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HOUSE JOURNAL.

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PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF KANSAS.

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SEVENTEENTH BIENNIAL SESSION, TOPEKA,

JANUARY 10 TO MARCH 15, 1911.

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STATE PRINTING OFFICE,  
TOPEKA, 1911.

being section 7598 of the General Statutes of 1909, and repealing said original section 7.

By Mr. Haslet: House bill No. 903, An act regulating the candidacies of persons seeking the primary nominations for city commissioners in cities of the second class, and supplemental to article 11 of chapter 18 of the General Statutes of 1909.

Also (by request), House bill No. 904, An act relating to the sale of mortgaged lands, stocks or bonds, and providing a penalty for concealing the fact that such lands, stocks or bonds are mortgaged.

By Mr. Wilson of Greeley: House bill No. 905, An act providing for the regulation of certain fees to be collected by the county treasurers of counties in Kansas, and providing penalties for the violation thereof.

By Mr. Matson: House bill No. 906, An act to provide for the regulation and supervision of investment companies, and providing penalties for the violation thereof.

Also, House bill No. 907, An act relating to the regulation of charitable and benevolent institutions.

Also, House bill No. 908, An act to provide for the erection of bridges in counties having a population of not less than 70,000 or more than 100,000, and authorizing the board of county commissioners of such counties to make appropriations therefor.

By Mr. Emerson: House bill No. 909, An act relating to townships and township officers, prescribing certain of their duties and fees, and providing penalties for the violation thereof.

By Mr. Williams: House bill No. 910, An act to prohibit traffic by insurance companies in the lives of infants.

By Mr. Cones: House bill No. 911, An act to provide county aid to schools in counties having a population of less than 10,000.

By Mr. Davis of Kiowa (by request): House bill No. 912, An act making an appropriation to pay salary and expenses of Otis E. Sadler while acting as deputy fish and game warden.

By Mr. Kelley: House bill No. 913, An act to amend section 1226 of the General Statutes of 1909, and repealing said original section 1226, being an act concerning primary elections in cities of the first class which have adopted the city commission form of government.

Also, House bill No. 914, An act concerning elections in cities of the first class which have adopted the city commission form of government.

By Mr. Holden: House bill No. 915, An act relating to the publication of tax-sale notices, and amending section 9443 of the General Statutes of 1909.

By Committee on Cities of the First Class: House bill No. 916, An act relating to cities of the first class, and amending

striking out all after the enacting clause and inserting the following in lieu thereof:

SECTION 1. That section 2519 of the General Statutes of Kansas of 1909, be amended so as to read as follows: Sec. 2519. Every person who shall be convicted of rape, either by carnally and unlawfully knowing any female under the age of eighteen years, or by forcibly ravishing any woman of the age of eighteen years or upwards, shall be punished by confinement and hard labor not more than twenty-one years; provided, where the defendant in any such case is under the age of twenty-five years and the female is over the age of fourteen years, the character and reputation of the female may be offered in evidence as a defense; and provided further, that no person shall be convicted on the uncorroborated testimony of such female.

SEC. 2. That original section 2519 of the General Statutes of Kansas of 1909, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

And that it be passed as amended.

Also, House bill No. 609, and instruct me to report the bill back to the House with the recommendation that it be amended as follows: In the title, after the word "peace" and before the word "in," by inserting the words "and judges of the city court"; and further amended in the title, after the word "the" and before the word "second," by inserting the words "first and"; and that it be further amended in section 5 by adding the following after the word "court" in the last line: "provided, that the provisions of this act shall apply to judges of the city courts." And that it be passed as amended.

Also, House joint resolution No. 14, and instruct me to report the resolution back to the House with the recommendation that it be amended as follows: That in section 1, under subdivision "recall of public officers," in line 2 thereof, that the following words be stricken out: "either by election or appointment"; and that it be further amended in the same section, last line, by striking out the period after the word "recall" and inserting the following: "provided, that not less than three-fifths of such petitioners shall have voted for the candidate sought to be recalled"; and that it be further amended in section 2, under subdivision "recall of public officers," in line 9, after the word "city," by striking out the period and inserting a comma in lieu thereof, and adding the following: "and a statement as to whether or not he voted for the candidate sought to be recalled"; and that it be further amended in section 6 by striking out all of lines 5 and 6 and substituting a period for the comma after the word "enacted" at the end of line 3. And that the resolution be adopted as amended.

CLIFF MATSON, *Chairman.*

#### ORIGINAL MOTIONS AND RESOLUTIONS.

Mr. Matson moved that the rules be suspended, an emergency declared, and that House bill No. 906 be placed on second reading at this time, which motion prevailed.

House bill No. 906 was thereupon read the second time and referred to the committee of the whole.

Mr. Williams moved that the rules be suspended, an emergency declared, and that House bill No. 910 be placed on second reading at this time, which motion prevailed.

House bill No. 910 was thereupon read the second time and referred to the committee of the whole.

The chair here ordered that House joint resolution No. 14 be referred to the committee of the whole, under the head of "Special Orders," for 7:30 P. M. Tuesday, February 7.

pealing said original sections 3106, 3109, 3110, 3111, 3112 and 3116.

By Mr. Maloy: House bill No. 1001, An act to amend section 7736 of the General Statutes of 1909, relating to compulsory school attendance.

By Mr. Williams: House bill No. 1002, An act to encourage immigration to and permanent residence in Kansas by offering old age pensions.

By Mr. Kyle: House bill No. 1003, An act providing for the establishment of the county, exclusive of cities of the first and second class and other districts hereinafter enumerated, as the unit of organization, taxation and control of the public schools of the state, and repealing such acts and parts of acts as may be in conflict with this act.

By Mr. Haslet: House bill No. 1004, An act relating to the removal of elective officers in cities of the second class, and providing for the procedure therefor.

#### SECOND READING AND REFERENCE OF BILLS.

The following bills were read the second time and referred to committees as follows:

##### *Judiciary.*

House bills Nos. 896, 904, 905, 906, 922.

##### *Ways and Means.*

House bills Nos. 893, 895, 899, 912, 919, 923.

##### *State Affairs.*

House bill No. 910.

##### *Assessment and Taxation.*

House bills Nos. 898, 915.

##### *Railroads.*

House bill No. 921.

##### *Education.*

House bills Nos. 902, 911.

##### *Agriculture.*

House bill No. 917.

##### *Charitable Institutions.*

House bill No. 907.

##### *Insurance.*

House bill No. 894.

##### *Municipal Corporations.*

House bill No. 909.

##### *Private Corporations.*

House bill No. 924.

##### *Roads and Highways.*

House bills Nos. 897, 908.

hours from the termination of such services, and such payment must be made either at the place of discharge or at any office of such company or corporation within the state as may be designated by the party employed, he giving notice in writing, to the foreman or party in charge of such work.

That section 2 be amended to read as follows: Sec. 2. Any corporation or firm failing or refusing to pay wages due to any person leaving their employment, as provided in section 1 of this act, shall, as a penalty for violation thereof for such nonpayment, the wages of such servant or employee shall continue from the date of discharge or resignation of said employee, at the same rate as if he was still in the service, until full and complete settlement is made; provided, such wages shall not continue for more than 60 days unless action for the recovery of the same shall have been commenced in any court of competent jurisdiction within that time.

And your committee further recommend that this bill be passed as amended.

C. H. KERR, *Chairman.*

#### COMMITTEE OF THE WHOLE.

Mr. Lambertson moved that the House go into committee of the whole for the consideration of bills on the Calendar under the head of "General Orders." A vote being had, the motion prevailed.

The House went into committee of the whole, with Mr. Goddard in the chair.

After some time spent therein the committee rose, and through the chairman submitted the following report:

MR. SPEAKER: The committee of the whole House have had under consideration bills on the Calendar under the head of "General Orders," and I am directed to report as follows:

Recommend that House bill No. 383 be amended as follows: That in section 1, lines 1 and 2 of the printed bill, strike out all to the word "A," and insert in lieu thereof "that section 4230 of the General Statutes of 1909 be amended so as to read as follows: Section 4230"; that the title be amended by striking out the words and figures "paragraph 162, chapter 55"; that section 2, lines 1 and 2, strike out the following words and figures: "paragraph 162; chapter 55," and that the bill be passed as amended.

Report progress on House bill No. 906, and ask leave to sit again.

C. C. GODDARD, *Chairman.*

#### MESSAGE FROM THE SENATE.

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate has passed Senate bills Nos. 169 and 440.

Also, House bill No. 583.

Also, substitute for Senate bill No. 89.

The same are herewith transmitted.

F. W. BRINKERHOFF, *Assistant Secretary.*

#### ORIGINAL MOTIONS AND RESOLUTIONS.

Mr. Matson moved that House bill No. 2 be stricken from the Calendar, which motion prevailed.

Mr. Graham moved that House concurrent resolution No. 11 be stricken from the Calendar, which motion prevailed.

Mr. Maloy moved that House concurrent resolution No. 39 be stricken from the Calendar, which motion prevailed.

Mr. Stone of Shawnee moved that House bill No. 158, which

## AFTERNOON SESSION.

The House reconvened at 2:30 o'clock, with Speaker Buckman in the chair.

## COMMITTEE OF THE WHOLE.

Mr. Case moved that the House go into committee of the whole for the consideration of bills on the Calendar under the head of "General Orders." A vote being had, the motion prevailed.

The House went into committee of the whole, with Mr. Goddard in the chair.

After some time spent therein the committee rose, and through the chairman submitted the following report:

MR. SPEAKER: The committee of the whole House have had under consideration bills on the Calendar under the head of "General Orders," and I am directed to report as follows:

Recommend that House bill No. 906 be placed on third reading, subject to amendment and debate.

That House bill No. 102 be amended in that the words "official state paper" in line 2 of section 2 be stricken out and the words "statute book" inserted in lieu thereof, and that the bill be passed as amended.

That House bill No. 103 have the enacting clause stricken out.

That House bill No. 146 be amended by striking out the word "any" in line 1 of section 1, and the word "the" inserted in lieu thereof; that the words "officer or" after the word "proper" in line 1 of section 1 be stricken out; that paragraph 2 be stricken out, and the following inserted in lieu thereof and be designated first after section 1: "First, no such bond shall be purchased unless the same shall be accompanied by a certificate of the attorney-general, setting forth that such bonds are regularly and legally issued, that they are a valid and binding obligation against the county, school district or other municipality issuing the same, and that said county, school district or municipality has not issued bonds in excess of the limit fixed by law"; and that it be further amended by numbering paragraph 3 so as to read "second," paragraph 4 as to read "third," and paragraph 5 so as to read "fifth"; and that paragraph 6 be numbered section 2; and that paragraph 7 be numbered as section 3, and that the bill be passed as amended.

That House bill No. 187 have the enacting clause stricken out.

That House bill No. 205 be passed.

That House bill No. 312 be amended as follows:

In line 3 of section 1, strike out the words "directly or indirectly"; after the word "barter" in line 3 of section 1 insert the words "or give away"; that all of line 10 of section 1 be stricken out; that after the word "labor" in line 9 of section 1 insert the following: "not less than six months nor exceeding one year"; that the words "official state paper," in line 2 of section 3, be stricken out and the words "statute book" inserted in lieu thereof, and that the bill be passed as amended.

That House bill No. 377 be amended as follows: That section 2 be renumbered section 3 and section 3 be renumbered section 4; that the following be section 2: "All assignments and releases of mortgages by a corporation shall be valid when executed and acknowledged by its president, vice president, secretary, treasurer or cashier and attested by its corporate seal," be inserted after section 1; that the words "official state paper" be stricken from line 2 of section 4, and the word "statute book" inserted in lieu thereof; that after section 1 insert: "that section 5212 of the General Statutes of 1909 be amended to read as follows: "Section 5212," and that the bill be passed as amended.

Mr. Brown of Kingman moved that 250 copies of the governor's message be printed for distribution among the members of the House for consideration, which motion prevailed.

THIRD READING OF BILLS.

House bill No. 303, An act concerning assessment and taxation, limiting levy of taxes in taxing districts having less than \$30,000,000 valuation, and repealing all acts or parts of acts in so far only as in conflict herewith, was read the third time, and amended by striking out in section 1 (of the printed bill), line 3, the words "three-fourths," and inserting the words "six-tenths" in lieu thereof; and the question being, Shall the bill pass as amended? the roll was called, with the following result: Yeas 79, nays 4; absent or not voting, 42.

Members voting in favor of the passage of the bill were: Messrs. Alexander, Armstrong, Barrett, Barrier, Bentley, Block, Boyd, Brown of Kingman, Burtis, Cain, Carnahan, Cassin, Cron, Davenport, Davis of Bourbon, Davis of Ottawa, Davis of Edwards, Deacon, De Camp, Drew, Elder, Ellis, Ewing, Feder, Frey, Gray, Goddard, Haslet, Herr, Hines, Holden, Hyer, Johnson, Kerr, Keraus, Lacey, Laidlaw, Lawson, Malone, Martin, McCormick, McComb, McGregor, McMillan, Meek, Mercer, Mulroy, Napier, Newlin, Noble, O'Conner, Olinger, Ostlind, Parrott, Phillips, Reardon, Schlicher, Sharpless, Shearer, Shuey, Stone of Sherman, Thompson, Turner, Veatch, Wallace, Ward, Wartman, Wray, Watson, Wayman, Westerman, Wettack, Wilson of Greeley, Wolfert, Woodbury, Worley, Yates, Yoxall, Mr. Speaker.

Members voting in the negative were: Messrs. Brown of Linn, Mahurin, Manchester, Moore.

Members absent or not voting were: Messrs. Abrams, Allen, Beachy, Brown of Butler, Bunger, Carney, Case, Cones, Daily, Davis of Sedgwick, Davis of Kiowa, Davis of Gray, Don Carlos, Emerson, Fair, Field, Graham, Jackson, Keene, Kelley, Kyle, Laing, Lambertson, Maloy, Matson, McDannald, Miller, Morris, Orr, Parker, Reeder, Schafer, Schaumburg, Shields, Stone of Shawnee, Thomas, Thorpe, Tyler, Wheeler, Williams, Wilson of Marshall.

A constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title was agreed to.

House bill No. 906; An act to provide for the regulation and supervision of investment companies, and providing penalties for the violation thereof, was read the third time, and amended by striking out the words "and every corporation doing business" in section 1, line 15 of the printed bill, and in line 16 of section 1 strike out the words "of any county in this state"; also, in section 10, line 13, strike out the word "ten" and insert the word "five" in lieu thereof. The question being, Shall the bill pass as amended? the roll was called, with the following result: Yeas 63, nays 52; absent or not voting, 10.

Members voting in favor of the passage of the bill were: Messrs. Abrams, Barrier, Beachy, Block, Burtis, Cain, Case, Cones, Daily, Davis of Bourbon, Davis of Ottawa, Davis of Sedgwick, De Camp, Don Carlos, Ellis, Emerson, Ewing, Fair, Feder, Field, Graham, Herr, Holden, Johnson, Keene, Kerr, Lacey, Laidlaw, Lawson, Malone, Manchester, Martin, Matson, McComb, McDannald, McGregor, McMillan, Mercer, Miller, Newlin, Noble, Olinger, Ostlind, Reardon, Reeder, Schaumburg, Schlicher, Shields, Thompson, Turner, Tyler, Veatch, Ward, Wray, Watson, Wayman, Westerman, Wheeler, Williams, Worley, Yates, Yoxall, Mr. Speaker.

Members voting in the negative were: Messrs. Alexander, Armstrong, Barrett, Bentley, Boyd, Brown of Linn, Brown of Butler, Burke, Bunger, Carney, Cassin, Cron, Davenport, Davis of Edwards, Davis of Gray, Drew, Elder, Frey, Gray, Goddard, Hines, Hyer, Kelley, Keraus, Kyle, Laing, Lambertson, Mahurin, Maloy, McCormick, Meek, Morris, Mulroy, Napier, O'Conner, Orr, Parker, Parrott, Phillips, Schafer, Shuey, Stone of Shawnee, Stone of Sherman, Thomas, Thorpe, Wallace, Wartman, Wettack, Wilson of Marshall, Wilson of Greeley, Wolfert, Woodbury.

Members absent or not voting were: Messrs. Allen, Brown of Kingman, Carnahan, Davis of Kiowa, Deacon, Haslet, Jackson, Moore, Sharpless, Shearer.

A constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title was agreed to.

#### EXPLANATION OF VOTES.

MR. SPEAKER: This bill vests too much power in one person. If this power is not abused the bill will result in a great benefit to investors, but if this power is abused it will be as disastrous to them as without regulation of some kind. I vote Aye.—L. SCHAUMBURG.

MR. SPEAKER: Wishing to make it impossible for any man to secure from me or any other man under the guise of friendship or for any other cause subscription to stock in any wildcat concern, I chance the ills I know not of in this bill rather than to suffer others of which I am sure. The bill does n't suit me in every particular, but I vote Aye.—M. B. WILLIAMS.

MR. SPEAKER: While this bill does not exactly meet with my views on this subject, yet, in view of the fact that unscrupulous concerns have drained at least one-half million dollars in the last few years from my county for fake investments, I vote Aye.—W. P. FEDER.

MR. SPEAKER: I am not fully advised as to the merits of this law, but realizing that a law regulating fake investment companies is necessary, and hoping it will not work a hardship on honest, legitimate companies, I vote Aye.—JAS. MALOY.

MR. SPEAKER: This bill is probably covering too much space, but representing a county that has one of the largest corporations in that part of the state, and they invite inspection, and as the bill takes a shot at the fake company, I vote Aye.—J. OSTLIND.

MR. SPEAKER: I believe there are features in this bill that should not be here, but believing that the benefits to be derived from such a law will outweigh any possible evil, I vote Aye.—J. N. HERR.



MR. SPEAKER: I am not certain about the provisions of this bill being good in every respect. Like many other measures undertaking to exercise new powers, it seems to me to be more sweeping than necessary. However, I realize that the evil of putting worthless stocks or bonds on the market should be regulated by some department of the state. Believing that this bill will in some measure protect the funds of the widows and others not possessed of sufficient information to properly invest their savings, and trusting that the officers will properly discharge the trust reposed in them under this act, I vote Aye.—J. M. DAVIS.

MR. SPEAKER: I would like to explain my vote on this bill. I fear I do not have sufficient knowledge of this measure in its present voluminous condition to give it my support, therefore I vote No.—CHAS. F. SCHAFER.

Mr. Malone moved that the House do now take a recess until two P. M., which motion prevailed.

#### AFTERNOON SESSION.

The House reconvened at 2 P. M., with the Speaker in the chair.

#### ORIGINAL MOTIONS AND RESOLUTIONS.

Mr. Field moved that House bills Nos. 522 and 634 be removed from the "Special Orders," and placed at the foot of the Calendar under the head of "General Orders." The motion prevailed.

Mr. Stone of Shawnee moved that all party bills involving platform pledges be made "Special Orders" for Wednesday, February 16, 1911, at 10 A. M., and to be continued as "Special Orders" until the disposal of same in the committee of the whole. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Elections submitted the following report:

##### REPORT OF ELECTIONS COMMITTEE ON THE LANE COUNTY CONTEST.

MR. SPEAKER: Your Committee on Elections, to whom was referred the contest for office of representative of district No. 114, of the state of Kansas, entitled O. P. Jewett, contestor, vs. H. M. Yates, contestee, have had the same under consideration, and beg leave to make the following report:

*First.* That the statement of contest filed as required by law by the said contestor alleged that in the township of Dighton, in Lane county, there were cast and thrown for said contestor for the office of representative seven legal and uncontested votes, which votes the judges and clerks of said precinct of Dighton neglected and refused to count and tally for this contestor, but threw out the same as defective ballots. That said votes so thrown out were legal votes and not defective, and should have been by said judges and clerks counted and tallied for this contestor. That because of the action of the judges and clerks in said precinct of Dighton in so throwing out said seven ballots, the canvassers of said election declared the contestee, H. M. Yates, elected to said office by a majority of two in said county. That if said judges and clerks at said Dighton precinct had counted and tallied the said seven votes so thrown out the result of said election would have been changed, and said contestor declared elected.

Members absent or not voting were: Messrs. Allen, Barrier, Boyd, Keene, Laidlaw, Martin, Phillips, Wallace.

A constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title was agreed to.

House bill No. 305, An act relating to voting places in certain county townships and amending section 154a of chapter 36, being paragraph 3268 of the General Statutes of 1909, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result: Yeas 83, nays 25; absent or not voting, 17.

Members voting in favor of the passage of the bill were: Messrs. Abrams, Alexander, Allen, Armstrong, Barrett, Block, Brown of Butler, Brown of Kingman, Carney, Cassin, Cones, Davenport, Davis of Sedgwick, Davis of Kiowa, Davis of Gray, Deacon, Drew, Elder, Ellis, Emerson, Ewing, Fair, Feder, Field, Frey, Graham, Goddard, Haslet, Holden, Hyer, Jackson, Kelley, Kerr, Lacey, Laidlaw, Laing, Lambertson, Lawson, Mahurin, Malone, Maloy, Matson, McCormick, McComb, McGregor, McMillan, Meek, Mercer, Miller, Morris, Mulroy, Newlin, Noble, Orr, Ostlind, Parker, Parrott, Phillips, Reardon, Reeder, Schafer, Schlicher, Sharpless, Shields, Stone of Sherman, Thomas, Thompson, Thorpe, Turner, Tyler, Ward, Wartman, Wray, Watson, Wayman, Westerman, Wheeler, Williams, Wilson of Marshall, Wilson of Greeley, Woodbury, Worley, Yates, Yoxall, Mr. Speaker.

Members voting in the negative were: Messrs. Barrier, Beachy, Bentley, Burke, Burtis, Cain, Carnahan, Case, Cones, Daily, Davis of Bourbon, Davis of Ottawa, Davis of Edwards, De Camp, Gray, Herr, Hines, Johnson, Keraus, Kyle, McDannald, Napier, Veatch, Wolfert.

Members absent or not voting were: Messrs. Boyd, Brown of Linn, Bunker, Don Carlos, Keene, Martin, Moore, O'Conner, Olinger, Parrott, Phillips, Schaumburg, Shearer, Shuey, Stone of Shawnee, Wallace, Wettack.

A constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title was agreed to.

Mr. Matson moved that the House concur in Senate amendments to House bill No. 906.

The question being, Shall the House concur in Senate amendments to House bill No. 906? the roll was called, with the following result: Yeas 75, nays 35; absent or not voting, 15.

Members voting in the affirmative were: Messrs. Abrams, Beachy, Bentley, Block, Brown of Linn, Brown of Butler, Brown of Kingman, Burke, Burtis, Cain, Carnahan, Carney, Cassin, Case, Cones, Cron, Daily, Davis of Bourbon, Davis of Ottawa, Davis of Sedgwick, Deacon, De Camp, Don Carlos, Drew, Elder, Ellis, Emerson, Ewing, Fair, Feder, Graham, Goddard, Haslet, Herr, Holden, Jackson, Johnson, Kerr, Lacey,

Laidlaw, Laing, Lambertson, Lawson, Malone, Manchester, Matson, McComb, McGregor, McMillan, Meek, Mercer, Miller, Morris, Newlin, Noble, Ostlind, Parker, Parrott, Reardon, Schlicher, Sharpless, Shearer, Thorpe, Tyler, Veatch, Ward, Wartman, Wray, Watson, Wayman, Westerman, Wheeler, Williams, Wilson of Greeley, Yoxall, Mr. Speaker.

Members voting in the negative were: Messrs. Alexander, Barrett, Davenport, Davis of Edwards, Davis of Kiowa, Davis of Gray, Field, Frey, Gray, Hines, Hyer, Kelley, Keraus, Kyle, Mahurin, Maloy, McCormick, Mulroy, Napier, O'Conner, Orr, Reardon, Reeder, Shuey, Stone of Shawnee, Stone of Sherman, Thomas, Thompson, Turner, Wray, Wettack, Wilson of Marshall, Wolfert, Woodbury, Worley, Yates.

Members absent or not voting were: Messrs. Allen, Armstrong, Barrier, Boyd, Bunger, Keene, Kelley, Martin, McDannald, Moore, Olinger, Phillips, Schafer, Schaumburg, Shields, Wallace.

A constitutional majority having voted in the affirmative, the House concurred.

House bill No. 1059, An act making appropriations to the private institutions of the state of a charitable nature under certain conditions, and for their visitation, inspection, supervision and reports, was read the third time, and the question being, Shall the bill pass? the roll was called, with the following result: Yeas 82, nays 21; absent or not voting, 23.

Members voting in favor of the passage of the bill were: Messrs. Abrams, Alexander, Allen, Armstrong, Barrett, Barrier, Beachy, Bentley, Brown of Kingman, Cain, Carney, Cassin, Case, Cron, Daily, Davis of Bourbon, Davis of Ottawa, Davis of Sedgwick, Davis of Gray, Deacon, De Camp, Don Carlos, Drew, Elder, Ellis, Emerson, Ewing, Field, Frey, Graham, Goddard, Holden, Hyer, Jackson, Johnson, Kyle, Lacey, Laing, Lambertson, Lawson, Malone, McCormick, McDannald, McGregor, McMillan, Meek, Mercer, Miller, Moore, Morris, Mulroy, Napier, Newlin, O'Conner, Olinger, Orr, Ostlind, Parker, Parrott, Reardon, Reeder, Schlicher, Shearer, Shields, Stone of Shawnee, Stone of Sherman, Turner, Tyler, Wartman, Wray, Watson, Wayman, Westerman, Wheeler, Williams, Wilson of Marshall, Wolfert, Woodbury, Worley, Yates, Yoxall, Mr. Speaker.

Members voting in the negative were: Messrs. Boyd, Brown of Linn, Brown of Butler, Burke, Bunger, Burtis, Cones, Davenport, Davis of Edwards, Herr, Hines, Keraus, Laidlaw, Mahurin, Maloy, Matson, McComb, Schaumburg, Shuey, Veatch, Ward.

Members absent or not voting were: Messrs. Block, Carnahan, Davis of Kiowa, Fair, Feder, Gray, Haslet, Keene, Kelley, Kerr, Manchester, Martin, Noble, Phillips, Schafer, Sharpless,

by adding the words "electric light, heat and power plant" after the word "works" in line 3, after the word "water" in line 5, and after the word "water" in line 6, and after the word "water" in line 11, and that the words "poles and wires" be inserted after the word "mains" in line 11. The motion prevailed.

Mr. Reeder moved to add the words "electric light, heat and power plant" to the end of section 2, which motion prevailed.

The question being, Shall the bill pass as amended? the roll was called, with the following result: Yeas 92, nays 6; absent or not voting, 27.

Members voting in favor of the passage of the bill were: Messrs. Abrams, Alexander, Allen, Armstrong, Barrett, Beachy, Bentley, Block, Brown of Kingman, Burke, Burtis, Cain, Carnahan, Cassin, Cron, Daily, Davenport, Davis of Bourbon, Davis of Sedgwick, Davis of Edwards, De Camp, Don Carlos, Elder, Ellis, Emerson, Ewing, Feder, Field, Graham, Gray, Goddard, Haslet, Hines, Holden, Hyer, Jackson, Johnson, Kerr, Lacey, Laidlaw, Laing, Lambertson, Lawson, Mahurin, Malone, Maloy, Manchester, Martin, Matson, McCormick, McGregor, McMillan, Meek, Mercer, Miller, Moore, Morris, Mulroy, Napier, Newlin, Noble, Olinger, Ostlind, Parker, Reardon, Reeder, Schafer, Schaumburg, Schlicher, Shearer, Shields, Shuey, Stone of Sherman, Thomas, Thompson, Thorpe, Turner, Tyler, Veatch, Ward, Wartman, Wray, Wayman, Westerman, Wettack, Wheeler, Wilson of Marshall, Wilson of Greeley, Wolfert, Woodbury, Worley, Mr. Speaker.

Members voting in the negative were: Messrs. Boyd, Brown of Linn, Brown of Butler, Cones, Keraus, Parrott.

Members absent or not voting were: Messrs. Barrier, Bunker, Carney, Case, Davis of Ottawa, Davis of Kiowa, Davis of Gray, Deacon, Drew, Fair, Frey, Herr, Keene, Kelley, Kyle, McComb, McDannald, O'Conner, Orr, Phillips, Sharpless, Stone of Shawnee, Wallace, Watson, Williams, Yates, Yoxall.

A constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title was agreed to.

#### MESSAGE FROM THE SENATE.

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 686.

Also, has passed House bills Nos. 980, 918, 494, 478, 22 and 1062.

Also, has amended House bill No. 906 as follows: In line 2 of section 1, after the word "than," strike out all up to and including the first word "state" in line 5. After the word "companies," in line 6, insert the following: "real estate mortgage companies dealing exclusively in real estate mortgage notes." In section 5, line 13, change the comma after the word "sale" to a period. Beginning with the word "he" strike out the remainder of the sentence and insert: "The bank commissioner shall issue to such investment company a statement reciting that such company has complied with the provisions of this act, that detailed information in regard to the company and its securities is on file in the bank commissioner's office for public inspection and information, that such investment company is permitted to do business in this state, and such

statement shall also recite in bold type that the bank commissioner in no wise recommends the securities to be offered for sale by such security company." Also, at the end of section 5 insert: "Provided that all expenses paid or incurred and all fees or charges received or collected for any examination made under the provisions of this section or this act shall be reported in detail by the bank commissioner and a full report and record thereof made in detail." In section 14, line 8, strike out the words "he may find" and insert the following: "are actually and absolutely." Also, in section 14, line 9, after the word "effect" insert the following: "none of whom shall be related by blood or marriage to such bank commissioner or any of his deputies"; and has passed the bill as amended.

Also, has amended House bill No. 274 as follows: In line 4 of section 1, strike out the words and figures "February 28, 1911," and has passed the bill as amended.

Also, the Senate has amended substitute for House bill No. 47 as follows: Amend the title by adding after the figures "1913" the following: "and for the fiscal year ending June 30, 1911." Section 1, line 2, after the words "experiment station" strike out the figures under 1912 and 1913 "\$20,000" and insert "\$25,000." Also, in section 1, line 18, after the word "inadequate" insert the words "and for transportation." In section 1, line 25, strike out the figures "\$22,000" under the year 1912, and insert the figures "\$22,000" under the year 1911." That in section 1, line 5, under "Garden City Branch Experiment Station" strike out the figures "\$2200" under the year 1912, and insert in lieu thereof "\$3500"; and has passed the bill as amended.

Also, has amended House bill No. 981 as follows: That section 1 be amended by striking out after the word "aforesaid" in line 4, page 2, original bill, all of that clause beginning with the word "provided," and closing with the word "appropriation," and inserting in lieu thereof the following: "Provided, that notice of the resolution making said appropriation, setting out the full text thereof, shall be published once in the official county paper; and provided further, if within thirty days after the board of county commissioners publishes such notice of such resolution a petition signed by ten per cent of the legal voters shall be presented to the board of commissioners requesting that the question be submitted to the people, the board of commissioners shall order said election, and if a majority of the votes cast on the proposition submitted shall be in favor thereof, the board shall make the appropriation"; and has passed the bill as amended.

Also, has amended House bill No. 532 as follows: Strike out all after section 2 and insert in lieu thereof the following: Section 19 of chapter 245, Session Laws of 1905, being paragraph 9412 of the General Statutes of 1909 of the state of Kansas, is hereby repealed"; and has passed the bill as amended.

Also, has amended House bill No. 813 as follows: Section 1, line 5, after the word "levee" insert "along the bank of a natural watercourse." Also, in section 1, line 6, after the word "from" strike out "a" and insert "such." Also, in section 1, line 7, after the words "only to" insert "lands used for." Also, in section 1, line 7, after the word "agricultural" strike out the word "land" and insert "purposes and highways"; and has passed the bill as amended.

Also, has amended House bill No. 776 as follows: In section 4, line 7, strike out "provided, that nothing in this act shall apply to counties having a population of less than 70,000"; and has passed the bill as amended.

Also, has amended House bill No. 242 as follows: That after the words "An act" in the caption of the bill the following be inserted: "amending sections 1, 2, 3, 4 and 5 of chapter 200 of the Laws of 1903." That the words "forty-five" in the caption be made to read "fifty-two." That after the words "hundred thousand" in the caption the following be inserted: "and also in all counties in which there are three or more

Members voting in the negative were: Messrs. Barrier, Brown of Linn, Cones, Daily, Davis of Bourbon, Holden, Hyer, Manchester, McGregor, Napier.

Members absent or not voting were: Messrs. Allen, Carnahan, Case, Davis of Edwards, Drew, Fair, Graham, Haslet, Kerr, Keraus, Laidlaw, Malone, Noble, Orr, Phillips, Schafer, Shuey, Stone of Sherman, Wallace, Ward, Wettack, Wilson of Greeley, Wolfert.

A constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title was agreed to.

Mr. Kelley moved that the House do now take a recess until 1:30 o'clock this afternoon, which motion prevailed.

#### AFTERNOON SESSION.

The House reconvened at 1 30 P. M., with Speaker Buckman in the chair.

#### MESSAGES FROM THE GOVERNOR.

STATE OF KANSAS, EXECUTIVE DEPARTMENT,  
GOVERNOR'S OFFICE, March 9, 1911.

*To the House of Representatives:* I respectfully advise the House of Representatives that I have on the above date approved House bill No. 516.

W. R. STUBBS, *Governor.*

STATE OF KANSAS, EXECUTIVE DEPARTMENT,  
GOVERNOR'S OFFICE, March 10, 1911.

*To the House of Representatives:* I respectfully advise the House of Representatives that I have on the above date approved the House bills presented to me bearing the following numbers: 274, 290, 295, 318, 448, 455, 456, 459, 460, 461, 463, 478, 494, 500, 532, 628, 813, 840, 860, 884, 906, 942, 944, 980, 981, 986, 1009, 1035, House joint resolution No. 11, substitute for House bill No. 345 and substitute for House bill No. 542.

W. R. STUBBS, *Governor.*

HOUSE OF REPRESENTATIVES, March 10, 1911.

*To His Excellency the Honorable W. R. Stubbs:*

MY DEAR GOVERNOR—Pursuant to the action of the House of Representatives, on motion, I herewith return you House bill No. 616, without further consideration.

Very truly yours,

EARL AKERS, *Chief Clerk.*

STATE OF KANSAS, EXECUTIVE DEPARTMENT,  
GOVERNOR'S OFFICE, March 10, 1911.

*To the House of Representatives:* I return herewith House bill No. 134, entitled "An act to enable counties, townships and cities to purchase and use voting machines at all general, special and primary elections; providing for the payment thereof; creating a Kansas State Voting Commission, and prescribing its compensation, duties and powers; establishing rules for the care and use of voting machines; providing for election boards of three members in certain cases; repealing chapter 184 of the Session Laws of 1901 and all acts and parts of acts relating to the use of voting machines, and suspending the operation of all laws and parts of laws when inconsistent with the provisions of this act," without my approval.

The township officials, county commissioners and city councils or mayors are, under the provisions of this bill, permitted to issue cer-

HALL OF THE HOUSE OF REPRESENTATIVES,  
March 11, 1911—11 A. M.

The House reconvened, with Speaker Buckman in the chair.

Mr. McCormick moved that the report of the Committee on Employees, heretofore adopted on the afternoon of March 9, be modified as follows:

That J. B. Edwards, engrossing clerk of the House, be continued on the pay roll of the House until six o'clock P. M. Wednesday, March 15.

The motion prevailed.

#### REPORT OF STANDING COMMITTEE.

MR. SPEAKER: Your Committee on Enrolled Bills, to whom were referred House bills Nos. 884, 242, 882, 295, 906, 1009, 500, 478, 429, 776, 981, 1054, 809, 701, 689, 688, 1024, 633, 52, 1067, 489, 1060, 842, 1058, 921, 941, 1024, 865, 930, 239, 1024, 429, 1018, 1026, 457, 1063, 717, 219, 631, 1056, 723, 559, 566, 399, 865, 930, 239, 634, 544, 1013, 43, 551, 841, 634, 319, 55, 552, 181, 432, 968, 140, 774, 918, 277, 598, 3, 1014, 469, 104, 280, 274, 980, 942, 739, 22, 813, 532, 840, 494, 812, 43, 814, 553, 1059, 457, 279, 472, 1058, 639, 167, 1051, 1023, 543, 683, 818, 933, 503, 926, 153, 347, 688, 1013, 599; 551, 1062, and substitute for House bill No. 308, have compared the engrossed copies with the enrolled bills, and I am directed to report to the House that the same are correctly enrolled, that they have been properly signed by the president and secretary of the Senate and the speaker and chief clerk of the House, and have been presented to the governor for his approval, this 11th day of March, 1911.

Also, House concurrent resolutions Nos. 32, 22 and 37, and House joint resolutions Nos. 11 and 15, have compared the engrossed copies with the enrolled resolutions, and I am directed to report to the House that the same are correctly enrolled, that they have been properly signed by the president and secretary of the Senate and the speaker and chief clerk of the House, and have been presented to the governor for his approval, this 11th day of March, 1911.

GEORGE B. CONES, *Chairman.*

Mr. Brown of Kingman moved that the House now take a recess until 11 A. M. Monday, March 13, 1911, which motion prevailed.

HALL OF THE HOUSE OF REPRESENTATIVES,  
March 13, 1911—11 A. M.

The House reconvened, with Speaker Buckman in the chair.

Mr. Kelley moved that the House take a recess until five P. M. Monday, March 13, 1911, which motion prevailed.

HALL OF THE HOUSE OF REPRESENTATIVES,  
March 13, 1911—5 P. M.

The House reconvened, with Speaker Buckman in the chair.

#### MESSAGES FROM THE GOVERNOR.

STATE OF KANSAS, EXECUTIVE DEPARTMENT,  
GOVERNOR'S OFFICE, March 13, 1911.

*To the House of Representatives:* I respectfully advise the House of Representatives that I have on the above date signed House bills presented to me bearing the following numbers: 277, 104, 242, 181.

W. R. STUBBS, *Governor.*