

JOURNAL
OF THE
SENATE, STATE of TEXAS

**Third Called Session
Thirty-Fifth Legislature**

**Convened in the City of Austin
August 31, 1917**


AND

**Adjourned Without Day
September 29, 1917**

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a member of the Texas State Senate, representing the Fourteenth Senatorial District, composed of the counties of Nacogdoches, San Augustine, Sabine, Newton, Jasper, Tyler, Liberty, Hardin, Orange and Jefferson.

The Assistant Doorkeeper, John Ussery, here appeared at the bar of the Senate and took the constitutional oath of office, administered by President Pro Tem. Dean.

Executive Session.

The Chair, President Pro Tem. Dean, here announced that the hour heretofore designated by the Senate for executive session had arrived, and directed the Sergeant-at-Arms to clear the Chamber of all persons not entitled to remain, which was accordingly done and the Senate proceeded to executive session.

The Secretary reported to the Journal Clerk that the following confirmations were made:

Honorable R. F. Peden as judge of the county court for civil cases of Tarrant County, Texas.

Honorable A. C. Hartman of Cuero, Texas, as district attorney of the Twenty-fourth Judicial District of Texas, to succeed Honorable Wayne Davis, resigned.

Mr. John Sealy of Galveston, Texas, to be a member of the Board of Regents of the University of Texas, in place of Dr. A. W. Fly.

In the Senate.

(President Pro. Tem Dean in the Chair.)

Committee Assignments.

Senator Johnson of Hall moved that the Chair assign Senator Collins to appropriate committees.

The motion prevailed and the assignments will be announced by the Chair at a later time.

Senate Bill No. 3 Re-referred.

Senator McNealus moved that Senate Bill No. 3 be recalled from the Finance Committee and referred by the Chair to the Committee on Agricultural Affairs.

The motion prevailed and the bill was accordingly referred.

Messages From the Governor.

Here Mr. S. Raymond Brooks appeared at the bar of the Senate with several messages from the Governor.

The Chair directed the Secretary to read the messages, which were as follows:

Governor's Office,
Austin, Texas, Sept. 4, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for your consideration the following subject:

The enactment of a special road law for Cass County; amending the law passed at the Regular Session of the Thirty-fifth Legislature, the same being an Act to create a more efficient road law for Cass County.

Respectfully submitted,

W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 4, 1917.

To the Thirty-fifth Legislature in Third Called Session:

On May 24, 1917, this office was informed by the Honorable Secretary of the Department of Commerce at Washington, D. C., that he had been obliged "to close the fish cultural station at San Marcos, Texas, because of the failure of the State to meet the conditions imposed by Congress. These conditions are:

"1. That the State shall afford proper protection to the fishes cultivated; and

"2. That the Commissioner of Fisheries and his duly authorized agent shall be accorded the right to conduct fish cultural work and all operations connected therewith in such manner and at such times as they may regard as necessary and proper."

I deem it proper to call your attention to this matter at this time in the hope that appropriate legislation may be passed which will remedy the alleged existing handicaps about which the Department of Commerce seems to have had occasion to complain.

Respectfully submitted,

W. P. HOBBY,
Acting Governor of Texas.

recessed until 10 o'clock a. m. tomorrow, September 5, 1917.)

In the Senate.

(President Pro Tem. Dean in the Chair.)

Adjournment.

At 5:10 o'clock p. m. the Senate on motion of Senator Dayton adjourned until 9:30 o'clock tomorrow morning.

FOURTH DAY.

Senate Chamber,
Austin, Texas,
Tuesday, September 5, 1917.

The Senate met at 9:30 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Dean.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Collins.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.

Absent—Excused.

Hall.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.

Excused.

Senator Hall, for yesterday and today on account of important business on motion of Senator Smith.

Message From the Governor.

Mr. S. Raymond Brooks here appeared with a message from the Governor, which the Chair laid before the Senate as follows, to wit:

Governor's Office,
Austin, Texas, Sept. 5, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for your consideration the following subject: Amendment of Article 303, Revised Penal Code of 1911, providing that this Act shall not apply to the sale of gasoline or motor oils or accessories on Sunday.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

'Morning call concluded.

At Ease.

At 9:40 o'clock a. m. Senator Gibson moved that the Senate stand at ease for fifteen minutes.

The motion prevailed.

In the Senate.

President Pro Tem. Dean in the chair.

Committee Assignments.

The Chair announced the appointment of Senator Collins to fill the vacancy of Senator King on the following standing committees:

Civil Jurisprudence, Criminal Jurisprudence, Judicial Districts, Mining, Irrigation and Drainage, Public Lands and Land Office, Towns and City Corporations.

The Senate as Court of Impeachment.

The Chair announced that the hour, 10 o'clock a. m., to which the Court had recessed had now arrived, and directed the Sergeant-at-Arms to announce that the Court is now open for the continuation of the trial of Governor James E. Ferguson.

such obligations were created, and the fact that this is a Called Session of the Legislature which must end within a few days, creates an emergency and an imperative public necessity which requires that the constitutional rule providing that bills shall be read on three several days shall be suspended, and said rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

FIFTH DAY.

Senate Chamber,
Austin, Texas,
Thursday, September 6, 1917.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Dean.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.
Hopkins.	

Absent.

Hall.

Absent—Excused.

Gibson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.

Bills Signed.

The Chair (President Pro Tem. Dean) signed, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 4, An Act making appropriation of the sum of twenty-five thousand (\$25,000.00) dollars, or so much thereof as may be neces-

sary, to pay the contingent expenses of the Third Called Session of the Thirty-fifth Legislature of the State of Texas, convened August 31, 1917, by the proclamation of the Acting Governor, providing how accounts may be approved, and declaring an emergency.

S. B. No. 5, An Act appropriating the sum of sixty-five thousand (\$65,000.00) dollars, or so much thereof as may be necessary, out of the general revenue not otherwise appropriated, to pay the mileage and per diem of members and the salary and per diem of officers and employees of the Third Called Session of the Thirty-fifth Legislature of the State of Texas, providing how accounts may be approved, and declaring an emergency.

S. C. R. No. 1, Providing that the joint rules of the Second Called Session of the Thirty-fifth Legislature be adopted as the joint rules of the Third Called Session.

Petitions and Memorials.

There were none today.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Johnston of Harris:

S. B. No. 8, A Bill to be entitled "An Act to provide for the creation of home guards under the direction of the sheriff of the county; providing for the regulation of such home guard and granting the right to counties, cities and towns to appropriate money to provide arms and ammunition for such home guard, and declaring an emergency."

Read first time and referred to Committee on Military Affairs.

Messages from the Governor.

Here Mr. S. Raymond Brooks appeared at the bar of the Senate with several messages from the Governor. The Chair directed the Secretary to read the messages, which were as follows:

Governor's Office.
Austin, Texas, Sept. 5, 1917.
To the Thirty-fifth Legislature in
Third Called Session:

I beg to submit for your consideration the following subject:

Enactment of an amendment to Section 37, Chapter 17, of the General and Special Laws of Texas passed by the Thirty-third Legislature in its First Called Session, being an Act creating the San Patricio County road system, so as to require the tax assessor to make up the tax rolls of said county by defined road districts, instead of by justice precincts.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 5, 1917.
To the Thirty-fifth Legislature in
Third Called Session:

I beg to submit for the consideration of your body the following subject:

Enactment of a statute to regulate the business of emigrant agents, defining emigrant agents, and providing for licensing of any person, firm or private employment agency desiring to be licensed as an emigrant agent.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 5, 1917.
To the Thirty-fifth Legislature in
Third Called Session:

I beg to submit for the consideration of your body the following subject:

Enactment of a law to provide for the creation of home guards, under the direction of the sheriff of the county, without cost to the State, and when a state of war exists between the United States and another nation; providing for the regulation of such home guard, and granting the right to counties, cities and towns to appropriate money to provide arms and ammunition for such home guard, and providing an emergency.

I am in receipt of petitions and requests from citizens of various portions of Texas, particularly in the County of Harris, setting forth the necessity for such organizations, to

the end that while the country is engaged in war, there may be additional safeguards for the protection of the lives and properties of the citizens, and for the better maintenance of peace and order throughout the State.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 5, 1917.
To the Thirty-fifth Legislature in
Third Called Session:

I beg to submit for your consideration the following subject:

Amendment of Chapter 181, General Laws, enacted at the Regular Session of the Thirty-fifth Legislature, establishing "standard containers" and "standard packs" and "grades" for fruits and vegetables, to regulate shipment of and marketing of "culls."

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Morning call concluded.

At Ease.

At 9:40 o'clock a. m. Senator Bailey moved that the Senate stand at ease until 10 o'clock this morning.

The motion prevailed.

In the Senate.

The Senate was called to order by President Pro Tem. Dean.

The Senate as Court of Impeachment.

The Chair announced that the hour, 10 o'clock a. m., to which the Court had recessed had now arrived, and directed the Sergeant-at-Arms to announce that the Court is now open for the continuation of the trial of Governor James E. Ferguson.

PROCEEDINGS.

Thursday, September 6, 1917.

Morning Session.

Senate Chamber, Austin, Texas.

(Pursuant to adjournment, the Senate sitting as a High Court of

or corporation as may make payment in full to the State for all sums due upon said land, and providing that the person, firm or corporation that may pay said indebtedness shall be subrogated to all the rights, liens and remedies held and enjoyed by the State, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

Simple Resolution No. 13.

(By unanimous consent.)

Today being the anniversary of the birth of that scholar, soldier and patriot, Marquis de Lafayette, born September 6, 1757, in Auvergne, France, I move that when we adjourn today as a Senate that we do so in honor of his name and memory.

Lafayette said, "When first I heard of American Independence, my heart was enlisted." His devotion to the American cause, his loyalty to our Commander-in-Chief, his courage on many battlefields has endeared him to the American Nation.

Lafayette belonged to that regime of French aristocracy which thought that a gentleman should have no use for his hand except to hold a sword.

He came to us prepared for every sacrifice, happy to serve at any cost a cause that he considered his own and that of humanity.

Our hearts thrill as we follow this young warrior at Gloucester, Stony Point, Brandywine, Germantown, Monmouth and Valley Forge, standing side by side with Green, Lee DeKalb, Schuyler, Steuben, Wayne, Kosciusco and Washington, in opposition to Burgoyne, Cornwallis, Howe and Clinton.

Viewing existing international conditions, we feel it proper that this honor should be done our friend and benefactor of the trying days of 1775, and that today, while our soldiers are on French soil, and in French trenches that we renew our fidelity and friendship to our friends beyond the seas by adopting this motion.

SMITH.

The resolution was read and adopted.

Messages From the Governor.

Here Mr. S. Raymond Brooks appeared at the bar of the Senate with a message from the Governor.

The Chair directed the Secretary to read the message, which was as follows:

Governor's Office,
Austin, Texas, Sept. 6, 1917.

To the Thirty-fifth Legislature in third called session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law creating an express lien in favor of the State of Texas on all public free school land, University land, and the several asylums land for the use and benefit of the public free school fund, the University fund and the several asylums fund for the purpose of securing the payment to said funds of all unpaid purchase money and interest thereon due and to become due upon all of said lands which have heretofore been sold and which may hereafter be sold so long as any portion of the principal or any portion of the interest thereon remains unpaid; also authorizing the Commissioner of the General Land Office on behalf of the State of Texas to transfer the indebtedness due to said funds and the lien held upon said land for the benefit of said funds to secure the payment of the principal and interest to such person, firm or corporation as may make payment in full to the State for all sums due upon said land, and providing that the person, firm or corporation that may pay said indebtedness shall be subrogated to all the rights, liens and remedies held and enjoyed by the State.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 6, 1917.

Hon. W. L. Dean, President of the Senate.

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

H. B. No. 8, A bill to be entitled "An Act to amend Sections 1, 2 and

and address this Senate, and that the courtesies of this Senate be extended to him.

Hudspeth, McNealus, Henderson, Westbrook.

The resolution was read and adopted, and Senator Brelsford was conducted to the President's stand, whereupon he made a brief address.

Messages from the Governor.

Here Mr. S. Raymond Brooks appeared at the bar of the Senate with several messages from the Governor.

The Chair directed the Secretary to read the messages, which were as follows:

Governor's Office,
Austin, Texas, Sept. 7, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of an act to reorganize the Seventieth Judicial District of the State of Texas, and to make all processes issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of the courts as may be specified; to validate such processes and to validate the summoning of grand and petit jurors and juries.

Respectfully submitted.

W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 7, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subjects:

Enactment of an amendment to Chapter 42 of the General and Special Laws of the State of Texas of the First Called Session of the Thirty-fifth Legislature, relating to the State Institution for the Training of Juveniles, providing for the correction of errors in enrolling said Act.

Respectfully submitted.

W. P. HOBBY,
Acting Governor of Texas.

Morning call concluded.

The Senate as Court of Impeachment.

The Chair announced that the

hour, 10 o'clock a. m., to which the Court had recessed had now arrived, and directed the Sergeant-at-Arms to announce that the Court is now open for the continuation of the trial of Governor James E. Ferguson.

PROCEEDINGS.

Friday, September 7, 1917.

Morning Session.

Senate Chamber, Austin, Texas.

(Pursuant to adjournment, the Senate as a Court of Impeachment reconvened at 10 o'clock a. m.)

Honorable W. L. Dean, President Pro Tempore, presiding.

The Board of Managers and their Counsel were present. The Respondent and his Counsel were present.

The Chair: The hour has arrived for the convening of the High Court of Impeachment. The Chair requests the attention of everybody in the Chamber. Now, yesterday, the rule permitting certain parties the privileges of the bar relaxed, due I think, to the fact that the Sergeant-at-Arms and his assistant both were busy. We feel that the rule is necessary, the observance of it, in order that there may be the quiet and order here which should prevail in order that the members of the Court may hear the witnesses testify, and particularly in order that the Reporters may be able to take down the testimony; so, we are going to request this morning that the Sergeant-at-Arms see that the rule is enforced. Under the rule nobody except members of the Court, the Managers for the House, Respondent and his attorneys, and the attorneys for the respective parties and the officers of the Senate will be permitted inside of the line of that row where the Senator from Hunt is sitting, and except where a stenographer or a page is called by a member of the Court—in that case the party called will respond to the call and as soon as the business upon which he or she is called has been concluded, then will retire outside of the bar. Of course, the representatives of the press are permitted inside of the bar, but we want everybody to see that in the immediate neighborhood of these reporters that the utmost quiet is kept, as it is necessary that they have this in order to get the testimony of the witness.

The Chair: Is the objection insisted upon?

Mr. Hanger: Yes, sir, we think the contract and the testimony of the witness make it a matter of calculation.

The Chair: It is the view of the presiding officer that the question is immaterial, and is settled by the contract, too. The evidence was only admitted in the first instance as bearing on the question of whether the Respondent had the right to withdraw the fund.

Mr. Hanger: Yes, sir.

Senator Lattimore: I understand.

The Chair: So the objection is sustained.

Senator Clark: Mr. President.

The Chair: The Senator from Fayette.

Senator Clark: I move that the Court do now adjourn until 10 o'clock Monday morning—that we rise until 10 o'clock Monday morning.

The Chair: The Senator from Fayette now moves that the Court do now rise, or recess until 10 o'clock Monday morning. Those in favor of the motion will let it be known by saying "Aye," those opposed, "No." (Thereupon the motion was put and voted upon.) The ayes have it and the Court will rise until 10 o'clock Monday morning.

(Thereupon the Court recessed until Monday morning, September 10, 1917, at 10 o'clock.)

In the Senate.

(President Pro Tem. Dean in the Chair.)

Message From the Governor.

Mr. S. Raymond Brooks here appeared with a message from the Governor, which the Chair laid before the Senate as follows, to wit:

Governor's Office.

Austin, Texas, Sept. 7, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law to establish and maintain at the Ferguson State Farm in Madison County, or the

Shaw State Farm in Bowie County, or State Farm in Brazoria County, a school for the education and training of delinquent and incorrigible negro boys, to be known as the State Training School for Negro Boys, the government and management of which shall be vested in the Board of Prison Commissioners of this State; and the appropriation of such sums which may be necessary to be used by said Commissioners in carrying out the purposes of such an Act.

Respectfully submitted,

W. P. HOBBY,

Acting Governor of Texas.

Bills and Resolutions.

(By unanimous consent.)

By Senator Buchanan of Bell:

S. B. No. 13, A bill to be entitled "An Act to establish and maintain at the Ferguson State Farm, in Madison County, or the Shaw State Farm, in Bowie County, or State Farm in Brazoria County, Texas, a school for the education and training of delinquent and incorrigible Negro boys, to be named and known as The State Training School for Negro Boys, etc., and declaring an emergency."

Read first time and referred to Committee on Agricultural Affairs.

Adjournment.

At 5:15 o'clock p. m. Senator Clark moved that the Senate adjourn until 9:30 o'clock next Monday morning, September 10, 1917.

The motion prevailed.

APPENDIX.

Committee Reports.

Committee Room,

Austin, Texas, September 7, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Military Affairs, to whom was referred

S. B. No. 8, A bill to be entitled "An Act to provide for the creation

garding the law in this respect, the court has seen fit to go in and find facts and locate the vacant surveys and thus invade the province of the jury in such a manner as to do violence of the rights of citizens and the laws of this country.

"Not being satisfied with this, for the first time in the history of Texas jurisprudence the court lays down the astounding proposition that in the location of this land that the calls of the survey cannot be reversed in order to properly locate the land.

"Taking this decision as sample of the court's work, I cannot, in justice to myself, consider that it would be proper for me to write you in the manner requested. As you know, I entertained for each member of the court the highest regard, but do not think I can go further than I have done to promote the personal interest of the members of the court.

"I am sending a copy of this letter to each member of the Court, in order that all parties may be advised of the true facts.

"Yours truly,
(Signed.) "Jas. E. Ferguson,
"Governor."

"c. c. to Judge Jno. M. Conley.
"c. c. to Judge V. E. Middlebrook.
"d."

General Crane: That is all, Mr. President, for this evening.

The Chair: Anything further?

General Crane: Sir? We have no witness now to offer to take up the remaining few minutes.

Senator Bee: Mr. President, I move that the Court rise and adjourn until 10:00 o'clock tomorrow morning.

The Chair: The Senator from Bexar moves that the Court rise and recess until 10:00 o'clock tomorrow morning. Those in favor of the motion will say "Aye," those opposed, "No." The motion prevails, and the Court will recess until 10:00 o'clock tomorrow morning.

(The Court thereupon recessed until 10:00 o'clock the following morning).

In the Senate.

President Pro Tem. Dean in the chair.

Messages from the Governor.

Mr. S. Raymond Brooks here appeared at the bar of the Senate with a communication, which was laid before the Senate by the Chair, being several messages as follows:

Governor's Office,
Austin, Texas, Sept. 10, 1917.

To the Thirty-fifth Legislature in Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law amending the Act creating the Rock Island Independent School District, as passed by the First Called Session of the Thirty-fifth Legislature, and describing metes and bounds for said school district, the same being in Colorado County, Texas.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office.
Austin, Texas, Sept. 10, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law to amend Chapter 27 of the General Laws passed by the First Called Session of the Thirty-fifth Legislature of the State of Texas, 1917, entitled "An Act to amend Chapter 189 of the General Laws passed by the Thirty-fifth Legislature of the State of Texas," providing and fixing the salary of official shorthand reporters for each judicial district.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office.
Austin, Texas, Sept. 10, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your body the following subject:

Enactment of a law to amend Article 7355, Chapter 1, Title 126 of the Revised Civil Statutes of Texas, 1911, by adding thereto a section so as to exempt hobby horses, theatres, circuses, menageries, acrobatic performances, sleight of hand perform-

ances, waxworks and other forms of entertainment from an occupation tax when such forms of amusement or entertainment are operated in connection with and under the auspices and for the benefit of county or district agricultural fairs.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office.
Austin, Texas, Sept. 10, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body, the following subject:

Enactment of a law creating and establishing the Anahuac Independent School District in Chambers County, Texas.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office.
Austin, Texas, Sept. 10, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law to amend Sections 1, 2, and 6, Chapter 4 of the Special Laws of the Regular Session of the Thirty-fifth Legislature, being an Act to create a more efficient road law for Llano County, Texas.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office.
Austin, Texas, Sept. 10, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law to amend Sections Nos. 2 and 14 of the Special Road Laws of Coleman County, Texas, approved April 15, 1905, being House Bill No. 542, as amended by an Act, being House Bill No. 688, of the Special Laws of Texas, and as amended by an Act, being House Bill No. 52, of the Special Laws of Texas, approved June 4, 1915, which House Bill No. 542 is entitled, "An Act to create a more efficient road system for Coleman County, Texas," so as

to prescribe the power and authority of commissioners court of said county.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.
(Senator Lattimore in the Chair.)

Bills and Resolutions.

(By unanimous consent.)

By Senator Clark:

S. B. No. 14, A bill to be entitled "An Act creating the Rock Island Independent School District as passed by the First Called Session of the Thirty-fifth Legislature."

Read first time and referred to Committee on Educational Affairs.

Simple Resolution No. 15.

(By unanimous consent.)

Whereas, The drouth stricken conditions that now prevail in certain sections of Texas are of such serious nature to demand the necessity of government aid; and

Whereas, It seems improbable that the State government can meet the demand by legislative action, both on account of an insufficiency of funds and constitutional authority to enact the proper legislation; and

Whereas, The Federal food bill under which Hon. Herbert C. Hoover operates authorizes that Commission to administer such aid and assistance as is necessary to care for the drouth stricken sections and enable them to produce crops for 1918; therefore, be it

Resolved, By the Senate of Texas, That the President of the Senate appoint a Committee of three to investigate the Food Control Bill and communicate with Mr. Hoover and ascertain the possibility and the probability of securing relief from that source; be it further

Resolved, That the said committee solicit the aid of the Texas members in Congress, the United States Senators from Texas and Mr. J. S. Culinan in negotiating with Mr. Hoover, and devising means by which such aid can be gotten and administered; and, be it further

Resolved, That we invite the Texas Council of Defence to co-operate with us in this movement and that we most

ation and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Hudspeth, Chairman; Caldwell, Johnson, Page, Westbrook, Clark, Parr, Johnston of Harris, Decherd, Bee, Dean.

Committee Room,
Austin, Texas, Sept. 11, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

"S. B. No. 12, A bill to be entitled 'An Act to reorganize the Seventieth Judicial District of the State of Texas, and to make all process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of the courts as herein fixed; to validate such process and to validate the summoning of grand and petit jurors and juries; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,'"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

BUCHANAN of Scurry, Chairman.

Engrossed Committee Report.

Committee Room,
Austin, Texas, Sept. 11, 1917.

Hon. W. L. Dean, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills, have carefully compared Senate Bill No. 8, and find same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, Sept. 9, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 14 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

NINTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, Sept. 12, 1917.
The Senate met at 9:30 o'clock

a. m., pursuant to adjournment, and was called to order by President Pro Tem. Dean.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Balley.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Collins.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Sulter.
Hall.	Westbrook.
Henderson.	Woodward.

Absent.

Harley.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.

Excused.

Senator McCollum for yesterday, on account of important business, on motion of Senator McNealus.

At Ease.

The Senate stood at ease for twenty minutes, by request of Senator Alderdice.

Messages from the Governor.

Here Mr. S. Raymond Brooks appeared at the bar of the Senate with several messages from the Governor.

The Chair directed the Secretary to read the messages, which were as follows:

Governor's Office.

Austin, Texas, Sept. 12, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law making additional appropriations for the support of the State government for two years, beginning September 1, 1917, and ending August 31, 1919,

and prescribing certain regulations thereto, and repealing parts of laws heretofore passed making appropriations for particular items that may be named.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office.

Austin, Texas, Sept. 12, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your body the following subject:

Enactment of a law to amend Chapter 104 of the Acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas, entitled "An Act to create a more efficient road system for Newton County, Texas; creating the office of superintendent of public roads and bridges of said county, prescribing powers and duties and providing for his compensation."

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office.

Austin, Texas, Sept. 12, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of legislation to aid the counties of Kent and Stonewall, Texas, by donating and granting to said counties the State ad valorem taxes collected on property and from persons of said counties for the fiscal year beginning September 1, 1917, and ending September 1, 1918, and providing said State ad valorem taxes shall be by the tax collector collected and remitted to the county treasurer of each county respectively, providing the commissioners courts of such counties shall use said State ad valorem taxes to assist any person in actual need and remitting the balance, if any, to the State of Texas, at the expiration of said fiscal year.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office.

Austin, Texas, Sept. 12, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration

of your honorable body the following subject:

Enactment of a law validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State which have adopted charters, or attempted to adopt or amend charters, since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature, 1913, and validating all proceedings had by city councils or city commissioners, or governing authority, in regard to the question of the adoption of charters or amendments thereto.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office.

Austin, Texas, Sept. 12, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your body the following subject:

Enactment of a law appropriating the fees and fines collected under the provisions of Chapter 108, Acts of the Thirty-fourth Legislature, regular session, 1915, during the remainder of the fiscal year ending August 31st, 1918, and the fiscal year ending August 31st, 1919, for the support of the Bureau of Labor Statistics in the enforcement of said Act.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office.

Austin, Texas, Sept. 12, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law authorizing the Commissioners' Court of Dallas County, Texas, to provide a building in the City of Dallas at or near the court house in said county, and to establish therein a woman's rest room or rest rooms of sufficient dimensions for the comfort and convenience of the women and children from the rural districts who are called to attend court; and to appropriate money for said building and to pay the salaries of the matron

and janitor, and to provide lights, water and heat for said building.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Bailey:

S. B. No. 17, A bill to be entitled "An Act validating the charters and amendments to charters of all cities of more than five thousand inhabitants, in this State, which have adopted charters, or attempted to adopt or amend charters, since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature, 1913, and validating all proceedings had by city councils or city commissions, or governing authority, in regard to the question of the adoption of charters or amendments thereto; and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Smith:

S. B. No. 18, A bill to be entitled "An Act to amend Chapter 27 of the General Laws passed by the First Called Session of the Thirty-fifth Legislature of the State, 1917, entitled 'An Act to amend Chapter 189 of the General Laws passed by the Thirty-fifth Legislature of the State of Texas, 1917, entitled An Act to amend Section 8, Chapter 119, of the General Laws of the State of Texas passed by the Regular Session of the Thirty-second Legislature of the State of Texas, 1911,' relating to official shorthand reporters' compensation in certain counties; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 19, A bill to be entitled "An Act to amend Sections 2 and 14 of the Special Road Laws of Coleman County, Texas, approved April 15, 1905, being House Bill No. 542, as amended by an Act, being House Bill No. 688, of the Spe-

cial Laws of Texas, approved the _____ day _____, and as amended by an Act, being House Bill No. 52, of the Special Laws of Texas, approved June 4, 1915, which House Bill No. 542 is entitled 'An Act to amend Sections 2, 4, 6, 7, 9, 12 and 14 of the Special Laws of Texas, approved April 15, 1905, being House Bill No. 542, entitled An Act to create a more efficient road system for Coleman County, Texas,' etc., and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senators Hudspeth and Caldwell:

S. B. No. 20, A bill to be entitled "An Act making additional appropriations for the support of the State Government for two years, beginning September 1, 1917, and ending August 31, 1919, as follows, to wit: For the salaries of special district judges, for fees and costs of sheriffs, attorneys and clerks in felony cases, for the salary of Assistant Adjutant General and the Quartermaster of the Adjutant General's Department, for the salary of the Chief Inspector for the Department of Agriculture, for the salary of the State Revenue Agent, for the salary of the Chief Clerk of the Game, Fish and Oyster Commissioner's Department, for the salary of the Bacteriologist of the State Health Department, for the salary of the Commissioner of Labor, for the salaries of four inspectors in the Labor Department, for the salaries of two chemists in the Pure Food Department, for the salaries of two inspectors in the Pure Food Department, for the salaries and expenses for collecting fees in the Pure Food Department, for stamps to be used in the collection of fees in the Pure Food Department, for the salary of the porter in the Attorney General's Department, for the salary of the Commissioner of Insurance and Banking, for the salary of the Superintendent of the State Orphans Home, for the salaries of twelve non-graduate nurses for the first year at the Tuberculosis Sanatorium, for salaries of three assistants to the Inspector of Masonry and for material tests and analysis, for long distance telephone, telegraph, express and freight charges and incidentals and traveling ex-

Those favoring the motion will say "Aye," those opposed, "No." The motion is carried, and we will stand at ease, subject to the call of the Chair.

(Thereupon the Court stood at ease from 4:05 o'clock p. m. until 4:15 o'clock p. m., at which time the Court reconvened.)

The Chair: The Court will come to order.

General Crane: Mr. President.

The Chair: General Crane:

General Crane: The Board of Managers are about ready to close. There are one or two items, newspaper matter, that we will have to call a reporter, who does not happen to be present just now, to verify; and then if we have omitted something—we think we have not—we of course will ask the privilege of putting it in tomorrow morning, but if so it will take but a very few minutes at most. With that reservation, why, we close, and we will await the defendant's, or the Respondent's announcement.

Mr. Hanger: We will be ready to proceed at 10 o'clock in the morning. We had supposed it would take all the afternoon session. We will be ready at 10 o'clock in the morning.

Senator Page: Mr. President, I move that the Court rise until 10 o'clock in the morning.

The Chair: Senator Page moves that we rise until 10 o'clock tomorrow morning. Those favoring the motion let it be known by saying "Aye," those opposed, "No." The motion prevails, and the Court will rise until 10 o'clock tomorrow morning.

(Thereupon, at 4:20 o'clock p. m., the Court recessed until Thursday morning, September 13, 1917, at 10 o'clock a. m.)

In the Senate.

President Pro Tem. Dean in the Chair at 4:30 o'clock p. m.

Senate Bill No. 3 Recommended.

Senator McNealus moved that Senate Bill No. 3 (which is regular order for this hour) be recommended and be referred to the Committee on Civil Jurisprudence.

The motion prevailed and the bill was accordingly referred.

Messages from the Governor.

Here Mr. S. Raymond Brooks appeared at the bar of the Senate with several messages from the Governor.

The Chair directed the secretary to read the messages, which were as follows:

Governor's Office,
Austin, Texas,
September 12, 1917.

To the Texas State Senate:

I ask the advice, consent, and confirmation of the Senate to the appointment of Mr. W. W. Turney of El Paso to be a member of the Texas State Council of Defense.

Respectfully submitted,

W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas,
September 12, 1917.

To the Texas State Senate:

I ask the advice, consent, and confirmation of the Senate to the appointment of Mr. T. J. Rowzee of Austin, to be a member of the Board of Managers of the State Lunatic Asylum.

Respectfully submitted,

W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas,
September 12, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subjects:

1. The enactment of a law amending Article 2858, Article 2859 and Article 2860 of the Revised Civil Statutes of the State of Texas, of 1911, so as to provide for the manner of holding an election for the levying, the continuance or the discontinuance of local school taxes in independent districts incorporated for school purposes only.

2. Enactment of a law to amend Article 7235, Title 124, Chapter 6, Revised Civil Statutes of the State of Texas, of 1911, so as to include therein Madison County, said law being known as the stock law for the counties named.

Respectfully submitted,

W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas,
September 12, 1917.

To the Thirty-fifth Legislature in
Third Called Session:

I beg to submit for the consideration of your honorable body the following subjects:

1. Enactment of a law to amend Article 5692, Revised Civil Statutes of Texas, 1911, providing that actions for specific performance shall be filed within two years, instead of ten years.

2. Enactment of a law to provide that the owners of public free school land purchased from the State of Texas, after January 1, 1907, and prior to September 1, 1917, on condition of settlement and residence which land may hereafter be forfeited for non-payment of interest, shall have the right to repurchase a complement of sections of said lands as now provided by law and leaving a lien and valid contractual right existing in and to the land so repurchased unimpaired; providing for the creation of a commission to revalue such lands as may be desired to repurchase under such Act; and providing that such Act shall become effective only as to those who are bona fide owners and settlers of the land sought to be repurchased.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Senate Bill No. 11.

The Chair laid before the Senate on second reading:

S. B. No. 11, A bill to be entitled "An Act to regulate the business of emigrant agents; defining emigrant agents; providing for licensing any person, firm or private employment agency desiring to be licensed as an emigrant agent, and prescribing the method of obtaining such license, and the requirements thereof, and defining who may be licensed; prescribing certain duties relative to the Act and its administration for the Commissioner of Labor Statistics and the Attorney General, and conferring certain authority relative to the administration of this Act upon said Commissioner; fixing the fees which may be charged by parties licensed hereunder, and fixing the license

fees to be paid by parties licensed hereunder; creating and defining offenses for violation of this Act, and prescribing the punishment therefor; providing that all fees collected hereunder shall be paid directly into the State Treasury; declaring that all appropriations made for the Department of the Commissioner of Labor Statistics may be used in the enforcement and administration of this Act, and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Lattimore offered the following amendment:

Amend S. B. No. 11 by striking out the last paragraph of Section 4, being all of said Section after the last word "emigrant."

On motion of Senator McNealus the amendment was tabled.

Senator Suiter offered the following amendment, which was read and adopted:

Amend S. B. No. 11 by striking out the words "or any lawful rule of the Commissioners" in the latter part of Section 3.

Senator Lattimore offered the following amendment which was read and adopted:

Amend S. B. No. 11 by striking out the last paragraph of Section 5 of the bill.

The bill was read second time and passed to engrossment.

On motion of Senator Hall, the Constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 11 put on its third reading and final passage by the following vote:

Yeas—26.

Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Westbrook.

Present—Not Voting..

McCollum.

In the Senate.

(President Pro Tem. Dean in the Chair.)

Senate Bill No. 17—Re-referred.

By unanimous consent and on request of Senator Johnston of Harris, Senate Bill No. 17 was withdrawn from the Committee on Towns and City Corporations and was referred to the Committee on Civil Jurisprudence.

Free Conference Committee on Senate Bill No. 8—Changed.

By unanimous consent and on request of Senator McNealus his name was taken from the Free Conference Committee on Senate Bill No. 8, and Senator Harley named in his place.

Messages from the Governor.

Here Mr. S. Raymond Brooks appeared at the bar of the Senate with several messages from the Governor.

The Chair directed the secretary to read the messages, which were as follows:

Governor's Office,
Austin, Texas, Sept. 13, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subjects:

1. Enactment of a law to create a more efficient road system for Trinity County, Texas, and providing for the appointment of road overseers, and the creation of the authority of the county road superintendents and to define its duties; repealing Chapter 146, passed by the Thirty-fifth Legislature in Regular Session creating a special road law for Trinity County.

2. Enactment of a law authorizing the commissioners' court of San Patricio County, Texas, to order an election to determine whether or not the office of county superintendent of schools shall be abolished and the duties of same conferred on the county judge of said county.

Respectfully submitted,

W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,

Austin, Texas, Sept. 13, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subjects:

1. Enactment of a law for the protection of wild turkeys, squirrels and fur bearing animals in the counties of Angelina, Cherokee, Hardin, Liberty, Nacogdoches and Tyler.

2. Enactment of a law creating the Ben Wheeler Independent School District in Van Zandt County, Texas.

3. Enactment of an amendment to Article 925, Chapter 6, Title 22, Revised Civil Statutes of Texas, 1911, providing for the levy and collection of an ad valorem tax by a city or town sufficient to meet interest payments and to create a sinking fund on all indebtedness incurred prior to the adoption of the constitutional amendment in 1883.

4. Enactment of a law making an appropriation for the additional support of the Game, Fish and Oyster Department for the fiscal years ending August 31, 1918, and August 31, 1919.

5. Enactment of an amendment to Section 1 of Chapter 123, page 320 of the General Laws of the State of Texas, as passed by the Thirty-fifth Legislature at its Regular Session, so as to provide that said Act shall not apply to any Act permitted by the statutes of the United States of America, or by the United States Army and Navy regulations, nor to be construed to apply to a newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant, or commission of appointment to office, ornamental picture, article of jewelry or stationery for use in correspondence, on any of which shall be printed, painted, or placed said flag or flags, disconnected from any advertisement.

Respectfully submitted,

W. P. HOBBY,
Acting Governor of Texas.

Refusal to Postpone Court.

At 10 o'clock a. m. Senator Clark moved to extend the morning legislative session for fifteen minutes by postponing the convening of the Court for that length of time.

The motion was lost.

form. Said committee is hereby authorized to employ a secretary and a stenographer, to perform such duties as the committee may deem necessary in connection with the duties and work herein provided for. Said committee is hereby authorized to employ an auditor and expert accountant to perform such service as may be necessary in line with such work as the committee may determine is necessary.

All witnesses before the committee shall be paid the same fees provided for witnesses summoned in the district courts of this State and the committee shall have the right to summon witnesses, who shall be sworn by the chairman or any member of the committee. Said committee shall have full authority to issue all necessary process, summon witnesses and to compel their attendance and to give testimony and for the production before it of any paper, books or document; that all expenses shall be paid by warrants properly issued by the chairman of said committee.

Westbrook, McNealus, Decherd, Lattimore, Strickland, Suiter, Robbins, Smith, Alderdice, Collins, Buchanan of Bell, Johnson of Hall, Buchanan of Scurry, Floyd, Hopkins, Gibson, Dayton.

Senator Westbrook moved the substitution of the resolution.

The motion prevailed.

Senator Henderson offered the following amendments to the resolution as substituted:

(1) Amend the substitute by striking out the word "eleven" wherever it may appear and insert the word "two."

(2) In line 16, strike out the words "and its subcommittees" and add after the word "auditor" in the sixth line from the bottom the words "or auditors."

(3) Amend the substitute by striking out all after the word "report" in line 11 down to and including the word "determined" in line 16.

Pending.

By unanimous consent, amendment No. 1 was withdrawn.

Senator Henderson moved to postpone further consideration until the conclusion of the morning call next Monday.

The motion prevailed.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 14, 1917.

Hon. W. L. Dean, President Pro Tem. of the Senate.

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

H. B. No. 21, A bill to be entitled "An Act to amend Chapter 104 of the Acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas, entitled an Act to create a more efficient road system for Newton County, Texas, etc., and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Bill Read and Referred.

The Chair (President Pro Tem. Dean) had referred, after its caption had been read, the following House bill:

House Bill No. 21, referred to the Committee on Roads, Bridges and Ferries.

Message from the Governor.

Here Mr. S. Raymond Brooks appeared at the bar of the Senate with a message from the Governor.

The Chair directed the secretary to read the message, which was as follows:

Governor's Office,

Austin, Texas, Sept. 14, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I submit for the consideration of your honorable body the following subject:

Enactment of a law to make an emergency appropriation, to repair the North Texas Hospital buildings for the insane at Terrell, and to construct and equip a sewage disposal plant at said hospital.

Respectfully submitted,

W. P. HOBBY,

Acting Governor of Texas.

Adjournment.

At 4:30 o'clock p. m. Senator Clark moved that the Senate adjourn until 9 o'clock Monday morning.

The motion prevailed.

Bills and Resolutions.

(By unanimous consent.)

By Senator Hudspeth:

S. B. No. 26, A bill to be entitled "An Act to authorize the Commissioners Court of Brewster County, State of Texas, by a majority vote to issue scrip payable from one to twenty years from date, bearing interest at the rate of not to exceed six per cent; for the purpose of taking up the present indebtedness of the county incurred for the building of roads and bridges in said county; providing that the yearly net revenue, less the necessary sinking fund to cover said scrip issue, may be used by the commissioners court of said county in repairing and building roads and bridges, and declaring an emergency."

Read first time and referred to Committee on Counties and County Boundaries.

Messages from the Governor.

Here Mr. S. Raymond Brooks appeared at the bar of the Senate with several messages from the Governor.

The Chair directed the Secretary to read the messages, which were as follows:

Governor's Office,
Austin, Texas, Sept. 18, 1917.

To the Thirty-fifth Legislature in
Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law to authorize the Commissioners Court of Brewster County, Texas, by a majority vote to issue scrip payable from one to twenty years from date, bearing interest at a rate of not to exceed six per cent; for the purpose of taking up the present indebtedness of the county incurred for the building of roads and bridges in said county; providing that the yearly net revenue, less the necessary sinking fund to cover said scrip issue, may be used by the Commissioners Court of said county in repairing and building roads and bridges.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 18, 1917.

To the Thirty-fifth Legislature in
Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law making appropriations for the purpose of paying deficiency warrants and certificates now outstanding or that may hereafter be issued for the payment of fees and per diem to District Attorneys and Sheriffs, for the fiscal years beginning September 1st, 1915, and ending August 31st, 1917.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 18, 1917.

To the Thirty-fifth Legislature in
Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law to regulate the sale of poisons, providing for marking and designating the packages or containers, and for the registration of the name and address of the purchaser, requiring that all records be kept in well bound books, separate from all other records and to be designated "Record of Poison Sales;" designating what poisons are included, and prescribing penalties for violations of such law.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Message from the House.

Hall of the House of Representatives,
Third Called Session, Thirty-fifth
Legislature.

Austin, Texas, Sept. 18, 1917.

Hon. W. L. Dean, President Pro Tem.
of the Senate.

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

S. B. No. 14, A bill to be entitled "An Act creating the Rock Island Independent School District as passed by the First Called Session of the Thirty-fifth Legislature."

H. B. No. 24, A bill to be entitled "An Act to amend Article 7235, Title 24, Chapter 6 of the Revised Civil

right about it, but that is my opinion.

Senator Bee: Mr. Chairman, it is 5 o'clock. As Official Mover for the rising of the Court, I move that the Court rise to meet at 10 o'clock tomorrow morning.

The Chair: The Senator from Bexar moves that the Court rise now to meet tomorrow morning at 10 o'clock. Those in favor of the motion says "Aye," those opposed, "No." The motion prevails and the Court will now rise to meet again tomorrow morning at 10 o'clock.

In the Senate.

President Pro Tem. Dean in the chair at 5 o'clock p. m.

Messages from the Governor.

Here Mr. S. Raymond Brooks appeared at the bar of the Senate with several messages from the Governor.

The Chair directed the Secretary to read the messages, which were as follows:

Governor's Office,
Austin, Texas, Sept. 18, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subjects:

1. Enactment of a law for the creation of a more efficient road law for Madison County, Texas.

2. Enactment of a law to create special fish regulations for Titus County; and exempting said county from certain provisions of the general fish and game laws of the State of Texas.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 19, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subjects:

1. Enactment of a law to authorize the commissioners' courts of Rusk, Jim Wells, Jim Hogg, Starr, Zapata and Duval Counties, State of Texas, by a majority vote to issue scrip payable from one to twenty

years from date, bearing interest at the rate of not to exceed six per cent, for the purpose of taking up the present indebtedness of the county incurred for the purpose of building roads and bridges in said county; and providing that the yearly net revenue, less the necessary sinking fund to cover said scrip issue, may be used by the commissioners' courts of the said counties in repairing and building roads and bridges.

2. Enactment of a law creating the Pinkerton Independent School District in Haskell County.

3. Enactment of a law creating the Whitman Independent School District in Haskell County.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 19, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law to prohibit the bringing of suits in this State to collect delinquent taxes until on and after the 31st day of January, A. D. 1919, and to continue all such suits now pending until such time.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 19, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law to amend Article 6798 and Article 6799, Chapter 2, Title 118 of the Revised Statutes of the State of Texas for 1911, providing for acknowledgment of deeds and other instruments by persons in military service in the United States government to be taken before any officer of the Judge Advocate General's Department.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 19, 1917.

To the Thirty-fifth Legislature in
Third Called Session:

I beg to submit for the consideration of your honorable body the following subjects:

1. Enactment of an amendment to Section 45 of Chapter 203, of the Acts of the Regular Session of the Thirty-fifth Legislature, being an Act "to regulate the use and operation of motor vehicles upon the public highways," prescribing penalties for violations of the provisions of said Act.

2. Enactment of a law amending Sections 3, 12 and 16 of Chapter 190 of the Acts of the Regular Session of the Thirty-fifth Legislature, defining the duties, powers and compensations of the State Highway Commission, to make allotment of State funds for the construction of parts of a system of State highways in unorganized counties for other territory in which the assessed valuations are insufficient to provide necessary funds for road construction, and defining, regulating and prescribing the annual registration fees for commercial motor vehicles.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Bills and Resolutions.

(By unanimous consent.)

By Senator Bailey:

S. B. No. 27, A bill to be entitled "An Act to prohibit the bringing of suits in this State to collect delinquent taxes until on and after the 31st day of January, A. D. 1919, and to continue all such suits now pending until such time, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

Simple Resolution No. 18—Vote Rescinded.

Senator Henderson made the following motion in writing:

I move to rescind the vote by which the Senate adopted the motion of the Senator from Hunt to table the motion to reconsider the vote by which

Simple Resolution No. 18 was adopted.

HENDERSON.

Senator McNealus made the point of order that such motion can not be entertained because when a motion to reconsider has been tabled such action is absolutely final.

The Chair overruled the point of order.

Senator Henderson moved to lay the motion on the table subject to call.

As a substitute Senator Westbrook moved to table the motion to rescind.

Senator Henderson made the point of order that a motion to lay on the table subject to call can not be substituted by a motion to table.

The Chair overruled the point of order.

Action recurred upon the substitute motion to table the written motion to rescind, and the motion was lost by the following vote:

Yeas—12.

Alderdice.	Hopkins.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	McNealus.
Clark.	Smith.
Collins.	Suiter.
Decherd.	Westbrook.

Nays—13.

Bailey.	Harley.
Bee.	Henderson.
Buchanan of Bell.	Johnston of Harris.
Dean.	Page.
Floyd.	Strickland.
Gibson.	Woodward.
Hall.	

Present—Not Voting.

Lattimore.

Absent.

Dayton.	Parr.
Hudspeth.	Robbins.
McCollum.	

Action recurred upon the motion to lay on the table subject to call the motion to rescind.

Pending discussion by Senator McNealus, Senator Page made the point of order that the Senator is discussing the merits of Simple Resolution No. 18 which is not before the Senate at this time and should confine his remarks to the pending motion to lay on the table subject to call. The point of order was overruled.

under the matchless Joe Wheeler in the Spanish-American War, and

Whereas, The hundreds of thousands have responded to the call of the peerless leader Woodrow Wilson to enlist in the cause of their country and fight against Germany; and for one-half of a century have helped to pay the pensions of the federal soldiers, it is right, just and equitable for the federal government to return to these veterans what is rightfully and morally theirs; and believing that the North and the Grand Army of the Republic would endorse this Act in justice to the decimated ranks of the gray.

Therefore, Be it resolved by the Senate, the House concurring, that we request our entire delegation in Congress at Washington to prepare, introduce and work for the passage of a bill to appropriate "the cotton tax fund" to the Confederate soldiers, sailors and their widows, and to order the payment thereof to each Confederate soldier, sailor and their widows in said monthly allowances as said fund will justify as long as such persons may live; therefore, be it further

Resolved, That a copy of this resolution be sent to each member of the Texas delegation in Congress and to our great President, Woodrow Wilson, by the Secretary of the Senate and the Chief Clerk of the House of the Texas Legislature.

DAYTON.

The resolution was read and on motion of Senator Dayton the same was laid on the table subject to call.

Message from the Governor.

Mr. S. Raymond Brooks here appeared with a message from the Governor, which the Chair laid before the Senate, as follows, to wit:

Governor's Office,

Austin, Texas, Sept. 20, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subjects:

1. Enactment of a law concerning impeachments of officers, providing what officers, agents and employees may be impeached by the House of Representatives and tried

thereon by the Senate, and providing for the convening of the House and Senate for such purposes.

2. Enactment of legislation to amend Chapter 161, Acts of the Regular Session of the Thirty-fifth Legislature, 1917, relating to the fees allowed sheriffs and constables in all cases when the charge is a felony.

Respectfully submitted,

W. P. HOBBY,

Acting Governor of Texas.

At Ease.

At 9:35 o'clock, Senator Collins moved that the Senate stand at ease for twenty minutes.

The motion prevailed.

In the Senate.

President Pro Tem. Dean in the chair.

The Senate as Court of Impeachment.

PROCEEDINGS.

Friday, September 21, 1917.

Morning Session.

Senate Chamber, Austin, Texas.

Hon. W. L. Dean, President Pro Tempore, presiding.

(Pursuant to adjournment, the Senate, sitting as a High Court of Impeachment, reconvened at 10:00 o'clock a. m.)

The Board of Managers and their Counsel were present.

The Respondent and his Counsel were present.

The Chair: Mr. Sergeant-at-Arms, the hour has arrived for the convening of the High Court of Impeachment. Proclaim the convening of the Court, and see that the Chamber is cleared of all except those entitled to its privileges.

Sergeant-at-Arms (at the door of the Senate): Oyez! Oyez! Oyez! the Senate, sitting as a High Court of Impeachment, is now in session.

The Chair: See that the bar is cleared of all except those who are entitled to its privileges. Let us have order, gentlemen.

General Crane: Mr. President, I have a long-distance call, if you will excuse me for a moment?

heart, with sorrow and pain that cannot be exceeded except by himself and his own devoted family. Do your duty, and when you do I believe that your verdict will be written that this Respondent is guilty of nothing more than a mistake of official discretion and nothing else. I thank you for your kindness.

Senator Bee: Mr. President, I move that the Court rise to meet at nine o'clock tomorrow morning.

The Chair: The Senator from Bexar moves that we rise to meet at nine o'clock in the morning. Those in favor of the motion signify it by saying "Aye," those opposed "No." The ayes have it and the Court will now rise to meet in the morning at nine o'clock.

In the Senate.

President Pro Tem Dean in the chair at 5:45 o'clock.

Bills and Resolutions.

(By unanimous consent.)

By Senator Johnson of Hall:

S. B. No. 31, A bill to be entitled "An Act to amend Chapter 63, local and special laws of the State of Texas passed at the Regular Session of the Thirty-fifth Legislature, which chapter is an Act to amend Section 2, Chapter 75, special laws of the Regular Session of the Thirtieth Legislature, 1907, being an Act to authorize, enable and permit the territory within the boundaries of the town of Estelline in Hall County, Texas, and other lands and territory adjacent thereto to incorporate an Independent School District for free school purposes only, etc., etc.; the said Act to be amended so as to change the boundaries thereof leaving certain sections of land out of the said Estelline Independent School District, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Smith:

S. B. No. 32, A bill to be entitled "An Act to regulate the sale of poisons, providing for marking and designating the packages or containers, and for the registration of the name and address of the pur-

chaser, requiring that all records be kept in well bound books, separate from all other records to be designated "Record of Poison Sales"; designating what poisons are meant, prescribing a penalty for violations of this Act, and declaring an emergency."

Read first time and referred to Committee on Public Health.

Message from the Governor.

Here Mr. S. Raymond Brooks appeared at the bar of the Senate with several messages from the Governor.

The Chair directed the Secretary to read the messages, which were as follows:

Governor's Office,

Austin, Texas, Sept. 21, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your body the following subject:

Enactment of a law amending Chapter 63, local and special laws of the Thirty-fifth Legislature, creating and incorporating the Estelline Independent School District in Hall County, Texas.

Respectfully submitted,

W. P. HOBBY,

Acting Governor of Texas.

Governor's Office,

Austin, Texas, Sept. 21, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your body the following subjects:

1. Enactment of a law to amend Article 3876 Revised Civil Statutes of 1911, fixing the compensation of county surveyors.

2. Enactment of legislation to create a more efficient road system for Red River County, Texas; making the county commissioners, ex officio road commissioners and providing for their compensation and defining their powers and duties.

Respectfully submitted,

W. P. HOBBY,

Acting Governor of Texas.

Adjournment.

At 5:50 o'clock p. m., Senator Gibson moved that the Senate ad-

Senate Bill No. 25.

The Chair laid before the Senate, on second reading:

S. B. No. 25, A bill to be entitled "An Act to make an emergency appropriation to repair the North Texas Hospital buildings for the Insane at Terrell and to construct and equip a sewage disposal plant at said hospital for the insane, and declaring an emergency."

On motion of Senator Robbins, the bill was laid on the table subject to call.

Messages from the Governor.

Here Mr. S. Raymond Brooks appeared at the bar of the Senate with several messages from the Governor.

The Chair directed the Secretary to read the messages, which were as follows:

Governor's Office,
Austin, Texas, Sept. 21, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law creating the Oakland Independent School District of Red River County.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 24, 1917.

To the Thirty-fifth Legislature in Third Called Session:

At the request of a number of the members, and to facilitate work already suggested by the Legislature, I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law to provide for an investigation of the various departments of the State government and to authorize the appointment of a committee to carry on such investigation while the Legislature is in session and after its adjournment, and to authorize the employment of such accountants as said committee may deem necessary to audit the books and accounts of each department, and the employment of efficiency experts to install improved methods for carrying on the State's

business and co-ordinating the various departments.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 24, 1917.

To the Thirty-fifth Legislature in Third Called Session:

The total appropriations made by the Thirty-fifth Legislature at the Regular and First Called Sessions and approved, amounted to \$15,984,710 for the fiscal year ending August 31, 1918. By levying the ad valorem tax rate of 35 cents fixed by the Automatic Tax Board, the estimated revenue, deducting the cost of collection, will amount to \$7,994,114. Adding to this sum the estimated revenue from other sources, \$2,815,218, and the surplus on hand at the close of the last fiscal year amounting to \$2,537,646, making a total of \$13,346,978, it will be seen that the estimated expenditure of the government for the present year exceeds the estimated revenues to the amount of \$2,637,732.

In the face of this condition the Legislature and all departments of the government should, in my judgment, take such steps as sound public policy and due regard for the obligations of the State will permit, to reduce these appropriations and the expenses of government. I therefore submit for your consideration the following subjects:

1. An Act to repeal or amend Chapter 183 of the General Laws of the Thirty-fifth Legislature, providing for the establishment of the Northwest Texas Insane Asylum and making an appropriation of \$400,000.

2. An Act to repeal or amend Chapter 204 of the General Laws of the Thirty-fifth Legislature, providing for the establishment of the Northeast Texas Agricultural College and making an appropriation of \$250,000.

3. An Act to repeal or amend Chapter 29 of the General Laws of the Thirty-fifth Legislature, providing for the establishment of the West Texas Agricultural and Mechanical College and making an appropriation of \$500,000.

The Northwest Texas Insane Asylum and the Northeast Texas Agricultural College have not as yet been

located. The site for the West Texas Agricultural and Mechanical College has not as yet been taken over by the board of directors of the Agricultural and Mechanical College of Texas. In my judgment, the State has not yet entered into a binding contract with interested parties or interested communities for the establishment of these institutions, and the subject therefore becomes a proper matter for legislation.

It should be taken into consideration that since these appropriations were made it has become apparent that the resources of the people will be heavily drawn upon to pay the necessary cost of war. At the same time a severe drouth has devastated a large portion of Texas, causing the burden of taxation to be more keenly felt by the citizens in these localities. While the tax rate can not now be reduced for the current year, I recommend the repeal or postponement of these appropriations, amounting to \$1,150,000, in the interest of that economy which should be especially practiced now in administering the State government.

Respectfully submitted,

W. P. HOBBY,
Acting Governor of Texas.

Senate Bill No. 28.

The Chair laid before the Senate, on second reading:

S. B. No. 28, A bill to be entitled "An Act providing for the assignment of able-bodied male persons between the ages of 19 and 50 years, inclusive, not regularly and continuously employed, to work in occupations carried on by the State, the counties of the State, the cities of the State, or by private employers, whenever, because of a state of war, the Governor determines such assignments to be necessary for the protection and welfare of the State, and finds such occupations essential for the protection and welfare of the United States and this State, and that same can not be carried on as the State shall require without resort to this Act, no person to be assigned to any work he is not physically able to do; and providing for the procedure and means for rules and regulations for carrying this Act into effect, and for compensation to persons so assigned to

work, and for penalties for non-compliance with this Act; and declaring an emergency."

The committee report that the bill be printed in the Journal only was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Dayton, to pass to engrossment, the same failed by the following vote:

Yea—1.

Dayton.

Nays—24.

Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	Page.
Collins.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Sulter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Absent.

Alderdice.	Hall.
Clark.	Harley.

Absent—Excused.

McCollum.	McNealus.
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House Bill No. 18.

The Chair laid before the Senate, on second reading:

H. B. No. 18, A bill to be entitled "An Act to amend Sections 1, 2 and 6, Chapter 4, of the Special Laws of the Regular Session of the Thirty-fifth Legislature, 1917, being an Act to create a more efficient road law for Llano County, Texas," etc.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 18 put on its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Buchanan of Scurry.
Bee.	Caldwell.
Buchanan of Bell.	Collins.

work for a bill to appropriate "the cotton tax fund" to the Confederate soldiers, sailors and their widows.

S. C. R. No. 3, relating to the Enrolled Bills of the House and Senate.

Respectfully,

BOB BARKER,
Chief Clerk House of Representatives

Bills Read and Referred.

The Chair, President Pro Tem. Dean, referred after their captions had been read, the following House bills:

H. B. No. 50, referred to the Committee on Educational Affairs.

H. B. No. 51, referred to the Committee on Educational Affairs.

The Hour of the Court Postponed.

Senator Strickland made the point of order that the hour for the convening of the Court of Impeachment had arrived.

The point of order was sustained.

On motion of Senator Gibson the hour for the convening of the Court was postponed for twenty minutes.

Messages from the Governor.

Here Mr. S. Raymond Brooks appeared at the bar of the Senate with several messages from the Governor.

The Chair directed the Secretary to read the messages, which were as follows:

Governor's Office,
Austin, Texas, Sept. 25, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of an Act to amend Chapter 35 of the General Laws of the First Called Session of the Thirty-fourth Legislature, under the head of "General Land Office: Providing that the new General Land Office building be used for the accommodation of the Department of Insurance and Banking, the Department of Agriculture, and such other departments of the State Government as may be prescribed by law," so as to read, "The Department of Agriculture and such other depart-

ments of the State Government as may be designated by the Governor and the Superintendent of Public Buildings and Grounds."

It is believed that other departments can be moved to the General Land Office building with greater convenience to the public than the Department of Insurance and Banking, which department, it is considered also, should remain nearer to the Attorney General's Office, for the sake of convenience in carrying on the work of the Commissioner of Insurance and Banking.

Respectfully,

W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 24, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subjects:

1. Enactment of a law to repeal all special road laws heretofore enacted for Titus County, Texas, and to specifically repeal Chapter 106 of Special Laws of the Regular Session of the Thirty-third Legislature, 1913.

2. Enactment of a law to amend Section 17, Chapter 83, approved March 16, 1917, relating to the prospecting and development of minerals in the public lands so as to appropriate to the general revenue the proceeds arising from royalties from oil and gas developed in areas other than lands belonging to the Public Free School Fund, the University Fund and the several asylum funds, instead of appropriating said proceeds to the Game, Fish and Oyster Fund.

Respectfully submitted,

W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 25, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law to permit wholesale druggists in local option territory to sell alcohol in quantities of more than one gallon to re-

tall druggists for medicinal purposes.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 24, 1917.
To the Thirty-fifth Legislature in
Third Called Session:

I beg to submit for the consideration of your honorable body the following subjects:

1. Enactment of a law to fix a schedule of salaries for county superintendents.

2. Enactment of a law providing for destruction of Russian thistle, and to prevent its growth and spread.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Senate Bill No. 11—House Amendments Concurred in.

Senator Dayton called up for consideration of House amendments to:

S. B. No. 11, A bill to be entitled "An Act to regulate the business of emigrant agents, and declaring an emergency."

The following House amendments were laid before the Senate:

(1) Amend Senate Bill No. 11 by striking out the words, "two hundred and fifty (\$250) dollars for each and all of said counties," and inserting the words, "fifty (\$50) dollars for each county in which an office is to be maintained by said agent."

(2) Amend Senate Bill No. 11, Section 6, page 3, line 28, by adding the following words: "Provided nothing in this act shall be construed to apply to municipal employment bureaus or employment agencies operated purely for charitable purposes."

(3) Amend Senate Bill No. 11, Section 2, by inserting after the word "person" and before the word "engaged" the following words: "Who for compensation or fees paid or to be paid directly or indirectly by those employed or solicited to emigrate is."

(4) Amend the caption of Senate Bill No. 11 by inserting after the words "and prescribing the punishment therefor," the words, "provid-

ing that municipal employment bureaus and employment agencies operated purely for charitable purposes shall be exempt from the provisions of this Act."

On motion of Senator Dayton the amendments were concurred in by the Senate.

Bills Signed.

The Chair (President Pro Tem. Dean) gave notice of signing and did sign, in the presence of the Senate the following bills:

H. B. No. 27, A bill to be entitled "An Act creating the Ben Wheeler Independent School District in Van Zandt County, Texas, defining its metes and bounds, providing for a board of trustees therefor, vesting it with the rights and duties of districts incorporated for school purposes only under the general laws, and declaring an emergency."

H. B. No. 16, A bill to be entitled "An Act to amend Sections 2 and 14 of the Special Road Laws of Coleman County, Texas, etc."

H. B. No. 21, A bill to be entitled "An Act to amend Chapter 104 of the Acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas, entitled 'An Act to create a more efficient road system for Newton County, Texas,' etc., and declaring an emergency."

H. B. No. 5, A bill to be entitled "An Act to amend Chapter 105 of the Acts of the Regular Session of the Twenty-ninth Legislature, which Chapter is entitled 'An Act to prevent the diversion of electric current, water or gas, from passing through any meter, and prevent any electric, water or gas meter by any manner or means from registering the full amount of current of electricity, water or gas, that passes through it, and to prevent the diversion from any wire of electric current, water or gas, of any person, corporation, or company engaged in the manufacture or distribution of electricity, water or gas, for lighting, power or other purposes; and to prevent the retaining of, or refusing to deliver any meters, lamps or other appliances which may have been loaned or supplied for furnishing electricity, water or gas; and to prescribe a penalty for the violation thereof'; so amending said chapter as to make

saying "aye," those opposed "no." The "ayes" have it.

(Thereupon, at 5:27 o'clock p. m., Tuesday, September 25, 1917, the High Court of Impeachment adjourned sine die.)

In the Senate.

(President Pro Tem. Dean in the chair at 5:30 o'clock p. m.)

Bill Signed.

The Chair, President Pro Tem. Dean, gave notice of signing and did sign in the presence of the Senate, after its caption had been read the following bill:

H. B. No. 28, A bill to be entitled "An Act to create a more efficient road system for Trinity County, Texas, etc., and declaring an emergency."

Messages from the Governor.

Here Mr. S. Raymond Brooks appeared at the bar of the Senate with several messages from the Governor.

The Chair directed the Secretary to read the messages, which were as follows:

Governor's Office,
Austin, Texas, Sept. 25, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I submit for the consideration of your honorable body the following subjects:

1. Enactment of an Act to amend Chapter 5 of the Acts of the Thirty-fifth Legislature, at the First Called Session, making an appropriation for the military forces of the State and for the Adjutant General's Department, and amending this act so as to provide an appropriation of \$400,000 instead of \$750,000.

2. Enactment of an Act to amend Chapter 36 of the Acts of the Thirty-fifth Legislature, at the first called session, providing for the Ranger Home Guard; and to amend same by making an appropriation of \$150,000 instead of \$250,000.

After an investigation made by me through the Adjutant General's department, I have reached the conclusion that the amounts appropriated in the Acts mentioned can be

reduced as indicated above without impairing the efficiency of the service; and as a further step to avoid a deficiency in the State Treasury, I recommend that these acts be amended.

Respectfully submitted,

W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 25, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I submit for the consideration of your honorable body the following:

Enactment of an Act to further define the powers and duties of the State Normal School Board of Regents, as set forth in Chapter 191 of the Acts of the Regular Session of the Thirty-fifth Legislature, providing for the establishment, maintenance and government of two State normal colleges, and as set forth in Chapter 197, Acts of the Regular Session of the Thirty-fifth Legislature, providing for the establishment, maintenance and government of a State normal school at Alpine, Texas; providing that the duties imposed upon the said State Normal School Board of Regents by the provisions of these acts may be further defined by providing that said Board shall be authorized to construct and have ready for occupancy one of these normal colleges not later than September 1, 1919, one by September 1, 1920, and one by September 1, 1922.

In obedience to the request of a large number of the members of your body, I have taken under consideration the matter of amending or repealing the laws creating these institutions. After an investigation of the steps taken by the State Normal School Board of Regents as authorized by the Legislature, it is my judgment that these laws can not be repealed if due regard for the obligations of the State is taken into consideration.

I accompany this message with a statement from the State Normal School Board of Regents, who were authorized under the law to locate and establish these colleges; and it will be seen from this report that such progress has been made in the acceptance of sites which were donated by the several towns and cities which were candidates for the location of these schools, as to commit

the State to the building and completion of same. I, therefore, suggest that the Treasury of the State may be relieved by the building of one of these institutions at intervals of two years; which will at the same time provide for carrying out these contracts authorized by the Legislature.

After a full and free discussion among the members of the State Normal School Board of Regents, the plan of building these colleges at the periods stated was approved as the best method of relieving a threatened deficiency in the Treasury and also carry out the contracts as entered into by the Board.

I am accompanying this message also with the endorsement of such a plan by the State Normal School Board of Regents.

At my request there has been prepared by the Attorney General's Department, jointly with Hon. Leonard Tillotson, Representative from Austin County, a bill further defining the powers and duties of the Regents which, in my judgment, will accomplish the best results under the circumstances.

Respectfully submitted,

W. P. HOBBY,
Acting Governor of Texas.

Austin, Texas, Sept. 24, 1917.

Honorable W. P. Hobby,
Governor of Texas.

Austin, Texas.

Dear Sir:

As requested in your letter of the 22nd inst. we give you as follows the status with regard to the three Normal Schools at Nacogdoches, Kingsville, and Alpine, as provided for by the Thirty-fifth Legislature:

(1) Stephen F. Austin Normal at Nacogdoches:

After canvassing the territory east of the 96th meridian, and duly considering the propositions made to the Board by the several towns and cities which were candidates for the location of this school, the Board bearing in mind the limitations surrounding its action and conditions in the law providing for the creation of said school concluded that the Stephen F. Austin Normal College should be located at Nacogdoches.

The citizenship of that city has complied with all of the requirements of the law and with the exactions of

the Board respecting the location of the school there. A tract of land containing 205 acres and conveniently located for the successful maintenance and operation of the school has been conveyed to the State, and they have carried out all promises and conditions set forth in their formal application on file with this Board asking for the location of said school, a copy of which application is hereto attached and marked "Exhibit A" and made a part hereof. The deed conveying said land to the State has been executed and delivered to the President of this Board, and the abstract of title to said property has been delivered to the Attorney General, and by him examined and is now being perfected in accordance with his opinion. The architects for the proposed building have been selected, plans and specifications therefor are being prepared, the architects and building committee for this Board have visited the site and caused to be prepared contour maps, and location of the buildings on the site have been designated.

In brief, all of the details preliminary to the construction of the buildings have been performed within the time and in the manner provided for in the bill creating said school.

(2) South Texas State Normal, Kingsville, Texas.

This Board visited the territory south of the twenty-ninth parallel within which the South Texas Normal College was to be located as provided for in the law, and after carefully and personally investigating the merits of the several applicants, and the propositions submitted by the citizens of such communities, the Board deemed it their duty to locate the South Texas Normal College at Kingsville, and the proposition submitted by the citizens of that town, as amended by certain exactions of the Board, has been in all things complied with. Their original proposition containing their offer is hereto attached and marked "Exhibit B," and made a part hereof.

The site for the school, and the agricultural farm, containing 150 acres and 225 acres respectively have been by good and sufficient deeds conveyed to the State, title thereto has been examined and approved by the Attorney General. The sewerage system of the town of Kingsville has been extended to the building site, and every promise and condition of

our contract with the citizens of Kingsville has been in all things complied with.

The statement made with respect to the selection of architects, and preparation of the plans and specifications with reference to the Stephen F. Austin Normal College, is also true with respect to the normal to be located at Kingsville.

(3) The Sul Ross State Normal, Alpine, Texas:

It will be remembered that this normal was created by a Special Act of the Thirty-fifth Legislature, and located at Alpine, conditioned upon the citizenship of that community making certain provisions for its location and maintenance. This Board being directed by the law to pass upon the question of site only.

The action of this Board with respect to the Normal to be located at Alpine is set forth in the resolution passed by the Board at its meeting held in Austin on August 9, 1917, a copy of which resolution is hereto attached, and marked "Exhibit C," and made a part hereof.

In undertaking to comply with the conditions set forth in said resolution, the citizens of Alpine have begun the drilling of a well for water, and we understand that said well has now reached a depth of 130 feet, according to the latest report received by this Board. The matter of perfecting the title to the original 100 acres of land has been approved by the Attorney General, and deed executed and delivered. Deeds to a portion of the additional lots required by the Board have been obtained and delivered, and effort is being made to acquire title to the additional lots.

It will be observed that a bond was required of the citizens of Alpine guaranteeing the performance of all the conditions precedent to the location of the school at Alpine, same being in the principal sum of \$50,000. This bond has not yet been furnished the Board as requested, same having been drawn by the Attorney General only recently, but it is our understanding that said bond will be forthcoming.

Respectfully submitted,

(Signed):

A. C. Goeth, President,
M. O. Flowers,
A. B. Martin,
Walter J. Crawford,
Robt. J. Eckhardt.

State Normal School Board of Regents.

(Copy.)

Austin, Texas, Sept. 25, 1917.

Governor W. P. Hobby, Austin, Texas.

My Dear Governor: Referring further to your inquiry as to the status with regard to the three new normal colleges to be established, namely, the South Texas Normal College at Kingsville, the Stephen F. Austin State Normal College at Nacogdoches and the Sul Ross Normal College at Alpine, we beg leave to state that the general plan as outlined in the bill proposed by the Hon. Leonard Tillotson is satisfactory to this board, as the best method of carrying out the contracts entered into by this board. Very truly yours,

A. C. GOETH,
President State Normal School Board of Regents.

Bills and Resolutions.

(By unanimous consent.)

By Senators Robbins, Smith, Suiter, Floyd and Buchanan of Bell:

S. B. No. 41, A bill to be entitled "An Act to repeal Chapter 197 of the General Laws of Texas passed at the Regular Session of the Thirty-fifth Legislature, same being an Act to provide for the establishment, maintenance and government of the State Normal College to be located at Alpine, Brewster County, Texas, to be known as the 'Sul Ross Normal College,' and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Robbins, Smith, Suiter, Floyd and Buchanan of Bell:

S. B. No. 42, A bill to be entitled "An Act to repeal Chapter 191 of the General Laws of Texas passed at the Regular Session of the Thirty-fifth Legislature, same being 'An Act to provide for the establishment, maintenance and government of two State Normal Colleges; providing for the location of same,' and declaring an emergency."

Read first time and referred to the Committee on Educational Affairs.

Simple Resolution No. 26.

Be it resolved by the Senate of Texas, That the judgment rendered by this Senate while sitting as a Court of Impeachment be ratified