

JOURNAL

OF THE

SENATE, STATE of TEXAS

Fourth Called Session
Thirty-Fifth Legislature

Convened in the City of Austin
February 26, 1918

AND

Adjourned Without Day
March 27, 1918

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T. H. YARBROUGH, Journal Clerk




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Simple Resolution No. 6.

Resolved, That twelve copies of the daily Journal and twelve copies of each printed bill be delivered by the Sergeant-at-Arms to the State Library.

CALDWELL.

The resolution was read and adopted.

Senate Concurrent Resolution No. 1.

Resolved by the Senate, the House of Representatives concurring, That the Joint Rules of the Third Called Session of the Thirty-fifth Legislature be adopted as the Joint Rules of the Fourth Called Session of the Thirty-fifth Legislature.

CALDWELL.

The resolution was read and adopted.

Simple Resolution No. 7.

Resolved, That the Sergeant-at-Arms pay for the rent of such typewriter machines as may be necessary for the employes of the Senate, not to exceed four dollars a month for each machine.

CALDWELL.

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

Simple Resolution No. 8.

Whereas, The information has reached this Chamber that the Hon. James A. Florer, a member of the House of Representatives, in the Thirty-fifth Legislature, from Dallas County, has died from the effects of injuries received in an accident while en route to a train to come to Austin to attend to his official duties as a member of the Legislature; therefore, be it

Resolved, That the Senate hears of this tragic death with the keenest of regret, and extends its condolence and sympathies to the bereaved family and friends of the deceased; be it further

Resolved, That when the Senate shall adjourn today it shall do so in respect to the memory of Hon. James A. Florer.

McNEALUS.

The resolution was read and adopted.

Privileged Statement.

The Chair laid before the Senate, certain correspondence between Mr. Howerton and Senator Page.

On motion of Senator Page, the letters were ordered printed in full in the Journal, and will be found in the Appendix.

Message from the Governor.

Here a messenger from the Governor, Mr. S. R. Brooks, appeared at the bar of the Senate with the following executive message:

Governor's Office,

Austin, Texas, Feb. 26, 1918.

To the Thirty-fifth Legislature of Texas in Fourth Called Session:

It is respectfully recommended that laws be passed making it more difficult for soldiers in the camps of Texas to obtain liquor and to safeguard their surroundings from the evils and diseases growing out of commercialized vice; making operative the amendment to Article 16, Section 59 of the Constitution of the State, adopted by the people in August, 1917, providing for conservation of the natural resources of the State; making an adequate and uniform and profitable system of depositing the funds of the State of Texas.

The Federal Government has the task of raising an army properly trained and equipped for winning a war that involves not only the life and existence of our country but involves the existence of freedom and democracy everywhere in the world. To make the task of the Federal Government easier in this respect is a service the State should perform in the same spirit and with the same loyalty and with the same courage that her gallant young men offer to lay their lives upon their country's altar. Sacrifice and service should be the only thought of every State in this Union, and should be the supreme guide for soldier and civilian alike in this fateful crisis causing Texas in usefulness and helpfulness to lead all the rest. The call is made upon our State by the chief officer charged with the responsibility of

raising this army to adopt those measures which will prove effective in removing from camp environment liquor and all influences which interfere with the training activities of the army. Texas should answer this call through the voice of her law-making authority and to that end I have submitted to you in official proclamation the suggestion of enactments which in my judgment will be effective.

I gave careful consideration for several days to various plans offered by those who are interested in the welfare of our soldiers, reaching the conclusion that these enactments will stop the sale of liquor and banish the procurer and the peddler from even the approaches to army camps in Texas.

I recommend that it be made a felony to sell liquor of any kind except for scientific, sacramental and medicinal purposes to any person within ten miles of any military camp, station, fort, post, cantonment, training or mobilization place for soldiers and sailors in the service of the United States, or where soldiers or sailors are being trained for this purpose. It is my judgment that with the source of supply thus far removed the carrier or the peddler can be more easily detected and the present constabulary of our State and counties and cities is sufficient to police the fewer roads that are naturally accessible when it is necessary to go ten miles through our larger cities than the half-mile now prescribed by Federal authority and into which many of the streets of these cities enter.

I recommend that it be made a felony for any person to sell liquor in the State, who is not duly licensed for that purpose. This reaches the man who buys the liquor from the dealer and goes upon the street corner or the back alleys or the cantonment line, and peddles it out to a soldier for a consideration.

I recommend that it be made a felony for any man anywhere under any circumstances to sell any liquor to any man in uniform, who is in the military or naval service of the United States. This reaches every person, the dealer with a license, and the "bootlegger" without a license. This should be as broad and as sweeping as the statute can be made and apply indiscriminately to every person.

I recommend that it be made a felony for any person to directly or indirectly buy for, procure for, or give or directly or indirectly deliver to any person in the military or naval service of the United States while a state of war exists, any character of intoxicating liquors, so that if the seller knowingly takes money from the hanger-on or law-breaker on the street, who takes the soldier's money and goes into a place of business to procure liquor, such seller, as well as the person passing the money to the seller and the liquor to the soldier, shall be guilty of a felony. This is in harmony with the regulations of Federal authorities, but becomes more effective when violators can be prosecuted under the State law.

I recommend that persons soliciting soldiers to meet lewd women be punished as a felony, thus reaching that class of people who constitute the avenue of communication between the lewd women who have come into the vicinity of these cantonments and into the towns and cities and counties where they are located. The very touch of this class of vice peddlers, as well as their wares, is worse than war and pestilence and famine, and the design of plying their vocation among the soldiers of their country should be prohibited by severe penalty.

I recommend that violations of these laws be given preferred consideration on the dockets of our courts and that the statutes so provide.

The venue of all these cases will, of course, be laid in the county where the offense is committed. The good people of these counties are so deeply in earnest in protecting these soldier boys and will be so deeply in earnest in upholding these laws, if they are passed, that we may depend upon them for the most rigid and unrelenting enforcement of every statute suggested.

It has been suggested that the President of the United States is authorized to make such regulations governing the prohibition of alcoholic liquors in or near military camps as he may deem advisable and therefore has the power to declare a zone for the protection of the soldiers. In order to declare a zone which included an entire city or a considerable portion of it the Federal authorities would necessarily assume control, thus subordinating the

local civil authorities to the military and virtually putting martial law into effect. To create a zone in this fashion of sufficient extent to meet the requirements would be undesirable since it would disturb and conflict with local authorities and prove embarrassing to the Federal Government. It is self-evident that to accomplish the best results such a zone must be established by the State government and the law enforced by local officers.

I am not unmindful of the fact that as a means of accomplishing the results here sought many people advocate statutory statewide prohibition with more or less confidence in its ultimate success. I do not assume for a moment to pass judgment upon the constitutionality of such a law, yet all will admit that eminent lawyers have expressed the opinion that a law along this line is in conflict with the Constitution of the State.

The zone law, however, is deemed to be in the nature of a regulatory rather than a prohibitory act, and involves merely the exercise of that police power with which the State is fully clothed to deal with the barter, sale and exchange of liquor. In other words, it is indicated that statutory prohibition would offer the possibility of a vigorous contest in the courts while a zone law would not be open to successful attack through court procedure.

The need of the hour is immediate and efficient suppression of an admitted evil. The measure that is strong because of its certainty is to be preferred over a measure that in reaching too far may incur the risk of falling entirely.

I realize that an Act providing for a ten-mile zone will put prohibition into effect in most of that portion of Texas where it has not been adopted by the people of the localities. The consideration, however, is of no importance compared to that of providing the soldiers at these camps with the surroundings desired by their chief commander, the Secretary of War, with surroundings that are conducive to a more potent and more efficient army, and with those surroundings that all of the right-thinking people of Texas will want them to have in the face of such a request.

The highest duty the Legislature of Texas and the Governor of Texas owe to the people of Texas, to the

fathers and mothers of these soldier boys far from home and in new and untried spheres of life, the highest duty to our common country and to the flower of our manhood so freely offering their lives, if need be, in our country's defense, is to exercise the powers of the trust they hold, in protection of the morals and the health of these soldiers in our midst and to help them be what they so ambitiously and patriotically desire to be, clean, morally and physically, men and soldiers who are good and strong, physically able and skillfully trained, to measure lances with the most cruel and most vicious foe that has ever darkened the door of civilization or stayed the march of freedom's van.

In my opinion the laws which I have mentioned will, if adopted by the Legislature in proper form, effectually exterminate the evils at which they are aimed and to the accomplishment of these purposes I invite your most earnest consideration.

It is important to enact legislation intended to bring total or partial relief to the citizens in that vast area of Texas comprising about one hundred and fifty counties and which suffers affliction from the severe drouth of 1917. At my instance and as a result of a meeting called by me of the officers of agricultural and industrial organizations of the State a committee composed of Hon. Frank Kell of Wichita Falls and Hon. W. H. Fuqua of Amarillo made a trip to Washington and petitioned the Secretary of the Treasury to deposit government funds in the banks of that section to be loaned out to farmers and cattlemen on the most liberal terms that may be allowed. An arrangement with the Treasury Department of the United States along that line is now being worked out through the assistance of Hon. W. F. Ramsey, Federal Reserve Agent for the Eleventh Regional Bank District. I have submitted the subject, hoping that the representatives from the area more vitally concerned and the Legislature in its wisdom may evolve a plan that is helpful and feasible.

The people of Texas in August, 1917, adopted an amendment to the Constitution of the State authorizing the formation of one or more counties or subdivisions thereof into districts for the purpose of reclaiming lands that are rendered useless for cultivation because of overflow and

swamp conditions. Some of these lands are the most fertile in the State and can be made the most productive if rescued from the blight that now overtakes them. It is important to the material progress of Texas in time of peace and it is important to the end of increasing the productive capacity of the State in time of war that legislation be enacted now authorizing the establishment of these districts and making it possible to impose the necessary tax, sell securities and set on foot the legal machinery which will put into effect this addition to our organic law.

The fact that under the present system of depositing State funds there is at times a large amount lying in idleness in the vaults of the State Treasury and the fact that a better defined method of clearing all remittances to the various departments of the State government should be provided, make it expedient to enact laws which will remedy these conditions. The amount of funds which the State may put out at interest should not be limited and sufficient elasticity should be given to a board of duly authorized officials of the State to deposit the public money in such manner as will bring the State the most profit and the most benefits and at the same time better serve the people by keeping such funds available for the ordinary channels of business. The law should provide, too, for the strongest safeguards in depositing the money of the State.

Supplementary to this message I am submitting communications bearing upon the subjects presented for the information of the Legislature.

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

(Copy of Western Union Telegram)

Washington, D. C., Feb. 9, 1918.

W. P. Hobby, State House, Austin:
In view of the special session which you have convened in Texas at this time it may be stated that owing to conditions now prevailing in Houston, Fort Worth, and elsewhere the War Department will be deeply interested in any effective measures which will make it more difficult for soldiers in the camps of Texas to obtain liquor and which shall further safeguard their health

from the diseases growing out of commercialized vice.

NEWTON D. BAKER,
Secretary of War.

(Copy of Report)

Texas State Council of Defense.

Wichita Falls, Texas, Feb. 11, 1918.

Governor W. P. Hobby, Austin.

Dear Governor Hobby.

I notified the members of your committee which was appointed to go to Washington City and call upon the Comptroller of Currency for the purpose of trying to secure deposits in the drouth stricken counties, of public funds. Our meeting was called for Monday, February 4, at Washington City.

Mr. W. H. Fuqua of Amarillo and myself were the only members of the committee who had the time to reach Washington City at that time.

In company with Honorable T. B. Love, Assistant Secretary of the Treasury, we called upon Comptroller Williams, and after discussing the matter with him in detail, he very cheerfully agreed to recommend to Secretary McAdoo that he place on deposit in the drouth stricken counties of Texas, Government funds to the amount of \$10,000,000.00 to \$20,000,000.00 at any time and place that such funds may be needed under the usual Government regulations.

Both Comptroller Williams and Assistant Secretary Love heartily recommended to Secretary McAdoo that this be done. This appeal to Secretary McAdoo was also supported by an urgent appeal from Senator Morris Sheppard, who called upon Secretary McAdoo on February 5th in behalf of our request.

It is with much pleasure that your committee can report that the Secretary of the Treasury has announced his willingness to not only make Government deposits as needed but also to aid the drouth stricken region of Texas in every possible way. Inasmuch as the Secretary of the Treasury is willing to aid our drouth stricken people and the psychological effect that this information would have in that section, we believe it wise that you immediately give widespread publicity to this information throughout the affected counties.

We, your committee, desire to emphasize that we are greatly under

obligation to Honorable John Skelton Williams, Honorable T. B. Love and Honorable Morris Sheppard for their assistance in this matter.

Yours truly,
(Signed) FRANK KELL, Chairman.

(Copy of Letter.)

Treasury Department, State of Texas.

Austin, Feb. 25, 1918.

Hon. W. P. Hobby, Governor:
Dear Sir:

Referring to your message calling the Legislature in special session for the purpose, among other measures, of passing a depository law which will authorize the State Treasurer to keep all surplus funds of the State out on interest at all times, permit me to suggest that you also recommend in this bill, or in a separate bill, that all State officers who collect State funds shall make their deposits direct into the State Treasury as often as deemed necessary instead of depositing in the banks and making monthly settlements with the State, as is the present custom, and to provide for the State Treasurer to clear these funds as well as all other funds he receives through the bank, or, in other words, make the Treasury Department a clearing house for all State funds.

For your information will state that during the entire year of 1917 our average daily balance of all funds in the State Treasury was, in round figures, five million dollars. We have sixteen State Depositories at present which are allowed to have only \$50,000.00 each, or a total of \$800,000.00, leaving a daily balance of \$4,200,000.00 lying idle in our vaults. If this \$4,200,000.00 had been placed out on interest at the same average rate paid by the sixteen Depositories, 4.27 per cent, it would have earned the sum of \$179,000.00. If we had only received the usual banking rate of 2 per cent it would have earned the sum of \$84,000.00, to say nothing of the benefit to the State at large.

However, I beg to state that our balances during the past year were unusually large, never before in the history of the State were they so great, and in all probability they will never again reach that average balance during an entire year, but, at certain periods during each year, we always have a large surplus that

could be earning something instead of lying idle in the vaults.

Trusting that you will not think me presumptuous in addressing you as I have, I beg to remain,

Yours respectfully,
(Signed) J. M. EDWARDS,
State Treasurer.

Adjournment.

At 11:45 o'clock a. m. the Senate on motion of Senator Caldwell adjourned until 10 o'clock tomorrow morning.

APPENDIX

Petitions and Memorials

The following are printed here by order of the Senate:

Austin, Texas, Feb. 26, 1918.

Hon. E. A. Decherd, Jr., President
Pro Tempore of the Senate, Austin,
Texas.

My Dear Sir:

I am informed that on yesterday evening in a caucus of Senators, the question of my being pro German in sympathy at the outbreak of the war was raised, and the matter of correspondence between Senator Page and myself in relation thereto was discussed.

This was made the subject of inquiry last spring, at the First Called Session of the Legislature, in my absence, and I was exonerated by the Committee. Inasmuch as I have never been pro German in sympathy in this war, either before our country declared war or since, and any charge to the contrary involving, as it does, a serious reflection on me and against my personal integrity, and since all discussion and inquiry so far have been wholly ex parte, I respectfully ask that the attached correspondence between Senator Page and myself, above mentioned, be printed in the Senate Journal. If Senator Page objects to his letters appearing in the Journal, I hereby waive request that they be so printed, but ask that my letters in reply to his appear in the Journal.

I make this request not only as a matter of personal justice to myself, but in view of my former relation to the Senate and my relation at this

Robbins. Absent.

Absent—Excused.

Gibson. McCollum.
Henderson. Parr.

The Chair laid before the Senate on second reading:

H. B. No. 2, A bill to be entitled "An Act appropriating \$16,000 for contingent expenses of the Fourth Called Session of the Thirty-fifth Legislature."

On motion of Senator Caldwell the Senate rule requiring committee reports to lie over one day was suspended.

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 Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 2 put on its third reading and final passage by the following vote:

Yeas—25.

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

Absent.

Robbins.

Absent—Excused.

Gibson. McCollum.
Henderson. Parr.

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed by the following vote:

Yeas—24.

| | |
|---------------------|-----------|
| Alderdice. | Collins. |
| Bailey. | Dayton. |
| Bee. | Dean. |
| Buchanan of Bell. | Decherd. |
| Buchanan of Scurry. | Floyd. |
| Caldwell. | Hopkins. |
| Clark. | Hudspeth. |

| | |
|---------------------|-------------|
| Johnson of Hall. | Smith. |
| Johnston of Harris. | Strickland. |
| Lattimore. | Suiter. |
| McNealus. | Westbrook. |
| Page. | Woodward. |

Absent.

Hall. Robbins.

Absent—Excused.

Gibson. McCollum.
Henderson. Parr.

Messages from the Governor.

Here a messenger from the Governor's office appeared at the bar of the Senate with several executive messages, which were laid before the Senate and read as follows:

Governor's Office,

Austin, Texas, Feb. 27, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: I submit for your consideration the following subject for legislation; to wit:

A law declaring that if any person shall during the time the United States of America is at war use any language in the presence and hearing of another, of and concerning the United States of America, the entry or continuance of the United States of America in the war, or of and concerning any flag, standard, color, or ensign of the United States of America, or any imitation thereof, or that of any officer of the United States of America, which language is disloyal to the United States of America, or abusive in character and calculated to bring into disrepute the United States of America, the entry, or continuance of the United States of America in the war; the army, navy, marine corps of the United States of America, or any flag, standard, color, or ensign of the United States of America, or any imitation thereof, or that of any officer of the United States of America, of such nature as to be reasonably calculated to provoke a breach of the peace, if said in the presence and hearing of a citizen of the United States of America, shall be a felony, and fixing the punishment for such action to confinement in the State penitentiary for any period of time not less than one year nor more than twenty-five years;

declaring that if any person shall, during the time the United States of America is at war, commit to writing, or printing, or both writing and printing, by letters, words, signs, figures, or in any other manner and in any language anything of the kind of and concerning those things just enumerated in this caption, that such person shall be guilty of a felony, and shall be punished as above stated; declaring that any person who shall knowingly publicly or privately mutilate, deface, defile, defy, tramp upon, or cast contempt, either by words or acts, upon any flag, standard, color, or ensign of the United States of America, or that of any of its officers, or either of them, shall be guilty of a felony and punished as just stated; declaring that any person who during the war between the United States and any other nation shall knowingly display or have in his possession for any such purpose whatsoever, any flag, standard, color, or ensign, or coat of arms of any nation with which the United States is at war, or any imitation thereof, or that of any State, subdivision, city or municipality of any such nation, shall be guilty of a felony and punished by confinement in the penitentiary for the length of time first stated in this caption; authorizing any person, officer or other person to arrest, without warrant, anyone violating any section of this law; prescribing the force and measures which may be adopted in such case; declaring that any person, officer, or other person about to make such arrest, shall have authority to require any person violating the provisions of this law to desist from such violation, and authorizing the use of such force and measures as are necessary to cause such person to so desist; fixing venue and jurisdiction for violations of this law in the district courts of the counties in which such violations occur and in the District Court of Travis County, Texas; and declaring an emergency.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, Feb. 27, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: Referring further to
the sixth subject submitted in the

official proclamation convening the Legislature in special session pertaining to the creation of reclamation districts, I submit for your consideration the following for legislation, to wit:

1. An effective law authorizing the creation and establishment of water control and preservation districts for the control and preservation of the purity of waters of rivers, creeks, bayous, lakes, canals, streams or other waters, for irrigation or in aid thereof, by the prevention of the inflow of salt water or other deleterious substances; the changing of said waters from salt to fresh water and the impounding of fresh water; empowering such districts to erect, construct, maintain, repair and reconstruct dams, bulkheads, jetties, locks, gates or any other character of improvements necessary to the accomplishment of said purposes, or any of them; creating boards of water control and preservation where the lands embraced in such districts lie in two or more counties, or parts of counties, and defining the powers of such boards of water control and preservation; providing for the method of establishment of such districts; authorizing the ordering and holding of elections for the purpose of voting on the establishment of such districts, and the issuance of bonds and levy of tax in payment for such improvement and the levying and payment and the levying and collecting of taxes for payment of such bonds, and interest thereon; authorizing the appointment of directors of such water control and preservation districts and defining their duties and powers; granting the right of domain to such water control and preservation districts, authorizing the directors of such districts to acquire by purchase, gift, or grant, for such district title to any right-of-way and other property necessary for the purposes of such districts; granting a right of way over all public lands in the State necessary to effectuate the purpose of such district; authorizing the conveyance of any property acquired to the United States for certain purposes; authorizing the directors to employ an engineer, manager and other employees, to employ counsel, to enter into contract for such improvements; to agree to co-operate with the government of the United States, the pro-

per department or officer thereof, for the carrying out of such improvements or the supervision of same, and for all things necessary for the maintenance of such districts according to the provision of this law; providing for entering upon lands for surveys and for all purposes of this law, and providing for penalties for preventing or prohibiting such entry upon lands; providing for the selection of depositories; authorizing the directors to issue bonds in amount sufficient to cover the cost of the proposed improvements, the expenses incident thereto and expenses necessarily incurred in connection with the creation and establishment of such districts, the amount of said bonds not to exceed the amount authorized by the election; requiring the directors to levy a tax upon all taxable property within the district to pay the interest on such bonds, together with an additional amount to be placed in a sinking fund sufficient to pay the bonds at maturity; to levy and cause to be assessed taxes sufficient in amount to pay for the expense of assessing and collecting such taxes, for the expenses incident to the maintenance of the district and for the maintenance, operation and repair of such improvements; requiring the commissioners court of the county or counties within which the district is situated to order the county tax assessor to assess all property within such district, lying within the county, and list the same for taxation; providing the method of assessment and a penalty for the failure of any tax assessor to comply with the order of the commissioners court to so assess; providing the remedy by mandamus in the event any commissioners court should fail or refuse to order the county tax assessor to assess said property; requiring the tax collector of the counties in which such district is situated to collect the taxes for said district within his county; providing for the commissioners court to require an additional bond or security from such tax collectors; providing for the method of collecting the taxes, the bringing of suits for collection of delinquent taxes and the enforcement of tax liens created by this law; providing penalties for failure or refusal of tax collectors to give additional bond or security or to collect the taxes; pro-

viding when taxes shall mature and be paid and penalties for failure to pay same within the required time; providing for reports by district depositories and by board of directors; providing for the filing of suits to establish the validity of such districts and of the bonds; fixing the venue and procedure in such actions and the effect of such judgments; providing for the registration of the bonds of such districts by the Comptroller of the State; providing for the sale of such bonds; prohibiting suit brought in any court of the State contesting or enjoining the validity of the formation of any district or the bonds except in the name of the State of Texas by the Attorney General upon his own motion or upon the motion of any party affected thereby; providing the method of paying out funds of said district; providing generally a complete system for the establishment of such districts and the government of same; authorizing the directors to invest the sinking fund, and declaring such districts within the meaning of the Constitution, and repealing all laws or parts of laws in conflict herewith.

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

Governor's Office,
Austin, Texas, Feb. 27, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: I submit for your consideration the following subject:
"An act to amend Chapter 1 of Title 44 of the Revised Civil Statutes of this State, by adding immediately following Article 2439 thereof a new Article 2439a, providing in substance that during the continuance of a state of war between the governments of the United States and Germany the Treasurer of this State from time to time shall in like manner and with the approval of the Attorney General and Comptroller invest the surplus funds of the State not deposited in State Depositories and not required to meet the current expenses of the government in such short time United States Certificates of Indebtedness as may have been heretofore or as may hereafter be authorized by Congress; providing that when necessary such certificates may be cashed or sold for not less than par and accrued interest; pro-

viding that such investments shall be made only when such certificates are offered directly by the government of the United States; declaring that the Treasurer shall, under such rules as may be established by him, the Attorney General and Comptroller, make subscriptions to allotments from time to time of such certificates and execute the necessary instruments and documents to carry this Act into effect, making an appropriation for the payment of all expenses incident to carrying this Act into effect, providing for the payment thereof; this Act being preceded by a preamble and in Section two thereof declaring an emergency."

At the close of business February 26, 1918, there was a balance of \$8,030,680.88 in the State Treasury, including in this total only \$750,000, bearing interest in State Depositories. Except these deposits the funds in the State Treasury are non-revenue producing. The United States Government is offering for investment short term Interim Certificates of Indebtedness maturing May 28th, the interest beginning as of date February 28th and running until May 28th. These certificates of indebtedness are an obligation of the government of the United States the same as a bond of the United States and will be paid out of the proceeds of the Liberty Loan which the Federal Government is now preparing to offer for investment. These certificates bear interest at the rate of 4 1-2 per cent per annum, and at the present time will afford an unusual opportunity for the immediate investment of the available funds of the State during a period when these funds will remain idle, although at the expiration of ninety days the need of the funds will begin to be felt, or a great portion thereof for the operation of the State Government. I am advised by the State Treasurer that approximately \$5,000,000.00 can be invested in this manner at once and leave available sufficient funds to meet the expenses of the State during that period. Such an investment in these interest bearing certificates for ninety days will yield to the State a revenue of \$56,250.00 and will not in the least inconvenience the Treasury of the State. These interim certificates are offered through the Federal Reserve Bank at Dallas, and the State Treas-

urer has assurance that if any emergency should arise under which these funds will be needed, or any portion of same, these certificates will be taken up at par and accrued interest through member banks of the Eleventh Federal Reserve District.

I recommend the immediate adoption of this legislation with the emergency clause in order to give the State Treasurer the opportunity to invest this money on a profitable basis to the State Government of Texas, and at the same time to materially and substantially assist the Federal Government in the sale of these Certificates which are issued because of the necessity of meeting the war expenses.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Adjournment.

At 12:15 o'clock p. m., on motion of Senator Clark, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

Telegram.

Palestine, Texas, Feb. 26, 1918.

Senator J. J. Strickland, Austin, Tex.

Whereas, The Governor of Texas recognizing that our first and highest duty is to win the war and recognizing that the honor of Texas can not be maintained without removing every temptation to wrongdoing from our soldiers and aviators in training for the noblest task ever entrusted to mortal men, has called our Senators and Representatives together at Austin, and has recommended the enactment of certain legislation; now, therefore, be it

Resolved, By this meeting of citizens of Anderson County

First: That we unreservedly endorse the Governor's action in calling the Legislature in special session at this time.

Second: That we cordially approve of the measures recommended by the Governor and believe that those measures, and those measures only, should be promptly enacted into law

the ratification of this Article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"Section 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

"Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution in the legislatures of the several states as provided in the Constitution within seven years from the date of the submission hereof to the states by Congress." And

Whereas, There has been no expression by the people of the State of Texas of their views upon this momentous question, which seems to us to be contrary to the principles of Democracy as taught us by the fathers of our party, and

Whereas, The members of the Thirty-fifth Legislature were elected before this question was submitted without any expression thereon from the people and in order that the people of Texas may be given an opportunity to instruct their Representatives as to their wishes in the premises; now, therefore, be it

Resolved, That action on Senate Joint Resolution No. 1 be postponed by this Legislature and that the Democratic Executive Committee of Texas be requested to place this question upon the official ballot to be voted upon at the primary election to be held in July, 1918, in order that the people of Texas may be given an opportunity to instruct their Representatives in the Thirty-sixth Legislature which will assemble on the 2nd Tuesday in January, 1919.

Bee, Page, Clark, Caldwell, Bailey, Hall, Johnston of Harris, Faust.

Pending discussion by Senator Westbrook, the Chair called the Senator's attention to the fact that his time had expired.

Senator Page moved that the time allowed Senator Westbrook be extended.

As a substitute Senator Bailey moved that the time be extended indefinitely. The substitute prevailed and was adopted as substituted.

Senate Joint Resolution No. 1, pending.

Recess.

At 12:13 o'clock p. m. the Senate, on motion of Senator Page, recessed until 2:30 o'clock p. m. today.

After Recess.

(Afternoon Session.)

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

Messages from the Governor.

A messenger from the Governor's office appeared at the bar of the Senate with the following executive communications:

Governor's Office,
Austin, Texas, March 1, 1918.

To the Thirty-fifth Legislature of Texas in Fourth Called Session.

I am this day in receipt of a letter from Hon. Newton D. Baker, Secretary of War, dated February 19, 1918 and mailed at Washington February 25, 1918, copy of which I submit for your information and consideration.

We have the testimony here in direct terms of the Secretary of War showing that all other restrictive or regulatory measures have failed to accomplish the desired results of keeping liquor from the soldiers around army camps in Texas and therefore a law to prohibit the sale of liquor within a distance that makes it easier to catch the bootlegger is the measure best calculated to remedy this evil.

At the time that I received the first communication from the Secretary of War advising me that that department would be interested in "effective measures to make it more difficult for soldiers to obtain liquor in Texas camps" I concluded that the program of legislation I have heretofore submitted would prove effective.

In view of the splendid response which these measures have met at your hands even before there has been sufficient time for their final adoption and in order that you may have as an additional guide for your acts these suggestions from the military officers charged with the responsibility of raising our army, I am pleased to lay the same before your

body. The endorsement and approval of a law prohibiting the sale of liquor in a ten mile zone around army camps by the Secretary of War emphasizes the patriotic call to duty involved in the enactment of such a law in time of war by the Legislature of Texas.

I submit to you copies of my communication to the Secretary of War in answer to his message of February 9th, also copy of his letter in full pertaining to the army camp situation in Texas received by me today.

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

(Copy.)

February 12, 1918.

Hon. Newton D. Baker, Secretary of War, Washington, D. C.

I have the honor of acknowledging receipt of your telegram of February 9th, stating that the War Department will be deeply interested in effective measures which will make it more difficult for the soldiers in the camps of Texas to obtain liquor and which will further safeguard their health from the diseases growing out of commercialized vice. I shall use all the powers at my command to meet this situation and to offer you the utmost cooperation in protecting the morals and health of soldiers encamped in Texas. I am giving my closest attention to the framing of laws to accomplish this purpose and therefore I would appreciate further suggestions giving your views specifically if you have such in mind as to needed legislation and which transmitted to me by letter will give sufficient time for the same to reach me before the Legislature convenes. In view of the honor conferred upon Texas and the pride our citizens feel in having so many soldiers stationed within our borders for military training, you may rest assured that the State government will carry out every wish of your department with respect to conditions that surround them.

Respectfully,
W. P. HOBBY,
Governor.

War Department.

Washington, Feb. 19, 1918.

Honorable William P. Hobby, State Capitol, Austin, Texas.

My Dear Governor: I am very

glad to receive your telegram of February 13th, in response to mine of February 9th. I note with appreciation your hearty response to my suggestion that the War Department is deeply interested in measures that may come before the pending session of your Legislature, which will make liquor more difficult of access to soldiers, will improve vice conditions and reduce the ravages of venereal diseases, which are its inevitable accompaniment.

I note also your statement that you are giving careful thought to the preparation of measures designed to meet this situation, and would be glad to have specific suggestion from me in this direction.

I have received numerous complaints concerning the sale of alcohol to soldiers in the various camp cities of Texas. Only this week a Texas Federal Judge told me that there had been tried in his court more than three hundred cases for selling liquor to soldiers in the last few months. In one Texas camp city eighty arrests of soldiers for drunkenness were reported in a period of ten days.

You are, no doubt, aware that the President has power to declare zones around military camps, and that he has exercised this power at my suggestion by establishing zones varying in radius from one-half mile to five miles around such camps. The smaller zones were established where military camps were located in or near cities or incorporated towns. This was done because we did not wish to interfere unduly with the local customs of such large groups of population. It was hoped that the consideration thus shown would be appreciated by all the citizens of the cities thus involved, to the extent that they would cooperate fully with the government's program in preventing liquor from reaching the soldiers. While it is true that the great mass of citizens of these cities and towns have cooperated in this matter, there has been found to exist in each of these cities and towns a small but very active minority who have been deaf to all patriotic appeals, and who have evaded all laws and regulations prohibiting the sale of liquor to soldiers. Various measures have been suggested and tried in the various camp cities to improve these conditions. Some of

them have brought about improvement, such, for instance, as the San Antonio ordinance prohibiting the sale of liquor to be consumed off the premises. Even in that city, however, the number of arrests for drunkenness of soldiers continues too high.

I am, therefore, inclined to believe that the only effective measure to control this traffic is the establishment of zones of considerable size around military camps where no liquor is allowed, regardless of whether such territory includes cities and towns. I could, of course, recommend to the President that the existing zones around military camps be increased in size. I should prefer, however, that the people of the State of Texas should solve this problem, as I am sure they will do, if you present the matter to the Legislature as one vitally affecting the efficiency of the army. If, therefore, you decide to recommend to the Legislature of Texas the establishment of zones with a radius of ten miles around all military camps in Texas, within which liquor shall not be allowed, and the Legislature should pass a bill, the State of Texas will have made a contribution to the welfare of the army of no mean proportions.

The problem of prostitution and venereal diseases, which inevitably accompany it, is not one of such easy solution. While it is true that every red light district in cities near army training camps has been abolished since war began, that law enforcement by these communities has been greatly stimulated, that wholesome substitutes for vice have been provided by the Commission on Training Camp Activities, that most vigorous efforts have been made by the Surgeon General to prevent and cure venereal diseases among the troops, and that through all these measures there has been a considerable reduction in the amount of prostitution and these diseases, I am not entirely satisfied with the results. After considerable study of this question, I have come to the conclusion that there are several measures which would be of advantage to every state in the handling of this problem.

I refer to the establishment by state appropriation of state agencies including reformatories and custodial cure for feeble minded prostitutes. Such reformatories have been found

extremely useful in a number of states, including New York and Pennsylvania, where women have been committed for an indeterminate sentence of several years and have received treatment for their diseases and been subjected to both physical and moral training calculated to rehabilitate them. State institutions for the feeble minded have also been established in a number of states for the permanent internment of persons found to be hopelessly incapable, through mental weakness, of protecting themselves or the community against their diseases and the other results of their delinquency. I should be very glad to see the establishment of such state institutions in all states within which army camps are located, and hope that you will see your way clear to present this matter to the Legislature at this time. If all prostitutes who cannot be rehabilitated by immediate probation, and therefore need commitment for a period of years, and feeble minded prostitutes who require permanent internment, were so committed or interned, I am confident that our problem would be cut at least in half for the period of the war. In view of the fact, however, that such institutions, even under the most favorable circumstances, take time to establish, I desire to call to your attention one further measure which I deem to be of great importance.

It is, of course, obvious that soldiers do not contract venereal diseases in the camps, but in the environment surrounding them. Strenuous efforts are being made by the Surgeon General, as I have noted above, to prevent and cure diseases among the soldiers. With certain exceptions which are inherent in every plan, it may be said generally that soldiers walking the streets of your cities are free from venereal diseases in their infectious stage. That is certainly the ideal toward which the Surgeon General is working, and I believe it to be one which is nearing accomplishment. In view of this fact we should like to see every effort made by the state and municipal officials to locate, treat and cure every civilian venereal disease carrier in the communities surrounding these camps. Many states are beginning this important work through the

establishment of dispensaries, hospitals facilities and diagnostic laboratories available to the public.

The Surgeons General of the army and of the Public Health Service have given this matter careful thought and study. I am informed by General Gorgas that the best legislative enactment to cover the situation would be a short basic law providing in substance that the State Board of Health is authorized to make such regulations concerning venereal diseases, including the reporting thereof and the quarantine of persons infected therewith, as it may from time to time deem necessary or adviseable. If such a law is passed, and your State Board of Health should wish any suggestions as to the form of such regulations, I may say that the Surgeon General has prepared such a form based on the experience of many other states and communities, which will be gladly furnished by him upon request.

There are perhaps some of your existing laws for the repression of prostitution which you may desire to strengthen. If you find, upon examination that this is the case and desire any further suggestion for legislation, I should be glad to have you write to Mr. Raymond B. Fosdick. Chairman of the Commission on Training Camp Activities, whom I have appointed to advise me in these matters. Mr. Fosdick's address is 19th and G streets, Washington, D. C. He will, I know, be very glad to hear from you and to put at your disposal the results of his studies and experience in this line.

Allow me, in conclusion, to express again my appreciation of the cordial and hearty response to my suggestion that the welfare of the troops should be guarded in every way possible. I am much heartened by the country wide manifestation of interest and support of our program, of which yours is a notable example.

Respectfully yours,
 NEWTON D. BAKER,
 Secretary of War.

Senate Joint Resolution No. 1.

The Chair laid before the Senate as pending business,

S. J. R. No. 1, Providing for the ratification of National prohibition amendment.

The question being upon the pending substitute for same.

Refusal to Adjourn.

At 3:15 o'clock p. m. Senator Bailey moved that the Senate stand adjourned until 10 o'clock next Monday morning.

The motion was lost by the following vote:

Yeas—7.

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| Bailey. | Dayton. |
| Bee. | Faust. |
| Caldwell. | Woodward. |
| Clark. | |

Nays—17.

| | |
|---------------------|---------------------|
| Alderdice. | Johnston of Harris. |
| Buchanan of Bell. | Lattimore. |
| Buchanan of Scurry. | McNealus. |
| Collins. | Page. |
| Dean. | Smith. |
| Decherd. | Strickland. |
| Floyd. | Suiter. |
| Hopkins. | Westbrook. |
| Johnson of Hall. | |

Absent.

| | |
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| Hall. | Robbins. |
|-------|----------|

Absent—Excused.

| | |
|------------|-----------|
| Gibson. | McCollum. |
| Henderson. | Parr. |
| Hudspeth. | |

Senate Joint Resolution No. 1.

Action recurred upon pending business, Senate Joint Resolution No. 1, the question being upon the substitute offered by Senator Bee et al.

Senator Clark moved the previous question on the adoption of the substitute, which being duly seconded was ordered.

Action recurred upon the substitute for Senate Joint Resolution No. 1 and the same was lost by the following vote:

Yeas—8.

| | |
|-----------|---------------------|
| Bailey. | Faust. |
| Bee. | Johnston of Harris. |
| Caldwell. | Page. |
| Clark. | Woodward. |

sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof, for beverage purposes is prohibited; that Congress and the several States shall have concurrent power to enforce this article by appropriate legislation, and providing further that this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution within seven years from the date of submission to the States by Congress.

Senate Concurrent Resolution No. 3.

The Chair laid before the Senate, Senate Concurrent Resolution No. 3, as follows:

Whereas, There is an imperative necessity that a maximum of production be reached in Texas this year to supply our own citizens with the necessities of life and to feed our army as well as the people and military forces of our associates that victory may be speedily achieved in the world war; and

Whereas, Many of our young farmers who have their lands ready for planting are being taken from their farms through the present draft, and will lose the work already done along the lines of food production, now therefore, be it

Resolved, by the Senate, the House of Representatives concurring, that the Secretary of War and those in charge of mobilizing our army be requested to allow, so far as the exigencies of the hour will permit, those of the present draft who have been actually engaged in agricultural pursuits to remain as long as possible on their farms, and that they be urged to exert their most active efforts in the further planting of crops and in the performance of their every duty looking to the production of food and feed.

CLARK.
DAYTON.

Senator Clark moved that the resolution be laid on the table subject to call.

As a substitute Senator Page moved to table the resolution which motion prevailed by the following vote:

Yeas—24.

| | |
|---------------------|---------------------|
| Alderdice. | Johnson of Hall. |
| Bailey. | Johnston of Harris. |
| Buchanan of Bell. | Lattimore. |
| Buchanan of Scurry. | McNealus. |
| Collins. | Page. |
| Dean. | Parr. |
| Decherd. | Robbins. |
| Faust. | Strickland. |
| Floyd. | Suiter. |
| Gibson. | Westbrook. |
| Henderson. | Woodward. |
| Hopkins. | |

Nays—2.

| | |
|--------|--------|
| Clark. | Smith. |
|--------|--------|

Present—Not Voting.

Bee.

Absent.

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|-----------|-------|
| Caldwell. | Hall. |
| Dayton. | |

Absent—Excused.

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| Hudspeth. | McCollum. |
|-----------|-----------|

Pair Recorded.

Senator Bee (present), who would vote "yea"; Senator Dayton (absent), who would vote "nay."

Reasons for Vote.

I vote to table Senate Concurrent Resolution No. 3, because Woodrow Wilson has a better idea of how to run this Government, and win this war than I have and I am perfectly willing to leave all such measures up to him, and his war cabinet. I don't want to rock the boat in these perilous times.

STRICKLAND.

Messages from the Governor.

Mr. S. Raymond Brooks, from the executive office, here appeared at the bar of the Senate with the following messages, which were laid before the Senate:

Governor's Office,
Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. George W. Mendell, Jr., of Travis County, I submit for your consideration an Act to amend Articles 475 and 476 of the Penal Code of

the State of Texas prohibiting the carrying of deadly weapons.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

Gentlemen: At the request of Hon. J. T. Tilson of Hale County, I submit for your consideration an Act to prevent horses and certain other animals from running at large in Armstrong County.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. F. R. Smith of Scurry County, I submit the following subject for your consideration: "An Act to establish Common School District No. 19 in Dickens County, so as to include certain lands heretofore in Common School District No. 1 of said Dickens County, Texas."

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. Henry Sackett of Coleman County, I submit the following subject for your consideration: "An Act to diminish and to reestablish the limits of Talpa Independent School District."

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: I submit for your consideration the following subject: "An Act to suspend certain provisions of Chapter 146, General Laws of 1913, page 297 et seq. during the period of the war between the United States and the Imperial German

Government, and for twelve months after the President shall have proclaimed that a treaty of peace has been concluded, and declaring an emergency."

Accompanying this message, I submit for your consideration letters from a committee representing the Game, Fish and Oyster Department, of Texas, wholesale fish, oyster and shrimp dealers along the Texas coast, and also a letter from Hon. E. A. Peden, United States Food Administrator for Texas.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Houston, Texas, Feb. 28, 1918.

Hon. W. P. Hobby, Governor of Texas, Austin, Texas.

Dear Sir: The undersigned, constituting a committee representing, respectively, the Game, Fish and Oyster Department of Texas, wholesale fish, oyster and shrimp dealers along the Texas coast and the United States Food Administration for Texas, charged with the duty of investigating and suggesting a relief of conditions created by the scarcity of fish, oysters and shrimp produced from Texas' coast waters and the urgent necessity for the increase thereof as food products, represent:

After careful consideration we have concluded that the situation can be materially remedied by the enactment of a bill by the present Legislature suspending for the period of the war restrictions relating to the taking of fish, oysters and shrimp from salt waters on the Texas coast. We have prepared a bill which is attached hereto as embodying the essential conclusions reached by us, they being the same conclusions reached at a meeting held at the Bender Hotel, Houston, on January 3, 1918, attended by the U. S. Food Administrator for Texas, some 125 fishermen and wholesale fish dealers, representatives of the Game, Fish and Oyster Department of Texas and also being the conclusions reached at a conference held in New Orleans, Louisiana, on February 2, 1918, attended by the U. S. Food Administrators for the gulf states and representatives of the various game, fish and oyster departments of such states, and representatives of fishermen and wholesale dealers in fish, oysters, etc.

We respectfully request that you submit to the present Legislature the bill hereto attached and urge its immediate enactment by the Legislature with the emergency clause as a war measure tending to conserve the supply of red meat by increasing the production of fish, oysters and shrimp.

Respectfully submitted,
(Signed)

ROY JACKSON,
DUNCAN RUTHVEN,
(Representing Wholesale Fish Dealers).
T. E. HUBBY,
V. G. THOMAS,
(Representing Game, Fish and Oyster Department of Texas).
S. A. McMEANS,
J. F. WOLTERS,
(Representing United States Food Administration).

I have read the above letter and the bill to which it refers and same meets my unqualified approval, and I join in the request made in the letter for the submission of the bill to the Legislature and its enactment for the reasons stated in said letter.

(Signed)

E. A. PEDEN,
U. S. Food Administrator for Texas.

A BILL To be entitled

An Act to suspend certain provisions of Chapter 146, General Laws of 1913, page 297 et seq., during the period of the war between the United States and the Imperial German Government, and for twelve months after the President shall have proclaimed that a treaty of peace has been concluded, and declaring an emergency.

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

Section 1. That during the period of the war between the United States and the Imperial German Government and for twelve months after the President shall have proclaimed that a treaty of peace has been concluded the provisions contained in Chapter 146, General Laws of Texas, 1913, page 297 et seq., providing for a closed season against seining for fish in the salt waters on the Texas coast during June, July and August; the provisions limiting the length of

seines to be used in taking shrimp; the provisions restricting the size of red fish to be taken and sold to twelve pounds in weight, be and are hereby suspended; provided further, that red fish, speckled trout, and mackerel under eleven inches in length and flounder, sheep head and pompano under one-half pound in weight shall not be taken and sold; and provided further that the right to take and sell oysters shall include the month of April.

Sec. 2. The fact that the United States Food Administrator for the State of Texas urges this legislation as necessary to increase the production of fish, oysters and shrimp during the period of the war between the United States and the Imperial German Government, and the crowded condition of the calendar at this time and the short duration of this session creates an emergency and an imperative public necessity, which requires that the constitutional rule providing that bills be read on three several days 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.

(Senator Smith in the chair.)

House Bill No. 14.

Senator Dean called up from the table and the Chair laid before the Senate on second reading:

H. B. No. 14, A bill to be entitled "An Act to prohibit making an appointment for, or soliciting any person in the service of the United States military or naval forces, to meet or come in contact with any immoral woman, for the purpose of unlawful sexual intercourse, and declaring an emergency."

On motion of Senator Dean the bill was passed to its third reading.

The bill having already been read on two several days, was laid before the Senate, read third time and, on motion of Senator Dean, was passed by the following vote:

Yeas—27.

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| Alderdice. | Buchanan of Scurry. |
| Bailey. | Caldwell. |
| Bee. | Clark. |
| Buchanan of Bell. | Collins. |

| | |
|---------------------|------------|
| Dean. | Lattimore. |
| Decherd. | McNealus. |
| Faust. | Page. |
| Floyd. | Parr. |
| Gibson. | Robbins. |
| Hall. | Smith. |
| Henderson. | Suiter. |
| Hopkins. | Westbrook. |
| Johnson of Hall. | Woodward. |
| Johnston of Harris. | |

Absent.

| | |
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| Dayton. | Strickland. |
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Absent—Excused.

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| Hudspeth. | McCollum. |
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Senator Dean moved to reconsider the vote by which the bill was passed and table the motion to reconsider.

The motion to table prevailed.

Recess.

At 11:40 o'clock a. m., the Senate, on motion of Senator Collins recessed until 2:30 o'clock p. m. today.

After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Decherd and by unanimous consent stood at ease for thirty minutes.

Messages from the Governor.

The private Secretary of the Governor, Mr. Jno. D. McCall, here appeared at the bar of the Senate with several executive messages, which were laid before the Senate, and are as follows, to wit:

Governor's Office.

Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Senator W. A. Johnson, and Hon. W. H. Bledsoe and Hon. J. T. Tilson, I submit for your consideration the subject of amending Article 1361, Chapter 2, Title 28, of the Revised Civil Statutes so as to provide for the organization of such unorganized or disorganized counties in

the State, upon the petition of 75 qualified voters residing in such organized or disorganized county.

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

Governor's Office.

Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. W. H. Bledsoe, I submit for your consideration the following subject: "Amending Chapter 4, of the laws of the regular session of the Thirty-third Legislature, so as to change the time of holding district court in the various counties of the Seventy-second Judicial District of Texas."

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

Governor's Office.

Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. Eugene Nordhaus of Bexar County, I submit the following subject for your consideration: "An Act relating to the manner of summoning jurors in all counties in this State having three or more district courts."

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

House Bill No. 18.

Senator Buchanan of Scurry asked unanimous consent to take up House Bill No. 18.

There was objection by Senator Woodward.

Senator Buchanan of Scurry moved that the regular order of business be suspended, and the Senate take up out of its order House Bill No. 18.

The motion was lost by the following vote:

Yeas—13.

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|---------------------|----------|
| Alderdice. | Collins. |
| Bee. | Dayton. |
| Buchanan of Scurry. | Decherd. |
| Clark. | Hopkins. |

| | |
|----------|-------------|
| Page. | Strickland. |
| Parr. | Sulter. |
| Robbins. | Westbrook. |
| Smith. | Woodward. |

Absent.

Johnston of Harris.

Absent—Excused.

| | |
|-----------|-----------|
| Hudspeth. | McCollum. |
|-----------|-----------|

Messages From the Governor.

The private secretary to the Governor here appeared at the bar of the Senate with several executive messages.

The same were laid before the Senate and read, as follows:

Governor's Office,
Austin, Texas, March 5, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: At the request of Hon. Fred J. Roemer, I submit for your consideration an Act adding to and making a part of the Port Lavaca Independent School District in Calhoun County, including the town of Port Lavaca, certain lands and territory adjoining thereto.

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

Governor's Office,
Austin, Texas, March 5, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: At the request of Hon. V. A. Collins, I submit for your consideration an Act to create an independent school district for Batson in Hardin County, Texas.

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

Governor's Office,
Austin, Texas, March 5, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: At the request of Hon. W. T. Williams, I submit for your consideration an Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, with reference to the mode of preventing horses and certain other animals from running at large in the

counties named so as to include Brazoria County.

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

Governor's Office,
Austin, Texas, March 5, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: At the request of Hon. C. B. Monday, I submit for your consideration an Act to provide for the teaching of lessons in patriotism in the public schools of this State, for the proper display of the United States flag in connection with every public school of the State, and directing the State Superintendent, county and city superintendents in the discharge of their duty relative thereto.

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

Governor's Office,
Austin, Texas, March 5, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: At the request of Hon. H. Laas, I submit for your consideration an Act creating the Sugarland Independent School District in Fort Bend County.

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

Governor's Office,
Austin, Texas, March 5, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: At the request of Hon. W. H. Bledsoe, I submit for your consideration an Act creating and incorporating the Brownfield Independent School District in Terry County, Texas.

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

Governor's Office,
Austin, Texas, March 6, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: At the request of Hon. H. J. Miller, I submit for your consideration an Act creating the

Bellville Independent School District
in Austin County, Texas.

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

Governor's Office,
Austin, Texas, March 6, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: At the request of
Hon. R. L. Pillow Jr. and Hon. A. L.
Beason, I submit for your considera-
tion an Act to ratify and confirm the
action of the Board of Commis-
sioners of the City of Galveston,
passed March 1, A. D. 1918, convey-
ing and releasing to the Galveston
Dry Dock and Construction Company,
a corporation of Galveston County,
Texas, that certain area or territory
in Galveston Bay, being a part of
what is known as Pelican Island and
the flats south thereof.

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

Governor's Office,
Austin, Texas, Feb. 27, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: The Thirty-fifth Leg-
islature during the Third Called Ses-
sion enacted into law Senate Bill No.
13 found in the official volume of
the Acts of said session at page 57,
Chapter 7, entitled: "An Act to es-
tablish at Ferguson Farm in Madison
County, Texas, the State Training
School for Negro Boys." Under the
provisions of this Act the duty was
imposed on the Board of Prison Com-
missioners to transfer from the State
Training School for Boys, located in
Coryell County, all negro boys to the
Ferguson State Farm in Madison
County not later than January 1,
1918, vesting in the Board of Prison
Commissioners the same powers then
reposed in the Board of Trustees of
the State Juvenile Training School
and State Training School for Boys.

Sections 4, 5, and 6 of the Act read
as follows:

"Section 4. The Board of Prison
Commissioners shall set apart for the
use of the State Training School for
Negro Boys, all necessary grounds,
lands, equipments, buildings, etc.
now under the supervision of said
Board of Prison Commissioners at
the Ferguson State Farm, which shall

be used for the State Training School
for Negro Boys, provided that the un-
expended balance of the public free
school fund apportioned to said col-
ored juveniles at Gatesville in Coryell
County be transferred for their credit
to Madison County.

"Section 5. All laws and parts of
laws in conflict with this Act are
hereby expressly repealed. The ap-
propriation of \$50,000 for the pur-
chase of land, made at the first called
session of the Thirty-fifth Legisla-
ture, shown on page 93 of the said
special or called session, is hereby
in all things repealed.

"Section 6. That the sum of
Twenty-five thousand (\$25,000) Dol-
lars be and is hereby appropriated
out of any funds now in the State
Treasury, not otherwise appropriated,
to be used by said Commissioners in
making this transfer and otherwise
carrying out the provisions of this
Act."

This bill became effective Decem-
ber 26, 1917. Prior to October 16
the Board of Prison Commissioners
started their investigation as to the
ways and means of putting the law
into effect. On the date last named
the Board of Prison Commissioners
addressed a communication to the
Attorney General asking for a con-
struction and interpretation to be
placed on several provisions of the
Act. In this communication the
Board suggested, among other things,
as their opinion that the \$25,000 pro-
vided would be inadequate to carry
out the provisions of the Act, sub-
mitting to the Attorney General the
fact that an estimate had been made
by an architect that the expenditure
would be at least \$200,000 if neces-
sary buildings, school, chapel and
other equipment and facilities were
provided. Information was also
sought as to whether any of the
funds belonging to the Prison Com-
mission could be used in carrying out
the provisions of the law. The opin-
ion of the Attorney General, dated
October 29, 1917, reads as follows:

"Board of Prison Commissioners,
Huntsville, Texas.

"Gentlemen: In your letter ad-
dressed to the Attorney General you
call our attention to an Act of the
Third Called Session of the Thirty-
fifth Legislature establishing a State
Training School for Negro Boys, to be
located on the Ferguson State Farm

in Madison County, which act appropriates the sum of \$25,000 to be used in transferring the negro boys from the training school in Coryell County, and in otherwise carrying out the provisions of the Act. You then propound several questions for solution by this department.

"You desire an opinion from this department as to the validity of this law. We see no constitutional objection to an act of this character. What is termed the Ferguson State Farm was purchased by the Board of Prison Commissioners under authority given that Board by Article 6184 of the Revised Statutes, and while the land may have been conveyed to the Board of Prison Commissioners, yet in fact this land belongs to the State, and the Board merely holds same in trust for the State. The State through the Legislature would have the right to divert any part or all of the lands held in the name of the Prison Commission from the purpose for which they were purchased and to make use of the same for any purpose that might be determined by the Legislature. The fact that the Prison Commission executed vendors lien notes for the total consideration would not affect the right of the Legislature if it deems advisable, to erect buildings and make other improvements on this land.

"The Act of the Legislature in question vests the control and management of the school in the Board of Prison Commissioners, with the provision that all laws, rules and regulations now governing the State Training School for Boys, so far as applicable, shall be observed by the Commission. It will of course be necessary for the Commission to keep the accounts of these two institutions separate.

"The Prison Commission having executed the notes or bonds for \$100,000, purchase money of this farm, would of course remain bound thereon until such time as the Legislature, if it saw fit, should otherwise provide for the payment of such indebtedness. This debt is secured of course by lien against the property, and the Prison Commission could not escape liability thereon.

"You further state that the \$25,000 appropriated will be wholly insufficient to construct the necessary buildings, school, chapel and other

equipment and facilities necessary and that at least \$200,000 will be required for such purposes. This is a question for the Legislature to determine, and if the \$25,000 is insufficient it will be necessary that the Legislature make such additional appropriations as are required.

"You also call attention to the fact that the law creating a training school for boys makes no division of the general appropriation passed for the State Juvenile Training School for the two fiscal years, ending August 31, 1918, and August 31, 1919, and you desire to know whether or not any part of that appropriation will be available for the maintenance of the State Training School for Negro Boys. This presents a somewhat difficult question. The Act creating the school for negro boys makes no appropriation whatever for the maintenance of that institution. The only appropriation contained therein is the \$25,000 appropriated to be used by the Commissioners in making the transfer of the boys and otherwise carrying out the provisions of the Act. Section 4 of this Act provides in substance that the Board of Prison Commissioners shall set apart for the use of the training school all necessary grounds, lands, equipment, buildings, etc., now under the supervision of said Board of Prison Commissioners at the Ferguson State Farm. This provision of the Act seems to indicate that the Legislature was of the opinion that the buildings and equipment on said farm were sufficient to house the negro boys that would be sent to such school. The general purpose of the act is to maintain a school of the character indicated, and the Legislature having appropriated \$25,000 for carrying out the provisions of the Act, the expense of the maintenance of such institution should be borne from this \$25,000 appropriated, if sufficient. On the other hand, it is not reasonable to suppose that the Legislature intended to take any considerable number of inmates of the State Training School for Boys from that institution and to place such boys in an institution of similar character and leave the entire appropriation for such first institution to be expended upon a much smaller number of inmates than was originally contemplated. However, there

is nothing in the Act creating the school for negro boys to indicate the purpose on the part of the Legislature to deprive the school in Coryell County of any of the appropriation made for it by the First Called Session, and this department does not feel at liberty to read into the new Act such intention on the part of the law-making body. The Legislature evidently intended for this school for the negro boys to be maintained at the expense of the State. However, the only appropriation made by the Act for carrying out its provisions is the \$25,000 referred to, and it is only to this appropriation that the Prison Commission may look for support. If it is insufficient deficiency warrants might be issued for the maintenance of the school, or at some subsequent session of the Legislature an appropriation could be made therefor. We are not familiar with the conditions of this farm and of course are unable to say just what might have been in the minds of the Legislature in making this appropriation.

"There is nothing in the Act that would authorize the Prison Commission to expend any prison funds in the maintenance of this institution, and consequently the Commission would have no authority to expend prison funds in its maintenance, or for any other purpose in connection therewith.

"Yours truly,
(Signed) "C. W. TAYLOR,
Assistant Attorney General."

The Board of Prison Commissioners have called attention to the fact that it is the settled policy of the State to construct fireproof buildings for institutions of this character. Under the circumstances, the Board of Prison Commissioners did not feel authorized to proceed further in removing the negro inmates to the Ferguson State Farm, and this entire matter is submitted to your body for such action as you may desire to take.

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

House Bill No. 9.

The Chair laid before the Senate on second reading:

8—4c

H. B. No. 9, A bill to be entitled "An Act to prevent and prohibit in time of war the sale, barter or exchange of spirituous, vinous and malt liquors or medicated bitters capable of producing intoxication, within ten miles of any fort, arsenal, training camp, cantonment, aviation field or school where soldiers are being quartered, held or trained in time of war in any branch of the army or navy of the United States; to prevent and prohibit the transportation of such liquors into such territory; to provide against application for suspended sentence in such cases; to prohibit the issuance of liquor licenses in such territory; to provide suitable punishment in such cases, and declaring an emergency."

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

House Bill No. 21.

The Chair laid before the Senate on second reading:

H. B. No. 21, A bill to be entitled "An Act making appropriation of two thousand dollars, as a fund to the Agricultural and Mechanical College at Bryan, Texas, for the purpose of experimenting and treatment of the Yucca Filamentosa, with the view of preparing same for stock food, this plant being in great abundance in the drouth stricken section of the State, and providing an emergency."

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

On motion of Senator Caldwell the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 21 put on its third reading and final passage by the following vote:

Yeas—25.

| | |
|---------------------|------------------|
| Alderdice. | Hall. |
| Bailey. | Henderson. |
| Bee. | Hopkins. |
| Buchanan of Bell. | Johnson of Hall. |
| Buchanan of Scurry. | Lattimore. |
| Caldwell. | McNealus. |
| Clark. | Page. |
| Collins. | Parr. |
| Dayton. | Robbins. |
| Dean. | Smith. |
| Decherd. | Strickland. |
| Faust. | Woodward. |
| Floyd. | |

Yeas—23.

| | |
|---------------------|---------------------|
| Alderdice. | Hopkins. |
| Bee. | Hudspeth. |
| Buchanan of Bell. | Johnson of Hall. |
| Buchanan of Scurry. | Johnston of Harris. |
| Caldwell. | Lattimore. |
| Clark. | McNealus. |
| Dayton. | Parr. |
| Decherd. | Robbins. |
| Faust. | Suiter. |
| Floyd. | Westbrook. |
| Hall. | Woodward. |
| Henderson. | |

Nays—2.

| | |
|----------|-------|
| Collins. | Page. |
|----------|-------|

Present—Not Voting.

| | |
|---------|-------------|
| Dean. | Strickland. |
| Gibson. | |

Absent.

Smith.

Absent—Excused.

| | |
|---------|-----------|
| Bailey. | McCollum. |
|---------|-----------|

Reason for Vote.

I am present, not voting on House Bill No. 18. I am in hearty sympathy with the purposes of the bill, and candidly believe that the people of the West deserve the relief. But because of the opinion that the bill is unconstitutional, and because of the further fact that I am in favor of the purposes of the measure, I am present, not voting.

STRICKLAND.

House Bill No. 15—Free Conference Committee Report.

Senator Dean offered the following which was laid before the Senate:

Austin, Texas, March 7, 1918.

Hon. F. O. Fuller, Speaker of House of Representatives.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sirs: Your Free Conference Committee on House Bill No. 15, have had under consideration the Senate amendments to said bill and have agreed to recommend and do here now recommend that the Senate recede from its amendments Nos. 3, 4 and 6.

We also recommend that the House concur in Senate amendments

to said bill, other than said amendments Nos. 3, 4 and 6.

Respectfully submitted,

DEAN,
LATTIMORE,
PAGE,
BEE,
CLARK,

On the part of the Senate.

MILLER of Dallas,
BLEDSOE,
THOMASON of El Paso,
SPENCER of Wise,
JOHNSON of Blanco,

On the part of the House.

The report was read and adopted by the following vote:

Yeas—26.

| | |
|---------------------|---------------------|
| Alderdice. | Hall. |
| Bee. | Henderson. |
| Buchanan of Bell. | Hopkins. |
| Buchanan of Scurry. | Johnson of Hall. |
| Caldwell. | Johnston of Harris. |
| Clark. | Lattimore. |
| Collins. | McNealus. |
| Dayton. | Page. |
| Dean. | Parr. |
| Decherd. | Robbins. |
| Faust. | Suiter. |
| Floyd. | Westbrook. |
| Gibson. | Woodward. |

Absent.

| | |
|--------|-------------|
| Smith. | Strickland. |
|--------|-------------|

Absent—Excused.

| | |
|-----------|-----------|
| Bailey. | McCollum. |
| Hudspeth. | |

Recess.

At 12:10 o'clock p. m. the Senate, on motion of Senator Clark, recessed until 2:30 o'clock today.

After Recess.

(Afternoon Session.)

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

Messages From the Governor.

The private secretary to the Governor here appeared at the bar of

the Senate with several executive messages.

The same were laid before the Senate and read, as follows

Governor's Office.

Austin, Texas, March 7, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Senator J. J. Strickland, I submit for your consideration an Act to authorize and empower the commissioners court of Anderson County, Texas, to cancel and revoke all previous orders of said court authorizing the issuance of road bonds under the provisions of Chapter 2, Title 18, of the Revised Civil Statutes of Texas, and under all acts amendatory thereof, and to annul the bond election at which such bonds were voted, where such bonds or the transcripts thereof have been disapproved by the Attorney General or where such bonds cannot be legally issued and offered for sale.

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

Governor's Office.

Austin, Texas, March 7, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Senator Carlos Bee, I submit for your consideration the subject of amending the law so as to provide an increase in the salaries of county school superintendents.

In view of the fact that the salaries of county superintendents seem inadequate to their needs, and because of the numerous calls the national government is compelled to make upon the county superintendents for war service through the schools, I submit this proposition for your consideration.

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

Governor's Office.

Austin, Texas, March 7, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. D. J. Neill, I submit for your consideration the subject of an Act

to amend the road law for Eastland County.

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

Governor's Office.

Austin, Texas, March 7, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. C. O. Laney, I submit for your consideration the subject of amending Section 15, Chapter 5, of the laws passed by the First Called Session of the Thirty-fourth Legislature so as to permit co-operative savings and contract loan companies to invest their funds in United States Certificates of Indebtedness.

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

Governor's Office.

Austin, Texas, March 7, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. J. T. Canales, I submit for your consideration an Act to authorize the commissioners courts of the various counties of this State to pay for the services of interpreters employed by the various courts in this State, and providing for the collection in civil suits of the sum of three (\$3.00) dollars as cost of interpreter in every civil suit where an interpreter is used.

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

Governor's Office.

Austin, Texas, March 7, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. H. P. Davis, I submit for your consideration an Act to amend Article 637d of Section 2, Chapter 203, General Laws of the Regular Session of the Thirty-fifth Legislature, prohibiting overlapping road districts and requiring the commissioners courts in case one road district conflicts with or overlaps another road district, to pass an order correctly redefining it, and validating all overlapping road districts, except the part thereof which overlaps or embraces any portion of a contiguous road dis-

trict or road districts, and ratifying all regular and proper proceedings had with reference to bond issues therein.

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

Governor's Office.
Austin, Texas, March 7, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. S. W. Tinner, I submit for your consideration an Act to amend Section 2, Chapter 169, Acts of the Thirty-third Legislature, Regular Session 1913, providing how live stock may be moved from quarantined territory, etc., so as to provide that live stock may be moved from such territory after inspection, etc., by licensed veterinary, etc.

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

Governor's Office.
Austin, Texas, March 7, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. Howard Bland, I submit for your consideration an Act to amend Article 889a, passed at the Regular Session of the Thirty-fourth Legislature, amending Chapter 6, Title 13, of the Penal Code of 1911, and which amendment relates to the closed season for killing of doves.

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

Governor's Office.
Austin, Texas, March 7, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. J. A. Dodd, I submit for your consideration an Act to establish and create a Criminal District Court for Bowie County.

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

Governor's Office.
Austin, Texas, March 7, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. L. G. Stewart, I submit for your consideration an Act to create

the Burkeville Independent School District in Newton County, Texas.

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

Governor's Office.
Austin, Texas, March 7, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. Leonard Tillotson, and Hon. Howard Bland, I submit for your consideration an Act to amend Sections 12 and 16 of Chapter 190, of the Acts of the Regular Session of the Thirty-fifth Legislature, creating a "State Highway Department," and which Sections relate to the allotment of the highway funds in aid of road construction; and to annual fees for registration of motor vehicles and motor cycles.

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

Governor's Office.
Austin, Texas, March 7, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. Howard Bland, I submit for your consideration an Act creating the Hutto Independent School District in Williamson County, Texas.

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

Governor's Office.
Austin, Texas, March 7, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. B. F. Cadenhead, I submit for your consideration an Act creating and incorporating Lamkin Independent School District in Comanche County, Texas.

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

Governor's Office.
Austin, Texas, March 7, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. Geo. B. Terrell, I submit for your consideration an Act to amend Articles 3826, 3827 and 3828, of Title 57, Revised Civil Statutes of the State of Texas 1911, and add

thereto Articles 3828a and 3828b, defining commission merchants, and requiring them to take out a license through the Commissioner of Agriculture, paying a fee therefor.

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

Governor's Office.

Austin, Texas, March 7, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: The Thirty-fifth Legislature, during the First Called Session passed House Bill No. 87, "An Act to create a State Council of defense." In this Act the sum of \$10,000.00 was appropriated to defray the necessary expenses of the Council for the fiscal year ending August 31, 1917. The sum of \$15,000.00 was appropriated for the fiscal year ending August 31, 1918. At the close of the first fiscal year, there was an unexpended balance of about \$4,000.00 to the credit of the Council. This \$4,000.00 is no longer available for the current expenditures.

The Council of Defense has authorized an extensive campaign for increased production of food and feed. This campaign is being conducted at an expense of \$7,500.00. Of this amount, \$3,500.00 has been contributed by private enterprises, leaving a remaining expense of about \$4,000.00 to be defrayed by the Council.

The Council of Defense is interested in placing in effective operation House Concurrent Resolution No. 2, which provides for the registration of alien enemies and aliens now in the employ of the State and its municipalities. To defray the expense of carrying out the provisions of this Resolution an appropriation of \$250.00 will be needed.

Accordingly, I submit for your consideration the advisability of appropriating the sum of \$5,000.00 or as much thereof as may be necessary for the State Council of Defense for the purposes above indicated.

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

Governor's Office.

Austin, Texas, March 7, 1918.

To the Texas Senate.

Gentlemen: In the list of recess

appointments submitted to your honorable body three days ago, one name was inadvertently omitted. I ask the advice, consent and confirmation of the Senate to the following recess appointment:

Mr. C. S. Clark of Hidalgo County, State Board of Water Engineers, Texas, vice Mr. E. B. Gore on the State Board of Water Engineers, December 3, 1917.

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

The nomination was referred by the Chair to the Committee on Nominations of the Governor.

Bills and Resolutions.

(By unanimous consent.)

By Senator McNealus (by request):

S. B. No. 23, A bill to be entitled "An Act to amend Section 15 of Chapter 5 of the Acts of the First Called Session of the Thirty-fourth Legislature of the State of Texas, which Act was entitled 'An Act regulating the business of co-operative savings and contract loan companies,' so that hereafter such companies may invest their funds in mortgages which shall be a first lien on real estate located in any State of the United States of America, and further permitting such companies to invest their funds in Liberty Bonds and other certificates of indebtedness which have or may hereafter be authorized by the United States Congress; and declaring an emergency."

Read first time and referred to the Committee on Public Debts.

By Senator Suiter:

S. B. No. 24, A bill to be entitled "An Act to amend Article 637d of Section 2, Chapter 203, General Laws of the Regular Session of the Thirty-fifth Legislature, prohibiting overlapping road districts and requiring the commissioners courts in case one road district conflicts with, or overlaps another road district, to pass an order correctly redefining it, and validating all overlapping road districts, except the part thereof which overlaps or embraces any portion of a contiguous road district or road districts, and ratifying all regu-

Absent—Excused.

Bailey. Smith.
McCollum.

Senator Faust moved to reconsider the vote by which the bill was passed and table the motion to reconsider. The motion to table prevailed.

Senate Bill No. 10 as Special Order.

By unanimous consent and on motion of Senator Collins, Senate Bill No. 10 was set as a special order for next Monday at the conclusion of the morning call.

Bill Signed.

The Chair, President Pro Tem. Decherd, 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. 21, A bill to be entitled "An Act making appropriation of two thousand dollars as a fund to the Agricultural and Mechanical College at Bryan, Texas, for the purpose of experimenting and treatment of the Yucca Filamentosa, with the view of preparing same for stock food, this plant being in great abundance in the drouth stricken section of the State, and providing an emergency."

(Senator Hopkins in the chair.)

Senate Concurrent Resolution No. 6.

Whereas, The purposes for which the Fourth Called Session of the Thirty-fifth Legislature was called having been about all accomplished, and there being no further urgent need for further legislation which cannot be considered between this date and the 15th instant; therefore, be it

Resolved, That the Fourth Called Session of the Thirty-fifth Legislature adjourn sine die on March 15, 1918.

GIBSON.

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

Messages From the Governor.

The private secretary to the Governor here appeared at the bar of the Senate with several executive messages.

The same were laid before the Senate and read, as follows:

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. Ed H. Lange, Hon. Eugene Nordhaus, Hon. Wm. Schlesinger, Hon. R. H. Holland, and Hon. R. L. Carlock, I beg to submit the following subject for your consideration:

"An Act to amend Article 1028, Revised Civil Statutes of 1911, dealing with the fixing of rates for public utility corporations."

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

Gentlemen: At the request of Senator R. M. Johnston, of Harris County, I beg to submit for your consideration the following:

"An Act to permit railroad corporations, by and with the permission of the Railroad Commission of Texas, and the county commissioners court of the county wherein located, to change, relocate, or abandon, any portion of its line when without and adjacent to the limits of any incorporated city containing 50,000 inhabitants or more according to the United States census of 1910, and to permit such railroad corporations to change, relocate, or abandon, any portion of its line within the limits of any incorporated city containing 50,000 inhabitants or more, by and with the permission of the Railroad Commission of Texas, and the city council or board of aldermen of such city, and to require such railroad corporation to make such change, relocation, or abandonment, upon the order of such Railroad Commission, upon the application of such city council or board of aldermen.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of the board of managers of the Hospital for Negro Insane at Rusk, I submit for legislation the subject of appropriating an additional \$150,000.00 for the completion of the hospital provided for at the regular session of your body. It appears that the contract cannot be let by the board of managers under the present appropriation, and I am accompanying this message with a letter from the president of the board of managers and from the superintendent giving you the present status with respect to this institution.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Austin, Texas, March 7, 1918.

Hon. W. P. Hobby, Governor of Texas, Austin, Texas.

Dear Sir: We, the board of managers of the Hospital for Negro Insane at Rusk, and the superintendent of said institution respectfully represent to your excellency that we have, after due advertisement, received bids for the construction and remodeling of said institution, and we hereby recommend to you, the Treasurer and Comptroller of Public Accounts the final letting of said general contract. The amount of the appropriation is insufficient, however, to cover the necessary cost of construction as it should be constructed, and as required by the act creating same.

Our decision to submit the situation to you and at the same time ask you to request the Legislature for an additional appropriation is controlled by your well known views in opposition to authorizing deficiencies, and with which we are in hearty accord.

We understand that when the original appropriation was made that it was estimated that it would cost three hundred thousand dollars to construct and equip the hospital. There has been a marked increase in the cost of material and labor since that time.

In our opinion an additional one hundred and fifteen thousand dollars should be appropriated to cover the whole cost of the construction

and remodeling the institution, and thirty-five thousand dollars for equipping the same. With such an appropriation as now asked for the completed plant would be worth not less than six hundred thousand dollars. If this is not done, property worth, for this necessary purpose, two hundred and fifty thousand dollars, or more, will be wholly lost to the State.

The money realized from the sale of the iron industry at Rusk, one hundred twelve thousand and five hundred dollars, would largely take care of this added appropriation, and a further sum should be realized from the sale of the box factory.

All the asylums and jails are now full of insane persons and it is imperative that this unfortunate situation be remedied at once.

Very respectfully,

The Hospital for Negro Insane.

By W. T. Norman, President of the Board of Managers.

Chas. L. Gregory, Superintendent.

Message From the House.

Hall of House of Representatives.

Austin, Texas, March 8, 1918.

Hon. E. A. Decherd, 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. 19, Creating the Bellville Independent School District in Austin County, Texas.

H. B. No. 40, A bill to be entitled "An Act adding to and making a part of the Port Lavaca Independent School District in Calhoun County, Texas, including the town of Port Lavaca, certain lands and territory adjoining thereto, and declaring an emergency."

H. B. No. 57, Authorizing the commissioners court of Anderson County, Texas to cancel all previous orders of said court authorizing the issuance of road bonds under provisions of Chapter 2, Title 18.

H. B. No. 59, Appropriating \$5,000. to the State Council of Defense.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

as a special order for next Tuesday at the conclusion of the morning call.

Bills and Resolutions.

(By unanimous consent.)

By Senator Johnston of Harris:

S. B. No. 27, A bill to be entitled "An Act to permit railroad corporations, by and with the permission of the Railroad Commission of Texas, and the county commissioners court of the county wherein located, to change, relocate, or abandon any portion of its line without and adjacent to the limits of any incorporated city containing 50,000 inhabitants or more according to the United States census of 1910, and to permit such railroad corporation to change, relocate or abandon any portion of its line within the limits of any incorporated city containing 50,000 inhabitants or more, by and with the permission of the Railroad Commission of Texas and the city council or board of aldermen of such city; and to require such railroad corporation to make such change, relocation or abandonment upon the order of such Railroad Commission, upon the application of such city council or board of aldermen, and providing for the exercise of the right of eminent domain to acquire right of way and depot grounds when lines are changed or relocated, and validating such changes, relocations or abandonments when heretofore authorized by the Railroad Commission of Texas; and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to the Committee on Internal Improvements.

By Senator Dean.

S. B. No. 28, A bill to be entitled "An Act creating a court to be styled the Commission of Appeals of the State of Texas, to consist of six persons, learned in the law, to be appointed by the Governor, by and with the advice of the Senate, which shall sit in two sections, known as Section A and Section B, each section consisting of three members, and who shall hold their office for two years and receive for their services a salary of \$5,000 per annum, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Caldwell.

S. B. No. 29, A bill to be entitled "An Act fixing the salary of the Adjutant General and making an appropriation of \$7,200.00 or so much thereof as may be necessary, out of moneys in the State Treasury for the years ending August 31, 1918 and August 31, 1919; repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Strickland:

S. B. No. 30, A bill to be entitled "An Act to better provide for the location, establishment and construction of the hospital at Rusk, Texas, for the care, treatment and support of insane persons of the African race, or African descent, and to better define the property of the State at Rusk, Texas, set aside for the use of same; approving the sale of the iron industry situated on the property of the State at Rusk, and of the necessary land; and authorizing the sale of the box factory there situated and the lease of the land used by the box factory for not more than twenty-five years, and making an appropriation therefor, and to reimburse the Prison Commission for funds in their hands appropriated herein.

Read the first time and referred to the Committee on Finance.

Messages From the Governor.

The private secretary to the Governor here appeared at the bar of the Senate with several executive messages.

The same were laid before the Senate and read, as follows:

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Messrs. Poage and Henderson, I submit for your consideration an Act creating and incorporating the Highland Independent School District in McLennan County.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. R. E. Thomason, I submit for your consideration an Act to amend Chapter 88, Acts of the Regular Session of the Thirty-fifth Legislature, providing a more adequate system of laws relating to irrigation.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: I submit for your consideration an Act for the relief of the Supreme Court of Texas, authorizing the creation of a Commission of Appeals.

The very crowded condition of the docket of the Supreme Court, resulting in such delays as frequently affects large property values and defeats the ends of justice, creates the necessity for this relief. Such legislation is recommended by Hon. Nelson Phillips, Chief Justice of the Supreme Court of Texas, Hon. B. F. Looney, Attorney General of Texas, and unanimously by the Committee on Law Reforms of the Texas State Bar Association.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: I submit for your consideration the subject of defining the jurisdiction of the Supreme Court of Texas.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. R. L. Templeton, I submit for your consideration an Act creating

the Follett Independent School District of Lipscomb County, Texas.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: I submit for your consideration an Act providing for the appointment of official stenographers for grand juries by the judges of the district courts presiding over same, and prescribing their qualifications and duties, and providing for their compensation, and prescribing the time and method of transcribing and furnishing to the district or county attorneys of such counties or judicial districts, of the evidence and testimony adduced and given before such grand juries in the investigation of crimes and offenses coming before such bodies.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. S. J. Osborne, I submit for your consideration an Act authorizing the commissioners court of Kaufman County to unite two or more justice precincts or add any election precinct territory to a justice precinct for the purpose of electing or appointing a public weigher.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. Walter D. Caldwell, I submit for your consideration an Act fixing the salary of the Adjutant General and making an appropriation of \$7,200.00 or so much thereof as may be necessary, for the payment of such salary for the years ending August 31, 1919.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.
Austin, Texas, March 8, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: At the request of
Hon. D. J. Neill, I submit for your
consideration an Act to amend road
law for Eastland County.

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

Governor's Office.
Austin, Texas, March 8, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: At the request of
Hon. W. E. Pope, I submit for your
consideration an Act regulating the
purchase of junk by persons engaged
as junk dealers or in the junk busi-
ness, providing for uniform affida-
vits of junk sellers, and for same to
be kept in well bound book, subject
to the inspection of the public, pro-
viding punishments for the violation
of same, defining terms "junk deal-
ers" and "junk business."

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

House Bill No. 9—Free Conference Committee Elected.

Senator Johnston of Harris made
the following written motion:

We move that the Senate grant the
request of the House for a Free Con-
ference Committee on House Bill No.
9, and the following be elected on
the part of the Senate: Lattimore,
Dean, Bee, Buchanan of Bell, Hen-
derson.

BUCHANAN of Scurry.
JOHNSTON of Harris.

The motion was read and Senator
Floyd offered the following substi-
tute.

I move that the Senate accede to
the request of the House for a free
conference on House Bill No. 9 and
that the following be elected on the
part of the Senate: Bee, Page, Lat-
timore, Westbrook and Collins.

FLOYD.

The substitute was read and lost
by the following vote:

Yeas—5.

Buchanan of Bell. Floyd.

Johnson of Hall. Sulter.
McNealus.

Nays—11.

| | |
|---------------------|---------------------|
| Bee. | Henderson. |
| Buchanan of Scurry. | Johnston of Harris. |
| Caldwell. | Page. |
| Decherd. | Parr. |
| Faust. | Strickland. |
| Hall. | |

Present—Not Voting.

| | |
|------------|------------|
| Alderdice. | Dean. |
| Collins. | Lattimore. |

Absent.

| | |
|---------|------------|
| Bailey. | Hopkins. |
| Clark. | Robbins. |
| Dayton. | Westbrook. |
| Gibson. | Woodward. |

Absent—Excused.

| | |
|-----------|--------|
| Hudspeth. | Smith. |
| McCollum. | |

Action then recurred upon the
written motion of Senator Johnston
and the same was adopted.

House Bill No. 31.

The Chair laid before the Senate
on second reading:

H. B. No. 31, A bill to be entitled
"An Act to establish Common School
District No. 19 in Dickens County,
Texas, etc., and declaring an emer-
gency."

The Senate rule requiring commit-
tee reports to lie over one day was
suspended.

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 Johnson of
Hall, the constitutional rule requir-
ing bills to be read on three several
days was suspended and House Bill
No. 31 put on its third reading and
final passage by the following vote:

Yeas—23.

| | |
|---------------------|---------------------|
| Alderdice. | Decherd. |
| Bee. | Faust. |
| Buchanan of Bell. | Floyd. |
| Buchanan of Scurry. | Hall. |
| Caldwell. | Henderson. |
| Collins. | Hopkins. |
| Dayton. | Johnson of Hall. |
| Dean. | Johnston of Harris. |

laundries or other establishments where women are employed, providing for the proper temperature and ventilation for the protection of the health of employes, requiring the removal of gas, affluvia or odors from places where employes are required to work and means to allay dust injurious to the health of persons employed, prohibiting decomposed or putrescent matter or refuse of any kind to be allowed to remain in or around such place of employment, providing for cleaning, sweeping and dusting outside of working hours, requiring doors used by employes as entrances and exits to open outward, prescribing the number of water closets, earth closets or privies to be supplied and requiring separate closets or privies for males and females, requiring such closets or privies to be kept clean and effectively disinfected and ventilated, authorizing the Commissioner of Labor Statistics or any of his deputies or inspectors to enter any factory, mill, workshop, mercantile establishment, laundry or other establishment for making inspection and enforcing the provisions of the Act, authorizing the said commissioner, his deputies or inspectors to issue an order for the correction of unsanitary or immoral conditions or neglect to remove fumes and gases injurious to employes where females are employed; in case of failure or refusal on the part of owner, superintendent, manager or other person in control or management of such establishment giving the Commissioner of Labor Statistics or his deputies or inspectors power to close such establishment or any part of it until such time as said orders are complied with, providing how such powers may be exercised and providing a method for testing the validity, etc., of such orders, fixing penalties for violation of provisions of this Act and declaring an emergency."

Read first time and referred to Committee on Labor.

Morning call concluded.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, March 11, 1918.

Hon. E. A. Decherd, 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:

H. B. No. 26, A bill to be entitled "An Act to amend Chapter 67 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, as amended by Chapter 31 of the Acts of the First Called Session of the Thirty-third Legislature and the same is hereby amended so that Sections 2, 3, 4 and 5 of said Chapter 31 shall be divided in seven sections, 2, 3, 4, 5, 5a, 5b and 5c, reading as shown below; also by amending Section 9 of Chapter 31, so that it will read as shown below; said sections as amended to be incorporated in and become a part of said Chapter 31."

H. B. No. 41, A bill to be entitled "An Act to provide for the teaching of lessons in patriotism in the public schools of this State, for the proper display of the United States flag in connection with every public school of the State, and directing the State Superintendent, county and city superintendents in the discharge of their duty relative thereto."

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair had referred, after their captions had been read, the following House bills:

H. B. No. 26, referred to the Committee on Criminal Jurisprudence.

H. B. No. 41, referred to the Committee on Educational Affairs.

Messages From the Governor.

Mr. S. Raymond Brooks here appeared at the bar of the Senate, with several executive messages, which were laid before the Senate and read, as follows:

Governor's Office,
Austin, Texas, March 8, 1918.
To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. W. H. Bledsoe, I submit for your consideration an Act creating and incorporating the Close City Independent School District in Garza County, Texas.

Respectfully submitted,

W. P. HOBBS,
Governor of Texas.

Governor's Office.
Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of the Commissioner of Agriculture, I submit for your consideration an Act making an additional appropriation for the support of the Department of Agriculture to pay expenses for nursery inspectors.

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

Governor's Office.
Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of Senator J. C. McNealus, I submit for your consideration an Act to establish and create within the city of Dallas, Texas, a court to be styled and known as the "Corporation Court of the City of Dallas."

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

Governor's Office.
Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of Hon. W. M. Fly, I submit for your consideration the following subject: "An Act amending Section 1, Chapter 91, of the General Laws passed by the Thirty-fourth Legislature at its regular session, requiring applicants for license to practice law under the provisions of said chapter to produce the proof of the existence of the same or similar statute in the State from which the applicant immigrates."

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

Governor's Office.
Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of Hon. W. T. Williams of Brazoria County, I submit for your consideration the following subject: "An Act to amend Article 5700 of the Revised Civil Statutes of the State of Texas, so as to make

same apply to all suits based on fraud."

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

Governor's Office.
Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

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

Enactment of a law for the protection of the health, safety and comfort of employes in factories, mills, workshops, mercantile establishments, laundries or other establishments where women are employed.

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

Governor's Office.
Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

I beg to submit for your consideration the following subject:

That portion of the joint report of the Central Investigating Committee appointed by the Senate and House of Representatives of the Thirty-fifth Legislature, under the head of "Legislative Department," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "Governor's Office," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "Lieutenant Governor's Office," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "Secretary of State's Office," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "Comptroller's Department," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of the "Treasury Department," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "Land Office," and reference is hereby made to the same as it appears in the report of said committee.

That portion of the report under the head of "Attorney General's Department," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "Assistant Attorney General," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "The Judiciary," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "Trial Courts," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "Eleemosynary Institutions," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "State Purchasing Agent," and reference is hereby made to the same as it appears in the report of said committee.

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

Governor's Office.

Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

I beg to submit for your consideration the following subject:

"An Act authorizing the Board of Prison Commissioners to transfer to the general fund of the State an amount equal to that paid out since November 1, 1917, on account against the Prison Commissioners for which appropriations were made by the Thirty-fifth Legislature at the Regular Session and First Called Session; also to authorize the Board of Prison Commissioners to pay out of the funds of the prison system the second installment of these claims due and payable November 1, 1918.

The appropriation made by the Legislature at the First Called Session, was, as follows:

Appropriated, page 256,

First Called Session,

Due Nov. 1, 1917...\$ 46,612.23

Due Nov. 1, 1918...\$ 49,061.53

Total - - - - \$ 95,673.76

Appropriated, page 451,

Regular Session—

Principal\$554,533.18

Interest\$100,000.00

Total - - - - \$654,533.18

Total amount appro-

priated\$750,206.94

Amount paid—

Principal\$ 45,539.68

Principal\$277,193.18

Interest\$ 39,690.57

Total amount paid.....\$362,423.43

Balance unpaid\$387,783.51

The balance of \$387,783.51 represents amount due November 1, 1918.

It is, therefore, suggested that the Legislature authorize the Board of Prison Commissioners to transfer to the general fund of the State \$375,000.00, or so much thereof as may be necessary covering the amounts paid out since November 1, 1917, and the Commissioners be further authorized to pay those accounts which have been made payable by the Legislature on November 1, 1918.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of the State Council of Defense, I submit for your consideration the following subject: "An Act to make appropriation for the maintenance of the State Council of Defense and the payment of the secretary thereof and his assistants, traveling expenses and other necessary expenses to be incurred by the State Council of Defense including clerk hire."

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of the State Council of Defense, I submit for your consideration the following subject: "An Act to amend Section 4, Chapter 8, General Laws of the First Called Session of the Thirty-fifth Legislature of the State of Texas, entitled 'An Act to create a State Council of Defense, defining its powers and duties, making an appropriation to carry on the work of said Council of Defense.'"

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

Governor's Office.

Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. R. E. Thomason of El Paso, I submit the following subject for your consideration: "An Act to amend Chapter 93, of the Acts of the Thirty-fifth Legislature, approved by the Governor, March 26, 1917, and being, 'An Act creating the El Paso County Court at Law, to fix and prescribe the jurisdiction thereof, and to conform to such change in the jurisdiction of the County Court of El Paso County, fixing the salaries of the judges of the County Court of El Paso County, and of the El Paso County Court of Law.'"

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

Governor's Office.

Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

I submit for your consideration the following subject: The enactment of a law or laws authorizing such appropriation as may be necessary to enable the State to make refund for canceled liquor licenses.

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

Governor's Office.

Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of the Board of Trustees of the Texas Deaf and Dumb and Blind Institute for col-

ored youths, I submit for your consideration the subject of additional appropriation for the support and maintenance of that institution.

I accompany this message with a letter from the president of the board of trustees and from the superintendent of the Texas Deaf and Dumb and Blind Institute.

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

Texas Deaf and Dumb and Blind Institute for Colored Youths.

Austin, Texas, March 8, 1918.

Governor W. P. Hobby, Capitol Station, Austin, Texas.

Dear Sir: In view of the great increase in price of nearly all commodities or necessities of life since our estimate budget was made up in November, 1917, and filed with the Comptroller for legislative enactment by the Thirty-fifth Legislature, it is now evident that the support and maintenance, the dry goods and stationery, stamps, and printing appropriations, made by the Legislature for the Deaf, Dumb and Blind Institute for Colored Youths for the year beginning September 1, 1918, and ending August 31, 1919, are inadequate and insufficient. This is no fault of the Legislature, however, but is due to the fact that the superintendent and board of managers of the institution were unable to foresee at the time of making the estimates that the price of goods would advance 100 to 125 per cent in 12 or 18 months.

Since the above is true, Governor, and since we know the struggle that we are now having to make ends meet for the present year, we are beseeching your honor to submit to the present special called session of the Legislature a message or request to grant us the following supplemental or emergency appropriations for the year beginning September 1, 1918, and ending August 31, 1919, to wit:

| | |
|--|------------|
| For support and maintenance, not otherwise provided for..... | \$3,500.00 |
| For dry goods and clothing | 2,000.00 |
| For stationery, stamps and printing..... | 50.00 |
| Total - - - - | \$5,550.00 |

Believe us, Governor, that we are using the strictest economy possible with 158 students to clothe and 192 persons to feed.

Very respectfully,
E. D. MILLER,
President Board of Trustees.
ED SCHUTZE,
Vice President.
R. E. L. HOLLAND,
Superintendent.

Governor's Office.
Austin, Texas, March 11, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

I beg to submit for your consideration the following subject: The enactment of a law or laws to enable county and State health officials to more adequately deal with the control of venereal diseases.

Accompanying this message, I submit for your consideration a letter from Major W. A. Sawyer, and Lieutenant G. J. Anderson, representing the Fosdick Commission on Training Camp Activities, and making suggestion of adequate laws to accomplish the object sought.

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

War Department.

Commission on Training Camp
Activities.

Houston, Texas, March 9, 1918.
Hon. W. P. Hobby, Governor of
Texas, Austin, Texas.

Dear Sir: In accordance with your suggestion we have conferred with members of both houses of the Legislature and have explained to them the measures which are necessary if the State of Texas is to cooperate with the army to the fullest degree in protecting soldiers against venereal disease and other damage due to vice. Certain measures are submitted which would meet the War Department program as outlined in the recent communication from Secretary Baker to you. These include the following five measures:

1. A statute providing for the control of venereal diseases by the health authorities.

2. A statute creating a bureau of venereal diseases to enforce the above statute and providing for the support of the same.

3. The amendment of the present injunction and abatement law to strengthen its effectiveness in the suppression of the commercialized vice institution instead of a fine for women convicted of prostitution.

5. A statute committing the expeditious removal of any municipal or county official who neglects or refuses to enforce the law.

In addition to the above the Secretary of War recommended in his letter the establishment of reformatories and institutions for the feeble minded. We understand that these measures are under consideration at the present time in Washington by a delegation from Texas. The measures above numerated are considered urgent.

In behalf of the War Department, we wish to express our appreciation of your cooperation with the army and of the courtesies extended to us by yourself and members of both houses of the Legislature.

Respectfully yours,

W. A. SAWYER,
Major M. R. C.,
Representing Surgeon General
Gorgas.

G. J. ANDERSON,
First Lieutenant Sanitary Corps,
Representing War Department Com-
mission.

Governor's Office.
Austin, Texas, March 11, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of Hon. R. M. Dudley of El Paso, I submit for your consideration the following subject: "An Act to make appropriation for deficiency in appropriations heretofore made to pay salary of Hon. W. D. Howe as special judge of the Thirty-fourth Judicial District Court in El Paso County, Texas, in the sum of one hundred fourteen dollars ninety-four cents. (\$114.94.)

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

Senate Bill No. 10.

The Chair laid before the Senate as special order and on second reading:

S. B. No. 10, A bill to be entitled
"An Act authorizing the creation and

Absent—Excused.

Dayton. McCollum.
Lattimore.

Messages from the Governor.

Several executive messages were at this time presented by Mr. Brooks from the Governor's office. The messages were laid before the Senate and read as follows:

Governor's Office,
Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Messrs. Jones and Dodd, I submit for your consideration an Act to amend House Bill No. 820, which is chapter 137 of the local and special laws passed at the Regular Session of the Thirty-fifth Legislature, approved March 28, 1917, creating a more efficient road system for Bowie County, Texas.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

I submit for your consideration the following subject:

To enact a law to provide for the creation of corporations to prevent the pollution of streams, and to that end empowering such corporations to gather, impound and store water containing salt or other substances produced in the drilling or operation of oil wells or other wells; and authorizing such corporations to charge reasonable rates for service; and prohibiting discrimination between patrons; and conferring upon such corporations the power of condemnation of necessary land and rights; authorizing corporations interested in the proper disposition of such waters to subscribe for, own and vote stock in corporations created thereunder; and declaring an emergency.

The unusual deficiency in rainfall has lessened the flow of water in the streams, particularly in the southeastern part of the State, used for the irrigation of rice and other crops. As previous experience has shown, the result will be that salt

water will come from the gulf and fill these streams with water, so impregnated with salt as to render it unfit for use in irrigation. You have before you now a bill to remedy this situation.

In addition to this salt water which will come up from the gulf, there is another difficulty to the successful raising of rice or other crops by means of irrigation. This difficulty arises from the fact that within the watersheds of these streams so used for irrigation there are oil wells and other wells that produce large quantities of salt water. As to oil wells, it is impossible to produce the oil and not raise the salt water also to the surface, and this salt water, unless impounded, finds its way into the streams so used for irrigation.

Of course, the raising of crops by irrigation, particularly of rice, is always of great importance to our people. At this time, because of the war, it is more essential. In like manner the production of petroleum must not be interfered with, especially at this time, because of the great demand for fuel oil to operate the light fleets of our own navy and those of our allies, and for the gasoline essential for motor truck and airplane service. I think you will agree that the State should do anything in its power to remove any obstruction to the successful conduct of both of these industries.

The owners and operators of such wells have spent and are now spending large sums of money in attempting to prevent the flow into the streams of the salt water so produced in the operation of their wells, but neither these individuals nor such corporations have the power to condemn lands for reservoirs, ditches and canals so as to provide the requisite systems for the impounding of the salt water so produced, and they meet with much difficulty in obtaining the lands and rights of way necessary for that purpose. In my judgment, they should be aided in their efforts to install such systems, by being permitted to create corporations for that purpose and to have the power to condemn the requisite lands and rights, of

course, paying therefor just compensation.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session:

Gentlemen: I submit for your consideration the subject of an additional appropriation to build a quarantine station at Sabine Pass. An appropriation of \$65,000 was made by the Legislature, and after advertising for plans and bids to build the station and the contract was awarded, it was ascertained that the proposed foundation would not serve the purpose.

Application was made to me for authorization of a deficiency warrant of more than \$18,000 to meet the necessary additional expense. I declined to authorize this deficiency and made settlement for the work done, under authority of the legislative Act, by paying 10 per cent of the contract price for the building. An agreement was entered into at the same time that if before April 1st it be the desire of the Legislature to make the additional appropriation for the foundation, the contractor would carry out the contract on the original cost basis and the amount paid would be applied on the same.

I am accompanying this message with a letter from Dr. W. B. Collins, State Health Officer, who conducted the negotiations to erect the building, and which communication is self-explanatory and is submitted for your consideration.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

(Copy.)

February 25, 1918.

To His Excellency, Governor W. P. Hobby, Austin, Texas.

Dear Governor: In obedience to your request I am giving you the history of the appropriation to build a quarantine station at Sabine Pass, also reasons for failure to build same at present. In the first place, a committee of engineers were selected by the Texas State Board of Health and Port Arthur Board of Trade to

get up data as to the importance of Sabine Pass as a shipping point, to pass on the foundation for a station and recommend to the Thirty-fifth Legislature the passage of a bill carrying an appropriation adequate to build this station. The plan and request for an appropriation contemplated a modern fire and storm proof edifice, erected near the deep water channel at Sabine Pass. This building was to provide means of quarantining all persons subject to quarantine and treat all ships and their contents, disinfecting baggage of persons coming from infected ports. In a word, make safe all ships, passengers, freight and baggage which might come from any infected port or place, and go to either Sabine, Port Arthur, Port Neches, Beaumont or Orange. One station to provide all these ports. The Legislature appropriated \$65,000 for this purpose. I immediately secured a permit from the United States Government to build this station; advertised for plans and bids to build the station; made a contract to build same, but upon investigation it was found that the foundation would not do at all to put a building on of this kind. It would take approximately \$18,000 more money than the Legislature had appropriated to drive piles every four feet, fifty feet deep, put a concrete cap on them with girders to hold them together which would support the building. To be more concise, an artificial foundation would have to be made costing approximately the above amount in addition to the sum appropriated by the Legislature.

You will remember that the contractor and myself called on you and discussed the advisability and legality of issuing a deficiency warrant to cover the amount required to do this additional work. The additional work, you will remember, also included dredging a slip from the deep water channel to the house, and curbing a boat well under the house near the wharf which would be required for landing people going to and from the station. Your conclusion was, if I remember correctly, that a deficiency warrant could not be issued for this purpose. At any rate, you preferred to wait and let the Legislature act with all facts before it.

Messrs. Kroeger & Weston, the contractors, claimed that they were damaged in not being allowed to go on and build the house, but agreed to complete their contract, upon the payment of 10 per cent of the contract price, after a period of ninety days. The 10 per cent paid them as damages by yourself for the State was to be credited on the contract price, provided the Legislature appropriated the amount necessary to complete the building, and allowing them to begin their work within ninety days. To be brief, they would carry out the original terms of their contract, giving the State ninety days through the Legislature to appropriate the supplemental funds, letting the 10 per cent paid by the State as damages for forfeiture of contract to be applied as a credit on the building, if provided for by the Legislature and work begun within ninety days from the time this sum was paid.

I am giving you these details in order that you may request the Legislature to appropriate this sum so that we may go ahead and complete this station, which I think very important. Sabine is now one of the most important ports on the Gulf Coast, being the gateway to all of the above stations, and since the beginning of the war there has been a large shipyard erected at Beaumont, which has increased the tonnage shipped to and from the port very materially. Furthermore, the amount paid the contractors and drawer of the plans will be clear loss to the State unless provision is made to complete the station. This is an item to be considered. The plumbing and lighting contractors have also begun to want damages for failure to be allowed to comply with their contracts on this building. I do not know what sum they will ask, but they have indicated that they will want some damages.

In my judgment it would be wise to ask the Legislature to make this appropriation. However, I am merely stating this in an advisory way, and not in a spirit of dictation. I leave this to your good judgment.

Hoping I have given you sufficient detail upon which to form a correct and businesslike conclusion,

I am, with kindest personal regards and best wishes,

Yours very truly and obediently,
(Signed) W. B. COLLINS,
State Health Officer.

(Copy.)

Austin, Texas, Dec. 20, 1917.

Hon. W. P. Hobby, Governor of Texas,

Austin, Texas.

My Dear Sir: We hereby beg to confirm mutual agreement reached relative to cancellation of a contract entered into between the State of Texas and our firm on the 24th day of August, 1917, for the erection of a quarantine station at Sabine Pass, Texas, said agreement being as follows, to wit:

We to be allowed reimbursement for amount already expended thereunder, to wit: The amount of \$1,000 and the additional amount of \$4,790, the same being 10 per cent of the remainder of the total estimate of cost of construction, the total amount being \$5,790 to be paid to us.

It is further understood and agreed, and we hereby bind and obligate ourselves, that in the event the necessary amount for constructing the proper foundation is raised and placed at our disposal (the amount not having been provided for in the appropriation, and being about \$11,000), we will re-enter into the same contract with the State of Texas for the construction of this quarantine station, within a period of ninety days, and allow the said amount of \$5,790 to be a credit on said contract price.

Witness our hands this the 20th day of December, A. D. 1917.

(Signed)

WESTON & KROEGER,
By W. B. Kroger,
Member of the Firm.

Approved:

W. P. HOBBY,
Governor of Texas.

Governor's Office,

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

I submit for your consideration a financial statement of the State Prison System at the close of business February 28, 1918. I have also col-

lected data pertaining to the various farms operated as a part of the State Prison System, which is submitted for such reference as the members of the Legislature may wish to make of it.

That it is better business policy for the State to own the lands being farmed by the State and on which the convicts are worked can not be successfully denied. The amounts annually paid for rent will in a few years purchase the land, and the State will profit to that extent. But a more important reason for the State to own these lands is because the State has a freer hand in providing better surroundings and better working conditions when the property is owned rather than rented by the State. The housing facilities and the sanitary and physical surroundings should be in keeping with the best method of affording humane treatment and comfortable quarters to the prison inmates, and ownership of the property they work will make that easier of accomplishment.

In my judgment, the Prison Commissioners should, as the finances of the System permit, exercise all of the options to purchase those farms under lease.

In the prison law which became effective in January, 1911, one of the principal changes affecting the operation of the State penitentiaries arose from the provisions of the law requiring the working of the prison population on State properties and on State account, the statute declaring this to be the established policy of the State in the operation of its Prison System. This law, in all substantial particulars, remains in force today.

The Legislature, by the enactment of the statute referred to, authorized the Prison Commission, with the Governor's approval, to acquire by purchase such farming lands as might be necessary for the employment of all convicts not worked in the prison factories or otherwise. The action of the Legislature in passing this law seems to have been the culmination of a general trend in that direction through several successive periods in the history of the State penitentiaries.

As but a limited number of prisoners could be accommodated or ad-

vantageously worked in the two walled prisons at Huntsville and Rusk the great majority of the prisoners have at all times been used in the farming operations. As the Prison System in 1911 did not own a sufficient acreage of farm lands for the employment of all the prisoners available for that class of work and did not at that time possess funds for the purchase of any land the Prison Commission resorted to the course of entering into a number of lease contracts in order to acquire the additional acreage needed, all of these leases granting to the Commission an option to purchase the lands at any time during the life of the lease at the agreed price stated therein.

The first farm purchased by the Prison System was the Harlem State Farm in Fort Bend County in the year 1887 and several additional farms and tracts of land have been purchased since. On January 1, 1917, the System owned a total acreage of 56,017 acres, of which 31,640 acres were in cultivation. The tracts of land under lease on January 1, 1917, containing 22,834 acres in cultivation of a total acreage of 34,191.

Detailed statements of the land owned and under lease at the present time are attached and made a part of this message. The financial success of the System for the year 1917 placed sufficient means at the disposal of the Commission and the Governor enabling them to purchase additional bodies of land for the State and it was considered advisable and expedient to do so, not only with the view of complying with the intent and provisions of the law, but as a sound business policy for the State as well, it appearing that the price at which the property could be bought and the terms on which payment could be met in any average year by the amount it would be necessary to pay the owner of the land as rent should the State continue to lease the property. Consequently, in accordance with the terms of contracts entered into in December, 1917, and January, 1918, the following tracts of land have been purchased and duly conveyed to the State, to wit:

1. The Retrieve Plantation, Brazoria County, Texas, containing 7424.4 acres of land, conveyed by T.

Martin to the Prison Commission by deed dated February 1, 1918, for a total consideration of \$320,879.60, at the rate of \$50 per acre for the land in cultivable condition, and \$40 per acre for the timbered land and land not at present in a state of cultivation; terms of payment \$125,879.60 cash, balance in six equal annual installments, the first installment falling due January 1, 1920; the deferred payments bearing five per cent interest payable annually.

2. The Masterson Plantation, Brazoria County, Texas, containing 3900 acres of land, conveyed by Branch T. Masterson to the Prison Commission by deed dated December 31, 1917, for a total consideration of \$136,500 at the rate of \$35 per acre; terms of payment \$50,000 cash, balance in ten equal annual installments, the first installment falling due December 31, 1918; the deferred payments bearing six per cent interest payable annually.

3. The Jackson Place, in Brazoria County, Texas, containing 3377.99 acres of land, conveyed by Bassett Blakely to the Prison Commission by deed dated January 1, 1918, for a total consideration of \$135,119.60, at the rate of \$40 per acre; terms of payment \$50,000 cash, balance in ten equal installments, the first installment falling due January 1, 1919; the deferred payments bearing six per cent interest payable annually.

The Masterson and the Jackson places, above referred to, adjoin and lie adjacent to the Ramsey State Farm and will henceforth properly be a part of that farm and will continue under the Ramsey Farm management, as has been the case during the past several years that the Masterson and Jackson places have been leased by the System. The original tract, designated as the Ramsey State Farm, was acquired by purchase some ten years ago. The Retrieve Farm, near the town of Angleton, Texas, is not attached to any other State Plantation and constitutes an independent farm itself.

The attached statements will show the acreage now owned and leased by the Prison System. Statement "A" gives the names and locations of the State owned properties with total acreage and acreage in cultivation;

Statement "B" gives names of leased tracts, lessors and acreage in cultivation thereon; Statement "C" gives total acreage contained in the leased tracts, rental terms and option price per acre at which the land can be bought by the State. Of a total of 70,719.39 acres owned by the State, 36,800 acres are in cultivation. The principal crops produced are cotton, sugar cane, corn and other feedstuffs, and garden truck.

The total prison population on March 1, 1918, was 3655, of the various farms of the system.

The three tracts of land recently purchased are considered by the Prison Commission to be splendid acquisitions. In 1917 the gross value of the crops produced on the Jackson place practically equalled the entire purchase price of the property; the production on the Masterson place amounted to nearly sixty per cent of the purchase price, while the gross production on the Retrieve Farm amounted in value to practically one-third of the entire purchase price of the farm. Within the next thirty days approximately \$15,000 worth of wood cut from the Ramsey Farm, including the Masterson place, will be ready for shipment. The wood has already been sold under contract for early delivery. I am accompanying this message with a letter from the Prison Commission, setting forth the reasons for and the advantages of the purchases made.

The State's policy of working prisoners only on State owned property and of utilizing the great majority of convicts in farming, especially at a time such as the present when the cry for greater production is so universal, suggests the advisability and wisdom of the Prison System making further purchases of land as soon as it may be found practicable and expedient to do so and of exercising the options it now holds to purchase large bodies of land that are being worked under lease contracts, with the end in view of the State acquiring ownership of all the farm land needed for the proper employment of the convicts assigned to that class of labor.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

"A."

Statement of Lands Owned by the Prison System on March 1, 1918, Showing Total Acreage and Acreage in Cultivation for the Year 1918.

| Name of Farm. | County | Total Acreage | Acreage in Cultivation. |
|---------------------------|-----------------|---------------|-------------------------|
| Harlem State Farm..... | Fort Bend | 5,579 | 4,704 |
| Imperial State Farm..... | Fort Bend | 5,235 | 4,579 |
| Ramsey State Farm* | Brazoria | 15,039.99 | 6,704 |
| Clemens State Farm..... | Brazoria | 8,255 | 5,985 |
| Eastham State Farm..... | Houston | 13,040 | 7,220 |
| Ferguson State Farm..... | Madison | 4,320 | 1,700 |
| Shaw State Farm..... | Bowie | 4,610 | 2,460 |
| Retrieve State Farm..... | Brazoria | 7,424.4 | 2,400 |
| Wynne State Farm..... | Walker | 1,976 | 505 |
| Goree State Farm** | Walker | 1,000 | 544 |
| Rusk Prison Lands***..... | Cherokee | 4,240 | |
| Totals | | 70,719.39 | 36,800 |

*Ramsey Farm includes Masterson and Jackson Places recently purchased.

**Goree Farm is the Women's Farm.

***Rusk Prison lands will no longer be available for use by the Prison System.

"B."

Statement of Lands Leased by Prison System under Contracts in Force for Year 1918.

| Name of Farm | Lessor | Acreage in Cultivation |
|---------------------------|-----------------------|------------------------|
| Blue Ridge Farm..... | Bassett Blakely | 7,000 |
| Bassett Blakely Farm..... | Bassett Blakely | 2,552 |
| John D. Rogers Farm..... | John D. Rogers..... | 2,730 |
| Darrington Farm | Bassett Blakely | 3,500 |

Small Tracts Leased, Adjoining State Farms.

| | | |
|--------------------------|----------------------------|-------|
| Clemens State Farm: | | |
| Caldwell Place | T. W. Caldwell..... | 343 |
| Imperial State Farm: | | |
| Turner Place | Bassett Blakely | 1,000 |
| McLaughlin Place | Mrs. D. F. McLaughlin..... | 167 |
| Shamblin Place | Mrs. E. J. Shamblin..... | 100 |
| Harlem State Farm: | | |
| Figure Four Ranch..... | Real F. Ransom..... | 1,900 |
| Blakely Land | Bassett Blakely | 483 |
| Fields Place | Mrs. E. J. Fields..... | 200 |
| Ramsey State Farm: | | |
| J. H. Smith Tract..... | J. H. Sieber..... | 107 |
| J. Mort Smith Place..... | J. Mort Smith..... | 100 |
| Barnes Place | A. C. Barnes..... | 190 |
| Schwab Tract | Fred Schwab | 90 |
| Baker Tract | Mrs. J. F. Baker..... | 50 |

Total acres lease land in cultivation.....20,502

"C."

Statement of Lands Leased by Prison System Showing Total Acreage in Tracts, Rental Terms, and Price at which State Has Option to Purchase.

| Name of Tract | Total Acreage | Rental Terms | Option Price per Acre |
|---|---------------|--|-----------------------|
| Blue Ridge No. 1..... | 5,300 | 25 per cent of crops..... | \$50.00 |
| Blue Ridge No. 2..... | 1,700 | 40 per cent of crops*..... | |
| Bassett Blakely Farm.... | 3,000 | \$15,000 per annum or one-fourth crops produced ... | 60.00 |
| John D. Rogers Farm... | 3,000 | \$12 per acre or 40 per cent of cotton and 50 per cent of corn* | 60.00 |
| Darrington Farm | 6,702 | 25 per cent of cotton and corn and 20 per cent of cane and other crops | 50.00 |
| Clemens Farm Leases: | | | |
| Turner Place | 1,000 | \$7.00 per acre or one-fourth crop | |
| McLaughlin Place | 157 | \$5.00 per acre or one-fourth crop | |
| Shamblin Place | 100 | \$5.00 per acre or one-fourth crop | |
| Harlem Farm Leases: | | | |
| Figure Four Rach..... | 1,928 | \$6.00 per acre or one-fourth crop | |
| Blakely Land | 483 | \$5.00 per acre or one-fourth crop | |
| Fields Place | 200 | \$5.00 per acre or one-fourth crop | |
| Ramsey Farm Leases: | | | |
| J. G. Smith Land..... | 107 | One-fifth of crop produced.. | |
| J. Mort Smith Land... | 100 | One-fifth of crop produced.. | |
| Barnes Land | 209 | One-fifth of crop produced.. | |
| Schwab Land | 152 | One-fifth cotton and one-third corn | |
| Baker Land | 250 | \$205. per annum..... | |
| Total acres, including cultivable and non-cultivable land | | | |
| | | | 24,731 |

*Lessors Blue Ridge No. 2 and John D. Rogers Farm, in addition to mules and farming implements, furnish all planting seed and all feed for stock.

At Darrington and Blue Ridge No. 1, lessors are obliged to furnish a requisite number of mules and guard horses. At Bassett Blakely Farm and Turner Place, lessor furnishes mules, horses and all farming implements and tools.

Board of Prison Commissioners.
Huntsville, Tex., Feb. 25, 1918.
Hon. W. P. Hobby, Governor of Texas, Austin, Texas.

Dear Sir: Relative to the recent purchases of land in Brazoria County made by the Prison Commission with your approval, I have thought it advisable to make this written statement to you setting forth the reasons these properties

were purchased for the prison system, most of which reasons have heretofore been stated to you by letter and in conferences had with you relative to these purchases.

In the first place, the prison law passed in 1911 provided that the Prison Commission might buy so many acres of land as would enable all prisoners hired out or worked on share or contract farms, and who

are not otherwise employed, to be employed directly on farms belonging to the prison system. This policy of the Legislature, as expressed by the statute, has also been the policy of the present Board of Prison Commissioners, practical experience having demonstrated that farming is the best form of labor in which to use the great majority of State convicts.

The three places purchased were the Retrieve Plantation, consisting of 7,424.4 acres, for a total consideration of \$320,879.60; the Masterson Plantation, containing 3,900 acres, total consideration \$136,500; the Felix Jackson place from Mr. Bassett Blakely, containing 3,377.99 acres, total consideration \$135,119.60. These three places and other farms have been leased by the system since 1911, as the system did not own a sufficient acreage for the employment of all the convicts assigned to farm labor, and the financial condition of the system in previous years does not seem to have justified any extensive purchases of land. However, the system's finances at the present time will justify such purchases, and in our opinion, it is good business for the State, as well as for an individual, to own the land it works rather than continue to rent it. The annual payments of rent to the lessor will, in any average year, more than take care of the annual payments on the purchase price, and frequently far exceed these annual installments of the purchase price. For instance, the annual payments of purchase money on the Masterson Plantation, according to the terms of the deed, will be \$8,650, whereas, in 1917, Mr. Masterson was paid in rent and the value of the crop turned over to him, amounting to \$20,530. The annual payments on the Felix Jackson place will be \$8,511.96; the rent paid for the use of this place during 1917 amounted to \$27,149. The deferred payment on the Retrieve place, amounting to \$195,000,

is payable in seven years; the amount of rent paid on this place in 1917 amounted to \$24,821.76.

From the foregoing, it is seen that the annual payments of the purchase money will be taken care of by the annual rent that would have to be paid the lessors had the State continued to lease these properties. In addition to this, as we have previously advised, there are some valuable tracts of timber and wood lands in the premises purchased, and the value of the wood and timber we expect to cut, use and sell each year will go a long way towards paying for the land, if it does not do so entirely.

With further reference to the Retrieve farm, this place is known to be one of the best cane farms in Texas, the yield in any average year being heavy and rich. It is our intention to develop the cane acreage on this farm so as to have in cultivation there within the next four or five years approximately 5,000 acres in cane. The cane will be shipped and milled at the Clemens Sugar Mill, which is only a few miles from Retrieve. This mill represents an investment around \$250,000 and is a modern and well equipped mill in every respect, and has not been run to full capacity during recent years on account of lack of cane in its vicinity. During the year 1917, the mill made a profit of \$37,000 from 1,100 acres of cane on Clemens farm, and but for a short cane crop and the overhead expense, the profits would have been greater. This increased cane acreage on Retrieve farm will enable the Clemens mill to run to full capacity and make a profit in proportion to the amount invested in the machinery, building and equipment of the mill, and the overhead expense will be no greater than in the past, when the mill has been operated only a part of the season.

Yours very truly,

(Signed)

W. G. PRYOR,
Prison Commissioner.

Financial Statement of the State Prison System at the Close of Business
February 28, 1918.

Balance on hand February 28, 1918.....\$1,293,828.36

Distributed as follows:

Union National Bank, Houston, Texas.....\$ 67,548.68
Houston National Exchange Bank, Houston, Texas..... 48,810.59
Huntsville State Bank, Huntsville, Texas 42,513.37
State Treasurer, Austin, Texas..... 1,134,955.72

Total.....\$1,293,828.36

(Signed) JAMES P. WELSH,
Auditor Texas State Prison System.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, March 11, 1918.

Hon. E. A. Decherd, 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. 18, creating the Batson
Independent School District.

S. B. No. 21, creating the Sugar-
land Independent School District.

H. B. No. 55, creating the Lamkin
Independent School District.

H. B. No. 54, creating the Hutto
Independent School District.

H. B. No. 53, creating the Burke-
ville Independent School District.

S. B. No. 15, A bill to be entitled
"An Act to amend Article 7447,
Chapter 5, Title 126 of the Revised
Civil Statutes of Texas of 1911, so
as to hereafter provide that no li-
cense shall be granted to any dealer
in either spirituous, vinous or malt
liquors except within incorporated
cities and towns and prescribing the
distance from certain institutions
and places within which no license
for such business shall be granted.
and declaring an emergency."

H. B. No. 48, A bill to be entitled
"An Act to authorize the commis-
sioners courts of the various coun-
ties of this State to pay for the
services of interpreters employed by
the various courts in this State, and
providing for the collection in civil
suits of the sum of three dollars
(\$3) as cost of interpreter in every
civil suit where an interpreter is
used, and declaring an emergency."

S. C. R. No. 7, relating to waste
paper of House and Senate.

Adopted Free Conference Commit-

tee report on House Bill No. 9 by the
following vote: Yeas, 98; nays, 2.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, President Pro Tem.
Decherd, had referred, after their
captions had been read, the follow-
ing House bills:

H. B. No. 53, referred to the Com-
mittee on Educational Affairs.

H. B. No. 54, referred to the Com-
mittee on Educational Affairs.

H. B. No. 55, referred to the Com-
mittee on Educational Affairs.

H. B. No. 48, referred to the Com-
mittee on Civil Jurisprudence.

Senate Bill No. 41.

Senator Hudspeth moved that the
constitutional rule requiring bills to
be read on three several days be sus-
pended and Senate Bill No. 41 put
on its second reading.

The motion prevailed by the fol-
lowing vote:

Yeas—23.

Alderdice.

Bailey.

Bee.

Buchanan of Bell.

Caldwell.

Collins.

Dean.

Decherd.

Faust.

Floyd.

Gibson.

Hall.

Henderson.

Hopkins.

Hudspeth.

Johnson of Hall.

Johnston of Harris.

McNealus.

Page.

Robbins.

Strickland.

Suiter.

Westbrook.

permit such changes, relocations and abandonments, creates an imperative public necessity and an emergency requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended. And it is further enacted that this law take effect from and after its passage.

TWELFTH DAY.

Senate Chamber,
Austin, Texas.
Tuesday, March 12, 1918.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Decherd.

By unanimous consent and on request of Senator Westbrook, the Senate stood at ease for fifteen minutes, at the expiration of which time, the roll was called, a quorum being present, the following Senators answering to their names:

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

Absent.

Woodward.

Absent—Excused.

Dayton.

McCollum.

Prayer by the Chaplain.

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

Petitions and Memorials

The Chair laid before the Senate a communication from the Commissioner of Agriculture, relating to certain matters of loyalty.

On motion of Senator Page, the communication was laid on the table subject to call.

Committee Reports.

See Appendix.

Bills and Resolutions.

There were none at this time.

Executive Session Postponed.

The hour, 11 o'clock a. m., for executive session having arrived, Senator McNealus moved that the executive session be postponed for thirty minutes. The motion prevailed.

Messages from the Governor.

Mr. S. Raymond Brooks, from the executive office here appeared at the bar of the Senate with the following messages, which were laid before the Senate:

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Pursuant to the recommendation of the joint Legislative Investigating Committee, and at the request of Hon. George B. Terrell of Cherokee County, I submit for your consideration the following subject:

"An Act to provide for the sale and transfer to the United States of all property owned by the State of Texas situated on the gulf coast of Texas and on the Mexican border of Texas along the Rio Grande river and used by the State Quarantine Service, providing for a commission to negotiate the sale of said property to the proper authorities of the United States, providing that the expenses of said commission shall be paid out of the expense funds of their respective departments, authorizing the Governor to execute the deeds and convey the property to the United States, providing that the position and employment of officers and employes in charge and using such property so conveyed shall terminate, providing for the payment into the State Treasury to the general revenue of all money realized from the sale of such properties and filing of statements in the office of the Comptroller of Public Accounts."

I also submit for your information

the communication received by me from the Hon. W. G. McAdoo, Secretary of the Treasury of the United States explaining what course is necessary to pursue in event the State quarantine properties are transferred to the Federal Government and that the quarantine service be performed by the Government.

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

Treasury Department.

Washington, D. C., Jan. 5, 1918.

Hon. W. P. Hobby, Governor of Texas, Austin, Texas.

My Dear Sir: In acknowledgement of your letter of December 26, this Department is pleased to submit the following statements in response to the various queries contained in your letter.

1. The act of Feb. 15, 1893, provides "that whenever the proper authorities of a State shall surrender to the United States the use of the buildings, disinfecting apparatus at a State quarantine station, the Secretary of the Treasury shall be authorized to receive them and to pay a reasonable compensation to the State for their use, if in his opinion they are necessary to the United States." It has been the uniform policy of this Department to exercise this authority in effecting the transfer of State or local quarantine stations to the United States government.

There is no lump sum appropriation available for the reimbursement to the State government for property so transferred, the necessary funds being secured either through the enactment of special legislation or the inclusion of the item in some appropriation bill, and should the decision be made for the transfer of the Texas State quarantine stations to the United States government, the Department would be pleased to take steps to secure the necessary appropriation. The price paid has generally been that mutually agreed upon by the representatives of the State and Government after a joint appraisal.

2. The United States quarantine laws provide that the Public Health Service shall, under the direction of the Secretary of the Treasury, "co-operate with and aid State and municipal boards of health in the exe-

cution and enforcement of the rules and regulations of such boards * * * to prevent the introduction of contagious and infectious diseases in the United States from foreign countries," etc.

Furthermore, it appears that the quarantine regulations of the State of Texas are practically a paraphrase of the United States quarantine laws, except that the former include trachoma as a quarantinable disease. The regulations governing the medical inspection of aliens, however, provide for the exclusion of cases of trachoma, and in view of the above it would appear that all interests of the State Board of Health would be amply provided for in event the State relinquished supervision of the international quarantine function.

3. Since 1883 the quarantine function at some 68 different places has been transferred to national control. There is attached hereto a memorandum relative to such transfers. At present the State of New York and the State of Maryland enforce their own quarantine, but in both instances steps have been taken for the transfer of these stations to Federal control. In 1916 the State Legislature of New York created a commission to negotiate for the transfer of the State quarantine establishment to the United States with power to effectuate such transfer, and negotiations have continued, including the fixing of the price for the New York quarantine station by appraisement by representatives of the State and the national government, the conclusion of negotiations now being dependent solely upon appropriation by Congress of the sum agreed upon by the appraisers. Pending consummation of the transfer, however, an officer of the Public Health Service is acting as quarantine officer of the port of New York.

As to the transfer of the Baltimore quarantine station, it may be stated that the city council of Baltimore in 1916 passed an ordinance authorizing the transfer of that station to the Federal government. The property has been appraised by representatives of the city and the Federal government and the sundry civil bill now being considered by Congress contains an item providing for the reimbursement of the city

of Baltimore for the quarantine station.

The State of Pennsylvania maintains an inspection station on the Delaware river near Philadelphia, the Federal quarantine station being located in the lower river on Reedy Island, and vessels proceeding to Philadelphia are subject to double quarantine inspection of a similar nature to that which is now practiced at Galveston. With the exceptions stated above, however, all State and local quarantine functions have been turned over to national control.

4. The Department has consistently taken the stand that the prevention of the introduction of quarantinable diseases from foreign ports into the United States is essentially one of the functions of the national government. Since the benefits derived therefrom are not merely local in effect, but are enjoyed by the entire country, upon the whole people should fall the maintenance of such quarantine stations. Other arguments for national control of international quarantine include the enforcement of regulations and preventive measures in a uniform manner so that one port shall not be discriminated against in favor of another, availability of a large and mobile corps of trained quarantine officers, whose experience in quarantinable diseases and knowledge thereof has been increased by duty in foreign countries and insular possession where such diseases mainly prevail, increased facilities for co-operation of other branches of the Federal government, chiefly the immigration and customs service, availability to the Public Health Service of sanitary reports from consular representatives in foreign countries, and ability of the government to better observe the obligations of international treaties, and to demand reciprocal action on the part of foreign signatories of such treaties.

Trusting that this information covers the scope of your inquiries, and with assurances of my appreciation of the interest which you have taken in the adjustment of the quarantine situation along the Texas border, I am,

Sincerely yours,
W. G. McADOO,
Secretary.

List of Quarantine Stations Which Have Been Transferred from State or Municipal to National Control.

In 1883 quarantine stations were established under national auspices at Ship Island, Miss., and on Blackbeard Island, Sapelo Sound, Ga., the latter station being known as the South Atlantic quarantine station.

In 1888 a site was purchased (Fisherman's Islands) for the quarantine station at Cape Charles, Va., the boarding station being maintained at Fort Monroe, Va.

In 1889 the Delaware Breakwater quarantine was ceded by the State of Delaware.

In 1890 maritime quarantine matters at San Diego, Cal. were absorbed as a national function, the site for the national quarantine station at that port having been purchased from private parties.

In 1890 (by act of Congress of April 30, 1890, which act is known as the organic act for Hawaii) the quarantine station, as well as the quarantine functions at Honolulu, T. H., and other ports in the Hawaiian Islands, were transferred to national control.

In 1892 maritime quarantine functions at Fort Townsend, Wash., were transferred to national control.

In 1893 the quarantine station at Reedy Island, Del., was erected. (This station affords protection to Philadelphia, Pa.)

The year 1899 marked the transfer of quarantine functions at the ports of Astoria, Oreg., Savannah, Ga., and Southport, S. C., to national control.

In 1899 the quarantine system of Porto Rico was placed under the operation of the national government.

In 1900 the quarantine station at San Francisco, Cal., was turned over to national control.

In 1900 Brunswick, Ga., relinquished its quarantine functions in favor of the Treasury Department.

In 1900 the quarantine system of the Philippine Islands was placed under the operation of the national government.

In 1901 the whole quarantine system of the State of Florida was transferred to national control.

In 1903 the quarantine function

at Portland, Me., was transferred to national control.

In 1907 the following ports relinquished their quarantine functions: Mobile, Ala., and New Orleans, La.

In 1908 similar action was taken at the ports of Charleston, Georgetown, Beaufort and Port Royal, S. C.

In 1910 a site was acquired from the War Department for the construction of a quarantine station at Galveston, Texas.

In 1912 the quarantine function at Providence, R. I., was transferred to national control.

In 1915 the quarantine function at Boston, Mas., was transferred to national control.

In 1917 the quarantine system of the Virgin Islands was transferred to national control.

Governor's Office,
Austin, Texas, March 12, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session:

At the request of Messrs. Terrell, Hardey, Atlee, Canales, Harris, Fly, and Tillotson, I submit for your consideration an Act to amend Sections 2 and 8 of Chapter 181, Acts of the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 6, Acts of the Third Called Session of the Thirty-fifth Legislature, by adding thereto Section 2b, providing for standard "grades and packs" of other fruits and vegetables, prohibiting common carriers from receiving fruits or vegetables for shipment or transporting the same in violation of the provisions of this Act, prescribing penalties for violation of this law.

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

Governor's Office,
Austin, Texas, March 12, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session:

At the request of Mr. Geo. B. Terrell I submit for your consideration an Act to amend Article 5894 of Title 92 of the Revised Civil Statutes of 1911 prescribing uniform weights and containers for both flour and meal, also prescribing standard weights per bushel for cured sweet potatoes, onions, Spanish peanuts,

Virginia runner or bunch peanuts, and jumbo peanuts.

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

Governor's Office,
Austin, Texas, March 12, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session:

At the request of Hon. W. M. Fly, I submit for your consideration an act granting the State Superintendent of Public Instruction authority to extend teachers' certificates.

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

Governor's Office,
Austin, Texas, March 12, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session:

At the request of Senator J. C. McNealus, I submit for your consideration the following subject: "An Act to amend Article 921, Chapter 5, Title 22 of the Revised Civil Statutes of Texas relating to appeals from the corporation courts and adding thereto Article 921 providing that in cities of ninety thousand population or over incorporated under special charters and situated in counties containing one hundred and twenty-five thousand population or over for appeals from the corporation courts to the Court of Criminal Appeals of Texas."

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

Governor's Office,
Austin, Texas, March 12, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session:

At the request of Hon. L. C. Stewart, I submit for your consideration an Act creating the Mauriceville Independent School District in Orange County, Texas.

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

Governor's Office,
Austin, Texas, March 12, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session:

At the request of Messrs. Thomson and Dudley, I submit for your consideration the subject of an Act to amend Article 921 of the Code of

Criminal Procedure of the State of Texas adopted at the Regular Session of the Thirty-second Legislature in 1911.

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

Governor's Office,
Austin, Texas, March 12, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session:

At the request of Messrs. Suiter and Bedell, I submit for your consideration the following subject: "An Act to amend Sections 12 and 16 of the Special Road Law for Smith County, Texas, passed at the Regular Session of the Thirty-third Legislature and known as Chapter 70 of the Special Laws of said Thirty-third Legislature; and also to amend Section 3 of Chapter 8 of the Special Road Law for Smith County, Texas, passed at the Regular Session of the Thirty-fourth Legislature."

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

Governor's Office,
Austin, Texas, March 12, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session:

At the request of Messrs. Collins and Stewart, I submit for your consideration an Act to validate the sale of certain public domain made by the State on February 21, 1907.

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

Governor's Office,
Austin, Texas, March 12, 1918.
To the Texas Senate:

Attached hereto I submit for your consideration several lists of persons who have been appointed notaries public for their respective counties subject to your advice, consent and confirmation.

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

The list hereinabove referred to is shown in full in the list of confirmations in executive session today.

Governor's Office,
Austin, Texas, March 11, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session:
At the request of Hon. Thos. Cox,

I submit for your consideration an Act to amend Section 9 of Chapter 17, Special Laws passed at the First Called Session of the Thirty-third Legislature entitled "San Patricio County Road System—Creating," authorizing said county or any political subdivision or defined district thereof to issue bonds not exceeding forty years from date of issuance.

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

Governor's Office,
Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session:

At the request of the Department of Agriculture, I submit for your consideration an Act to authorize the commissioners court to purchase poisons and other accessories for the purpose of destroying prairie dogs, rats, coyotes, wolves, wild cats, gophers, ground squirrels, English sparrows and ravens.

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

Governor's Office,
Austin, Texas, March 12, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session:

At the request of a majority of the members of both the Senate and House of Representatives, I submit for your consideration the subject of amending the election laws of Texas.

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

Message from the House.

Hall of House of Representatives.
Austin, Texas, March 12, 1918.

Hon. E. A. Decherd, 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:

H. B. No. 60, A bill to be entitled "An Act creating the Highland Independent School District in McLennan County, Texas."

H. B. No. 65, A bill to be entitled "An Act creating the Follett Inde-

Absent—Excused.

Dayton. McCollum.

Prayer by the Chaplain.

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

Petitions and Memorials.

See appendix.

Committee Reports.

See appendix.

Messages from the Governor.

Mr. S. Raymond Brooks, from the executive office here appeared at the bar of the Senate with the following messages, which were laid before the Senate:

Governor's Office,
Austin, Texas, March 12, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Senator C. B. Hudspeth, I submit for your consideration the enactment of a law amending Article 2585, Chapter 4, Title 47, of the Revised Civil Statutes of Texas, 1911, relating to the qualifications of drainage district commissioners and their qualifications, compensation, terms of office, providing for their election instead of appointment upon petition of voters and providing the duties of such officers.

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

Governor's Office,
Austin, Texas, March 12, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

I beg to submit for your consideration the following subject: "An Act to amend Article 1197, Title 17, of the Code of Criminal Procedure of the State of Texas, relating to delinquent children so as to include and further prescribe the procedure in cases of boys and girls, fixing penalties."

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

Governor's Office,
Austin, Texas, March 12, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Senator C. B. Hudspeth, I submit for your consideration the enactment of a law to amend Section 14, Chapter 87, Acts of the Thirty-fifth Legislature, Regular Session, 1917, relating to the appointment of a Tax Assessor and Collector of Water Improvement Districts.

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

Governor's Office,
Austin, Texas, March 12, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

I beg to submit for your consideration the following subject: An Act to amend the law fixing the salary of the Superintendent of Public Buildings and Grounds, and to equalize the salaries of watchmen employed, and to provide adequate appropriation for the work under the direction of the Superintendent of Public Buildings and Grounds.

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

Governor's Office,
Austin, Texas, March 12, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Senator V. A. Collins of Jefferson County, I submit for your consideration the subject of authorizing the payment of certain notes of the Board of Prison Commissioners in favor of the E. L. Wilson Hardware Company of Beaumont, said notes being as follows:

| | |
|------------------------|----------|
| September 4, 1914..... | \$205.57 |
| September 4, 1914..... | 327.78 |
| September 4, 1914..... | 166.61 |
| July 1, 1914..... | 326.99 |

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

Governor's Office,
Austin, Texas, March 12, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the suggestion of the Attorney General and the injured party, I sub-

mit for your consideration the enactment of a law permitting John H. Elliott to sue the State of Texas for personal injuries alleged to have been received while an employe of the Texas State Railroad.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 12, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Messrs. Fly, Poage and Tilson, I submit for your consideration an Act requiring teachers in the public free schools to conduct school work in the English language exclusively, preventing the adoption of texts for elementary grades not printed in English, defining the grades in which a foreign language may be taught, and fixing penalties for the violation of this Act.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Bills and Resolutions.

By Senator Dean:

S. B. No. 56, A bill to be entitled "An Act to amend Article 5894 of Title 92 of the Revised Civil Statutes of 1914 prescribing uniform weights and containers for both flour and meal; also prescribing standard weights per bushel for cured sweet potatoes, onions, Spanish peanuts, Virginia runner or bunch peanuts, and jumbo peanuts; repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Dean:

S. B. No. 57, A bill to be entitled "An Act to amend Sections 2 and 8 of Chapter 181, Acts of the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 6, Acts of the Third Called Session of the Thirty-fifth Legislature, by adding thereto Section 2b, providing for standard "grades and packs" of other fruits and vegetables, prohibiting common carriers from receiving fruits or vegetables for shipment or transporting the same in violation of

the provisions of this Act; prescribing penalties for violation of this law and declaring an emergency."

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

By Senator Strickland:

S. B. No. 58, A bill to be entitled "An Act granting permission to John H. Elliot to bring suit against the State of Texas in the district court of Anderson County, Texas, for damages for personal injuries received by him while on duty as a bridge carpenter in the employ of the Texas State Railroad; providing that such suit may be filed within two years after this act takes effect; and providing that such cause of action shall not be barred until two years after this act takes effect; and providing for the method of serving process and for procedure governing the trial and determination of such suit, and declaring an emergency."

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

By Senator Johnston of Harris:

S. B. No. 59, A bill to be entitled "An Act to amend Section 1 of Senate Bill No. 5, Chapter 7 of the General Laws of Texas as passed by the Thirty-third Legislature at its regular session and approved on February 11, 1913, as the same appears on page 8 of the General Laws of the Thirty-third Legislature at its regular session, the same being commonly called the 'Suspended Sentence Law,' and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Johnson of Hall:

S. B. No. 60, A bill to be entitled "An Act to amend Article 1063, Title 15, Chapter 8, Revised Code of the State of Texas, 1911, defining rape, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senators Buchanan of Bell and Hopkins:

S. B. No. 61, A bill to be entitled "An Act authorizing the Board of Nurse Examiners for the State of Texas to employ not less than three lecturers from among the registered nurses of the State to visit the different high schools, colleges and univer-

Nays—2.

Buchanan of Scurry, Suiter.

Absent.

Hopkins. Page.

Absent—Excused.

Dayton. McCollum.

Messages From the Governor.

Mr. S. Raymond Brooks, from the executive office here appeared at the bar of the Senate with the following messages which were laid before the Senate:

Governor's Office.

Austin, Texas, March 13, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Senator Walter D. Caldwell, I submit for your consideration the enactment of a law to amend Chapter 11, Title 17, of the Penal Code of the State of Texas, as adopted at the regular session of the Thirty-second Legislature, 1911, so as to add thereto Article 1355a, making it a felony punishable by confinement in the penitentiary to steal any domesticated animal, bird or fowl.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 13, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of the Game, Fish and Oyster Commissioner, I submit for your consideration the subject of providing an appropriation to cover a prospective deficiency in the maintenance fund of that Department.

In this connection, I am transmitting herewith a copy of a letter received from the Commissioner in which he makes a request for a deficiency warrant in the amount of \$800.00.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Game, Fish and Oyster Commissioner
Austin, Texas, Jan. 19, 1918

Hon. W. P. Hobby, Governor of
Texas, Austin, Texas.

Dear Sir: I am compelled to ask

you for a deficiency warrant for the sum of \$800.00, or so much thereof as may be necessary out of the general running expense fund of this Department.

Below I give you an itemized statement of the amount of the bills now on hand which must be paid by deficiency warrants:

| | |
|--|-----------------|
| W. T. Graham, Maud, Texas | \$ 9.00 |
| W. T. Graham, Maud, Texas | 18.00 |
| Central Garage, Houston | |
| Texas | 17.40 |
| J. M. Hodges, Dallas, Texas | 54.85 |
| F. L. Rugley Co., Matagorda, Texas | 4.25 |
| S. W. Tel & Tel. Co., Austin, Texas | 15.05 |
| E. L. Steck, Austin, Texas.. | 24.18 |
| Coast Phone Co., Port Lavaca, Texas | 5.10 |
| Gel L. Glass & Sons, Houston, Texas | 26.84 |
| Gulf Refining Co., Houston, Texas | 41.90 |
| Gulf Refining Co., Houston, Texas | 45.85 |
| Magnolia Petroleum Co., Houston, Texas | 221.73 |
| The Texas Co., Houston, Texas | 1.00 |
| The Texas Co., Houston, Texas | 57.65 |
| The City Machine Shop, Port Lavaca, Texas | 178.45 |
| Aransas Foundry & Machine Works, Aransas Pass, Texas | 4.75 |
| | \$725.95 |

This necessity arises owing to the high price of all material used in our department, more especially gasoline, oils and repairs.

We beg to state we are returning to the Treasurer in the several different funds appropriated to this Department, other than this fund, one thousand seven hundred and eighty-seven dollars and six cents. (\$1,787.06.)

Should you find this request justifiable, we would certainly appreciate your granting this request.

We have fought hard against this, and have economized on every corner, but these unlooked for expenses

could not be overcome and carry on the Department as it should be.

Respectfully yours,

WILL C. WOOD,

Game, Fish and Oyster Commissioner.
By H. T. Bailey, Chief Deputy.

Governor's Office.

Austin, Texas, March 13, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

I beg to submit for your consideration the following subject:

"An Act to authorize the commissioners court of Bell County to fund an issue of road warrants with an issue of road improvement bonds and thereby relieve the road and bridge fund of the warrant debt."

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 13, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Dr. J. G. Loggins, Superintendent of the Texas Confederate Home, I submit for your consideration the subject of providing an increased appropriation to cover a prospective deficiency for clothing.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 13, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Dr. John Preston, Superintendent of the State Lunatic Asylum, I submit for your consideration the subject of providing an increased appropriation for dry goods and clothing for the State Lunatic Asylum for the years ending August 31, 1918, and August 31, 1919.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 13, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Dr. John Preston, Superintendent of the State Lunatic Asylum, I submit for your consideration the subject of provid-

ing an appropriation sufficient to repair or replace the boilers now used in the power house of that institution.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 13, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. Wm. L. Schlesinger, I submit for your consideration the enactment of a law to amend Article 7355, Title 126, Chapter 1, Revised Statutes of 1911, relating to occupation tax on amusement parks operated for profit.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 13, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. Wm. Schlesinger and Hon. W. E. Thomason, I submit for your consideration the subject of enacting a law to authorize the acknowledgements of written instruments and the taking of depositions of witnesses in the military service of the United States by officers authorized under the military laws of the United States to administer oaths.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 13, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. R. H. Jones, I submit for your consideration an Act to amend Article 3944, as amended by an Act passed at the regular session of the Thirty-fifth Legislature, approved March 20, 1917, being Chapter 154 of the Acts of said session relating to forcible entry and detainer and to the issuance of citation and the service thereof and the giving of bond by plaintiffs and defendants in suits of that character, providing that in case the plaintiff shall file a bond in an amount to be fixed by the justice of the peace issuing such citation, he shall be placed in possession of the

property unless the defendant shall within six days from the service of citation execute and deliver to the officer serving such citation a bond in a sum at least double the amount of the bond given by the plaintiff, to be approved by said officer, and conditioned that the defendant, in case judgement is rendered against him, will pay all costs of suit and the reasonable rental or value of the use of the property to the time of making such bond, and also the reasonable value or rental of same while the suit is pending and until it is finally disposed of.

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

Governor's Office.

Austin, Texas, March 13, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Senators A. C. Buchanan and Geo. M. Hopkins, I submit for your consideration the following subject:

An Act authorizing the Board of Nurse Examiners for the State of Texas to employ not less than three lecturers from among the registered nurses of the State to visit the different high schools, colleges and universities of the State, those supported by public as well as private funds, to arouse a greater interest among young women in the profession of nursing, with the view of securing volunteers for this work, authorizing said Board to fix the salary and compensation of said lecturers and term of service, and providing for the payment of their compensation and expenses from fees accumulated and now in the possession of or under the control of said Board.

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

Governor's Office.

Austin, Texas, March 13, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Representatives J. H. Woods, C. E. Upchurch and R. L. Williford, and Senator A. C. Robins, I submit for your consideration the enactment of a law making additional appropriations for the support and maintenance of the State Orphan Home for the remainder of

the fiscal year ending August 31, 1918, and for the fiscal year ending August 31, 1919.

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

Governor's Office.

Austin, Texas, March 13, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

I beg to submit for your consideration the subject of making an appropriation of funds in the Treasury to be used for the purpose of reimbursing the owner or owners for the value of any cotton or cotton products infested with the pink boll worm and which may be destroyed by the Commissioner of Agriculture of this State under authority of law and to reimburse any cotton grower or growers who may reside within any zone or zones promulgated under the authority of the Governor forbidding the planting or growing of cotton during a specified period of time from any loss sustained by such parties in being refused permission to plant and grow cotton for a period of year; giving rules estimating the measure of damages; authorizing the Governor to appoint three reputable citizens of the State who reside outside of said cotton zones to assess the damages; providing for the manner of hearing and assessing damages and establishing the procedure of ascertaining such damages, giving any dissatisfied applicant for damages the right of appeal; providing for the payment of court costs in certain instances and making appropriation for the expenses of the Board in carrying into effect the provision of said law.

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

Governor's Office.

Austin, Texas, March 13, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

I submit for your consideration the following subjects:

An Act to amend Chapter 6, Title 15, of the Penal Code of 1911, by adding thereto Article 1055a, making it a penal offense for any person to cause, encourage or contribute to the delinquency of any minor under the age of seventeen years.

An Act to amend Article 1063,

Title 15, Chapter 8, Revised Penal Code of the State of Texas, of 1911, defining rape.

An Act to amend Section 1, of Senate Bill 5, Chapter 7, of the General Laws of Texas, as passed by the Thirty-third Legislature at its regular session and approved on February 11, 1913, as the same appears on page 8, of the General Laws of the Thirty-third Legislature at its regular session, the same being commonly called the "Suspended Sentence Law."

An Act to amend Senate Bill No. 99, Chapter 101, of the General Laws of Texas, as passed by the Thirty-third Legislature at its regular session and approved April 2, 1913, as the same appears on pages 188 and 189 of the General Laws of the Thirty-third Legislature at its regular session, the same being commonly called the "Wife Desertion Law."

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 13, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. F. J. Roemer, I submit for your consideration an Act creating an Independent School District, to be known as the Powell Independent School District in Goliad County..

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 13, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. A. C. Buchanan, I beg to submit for your consideration an Act to amend an act to reorganize the Twenty-seventh and Thirty-fifth Judicial Districts of the State of Texas.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Bills and Resolutions.

(By unanimous consent.)

By Senator Alderdice:

S. B. No. 69, A bill to be entitled

"An Act providing that those engaged in any business within this State, upon which the laws require the payment of a tax on gross receipts, must obtain a permit to transact such business from the Secretary of State; providing for the issuance of such permit by the Secretary of State, what the same shall contain, and that the same shall be posted in the office of the person or concern to whom issued; providing for an application to be made for such permits and what such application shall show; the length of time such permits are to run; when those now engaged in business must obtain permits; providing for the suspension of such permits by the Secretary of State on a certificate from the Comptroller showing the holder has failed to pay his gross receipts taxes; stating the conditions, manner and method of suspending such permits, and the publication of notices with reference thereto; providing penalties for the transaction of business regulated in this Act without having obtained a permit, or transacting business after such permit has been suspended and the method of collecting such penalties; authorizing suit by the Attorney General to collect such penalties and defining the jurisdiction and venue of such suits; creating offenses for violations of this Act and fixing the punishment therefor; prescribing certain duties and conferring certain authority on the Comptroller, Secretary of State and the Attorney General with reference to administering and enforcing this Act; making this Act cumulative of all other laws on the subject; and declaring an emergency."

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

By Senator Hudspeth:

S. B. No. 70, A bill to be entitled "An Act to amend Article 921 of the Code of Criminal Procedure of the State of Texas adopted at the regular Session of the Thirty-second Legislature in 1911, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Caldwell:

S. B. No. 71, A bill to be entitled "An Act to amend Chapter 11 of

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 54 put on its third reading and final passage by the following vote:

Yeas—25.

| | |
|---------------------|---------------------|
| Alderdice. | Henderson. |
| Bailey. | Hopkins. |
| Bee. | Hudspeth. |
| Buchanan of Bell. | Johnson of Hall. |
| Buchanan of Scurry. | Johnston of Harris. |
| Caldwell. | Lattimore. |
| Clark. | Page. |
| Collins. | Parr. |
| Decherd. | Smith. |
| Faust. | Strickland. |
| Floyd. | Suiter. |
| Gibson. | Westbrook. |
| Hall. | |

Absent.

| | |
|-----------|-----------|
| Dean. | Robbins. |
| McNealus. | Woodward. |

Absent—Excused.

| | |
|---------|-----------|
| Dayton. | McCollum. |
|---------|-----------|

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed by the following vote:

Yeas—24.

| | |
|---------------------|---------------------|
| Alderdice. | Gibson. |
| Bailey. | Hall. |
| Bee. | Henderson. |
| Buchanan of Bell. | Hopkins. |
| Buchanan of Scurry. | Hudspeth. |
| Caldwell. | Johnson of Hall. |
| Clark. | Johnston of Harris. |
| Collins. | Lattimore. |
| Dean. | Page. |
| Decherd. | Parr. |
| Faust. | Suiter. |
| Floyd. | Westbrook. |

Absent.

| | |
|-----------|-------------|
| McNealus. | Strickland. |
| Robbins. | Woodward. |
| Smith. | |

Absent—Excused.

| | |
|---------|-----------|
| Dayton. | McCollum. |
|---------|-----------|

Messages from the Governor.

Several executive messages were at this time presented by Mr. Brooks from the Governor's office.

The messages were laid before the Senate and read as follows:

Governor's Office.

Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature, in Fourth Called Session.

I beg to submit for your consideration legislation providing that forfeiture by the Commissioner of the General Land Office of public free school land for the failure to pay the interest due on purchases for the years 1916, 1917, and 1918 be held in abeyance until August, 1919.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature, in Fourth Called Session.

I beg to submit for your consideration legislation creating an Act to validate sales of school land on condition of settlement in cases where purchasers have been or may be drafted into the service of the Federal Government before they had time to settle on the land and in cases where they did comply with the law relative to settlement but have been or may hereafter be forced to leave the land to make a support for themselves or their families, or have been or may be drafted into the service of the Federal Government before completing the required residence.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature, in Fourth Called Session.

I beg to submit for your consideration the following subject:

"An Act giving to the owner of any real estate or interest therein sold under execution, order of sale, deed of trust, mortgage or other contract lien the right to redeem the same at any time in one year from the date of sale, by paying to the purchaser the amount of the purchase money paid, together with interest thereon."

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.
Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of Messrs. Bass and Metcalfe, I submit for your consideration, an Act to further regulate the conducting of fish hatcheries and the propagation of fish in this State by amending Article 4000 of the Revised Civil Statutes of this State, 1911, as amended by Chapter 46 of the Acts of the Thirty-third Legislature, providing for the distribution of State Fish Hatcheries of fish to private persons, providing that the Game, Fish and Oyster Commissioner of the State of Texas, as well as the United States Commissioner of Fisheries, or their duly authorized agents, may take or catch brood fish from the public fresh waters of this State, for the purpose of propagation; according to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time that may be by them considered necessary and proper; providing for a closed season on crappie and bass; prescribing the size of fish that may be taken; providing a penalty for a violation of this statute.

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

Governor's Office.
Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

I submit for your consideration the subject of providing an increased appropriation for the State Epileptic Colony for the current biennium. In connection with this subject, I am transmitting copies of letters written by the Board of Managers of the institution to the Governor and to Mr. Geo. Leavy, State Purchasing Agent.

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

State Epileptic Colony.
Abilene, Texas, March 9, 1918.

Hon. W. P. Hobby, Governor of
Texas, Austin, Texas.

Dear Sir: We are in receipt of a

telegram from the State Purchasing Agent saying that you will grant some deficiencies, and suggesting that we ask for the sum of \$1,000.00 to cover all necessities. We beg to say that the institution cannot get through on this amount. We have been forced to make expenditures for coal and feed beyond what was anticipated, and we will, on meat alone, have to pay 17 1-2 cents per pound as against 11.40 cents per pound, the price at which we have been buying. Flour is costing us this year \$11.00 per barrel as against \$5.84 per barrel last year; and many other things in proportion.

In the appropriations made for Colony for this fiscal year there are three items, viz; one of \$2,500.00 for a fire apparatus and fire escapes; one for \$750.00 for a silo and one for \$4,000.00 for re-building the electric line to our pumping station. These several appropriations are as yet unexpended.

The management deems it inexpedient, owing to the rapid advance in price of all electrical material, to expend the item of \$4,000.00, and too, it is inadequate, at present prices, to reconstruct the line.

The expenditure of the appropriation of \$2,500.00 for fire escapes and fire apparatus can be deferred until the finances of the State are in a more satisfactory and less stringent condition, as the institution has adopted extraordinary precautions against fire; and the appropriations for a silo can also be postponed.

Now, if the Legislature can, by the proper enactment, transfer these items, above enumerated, to the appropriations for support and maintenance and dry goods, it would greatly relieve our embarrassment, and would not actually make any further encroachment on the State Treasury—no further actual outlay.

You will recall, that upon the recommendation of yourself and our representative, and the opinion of the Attorney General, a complete set of dental instruments was returned to Dr. W. T. Stewart and our appropriation therefor lapsed. You suggested that you would recommend a new appropriation for dental instruments. This appropriation can also be deferred until easier and happier times.

Now we ask that the several items above mentioned be revoked for the

purposes for which they were appropriated and that they be appropriated and applied as above indicated and requested.

We also respectfully urge an increase in the salary of the baker. He is, under the 1917 appropriation receiving only \$30.00 per month, which in these times of high prices is grossly inadequate.

In conclusion, we desire to ask that you kindly recommend to the Legislature the passage of proper enactment to relieve the situation with the institution, and assure you that it will continue to be the policy of the management to be as conservative with the expenditure of the public money as it is possible to be.

Thanking you for past favors,
Yours very truly,
T. B. BASS,
Superintendent.

State Epileptic Colony.

Abilene, Texas, March 9, 1918.

Mr. Geo. Leavy, Austin, Texas.

Dear Sir: I am handing you herein copy of a letter I am writing to Governor Hobby relative to appropriations to meet our deficiency, which letter is self-explanatory. I would be glad to have you call upon the Governor in person and lay this matter before him, and urge upon him that he ask the Legislature for the proper action to meet the situation.

We need about \$1,000.00 of the amount for dry goods and clothing and the remainder for support and maintenance. You are, of course, aware that we already have some dry goods bought that we are unable to pay for and are holding same until we see what can be done.

Anything that you may be able to do to assist us in this matter will be appreciated.

Thanking you in advance for your kindness, I am,

Yours very truly,
T. B. BASS,
Superintendent.

Bills and Resolutions.

By Senator Johnson of Hall:

S. B. No. 78, A bill to be entitled "An Act to repeal Chapter 76 of the General Laws of the State of Texas,

passed by the Thirty-fifth Legislature at its Regular Session, and, in lieu thereof, to create a Supreme Court of Civil Appeals, to provide for the appointment and election of judges thereof, to prescribe and fix the powers and jurisdiction of such court and the judges thereof, to provide for the compensation of the judges thereof, to make appropriation to pay the salaries of such judges, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Hudspeth:

S. B. No. 79, A bill to be entitled "An Act to make effective the provisions of Section 59 of Article 16 of the Constitution, providing for the creation of conservation and reclamation districts, and providing that any water improvement district, drainage district or levee improvement district organized, or to be organized as defined districts under the provisions of any law of this State and Section 52 of Article 3, of the Constitution, may avail itself of the benefits of Section 59 of Article 16 of the Constitution, and providing that any such district may incur indebtedness and levy taxes necessary to carry out the purpose of its organization, removing restrictions and limitations of indebtedness to be incurred by any such district; providing for the management and control of such district, and declaring an emergency."

Read first time and referred to the Committee on Mining and Irrigation.

By Senator Hudspeth:

S. B. No. 80, A bill to be entitled "An Act to validate sales of school land on condition of settlement in cases where purchasers have been, or may be, drafted into the service of the Federal Government before they had time to settle on the land, and in some cases where they did comply with the law relative to settlement, but have been, or may hereafter be forced to leave the land to make a support for themselves and for their families, or have been, or may be, drafted into the service of the Federal Government before completing the required residence, and declaring an emergency."

Read first time and referred to the Committee on Public Lands and Land Office.

By Senator Collins:

S. B. No. 81, A bill to be entitled "An Act to authorize and require the Board of Prison Commissioners to pay into the Treasury of the State of Texas such an amount of money belonging to the Penitentiary System as was appropriated by the Regular Session of the Thirty-fifth Legislature at its first, second, third and fourth called sessions, to pay obligations created by said Board of Prison Commissioners and authorizing the Treasurer of the State of Texas to pay out said money in satisfaction of said obligations, including four certain notes executed by said Board of Prison Commissioners in favor of the E. L. Wilson Hardware Company of Beaumont, Texas.

Read first time and referred to the Committee on Public Debts, Claims and Accounts.

By Senator Buchanan of Bell:

S. B. No. 82, A bill to be entitled "An Act creating the Gatesville Independent School District in Coryell County; and providing for an emergency."

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

Simple Resolution No. 36.

Whereas, The Secretary of the Senate has just received a telegram from Hon. Morris Sheppard announcing that the Secretary of the Treasury, Hon. Wm. G. McAdoo, will deposit up to five million dollars in the drouth stricken section of South and West Texas for the relief of sufferers from the protracted drouth, and

Whereas, This was procured through resolution of this Senate requesting the Texas Delegation to urge this proposition, and through the efforts of our patriotic representatives in the National Congress; therefore, be it

Resolved, That the Senate of Texas extend a vote of thanks to Senators Sheppard and Culberson, and the Texas Delegation, for their efficient and patriotic service in this hour of misfortune and distress, for the great body of citizens in the district affected; they will ever be held in remembrance in the great hearts of people who are nearly starving, by our National Government, although the

heavy hand of affliction has been laid upon them, and want stalks abroad in their section of this great State; and that the Secretary of the Senate transmit a copy of this message to each member of Texas Delegation.

HUDSPETH.

The resolution was read and adopted.

Simple Resolution No. 37.

Resolved that the Senate has heard with deep regret of the death of Mrs. Emile Real, the mother of Hon. Julius Real, who was formerly an honored member of this body; and that we extend to him and his family our sincere sympathy in their loss, and be it further

Resolved that a copy of these resolutions be forwarded to ex-Senator Real.

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

The resolution was read and adopted unanimously.

Senate Concurrent Resolution No. 8.

Whereas, The drouth in the school land area of the State is so severe that the resources of the citizens are necessary for the feeding of stock and personal existence; and

Whereas, The interest due on the school land accounts is well secured by a lien on the land; therefore, be it

Resolved by the Senate of the State of Texas, the House concurring, that the forfeiture by the Commissioner of the General Land Office of public free school land for the failure to pay the interest due on purchases for the years 1916, 1917, and 1918, be held in abeyance until August 1919.

HUDSPETH.
BAILEY.

The resolution was read and adopted.

have been committed and may be brought by the Attorney General of Texas, or by the county or district attorney of the county in which the offense, in whole or in part, may have been committed; and each day that such company, firm or corporation may do or cause to be done any act or acts in violation hereof, shall constitute a separate offense, and the State of Texas shall proceed to collect said penalties as in other civil suits against companies, firms or corporations."

SUITER.

Senator Clark moved to table the amendment, which motion was lost.

Action recurred upon the amendment and the same was adopted.

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

(3) Add Section 6a as follows:

"Section 6a. It shall be unlawful for any person, firm or corporation in this State, in person, by letter, circular or other printed or written matter, or in any other manner, to solicit or take orders in this State for any intoxicating liquors, prohibited by the laws of this State, to be sold, bartered, transported, or otherwise disposed of. The inhibition of this section shall apply to such liquors, whether the parties intend that the same shall be shipped into this State from outside the State or from one point in this State to another point in this State and whether or not the orders are subject to approval by some other person, and it shall be unlawful for any person, firm or corporation to, in any manner, either directly or indirectly, advertise for sale any spirituous, vinous or malt liquors, or medicated biters, capable of producing intoxication as in this Act defined."

Senator Dean offered the following amendments which were read and adopted, *seriatim*:

(4) Amend the bill by striking out the words "on and after the taking effect of this Act," line 29, Section 1, page 1, and by changing the small "t" to a capital "T" in the word "the," same line.

(5) Amend the bill by striking out the words "shall be," line 32, page 1, and inserting in lieu thereof the words "are hereby."

(6) Amend the bill by striking out the words "on and after the tak-

ing effect of this Act," line 2, Section 2, page 2, and by beginning the word "the" on the same line with a capital letter.

(7) Amend the bill by striking out the words "shall be," line 5, page 2, and inserting in lieu thereof the words "are hereby."

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

(8) Amend by striking out the word "and," after the word "liquors" in line 30, page 1, and insert the word "or."

House Bill No. 8 pending.

Recess.

At 12:05 o'clock p. m., the Senate, on motion of Senator Clark, recessed until 2:30 o'clock p. m. today.

After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Decherd and on request of Senator Buchanan of Scurry, stood at ease for fifteen minutes.

In the Senate.

(President Pro Tem. Decherd in the chair.)

Messages from the Governor.

Mr. Raymond Brooks here appeared at the bar of the Senate, with several executive messages, which were laid before the Senate and read, as follows:

Governor's Office,
Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Messrs. Butler, Lindeman, and Dunham, I submit, for your consideration, an Act to amend Section 1, Chapter 61, of the Acts passed by the Thirty-third Legislature at its regular session, approved March 31, 1913, fixing the time for holding court in the Twenty-seventh Judicial District of Texas; providing when this Act shall take

effect and repealing all laws or parts of laws in conflict herewith.

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

Governor's Office,
Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Hon. Mack Traylor, I submit for your consideration an Act to amend Title 124, Chapter 5, Revised Civil Statutes, 1911, allowing any owner, lessee or person in lawful possession of enclosed lands certain fees for impounding hogs; providing for the manner of disposing of same by amending Article 7224.

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

Governor's Office,
Austin, Texas, March 14, 1918

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Messrs. Caldwell, Smith and Hudspeth, I submit for your consideration an Act to repeal Article 7380 of Chapter 2 of Title 126 of the Revised Civil Statutes of the State of Texas of 1911 as enacted in Section 12 of Chapter 18 of the General Laws of the State of Texas, passed at the First Called Session of the Thirtieth Legislature, approved May 16, 1907, providing a tax on the sale of pistols.

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

Governor's Office,
Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Senator W. D. Suiter, I submit, for your consideration, an Act to amend Article 6552, Title 115, Chapter 10 of the Revised Civil Statutes of 1911, providing that trains shall be regulated and notice shall be given of the time of trains, their places of stopping for freight and passengers; providing further, that no railroad company, manager, or receiver, shall cease to operate trains on any railroad, and if they have so ceased to operate shall resume operation; providing further, that the Railroad Commission of the

State of Texas shall enforce the regulations hereof, and shall report to the Attorney General violations hereof, who shall file suit to enforce the same, and that this act shall be cumulative of all laws now in effect on this subject.

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

Governor's Office,
Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of the Superintendent and Board of Trustees of the State Juvenile Training School, I submit for your consideration legislation to provide an addition appropriation to cover a prospective deficiency for the maintenance of that institution during the present current year.

I accompany this message with copy of the request from the Superintendent and the Board of Trustees.

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

Gatesville, Texas, March 12, 1918.

Hon. W. P. Hobby, Governor of Texas; Austin, Texas.

Dear Sir: We, the Superintendent and Board of Trustees of the State Juvenile Training School are obliged to request you kindly to submit to this special session of the Legislature the matter of an additional appropriation of thirty thousand dollars (\$30,000) to cover a prospective deficiency in our maintenance fund for the current fiscal year, ending August 31, 1918.

There are four principal reasons for the imminent occurrence of this deficiency in the maintenance fund, viz.:

1. The fact that the institution, since September 1, 1917, has been obliged to retain and take care of an average of 300 (three hundred) negro juveniles; despite the fact that the Second Called Session of this Legislature enacted a law requiring their removal to Madison County, to and under the control of the Board of Prison Commissioners. This law, as you are aware, was never carried out; and our institution has been burdened with very heavy additional expense in consequence. We would

remind you that our legislative estimates of and requests for appropriations during the past season, for the fiscal years of 1917-18 and 1918-19, were based on the expectation that the large negro population would be removed in compliance with the statute. That is, they were based on a population of 500 (five hundred) white boys; but we now have 511 white boys and, on the average the number of our white inmates is increasing monthly. The present institutional population is approximately 800 (eight hundred). Furthermore, in anticipation of the legal removal of the negroes, we permitted an appropriation of \$50,000 (fifty thousand dollars) to revert to the State, in the matter of purchasing additional lands whereon to work the negro juveniles.

2. The heavily increased cost of all food supplies, all clothing, dry goods and material generally. In 1916, for example, we paid \$5.50 a barrel for flour; now we must pay \$10.50 a barrel.

3. The heavily increased cost of fuel supplies. In 1916, for example, we paid 60 cents a barrel for fuel oil, delivered at the institution; now we must pay \$2.00 a barrel, on the average.

4. The fact that we have been granted by the Legislature no special funds for any purpose of meeting the steadily increased population of the school. Our "maintenance" must be drawn upon for all purposes connected with the feeding, clothing, housing, working, and instructing of the entire population, including every new boy received into the school. It has been found imperative to employ our allotted portion of the so-called "farm products fund" solely for the physical upkeep and betterment of the institution.

For these and other reasons, we respectfully request this grant of \$30,000 additional in "Maintenance." There is only \$11,000 (in round numbers) remaining in our maintenance fund for the current fiscal year which has five and one-half months yet to run.

We would also direct your attention to the fact that this present Legislature not only legalized the removal of the negro juveniles, but even provided \$25,000 in a separate and distinct statute for such purpose.

Although we have been required to keep and support these negroes, because of the failure of the Prison Commission to remove them, we have not been given the benefit of that money which was set apart by the Legislature for their maintenance.

By way of warning, and a frank report of our situation, we must advise that if we are required to retain this large, excess population of negro inmates during the coming fiscal year of 1918-1919, our maintenance appropriation for said year will be largely inadequate for the purposes intended.

Respectfully yours,

C. E. KING,

Superintendent.

M. M. HARRIS,

MRS. E. W. BOUNDS.

For and of the Board of Trustees.

Governor's Office,

Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Representative A. L. Beason, I submit for your consideration the subject of creating an independent school district, to be known as Winnie Independent School District, comprising parts of Chambers and Jefferson Counties.

Respectfully submitted,

W. P. HOBBY,

Governor of Texas.

Governor's Office,

Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Senator Dean, I submit for your consideration an Act to amend Article 698 of the Revised Civil Statutes of Texas of 1911, so as to authorize the investment of the sinking funds of counties, cities, towns, school districts or school communities in United States bonds, war saving certificates, certificates of indebtedness issued by the United States Government and in State, city or town bonds.

Respectfully submitted,

W. P. HOBBY,

Governor of Texas.

Governor's Office,

Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Representative A.

L. Beason, I submit for your consideration the subject of providing a more efficient road law for Chambers County.

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

Governor's Office,
Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Hon. Geo. C. O'Brien, I submit for your consideration an act to authorize persons, associations of persons, corporations, and districts to conserve the fresh waters of streams for irrigation against pollution by salt sea tides.

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

Governor's Office,
Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Representative W. F. Dunnum and Senator A. C. Buchanan, I submit for your consideration the subject of creating an independent school district in Gatesville, Coryell County, Texas.

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

Bill Signed.

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

S. B. No. 24, A bill to be entitled "An Act to amend Article 637d of Section 2, Chapter 203, General Laws of the Regular Session of the Thirty-fifth Legislature, prohibiting overlapping road districts and requiring the commissioners courts in case one road district conflicts with or overlaps another road district, to pass an order correctly redefining it, etc., and declaring an emergency."

Bills and Resolutions.

(By unanimous consent.)

By Senator Bee.

S. B. No. 83, A bill to be entitled

"An Act authorizing the acknowledgments of written instruments and the taking of depositions of witnesses in the military or naval service of the United States by officers authorized under the military laws of the United States to administer oaths and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Hudspeth.

S. B. No. 84, A bill to be entitled "An Act to establish and fix the salary of the Superintendent of Public Buildings and Grounds of the State of Texas, providing for an appropriation to pay said salary, and creating an emergency."

Read first time and referred to the Committee on Finance.

By Senators Suiter and Smith.

S. B. No. 85, A bill to be entitled "An Act to amend Article 6552, Title 115, Chapter 10 of the Revised Civil Statutes of 1911, providing that trains shall be regulated and notice shall be given of the time of trains, their places of stopping for freight and passengers; providing further that no railroad company, manager or receiver shall cease to operate trains on any railroad, and if they have so ceased to operate shall resume operation; providing further that the Railroad Commission of the State of Texas shall enforce the regulations hereof, and shall report to the Attorney General violations hereof, who shall file suit to enforce the same, and that this Act shall be cumulative of all laws now in effect on this subject, and declaring an emergency."

Read first time and referred to the Committee on Federal Relations.

By Senator Hall.

S. B. No. 86, A bill to be entitled "An Act creating and establishing the Winnie Independent School District in the Counties of Chambers and Jefferson, State of Texas; defining its boundaries and divesting the bodies now controlling the same of the title of all property now held and used for public school purposes within the territory within this Act described and investing the same in the Winnie Independent School District; providing for the election of a board of trustees to manage and control the public free schools within

Yeas—21.

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|---------------------|------------------|
| Alderdice. | Henderson. |
| Buchanan of Bell. | Hopkins. |
| Buchanan of Scurry. | Hudspeth. |
| Caldwell. | Johnson of Hall. |
| Clark. | McNealus. |
| Collins. | Page. |
| Decherd. | Parr. |
| Faust. | Smith. |
| Floyd. | Sulter. |
| Gibson. | Westbrook. |
| Hall. | |

Absent.

| | |
|---------------------|-------------|
| Bailey. | Lattimore. |
| Bee. | Robbins. |
| Dean. | Strickland. |
| Johnston of Harris. | Woodward. |

Absent—Excused.

Dayton. McCollum.

Messages from the Governor.

A messenger here appeared at the bar of the Senate with several executive messages, which were laid before the Senate and read, as follows:

Governor's Office.

Austin, Texas, March 15, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Messrs. Carlock and Miller of Dallas, I submit for your consideration, the subject of providing an adequate law regulating the compensation to be paid to members of the commissioners courts of Texas and validating previous acts of the Legislature contained in road laws which have prescribed salaries.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Senators Hudspeth, Bailey, Hall, and Bee, and Messrs. Nordhaus, Cox of Ellis, Mendell and Lackey, I submit for your consideration, the enactment of a law to authorize the commissioners courts of the several counties in the State of Texas to permit the owners of lands not situated in incorporated towns or villages, where the same have been subdivided into lots and blocks, or similar subdivisions, to

cancel or annul such subdivisions by declaration to that effect, in writing, to be recorded in the deed records of such counties, and to authorize such commissioners courts to assess said lands upon an acreage basis and to accept the payment of taxes, if delinquent, for such delinquent years, upon assessment as now provided by law, upon an acreage basis.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 15, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. W. M. Fly, I submit for your consideration, the enactment of a law to amend Section 2, of House Bill No. 525, enacted by the Thirty-fifth Legislature at the Regular Session, creating the Nixon Independent School District, and, as amended by Section 1, House Bill No. 89, Thirty-fifth Legislature, First Called Session; revising metes and bounds of said district.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 15, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Senator Lon. A. Smith, I submit for your consideration an Act to amend Section 1, of Chapter 70 of the Acts of the Thirty-fourth Legislature, entitled, "An Act to amend an Act of the Thirty-second Legislature entitled 'An Act to amend Article 21, Title 4, of the Revised Civil Statutes, and to amend an Act passed by the Thirtieth Legislature creating the Sixth Supreme Judicial District of Texas, and to create the Seventh and Eighth Supreme Judicial Districts of Texas,' and to create the Ninth Supreme Judicial District of Texas, and to provide for the organization of a Court of Civil Appeals within the Ninth Supreme Judicial District of Texas, and to repeal all laws in conflict by providing that Panola County shall constitute a part of the Sixth Supreme Judicial District."

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.
Austin, Texas, March 15; 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

I beg to submit for your consideration the following subject:

"An Act declaring that casualty insurance companies incorporated under Chapter 117 General Laws passed by the Regular Session of the Thirty-second Legislature, shall hereafter have authority to write marine insurance in which may be included the hazards and perils incident to war."

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Bills and Resolutions.

(By unanimous consent.)

By Senator Hudspeth.

S. B. No. 92, A bill to be entitled "An Act providing for additional compensation for district attorneys and county attorneys performing the duties of district attorneys in counties containing cities of thirty-five thousand inhabitants and over, and where army posts are now located, according to the last Federal census in prosecutions of violations of what is known as the 'Ten Mile Zone Law,' and in investigations before grand juries, and declaring an emergency."

Read first time and referred to the Committee on Judicial Districts.

By Senator Hudspeth.

S. B. No. 93, A bill to be entitled "An Act to authorize the commissioners courts of the several counties in the State of Texas to permit the owners of lands not situated in the incorporated towns and villages, where the same have not been subdivided into lots and blocks and similar subdivisions, to cancel or annul such subdivisions by declaration to that effect, in writing, to be recorded in the deed records of such counties, and to authorize such commissioners courts to assess said lands upon an acreage basis and to accept the payment of taxes, if delinquent, for such delinquent years, upon assessments as now provided by law, upon an acreage basis."

Read first time and referred to the

Committee on Counties and County Boundaries.

By Senator Lattimore et al.

S. B. No. 94, A bill to be entitled "An Act to amend Chapter 1, Section 119 Revised Civil Statutes of Texas, 1911, by adding thereto, Articles 6901a, 6901b, 6901c, 6901d and 6901e; fixing the compensation of county commissioners in counties having a population of thirty thousand and over; providing a method of determining the population; providing that if any part of this Act be declared void the same shall not affect the remaining portions; validating the acts of any commissioners court in heretofore paying the amount of salary provided by any road law, and declaring an emergency."

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

By Senator McNealus.

S. B. No. 95, A bill to be entitled "An Act declaring that casualty insurance companies incorporated under Chapter 117, General Laws passed by the Regular Session of the Thirty-second Legislature shall hereafter have authority to write marine insurance, in which may be included the hazards and perils incident to war; and declaring an emergency."

Read first time and referred to the Committee on Banking and Insurance.

By Senator Smith.

S. B. No. 96, A bill to be entitled "An Act to amend Section 1, of Chapter 70 of the Acts of the Thirty-fourth Legislature, entitled an Act to amend an Act of the Thirty-second Legislature entitled 'An Act to amend Article 21, Title 4, of the Revised Civil Statutes, and to amend an Act passed by the Thirtieth Legislature creating the Sixth Supreme Judicial District of Texas, and to create the Seventh and Eighth Supreme Judicial Districts of Texas,' and to create the Ninth Supreme Judicial District of Texas, and to provide for the organization of a Court of Civil Appeals within the Ninth Supreme Judicial District of Texas, and to repeal all laws in conflict by providing that Panola County shall constitute a part of the Sixth Supreme Judicial District and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Robbins, was passed by the following vote:

Yeas—22.

| | |
|---------------------|------------------|
| Alderdice. | Henderson. |
| Bailey. | Hopkins. |
| Bee. | Johnson of Hall. |
| Buchanan of Bell. | Lattimore. |
| Buchanan of Scurry. | McNealus. |
| Collins. | Robbins. |
| Dean. | Smith. |
| Decherd. | Strickland. |
| Floyd. | Suiter. |
| Gibson. | Westbrook. |
| Hall. | Woodward. |

Absent.

Caldwell.

Absent—Excused.

| | |
|-----------|---------------------|
| Clark. | Johnston of Harris. |
| Dayton. | McCollum. |
| Faust. | Page. |
| Hudspeth. | Parr. |

Messges from the Governor.

A messenger here appeared at the bar of the Senate with several executive messages, which were laid before the Senate and read as follows:

Governor's Office.

Austin, Texas, March 16, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. W. M. Fly, I submit for your consideration an Act to provide a permanent record of all marriages and divorces in the State of Texas; to prescribe a fee to be paid upon the issuance of the marriage licenses for the maintenance of the Bureau of Vital Statistics; to prescribe the duties of the county clerk, district clerk, and State Registrar of Vital Statistics, within this State, with reference to such records and the manner of handling fees; and prescribing a fee for the county clerk and district clerk for the forwarding of such records.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 16, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Senator J. C.

McNealus, I submit for your consideration, the subject of a claim presented by Mrs. J. D. Skelton for the payment of an amount due her father, Col. Wm. Fitzhugh, for mules and supplies furnished the State Ranger Service of the State of Texas, in 1860, which sum amounts to \$7,471.00.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 16, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. W. L. Hall, I submit for your consideration an Act granting permission to A. E. Masterson to bring suit against the State of Texas in the district court of Brazoria County, Texas, for rents claimed to be due the said A. E. Masterson, which lands were cultivated during the year 1917 by the Board of Prison Commissioners.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Bills and Resolutions.

(By unanimous consent.)

By Senator McNealus.

S. B. No. 91, A bill to be entitled "An Act to provide for the payment to Mrs. J. D. Skelton, daughter of Colonel William Fitzhugh, deceased, the amount due the said Colonel William Fitzhugh and remaining unpaid by the State of Texas, for the purchase by the State of Texas, from Colonel William Fitzhugh, of mules for the Ranger Service, prior to 1860."

Read first time and referred to the Committee on Public Debts, Claims and Accounts.

By Senator Hall.

S. B. No. 97, A bill to be entitled "An Act granting permission to A. E. Masterson to bring suit against the State of Texas in the district court of Brazoria County, Texas, for rents claimed to be due the said A. E. Masterson for rents on lands situated in Brazoria County, Texas, which lands were cultivated during the year 1917 by the Board of Prison

Hall of the House of Representatives,
Austin, Texas, March 18, 1918.

Hon. E. A. Decherd, 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. 107, A bill to be entitled
"An Act amending Article 2093 of
Chapter 10 Title 49 of the 1911 Re-
vised Statutes of Texas, so as to pro-
vide that no one shall vote in a pri-
mary election or convention unless
he is a citizen of the United States."

Respectfully,

BOB BARKER,
Chief Clerk House of Representatives.

Bills Read and Referred.

The Chair, President Pro Tem.
Decherd, had referred, after their
captions had been read, the follow-
ing House bills:

H. B. No. 97, referred to the Com-
mittee on Civil Jurisprudence.

H. B. No. 108, referred to the
Committee on Roads, Bridges and
Ferries.

H. B. No. 104, referred to the
Committee on Privileges and Elec-
tions.

H. B. No. 98, referred to the Com-
mittee on Criminal Jurisprudence.

H. B. No. 107, referred to the
Committee on Privileges and Elec-
tions.

Senate Bill No. 52.

The Chair laid before the Senate
on second reading:

S. B. No. 52, A bill to be entitled
"An Act to amend Article 3086,
Chapter 10, Title 49, Revised Civil
Statutes of 1911, so as to provide
that no candidate at a primary elec-
tion for a State or district office shall
be declared the nominee of any politi-
cal party unless he is legally quali-
fied to hold such office, has complied
with all the requirements of law,
and received a majority of the votes
cast for all candidates for such office
at such primary election; providing
for the holding of a second primary
election and fixing the date of the
holding of all second primary elec-
tions, and declaring an emergency."

Senator Dean offered the follow-
ing amendments which were read:

(1) Amend the bill, line 1, page
2, after the word "districts" the fol-
lowing, "or counties." and amend
the caption to conform.

(2) Amend the bill by inserting
after the word "district" and before
the word "office" whenever the said
words occur in conjunction in Sec-
tion 1, of the bill, the words "or
county."

Pending.

Senator Page offered the following
amendments which were read:

(3) Amend the bill, page 1, line
25, by inserting after the word
"office" the following, "nor shall the
name of any person be placed upon
any ballot."

(4) Amend the bill by adding
Section 2a, as follows:

Section 2a. Any violation of this
Act by any member of any executive
committee either State or county,
shall be punished by fine of not less
than \$500.00 nor more than \$1,-
000.00, or by imprisonment in the
county jail for any term not exceed-
ing six months and any committee
may be enjoined from placing the
name of any ineligible person upon
the ballot by any district judge, and
in the event of an appeal by either
party, such case shall have priority
over any other case upon the docu-
ment of any appellate court.

Pending.

Senator Johnson of Hall offered
the following amendment which was
read:

(5) Amend Senate Bill No. 2,
page 2, line 10, by changing the
word "may" after the word "party"
to the word "shall."

Pending.

Senator Buchanan of Scurry of-
fered the following amendment to
pending amendment No. 1:

Whenever the word "county" ap-
pears in the amendment, follow same
immediately by the words "and pre-
cincts."

Pending.

The bill was set as a special order
for tomorrow afternoon, March 19,
at 2:30 o'clock.

Messages from the Governor.

The private secretary to the Gov-
ernor here appeared at the bar of
the Senate with several executive
messages.

The same were laid before the Senate and read as follows:

Governor's Office,
Austin, Texas, March 18, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Messrs Bailey, Bee, and Parr, I submit for your consideration an Act to amend Chapter 27 of the General Laws of the Thirty-second Legislature of the State of Texas, entitled: "An Act to provide additional compensation to all judges of the districts courts, district attorneys of the State of Texas, and to the Judge of the Criminal District Court of Harris and Galveston Counties, by allowing compensation for actual and necessary expenses when engaged in the discharge of their official duties in counties other than the county of their residence" so as to increase the maximum sum which may be paid to any such district judge or district attorney in any one year from the sum of two hundred (\$200) dollars, to four hundred (\$400) dollars.

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

Governor's Office,
Austin, Texas, March 18, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. Leonard Tillotson, I submit for your consideration an Act to repeal certain appropriations made for the maintenance of the State Pension Department by Chapter 47, General Laws, First Called Session, Thirty-fifth Legislature, for the two fiscal years beginning September 1, 1917 and September 1, 1918 and for readjustment of salaries.

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

Governor's Office,
Austin, Texas, March 18, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. W. D. Cope, I submit for your consideration an Act to validate charters or acts of incorporation adopted by cities since the enactment of Chapter 147, page 307, of the Acts of the Regular Session of the Thirty-third Legislature, said cities according to the 1910

United States census having a population of less than five thousand inhabitants, but which had at the time of the adoption of said charter or act of incorporation a population in excess of five thousand.

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

Governor's Office,
Austin, Texas, March 18, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Messrs Yantis and Thompson, I submit for your consideration an Act to amend Chapter 88 of the Special Laws of the Regular Session of the Thirty-fifth Legislature known as Henderson County road law.

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

Governor's Office,
Austin, Texas, March 18, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. W. D. Cope, I submit for your consideration an Act providing for the redemption, by the owner, of lands or lots heretofore sold, or that may be hereafter sold, to the State, city or town for taxes, and repealing all laws in conflict with this Act.

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

Governor's Office,
Austin, Texas, March 18, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. F. O. Fuller, and Hon. R. H. Holland, I submit for your consideration, an Act to amend Chapter 32, Article 6196 of the General Laws passed at the First Called Session of the Thirty-fifth Legislature, 1917, page 49, regulating the management and control of the penitentiary system and regulating the fixing of salaries of the penitentiary guards.

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

Court of Travis County, Texas, for a review and revision of rates, fixing the burden of proof in such proceedings, and declaring an emergency."

H. B. No. 94, A bill to be entitled "An Act for the protection of the health, safety and comfort of the employes in factories, mills, workshops, mercantile establishments, laundries, or other establishments where women are employed, providing for proper temperature and ventilation for the protection of the health of the employes, requiring the removal of gas, effluvia or odors from places where employes are required to work and means to allay dust injurious to the health of persons employed, prohibiting decomposed or putrescent matter or refuse of any kind to be allowed to remain in or around such place of employment, providing for cleaning, sweeping and dusting outside of working hours, requiring doors used by employes as entrances or exits to open outward, prescribing the number of water closets, earth closets or privies to be supplied and requiring separate closets for males and females, requiring such closets to be kept clean and effectively disinfected and ventilated, authorizing the Commissioner of Labor Statistics or any of his deputies or inspectors to enter any factory, mill, workshop, mercantile establishment, laundry or other establishment for making inspection and enforcing the provisions of the act, authorizing the said Commissioner, his deputies or inspectors to issue an order for the correction of unsanitary or immoral conditions or neglect to remove fumes and gases injurious to employes where females are employed; in case of failure or refusal on the part of owner, superintendent, manager or other person in control or management of such establishment, giving the Commissioner of Labor Statistics, his deputies or inspectors power to close such establishment or any part of it until such time as said orders are complied with, providing how such powers may be exercised and providing a method for testing the validity, etc., of such orders, fixing penalties for violation of provisions of the act, and declaring an emergency."

H. B. No. 120, A bill to be entitled "An Act granting the State Superintendent of Public Instruction author-

ity to extend teachers' certificates, naming the conditions under which they may be extended, and declaring an emergency."

H. B. No. 141, A bill to be entitled "An Act to further regulate the conducting of fish hatcheries and the propagation of fish in this State by amending Article 4000 of the Revised Civil Statutes of this State, 1911, as amended by Chapter 146 of the Acts of the Thirty-third Legislature, providing for the distribution by the State fish hatcheries of fish to private persons, providing that the Game, Fish and Oyster Commissioner of the State of Texas, as well as the United States Commissions of Fisheries, or their duly authorized agents, may take or catch brood fish from the public fresh waters of this State for the purpose of propagation, etc.; providing a penalty for violation of this statute, and declaring an emergency."

S. B. No. 22, A bill to be entitled "An Act to provide for the creation of conservation and reclamation districts within this State under and by virtue of the provisions of Section 59 of Article 15 of the State Constitution, to be known as Levee Improvement Districts, and declaring an emergency," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives

Bills Read and Referred.

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

H. B. No. 120, referred to the Committee on Educational Affairs.

H. B. No. 141, referred to the Committee on Civil Jurisprudence.

H. B. No. 94, referred to the Committee on Labor.

H. B. No. 70, referred to the Committee on Mining, Irrigation and Drainage.

Messages from the Governor.

A messenger here appeared at the bar of the Senate with several executive messages, which were laid before the Senate and read as follows:

Governor's Office,
Austin, Texas, March 18, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of Senator I. E. Clark, I submit for your consideration the subject of amending Article 5748 to 5755, inclusive, Chapter 2, Title 90 of the Revised Civil Statutes of the State of Texas, 1911, relating to the registration of nurses.

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

Governor's Office,
Austin, Texas, March 18, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of Hon. John H. Veatch, I submit for your consideration the subject of amending Section 1, of Chapter 42, of the Acts of the Thirty-first Legislature, approved March 16, 1909, relating to the Venus Independent School District, in Johnson County.

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

Governor's Office,
Austin, Texas, March 18, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of Hon. C. M. Beard, I submit for your consideration the subject of amending Section 1, of House Bill No. 95, Chapter 38, pages 392, 393, 394 and 395 of the published laws enacted by the Thirty-fifth Legislature at its First Called Session, creating the Milano Independent School District, revising the metes and bounds of said district and excluding certain territory.

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

Governor's Office,
Austin, Texas, March 18, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of Hon. Wm. L. Schlesinger, I submit for your consideration the subject of amending Article 389, of the Code of Criminal Procedure of the State of Texas, relating to the selection of grand

jurors in counties where there are more than one district court.

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

Governor's Office,
Austin, Texas, March 18, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of Messrs. Murphy, Davis, Swope and Holland, I submit for your consideration the subject of amending Article 3903, Chapter 4, of the Revised Civil Statutes of the State of Texas, as amended by Chapter 142, of the Regular Session of the Thirty-third Legislature, and Chapter 55 of the Regular Session of the Thirty-fifth Legislature, relating to the compensation of deputy county officers.

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

Governor's Office,
Austin, Texas, March 18, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

I submit for your consideration the subject of amending the law relating to the system of filing on minerals in public lands and employment of an inspector to protect the interests of the State.

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

Governor's Office,
Austin, Texas, March 18, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

I submit for your consideration the subject of amending the law enacted by the Thirty-fifth Legislature to prevent the introduction into the State of Texas of the cotton pest, defined as the *Pectinophera gossypiella* Saund., referred to as the pink boll worm, rendering more effective enforcement of said law by additional appropriation or otherwise.

In this connection I transmit herewith a copy of a letter received from Hon. Fred W. Davis, Commissioner of Agriculture.

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

(Copy.)

Austin, Texas, March 18, 1918.

Hon. W. P. Hobby, Governor of
Texas, Austin, Texas.

Dear Sir: Due to the large pink boll worm infestation in the southeastern section of our State it has developed that an additional appropriation is necessary to carry out the provisions of the pink boll worm Act. Funds will be necessary to police the non-cotton zones. Several men are required to urge the growers in these zones to refrain from planting cotton.

Due to the dry winter considerable cotton seed in fields was left uninjured which is now beginning to sprout. This volunteer cotton must be destroyed, which requires additional men and funds.

The close proximity of the pink boll worm to our Texas border near Eagle Pass and Del Rio will require a number of scouts in that section.

All of the cotton seed produced in the infested area in 1916-1917 is being traced and disposed of. Most of it has already been located, but there will no doubt be small quantities of this seed planted outside of the zone which may bring about new infestations. This must be watched and requires experienced scouts.

It takes several men to look after the transportation and fumigating of cotton products that may be dangerous in carrying the pink boll worm further into the cotton belt.

Considerable labor is required to destroy infested fields, which must be done when infestations are found.

A summary of work required to make the pink boll worm fight a success, and purpose for the additional appropriations are as follows:

An adequate force of men to police the non-cotton zones, to destroy and to inspect the destruction of volunteer cotton in the non-cotton zone.

Additional men to thoroughly scout the rest of the cotton belt in the State for new infestations and to inspect all reports of probable infestation.

Good scouts to watch the Mexican border.

Men to clean up and fumigate warehouses, cotton gins, oil mills, seed houses and cars that may have infested seed in them.

For the above purposes an addi-

tional appropriation of \$20,000.00 is needed.

Very truly yours,
FRED W. DAVIS,
Commissioner.

(Senator Bailey in the Chair.)

Senate Bill No. 84.

The Chair laid before the Senate on second reading:

S. B. No. 84, A bill to be entitled "An Act to establish and fix the salary of the Superintendent of Public Buildings and Grounds of the State of Texas, providing for an appropriation to pay said salary, and creating an emergency."

Senator Clark moved the previous question on the engrossment of the bill, which being duly seconded was ordered.

The bill was read second time and passed to engrossment.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 84 put on its third reading and final passage by the following vote:

Yeas—21.

| | |
|---------------------|---------------------|
| Alderdice. | Hall. |
| Bailey. | Henderson. |
| Bee. | Hopkins. |
| Buchanan of Bell. | Johnson of Hall. |
| Buchanan of Scurry. | Johnston of Harris. |
| Caldwell. | Page. |
| Clark. | Robbins. |
| Collins. | Smith. |
| Dean. | Strickland. |
| Faust. | Westbrook. |
| Gibson. | |

Nays—2.

| | |
|--------|---------|
| Floyd. | Sulter. |
|--------|---------|

Absent.

| | |
|-----------|-----------|
| Dayton. | Parr. |
| Decherd. | Woodward. |
| Hudspeth. | |

Absent—Excused.

| | |
|------------|-----------|
| Lattimore. | McNealus. |
| McCollum. | |

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed by the following vote:

words "certificate of" after the word "such" in line 9 of said Section 2, and inserting after the word "registration" in said line the word "receipt," and by striking out the words "certificate of registration" immediately after the second period in said Section 2, and inserting in lieu thereof the words "registration receipts," and by striking out all beginning with the words "certificate of registration" and containing the form of said certificate in the latter part of Section 2, and by inserting in lieu thereof, the following:

Registration Receipt.

State of Texas, County of.....
No....., I..... of.....
County, Texas, am..... years of age,
color....., race....., oc-
cupation....., residence No.....
.....city, voting precinct
....., postoffice address....., have
lived at said place.....years.

(Signed).....
Sworn to and subscribed before
me, this..... day of....., 191..

Tax Collector.....County
I,, Tax Collector
aforesaid, hereby certify that the
foregoing registrant personally
signed and swore to the facts set out
in the above receipt before me, show-
ing her to be a qualified voter in
primary elections in said county,
State and precinct for the year.....
(Seal)

Tax Collector.....County.

Amend said bill be inserting after
Section 4, a new Section to be known
as Section 5, to read as follows:

Section 5. The provisions of this
Act shall apply to and govern the
voting of women in the primary elec-
tion held during the year 1918, and
from and after the first of January,
1919, each woman voter in this State
voting and offering to vote in any
primary election or convention shall
be required to pay the poll tax now
required by law of each male person
who desires to vote and shall be
governed and controlled by all of the
laws of the State of Texas, requir-
ing and permitting the voting upon
the payment of poll taxes in this
State.

And by renumbering the follow-
ing Section to correspond.

By unanimous consent, the substi-

tute was withdrawn; the pending
amendment offered by Senator Page
was withdrawn, and the substitute
by Senator Lattimore was then of-
fered as an original amendment and
the same was read.

Pending.

Bill Signed.

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

H. B. No. 98, A bill to be entitled
"An Act to amend Article 1197, Title
17 of the Code of Criminal Procedure
of the State of Texas, relating to de-
linquent children so as to include and
further prescribe the procedure in
cases of boys and girls, fixing pen-
alties, and declaring an emergency."

Messages from the Governor.

A messenger here appeared at the
bar of the Senate with several execu-
tive messages, which were laid be-
fore the Senate and read as follows:

Governor's Office,
Austin, Texas, March 19, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of Senator W. D.
Caldwell and Hon. Howard Bland, I
submit for your consideration an Act
enlarging and establishing the Jar-
rell Independent School District, Wil-
liamson County, Texas.

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

Governor's Office,
Austin, Texas, March 19, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of Hon. C. F. Sen-
tell, I submit for your consideration
the following claims which have been
presented against the State of Texas:

Account of Hon. W. W. Dodd, Dis-
trict Attorney pro tempore Thirty-
sixth Judicial District.

Account of J. A. Brewer for re-
fund of taxes erroneously paid on
personal property.

Account of Texas Company for oil
furnished to the Department of Pub-
lic Buildings and Grounds.

Account of Hon. C. W. Carlisle, sheriff of Liberty County for fees in the case of the State of Texas vs. Archie Bass.

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

Governor's Office,
Austin, Texas, March 19, 1918.
To the Thirty-fifth Legislature in Fourth Called Session.

I submit for your consideration the subject to an increased appropriation for the Department of Education.

In connection with this subject, I submit copies of the following letters: Hon. W. F. Doughty, State Superintendent, to the Governor; E. L. Steck, printer, to Hon. W. F. Doughty, Superintendent; also an estimate from Von Boeckmann-Jones Co., and one from the Department of Education, showing the present indebtedness and needs of that Department.

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

The Department of Education.

Austin, Texas, March 16, 1918.

Hon. W. P. Hobby, Governor of Texas, Austin, Texas.

Dear Sir: Herewith I am submitting statement of the needs of the State Department of Education and am asking that you recommend an emergency appropriation for the following reasons:

1. The State Department of Education has heretofore had to ask the printers to carry a large part of its printing account on their books from three to six months in order to serve the best interest of the schools.

2. The increase in postage rates creates a deficiency of about \$1,500. in the Department's expenses.

3. The numerous requests made by the Federal Government upon the State Department of Education for war service through the public free schools creates an emergency in that additional printing must be done in order to comply fully and promptly to the needs of the Government at this time.

4. The Department of Education,

through its regular appropriations, has been bearing the necessary expenses of the State Board of Vocational Education authorized by the Thirty-fifth Legislature, First Called Session. The Federal Government has designated the various State Boards of Vocational Education to do within the draft age for emergency war training for radio and buzzer operators, mechanics, technicians, and is now recommending that the Board train teachers whose duty it shall be to train disabled soldiers and sailors returning from the war in the useful occupations. The State Board of Vocational Education, composed of the Governor of Texas, the Secretary of State, and the Comptroller, is doing its bit as best it can through its executive officer and staff of vocational experts to train men and women in the useful vocations that will help to win the war.

5. With the emergency appropriation granted, the State Department of Education is unable to pay its present indebtedness, to settle its accounts when due for the remainder of the fiscal year, and to do the work obligatory upon it as the State's agency for the administration of the public free schools.

Respectfully submitted,
W. F. DOUGHTY,
State Superintendent.

Statement of the Present Indebtedness of the State Department of Education.

| | |
|---|-------------|
| Present indebtedness to printers | \$ 3,200.00 |
| 40,000 teachers registers | 3,000.00 |
| Auditor's report, blanks and forms | 300.00 |
| High School Affiliation bulletin | 500.00 |
| 400,000 State Course of Study | 1,000.00 |
| 5,000 Summer Normal bulletin | 100.00 |
| 10,000 Rural School bulletin | 700.00 |
| 26,500 Head Teacher's Term Report | 800.00 |
| 300,000 Teacher's Monthly Reports | 600.00 |
| Federal aid blanks, bulletins and forms | 900.00 |
| Various other forms | 200.00 |
| Stamps | 1,500.00 |
| | <hr/> |
| | \$12,800.00 |

E. L. Steck.

Austin, Texas, March 13, 1918.

Hon. W. F. Doughty, State Superintendent, Austin, Texas.

Dear Mr. Doughty: We have been watching the legislative proceedings to see if, perhaps, they were going to administer to your needs, but so far we have failed to see wherein they have done anything for your Department. We know that you are looking after this matter, but we thought possibly you were so exceedingly busy it would not be amiss to call this to your attention. We hope you will be able to effect such arrangement as you have in mind, for the sake of a poor bunch of printers, if for no other consideration.

If we can be of any service to you, command us.

Best wishes,

E. L. STECK.

Von Boeckmann-Jones Company.

Austin, Texas, March 12, 1918.

Department of Education.

Printing bills in excess of Department's appropriation for printing.

February bills allowed by Printing Board and remaining unpaid:

| | |
|--------------------------|-----------|
| Our job No. 179, binding | |
| School Laws | \$ 184.80 |
| Our job No. 196—Bulletin | |
| 72, Education | \$ 382.05 |
| Our job No. 214—Bulletin | |
| 74, Education | 87.13 |
| Our job No. 223—Bulletin | |
| 75, Education | 71.48 |
| | <hr/> |
| | \$ 725.46 |

Jobs now in progress—estimated amounts:

| | |
|---|------------|
| Our job No. 226—Education Bulletin 76 | \$ 560.00 |
| Our job No. 236—Education Bulletin 77 | 300.00 |
| | <hr/> |
| | \$ 860.00 |
| Grand total | \$1,585.46 |

Bills and Resolutions.

By Senator Caldwell:

S. B. No. 102, A bill to be entitled "An Act enlarging and establishing the Jarrell Independent School District in Williamson County, Texas, etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Johnston of Harris:

S. B. No. 103, A bill to be entitled "An Act to amend Article 3903, Chapter 4, of the Revised Civil Statutes of 1911, of the State of Texas, and as amended by Chapter 142 of the Regular Session of the Thirty-third Legislature, and as amended by Chapter 55 of the Regular Session of the Thirty-fifth Legislature, relating to the appointment of certain officers named in Articles 3881 to 3886 of the Revised Civil Statutes, of deputies or assistants in the performance of the duties of such officers, where such assistants or deputies are necessary for the efficiency of the public service; providing for an application to be made by such officers to the county judge of the county for authority to appoint same; prescribing the issuance by the county judge of an order authorizing the appointment of such deputies or assistants; providing that the officers desiring such deputies or assistants shall make affidavit that such assistants or deputies are necessary for the efficiency of the public service; providing for the salary of a chief deputy and the other deputies or assistants; providing that the order of the county judge granting such authority shall state the number of deputies or assistants; providing that the officers requesting said deputies or assistants shall fix their compensation; providing the maximum amount allowed for deputies in counties having a population of 37,500 to 100,000; providing the maximum amount allowed deputies in counties having a population in excess of 100,000, as shown by the last scholastic census; and providing that in counties in excess of 100,000 in habitants, district attorneys or any district or county attorney, is authorized, with the consent of the county judge of said county, to appoint two assistants in addition to his regular force, which two assistants shall not be required to possess same qualification required by law for district and county attorneys; providing amount paid said deputies, also providing for fifty (\$50.00) dollars per month for necessary expenses, etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Section —. The result of the vote on said issue to be certified to the State Executive Committee or its chairman as is now provided by law for such action as the party in its duly constituted and authorized manner may deem necessary to give force to the expressed result.

JOHNSTON of Harris.
BAILEY.

Senator Lattimore made the point of order that the amendment is not germane to the bill, and seeks to change the purpose of the bill.

The Chair sustained the point of order.

Appeal from Ruling of Chair.

Senator Bailey appealed from the ruling of the Chair, and Senator Collins was called to the Chair and presided.

Senator Collins put the question as follows: "Shall the ruling of the Chair be sustained?"

The Chair was sustained by the following vote:

Yeas—18.

| | |
|---------------------|------------------|
| Alderdice. | Hopkins. |
| Bee. | Johnson of Hall. |
| Buchanan of Bell. | Lattimore. |
| Buchanan of Scurry. | McCollum. |
| Collins. | McNealus. |
| Dean. | Page. |
| Floyd. | Robbins. |
| Gibson. | Sulter. |
| Henderson. | Westbrook. |

Nays—8.

| | |
|-----------|---------------------|
| Bailey. | Hall. |
| Caldwell. | Johnston of Harris. |
| Clark. | Parr. |
| Faust. | Woodward. |

Present—Not Voting.

Decherd.

Absent.

| | |
|-----------|-------------|
| Hudspeth. | Strickland. |
| Smith. | |

Absent—Excused.

Dayton.

House Bill No. 105 pending.

Messages from the Governor.

A messenger here appeared at the bar of the Senate with several execu-

tive messages, which were laid before the Senate and read as follows:

Governor's Office,

Austin, Texas, March 20, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Senator C. R. Buchanan of Scurry County, I submit for your consideration an Act to amend Section 14, Chapter 33, of the Laws passed at the Regular Session of the Thirty-third Legislature being an Act creating a more effective road system for Scurry County.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,

Austin, Texas, March 20, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Senator W. L. Dean, I submit for your consideration the subject of enacting a law which would permit the Board of Prison Commissioners to pay any notes which have been executed by or under their authority which the records of the Board of Prison Commissioners show to be just, due and unpaid.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,

Austin, Texas, March 20, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. C. B. Metcalfe of Tom Green County, I submit for your consideration the following subject:

The enactment of a law making appropriations for deficiencies in appropriations heretofore made for the support of the State Government for the fiscal year ending August 31, 1917, to cover duly authorized deficiency claims registered in the office of the Comptroller of Public Accounts of the State of Texas, in accordance with law.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,

Austin, Texas, March 20, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. W. H.

Bledsoe, I submit for your consideration the following subjects:

The enactment of a law establishing Common School District No. 15, in Lubbock County, Texas.

The enactment of a law readjusting the common school districts and county line common school districts in Lubbock County, against which outstanding bond issues are now in force.

The enactment of a law changing the boundaries of Lubbock Independent School District and Canyon Independent School District No. 11, and New Hope Common School District No. 20 in Lubbock County, Texas.

The enactment of a law changing the boundaries of Abernathy Independent School District, situated in Hale and Lubbock Counties, Texas.

The enactment of a law changing the boundaries of Common School Districts Nos. 3 and 4 and Slaton Independent School District in Lubbock County, Texas.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 20, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Senator Carlos Bee, I submit for your consideration the enactment of a law to prohibit any person other than the lawful owner or owners to use, traffic in, purchase, sell, convert, mutilate or destroy, or to refuse to return to such owner any milk cans, milk bottles, milk jars, butter boxes, ice cream cans or ice cream tubs branded or stamped by, or bearing the private mark of such owner.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Recess.

At 12 o'clock noon, the Senate, on motion of Senator Clark, recessed until 2 o'clock p. m. today.

After Recess.

(Afternoon Session.)

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

Bills Signed.

The Chair, President Pro Tem. Decherd, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 45, A bill to be entitled "An Act amending Section 1, Chapter 91, of the General Laws passed by the Thirty-fourth Legislature at its regular session requiring applicants for license to practice law under the provisions of said chapter to produce the proof of the existence of the same or similar statute in the State from which the applicant immigrates; validating all licenses issued by the Clerk of the Supreme Court under the provisions of said Chapter 91, passed by the Thirty-fourth Legislature, prior to the passage of this Act, and declaring an emergency."

S. B. No. 70, A bill to be entitled "An Act to amend Article 921 of the Code of Criminal Procedure of the State of Texas adopted at the Regular Session of the Thirty-second Legislature in 1911, and declaring an emergency."

House Concurrent Resolution No. 8, relating to the extension of the K. C. M. & O. Ry from San Angelo to Del Rio.

House Bill No. 105.

(Pending Business.)

Action recurred upon House Bill No. 105, as pending business, the question being upon the passage of the bill to third reading.

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

Amend House Bill No. 105, by adding after Section 2, a new Section to be known as Section 2a, to read as follows:

Section 2a. Every woman who possesses the other qualifications of an elector under the Constitution and Laws of this State, and who lives in a voting precinct outside of a city of ten thousand inhabitants, shall have the right to vote in all primary elections held in the year 1918, who shall present herself, personally, at the office of the tax collector of the county in which she lives at any time not less than fifteen days prior to the holding of such primary election, and shall per-

trains on any railroad, and if they have so ceased to operate shall resume operation; providing further that the Railroad Commission of the State of Texas shall enforce the regulations hereof, and shall report to the Attorney General violations hereof, who shall file suit to enforce the same, and that this Act shall be cumulative of all laws now in effect on this subject, and declaring an emergency."

Senator Suiter offered the following amendments which were read and adopted, *seriatim*:

(1) Amend the printed bill, page 2, lines 5 and 6 by striking out the words "in whole or in part" and insert in lieu thereof the following, "or any part thereof."

(2) Amend the printed bill, page 2, lines 11 and 12 by striking out all of line 11 after the word "road," and the first word in line 12.

(3) Amend the printed bill, page 2, line 12 by striking out at the end of said line the letters "regu," and insert in lieu thereof the following: "Regulations of the Railroad Commission."

(4) Amend the printed bill, page 2, line 14, by striking out the word "fail," in said line and insert after the word "shall" and before the words "to operate" the following, "Attempt to abandon any railroad or part thereof by failing."

(5) Amend the printed bill, page 2, lines 15 and 16 by striking out all after the comma in line 15 and all of line 16 down to and including the word "said" and insert in lieu thereof the following, "If the operation of trains has been abandoned the railroad."

(6) Amend the printed bill, page 2, by changing the period in line 7 to a semi-colon and add the following, "Provided further the provisions of this Act shall not apply to railroads to which the right of eminent domain is not granted under the laws of this State."

The bill was read second time and passed to engrossment.

On motion of Senator Suiter, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 25 put

| | |
|---------------------|---------------------|
| Bee. | Hopkins. |
| Buchanan of Bell. | Johnson of Hall. |
| Buchanan of Scurry. | Johnston of Harris. |
| Caldwell. | Lattimore. |
| Clark. | McNealus. |
| Collins. | Parr. |
| Faust. | Strickland. |
| Floyd. | Suiter. |
| Gibson. | Westbrook. |
| Hall. | Woodward. |

Absent.

| | |
|------------|-----------|
| Dean. | McCollum. |
| Decherd. | Page. |
| Henderson. | Robbins. |

Absent—Excused.

| | |
|-----------|--------|
| Dayton. | Smith. |
| Hudspeth. | |

The bill was laid before the Senate, read third time and, on motion of Senator Suiter, was passed by the following vote:

Yeas—21.

| | |
|---------------------|---------------------|
| Alderdice. | Hall. |
| Bee. | Hopkins. |
| Buchanan of Bell. | Johnston of Harris. |
| Buchanan of Scurry. | Lattimore. |
| Caldwell. | McNealus. |
| Clark. | Parr. |
| Collins. | Strickland. |
| Decherd. | Suiter. |
| Faust. | Westbrook. |
| Floyd. | Woodward. |
| Gibson. | |

Present—Not Voting.

Bailey.

Absent.

| | |
|------------------|-----------|
| Dean. | McCollum. |
| Henderson. | Page. |
| Johnson of Hall. | Robbins. |

Absent—Excused.

| | |
|-----------|--------|
| Dayton. | Smith. |
| Hudspeth. | |

Senator Suiter moved to reconsider the vote by which the bill was passed and table the motion to reconsider.

The motion to table prevailed.

Governor's Office,
Austin, Texas, March 21, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.
At the request of Senator W. A.
Johnson and Hon. J. W. Crudginton,
I submit for your consideration the
subject of amending the Amarillo
Independent School District law.

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

Governor's Office,
Austin, Texas, March 21, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of the Attorney
General's Department, I submit for
your consideration the enactment of
a law making it the duty of the Sec-
retary of State to examine and con-
sider applications for refund for per-
mit fee and franchise taxes paid by
foreign corporations, under protest,
against constitutionality of the Per-
mit Fee and Franchise Tax Acts of
the State of Texas recently held void
by the Supreme Court of the United
States; defining the duties of the
Secretary of State with reference to
this matter and regulating the
method of approving and registering
these claims; authorizing suits to be
brought against the Secretary of
State in his official capacity in any
district court of Travis County, for
the establishment and allowance of
any claims rejected by the Secretary
of State in the event of a final judg-
ment establishing any claim; pre-
scribing the period of time within
which such claims must be presented
to the Secretary of State and within
which suits must be filed on rejected
claims and fixing a period of limita-
tion when such claims shall be void.
In connection with this subject, I sub-
mit a copy of a letter received from
the Attorney General's Department.

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

State of Texas.

Attorney General's Department.

Austin, Texas, March 20, 1918.
Hon. W. P. Hobby, Governor of
Texas, Austin, Texas.
Sir: In November, 1914, Crane
Company, a foreign corporation hav-
ing a permit to transact business in

the State of Texas, brought an injunc-
tion suit in the Federal Court against
the Attorney General and the Secre-
tary of State for the purpose of en-
joining them from enforcing against
this company the provisions of Re-
vised Statutes, Articles 3837 and
7394, which articles require the pay-
ment of permit fees and franchise
taxes by foreign corporations seeking
to transact business or transacting
business in the State of Texas.

This suit, following the usual
course, was finally decided in the Su-
preme Court of the United States, and
by that Court these Articles of the
Statute were recently held void, as
being in violation of the Constitution
of the United States.

After the filing of this suit and
possibly in a few instances prior
thereto, foreign corporations at the
time of paying permit fees or fran-
chise taxes protested to the Secretary
of State that the statutes referred to
were void, as being in violation of
the Constitution of the United States,
and paid such permit fees and fran-
chise taxes "Under protest." I am
unable to state the number of pro-
tests or the amount of fees and taxes
paid under protest. However, in
December, 1915, Mr. McKay, at that
time Secretary of State, gave us a
certificate in which he stated that ap-
proximately twenty per cent in num-
ber, sixty per cent in amount, of fran-
chise taxes had been paid under pro-
test up to that time.

These taxes paid under protest, un-
der the opinion of the Supreme
Court of the United States, have been
of course, unlawfully exacted, and
may be recovered from the State of
Texas in an action brought for the
purpose, provided the State consents
to the bringing of the necessary suits.
They are, also, recoverable against
the respective Secretaries of State
who received the same, although such
officers paid the same into the Treas-
ury of the State of Texas; and there
are now pending several suits against
the respective Secretaries of State
who collected such taxes, and we are
credibly informed that other suits will
be filed against these men in their
personal capacities, and, in all prob-
ability, personal judgment will be
recovered against them for these
taxes which were thus collected and
paid into the Treasury of the State
of Texas.

Permit fees and franchise taxes

which were not paid under protest but which were paid voluntarily cannot, of course, be recovered. Gaar, Scott & Company versus Shannon, 223 U. S., page 468.

Because of the situation which confronts the State, we have concluded to recommend to your Excellency, that some method be adopted by which the amount of permit fees and taxes which have been paid under protest may be ascertained and this amount, with the names of the parties to whom due, be properly certified to the next session of the Legislature, in order that appropriation may be made, if the Legislature desires, for the payment of these claims. Unless this is done, then it is quite probable that the personal actions against the respective Secretaries of State will prevail and these gentlemen be made to respond out of their personal funds for the taxes and fees collected under the statutes of the State and paid into the treasury of the State.

We direct your attention to this matter at this time for such action as you may deem appropriate, with the additional information that we have stated to some of the parties making these claims that we would direct your attention to the situation, in order that legislative action may be taken which will relieve the condition which now confronts the State.

Very truly yours,
C. M. CURETON,

First Assistant Attorney General.

Senate Bill No. 37.

The Chair laid before the Senate on third reading.

S. B. No. 37, A bill to be entitled "An Act to amend Article 3842, Revised Civil Statutes of 1911, relating to fees chargeable by the General Land Office of Texas."

Senator Buchanan of Scurry offered the following amendment which was read and adopted by unanimous vote:

Amend Senate Bill No. 37 by adding thereto the emergency Section No. 2, and amending the caption so as to declare an emergency.

Section 2. The importance of the necessity of adjusting and regulating certain fees now required by law to be charged in the General Land Office, the near approach of the close

of this session of the Legislature, and the crowded condition of the calendar creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and same is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

The bill was laid before the Senate, read third time and, on motion of Senator Buchanan of Scurry, was passed by the following vote:

Yeas—23.

| | |
|---------------------|------------------|
| Alderdice. | Henderson. |
| Bee. | Hopkins. |
| Buchanan of Bell. | Johnson of Hall. |
| Buchanan of Scurry. | Lattimore. |
| Caldwell. | McNealus. |
| Clark. | Parr. |
| Collins. | Robbins. |
| Dean. | Strickland. |
| Faust. | Suiter. |
| Floyd. | Westbrook. |
| Gibson. | Woodward. |
| Hall. | |

Present—Not Voting.

Bailey.

Absent.

Decherd. McCollum.
Johnston of Harris. Page.

Absent—Excused.

Dayton. Smith.
Hudspeth.

Message from the House.

Hall of House of Representatives.
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

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

Refused to pass

S. B. No. 35, A bill to be entitled "An Act to amend Sections 3, 16 and 19 of Chapter 83 of an Act approved March 16, 1917, relating to the development of minerals in public lands by requiring applications to be filed in the General Land Office instead of with the county clerk and providing that permits shall be issued to the one who makes the highest cash offer for the area in addition to the one-eighth royalty, and providing for the employment of a mineral inspector

in the official newspaper of the said city."

(3) Amend Senate Bill No. 27, Section 2, by adding at the end of said Section the following: "Provided that no application to alter, change or relocate railway tracks, as contemplated by this Section, shall be acted upon by the governing legislative authority of such city until thirty days after the petition of citizens provided herein shall have been filed with said body, and publication thereof has been made for two consecutive weeks in a newspaper of general circulation within the limits of said city prior to action had thereon."

On motion of Senator Johnston of Harris, the amendments were concurred in by the Senate.

(President Pro Tem. Decherd in the chair.)

Messages from the Governor.

A messenger here appeared at the bar of the Senate with several executive messages, which were laid before the Senate and read as follows:

Governor's Office,
Austin, Texas, March 21, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

I submit for your consideration the subject of providing an adequate law to regulate the sale, distribution and handling of explosives in the State of Texas.

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

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

To the Thirty-fifth Legislature in Fourth Called Session.

I submit for your consideration the enactment of a law permitting corporations to buy, sell, own, lease from or to others street cleaning machines.

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

Senate Bill No. 87.

Senator Caldwell moved that the regular order of business (Senate Bill No. 31) be suspended, and the Sen-

ate take up, out of its order, Senate Bill No. 87.

The motion was lost by the following vote:

Yeas—12.

| | |
|-----------|------------------|
| Bailey. | Hall. |
| Bee. | Johnson of Hall. |
| Caldwell. | McNealus. |
| Clark. | Page. |
| Collins. | Parr. |
| Faust. | Woodward. |

Nays—10.

| | |
|---------------------|---------------------|
| Alderdice. | Floyd. |
| Buchanan of Bell. | Johnston of Harris. |
| Buchanan of Scurry. | Lattimore. |
| Dean. | Robbins. |
| Decherd. | Suiter. |

Absent.

| | |
|------------|-------------|
| Gibson. | McCollum. |
| Henderson. | Strickland. |
| Hopkins. | Westbrook. |

Absent—Excused.

| | |
|-----------|--------|
| Dayton. | Smith. |
| Hudspeth. | |

Message from the House.

Hall of the House of Representatives,
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, 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. 36, A bill to be entitled "An Act to amend Article 5376, Revised Civil Statutes of 1911, and to repeal Article 5379 of the same statute, both relating to the delivery of patents, and declaring an emergency."

S. B. No. 30, A bill to be entitled "An Act to better provide for the location, establishment and construction of the hospital at Rusk, Texas, for the care, treatment and support of insane persons of African race, or descent, etc., and declaring an emergency."

S. B. No. 46, A bill to be entitled "An Act to provide for the creation of corporations to prevent the pollution of streams and to that end empowering such corporations to gather, impound and store water containing salt or other substance produced in the drilling or operation of oil wells or other wells; and authoriz-

bins was a clean souled, high minded, courageous citizen, whose memory we shall revere; therefore, be it

Resolved, That we extend to Senator Robbins, and the bereaved family of the deceased, our sincere sympathy in this hour of sorrow, and that the Secretary of the Senate be instructed to furnish a copy of this resolution to them.

(Signed). Lattimore, Bee, Buchanan of Bell, Buchanan of Scurry, Caldwell, Clark, Collins, Dayton, Dean Decherd, Floyd Gibson, Hall, Henderson, Hopkins, Hudspeth, Johnson of Hall, Johnston of Harris, McCollum, McNealus, Page, Parr, Smith, Strickland, Suiter, Westbrook and Woodward.

The resolution was read and adopted by unanimous vote of the Senate.

Simple Resolution No. 49.

Whereas, The main money crop of the State of Texas and the South is cotton and as it is produced strictly for sale, thus making it clearly a commercial product, and

Whereas, The Commissioner of Agriculture of Texas and those of the other cotton producing states, as well as many other citizens of the South, believe this product can and should be priced by those interested in its production, the same as other commercial products; therefore be it

Resolved, That the Commissioner of Agriculture of Texas and the Commissioner of Warehouses and Markets, of Texas, be invited to come before a joint session of the Senate and House at such time as the Speaker and President of the Senate may fix, and explain how this important work can be accomplished, and if found to be feasible, that to aid him in his work, the Governor of the State, the Lieutenant Governor, and the Speaker of the House be added to the Pricing Committee which the Commission selects for the purpose of finding the cost of producing cotton and naming a price it ought to bring each season.

LATTIMORE.
HENDERSON.

The resolution was read and adopted.

Bills Signed.

The Chair, President Pro Tem. Decherd, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 46, A bill to be entitled "An Act to provide for the creation of corporations to prevent the pollution of streams and to that end empowering such corporations to gather, impound and store water containing salt or other substances produced in the drilling or operation of oil wells or other wells; and authorizing such corporations to charge reasonable rates for service; and prohibiting discrimination between patrons; and conferring upon such corporations the power of condemnation of necessary land and rights; authorizing corporations interested in the proper disposition of such waters to subscribe for, own and vote stock in corporations created hereunder; and declaring an emergency."

H. B. No. 105, A bill to be entitled "An Act to provide that women may vote in all primary elections and nominating conventions in Texas; prescribing qualifications for such voters, providing for registration in cities of ten thousand and over, and declaring an emergency."

Messages from the Governor.

A messenger here appeared at the bar of the Senate with several executive messages, which were laid before the Senate and read, as follows:

Governor's Office,
Austin, Texas, March 22, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

I submit for your consideration, the following subject: "An Act to establish and create at Port Arthur, Jefferson County, Texas, a city of over five thousand inhabitants, a court to be known as the 'Municipal Court of Port Arthur,' and to prescribe its organization, jurisdiction and procedure, and to conform the jurisdiction and procedure of other courts thereto."

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

Governor's Office,
Austin, Texas, March 22, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session:

At the request of Dr. Beverly Young, Superintendent of the Southwestern Insane Asylum, I submit for your consideration the subject of providing an increased appropriation for the Southwestern Insane Asylum.

In this connection I transmit a copy of an application for deficiency appropriation made by the Superintendent of the Institution.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

(Copy.)

March 16, 1918.

Hon. W. P. Hobby, Governor of
Texas, Austin, Texas.

Dear Sir: By July 1, 1918, the appropriation made for the Southwestern Insane Asylum, by the First Called Session of the Thirty-fifth Legislature, for the fiscal year ending August 31, 1918, of \$210,000.00, for support and maintenance, will have been exhausted.

In explanation and to justify your grant of a deficiency in this item of the appropriation made by the First Called Session of the Thirty-fifth Legislature, because of the unusual high cost of every commodity used by this institution, for instance the three items of fuel, oil, flour and beef, is costing us \$38,070.00 more than they did during the fiscal year ending August 31, 1917, and every other article bought has increased in the same proportion, it will require \$25,000.00 to buy the necessary supplies for this institution, to August 31, 1918.

Therefore, for the reasons above stated, I know that the deficiency in this appropriation at the time indicated, will be \$25,000.00, hence I estimate the sum of \$25,000.00 as the amount necessary to tide me over in said appropriation, until the next appropriation becomes available, and respectfully request your approval thereof.

(Signed) BEVERLY YOUNG,
Superintendent.

Subscribed and sworn to before

me, this 18th day of March, A. D. 1918.

(Signed) B. L. GOODE,
Notary Public, Bexar County, Texas.

(Senator Alderdice in the chair.)

Morning call concluded.

Senate Bill No. 109.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 109, A bill to be entitled "An Act to amend Section 2 of an Act passed by the First Called Session of the Thirty-first Legislature, Chapter 8, Special Laws, entitled 'An Act to authorize, enable and permit the territory situated within the bounds of the city of Amarillo, in the county of Potter and State of Texas, and other land and territory adjacent thereto in Potter County, to incorporate an independent school district for free school purposes only, to be known as the Amarillo Independent School District, with all the powers, rights and duties of independent schools districts formed by incorporations of towns and villages for free school purposes only; and to provide for the election of trustees, raising of revenue by taxation, issuing of bonds, acquiring the property of and assuming the indebtedness of the Amarillo Independent School District, and of the Amarillo Independent School District within the city limits, and dissolving the Amarillo Independent School District within the city limits, and repealing Chapter 136, Acts of 1905, relating to the incorporation of the Amarillo Independent School District, and declaring an emergency,' so as to add certain territory in Randall County, and declaring an emergency."

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

The bill was read second time and passed to engrossment.

On motion of Senator Johnson of Hall, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 109 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.

Bailey.

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| Clark. | Johnson of Hall. |
| Collins. | Johnston of Harris. |
| Dean. | Lattimore. |
| Decherd. | Page. |
| Faust. | Parr. |
| Floyd. | Strickland. |
| Hall. | Suiter. |
| Hopkins. | |

Absent.

| | |
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| McNealus. | Westbrook. |
| Robbins. | Woodward. |

Absent—Excused.

| | |
|------------|-----------|
| Dayton. | Hudspeth. |
| Gibson. | McCollum. |
| Henderson. | Smith. |

The bill was laid before the Senate, read third time and, on motion of Senator Buchanan of Scurry, was passed finally.

Message from the Governor.

The private secretary to the Governor here appeared at the bar of the Senate with an executive message.

The same was laid before the Senate and read as follows:

Governor's Office,
Austin, Texas, March 22, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session:

At the request of Senator W. D. Caldwell, I submit for your consideration an act to amend Chapter 133, page 336 of the General Laws of the Regular Session of the Thirty-fifth Legislature so as to provide that said act shall not apply to any person, corporation or collection of persons or partnership who pursue the business of collecting accounts due to any person, partnership or corporation for merchandise or goods actually sold and delivered or for services actually performed or for premises occupied or for rentals, and who charge a reasonable fee for collecting such bona fide accounts past due.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Bills Signed.

The Chair, President Pro Tem. Decherd, gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 30, A bill to be entitled "An Act to better provide for the location, establishment and construction of the hospital at Rusk, Texas, for the care, treatment and support of insane persons of African race, or descent, etc."

S. B. No. 22, A bill to be entitled "An Act to provide for the creation of conservation and reclamation districts within this State under and by virtue of the provisions of Section 59 of Article 16 of the State Constitution, to be known as levee improvement districts, for the purpose of reclaiming lands from overflow from rivers, creeks and streams, by systems of levees, drainage and other improvements, prescribing how such districts may be created; defining their rights, powers and privileges, and the manner of their exercise; constituting such districts when created governmental agencies and bodies politic and corporate, and fixing their rights and liabilities as such, providing for the construction, maintenance, and protection of works and improvements erected by them; making penal interference with or injury to their works or improvements, and fixing penalties and punishment to be imposed on persons offending those regards, as well as for building levees without lawful authority; granting to such districts the right of eminent domain, and the power to levy taxes and cause the same to be assessed and collected, and to issue bonds and create indebtedness to raise funds for the objects of their creation, and declaring an emergency."

H. B. No. 156, A bill to be entitled "An Act to amend Chapter 1, Section 119, Revised Statutes of Texas, 1911, by adding thereto Articles 6901a, 6901b, 6901c, 6901d and 6901e; fixing the compensation of county commissioners in counties having a population of 30,000 and over; providing a method of determining the population; providing that if any part of this Act be declared void the same shall not affect the remaining portions; validating the acts of any commissioners court in heretofore paying the amount of salary provided by any road law, and declaring an emergency."

S. B. No. 27, A bill to be entitled "An Act to permit railroad corporations by and with the permission of the Railroad Commission of Texas

Common School Districts Nos. 3 and 14 and Slaton Independent School District in Lubbock County, Texas, and transferring a portion of the territory now embraced in Union Common School District No. 3, to Slaton Independent School District, etc., and declaring and emergency."

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

The bill was laid before the Senate, read second time and, on motion of Senator Johnson of Hall, was passed to its third reading.

Message from the Governor.

A messenger here appeared at the bar of the Senate with an executive message, which was laid before the Senate and read as follows:

Governor's Office,
Austin, Texas, March 23, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

I submit for your consideration the enactment of a law regulating the taxing of all money and securities deposited with the State Treasurer, or other State official department, where such securities belong to any person, firm or corporation organized under the laws of the State of Texas; providing such money or securities shall be taxed at the residence of the person, location of the firm, or the home office of the corporation owning same.

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

Simple Resolution No. 51.

(By unanimous consent.)

I move that General Adam R. Johnson of Burnet, a distinguished Confederate soldier who lost his eye sight in battle in 1864, who is in the Senate Chamber be extended the privileges of the floor and that he address the Senate.

JOHNSTON of Harris.
BEE.
MCNEALUS.
CALDWELL.

The resolution was read and adopted.

The Chair appointed a committee

to escort General Johnson to the President's stand, where he was presented to the Senate by Senator Johnston of Harris and addressed the Senate briefly.

House Bill No. 149.

The Chair laid before the Senate on second reading:

H. B. No. 149, A bill to be entitled "An Act to authorize persons, associations of persons, corporations and districts to conserve the fresh waters of streams for irrigation against pollution by salt sea tides."

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 Collins, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 149 put on its third reading and final passage by the following vote:

Yeas—21.

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| Alderdice. | Henderson. |
| Bee. | Hopkins. |
| Buchanan of Bell. | Johnson of Hall. |
| Buchanan of Scurry. | Johnston of Harris. |
| Caldwell. | Lattimore. |
| Collins. | McNealus. |
| Dean. | Page. |
| Decherd. | Parr. |
| Floyd. | Suiter. |
| Gibson. | Westbrook. |
| Hall. | |

Absent.

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| Bailey. | Strickland. |
| Robbins. | Woodward. |

Absent—Excused.

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| Clark. | Hudspeth. |
| Dayton. | McCollum. |
| Faust. | Smith. |

The bill was laid before the Senate, read third time and, on motion of Senator Collins, was passed by the following vote:

Yeas—21.

| | |
|---------------------|------------------|
| Alderdice. | Decherd. |
| Bee. | Floyd. |
| Buchanan of Bell. | Gibson. |
| Buchanan of Scurry. | Hall. |
| Caldwell. | Henderson. |
| Collins. | Hopkins. |
| Dean. | Johnson of Hall. |

Absent.

Buchanan of Scurry, Robbins.
Caldwell. Woodward.
Henderson.

Absent—Excused.

Dayton. McCollum.
Hudspeth.

The bill was laid before the Senate, read third time and, on motion of Senator Johnson of Hall, was passed finally.

Senate Bill No. 73.

The Chair laid before the Senate on second reading:

S. B. No. 73, A bill to be entitled "An Act repealing Articles 7407, 7408, 7409 and 7418, Revised Statutes of 1911, providing for a State Tax Board and devolving the duties heretofore placed upon such board upon the Railroad Commission of Texas; amending Articles 7410, 7411, 7413, 7415, 7417, 7419, 7420, 7422, and 7424, prescribing certain duties and powers heretofore vested in the State Tax Board so as to vest such powers and duties upon the Railroad Commission of Texas, and declaring an emergency."

On motion of Senator Alderdice the bill was postponed indefinitely.

Message from the Governor.

The private secretary to the Governor here appeared at the bar of the Senate with an executive message.

The same was laid before the Senate and read, as follows:

Governor's Office,
Austin, Texas, March 25, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

In view of the indications that it will become necessary to organize a new National Guard in Texas, it is recommended that Chapter 23 of the Acts of the Third Called Session of the Thirty-fifth Legislature be repealed, and the appropriation of \$400,000 be increased to \$750,000 for the maintenance and support of the military forces of the State of Texas and for the Adjutant General's department.

It is proposed to raise six regiments of cavalry and three regiments of infantry already authorized by the Secretary of War, and I have requested the Secretary of War that authority be given for raising a division of cavalry in Texas for special duty on the border and to relieve the forces of the regular army now stationed on the border.

There is remaining in the Treasury \$211,840.65 unexpended of the appropriation of \$400,000, which with the additional appropriation of \$350,000 hereby recommended, will amply provide for the organization of such division, and which appropriation, of course, will not be expended unless demanded by the necessities of war.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Senate Bill No. 88.

The Chair laid before the Senate on third reading:

S. B. No. 88, A bill to be entitled "An Act to repeal Articles 7074, 7366, 7367, 7368, and 7392 of the Revised Civil Statutes of the State of Texas, 1911, creating the office of State Revenue Agent and defining his powers and duties, repealing the appropriation for said State Revenue Agent, the bill to become effective January 15, 1919, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Alderdice, was passed finally.

Senate Bill No. 90.

The Chair laid before the Senate on second reading:

S. B. No. 90, A bill to be entitled "An Act to validate the sale of certain public domain made by the State on February 21, 1907, and declaring an emergency."

On motion of Senator Collins the bill was postponed indefinitely.

Senate Bill No. 64.

The Chair laid before the Senate on second reading:

S. B. No. 64, A bill to be entitled "An Act to amend Chapter 190 of the General Laws enacted by the Thirty-

"An Act making an appropriation of \$350,000, or so much thereof as may be necessary out of the general revenue or any other available funds, for the purpose of providing for the pay, transportation, subsistence and all other expenses of the military forces of the State when ordered on duty or when mobilized or when recruiting and organizing troops or when ordered on other military duties; providing for the pay, transportation and expense of officers on active duty, or while serving on military courts, or boards, etc., and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senators Smith and Floyd:

S. B. No. 116, A bill to be entitled "An Act to make appropriation to return tax erroneously paid by J. A. Beal, and to appropriate the sum of \$20 to pay T. M. Wall for veterinary service rendered for the State, and declaring an emergency."

Read first time and referred to the Committee on Public Debts, Claims and Accounts.

Senate Concurrent Resolution No. 12.

(By unanimous consent.)

Whereas, It has come to the knowledge of the Texas Legislature that the Federal Government has called upon the University of Texas to assist in training mechanics for the army; and,

Whereas, The buildings at present occupied by the ground school of Military Aeronautics will accommodate a large number of these mechanics; and

Whereas, This makes it necessary for the University to provide an additional place for the accommodation of the ground school of Military Aeronautics, involving an expenditure of approximately \$250,000; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, first: That the use of Camp Mabry be extended to the Board of Regents of the University of Texas for the School of Military Aeronautics, and second: That it is the sense of this Legislature that in the event the war should be over before the earnings of the School of Military Aeronautics shall reimburse the Board of Regents of

the University of Texas for the expenditures incurred, the State of Texas should be responsible for such balance in the building account as may remain unpaid at that time, it being understood that in the event these buildings are completely paid for before the close of the war, they shall become the property of the State for the use of the National Guard or for any other purpose which may seem wise.

HENDERSON.
COLLINS.

The resolution was read and adopted.

Simple Resolution No. 53.

(By unanimous consent.)

Whereas, The female employes, in and about the State Capitol of Texas, have organized an auxiliary to the American Red Cross, and

Whereas, The various departments in and about the Capitol and also the Senate Chamber, during the session of the Senate have large accumulations of waste paper, such as old Journals, waste of various kinds, and

Whereas, The said auxiliary of the American Red Cross as mentioned, are very desirous that all of said waste be turned over to them to be used for the benefit of the American Red Cross, and

Whereas, The heads of the various departments are willing and anxious to comply by turning over such waste to such society but would like more specific authority; now, therefore, be it

Resolved, That all employes of the Senate are hereby instructed to turn over all accumulations of waste to the said Society and that the Senate of Texas request all the heads of the State departments, in and about the State Capitol, insofar as can be done, under existing laws, to turn over all said accumulations in their respective departments to said auxiliary of the American Red Cross, to be used for the benefit of the American Red Cross.

PAGE.

The resolution was read and adopted.

Messages from the Governor.

A messenger here appeared at the

bar of the Senate with several executive messages, which were laid before the Senate and read as follows:

Governor's Office,
Austin, Texas, March 25, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

I submit for your consideration the subject of providing an appropriation for the purpose of establishing and conducting a camp of instruction for the reserve officers' corps of the University of Texas.

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

Governor's Office,
Austin, Texas, March 25, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

I submit for your consideration the subject of an Act making a supplementary appropriation supplementing the appropriation made for the expenses of the Live Stock Sanitary Commission, to be expended during the two fiscal years, ending August 31, 1919.

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

Governor's Office,
Austin, Texas, March 25, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Senators Smith and Floyd, I submit for your consideration an Act to make appropriation to return tax erroneously paid by J. A. Beal, and to appropriate the sum of \$20 to pay T. M. Wall for veterinary service rendered for the State.

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

Governor's Office,
Austin, Texas, March 25, 1918.

To the Texas Senate:

I ask the advice, consent and confirmation of the Senate to the following appointments:

Hon. T. B. Greenwood of Anderson County to be appointed an associate justice of the Supreme Court of Texas, vice Hon. J. E. Yantis, resigned, effective April 1, 1918.

Hon. R. L. Winfrey of Dallas County to be a member of the Board of Prison Commissioners, vice Hon. John H. Bickett, resigned, effective April 1, 1918.

Mr. C. G. Timmins, cotton weigher for Houston, Harris County, appointed March 6, 1918.

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

The message was read and referred to the Committee on Nominations of the Governor.

Simple Resolution No. 54.

Whereas, There appeared in the public press of recent date an article signed by W. P. Yeary, who signs himself as Assistant Director of Markets of the State Department of Agriculture, using the following language in said article:

"It sometimes seems to me that the devil owes the South a debt and is paying it off here and there with members of her legislatures. There are four or five members in the present Legislature that receive their instructions of how to vote and talk from a source equal to the bottomless pit. I am sorry to say that your Senator appears to come in this class."—(From the Hallettsville New Era.)

Whereas, In the publication of said letter he charges such members of the Legislature and of the Senate as being in league with cotton gamblers and others known as the enemy of the farmers of Texas, and

Whereas, Said statements are wholly unfounded and untrue, and without any semblance of truth in them, and

Whereas, The said W. B. Yeary is now an employe of the State of Texas; now, therefore, be it

Resolved, That we, the members of the Senate of Texas, both individually and collectively, condemn the statements made in said letter published, and denounce them as untrue and we believe it to be to the best interest of this State that the said W. B. Yeary be removed from his position in the Agricultural Department of this State, and we request the Commissioner of Agriculture to so remove him.

HALL.

The resolution was read and unanimously adopted.