluter, the ıendment was tabled.
Question recurring on the resolution, was adopted.

BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence the House, after giving due notice ıereof, and its caption had been read, ıe following bill:
House bill No. 5, "An Act to prohibit ıe exhibition of prize fights or glove ontests and any obscene, indecent or nmoral show or exhibition by means of ıoving picture films, bioscopes, magic ınterns or other devices in moving picıre shows, theaters, or any other place hatsoever, by any association, corporaion or any agent or employe of any peron, association, corporation or receiver, rm or person; providing penalties herefor, and declaring an emergency; nd to repeal all laws in conflict with his act; and providing that this act hall in no way repeal or be in conlict with Chapter 10, Articles 1005 and 005a of the Penal Code of Texas, and leclaring an emergency."

MOTION TO RECONSIDER VOTE ON HOUSE BILL NO. 20.

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

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

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

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

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

(Speaker in the chair.)

Question—Shall the motion to reconsider prevail?

BILL ORDERED NOT PRINTED.

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

MESSAGE FROM THE GOVERNOR.

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

Executive Office,
State of Texas.

Austin, Texas, August 6, 1910.

To the Legislature:

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

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

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

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

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

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

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

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

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

HOUSE BILLS ON FIRST READING.

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

By Mr. Crockett of Mitchell:

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

time of holding court in each of the counties of said Seventieth Judicial District, and to declare an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Gilmore, Mr. Nelson of Kaufman, and Mr. Currey:

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

Referred to Committee on Appropriations.

By Mr. Ballengee, Mr. Barrett, Mr. Nelson of Kaufman, Mr. Reedy, Mr. Hill, Mr. Jennings, and Mr. Minton:

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

Referred to Committee on Liquor Traffic.

By Mr. Moller, Mr. Byrne, and Mr. Adams:

House bill No. 33, A bill to be entitled "An Act to require persons, firms, corporations and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled, or rebaled shall be delivered to any railroad company or other common carrier unless the same is free from 'spiders,' exposed ends of bands, or any exposed or any obtruding part of the ties, bands, buckles, or splices used in tying or baling such bale of cotton; and to provide penalties therefor; and prescribing the duties of the Commissioner of Labor, and providing means of reimbursing him and his deputies for expenditures in performing such duties, and declaring an emergency."

Referred to Committee on Labor.

By Mr. Robertson of Travis and Mr. Schluter:

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

Referred to Committee on Appropriations.

By Mr. Reedy, Mr. Stephenson, Mr. Byrne, Mr. Odom, Mr. Bostic, Mr. Wilson, Mr. Terrell of Cherokee, and Mr. Ross:

House bill No. 35, A bill to be entitled "An Act to require the erection and maintenance of buildings for the protection from rain, wind, and inclement weather of employes engaged in repairing railroad cars and other railroad equipment, and providing penalties for violations, and regulating suits for such penalties, and repealing the act of the Thirty-first (31st) Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of such railroad company,' approved 17th day of March, 1909."

RECESS.

On motion of Mr. Munson, the House, at 12:30 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.

MOTION TO RECONSIDER VOTE ON HOUSE BILL NO. 20.

The House resumed consideration of pending business, the same being the motion of Mr. Buchanan to reconsider the vote by which House bill No. 20, prohibiting the sale of intoxicating liquors within ten miles of State institutions of learning, was passed to engrossment.

Question—Shall the motion to reconsider prevail?

Pending the discussion of the motion to reconsider, Mr. Cox occupied the chair temporarily.

(Speaker in the chair.)

Mr. Looney moved to table the motion to reconsider.

Question—Shall the motion to reconsider be tabled?

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

Yeas—69.

Anderson.	Ballengee.
Aston.	Barrett.
Baker of Hood.	Bogard.
Baker of Panola.	Bowles.

Branch.
Brownlee.
Cable.
Canales.
Cathey.
Caves.
Craven.
Crockett of Mitchell.
Currey.
Dotson.
Driggers.
Elliott.
Fant.
Fuller.
German.
Gilmore.
Hamilton of Childress.
Hamilton of McCulloch.
Harman.
Hill.
Humphrey.
Hunt.
Jackson.
Jennings.
Johnston.
Lawson.
Lee.
Lively.
Looney.
Luce.
Maddox.
Mason.
Maxwell.
McCallum.
McDaniel.
McDonald.
Minton.
Morris.
Munson.
Nelson of Kaufman.
Nickels.
Odom.
Pharr.
Porter.
Ray.
Rayburn.
Reid.
Roach.
Ross.
Self.
Stamps.
Stephenson.
Stepter.
Strickland.
Tarver.
Terrell of Cherokee.
Turner.
Vaughan.
Wilburn.
Wilson.

Nays—40.

Adams.
Bartlett.
Bell.
Bierschwale.
Boswell.
Briscoe.
Brooks.
Brookshire.
Buchanan.
Byrne.
Cox.
Crawford.
Crisp.
Fitzhugh.
Flournoy.
Goodman.
Highsmith.
Johnson.
Keeble.
Kennedy.
McGown.
McLain.
Moller.
Nelson of Hopkins.
O'Bryan.
Pearson.
Rabb.
Robertson of Bell.
Robertson of Travis.
Schluter.
Schofield.
Standifer.
Terrell of Bexar.
Tillotson.
Turney.
Wahrmund.
Walter.
Werner.
Wortham.
Yantis.

Absent.

Chaney.
Davis.
Graham.
Matthews.
McKinney.
O'Bryant.

Absent—Excused.

Brown.
Crockett of Washington.
Cureton.
Dalby.
Leach.
Ralston.
Roberson of Erath.
Stead.
Stratton.

PAIRED.

Mr. Perkins (present), who would vote "yea," with Mr. Smith (absent), who would vote "nay."

Mr. Reedy (present), who would vote "yea," with Mr. Haxthausen (absent), who would vote "nay."

Mr. Spradley (present), who would vote "yea," with Mr. Von Rosenberg (absent), who would vote "nay."

Mr. Watson (present), who would vote "nay," with Mr. Bostic (absent), who would vote "yea."

REASONS FOR VOTE.

I vote to table the motion made to reconsider the vote by which House bill No. 20 was engrossed on yesterday, by the gentleman from Washington, Mr. Buchanan:

First, because House bill No. 19 was called up about 3:30 p. m., and immediately a motion was made by Mr. Tarver to postpone action on said bill until next Monday at 10 o'clock. The minority immediately began filibustering by demanding roll calls on every question, and by demanding a verification of the vote several times when the vote stood at about 78 to 37. That by said dilatory tactics engaged in by the minority, it required two hours for the majority to get up to a consideration of House bill No. 20.

Second, because when House bill No. 20 was laid before the House, although a motion for the previous question was made by the gentleman from Hunt, Mr. Looney, yet upon protest being made, he withdrew the same. There was nothing then to prevent debate on the bill. The question was then put: "Shall the bill be passed to engrossment?" and upon a viva voce vote, the Chair declared, "The ayes have it." I heard no one ask for the privilege of being heard either for or against the bill, and no demand for "ayes" and "nays" made that I heard.

Third, because, when the motion to reconsider the vote made by the gentleman from Washington, Mr. Buchanan, was under consideration, Mr. Buchanan yielded to Mr. Robertson of Travis, Mr. Johnson, Mr. Buchanan, Mr. Standifer, Mr. Wortham, and Mr. Looney, all who spoke against the bill on its merits for about four hours. The right of debate was not denied. Those opposed to the bill simply failed to ask for recognition before the bill was engrossed.

Fourth, because it is inconsistent in those who opposed this bill to claim they had no right of debate when they forced

a waste of two hours' time in dilatory tactics trying to keep this bill from being reached on the calendar.

HAMILTON of Childress.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 6, 1910.

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

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

House bill No. 18, A bill to be entitled "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston bay, to connect as part of the roadways of the county on the island and mainland, and the county to issue bonds for same on taxation; also establishing three-mile limit and condemnation proceedings, and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bands therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum, and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property tax-paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the $100 valuation of property subject to taxation in said county, and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act."

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

HOUSE BILL NO. 20 ON THIRD READING.

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

House bill No. 20, A bill to be entitled "An Act to prohibit the exchange, barter and sale of spirituous, vinous, malt liquors or medicated bitters capable of producing intoxication within ten miles of the State University of Texas, and all branches thereof, including the Agricultural and Mechanical College, except for medicinal, mechanical or sacramental purposes, and fixing the penalty therefor, repealing all laws in conflict herewith, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

Mr. Moller offered the following amendment to the bill:

Amend House bill No. 20 by adding to Section 1 thereof the following: "Any person, firm, or association of persons now holding a license from this State to sell spirituous, vinous, malt liquors or medicated bitters capable of producing intoxication, shall have the pro rate amount of such unexpired license refunded, if such license is surrendered within sixty days after this act takes effect."

The amendment was adopted.

Mr. Caves offered the following amendment to the bill:

Amend House bill No. 20 by striking out the words "ten miles" and inserting in lieu thereof the words "three miles."

The amendment was lost.

Mr. Moller offered the following amendment to the bill:

Amend House bill No. 20 by inserting the words "five miles" in the bill where "ten miles" now appear.

The amendment was lost.

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

Amend Section 3 as follows: Strike out all of said section after the word "guilty," in line 27, and inserting in lieu thereof the following: "Of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $200 nor more than $500."

The amendment was lost.

Question—Shall House bill No. 20 be passed?

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

Yeas—63.

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

Bogard.
Bowles.
Branch.
Briscoe.
Brownlee.
Cable.
Cathey.
Caves.
Craven.
Crockett of Mitchell.
Currey.
Dotson.
Driggers.
Fant.
Fuller.
German.
Gilmore.
Hamilton of Childress.
Hamilton of McCulloch.
Hill.
Humphrey.
Hunt.
Jackson.
Jennings.
Johnston.
Lawson.
Lively.
Looney.
Luce.
Maddox.
Mason.
McCallum.
McDaniel.
McLain.
Minton.
Morris.
Munson.
Nelson of Kaufman.
Nickels.
Odom.
Pharr.
Porter.
Ray.
Rayburn.
Reid.
Ross.
Self.
Stamps.
Stephenson.
Stepter.
Strickland.
Tarver.
Terrell of Cherokee.
Turner.
Vaughan.
Wilburn.
Wilson.

Nays—40.

Adams.
Bartlett.
Bell.
Bierschwale.
Boswell.
Brooks.
Brookshire.
Buchanan.
Canales.
Cox.
Crawford.
Crisp.
Elliott.
Fitzhugh.
Goodman.
Highsmith.
Johnson.
Keeble.
Kennedy.
Lee.
Maxwell.
McGown.
Moller.
Nelson of Hopkins.
O'Bryan.
Pearson.
Rabb.
Roach.
Robertson of Bell.
Robertson of Travis.
Schluter.
Schofield.
Standifer.
Terrell of Bexar.
Tillotson.
Turney.
Wahrmund.
Walter.
Werner.
Wortham.
Yantis.

Absent.

Chaney.
Davis.
Graham.
Matthews.
O'Bryant.

Absent—Excused.

Brown.
Crockett of Washington.
Cureton.
Dalby.
Leach.
Ralston.
Stead.
Stratton.

PAIRED.

Mr. Perkins (present), who would vote "yea," with Mr. Smith (absent), who would vote "nay."

Mr. Reedy (present), who would vote "yea," with Mr. Haxthausen (absent), who would vote "nay."

Mr. Spradley (present), who would vote "yea," with Mr. Von Rosenberg (absent), who would vote "nay."

Mr. Watson (present), who would vote "nay," with Mr. Bostic (absent), who would vote "yea."

Mr. Harman (present), who would vote "yea," with Mr. Byrne (absent), who would vote "nay."

Mr. McDonald (present), who would vote "yea," with Mr. McKinney (absent), who would vote "nay."

Mr. Flournoy (present)), who would vote "nay," with Mr. Roberson of Erath (absent), who would vote "yea."

REASONS FOR VOTE.

I vote "nay" on House bill No. 20 because I do not think it right to force prohibition upon Austin, Bryan and Galveston by an act of the Legislature over their protest and objection, while other cities having as many or more saloons are left to pass upon the question of prohibition for themselves. I know of no greater demand for prohibition in the towns affected by this bill than there is in San Antonio, Houston and other cities in the State. I favor submission and would vote for prohibition in my county or in the State, but I am not in favor of depriving certain cities privileges that are accorded to others. I would resist an effort to single out a town in my county and place it under a law which it did not want while other cities were exempted from its operation, and I am willing to accord to others the rights claimed for myself. The towns where these State institutions are situated had saloons when the schools were located at them, and no restrictions as to the sale of intoxicating liquors was then required of them and their conditions are no worse now. Many denominational colleges are located by the churches in towns having saloons and I have heard of no great demand on the part of the people of the State for the law in this drastic measure.

BELL.

I vote "no" on the final passage of this bill, because while on the one hand I would be greatly in favor of surrounding these educational State institutions, such as the University, by such law as the one proposed, prohibiting the sale of intoxicating liquors; on the

other, this law will deprive over a hundred thousand citizens of this State of their constitutional right to vote on local option. The bill affects three cities, Austin, Galveston and Bryan, where, by a large majority, the citizens are against prohibition, and I do not see that I can conscientiously, by law, compel the citizens of these towns, over one hundred thousand in number, to submit to prohibition, regardless of their wishes in the premises. On the one hand I wish to protect the State institutions, but on the other hand I wish to respect the rights guaranteed by our Constitution to each community, and it is my desire to vote in favor of the latter. For these reasons I vote against the final passage of the bill.

CANALES.

I vote against House bill No. 20 for the reason that I am of the opinion that said bill is unconstitutional.

WALTER.

I vote against this bill because I believe it is unconstitutional, and where there is doubt of the constitutionality of a bill I believe it to be the duty of a legislator to resolve that doubt in favor of the people and vote against such bill.

LEE.

Mr. Tarver moved to reconsider the vote by which House bill No. 20 was passed, and to table the motion to reconsider.

The motion to table prevailed.

BILL ORDERED NOT PRINTED.

On motion of Mr. Crockett of Mitchell, House bill No. 30, providing for the reorganization of the Seventieth Judicial District, was ordered not printed.

PROVIDING EXTRA COMPENSATION FOR STENOGRAPHERS.

Mr. Terrell of Bexar offered the following resolution:

Resolved, That the Speaker of the House be authorized to pay the expert stenographers for taking and transcribing the testimony before the Insurance committee, such compensation to be reasonable.

TERRELL of Bexar,
PORTER,
PEARSON,
TILLOTSON,
JOHNSTON,
O'BRYAN,
FITZHUGH,
WORTHAM,
GOODMAN,
CRAWFORD.

The resolution was read second time.

Question—Shall the resolution be adopted?

(Mr. Gilmore in the chair.)

Mr. Lee raised a point of order on consideration of the resolution on the ground that it violates Section 44, of Article 3, of the Constitution.

Mr. Terrell of Bexar asked unanimous consent of the House to withdraw the resolution, to which request Mr. O'Bryan objected.

Mr. Lee withdrew the point of order.

Mr. Moller moved to table the resolution, and the motion to table was lost.

Mr. Crawford moved the previous question on the adoption of the resolution, and the main question was ordered.

Question—Shall the resolution be adopted?

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

Yeas—72.

Anderson.
Aston.
Baker of Hood.
Baker of Panola.
Ballengee.
Barrett.
Bartlett.
Bell.
Bierschwale.
Boswell.
Brookshire.
Buchanan.
Byrne.
Canales.
Cathey.
Caves.
Cox.
Crawford.
Crisp.
Crockett of Mitchell.
Cureton.
Currey.
Dotson.
Driggers.
Flournoy.
Goodman.
Hamilton of Childress.
Highsmith.
Humphrey.
Hunt.
Jackson.
Jennings.
Johnson.
Johnston.
Keeble.
Lawson.
Lively.
Looney.
Luce.
Mason.
Matthews.
McDaniel.
McDonald.
McKinney.
McLain.
Moller.
Morris.
Munson.
Nelson of Hopkins.
Nickels.
O'Bryan.
Pearson.
Porter.
Ray.
Reedy.
Reid.
Robertson of Travis.
Ross.
Schluter.
Spradley.
Stamps.
Standifer.
Stephenson.
Strickland.
Tillotson.
Turney.
Walter.
Watson.
Werner.
Wilson.
Wortham.
Yantis.

Nays—25.

Bowles.
Brownlee.
Cable.
Elliott.
Fant.
Fuller.
German.
Gilmore.
Hamilton of McCulloch.
Harman.
Hill.
Kennedy.
Lee.
Maddox.
Maxwell.
McCallum.
Minton.
Nelson of Kaufman.
Odom.
Pharr.
Roach.
Robertson of Bell.
Self.
Tarver.
Vaughan.

Present—Not voting.

Terrell of Bexar.

Absent.

Adams.
Bogard.
Bostic.
Branch.
Briscoe.
Brooks.
Chaney.
Craven.
Davis.
Fitzhugh.
Graham.
Haxthausen.
McGown.
O'Bryant.
Perkins.
Rabb.
Rayburn.
Schofield.
Stepter.
Terrell of Cherokee.
Turner.
Wahrmund.
Wilburn.

Absent—Excused.

Brown.
Crockett of Washington.
Dalby.
Leach.
Ralston.
Roberson of Erath.
Smith.
Stead.
Stratton.
Von Rosenberg.

REASON FOR VOTE.

I vote "no" because the resolution does not state the amount to be paid and what the amount of the claim is.

SELF.

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 bills:

Senate bill No. 8, "An Act authorizing the Comptroller of Public Accounts to pay off, discharge and cancel bonds aggregating the sum of $13,200, issued by the State of Texas, bearing date July 1, 1879, and due July 1, 1909, together with interest accrued thereon up to the time of the passage and taking effect of this act, and now held by an individual or individuals, corporation or corporations."

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

PROVIDING FOR ADJOURNMENT UNTIL NEXT THURSDAY.

Mr. Johnson offered the following resolution;

House Concurrent Resolution No. 4, Providing for adjournment of Legislature until Thursday, August 11.

Be it resolved by the House of Representatives, the Senate concurring, That when the Legislature adjourns for today that the same shall be until Thursday, August 11, at 10 o'clock a. m.

JOHNSON,
BYRNE,
McGOWN,
TURNEY.

The resolution was read second time.

Question—Shall the resolution be adopted?

(Speaker in the chair.)

Mr. Terrell of Bexar moved that the House take a recess until 10 o'clock a. m. next Monday, and the motion was lost.

Question recurred—Shall the resolution be adopted?

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 6, 1910.

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

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate bill No. 10 by the following vote: Yeas 28, nays 0.

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

RECESS.

Mr. Fitzhugh moved that the House adjourn until 10 o'clock a. m. next Monday, and the motion was lost.

On motion of Mr. McCallum, the House, at 6:20 o'clock p. m., took recess until 10 o'clock a. m. next Monday.

AFTER RECESS.

(August 8.)

House met at 10 o'clock a. m. and was called to order by the Speaker.