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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

THIRTY-SECOND LEGISLATURE OF TEXAS

FIRST CALLED SESSION

CONVENED AT THE CITY OF AUSTIN, JULY 31, 1911

AND

ADJOURNED WITHOUT DAY, AUGUST 29, 1911

VOLUME I

PUBLISHED BY AUTHORITY OF THE HOUSE
OF REPRESENTATIVES



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schools of the State, and the repeal of Chapter 98, Acts of the Twenty-ninth Legislature, Regular Session, and Chapter 13, Acts of the First Called Session of the Twenty-ninth Legislature, known as the "automatic tax law."

In discussing this latter subject in a special message to the Regular Session of the present Legislature, the following comment was made by me:

"The Constitution prohibits the Legislature from issuing bonds in excess of \$200,000.00 to meet deficiencies. The prospect, therefore, is that unless the Legislature greatly retrenches, the State's warrants will be hawked about the streets of Austin, before the first of September, without money in the Treasury to pay them. This, in my opinion, is largely due to the fact that the Legislature in passing the so-called automatic tax law surrendered to the Executive Department its constitutional prerogative to raise the revenue to meet the expenses of the Government. The raising of the revenue is clearly a legislative function. Section 33 of Article 3 of the Constitution says that "all bills for raising revenue shall originate in the House of Representatives," and clearly negatives the idea that the power to fix the tax rate for public purposes can be conferred upon a committee composed of heads of executive departments. The Governor, the Comptroller and Treasurer, who are named as the Automatic Tax Board, are all three designated by Article 4, Section 1 of the Constitution as members of the executive department. Article 2 of the Constitution is in the following language:

"Section 1. The power of the government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are legislative to one, those which are executive to another, and those which are judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted."

"Nothing can be plainer, therefore, than that the automatic tax law is unconstitutional, and the tax levied and collected for State purposes un-

der that statute has been unlawfully done. By virtue of this automatic tax law the executive branch of the Government has exercised legislative functions. All bills fixing rates for the raising of revenue until this law was enacted in 1907, originated in the House of Representatives, and not in the Governor's office. Had the tax rate been fixed by the Legislature, in accordance with the constitutional provisions I have referred to, it would have been based upon estimated requirements, as shown by the Legislature's appropriation bills, and could not have been manipulated so as to take advantage of unforeseen conditions and utilize it, as it has been done, for political purposes.

"I earnestly insist upon a return to the constitutional method of raising revenue and fixing the tax rate. From present indications, it will require from five to five and one-half million dollars to meet the requirements of the appropriation bill for the next fiscal year. Add to this sum unavoidable deficiencies under present laws and conditions of one million dollars, and it will require six to six and one-half millions to meet the requirements of the Government for the next fiscal year. Estimating the amount which will come into the Treasury from all 'other sources' than the ad valorem tax for this and next year will equal that from 'other sources' for last year, it will still leave two and one-half to three million which the Legislature will have to raise from an ad valorem tax on property."

The legacy of expense and insufficient revenue which we have inherited from the last administration and Legislature is due to the manipulation of revenues and the unwarranted exercise of legislative power by the Executive Department.

I invoke the Legislature's earnest and patriotic consideration of this matter.

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

HOUSE BILL NO. 3 ON SECOND READING.

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

House bill No. 3, A bill to be entitled "An Act making appropriation to defray the contingent expenses of

SIXTH DAY.

Hall of the House of Representatives,
Austin, Texas,
Saturday, Aug. 5, 1911.
The House met at 9:30 o'clock a.
m., pursuant to adjournment.

Speaker Rayburn in the chair.

The roll was called, and the fol-
lowing members were present:

Aston.	Hillyer.
Bagby.	Hornby.
Baker of Hood.	Hubbard.
Baker of Panola.	Humphrey.
Barrett.	Hunt.
Bierschwale.	Johnston.
Birdsong.	Keeble.
Boehmer.	Kennedy.
Bolin.	Landry.
Bonner.	Lane.
Brooks.	Lawson.
Brookshire.	Leach.
Broughton.	Lee.
Brown.	Logan.
Brownlee.	Maddox.
Buchanan.	Mangum.
Bufflington.	Martin.
Burns.	Maxwell.
Byrne.	McDaniel.
Cable.	McDowra.
Camp.	McGown.
Campbell.	McKinney.
Cathey.	McNeal.
Caves.	Minton.
Chapin.	Morris.
Coffey.	Mulcahy.
Corder.	Nickels of Hill.
Cox of Eastland.	Nichols of Hunt.
Cox of Rockwall.	Oliver.
Craven.	Parker.
Crisp.	Pharr.
Cureton.	Porter.
Davis.	Robertson of Bell.
Dillard.	Robertson of Travis.
Dotson.	Rogers.
Dunn.	Ross.
Fant.	Rowell.
Flournoy.	Rucks.
Fountain.	Russell.
Gaither.	Savage.
German.	Schlick.
Gieptner.	Schluter.
Gillmore.	Self.
Gross.	Shannon.
Hall.	Singleton.
Hamilton	Smith of Houston.
of Childress.	Spradley.
Hamilton	Stamps.
of McCulloch.	Standifer.
Haney.	Stead.
Harmon.	Stepter.
Haxthausen.	Stevens.
Heilig.	Stevenson.
Henry.	Stone.
Hill.	

Tarver.	Williams of Dallas.
Teel.	Williams of McLennan.
Terrell of Bexar.	Witcher.
Terrell of Cherokee.	Wood.
Wahrmund.	Woods.
Walker.	Wortham.
Watson.	Yarbrough.
White.	

Absent.

Cranke.	Murray.
Donegan.	Smith of Atascosa.
Mikeska.	

Absent—Excused.

Goodner.	Highsmith.
Graham.	Randolph.
Herder.	

A quorum was announced pres-
ent.

Prayer by Rev. J. M. Renick,
Chaplain.

LEAVE OF ABSENCE GRANTED.

On account of important business:
Mr. Herder indefinitely, on motion
of Mr. Gross.

On account of sickness:
Mr. Randolph for today, on mo-
tion of Mr. Brooks.

MESSAGE FROM THE GOVERNOR.

Mr. J. T. Bowman, private secre-
tary to the Governor, appeared at
the bar of the House, and, being
duly announced, presented the fol-
lowing message from the Governor,
which was read to the House:

Executive Office,

Austin, Texas, Aug. 5, 1911.

To the Texas Legislature:

In the appropriation bill passed by
the Thirty-first Legislature there is
an item which reads as follows:

"Payment of rewards and
other necessary expenses
for the enforcement of the
law \$7,500"

The foregoing sum was appropri-
ated for the fiscal year ending August
31, 1911, for the purpose named.
There remains unexpended a balance
of \$5815.19, which is available for
the enforcement of the law.

It is alleged that irregularities and
frauds were committed in the recent
election on the proposed amendment
to the State Constitution prohibiting
the manufacture and sale of intoxi-
cating liquors in Texas.

It is also charged that in different counties and localities individuals and county officials violated the law regulating the payment of poll taxes.

The Constitution of the State makes it the duty of the Governor to see that all laws are faithfully executed. I am determined to employ all means and agencies at the disposal of the Governor to investigate the alleged frauds and prosecute any and all offenders. It has been the universal practice of the Legislature to appropriate money to the Governor for the payment of rewards and other expenses necessary for the enforcement of the law. I respectfully recommend to the Legislature that this item in the pending appropriation bill be increased for the fiscal year beginning September 1, 1911, to \$27,500.00. It has been suggested that I recommend to the Legislature an extra appropriation for the purpose of investigating violations of the poll tax and election laws, and the enforcement of same against the offenders, and that, if I would do so, effort would be made to raise an additional sum of \$10,000 from prohibitionists and anti-prohibitionists for the purpose of securing an enforcement of these laws. I do not believe we should rely upon such public contributions, but if the law has been violated, it is the duty of the Governor to see that it is enforced. It is equally the duty of the Legislature to furnish me with means to enforce the same.

I have issued proclamation offering a reward of \$50.00 for the arrest and conviction of any person or persons guilty of fraudulent acts against the poll tax law, or guilty of fraudulent irregularities in the recent prohibition amendment election. I attach a copy of this proclamation hereto and make it a part of this message.

I urge upon the Legislature, therefore, to increase the appropriation for the enforcement of the law in the sum mentioned, that I may not be embarrassed for the want of funds to prosecute those guilty of frauds against the statutes named.

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

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS.

\$50.00 Reward.

To All to Whom These Presents Shall Come:

Whereas, It has been publicly alleged and charged that various and sundry persons, not named, in various and sundry counties and localities in Texas, not mentioned, have violated the law regulating the paying and issuing of poll tax receipts; and

Whereas, It is alleged and charged, without naming the persons and places, that gross irregularities and frauds were practiced in the holding of the election on July 22, on the proposed amendment to the Constitution of the State of Texas prohibiting the manufacture and sale of intoxicating liquors in this State; and

Whereas, Under the Constitution, it is made the duty of the Governor to see that all laws are faithfully executed;

Now, therefore, by virtue of the authority vested in me by the Constitution and laws of this State, I, O. B. Colquitt, Governor of Texas, hereby offer a reward of \$50.00 for the arrest and conviction of any person guilty of fraudulently paying for poll tax receipts, or any person fraudulently issuing the same, and by virtue of the authority vested in me by the Constitution and laws of this State, I offer a reward of \$50.00 for the arrest and conviction of any person holding the election and making returns of same who may be guilty of fraudulent acts against the election laws of this State or the purity of the ballot, or any person guilty of unlawfully intimidating legal voters.

In testimony whereof, I have hereto signed my name, and caused the Seal of State to be affixed at the City of Austin, Texas, this the fifth day of August, A. D. 1911.

(L. S.) O. B. COLQUITT,
Governor of Texas.

By the Governor:
C. C. McDONALD,
Secretary of State.

PROVIDING FOR INVESTIGATING COMMITTEE.

(Pending Business.)

The House resumed consideration of pending business, same being the

FOURTEENTH DAY.

Hall of the House of Representatives,
Austin, Texas,
Tuesday, August 15, 1911.

The House met at 10 o'clock,
a. m., pursuant to adjournment.
Speaker Rayburn in the chair.

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

Aston.	Humphrey.
Bagby.	Hunt.
Baker of Hood.	Johnston.
Baker of Panola.	Landry.
Barrett.	Lane.
Eierschwale.	Lawson.
Birdsong.	Leach.
Boehmer.	Lee.
Bolin.	Logan.
Bonner.	Maddox.
Brooks.	Mangum.
Brown.	Martin.
Brownlee.	McDaniel.
Buchanan.	McDowra.
Buffington.	McGown.
Burns.	McKinney.
Byrne.	McNeal.
Cable.	Minton.
Camp.	Morris.
Campbell.	Mulcahy.
Cathey.	Murray.
Caves.	Nickels of Hill.
Coffey.	Oliver.
Corder.	Parker.
Cox of Eastland.	Pharr.
Cox of Rockwall.	Porter.
Craven.	Randolph.
Crisp.	Robertson of Bell.
Davis.	Rogers.
Dillard.	Ross.
Donegan.	Rucks.
Dotson.	Russell.
Dunn.	Savage.
Fant.	Schlick.
Fountain.	Schluter.
Gaither.	Self.
German.	Shannon.
Gillmore.	Smith of Houston.
Goodner.	Spradley.
Graham.	Stamps.
Gross.	Standifer.
Hall.	Stepter.
Hamilton	Stevens.
of Childress.	Stevenson.
Hamilton	Stone.
of McCulloch.	Tarver.
Haney.	Teel.
Harmon.	Terrell of Bexar.
Haxthausen.	Terrell
Heilig.	of Cherokee.
Henry.	Walker.
Hillyer.	Watson.
Hornby.	White.
Hubbard.	Williams of Dallas.

Williams	Woods.
of McLennan.	Wortham.
Witcher.	Yarbrough.
Wood.	

Absent.

Cranke.	Keeble.
Flournoy.	

Absent—Excused.

Brookshire.	Mikeska.
Broughton.	Nichols of Hunt.
Chapin.	Robertson
Cureton.	of Travis.
Gieptner.	Rowell.
Herder.	Singleton.
Highsmith.	Smith of Atascosa.
Hill.	Stead.
Kennedy.	Wahrmund.
Maxwell.	

A quorum was announced present.
Prayer by Rev. J. M. Renick,
Chaplain.

LEAVE OF ABSENCE GRANTED.

On account of important business:
Mr. Brookshire for today, on motion
of Mr. Lee.

Mr. Buffington for yesterday, on
motion of Mr. Fountain.

Mr. Flournoy for last Wednesday,
Thursday, Friday, Saturday and for
yesterday, today and indefinitely, on
motion of Mr. Haney.

On account of sickness:
Mr. Rowell for today and indefinitely,
on motion of Mr. Birdsong.

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, August 14, 1911.

To the Texas Legislature:

As provided by Section 40, Article
3, of the State Constitution, I present
to the Legislature the following
additional subjects for legislation,
and recommend the passage of
bills covering same:

1. Prescribing a uniform system
of text-books for use in the public
schools of the State.

2. For the relief of the Supreme
Court, by prescribing and fixing its
jurisdiction.

3. Providing for the appointment of a commission of five competent lawyers, who shall sit at Austin, for the purpose of reforming and revising our civil and criminal codes and our court procedure; prescribing adequate compensation for the services of members of said commission, who shall devote their entire time to this work until the same is completed.

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

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 15, 1911.
Hon. Sam Rayburn, 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 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."

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

SENATE BILL ON FIRST READING.

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

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. Haney, Mr. Pharr, Mr. Rayburn, Mr. Buffington, Mr. Nickols of Hill, Mr. Johnston and Mr. Yarbrough:

House bill No. 13, A bill to be entitled "An Act to provide for the adoption of a system of uniform text-books in this State, and the appointment of a text-book board for such purpose, to authorize the adoption of text-books and the selection and adoption of other books, and to provide for a board of revision to keep the adopted books revised and up-to-date, prohibit lobbying before the text-book board by legal or special representatives of authors or publishers, to prescribe rules and regulations for the board in entering into contracts on behalf of the State, to prescribe penalties for violation of the provisions of this Act, to make an appropriation to carry into effect the provisions hereof, and declaring an emergency."

Referred to Committee on Education.

By Mr. Mangum:

House bill No. 14, A bill to be entitled "An Act to provide for the adoption of a system of uniform text-books in this State, and the appointment of a text-book board for such purpose, to authorize the adoption of text-books and the selection and adoption of other books, and for the appointment of boards in the future to keep the books adopted, revised, and up-to-date, to prohibit lobbying before the text-book board by legal or special representatives of authors or publishers, to prescribe rules and regulations for the board in entering into contracts on behalf of the State, to prescribe penalties for a violation of the provisions of this Act, to make an appropriation to carry into effect the provisions hereof, and declaring an emergency."

Referred to Committee on Education.

By Mr. Bonner, Mr. Cathey and Mr. Walker:

House bill No. 15, A bill to be entitled "An Act to regulate the adoption of text-books for the public schools of Texas, creating a State text-book board, and defining their duties and the time of meeting; providing conditions under which books and manuscripts of books may be offered in competition for adoption for use in the public schools of Texas, prescribing a fee for the examination of text-books and the disposition of same; providing the

Hamilton	Pharr.
of McCulloch.	Porter.
Haney.	Randolph.
Henry.	Rogers.
Hillyer.	Ross.
Hornby.	Rowell.
Humphrey.	Rucks.
Johnston.	Russell.
Keeble.	Schlick.
Lane.	Self.
Lawson.	Shannon.
Leach.	Smith of Houston.
Lee.	Spradley.
Logan.	Stamps.
Maddox.	Stepter.
Mangum.	Tarver.
Martin.	Teel.
McDaniel.	Terrell
McDowra.	of Cherokee.
McKinney.	Walker.
McNeal.	White.
Minton.	Witcher.
Morris.	Wood.
Murray.	Woods.
Oliver.	Yarbrough.
Parker.	

Nays—22.

Birdsong.	McGown.
Boehmer.	Mulcahy.
Buchanan.	Robertson of Bell.
Camp.	Schluter.
Corder.	Standifer.
Crisp.	Stevens.
Donegan.	Stevenson.
Fountain.	Stone.
Harmon.	Terrell of Bexar.
Heilig.	Watson.
Landry.	Williams of Dallas

Absent.

Aston.	Hubbard.
Buffington.	Savage.
Cox of Rockwall.	Smith of Atascosa.
Cranke.	Wahrmund.
Flournoy.	Wortham.
Haxthausen.	

Absent—Excused.

Bagby.	Maxwell.
Brookshire.	Mikeska.
Broughton.	Nickels of Hill.
Chapin.	Nichols of Hunt.
Cureton.	Robertson
Gleptner.	of Travis.
Herder.	Singleton.
Highsmith.	Stead.
Hill.	Williams
Hunt.	of McLennan.
Kennedy.	

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, August 15, 1911.

To the Texas Legislature:

In conformity with Section 40, Article 3, of the State Constitution, I present for your consideration the additional subjects for legislation:

1. The creation of a State Normal School Board of Regents, who shall have the management and control of the four State Normal Schools for white teachers; to provide for the appointment of said Board and define its duties and powers.

In my opinion, the creation of a State Normal School Board of Regents, who shall have jurisdiction over all of the State Normal schools, will result in improved management of these institutions. Under the present law each Normal school has a local board of three members, and the policy in their management has rather tended toward making them local institutions and involved them more or less in the broils of local politics. A Board of Regents selected from various sections of the State will broaden the usefulness of the institutions and remove them from local political influences.

2. The creation of a position of Public Highway Engineer, whose duty shall be to co-operate with county and precinct officers in laying out and building better public roads, and otherwise defining his duties and fixing his compensation.

In my opinion there is no internal improvement that will advance the welfare of our people more rapidly than the construction of substantial public highways. The interest in this subject in Texas at this time is such as to justify the creation of a position like the one mentioned. The salary should be sufficient to induce the very best engineering talent to seek the position. Many precincts in various counties are voting large sums in bonds for the purpose of building good roads, and there has been need of State co-operation to the extent of supplying a competent engineer to advise and co-operate with local officers in the construction of good roads.

3. An amendment to the fire insurance laws which will more adequately protect the public from the

frauds and impositions now being practiced upon them by the organizers and managers of "wildcat" fire insurance companies.

During the past several months numerous complaints from citizens have reached the Governor's office and the office of the Commissioner of Insurance, to the effect that the complainant had insured his property in a company located in one or the other of the various cities in the State, and when loss by fire occurred and claim filed, advice was usually received to the effect that the company with which the insurance had been placed was insolvent, and had quit business. Adequate authority should be conferred upon the Insurance Commissioner to expose such insurance companies, and the law should provide severe penalties against persons guilty of defrauding in this manner.

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

HOUSE BILL NO. 10 ON ENGROSSMENT.

(Postponed Business.)

The Speaker laid before the House, as postponed business, on its passage to engrossment,

House bill No. 10, A bill to be entitled "An Act to apportion the State of Texas into Senatorial Districts, and declaring what counties shall constitute each Senatorial District."

With amendment by Mr. Watson and substitute by Mr. Goodner for the amendment pending, the bill having been read second time on yesterday.

Question—Shall the substitute be adopted?

Mr. Goodner withdrew the pending substitute.

Question—Shall the amendment be adopted?

Mr. Goodner offered the following substitute for the amendment:

Amend House bill No. 10 by striking out all after the enacting clause and insert in lieu thereof the following:

Section 1. The Senatorial Districts of the State of Texas shall hereafter be composed respectively of the following named counties, each of which districts shall be numbered as follows, and shall be entitled to elect one Senator, to wit:

No. 1. Bowie, Cass, Marion, Morris, Titus, Camp.

No. 2. Red River, Lamar, Fannin.

No. 3. Franklin, Delta, Hopkins, Hunt, Rains.

No. 4. Grayson, Collin.

No. 5. Cooke, Denton, Montague, Wise.

No. 6. Dallas, Rockwall.

No. 7. Upshur, Smith, Wood, Van Zandt.

No. 8. Harrison, Gregg, Panola, Rusk, Shelby.

No. 9. Kaufman, Henderson, Navarro.

No. 10. San Jacinto, Walker, Montgomery, Madison, Grimes, Anderson, Freestone, Leon.

No. 11. Nacogdoches, Cherokee, Angelina, Trinity, Houston.

No. 12. Sabine, San Augustine, Newton, Jasper, Tyler, Polk, Hardin, Orange, Jefferson.

No. 13. Liberty, Harris.

No. 14. Galveston, Chambers, Brazoria, Fort Bend, Wharton, Waller, Austin.

No. 15. Tarrant, Parker.

No. 16. Ellis, Johnson, Hood, Somervell.

No. 17. Hill, McLennan.

No. 18. Bosque, Bell, Hamilton, Coryell, Lampasas, Burnet.

No. 19. Falls, Limestone, Milam, Robertson.

No. 20. Lee, Fayette, Bastrop, Washington, Brazos, Burleson.

No. 21. Williamson, Travis, Hays, Caldwell.

No. 22. Colorado, Lavaca, Gonzales, DeWitt, Guadalupe.

No. 23. Bexar, Comal, Kendall.

No. 24. Matagorda, Jackson, Victoria, Calhoun, Refugio, Aransas, Goliad, Karnes, Bee, Atascosa, Live Oak, Wilson, McMullen, Frio, Medina.

No. 25. Brooks, Cameron, Hidalgo, Starr, Zapata, Webb, LaSalle, Val Verde, Dimmit, Zavala, Maverick, Kinney, Willacy, Jim Wells, Nueces, Duval, San Patricio, Webb, Uvalde.

No. 26. San Saba, McCulloch, Concho, Tom Green, Irion, Coke, Llano, Mason, Menard, Schleicher, Blanco, Gillespie, Kimble, Sutton, Kerr, Bandera, Edwards, Mills.

No. 27. Erath, Comanche, Brown, Coleman, Runnels.

No. 28. Palo Pinto, Stephens, Shackelford, Jones, Fisher, Eastland, Callahan, Taylor.

Absent.

Cranke. Flournoy.
Dotson. Wortham.

Absent—Excused.

Bagby. Mikeska.
Broughton. Nickels of Hill.
Brown. Nichols of Hunt.
Cureton. Robertson
Gieptner. of Travis.
Haxthausen. Savage.
Herder. Singleton.
Highsmith. Stead.
Hill. Wahrmond.
Hunt. Williams
Kennedy. of McLennan.

A quorum was announced present.
Prayer by Rev. J. M. Renick,
Chaplain.

LEAVE OF ABSENCE GRANTED.

On account of important business:
Mr. Haxthausen for today and in-
definitely, on motion of Mr. Mul-
cahey.

Mr. Highsmith for Monday, yes-
terday and indefinitely, on motion
of Mr. Gilmore.

RECESS.

On motion of Mr. Robertson of
Bell, the House, at 10:10 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.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, Aug. 15, 1911.
Hon. Sam Rayburn, 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. 8, A bill to be en-
titled "An Act making appropri-
ations for the deficiencies in the ap-
propriations heretofore made for the
support of the State Government for
claims registered and estimated in
the Comptroller's office and appro-
priations for positions created by
the Thirty-second Legislature for the

fiscal year ending August 31, 1911,
and declaring an emergency."

Senate Concurrent Resolution No.
3, requesting the Governor to return
Senate bill No. 2 for further con-
sideration.

Respectfully,

CLYDE D. CMITH,
Secretary of the Senate.

HOUSE BILL NO. 10 ON ENGROSS-
MENT.

(Special Order.)

The Speaker laid before the House,
as special order for this hour, on
its passage to engrossment,

House bill No. 10, A bill to be en-
titled "An Act to apportion the State
of Texas into Senatorial Districts,
and declaring what counties shall
constitute each Senatorial District."

With amendment by Mr. Watson,
and substitute by Mr. Goodner
for the amendment pending, the bill
having been read second time on
Monday, August 14.

Question—Shall the substitute be
adopted?

Mr. Nickels of Hill raised a point
of order on further consideration of
the substitute and the amendment,
on the ground, that, if the amend-
ment were adopted, it would strike
out the enacting clause of the bill,
and would also strike out the in-
troduutory statement of Section 1
of the bill, thereby rendering the bill
unconstitutional and unintelligible.

The Speaker overruled the point
of order, stating that it would be
properly raised as applied to the
amendment, but that the amendment
was not, at this time, before the
House.

Question recurred—Shall the sub-
stitute be adopted?

MESSAGES FROM THE GOV-
ERNOR.

Mr. J. T. Bowman, private secre-
tary to the Governor, appeared at
the bar of the House, and, being
duly announced, presented the fol-
lowing messages from the Governor,
which were read to the House:

Executive Office,
Austin, Texas, August 16, 1911.
To the Texas Legislature:
In conformity with Section 40,
Article 3, of the State Constitution,
I submit to you the following addi-

tional subjects for legislation, to wit:

1. The apportionment of the State into congressional districts.

2. The passage of a concurrent resolution or a bill authorizing the correction of errors in the codified civil and criminal codes, and the code of procedure.

I am accompanying this message with a list of errors which have been detected in copying Senate bills Nos. 287 and 288, passed by the Regular Session of the present Legislature. The Criminal Code and the Code of Procedure is printed and ready for binding as soon as the errors pointed out are authorized to be corrected.

3. The passage of an act amending Section 5, Article 172, of the General Laws of the State of Texas, passed by the Thirtieth Legislature at its Regular Session, approved April 24, 1907, providing for the sale of land situated on Mustang Island, so as to provide that the proceeds of such sale may be transferred to the permanent school fund and invested for its benefit.

There is something like \$23,000 in the State treasury derived from the sale of lands on Mustang Island, which the State Treasurer does not feel authorized to transfer to the permanent public school fund. It is earning no interest, and is not available, under the law, for any other purpose.

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

REVISED CIVIL STATUTES.

Errata.

The following errors have been reported to me as occurring in the Revised Civil Statutes of the State of Texas by those who have copied the Civil Statutes for the printer.

C. C. McDONALD,
Secretary of State.

Page 2, copyright and date should be omitted.

Art. 30, par. 3, line 2, strike out the words, "as now constituted."

Art. 30, par. 12, line 2, strike out the words, "as now constituted."

Art. 30, par. 12, line 5, strike out the words, "Instead of three as now provided."

Art. 30, par. 16, add to reference at close, "Acts 1899, p. 154."

Art. 30, par. 21, add to reference at close, "Acts 1892, p. 2."

Art. 30, par. 22, change reference at close from "1901" to "1903."

Art. 30, par. 24, line 2, strike out word, "hereafter."

Art. 30, par. 25, line 2, strike out word, "hereafter."

Art. 30, par. 27, line 1, strike out words, "of this State."

Art. 30, par. 28, line 1, strike out words, "State of Texas."

Art. 30, par. 29, line 2, strike out words, "of Texas."

Art. 30, par. 32, line 1, insert after district the word, "shall."

Art. 30, par. 33, line 1, strike out words, "of this State."

Art. 30, par. 35, line 1, strike out words, "of this State."

Art. 30, par. 36, line 1, strike out words, "of Texas."

Art. 30, par. 38, line 2, strike out words, "of Texas."

Art. 30, par. 39, line 1, strike out words, "of the State of Texas."

Art. 30, par. 40, line 2, strike out words, "as now constituted."

Art. 30, par. 41, line 1, strike out words, "of the State of Texas."

Art. 30, par. 42, line 1, strike out words, "of Texas."

Art. 30, par. 49, line 1, strike out words, "of Texas."

Art. 30, par. 51, line 1, strike out words, "of this State."

Art. 30, par. 52, line 1, strike out words, "of Texas."

Art. 30, par. 54, line 1, strike out words, "of the State of Texas."

Art. 30, par. 60, line 8, insert after word "continue," the words, "in session."

Art. 30, par. 63, line 3, strike out words, "as now constituted."

Art. 30, par. 64, line 1, strike out words, "of the State of Texas."

Art. 30, par. 70, line 1, strike out words, "of Texas."

Art. 271, chapter heading Article No. is omitted.

Art. 286, last line, change Article 280 to 284.

Art. 385, last paragraph, line 9, change word Act to "title."

Art. 395, line 5, change word Act to "title."

Art. 397, line 4, change word Act to "title."

Art. 397, line 12, change word section to "article."

Art. 1199, line 2, "Act" incorrect.
 Art. 1199, line 4, "Act" incorrect.
 Art. 1201, line 3, "Act" incorrect.

Executive Office,
 Austin, Texas, Aug. 15, 1911.
 To the Texas Legislature:

As provided by Section 40, Article 3, of the State Constitution, I present to you the following additional subject for legislation:

An amendment to the Feed Control and Pure Food Laws, which will consolidate the work and control of pure food and feed inspection under the Dairy and Pure Food Commissioner.

Under the law as it now exists, the Feed Control and inspection of feed stuffs for live stock is at College Station, and under the direction of the Superintendent of Experimental Stations, with an Assistant Director in charge of this work. Under the law all of the revenues from inspection and sale of tags for feed for live stock go to the Agricultural and Mechanical College. Recently I have had the books and accounts of the A. & M. College audited by a certified auditor, and I quote below in full the profit and loss account of this department as follows:

"PROFIT AND LOSS—JULY 31, 1909,
 TO JUNE 30, 1911.

Receipts:	
Sales of tags.	\$151,256.12
Less Disbursements:	
Cost of tags..	\$13,599.87
Cost of analysis	15,876.50
Contingent expenses	1,181.81
Labor	2,475.01
Stationery and office supplies	1,125.24
Office furniture and fixtures ...	1,241.85
Postage	405.85
Salaries	22,548.32
Traveling expenses	12,875.75
Publications .	1,017.80
	\$72,348.00
Surplus....	\$78,908.12

The foregoing shows that in twenty-three months time the receipts have amounted to \$151,256.12, and the expenses to \$72,348.00, or nearly 50 per cent of all of the receipts was disbursed for expenses.

It is my opinion that there are a number of useless offices in connection with this department which can be abolished if the work is transferred to the supervision of the Pure Food Commissioner.

I call attention to the fact that the expenses of the Pure Food Commissioner's Department for the last two years altogether will not equal the salary list as shown above. These places are political in their nature, and really have no place in a college of education. Heretofore there have been as many as five traveling inspectors, one man in charge of the department at \$2,200.00 per year, an assistant at \$1,500.00 per year, and five inspectors at \$1,000.00 each per year. The services of the Superintendent and assistant and three of the traveling inspectors can be dispensed with, in my opinion, without detriment to the work if it is transferred and consolidated with the Pure Food Department.

I call the Legislature's attention to the fact that the Pure Food Commissioner is charged with the duty of analyzing and inspecting all foods, beverages and medicines used by our people, whereas the inspection done by the Feed Control at College Station is limited to such feed stuff and mixtures as are prepared for live stock.

Among the duties of the Pure Food Commissioner, or his assistants, is the inspection of flour and meal, and the testing of the weights thereof to see that manufacturers do not short-weight customers. The same inspector who does this work for the Pure Food Commissioner, with a little extra time, could tag and inspect the wheat bran, corn chops, etc., which may be prepared by the same miller for feeding to live stock.

I am advised that Texas is the only State in the Union that maintains a divided department under this head.

As previously stated, all the revenues from the Feed Control now go to the Agricultural and Mechanical College, and can be used in the erection of dormitories, or the making of other necessary improvements. I am thoroughly convinced that if the Legislature will adopt my suggestion, and consolidate these two departments, that no injury can possibly follow to the Agricultural and Mechanical College, but on the contrary its revenues can be increased at least \$15,000.00 per annum, and

probably \$20,000.00, and the money thus saved, which is now wasted in unnecessary salaries and expenses, will go a long way toward building necessary dormitories, or the buying of needed appliances at the Agricultural and Mechanical College. I do not ask that the revenues from this source be diverted from the Agricultural and Mechanical College at all. I am concerned principally in this matter in the saving of money which the suggested change will bring about.

Respectfully submitted,

O. B. COLQUITT,
Governor of Texas.

Executive Office,

Austin, Texas, Aug. 16, 1911.

To the Texas Legislature:

In pursuance of provisions contained in Section 40, Article 3, of the State Constitution, I present for your consideration and enactment the following bill; said bill prescribes the number of hours constituting a legal day's labor, and fixing penalties for its violation, with a proviso that nothing in said Act shall be construed to prohibit the right to contract for extra hours of labor for extra pay in cases of emergency:

An Act to prohibit any corporation, individual, partnership, contractor, superintendent, foreman, engineer or other person having the supervision of any work being by or for the State of Texas, or any subdivision thereof, or any municipality therein, from requiring any person, other than persons employed as watchmen engaged in such work to remain on duty more than eight hours in any consecutive twenty-four hours, except in certain cases of emergency, and excepting further those engaged in the performance of some official duty, and those doing work on public roads not under contract, State and county convicts; and providing a penalty for the violation of the law. Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall be unlawful for any corporation, individual, partnership, contractor, superintendent, foreman, engineer, or other person having the direction, supervision, charge, care, management or control of any public works undertaken by or for account, or on behalf and benefit of the State of Texas, or any subdivision thereof, or any municipal

corporation within the State to require any person other than persons employed as watchmen engaged in, on or about such public works to work or remain on duty more than eight hours in each consecutive twenty-four hours, except in case of necessity for safety of life and property occasioned by act of God or other causes beyond the control of persons in charge of such public works; provided nothing in this Act shall apply to State and county convicts while serving out their term of service in obedience to law. And excepting further, that this Act shall not apply to those employed in the performance of any duty of any office created by the Constitution and laws of the State of Texas, or by the charter of any city or municipality in said State, nor shall it apply to work done on the public roads of any county where said work is not done by contract.

Sec. 2. That any corporation, individual, partnership, contractor, superintendent, foreman, engineer, or other person having the charge, care, management or control of any public work who shall violate the provisions of this Act shall be liable to a penalty not exceeding five hundred dollars for each and every violation thereof, and each day any employe is required to work more than eight hours in any one consecutive twenty-four hours shall constitute a separate offense; and the penalty for the violation of the provisions of this Act shall be recovered, and suit therefor shall be brought in the name of the State of Texas, in the county in which the work is being performed, by either the Attorney General of the State of Texas, or the district or county attorney of the county in which said work is being done; provided, that nothing in this Act shall be construed to prohibit the right to contract for extra hours of labor for extra pay in cases of emergency.

The foregoing bill is an exact copy of House bill No. 98, passed at the Regular Session of the present Legislature and vetoed by the Governor on the ground that it did not contain a provision which would allow the employment of laborers on public works over-time at extra pay in cases of emergency. The only addition to the bill as vetoed and contained in the foregoing being the addition of

the following proviso at the end of Section 2:

"Provided, that nothing in this Act shall be construed to prohibit the right of contract for extra hours of labor for extra pay in cases of emergency."

The statutes on this subject in all the States—to which my attention has been called—contain a clause protecting the right of contract to work extra hours in cases of emergency; and any law passed on this subject in this State ought to make like provision.

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

HOUSE BILL NO. 10 ON ENGROSSMENT.

(Pending Business.)

The House resumed consideration of pending business, same being House bill No. 10, apportioning the State into Senatorial Districts, on its passage to engrossment, with amendment by Mr. Watson and substitute by Mr. Goodner for the amendment, pending.

Question—Shall the substitute be adopted?

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

Yeas—67.

Aston.	Hamilton
Baker of Hood.	of McCulloch.
Baker of Panola.	Haney.
Barrett.	Henry.
Bolin.	Hornby.
Bonner.	Hubbard.
Brownlee.	Humphrey.
Buffington.	Johnston.
Burns.	Lane.
Cable.	Lawson.
Cathey.	Leach.
Caves.	Lee.
Coffey.	Logan.
Craven.	Maddox.
Davis.	Martin.
Fant.	Maxwell.
Gaither.	McDaniel.
German.	McDowra.
Gilmore.	McKinney.
Goodner.	Minton.
Graham.	Morris.
Gross.	Oliver.
Hall.	Parker.
Hamilton	Pharr.
of Childress.	Porter.

Randolph.	Stone.
Rogers.	Tarver.
Ross.	Teel.
Rowell.	Terrell
Russell.	of Cherokee.
Self.	Walker.
Smith of Houston.	White.
Spradley.	Witcher.
Stamps.	Woods.
Stepter.	Yarbrough.

Nays—38.

Bagby.	Herder.
Bierschwale.	Keeble.
Birdsong.	Landry.
Boehmer.	McGown.
Brookshire.	McNeal.
Buchanan.	Mulcahy.
Byrne.	Murray.
Camp.	Robertson of Bell.
Campbell.	Rucks.
Chapin.	Schlick.
Corder.	Smith of Atascosa.
Cox of Eastland.	Standifer.
Crisp.	Stevens.
Dillard.	Stevenson.
Donegan.	Terrell of Bexar.
Dotson.	Watson.
Fountain.	Williams of Dallas.
Harmon.	Wood.
Heilig.	Wortham.

Absent.

Brooks.	Dunn.
Cox of Rockwall.	Flournoy.
Cranke.	Shannon.

Absent—Excused.

Broughton.	Mikeska.
Brown.	Nickels of Hill.
Cureton.	Nichols of Hunt.
Gieptner.	Robertson
Haxthausen.	of Travis.
Highsmith.	Savage.
Hill.	Singleton.
Hunt.	Stead.
Kennedy.	Wahrmund.

PAIRED.

Mr. Hillyer (present), who would vote "yea," with Mr. Williams of McLennan (absent), who would vote "nay."

Mr. Mangum (present), who would vote "yea," with Mr. Schluter (absent), who would vote "nay."

Question—Shall the amendment as substituted be 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 the following message from the Governor, which was read to the House:

Governor's Office,
Austin, Texas, August 17, 1911.
To the Texas Legislature:

As provided in Section 40, Article 3, of the State Constitution, I present the following additional subjects for legislation:

1. An amendment to Section 6, Chapter 68, of the General Laws of the Thirty-second Legislature, which fixes the minimum price at which the Game, Fish and Oyster Commissioner may sell marl, sand and shells, or mudshell, etc., so as to fix a reduced minimum price in order to encourage the consumption of same.

2. Amending the law relating to the duties of the Live Stock Sanitary Commission, and prescribing penalties for a violation of the Live Stock Sanitary Laws, as defined by Article 5043c, of Chapter 7, Title 102, of the Revised Civil Statutes of Texas, and as provided by Article 824c, Chapter 4, Title 17, of the Penal Code, so as to make said provisions more effective.

3. An amendment to Chapter 7, Acts of the First Called Session of the Thirty-first Legislature, so as to provide that precincts and counties by a majority vote may authorize the issuance of bonds for the building or making of good roads.

4. For a better protection of public health by providing against the spread of what is known as charbon.

Respectfully submitted,

O. B. COLQUITT,
Governor of Texas.

HOUSE BILL NO. 7 ON ENGROSSMENT.

The Speaker laid before the House, as postponed business, on its passage to engrossment,

House bill No. 7, A bill to be entitled "An Act to amend Chapter 98 of the General Laws of the Regular Session of the Thirtieth Legislature, titled An Act to provide for a board to calculate the ad valorem taxes for State purposes each year, and to prescribe the duties for such board and certain duties of the tax

assessors of the various counties of this State, approved April 15, 1907, as amended by Chapter 13 of the General Laws of the First Called Session of the Thirtieth Legislature, entitled An Act to amend an Act passed at the Regular Session of the Thirtieth Legislature entitled An Act to provide for a board to calculate the ad valorem rate of tax for State purposes each year, and to prescribe the duties of such board and certain duties of the tax assessors of the various counties of this State, providing that said board shall also calculate the ad valorem rate of taxes for public free school purposes, and also authorizing the commissioners courts of the several counties in this State to calculate the rate and to adjust the taxes levied in the several counties or portions thereof, for general or special purposes to the taxable value as shown on the assessment rolls, approved May 16, 1907, as amended by Chapter 37 of the General Laws of the Regular Session of the Thirtieth Legislature entitled An Act to provide for a board to calculate the ad valorem rates of taxes for State purposes each year, and to prescribe the duties of such board and certain duties of the tax assessors of the various counties in this State, providing that said board shall also calculate the ad valorem rate of tax for public free school purposes; and also authorizing the commissioners courts of the several counties in this State to calculate the rate, and to adjust the taxes levied in the counties or portions thereof, for general or special purposes to the taxable values as shown on the assessment rolls, approved May 16, 1907, and requiring county tax collectors to make statements to the Comptroller of Public Accounts showing the amount of property in their counties subject to taxation, and prescribing the time for making such statements, approved May 1, 1909, and prescribing the duties of tax assessors and said board, and declaring an emergency."

The bill having been read second time on yesterday.

Question—Shall the bill be passed to engrossment?

Mr. Hunt offered the following amendments to the bill:

(1)

Amend House bill No. 7, page 1, by striking out all of the caption

Brooks.	Leach.
Brookshire.	Lee.
Brownlee.	Logan.
Buffington.	Mangum.
Eyrne.	Martin.
Cable.	Maxwell.
Camp.	McDaniel.
Cathey.	McDowra.
Caves.	McGown.
Chapln.	McNeal.
Coffey.	Minton.
Corder.	Morris.
Cox of Eastland.	Murray.
Cranke.	Nichols of Hunt.
Craven.	Clover.
Davis.	Pharr.
Dillard.	Porter.
Donegan.	Robertson of Bell.
Dotson.	Robertson
Dunn.	of Travis.
Fant.	Rogers.
Fountain.	Ross.
Gaither.	Russell.
German.	Schlick.
Gieptner.	Schluter.
Gilmore.	Self.
Goodner.	Singleton.
Graham.	Smith of Atascosa.
Gross.	Smith of Houston.
Hall.	Spradley.
Hamilton	Stamps.
of Childress.	Standifer.
Hamilton	Stepter.
of McCulloch.	Stevens.
Haney.	Stevenson.
Harmon.	Stone.
Heilig.	Tarver.
Henry.	Teel.
Herder.	Terrell
Hill.	of Cherokee.
Hillyer.	Watson.
Hornby.	White.
Hubbard.	Williams of Dallas.
Humphrey.	Witcher.
Johnston.	Wood.
Landry.	Woods.
Lane.	Wortham.
Lawson.	Yarbrough.

Present—Not Voting.

Buchanan. Crisp.

Absent.

Boehmer.	Mulcahy.
Broughton.	Randolph.
Campbell.	Rucks.
Cox of Rockwall.	Shannon.
Flournoy.	Terrell of Bexar.
Haxthausen.	Wahrmund.
Keeble.	Walker.
McKinney.	

Absent—Excused.

Bagby.	Mikeska.
Brown.	Nickels of Hill.
Burns.	Parker.
Cureton.	Rowell.
Highsmith.	Savage.
Hunt.	Stead.
Kennedy.	Williams
Maddox.	of McLennan.

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

Question—Shall the bill be passed?

Mr. Haney offered the following amendment to the bill:

Amend House bill No. 17, page 2, line 10, by striking out the word "President" and insert in lieu thereof the word "Principal."

HANEY,
BUCHANAN.

The amendment was adopted.
House bill No. 17 was passed.

RECESS.

On motion of Mr. Spradley, the House, at 12:10 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.

On account of sickness:

Mr. McKinney for today and indefinitely, on motion of Mr. McNeal.

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:

Executive Office,

Austin, Texas, August 18, 1911.

To the Texas Legislature:

I herewith present to you the following additional subjects for legislation, in accordance with Section 40, Article 3, of the State Constitution:

1. The creation of an additional criminal district court for Dallas county.

2. An amendment to the city charter of the city of Austin, which will permit the city council to establish, operate and maintain one or more free public libraries, and providing that a plot of ground, 207 by 128 feet, out of the north half of block 101, in the city of Austin may be designated for church or free public library purposes.

3. An amendment to subdivision 5 of Section 2 of Article 2 of the city charter of the city of Dallas, so as to authorize the city of Dallas to increase its bonded indebtedness to \$8,000,000; to validate certain bonds of the city of Dallas heretofore issued in accordance with an election held for that purpose, and which bonds have been held invalid because in excess of the present authority of the said city of Dallas to issue bonds, to wit: \$250,000 for the purpose of obtaining money for the purchase of grounds and the erection of school buildings in the city of Dallas; bonds in the sum of \$550,000 for the purpose of disposing of and diverting the sanitary sewerage of the city of Dallas from being discharged into the Trinity river; bonds in the sum of \$100,000 for the purpose of erecting and constructing a city hospital building, all of said bonds having been authorized at elections heretofore held on April 4, 1911, and the fifth day of April, 1910, and to authorize the commissioners to use the Park taxes for the payment of the interest and sinking fund of park bonds and the street improvement tax for the payment of the interest and sinking fund on street improvement bonds.

4. Fixing the time for holding the district court in the Twenty-eighth Judicial District.

5. Giving to the county commissioners of Galveston county the right to convey or lease that portion of the seawall right of way which is north of Strand and east of Eighth street, in the city of Galveston, to the Board of Regents of the University of Texas, to be used for hospital purposes in connection with the John Sealy Hospital.

6. Giving the right to the Board of Regents of the University of Texas to condemn land for the use of the University.

7. Creating independent school district for Lakeview, in Hall county.

8. Creating an independent school district for Robstown, in Nueces county.

9. To validate the incorporation of the city of Big Springs, in Howard county.

10. An amendment to the law creating the Mertzon Independent School District, in Irion county, making the same more definite, and authorizing the levy of school taxes and the issuance of bonds to build a school house.

11. An amendment to Chapter 74, Acts of the Regular Session of the Thirty-second Legislature, prescribing the time for holding court in the Forty-sixth Judicial District. Said Act fails to fix a time for holding court in Hardeman county.

12. Special stock law for Matagorda county.

13. To validate the incorporation of the town of Munday, in Knox county.

14. Attaching the unorganized county of Bailey to Parmer county for judicial purposes.

15. For the protection of merchants and others against the passage of bogus bank checks.

16. An amendment to Chapter 3, Section 6, of the Acts of the Regular Session of the Thirty-second Legislature, so as to permit the State Treasurer to accept designated bonds on deposit as security from the State depositories at their market value.

17. A special road law for Bosque county.

18. Creating an independent school district for Cuero, in DeWitt county.

19. Amending the law creating the independent school district of Crosbyton, in Crosby county.

20. An amendment to the city charter of the city of Tyler, in Smith county, so as to provide for the issuance of bonds for the erection of a public high school building.

21. An act to provide for furnishing office stationery to district judges and county officers.

22. A law preventing cruelty to animals.

23. A special road law for Wichita county.

24. A special road law for Robertson county.

In framing special road laws, I respectfully suggest that where county convicts are worked on the

roads that they should be allowed not less than one dollar per day as credit upon their fines for their services. In the road laws passed at the Regular Session I noticed generally fifty cents per day was allowed county convicts as credit upon their fines. As a rule such convicts could make under private contract for their labor at least \$1.25 per day, and they ought to be entitled as a credit upon their fines from the county to something like what they could earn for their labor under private contract.

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

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. Standifer:

House bill No. 27, A bill to be entitled "An Act to amend Section 6, Chapter 69, of the General Laws of the Thirty-second Legislature, passed at the Regular Session thereof, being an Act to provide for the protection of the fish and oysters within tide-water limits along the Gulf coast of this State from the most interior point of tidewater seaward co-extensive with the jurisdiction of the State, and the fish in such fresh water lakes inland as may be owned by the State; and to provide for the sale and protection of all marl and sand of commercial value and all shells or mudshell that may be in or upon the bottoms of any lake, bay and shallow water, and in or upon all islands, reefs and bars that may be within the limits herein defined; and the placing of said islands, lakes and bays, and the shells, or mudshell, sand and marl that may be in or upon the said bottoms or in or upon the said islands, lakes, bays, reefs and bars under the jurisdiction and control of the Game, Fish and Oyster Commissioner for the purpose of selling and protecting the said shells, or mudshell, marl and sand; and providing that the proceeds arising from the sale of said shells, or mudshell, marl and sand, shall be credited to the Fish and Oyster Fund, and be ex-

pendent in the execution of this Act and in establishing fish hatcheries on the coast or elsewhere and in locating oyster beds, and reserving fresh water lakes from sale; and providing penalties for the violation of this Act, and appropriating to certain funds the proceeds from sale and fines arising under this Act, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Humphrey:

House bill No. 28, A bill to be entitled "An Act fixing the jurisdiction of the Supreme Court of this State by providing that the appellate courts of this State may disregard immaterial errors in passing upon appealed cases, and declaring an emergency."

Referred to Committee on Reforms in Civil and Criminal Procedure.

By Mr. Lee:

House bill No. 29, A bill to be entitled "An Act to amend Article 5043c Chapter 7, Title 102, and Article 824c, Chapter 4, Title 17, of the Penal Code of Texas and to further empower the Live Stock Sanitary Commission of the State of Texas to protect live stock against contagious, infectious or communicable diseases, and to provide penalties for the violations of the laws and rules and regulations of the Live Stock Sanitary Commission prohibiting the movement of live stock and the prevention of the spread of contagious diseases and for violations of the quarantine rules and regulations of the Live Stock Sanitary Commission, and declaring an emergency."

Referred to Committee on Stock and Stock Raising.

By Mr. Hunt:

House bill No. 30, A bill to be entitled "An Act to amend Chapter 11 of the General Laws of the Regular Session of the Thirty-first Legislature, entitled An Act to reorganize the Forty-seventh Judicial District and to create the Sixty-ninth Judicial District, to fix the time for holding the terms of the district courts in said districts, and to provide for the appointment of a district judge and district attorney in the said Sixty-ninth Judicial District, approved February 13, 1909; adding the unorgan-

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

Yeas—95.

Baker of Panola.	Keeble.
Barrett.	Landry.
Bierschwale.	Lane.
Birdsong.	Lawson.
Boehmer.	Leach.
Bolin.	Lee.
Bonner.	Logan.
Brooks.	Mangum.
Brookshire.	Martin.
Broughton.	Maxwell.
Brown.	McDaniel.
Brownlee.	McDowra.
Buchanan.	McGown.
Buffington.	McKinney.
Byrne.	Minton.
Cable.	Morris.
Campbell.	Mulcahy.
Cathy.	Oliver.
Caves.	Pharr.
Chapin.	Porter.
Coffey.	Robertson of Bell.
Corder.	Rogers.
Cox of Eastland.	Ross.
Craven.	Russell.
Crisp.	Schlick.
Davis.	Schluter.
Dillard.	Self.
Dotson.	Shannon.
Dunn.	Singleton.
Gaither.	Smith of Atascosa.
German.	Smith of Houston.
Gieptner.	Spradley.
Gilmore.	Stamps.
Goodner.	Stepter.
Graham.	Stevens.
Gross.	Stevenson.
Hall.	Stone.
Hamilton	Tarver.
of Childress.	Teel.
Hamilton	Terrell of Bexar.
of McCulloch.	Terrell
Haney.	of Cherokee.
Harmon.	Walker.
Haxthausen.	Watson.
Hellig.	White.
Henry.	Witcher.
Herder.	Wood.
Hillyer.	Woods.
Johnson.	Yarbrough.

Absent.

Aston.	Hornby.
Baker of Hood.	Hubbard.
Cox of Rockwall.	Humphrey.
Cranke.	Nichols of Hunt.
Donegan.	Robertson
Fant.	of Travis.
Flournoy.	Williams of Dallas.
Fountain.	Wortham.
Hill.	

Absent—Excused.

Bagby.	Nickels of Hill.
Burns.	Parker.
Camp.	Randolph.
Cureton.	Rowell.
Highsmith.	Rucks.
Hunt.	Savage.
Kennedy.	Standifer.
Maddox.	Stead.
McNeal.	Wahrmund.
Mikeska.	Williams
Murray.	of McLennan.

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, Aug. 19, 1911.

To the Texas Legislature:

As provided in Section 40, Article 3, of the State Constitution, I present to you the following additional subjects for legislation:

1. Special road law for Navarro county.
2. Special road law for Houston county.
3. An amendment to the charter of the city of Longview, in Gregg county.
4. Special charter for the city of McKinney, in Collin county.
5. An amendment to the city charter of the city of Galveston, in Galveston county, authorizing the raising and filling to grade alleys and streets between Thirty-third and Forty-fifth streets and Avenue H and Postoffice.
6. An amendment to Chapter 7, Acts of the Thirty-first Legislature, relating to the powers of cities and towns, so as to authorize them to condemn and impound water in public streams for public use.
7. Special road law for Knox county.
8. Independent school district for Rylie, in Dallas county.
9. New city charter for the city of Mineral Wells, in Palo Pinto county.
10. Providing for change in the venue of all cases now pending in the district and other courts of the State, arising in territory now comprising the new counties of Brooks, Willacy, and Jim Wells, from the

counties where such cases are now pending to courts of like jurisdiction in said counties of Brooks, Willacy and Jim Wells.

11. An amendment to the city charter of the city of Sherman, in Grayson county.

12. Special road law for Wood county.

13. Independent school district for Premont, Riviera, Bishop, all in Nueces county, and for Agua Dulce, partly situated in Nueces and partly in Jim Wells county.

14. Special road law for Liberty county.

15. An amendment to Chapter 120, Section 8, Acts of the Regular Session of the Thirty-second Legislature so as to add Culberson county to the list of counties composing the Eighth Supreme Judicial District.

16. Prescribing the time for holding district court in the counties of the Sixty-fourth Judicial District.

17. Independent school district for Murphy, in Collin county.

18. An amendment to Chapter 79, Special Laws of the Regular Session of the Thirty-second Legislature, creating the Jourdanton Independent School District.

19. An amendment to the special road law of Shelby county.

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

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. Hunt:

House bill No. 42. A bill to be entitled "An Act to change and prescribe the time for holding district court in the Sixty-fourth Judicial District of the State of Texas; to conform all writs and process from such courts to such changes, and to repeal all laws in conflict herewith."

Referred to Committee on Judicial Districts.

By Mr. Brown and Mr. Wortham:

House bill No. 43, A bill to be entitled "An Act making it a misdemeanor to draw any check, draft or order upon any bank, person, firm or

corporation, when the maker thereof has not sufficient funds on deposit with which to redeem same, and providing a penalty."

Referred to Committee on Criminal Jurisprudence.

By Mr. Maddox:

House bill No. 44, A bill to be entitled "An Act to incorporate the city of Meneral Wells, in the county of Palo Pinto, Texas, to grant it a special charter, and to fix its boundaries, to repeal all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Municipal Corporations.

By Mr. Aston, Mr. Gross, and Mr. Witcher:

House bill No. 45, A bill to be entitled "An Act to amend Section 2, Article 1; Section 91, Article 4, and Section 93, Article 4 of Chapter 6 of the Acts of the Twenty-fourth Legislature entitled an Act to incorporate the city of Sherman in Grayson county, Texas, and fixing the boundary thereof, and to provide for its government and the management of its affairs, so as to provide for the extension of the limits of said city for the payment of outstanding bonds and indebtedness, and providing for improvements in said city, and declaring an emergency."

Referred to Committee on Municipal Corporations.

By Mr. Brooks:

House bill No. 46, A bill to be entitled "An Act to change the venue of all cases, civil and criminal, pending in the district, county, or other courts of this State, at the time of the organization of the new counties created by the Thirty-second Legislature, where said suits could have been brought and such new counties under the provisions of Articles 1194 and 1585 of the Revised Civil Statutes, or under the provisions of the Code of Criminal Procedure, had such new counties been organized and in existence at the time said suits were filed, and changing the venue of said cases from such counties where they are now pending to such new counties, and providing further that in all cases where the causes of action arose prior to the organization of such new counties, or any of them, but not filed at the time of the or-

Nays—1.

Stevenson.

Absent.

Cox of Rockwall.	Herder.
Cranke.	Maxwell.
Donegan.	Rucks.
Harmon.	

Absent—Excused.

Bagby.	Landry.
Brown.	Maddox.
Chapin.	Mikeska.
Cureton.	Parker.
Fountain.	Randolph.
Highsmith.	Stead.
Hornby.	Williams
Keeble.	of McLennan.
Kennedy.	

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

BILLS ORDERED NOT PRINTED.

(By Unanimous Consent.)

On motion of Mr. Yarbrough, it was ordered that House bills Nos. 58, 50, 49, 35, 51 and 52 be not printed.

On motion of Mr. Cathey it was ordered that House bill No. 56 be not printed.

On motion of Mr. Humphrey, it was ordered that House bill No. 61 be not printed.

On motion of Mr. Smith of Atascosa, it was ordered that House bill No. 57 be not printed.

On motion of Mr. Woods of Navarro, it was ordered that House bill No. 55 be not printed.

On motion of Mr. Rogers, it was ordered that House bill No. 62 be not printed.

On motion of Mr. Wood of Galveston, it was ordered that House bill Nos. 44, 45, 54 and 59 be not printed.

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:

Executive Office,
Austin, Texas, Aug. 21, 1911.
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:

1. An amendment to Article 548 of the Revised Civil Statutes as amended by Chapter 7, Acts of the Thirty-first Legislature, so as to more fully authorize incorporated towns and cities to condemn private property, including water of natural running streams or springs, upon payment of just compensation therefor, for the purpose of constructing, maintaining and operating waterworks and sewers for such towns and cities; also to more fully authorize companies or corporations incorporated by the laws of this State for the purpose of constructing and operating waterworks and supplying towns and cities, or the inhabitants thereof, with water, to condemn and appropriate, upon the payment of just compensation therefor, any private land reasonably necessary for their use for such purposes.

I included the foregoing subject of legislation in my message to you of the nineteenth instant, but my attention is called to the fact that I did not make the subject sufficiently broad to give to corporations supplying water to cities and towns, and the citizens thereof, the right to condemn land for pumping stations and for laying their water mains.

2. Legislation authorizing railroad companies to issue and sell bonds, certificates and other evidences of indebtedness, to be secured by lien upon their property, for the purpose of making permanent improvements and betterments of such railroads, acquiring and constructing depots, terminals and adequate equipment, by permission of the Railroad Commission of Texas, and under its regulation, and prescribing penalties for misappropriation of funds derived from the sale of such securities.

I submit the foregoing subject for your consideration after a conference with the chairman of the Railroad Commission, and accompanying this message is a copy of a bill prepared by him, which, in my opinion, will afford much needed relief to railroad companies now operating in sparsely settled sections of the State and earning scant revenues. Eight years' service on the Railroad Commission led me to the conclusion that some such act as that now proposed is very much needed for the betterment and improvement of our railroads. Most of the railroad con-

struction in Western Texas for the last several years has been by independent companies and largely on donations and subscriptions by the people living in territory adjacent to the railways proposed and constructed. Many of these roads are cheaply built for the reason that they have not credit enough to secure funds to construct and equip them in such permanent order as is desirable. By authorizing the issuance of bonds by railroad companies for improvements, under the restrictions and regulations of the Railroad Commission, many of these properties can be put in first class condition and made of more service to the public and of greater value to their owners, and yet the fixed charges against such railroads, on account of such bond issues, be limited to a reasonable amount, and a sum upon which they can earn and pay interest at reasonable freight and passenger charges.

I appeal to the Legislature to give this subject their earnest and immediate favorable consideration.

3. Legislation providing for the payment into the State Treasury of any funds due to volunteers from Texas in the war between the United States and Spain, and providing the manner and form for the payment of claims to such money by volunteers to whom it may be due.

There is now something like five thousand dollars to the credit of such volunteers in one of the banks of the city of Austin. This money has been on hand since the Spanish-American War. It is due to volunteers for services rendered the Federal Government between the time of volunteering and being mustered into service. This money was paid by the Federal Government to the credit of the Governor of the State, and has been kept in bank for convenient payment of such claims as might be presented by volunteers, to whom it is due. It could be paid into the State Treasury and used as other funds, and I suggest that an Act be passed providing for this.

4. An amendment to the special road law for Lamar county.

5. Legislation amending an Act to grant a new charter for the city of Houston, Harris county, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency, passed by the Twenty-ninth Legislature of the State of

Texas on the 28th day of March, 1905, by adding thereto an article to be known as "Article 4a," providing for the improvement of highways in the city of Houston by filling, grading, raising, paving or repaving the same with any permanent or durable materials, or by the construction, reconstruction or repair of curbs and gutters, and laying out, opening, widening, narrowing, straightening or otherwise establishing, defining or locating any such highway or sidewalks, and providing for the payment of the cost of making such improvement, and for the making thereof, upon petitions of property owners, and for the assessment of part of the cost of such improvement upon the owners of property abutting thereon and their property, and upon owners of street railways and steam railroads occupying such highways and their property, and providing for notice and hearing to owners of such abutting property concerning such assessments, and providing for the enforcement and collection of such assessments and providing that this amendment shall be referred to the qualified property taxpaying voters of the city of Houston for adoption before becoming effective.

6. Legislation granting to persons and corporations formed under the laws of the State of Texas the right, power, privilege and authority to erect, build, construct, maintain and operate dams across the Guadalupe river, when such persons or corporations are engaged in furnishing light and water to cities and towns, or the inhabitants thereof.

7. Special road law for Kaufman county.

8. Special road law for Tarrant county.

9. Legislation providing for the payment of costs of proceedings in cases of coroners' inquests over the death of a State convict, or in lunacy proceedings where the sanity of a State convict is inquired into.

10. Legislation providing for the conversion of the present authorized tax for the maintenance of public schools in District No. 9 of Galveston county, or in any other public free school district that may hereafter be created out of territory which now comprises all or part of said School District No. 9.

11. Legislation regulating and controlling pearl fishing in Caddo

Lake, or any other waters in the State of Texas.

12. Legislation providing for the extension, of seining waters under regulations prescribed by the Fish and Oyster Commissioner.

13. Special road law for Blanco county.

14. Validating incorporation of Rusk, Cherokee county.

Respectfully submitted,

O. B. COLQUITT,

Governor.

EXHIBIT A.

An Act to authorize railroad companies to issue and sell bonds, certificates and other evidence of indebtedness, to be secured by lien upon its property, for the purpose of making permanent improvements and betterments of such railroad, acquiring and constructing depots, terminals and adequate equipment, by permission of the Railroad Commission, and fixing penalties for misappropriation of funds derived from the sale of such securities, and creating an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That any corporation, incorporated for the purpose of constructing, owning, maintaining and operating a railroad under the laws of this State, and which now owns a line of railroad already constructed, which has outstanding stocks and bonds secured by a mortgage, or lien upon the property, or by any other character of lien, may, for the purpose of making permanent improvements and betterments on its railroad, and acquiring and constructing adequate depots and terminals, and acquiring adequate rolling stock and equipment, issue and sell bonds, certificates or other evidence of indebtedness, and secure the same by a lien upon all, or any portion of its property, franchises and appurtenances belonging thereto, not to exceed the cost of such improvements, betterments, depots, terminals and equipment, regardless of the amount of outstanding stocks and bonds of such railroad at the time of making such betterments and improvements, or acquiring and constructing such depots and terminals and acquiring such rolling stock; providing that such railroad shall first procure the permission of the Railroad Commission of Texas to issue and sell such

bonds, certificates and other evidence of indebtedness. For the purpose of carrying into effect this Act, the Railroad Commission is hereby authorized to grant such permission, upon proper application by such railroad company.

Sec. 2. This Act shall not be construed so as to in anywise repeal or impair the provisions of Chapter 14, Title 94, Revised Statutes of the State of Texas, or any other statute of the State, except in so far as the same may be changed by the provisions of this Act.

Sec. 3. If any officer, agent or employe of the corporation issuing bonds under the provisions of this Act shall, without the consent of the Railroad Commission of Texas, entered of record upon application made therefor by such corporation, wilfully use or appropriate for the benefit of said corporation, or otherwise, any moneys obtained from the sale of bonds issued under the provisions of this Act, except for the purpose named in the application to the Railroad Commission of Texas for the issuance of said bonds and the order of the Commission thereon, he shall be deemed guilty of a felony, and upon conviction shall be confined in the State penitentiary for a term of not less than two nor more than five years; and the jurisdiction of such offense shall be either in the district court of Travis county or in the district court of the county in this State wherein such officer, agent or employe may reside.

Sec. 4. Whereas, There is no adequate provision in the statutes of this State, authorizing the issuance of bonds or other evidence of indebtedness, secured by lien, for the purpose of making permanent improvements and betterments, and acquiring and constructing depots and acquiring rolling stock, there exists an imperative public necessity and emergency for the suspension of the constitutional rule requiring bills to be read on three several days in each House, and said rule is therefore suspended, and this Act shall take effect and be in force from and after its passage, and it is hereby so enacted.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally the first time

the people of Texas a right to know who furnishes the money to defeat or adopt legislation?" If it's all straight and proper, why all this array of counsel to block the efforts of the Legislature to get at the facts?

HORNBY.

I vote "nay," having voted against the resolution in the committee room, and still believing that the House is without authority to punish under the law and Constitution.

BAGBY.

I vote "yea," not because I have the least prejudice against Mr. Wolters, for I have not, but because I believe there are certain questions regarding members of the Legislature that should be answered "yes" or "no," and I believe the committee is constitutionally appointed and have authority.

HALL.

I vote "nay" because I believe that the Constitution limits investigation by the House only to matters affecting legislation in this State, and where specific charge is made. This is admittedly not a matter of legislation, and no specific charge is submitted; hence I believe the resolution is out of order.

WOOD of Galveston.

On this question, where constitutional authority is, at least of doubtful interpretation, I give the respondent the benefit of the doubt and vote "nay."

STAMPS.

I vote "yea" because, in my opinion, the Investigating Committee, and not the witness, should be the judge of the materiality of the evidence, and the questions to be propounded to the witness, and believe the committee was exercising its constitutional and legal prerogatives.

BROWNLEE.

I vote "nay" because I do not believe the committee has any legal authority to sit as a grand jury to investigate violations of the law in this State, and because the respondent voluntarily appeared and testified before the committee to all legal questions propounded to him, and only refused to answer questions pertaining to his private affairs.

SINGLETON.

REASON FOR NOT VOTING.

I was unavoidably detained in the Governor's office on official business when the vote was taken on the resolution committing J. F. Wolters to jail for contempt. Before leaving the House, I requested friends to send for me when the vote was taken, but it was overlooked in the proceedings. Had I been present, I would have voted against the resolution committing Colonel Wolters to jail.

DILLARD.

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, Aug. 24, 1911.

To the Legislature of the State of Texas:

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

1. Independent school district for Provident City District, located in the counties of Lavaca, Colorado, Wharton and Jackson.
2. Special road law for Cooke county.
3. An amendment to the city charter of the city of Temple, in Bell county, so as to confer upon the city of Temple concurrent jurisdiction with Bell county in the matter of trying and punishing juvenile offenders against the ordinances of said city.
4. An amendment to the city charter of Port Arthur: (1) To amend official election ballot; (2) to amend section of chapter relating to street and sidewalk improvements; (3) to amend section of chapter with reference to drainage.

Respectfully submitted,

O. B. COLQUITT,

Governor.

COMMUNICATION FROM WALLACE INGLISH.

Mr. Nickels of Hill presented the following communication from Wallace Inenglish, which was read to the House:

Mr. Gilmore submitted the following motion in writing, which was read to the House:

I move that the report of the Free Conference Committee be not adopted and the committee instructed to adhere to the House amendment relative to the change from a ten-year to a five-year adoption, and the House amendment relative to the pay of the members of the text-book board.

A division of the motion was called for.

Mr. Haney moved the previous question on the pending motion and the adoption of the report, and the main question was ordered.

Question then first recurring on that division of the motion which provides that the House reject the report, yeas and nays were demanded.

This division of the motion prevailed by the following vote:

Yeas—60.

Aston.	Hillyer.
Baker of Hood.	Hubbard.
Baker of Panola.	Humphrey.
Barrett.	Hunt.
Bonner.	Lane.
Brookshire.	Lee.
Broughton.	Logan.
Brownlee.	Maxwell.
Burns.	McDaniel.
Cable.	McNeal.
Campbell.	Mikeska.
Cathey.	Minton.
Caves.	Morris.
Coffey.	Murray.
Corder.	Oliver.
Cureton.	Parker.
Davis.	Robertson of Bell.
Dillard.	Rogers.
Donegan.	Rowell.
Fant.	Russell.
Gaither.	Self.
German.	Shannon.
Gleptner.	Stepter.
Gilmore.	Tarver.
Goodner.	Teel.
Graham.	Terrell
Gross.	of Cherokee.
Hamilton	Watson.
of Childress.	White.
Hamilton	Witcher.
of McCulloch.	Woods.
Henry.	

Nays—47.

Bierschwale.	Byrne.
Boehmer.	Camp.
Bolin.	Cox of Eastland.
Buffington.	Cranke.

Crisp.	Nichols of Hunt.
Dotson.	Pharr.
Dunn.	Ross.
Fountain.	Savage.
Haney.	Schlick.
Harmon.	Schluter.
Hellig.	Singleton.
Hill.	Smith of Atascosa.
Hornby.	Smith of Houston.
Johnston.	Standifer.
Kennedy.	Stevens.
Landry.	Stone.
Lawson.	Terrell of Bexar.
Leach.	Walker.
Mangum.	Williams of Dallas.
Martin.	Williams
McDowra.	of McLennan.
McGown.	Wood.
McKinney.	Wortham.
Nickels of Hill.	Yarbrough.

Present—Not Voting.

Brown.	Spradley.
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Absent.

Birdsong.	Keeble.
Brooks.	Mulcahy.
Buchanan.	Porter.
Chapin.	Robertson
Cox of Rockwall.	of Travis.
Craven.	Rucks.
Flournoy.	Stamps.
Haxthausen.	Stevenson.
Herder.	Wahrmund.

Absent—Excused.

Bagby.	Maddox.
Hall.	Randolph.
Highsmith.	Stead.

Question then recurring on that division of the motion which provides for instructing the committee, it 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 the following message from the Governor, which was read to the House:

Governor's Office,

Austin, Texas, Aug. 25, 1911.

To the Legislature of the State of Texas:

As provided in Section 40, Article 3, of the State Constitution, I present for your consideration additional subjects, as follows:

1. The creation of an independent school district for South Park, in Jefferson county.
2. Special road law for Frio county.
3. Special road law for Montague county.
4. The creation of the independent county line school district for Rising Star, in Eastland county.
5. Independent school district for Sabinal, in Uvalde county.

Respectfully submitted,

O. B. COLQUITT,
Governor.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Lee, it was ordered that Senate bill No. 19 be not printed.

On motion of Mr. Schluter, it was ordered that House bill No. 75 be not printed.

On motion of Mr. Boehmer, it was ordered that Senate bill No. 44 be not printed.

HOUSE BILL NO. 5 WITH SENATE AMENDMENTS.

Mr. Tarver called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

House bill No. 5, A bill to be entitled "An Act to apportion the State of Texas into representative districts and to fix the number of representatives therefor, and to repeal all laws and parts of laws in conflict herewith."

The Speaker laid the bill before the House, and the Senate amendments were read as follows:

Amend the bill, page 1, by striking out all of lines 28, 29 and 32, and lines 1, 2 and 3, on page 2, and insert in lieu thereof the following:

"No. 3. The Third District, composed of the counties of Gregg, Marion and Harrison, and shall elect one Representative.

"No. 5. The Fifth District, composed of the county of Panola, and shall elect one Representative.

"No. 6. The Sixth District, composed of the county of Rusk, and shall elect one Representative."

Amend the bill, page 5, line 3, by inserting after the word "Tarrant" the words, "Cooke, Wise."

Amend the bill, page 6, line 7, by striking out the word "Colorado."

Amend House bill No. 5, page 7, by striking out lines 5, 6, 7 and 8 and insert:

"No. 87. The Eighty-seventh District, composed of the counties of Llano, Gillespie, Blanco and Kendall, and shall elect one Representative.

"No. 88. The Eighty-eighth District, composed of the counties of Hays and Comal, and shall elect one Representative."

Question—Shall the House concur in the Senate amendments?

Mr. Tarver 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 to non-concur prevailed.

RECESS.

On motion of Mr. Williams of Dallas, the House, at 6 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 Mr. Nickels of Hill, who was in the chair when the House recessed.

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. Hornby:

House bill No. 90, A bill to be entitled "An Act to create a more efficient road system for Frio county, Texas, and making the county commissioners of said county ex officio road commissioners and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for working county convicts upon the county roads of said county, and providing for a reward to be offered for the re-capture of an escaped county convict, and taxing said reward and all actual cost of a capture and delivery of said convict against the said convict, and providing for a penalty for the escape of a county convict, and providing for the amount of compensation to be allowed the road hands, for teams, plows, scrapers and wagons, and providing for the con-