EIGHTH DAY.

(Wednesday, May 1, 1929.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.
Acker.
Ackerman.
Adkins.
Albritton.
Anderson.
Baker.
Baldwin.
Barnett.
Bateman.
Beck.
Bond.
Bounds.
Bradley.
Brice.
Brooks.
Carpenter.
Chastain.
Coltrin.
Conway.
Cox of Navarro.
Cox of Lamar.
Cox of Limestone.
Davis.
DeWolfe.
Dunlap.
Duvall.
Enderby.
Ewing.
Eickenroht.
Finn.
Finlay.
Forbes.
Fuchs.
Gates.
Gerron.
Gilbert.
Giles.
Graves of Williamson.
Graves of Erath.
Hardy.
Harding.
Harman.
Harper.
Harrison.
Heaton.
Hefley.
Hines.
Hogg.
Holder.
Hopkins.
Hornaday.
Hubbard.
Jenkins.
Johnson of Dimmit.
Johnson of Smith.
Johnson of Scurry.
Jones.
Justiss.
Kayton.
Keller.
Kemble.
Kennedy.
Kincaid.
King.
Kinnear.
Land.
Lee.
Lemens.
Long of Houston.
Long of Wichita.
Loy.
Mankin.
Marks.
Martin.
Mauritz.
Maynard.
McCombs.
McDonald.
McGill.
McKean.
Mehl.
Minor.
Montgomery.
Moore.
Morse.
Mosely.
Mullally.
Murphy.
Negley.
Nicholson.
Olsen.
O'Neill.
Palmer.
Patterson.
Pavlica.
Petsch.
Pool.
Pope of Jones.
Pope of Nueces.
Prendergast.
Purl.
Quinn.
Ray.
Reader.
Renfro.
Richardson.
Rogers.
Rountree.
Sanders.
Savage.
Shaver.
Shelton.
Sherrill.
Shipman.
Simmons.
Sinks.
Speck.
Stephens.
Stevenson.
Storey.
Tarwater.
Thurmond.
Tillotson.
Turner.
Van Zandt.
Veatch.
Waddell.
Wallace.
Walters.
Warwick.
Webb.
White.
Wiggs.
Williams of Sabine.
Williams of Travis.
Woodall.
Woodruff.
Young.

Absent—Excused.

Avis.
Keeton.
Kenyon.
Metcalfe.
Reid.
Smith.
Snelgrove.
Strong.
Thompson.
Westbrook.
Williams of Hardin.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Strong for today and the balance of the week, on motion of Mr. Hefley.

Mr. Smith for today, on motion of Mr. Ray.

Mr. Keeton for today, on motion of Mr. Mauritz.

Mr. Reid for yesterday and today, on motion of Mr. Shipman.

Mr. Metcalfe for today, on motion of Mr. Bounds.

HOUSE BILLS ON FIRST READING.

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

By Mr. Jenkins, Mr. Acker and Mr. Sinks:

H. B. No. 75, A bill to be entitled "An Act to require a motion for a new trial in all civil cases tried in any district or county court in this State as a prerequisite to the right of appeal, stating the time in which such motion shall be filed, and that the same may be amended; and providing that such motion shall distinctly specify the error complained of; providing that such motion shall constitute appellant's assignment of error on appeal; requiring notice of appeal and an appeal bond, specifying the time in which the same

shall be given exemption from the provisions of this act, Article 2276, of the Revised Statutes of the State of Texas; providing what shall constitute the record on appeal and how the same shall be prepared; providing that the judge trying any case without a jury shall file his findings of fact in such case; providing in what case statement of facts shall be filed and how the same shall be made out; providing for filing the record and statement of fact, if any, in the Court of Civil Appeals; providing that copies of the judgment of the Court of Civil Appeals and notice of certain motions be furnished attorneys of record by the clerk of the Court of Civil Appeals free of charge; and providing that parties to said suit may file motions for rehearing and application for writ of error in the manner required by law."

Referred to Judiciary Committee.

By Mr. Metcalfe, Mr. Stevenson and Mr. Dunlap:

H. B. No. 76, A bill to be entitled "An Act for the eradication of contagious, infectious and communicable diseases among cattle, horses, mules, asses, sheep, goats, hogs and other live stock, domestic animals and domestic fowls; also other diseases; providing for the establishment of quarantines, and penalties for violations of provisions of this act; providing for the testing of cattle for tuberculosis and branding cattle that show a positive reaction to a tuberculin test, and declaring an emergency."

Referred to Committee on Live Stock and Stock Raising.

By Mr. Metcalfe and others:

H. B. No. 77, A bill to be entitled "An Act to provide for the eradication, in the State of Texas, of the fever-carrying tick (Margaropus annulatus), and making it the duty of the inspectors of the Live Stock Sanitary Commission to supervise the dipping of cattle, horses, mules, jacks and jennets for the eradication of said fever-carrying tick (Margaropus annulatus), and authorizing and requiring said Commission to establish necessary quarantines for the purpose of controlling and restricting the movement of said live stock, and for the purpose of preventing the spread of said infection and exposure to said fever-carrying tick (Margaropus annulatus), and to eradicate the same, and requiring the commissioners courts to co-operate with said Commission in said work, and declaring an emergency."

Referred to Committee on Live Stock and Stock Raising.

By Mr. Purl:

H. B. No. 78, A bill to be entitled "An Act to provide for the organization, incorporation or admission and the regulation and taxation of mutual insurance companies; repealing Chapters 5, 6, 9, 12, 13 and 14 of Title 78, of the Revised Civil Statutes of 1925, and all other laws or parts of laws in conflict herewith; providing a penalty for the violation of the provisions thereof, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Purl:

H. B. No. 79, A bill to be entitled "An Act to regulate the business in insurance on what is known as the Lloyd's plan, amending all of Chapter 19, Title 78, Revised Statutes of Texas, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Warwick:

H. B. No. 80, A bill to be entitled "An Act to ratify and adopt in principle the Canadian River Compact between the States of New Mexico, Texas and Oklahoma, executed on the 31st day of December, 1926, by the Commissioners of said States, which ratification and adoption is made subject to certain conditions, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Purl:

H. B. No. 81, A bill to be entitled "An Act to amend Article 5053, Revised Statutes, 1925, relating to discrimination and other practices in connection with the sale of life insurance policies, so as to better regulate the sale of stock, bonds and other securities in connection with life insurance policies, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Dunlap and others:

H. B. No. 82, A bill to be entitled "An Act to provide for the eradication, in the State of Texas, of the fever-carrying tick (Margaropus annulatus), and making it the duty of the inspectors of the Live Stock Sanitary Commission to supervise the dipping of cattle, horses, mules, jacks and jennets, and for the eradication of said fever-carrying tick (Margaropus annulatus), and authorizing and requiring said Commission to establish necessary quarantines

for the purpose of controlling and restricting the movement of said live stock, and for the purpose of preventing the spread of said infection and exposure to said fever-carrying tick (Margaropus annulatus), and to eradicate the same; and requiring the commissioners courts to co-operate with said Commission in said work, and declaring an emergency."

Referred to Committee on Live Stock and Stock Raising.

By Mr. Harrison, Mr. McGill and Mr. Pool:

H. B. No. 83, A bill to be entitled "An Act ratifying the Rio Grande Compact between the States of Colorado, New Mexico and Texas concerning the division of the waters of the Rio Grande above Fort Quitman; authorizing the appointment of a commissioner to represent the State in the execution thereof; fixing his compensation, correcting error in appropriation included in Chapter 105, General Laws of the First Called Session of the Fortieth Legislature, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Johnson of Dimmit and Mr. Woodall:

H. B. No. 84, A bill to be entitled "An Act to repeal Article 1066, Title 15, Chapter 4, Code of Criminal Procedure of Texas, 1925, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Johnson of Dimmit and Mr. Woodall:

H. B. No. 85, A bill to be entitled "An Act to amend Article 1052, Title 15, Chapter 3, Code of Criminal Procedure of Texas, 1925, as amended by Chapter 104, Acts of the Forty-first Legislature, Regular Session, by omitting therefrom the concluding portion of Section 1 relating to the taxing, collecting and paying into the Treasury of fines and costs heretofore authorized for justices of the peace or judges, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Johnson of Dimmit and Mr. Woodall:

H. B. No. 86, A bill to be entitled "An Act to amend Article 1074, Title 15, Chapter 4, Code of Criminal Procedure of Texas, 1925, amended by Chapter 236, Acts of the Regular Session of the Forty-first Legislature, so as to provide a trial fee of five dollars in both the justice and the trial courts in misdemeanor cases, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Johnson of Dimmit:

H. B. No. 87, A bill to be entitled "An Act to correct the official spelling of the name of the county of Zavalla, Texas."

Referred to Committee on Counties.

By Mr. Cox of Limestone:

H. B. No. 88, A bill to be entitled "An Act appropriating fifteen hundred dollars ($1500), to be applied upon the purchase of a statue to be placed upon the Fort Parker monument, when a like sum is raised by public subscription; appointing commissioners to purchase said statue and use said funds therefor; and to withdraw such appropriation upon their affidavits of the collection of such like sum by public subscription; providing for selection of successors in case of necessity of such commissioners, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Rountree:

H. B. No. 89, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the repurchase of public school land forfeited and reappraised under Chapter 94, an act approved October 19, 1925, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon, and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

By Mr. Thurmond:

H. B. No. 90, A bill to be entitled "An Act to provide for the creation of a common school district embracing an entire county having a scholastic population of more than four hundred and less than six hundred, and which does not embrace the whole or any part of

an independent school district, and in which there is no outstanding bonded indebtedness against any common school district in such county, and which has an assessed valuation of more than four million and less than six million dollars, upon a vote of a majority of the qualified resident property taxpaying voters of such county voting at said election; providing for a petition and election to determine whether or not a common school district shall be created embracing an entire county; providing for the canvass of the returns of such election, and declaring of the results of the same, and an order creating such district embracing an entire county, and abolishing all common school districts existing prior thereto, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Montgomery and Mr. Kemble:

H. B. No. 91, A bill to be entitled "An Act relating to banks and bank and trust companies; enacting provisions to prevent false advertisement of the condition of banks and bank and trust companies, and providing penalties and forfeiture, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Montgomery and Mr. Kemble:

H. B. No. 92, A bill to be entitled "An Act relating to banks and bank and trust companies; amending Article 535, Revised Civil Statutes of 1925, and prescribing the method of transfer of stock of banks and bank and trust companies, making the record owner liable as stockholder; and providing for the joining of transferor and transferee of stock in case of suit, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Montgomery and Mr. Kemble:

H. B. No. 93, A bill to be entitled "An Act relating to banks and bank and trust companies; enacting Article 517a, Revised Civil Statutes of 1925, and providing against preferences in favor of depositors of banks and bank and trust companies by pledging the assets of such corporations, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Montgomery and Mr. Kemble:

H. B. No. 94, A bill to be entitled "An Act relating to banks and bank and trust companies; amending Article 365, Revised Civil Statutes of Texas of 1925, so as to provide for the sale of stock to enforce payment of stock assessments in banks and bank and trust companies; amending Article 370 of said statutes defining the duties and discretion of the Banking Commissioner in connection with taking charge of and liquidating banks and bank and trust companies; enacting provisions protecting the rights of creditors of banks and bank and trust companies in cases of decrease of the capital stock of such corporations; declaring the rule where banks or bank and trust companies receive checks, drafts or bills of exchange; amending Article 514, Revised Civil Statutes of 1925, so as to eliminate that portion of same which prohibits banks and bank and trust companies from alienating real estate to anyone interested directly or indirectly in said company; amending Article 358, Revised Civil Statutes of 1925, prescribing the number of examinations per year of banks and bank and trust companies by the Banking Department; amending Article 350, Revised Civil Statutes, 1925, as amended, so as to provide for assistant bank examiners, and prescribing their compensation and traveling expenses; enacting provisions incidental to the subject and purposes of the act, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Hines:

H. B. No. 95, A bill to be entitled "An Act to levy and collect annually a three dollar road tax against all able-bodied male citizens of Cass county, Texas, who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collection of said tax, and repealing all laws in conflict therewith, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Morse:

H. B. No. 96, A bill to be entitled "An Act amending Article 6196 of the Revised Civil Statutes of 1925, so as to provide for the discharge of convicts from the penitentiary in the county in which they were indicted, and declaring an emergency."

Referred to Committee on Penitentiaries.

By Mr. Graves of Erath, Mr. Graves of Williamson, Mr. Woodall and Mr. Kincaid:

H. B. No. 97, A bill to be entitled "An Act to amend Articles 6205 and 6221, of Title 109, of the Revised Civil Statutes of 1925, and to amend Chapter 153 of the General Laws of the Forty-first Legislature, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Williams of Travis and Mr. Long of Houston:

H. B. No. 98, A bill to be entitled "An Act authorizing the commissioners courts of the several counties in Texas to issue refunding bonds for the purpose of refunding road bonds that have been issued by authority of statutes enacted pursuant to Section 52 of Article 3 of the Constitution of Texas, for and on behalf of counties, political subdivisions and defined districts and consolidated districts in such counties, and authorizing the commissioners courts to pass all appropriate orders to carry out such refunding; and to levy ad valorem taxes in payment thereof, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Rountree:

H. B. No. 99, A bill to be entitled "An Act placing under the provisions of the general law all school districts, common or independent, with a scholastic population of fewer than five thousand, in the levy and collection of local school taxes and in the issuance of bonds; repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Education.

By Mr. Johnson of Dimmit:

H. B. No. 100, A bill to be entitled "An Act amending Article 879 of the 1925 Penal Code, as amended and provided for in House bill No. 161, Chapter 215, page 316, Regular Session of the Fortieth Legislature, so as to provide an open season or period of time when it shall be lawful to kill wild mourning doves in the north zone and in the south zone; excepting certain counties therefrom, and providing for an open season or period of time in which it shall be lawful to take or kill wild mourning doves in such excepted counties, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Jones:

H. B. No. 101, A bill to be entitled "An Act creating a more efficient road system for McMullen county, Texas; providing that the county commissioners shall co-operate with the State Highway Department in the establishment, construction and maintenance of designated State highways, to be paid for partly by the county and partly by the State or Federal government; authorizing the commissioners court of McMullen county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; providing that this act shall be cumulative of all road laws of said county, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Montgomery and Mr. Justiss:

H. B. No. 102, A bill to be entitled "An Act authorizing the Banking Commissioner of Texas to refund to banks amounts of money due them as refunds by reason of such banks having converted or withdrawn from the guaranty fund system prior to the repeal of the guaranty fund law, after carefully calculating and retaining the estimated amount of unliquidated, disputed or unsettled claims against the fund or monies on hand out of which such refunds may be made; providing that the Banking Commissioner shall not be personally liable for making such refunds in accordance with this act, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Minor (by request):

H. B. No. 103, A bill to be entitled "An Act authorizing the Board of Regents of the College of Industrial Arts to make contracts for the erection of dormitories; to purchase, sell, lease or encumber lands and other appurtenances for dormitories; to make contracts for the collection and disposition of the revenues derived from such dormitories; to issue obligations under the limitations herein prescribed and to pledge the rents, revenues and income from the operation of such dormitories for the repayment of said obligations, and providing that the State Board of Education shall be authorized and empowered to invest the permanent public free school funds of the State in said obligations in addition to those named

in Article 2669, as amended by an act of the Regular Session of Forty-first Legislature, in the manner and under the rules and regulations prescribed in Articles 2669, 2670, 2671, 2672 and 2673 of Chapter 10, Title 49, of the Revised Civil Statutes of the State of Texas of 1925, as amended; providing for the control and management of said dormitories, and declaring an emergency."

Referred to Committee on Education.

By Mr. Mehl:

H. B. No. 104, A bill to be entitled "An Act relating to the practice of barbering; providing who shall practice barbering, who shall serve as a barber student and barber's assistant, and requiring the certificate as a registered barber and a certificate of registration as a student and assistant barber, and providing for qualifications of a barber and a student and assistant barber, and the qualifications of a barber and assistant barber shall possess in order to receive a certificate and to practice barbering," etc.

Referred to Committee on Public Health.

By Mrs. Moore, Mr. Pope of Nueces, Mr. Kinnear, Mr. Carpenter, Mr. Mauritz, Mr. Coltrin and Mr. Nicholson:

H. B. No. 105, A bill to be entitled "An Act conveying to the United States of America an easement for the construction of the intracoastal waterway over certain State-owned lands in Chambers and Galveston counties; provided further, that nothing in this act shall be construed to affect or impair any vested rights, or the right to use and maintain any bridge or bridges now in existence, and the right of the owner of any such bridge to use and maintain the same; providing for the reversion of said lands to the State of Texas under certain contingencies, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Mauritz:

H. B. No. 106, A bill to be entitled "An Act to amend Article 4754 of the Revised Civil Statutes of Texas, so as to repeal certain provisions exempting certain insurance companies from the payment of occupation or gross receipts taxes, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Murphy:

H. B. No. 107, A bill to be entitled "An Act providing for a jury wheel and the selection of juries and drawing of venires by means thereof in all counties having a population of not less than 16,775 and not more than 17,000, as shown by the United States census of 1920; to repeal the provisions of Articles 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2118, 2141, 2146 and 2150, of Chapter 7, Title 42, of the Revised Civil Statutes of Texas; to repeal Articles 629, 638 and 640 of Chapter 4, Title 8, of the Revised Code of Criminal Procedure of Texas; to repeal Articles 593 and 595 of Chapter 2, Title 8, of the Revised Code of Criminal Procedure of Texas, in so far as said articles apply to said counties; to provide for penalties for the violation of any provision of this act, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Mauritz:

H. B. No. 108, A bill to be entitled "An Act to amend Article 4769 of the Revised Civil Statutes of Texas, so as to impose an occupation tax on all life insurance companies transacting business in Texas, and providing time of payment, and repealing certain provisions, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Mauritz:

H. B. No. 109, A bill to be entitled "An Act to amend Article 7064 of the Revised Civil Statutes of Texas, imposing a gross receipts tax upon insurance companies, as defined therein, and repealing certain provisions therein, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Gilbert:

H. B. No. 110, A bill to be entitled "An Act exempting from taxation public property used for public purposes; actual places of religious worship, also any property owned by a church or by a strictly religious society for the exclusive use as a dwelling place for the ministry of such church or religious society, and which yields no revenue whatever to such church or religious society; provided, that such exemption shall not extend to more property than is reasonably necessary for a dwelling place, and in no event more than one

acre of land; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for school purposes and the necessary furniture of all schools and property used exclusively and reasonably necessary in conducting any association engaged in promoting the religious, educational and physical development of boys, girls, young men or young women operating under a State or National organization of like character; also the endowment funds of such institutions of learning and religion not used with a view to profit; and when the same are invested in bonds or mortgages, or in land or other property which has been and shall hereafter be bought in by such institutions under foreclosure sales made to satisfy or protect such bonds or mortgages, that such exemption of such land and property shall continue only for two years after the purchase of the same at such sale by such institutions, and no longer, and institutions of purely public charity, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Mauritz:

H. B. No. 111, A bill to be entitled "An Act amending Article 7066 of the Revised Statutes of Texas, levying gross receipts taxes on sulphur; providing for a tax of one dollar per ton on all sulphur produced within the State of Texas, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Shelton, Mr. Duvall and Mr. Kincaid:

H. B. No. 112, A bill to be entitled "An Act establishing a State Sanitary Code which provides for the prevention and control of disease, giving the State Health Officer and the State Board of Health authority to promulgate orders, rules and regulations for the protection of the public health; repealing the old State Sanitary Code known as Chapter 4, Article 4477, of the Revised Civil Statutes of Texas of 1925; and repealing all laws, articles, sections and subdivisions of laws in conflict or inconsistent with this act; prescribing a penalty, and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Mauritz:

H. B. No. 113, A bill to be entitled "An Act relating to the registration of motor vehicles, trailers and semi-trailers; prescribing the license fees required for their registration; providing for the distribution and appointment of license fees collected pursuant hereto; prescribing the compensation and duties of the county tax collectors in connection with the administration of this act; making other provisions incidental to the purposes of this act; fixing the date this act shall take effect; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Cox of Limestone:

H. B. No. 114, A bill to be entitled "An Act amending Section 8 of Chapter 177 of the General Laws of the Regular Session of the Thirty-ninth Legislature, as amended by Chapter 35 of the General Laws of the Fortieth Legislature, by providing that it shall be lawful to kill, take and have in possession any fur-bearing animal, except a fox, within Limestone county during the open season, and providing that it shall be legal to kill, take and have in possession within Limestone county rabbits at any time, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Jenkins, Mr. Prendergast, Mr. Williams and Mr. Savage:

H. B. No. 115, A bill to be entitled "An Act to provide what shall be the necessary allegation of fact in suits to determine the title to lands, and to provide that plaintiff's allegation of title, if not denied by the defendant, shall be taken as confessed; and to provide that the defendant may plead any fact in bar of plaintiff's right of recovery; and to repeal Articles 7372 and 7373 of the Revised Civil Statutes of Texas."

Referred to Judiciary Committee.

By Mr. Jenkins:

H. B. No. 116, A bill to be entitled "An Act to provide that the finding of fact by the court or jury if on appeal that there is no assignment of error as to any such findings or if the error so assigned be not sustained, the facts so found shall be conclusively presumed upon a subsequent trial of such cause between the same parties to be correct, and no evidence shall be received as to such facts."

Referred to Judiciary Committee.

COMMUNICATION FROM EL PASO LEAGUE OF WOMEN VOTERS.

The Speaker laid before the House and had read the following communication:

1417 E. Missouri Street,
El Paso, Texas, April 21, 1929.

Jane Y. McCallum, Austin, Texas.

My Dear Mrs. McCallum: The El Paso League of Women Voters at their last meeting voted unanimously that a letter of commendation be sent the members of the Texas Legislature who were active in passing the bill which deals with a man deserting his wife and family. It was much needed in this locality it seems, and our Dr. Alice Merchant, head of our League Welfare Committee, has already used the law to good advantage.

The El Paso League have long been active in work for the passing of this bill, and are indeed overjoyed that it is so soon to become effective. Dr. Merchant assures me you will see to it this letter reaches the proper persons.

Very truly yours,
KITTIE A. WEEKS,
Corresponding Secretary.

Mrs. C. S. Weeks, 1417 Mo. St., El Paso, Texas.

RELATIVE TO RELOCATING PRISON SYSTEM.

Mr. Turner offered the following resolution:

Whereas, The House of Representatives is considering the important question of the proposed relocation and concentration of the Penitentiary System; and

Whereas, It is deemed advisable that the members have better information as to the physical and other conditions surrounding the prison lands in Fort Bend and Brazoria counties; now, therefore, be it

Resolved, That a committee of nine members be named to visit the prison properties in the counties named above during this week-end, inspect same and make a report to the House; said committee to include the Speaker of the House, who shall appoint the other eight members, and that the actual and necessary expense of said inspection trip be paid out of the contingent expense fund of the House.

The resolution was read second time.

On motion of Mr. Purl, the resolution was referred to the Committee on Penitentiaries.

PROVIDING PAY FOR CERTAIN COMMITTEE.

Mr. Davis offered the following resolution:

Whereas, A sub-committee of three members of the State Eleemosynary and Reformatory Institutions Committee was appointed to visit and inspect State institutions of this character at Sanatorium, Wichita Falls, Abilene and Gainesville; and

Whereas, Said sub-committee performed that duty at a minimum of expense of less than thirty dollars for rooms and meals, transportation being provided for them by the State Board of Control without cost to the House; and

Whereas, Said committee obtained information that will be of value to the House; now, therefore, be it

Resolved, That the members of said sub-committee be reimbursed out of the contingent expense fund of the House for the actual expenses incurred by them in the performance of the duty imposed on them as set out herein.

Signed—Davis, Hornaday, Cox of Navarro.

The resolution was read second time and was adopted.

RELATIVE TO MARKETING SYSTEM FOR CROPS.

Mr. Giles offered the following resolution:

Whereas, Agriculture is the chief industry of our Southland; and

Whereas, The marketing system for our crops is inadequate; and the fertility of our soil is being constantly depleted of its nitrogen content; and the United States Government now owns a hydro-electric plant at Muscle Shoals, Alabama, which cost more than $150,000,000, and is capable of manufacturing sodium nitrate so necessary for the rehabilitation of our soils; and

Whereas, At the present time Chilean nitrate sells at Texas points for $60 per ton; and the Muscle Shoals plant, if properly handled, will materially reduce the cost of sodium nitrate; therefore, be it

Resolved by the House of Representatives of Texas, That our Representatives in Congress are urgently requested to support such measures that will give an adequate marketing system for our crops and such measures that will permit the manufacture of nitrogen at the Muscle Shoals plant, thereby making it possible for our farmers to receive cheaper fertilizer; be it further

Resolved, That this resolution be printed in the Journal and a copy thereof be mailed to our Representatives in Congress.

Signed—McDonald, Baker, Stephens, Ackerman, Albritton, Kennedy, Tarwater, Ray, Bounds, Justiss, McKean, Pope of Jones, Ewing, Webb, Veatch, Metcalfe, Jones, Harper, Marks, Giles, Fuchs, Johnson of Dimmit, Brice, Enderby, Simmons, Pavlica, Carpenter, Kincaid.

The resolution was read second time and was adopted.

REQUESTING APPOINTMENT OF ADDITIONAL SERGEANT-AT-ARMS.

Mr. Gates offered the following resolution:

Whereas, It has been called to the attention of various members of the House of Representatives that an additional Sergeant-at-Arms is needed to preserve proper decorum; therefore be it

Resolved, That the Speaker of the House be requested to appoint an additional Sergeant-at-Arms immediately.

Signed—Gates, Purl, Dunlap, Storey, Hogg, Montgomery.

The resolution was read second time.

On motion of Mr. Quinn, the resolution was tabled.

RELATIVE TO PROMOTING VOCATIONAL EDUCATION FOR CERTAIN DISABLED CITIZENS.

Mr. Holder offered the following resolution:

H. C. R. No. 4, Relative to vocational rehabilitation.

Whereas, There are annually in Texas approximately 5000 physically disabled persons who are not able to follow a vocation and who are dependent on friends, relatives or the State for support; and

Whereas, These persons can be made self-supporting by special vocational training and proper placement in jobs; and

Whereas, It is socially and economically sound to return these persons to remunerative employment; and

Whereas, Forty-two States and the District of Columbia now provide this training and placement for their disabled citizens; and

Whereas, The Federal government will allot annually to the State of Texas $44,296.50 for this work, provided the Legislature of Texas accepts the provisions of the National Rehabilitation Act; therefore be it

Resolved by the Legislature of the State of Texas:

Section 1. That the Legislature of Texas does hereby accept the provisions and benefits of an act of Congress passed June 2, 1920, amended June 5, 1924, entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry, or otherwise, and their return to civil employment."

Sec. 2. That the Treasurer of Texas be, and he is hereby, authorized and empowered to receive the funds appropriated under said act of Congress and is authorized to make disbursements therefrom upon the order of the State Board for Vocational Education.

Sec. 3. That the State Board for Vocational Education is empowered and instructed to co-operate with the Federal Board for Vocational Education in accord with the terms and conditions expressed in the act of Congress aforesaid.

The resolution was read second time.

Mr. Holder moved that the resolution be referred to the Committee on Education.

Mr. Sherrill moved that the resolution be referred to the Committee on State Affairs.

Question first recurring on the motion by Mr. Sherrill, it prevailed.

Mr. Holder moved to reconsider the vote by which the resolution was referred to the Committee on State Affairs.

The motion to reconsider was lost.

RELATIVE TO FARM RELIEF BILL IN CONGRESS.

The Speaker laid before the House, for consideration at this time, the resolution heretofore offered by Mr. Richardson, relating to the Farm Relief Bill in Congress, the resolution having been read second time on yesterday and referred to the Committee on Agriculture.

Question recurring on the resolution, it was adopted.

Mr. Purl moved to reconsider the vote by which the resolution was adopted, and the motion to reconsider was lost.

REPORT OF THE COMMITTEE TO VISIT DICKERSON COLORED ORPHANAGE.

The Speaker laid before the House and had read the following report:

Hall of the House of Representatives,
Austin, Texas, April 29, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your committee appointed under

Senate concurrent resolution No. 25 to investigate the Dickerson Colored Orphanage at Gilmer beg leave to report as follows:

Two of the House members appointed on said committee went to Gilmer on April 8 and inspected the orphanage. They were accompanied by Hon. Ray Holder, who acted as a personal representative of the Speaker, and by Hon. V. E. Conway, chairman of the Eleemosynary Committee. Mr. Lawrence Westbrook, the other member of the House committee, was unable to join the committee, due to heavy rains and bad roads.

We were taken over the land by a committee of citizens and shown its extent and boundaries. The land will compare favorably with the average land in that vicinity. It is somewhat rolling and in part divided by another tract of land, and a highway runs through the entire tract. A railroad extends along an entire side of the tract. At the time of our visit, very little of the land was in cultivation.

We found that there were twenty-nine (29) so-called buildings on the orphanage campus. However, only four of these were being used for dormitories for the children. One building was used for the very small children (the babies), another for the larger negro boys, another for the large negro girls, and one for the very small negro girls. One mess hall kitchen was in use to feed the entire population. A few of the outbuildings were in use for a storehouse and for a storage room for farming tools. There was a demonstration building in use in which we were shown several negro girls at work. All of these buildings are frame construction, are heated by wood stoves with ordinary stove pipe, and are lighted by coal oil lamps. While we found them to be very clean and well kept, they are veritable firetraps and are totally unsuited to be used for housing any of the State's wards.

In the event that the State should see fit to take over this institution, we recommend that these buildings be not used for housing the wards of the State, but that new buildings be constructed for this purpose. They could probably be torn down and the lumber and other materials utilized in the construction of outbuildings, such as chicken houses, cow sheds, etc.

We found one well in use on the premises from which the entire supply of water was furnished. This was a good well, and the supply of water seemed to be adequate. There was also another well on the premises, which was not in use.

The orphanage is located about three miles from the town of Gilmer, and your committee was told by a committee of citizens that they would furnish the Board of Control with an estimate of the cost of installing a modern lighting system and of putting in a modern water system.

The committee viewed the mules and the cows belonging to the institution and were not favorably impressed. We believe them to be of small value and totally inadequate to meet the needs of the institution, should the State decide to take it over. This is also true of the farming implements.

The institution is being maintained by a number of public-spirited citizens, who furnished food and other supplies to keep the inmates from actual hunger. We were told that in the event the State should take the institution over, these same citizens would raise $35,000 which is now owed on the property of the institution in order to pay it off and deliver a clear title to the State. We heartily commend these citizens in their earnest efforts to alleviate suffering humanity and are fully in sympathy with their desire to have the State establish an institution for these unfortunate negroes. However, the committee feels that while the State owes a duty to all of its unfortunates, including its negro orphans, it would be very unwise to establish a State institution on the property now owned by the Dickerson Colored Orphanage, since it is so far from the seat of government and since it would require a large expenditure of money to establish an institution there of such character as the State would desire for its wards. We believe that the financial condition of the State at this time is such that an expenditure necessary to establish such an institution would be unwarranted, and we therefore recommend that the Legislature do not accept the offer made by those public-spirited citizens who are interested in its taking over this institution.

McGILL.
GILES.

RELATIVE TO INCOME TAX LAW.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 2, Relative to income tax law.

Whereas, The income tax law of the United States does not afford adequate relief to earned income; and

Whereas, Earned income represents actual service by the workers to the community, while unearned income represents value received by an individual from the community; and

Whereas, It is just that value received by an individual who did not create it should bear a heavier burden of taxation than value received by an individual who did create it; and

Whereas, A heavy tax upon earned income is discouraging to thrift and industry, a burden upon labor and an impediment to enterprise and achievement; and

Whereas, The present income tax law makes no allowance for depreciation of earning ability and places an unjust burden upon irregularly distributed earned income; therefore, be it

Resolved by the Senate of Texas, the House concurring, That the Representatives from Texas in the United States Congress be requested to work for the passage of amendments to the present law to provide for an exemption of 50 per cent of all earned incomes, the present exemption being 25 per cent; be it further

Resolved, That a copy of this resolution be forwarded by the Secretary of the Senate to each United States Senator and each member of Congress from Texas.

The resolution was read second time.

On motion of Mr. McCombs, the resolution was referred to the Committee on Federal Relations.

EMPLOYEE ANNOUNCED.

The Speaker announced the appointment of Miss Helen Young to the stenographic force.

MESSAGE FROM THE GOVERNOR.

Mr. Pat Daugherty, 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, as follows:

Executive Office,
April 30, 1929.

To the Honorable Forty-first Legislature:

The following subjects are submitted for your consideration:

(1) The compact between the commissioners representing the States of New Mexico, Texas, Oklahoma and Arkansas for the control and distribution of the waters of the Canadian River was made subject to ratification by the Legislatures of the several States mentioned in this compact, and it is submitted for you to determine whether you desire to ratify and otherwise give effect to the compact, or refuse to ratify it.

(2) The tentative compact between the commissioners representing the States of Colorado, New Mexico and Texas concerning the control and distribution of the waters of the Rio Grande River was made subject to the ratification and approval of the Legislature of the States named, and this compact is submitted for you to determine whether you desire to ratify the compact and otherwise give it effect, or refuse to ratify it.

(3) The amendment of Sub-sections 2 and 3 of Chapter 1 of Title 128, Revised Civil Statutes, 1925, regulating the use and distribution of public waters.

(4) The amendment of Chapter 1 and Chapter 8 of Title 16, Revised Civil Statutes, 1925, dealing with banks and banking.

(5) The enactment of statutes better defining the duties of the Livestock Sanitary Commission and the commissioners courts of the several counties with regard to the eradication of contagious, infectious and communicable diseases, and the Texas fever tick among livestock within this State.

(6) The amendment of Article 5053, Revised Civil Statutes, 1925, to better regulate the sale of stocks and other securities in connection with the sale of life insurance policies.

(7) The enactment of statutes to regulate the organization and business of mutual insurance companies.

(8) The regulation of the business of insurance written under what is known as the Lloyd's Plan.

(9) The amendment of Article 4891, Revised Civil Statutes, 1925, to better regulate the use of co-insurance clauses and like provisions in insurance policies of fire insurance.

(10) The enactment of statutes granting easements to the United States government for the construction of intracoastal waterways.

(11) Sections 3, 4, 14 and 20, of Chapter 41, Acts of the Fortieth Legislature, passed at its First Called Session, are submitted for amendment to correct defects therein.

(12) The repeal of Chapter 4, Article 4477, Revised Civil Statutes of 1925, and the enactment of an adequate

Sanitary Code in lieu thereof is submitted for your consideration.

(13) Chapter 195, General Laws, passed at the Regular Session of the Fortieth Legislature, page 278, has been held unconstitutional because of some defects in the caption. The amendment of the caption and Sections 1, 4, 5, 6, 7, 8 and 9, to correct said defect is submitted for your consideration.

(14) The amendment of Chapter 153, page 330, and Chapter 307, page 686, Acts of the Regular Session of the Forty-first Legislature, to correct the defect therein with reference to the payment of pensions to the widows of Confederate soldiers.

(15) The amendments of Chapter 104, page 239, Acts of the Regular Session of the Forty-first Legislature, to correct defects therein with reference to payment of compensation of justices of the peace for trial of criminal cases; and the placing of proper maximums upon fees and other compensation payable to public officers.

(16) The amendment of statutes pertaining to agriculture, and to better define the duties, respectively, of the A. and M. College and the Department of Agriculture, with relation thereto.

Respectfully submitted,
DAN MOODY,
Governor.

RIO GRANDE COMPACT.

On motion of Mr. Pool, the following was ordered printed in the Journal:

The State of Colorado, the State of New Mexico and the State of Texas, desiring to remove all causes of present and future controversy among these States and between citizens of one of these States and citizens of another State with respect to the use of the waters of the Rio Grande above Fort Quitman, Texas, and being moved by considerations of interstate comity, have resolved to conclude a compact for the attainment of these purposes, and to that end, through their respective Governors, have named as their respective commissioners: For the State of Colorado, Delph E. Carpenter; for the State of New Mexico, Francis C. Wilson; for the State of Texas, T. H. McGregor—who, after negotiations participated in by William J. Donovan, appointed by the President as the representative of the United States of America, have agreed upon the following articles, to-wit:

Article I.

(a) The State of Colorado, the State of New Mexico, the State of Texas and the United States of America are hereinafter designated "Colorado," "New Mexico," "Texas" and the "United States," respectively.

(b) The term "Rio Grande Basin" means all of the territory drained by the Rio Grande and its tributaries in Colorado, New Mexico and Texas, above Fort Quitman, Texas.

(c) The term "tributary" means any watercourse the waters of which naturally flow into the channel of the Rio Grande.

(d) The "Closed Basin" means that part of the San Luis Valley in Colorado where the streams and waters naturally flow and drain into the San Luis Lakes and adjacent territory, and the waters of which are not tributary to the Rio Grande.

(e) "Domestic" use of water has the significance which attaches to the word "domestic" in that sense at common law. "Municipal" use means the use of water by or through water works serving the public. "Agricultural" use means the use of water for the irrigation of land.

(f) The term "power" as applied to the use of water means all uses of water, direct or indirect, for the generation of energy.

(g) "Spill" or waste of water at a reservoir means the flowage of water over the spillway, or the release of water through outlet structures other than for domestic, municipal or agricultural uses, and losses incident thereto.

The provisions hereof binding each signatory State shall include and bind its citizens, agents and corporations and all others engaged in or interested in the diversion, storage or use of the water of the Rio Grande in Colorado or New Mexico, or in Texas above Fort Quitman.

Article II.

The States of Colorado, New Mexico and Texas hereby declare:

(a) That they recognize the paramount right and duty of the United States, in the interests of international peace and harmony, to determine and settle international controversies and claims by treaty, and that when those purposes are accomplished by that means the treaty becomes the supreme law of the nation;

(b) That since the benefits which flow from the wise exercise of that authority and the just performance of that duty accrue to all the people, it follows as a corollary that the nation should defray

the cost of the discharge of any obligation thus assumed;

(c) That with respect to the Rio Grande, the United States, without obligation imposed by international law and "being moved by considerations of international comity," entered into a treaty dated May 21, 1906 (34 Stat. 2953) with the United States of Mexico which obligated the United States of America to deliver from the Rio Grande to the United States of Mexico 60,000 acre feet of water annually and forever, whereby, in order to fulfill that promise, the United States of America, in effect, drew upon the States of Colorado, New Mexico and Texas a draft worth to them many millions of dollars, and thereby there was cast upon them an obligation which should be borne by the nation;

(d) That for the economic development and conservation of the waters of the Rio Grande Basin and for the fullest realization of the purposes recited in the preamble of this compact, it is of primary importance that the area in Colorado known as the Closed Basin, be drained, and the water thus recovered be added to the flow of the river, and that a reservoir be constructed in Colorado upon the river, at or near the site generally described as the State line reservoir site. The installation of the drain will materially augment the flow of the river, and the construction of the reservoir will so regulate the flow as to remove forever the principal causes of the difficulties between the States signatory hereto;

(e) That in alleviation of the heavy burden so placed upon them, it is the earnest conviction of these States that, without cost to them, the United States should construct the Closed Basin Drain and the State Line Reservoir described in (d).

The signatory States agree that approval by Congress of this compact shall not be construed as constituting an acceptance or approval, directly, indirectly or impliedly, of any statement or conclusion appearing in this article.

Article III.

(a) Colorado, under the direction and administration of its State Engineer, shall cause to be maintained and operated an automatic recording stream gauging station at each of the following points, towit:

(1) On the Rio Grande near Del Norte at the station now maintained, known and designated herein as the Del Norte Gauging Station (the water records from this station to include the flow diverted into the canal of the Del Norte Irrigation System).

(2) On the Rio Conejos near Mogote, a station known and designated herein as the Mogote Gauging Station.

(3) On the Rio Grande at or near the Colorado-New Mexico interstate line, a station known and designated herein as the Interstate Gauging Station.

(4) Such other station or stations as may be necessary to comply with the provisions of this compact.

(b) New Mexico, under the direction and administration of its State Engineer, shall cause to be maintained and operated an automatic stream gauging station at each of the following points, to-wit:

(1) On the Rio Grande at the station known as Buckman;

(2) On the Rio Grande at San Marcial;

(3) On the Rio Grande at the Elephant Butte reservoir outlet;

(4) Such other station or stations as may be necessary to comply with the provisions of this compact.

(c) Texas, under the direction and administration of its duly constituted official, shall cause to be maintained and operated an automatic stream gauging station at each of the following points, to-wit:

(1) On the Rio Grande at Courchesne;

(2) On the Rio Grande at Tornillo;

(3) On the Rio Grande at Fort Quitman.

(d) New Mexico and Texas shall establish and maintain such other gauging station or stations as may be necessary for ascertaining and recording the release, flow, distribution, waste and other disposition of water at all points between the Elephant Butte reservoir and the lower end of the Rio Grande project, both inclusive; provided, however, that when the United States shall maintain and operate, through any of its agencies, an automatic gauging station at any of the points herein designated it shall not be necessary for the State within which said station is located to maintain a duplicate gauging station at such point whenever the records of such Government stations are available to the authorities of the several States.

(e) The officials in charge of all of the gauging stations herein provided for shall exchange records and data obtained at such stations for monthly periods through the operation thereof,

or at such other intervals as they may jointly determine, and said officials shall provide for check ratings and such other hydrographic work at the designated stations as may be necessary for the accuracy of the records obtained at such stations and to that end may establish rules and regulations from time to time.

Article IV.

The State Engineer of Colorado, the State Engineer of New Mexico and such officer of Texas as the Governor thereof may designate shall constitute a committee, which may employ such engineering and clerical aid as may be authorized by the respective State Legislatures, and the jurisdiction of the committee shall extend only to the ascertainment of the flow of the river, and to the prevention of the waste of water, and to findings of fact reached only by unanimous agreement. It shall communicate its findings of fact to the officers of the respective States charged with the performance of duties under this compact. Its findings of fact shall not be conclusive in any court or other tribunal which may be called upon to interpret or enforce this compact. Annual reports compiled for each calendar year shall be made by the committee and transmitted to the Governors of the signatory States on or before February 1st following the year covered by such report.

Article V.

It is agreed that to and until the construction of the closed basin drain and the State Line reservoir herein described, but not subsequent to June 1, 1935, or such other date as the signatory States may hereafter fix by acts of their respective State Legislatures, Colorado will not cause or suffer the water supply at the interstate gauging station to be impaired by new or increased diversions or storage within the limits of Colorado unless and until such depletion is offset by increase of drainage return.

Article VI.

To the end that the maximum use of the waters of the Rio Grande may be made, it is agreed that at such times as the State Engineer of New Mexico, under the supervision and control of the committee, shall find that spill at Elephant Butte Dam is anticipated, he shall forthwith give notice to Colorado and New Mexico of the estimated amount of such spill and of the time at which water may be impounded or diverted above San Marcial, and thereupon Colorado and New Mexico may use in equal portions the amount of such estimated spill so found by the State Engineer of New Mexico, and on notice from the said State Engineer of New Mexico that the period of said spill, or estimated spill, is terminated, Colorado and New Mexico shall desist from such increased use.

Article VII.

(a) On or before the completion of the closed basin drain and the State Line reservoir, and in any event not later than June 1, 1935, a commission of three members shall be constituted, to which the Governor of each of the signatory States shall appoint a commissioner for the purpose of concluding a compact among the signatory States and providing for the equitable apportionment of the use of the waters of the Rio Grande among said States. The Governors of said States shall request the President of the United States to name a representative to sit with said commission.

(b) The commission so named shall equitably apportion the waters of the Rio Grande as of conditions obtaining on the river and within the Rio Grande Basin at the time of the signing of this compact, and no advantage or right shall accrue or be asserted by reason of construction of works, reclamation of land or other change in conditions or in use of water within the Rio Grande Basin or the closed basin during the time intervening between the signing of this compact and the concluding of such subsequent compact to the end that the rights and equities of each State may be preserved unimpaired; provided, however, that Colorado shall not be denied the right to divert, store, and/or use water in additional amounts equivalent to the flow into the river from the drain from the closed basin.

(c) Any compact concluded by said commission shall be of no force or effect until ratified by the Legislature of each of the signatory States and approved by the Congress of the United States.

Article VIII.

(a) Subject to the provisions of this article, Colorado consents to the construction and use of a reservoir by the United States, and/or New Mexico, and/or Texas, as the case may be, by the erection of a dam across the channel of the Rio Grande at a suitable point in the canyon below the lower

State bridge, and grants to the United States and/or to said States, or to either thereof, the right to acquire by purchase, prescription or the exercise of eminent domain such rights of way, easements and/or lands as may be necessary or convenient for the construction, maintenance and operation of said reservoir and the storage and release of waters.

(b) Said reservoir shall be so constructed and operated that the storage and release of waters therefrom and the flowage of water over the spillway shall not impede or interfere with the operation, maintenance and uninterrupted use of drainage works in the San Luis Valley in Colorado or with the flow and discharge of waters therefrom.

(c) The construction and/or operation of said reservoir and the storage and regulation of flow of waters thereby for beneficial uses or otherwise shall not become the basis or hereafter give rise to any claim of appropriation of waters, or of any prior, preferred or superior right to the use of any such waters. The purpose of said reservoir shall be to store and regulate the flow of the river.

(d) The United States, or the signatory States, as the case may be, shall control the storage and release of water from said reservoir and the management and operation thereof, subject to a compact between the signatory States.

(e) Colorado reserves jurisdiction and control over said reservoir for game, fish and all other purposes not herein relinquished.

(f) Colorado waives rights of taxation of said reservoir and appurtenant structures and all lands by it occupied.

Article IX.

Nothing in this compact shall be construed as affecting the obligations of the United States of America to the United States of Mexico, or to the Indian tribes, or as impairing the rights of the Indian tribes.

Article X.

It is declared by the States signatory hereto to be the policy of all parties hereto to avoid waste of waters, and to that end the officials charged with the performance of duties hereunder shall use their utmost efforts to prevent wastage of waters.

Article XI.

Subject to the provisions of this compact, water of the Rio Grande or any of its tributaries may be impounded and used for the generation of power, but such impounding and use shall always be subservient to the use and consumption of such waters for domestic, municipal and agricultural purposes. Water shall not be stored, detained nor discharged so as to prevent or impair use for such dominant purposes.

Article XII.

New Mexico agrees with Texas, with the understanding that prior vested rights above and below Elephant Butte reservoir shall never be impaired hereby, that she will not cause or suffer the water supply of the Elephant Butte reservoir to be impaired by new or increased diversion or storage within the limits of New Mexico unless and until such depletion is offset by increase of drainage return.

Article XIII.

The physical and other conditions characteristic of the Rio Grande and peculiar to the territory drained and served thereby, and to the development thereof, have actuated this compact, and none of the signatory States admits that any provision herein contained establishes any general principle or precedent applicable to other interstate streams.

Article XIV.

This compact may be terminated, or extended, at any time by the unanimous legislative action of all of the signatory States, and in that event all rights established under it shall remain and continue unimpaired.

Article XV.

Nothing herein contained shall prevent the adjustment or settlement of any claim or controversy between these States by direct legislative action of the interested States, nor shall anything herein contained be construed to limit the right of any State to invoke the jurisdiction of any court of competent jurisdiction for the protection of any right secured to such State by the provisions of this compact, or to enforce any provision thereof.

Article XVI.

Nothing in this compact shall be considered or construed as recognizing, establishing or fixing any status of the river or the accuracy of any data or records or the rights or equities of any

of the signatories, or as a recognition, acceptance or acknowledgment of any plan or principle or of any claim or assertion made or advanced by either of the signatories or hereafter construed as in any manner establishing any principle or precedent as regards future equitable apportionment of the water of the Rio Grande. The signatories agree that the plan herein adopted for the administration of the water of the Rio Grande is merely a temporary expedient, to be applied during the period of time in this compact specified, is a compromise temporary in nature and shall have no other force or interpretation, and that the plan adopted as a basis therefor is not to be construed as in any manner establishing, acknowledging or defining any status, condition or principle at this or any other time.

Article XVII.

The signatories consent and agree to the extension of time for construction of reservoirs on sites covered by approved applications during the time of this compact and for a reasonable time thereafter.

Article XVIII.

This compact shall become operative when approved by the Legislature of each of the signatory States and by the Congress of the United States. Notice of approval shall be given by the Governor of each State to the Governors of the other States and to the President of the United States, and the President of the United States is requested to give notice to the Governors of each of the signatory States of its approval by the Congress of the United States.

In witness whereof, the commissioners have signed this compact in quadruplicate original, one of which shall be deposited in the archives of the Department of State of the United States of America and shall be deemed the authoritative original, and of which a duly certified copy shall be forwarded to the Governor of each of the signatory States.

Done at the city of Santa Fe, in the State of New Mexico, on the 12th day of February, in the year of our Lord one thousand nine hundred and twenty-nine.

DELPH E. CARPENTER,
FRANCIS C. WILSON,
T. H. McGREGOR.

Approved:
WILLIAM J. DONOVAN.

CANADIAN RIVER COMPACT.

On motion of Mr. Warwick, the following was ordered printed in the Journal:

By Mr. Warwick:

H. B. No. ..., A bill to be entitled "An Act to ratify and adopt in principle the Canadian river compact between the States of New Mexico, Texas and Oklahoma, executed on the 31st day of December, 1926, by the commissioners of said States, which ratification and adoption is made subject to certain conditions, and declaring an emergency."

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

Section 1. The State of Texas does hereby ratify, approve and adopt in principle, subject to the conditions hereinafter expressed in Section 2 of this act, the Canadian river compact between the States of New Mexico, Texas and Oklahoma, executed on the 31st day of December, 1926, by the commissioners of said States, which compact is as follows:

COMPACT

Agreed upon between the commissioners representing the States of New Mexico, Texas, Oklahoma and Arkansas for control of the Canadian river unit in the interstate control of the Arkansas river system.

The States of New Mexico, Texas, Oklahoma and Arkansas, desiring to enter into a compact for the control of the waters flowing from the Canadian river, and subject to the approval of the Legislature of their respective States and of the Congress of the United States of America, have, through the commissioners acting for their several States, to-wit:

For New Mexico: Mr. R. F. Freeland, Mr. James L. Briscoe and Mr. H. B. Jones.

For Oklahoma: Mr. E. E. Blake, Mr. T. C. Harrill and Mr. George Kenneck.

For Texas: Mr. A. S. Stinnett.

Agreed to the following articles of compact:

Article I.

(a) The major purpose of this compact is to provide for the control of the flood water of the Canadian river, otherwise known as the South Canadian river, and the equitable division and apportionment of the use of the water of said river system impounded hereunder, so far as may be, and the equita-

ble apportionment of the cost of control of said river, according to the benefits received from the control of said river, and the use of the waters thereof; to establish the relative importance of different beneficial uses of water; to promote interstate comity, friendly relations and mutual and common development, and to secure expeditious protection from said river and the expeditious agricultural and industrial development of the Canadian river basin; the storage and use of its waters and the protection of life and property from flood.

To these ends the Canadian river basin is divided into districts, according to the area thereof in each State, and an apportionment of the cost of control, and of the use of the allotted part of the waters of said river is made to each of them, with provisions that further and later equitable apportionment may be made as the project is developed to further the purpose of control and use of said stream. With the purpose and hope that the States of Kansas, Colorado, Louisiana and Mississippi may join in this compact for the purpose of control of the Arkansas river system. As used in this compact,

(a) The term "Canadian river system" means that portion of the Canadian river, and its tributaries, below the points of impoundage in New Mexico, within the States of New Mexico, Texas, Oklahoma and that part of the Arkansas river, and its tributaries, within the States of Oklahoma and Arkansas; provided, that Texas, or Oklahoma, or Arkansas, may, in its approval hereof, exclude any tributary within the compact as to the remainder.

(b) The term "Canadian river basin" means all of the drainage area of the Canadian river system, as herein defined as approved.

(c) The term "domestic use" shall include the use of water for household, stock, municipal, mining, milling, industrial and other like purposes, but shall exclude the generation of electric power.

(d) The word "commission" wherever used in this compact shall mean the commissioner of the respective signatory States provided for in Article XI.

Article III.

(a) The division and allocation of the impounded waters of the Canadian river between the States of New Mexico and Texas, reserved for irrigation under the provisions of this compact, shall be made by the joint commission hereby created, in accordance with the facts ascertained by a complete and thorough investigation, and the recognized irrigation practices.

(b) Recognizing that the major portion of the flood waters of said stream rise in the States of New Mexico and Texas, the States of New Mexico and Texas pledge themselves not to cause the flow of impounded water of the river allotted to any State hereby to be diminished within said States of Texas or New Mexico, to the detriment of any State lower on the stream, against the wish and will of said State as expressed by its commissions now or hereafter appointed.

(c) Either, or any, and each of said States, wherein control reservoirs may be hereunder hereafter located, shall not withhold water in flood control reservoirs in such quantities as shall reduce the then future capacity and contents of the reservoirs hereunder constructed below the necessary flood control capacity of maximum flood flow to be expected at the point or points of reservoir, or diversion, that is, below any flood requirement, as estimated by the joint commission executing this agreement, or subsequently administering the stream system, and its control under this agreement; or so as to vary the ratio or proportion of water allotted to each State, and desired therein, for beneficial use in the lower districts of the stream. No State lower on the stream shall require the delivery of water by a higher State, held within reserve, as defined in Article V, which cannot be reasonably applied to domestic and agricultural uses in the lower State. That the constructed works for the beneficial use of the waters in the signatory States (and the districts therein) shall be designed and constructed to carry water to the lower States and districts wherever practical, and shall be, and may be, used by the lower States therefor to such extent within their capacity as may be practicable; the extra cost of such construction over local necessities, if any, to be determined and fixed by the commissions in charge and, if accepted, such extra cost shall be assumed by such lower district; and each signatory State shall provide right of way within its boundaries for the acquisition of right of way necessary to carry waters from reservoirs or canals within its boundaries to the border of the lower State or States requiring such exercise.

(d) Further equitable apportion-

ment of the beneficial use of the waters of the said Canadian river system, if it shall appear that flow apportionment is not hereby equitably made, may be made the joint action of the commissions from the signatory States at any time after five years from the completion of the control works of said river, if, as and when the effect of said works shall be established by five years' experience.

Article IV.

(a) Subject to the provisions of this compact, water of the Canadian river system may be impounded and used for the generation of electrical power, but such impounding and use shall be subservient to the use and consumption of such water for agricultural purposes and shall not interfere with or prevent use for such dominant purposes.

(b) The provisions of this article shall not apply to or interfere with the regulation and control by any State, within its boundaries, of the appropriation, use and distribution of impounded water allotted to and apportioned hereunder to such State.

Article V.

(a) To accomplish the purposes herein expressed, the signatory States agree that there shall be constructed in the Canadian river system, at sites to be selected on the stem of the Canadian river and on Ute creek and on Pajarita creek, within the State of New Mexico, reservoirs and control works, all of detail, specifications, design and construction satisfactory to the commissions of the signatory States, of such aggregate capacity to hold in reserve at all times sufficient of the water of said stream system to adequately irrigate and reclaim the irrigable lands in the signatory States subject to irrigation not exceeding 850,000 acre feet of water; and such additional capacity for flood restraint as may by the commissions of the lower States be deemed adequate to restrain and control the flood of said stream system, to accomplish the purpose of the lower sections, herein expressed.

(b) The provisions for the control of said Canadian river system herein expressed shall not be exclusive, but other reservoirs may be constructed at other places, if in the judgment of the commissions of the several signatory States the same are deemed necessary.

(c) The plan for the control and administration of the Canadian river system, outlined in this compact, with such modifications and amendments as may be hereafter adopted and approved by the Legislatures of the signatory States, is hereby approved by the Legislatures of the signatory States as a plan for controlling waters of the Canadian river system and for the improvement of said Canadian river system and its tributaries, and for the benefit, improvement, reclamation and protection of lands in said river basin that are susceptible of irrigation, reclamation or flood protection from said river and its said tributaries.

Article VI.

Should any claim or controversy arise between any two or more of the signatory States: (a) with respect to the waters of the Canadian river system not covered by the terms of this compact; (b) over the meaning or performance of any of the terms of this compact; (c) as to the allocation of the burdens incident to the performance of any article of this compact, or the delivery of waters as herein provided; (d) as to the construction or operation of works within the Canadian river system to be situated in two or more States, or to be constructed in one State for the benefit of another State; or (e) as to the diversion of water in one State for the benefit of another State, the commissions of the States affected, upon request of one of them, shall have the authority to adjust such claim or controversy.

Article VII.

Nothing in this compact shall be construed as affecting the obligation of the United States of America to Indian tribes.

Article VIII.

Present perfected vested rights, if any exist, to the beneficial use of the waters of the Canadian river system within the scope of this agreement, are unimpaired by this compact. Whenever storage capacity shall have been provided for the flow of the Canadian river, or any of its tributaries, whereon perfected rights exist, below such storage, then claims of such right below such storage capacity, if any there be, by the appropriators or users of water below such storage, if any there be, shall attach to such stored water to such extent as the right exists, as may be determined by the laws of the State justly, and in accordance with the laws of the State within which

said alleged right is situated; and shall be satisfied from water that may be stored not in conflict with Article III hereof, but out of the proportion of the water allocated to the State in which the present right exists; and all rights to the beneficial use of the water of the Canadian river system hereafter established under the laws of any State shall be satisfied solely from the proportion of the water apportioned to that State in which such rights are claimed and allowed.

Article IX.

Nothing in this compact shall be construed to limit or prevent any State from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right in any State, or in any of its citizens, arising under this compact or for the enforcement of any of its provisions, but, on the contrary, this compact shall constitute an agreement waiving any question of the right of one State to have judicial remedy against another State, or its citizens, or inhabitants, or any State's citizens, arising hereunder.

Article X.

There is hereby created and established a conservancy district within each of the States signatory hereto and ratifying this compact, constituted of that part of the drainage basin of the Canadian river system in any of said States; but no charge shall be placed against any State, or item of property, right, privilege, franchise or immunity of any person, corporation or municipality in said district in any of said States, unless there is benefit to such charged State, item of property, person, corporation or municipality; and then never in excess of the benefit lawfully determined by the commissions acting jointly to be enjoyed by such State, item of property, person, corporation or municipality, right, privilege, franchise or immunity, provided that any portion of the water allotted to use in any of said States may be used outside of the district by the consent of the district; and upon such terms of use and compensation to said district as may be determined by the constituted authorities of such district; and further provided, that the initial control of said stream system and the means of impounding and of control thereof shall remain in the joint action of the commissions from the signatory States.

(b) That when the commissions from the signatory States, acting jointly, shall have determined and approved the means of control of said river, they shall then and thereupon justly determine, allot and allocate to the district of each State a just and equitable proportion or ratio of the total cost of the work of control as estimated, exclusive of the cost of application to beneficial use, which ratio of cost shall be the same as the ratio of benefit, as determined by said commission, to and in each district. But the portion of cost and of benefits allotted to each district shall require the approval of the commissions of each State, but when agreed to and assumed, the administration of the district, the distribution, assessment and collection of such portion of the cost of impounding and control as assumed by said district shall be had in conformity with the laws, uses and practices now established, or to be hereafter established, within such State for the administration of conservancy or improvement districts, not inconsistent with the provisions of this compact.

(c) The expenditures of the funds required for the construction, maintenance, repair and administration of the control works shall be under the control of the joint commission of the signatory States, who shall have power to advertise for bids for such work and enter into contracts for same, and all funds raised by the several districts to meet their part of the total costs of construction, maintenance, repair and administration of such control works as allocated to said districts shall be disbursed upon the warrants of the joint commission under such rules and regulations as it may adopt.

(d) That all the resources of such of said districts in each of said States resulting from the assessments of benefits within said State shall be, and are hereby, dedicated to the discharge and payment of that part of the cost of control of said river assumed within said State, and no other State or district shall be holden thereof, and each signatory State pledges its faith and credit to so administer said district hereby created in such States, and each said State, to be so administered as to discharge that part of the cost allotted to and assessed to and assumed by the district in such State.

(e) That the commissioner of each State having a district therein, hereby created in each State signatory hereto, shall have absolute control of the time, rate and amount of the release of that proportion of the impounded waters al-

lotted to and belonging to the district within that State; such control to be voiced and expressed by the commissioners of the State in which such district is situated, and the faith and credit of each signatory State is hereby pledged to the fulfillment and to the delivery of such impounded water on demand, but the distribution and use of the waters allotted to each State and the district within each State shall be exclusively within the control of the constituted authority of such State, and such use shall never be curtailed or impaired by any State to the detriment of any person assessed for benefit by the construction of such control works.

Article XI.

That the Governors of each signatory State shall appoint some competent person as the commissioner of said State, to represent such State and district in all matters under this compact, with compensation to be fixed by the district he represents and official expenditures, chargeable as administration expenses. The term of office of such commissioner shall be six years, unless sooner removed for cause by authority of the State he represents.

Article XII.

This compact may be terminated at any time, by unanimous agreement of the signatory States, expressed by their Legislatures. In the event of such termination, all rights established under it shall continue unimpaired.

Article XIII.

This compact shall become binding and obligatory upon the signatory States, the Legislatures of which shall have approved the same, when such Legislatures have approved the same and such compact shall have been approved by the Congress of the United States. Notice of approval by the Legislatures shall be given by the Governor of each signatory State to the Governors of the other signatory States, and to the President of the United States, and the President of the United States is requested to give notice to the Governors of the signatory States of approval by the Congress of the United States.

Article XIV.

This compact is executed, as original for each signatory State, and one for the United States of America, and an original shall be deposited in the archives of the Department of State of the United States of America and one in the archives of the Department of State of each signatory State which shall approve and adopt the same, and copies thereof, duly authenticated by the authority of any adopting State, or of the United States, shall be received in evidence in all courts of adopting States, and of the United States.

Executed this 31st day of December, A. D. one thousand nine hundred and twenty-six.

Signed—H. B. Jones, R. J. Freeland, James L. Briscoe, A. S. Stinnett, E. E. Blake, T. C. Harrill, George Kenneck.

Sec. 2. It is expressly provided that the compact above mentioned in Section 1 of this act is adopted subject to the following expressed conditions:

1. That the State of Texas, in cooperation with the signatory States and, as the case may be, with other States and the Federal government, shall investigate the feasibility, practicability and utility of the project provided for in said compact;

2. That, if such investigation should disclose the feasibility, practicability and utility of said project, then a supplemental compact shall be entered into by the State at interest or the State and Federal government, as the case may be, embodying a fair and equitable allocation between the several signatory parties of the costs and benefits under the project.

Sec. 3. The importance of this act creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring all bills to be read on three several days in each house, and that this act shall take effect from and after its passage, and said rule is hereby suspended, and it is so enacted.

COMMUNICATION FROM ATTORNEY GENERAL.

The following communication was ordered printed in the Journal:

Austin, Texas, April 25, 1929.

Hon. Claude Pollard, Attorney General, Capitol.

Dear Sir: The House of Representatives, at the beginning of the Regular Session of the Forty-first Legislature, fixed the salaries of the Chief Clerk, the Calendar Clerk and other elective officers at $7.50 per day.

At the beginning of the First Called Session of the Forty-first Legislature a resolution was passed raising the salary of the Chief Clerk and the Calendar Clerk from $7.50 per day to $10 per day, and a point of order was made to a resolution raising the salary of the Enrolling Clerk from $7.50 per day to $10 per day, which was sustained by the Speaker.

No point of order was made to the resolution raising the salaries of the Chief Clerk and the Calendar Clerk. The point of order was that the increase of the salary of the Enrolling Clerk was in violation of House Rule No. 2, which reads as follows:

"All officers of the House shall be elected by ballot and shall receive such compensation as the House may determine; and after their salary has been fixed, no further or extra compensation whatsoever shall be allowed them. No officer or other employe of the House shall be permitted to receive, directly or indirectly, whether as a gift or otherwise, any compensation from any person whatsoever other than his regular salary from the House."

Mr. Veatch of Johnson offered the following resolution on April 25th:

"Whereas, On the 23rd day of April, 1929, the Speaker of the House of Representatives ruled that the House had no authority to raise the salaries of officers under the Rules of the House, unless first suspended, after their salaries had once been fixed; now, therefore, be it

"Resolved by the House of Representatives, That the Speaker of the House be requested to withhold his signature and not sign any voucher carrying any salary raises, and that all salary raises made in violation of the Rules of the House be declared null and void and of no effect."

A point of order was made to this resolution, which was sustained by the Speaker, for the reason that it is, in effect, an effort to rescind a former resolution passed by the House, and the House Rules do not provide for such procedure.

A further point of order was made by Mr. Carpenter of Matagorda that the salary increase violated Section 44 of Article 3 of the State Constitution, with which you are familiar.

Article 6824, of the Revised Civil Statutes of Texas, is as follows:

"Change in Salary.—The salaries of officers shall not be increased nor diminished during the term of office of the officers entitled thereto."

Advise me as follows:

(1) Did House Rule No. 2 prohibit an increase in the compensation or salary of the Enrolling Clerk, and was the point of order that it did so correctly sustained?

(2) In the absence of a point of order to the resolution increasing the salary of the Chief Clerk and the Calendar Clerk to the effect that such increase was in violation of House Rule No. 2, is the salary increased by virtue of said resolution, notwithstanding it was in contravention of Rule 2?

(3) Is such increase in violation of Article 3, Section 44, of the State Constitution?

(4) Do the provisions of Article 6824 of the Civil Statutes apply to the Chief Clerk, Calendar Clerk and other elective officers of the House? Are either or all of them officers, under the purview of this article, and does said article prohibit an increase in the salaries of said officers?

Employes of the House, some of whom are duly elected officers of the House, such as Chief Clerk, Journal Clerk, Calendar Clerk, etc., draw their pay the same as the members, seven days per week. They only report for six days' work. Advise if Article 1569 prohibits payment for seven days' work under these conditions. Would said article also prohibit members from drawing pay for seven days when they only report for six days?

Will you kindly construe Article 1569 of the Civil Statutes, with reference to the hours per week that female employes may be required to work, and advise whether or not such employes, some of whom are duly elected officers of the House, may be paid for seven days' services, when in truth and in fact they have only worked six days?

Also advise whether or not the Chief Clerk and the Calendar Clerk, as well as other elected officers of the House, or any one of them, are considered State officers under the provisions of Article 6824 of the Revised Statutes of Texas, and if said article applies to them.

Also advise me whether or not it is my duty to pay an increased salary, if such an increase is in violation of a House Rule which has not been sus-

pended at the time the increase was made.

Respectfully submitted,
W. S. BARRON,
Speaker of the House of Representatives.

Austin, Texas, April 26, 1929.

Hon. W. S. Barron, Speaker, House of Representatives, Capitol:

Dear Mr. Barron: In your communication of April 25th you state that the House of Representatives at the beginning of the Regular Session fixed the salaries of the Chief Clerk and other officers at a certain sum per day; and at the beginning of the First Called Session a resolution was passed increasing the salary of some of these officers, and that thereafter another resolution was introduced to raise the salary of certain other officers, to which latter resolution a point of order was made that the proposed increase was in violation of House Rule No. 2; that thereafter a resolution was introduced that the Speaker of the House be requested to withhold his signature to any vouchers for the increased salaries that had been raised by the resolutions passed, to which latter resolution a point of order was made that it was an effort to rescind a former resolution passed by the House, which point of order was sustained by the Speaker; that thereafter a further point of order was made as to the resolutions passed increasing salaries that they violated Section 44, Article 3, of the Constitution.

Under this statement of facts you submit several inquiries which, in a way, involve the same questions of law, the gist of which is as to whether or not, after the House of Representatives has organized at its Regular Session and fixed the salaries of its officers, those salaries can thereafter, at a special session, be increased in view of the Rules of the House of Representatives, and the provisions of Section 44, Article 3, of the Constitution, and the provisions of Article 6824, Revised Civil Statutes, 1925.

Section 44, Article 3, of the Constitution, inhibits the Legislature from granting any "extra compensation to any officer, agent, servant or public contractor, after such public service shall have been performed or contract entered into for the performance of the same." This provision of the Constitution has no relevancy to the inquiries you submit. The purpose of it is to prevent the granting of extra compensation to any officer, agent, servant or public contractor after the public service has been performed or after the contract for such public service has been made, and under the opinion of the Supreme Court in the case of Dallas County vs. Lively, 106 Texas, 364, this provision of the Constitution has no application to fixing a salary for services to be performed in the future, nor for increasing a salary for services to be performed in the future above that which already existed. It relates to and inhibits "extra compensation" to officers, agents, servants and public contractors, and to that only. Therefore, if otherwise valid, an increase in the salary of officers of the House of Representatives in payment for services to be performed after such increase is made would not violate the provisions of the Constitution.

Article 6824, to which you refer, provides that the salaries of officers shall not be increased nor diminished during the term of the officers entitled thereto. The title of the act, of which this article is a part, relates to certain specific State, district and county officers, and has no application to the officers of the Legislature.

The application of House Rule No. 2 presents a different question. The Constitution provides that the Legislature shall meet every two years in regular session and at other times when convened by the Governor. It is a continuing body after its members have been elected and qualified, and it has been organized. Special sessions are merely a continuation in active service of the original organization at the regular session. This is evident from the provisions of the Constitution and of Articles 5422 to 5429, inclusive, Revised Civil Statutes, 1925, which fixes the time of the meeting, the manner of organization, the election of the Speaker, and the election of officers. As to the latter, it is provided that after the Speaker shall have been elected the House shall proceed "to its further organization by electing the necessary officers, to whom the Speaker shall administer the official oath." It is not only contemplated under the law, but it has been the unbroken custom, that the Speaker elected at the regular session and all other officers elected at the regular session continue as such during all of the special sessions held there-

after during the term for which the members of said body have been elected.

At the organization of the regular session the House adopts its rules of procedure, which continue as its rules of government during all of the special sessions, unless amended or rescinded by a two-thirds vote. Rule 2 provides that "all officers of the House shall be elected by ballot and shall receive such compensation as the House may determine; and after their salaries have been fixed no further or extra compensation whatsoever shall be allowed them." The rule goes even further to provide that no officer or other employe shall be permitted to receive, directly or indirectly, as a gift or otherwise, any compensation from any person other than the regular salary fixed by the House. The provision of this rule goes further than the constitutional provision in that the latter prohibits only the payment of extra compensation after the service has been performed or the contract made, whereas the Rules of the House prohibit not only extra compensation, but further compensation. This must be construed to mean that so long as this rule remains in force, after the salary or compensation of an officer of the House has been fixed, it cannot thereafter be changed so as to provide for any further compensation for the services to be performed. This construction does not make the matter so inelastic that emergencies cannot be met for the reason that Rule 23 authorizes the suspension of any rule or order of the House by an affirmative vote of two-thirds of the members present. So that if in the opinion of two-thirds of a quorum of the House it is deemed necessary or expedient to suspend, rescind or change Rule 2 so as to authorize an increase in the compensation of any officer of the House, there is nothing in the Rules of the House, or in the Constitution, or in the statutes, to prevent such action being taken. This, however, is the only way in which it may be done, for so long as House Rule No. 2 remains unchanged an increase in the salary of an officer of the House cannot be made.

In response to your inquiry with reference to the application of Article 1569 of the Penal Code prohibiting more than a certain number of days' work per week and a certain number of hours per day, you are advised that this article has no application to the officers and employes of the House of Representatives.

In view of what I have already said, you are advised specifically upon the points of inquiry in your letter as follows:

1. You were correct in sustaining the point of order to a resolution raising the salary of the Enrolling Clerk from $7.50 per day to $10 per day in that said resolution is in violation of Rule 2 of the House.

2. You were in error in sustaining the point of order to the resolution that you be requested to withhold your signature to any voucher carrying salary raises of the Chief Clerk and Calendar Clerk from $7.50 per day to $10 per day because said resolution making such increases was initially void as being in violation of Rule 2 of the House.

3. The point of order that the salary increases violate Section 44, Article 3, of the Constitution, should have been overruled.

4. House Rule No. 2 prohibits an increase in the compensation or salary of the Enrolling Clerk, the Chief Clerk, the Calendar Clerk and all other officers of the House, and all points of order directed to this violation of the rule should be sustained, and in the absence of a point of order to the resolution increasing the salaries of any of said officers, said salary increases are void as being in contravention of said rule.

5. If two-thirds of a quorum present deem it expedient to increase the compensation or salary of any officer of the House, this may be done by rescinding, changing or suspending Rule No. 2 under Rules 23 and 29, without violating any provision of the Constitution, or of the statutes, but it can be done in no other way.

6. It is your duty to refuse to pay any increased salary made in violation of Rule 2 unless such rule had been suspended under Rules 23 and 29 prior to the time such increase was made.

Yours very truly,
CLAUDE POLLARD.

PROPOSED AMENDMENTS TO THE HOUSE RULES.

The Speaker laid before the House and had read the following proposed amendments to the House Rules:

Amend the Rules of the House of Representatives in Rule XI, page 101,

Section 8 of the 1929 copy of the Forty-first Legislature, by striking out the words "or smoke" in the last line of said section.

Amend Rule 22 of the Rules of the House of Representatives by striking out Section 5 and renumbering the sections accordingly, and by adding another section, to be numbered as Section 7, to read as follows: "Resolutions filed with the Chief Clerk and resolutions offered from the floor for a period of twenty minutes if not sooner disposed of; this period of time to be effective at 5 p. m.; provided, however, that this rule shall not supersede the local bill on Wednesdays and Thursdays."

The amendments were referred by the Speaker to the Committee on Rules.

HOUSE BILL NO. 6 ON SECOND READING.

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

H. B. No. 6, A bill to be entitled "An Act to provide that the appointment to the State service shall be on the basis of merit determined by examinations, with certain exceptions; providing that the Supreme Court of Texas shall administer this act, and providing for examinations and rules therefor; providing for competitive and non-competitive classes, and providing for fees for examinations; prescribing the status of employes now in the service of the State; providing a method of selection of employes and their removal; prohibiting the solicitation of contributions of money, and prohibiting employes, under this act, to take part in politics; prescribing a penalty therefor; regulating the payment of employes, and declaring an emergency."

The bill having been read second time on yesterday, with amendment by Mr. Anderson pending.

Mr. Sherrill moved to reconsider the vote by which the House on yesterday overruled the point of order by Mr. Jenkins on the amendment by Mr. Anderson.

Mr. Anderson moved to table the motion to reconsider.

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

Yeas—44.

Anderson.
Barnett.
Bateman.
Bounds.
Chastain.
Cox of Lamar.
DeWolfe.
Finlay.
Giles.
Harding.
Harman.
Harper.
Heaton.
Hefley.
Hopkins.
Hubbard.
Johnson of Smith.
Land.
Mankin.
Martin.
McDonald.
McKean.
Montgomery.
Moore.
Mosely.
Mullally.
Negley.
Olsen.
Palmer.
Pavlica.
Pope of Nueces.
Ray.
Richardson.
Shipman.
Simmons.
Stevenson.
Tarwater.
Thurmond.
Turner.
Walters.
Warwick.
Webb.
Williams of Sabine.
Woodall.

Nays—63.

Ackerman.
Albritton.
Baldwin.
Beck.
Bond.
Bradley.
Brice.
Brooks.
Carpenter.
Coltrin.
Conway.
Cox of Limestone.
Davis.
Duvall.
Enderby.
Ewing.
Forbes.
Fuchs.
Gilbert.
Graves of Williamson.
Graves of Erath.
Hardy.
Harrison.
Hines.
Hogg.
Holder.
Hornaday.
Jenkins.
Johnson of Dimmit.
Jones.
Keller.
Kemble.
Kennedy.
Kincaid.
Lee.
Long of Wichita.
Maynard.
McCombs.
Mehl.
Minor.
Morse.
Nicholson.
O'Neill.
Patterson.
Petsch.
Pope of Jones.
Prendergast.
Purl.
Quinn.
Reader.
Rountree.
Sanders.
Savage.
Shaver.
Shelton.
Sherrill.
Sinks.
Stephens.
Tillotson.
Van Zandt.
Veatch.
Waddell.
Wallace.
White.
Wiggs.
Williams of Travis.
Young.

Present—Not Voting.

Adkins.
Renfro.
Lemens.
Rogers.

Absent.

Acker.
Baker.
Cox of Navarro.
Dunlap.
Eickenroht.
Finn.
Gates.
Gerron.
Johnson of Scurry.
Justiss.
Kayton.
King.
Kinnear.
Long of Houston.
Loy.
Marks.
Mauritz.
McGill.
Murphy.
Pool.
Speck.
Storey.
Woodruff.

Absent—Excused.

Avis.
Keeton.
Kenyon.
Metcalfe.
Reid.
Smith.
Snelgrove.
Strong.
Thompson.
Westbrook.
Williams of Hardin.

Mr. Duvall moved the previous question on the motion to reconsider, and the motion was duly seconded.

Question recurring on the motion for the previous question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—80.

Ackerman.
Albritton.
Baker.
Baldwin.
Barnett.
Bateman.
Beck.
Bond.
Bradley.
Brooks.
Carpenter.
Chastain.
Coltrin.
Conway.
Cox of Navarro.
Cox of Lamar.
Cox of Limestone.
Davis.
Duvall.
Enderby.
Ewing.
Eickenroht.
Finn.
Forbes.
Fuchs.
Gilbert.
Giles.
Graves of Williamson.
Hardy.
Harding.
Harman.
Harper.
Harrison.
Heaton.
Hines.
Hogg.
Hornaday.
Hubbard.
Johnson of Smith.
Johnson of Scurry.
Jones.
Justiss.
Kennedy.
Kincaid.
Land.
Lee.
Lemens.
Marks.
Martin.
Maynard.
McDonald.
McGill.
Minor.
Morse.
Mullally.
Nicholson.
Olsen.
Pavlica.
Petsch.
Pope of Jones.
Purl.
Quinn.
Reader.
Richardson.
Rogers.
Rountree.
Sanders.
Savage.
Sherrill.
Shipman.
Simmons.
Sinks.
Speck.
Stephens.
Storey.
Tarwater.
Van Zandt.
Waddell.
Walters.
White.
Wiggs.
Williams of Travis.
Woodall.
Woodruff.
Young.

Nays—26.

Acker.
Bounds.
Brice.
DeWolfe.
Graves of Erath.
Hefley.
Holder.
Jenkins.
Johnson of Dimmit.
Keller.
Long of Houston.
Long of Wichita.
Loy.
Mankin.
McCombs.
McKean.
Moore.
Negley.
Pool.
Pope of Nueces.
Ray.
Stevenson.
Thurmond.
Turner.
Veatch.
Webb.

Absent.

Adkins.
Anderson.
Dunlap.
Finlay.
Gates.
Gerron.
Hopkins.
Kayton.
Kemble.
King.
Kinnear.
Mauritz.
Mehl.
Montgomery.
Mosely.
Murphy.
O'Neill.
Palmer.
Patterson.
Prendergast.
Renfro.
Shaver.
Shelton.
Tillotson.
Warwick.
Williams of Sabine.

Absent—Excused.

Avis.
Keeton.
Kenyon.
Metcalfe.
Reid.
Smith.
Snelgrove.
Strong.
Thompson.
Wallace.
Westbrook.
Williams of Hardin.

Question then recurring on the motion to reconsider the vote by which the House overruled the point of order, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

Yeas—69.

Albritton.
Baker.
Baldwin.
Beck.
Bond.
Bradley.
Brooks.
Carpenter.
Coltrin.
Conway.
Cox of Navarro.
Cox of Limestone.

Davis.
Duvall.
Ewing.
Forbes.
Fuchs.
Gerron.
Gilbert.
Graves of Williamson.
Harding.
Harper.
Hines.
Hogg.
Holder.
Hubbard.
Jenkins.
Johnson of Dimmit.
Johnson of Scurry.
Jones.
Justiss.
Keller.
Kemble.
Kennedy.
Kincaid.
Lee.
Long of Wichita.
Marks.
Maynard.
McCombs.
McDonald.
McGill.
Minor.
Montgomery.
Moore.
Morse.
Mosely.
Petsch.
Pool.
Pope of Jones.
Prendergast.
Purl.
Reader.
Richardson.
Rogers.
Rountree.
Sanders.
Savage.
Shelton.
Sherrill.
Simmons.
Sinks.
Storey.
Van Zandt.
Veatch.
Waddell.
Wallace.
White.
Williams of Travis.
Young.

Nays—49.

Ackerman.
Anderson.
Barnett.
Bateman.
Bounds.
Brice.
Chastain.
Cox of Lamar.
DeWolfe.
Enderby.
Eickenroht.
Finn.
Finlay.
Giles.
Graves of Erath.
Hardy.
Harman.
Heaton.
Hefley.
Hopkins.
Hornaday.
Johnson of Smith.
Land.
Lemens.
Long of Houston.
Loy.
Mankin.
Martin.
McKean.
Mehl.
Mullally.
Olsen.
Pavlica.
Pope of Nueces.
Quinn.
Ray.
Renfro.
Shipman.
Speck.
Tarwater.
Thurmond.
Turner.
Walters.
Warwick.
Webb.
Wiggs.
Williams of Sabine.
Woodall.
Woodruff.

Present—Not Voting.

Stephens.

Absent.

Acker.
Adkins.
Dunlap.
Gates.
Harrison.
Kayton.
King.
Kinnear.
Mauritz.
Murphy.
Negley.
Nicholson.
O'Neill.
Palmer.
Patterson.
Shaver.
Stevenson.
Tillotson.

Absent—Excused.

Avis.
Keeton.
Kenyon.
Metcalfe.
Reid.
Smith.
Snelgrove.
Strong.
Thompson.
Westbrook.
Williams of Hardin.

Mr. Anderson then withdrew the pending amendment.

Mr. Anderson offered the following amendment to the bill:

Amend House bill No. 6, page 3, line 22, by inserting the words "three dollars ($3)" in lieu of the words "five dollars ($5)."

Mr. Van Zandt offered the following substitute for the amendment:

Amend House bill No. 6 by striking out the figures "$2" on line 21 and "$5" on line 22, on page 3, and insert in lieu thereof the figures "$1" and "$3," respectively.

The substitute amendment was adopted.

The amendment as substituted was then adopted.

Mr. Kennedy offered the following amendment to the bill:

Amend House bill No. 6 by striking out all after the word "writing" in line 40, page 3, down to "it" in line 2, page 4, and add the word "and" after the word "it."

The amendment was adopted.

Mr. Van Zandt offered the following amendment to the bill:

Amend House bill No. 6, Section 1, by adding the words "hereby created" after the word "board" in line 26, on page 1.

The amendment was adopted.

Mr. Anderson offered the following amendment to the bill:

Amend House bill No. 6, page 5, by adding after line 30 the following:

"Sec. 7a. All employes coming under the provisions of this act shall be eligible to a State pension after twenty years' service. For the purpose of securing such pension fund, one per cent (1%) per month of such employe's salary shall be deducted and placed to the credit of the State employes' pension fund, which shall be held by the State Treasurer and paid out on proper warrants."

Mr. Johnson of Dimmit raised a point of order on further consideration of the amendment on the ground that the amendment is not germane to the bill, that it is unconstitutional, and that the subject matter contained in the amendment has not been submitted by the Governor.

The Speaker declined to rule on the point of order, stating that he would submit the matter to the House for its decision.

Mr. Purl moved the previous question on the point of order, and the main question was ordered.

Question—Shall the House sustain the point of order?

The House sustained the point of order by the following vote:

Yeas—62.

Acker.
Ackerman.
Albritton.
Baker.
Baldwin.
Beck.
Bond.
Bounds.
Bradley.
Brice.
Carpenter.
Cox of Lamar.
Dunlap.
Duvall.
Ewing.
Eickenroht.
Forbes.
Harrison.
Hogg.
Holder.
Hubbard.
Jenkins.
Johnson of Dimmit.
Johnson of Scurry.
Jones.
Justiss.
Keller.
Kemble.
Kennedy.
Kincaid.
Kinnear.
Long of Wichita.
Loy.
Marks.
Martin.
Maynard.
McCombs.
McDonald.
McGill.
Minor.
Morse.
Murphy.
Nicholson.
Patterson.
Petsch.
Pope of Jones.
Prendergast.
Purl.
Quinn.
Reader.
Richardson.
Rogers.
Sanders.
Savage.
Shaver.
Sherrill.
Simmons.
Van Zandt.
Veatch.
Waddell.
Warwick.
White.
Williams of Travis.

Nays—46.

Anderson.
Barnett.
Bateman.
Chastain.
Cox of Limestone.
DeWolfe.
Enderby.
Finn.
Finlay.
Fuchs.
Gerron.
Gilbert.
Giles.
Graves of Erath.
Hardy.
Harding.
Harman.
Harper.
Hefley.
Hopkins.
Hornaday.
Johnson of Smith.
King.
Land.
Long of Houston.
Mankin.
McKean.
Mosely.
Mullally.
Olsen.
Palmer.
Pavlica.
Pope of Nueces.
Ray.
Renfro.
Shelton.
Shipman.
Sinks.
Speck.
Stevenson.
Storey.
Thurmond.
Walters.
Williams of Sabine.
Woodall.
Woodruff.

Absent.

Adkins.
Brooks.
Coltrin.
Conway.
Cox of Navarro.
Davis.
Gates.
Graves of Williamson.
Heaton.
Hines.
Kayton.
Lee.
Lemens.
Mauritz.
Mehl.
Montgomery.
Moore.
Negley.
O'Neill.
Pool.
Rountree.
Stephens.
Tarwater.
Tillotson.
Turner.
Webb.
Westbrook.
Wiggs.
Young.

Absent—Excused.

Avis.
Keeton.
Kenyon.
Metcalfe.
Reid.
Smith.
Snelgrove.
Strong.
Thompson.
Wallace.
Williams of Hardin.

Mr. Hardy offered the following amendment to the bill:

Amend House bill No. 6, page 5, line 10, by adding after the word "power" the following: "provided, however, that the appointing power may, without any reasons expressed to the board, require the board to substitute another employe in place of an employe in his department, if in his opinion harmony and the good of the service requires it."

The amendment was adopted.

Mr. Long of Wichita offered the following amendment to the bill:

Amend House bill No. 6 by striking out all of Section 1 and inserting in lieu thereof the following:

"Section 1. It is hereby declared to be the policy of the State of Texas that the appointments to the State service where practicable shall be made on the basis of merit determined after examination. This principle shall be put into effect by a Civil Service Commis-

sioner appointed by the Governor, with the consent of the Senate, for a term of six years. No person shall be appointed Civil Service Commissioner who has not had at least five years' experience in administering civil service rules and regulations. The term 'Commissioner' as used in this act shall mean the Civil Service Commissioner of the State of Texas. The Commissioner shall have the power to create rules and regulations for the purpose herein stated. The appointing of officers of the State, whether a board, an institution or an individual officer, shall be referred to as the appointing power. The Commissioner may employ such examiners and other employes as are found to be necessary. The Commissioner may also call upon any employe or employes of the State, including clerks of any court of the State, to assist in the conducting of examinations, or to conduct examinations under its direction, who may be compensated out of such fees. It is hereby made the duty of officers and employes of the State to co-operate with the Commissioner and to furnish information about applicants for examination when so required by the Commissioner."

Mr. Baldwin raised a point of order on further consideration of the amendment on the ground that the amendment is not germane to the bill.

The Speaker overruled the point of order.

Mr. DeWolfe offered the following substitute for the amendment:

Amend House bill No. 6, page 1, line 26, by adding after the word "board" the following, "to be composed of the constitutional officers."

On motion of Mr. Savage, the substitute amendment was tabled.

RECESS.

On motion of Mr. Keller the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

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

HOUSE BILL NO. 6 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 6, relating to civil service, on its passage to engrossment, with amendment by Mr. Long of Wichita pending.

Mr. Pope of Nueces offered the following substitute for the amendment:

Amend House bill No. 6 by striking out lines 27 and 28, page 1, and insert the following, "be composed of one person, to be appointed by the Governor by and with the advice and confirmation of the Senate of Texas, as authorized by the."

Mr. DeWolfe moved that the House rule which relates to the length of time that a member may address the House be suspended for the purpose of extending the time of Mr. Pope of Nueces.

The motion prevailed by the following vote:

Yeas—102.

Mr. Speaker.
Acker.
Ackerman.
Adkins.
Albritton.
Anderson.
Baker.
Barnett.
Bateman.
Bond.
Bounds.
Bradley.
Brice.
Brooks.
Carpenter.
Chastain.
Coltrin.
Cox of Lamar.
Cox of Limestone.
Davis.
DeWolfe.
Duvall.
Enderby.
Ewing.
Eickenroht.
Finn.
Finlay.
Fuchs.
Gerron.
Gilbert.
Giles.
Graves of Williamson.
Hardy.
Harman.
Harper.
Harrison.
Heaton.
Hefley.
Hines.
Hogg.
Holder.
Hopkins.
Hornaday.
Jenkins.
Johnson of Dimmit.
Johnson of Smith.
Jones.
Justiss.
Keller.
Kennedy.
King.
Land.
Lee.
Long of Houston.
Long of Wichita.
Mankin.
Marks.
Martin.
McCombs.
McDonald.
McGill.
McKean.
Mehl.
Minor.
Mullally.
Murphy.
Negley.
Olsen.
O'Neill.
Palmer.
Pavlica.
Pool.
Pope of Jones.
Purl.
Quinn.
Ray.
Renfro.
Richardson.
Rogers.
Rountree.
Sanders.
Shaver.
Shelton.
Sherrill.

Shipman.
Simmons.
Sinks.
Speck.
Stephens.
Stevenson.
Storey.
Tarwater.
Thurmond.
Tillotson.
Turner.
Walters.
Warwick.
Webb.
White.
Williams of Sabine.
Woodall.
Woodruff.
Young.

Nays—6.

Baldwin.
Forbes.
Johnson of Scurry.
Prendergast.
Van Zandt.
Westbrook.

Present—Not Voting.

Williams of Travis.

Absent.

Beck.
Conway.
Cox of Navarro.
Dunlap.
Gates.
Graves of Erath.
Harding.
Hubbard.
Kayton.
Kemble.
Kincaid.
Kinnear.
Lemens.
Loy.
Mauritz.
Maynard.
Montgomery.
Moore.
Morse.
Mosely.
Nicholson.
Patterson.
Petsch.
Pope of Nueces.
Reader.
Savage.
Veatch.
Waddell.
Wiggs.

Absent—Excused.

Avis.
Keeton.
Kenyon.
Metcalfe.
Reid.
Smith.
Snelgrove.
Strong.
Thompson.
Wallace.
Williams of Hardin.

Mr. McCombs moved to reconsider the vote by which the rule was suspended, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Purl moved the previous question on the pending amendments, and the main question was ordered.

Question first recurring on the substitute amendment by Mr. Pope of Nueces, it was adopted by the following vote:

Yeas—89.

Acker.
Ackerman.
Adkins.
Albritton.
Anderson.
Baker.
Barnett.
Bateman.
Bond.
Bounds.
Brice.
Chastain.
Conway.
Cox of Lamar.
Cox of Limestone.
Davis.
DeWolfe.
Duvall.
Enderby.
Ewing.
Eickenroht.
Finn.
Finlay.
Forbes.
Fuchs.
Gerron.
Gilbert.
Giles.
Graves of Williamson.
Hardy.
Harding.
Harman.
Harper.
Harrison.
Heaton.
Hefley.
Hines.
Hogg.
Holder.
Hopkins.
Hornaday.
Jenkins.
Johnson of Smith.
Jones.
Kennedy.
Kincaid.
King.
Land.
Loy.
Mankin.
Martin.
McDonald.
McGill.
McKean.
Mehl.
Mosely.
Mullally.
Negley.
Olsen.
O'Neill.
Palmer.
Patterson.
Pavlica.
Pope of Jones.
Pope of Nueces.
Purl.
Quinn.
Ray.
Renfro.
Richardson.
Rogers.
Sanders.
Shelton.
Sherrill.
Shipman.
Simmons.
Sinks.
Stephens.
Stevenson.
Tarwater.
Thurmond.
Turner.
Veatch.
Walters.
Webb.
White.
Williams of Sabine.
Woodall.
Woodruff.

Nays—29.

Baldwin.
Bradley.
Brooks.
Coltrin.
Johnson of Dimmit.
Johnson of Scurry.
Justiss.
Keller.
Kemble.
Kinnear.
Lee.
Lemens.
Long of Houston.
Long of Wichita.
McCombs.
Minor.
Morse.
Nicholson.
Petsch.
Reader.
Reid.
Savage.
Tillotson.
Van Zandt.
Waddell.
Wallace.
Warwick.
Westbrook.
Williams of Travis.

Present—Not Voting.

Marks.

Absent.

Beck.
Carpenter.
Cox of Navarro.
Dunlap.
Gates.
Graves of Erath.
Hubbard.
Kayton.
Mauritz.
Maynard.

Montgomery.
Moore.
Murphy.
Pool.
Prendergast.
Rountree.
Shaver.
Wiggs.
Young.

Absent—Excused.

Avis.
Keeton.
Kenyon.
Metcalfe.
Smith.
Snelgrove.
Strong.
Thompson.
Williams of Hardin.

Paired.

Mr. Speck (present), who would vote "nay," with Mr. Storey (absent), who would vote "yea."

Question then recurring on the amendment as substituted, it was adopted by the following vote:

Yeas—91.

Ackerman.
Adkins.
Albritton.
Anderson.
Baker.
Barnett.
Bateman.
Bond.
Bounds.
Brice.
Brooks.
Chastain.
Conway.
Cox of Lamar.
Cox of Limestone.
DeWolfe.
Duvall.
Enderby.
Ewing.
Eickenroht.
Finn.
Finlay.
Fuchs.
Gerron.
Gilbert.
Giles.
Hardy.
Harding.
Harman.
Harper.
Harrison.
Heaton.
Hefley.
Hines.
Holder.
Hopkins.
Hornaday.
Jenkins.
Johnson of Smith.
Justiss.
Keller.
Kincaid.
King.
Land.
Lee.
Lemens.
Long of Houston.
Loy.
Mankin.
Martin.
McGill.
McKean.
Mehl.
Montgomery.
Moore.
Mosely.
Mullally.
Negley.
Olsen.
O'Neill.
Palmer.
Patterson.
Pavlica.
Pool.
Pope of Jones.
Pope of Nueces.
Purl.
Quinn.
Ray.
Reid.
Renfro.
Richardson.
Rogers.
Sanders.
Savage.
Shelton.
Sherrill.
Shipman.
Simmons.
Sinks.
Stephens.
Stevenson.
Tarwater.
Thurmond.
Turner.
Veatch.
Walters.
Webb.
White.
Williams of Sabine.
Woodruff.

Nays—23.

Baldwin.
Bradley.
Coltrin.
Graves of Williamson.
Johnson of Dimmit.
Johnson of Scurry.
Kemble.
Kennedy.
Kinnear.
Long of Wichita.
McCombs.
Minor.
Morse.
Nicholson.
Petsch.
Reader.
Tillotson.
Van Zandt.
Waddell.
Wallace.
Warwick.
Westbrook.
Woodall.

Present—Not Voting.

Acker.
Forbes.

Absent.

Beck.
Carpenter.
Cox of Navarro.
Davis.
Dunlap.
Gates.
Graves of Erath.
Hogg.
Hubbard.
Jones.
Kayton.
Marks.
Mauritz.
Maynard.
McDonald.
Murphy.
Prendergast.
Rountree.
Shaver.
Williams of Travis.
Wiggs.
Young.

Absent—Excused.

Avis.
Keeton.
Kenyon.
Metcalfe.
Smith.
Snelgrove.
Strong.
Thompson.
Williams of Hardin.

Paired.

Mr. Speck (present), who would vote "nay," with Mr. Storey (absent), who would vote "yea."

Mr. Purl offered the following amendment to the bill:

Amend House bill No. 6, page 3, by striking out the following in lines 14 and 15, "the commissioners court of the county and also from the governing body of any incorporated city or town in which the applicant resides," and substituting in lieu thereof the following, "a majority of the State Representatives and the State Senator of the senatorial district."

The amendment was adopted.

Mr. Purl moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Bond offered the following amendment to the bill:

Amend House bill No. 6 by adding Section 7a, which shall read as follows: "No union or association of any character of any of said classified employes shall ever be organized among such employes, and any attempt to effect any union or association among said employes, or the forming of such union or association, shall be sufficient cause for instant dismissal of such employes making such attempt or becoming a member of any such union or association."

Mr. Hardy raised a point of order on further consideration of the amendment on the ground that the amendment violates provisions of the Constitution.

The Speaker declined to rule on the point of order, stating that he would submit the matter to the House for its decision.

The House overruled the point of order by the following vote:

Yeas—43.

Adkins.
Albritton.
Anderson.
Baker.
Baldwin.
Barnett.
Bateman.
Bounds.
Bradley.
Brooks.
Davis.
DeWolfe.
Enderby.
Gerron.
Hardy.
Harman.
Harper.
Holder.
Johnson of Dimmit.
Johnson of Scurry.
Justiss.
Keller.
Kemble.
Long of Wichita.
Marks.
McCombs.
Mehl.
Moore.
Palmer.
Pool.
Purl.
Quinn.
Ray.
Reader.
Reid.
Shelton.
Tarwater.
Turner.
Waddell.
Webb.
Westbrook.
Woodruff.
Young.

Nays—63.

Acker.
Ackerman.
Bond.
Brice.
Chastain.
Coltrin.
Conway.
Cox of Lamar.
Cox of Limestone.
Duvall.
Eickenroht.
Finlay.
Forbes.
Fuchs.
Gilbert.
Giles.
Graves of Williamson.
Harding.
Harrison.
Heaton.
Hefley.
Hines.
Hopkins.
Jenkins.
Johnson of Smith.
Jones.
Kincaid.
King.
Land.
Lee.
Long of Houston.
Loy.
Martin.
McGill.
Minor.
Mullally.
Negley.
Nicholson.
Olsen.
O'Neill.
Patterson.
Pavlica.
Pope of Jones.
Prendergast.
Renfro.
Richardson.
Rogers.
Rountree.
Sanders.
Savage.
Shipman.
Simmons.
Sinks.
Stephens.
Stevenson.
Thurmond.
Tillotson.
Veatch.
Walters.
Warwick.
White.
Williams of Sabine.
Woodall.

Present—Not Voting.

Ewing.
Kennedy.
Lemens.

Absent.

Beck.
Carpenter.
Cox of Navarro.
Dunlap.
Finn.
Gates.
Graves of Erath.
Hogg.
Hornaday.
Hubbard.
Kayton.
Kinnear.
Mankin.
Mauritz.
Maynard.
McDonald.
McKean.
Montgomery.
Morse.
Mosely.
Murphy.
Petsch.
Pope of Nueces.
Shaver.
Sherrill.
Speck.
Storey.
Van Zandt.
Wiggs.
Williams of Travis.

Absent—Excused.

Avis.
Keeton.
Kenyon.
Metcalfe.
Smith.
Snelgrove.
Strong.
Thompson.
Wallace.
Williams of Hardin.

Mr. DeWolfe moved the previous question on the pending amendment and the bill, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The main question was ordered by the following vote:

Yeas—94.

Acker.
Ackerman.
Adkins.
Albritton.
Baker.
Baldwin.

Barnett.
Bateman.
Bounds.
Brice.
Brooks.
Chastain.
Coltrin.
Conway.
Cox of Lamar.
Davis.
DeWolfe.
Enderby.
Finn.
Finlay.
Forbes.
Fuchs.
Gerron.
Gilbert.
Giles.
Graves of Williamson.
Graves of Erath.
Harding.
Harman.
Harper.
Harrison.
Heaton.
Hines.
Holder.
Hopkins.
Johnson of Dimmit.
Johnson of Smith.
Johnson of Scurry.
Jones.
Kemble.
Kennedy.
Kincaid.
Kinnear.
Land.
Lee.
Lemens.
Long of Houston.
Loy.
Mankin.
Martin.
McCombs.
McDonald.
McGill.
McKean.
Mehl.
Moore.
Mosely.
Mullally.
Negley.
Nicholson.
Olsen.
O'Neill.
Palmer.
Patterson.
Pavlica.
Petsch.
Pope of Jones.
Pope of Nueces.
Prendergast.
Purl.
Reader.
Reid.
Renfro.
Richardson.
Rogers.
Rountree.
Shelton.
Shipman.
Sinks.
Stevenson.
Tarwater.
Thurmond.
Tillotson.
Veatch.
Waddell.
Walters.
Warwick.
Webb.
Westbrook.
White.
Williams of Sabine.
Williams of Travis.
Woodruff.
Young.

Nays—16.

Anderson.
Bond.
Bradley.
Duvall.
Ewing.
Eickenroht.
Hardy.
Jenkins.
Justiss.
Keller.
Long of Wichita.
Pool.
Quinn.
Ray.
Stephens.
Woodall.

Absent.

Beck.
Carpenter.
Cox of Navarro.
Cox of Limestone.
Dunlap.
Gates.
Hefley.
Hogg.
Hornaday.
Hubbard.
Kayton.
King.
Marks.
Mauritz.
Maynard.
Minor.
Montgomery.
Morse.
Murphy.
Sanders.
Savage.
Shaver.
Sherrill.
Simmons.
Speck.
Storey.
Turner.
Van Zandt.
Wiggs.

Absent—Excused.

Avis.
Keeton.
Kenyon.
Metcalfe.
Smith.
Snelgrove.
Strong.
Thompson.
Wallace.
Williams of Hardin.

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

The amendment was lost by the following vote:

Yeas—36.

Bond.
Brooks.
Cox of Limestone.
Eickenroht.
Finlay.
Fuchs.
Harrison.
Heaton.
Hopkins.
Hubbard.
Jenkins.
Kincaid.
King.
Land.
Lee.
Marks.
McDonald.
Mosely.
Negley.
O'Neill.
Palmer.
Pavlica.
Pope of Nueces.
Prendergast.
Reid.
Renfro.
Rogers.
Sanders.
Shipman.
Sinks.
Stephens.
Stevenson.
Thurmond.
Turner.
White.
Williams of Sabine.

Nays—77.

Acker.
Ackerman.
Adkins.
Albritton.
Anderson.
Baker.
Baldwin.
Barnett.
Bateman.
Bounds.
Bradley.
Brice.
Chastain.
Coltrin.
Conway.
Cox of Navarro.
Cox of Lamar.
Davis.
DeWolfe.
Enderby.
Finn.
Forbes.
Gerron.
Gilbert.
Giles.
Graves of Williamson.
Hardy.
Harding.
Harman.
Harper.
Hefley.
Hines.
Holder.
Johnson of Dimmit.
Johnson of Smith.
Johnson of Scurry.
Jones.
Justiss.
Keller.
Kemble.
Lemens.
Long of Houston.

Long of Wichita.
Loy.
Mankin.
Martin.
Mauritz.
McCombs.
McGill.
McKean.
Mehl.
Minor.
Moore.
Morse.
Mullally.
Nicholson.
Olsen.
Patterson.
Petsch.
Pool.
Pope of Jones.
Purl.
Quinn.
Ray.
Reader.
Richardson.
Rountree.
Shelton.
Sherrill.
Tarwater.
Van Zandt.
Veatch.
Waddell.
Walters.
Warwick.
Webb.
Westbrook.
Williams of Travis.
Woodall.
Woodruff.
Young.

Present—Not Voting.

Ewing.
Kennedy.

Absent.

Beck.
Carpenter.
Dunlap.
Duvall.
Gates.
Graves of Erath.
Hogg.
Hornaday.
Kayton.
Kinnear.
Maynard.
Montgomery.
Murphy.
Savage.
Shaver.
Simmons.
Tillotson.
Wiggs.

Absent—Excused.

Avis.
Keeton.
Kenyon.
Metcalfe.
Smith.
Snelgrove.
Strong.
Thompson.
Wallace.
Williams of Hardin.

Paired.

Mr. Speck (present), who would vote "nay," with Mr. Storey (absent), who would vote "yea."

House bill No. 6 then failed to pass to engrossment by the following vote:

Yeas—48.

Baldwin.
Bradley.
Coltrin.
Cox of Limestone.
Davis.
Forbes.
Graves of Williamson.
Hardy.
Harrison.
Holder.
Jenkins.
Johnson of Scurry.
Johnson of Dimmit.
Keller.
Kemble.
Kennedy.
Kincaid.
Kinnear.
Lee.
Long of Wichita.
Mauritz.
McCombs.
McGill.
Mehl.
Morse.
Nicholson.
O'Neill.
Petsch.
Pool.
Pope of Jones.
Prendergast.
Purl.
Quinn.
Reader.
Richardson.
Rountree.
Sanders.
Savage.
Tillotson.
Van Zandt.
Waddell.
Wallace.
Warwick.
Westbrook.
Wiggs.
Williams of Travis.
Woodall.
Young.

Nays—71.

Acker.
Ackerman.
Adkins.
Albritton.
Anderson.
Baker.
Bateman.
Bond.
Bounds.
Brice.
Chastain.
Conway.
Cox of Navarro.
Cox of Lamar.
DeWolfe.
Duvall.
Enderby.
Ewing.
Eickenroht.
Finn.
Finlay.
Fuchs.
Gerron.
Gilbert.
Giles.
Harding.
Harman.
Harper.
Heaton.
Hefley.
Hines.
Hopkins.
Hornaday.
Johnson of Smith.
Justiss.
King.
Land.
Lemens.
Long of Houston.
Loy.
Mankin.
Marks.
McDonald.
McKean.
Minor.
Moore.
Mosely.
Mullally.
Murphy.
Olsen.
Palmer.
Patterson.
Pavlica.
Pope of Nueces.
Ray.
Reid.
Renfro.
Rogers.
Shelton.
Sherrill.
Shipman.
Sinks.
Stephens.
Stevenson.
Tarwater.
Thurmond.
Turner.
Veatch.
Walters.
Webb.
White.
Williams of Sabine.
Woodruff.

Present—Not Voting.

Jones.

Absent.

Carpenter.
Dunlap.
Gates.
Graves of Erath.
Hubbard.
Kayton.
Maynard.
Simmons.

Absent—Excused.

Avis.
Keeton.
Kenyon.
Metcalfe.
Smith.
Snelgrove.
Strong.
Thompson.
Williams of Hardin.

Paired.

Mrs. Negley (present), who would vote "yea," with Mr. Beck (absent), who would vote "nay."

Mr. Brooks (present), who would vote "nay," with Mr. Hogg (absent), who would vote "yea."

Mr. Martin (present), who would vote "nay," with Mr. Montgomery (absent), who would vote "yea."

Mr. Speck (present), who would vote "yea," with Mr. Storey (absent), who would vote "nay."

Mr. Barnett (present), who would vote "nay," with Mr. Shaver (absent), who would vote "yea."

Mr. Anderson moved to reconsider the vote by which the bill failed to pass to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

RELATIVE TO AUTOMOBILE LICENSE FEE.

The following communication was ordered printed in the Journal:

May 1, 1929.

Honorable Thos. B. Love, State Senate, Capitol.

Dear Senator: In your communication of March 25th, you refer to Section 33, Article 3, of the Constitution, and to Section 35, Article 3, and submit two inquiries:

First: Whether in view of these provisions of the Constitution if a bill is passed by the House of Representatives providing for raising revenue by levying an automobile license fee on automobiles, it can be amended by adding a provision also levying an occupation tax on the sale of gasoline.

Second: If a bill levying an occupation tax on the sale of gasoline should be passed by the House of Representatives, whether such a bill can be amended in the Senate by adding provisions also levying an occupation tax on the sale of cigarettes.

I have given a most thorough study to the inquiries you submit and have discussed the same quite thoroughly in a conference with my assistants, and have reached the conclusion as to your first inquiry, that if a bill introduced in the House of Representatives contains in its caption a proper subject of the legislation, that there may be included in the bill both a provision levying an automobile license fee on automobiles and a provision levying an occupation tax upon the sale of gasoline.

The Constitution provides that "no bill * * * shall contain more than one subject which shall be expressed in its title." Many States have similar constitutional provisions. The Constitutions prior to the one now in force had the same provision except that the word "object" was used instead of the word "subject." This provision of the Constitution has been before the courts of the country many times, and the general rule from all of the decisions, as I construe it, is that it was the intention of the provision to prevent embracing in one act having one ostensible object provisions having no relevancy to that object, but designed really to effectuate other wholly different objects, and thus conceal and disguise the real purpose of the act by a deceptive title. In the case of Fahey vs. State, 11 S. W. 109, this language is used:

"It must not be overlooked that the Constitution demands that the title of an act shall express the subject, not the object, of the act. It is the matter to which the statute relates, and with which it deals, and not what it proposes to do which is to be found in the title."

Again it is said:

"None of the provisions of a statute should be regarded as unconstitutional where they relate directly or indirectly to the same subject having a mutual connection and are not foreign to the subject expressed in the title.

"So long as the provisions are of the same nature and come legitimately under one general denomination or object we cannot say that the act is unconstitutional." (45 Texas, 267; 44 Texas, 506.)

And again in the case of Dodge vs. Youngblood, 202 S. W. 116:

"The end desired is obtained when a law has but one general object which is fairly indicated by the title. The generality of a title is, therefore, no objection to it so long as it is not made to cover legislation incongruous in itself, and which by no fair intendment must be considered as having a necessary or proper connection."

And again in the case of Giddings vs. San Antonio, 47 Texas, 556:

"While this has been regarded as the settled rule of construction here in its application, the most liberal construction has been given by the Supreme

Court of this State in accordance with the general current of authority to make the whole law constitutional where the part objected to as infringing this part of the Constitution could be considered as appropriately connected with or subsidiary to the main object of the act, as expressed in the title."

And the following from Cooley on Taxation, 4th Edition, Vol. 2, Section 499, page 1100, which in my opinion is a very concise accurate statement of authority as gathered from all of the courts of the land:

"* * * The construction of such constitutional provisions as applied to statutes in general is not different from the construction of such provisions as applied to tax statutes. * * * Yet in a great majority of the cases the statute is held not to violate the constitutional provisions since it is only in a plain case that the courts will invalidate all statutes or any part thereof on such a ground. This provision is to be liberally construed and all doubts resolved in favor of the law, and it is not essential that the basis or even accurate words are employed in the title. As has been well said 'all objects should be grave and the conflict between the statute and the Constitution palpable before the judiciary should disregard a legislative enactment upon the sole ground that it embraced more than one object, or it embraced but one object that it was not sufficiently expressed by the title.' It is not essential that every end and means necessary or convenient for the accomplishment of the general object be either referred to or necessarily indicated in the title, but it is sufficient that the title shall not be made to cover legislation which by no fair intendment can be considered as having a necessary or proper connection * * *. Thus an act entitled a supplement to 'an act concerning taxes' is not open to the objection that it embraces more than one subject expressed in its title because it deals with several details of the matter of taxes.

"This constitutional provision is not intended, nor is it to be so construed to prevent the Legislature from embracing in one act all matters properly connected with one general subject."

In view of this line of authority, and of the tendency of the courts of recent years to give a very broad and liberal construction to this provision of the Constitution, I am of the opinion that if a bill contains as a general subject of legislation such a title as substantially this:

"An Act to provide for raising revenue for the purpose of constructing, maintaining, etc., the highways of the State of Texas, by the levying of certain license fees, and occupation taxes (naming them), and the appropriation of said revenue for such purposes."

Would be constitutional although in this act there might be levied both an automobile license fee and an occupation tax upon the sale of gasoline.

As to your second question, I am of the opinion that a bill introduced in the House of Representatives, levying an occupation tax on the sale of gasoline could be constitutionally amended in the Senate by levying an occupation tax upon the sale of cigarettes or any other occupation.

The Constitution provides:

"All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills."

The Constitution of the United States contains the provision that "all bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills."

The provision of the Constitution of the United States has been before the Supreme Court of the United States in several occasions in the case of Flint vs. Stone Tracy Company, 220 U. S. 143, in which the court used this language:

"This statement shows that the tariff bill of which the section under consideration is a part, originated in the House of Representatives and was there a general bill for the collection of revenue. As originally introduced it contained a plan of inheritance taxation. In the Senate the proposed tax was removed from the bill, and the corporation tax, in a measure, substituted therefor. The bill having properly originated in the House, we perceive no reason in the constitutional provision relied upon why it may not be amended in the Senate in the manner which it was in this case. The amendment was germane to the subject matter of the bill and not beyond the power of the Senate to propose."

And in the case of Rainey vs. U. S., 232 U. S. 317, Chief Justice White, speaking for the court, said:

"I am also satisfied that the section in question is not void as a bill for

raising revenue originating in the Senate and not in the House of Representatives. It appears that the section was proposed by the Senate as an amendment to a bill for raising revenue which originated in the House. That is sufficient."

Under the uniform custom of legislative bodies, both State and National, as to amendments of bills, they most frequently include especially as to occupation tax bills, the adding of additional occupations to those contained in the original bill, and no question has ever been raised so far as I have ever been able to ascertain, as to this being a legal amendment of a bill. Certainly while a bill is pending in the House of Representatives, having for its purpose the levy of an occupation tax upon the sale of gasoline, an amendment may be constitutionally made in the House levying an occupation tax upon the sale of cigarettes or any other occupation. The bill having for its purpose the raising of revenue must originate in the House of Representatives, but the constitutional provision is that having so originated, the Senate may amend it "as other bills." This provision is certainly broad enough to authorize the Senate to amend the bill as fully and to the same extent as it might have been amended in the House of Representatives.

You are, therefore, advised that such an amendment of a revenue measure, originating in the House of Representatives, by the Senate would not be in violation of the provisions of our Constitution. This construction is accentuated by the fact that under the rules of procedure and the provisions of the Constitution, if and when an amendment of the Senate is made to a House bill, it must be returned to the House for further consideration and final passage by it before it becomes a law.

Yours very truly,
CLAUDE POLLARD.

HOUSE BILL NO. 11 ON SECOND READING.

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

H. B. No. 11, A bill to be entitled "An Act to amend Articles 2676, 2677, 2681 and 2692 of the Revised Statutes of 1925, relating to county school trustees, and declaring an emergency."

The bill having heretofore been read second time, with amendment by Mr. Pope of Nueces and motion by Mr. Finlay to recommit the bill to the Committee on Education pending.

Question recurring on the motion by Mr. Finlay, it prevailed.

HOUSE BILL NO. 12 ON SECOND READING.

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

H. B. No. 12, A bill to be entitled "An Act to amend Article 2700 of the Revised Civil Statutes of 1925, relating to the salaries of county superintendents, and declaring an emergency."

The bill was read second time.

Mr. Barnett moved that further consideration of the bill be postponed indefinitely.

Mr. Woodall moved the previous question on the motion to postpone indefinitely, and the main question was ordered.

Question recurring on the motion by Mr. Barnett, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—62.

Ackerman.	Kincaid.
Albritton.	King.
Baker.	Lee.
Barnett.	Lemens.
Bateman.	Mankin.
Bond.	McCombs.
Bounds.	McDonald.
Brice.	Morse.
Chastain.	Mullally.
Cox of Lamar.	O'Neill.
Cox of Limestone.	Pavlica.
Enderby.	Pool.
Eickenroht.	Pope of Jones.
Finlay.	Reid.
Forbes.	Richardson.
Fuchs.	Rogers.
Gerron.	Sanders.
Giles.	Shelton.
Hardy.	Shipman.
Harper.	Stephens.
Harrison.	Stevenson.
Hefley.	Thurmond.
Hines.	Veatch.
Hopkins.	Waddell.
Jenkins.	Wallace.
Johnson of Dimmit.	Walters.
	Warwick.
Johnson of Smith.	Webb.
Jones.	Westbrook.
Justiss.	Wiggs.
Keller.	Woodall.
Kennedy.	

Nays—45.

Adkins.	Marks.
Anderson.	McGill.
Baldwin.	McKean.
Brooks.	Minor.
Coltrin.	Moore.
Conway.	Murphy.
DeWolfe.	Negley.
Ewing.	Nicholson.
Finn.	Palmer.
Gilbert.	Patterson.
Graves of Williamson.	Petsch.
	Purl.
Graves of Erath.	Ray.
Harman.	Reader.
Heaton.	Rountree.
Holder.	Savage.
Hornaday.	Sherrill.
Johnson of Scurry.	Sinks.
Kinnear.	Speck.
Land.	Turner.
Long of Houston.	Van Zandt.
Long of Wichita.	White.
Loy.	Woodruff.

Present—Not Voting.

Prendergast.

Absent.

Acker.	Maynard.
Beck.	Mehl.
Bradley.	Montgomery.
Carpenter.	Mosely.
Cox of Navarro.	Olsen.
Davis.	Pope of Nueces.
Dunlap.	Quinn.
Duvall.	Renfro.
Gates.	Shaver.
Harding.	Simmons.
Hogg.	Storey.
Hubbard.	Tarwater.
Kayton.	Tillotson.
Kemble.	Williams of Sabine.
Martin.	Williams of Travis.
Mauritz.	Young.

Absent—Excused.

Avis.	Snelgrove.
Keeton.	Strong.
Kenyon.	Thompson.
Metcalfe.	Williams of Hardin.
Smith.	

Mr. Barnett moved to reconsider the vote by which the bill was postponed indefinitely and to table the motion to reconsider.

The motion to table prevailed.

RELATIVE TO COST OF FLOOD-PROOF PRISON FARMS.

On motion of Mr. Baldwin, the following editorial was ordered printed in the Journal:

Cost of Flood-Proof Prison Farms.

Prison location and concentration is the major legislative proposal before the lawmakers. For many years it has been a major legislative proposal. For many years constructive lawmakers have battled for a solution of the problem and indifferent or destructive lawmakers have prevented its solution.

Constructive lawmakers who have figured the losses in the management of the prison system for a quarter of a century are more determined than ever that something should be done to bring about sweeping reforms in the system, and the people of Texas should get in behind these lawmakers and thunder their disapproval of tactics which should not be permitted under the big dome. There are 150 representatives. They are elected by the people. They should realize that they are under the big dome to attend to the business of the people.

There are good men who block the progress of legislation. There are many devious ways to go about it. Talk about tax reduction? Why, it costs the taxpayers hundreds of thousands of dollars annually to support the system now functioning. It will cost the taxpayers $800,000 a year in the very near future unless there is prison relocation and concentration. Farmers complain of high taxes. If they only knew it, the prison system as it exists today is one of the biggest of bleeders of their pocketbooks.

Business men, if they only knew it, would pile up the protests against the continuation of the system and all its antiquated methods and movements. Governor Moody has made an interesting showing, which should open the eyes of all the taxpayers, big or little, under the skies of Texas. It is in the form of a sketch furnished by the State Reclamation Department. It should be a knockout against the selection or the use of the Darrington or Ramsey state prison farms for location of the proposed central prison plant.

Engineers are trained men. They know how to make estimates of cost. That is their business. Now engineers say it will cost $1,548,213.75 to make these two farms flood proof, and at that about one-fifth of the Ramsey farm and one-sixth of the Darrington farm "would be left outside the protected areas." Furthermore, this would make the cost of flood protection $91 per acre for the farm.

Now, the people pay the taxes. They are the sufferers. Concentration is the demand of the people. Why should the

system stretch from the Gulf to the Red River? Why should a system which has been condemned for years and declared a costly as well as antiquated concern be continued by lawmakers who are living in the very enlightened civilization of the twentieth century? It is an issue that is ever uppermost. It is an issue that takes the dollars out of the pockets of the people. It is a system that would not be tolerated by an organization of business men operated as a private concern twenty-four hours. Plant and farms are the property of the people of Texas. It is a system that has been the football of politics and politicians for years. It is a system that has dragged a huge sum of money in the aggregate from the earnings of the people.

It is not a partisan issue. It is not a religious issue. It has nothing to do with liquor or the pro laws. It is a plain business proposition and the business men of the Senate and the House should bury their prejudices, their personal viewpoints and their little ambitions, get together and give relief to the people of a fast growing commonwealth.

ADJOURNMENT.

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

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

The motion of Mr. Woodall prevailed, and the House, accordingly, at 5:20 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

In Memory

of

Hon. J. M. Dunn

Mr. Stephens offered the following resolution:

Whereas, Hon. J. M. Dunn, late of Sulphur Springs, Texas, a member of the Thirty-ninth Legislature, departed this life on the 5th day of March, 1928; and

Whereas, As a public servant and a private citizen he rendered unto his State the services of an earnest, able and patriotic citizen, and in public and private life exemplified and displayed those traits of character that gave him a place among the chivalrous sons of the South and won for him the love, esteem and respect of all those who knew him; therefore be it

Resolved, That the members of this House extend to his bereaved relatives and friends their most heartfelt sympathy; and be it further

Resolved, That a page of the Journal of the House be set apart and dedicated to his memory and that an enrolled copy of this resolution be sent to the family of the deceased.

STEPHENS,
VAN ZANDT,
BRICE.

The resolution was read second time and was adopted by a rising vote.