

# APPENDIX A.

## EXECUTIVE VETOES FILED WITH THE SECRETARY OF STATE AFTER ADJOURNMENT OF THE SECOND CALLED SESSION OF THE THIRTY-FIRST LEGISLATURE.

(It is through the kindness and courtesy of Mr. M. T. Barrett, stenographer to the Governor, that official copies of these documents have been obtained and they are here inserted to make a public record of same and to complete the history of bills.)

### HOUSE BILL NO. 18.

Executive Office,  
State of Texas.

Austin, May 28, 1909.

To the Secretary of State:

I herewith transmit for file in the office of the Secretary of State House bill No. 18, with my objections hereinafter enumerated, being an act making appropriations for the support of the State government for the two years beginning September 1, 1909, and ending August 31, 1911, and for other purposes; prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the State government for the year ending August 31, 1909, and to pay various miscellaneous claims against the State; and authorizing the payment of certain miscellaneous items upon the taking effect thereof, and declaring an emergency. The said bill is signed on this date and the items thereof not objected to are approved. I append to the said bill at the time of signing same this statement of the items to which I object, viz:

#### Executive Department.

The following items where no reason is given for veto are objected to as unnecessary appropriations and as not essential for the efficient administration of the State government: "Expenses of Board of Pardon Advisers in visiting penitentiaries, reformatory and camps, for the year ending August 31, 1911, \$300." This item appears on page 2 of the bill.

#### Department of State.

The item of "Furniture, files and typewriter, for the year ending August 31, 1911, \$300," on page 3 of the bill, is objected to and disapproved.

#### Public Buildings and Grounds.

Items on page 4 of the bill, "Salary of Superintendent for looking after the State's property outside of Austin, \$300, for the year ending August 31, 1910," and "\$300 for the year ending August 31, 1911," are objected to, as the salary of the Superintendent of Public Buildings and Grounds is fixed by law at \$1500 per annum, and the salary of this officer and expenses in performing certain outside duties have been provided for by another item in this bill.

Item on pages 4 and 5 of this bill: "To purchase linoleum or carpets in the several departments of the State Capitol building and for cleaning and renovating carpets in said departments, to be expended in two years, \$2000."

Item on page 5: "Repairing and painting Capitol building, and furniture in House and Senate, \$3000 for the year ending August 31, 1911," is objected to. This bill provides for \$3000 for the year ending August 31, 1910, and \$3000 for the year ending August 31, 1911, and the item of \$3000 for the year ending August 31, 1911, is objected to as unnecessary.

Items on page 5 of the bill: "For the improvement, maintenance and care of the San Jacinto battlefield, \$15,000, for the year ending August 31, 1910," and "\$15,000 for the year ending August 31, 1911," are objected to and vetoed. The unexpended balance appropriated for this purpose by the Thirtieth Legislature, amounting at this time to something over \$23,000, is revived and extended by a provision in this appropriation bill, and that amount judiciously expended is believed to be ample for the period covered by this appropriation bill.

The item on page 5 of the bill: "For bitulithic paving of the driveways with-

in the State Capitol grounds, commencing at south gates of such grounds and running to the terrace south of the Capitol building, or as near thereto as possible, aggregating 4412 square yards, at not exceeding \$2.25 per square yard, or so much thereof as may be necessary, and to be used within the next two years, \$9927." On account of the unusually heavy increase in appropriations, this is an improvement that can and should be postponed for the present.

#### State Tax Board.

The items of "Salary of bookkeeper, accountant and stenographer, \$1200 for the year ending August 31, 1910," and "\$1200 for the year ending August 31, 1911," are objected to as unnecessary appropriations. These items appear on page 9 of the bill.

#### Public Printing.

The items of "Salary of one assistant and bookkeeper, \$1000 for the year ending August 31, 1910," and "\$1000 for the year ending August 31, 1911," are objected to and vetoed as unnecessary. These items appear on page 11 of the bill.

#### Texas State Board of Health.

The following items appropriated for the Health Department are unnecessary for the efficient administration of the department and are objected to and vetoed, viz.:

Items of "Salary of Assistant Health Officer, \$2400 for the year ending August 31, 1910," and "\$2400 for the year ending August 31, 1911." These items appear on page 15 of bill.

Page 15 of bill: Items of "Salary of Chemist, \$1800 for the year ending August 31, 1910," and "\$1800 for the year ending August 31, 1911."

Page 15 of the bill: Items of "Salary of filing and index clerk and general clerk, \$600 for the year ending August 31, 1910," and "\$600 for the year ending August 31, 1911."

Page 15 of the bill: Items of "Salary of assistant quarantine officer at Galveston, \$1500 for the year ending August 31, 1910," and "\$1500 for the year ending August 31, 1911."

Page 16 of the bill: Item of "For erecting house at Aransas Pass for quarantine officer, \$2000."

Item on last line of page 16: "Miscellaneous, \$2000 for the year ending August 31, 1910," and "\$2000 for the year ending August 31, 1911."

The item on page 17, and contained

in the last paragraph of said page, reading as follows: "Provided, the State Board of Health is hereby authorized to use not exceeding thirty thousand dollars of the funds collected as fees at Galveston quarantine station, now to the credit of the quarantine fee fund, for the purpose of erecting and equipping a hospital for the isolation of contagious and infectious diseases, such hospital to be located on State property at Galveston," is also objected to and vetoed.

#### Pure Food Commission.

On page 19 of the bill: The items of "Salary of Deputy Commissioner, \$1200 for the year ending August 31, 1910," and "\$1200 for the year ending August 31, 1911," are objected to.

On page 19 of the bill: The items of "Cost of samples, \$500 for the year ending August 31, 1910," and "\$500 for the year ending August 31, 1911," are objected to. Such expenses as may be incurred for this purpose can be paid from the item of \$1800 appropriated for traveling and other expenses, which last mentioned amount is believed to be sufficient for traveling and all other necessary miscellaneous expenses.

#### Department of Education.

On page 22: The items of "Salary of general assistant clerk, \$1200 for the year ending August 31, 1910," and "\$1200 for the year ending August 31, 1911," are objected to, as it is believed that this additional clerk is unnecessary.

#### Comptroller's Department.

The bill provides on pages 27 and 28 that, "Provided further, that the appropriations made for the Comptroller's Department, as above set out, are subject to Chapter 31 of the Acts of the Thirtieth Legislature," and this enactment of the Thirtieth Legislature has for its object the reorganization of the Comptroller's Department, with the view of needed economy in this Department, and in view of the duties imposed upon the board created by Chapter 31 of the said Acts of the Thirtieth Legislature, and the recommendations of the accountants employed by the board to check and audit this Department and recommended necessary reforms, and in anticipation of the action of the board with respect to said recommendations, the following items appropriated for this Department are objected to and eliminated:

On page 27: "Salary of clerk to as-

sist Comptroller in carrying out the provisions of the law regulating the sale of intoxicating liquors and to perform such other duties as may be required of him, \$1500 for the year ending August 31, 1910," and "\$1500 for the year ending August 31, 1911." The present force in the Comptroller's Department is believed to be sufficient to discharge the additional duties imposed by recent legislation.

On page 27: The item of "Salaries of 12 assistant clerks at \$1100 each, \$13,200 for the year ending August 31, 1911."

The other items of appropriation for this Department are approved subject to the further readjustment and reduction in the interest of efficiency and economy as may result from the further action of the Board of State Accounting created by said Chapter 31 of the Acts of the Thirtieth Legislature.

#### General Land Office.

The following items on page 28 of the bill appropriated for the General Land Office are objected to and vetoed:

"Salary of chief bookkeeper, \$1400 for the year ending August 31, 1911."

"Salaries of three general clerks at \$1200 each, \$3600 for the year ending August 31, 1910," and "\$3600 for the year ending August 31, 1911."

On page 29: "Salaries of three assistant bookkeepers at \$1300 each, \$3900 for the year ending August 31, 1911," are objected to and vetoed.

The item "To employ additional clerical help to be used in two years, \$7500," on page 29 of the bill, is objected to and vetoed. Further material reduction can be made in the administration of this Department when the system contemplated by recent legislation is efficiently installed. The other items of appropriation for this Department are approved subject to the further readjustment and reduction in the interest of efficiency and economy as may result from the further action of the Board of State Accounting created by said Chapter 31 of the Acts of the Thirtieth Legislature.

#### Railroad Commission.

On page 31: The items of "Salary of stenographer, \$900 for the year ending August 31, 1910," and "\$900 for the year ending August 31, 1911," are vetoed, as I am advised by the Railroad Commission through its chairman that this is an unnecessary appropriation.

#### University of Texas.

"For the maintenance, support and direction of the University of Texas, including repairs," etc., the Legislature appropriated for the two years ending August 31, 1909, \$105,000 per year, and to enable the University authorities to use a sufficient amount of the available funds of the University derived from sources other than the general revenue, for the purpose of building a heating and library building, the Legislature, by this bill, increased the appropriation to \$240,000 for the year ending August 31, 1910, and \$240,000 for the year ending August 31, 1911. However, the Board of Regents of the University concur in the view that it is necessary to reduce this appropriation bill generally, and believing that the necessities of the University for the appropriation period covered by this bill can be met by a reduction of this appropriation, and believing that the University should share in such reduction, the proper University authorities have advised that of the appropriation for the year ending August 31, 1910, of \$240,000, that the University requirements can be met with the expenditure of \$200,000, and that of the \$240,000 appropriated for the year ending August 31, 1911, \$180,000 will meet the necessities of the University, and at the same time enable the Board of Regents to proceed with the needed buildings and improvements. This action on the part of the Board of Regents of the University has the effect of reducing the appropriation for the University for the period covered by this bill \$100,000.

#### Agricultural and Mechanical College.

Page 35 of the bill: Item of "Horticultural department and equipment, \$1000 for the year ending August 31, 1911," is objected to as the item appropriated for this purpose for the year 1910, of \$1000, is sufficient to cover both years.

Item on pages 35 and 36, viz.: "For the purpose of employing, by the State Entomologist, local assistants in different parts of the State whose duties shall be to inspect apiaries and to treat foul brood and all other contagious diseases of honey bees; provided, that in case the State Entomologist can not secure a local assistant he may act in person, and in such case his actual traveling expenses shall be paid out of this appropriation, \$2000 for the year ending August 31, 1911," is objected to and disapproved. The item of \$3000 ap-

propriated for the year ending August 31, 1910, is believed to be sufficient to meet the necessities for both the years 1910 and 1911.

On page 36 of the bill: Items of "Civil Engineering Department, \$1000 for the year ending August 31, 1910," and "\$1000 for the year ending August 31, 1911," are objected to, as this department is provided for by an appropriation of \$2000 for each of the two years covered by the period of this bill.

On page 36 of the bill: Items of "Agricultural Engineering Department, \$500 for the year ending August 31, 1910," and "\$500 for the year ending August 31, 1911," are objected to and disapproved on account of error in the enrollment of the bill, as the intention was to appropriate these sums for the Architectural Engineering Department.

On page 36 of the bill: Item of "Hog cholera, serum experiments, \$1000 for the year ending August 31, 1911," is objected to and disapproved, as a similar amount is appropriated for the year ending August 31, 1910, which is believed to be ample for these experiments during both years.

On page 36 of the bill: Item of "Electrical Engineering Department, \$2000 for the year ending August 31, 1911," is objected to, as the necessities of this department are provided for by the item of \$4000 appropriated for the year ending August 31, 1910, which may be used during the two years.

The following items on pages 36 and 37 of the bill are objected to and disapproved, as such appropriations from the general revenue are prohibited by the Constitution of this State, viz.:

"One dormitory, complete and equipped, to be known as 'Willacy Hall,' \$60,000."

"To build five cottages for professors, to be expended in two years, \$10,000."

"Chemical Department, addition to building, \$500."

"For installing a central heating plant, \$15,000 for the year ending August 31, 1910," and "\$15,000 for the year ending August 31, 1911."

Section 13 of Article 7 of the Constitution of this State provides that "The Agricultural and Mechanical College of Texas, established by an act of the Legislature passed April 17, 1871, located in the county of Brazos, is hereby made and constituted a branch of the University of Texas, for instruction in agriculture and mechanical arts and the natural sciences connected therewith. And the Legislature shall, at its next

session, make an appropriation not to exceed \$40,000 for the construction and completion of the buildings and improvements, and for providing the furniture necessary to put said college in immediate and successful operation." And Section 14 of said Article 7 of the Constitution provides, "That no taxes shall be levied and no money appropriated out of the general revenue

for the establishment and erection of the buildings of the University of Texas." Therefore, it is clear that this limitation upon the powers of the Legislature to levy taxes and to appropriate money out of the general revenue applies to the Agricultural and Mechanical College of Texas, as it is made and constituted a part of and a branch of the University of Texas.

#### Prairie View Normal.

On page 38 of the bill: "Scholarships, one student to be appointed by each Senator and Representative, \$8750 for the year ending August 31, 1910," and "\$8750 for the year ending August 31, 1911," are objected to and vetoed, as the appropriation of these items for the purpose named is contrary to and clearly forbidden by the limitations of legislative power defined by the Constitution of this State.

Item of "To erect two new cottages for teachers, \$1500," on page 38 of the bill, is objected to and vetoed.

Item of "To erect and equip one dormitory complete, \$20,000," on page 39 of the bill, is objected to and vetoed.

#### Girls' Industrial School.

On page 40 of the bill: Item of "Inside improvements and repairs; toilet latrines, additions to radiators, plumbing, lunch counter, closets and shelving, \$1000 for the year ending August 31, 1911," is objected to and disapproved, as the appropriation for this purpose for the year ending August 31, 1910, is believed to be sufficient to meet the necessities in this respect for both years.

On page 40 of the bill: Item of "To erect and equip additional wing to the main college building (complete), \$50,000," is objected to, as the present college building is ample for present requirements.

On page 41 of the bill: Item of "Repairs, for buildings only, \$2000 for the year ending August 31, 1911," is objected to and vetoed. The appropriation of \$2000 for repairs for buildings listed for the year ending August 31,

1910, is sufficient to cover all needs for this purpose during both years.

On page 41 of the bill: Item of "Contingent expenses, \$750 for the year ending August 31, 1911," is objected to and vetoed, as the item of \$750 appropriated for this purpose for the year ending August 31, 1910, is believed to be sufficient to meet the probable necessary contingent expenses for two years.

#### State Normal Institutes and Normal Schools.

Items of "Scholarships, \$17,500 for the year ending August 31, 1910," and "\$17,500 for the year ending August 31, 1911," on page 42 of the bill, for Sam Houston Normal Institute, are objected to and vetoed.

On page 42 of the bill: Item of "Scholarships, \$17,500 for the year ending August 31, 1910," and "\$17,500 for the year ending August 31, 1911," for the North Texas State Normal, are objected to and vetoed.

On page 43 of the bill: Item of "Scholarships, \$17,500 for the year ending August 31, 1910," and "\$17,500 for the year ending August 31, 1911," for the Southwest Texas Normal School, are objected to and vetoed.

On page 43 of the bill: Item of "Scholarships, \$17,500 for the year ending August 31, 1911," for the West Texas Normal School, are objected to and vetoed.

The extent of the power of the Legislature and the limitations thereon respecting the right to levy taxes or impose burdens upon the people are defined by Section 48 of Article 3 of the Constitution of this State, and the Legislature is by said article of the Constitution limited in the exercise of such rights and powers respecting our public school system, as follows: "To the support of public schools in which shall be included colleges or universities established by the State." And Section 51 of said Article 3 of the Constitution provides further that "The Legislature shall have no power to make any grant of public money or authorize the making of any grant of any public money to any individual, association of individuals, municipalities, or other corporations whatsoever; provided, that this shall not be construed so as to prevent public aid in case of calamity." In the light of these provisions of the Constitution, I am of the opinion that the Legislature is not only without authority, but is expressly prohibited from making appropriations from the gen-

eral revenue for scholarships to the several Normal Schools and for this reason alone, these appropriations for scholarships are by me disapproved.

#### Blind Institute.

Item of "For adding second story to mattress building and erecting an east wing, including heating and wiring, thereby making a safe and adequate industrial building, \$8800." And item of "To remodel and equip the hospital, \$2500." Both of these items are for the year ending August 31, 1910, on page 59 of the bill, and are objected to and vetoed, as these are improvements that should be postponed in the light of other improvements, for which provision is made in this bill.

#### Deaf and Dumb Institute.

On page 62 of the bill: Item of "Salaries of two trained nurses with board, at \$480 each, \$960 for the year ending August 31, 1911," is objected to. The item of \$960 appropriated for the year ending August 31, 1910, is sufficient for the employment of one trained nurse for the two years.

Item of "To build additional dormitories, complete, \$17,000," and item of "To equip new dormitory and provide new toilet, \$3000," on page 63 of the bill, are objected to and vetoed.

#### Epileptic Colony.

On page 65 of the bill: Item of "To build one new cottage complete and equipped, \$15,000," is objected to and vetoed. The extensive improvements and buildings at this institution for the past two years and other expenditures for improvements on this behalf which are provided for in this bill for the next two years seem to be ample to meet the requirements for this institution for the two years covered by this bill. The development of our State institutions to that degree of adequacy and perfection so much desired should progress gradually, but too much should not be undertaken in any one year, lest the tax burdens fall too heavily upon the people at one time.

#### State Lunatic Asylum at Austin.

On page 68 of the bill: Item of "Wagons, hacks and harness, \$150 for the year ending August 31, 1911," is objected to and vetoed, as the item of \$450 appropriated for this purpose by this bill for the year ending August 31, 1910, is sufficient for two years.

On page 68 of the bill: Item of

"To build new laundry, \$8300," and item of "For additional machinery for new laundry, \$2500," and item of "Converting present laundry into wards, \$4000," are objected to and vetoed, as the present laundry is sufficient with some repairs to meet the present requirements of the institution.

On page 68 of the bill: Item of "Maintenance and support, including dry goods and clothing, and to pay additional employes for the additional patients provided for, \$6000 for the year ending August 31, 1911," is objected to and vetoed. The increased appropriation made by this bill for maintenance and support of this institution for the two years is sufficient to cover all increased expenses incident to the care of additional patients to be provided for by additional buildings and facilities to be constructed at this institution during the next two years.

#### Southwestern Insane Asylum.

On page 72 of the bill: Item of "To erect and equip east wing to present hospital, complete, and connecting passage, \$15,000," is objected to. This addition to the hospital, if necessary in the future, can well be postponed until the necessities of the institution require it.

On page 72 of the bill: Item of "To erect and equip a ward building for negro patients, complete, \$20,000," is objected to and vetoed. There are no negro patients being cared for at this institution, and the erection and equipment of a separate department for negroes, as provided for by this appropriation, would be much more expensive on account of the new organization, etc., than would similar accommodations at one of the other institutions where negro patients are treated and cared for. In the veto of this item, it is the intention to allow a deficiency for additions to buildings already erected and equipped, and now provided with the necessary organization at one of the other insane asylums.

#### North Texas Hospital for the Insane.

On page 75 of the bill: Item of "General repairs and painting, \$5000 for the year ending August 31, 1911," is objected to and vetoed. The item of \$10,000 for the first year is sufficient for this purpose for the two years.

On page 75 of the bill: Item of "Bridges, culverts and grounds, \$1500 for the year ending August 31, 1910," is objected to as unnecessary.

On page 75 of the bill: Item of

"Pasteur Institute equipped, \$5000," is objected to and vetoed on account of the fact that a similar institute now established and equipped is sufficient to meet the present necessities.

On page 75 of the bill: Item of "Two pavilions, \$3600," is objected to and vetoed.

On page 75 of the bill: Item of "To erect and equip two buildings (complete) for consumptive patients, \$35,000," is objected to and vetoed, as the buildings provided for at the Austin and San Antonio asylums will be sufficient to care for the consumptive patients in the several asylums.

On pages 75 and 76 of the bill: Item of "For maintenance and support, including dry goods and clothing, and to pay additional employes for the additional patients provided for, \$3000 for the year ending August 31, 1911," is objected to as unnecessary.

#### Miscellaneous Items.

On page 88 of the bill: Item of \$28,854.58 "To refund to various railway companies the gross receipts tax paid by them to the Treasurer of the State of Texas under Chapter 141 of the Acts of the Twenty-ninth Legislature, which act has been declared by the courts to be unconstitutional (said tax paid for the year 1905)," is objected to and vetoed. The refund to the railways of the gross receipts tax paid, which is alleged to have been improperly paid, should be subject to an adjustment of the differences between the State and the railways on account of their failure to pay to the State and counties the taxes due on their intangible assets for the year 1905. The State should refund the difference, if any, when ascertained, and a method should be provided for the ascertainment of such difference, and the railways should be required to pay such taxes as may be due the counties for the year 1905.

On page 89 of the bill: Item of "Texas Company, for balance due on a carload of fuel oil for the Deaf and Dumb Asylum, \$99.84," is objected to and disapproved, as this amount is not due the Texas Company, according to information received from the State Purchasing Agent.

On pages 89 and 90 of the bill: Item of "Texas Company for fuel oil for State Lunatic Asylum, \$174.77," is objected to and vetoed, as I am advised by the State Purchasing Agent that no oil has been bought from the Texas Company for the State Lunatic Asylum.

On page 90 of the bill: Item of "To refund the State portion of liquor licenses under Sections 7 and 16, Chapter 138 of the Acts of the Thirtieth Legislature, for the two years ending August 31, 1909, \$2500," is objected to and vetoed, for the reason that the deficiency appropriation bill passed at the Regular Session of the Thirty-first Legislature provided for the payment of all claims due upon this account.

On page 90 of the bill: Item "To pay the Higgins Oil and Fuel Company for three cars of oil furnished the State Lunatic Asylum, Austin, Texas, being cars Nos. 156, 160 and 170, \$644.58," is objected to and vetoed. The State Purchasing Agent holds receipts showing that the amounts due for cars Nos. 156 and 170 have been paid, and that only \$213.18, if anything, is due upon this claim.

On page 90 of the bill: Item of "To pay the Terrell Wholesale Grocery Company for supplies furnished the State Lunatic Asylum, \$504.34," is objected to, as the office of the State Purchasing Agent contains no record of such a claim and the proper authorities of the State Lunatic Asylum have no knowledge of purchases upon which this claim is based.

On page 91 of the bill: "For the purchase of the two paintings 'The Battle of San Jacinto' and 'Dawn at the Alamo,' painted by McArdle, to be purchased by the Governor at his discretion, \$10,000," is objected to and vetoed.

On page 92 of the bill: Item of "Salary of deputy clerk Court of Criminal Appeals from June 14 to September 1, 1909, \$416.66," is objected to and vetoed, as there is no salary due or to become due on this account.

On page 93 of the bill: "To carry into effect House Concurrent Resolution No. 12, enacted at the Regular Session of the Thirty-first Legislature, providing for the preparation and presentation of the claim of the State of Texas vs. the U. S. for the protection of her frontier during the latter part of 1850 and the first part of 1860, \$2000," is objected to and vetoed. This item is excessive in amount, and for that reason is disapproved. The amount actually needed for this purpose can be provided by deficiency allowance when the same is ascertained.

On pages 93 and 94 of the bill: Item of "For the payment and cancellation of the following outstanding bonds of the State of Texas, a part of the pub-

lic debt, \$645,200; \$188,500; \$41,400; \$22,100; \$20,700; \$15,600; \$135,400, all of which said bonds mature July 1, 1909, \$1,068,900." The several items enumerated in this general item of \$1,068,900 embrace that portion of the public debt evidenced by bonds of the State, maturing on July 1, 1909. Instead of providing by adequate laws for refunding these bonds, and providing as the Constitution requires, a 2 per cent sinking fund with which to pay off and discharge the same, the Legislature has undertaken to lay upon the taxpayers of the State the burden of paying off and discharging this large amount by an increase in taxation, which would amount to an increase of approximately 6 cents on the \$100 of property valuation during the present year, to which increase I can not assent. The payment of these bonds now would mean that the taxpayers must pay \$1,068,900 more taxes this year than if the bonds are refunded and a sinking fund of 2 per cent created for their payment upon maturity, thereby distributing the burden over a number of years, as contemplated by the Constitution.

Section 48 of Article 3 of the Constitution of this State, in its limitation of the powers of the Legislature with respect to the payment of the public debt, limits the Legislature in its power to levy taxes or impose burdens upon the people to the creation of a sinking fund which shall not be more than 2 per cent of the public debt, and for the payment of the floating debt of the State at the time of the adoption of the Constitution, including the then matured bonds for the payment of which the sinking fund is inadequate. The floating debt of the State and the bonds matured and due at that time have long since been paid or refunded.

It will be remembered that our tax rate is increased in proportion to the increased appropriations and the very thing proposed by this action of the Legislature was wisely provided against by the constitutional limitation above referred to, so that such an oppressive burden could not be laid upon the people in the way of taxation during any one year.

These bonds were issued under an act of the Sixteenth Legislature, but that Legislature and subsequent Legislatures have failed to provide a sinking fund as required by the Constitution, with which to pay off and discharge the same when matured. I can not agree to the proposition that the people

should have this heavy burden laid upon them this year, even if the Constitution would permit it, but believe, as I recommended to the Legislature, that the bonds should be refunded at a lower rate of interest, and that a sinking fund should be provided by law as authorized and contemplated by the Constitution to pay off the refunded bonds when they mature. These bonds which mature July 1, 1909, and which this item of the appropriation bill was intended to take up and cancel, are held and owned as follows: Six hundred and forty-five thousand two hundred dollars by the permanent free school fund; \$188,500 by the permanent fund of the State University; \$41,400 by the Lunatic Asylum fund; \$22,700 by the Deaf and Dumb Asylum fund, and \$15,600 by the State Orphans' Home fund, and \$135,400 by individuals, cities and counties. It will therefore be seen that of the \$1,068,900 in State bonds maturing on July 1, 1909, \$933,500 are owned by the permanent free school fund and State institutions; only \$135,400 being owned by individuals, cities and counties, and therefore no embarrassment to the State will result in the failure to pay them at maturity. Appropriate legislation refunding the same can be enacted in the future, and at a time when the legislative mind is free from the bewildering effect of the large fine recently collected by the State, and which evidently had its influence upon each proposition involving an appropriation of the people's money during the recent session of the Legislature. Indeed, the fine collected from the Waters-Pierce Oil Company might be said to have been appropriated by the Legislature three times. First, the appropriations by special bills including the expenses of the Legislature and appropriations carried by bills vetoed and not necessary to use amounted to more than \$1,880,000. Second, the general appropriation bills as introduced showed an increase of more than \$1,000,000 as compared with any bill ever heretofore offered. And, third, this item of \$1,068,900 to pay off the State bonds, and other large items were added to and included in the bill as finally passed.

It would seem that in times like these it would be well to recur occasionally to the safeguards of the Constitution.

In case the owners of the State bonds aggregating \$135,400 maturing July 1, 1909, and held by individuals, cities and counties, desire to realize

upon the same, the State School Board will be glad to take them up with the funds now to the credit of the permanent free school fund, or with permanent funds now to the credit of other State educational and eleemosynary institutions.

The approved appropriations made by the Thirtieth Legislature including appropriations by special bills and for the expenses of that Legislature and the general appropriation bill for the needs of the State government for two years amounted in the aggregate to about \$7,954,915.45.

The appropriations by the Thirty-first Legislature for all purposes, including the State bonds in above item, amount to \$11,531,085, being an increase as compared with the appropriations of two years ago of about \$3,577,170.05.

Appropriations which were vetoed, including the amount for installing water, light and power plant at Austin, and which will not be used, amount to \$2,251,481.19.

T. M. CAMPBELL,  
Governor of Texas.