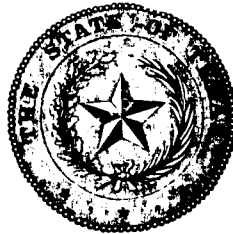


**JOURNAL**  
OF THE  
**House of Representatives**  
OF THE  
**FOURTH CALLED SESSION**  
OF THE  
**THIRTY-SIXTH LEGISLATURE**

BEGUN AND HELD AT  
**THE CITY OF AUSTIN, SEPTEMBER 21, 1920**



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AUSTIN, TEXAS  
1920

THE STATE LIBRARY  
AUSTIN, TEXAS

Rule 3, Section 4, of the Rules of the Thirty-third Legislature.

Signed—Tillotson, Thomas, Satterwhite.

The resolution was read second time and adopted.

#### PROVIDING POSTOFFICE BOXES FOR MEMBERS.

Mr. Tillotson offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to make arrangements for postoffice boxes for the members and officers, and that the cost of same be paid out of the contingent expense fund.

Signed—Tillotson, Thomas, Satterwhite.

The resolution was read second time and adopted.

#### PROVIDING COPIES OF HOUSE JOURNAL.

Mr. Satterwhite offered the following resolution:

Resolved, That 600 copies of the House Journal of each day be printed, one hundred to be delivered to the Senate, one copy to be placed on the desk of each member of the House each day, three copies to be delivered to the head of each State department, and seventy-five copies to the State Library, and the remainder to be left with the Sergeant-at-Arms for distribution, as may be directed.

Signed—Satterwhite, Thomas, Tillotson.

The resolution was read second time and adopted.

#### PROVIDING NEWSPAPERS FOR MEMBERS.

Mr. Nordhaus offered the following resolution:

Be it resolved, That each member be allowed to subscribe for two papers and same be paid out of the contingent expense fund of the House.

The resolution was read second time.

Mr. Tillotson moved to table the resolution, and the motion to table was lost.

The resolution was then adopted.

#### SENATE NOTIFIED.

The committee appointed to notify the Senate that the House is organized and ready for the transaction of business appeared at the bar of the House and, being duly announced, reported

that they had performed the duty assigned them.

#### GOVERNOR NOTIFIED.

The committee appointed to notify the Governor that the House is organized and ready for the transaction of business, appeared at the bar of the House and, being duly announced, reported that they had performed the duty assigned them.

#### HOUSE BILLS ON FIRST READING.

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

By Mr. Thomas:

H. B. No. 1, A bill to be entitled "An Act making an appropriation to pay the per diem and mileage of members and the per diem of officers and employes of the Fourth Called Session of the Thirty-sixth Legislature of the State of Texas, convened on the 21st day of September, A. D. 1920, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Thomas:

H. B. No. 2, A bill to be entitled "An Act making an appropriation of the sum of sixteen thousand (\$16,000) dollars, or so much thereof as may be necessary, to pay the contingent expenses of the Fourth Called Session of the Thirty-sixth Legislature of the State of Texas, convened September 21, 1920, by the proclamation of the Governor; providing how accounts may be approved, and declaring an emergency."

Referred to Committee on Appropriations.

#### MESSAGE FROM THE GOVERNOR.

Miss Annie Houghton, assistant secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House:

Governor's Office,

Austin, Texas, September 21, 1920.

To the Thirty-sixth Legislature in Fourth Called Session:

It is deemed necessary for the Legislature to take immediate action because of the situation which has arisen since the adoption of the Nineteenth Amend-

ment to the Constitution of the United States. That amendment is as follows:

"Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

"Sec. 2. Congress shall have power by appropriate legislation to enforce the provisions of this article."

It is the supreme law of the land, superseding the Constitution and laws of this State, with respect to suffrage.

The Attorney General of the State, the legal adviser of the Governor, as set forth in Section 22, Article 4, of the State Constitution, and in compliance with my request, has construed the Nineteenth Amendment, and its effect as applied to the general election in November. I accompany this message with the opinion of the Attorney General for your information.

As you, of course, know, all male citizens of Texas are required by the Constitution and laws of the State to pay a poll tax as a prerequisite for voting in the general election. In the opinion of the Attorney General all male persons who have not paid poll taxes may likewise vote in the general election in November, as a result of the adoption of the Nineteenth Amendment.

To throw the election in November wide open to every person in Texas over twenty-one years of age without limitation, without an official record of the name of each person voting or the payment of the customary tax, whether it be a poll tax or a suffrage tax by another name, is too dangerous to think of. Yet unless there is legislation by your honorable body, such will be the case, provided the Attorney General's interpretation is accepted by election officers, as it properly should be. And the holding of a wide open election in Texas, which you are called into extraordinary session to avoid, is not only fraught with danger, but is beset with other evils. It will cause discrimination, not between sexes, but among voters, some of them paying and some of them not paying, a discrimination which, in my judgment, is not desired by the people of Texas. And especially is this true when that discrimination may be remedied by action of the Legislature, which may at the same time keep within the provisions of the Nineteenth Amendment.

The people of Texas have imposed the poll tax in the organic law of the State, as a prerequisite for voting. It is conclusive, therefore, that the people desire the payment of a tax before persons may exercise the franchise privilege un-

less it be voters who have become qualified to vote between the expiration of the time for paying the poll tax and the time for holding the election.

This policy will be undisturbed at the general election in November, if the payment of a tax equivalent to the poll tax, and keeping a record thereof is required, on the part of persons who have not heretofore paid.

Women who have become qualified voters by the adoption of the Nineteenth Amendment have not been subjected to the payment of a tax, serving as a pre-election fee, by the laws of the State. Such may be required, however, by legislative act, according to the opinion of the Attorney General, and will result in placing all men and women alike on an equal basis as voters.

If a legal way can be found, adhering to the expressed opinion of the Attorney General, to permit only new voters, that is, men and women who have become qualified voters since the time expired for paying a 1920 poll tax to vote, I would not consider it a discrimination repugnant to the policy of the State to permit such persons to vote.

If, in order to do that, however, it is necessary to admit all others who have not paid a poll tax to vote without paying the equivalent of the poll tax, I would regard it as a discrimination unjust to those who have paid poll taxes and inimical to the welfare of Texas.

Not only is legislative action made necessary to avoid discrimination on the part of voters, but there may be serious results in the event of a failure to take action, some of which I will point out.

An attempt to hold a wide open election will of itself provoke confusion because while all election officers should, in the absence of a court decision or a Statewide law, be guided by the ruling of the Attorney General, who is the State's legal adviser, yet it is possible there will be election officers who will refuse to do so. A condition under which election officers in some polling place may allow voters who have not paid poll taxes to vote, and election officers in other polling places may refuse to allow them to vote, would result in disorder and inequality. For this reason the necessity of a plan to bring about equality and uniformity is obvious. This can only be accomplished by a Statewide law or by a court decision. It is too late to obtain the latter. Action by the Legislature will bring about the former.

The election in November is the most important of all elections. A President and Vice President of the United States,

a Governor, and all State officers are to be voted for. As a safeguard the election of all these officers should be by a vote of record, not by a wide open election.

To remove all question about the legality of voters who will participate in this election, and to enact a law prescribing same is of supreme importance. Even the electoral vote of the State might be put in jeopardy if illegal voters are permitted to vote or legal voters are not permitted to vote. The qualifications of legal voters should be defined by law and settle all doubts.

The public policy of Texas has been well established for more than twenty-five years as opposed to an election not safeguarded by a record open to public inspection, giving the names and addresses of those who vote. It is important to preserve the integrity of this policy, and not open the way for as many or more voters who are unrecorded to vote as voters who have paid a poll tax and whose names are of record. Under such a system the opportunity is offered for fraudulent voting. Whether there is danger of repeaters, ballot box stuffing, and the casting of fraudulent votes at such election sufficient to change the result is not the prime consideration. The possibility of tainted ballots in an election in Texas is offensive to her citizenship.

In view of the area and population of Texas, the undertaking of electing a State officer by fraud would perhaps be too great to make it possible. But if legislation on your part shall prevent the election of a single county or district officer in Texas by fraudulent votes, it would more than compensate for the time and expense and sacrifice made necessary by calling you in extraordinary session. There were about 750,000 persons in Texas who qualified themselves to vote in the November election by paying poll taxes or obtaining exemption certificates. It is safe to estimate that at least 2,500,000 men and women are of voting age in Texas. All of these may be permitted to vote regardless of whether they have or have not paid a poll tax unless a law bringing about uniformity is enacted. Even though this situation is due to circumstances beyond the control of Texas, it would be a discrimination just the same to hold an election at which 750,000 persons have been required to pay a poll tax of \$1.75 in order to exercise the suffrage franchise, while it is possible for 1,750,000 or more to vote without the payment of an equal amount.

In my judgment if those who are allowed to vote without paying poll taxes can not be limited to those who have otherwise become qualified voters since February 1, 1920, then the greatest protection that can be given the ballot box and the nearest approach to exact justice that may be reached, and the step that will come nearer doing away with discrimination than any other which may be proposed, is to enact a law qualifying all of those who have paid a poll tax prior to February 1, 1920, and giving all of those who have not paid a poll tax fifteen days in which to record their names and addresses at the county tax collector's office, and pay an amount equal to the poll tax which those voters who previously qualified have paid and thus qualify for voting at the November election. While it would be desirable to give those voters who have not paid poll taxes a longer period of time in which to qualify, the date of the election prevents it. However, the opportunity will then be offered each and every citizen of Texas who is otherwise qualified to exercise the suffrage franchise, to vote on an equal basis.

It is fitting and appropriate and in keeping with sound public policy to apply any revenue derived from such legislation to the cause of public education, and I therefore recommend that such provisions be made by your honorable body as will result in this fund becoming a part of the available school fund of the State.

To safeguard the general election to be held in November and to prevent discrimination among voters as nearly as that may be done is the object I hope for, and feel confident will be accomplished through the medium of your combined wisdom and as a result of your deliberations.

Respectfully submitted,

W. P. HOBBY,

Governor.

#### NINETEENTH AMENDMENT—SUFFRAGE—RIGHT TO VOTE WITHOUT PAYMENT OF POLL TAX.

The Secretary of State of the United States, the proper officer to make the announcement, has officially declared the Nineteenth Amendment to the Federal Constitution adopted. It is now recognized by the Federal Government as a part of the Constitution of the United States and must be treated as such by the respective States of the United States, unless and until such

time as the proper and legally constituted authorities hold otherwise.

By the adoption of the Nineteenth Amendment, all States are prohibited from exercising any discrimination against citizens who desire to vote and who are otherwise qualified to vote by reason or on account of sex.

All women, who are otherwise qualified to vote, may participate in the general election to be held in November next.

All men, otherwise qualified to vote, may participate in the general election in November next without the payment of a poll tax.

Male inhabitants are still liable for the payment of a poll tax, but failure to pay the same will not disqualify a man from voting, who is otherwise a qualified voter.

Austin, Texas, September 10, 1920.

To His Excellency, Honorable W. P. Hobby, Governor of Texas, Capitol.

Sir: On September 2nd, you submitted this department the two following questions:

"1. Will all women in this State be qualified voters at the next general election?"

"2. If all women, including, of course, those who have not paid poll taxes, are qualified to vote at the next general election, are all men who have not paid poll taxes likewise qualified to vote at said election?"

In answering your inquiry, the writer at the outset desires to acknowledge with thanks the material aid and assistance rendered him in the preparation of this opinion by First Assistant Attorney General W. A. Keeling and Assistant Attorney General W. W. Caves.

There is disagreement between the lawyers of the United States on the question as to whether or not the Nineteenth Amendment has been legally adopted and made a part of our Federal Constitution. Being aware of this disagreement, Judge Keeling wired Honorable Bainbridge Colby, Secretary of State of the United States, and asked him whether or not the Nineteenth Amendment had been officially declared adopted. In reply, Judge Keeling received the following telegram:

"Your telegram, September 3, on receipt from the Governor of Tennessee had ratified the proposed Nineteenth Amendment to the Federal Constitution. I issued the announcement provided for by Section 205 of the Revised Statutes

of the United States, the notification received from the Governor of Tennessee being the thirty-sixth notice of ratification transmitted to the department.—Bainbridge Colby, Secretary of State."

By this telegram we are given to understand that the Secretary of State, whose duty it is to make the announcement, has officially declared the Nineteenth Amendment to the Federal Constitution adopted. It is now recognized by the Federal Government as a part of the Constitution of the United States and must be treated as such by the respective States of the United States, unless and until such time as the proper and legally constituted authorities hold otherwise. Of course, if the Supreme Court of the United States should hold that the Nineteenth Amendment has not been adopted, then women cannot vote in the coming general election, neither can men, unless they have paid their poll taxes.

As a legal proposition, it cannot be questioned that every provision in a state constitution and every provision contained in the statutes of a State, which are inconsistent with the provisions of any article or amendment to the Federal Constitution, cannot stand. It therefore becomes necessary to consider the provisions of our State Constitution and the provisions of our laws with reference to suffrage, and especially with reference to payment of a poll tax as a prerequisite to exercising the privilege of suffrage.

Section 2, Article 6, of our State Constitution, in part, is as follows:

"Every male person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years and who shall be a citizen of the United States and who shall have resided in this State one year next preceding an election and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector and every male person of foreign birth, subject to none of the foregoing disqualifications, who not less than six months before any election at which he offers to vote, shall have declared his intention to become a citizen of the United States in accordance with the Federal Naturalization Laws, and shall have resided in this State one year next preceding such election and the last six months in the county in which he offers to vote, shall also be deemed a qualified elector; and all electors shall vote in the election precinct of their residence; provided,

that electors living in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes; and provided, further, that any voter who is subject to pay a poll tax under the laws of the State of Texas shall have paid said tax before he offers to vote at any election in this State and hold a receipt showing his poll tax paid before the first day of February next preceding such election."

It will be observed that under our Constitution, persons who are permitted and authorized to vote are qualified by the use of the word "male." In addition to that, we also find that if a male person is one that is subject to pay a poll tax, that he must have paid such poll tax before he offers to vote and hold his receipt showing his poll tax paid before the first day of February next preceding such election. As already stated, any provision in our State Constitution, which is inconsistent with the Nineteenth Amendment to the Federal Constitution, cannot stand, and our Constitution provides that "every male person subject to none of the foregoing disqualifications \* \* \* shall be deemed a qualified elector." The effect of this provision in our State Constitution is to prevent women from participating in an election, and is therefore a discrimination against a part of the citizens of this State by reason and on account of sex.

Under the authorities which we shall presently consider, the adoption of the Nineteenth Amendment to the Federal Constitution unquestionably has the effect of superseding or destroying that part of our State Constitution which qualifies the kind of a person who may vote by the use of the word "male," so that our Constitution by the adoption of the Nineteenth Amendment is now made to read: "Every person subject to none of the foregoing 'disqualifications,' the word 'male' being omitted, 'shall be deemed a qualified voter.'"

The Fifteenth Amendment to the National Constitution provides that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude." The effect of the Fifteenth Amendment was to prevent discrimination against citizens desiring to exercise the privilege of suffrage on account of race, color or previous condition of servitude.

The effect of the Nineteenth Amend-

ment is to prevent any State from discriminating against a citizen desiring to vote on account of sex. The principles of the Fifteenth Amendment and the Nineteenth Amendment are identical as both amendments deal with the question of suffrage; one prevents discrimination on account of race, color, etc., and the other prevents discrimination on account of sex.

The Constitution of Delaware, which was adopted in 1831, and which was still in effect after the adoption of the Fifteenth Amendment to the Federal Constitution, restricted the right of suffrage at general elections to free white, male citizens of the age of twenty-one and upwards.

In *Neal vs. Delaware*, 103 U. S., 370, the Supreme Court of the United States, in considering the provision of the Constitution of the State of Delaware in connection with the Fifteenth Amendment to the National Constitution said:

"Beyond question the adoption of the Fifteenth Amendment had the effect, in law, to remove from the State Constitution, or render inoperative, that provision which restricts the right of suffrage to the white race. Thenceforward, the statute which prescribed the qualifications of jurors was, itself, enlarged in its operation, so as to embrace all who by the State Constitution, as modified by the supreme law of the land, were qualified to vote at a general election. The presumption should be indulged, in the first instance, that the State recognizes, as is its plain duty, an amendment of the Federal Constitution, from the time of its adoption, as binding on all of its citizens and every department of its government, and to be enforced, within its limits, without reference to any inconsistent provisions in its own Constitution or statutes. In this case, that presumption is strengthened, and, indeed, becomes conclusive, not only by the direct adjudication of the State court as to what is the fundamental law of Delaware, but by the entire absence of any statutory enactments or any adjudication, since the adoption of the Fifteenth Amendment, indicating that the State, by its constituted authorities, does not recognize, in the fullest legal sense, the binding force of that amendment and its effect in modifying the State Constitution upon the subject of suffrage."

The State court in this same case said:

"The Fourteenth Amendment, therefore, and the Act of 1875 passed by

Congress as appropriate legislation for its enforcement, or either, are superior to our State Constitution, and it had to give way to them, and it did so give way, and was repealed, so far as the word 'white' is mentioned therein as qualification for a voter at a general election, as soon as the amendment was proclaimed to be adopted, and has been so understood and treated by all persons in this State from that time forth.

\* \* \* There is, then, an excision or erasure of the word 'white' in the qualification of voters in this State; and the Constitution is now to be construed as if such word had never been there."

The language last quoted is quoted by the Supreme Court of the United States in the case of *Neal vs. Delaware* with approval.

Again in the case of *Ex parte Yarbrough*, 110 U. S., 651, the Supreme Court of the United States said:

"While it is quite true, as was said by this court in *United States vs. Reese*, 92 U. S., 214, that this article gives no affirmative right to the colored man to vote, and is designed primarily to prevent discrimination against him whenever the right to vote may be granted to others, it is easy to see that under some circumstances it may operate as the immediate source of a right to vote. In all cases where the former slaveholding States had not removed from their Constitution the words 'white man' as a qualification for voting, this provision did, in effect, confer on him the right to vote, because, being paramount to the State law, and a part of the State law, it annulled the discriminating word white, and thus left him in the enjoyment of the same right as white persons. And such would be the effect of any future constitutional provision of a State which should give the right of voting exclusively to white people, whether they be men or women."

And again in the case of *Guinn vs. United States*, 238 U. S., 347, the Supreme Court of the United States said:

"While in the true sense, therefore, the amendment gives no right of suffrage, it was long ago recognized that in operation its prohibition might measurably have that effect; that is to say, that as the command of the amendment was self-executing and reached without legislative action the conditions of discrimination against which it was aimed, the result might arise that as a consequence of the striking down of a discriminating clause a right of suf-

frage would be enjoyed by reason of the generic character of the provision which would remain after the discrimination was stricken out, *Ex parte Yarbrough*, 110 U. S., 651; *Neal vs. Delaware*, 103 U. S., 370. A familiar illustration of this doctrine resulted from the effect of the adoption of the amendment on state constitutions in which at the time of the adoption of the amendment the right of suffrage was conferred on all white male citizens, since by the inherent power of the amendment the word 'white' disappeared and therefore all male citizens without discrimination on account of race, color or previous condition of servitude can under the generic grant of suffrage made by the State."

From these decisions there can be no question but that the adoption of the Nineteenth Amendment to the Federal Constitution has the effect of erasing or destroying the word "male" as used in that provision of our State Constitution already quoted, and which qualifies or describes the kind of a person with reference to sex who is permitted to vote. From the day and date that the Nineteenth Amendment was declared adopted it had the effect of changing Section 2 of Article 6 of our State Constitution, so that it should thereafter read, "Every person subject to none of the foregoing disqualifications," etc.

The Constitution does not require, nor is there any statute which requires a woman to pay a poll tax as a prerequisite to exercising the privilege of voting at a general election. We have a statute which provides that a woman must pay a poll tax in order to participate in a primary election or in the nominating convention of a political party. This statute does not attempt to require women to pay a poll tax in order to vote at a general election and cannot be so construed. It follows that all women, who are otherwise qualified, may vote in the general election to be held in November next without the payment of a poll tax.

We next consider the second question submitted by your excellency, that is, can men vote, who are otherwise qualified, in the coming general election without the payment of a poll tax. The Nineteenth Amendment says nothing about women as such and is equally silent with reference to men as such, but it does prevent discrimination with reference to exercising the privilege of suffrage on account of sex. We have de-

terminated that women can vote in the general election to be held in November next without the payment of poll tax. Our laws provide in express terms that a male person who is subject to pay a poll tax cannot vote unless he has paid the tax and holds a receipt showing that such tax was paid prior to the first day of February preceding such election. Are these provisions of our laws inconsistent with the Nineteenth Amendment? We think so. It is discrimination on the part of the State to require a man to pay a poll tax in order to vote and not make the same requirement of a woman. If it is discrimination isn't the basis of the discrimination one of sex? We think both these questions must be answered in the affirmative. The purpose of the Nineteenth Amendment was to give the right of suffrage to women. The language in which the amendment is framed prevents discrimination against men as well as against women. No requirement can be made of men that is not made of women with reference to exercising the elective franchise.

The Nineteenth Amendment to the Federal Constitution is as follows:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

In *Ex parte Yarbrough*, *supra*, the Supreme Court of the United States said:

"In the case of *United States v. Resse*, so much relied on by counsel, this court said in regard to the Fifteenth Amendment, that 'it has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress. That right is an exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous conditions of servitude.' This new constitutional right was mainly designed for citizens of African descent. The principle, however, that the protection of the exercise of this right is within the power of Congress is as necessary to the right of other citizens to vote as to the colored citizen, and to the right to vote in general as to the right to be protected against discrimination."

The above quotation applies with equal force to the Nineteenth Amendment. That is to say, the Nineteenth Amendment has invested the citizens of the United States with a new constitutional right. That right is an exemp-

tion from discrimination in the exercise of the elective franchise on account of sex. As pointed out by the Supreme Court with reference to the Fifteenth Amendment, this right "is as necessary to the right of other citizens to vote as to the colored citizen and to the right to vote in general as to the right to be protected against discrimination." The Nineteenth Amendment gives the woman a right to vote. The protection of the exercise of this right is as necessary to the right of other citizens to vote as to the women and other citizens have an equal right with women to be protected against discrimination.

The Supreme Court of the United States has many times held that the Fifteenth Amendment prevented a State from making any requirement of a negro man as a condition precedent to the exercise of the elective franchise that it did not require a white man to comply with. It would be equally true as pointed out in the above decision that no requirement could be made of a white man that was not required of a negro. The same principle is true in this case. No requirement can be made of a woman that is not required of a man and the reverse of this proposition must, of necessity, be true. There cannot and must not be any discrimination on account of sex.

It is a well settled principle of constitutional and statutory construction that where a part of an article or section of the State Constitution or a part of a State statute is inconsistent with some provision of the National Constitution and other parts are not that ordinarily it will be held that only the part that is inconsistent is annulled and that part which is not inconsistent with the National Constitution remains valid and unimpaired. It was under this well known rule of construction that the Supreme Court of the United States held that the only effect the Fifteenth Amendment had on the provision of the Delaware State Constitution already referred to was to annul the word "white" and left the remainder unimpaired. It is this same rule that permits this department to hold that the only effect the Nineteenth Amendment has on Section 2, Article 6 of our State Constitution is to annul the word "male" and leave the remainder of the section unimpaired, except that provision contained in Section 2, Article 6, which provides that any voter who is subject to pay a poll tax shall have paid such tax before he offers to vote at



any election in this State and hold a receipt showing his poll tax paid before the first day of February next preceding such election must remain inoperative until persons subject to pay a poll tax includes women as well as men. This section of our Constitution does not say who is subject to pay a poll tax. The statute must be looked to in order to determine who is subject to pay a poll tax in this State as a prerequisite of voting.

Article 2939, Vernon's Sayles' Civil Statutes, 1914, provides as a part of the qualifications for voting that—

"Any voter who is subject to pay his poll tax under the laws of the State of Texas or ordinances of any city or town in this State shall have paid said tax before he offers to vote at any election in this State and hold a receipt showing the payment of his poll tax before the first day of February next preceding such election."

This article is a part of the Terrell Election Law. This article of the statute does not say who is subject to the payment of a poll tax but requires, as does Section 2 of Article 6 of the Constitution, that persons subject to the payment of a poll tax must have paid same and that same must have been paid before the first day of February next preceding such election. The statute does not say that persons required to pay a poll tax under the Constitution, but what it does say is, that persons subject to pay a poll tax under the laws of Texas or ordinances of any city or town in this State. We know that the Constitution is some times referred to as a part of our laws, but in this instance we do not think the Legislature intended to refer to the Constitution for the reason that the poll tax imposed by Section 3, Article 7 of the State Constitution is only for \$1, and the poll tax levied by statute is \$1.50, and gives the right to the respective counties of the State to levy an additional poll tax of 25 cents. And in addition to this, cities and towns are permitted by statute to levy a poll tax of \$1. By legislative construction it would seem to be determined that the Constitution does not say who is subject to pay a poll tax as a condition precedent to exercising the elective franchise. We think this legislative construction correct. What the Constitution does do is to require all voters subject to pay a poll tax to have paid same before offering to vote. Such payment to have been made prior to the first day

of February next preceding such election. If we are correct in this assumption it follows that the provision in Section 2, Article 6, which requires all voters subject to pay a poll tax, is not inconsistent with the Nineteenth Amendment. However, it remains inoperative until persons subject to pay a poll tax as a condition precedent to the exercise of the elective franchise shall include women as well as men.

We must look to Article 7354, Vernon's Sayles' Civil Statutes, 1914, in order to ascertain who is subject to pay a poll tax. This statute provides:

"There shall be levied and collected from every male person between the ages of twenty-one and sixty years, resident within this State, on the first day of January of each year (Indians not taxed, and persons insane, blind, deaf and dumb, or those who have lost one hand or foot, excepted) an annual poll tax of one dollar and fifty cents, one dollar for the benefit of free schools and fifty cents for general revenue purposes; provided, that no county shall levy more than twenty-five cents poll tax for county purposes."

Under the laws of Texas it is male persons between the ages of twenty-one and sixty years of age, resident within this State, that are subject to the payment of a poll tax. We are not unmindful of the provisions of Section 3, Article 7, of our State Constitution, and we will presently discuss these provisions. However, under the Terrell election law it is only persons who are subject to pay a poll tax under the laws of Texas or ordinances of cities and towns that must have paid same before they can vote.

When we consider Article 7354 and the provisions above quoted from the Terrell election law together, we find that citizens who are subject to the payment of a poll tax can not vote unless they have paid the poll tax and that such payment was made before the 1st day of February next preceding the date of the election, to which the citizen offers to vote, and we also find that the citizens who are subject to the payment of the poll tax are male citizens between twenty-one and sixty years of age.

Article 7354 standing alone is not inconsistent with the Nineteenth Amendment. This article levies a poll tax not on voters but on "male persons" between the ages named "resident within this State." Every male resident in Texas is not a voter, but he must pay a poll tax if his age is between twenty-

one and sixty years. Foreigners who have not taken out their naturalization papers are not voters.

The Legislature has the power to levy a poll tax on men without levying such a tax on women. Section 1, Article 8, of our State Constitution, says that "the Legislature may impose a poll tax." Article 7354 was enacted in 1882. A poll tax from that time to this has been levied on every male person between the ages named who resides in this State, but the payment of this tax was not made a prerequisite to voting until the Terrell election law was enacted. It follows that the provision of the Terrell election law already quoted is inconsistent with, or at least made inoperative, by the Nineteenth Amendment. This is, it remains inoperative until women are included among the persons subject to the payment of a poll tax as a condition precedent to exercising the elective franchise. The statute that levies the poll tax is not inconsistent with the Nineteenth Amendment. Men subject to pay a poll tax must continue to do so, but they can not be prevented from voting as a penalty for failing to pay the poll tax. If both men and women were subject to pay a poll tax that provision of the Terrell election law which we are discussing would not be inconsistent with the Nineteenth Amendment, but women not being subject to such tax and being permitted to vote, if otherwise qualified, without having paid a poll tax and that men cannot, unless they have paid a poll tax. Hence there is a discrimination against citizens of the United States and Texas desiring to exercise the elective franchise, and this discrimination is on account of sex, which is expressly forbidden by the Nineteenth Amendment to the Constitution of the United States.

We must next consider Section 3, Article 7, of the State Constitution, wherein it is provided:

"One-fourth of the revenue derived from the State occupation taxes and a poll tax of \$1 on every male inhabitant of this State between the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the public school, \* \* \*" etc.

This section of our Constitution has nothing to do with our suffrage laws, unless it be held that Section 2, Article 6, of the Constitution, in providing that all voters subject to pay a poll tax must have paid same in order to vote, specifically refers to the above section of the Constitution. If it does, then the

above section of the Constitution is annulled by the Nineteenth Amendment for the above section of the Constitution levies a tax on male persons and does not levy a tax on female persons. If it be held that Section 2, Article 6, and Section 3, Article 7, must be construed together, we have our Constitution levying a poll tax on men and demanding its payment as a prerequisite to exercising the privilege of suffrage, and the Nineteenth Amendment provides that women can vote and we have no law imposing a poll tax on them as a prerequisite to voting. Therefore, both sections of the Constitution would be inconsistent with the Nineteenth Amendment for the reason that they would impose a more onerous duty upon male citizens than upon female citizens as a condition precedent to voting.

We are of the opinion that Section 3, Article 7, has nothing to do with suffrage, but that it is a revenue provision. In holding that Section 3, Article 7, of the State Constitution is a revenue measure and has nothing to do with suffrage, we are following the well settled rule of statutory and constitutional construction which provides that where a State Constitution or statute by one construction is made inconsistent with the national Constitution and therefore unconstitutional and of no effect, and another construction just as reasonable can be given the State Constitution or statute which would prevent its being inconsistent with the national Constitution, that construction will be given which will cause the State Constitution or statute to remain unimpaired, of full effect and constitutional.

We therefore hold that Section 3, Article 7, is not affected by the Nineteenth Amendment. We have already held that Article 7354 of the Civil Statutes is not inconsistent with the Nineteenth Amendment; therefore, every male person between the ages named in the statute is still liable to the State for the amount of his poll tax, and this poll tax will be construed to be levied so long as this article of the statute remains unimpaired. This is true for the reason that this section of the Constitution, and this article of the statute, is a tax levied for revenue only. A man can vote, if otherwise qualified, without having paid a poll tax for the reason that the provisions of the Terrell election law already referred to are annulled by the Nineteenth Amendment. However, this does not relieve men from the payment of the poll tax. It only has the effect of preventing the State

from penalizing a man who does not pay his poll tax by preventing him from voting. The poll tax as levied is one for revenue and must be paid regardless of whether the man is a voter or not. In this connection we call attention to the fact that neither the Constitution nor the statute which levies the poll tax requires a poll tax to be paid by a voter. The Constitution, Section 3, Article 7, says: "Every male inhabitant of this State." The statute says, Article 7354, "there shall be levied and collected from every male person between the ages of twenty-one and sixty, resident within this State." The term "inhabitant" as used by the Constitution and the term "resident" as used in the statute are synonymous. Many male persons are qualified voters who are not subject to the payment of a poll tax, namely, men over sixty years of age and men between twenty-one and sixty years of age who are blind, insane, deaf and dumb, or those who have lost one hand or foot. Many men are required to pay the poll tax who are not qualified voters. Every male inhabitant or resident of this State, between the ages mentioned, must pay a poll tax, but every male inhabitant or resident of this State is not a qualified voter. The poll tax, then, is not levied upon men who are qualified voters, but upon male inhabitants between certain ages with the exceptions pointed out above.

Therefore you are respectfully advised, that in the opinion of this department the second question submitted by your excellency, as well as the first, must be answered in the affirmative. That is to say, that all male persons, otherwise qualified to vote in the general election to be held in November next, must be permitted to vote regardless of whether they have or have not paid a poll tax.

Yours very truly,  
(Signed) E. F. SMITH.

This opinion has been considered in conference, passed upon, and is now ordered recorded.

(Signed) W. A. KEELING,  
Acting Attorney General.

#### ADJOURNMENT.

On motion of Mr. Scott, the House, at 9:10 o'clock p. m., adjourned until 9:30 o'clock a. m. tomorrow.

#### SECOND DAY.

(Wednesday, September 22, 1920.)

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

The roll was called and the following members were present:

Baldwin.	Lee.
Barker.	Lidiak.
Barrett of Bell.	Lowe.
Barrett of Jones.	McCord.
Bass.	McDonald.
Beard.	McDowra.
Beavens.	McFarlane.
Bedell.	McLeod.
Bertram.	McMillin.
Biggers.	Malone.
Biggs.	Marshall.
Black, O. B.,	Merriman.
of Bexar.	Miller of Austin.
Black, W. A.,	Moon.
of Bexar.	Morris of Bosque.
Blackburn.	Morris of Medina.
Bonham.	Morris.
Brady.	of Montague.
Brown of Liberty.	Murrell.
Brown of Wilson.	Newton.
Bryant.	Nordhaus.
Burns.	Osborne.
Burton.	Owen.
Childers.	Pedigo.
Cox.	Peyton.
Culp.	Pollard.
Curtis.	Pool.
Darroch.	Quicksall.
Davis, John E.,	Raiden.
of Dallas.	Rogers.
Davis, John,	Rosser.
of Dallas.	Sackett.
Dickson.	Satterwhite.
Estes.	Schlosshan.
Faubion.	Scott.
Fly.	Sentell.
Garrett.	Seward.
Hall.	Smith of Bastrop.
Hamilton.	Sneed.
Heideke.	Stephens.
Holmes.	Taylor.
Horton.	Teer.
Jackson.	Terrell.
Johnson of Blanco.	Tharp.
Johnson of Travis.	Thomas.
Jones.	Thomason.
Kellis.	of Nacogdoches.
King of Erath.	Tidwell.
King of	Tillotson.
Throckmorton.	Tilson.
Lackey.	Vaughan.
Lange.	Veatch.
Lawrence.	Vickers.

Walker of Newton. Wilson.  
Walker of Wise. Wright.  
Williams  
of Montgomery.

Absent.

Alexander.	O'Banion.
Bagby.	Parnell.
Barnes.	Parsley.
Beasley.	Peevy.
Beason.	Poage.
Bludworth.	Pope.
Canales.	Reeves.
Crumpton.	Richards.
Daniel.	Roemer.
Dodd.	Seagler.
Fairchild.	Smith of Hopkins.
Ford.	Smith of Smith.
Hill.	Stewart.
Johnson of Ellis.	Thompson
Lacey.	of Harris.
Laney.	Thompson
Loggins.	of Hunt.
Miller of Dallas.	Williams
Neal.	of McLennan.

A quorum was announced present.

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

#### HOUSE BILLS ON FIRST READING.

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

By Mr. John Davis of Dallas:

H. B. No. 3, A bill to be entitled "An Act to make effective within this State the Nineteenth Amendment to the Federal Constitution and providing for the issuance of exemption certificates to persons enfranchised by said amendment; prescribing penalties for the violation of any of the provisions of this act by any tax collector in the State of Texas and repealing all laws and parts of laws in conflict with this act and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Hall and Mr. Beavens:

H. B. No. 4, A bill to be entitled "An Act authorizing cities of one hundred thousand population, or more, situated along or upon navigable streams in the State of Texas and owning and operating municipal wharves, docks or warehouses, for the development of commerce, to appoint pilot boards for their respective cities, and granting such cities exclusive jurisdiction over the pilotage of boats between the Gulf

of Mexico and their respective ports; prescribing the qualifications for such pilot boards; granting such city councils or boards of commissioners the right, power and authority to retain in office, or remove any branch or deputy pilots in the office at the time this Act takes effect, and to appoint, suspend or remove from office any or all branch or deputy pilots, prohibiting any member of such pilot boards from being directly or indirectly interested in the towing business, or in any pilot boat, or in any other business directly or indirectly affected by or connected with his duties as such commissioner of pilots, granting such cities the right, power and authority to fix rates of pilotage and all needful regulations thereof compatible with Federal regulations within the limits of their respective ports; and declaring an emergency."

Referred to Committee on State Affairs.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Thomas, it was ordered that House bills Nos. 1 and 2 be not printed.

#### TO PAY TEMPORARY PORTERS.

Mr. John E. Davis of Dallas offered the following resolution:

Whereas, There were several porters engaged in cleaning and preparing the Hall of the House of Representatives and connecting rooms for this session prior to the opening of same, as follows:

J. E. Johnson, four days; J. M. Merriweather, four days; Robert Robertson, two days; General Jackson, one day; therefore, be it

Resolved, That said porters be paid for the number of days as set out herein, at the same rate and in the same manner as during the session.

The resolution was read second time and adopted.

#### RELATING TO SUBJECTS FOR LEGISLATION.

Mr. Curtis offered the following resolution:

Whereas, The members of the Legislature are very busy and are extremely anxious to lose as little time from their private affairs as possible at this busy season, and desire to save the State of Texas all possible expense; and

Whereas, The near approach of the Regular Session of the Legislature renders unnecessary any routine legislation, or legislation of any character, except

that of paramount importance; therefore, be it

Resolved by the House of Representatives of the State of Texas, That we most respectfully urge the Governor not to submit to this session any legislation except that included in his call and other matters which, in his opinion, are of paramount importance to the public and can not well be postponed until the Regular Session.

Signed—Curtis, Bonham, Brown of Liberty, John E. Davis of Dallas, Seward, Bedell, Barrett of Jones, McLeod, Sackett, Barker, Burton, Pollard, Bryant, Scott, Lidiak, McCord, Moon, Brady, Holmes, Garrett, Morris of Montague, McDonald, Morris of Bosque, Brown of Wilson, Walker of Newton, Marshall, Burns, Biggers, Johnson of Travis, Newton, Jones, Smith of Bastrop, Stephens, King of Throckmorton, Barrett of Bell, Peyton, Quicksall, Merriman, Baldwin, Tidwell, Thomas, Veatch, Terrell, Beavens, King of Erath, W. A. Black of Bexar, Darroch, Satterwhite, Pedigo, Wright, Heideke, Wilson, Sneed, Murrell, Richards, Nordhaus, Johnson of Blanco, Biggs, Blackburn, Hill, Lowe, Lackey, Teer, Lange, Miller of Austin, Hall, Jackson, Owen, Sentell.

The resolution was read second time.

Mr. Vaughan moved the previous question on the resolution and the main question was ordered.

Question recurring on the resolution, it was adopted.

#### RELATING TO SALARY OF SERGEANT-AT-ARMS.

Mr. Blackburn offered the following resolution:

Whereas, The resolution adopted at the opening of the Regular Session provided for the election and compensation of certain officers of the House of Representatives, which resolution provided that the Sergeant-at-Arms should receive the sum of five dollars (\$5.00) per day; and

Whereas, The Sergeant-at-Arms is now performing the duties heretofore performed by the Assistant Sergeant-at-Arms in addition to his own; now, therefore, be it

Resolved, That from and after the passage of this resolution during this session of the Legislature, the Sergeant-at-Arms shall receive the sum of seven dollars and fifty cents (\$7.50) per day for his services.

Signed—Blackburn, Bertram, Murrell, McCord.

The resolution was read second time and adopted.

#### ELECTION OF ASSISTANT READING CLERK.

The Speaker stated that T. M. Bartley, the Assistant Reading Clerk, had tendered to him his resignation and that he in turn tendered such resignation to the House.

On motion of Mr. Malone the House accepted the resignation.

Mr. Curtis moved that the House extend to Mr. Bartley, its retiring Reading Clerk, its sincere thanks for his efficient services and its regrets that he finds it necessary to resign his position, because of pressing private affairs; and it express the hope that Mr. Bartley may soon be again serving the House.

The motion prevailed.

Mr. Malone then nominated N. A. Gordon for Assistant Reading Clerk and moved that the Chief Clerk be instructed to cast the vote of the House for N. A. Gordon for Assistant Reading Clerk.

The motion prevailed and N. A. Gordon was declared elected Assistant Reading Clerk of the House.

The oath of office was then administered to the Assistant Reading Clerk by the Speaker.

#### HOUSE BILL NO. 1 ON SECOND READING.

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

H. B. No. 1, A bill to be entitled "An Act making appropriations to pay the per diem and mileage of members and the per diem of officers and employees of the Fourth Called Session of the Thirty-sixth Legislature of the State of Texas convened on the 21st day of September, A. D. 1920, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 1 ON THIRD READING.

Mr. Thomas moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Miss Hortense Holton, Miss E. K. Potts, Miss Hattie Ephraim, Miss Isabella Sutherland, Miss Sula May, Mrs. Glen Reece.

Pages: Jeff Reece, J. W. Estes, Jr., Buster Davis, Freeman Powell, Herbert Hargis, Litten Eames, Walter Gist, Walter Guess.

Porters: J. W. Madison, Ed. Manning, Geo. King, J. M. Merriwether, Robert Robinson, Emmett Hill, John Rhodes.

#### MESSAGES FROM THE GOVERNOR.

Mr. Ralph Soape, secretary to the Governor, appeared at the bar of the House and, being duly announced, presented the following messages from the Governor, which were read to the House, as follows:

Governor's Office,  
Austin, Texas, September 22, 1920.

To the Thirty-sixth Legislature in Fourth Called Session.

Gentlemen: I submit for your consideration the following subjects, to-wit: "An Act making an appropriation to cover authorized deficiencies."

"An Act making such emergency and miscellaneous appropriations as may be necessary for the support and maintenance of the State government and its institutions."

Respectfully submitted,  
W. P. HOBBY,  
Governor.

Governor's Office,  
Austin, Texas, September 22, 1920.

To the Thirty-sixth Legislature in Fourth Called Session:

In submitting for your information the circumstances and conditions necessitating the sending of troops to Galveston, I would say that the question is whether the best interest of the State should be served or whether that interest should be subordinated to a local controversy. Any issue with respect to labor organizations or open shop organizations is not involved and I stand ready to protect either or both within the law so long as that protection is not incompatible with the public welfare, but all must obey the law. The channels of trade affecting the life of the business of Texas and affecting the living conditions and the occupations of all the people must be kept open, and I shall exert the full limit of the State's power to accomplish that purpose.

Under the Constitution, citizens of this State are guaranteed the right to engage in lawful occupations. By reason of inadequate police protection furnished by the local authorities, workers engaged in the loading, unloading, transfer and transportation of freight were denied their right to work unhampered and unmolested. This condition prevented the free and uninterrupted movement of freight through that port. Accordingly on June 2, I notified the mayor of Galveston and the sheriff of Galveston county that unless adequate police protection was given and the peace laws of the State enforced by local authorities, insuring the free and uninterrupted movement of freight and the absolute safety of any and all workers employed in the loading, unloading, transfer and transportation of same, I would, under the Constitution and laws of Texas, assume control.

Section 19 of Article 1 of the Constitution reads in part as follows:

"No citizen of this State shall be deprived of life, liberty, property \* \* \* except by due course of the law of the land."

Section 10, Article 4 of the Constitution charges the Governor with the faithful execution of the laws of the State, and Section 7 of the same article declares that the Governor shall call forth the militia to execute the laws.

The conditions existing in the port of Galveston on June 7 were such as to make it necessary for me to put in action these sections of the Constitution, which conditions were brought about as follows:

On March 19, 1920, coastwise long-shoremen, working on Mallory and Morgan Line docks, some 1600 in number, approximately half white and half negroes, struck. At the time a great deal of freight consigned to merchants in the interior of Texas and other States of the Southwest and West was on the docks. There was also accumulated a large quantity of freight consigned to New York from various places in Texas and elsewhere. After the strike, ships that were enroute from New York reached port. These were unloaded in some instances with such small forces as could from time to time be procured. Constant interference prevented anything like a systematic unloading of these ships and it was impossible to unload the freight from the wharves onto railroad cars. As a result of this a large amount of freight

accumulated on the wharves, which belonged to merchants principally of Texas, but also of other States. This condition prevailed at both the Mallory and the Morgan docks. The Morgan docks, however, being enclosed by a high fence made it easier for private armed guards to prevent interference. The Morgan Line employed such men as it could get and quartered them at the docks, but it was not possible for the Morgan Line, under these conditions, to procure enough labor to restore the normal condition of the freight situation. For a time the Mallory Line diverted its ships from Galveston to Port Arthur. Conditions that obtained with reference to interference by acts of violence and intimidation is in a measure reflected by depositions taken. Copies of these are attached hereto and marked exhibit "A" for the information of the membership of your honorable body.

On June 7, 1920, martial law was declared, and Brigadier General Jacob F. Wolters placed in command. On the same date General Wolters reached Galveston with troops from Houston. He at once put patrols over the city. During the night other troops ordered from various sections of the State arrived. On June 7 there were thirty-five men working at the Mallory wharf. Without any solicitation, on the morning of June 8, ninety men reported for work at the Mallory wharves. On June 9, 170 men reported and for several days thereafter more men reported for work than the Mallory Line could use. The freight began to move. On June 8 and 9 consignments were shipped from the Mallory docks to 662 Texas merchants and to twenty outside of the State. This work continued until the accumulated freight was shipped out. The Mallory Line resumed bringing ships to Galveston. Its ships are coming in regularly. Freight is being transported through the port from the East and through the port from the West to the East. Conditions are normal. The same relates to the Morgan Line. There is no delay in freight coming through the port of Galveston.

Threats have been made to the effect that when the troops were withdrawn the workers now on duty would be run out of town or killed. That this result would obtain is the belief of well informed people, who are on the ground. I would not have entertained even the thought of removing the troops without providing a means of

protection in the place of the troops. This means has been temporarily provided by an agreement reached between the city authorities of Galveston and a committee of Galveston citizens and myself. The substance of the agreement is that martial law will be lifted and the local police force reinstated under the complete control and supervision of a Ranger captain. In entering into this agreement, I have the cooperation of the local authorities, to the end of enforcing the laws of the State, keeping the port open and protecting those who work.

I attach hereto for your information, marked exhibit "B," a copy of this agreement.

Respectfully submitted.

W. P. HOBBY,  
Governor.

#### EXHIBIT "A."

Ex parte deposition of Marion Douglas, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 23, 1920:

My name is Marion Douglas. I have been a citizen of Galveston, Texas, for twenty-three years. My profession is that of certified public accountant. For a period of three years, ending June 1, 1919, I was auditor of the city of Galveston. I have taken an active part in the civic life of the city during the whole period of my residence here and am therefore qualified to express my opinion as to causes for the present situation in Galveston.

On May 1, 1919, the city commission of Galveston was composed of the following:

I. H. Kempner, banker, mayor-president.

George Sealy, banker, commissioner of finance and revenue.

E. D. Cavin, lawyer, commissioner of police.

C. T. Suderman, stevedore, commissioner of streets.

M. E. Shay, printer, commissioner of water.

This board had been in office for some four years and had safely carried on all public work and kept Galveston in the foremost rank of cities in all war measures; they reluctantly agreed to stand for re-election. It has been the unwritten law that politics should be kept out of city affairs and this policy has given Galveston commission form of government, the best that could be

attained, the office has always sought the man.

During the war a feeling of opposition had developed against authority of every kind and a political organization had been quietly and efficiently formed under the leadership of Frank S. Anderson, a resident of Galveston for about five years; Henry O'Dell and others. These men formed a party and nominated five candidates and in a series of public speeches, made by the said Frank S. Anderson, Henry O'Dell and one O. A. Anderson, a leader of the International Longshoremen's Association, attacked the existing board of commissioners; the speeches of each of these men being inflammatory and tending to make class hatred; the city commissioners made no campaign and at the election of May 8, 1919, the new party elected all of its men. Frank S. Anderson was made city attorney and Henry O'Dell was made recorder; the policy of the board since its election has been reactionary; the police force has deteriorated and the community has no confidence in the administration of affairs. The board of commissioners are divided among themselves and their policies are shaped and directed by the city attorney. Labor has been better paid than ever before but, in March, 1920, on orders from headquarters in New York, the I. L. A. composed of longshoremen, engaged in loading and unloading boats operating between Galveston and New York, struck ostensibly for higher wages. Attempts were made by the steamship companies to handle their business with non-union labor; the striking longshoremen have continuously prevented this non-union labor to work in safety; they, the non-union men, have been attacked and beaten on many occasions, all of which is a matter of official record. Pistols have been used; on one occasion an interurban car carrying non-union men back to Houston was attacked and fired on. No arrests were made in any of these cases and the intimidation was such that the steamship companies were unable to secure necessary labor to move the freight, the wharves became congested with goods, many of a perishable nature, and protests from all parts of Texas poured in. This situation led to an investigation on the part of the Governor, as a result of which Galveston was placed under martial law and the National Guard was ordered here to see that labor willing to work was not interfered with.

The arrival of the military troops had an immediate effect; the moral influence has been of the best; no business has been interfered with and work on the water front is being resumed; non-union labor feeling that they have ample protection.

The strike is still in existence and it is my belief that the troops should continue their work until it is settled. Union labor in Galveston is thoroughly organized and many workers, new arrivals in Galveston, are attracted to its ranks. The political leadership of the present city attorney and his staff is the danger spot and when military restraint is removed the situation can become acute.

The large majority of the citizens of Galveston are conservative law abiding people; they have, by reason of war weariness, neglected their duties as citizens and allowed a minority, well organized, to take from them the control of their destinies; this condition has passed and it is my conviction that Galveston will soon again resume her place with good government and a thoroughly reorganized police force, in the ranks of Texas cities.

MARION DOUGLAS.

Sworn to and subscribed before me by the said Marion Douglas, this 23rd day of June, A. D. 1920.

CHESTER H. MACHEN,

Major Cavalry, N. G. T., Assistant Judge Advocate.

Ex parte deposition of J. E. Pearce, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 16, 1920:

My name is J. E. Pearce; residence, Tremont Hotel; office address, upstairs on the Mallory line dock at pier 25, Galveston, Texas.

I have lived in Galveston since 1896 and have had an office at my present address since 1899. I am at present working for the Galveston Wharf Company as superintendent of dock labor, and also president and manager of the J. E. Pearce Contracting & Stevedoring Company, Incorporated.

With the exception of from May 14th to the 27th, inclusive, during which period I was at Mineral Wells, Texas, I have been in my office every day since the Mallory line longshoremen went on a strike on March 19, 1920.

From my office I have an unobstructed view of Twenty-fifth Street, looking south entirely across the city. Imme-



diately after the strike of March 19, 1920, I noticed laboring men, both white and colored, congregating on Twenty-fifth Street on both sides along the building occupied by Ullman, Stern & Krausse on the east and that occupied by the Pierce Oil Corporation on the west. These men, or others of similar appearance, remained there constantly, and their number grew from a few—say, ten to fifteen—at first, to something like from fifty to a hundred a few days later, and in my opinion the larger number would be a more accurate estimate of the number doing picket duty daily while the Mallory Line was discharging the steamer, which they finished on or about May 12th.

From observation I noticed that these men would stop all vehicles or pedestrians seeking to enter the Mallory Line wharf from the Twenty-fifth Street entrance, excepting a few clerks working for the Mallory Line and in my department, who were permitted to pass through without molestation. The wagons and automobiles seeking to gain admission to the Mallory Line dock, after being stopped by these men, would turn around and go back up town without entering the docks.

It is my understanding, from hearsay, that these wagons and automobiles were coming to the Mallory Line dock for the purpose of getting freight at that time on the dock and belonging to Galveston merchants or to merchants at other points throughout the State, and especially Houston.

While I saw a great many vehicles and pedestrians stopped by these men, I do not personally know of an incident where any of the persons so stopped were assaulted by the men in question, but in conversation with various other parties, they related to me instances where they had seen people assaulted by these same men—both black and white.

For instance, in talking with H. E. Culter, superintendent of the Galveston Union Station at Twenty-fifth and Strand, he related to me an instance where two young boys, aged in the neighborhood of eighteen or nineteen years each, who lived in either Alabama or Mississippi and came to Texas to visit their relatives at some small town up-State, decided they would come on to Galveston, as they had never been here before, for the purpose of seeing the gulf and the ocean-going steamers.

When they arrived here and got off of the train at the Union Station, they looked across and saw a steamer lying

at pier 28 and decided they would go over there and see the same. In doing this they were obliged to pass through the strikers' pickets stationed between the Union Station and the Mallory Line dock. When they attempted to go through this line they were stopped by colored men and told that they could not come over to the wharf. The young men, for some reason or other, determined they were going to pass through and go to the steamer, and proceeded to do so. They turned to the west on Twenty-fifth Street and wharf, and walked along the tracks to about Twenty-seventh Street and were followed by a bunch of colored men. Evidently the boys decided that maybe it would be best to return to the station and cut across the tracks at Twenty-seventh Street, going south towards the station platform and train shed. When they arrived at Twenty-seventh Street and alongside the train shed the colored men overtook them there and proceeded to beat them up. Culter stated that when he saw the colored men following these boys he went into the station and notified Police Officer Perrett that the colored men were following the boys and might attempt to harm them. He says that Perrett went to where the colored men were assaulting the two boys, but before he reached there the colored men had mounted bicycles and rode away.

Mr. Culter also stated to me that he saw these same strikers and pickets, both colored and white, assault a young Mexican on Twenty-fifth Street who attempted to pass out at the Twenty-fifth Street entrance, and he understood that this same Mexican had been working on the tracks for the Galveston Wharf Company and for some reason wanted to go up town, and in order to do so was obliged to pass out at this entrance and through the picket line.

In talking with Chas. Newding, automobile dealer of 2308 Postoffice Street, he related to me an instance where he was present when the first officer of a Mallory Line steamer then lying at pier 25, attempted to pass through the picket line and was stopped and severely abused by colored men doing picket duty.

In talking with Joe Foley, proprietor of a hotel at 2427 Church Street, he related to me two circumstances where men had been accosted, threatened and abused in the neighborhood of his hotel, and in one of the instances two white men were taken into the City Hall, at Twenty-fifth Street and Avenue H and given, while therein, a severe lecture

and notified to leave the town and not come back. In the other instance, white men were obliged, through intimidation by colored men, to proceed from the neighborhood of Twenty-fifth and Church Streets to the Interurban tracks at Twenty-fifth and Broadway and to catch the Interurban there and leave the city.

During all the time that these pickets were on duty on Twenty-fifth Street between the Mallory Line dock and the Union Station, policemen to the number of from one to four were in that same territory and usually were on the east side of the street on the steps leading up into Ullman, Stern & Krausse's store and in virtually all the instances observed by me, where pedestrians and drivers of wagons and automobiles were stopped by these pickets. These same policemen took absolutely no interest in such procedure and remained calmly seated on the steps while the same was going on.

A bullet was shot through my office by parties unknown to me on the night preceding the firing into the Interurban cars by someone while the men who had been engaged in discharging the Mallory Line steamer were being escorted out of town by the police department in Interurban cars.

J. E. PEARCE.

Sworn to and subscribed before me this 26th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Henry Zenor, taken before Chester H. Machen, major, Third Cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 15, 1920:

My name is Henry Zenor (colored). I live at 1311 Avenue M, Galveston. I have been at work for the American Warehouse Company soon after the strike was on here. There were two truck loads of men brought in here to work, and when the trucks were about Twenty-fifth Street and Avenue A the strikers attacked two of the men and struck them several times. The men said that they did not know that there was a strike on. I did not know any of the men that did the fighting. There was more than twenty of the strikers gathered there. There was no policemen there at the time. Two detectives came up later. Four or five policemen also came up, but no one was arrested. Nothing was done. The crowd was not scattered. I quit the American Ware-

house Company because I was afraid I would get beat up.

HENRY ZENOR.

Sworn to and subscribed before me this the 15th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Jess Fry, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 19, 1920:

My name is Jess Fry, freight forwarding agent, 2405 1-2 Strand Street.

I do not recall the date, but I saw an electric truck loaded with white men going down Twenty-fifth Street on their way to work on the Mallory docks. A mob of perhaps 100 attacked the truck and chased the white men in different directions. Among them were two ex-soldier boys about twenty-two or twenty-four years old who wore two service stripes, that were made to flee for their lives up the steps of the Galveston Dry Goods Company, opposite my office. Later they came over to my place and made the statement that they were "broke and hungry" and came here to go to work with the results as stated above. This was about May 25th. As near as I can recall, the fighting was almost a daily occurrence at the intersection of Twenty-fifth and Strand Street, made up of both black and white men, but never was there a policeman on hand.

One day, on my way to lunch at the Harvey House in the depot, four or five negroes attacked a white man, and a lady leading two children ran into the depot. I saw a policeman named Perrett and asked him why he did not stop the fight—he turned and walked into the depot, smiling, and said, "I guess they can take care of themselves."

JESS FRY.

Sworn to and subscribed before me this 19th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of C. M. Hess, taken before Chester H. Machen, major of cavalry, N. G. T., and assistant judge advocate, at Galveston, Texas, July 1, 1920:

My name is C. M. Hess, laundryman; member of the firm of Model Laundry. I have lived in this town for twenty years and am a taxpayer.

On or about, possibly, the 15th of May, while taking dinner at the Avenue

Restaurant, located on Twenty-fifth Street between Avenues C and D, a disturbance occurred between a Mexican strike breaker and the local picketers. A crowd composed of whites and blacks beat up the said Mexican in the alley adjacent to the Avenue Restaurant. After a time the Mexican was able to rise, although badly injured, and I left the scene. What further occurred I do not know. I have seen numerous other fights at a distance, which were almost of a daily occurrence, and I have never seen a policeman interfere or heard of any arrests being made for these assaults.

Since the arrival of the national guard these disturbances ceased.

C. M. HESS.

Sworn to and subscribed before me this 1st day of July, 1920.

CHESTER H. MACHEN,

Major of Cavalry, N. G. T., Assistant Judge Advocate.

Ex parte deposition of C. O. Humphries, taken before Chester H. Machen, major cavalry, N. G. T., and camp judge advocate, Galveston, Texas, July 15, 1920:

My name is C. O. Humphries; I live in the city of Houston, Texas, and my address is 56 Vida Avenue. We got an order to carry some men to Galveston, I didn't know what they were, we just got the order for so many cars. I was driving a truck which took the supplies. When we got to Galveston we drove up to the Mallory Line wharf, and when we got down to the railroad track there was a gang of men who rushed out and they grabbed a man off the truck and beat him up; this man finally got loose from them and started running, and he was knocked down right in front of that depot and they deliberately stomped on him and in his face, and they cursed him. There is a platform there on the right hand side and there was a policeman standing there on that platform and he stood there and watched them beat that man up. When the crowd began to get thick, there was another policeman standing on the left hand side of the street and those policemen run off. I was hit on the arm with a stick as I went in, and I also got hit in the side with a rock as we came out. I didn't get specially hurt, my arm was swollen up for two or three days so I couldn't work. I didn't know any of those parties. One of the drivers in our party, L. C. Hodges, was pretty badly hurt; they caught him on the

causeway and beat him up and knocked his teeth out. I didn't hold any conversation with that bunch of men, I was trying to get out, and they were trying to overtake us. We told the policemen what we were up against, and that we just wanted to get out, and they said all right, to get the cars started and they rode to the crowd; that is rode on the car, and then jumped off and said, "Run, and run for your damn lives." I heard the chief of police say that. The chief of police didn't run when he said that, he stood there in the crowd and they didn't bother him at all. They didn't make any effort to hurt him. The policemen didn't make any effort to stop anybody or to arrest anybody. They told us to run and do it fast. That bunch tried to beat us to the causeway, and I had that truck and I wouldn't let them pass me, I would zigzag across the road. Hodges burned his lights out and they caught him and beat him up. Hodges is a weakly looking boy, he is not strong; he looks like he was ready for the grave. I think this matter occurred some time about the 10th of May, 1920, it was just before they shot into that interurban car down there.

C. O. HUMPHRIES.

Subscribed and sworn to before me this 15th day of July, A. D. 1920, at Houston, Texas.

CHESTER H. MACHEN,

Major of Cavalry, N. G. T., Camp Judge Advocate.

Ex parte deposition of C. A. Davis, taken before Chester H. Machen, major cavalry, N. G. T., camp judge advocate at Galveston, Texas, July 14, 1920:

My name is C. A. Davis. I live in the city of Houston, Texas; my address is..... I was a member of a party who drove some cars down to Galveston some time during the month of May, 1920. I don't know the exact date, but it was the day before there was a riot on an interurban car down there. There were seven cars which started from Houston, but one of them broke down at Webster, and only six cars went to Galveston. Those cars were loaded with men. We drove down to the Mallory Line dock, and after we got down there we realized that we had carried a bunch of scabs in there, but not knowing it until then. There was a doctor who came in there to wait on one of the boys that had been hit in the back of the head; that was a man from our crowd. When

this doctor came down there I asked him if there wasn't a chance for him to get the chief of police down there and let us ask him for protection, and told him it was claimed we didn't have any protection; those men around there claimed if we started out we were liable to get killed. I asked him to get the chief of police down there and let me talk to him and explain that we were absolutely innocent in so far as knowing we were bringing the scabs in there. The doctor said he would see what he could do. He left and in a little while I saw the chief of police and sergeant standing there, and I went over there and I said: "Are you the chief of police?" and he said he was. I said, "Chief, what are you going to do about this?" He said, "You got in, didn't you?" and I said "Yes." And he said, "You will have to get out. All you have got to contend with is just Galveston." I said, "Is that all?" and he said it was. I said, "Suppose I run over one of those men with my car, what will you do?" He said, "We will handle you for that." I said, "Suppose one of them grabs hold of me and drags me out of the car?" He said, "Well, we might not see that." I said, "Well, shoot, men." I meant for us to go; I didn't shoot. Now that is the truth. I took advantage of the situation and sent the other cars out first, figuring that the rocks and bricks and so on would play out before I got there, and so I dropped down on my knees in the car and shot out of there; that is, I just drove out of there, I didn't shoot any. I turned down the first alleyway after I crossed the railroad track and that led me right up to the police station. One fellow hit me with a rock and knocked the nail of this finger off. There were white men and negroes in that crowd. I turned off out of that alleyway and hit Broadway and drove down to the Galvez hotel and stopped my car in that driveway there and dusted it off, and went over on the beach and got me some cigarettes and went on down in town and stalled around and then drove on out towards the causeway, and when I got to the causeway there stood two white men and two big negroes, they were waiting for me. They stopped me and asked if it was a rent car from Houston and I told them it was. I said, "What are you stopping me for, are you the law?" I thought I would just run it over them a little, I had to do something. I said, "What do you want?" and one of them

said: "There is one smart son of a bitch that thinks he is cute. He cannot get out except through here, and he looks like you?" I said, "What did he do?" They said, "He drove up on the dock with a bunch of scabs, and if we catch him we will kill him and throw him in the bay and throw his car in, too." I said, "All right, if that is what you want to do I will help you." They said, "That is all right, you can go ahead, but if we catch him we will kill him." And I went on off of the causeway, and I didn't get scared until I got to the end. Those police officers didn't do anything with that crowd, they were there laughing and talking with them. There were about fifteen of them on that one boy beating him, and he finally got away from them and ran to the depot and they caught him and beat him again, and he had to go to that infirmary down there, and the policemen were right there in the bunch all the time. When that thing started they all left; I didn't see a one in that alleyway when I went through it. A big negro jumped up on that truck and the boy knocked him off with a piece of a spring. They selected Hodges' car because it was the last one, and the white men held him and two negroes whipped him; they whipped him with his automobile pump. They broke his arm and knocked his teeth out and blacked his eye; they nearly killed him.

C. A. DAVIS.

Subscribed and sworn to this 14th day of July, A. D. 1920, at Houston, Texas.

CHESTER H. MACHEN.

Major Cavalry, N. G. T., Camp Judge Advocate.

Ex parte deposition of L. C. Hodges, taken before Chester H. Machen, major cavalry, N. G. T., and camp judge advocate at Galveston district, July 14, 1920:

My name is L. C. Hodges; I reside in the city of Houston, Texas, at 1718 Texas Avenue. I am employed by the 7777 Auto Line. I remember the occurrence at Galveston when there were some cars driven from Houston to Galveston, when there was some trouble on at the Mallory dock. I don't know the date of that, but it was just the day before the riot on the interurban down there. We started to Galveston with six cars and one had trouble and only five went to Galveston. We carried some men down there from Houston. When we reached Galveston we

went right to the dock, and we didn't see anybody until we got right to the railroad track, then a big crowd rushed out there. There were both white men and negroes in that crowd. When the policemen saw us coming they ran the other direction; there were three policemen right there on that corner. I saw both the chief of police and the sergeant. They came up there and asked if we had a permission to drive onto the dock, and we told them no, that we didn't know that it was necessary to have a permit; and they said it was necessary when there was a strike on, and we told them we didn't know there was any strike on. We told them we just wanted to get out. Those negroes had clubs and rocks and one negro had a six-shooter. When we went in there was some throwing; there were some rocks and sticks thrown and one fellow was hit, but they didn't hit any of the rest of us. They drug one fellow off of the truck and hit him in the head. We asked the policemen for protection and they cursed us and said: "You dirty sons of bitches, you haven't any business down here, you ought to be whipped anyway. You get out the best way you can; you got in here." We told them we didn't know there was a strike, that we wanted to get out, and we asked for protection, and we told him that he was the chief of police and we asked for protection, and he said: "Well, I will see what I can do. I will give you protection." And he and the police sergeant went out into the crowd and came back in about five minutes and said, "Get your cars, and I will give you protection." We got in a line and started out. This sergeant got on the first car, I was in the third car; this boy in the first car said the sergeant jumped on his car and said: "You dirty bastard, they ought to kill you." As we got to the crowd the sergeant jumped off and raised his right hand, I guess to give a signal, and the crowd started throwing bricks and rocks and sticks. They cursed us for sons of bitches and everything they could think of; we couldn't do anything but run. I didn't get a scratch, and some of the others got their wind shields broken and things like that. We kept running. We got down to Broadway and looked back and could see cars following us, but we didn't know who they were. There was a Super Six that tried to pass me but I got in front of him and kept him from running past me, and they kept running into the

back of my car. There was a Ford coming along there, but my car was just a little faster than his, there were three or four men in that car, and one of them was a chauffeur down there at Galveston. We went on that way until we got nearly to the causeway and my lights burned out. I hadn't crossed the causeway in a good while and I was not familiar with the turns and I had to slow down and they would run into the back of my car and when I went to make the last turn at Virginia Point they run into me and hit me so hard that they killed my engine and when they did that they jumped on me and beat me, knocked out five teeth, cut my nose and cut my hand, and I was as bloody as I could be. They beat me with jacks and an automobile pump; one of them had the pump in his hand when he came at me. When they first jumped out of the car there was a negro who had a knife, and one of the other men said, "Don't cut him, he is nothing but a kid, we will just whip him." When they got through with me they said: "You go on, now, you dirty bastard, don't you come back to Galveston any more. We ought to kill you, but you are just a kid. We ought to kill you and throw you and your car in that bay." My emergency brake was on and I couldn't crank my car and I went to reach down in the car to release the brake and they came up and grabbed hold of me and searched me. One fellow said, "Let me see you, I think I know you. I am a Houston chauffeur." And he hit me on the hand with a wrench and said, "You go back to Houston and tell the other sons of bitches what we did. You can go on, I am after the two big sons of bitches." That was Kid Davis and Jim Brown. I would know that chauffeur if I saw him, he is in Galveston now; his name is Louie Fleming and he has a paralyzed hand. I went to LaMarque and one tire blew out, but I didn't stop to change. I met the rest of the bunch at Dickinson. There were five men who participated in beating me; two white men and three negroes.

L. C. HODGES.

Subscribed and sworn to before me, this 14th day of July, A. D. 1920, at Houston, Texas.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Camp Judge  
Advocate.

Ex parte deposition of Sam Sanpori,  
taken before Chester H. Machen, major

cavalry, N. G. T., camp judge advocate, Galveston district, July 14, 1920:

My name is Sam Sanpori. I live in the city of Houston, Texas. My address is 3407 McKinney Avenue. I am assistant manager of the U. S. Auto Livery. I am one of the men who went to Galveston during the month of May with a bunch of men in some cars. We had an order for seven cars to take some men to Galveston; the cars were loaded with both negroes and white men. We got as far as Webster and one of the cars broke down, so we crowded the men who were in that car into the other cars and went on; the six cars went on to Galveston. I didn't know anything about a strike, and had never been in one. We went on to Galveston and just as we got to the Mallory wharf a big crowd of men jumped out from behind some railroad cars with sticks and bricks and clubs and when we wouldn't stop they commenced throwing at us. I believe Jim Brown, who was a lieutenant, was driving the second car, and I was in the third car. The sixth car was a truck and there were about five men on that truck, and they grabbed a fellow by the leg and jerked him off the car and just jumped on him and stomped on him and beat him up, and he finally jumped up and ran as fast as he could. There was a policeman standing there by where that saloon used to be and he just stood there with his arms folded and never paid any attention to them. There was a fellow in the second car that was hit in the eye, I think it was his right eye, and he got his jawbone broken. I don't know where that fellow is now. The doctor came down there about that time to attend to this fellow. That bunch of men stood out there and cursed us for everything they could think of. I got to a telephone and tried to telephone and get the chief of police and they said there was no use, that he was a member of the Longshoremen's Union. I couldn't get any help. Brown, Hodges, and I just stood there near the door of the Mallory Line dock about ten feet back from the door and those fellows to take our cars back in there, that we were going to run out. While I was standing there somebody who looked like a policeman, they said it was the chief of police, or something like that, and another fellow, a sergeant, came up there. This sergeant was a tall fellow with black mustache and was wearing a white hat; I didn't notice whether

he was wearing a gold star badge on his coat. I walked up to the chief and told him I was in charge of the cars and had to get out of there, and the chief asked me what I was doing there, what I was trying to do, and I told him we had brought some men down there, and he said we didn't have any business there, but he would try to get us out. The chief and the sergeant then walked across the road towards where those men were, and I waited there and the sergeant motioned for us to come on, and I told the boys to come out two abreast. I thought it was a fake, a frame up, but we couldn't do anything else, and we started, and this sergeant came about half way across the railroad track and met me, and he got on the running board of my car and I swung around and took the lead, and just before we got to the crowd this sergeant gave a signal of some kind and the minute he got off my running board they began throwing bricks, and they hit me in the back of the head and knocked my windshield out and broke my lights out. I went on out towards the causeway and about the time I got out there to John's place I heard a big shriek behind me, like there was a big Hudson coming, and I had the fastest Ford in the bunch and I started on for the causeway, and this boy said for God's sake, drive. There was a freight train coming and we beat it across the causeway, and we didn't stop until we got to Dickinson, and we hid the car there and waited for a while, and after a bit we heard a rattling noise coming and it was this L. C. Hodges, he was the fourth man. Hodges' face was a mass of blood. One of his tires was off at that time and he was just coming on. He said they had caught him on the causeway. The strikers were out in the road, and the policemen were standing on the corner, and I couldn't say whether the policemen talked to the strikers. I stood there in the door and watched them beating that fellow up, but I couldn't go out there. The policeman was standing there and saw all of them, and that sergeant was on the running board of my car when they hit me. They said to me, "God damn you, you haven't any business down here. You haven't any business coming down here." I said, "Yes, sir," and they began cursing us and cursed us for every son of a bitch and everything else in the world. The chief of police and the sergeant were right there at that time, and it looked

like the sergeant made a signal like this (lifting his hand), it seemed like it was a frame up to get us into this crowd. The last cars that came out didn't get hit because the rocks had all been thrown and they got through O. K. I have been back to Galveston since that time, but I haven't been back with those U. S. cars. Hodges is the man who had his teeth knocked out. I don't remember the date on which this occurred, but I could look on our records and get the date; I think we were down there just before they shot into that interurban car; I think it was on Monday before. If that car was shot into on the 11th of May, we were down there on the 10th of May. There were about six or seven hundred men in that crowd and we had no way in the world to get out. It made me awfully sore to see a white man helping those negroes beat that boy up that way. Humphries was the man who was driving the truck and he could see more than anybody, because it was open. The only thing I could say about the police is, that the chief of police and the sergeant were in the crowd and it looked like this sergeant helped us into this trouble. Jim Brown was the last man to get out and they caught him, and then turned him loose and then they arrested him. Brown was one of our drivers. I didn't see the police arrest anybody else. I don't know where Jim Brown is now.

SAM SANPORI.

Subscribed and sworn to before me this 14th day of July, A. D. 1920, at Houston, Texas.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Camp Judge Advocate.

Ex parte deposition of Joe Druss, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, Galveston, Texas, June 22, 1920:

My name is Joe Druss. I live in Galveston, and my place of business and residence is at 2512 Avenue D. I am engaged in the mercantile business and have been in said business about nine or ten years.

About three weeks ago a Mexican entered my store to purchase a pair of trousers, and while this Mexican was in the store I noticed some negroes walk in and look him over. A crowd of negroes attacked this Mexican after he had left my store and beat him up.

They crowded him up and he ran back into my store. He was bleeding all over. This crowd broke the windows out of my showcase. I did not say or do anything, because I was afraid. There were no police officers there. One police officer came up afterward and the crowd was still there.

There was no one arrested; someone put the Mexican in an ambulance and carried him away.

JOE DRUSS.

Sworn to and subscribed before me this 22nd day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant Judge Advocate.

Ex parte deposition of Christon Saldon, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 19, 1920:

My name is Christon Saldon. I was born in Texas and I am by nationality a Mexican. I have lived in Galveston about five months, employed at the John Sealy Hospital.

About the 29th day of May, this year, I came up town from the hospital. I was standing on the corner of Twenty-fifth and Market Streets waiting for a street car. There was a white man standing there and he asked me where I was working. I told him I was at work at the John Sealy Hospital. He then said, "Yes, you son of a bitch, you work at the hospital," and struck me in the face and knocked me down. When I got up I asked him why he struck me, and he said, "You son of a bitch you work at the Mallory Line." He then struck me several times more. Two other men came up at this time and asked him why he had struck me, and he told them that I was working for the Mallory Line. There was a negro policeman present. He was a black, low, heavy man. He said, "We will lock these two fellows up," meaning me and another Mexican boy that was with me. He then arrested myself and the boy that was with me and carried us to the City Hall. Two white policemen came for us in a car. The policemen did not arrest the man who had beaten me up. When we got to the City Hall, the policemen asked me where I was working. I explained to him where I was at work and he then said, "You are all right." They then told us to go home.

CHRISTON SALDON.

Sworn to and subscribed before me this 19th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Albert White, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 15, 1920:

My name is Albert White. I live at Port Arthur, Texas. I came to Galveston this evening to work on the Mallory Line docks, but I have not worked any. I was out to get a drink of water and while standing there I asked Mr. Casey if they will feed me, and he replied that he hoped that they killed me. If they did so that they would be doing the proper thing. He had a gun on, and upon replying to me in a harsh tone of voice and frightened me so that I walked away. I later learned that he was an officer. After this man talked the way he did, I walked away, and therefore I could not hear what he was saying, but I know he was saying something pertaining to bolshevism.

ALBERT WHITE.

Sworn to and subscribed before me this 15th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of G. L. Stevens, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 16, 1920:

My name is G. L. Stevens. I am the general manager of the firm of Clarke & Courts. Some time between the 1st and 15th of May, 1920, on a Tuesday night, myself, F. W. Erhard and several other gentlemen, were in the Four Seasons Restaurant on Twenty-first between Market and Mechanic Streets. At this time I did not know of any disturbances in the city. That night, the first thing that attracted my attention was a loud noise. In just a second an Interurban car came by with the shades all down, surrounded and followed by a crowd of about two hundred negroes and whites, howling and hollowing, making a great disturbance. Later in the evening I learned that some of the firms were sending the non-union men out of the city that had been at work on the Mallory Line docks and this riot was following them. I did not see any city officers there. If any arrests were made I never heard of it.

It was a common occurrence for in-

formation to reach my ears that abuses and assaults were being made daily upon men who were trying to go to work.

G. L. STEVENS.

Sworn to and subscribed before me this 16th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of R. G. Bradford, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 15, 1920:

My name is R. G. Bradford. I live at Apartment A, Wilder building, Galveston. I am employed by the Mallory Line as chief clerk. On Monday morning, May 10, 1920, I had been ordered to go to Port Arthur for the Mallory Line on the Mallory steamship "Comal," which was ordered to sail at 6 o'clock a. m. Myself and clerks, T. C. Dozier, H. M. Keating, G. E. Bader, and C. M. Clark, met at the office at 5:30 a. m. to go on board ship. We went down Strand Street to Twenty-fifth, and as we turned on Twenty-fifth toward the docks, a negro came running toward us from over by the Union Station and as he ran said: "Come on boys, here's where the big battle starts." We kept on walking, and as we reached the railroad tracks he was in front of us, and asked where we were going. I told him we were going out of town. He asked how, and I told him on the "Comal." He said, "No, you don't—you don't pass here—if you do, here's where the killing starts." I put my grip on the pavement and turned towards two police officers who were standing at the alleyway by Ullman, Stern & Krausse, and motioned them to come to us, but they only came as far as the corner of the platform in front of the store and stopped. I turned and went back to where they were and told them the men would not let us go through to the docks, and all he said was, "I don't know anything about it." I then took the letter from Mr. F. T. Rennie, general agent, Mallory Steamship Company, from my pocket and showed him my authority to go on board, and he again said, "I don't know anything about it." There were two officers on duty, one in uniform and one in plain clothes, but with an officer's badge pinned on. The uniformed man did the talking. We then went back to our office and I phoned to Mr. Rennie, and told him what had happened and asked for instructions.



He said he would phone the chief of police and get someone to take us through to the docks, and this was about 5:45 a. m. No one came and I phoned the chief of police again at about 6:30 a. m. and was told that the night sergeant would be by for us. At about 6:45 a. m. he came and told us to go on down to the docks, that no one would hurt us, which we did. We went to Twenty-fifth at the railroad tracks and stood there. The pickets had disbursed and were laying down on the ground, sitting on steps, etc., and as we went through cast several remarks at us, and the ones I remember were, "We will get you when you come back." "The first one of you I see when you do come back is my meat and we will fill your ass full of bullets when you do come back," and "We will get you when you do come back, you can't stay away always," and others I don't remember. We got on board safely and the steamer sailed at about 7 a. m.

If the police officer in uniform was brought before me, I believe I would recognize him.

R. G. BRADFORD.

Sworn to and subscribed before me this the 15th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Abram Lewis, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 15, 1920:

My name is Abram Lewis. I live at Port Arthur, Texas. I came to Galveston this p. m. to work on the Mallory Line docks. I had not worked any. I was sleeping on the docks to-night. A man came to the door of the docks, we were on the inside. This man said to another man (I later learned he was an officer), "You know it is a damn shame that these negroes come down here to work under these other fellows. They ought to come down here and kill them all and burn the damn shed down on them, and for my part I would put oil on them and put wood to them." I saw this man with a gun on him. The other officer said, "We have nothing to do with that, we can't help it," and this man said, "Well, it is not right." I learned also that the man who was doing the talking was an officer.

ABRAM LEWIS.

Sworn to and subscribed before me this 15th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Loney Parish (colored), taken before Chester H. Machen, major, Third Cavalry, N. G. T., Galveston, Texas, June 15, 1920:

My name is Loney Parish, 1640 Avenue J, Broadway, Galveston, Texas.

I have been working for the American Warehouse Company eleven years. Three weeks ago a walking delegate came up to me while unloading Mallory Line freight, wanted to know if we were aware of the fact that we were in danger. I said, "No, that I did not know." He then said that we were risking our lives. We were going by the Santa Fe depot and five or six of the union men called to us and asked us if the freight was from the Mallory Line. We said yes; they then called us scabs, and I replied that we were not scabs, that we had been hired by the American Warehouse Company and that we were only doing what we had been told. Strikers then replied for us to go ahead, that we were liable to be killed at any time or even before we went thirty steps farther. The strikers were gathered in crowds of five or six in different places. No police officers in sight. I have not known of any arrests being made. I do not think there was any made, or I would have heard about same.

LONEY PARISH.

Sworn to and subscribed before me this the 15th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of John W. McCullough, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 19, 1920:

My name is John W. McCullough, residence 2201 Thirty-third Street. Office address, 2328 Avenue B; employed as accountant with Hutchings, Sealy & Co., bankers, Galveston, Texas. I have lived in Galveston since 1915.

On the evening of May 11th last I drove up to and stopped at the corner of Twenty-third and Mechanic Streets at 8 o'clock p. m. Before getting out of my car I noticed a crowd on Strand. A crowd of several hundred men were running down the street and coming off the wharf front into Strand, and all

were going east on Strand. I drove down the street, avoiding the crowd with difficulty. Several negroes attempted to board my car, and fearing trouble I put on speed and went on to Twentieth Street, turning south there, thence west on Mechanic Street and stopped in front of the News building, where I got out of the car. I saw a crowd of men running from Strand into Twenty-first Street and boarding an Interurban car standing near the corner. A large crowd, mostly negroes, followed them closely, cursing and abusing them. "Kill them—just let us catch them," were among remarks I heard.

After they had boarded the car and pulled down the curtains, a brick was thrown through the window. I heard in a group of several negroes, as the car pulled out, "Let's get an auto and meet them in the west end," or words to that effect. Also, I heard a policeman say, "We'll get rid of the God damn scabs." Later I saw the Interurban car pull out of the station with a large crowd cursing and abusing the passengers.

No arrests were made.

JOHN W. McCULLOUGH.

Sworn to and subscribed before me this 19th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of E. Nunez, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 21, 1920:

My name is E. Nunez and am employed by Captain Jno. Jacobson as superintendent.

On May 27, 1920, while engaged with a gang of men on pier No. 5, known as the Gulf Refining Company's pier in the east end of Galveston Island, I noticed two men in a skiff rowing near the pier where I had these men working. I walked on the pier just opposite of where these two men were in the skiff and saw that these two men in the skiff were two former union employees named T. R. Pait and J. Zapatoski. I asked them "what they wanted," and they replied that "it was none of my damn business, and if I wanted to find out to jump down in that skiff and I would soon find out what was wanted, as I was the guy to blame for the scabs being on the job. and sooner or later," this man T. R. Pait said, "they would get my scalp."

I ordered them away from the works,

and they replied to come and take them away.

They rowed around the pier several times after this and finally disappeared.

E. NUNEZ.

Sworn to and subscribed before me this 21st day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Fred T. Veers, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 16, 1920:

My name is Fred T. Veers. I live at 1322 Twenty-fourth Street, Galveston, Texas. I am forty-eight years of age. I have been working for the Morgan Line Steamship Company (Southern Pacific Company). Intimidation was started with my wife on or about April until the middle of May over the telephone. A stranger called my house on the telephone about four times one month, telling, and at the same time warning her of my continuing to work with the Morgan Steamship Company, that I was on dangerous property and was liable to be killed at any time, which frightened her so that she had a nervous breakdown, but was later pacified by Mr. Wilkins, general agent of the Morgan Steamship Company. Last Wednesday I was walking down Twenty-fourth and Avenue L towards my home, about the hour of between fifteen of 7 and 7 p. m., and was almost halted by two men, strangers, and called me a Dutch scabbing son of a bitch and bastard. One of these men had his hand in his pocket. About three days ago, I was sitting on my porch, which is heavily covered with vines and shrubbery, and was thrown at by some unknown party with a brick. I did not see anything of him. As far as I am concerned, the police of the city of Galveston furnish very poor protection.

FRED T. VEERS.

Sworn to and subscribed before me this the 16th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of G. C. Casey, taken before Chester H. Machen, major cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 16, 1920:

My name is G. C. Casey. I live at 1906 Avenue N. I am an officer, member of the police department of this

city. I have been working in the department on or about two months. I am a union man. Member of Hotel and Restaurant Employees Union. Nine per cent of the police force are union men. All of the men, or large part of these men, belong to the longshoremen's union that work on the wharf. When taking this job I asked the sergeant who I was working under. I asked him my duties on the wharf. He said to allow no one to smoke. To keep on accurate time on punching my clock. I asked the sergeant if I was to stop the many cases of whisky that was being brought in by the carloads aboard the ships. He told me that the custom house officers would look after that. I asked him about the whores going aboard the ships. There was a whore

Casey, you said that when the soldiers left Galveston, hell was going to pop. Why did you make that remark?

Answer. They seem to think that while the soldiers are here they have no chance, but when the soldiers leave they will settle it one way or the other.

Question. Who do you mean by they?

Answer. The strikers and the police force, because they are in sympathy with one another.

Question. What does the police force call the soldiers when they refer to them?

Answer. Hobby's pets, military pricks, scab protectors and various other names.

I know I did wrong last night, but I want to promise the authorities from this on, because I am a law-abiding

and he said: "Wait in the office until I come back." So when he came back in he called us all out by two's and three's and gave us different directions to go to the Mallory wharf and we went on. Sergeant Spencer in the lead—he was the first one in the lead. After we got there the chief came and so did Chief Detective Dave Henry, he came. Then they began to get up altogether, and we started out of the east end of the Mallory shed and came right on down the tracks to Twenty-first and Avenue A, the crowd following us, hooting at us and threw a few rocks or something. There were about seventy-five people in the crowd at the beginning, and then as they came down it was four or five or six hundred, something like that—I couldn't say, but a big crowd. They were just talking loud. From the docks down they were calling the people on the cars scabs. Get them out of town and we want to see them! We want to see them so we'll know them. We're not going to do anything to them. (We were close enough to hear that.) We aren't going to hurt them, just want to see them so we'll know them.

There were a dozen or so officers in the rear hollering to the crowd: "Go back, go back!" They would then stop and the lead would start off again, and then they came on. We didn't arrest any of them because they didn't do anything, hadn't done anything. Nobody was hurt at that time. They were following us, but nobody was hurt.

We got those men on the car, and I guess when we got there it was five or ten minutes of eight, and we went on down to the interurban station. On our way down a couple of windows might have been broken out by this crowd throwing rocks of some kind, and when we got to the interurban station the 8 o'clock interurban passenger car came out of the station and we backed inside. Then the crowd got closer, and they came on up to the station, but I don't think any came inside of the station at all, but stood all around the streets. And then started with the car again after that, which was about between quarter past eight and half past, and when we got to Twenty-first and Broadway and went out Broadway west, some of the officers understanding that they were to get off on Fortieth street, eight or nine got off there, maybe ten, and as the car was passing we hollered to them that we were going across to Virginia Point,

and three ran and caught the car; the others couldn't catch it because it was going too fast, and I think we got to Fiftieth or Fifty-first, I can't tell which, when this shooting started—shooting into the car. They were shooting into the car and a ball passed through and hit me in the leg. I was the only one shot. I don't know who shot me—one of the standers on the street.

The officers never put any pickets along the line of this interurban car. The chief and Mr. Dave Henry and three or four followed this car as fast as they could in an automobile. They followed behind; but the automobiles on Broadway at that time of night are usually passing, going and coming, a good many. The chief and no one else sent out an advance guard ahead of the interurban—not to my knowledge.

There were four or five hundred people in a mob down there in town, but they didn't follow us out of town—wasn't hardly anybody there then, just a few were stationed out there—three or four doing the shooting. I really don't know how many there were.

We didn't arrest anybody that night because we had to take up an investigation, and we started that night and we have arrested four men, and they went before the grand jury. That was two or three weeks ago—it takes time, you know, to pick up evidence enough to find out who did the shooting.

I haven't arrested any men since this strike has been on, for assaulting, intimidating and abusing people who are trying to work here. I haven't arrested anybody this year for handling whiskey. I am not on that squad. I couldn't tell you how many people I have arrested for operating houses of prostitution this year—quite a number.

I have been in four or five gambling raids, possibly six, maybe eight.

Gambling houses and houses of prostitution are not running open here—not to my knowledge. We do suppress them. We arrest them all the time. I don't know that there are five hundred or a thousand prostitutes in the Post-office street district. No, sir, I don't know that. I don't know that anybody who wants to buy whiskey here can buy it. Some few buy it, but we arrest them, working together with the government, and we arrest them. I don't know how many—I am not in direct touch with them.

We have had the same amount of

men on the police force since this strike began that we have always had. There have been no extra men added that I know of. The force was sufficient up to the time of the riot. I don't know whether it has been sufficient to handle the strike—that is a pretty hard question you are asking me. We didn't know there would be any trouble down there when we were called out. I think we had enough men to take care of the situation as it was before the soldiers came. I think we did take care of it, as far as I know. There have been some assaults, I know, but they didn't get to the office, complaining witnesses never came there.

I am telling you the truth, Major. We were under the orders of the chief. Our orders were to arrest anybody on the streets making any disturbance at all, we were supposed to arrest them, and we were told to arrest them. I didn't arrest anyone because I haven't seen any myself—any fights—if I had I would have stopped them. I am on duty on Market street, we go east and west. And we get calls, you know. The patrolmen have the beats. We mostly have the calls—stealing, petty thieving, etc.

Major, I never heard the soldiers called anything but soldiers. I never heard anybody call them Hobby's pets or any other names. I haven't been talking to anybody since I talked to you this morning—only talking to Mr. Henry; told him I was called up here. He didn't tell me what to say. I am not keeping anything from you. I want to see these people prosecuted. I would be perfectly willing to swear to the party if I knew who did it. I am fair. I live here; this is my home.

I haven't heard anything about two Alabama boys that were beat up by the strikers while looking at the ships. That Mexican—I did see him in the hospital while I was there with my wound. I didn't hear about the niggers stopping people from going to the docks and wharves. I didn't hear about Mr. Bradford being stopped on his way to the Comal. I didn't know anything about that, and I didn't know that there were two policemen standing near who wouldn't help him.

We don't know everything that goes on in the department. There are six white men and two plain clothes men, and we are in and out. I try to keep up with everything and to be a law-abiding citizen myself. I think I keep up with things as near as I possibly

could. I haven't been down to the wharf; they have officers on the beat they send there every day, sir.

I think that mob done wrong, and I think they ought to be prosecuted for it. We did get them as soon as we could. I didn't get them, but Mr. Wisrodt and Mr. Meyer did. They didn't get the five hundred, but the ones in that shooting. That was near Fifty-first street. Never had any chance to arrest the mob around the car because we had these men in charge then, putting them on that car. We were guarding the men in the car, guarding them to protect them. We went across to Virginia Point and couldn't arrest the mob, and we didn't get back here until half past nine or ten o'clock—when I got through at the hospital. I was on the car all of the time until I was shot. I don't know whether any of the other officers attempted to disburse the mob—I went right to the hospital.

You see, we were in the car ever since we left from down there. There was nobody there when we got in. I dare say where we went in from this end we never saw but half a dozen men—honestly.

I guess there were twenty-five or thirty shots fired into the car that night from the outside.

With reference to the violations of the liquor laws down on the docks—I haven't been down there myself, but they have squads they send there.

I haven't been trying to be deaf and blind to the strike disturbances and outrages. I am a good citizen here. I know Mr. Fowler and Mr. Kempner and all of them around here. I don't know Mr. Culter, I don't believe I do. I think I know Mr. Newding. I know Mr. Jack Pierce. I don't think I know Mr. Bradford.

The five I was speaking of just now are the only arrests in connection with the strike that I have come in contact with. I am on the side of the law and order, sir, and I will do anything in line to keep peace here in Galveston regardless who it might be. I have did that all along. I have a partner that goes with me and we take care of our end of it whenever we have an arrest or any duty to perform we do it. We have co-operation, I think—they all work together, but we don't all get right together in any kind of excitement that comes up unless you are right there and the whistle blows and calls you.

My chief never gave me any advice

before I came up here today. You will find him a gentlemanly man, major. He hasn't had anything to say to me. I said I had to go to the grand jury and then come up here and I didn't know what time I would get back. And he said all right. And that is all he said.

I didn't hear about the lady having the glass shot out of her car that night. It was an excitable time—I will admit that. At that time I dare say we didn't have adequate police force to do anything with that mob. It was a big crowd of people. I think it has been sufficient since that time, Major—we have been doing all right. Really, I haven't seen any assaults and fights myself. If I seen them I would arrest them. We heard about disturbances after they happened on the street, such and such a thing happened, but it never gets to the office in the nature of a complaint, except, as I said, that Mexican they beat up.

I didn't hear about the boy they nearly whipped to death.

I guess there are about 20,000 people in Galveston now. There are thirty-four patrolmen in the city—I don't know how many on the wharves—day shift on the wharf and night shift on the wharf—thirty-four patrolmen in the city, I think, and two sergeants and three clerks, day clerk, night clerk, corporation clerk, and the chief and chief detective.

I don't know of any other incidents that have happened. I think I have told all I know of. The arrests that are made and brought to the city hall, they make bond and that is why they aren't locked up. Anybody brought to the city hall, there must be a charge made against them by the complaining witnesses or the officer making the arrest—if he brings him to the station he has got to make a charge, and they wouldn't release him then unless he gave bond. They have never brought them there and then not make the charge—that has never been done. I have never seen that happen.

GEO. C. HARRISON.

Sworn to and subscribed before me this 17th day of June, 1920.

CHESTER H. MACHEN.

Major Cavalry, N. G. T., Assistant Judge Advocate.

Ex parte deposition of A. B. Kelley, taken before Chester H. Machen, major cavalry, N. G. T., assistant judge advocate, Galveston, Texas, June 24, 1920:

My name is A. B. Kelley and I am employed as draftsman in the engineer department of the Santa Fe. I have been in this employ since July 5, 1919.

I remember an occasion which occurred about three weeks ago as I was on my way to the hotel at about 9:30 or 10 p. m. There was quite a bit of excitement and two autos loaded to full capacity, "I judge about six in each one of them," stoned and chased by a crowd of mostly negroes while entering the Mallory steamship docks. There was about 200 or more negroes in this crowd and I heard them say: "There they go—catch them!" and things of that kind. They waited at the end of the street and after thirty or forty minutes' time, rushed out and ran after the automobile, still keeping up a considerable noise. I could hear the rocks and bricks being thrown, but it was dark and I could not see. I did not see any police officer there and if any arrests were made, I do not know. The last I saw of them they were driving full speed up toward Twenty-fifth and Market.

On the following Saturday after this occurrence, as I was coming from the office, I noticed a truck of seven or eight men standing on the side of the Panama Hotel on Strand surrounded by some eight or ten colored men, advising them "that they could not work here and had better go back where they came from." I went on my way and did not know what had become of the truck or the crowd.

Up to about three weeks ago, it was a common thing to hear of assaults, intimidations and abuses being perpetrated on those who were trying to work at the Mallory docks.

A. B. KELLEY.

Sworn to and subscribed before me this 24th day of June, 1920.

CHESTER H. MACHEN,

Major Cavalry, N. G. T., Assistant Judge Advocate.

Ex parte deposition of H. J. Lehman, taken before Chester H. Machen, major cavalry, N. G. T., assistant judge advocate, Galveston, Texas, June 24, 1920:

My name is H. J. Lehman. I am employed as baggage master by the Galveston Union Depot since November, 1912.

I remember an incident which happened about a month ago. I saw two white boys, "which I understood had gotten off of the Southern Pacific train," start towards the Mallory wharf. One



of these boys were in soldier's uniform. As they entered the alley on the north side of the depot they were met by a bunch of negroes and these negroes jumped on them and beat them up. I saw them after the attack and the young man in soldier's uniform appeared to be suffering considerable pain. As they were out in front of the depot. J. C. Bolton, with the Bolton Transfer Company, got Officer Perrett, who carried the young man into the depot and told the negroes "that they must leave—they could not be fighting around the depot." No arrests were made of these negroes.

Since the strike had been on in Galveston, up until a few days ago, it was a common thing to hear of intimidations, abuses and assaults committed by strikers against those who were attempting to work at the Mallory docks.

H. J. LEHMAN.

Sworn to and subscribed before me this 24th day of June, 1920.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Geo. W. Barrow, taken before Chester H. Machen, major cavalry, N. G. T., assistant judge advocate, Galveston, Texas, June 24, 1920:

My name is Geo. W. Barrow. I live in Houston, Texas, and I am a salesman for the W. H. Norris Lumber Company of Houston, Texas.

On the 17th day of June Mr. E. A. Henning of El Paso and myself came to Galveston on business. About 7 o'clock in the evening, after our business was transacted, we went to a restaurant on the beach down below Fort Crockett for the purpose of getting a fish dinner. While we were there Mr. Henning left me and went over to Fort Crockett to see a friend. I waited for him a considerable length of time and decided that he was not coming back for me. About fifteen minutes to 10 o'clock I asked the man who was running the restaurant to get a service car for me so that I might be able to catch the interurban back to Houston, leaving Galveston at 10 o'clock. He did secure a service car for me and I asked the driver to take me to the interurban. There were two men in this car, both occupying the front seat.

We left this restaurant and had gone about one-fourth of a mile, when one of the men, apparently a Greek (any way a foreigner), turned in the seat of

the car and said "You are from Houston, aren't you?" and I replied "yes." He then said, we have one God damn son of a bitch from Houston here now trying to run our town. I guess you are one of his God damn stool pigeons. I resented this remark, and with that I was attacked, kicked and dragged from the car outside of the road, where these two men took about \$95 in money from my pocket, my watch and a stick pin from my tie. While the men were robbing me, I asked them "not to take my watch" as I had had the watch several years and did not want to lose that. When I made this request they again struck me over the head and kicked me, rendering me temporarily unconscious, and left me. After I had regained consciousness, but still unable to walk, an automobile passed me coming from town and stopped. One of the men in the car said "There is that son of a bitch," and got out and kicked me in the side two or three times, got back into the car and went on. Later I managed to crawl up to a house and asked the occupants of this house to phone the police station for me, which they did. The officers came out in an automobile and carried me to the city hall and rendered me some assistance and later taking me to the Tremont Hotel, where I spent the night and went home the next morning.

From this attack I was forced to remain in bed for four days and am still suffering from the bruises sustained that night and am still under the treatment of a physician. I do not know whether I will be able to identify the men who attacked me or not, as there was nothing out of the ordinary to cause me to pay any particular attention to them until they had assaulted me and it was very dark.

This restaurant where I got the service car was one on the left hand side of the road on Sixty-first street, facing the gulf.

GEO. W. BARROW.

Sworn to and subscribed before me this 24th day of June, 1920.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Geo. F. Reid, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, Galveston, Texas, June 23, 1920:

My name is Geo. F. Reid. I have been in Galveston about thirty-five years, en-

gaged as freight inspector for the railroads.

On or about the first of May, 1920, while coming from the Mallory docks on my way to lunch, about 11:30 a. m., I saw two strikers, negroes, from a picket line, run toward Twenty-sixth Street, and looking in that direction I saw two white men, one in civilian clothes, carrying a suitcase and one young lad in soldier's uniform. The negroes stopped them, and in the meantime others gathered, and after talking for a minute or so, the two white men turned and started back toward town. After they had turned their backs, one of the negroes struck the man in back of the head with his fist, and another negro with a piece of brass tubing or pipe began beating the small boy in soldier's uniform, also in back of the head. Officer Herrle was present at the time of this beating, sitting on Ullman, Stern & Krausse's platform and did not make any attempt for some time to go to their assistance. He followed the crowd behind the building out of my sight. No arrests were made.

I stayed there until the crowd disbursed and walked slowly up Twenty-fifth, meeting Officer Herrle and a darkey coming out of the alley back of the oil company. The darkey still had a brass rod in his hand and I asked the policeman if the darkey was not guilty of this beating, and he replied, "No—that man had gone up the other way." In my opinion that was the identical man. No arrests were made.

GEO. F. REID.

Sworn to and subscribed before me this 23rd day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of W. M. Smith, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, Galveston, Texas, June 23, 1920:

My name is W. M. Smith. I am employed by the Galveston Wharf Company in the capacity of assistant to the superintendent of dock labor, Mr. J. E. Pearce. I have been with the Galveston Wharf Company for about twenty-five years.

On or about the first of May, 1920, while coming from the Mallory docks on my way to lunch, about 11:30 a. m., I saw two strikers, negroes, from a picket line, run toward Twenty-sixth Street, and looking in that direction I saw two white men, one in civilian clothes, carrying a suitcase and one

young lad in soldier's uniform. The negroes stopped them, and in the meantime others gathered, and after talking for a minute or so, the two white men turned and started back toward town. After they had turned their backs, one of the negroes struck the man in back of the head with his fist and another negro with a piece of brass tubing or pipe began beating the small boy in soldier's uniform, also in back of the head. Officer Herrle was present at the time of this beating, sitting on Ullman, Stern & Krausse's platform, and did not make any attempt for some time to go to their assistance. He followed the crowd behind the building out of my sight. No arrests were made.

The two men then attempted to get away from the crowd and ran toward the Union Station and got out of my sight. I went into the Union Station and saw the two men sitting on a bench, where they had been rescued from the crowd by Officer Perrett. I spoke to Officer Perrett and told him that the young lad, I thought, needed attention, as he had been severely beaten. Officer Perrett took the boy to the dressing room and I left for my lunch.

W. M. SMITH.

Sworn and subscribed before me this 23rd day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Gilbert C. Martinez, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 18, 1920:

My name is Gilbert C. Martinez. I am working as foreman for the Mallory Line docks, having been in this employ for about two weeks. I was born and raised in Texas and am a Mexican by nationality. I am a non-union dock worker.

About Monday, June 14th, as I was coming from my home on Thirty-sixth and Broadway, waiting for a street car, a policeman wearing badge No. 103 came up to me and asked if I was working there, and upon approaching us said "we would die like a dog." He also said that he would rather get a scab than a thief, and after the soldiers leave Galveston "you will be attended to." At the time he said this to me I did not make any reply.

I have never been arrested and have never been in nany trouble, and don't want to. I am afraid after this the



police officers will arrest me for most anything.

My home is at 715 Thirty-sixth Street.  
GILBERT C. MARTINEZ.

Sworn to and subscribed before me this 18th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Adolfo Flores, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 18, 1920:

My name is Adolfo Flores. I live at 715 Thirty-sixth Street. I was born and raised in Texas and am a Mexican by nationality. I am at work for the Mallory Line docks and have been working for them about two weeks.

Last Monday morning, June 14th, myself and Gilbert Martinez started to work and were waiting for a street car on Thirty-sixth and Broadway. While we were standing there a policeman came up to us, who was also waiting for a car, and said to us, "The thieves will have more of a chance than scabs," and "we would rather get a scab than a thief." I am a non-union worker.

ADOLFO FLORES.

Sworn to and subscribed before me this 18th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of J. W. Rose, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, Galveston, Texas, June 24, 1920:

My name is J. W. Rose, city salesman for Ullman, Stern & Krausse, and I have lived in Galveston since September 20, 1919.

On numerous occasions, since the strike has been on in Galveston, I have seen "pickets," as they call them, gathering around the south side of the railroad tracks near the Mallory docks preventing any stranger or laborer from crossing over to the docks.

On one occasion, about two weeks before the troops came to Galveston, two white men came across as if going to the Southern Pacific docks. Five negroes ran up to them and stopped them. I do not know what was said—the next thing that I knew, the white men were running and the negroes were beating them up with every step. There was a police officer where I was standing, and he said, "The strikers should not

gang up on the men that way—that if they wanted to beat them up they ought to get them around the corner where the officers could not see them." This officer did not make any arrest or attempt to make one.

The day before this incident there was a Mexican standing at the entrance of the Mallory docks and these strikers enticed him out from there down to the tracks, and as they were standing talking some white man knocked him cold right there and ran him up Twenty-fifth Street, about twenty-five or thirty strikers following. A policeman stopped them on the corner, and what was said or done I do not know. No arrests were made and the strikers all came back down toward the Mallory docks.

J. W. ROSE.

Sworn to and subscribed before me this 24th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Gus Bierhalter, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, Galveston, Texas, June 24, 1920:

My name is Gus Bierhalter. I am foreman for the Mexican Petroleum Corporation, located at Fourth and Avenue A, where we are constructing oil tanks. I have lived in Galveston all of my life.

Mr. Jacobson, contractor on this job, had a strike on. During this strike the job was picketed by strikers, and all workmen going and coming from the job were threatened, because they were accused of handling material belonging to the union. These threats drove the men off, claiming they could get no protection, and never did see the officer interfere with the strikers who were threatening the men. This condition lasted until Mr. Jacobson brought in men who had enough nerve to stand for their own rights.

Since the arrival of the troops we have not had any further trouble. There will be an awful time here when the soldiers leave.

GUS BIERHALTER.

Sworn to and subscribed before me this 24th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of H. E. Culter, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge

advocate, at Galveston, Texas, June 18, 1920:

My name is H. E. Culter. I am station master for the Union Depot Company, Galveston, and I have held this position seven years.

The strike was called in Galveston in March some time. On or about the 16th of May, or rather the second Sunday of the excursion into Galveston, there was quite a lot of men picketing around the station. There were two young white men, I should judge from the ages of eighteen to twenty, nicely dressed, apparently came to Galveston sight-seeing, and started down towards the Mallory docks. I happened to be out in front of the station on Twenty-fifth Street and saw these colored pickets follow these two young men, and I walked on down behind them. I heard one of the colored men say to them, "Where are you going?" and one of the boys replied, "I don't know that it is any of your business where I am going," and the pickets told them, "If you go over to the Mallory docks, you will get your."

The boys seemed to be frightened from this. The pickets followed them pretty close and started to run over towards the Twenty-eighth Street dock—instant of going to the Twenty-eighth Street dock, turned back towards the passenger station on Twenty-seventh Street. I saw these negroes grab their wheels and start around through the alley by the depot to overtake them, and for fear that these negroes would injure these white boys, I ran into the station and got Officer Perrett to assist them. I am told that they were handled pretty roughly by these negroes before the police officer arrived, and also understand these boys were in Galveston sightseeing and strangers in the State of Texas from Alabama, but do not remember what point. The boys appeared to have been assaulted, their clothes were dirty, and I could further state that I understood from the officers that they knocked them down.

On the next Sunday following this incident, about 6 o'clock in the evening, four or five cars drove into the Mallory docks, one after the other, and unloaded some men, and on coming out of the docks I noticed as they were crossing the track, some eight or ten negroes ran up to this car, some in front of it. One of them I know had a brick in his hand and hollered at the boys to stop, and used very disgraceful and abusive language, and as I saw these boys were

going to be handled very roughly, I instantly went back to the station and got an officer, who made them get off of their car, and told them that they could not strike or abuse anybody as long as he was a police officer in the city of Galveston; if they wanted any recourse they would have to take the number of their car and their names, which he did not think was a violation of the law, but in detaining their car they were violating the law.

On Monday, following this same Sunday, between the hours of 12 and 1 o'clock, a Mexican boy, probably eighteen to twenty years old, coming up towards the direction of the Mallory wharf, some white men and negroes ran up to this Mexican. I did not hear the conversation had between the men and the Mexican, but I saw a white man hit the Mexican, knock him down, and as he went to get up a negro kicked him, and the Mexican started on a kind of a walk and run until he got to the south end of Ullman, Stern & Krausse's place on Twenty-fifth Street, and crossed toward the Union Depot. Just a few minutes before this Mexican was hit I saw two officers standing at the north end of the Pierce-Fordyce oil office, but when this Mexican was hit I did not see them. These men I now refer to were police officers. There were probably 700 people working at the Santa Fe, and this was at their dinner hour and happened at the time they were all coming back, boys and girls, men and women, and the majority of them saw this boy with his teeth knocked down his throat and bleeding all over.

Mr. Perrett, officer at the station, got off of the car from his dinner also and came running, and asked what the trouble was. There was a crowd around this Mexican and he said he wanted to go to town. Mr. Perrett told him that he would take him to town or any place that he wanted to stop, that no one would touch him. About this time two officers who had been on this beat came up to where the crowd was, and Mr. Perrett asked one of them to take him to town or wherever he wanted to go. This was in the beat of the other officers referred to.

No arrests were made at this time because the crowd scattered in all directions and it would be impossible to state as to who perpetrated this deed. I am perfectly neutral in all of my statement and not taking sides with any faction.

H. E. CULTER.

Sworn to and subscribed before me this 18th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of George Marshall, taken before Chester H. Machen, major cavalry, N. G. T., assistant judge advocate, Galveston, Texas, June 23, 1920:

My name is George Marshall and I am engaged in the automobile and garage business—Galveston Motor Car Company.

I remember an incident which occurred in Galveston on or about May 11, 1920; that is, on the same day that the riot or mob attacked an interurban car leaving the city with laborers.

My wife and I drove to the Union Station and spent about forty-five minutes watching a crowd of negroes and white men "to the extent of about fifty," line up on the south side of the wharf company tracks at the intersection of Twenty-fifth and A. The majority of these men had clubs, pieces of iron and other objects in their hands and seemed to be waiting for the workmen from the Mallory Line to leave work. During the time that we stayed there, there was only one policeman in sight and he was laughing and joking with this crowd of negroes and white men, making no effort to disburse them or relieve them of the instruments they had in their hands.

I left there about a quarter to eight before the workmen started to leave the pier, going home and returning immediately to the Masonic Temple on Twenty-first and Postoffice, which is directly across the street from the interurban station. Just as I reached the top of the stairs in the temple building, I saw an interurban car back into the station with all of the curtains drawn, followed by a mob of sixty or seventy-five negroes and white men. There were about a half a dozen policemen who came up behind the car and kept this crowd from entering the interurban station after the car. The car remained in the station about ten minutes and pulled out south—the mob following.

GEORGE MARSHALL.

Sworn to and subscribed before me this 23rd day of June, 1920.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of A. G. Hub-

bard, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, Galveston, Texas, June 23, 1920:

My name is A. G. Hubbard, a member of the firm of Heiskell's Wood Yard and I have lived in Galveston twenty-two years.

On the night of May 11, as I was on my way to lodge, I noticed a large crowd of men, possibly 200, on the corner of Twenty-first and Mechanics streets surround an interurban car that had all the blinds closed. I stayed there about two minutes when two colored men rushed by me, saying "we will get the automobile and catch the interurban down on Broadway and we will shoot up the dam sons of bitches down there."

The larger portion of the men that I saw had bricks, rocks and clubs in their hands. I left then and started up to the hall and asked one of the policemen what they were trying to pull off there and he said: "We are running these God damn scabs out of town."

I saw no arrests made, nor any attempt to make arrests. There was a lot of loud talking and disturbance going on.

A. G. HUBBARD.

Sworn to and subscribed before me this 23rd day of June, 1920.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Chas. Newding, taken before Chester H. Machen, major cavalry, N. G. T., assistant judge advocate, Galveston, Texas, June 23, 1920:

My name is Chas. Newding, and I have been eighteen years in Galveston in the automobile business.

On or about May 9th, I went to the Santa Fe station and noticed an ambulance going to the wharf. There were three box cars across the track making it necessary for the ambulance to run around them and when I went over there, a bunch of negroes and Austrians would not let me go by. I saw a policeman standing there and he paid no attention.

I went back to the Santa Fe depot and found three negroes and white men holding up a man and overheard this conversation: "Where are you going?" And the man replied, "I am going home." And these men called him a scab and he answered them, saying, "I am no more of a scab than you are—I

have a union card the same as you and belong to the union." They asked him, "Why don't you show your card?" He showed his card and told them that he would hereafter hang it on his back and after insulting him, he was allowed to go. This man was the first officer of the Steamship Concho.

About a week later, "my place of business being next to the Ha Hall," I saw a boy in a Ford drive up with a crowd of ten or fifteen negroes following. They took the boy upstairs in the hall and he was there at least thirty minutes and when he came down the negroes put him in the front seat and told him to drive on. About fifteen negroes piled on and I heard someone say, "We are going to burn the car up and throw it overboard, boy and all."

No one interfered and the car drove off. There were no policemen and no arrests were made. The boy was in captivity at least one hour and I don't know what became of him.

CHAS. NEWDING.

Sworn to and subscribed before me this 23rd day of June, 1920.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Ben Bonart, taken before Chester H. Machen, major cavalry, N. G. T., assistant judge advocate at Galveston, Texas, June 22, 1920:

My name is Ben Bonart. I am engaged in the general merchandise business at 2518 Market street and have been in this business for forty years.

I remember an incident which occurred about three weeks ago. I was sitting at my desk when I heard a lot of noise, running and uproar and I went out to see what it was about and found a crowd in front of Joe Druss' place and saw a Mexican beat up and bleeding all over and wiping himself with a handkerchief. There was about two or three hundred men participating in this riot, mostly negroes. During the fuss, the crowd broke the showcase of Mr. Joe Druss.

There was no police officers present until after the Mexican was beat up and no arrests were made.

BEN BONART.

Sworn to and subscribed before me this 22nd day of June, 1920.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of J. W. James.

taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate at Galveston, Texas, June 21, 1920:

My name is J. W. James and am employed by Captain John Jacobson on the terminals in the east end of Galveston island.

On May 26th, while returning from work in company with my son, Guy James, while passing the Sealy Hospital I was stopped by four men, who told us that the work was tied up on account of strike and for us not to go back there any more as that was their job. I told them that I considered it open shop job and proposed to keep on working.

On May 27th while walking up from Tenth and Wharf they met us again and reviewed the argument of the previous day and I told them that I needed the money and proposed to keep on working. One of them spoke up then and stated that if I did keep on working I would get my God damned head busted, several other words were passed and not wishing to start any trouble I kept on walking towards my home on Ninth street. The following morning they were on the corner from my house watching for us to come out. I saw that there was five of them and did not come out. They were there for several mornings thereafter and not wishing to get in any trouble I stayed home.

J. W. JAMES.

Sworn to and subscribed before me this 21st day of June, 1920.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of H. W. Hawkins, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate at Galveston, Texas, June 22, 1920:

My name is H. W. Hawkins. I am employed by Ullman, Stern & Krausse, "wholesale grocery business," as shipping clerk, having been with them since April 1, 1920. I have lived in Galveston practically all of my life.

Since my employment with Ullman, Stern & Krausse, on several occasions, I have heard loud noises and have seen crowds of men gather and stop people who were going over toward the Mallory docks—Ullman, Stern & Krausse's place of business being near this place. This could be seen from where I worked. These men would be both negroes and

white men and kept up a considerable noise.

I have seen police officers around when these gatherings would take place, but have never seen anyone arrested, except one man whom I learned was a German spy and had been working with the Mallory Line.

H. W. HAWKINS.

Sworn to and subscribed before me this 22nd day of June, 1920.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of E. M. Leary, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate at Galveston, Texas, June 22, 1920:

My name is E. M. Leary. I am in the mercantile business at 2501 Avenue D. I have lived in Galveston five years.

About two or three weeks before the martial law was declared, I noticed a disturbance on Twenty-fifth and Market streets. A man had attacked a Mexican boy. I saw a man slap the boy. There was a crowd gathered around and I went over to where this disturbance was. After it had happened, a policeman came up from the northeast corner of Twenty-fifth street and took the Mexican boy away. Later a negro policeman came up and I remarked to him that "it was strange that the officer did not arrest the party committing the offense," and he answered, "that if he had been there, he would have arrested him." I told him there was another officer there by himself and a large crowd had gathered and possibly the officer did not think it policy to go single-handed and make the arrest, as the negroes commonly oppose officers in making arrests.

I have heard of four disturbances that had taken place since the strike, but do not know what they were due to, as I was not present.

E. M. LEARY.

Sworn to and subscribed before me this 22nd day of June, 1920.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Geo. A. McArthur, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate at Galveston, Texas, June 21, 1920:

My name is Geo. A. McArthur, and am employed by Captain John Jacob-

son at Galveston, Texas, on the job of the Mexican Petroleum Company.

About June 2, 1920, while going down Twenty-second street to take the boat to the job I was stopped by a former employe of Captain Jacobson and two dock workers who said, "Are you working for Jacobson," and I replied, "Yes." Then they said, "if I kept working out there they would get me and fix me so that I would not be able to work anywhere else." I told them that I was going to work and for them to stop me if they could and kept on my way.

The second morning after this, while going down Twenty-second street, I was followed from Market street to the water front by a party named Smith and two others. They made the remark of, "there he goes, we will get him, etc." The following morning I met Smith on Twenty-second and Market and he called me a "God damned scab." I started after him and he ran out in the street calling me a "God damned son of a bitch, bastard, and all—I was a scabbing son of a bitch." He kept on following me to the corner of Twenty-second and Avenue A when he threw some rotten eggs at me. He broke and ran when I started after him, after I started after him Sergeant Spencer of the police force joined the chase, but did not overtake him.

He was arrested the following day and eight days later was fined \$5 and costs in the city court.

On numerous other occasions, I have been warned to stay away from the works, as sooner or later they would get me.

GEO. A. McARTHUR.

Sworn to and subscribed before me this 21st day of June, 1920.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of M. M. Fenner, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate at Galveston, Texas, June 21, 1920:

My name is M. M. Fenner, and I am employed by Captain John Jacobson as carpenter, working on Pier 5 of the Gulf Refining Company in the east end of Galveston island.

About June 2, 1920, it was the custom of Captain Jacobson to bring the employes that were working on Pier 5 to town in a launch, and land them at Pier 22 and from there we walked to our homes. On this day I noticed sev-

eral men followed us up Twenty-second street and two of them watched me all the way home. I went in and had my supper and after supper I noticed two men across the street who had been pointed out to me as former union employes of Captain Jacobson. I suspected that they were waiting for me, so called to my roommate, S. A. Crane, to let's go out and see what they wanted. We walked as far as the Ball High school grounds with the two men following and not wishing to get too far away from home turned and started back and noticed that a third party had joined them. When I got abreast of them they stopped me and asked if I were not employed by Captain Jacobson and I answered—yes. They asked me if I did not think I had better join the union and I stated that I had not thought of it, that the union men were not working and I did not see where I would better myself by joining their union. One of them whom I learned afterward was named T. R. Pait spoke up and said it was a good thing the court had him under a \$500 bond or he would see that I joined the union right now. I told him if he desired to make it a personal affair not to let the bond stop him, but get busy. Nothing further was said by them and not wishing to stir up any trouble, I left and went home.

On several other occasions I have been stopped by union men and told that I had better join the union as after the soldiers left Galveston a non-union man's life in Galveston would be made miserable.

M. M. FENNER.

Sworn to and subscribed before me this 21st day of June, 1920.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Jos. D. Foley, taken before Chester H. Machen, major cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 18, 1920:

My name is Jos. D. Foley. I live at 2427 Avenue F. I have lived in Galveston for forty-six years and am engaged in the hotel business.

I remember an incident that occurred in Galveston after the strike was called and to the best of my recollection was some time in April. The first instance was a gathering of a lot of negroes and some white men on the corner of the Model Laundry on Twenty-fifth and

Postoffice streets. They circled around a white man and began speaking to him about leaving the docks and he told them that he had a wife and children to support and had to work and that he was going to work. They did not strike him but used very disgraceful and abusive language. There were no arrests made and a negro police officer in plain clothes was present.

The second instance occurred some time in May; three white men surrounded by between twenty and twenty-five white men and negroes on the corner of Twenty-fifth and Church streets were told in very abusive language that they would have to leave the city. One of them replied, "how can we get out of here?" and some one of the gang told them to keep on straight down the street. They continued down Twenty-fifth street, the crowd following until they reached Twenty-fifth and Broadway. All stopped there until the inter-urban going to Houston passed that point and the white men got aboard and left the city. I followed them up to Twenty-fifth and Broadway and stayed there until the car came along, which was about thirty minutes, and at no time did I see any officers, nor were there any arrests made.

The other instance occurred about 11 o'clock at night, some time in May, and my attention was brought to the pleadings of a negro who was lying on the ground of the United States Postoffice sidewalk, being stamped on and kicked by about six or seven negroes. Two other white men and myself hearing his pleadings "not to be killed" ran across the street and told the negroes that they would have to stop this or we would have to send for the police. They stopped and we raised the negro up and found that his shirt was completely torn from his body. He was bleeding and there were several wounds on his body. We told him to go to his home. As he was leaving some of the negroes used some very disgraceful and abusive language to and about the wounded negro about working on the Mallory Line docks. There were no officers present, either before or after that time. In all of the instances I have related I did not know the names of any of the aggressors. I am satisfied that I would know the negro police officer in the first instance, but I do not know his name.

It was a common occurrence for me to hear of daily disturbances in the city from the time the strike was on

up until the time that the Mallory Line moved their ships to Port Arthur.

JOSEPH D. FOLEY.

Sworn to and subscribed before me this 18th day of June, 1920.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of S. A. Crane, taken before Chester H. Machen, major cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 21, 1920:

My name is S. A. Crane and I am employed by Captain John Jacobson as general foreman on the jobs of the Gulf Refining Co., United States Quarantine Station and Mexican Petroleum Company at Galveston.

It is my duty to instruct the men under me where to report each morning, what job to work on, etc. On numerous occasions at pier 22 I have seen union men formerly employed by Captain Jacobson standing around at the landing and heard them call my men scabs and other vile names. I have also seen policemen of the city police force present and no attempt made by them to make them stop their disorderly conduct. I have been followed home on several occasions by union pickets.

On May 31, 1920, I was present when a man by the name of Smith stopped George McArthur, one of my men, and threatened to get him if he did not stop work.

At the boarding house where I board I heard a union man make the remark that after the soldiers left Galveston the non-union men would have to leave also, as it would be unhealthy for them to remain. I did not learn his name as I thought no more of the remark.

S. A. CRANE.

Sworn to and subscribed before me this 21st day of June, 1920.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Herbert E. Matthews, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 19, 1920:

My name is Herbert E. Matthews and I live at 807 Eighth street. I am employed as timekeeper and boatman for Capt. Jacobson, contractor, and have been in his employ since February 4, 1919.

On the 26th day of May, 1920, Mr.

Sweeney, bookkeeper for Captain Jacobson, sent me to pier 5 in a boat. I landed and tied up my boat on Twenty-second street; while I was there five men came down to where I was and one man began cursing and abusing me. My father was with me. We saw that this man had something in his pocket and my father went in search of an officer to give us protection. While I was waiting this man stepped upon the boat, came up behind me while I was sitting down and struck me in the back of the head with a black jack. This man was a striker and his name is T. P. Pait. After he had wounded me I was unable to work again until the 8th day of June. After this man had attacked me my father and another man came up and by force held him until an officer was sent for and came. The man that wounded me belonged to the International Bridgemen's Union, Local 135.

I do not belong to any labor organizations.

HERBERT E. MATTHEWS.

Sworn to and subscribed before me this 19th day of June, 1920.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of W. P. Sweeney, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 16, 1920:

My name is W. P. Sweeney. I am chief clerk and bookkeeper for Captain John Jacobson, who is in the contracting business.

On January 1, 1920, or about that date, the men employed by Captain John Jacobson who belonged to the union known as the International Association of Bridge, Structural and Ornamental Iron Workers and Pile Drivers Local Union No. 135, after being out on strike agreed to go back to work and would finish all jobs already contracted for at the then old scale of 75 cents per hour and any new jobs they were to get the new scale of 87 1-2 cents per hour. About the 17th day of May, 1920, the men did not return to work, claiming that they had held a meeting and voted that unless Captain Jacobson paid the new scale on the old jobs as well as the new they would not return to work. The old job consisted of about three months more work at the U. S. quarantine station and about ten days more work on the terminals of the Gulf Refining Company.

at Galveston, Texas. The new job on which the new scale was being paid was the oil terminals of the Mexican Petroleum Corporation at Galveston, Texas.

Captain Jacobson gave the union men about one week to keep their word to finish the old jobs at the old scale, and when they did not return to work he declared open shop and made arrangements to employ anyone that applied for employment and was capable under the open shop principles.

About May 27, 1920, Herbert Mathews, who is employed by Captain Jacobson as timekeeper and launchman, was set upon and beaten with a black jack by a former employee named T. R. Pait. This man Mathews was struck over the head several times, and as he fell into the cabin of the launch he was on, Pait kicked him in the side. It was necessary for Dr. H. R. Robinson to treat Mathews for a long period after assault. Pait was arrested by an officer of the city police, Collerain, and bound over to the grand jury. Witnesses to this were August Osterholm and E. B. Matthews.

Several days later, about June 3, 1920, while going to pier 22 to take the boat which took him to work, Geo. McArthur, another employee of Captain Jacobson, was rotten egged by ——— Smith. McArthur gave chase to this man, but was unable to overtake him, but furnished his name to Sergeant Spencer of the city police, who later on arrested him, and was fined \$5 in the city court.

Several of the non-union men employed by Captain Jacobson have been followed home by union pickets, the following three still in the employ of Captain Jacobson, who can testify as to what was said and done: S. A. Crane, M. M. Fenner and A. L. Jackson.

W. P. SWEENEY.

Sworn to and subscribed before me this the 16th day of June, 1920.

CHESTER H. MACHEN.

Major of Cavalry, N. G. T., Assistant Judge Advocate.

Ex parte deposition of R. M. Bain, Jr., taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, Galveston, Texas, June 17, 1920:

My name is R. M. Bain, Jr. Living in Galveston for the past several years (seven years) in charge of the Gulf Ports Stevedore Company, doing a general stevedoring business in Galveston and Texas City.

My business requires the employment of about one hundred to four hundred men, loading and unloading deep sea

ships. My address is 1310 Twenty-fifth Street, Galveston, Texas.

During the unfortunate strike that is now being carried on by the workers of the Morgan and Mallory lines I have naturally been watching the trend of the laborers and listening to a great deal of comments that are being made on the water front.

On or about May 1st I left pier 40 about 5 in the afternoon, and was driving to my office on Twenty-second and Strand. As I was coming along Twenty-fifth Street and turned into Strand on the southeast corner I noticed a congregation of laborers; I slowed up my car to see what was going on; to my surprise I saw a young white man being beaten up, knocked to the ground by two negroes, while fifteen or twenty negroes and white men were standing by and saw it done. I made inquiry as to what was the cause of the trouble, and one of the men standing on the sidewalk said they were just beating up one of the scabs coming from the Mallory Line. No one seemed to care or to assist the poor unfortunate who was being beaten up.

Several days after this occurrence I was coming from the dock at pier 40, and on the corner of Postoffice and Twenty-fifth Streets I noticed a gathering of whites and negroes, and I stopped to tell Willis Wood, who is the walking delegate for local No. 851, the number of gangs that I would need for the next morning, and I incidentally asked him what that crowd was over on the corner, and he remarked that, "Oh, it was nothing but a bunch of Mallory boys beating up some of the scabs that wanted to work the Mallory boats. At neither one of these instance did I see any police anywhere or anyone showing the disposition to protect the unfortunate fellow that was getting the beating.

On May 11th, about 7:45 p. m., I drove to the corner of Mechanic and Twenty-first Streets in order to attend a meeting of the Master Stevedores Association. As I got out of my car I noticed an Interurban car standing on Twenty-fifth Street between the Cotton Exchange and the J. H. W. Steele Company's office. I saw quite a gathering of white men and negroes; I suppose there were from 150 to 250 men gathered on the street, and I asked a gentleman who was standing on the street what was the occasion of the crowd, and he remarked that "it was a bunch of strikers trying to get at a bunch of non-union men that they had just load-



ed on an Interurban car." These non-union men, as I understood it, had just come up from the Mallory Line dock.

I was only on the corner a minute or so, when all at once there seemed to be a concert of brick throwing by the mob that was on the street, smashing in the windows of the Interurban car, but I noticed that the window curtains were pulled down on the inside of the car, hence no damage was done except smashing the windows.

At the intersection of Mechanic and Twenty-fifth, in the middle of the street, I noticed a policeman, and I remarked to those standing by, "Why did not the police stop the row?" and this hot head that I spoke to (I did not know his name) remarked, "Oh, he is one of our brothers, he is not going to molest us."

In a few moments the Interurban started out, going south on Twenty-fifth Street, and three men passed me on the corner, one white man and two negroes, and as they passed the remark was made to each other that "we can get the scabs out on Broadway." I did not attach any importance to the remark until the next morning when I saw in the newspaper that the car had been shot up on Broadway, and naturally coupled it with the remark I heard the night before.

I hear remarks up and down the docks every day that the only reason that the Mallory and Morgan line is able to do any work at all is because the soldiers are here.

On the morning of the 15th I happened to be at pier 38, sitting in my car waiting for the time for the men to turn to, and I overheard remarks made by the dock workers that just as soon as these soldiers pulled out they were going to show the strike breakers a thing or two. One of the men (I can not recall his name) remarked that they would not have a chance to do justice to them, because as soon as the soldiers left they were satisfied the scabs would beat it out of town and would not let them get a chance to give them what they deserved.

This is about all that has personally come under my actual notice, but I hear a great deal of comment as to what they would and would not do, and I feel satisfied that if the city is left unprotected we will have a great deal of trouble along the water front.

R. M. BAIN, JR.

Sworn to and subscribed before me this 17th day of June, 1920.

CHESTER H. MACHEN.

Major of Cavalry, N. G. T., Assistant Judge Advocate.

Ex parte deposition of S. R. McCarthy, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 17, 1920:

My name is S. R. McCarthy. I have lived in Galveston practically all of my life. I am at present bookkeeper for Clarke & Courts, having been in their employ for about eighteen months.

On or about May 7th as I drove to the Union Depot I was met with a Mexican, who was bleeding very profusely and followed by a dozen men, white and black, from the Mallory docks, going south on Twenty-fifth and Mechanic, and I asked a man on the corner what the trouble was, and he answered, "The son of a bitch was a strike breaker." Later on in the day this same man told me that a police officer had gone in the hotel. The crowd of men followed the Mexican to Twenty-fifth and Mechanic, and I left at this point. I did not know what had become of the crowd or the Mexican.

In all this time I did not see a police officer or any other officer.

S. R. MCCARTHY.

Sworn to and subscribed before me this 17th day of June, 1920.

CHESTER H. MACHEN.

Major of Cavalry, N. G. T., Assistant Judge Advocate.

Ex parte deposition of John Collerain, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 15, 1920:

My name is John Collerain. I live at 1528 Avenue D, Galveston. I am eighteen years old. In February, 1919, I began work for the American Warehouse Company. Mr. Sam Fleming is the manager. I worked for this firm continually until about May 14, 1920. The strike was declared in 1920. Up to this time I never knew of any disturbances or abuses. After the strike was on, I did hear abuses and intimidations. About two days before I quit I was driving a wagon loaded with cotton down Twenty-ninth Street. Negroes were congregated on the streets all along the route I was to go. They would hallow at me and call me a white scab "son of a bitch." There were no police officers there and the negroes were not disturbed. I decided I did not want any trouble and I quit. I did not like my wages and got disgusted at the warehouse.

JOHN J. COLLERAIN.

Sworn to and subscribed before me this 15th day of June, 1920.

CHESTER H. MACHEN,

Major of Cavalry, N. G. T., Assistant Judge Advocate.

Ex parte deposition of C. W. Farr, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate at Galveston, Texas, June 18, 1920:

My name is C. W. Farr, and I live at 1503 Postoffice street. I am employed by the Galveston-Houston Interurban Company as conductor, having been in their employ about six months.

As we were going out on the front regular 8 o'clock car carrying signals "followed by a special" and had passed Fortieth and Broadway, bricks were thrown into the car and one shot fired, the bullet entered the seat coming pretty near to me and hitting my money pocket used for collecting fares.

I was never questioned by any officer or court with reference to this transaction. As far as I know, no arrests were ever made.

When we left the station, there was a considerable crowd gathered. The attack made on the car that I was running happened to be 8:10 p. m. after dark, on the night of May 11, 1920. I did not know where the rocks and bullets came from, but am rather of the opinion that it came from an automobile on the left hand side of my car going out. I do not belong to any labor union of any kind.

C. W. FARR.

Sworn to and subscribed before me this 18th day of June, 1920.

CHESTER H. MACHEN,

Major Cavalry, N. G. T., Assistant Judge Advocate.

Ex parte deposition of A. J. Sims, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate at Galveston, Texas, June 18, 1920:

My name is A. J. Sims. I am employed by the Galveston-Houston Interurban Company as a motorman.

Some time in May, I do not remember the date, someone ordered a special car to be carried down to Twenty-first and Mechanic in the city to carry out a load of strikebreakers. There was a considerable crowd gathered around the car hollering and hurrahing the strikebreakers. I do not know who they were. We left this point and went back to the station and the crowd followed us there. I was running as a con-

ductor on this particular car—the crowd continued to holler and hurrah at the station. We then left there en route to Houston and the crowd continued to follow the car far away, but we finally left them. When we got to about Forty-third street someone began to throw bricks and shoot into the car and kept it up to about Fifty-second street. The window lights were broken and several shots were fired. I do not know who did any of this. There were several police officers on the car. The car was not stopped and the officers did not get off until we reached Virginia Point. One of the police officers was shot and slightly wounded. All of the officers got off at Virginia Point and we carried the car on to Houston without further trouble.

I have never been questioned by any officer or court with reference to this incident.

A. J. SIMS.

Sworn to and subscribed before me this 18th day of June, 1920.

CHESTER H. MACHEN,

Major Cavalry, N. G. T., Assistant Judge Advocate.

Ex parte deposition of F. T. Rennie, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate at Galveston, Texas, June 28, 1920:

My name is F. T. Rennie. I am General Agent of the Mallory Steamship Company, Galveston, Texas. Have resided in Galveston, Texas, since January, 1911, and have been employed in my present position since February, 1912. My office address is 2322-B and home address 1702 Avenue F, Galveston, Texas.

At noon on March 19, 1920, the labor employed by the Mallory Steamship Company at Galveston, without making any demands or explanations walked out and have not since returned to work. At the time our labor walked out we had just finished discharging the steamer "Nueces." On March 20th the steamer "Alamo" arrived at Galveston loaded with a cargo of general merchandise largely for Texas destinations.

On or about April 16th the following notice appeared in the Galveston newspapers:

"When F. T. Rennie, General Agent, Mallory Steamship Company, was asked today if he had anything to say with reference to an Associated Press dispatch from New York, appearing in the Houston Post of this date regarding

the coastwise lines resuming operations, he stated, 'The Mallory labor at Galveston walked out March 19th, now going on the fifth week, account of orders they received from the New York labor leaders. Since that time the company has been waiting on them to return to work, but there seems to be no indications of their doing so.' He also stated: 'The merchants are in distress for their goods which consists largely of interstate shipments of food and clothing. This company's relations with its labor at Galveston has been good and we would like to have our regular labor return to work, but if they will not do so, we will be compelled to get other labor because we feel that consignees are entitled to their goods and it is up to the company to use its utmost endeavor to deliver the shipments, so if the labor does not return to work within the next day or two we will be compelled to work our ships with other labor.'"

This company commenced advertising in the Houston and Galveston papers for labor about April 17th.

On Monday, April 19th, about ten men applied for employment at the docks and were put to work.

The following day, April 20th, fourteen men reported for work and on April 21st the number of applicants increased to twenty-two.

The work of unloading the steamer "Alamo" was commenced with a small force and worked each day from Wednesday morning, April 21, to 5 o'clock, Sunday, April 25th, averaging from twenty-two to thirty-two men. From the time we started to work we noticed each day many depletions and new faces. I made it a point to talk with some of the laborers each day and asked them if they were being molested either in coming to or going away from the docks; nearly all of them complained to me that pickets had stopped them on their way to work, showed them their pistols and told them that they would be killed if they continued to work on Mallory docks. It has been reported to me that pickets were stationed on the water front all the way from Twenty-first and Twenty-ninth Streets. I did see each day pickets stationed at Twenty-third, Twenty-fifth and Twenty-seventh Streets; the largest number of pickets that I saw were stationed at the foot of Twenty-fifth Street opposite Mallory docks, and this number, I would estimate, averaged from ten to one hundred men. They gathered in this vicinity all day long and it was

reported to me that they remained there until late in the night.

At 6 p. m. Sunday, April 25th, I was on Mallory Line dock at the foot of Twenty-fifth Street, while the men were being paid off, and from where they were standing they could see large groups of pickets stationed between the railroad tracks and Santa Fe station. I told the men that the police officer on dock was going up town and they could accompany him—this was Officer Moore. There were about twenty-five laborers who started up town with the police officer, and on Twenty-fifth Street in the block just south of the railroad tracks in front of the Santa Fe passenger station a large number of pickets from various angles on Twenty-fifth Street, began to close in on our dock workers, and on the sidewalk in front of the Panama Hotel one of the strikers struck one of the men who had been working for the Mallory Steamship Company that day on the dock. I understand, though I did not actually see it, that some other blows were struck as the workmen proceeded up the street. My belief is had it not been that Officer Moore was present and freely displayed his pistol, which had a good effect, serious trouble would have taken place. A report of this occurrence appeared in the Galveston News on Monday, April 26th.

Realizing that conditions were serious caused me at 7:30 p. m. Sunday, 26th, to call on Mayor Sappington at his residence and explained matters fully to him. Mayor Sappington gave me to understand that he realized fully that it was a serious condition. I strongly urged him to request the Governor to send rangers to Galveston, but he declined to do so. He referred me to Chief of Police Sedgwick, and that same night I talked with Chief Sedgwick over the phone, and he told me he would do what he could to help matters, and on Monday did put one or two policemen on Twenty-fifth Street between the Santa Fe station and Mallory docks.

On Monday, April 26th, only ten men reported at the docks for work, and they were put to work discharging cargo. A little after 4 p. m. on that day it was reported to me at my office that one of the men who had been working on the dock had been caught by some men near the Black Hardware Company warehouse, which is located near the east end of our docks, and held by some of the pickets while others whipped him. I have not been able to verify this report by anyone who actually saw it, but there was free talk about it having oc-

curred. About 4:30 the same afternoon four Mallory Line dock clerks named H. M. Keating, C. M. Clark, G. E. Bader and T. C. Dozier called at my office and told me that five men had stopped them after they left the docks, and threatened to kill them if they returned to work on Tuesday. I immediately called Police Sergeant Spencer on the telephone and he came to my office and later accompanied two of the clerks to the railroad tracks to try to locate the men who threatened them, but when the pickets saw Sergeant Spencer and the two clerks they ran away. At my request Officer Spencer went down to the docks with me at 5 p. m. the same day. When we went to the docks I was under the impression that what few men we had at work would sleep there last night, but as Sergeant Spencer and I were leaving, two white men spoke up saying that they would like to go home and be with their wives and children, so I arranged for Sergeant Spencer to escort them to town, another man joining them and also going along. Three men remained at the dock, but later in the night decided to leave; I do not know what became of them, but was informed by one of our employees, Mr. B. C. Bartzen, cashier, Mallory Steamship Company, Galveston, that he saw one of these men in the vacant lot adjoining the Terminal Hotel at Mechanic and Twenty-fifth Street about 9 o'clock that night and he appeared to be just recovering from a condition of unconsciousness and had the appearance of having been assaulted.

On Tuesday, April 27th, we had only six men to report for work on the dock. About 5 o'clock that afternoon our dock superintendent telephoned me that the men were afraid to leave the docks on account of the large number of pickets stationed at Twenty-fifth Street. I called Sergeant Spencer over the telephone and asked him to come down, and after some hesitation he said he would do so. He told me he would take these men up town and then would have to turn them loose and the pickets would follow them and that he could not do otherwise than handle them in this manner. Captain Charles McIntosh, master Mallory steamer Nueces, was standing nearby and remarked to Sergeant Spencer, "You do not mean to say this city is not in position to give proper police protection?" Sergeant Spencer went to the docks and on his way down picked up a police officer to accompany him. Groups of pickets, I should say about fifty men in all, were

on Twenty-fifth Street near the dock, eagerly waiting for the men who had been at work. I left my office accompanied by Captain Chas. McIntosh for the purpose of seeing how the police would handle these men. They took them from our dock at the Twenty-fifth Street entrance and walked up Twenty-fifth Street, and just in front of the Santa Fe passenger station, about the middle of the street, the pickets gathered around the two police officers and the few dock workers in army style. The pickets held them for about five minutes and I saw them give the workmen handbills, and then the officers escorted the workmen to the police station with a large number of pickets following. I do not know what became of the workmen later, but was informed that they left Galveston that same night on the Interurban and Southern Pacific trains. A report of this matter appeared in the Galveston News of April 28th.

On Tuesday afternoon, April 27th, one of our check clerks, Mr. Fred T. Veers, informed me that on Monday afternoon on his way home he and another Mallory check clerk had a stone thrown at them at the elevator on Twenty-ninth Street, and some person or persons had telephoned his wife three times during Monday to keep him at home. Neither of these clerks reported for work afterwards.

On account of the system used by the pickets in intimidating and resorting to violence and the rushing of the men each night out of town caused us to temporarily suspend work Tuesday afternoon, April 27th.

On account of conditions that existed in Galveston, this company could not get labor to work on its docks without feeding and sleeping them on dock under a strong armed guard, caused me to take steps to give them this protection. Guards were placed on the docks May 5th and we arranged to bring labor from Houston.

On May 5th we had four laborers; May 6th, thirty-four; May 7th, thirty-two; May 8th, fourteen; May 9th, twenty-one; May 10th, nineteen, and May 11, forty-four.

While we housed and fed our labor on the docks between May 5th and May 11th, on different occasions at nights Mr. Beasley, chief guard on docks, would phone me that the docks were being stoned, and these reports were verified by our night watchman, Sanco Crane. I was also informed several pistol shots were heard at nights in the vicinity of

the docks. We had considerable difficulty after bringing labor from Houston to Galveston by the Interurban to get them from Interurban cars to docks. In fact, Gregory Transfer Company's automobile drivers, after a few trips to docks said it was too dangerous and would not attempt to do so in the future. The labor was afterwards sent from Houston in automobiles and driven direct to our docks.

It was reported to me on May 10th three automobiles belonging to the U. S. Auto Livery, Houston, Texas, came from Houston loaded with laborers, were stoned in the vicinity of the docks and the cars were considerably damaged by the pickets.

Am unable to state the exact date, but some time between May 5th and May 11th I again called on Mayor Sappington at his home and was accompanied by Mr. Chas. H. Munnis, ex-president Galveston Rotary Club, and Mr. W. R. Phipps, president Galveston Commercial Association. During this visit we endeavored to impress upon Mayor Sappington the urgent necessity of his requesting the Governor to send rangers to Galveston.

Am attaching hereto copies of letters that I addressed to Mayor Sappington, Chief of Police W. J. Sedgwick, Mr. Henry Thomas, sheriff of Galveston county, and Mr. A. P. Norman, city commissioner. I did not receive replies to any of these letters, excepting the one attached dated May 28th from the sheriff's office, which you will note is not signed.

We decided that as soon as we finished discharging the steamer Alamo on account of conditions under which we were endeavoring to operate, the best thing to do was to cease operations in Galveston. Thinking it would be the best was to remove our dock labor from Galveston would be by boat, caused me on May 11th to quietly endeavor to get Captain T. J. Anderson of the Seaboard Transportation Company to charter me the tug Lorain to take them to Houston, but was advised he did not care to do so. I then saw Captain Dalehite, owner of the passenger boat Galvez, also Captain Johnson, owner of the tug boat Panther. None of them would consider the proposition. I then had a talk with Mr. Norman and Mr. Sedgwick about 6 p. m., same date, and told them I had arranged with the Interurban to furnish a special car at Twenty-first and Strand at 7 p. m. to remove our labor to Houston. Chief Sedgwick requested, "Make it 8 p. m. so as to give more time to

get necessary police. Messrs. Norman and Sedgwick told me they did not anticipate any trouble getting them out of town as they were leaving here.

You will please note attached statement signed by several Mallory Line clerks, showing pickets would not let them go down to Mallory docks, Galveston, at 5:30 a. m. May 10, 1920.

The men that did the picketing were composed of whites and negroes. From observation I judged that a white man by name of Pete Quinn, who had been a walking delegate at Morgan Line docks, was the ring leader of the gang; I also took notice of two negroes, Ed Henderson and Callahan, that were with the pickets on various occasions.

I will take this occasion to state that the relationship at Galveston between this company and its labor just prior to March 19th was extremely good. If the laborers that were employed on the docks had any complaints in regard to wages, hours and conditions, no mention of it was made to me. My understanding was that they walked out at noon Monday, March 19, 1920, account of having been instructed to do so by the International Longshoremen's Association at New York in sympathy with the New York strike.

Mallory Steamship Company was unable to get labor to work on its docks in Galveston from May 12th to May 26, 1920, inclusive.

On May 27th employed three laborers.

On May 28th employed four laborers.

On May 29th employed four laborers.

On May 30th, was Sunday, no labor.

From Monday, May 31st, to June 3rd, had no labor.

On June 4th, eighteen men voluntarily applied and were put to work. On June 5th, forty-four men voluntarily applied and were put to work. On June 6th, seventy-one men voluntarily applied and were put to work. The labor employed from June 4th to June 9th, inclusive, were used in cleaning docks and rearranging the freight on the docks. On June 10th we had the steamer "Comal" to load and employed 210 laborers.

From the time General Cope arrived in Galveston in the early part of June, this company has had no trouble in getting all the labor it could use besides has at times had to turn labor away because we could not give employment to all that applied seeking work.

The Mallory Steamship Company on account of an intolerable condition that existed in Galveston transferred the operation of its ships May 10, 1920,

from Galveston to Port Arthur, Texas. On account of some of the Mallory ships operating from Port Arthur the business handled through Galveston since the troops arrived here has been below normal. We are still handling ships to Port Arthur and will do so until such time as the company can lift the accumulated cargo there.

There has been delivered from the company's docks and loaded into railroad cars at Galveston since June 4th approximately two thousand four hundred and fifty-four tons of merchandise, consisting largely of interstate shipments of food and clothing. Of this twenty-four hundred and fifty-four tons only five hundred and seventy-four tons of it was the delayed freight held on the docks at Galveston account of labor conditions. The balance was cargo from recently discharged steamers. As information, will state that three hundred and twenty-six tons of the long delayed freight was taken from the docks during the latter part of May by drays. This is in addition to the five hundred and seventy-four tons mentioned above. There has also been taken from Mallory Line docks and loaded into steamers since June 4th, approximately 6000 tons of freight, consisting of wool, cotton, hides, etc., destined to New York.

Since work started on our Galveston docks June 4th this company has moved from its docks eight thousand six hundred and fifty-four tons of freight; of this amount approximately six thousand five hundred and seventy-four tons is long delayed freight that had been on Mallory docks since March and no doubt would have been on the docks until now had it not been for the action of Governor Hobby.

F. T. RENNIE.

Sworn to and subscribed before me this 28th day of June, 1920.

CHESTER H. MACHEN,

Major of Cavalry, N. G. T., Assistant Judge Advocate.

Ex parte deposition of John Christensen, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 29, 1920.

My name is John Christensen, with the firm of John Christensen & Co., dealers in Ford automobiles and sporting goods. I have been a resident of Galveston for the past twenty-four years, and a taxpayer. I read the daily papers and keep up with the general conditions very closely.

Some time in March a strike was

called by longshoremen working the Mallory and Morgan Line docks. During this strike there has been numerous fights between the union and non-union men who were trying to work these docks. Freight traffic was almost completely tied up over these docks. We, ourselves, had a shipment of sporting goods that should have reached us the latter part of February or the first part of March. We did not get delivery until the 19th day of June, and delivery would not have been made at that time had not the non-union workers been protected by the soldiers.

In January I started the construction of a two-story concrete building at the corner of Tremont and Church. Shortly after we started this work the steel workers' union informed us that unless we made a "union" job of this that they would boycott our business, and further, take the matter up with Henry Ford and have our dealership taken away from us.

It is a well known fact here in Galveston that the police force have failed to render any protection to the workers. There was a great number of men assaulted and intimidated and very few, if any, arrests made. It is a well established fact also that gambling houses and houses of prostitution operated very freely. I do know positively of my own knowledge that the majority of the police officers of this city are in direct sympathy with the strikers. These conditions all changed immediately upon the arrival of the troops and everything seemed to have been running normally since they have arrived here.

I have heard the very day the soldiers leave here that the strikers are going to the Mexicans and workers on these docks and run them out of the city. If this is attempted, no doubt it will be a serious matter.

JOHN CHRISTENSEN.

Sworn to and subscribed before me this 29th day of June, 1920.

CHESTER H. MACHEN.

Major of Cavalry, N. G. T., Assistant Judge Advocate.

Ex parte deposition of W. A. Wansley, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, July 2, 1920:

My name is W. A. Wansley. I am assistant to Chas. Clarke, owner of the business of Chas. Clarke & Co., Galveston. Have been with this firm for the past eleven years, in Galveston. Our business consists of coastwise transpor-

tation, towing and river and harbor improvements.

While not being directly interested in the strike of the Morgan and Mallory Line dock workers, I have had many occasions to observe conditions, and being interested to the extent of employing union men of various trades, have been anxious to know why the strike could not be settled or the steamship companies could not employ other men to carry on their business. Before the T. N. G. were ordered to Galveston the Mallory Line attempted to handle their freight with non-union men, but the picketing of the union men made it impossible for them to keep the non-union men in the city. Many reports of the union men beating up the non-union workers and running them out of town were made, and the reports were reliable and not disputed. On one occasion I was passing down Twenty-first Street about 8:15 p. m. just after an Interurban car had pulled out with non-union workers from the Mallory Line, and the street at the Interurban was so crowded with people that I could not pass through with my automobile. I stopped and walked into the crowd and inquired the trouble, and was told by someone whom I did not know that they had sent the "scabs" out of town and no more would be brought back.

I was present on the night of the public meeting at the City Auditorium when protest talks were made by Mr. F. S. Anderson and others of the city commissioners when news reached Galveston and the T. N. G. had been ordered here. From the talks made any unbiased person could easily see that Mr. Anderson and the city commissioners were upholding the strikers, and made statements in their talk that could have no other effect than inflame the minds of the strikers, who were present, and practically the entire crowd were union men then on strike. It was no secret with the business men of the city that the Galveston police department were nearly all former members of the dock workers' union and were assisting the strikers all they could. They would make no arrest of the strikers who beat up non-union men, and everyone knew that a non-union worker could get no protection in Galveston.

In my opinion, the sending of the T. N. G. to Galveston and establishing martial law was the best thing that could have been done for the benefit of the port. Had this not been done the Morgan and Mallory Lines, I believe, could have still had their sheds full of

freight belonging mostly to Texas merchants, and this merchandise was badly needed. Besides deteriorating in value every day. It is also my belief that unless something is done to cause some change in the present Galveston police department when the T. N. G. are removed there will be further and more serious trouble in Galveston. Reliable men tell me that conditions in Galveston with the strikers, many of whom want to go back to work but are afraid to, is most serious, and that they must secure work before very long.

W. A. WANSLEY.

Sworn to and subscribed before me this 2nd day of July, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Captain John Jacobson, taken before Chester H. Machen, major of cavalry, N. G. T., assistant judge advocate, at Galveston, Texas, June 28, 1920.

My name is John Jacobson and I have lived in Galveston and Galveston county since 1895. I am engaged in general contracting business of dredging, pile driving, wharf building, reclamation work, etc.

The men formerly employed by me referred to later on belonged to a union known as the International Association of Bridge, Structural and Ornamental Iron Workers and Pile Drivers Local Union No. 135, and though agreement had been made with this union to complete all of my contracts at Galveston at a given rate, said union disregarded their agreement and walked out. After giving these men ample time to reconsider their action, none returned to work and I had to get what non-union labor that I could that was available, and there was apparently enough, only all stated that they were afraid to work on account of being threatened by strikers. Some of them (strikers) even came out on the works and intimidated the men and scared them off the job. This is not only true of the men engaged on the wharf building and pile driving, but also of the negro labor that was employed in unloading material from the railroad cars.

The first day I started with my new crew to work, when we knocked off that night, May 25, 1920, I noticed several of former employees standing by the Medical College and the Sealy Hospital, and the same thing the following night. My men reported to me that they had been followed home and threatened if they

did not stop working. After this I made arrangements to take them out to the job by boat, leaving from the foot of Twenty-second Street each morning. When the union men found out what I was doing, they would be on hand at the pier when we left, and there in the evening when I returned, and pass all kinds of remarks both against the labor and myself, though no bodily harm was done to any of us while I was present, though one of the strikers did try to kill my time keeper, and for which he is now out on \$500 bail. I then appealed to the city police department for protection, but was told that the place was outside the city limits, although it was at the foot of Fifth Street, and I would have to take it up with the sheriff's office, which I did. The sheriff informed me that it was inside the jurisdiction of the city, but that if he had the means to do with, he would give me protection, but he had none. I appealed to the city police again, and they told me that they had thirty-four men on the force for day and night, or seventeen men for each shift; this included specials, etc., so I could see that they had no men to spare. Later on they did furnish me with a man in the east end, for which I paid them at the rate of \$3.50 per day.

As previously stated, the union men would meet my men on the way to the boat and threaten them, and on two different occasions I have seen policemen present when my men were being cussed out and no efforts were made to stop them. Prior to the arrival of the State militia it was hard to get men to work, as they felt that the police were in sympathy with the strikers and would not give them the necessary protection, but since the military has been in charge I have had no trouble in securing labor and am making satisfactory progress with my work. It is my opinion from comments that I have heard and from information furnished by my men that it would not be advisable to remove the troops from Galveston until things are more settled.

JOHN JACOBSON.

Sworn to and subscribed before me this 28th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of Leon H. Durst, taken before Chester H. Machen, major of cavalry, N. G. T., and camp judge advocate, at Galveston, Texas, July 13, 1920:

I am employed by the Galveston News as telegraph editor, and have been in Galveston since April 1, 1920, except for a period of twenty days spent in the west recently. At the time the recent strike trouble was precipitated in this city I was marine editor of the News, and as such had occasion to see much of the developments taking place along the wharf.

At the time the trouble between strikers and strike breakers began in the neighborhood of the Mallory docks early in May, I was often accosted by bands of pickets there as I made my run for news. On two occasions, the strikers being suspicious of me, threatened to "beat me up" if I should turn out to be seeking work with the Mallory people. In those days the pickets openly armed themselves with clubs, billys, rock and other dangerous objects with which to prevent strike breakers from going to work, and they used often to tell me of their intention and eagerness to use the weapons against any man who attempted to go to work. They often said that if they failed to get such workers as they went into the warehouses, it was certain he would be caught as went out. On two occasions the pickets told me of how they had severely beaten up a Mexican and another man who they claimed had attempted to go to work on the Mallory docks.

The thing which surprised me most, as a Texan and a red blooded American, was how, and why, during those days when the trouble with the strikers was at its highest, large bands of pickets, many of whom could not speak English with any fluency, should be allowed to entirely take possession of property near the Mallory docks, and this, too, by means of literally arming themselves with ugly weapons, openly making threats of violence with the abandon of braggarts. One night as a friend and myself were walking along the docks we were held up in front of the Union Station by a band of striking negroes, led by a man of Teutonic or Slavic origin. The leader of the gang could only speak the poorest and most broken English, yet as the negroes crowded around us, this fellow had the nerve to ask who we were and what we were doing on the public street at that point. I told him we were representatives of the Galveston News, and he at once asked us to show papers to that effect. The request from the striker so angered me that I let in with hasty words, giving him the assurance that he had no right to demand papers from me or my friend,



who were free citizens on a public street. My words seemed to cower the whole gang and no trouble ensued.

On three occasions as I was walking near the docks in the neighborhood of the Union Station, at times when the strikers acting as pickets were scenting "scabs," I noticed city policemen standing inside of box cars or looking from behind buildings or around corners as pickets ran in bunches, heavily armed with clubs or stones, in pursuit of dock workers. I never saw the police make a single arrest on any of these occasions.

Before the strikers learned who I was I had occasion to listen to many of their group harangues near the docks. Many of the foreign element and negroes as well expressed bolshevist views in moments of excitement. I saw the German who was deported through the quick work of Mr. Bell mixing and mingling with the strikers and pickets. He seemed to have a good following wherever he went.

LEON H. DURST.

Sworn to and subscribed before me this 13th day of July, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Camp Judge Advocate.

Ex parte deposition of Allen S. Shepherd, taken before Chester H. Machen, major cavalry, N. G. T., and assistant judge advocate, at Galveston, Texas, July 6, 1920.

My name is Allen S. Shepherd. I have been employed by Suderman & Young, and their predecessors, Suderman & Dolson, for the past sixteen (16) years in a confidential and executive capacity handling directly the labor, both licensed and common, on all of their floating property and have participated in all of the labor wage adjustments and conditions generally between the firm or corporation and the labor, and have found that trouble with the labor has chiefly been brought about by agitators having come to Galveston from other localities and recently, on account of the present city commissioners supporting the irresponsible labor element and the failure on the part of the police department to in anywise protect the rights of other than the labor element has caused the situation to become more intense; the labor is dictatorial and is bordering on confiscation; this, I believe, is also due to the fact that Mr. Frank Anderson, the present city attorney, has incited the labor element to "demand their rights." On June 30, in Beaumont, one Patsey

Carogan presented the demands of the firemen on the tow boats in Galveston harbor and stated that unless the demands were met we "should not be surprised if we heard of a tragedy in a few days," therefore, it is perfectly natural to anticipate some trouble from this quarter in Galveston, as this man Carogan claims to be representing the marine firemen in this harbor, and there may be trouble if police protection is not assured and we are not willing to depend upon the present chief of police, or his force, or the present city commissioners for the protection of our property and the lives of those who may be employed to operate it.

ALLEN S. SHEPHERD.

Sworn to and subscribed before me this 5th day of July, 1920.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Assistant Judge Advocate.

Ex parte deposition of M. Naumann, taken before Chester H. Machen, major cavalry, N. G. T., and assistant judge advocate, at Galveston, Texas, July 2, 1920:

My name is M. Naumann, a resident of Galveston for forty years, and have been for thirty-eight years in the employ of the Santa Fe Railroad.

I am at present division passenger agent for the Santa Fe, with headquarters in General Office building, Twenty-fifth and Strand, Galveston, Texas.

On Tuesday, May 11, about 7 o'clock in the evening, upon leaving the Union Depot building, my attention was directed to quite a gathering on the opposite side in front of Ullman, Stern & Krausse's Wholesale Grocery House. Soon a "Ford" machine drove up with at least ten or fifteen occupants, some of them hanging on the side of the car, and all of them provided with a club, which, from where I was standing, looked like branches of a tree.

Two of them came over to the sidewalk where I was standing and I asked the question, "What is all the excitement about?" and the reply was, "We are waiting for those d— scabs to come out; we are told they are finished and paid off, and we want to show them a thing or two." I judged from this remark that he was a member of the "striking" union. All this time there were sitting on the platform of Ullman, Stern & Krausse's grocery store three police officers in uniform, looking perfectly contented, leaning against the wall.

The same party who made the foregoing statement with reference to the "gathering" still stood along side of me, and I remarked "Isn't it surprising that these police officers don't try to stop this unlawful gathering as they must know the purpose for which these men are there?" The reply came back, "Hell, no, those policemen belong to us, they are longshoremen and belong to our organization and only got a job on the police force during the present administration; they know d— well if they went against us now they could never come back into our society."

When those men who had worked on the Mallory Line docks finally came out and rushed over to Twenty-second and Strand, where a closed car was in waiting for them, I followed the mad rush and although the car had left for the interurban station, I found three or four men standing on the corner with large "rocks" piled on top of the mail box, expressing their displeasure because they had not been able to use them all.

I also saw an unfortunate Mexican a day or two before that with his lower lip all cut up and bleeding profusely. He was unable to speak the English language and had not been working on the Mallory Line docks at all. He had in his possession a time slip, where he had worked at some other dock, and was looking for his pay. A policeman escorted him part way up Twenty-fifth street and turned him loose, and a man struck and disfigured the Mexican, and the policeman went the other way.

I have no desire to belittle anyone, but firmly believe that considerable more activity could have been displayed by the Galveston police force, and thereby avoided clashes, regardless of who was responsible for them.

M. NAUMANN.

Sworn to and subscribed before me this second day of July, 1920.

CHESTER H. MACHEN,  
Major Cavalry, N. G. T., Assistant  
Judge Advocate.

Ex parte deposition of J. D. Creath, taken before Chester H. Machen, major of cavalry, N. G. T., and assistant judge advocate at Galveston, Texas, June 28, 1920:

My name is J. D. Creath. I am local manager of Ullman, Stern & Krausse, Inc., and I have lived in Galveston seven years and have been constantly engaged in the wholesale business during this time.

I have kept up with local conditions very closely; while not being witness to any assaults on non-union laborers, I know it to be a fact that daily occurrences as a result of the strike the Mallory Steamship Company was unable to keep non-union laborers employed on account of the strikers, thereby tying up the gateway of commerce and doing material damage to the territory dependent upon this port. Traffic since March, 1920, up until the national guard was sent here, was almost at a standstill; thousands of dollars worth of perishable goods were lost as a result of the strike; also there were many thousands of dollars loss to merchants on account of delay to seasonable stock.

Apparently there was no effort made on the part of our police department to assist the various steamship companies in discharging cargoes, and as a result the Mallory Steamship Company was forced to unload several cargoes of freight to a great disadvantage at Port Arthur, and being almost necessary for them to abandon this port indefinitely, which they would have done if protection had not been furnished us by our Governor. Since the national guard has been stationed here all conditions have about resumed normal—freight is moving freely.

I might state since the national guard arrived in our city there has been a general clean-up of vices, gambling houses, boot-legging, etc. There is no question in my mind but what conditions will become very acute again should the troops be withdrawn until more substantial protection is organized. I might mention the fact that during all of this trouble very few arrests, if any, were made by the local authorities. The crowds which gathered continually at the wharf front and avenues leading thereto have been disbursed and laborers are at liberty to go and come in a peaceful manner since the arrival of the troops.

My place of business is located at Twenty-fifth and A, which is within a block of the Mallory Line dock. We are large distributors of merchandise throughout the entire coastal countries. As a result of the strike our shipments have been delayed—customers have been disappointed and we have suffered material loss and disappointment in the way of not being able to serve our trade properly.

We work a number of negro porters in our warehouse and we pay them fair wages and until this strike it was almost impossible for us to keep our force

up to normal because of better wages paid by the various steamship lines, and I know it to be a fact that some of the longshoremen have made as much as \$40 per week, which I consider big wages for day labor; therefore, I can see no justification for the strike and the public at large so greatly inconvenienced.

J. D. CREATH.

Sworn to and subscribed before me this 28th day of June, 1920.

CHESTER H. MACHEN,  
Major of Cavalry, N. G. T., Assistant  
Judge Advocate.

#### EXHIBIT "B."

Galveston, Texas, September 16, 1920.

To the Hon. W. P. Hobby, Governor of Texas, and H. O. Sappington, Mayor; A. P. Norman, George E. Robinson, John P. Gernand, and J. C. Purcell, Commissioners of the City of Galveston.

The undersigned committee, appointed by a committee of the citizens and the Board of Commissioners of the City of Galveston, at a meeting held at the home of J. M. Maurer, in the city of Galveston, Texas, on the 16th day of September, 1920, which committee was composed of the following named persons, to wit:

Jacob Singer, chairman; J. M. Maurer, secretary, Rt. Rev. C. E. Byrne, bishop of the diocese of Galveston; Rabbi Henry Cohen, Rev. Robert D. Wilson, pastor of the Broadway Baptist Church; Mr. J. H. W. Steele, president of the J. H. W. Steele Company; Captain Edwin Goudge, president of the Galveston Master Stevedores Association and manager of Galveston Stevedore Company; William J. Binyon, Jr., president and manager of the Binyon-O'Keefe Contracting Company; R. P. Williamson, of the R. P. Williamson Company, stevedores; J. H. Fricke, Matthew J. Gahagan and O. A. Anderson, labor representatives; H. O. Sappington, mayor; A. P. Norman, commissioner; George E. Norman, commissioner; J. C. Purcell, commissioner; John H. Gernand, commissioner; and Frank S. Anderson, city attorney, to formulate and submit to the Hon. W. P. Hobby, Governor, and the board of city commissioners of the city of Galveston, for their approval a plan looking to the withdrawal of the State Militia from the city of Galveston and the lifting of martial law, beg to submit the following report:

#### First.

The committee of citizens above mentioned, other than the mayor and board of commissioners, held its first meeting on September 1, 1920, and subsequent meetings were held from time to time, the purpose, among other, being to bring the committee of citizens and the board of commissioners together for the purpose of devising a plan acceptable to the Governor whereby martial law might be lifted.

#### Second.

Your committee submits the following plan and suggestions for the approval of the Governor and the board of commissioners:

(a) That when the details of the above principles are approved by the mayor and city commissioners, the citizens committee above named, and the Governor, in writing, that a definite date be fixed by the Governor for the lifting of martial law and withdrawal of all troops from the city of Galveston.

(b) The citizens' committee above named and board of commissioners recommend and request that the Governor place at the disposal of the city government and the committee an experienced Ranger captain who will be placed at the head of the police department and whom we here and now authorize to exercise complete authority and control over all peace officers, both regular and special.

The Ranger captain herein referred to to direct all operations of the police department through the regularly appointed chief of police. To carry out the spirit of this instrument, the board of commissioners pledge themselves to suspend temporarily and remove from office permanently in such manner as will not conflict with the city charter of Galveston, any officer of the city of Galveston who attempts in any way to impede, obstruct, or interfere with the protection of workers and the enforcement of the law by the Ranger captain placed at the head of the police department as requested herein.

(c) That the board of commissioners appoint as special officers such number of men as the captain of the Rangers referred to in Section (b) may deem advisable to assist them in enforcing the laws in the event of any emergency.

(d) That the Governor order to Galveston such number of Rangers or special Rangers as the Ranger captain

referred to in subdivision (b) may deem advisable to act in co-operation with the citizens' committee and the police force and board of commissioners of said city in suppressing any disorder that may arise and in the enforcement of the laws and order of the city, the committee of citizens above named, exclusive of the members of the board of commissioners, are to continue as a committee in an advisory capacity to this end, and also for the purpose of endeavoring to bring about a more amicable understanding between employers and employes in the city of Galveston, and to that end it is requested that the Governor lend his aid and influence.

(f) The plans herein detailed shall be operative so long as a necessity for same shall exist, the necessity to be determined by all parties hereto.

We believe that the adoption of this plan insuring co-operation between the Governor, the citizenship and the board of commissioners, as suggested herein will result in the continued uninterrupted flow of traffic through the port of Galveston, and to that end the Governor may have the full assurance of our support.

At a full meeting of the committee of citizens mentioned in the fore report held on the 16th day of September, 1920, the report was unanimously adopted and approved.

Respectfully submitted,

JACOB SINGER,  
Chairman.  
J. H. MAURER,  
Secretary.

Accepted and ordered approved by the citizens' committee at a meeting held on this the 18th day of September, A. D. 1920.

By JACOB SINGER,  
Chairman, Citizens' Committee.

Attest:

J. M. MAURER,  
Secretary, Citizens' Committee.

Adopted and ordered approved by the board of commissioners of the city of Galveston at a special meeting held in accordance with the provisions of the charter of said city, this the 18th day of September, A. D. 1920.

By H. O. SAPPINGTON,  
Mayor of the City of Galveston.  
(Seal)

Attest:

J. JNO. D. KELLEY,  
City Secretary.

Accepted and approved this the 17th day of September, A. D. 1920.

W. P. HOBBY,  
Governor of Texas.

(Seal)  
By the Governor.

C. D. MIMS,  
Secretary of State.

RECESS.

On motion of Mr. Satterwhite, the House, at 11 o'clock a. m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

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

#### HOUSE BILLS ON FIRST READING.

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

By Mr. Darroch:

H. B. No. 5, A bill to be entitled "An Act to amend Article 7354, Chapter 1, Title 126, Revised Civil Statutes of Texas, and Article 2942, Chapter 4, Title 49, Revised Civil Statutes of Texas, and Article 2943, Chapter 4, Title 49, Revised Civil Statutes of Texas, and Article 2930, Chapter 4, Title 49, Revised Civil Statutes of Texas. All of said articles relating to the levy and collection of a poll tax and fixing the qualifications of voters be eliminated from the provisions of all of said articles the word 'Male' so as to levy and collect from all persons, both male and female, poll taxes and fixing the qualification of voters so as to include all persons, both male and female, and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Fly, Mr. Sackett and Mr. John Davis of Dallas:

H. B. No. 6, A bill to be entitled "An Act to protect the movement of commerce through the ports of Texas, defining 'ports,' declaring it to be the policy of the State that the same shall be kept open at all times in order that the movement of commerce through said ports shall not be interfered with; making it unlawful for any person to interfere with such commerce passing through such ports by interfering with persons engaged in work that is necessary for the movement of commerce;

from the payment thereof; fixing the time of payment, and providing for the issuance of certificates of exemption from the payment of poll taxes by certain persons who are not subject to said poll tax; providing for the tax collector of each county to issue certificates of exemption of such persons, and retain a copy thereof, which shall be furnished to the proper election officers for their information in the holding of elections, and return same with the returns of election, and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Tidwell and Mr. Tillotson:

H. B. No. 14. A bill to be entitled "An Act to amend Article 7354 of Title 126, Chapter 1, of the Revised Civil Statutes of 1911."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Curtis:

H. B. No. 15, A bill to be entitled "An Act authorizing and permitting all persons within the State of Texas who may have become or be qualified voters in general or primary elections during the year 1920, and who, on the date of any general or primary election fulfill the requirements of the election laws of Texas with reference to residence, to vote in any general or primary election that may be held in this State during the year 1920; regulating the manner of voting, and requiring all such voters to file the affidavit prescribed by this act with the county tax collectors of their counties; prescribing the duties of county tax collectors to file and safely keep all such affidavits, and certify alphabetical lists of all persons filing affidavits to the election officials of their counties; providing that nothing in this act shall be construed to exempt any person from payment of poll tax that accrues January 1, 1921, or to exempt any person from payment thereof when same shall become due and payable; providing penalties for any tax collector who shall wilfully fail or refuse to perform duties required of him by this act; providing penalties for any person who shall knowingly make and fill any such affidavit which shall contain any false statement of any material fact or who shall designedly induce another to thus offend, and declaring an emergency."

Referred to Committee on State Affairs.

#### CHANGE IN STANDING COMMITTEE.

The Speaker announced the appointment of Mr. Laney to the Committee on State Affairs to succeed Mr. Atlee, resigned.

#### EMPLOYES OF THE HOUSE.

The Speaker announced the appointment of the following employees of the House:

Alton Veil, page.

Martha Moore, stenographer.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, September 22, 1920.

Hon. R. E. Thomason, Speaker of the House of Representatives.

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

H. B. No. 1, A bill to be entitled "An Act making appropriations to pay the per diem and mileage of members and the per diem of officers and employees of the Fourth Called Session of the Thirty-sixth Legislature of the State of Texas, convened on September 21, A. D. 1920, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

H. B. No. 2, A bill to be entitled "An Act making appropriation of the sum of sixteen thousand dollars (\$16,000.00) or so much thereof as may be necessary to pay the contingent expenses of the Fourth Called Session of the Thirty-sixth Legislature of the State of Texas, convened September 21, 1920, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

S. C. R. No. 1, Relating to business to be submitted by the Governor.

Respectfully.

E. O. HOOPER,

Assistant Secretary of the Senate.

#### MESSAGE FROM THE GOVERNOR.

Miss Annie Houghton, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office,  
Austin, Texas, September 23, 1920.

To the Thirty-sixth Legislature in  
Fourth Called Session.

Gentlemen: The Attorney General of the State, whose duty it is to enforce the anti-trust laws and protect the citizenship against monopolies and monopolistic combinations, has submitted for my consideration facts and figures and conditions that exist relating to the present market situation of cottonseed, and the products therefrom, in the State of Texas. From an examination of the figures submitted by him, I was impressed with the fact that an extraordinary condition existed at this time, and one which should challenge the attention of the Legislature.

I, at once, directed a letter to the Marketing and Warehouse Department of the State, asking for information relating to the causes for the present low price of cottonseed. I received from that department information which confirmed fully the report made by the Attorney General, and the matter is of such vast importance to the welfare of the State of Texas that I respectfully direct your attention to the subject of passing legislation which will have the effect of preventing the control of the

Markets and Warehouse Department.

Austin, Texas, September 13, 1920.

Personal.

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

Dear Governor: Complying with your request of this morning, with reference to certain facts connected with the price of cottonseed at this time, and the depreciation in the price paid to the farmers last year, I desire to say that the prevailing price at this time last year paid by the mills for cottonseed ranged from \$70 to \$85 per ton, as compared with the price of \$20 to \$26 paid at this time, showing a depreciation in price of more than three hundred per cent.

The price of oil last year, at this date, for prime crude, ranged from 23c to 26c per pound, while it is quoted today for 13½c per pound.

The price of cottonseed meal last year ranged from \$57 to \$62 per ton, at that time, while this year cottonseed meal is priced at \$52 f. o. b. mills.

I do not believe there is any question but what the profits are entirely too large, as calculated at this time, in the cottonseed oil business. There is in every ton of seed 270 pounds of oil,

pendent millers as the trust. In the State of Mississippi there were formerly seventy-six mills owned independently by the citizens of the various communities in which the mills were situated. These mills were starved out and forced into bankruptcy until today of the seventy-six mills, only seventeen remain. These are all owned or controlled by the trust. What is true of Mississippi is likewise true of Alabama, Georgia, North and South Carolina and is largely true of Louisiana. Texas is coming under the ban of this gigantic combination of capital.

The independent millers today in Texas are as dependent as a child upon its parents. Should an independent mill engage in business and pursue tactics not approved of by the trust, they find no outlet whatever for their products. The result is that they are forced under the domination of the so-called trust.

The trust is not satisfied with the complete domination of the oil mills, but in order to fasten its hold more firmly on the industry they are engaging in the ginning business. A large percentage of the gins of the State, if not a great majority of the entire forty-five hundred, are now owned and operated by the oil mills, and most of the gins so owned and operated, are operated by the trust. Perhaps it is not amiss to call your attention to the fact that there is one organization in Texas that owns and operates sixty-two of the largest ginning plants that there is in the State, under one name, to wit, The Planters Gin Company. The address of the Planters Gin Company is P. O. Box 98, North Fort Worth. I am informed that this is Swift & Company. How many more gins they own under different names, I am unable to say.

The West Texas Gin Company, which I understand is another packer organization, owns and operates eighteen gins in one locality. The Western Gin Company, another organization, owns eleven gins in another locality. Another organization situated in Dallas, that I understand is connected with the trust, owns and operates twenty-seven gins in the immediate vicinity of Dallas.

I might go on ad infinitum and name numerous ginning organizations, but do not deem it necessary in this instance. That there is need of immediate legislation to relieve the conditions now existing is beyond question. Permit me to suggest that the State Ginners' Law should be so amended as to re-

quire each and every ginner, in making his application for a permit to do business, execute an anti-trust affidavit, which affidavit should be drawn by the Attorney General, under the provisions of the anti-trust law. The cotton oil mills of Texas should be required to take out an annual permit to do business in Texas on or before July 1st of each and every year, and execute an anti-trust affidavit prescribed by the Attorney General. In addition to the anti-trust affidavit, they should be required to file a sworn list of all stockholders on record; this list to be entirely privileged, and subject only to the inspection of the Attorney General of Texas and such officer as has the licensing of cotton oil mills, and the enforcement of the law.

This seems to be the only remedy occurring to my mind at this time that will immediately relieve the independent millers of Texas from threatened destruction at the hands of the trust, which is dominated by the packing industry. I shall be only too glad to confer with you further, at your pleasure, with reference to this matter.

Assuring you of my profoundest regard, I am

Yours very truly,

Signed D. A. GREGG.

Chief Clerk.

G-T

Governor's Office,

Austin, Texas, September 22, 1920.

To the Thirty-sixth Legislature in Fourth Called Session.

Gentlemen: I submit for your consideration the following subjects:

"Such legislation as may be necessary to protect the movement of interstate and intrastate commerce passing through the ports of Texas, and the enactment of such legislation as may be required for port operation and regulation."

I also submit for your consideration the form of a bill which in my judgment will materially aid in the accomplishment of the needed purposes and which is urgently demanded for the public welfare and for the public interest of this State. Not only is there a necessity for this act, but there is that emergency which justifies putting it into immediate effect. You may find other legislation on this general subject necessary and desirable.

For your guidance I have asked for an opinion from the Attorney General of the State with respect to the consti-



tutionality of this proposed act and I have in reply received the following:

September 14, 1920.

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

Dear Sir: Answering your inquiry with reference to the constitutionality of the enclosed bill, you are respectfully advised that we have given this matter considerable thought and attention, and in our opinion, there is not anything in the Constitution which would prevent the Legislature from enacting into law the provisions contained in said bill.

I am, sir, with respect,  
Yours very truly,  
Signed E. F. SMITH,  
Assistant Attorney General.

I have advised you of the conditions which brought about martial law at Galveston. Through an agreement reached between a committee of citizens, the mayor and the board of city commissioners and myself, there will soon be a happy termination of the existence of martial law. The agreement on the part of local authorities by which State rangers may be used to guarantee the safety and protection of those who are engaged in the work of moving intrastate, interstate and foreign commerce and keeping open those channels of trade which affect every line of business in Texas by means of an open port made the ending of martial law possible.

The act herewith submitted will enable the State to carry out more effectively the spirit of the agreement entered into. It will be necessary then to invoke the State's authority only in connection with the port business of the city of Galveston.

Not only is this a desirable end to attain with respect to the port of Galveston, but there are far greater reasons which call for the enactment of this legislation. The act will put into the laws of the State a public policy contributing to the welfare of the people generally and affording certainty of transportation for each and every line of business in the State and for the movement of the crops of Texas whose congestion brings serious loss to the farmers and merchants, and to the producers and consumers throughout the State.

There are ten ports in Texas through which commerce moves to more or less extent. I consider that the enactment

of this bill will bring about a condition under which all of these ports will be kept open for the trade of this State and of this nation. Each of these ports were constructed at the expense of the people and are being maintained at public expense, and their uninterrupted use should be guaranteed the people.

This can be accomplished when it becomes the policy of the State to effectively prohibit interference with those whose work is needed to carry on the business of the ports.

The intention of this act is to make that possible at the least expense to the State and by the simplest procedure that will prove effective.

The proposed act defines what shall constitute a crime in connection with the interference of workers and enables the State, when necessary, to remove the trial of those who commit such crimes from local influences. The authority given the Governor relates merely to the enforcement of the law and does not involve participation in any issues or differences growing out of the use of capital or the employment of labor. Police power only is given to the Governor, in such circumstances, with superior jurisdiction over everything that is an integral part of a port or incident to the operation thereof, without the necessity of declaring martial law and without taking on the burden of other local law enforcement powers to be exercised within the town, city or county where a port may be wholly or in part located.

Enactment of this measure strengthened, if a way may be found to do so in your wisdom, but not weakened, I trust, in any of the powers it is intended to confer, will, I feel confident, meet an urgent demand in this State and prove to be the solution of a matter which the entire citizenship of our State will welcome.

Respectfully submitted,  
W. P. HOBBY,  
Governor.

A Bill

To Be Entitled

An Act to protect the movement of commerce through the ports of Texas, defining "ports," declaring it to be the policy of the State that the same shall be kept open at all times in order that the movement of commerce through said ports shall not be interfered with; making it unlawful for any person to interfere with such commerce passing through



such ports by interfering with persons engaged in work that is necessary for the movement of commerce; prescribing the punishment to be assessed against the persons convicted of such offense. Persons convicted of any offense under this act shall not have the benefit of the Suspended Sentence Law. Empowering the Governor to protect the commerce passing through said ports; providing for the use of the rangers or special rangers in the enforcement of the provisions of this act; providing the venue for the indictment and prosecution for violation of this act; providing that nothing in this act shall be construed as limiting the powers of the Governor to declare martial law and to call forth the militia for the purpose of executing the law, and declaring an emergency.

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

Section 1. The ports of Texas were constructed and are being maintained at public expense, and any obstruction in or hinderance to these channels of trade affects the general business and welfare of the State. It is therefore declared to be the policy of the State that the same should be kept open at all times in order that the movement of intrastate, interstate and foreign commerce through said ports shall not be impeded or interfered with.

Sec. 2. The words "port" or "ports" as used in this act, are defined to mean and include all places where ocean-going or coastwise ships are loaded or unloaded.

Sec. 3. It shall be unlawful for any person or persons by or through the use of physical violence, or by threatening the use of physical violence, or by abuse or intimidation, to interfere with or molest or harass any person or persons engaged in loading or unloading any ship or ships at any port or ports within the State of Texas.

It shall be unlawful for any two or more persons to conspire to interfere with or molest or harass any person or persons engaged in loading or unloading any ship or ships at any port or ports within the State of Texas by or through the use of physical violence, or by threatening the use of physical violence, or by abuse or intimidation.

Sec. 4. Every person who shall through any act, or written communication, or conversation, either in person or over the telephone, either to or with any person or persons engaged in

loading or unloading ships at any port in Texas or with the wife, mother, brother, sister, child or children of such person or persons while so engaged or during the hours of day or night when not engaged in such work, which is reasonably calculated or intended or designed to cause such person or persons so engaged to desist from engaging in such work, shall be deemed to have interfered with or molested or harassed such person or persons engaged in loading or unloading ships at a port in Texas.

Sec. 5. The term "person or persons engaged in loading or unloading ships at any port in Texas," as used in Section 3 of this act, shall be construed as including any person or persons employed in any way at the docks or wharves, or on switches, railroad tracks, cotton compresses, streets, sidewalks, or alleys, or any approach, or appurtenance belonging to, incident to, or used in connection with such loading or unloading, and persons engaged in transporting cotton and other products or articles of commerce from warehouses to wharves located in the vicinity of the port. This section by naming certain occupations shall not be construed to exclude any occupation not named, but shall be construed to include all persons who are engaged in work that is necessarily connected with the movement of commerce through any port in Texas, even though the work be not actually loading or unloading of ships.

Sec. 6. The provisions of Section 3 shall not apply to peace officers, or other persons, who may, in the proper and lawful discharge of their duty, interfere with men who are engaged in work connected with the movement of commerce through the ports of Texas.

Sec. 7. Any person violating the provisions of this act shall be deemed guilty of a felony, and upon conviction thereof shall be punished by confinement in the State Penitentiary for not less than one year, and not more than five years.

Sec. 8. Persons convicted for violating the provisions of this act shall not be permitted to enjoy the benefits of the suspended sentence law.

Sec. 9. If at any time, the movement of commerce through the ports of Texas, or any of them, is interfered with in violation of the provisions of this act, and the Governor becomes convinced that the local authorities are failing to enforce the law, either because they are unable or unwilling to do so, the Governor shall, in order that the move-

ment of commerce may not be interfered with, forthwith issue his proclamation declaring such conditions to exist, and describing the area thus affected.

Sec. 10. Upon the issuance of the proclamation, as provided for in the preceding section, the Governor, through such means and agencies as he may select, shall exercise full and complete police jurisdiction over the area described in the proclamation, whether the same be within or without, or partly within and partly without, the limits of an incorporated city. The exercise of said police jurisdiction by the Governor, as above set out, shall supersede all police authority by any and all local authorities provided that the Governor shall disturb the local authorities in the exercise of police jurisdiction at any place outside the district described in the proclamation.

Sec. 11. No peace officer of the State of Texas shall be permitted to make an arrest after the Governor's proclamation has become effective in the territory embraced by such proclamation, except officers acting under the authority of the Governor. Persons arrested within the district shall be delivered forthwith to the proper authorities for trial.

Sec. 12. Indictments for violations of the provisions of this act may be returned by the grand jury of the county in which the violation occurs, or by the grand jury of Travis county, and persons indicted may be prosecuted and finally tried in the county in which the indictment is returned.

Sec. 13. When the provisions of this act have been violated by any person or persons, and the grand jury of the county in which the offense was committed has returned an indictment, the district judge into whose court the indictment may be returned shall grant a change of venue upon motion made by the Attorney General, representing the State, or at his direction by the prosecuting attorney locally. The motion for a change of venue shall be sufficient if it sets out that the offense charged is one prohibited by the provisions of this act, and that on account of local prejudice or preferences or influences, it is the opinion of the Attorney General, after fair investiga-

tion, that an impartial trial could not be had in such county, and that no conviction could probably be obtained. Upon the filing of such motion, it shall be the duty of the district judge in whose court such case may be pending to immediately enter a proper order changing the venue of such case to such other county as the court may select, not subject in the opinion of the Attorney General to like conditions and objections.

Sec. 14. The Attorney General, when directed by the Governor, shall assist the district or county attorney in the prosecution of all offenses committed within the territory embraced by said proclamation, and for all violations of the provisions of this act.

Sec. 15. The provisions of this act shall be effective without a declaration of martial law. The State rangers may be used in the enforcement of the provisions of this act. If a sufficient number of rangers is not available, the Governor is authorized to employ any number of men to be designated as special rangers, and such men shall have all the power and authority of the regular rangers, and shall be paid the same salary as rangers are paid, and such salaries shall be paid out of the appropriation made to the executive office for the payment of rewards, and the enforcement of the law.

Sec. 16. Nothing in this act shall be construed as limiting the power and authority of the Governor to declare martial law and to call forth the militia for the purpose of executing the law, when, in the judgment of the Chief Executive, it is deemed necessary to do so.

Sec. 17. The great importance of keeping the ports of Texas open, and permitting the free and unrestricted movement of commerce there through, and the dependence of the people of this State upon such movement of commerce for supplies, and the near approach of the end of this special session of the Legislature, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

tions within the limits of their respective ports, and declaring an emergency."

The bill was read second time, and passed to engrossment.

#### ADJOURNMENT.

On motion of Mr. Fly, the House, at 3:40 o'clock p. m., adjourned until 10 o'clock a. m. next Monday.

#### FIFTH DAY.

(Monday, September 27, 1920.)

The House met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Speaker Thomason.

The roll was called and the following members were present:

Alexander.	King of Erath.
Baldwin.	King of
Barker.	Throckmorton.
Barrett of Bell.	Lacey.
Barrett of Jones.	Laney.
Bass.	Lawrence.
Beard.	Lee.
Beasley.	Loggins.
Bedell.	McCord.
Bertram.	McDonald.
Biggers.	McDowra.
Biggs.	McFarlane.
Black, W. A.,	McLeod.
of Bexar.	McMillin.
Blackburn.	Malone.
Bonham.	Marshall.
Brady.	Merriman.
Brown of Liberty.	Miller of Dallas.
Bryant.	Moon.
Burns.	Morris of Bosque.
Burton.	Morris of Medina.
Childers.	Morris
Cox.	of Montague.
Curtis.	Murrell.
Daniel.	Newton.
Davis, John E.,	Osborne.
of Dallas.	Owen.
Davis, John,	Parnell.
of Dallas.	Parsley.
Dickson.	Peevy.
Estes.	Pedigo.
Fairchild.	Peyton.
Faubion.	Pollard.
Fly.	Pool.
Ford.	Quicksall.
Garrett.	Raiden.
Hall.	Rogers.
Hill.	Sackett.
Horton.	Satterwhite.
Jackson.	Schlosshan.
Johnson of Ellis.	Scott.
Johnson of Travis.	Seagler.
Jones.	Sentell.
Kellis.	Seward.

Smith of Smith.	Tillotson.
Sneed.	Tilson.
Stephens.	Veatch.
Stewart.	Vickers.
Taylor.	Walker of Newton.
Terrell.	Walker of Wise.
Tharp.	Williams
Thomason	of McLennan.
of Nacogdoches.	Williams
Thompson	of Montgomery.
of Harris.	Wilson.

#### Absent.

Bagby.	Lowe.
Barnes.	Miller of Austin.
Beason.	Neal.
Beavens.	Nordhaus.
Black, O. B.,	O'Banion.
of Bexar.	Poage.
Bludworth.	Pope.
Brown of Wilson.	Reeves.
Canales.	Richards.
Crompton.	Roemer.
Culp.	Rosser.
Darroch.	Smith of Bastrop.
Dodd.	Smith of Hopkins.
Hamilton.	Teer.
Heideke.	Thomas.
Holmes.	Thompson
Johnson of Blanco.	of Hunt.
Lackey.	Tidwell.
Lange.	Vaughan.
Lidiak.	Wright.

A quorum was announced present.  
Prayer was then offered by Rev. J. C. Mitchell, Chaplain.

#### LEAVES OF ABSENCE GRANTED.

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

Mr. Bonham for Thursday, Friday and Saturday, on motion of Mr. Brady.  
Mr. Seagler for last week, on motion of Mr. Darroch.

Mr. Parnell for last week, on motion of Mr. Miller of Dallas.

Mr. Daniels for last week, on motion of Mr. Terrell.

Mr. Peevy for last week, on motion of Mr. Walker of Wise.

Mr. Beasley for last week, on motion of Mr. McMillin.

Mr. Stewart for last week, on motion of Mr. Marshall.

Mr. Williams of McLennan for Tuesday, Wednesday and Thursday, on motion of Mr. Quicksall.

Mr. Ford for last week, on motion of Mr. Terrell.

#### MESSAGE FROM THE GOVERNOR.

Mr. Ralph Soape, secretary to the Governor, appeared at the bar of

the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office.

Austin Texas, September 27, 1920.

To the Thirty-sixth Legislature in Fourth Called Session.

Gentlemen: At the request of the various Representatives interested, I submit for your consideration the following subjects, to wit:

"An Act to amend the road laws for Dallas and Tarrant counties, etc."

"An Act creating the Hogland Independent School District, in Ochiltree county, Texas, etc."

"An Act relating to the protection of wild fowl of the counties of Dimmit, Uvalde, Medina, Zavala, Gillespie, Blanco, Llano, Kendall, Kimble, Kerr, Real, Mason, Edward, Menard, Sutton, Crockett and Bandera, and changing the time of open season on such wild birds and fowls, etc., and declaring an emergency."

"An Act authorizing the owner or owners of an oil and gas permit heretofore issued by the State of Texas covering university land, who individually or in conjunction with holders of other university land, has or have performed certain development work thereunder to designate what is to be known as a university land, oil and gas area to consist of one or more not exceeding six blocks of university land; providing for the extension of permits covering the lands included in such area for five years from the date thereof or from the average date of the combination of such permits; providing that the commencement and completion of the development work now required thereon may be commenced and completed, respectively, at any time before the expiration of such permits or combination of permits as hereby extended; providing for the issuance of leases on the lands covered by such permits if oil or gas in commercial quantities is discovered thereon during the life of such permit; and declaring an emergency."

Respectfully submitted,

W. P. HOBBY,  
Governor.

#### EMPLOYES OF THE HOUSE.

The Speaker announced the appointment of the following stenographers: Mrs. L. E. Knibbs and Miss Esta Lee.

#### HOUSE BILLS ON FIRST READING.

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

By Mr. Thomas:

H. B. No. 22, A bill to be entitled "An Act making certain emergency appropriations out of the general revenues for the support of the State government for the fiscal year ending August 31, 1921, and making appropriations to pay certain miscellaneous claims against the State, and making appropriations for authorized deficiencies incurred in the support of the State government for the fiscal years ending August 31, 1920, and by changing certain language in House bill No. 4 passed at the Second Called Session of the Thirty-sixth Legislature, on page 279 of said Acts, in relation to item for Juvenile Training School, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Morris of Medina, Mr. Johnson of Blanco, and Mr. Blackburn:

H. B. No. 23, A bill to be entitled "An Act relating to the protection of wild fowl of the counties of Dimmit, Uvalde, Medina, Zavala, Gillespie, Blanco, Llano, Kendall, Kimble, Kerr, Real, Mason, Edwards, Menard, Sutton, Crockett and Bandera, and changing the time of open season on such wild fowls and birds, and providing penalties for the unlawful taking and killing of said wild birds and fowls and exempting said counties above mentioned from Section 5 of Chapter 157, General Laws, Thirty-sixth Legislature, passed at its Regular Session, same being House bill No. 457, Chapter 157 thereof, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Horton:

H. B. No. 24, A bill to be entitled "An Act to amend Chapter 63 of the Special Laws of the Thirty-sixth Legislature, passed at the Second Called Session, the same being a special road law for Dallas county, Texas, by adding thereto a new section to be known as Section 12a, conferring additional authority upon the commissioners of said county as to the purchase and lease of material, machinery and equipment, etc., and declaring an emergency."

out Section 4 of the bill, and renumbering the succeeding sections accordingly.

Signed—Tillotson, Darroch, Seagler.

Mr. Peyton offered the following substitute for the amendment:

Amend House bill No. 6, page 2, Section 4, by striking out, in lines 8 and 9, the following: "Either to or with any person or persons engaged in loading and unloading ships at any port in Texas."

On motion of Mr. Fly, the substitute was tabled.

Mr. McMillin offered the following substitute for the amendment:

Amend House bill No. 6, page 2, Section 4, line 14, by inserting after the word "work" the following words, "through fear of physical harm or destruction of his property."

Question—Shall the substitute be adopted?

#### GRANTING CHIEF CLERK LEAVE OF ABSENCE.

Mr. John E. Davis of Dallas offered the following resolution:

Whereas, The Chief Clerk of the House is compelled to be absent from his official duties during the remainder of the week; therefore, be it

Resolved, That Miss Annie Webb Blanton, Superintendent of Public Instruction, be requested to give Reading Clerk O. P. Basford, a temporary leave of absence, in order that he may serve the House as Reading Clerk and Acting Chief Clerk during the Chief Clerk's absence.

The resolution was read second time and adopted.

#### MESSAGE FROM THE SENATE.

Senate Chamber.

Austin, Texas, September 28, 1920.

Hon. R. E. Thomason, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed, with engrossed rider,

S. B. No. 1, A bill to be entitled "An Act to amend Article 7354, Chapter 1, Title 126, Revised Civil Statutes of Texas, and Articles 2942, Chapter 4, Title 29, Revised Civil Statutes of Texas, and Article 2943, Chapter 4, Title 49, Revised Civil Statutes of Texas, and Article 2939, Chapter 4, Title 49, Revised Civil Statutes of Texas, all of said articles relating to the levy and collection of a poll tax and fixing the qualifications of voters be eliminated from the provisions of all of the said

articles the word "male" so as to levy and collect from all persons, both male and female, poll taxes, and fixing the qualifications of voters so as to include all persons, both male and female; and providing for the issuance of exemption certificates to persons not subject to the payment of poll tax on January 1, 1919, and who obtain such exemption certificates shall be eligible to vote in all elections, general and special, held during the remainder of the year 1920; providing penalties for the violation of any of the provisions of this act, etc.; fixing the venue of suits involving the validity of the provisions of this act, etc., and declaring an emergency."

Respectfully,

E. O. HOOPER,

Assistant Secretary of the Senate.

#### MESSAGES FROM THE GOVERNOR.

Miss Annie Houghton, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following messages from the Governor, which were read to the House, as follows:

Governor's Office,

Austin, Texas, September 28, 1920.

To the Thirty-sixth Legislature in Fourth Called Session.

Gentlemen: At the request of the Senate as contained in a resolution adopted today, I submit for your consideration the following subject, to wit:

"An Act to amend Section 17 of Chapter 83 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature, etc."

Respectfully submitted,

W. P. HOBBY,

Governor.

Governor's Office,

Austin, Texas, September 28, 1920.

To the Thirty-sixth Legislature in Fourth Called Session.

Gentlemen: At the request of various members of your honorable body interested, I submit for your consideration the following subjects, to wit:

"An Act to amend Article 1451, Title 29, Chapter 1, of the Revised Civil Statutes of 1911, relating to county finances, and requiring the commissioners court to examine and correct same, and to publish a complete itemized statement of the financial condition quarterly of the county, and each

and every road district therein, and further requiring that said publication be made a matter of record in the minutes of commissioners court of said county, and providing a penalty for the court and each member thereof to fail or refuse to do so, and declaring an emergency."

"An Act relating to a special road law for Fannin county, Texas, etc."

"An Act creating the Laneville Independent School District of Rusk county, etc., and declaring an emergency."

"An Act creating Cove Independent School District in Orange county, Texas, etc., and declaring an emergency."

"An Act amending an act passed by the Thirty-third Legislature in its Regular Session, creating the Eagle Lake Independent School District."

"An Act creating a Prairie Hill Independent School District in Limestone county, Texas, and declaring an emergency."

Respectfully submitted,  
W. P. HOBBY,  
Governor.

Governor's Office,  
Austin, Texas, September 28, 1920.  
To the Thirty-sixth Legislature in  
Fourth Called Session.

Gentlemen: At the request of Representative Rogers. I submit for your consideration the following subject. to wit:

"An Act to diminish the civil and criminal jurisdiction of the county court of Shelby county, Texas; to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict therewith, and declaring an emergency."

Respectfully submitted,  
W. P. HOBBY,  
Governor.

#### HOUSE BILLS ON FIRST READING.

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

By Mr. Tillotson and Mr. Miller of Austin:

H. B. No. 26, A bill to be entitled "An Act to amend Section 2 of Chapter 138, Special Laws of the Thirty-third Legislature, enacted at its Regular Session, creating the Eagle Lake Independent School District; the said amendment providing for revising the metes and bounds of said district, and the annexation of adjacent territory

thereto, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Rogers:

H. B. No. 27, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Shelby county, Texas; to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict therewith, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Merriman:

H. B. No. 28, A bill to be entitled "An Act creating the Cove Independent School District in Orange county, Texas, defining the boundaries; providing for a board of trustees for said school district, and prescribing their qualifications and term of office; naming the trustees who are to serve until their successors shall have been elected at the next general election for school trustees; defining the rights, powers and duties of the trustees of said district, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Alexander:

H. B. No. 29, A bill to be entitled "An Act creating the Prairie Hill Independent School District in Limestone county, Texas, defining its boundaries including the present Prairie Hill Independent School District; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon the Independent School District and the board of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Vickers:

H. B. No. 30, A bill to be entitled "An Act to amend Article 1451, Title 29, Chapter 1, of the Revised Civil Statutes of 1911, relating to county finances, and requiring the commissioners court to examine and correct same and to publish a complete itemized statement of the financial condition quarterly of the county, and each and every road district therein and further requiring

consulting engineer and to empower the commissioners court to make such contracts with respect to the construction, maintenance or repair of roads and bridges that may be necessary and to employ the convicts on said roads and to provide for the compensation of the commissioners for the performance of their duties under the terms of this act, and to prescribe penalties for the violation of this act, and repealing all laws in conflict with the provisions hereof, and declaring an emergency,' by adding Section 27a thereto so as to enable the county to advance moneys, under proper safeguards and security on the purchase of materials for the construction of roads and the maintenance and repair thereof, and to enter into contracts for such purposes, and to lease, where necessary, railway cars for the delivery of such road building material to the place or places where same is to be used, and repealing all laws in conflict therewith, and declaring an emergency."

S. B. No. 11, A bill to be entitled "An Act authorizing the owner of an oil and gas permit heretofore issued by the State of Texas covering University land, who individually or in conjunction with holders of other University land has or have performed certain development work thereunder to designate what is to be known as a University land oil and gas area, to consist of one or more, not exceeding six, blocks of University land; providing for the extension of permits covering the lands included in such area for five years from date thereof, or from the average date of a combination of such permits; providing that the commencement and completion of the development work now required thereon may be commenced and completed, respectively, at any time before the expiration of such permits or combination of permits as hereby extended; providing for the issuance of leases on the lands covered by such permits if oil or gas in commercial quantities is discovered thereon during the life of such permit; repealing all acts and parts of acts in conflict herewith, and declaring an emergency."

Respectfully,

E. O. HOOPER,  
Assistant Secretary of the Senate.

RECESS.

On motion of Mr. Hill of Wheeler, the House, at 12:05 o'clock p. m., took recess to 1:30 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 1:30 o'clock p. m., and was called to order by Speaker Thomason.

#### SENATE BILLS ON FIRST READING.

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

S. B. No. 11, to the Committee on Public Lands.

S. B. No. 10, to the Committee on Roads, Bridges and Ferries.

#### MESSAGES FROM THE GOVERNOR.

Miss Annie Houghton, Secretary to the Governor, appeared at the bar of the House and, being duly announced, presented the following messages from the Governor, which were read to the House, as follows:

Governor's Office,

Austin, Texas, September 29, 1920.

To the Thirty-sixth Legislature in Fourth Called Session:

Gentlemen: At the request of members interested, I submit for your consideration the following subjects, to-wit:

"An Act to amend Section 3, Chapter 60 of the General Laws of the Regular Session of the Thirty-fifth Legislature of the State of Texas, as amended by Chapter 44, House bill No. 107, Acts of the Regular Session of the Thirty-sixth Legislature, so as to make more definite and certain the power of the commissioners court to carry out the existing laws for the eradication of fever carrying ticks, providing facilities, material and labor; providing funds for same, and declaring an emergency."

"An Act amending Articles 3107, 3108 and 3140, Title 49, Revised Civil Statutes, 1911, providing that county executive committees shall be composed of one man and one woman from each voting or justice precinct in such county; providing for the election of a county chairman and vice-chairman of the county executive committee, one of whom shall be a man and the other a woman; providing that State conventions shall, among other things, elect a chairman and a vice-chairman of the State executive committee, one of whom shall be a man and the other a woman, and sixty-two (62) members thereof, one man and one woman from each senatorial district of the State."

"An Act amending 'An Act to create the Ninetieth Judicial District, etc.,' and declaring an emergency."

Respectfully submitted,

W. P. HOBBY,  
Governor.

Governor's Office,  
Austin, Texas, September 28, 1920.

To the Thirty-sixth Legislature in Fourth Called Session.

Gentlemen: It is deemed necessary to amend the anti-trust laws of this State for reasons I will here set out:

Article 1477 of the Penal Code reads as follows:

"The provisions of this law shall not apply to agricultural products or live-stock, while in the hands of the producers or raisers, and it shall be lawful for any and all persons engaged in any kind of work or labor, manual or mental, or both, to associate themselves together and form a trades union and other organizations for the purpose of protecting themselves in their personal work, personal labor and personal service in their respective pursuits and employments."

It is apparent that Article 1477, relating to exemption of farmers and laborers has a very limited meaning. They are not sufficiently broad to exempt organizations of farmers confronted with the danger of having to sacrifice their crops and many of the organizations of farmers now being promoted for the common good of the agricultural interests of this State.

There are 132 warehouse organizations organized and operating in this State under the supervision of the Markets and Warehouse Department under very much the same system that prevails with reference to State banks. They are examined at regular intervals and their business is therefore closely watched. It has been impossible for the Markets and Warehouse Department to combine the efforts of these farmer organizations incorporated with capital stocks so as to promote the interests of the farmers of any given territory.

The cotton farmers of Texas are now engaged in an effort to organize themselves so as to intelligently prepare their cotton for market, weigh it, grade it, and sell it without passing it through so many hands to the consumers.

The wheat farmers of Northwest Texas desire to organize marketing associations provided they are permitted to combine their efforts in a given locality to profitably market their products.

The rice farmers of South Texas are face to face with a condition which threatens their very existence unless given an opportunity to associate themselves together for protection against those who pass the product from the producer to the consumer.

In Cameron and Hidalgo counties there are quite a number of marketing associations with capital stocks ranging from \$2,000.00 up to \$50,000.00. These organizations are of great service to the people of their communities, in intelligently marketing the produce of those sections, and are saving money to the farmers, as well as making money for the stockholders, who are farmers in their respective communities. They cannot combine their efforts, however, under the restrictions of law, and form one general organization which can be made the selling agent for that community. For these reasons they earnestly desire an amendment to the present law. To meet the exigencies of this situation I recommend the amendment of this statute, prepared by the Markets and Warehouse Department, in substance as follows:

"Article 1477. The provisions of this law shall not apply to agricultural products or live stock while in the hands of the producer or raiser, and it shall be lawful for any and all persons in any kind of work or labor, manual or mental, or both, to associate themselves together and form trades unions and other organizations for the purpose of protecting themselves in their personal work, personal labor, and personal service, in their respective pursuits and employments. Neither shall this law apply to organizations created under the present provisions of the Markets and Warehouse Law of this State, or any other provision or laws or organizations of farmers that have for their object the improvement of the marketing conditions of the farmers of this State for their products. It shall be lawful for such organizations or organization of farmers to combine their efforts, and to co-operate in establishing better marketing agencies and conditions and to take such action separately or in combination as may be deemed by them advantageous in obtaining fair prices and stabilizing the market for their products, and all agreements between themselves or with others having these for their purposes shall be deemed lawful."

Farmers and farmer organizations are here given that latitude which is in



keeping with the spirit of the Federal anti-trust laws, as well as the anti-trust laws of other States providing for the exemption of farmer organizations and labor organizations. It is not only a small concession for the State to be as liberal in the terms of our anti-trust statutes, but it is essential to the welfare and well-being of Texas. The extent of our wealth and prosperity is based upon the profitable pursuit of agriculture and the protection of those who labor.

The marketing conditions which confront the farmers of Texas were never more unfavorable than at present. The producers of the State have frequently been the victims of manipulation, organization and combinations. The widest freedom of action should, in my judgment, be accorded the farmers of Texas for their own protection and for the stabilizing effect upon all lines of trade and all business in this State.

Respectfully submitted,

W. P. HOBBY,  
Governor.

Governor's Office,  
Austin, Texas, September 29, 1920.

To the Thirty-sixth Legislature in  
Fourth Called Session.

Gentlemen: At the request of Senator Hertzberg, I submit for your consideration, the following subject, to wit:

"An Act to amend Chapter 98 of the Local and Special Laws passed by the Thirty-sixth Legislature in its Regular Session, approved March 24, 1919, entitled 'An Act creating the Leakey Independent School District in Real county, Texas, providing a board of trustees thereof, vesting it with all rights, powers and duties of districts incorporated for school purposes only under the general laws, and declaring an emergency,' providing for correction of the field notes of such district determining the boundaries thereof, providing that all obligations heretofore incurred shall remain in full force, and declaring an emergency."

Respectfully submitted,

W. P. HOBBY,  
Governor.

Governor's Office,  
Austin, Texas, September 29, 1920.

To the Thirty-sixth Legislature in  
Fourth Called Session.

Gentlemen: At the request of various members of your honorable body, I submit for your consideration the following subject, to wit:

"An Act amending Section 1 and Section 7 of an act entitled, 'An Act creating the Perryton Independent School District in Ochiltree county, Texas, etc.,' and declaring an emergency."

Respectfully submitted,

W. P. HOBBY,  
Governor.

#### HOUSE BILLS ON FIRST READING.

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

By Mr. Terrell et al.:

H. B. No. 31, A bill to be entitled "An Act to amend Article 1477 of the Penal Code of the State of Texas, so as to exempt from operation of the anti-trust laws of this State agricultural products or live stock while in the hands of the producer and making it lawful for persons engaged in work or labor to associate together and form unions or other organizations for the purpose of protecting themselves in their work and exempting from such laws organizations of farms designed to improve their condition and organizations created under the present provisions of the Markets and Warehouse Law of this State or any other provisions having for their object the improving of market conditions of the farmers of this State and providing them with better marketing facilities, and making it lawful for such organizations of farmers, as above mentioned, to combine their efforts and to take such action as may be advantageous in obtaining fair prices and establishing the markets for their products and making of agreements for their purpose lawful; and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Satterwhite:

H. B. No. 32, A bill to be entitled "An Act amending Article 3107, Title 49, Revised Civil Statutes of 1911, providing that the county executive committee shall be composed of one man and one woman from each voting or justice precinct in such county; providing for the election of a county chairman and vice-chairman of the county executive committee, one of whom shall be a man and the other a woman; providing that the State convention shall, among other things, elect a chairman and a vice chairman of the State executive committee, one of whom shall be a man and the other a woman, and sixty-

ment of any material fact, shall be punished by imprisonment in the penitentiary not less than two nor more than five years.

Section 14. This Act shall cease to be operative and shall be null and void on and after the first day of February, 1921.

Section 15. The fact that a general election is to be held throughout the State on the 2nd day of November, 1920, and that local and primary elections will be held prior to February 1, 1921, and that large numbers of citizens of the State have become qualified voters since January 31, 1920, and it is necessary that adequate provision be made by law, permitting such persons to participate in the elections referred to in this Act, and to make such regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box, creates an imperative public necessity, that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in full force from and after its passage, and it is so enacted.

Signed—Baldwin, Curtis.

Pending consideration of the substitute, Mr. Fly occupied the chair temporarily.

(Speaker in the chair.)

Question—Shall the substitute be adopted?

#### SENATE BILL ON FIRST READING.

The following Senate bill was laid before the House, read first time, and referred to the appropriate committee, as follows:

S. B. No. 8, to the Committee on State Affairs.

#### MESSAGES FROM THE GOVERNOR.

Miss Annie Houghton, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following messages from the Governor, which were read to the House, as follows:

Governor's Office,

Austin, Texas, September 30, 1920.

To the Thirty-sixth Legislature in Fourth Called Session.

Gentlemen: At the request of Representative Fairchild, I submit for your consideration the following subjects, to wit:

"An Act to levy an annual occupation tax upon emigrant agents engaged in or pursuing said business in the State of Texas, etc., and declaring an emergency."

"An Act to regulate the business of emigrant agents, etc., and declaring an emergency."

Respectfully submitted,

W. P. HOBBY,  
Governor.

Governor's Office,

Austin, Texas, September 30, 1920.

To the Thirty-sixth Legislature in Fourth Called Session.

Gentlemen: I beg to submit for your consideration such legislation as may be deemed expedient for the perfection and completion of the marketing and warehouse system now in force in Texas, and to encourage the co-operative pooling and selling of cotton by farmers' associations, or any measure which in your judgment may serve a useful purpose in aiding the farmers of Texas in the present market crisis and to the end of obtaining a fair return for the products of the farm.

In this connection, I submit for your consideration a letter from Hon. D. E. Lyday, vice-president and general manager of the Texas Division, American Cotton Association, and Hon. F. C. Weinert, Commissioner of the Markets and Warehouse Department of the State government, same being marked exhibit "A."

Respectfully submitted,

W. P. HOBBY,  
Governor.

Exhibit "A."

Markets and Warehouse Department,

Austin, Texas, September 29, 1920.

Hon. W. P. Hobby, Governor, State of Texas, Capitol Bldg., Austin, Texas.

Dear Governor: We desire to call your attention to the urgent and pressing need at this time of the Legislature taking some action for the relief of the cotton farmers of this State. The conditions now confronting the farmers are unprecedented in the history of this country. It has had no parallel in some respects throughout our entire history. We have seen cotton decline approximately \$100 a bale in the last ninety days and wipe out practically the results of the labor of a great majority of the citizenship of this State. It has resulted in a loss of more than one billion dollars to the

people of the South and the end is not in sight yet. It is imperatively necessary that some action be taken by the Legislature at this time to aid and assist the farmers of Texas in working out their own salvation.

After materially considering the present conditions, we are led to the conclusion that the immediate legislation is to revise and perfect the present markets and warehouse law and give sufficient appropriations, to be expended for immediate relief so as to enable the farmers of this State to dispose of their present stock of low grade cotton. We think we can conservatively say that there is in the hands of farmers of Texas at this present time about 500,000 bales of low grade cotton. We know of instances in this State where a market to a limited extent has been provided by pooling low grade cotton and shipping it to foreign markets. The efforts of those who have pooled their cotton locally have been successful, but the general lack of knowledge and the lack of funds with which to pool the low grade cotton in the State has resulted in a very limited market for this grade of cotton. In order to provide the necessary machinery, it is necessary to amend the present marketing and warehouse law, and provide for a commission of far-seeing business men, acting in conjunction with the Commissioner of Markets and Warehouses whose duty it will be to aid and assist the holders of this cotton throughout the State to dispose of it, and in order to provide a future market for cotton it will be necessary to reconstruct the present markets and warehouse law, provide for an adequate system of warehousing that will forever prevent a recurrence of the present conditions. To carry out this idea, we propose in the re-organization of the Markets and Warehouse Department to provide for the levying of a tax of fifty cents per bale on all cotton ginned in this State for the purpose of providing adequate warehousing facilities for the storage, financing and gradual marketing of the cotton crop, such warehouses to be controlled by the commission and to be public property, the title to which will be in the Governor of the State of Texas for the use and benefit of the citizenship of the State.

The urgent need of immediate action is to aid those who now own this low grade cotton in disposing of same, but of course, the appointment of the com-

mission and the reconstruction of the present warehousing system will provide the necessary machinery for permanent relief. To this end we are asking that you submit this measure for the consideration of the present Legislature together with your support and influence.

This matter not only concerns the farmers primarily, but concerns the entire citizenship, the bankers and business men as well. It is upon the great support of agricultural production that we have to turn for our national wealth.

Providing an adequate financing system for the marketing and financing of the greatest money crop that we have to sell is not only of local importance but of national importance as well.

We submit this matter for your earnest consideration with the desire that you consider the same carefully under the present crisis.

Very respectfully yours,

(Signed) D. E. LYDAY,

Vice-President and General Manager,  
Texas Division, American Cotton Association.

(Signed) F. C. WEINERT,

Commissioner of Markets and Warehouses.

FCW:H

Governor's Office,

Austin, Texas, September 29, 1920.

To the Thirty-sixth Legislature in Fourth Called Session.

Gentlemen: Enactment of a measure safeguarding the ballot box in Texas at the November election; enactment of a measure to protect workers at the ports of Texas and the workers engaged in the loading, unloading, transfer and transportation of intrastate, interstate and foreign commerce, and the disposal of legislation intended to protect the cotton and cotton seed industry of Texas in such manner as you in your wisdom may deem best, will conclude the program of legislative matters which prompted me to convene you in extraordinary session and will complete that program which I feel disposed to urge upon you as imperatively calling for action before adjournment.

I have submitted a number of additional subjects deemed to be of that paramount importance described in the resolution adopted by your honorable body. With the submission of these measures, I will not further incur your labors or stand in the way of ad-

journalment of the present called session; and, therefore, I will not submit additional subjects for legislation except when it is indicated by resolution adopted by one or both houses that the submission of such subjects is desired.

Sincerely yours,

W. P. HOBBS,  
Governor.

Governor's Office,  
Austin, Texas, September 29, 1920.

To the Thirty-sixth Legislature in  
Fourth Called Session.

Gentlemen: At the request of Representatives Miller and John Davis of Dallas county, I submit for your consideration the following subject, to-wit:

"An Act providing for appointment by the Governor of an Industrial Commission, composed of five members, to hear and make reports on controversies between employers and employees; defining its powers and authority; providing that said findings and recommendations by the commission shall be made to the Governor and furnished to the public and filed with the Legislature of Texas, and declaring an emergency."

Respectfully submitted,

W. P. HOBBS,  
Governor.

#### HOUSE BILLS ON FIRST READING.

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

By Mr. John Davis of Dallas and Mr. Miller of Dallas:

H. B. No. 35, A bill to be entitled "An Act providing for appointment by the Governor of an industrial commission, composed of five members, to hear and make reports on controversies between employers and employees; defining its powers and authority; providing that said findings and recommendations by the commission shall be made to the Governor and furnished to the public and filed with the Legislature of Texas; providing payment of expenses, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Fairchild:

H. B. No. 36, A bill to be entitled "An Act to levy an annual occupation tax upon emigrant agents engaged in or pursuing said business in the State of Texas; prescribing a penalty for

failure to pay said tax before engaging in or pursuing such business, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Fairchild:

H. B. No. 37, A bill to be entitled "An Act to regulate the business of emigrant agents; defining emigrant agents; providing for licensing any person, firm or private employment agency desiring to be licensed as an emigrant agent, and prescribing the method of obtaining such license, and the requirements thereof, and defining who may be licensed; prescribing certain duties relative to the act and its administration for the Commissioner of Labor Statistics and the Attorney General, and conferring certain authority relative to the administration of this act upon said Commissioner; fixing the fees which may be charged by parties licensed hereunder, and fixing the licensed fees to be paid by those licensed hereunder, and creating and defining offenses for the violation of this act, and prescribing the punishment therefor; providing that municipal employment bureaus and employment agencies operated purely for charitable purposes shall be exempt from the provisions of this act; prescribing bonds to be filed by emigrant agents and providing for suits thereon, and for services of proceeds in such suits; providing that all fees collected hereunder shall be paid directly into the State Treasury; declaring that all appropriations made for the department of the Commissioner of Labor Statistics may be used in the enforcement and administration of this act, and declaring an emergency."

Referred to Committee on State Affairs.

#### RECESS.

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

#### AFTERNOON SESSION.

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

#### SENATE BILL NO. 1 ON PASSAGE TO THIRD READING.

The House resumed consideration of pending business, same being Senate bill No. 1, providing for registration of voters, on its passage to third reading.

Calendar Clerk's desk, effective September 28, 1920: Miss Indiana Watson.

Porter, effective September 29, 1920: G. W. Jones.

#### RELATING TO REQUESTS FOR PASSAGE OF THE PORT BILL.

Mr. Malone offered the following resolution:

Whereas, The laws of this State forbid certain kinds of chambers of commerce and commercial clubs from engaging in furthering or assisting the success or defeat of political questions; and

Whereas, It has come to the knowledge of this House that various members of this body have received telegrams and other communications from chambers of commerce of this State, urging the passage of the so-called port bill, which is a political question; therefore, be it

Resolved by the House, That the Attorney General be instructed to immediately institute an investigation of this matter and that he be instructed to prosecute any of the organizations or associations named herein, in case his investigation shows they have violated the law.

Signed—Malone, Biggers.

The resolution was read second time.

On motion of Mr. McMillin, the resolution was referred to the Committee on State Affairs.

#### REQUESTING INFORMATION FROM ADJUTANT GENERAL.

Mr. King of Erath offered the following resolution:

Whereas, On the 23rd day of June, 1920, martial law was declared in the city of Galveston by Governor W. P. Hobby, and the State militia or the State National Guard was sent to Galveston under Brigadier General Jake Wolters; and

Whereas, The Legislature of Texas appropriated \$100,000 for the purpose of maintaining these men and officers while in Galveston out of the State Treasury; and

Whereas, It is now common knowledge that the \$100,000 and a great deal more has been expended in Galveston for this work; and

Whereas, We believe the Legislature now in session should know how this appropriation was expended, and how the further deficiency was expended, and from what source obtained; therefore, be it

Resolved, That we, now in session, ask for the Adjutant General of Texas to furnish the Legislature, now in session, with an itemized statement of these expenditures, showing the following:

1. (a) The amount originally appropriated. (b) The amount of deficiency allowed by the Governor. (c) The amount of appropriations asked for to pay expenses of returning soldiers home.

2. (a) Total amount of expenditures.

3. (a) The number of men and the names of each, the amount paid each for service in Galveston.

4. (a) The number of officers, the names of each, the amount paid each for service in Galveston.

5. (a) The number of horses maintained in the service in Galveston and the expenditures for keeping said horses there.

6. (a) The number of automobiles used, the owners of each and the amount expended for use of each.

7. (a) Itemized in detail each and every expenditure made by the National Guard while in Galveston, giving the date of each expenditure and when said contract for such expenditure was made, whether before or after the legislative appropriation was made in the Special Called Session in June, 1920, showing the expenditures in detail of the whole amount, and for this information to be furnished not later than October 2, 1920, by Adjutant General Cope of Texas.

Signed—Biggers, King of Erath.

The resolution was read second time.

On motion of Mr. Lackey, the resolution was referred to the Committee on Military Affairs.

#### MESSAGE FROM THE GOVERNOR.

Mr. Ralph Soape, Secretary to the Governor, appeared at the bar of the House and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office.

Austin, Texas, September 30, 1920.

To the Thirty-sixth Legislature in  
Fourth Called Session.

Gentlemen: In view of the present demoralized market and greatly reduced price of the Texas cotton crop, I deem it both proper and imperative that the attention of the Legislature of Texas be invited to the situation now facing the farmers and the entire cotton industry of Texas.

I believe this condition to be largely the result of the policy of the Secretary of the Treasury Houston in making repeated statements that prices of commodities must go far lower, and of the tightening of credits through action of the Federal reserve system in following out this policy. No section of this nation will suffer as a result of this attitude more than will the South, which this year has grown the most costly crop ever produced; and should such policy be continued, it will bring a fearful loss to the entire cotton growing area, and eventually will cause a great scarcity in production.

Taking advantage of the Treasury Department's policy, cotton mills here and abroad have not bought any large quantities of cotton for the past four months, and will not buy raw cotton as long as such policy is continued, which is forcing agricultural products on the market at prices far below the cost of production.

In venturing to suggest the only course which has occurred to my mind as being feasible and at the same time promising any measure of temporary immediate relief, I respectfully recommend to the Legislature that it give consideration to the entire problem with a view to such strong and immediate action, along this line, or in any other manner, as will tend to check and stabilize the rapidly decreasing price of cotton.

The cotton industry is the greatest industry in Texas, and the basis of our general prosperity. I am so deeply impressed with the vital importance of the solution of the problems confronting those engaged in this industry and having so large and so direct a bearing upon the prosperity and welfare of all the citizens of the State, that I feel the farmers of Texas should be appealed to by the Legislature in the strongest and most urgent terms, to withhold from the market and to refuse to sell any cotton whatever for a period of at least two weeks, and thereafter un-

der no circumstances to flood the market with the present crop, but to market the same in a slow and gradual manner. And in order to make such a concerted effort on the part of the farmers successful, in protecting themselves from a total loss of a year's labor, I believe that all the resources of our Federal banking system should immediately come to the rescue and should give the world notice to that effect and that all the banks and bankers in Texas, whose interests are aligned with and dependent upon the continued prosperity of the farmers and the Federal reserve banks should be urged by the Legislature to lend the fullest possible degree of co-operation to those farmers who will need outside financial aid to tide them over during the time they hold their crop for the return of prices that will insure them a reward for their labor and the reimbursement of funds invested in this year's crop.

As long as the farmers are selling more cotton than is demanded by the mills and the banks and banking system are not backing to the limit I see no prospect of a change in the declining prices and no chance for the demoralized market to rally. It is my information, that under present conditions, farmers have little prospect of getting more for their cotton crop than the bare cost of picking and ginning, without taking into account of growing the crop. In other words, it is now represented that unless the market value of cotton rises, unless the Treasury Department policy referred to be discontinued or modified, or unless adequate steps be taken to hold the cotton and finance the farmer through until better times, it would be to the farmer's financial advantage to let the whole crop go to waste in the field after a year's costly labor upon it, rather than to pick and gin it and sell at the best prices offered today.

It is my belief that such an attempt to stabilize the cotton market, with regard to which I am suggesting an expression from the Legislature, is as much in the interest of the manufacturer of cotton products as it is in the interest of the banker and of the farmer himself. This follows since speculators and manipulators in Europe and America are taking advantage of the attitude of the Secretary of the Treasury outlining the attempts of his department to force down the price of commodities, and as long as the prices obtainable for cotton are below the cost of production, the cotton cannot be gathered and mar-

keted and a shortage of raw material will inevitably result in the closing of manufacturing establishments. Foreign markets and foreign buyers are now taking advantage of this unfortunate policy and there is little hope for the cotton grower until the mills are made to know that our government's financial system will back them to the limit with its resources.

Instead of having the intended result, such a policy and such conditions, if permitted to continue, will have directly the opposite effect, since a shortage of production, a lack of raw material and a scarcity of finished product could do no other than penalize the consumers in the long run with far higher prices than could apply if the market were guided by the law of supply and demand rather than manipulated by gamblers, unscrupulous operators and selfish interests.

I believe in a declaration on the part of the Legislature, representing all the people of Texas, favoring the policy I have mentioned will have a tendency to restore confidence to the producer, and will serve as a warning to the gamblers and manipulators who are seeking to get the cotton crop of Texas in their possession without paying what it is worth.

And I trust further, that the wisdom and judgment of the Legislature may be applied to this subject in the interest, either directly or indirectly, of all the people of Texas, with a view of saving the farmers of the State from the loss of the investment put into the most costly crop they have yet produced and from the loss of a year's hard and toilsome labor.

Your body has already given evidence of your purpose to do whatever may be possible to protect cotton growers in future years against manipulation of the price of their product. In view of the immediacy and the pressing nature of the crisis now confronting them, I urge a firm declaration by you both as a means of relief and as a guidance in the establishment of a permanent policy.

Respectfully submitted,  
W. P. HOBBS,  
Governor.

#### HOUSE BILL NO. 6 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 6. A bill to be entitled

"An Act to protect the movement of commerce through the ports of Texas, defining 'ports,' declaring it to be the policy of the State that the same shall be kept open at all times in order that the movement of commerce through said ports shall not be interfered with; making it unlawful for any person to interfere with such commerce passing through such ports by interfering with persons engaged in work that is necessary for the movement of commerce; prescribing the punishment to be assessed against the persons convicted of such offense. Persons convicted of any offense under this act shall not have the benefit of the suspended sentence law. Empowering the Governor to protect the commerce passing through said ports; providing for the use of the rangers or special rangers in the enforcement of the provisions of this act; providing that nothing in this act shall be construed as limiting the power of the Governor to declare martial law and to call forth the militia for the purpose of executing the law, and declaring an emergency."

The bill was read third time.

Mr. Peyton moved a call of the House for the purpose of maintaining a quorum, pending consideration of House bill No. 6, and the call was duly seconded and ordered.

Mr. McFarlane offered the following amendment to the bill:

Amend substitute for House bill No. 6 by striking out Section No. 8 and insert in lieu thereof the following:

Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment in the county jail for a term of not less than one month nor more than one year or by both such fine and imprisonment; provided, however, should any person violating any of the provisions of this act, use any physical violence upon or threaten the life of any person, he shall be deemed guilty of a felony and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than one year nor more than five years.

The amendment was adopted.

Mr. Williams of McLennan offered the following amendments to the bill:

# **JOURNAL**

OF THE

# **SENATE, STATE of TEXAS**

**Fourth Called Session**  
**Thirty-Sixth Legislature**

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**Convened in the City of Austin**  
**Sept. 21, 1920**

**AND**

**Adjourned Without Day**  
**Oct. 2, 1920**

**Published by Authority of the Senate**

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Davidson.	Suiter.
Dayton.	Williford.
Dean.	Witt.
Dudley.	Woods.
Faust.	

Nays—2.

Caldwell.	Gibson.
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Absent.

Smith.	Strickland.
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Absent—Excused.

Clark.	McNealus.
Dorough.	Westbrook.

**Message from the Governor.**

Miss Houghton, a messenger from the Governor, appeared at the bar of the Senate with the following executive message:

Governor's Office,  
Austin, Texas, September 26, 1920:  
To the Thirty-sixth Legislature in  
Fourth Called Session:

Gentlemen: At the request of the Senate as contained in a resolution adopted today, I submit for your consideration the following subject, to-wit:

"An Act to amend Section 17, of Chapter 83 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature, etc."

Respectfully submitted,  
W. P. HOBBY,  
Governor.

**Senate Bill No. 1.**

Senator Suiter sent up the following substitute to the amendment of Senator Bailey:

Amend Senate Bill No. 1, page 6, by striking out the words, "fifteen cents," line 12, and all thereafter to the end of Section 11, and insert in lieu thereof the following: "Twenty-five cents for each certificate, which sum shall be deposited by the tax collector in the county treasury to the credit of the general fund, and for his services in collecting said fee and issuing such certificate the tax collector shall be paid the sum of five cents for each such certificate issued, which amount shall be paid by order of the commissioners court in the same manner as tax collectors' fees for issuing poll tax receipts are now paid.

The substitute was read and on the motion of Senator Dayton was tabled.

Senator Dayton moved to table the amendment of Senator Bailey. The ayes and nays were demanded, and the amendment was tabled by the following vote:

Yeas—19.

Alderdice.	Buchanan of Bell.
Bledsoe.	Buchanan of Scurry.
Carlock.	Hopkins.
Davidson.	Page.
Dayton.	Rector.
Dean.	Suiter.
Dudley.	Williford.
Floyd.	Witt.
Gibson.	Woods.
Hertzberg.	

Nays—6.

Bailey.	Faust.
Caldwell.	Hall.
Cousins.	Parr.

Absent.

Smith.	Strickland.
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Absent—Excused.

Clark.	McNealus.
Dorough.	Westbrook.

**Telegram from Galveston.**

Senator Hall sent up a telegram from Galveston and asked that it be printed in the Journal.

Senator Dean objected.

Senator Hall moved to print the telegram in the Journal.

Senator Dean moved to table the motion. The ayes and nays were demanded, and the motion to table failed by the following vote:

Yeas—5.

Dayton.	Rector.
Dean.	Williford.
Hertzberg.	

Nays—17.

Alderdice.	Hall.
Bledsoe.	Hopkins.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Carlock.	Smith.
Cousins.	Suiter.
Davidson.	Witt.
Dudley.	Woods.
Floyd.	

Present—Not Voting.

Buchanan of Bell.

incumber your labors or stand in the way of adjournment of the present called session, and therefore I will not submit additional subjects for legislation except when it is indicated by resolution adopted by one or both Houses that the submission of such subject is desired.

Sincerely yours,  
W. P. HOBBY,  
Governor.

Governor's Office,  
Austin, Texas, September 29, 1920.  
To the Thirty-sixth Legislature in  
Fourth Called Session:

Gentlemen: At the request of Representatives Miller and John Davis of Dallas County, I submit for your consideration the following subject, to-wit:

"An Act providing for appointment by the Governor of an Industrial Commission, composed of five members, to hear and make reports on controversies between employers and employees; defining its powers and authority; providing that said findings and recommendations by the Commission shall be made to the Governor and furnished to the public and filed with the Legislature of Texas, and providing an emergency."

Respectfully submitted,  
W. P. HOBBY,  
Governor.

Governor's Office,  
Austin, Texas, September 29, 1920.  
To the Thirty-sixth Legislature in  
Fourth Called Session:

Gentlemen: I beg to submit for your consideration such legislation as may be deemed expedient for the perfection and completion of the Marketing and Warehouse system now in force in Texas, and to encourage the co-operative pooling and selling of cotton by farmers' associations, or any measure which in your judgment may serve a useful purpose in aiding the farmers of Texas in the present market crisis and to the end of obtaining a fair return for the products of the farm.

In this connection, I submit for your consideration a letter from Hon. D. E. Lyday, vice president and general manager of the Texas Division, American Cotton Association, and Hon. F. C. Weinert, Commissioner of the Markets and Warehouse Depart-

ment of the State government, same being marked exhibit "A."

Respectfully submitted,  
W. P. HOBBY,  
Governor.

#### EXHIBIT "A".

Markets and Warehouse Department,  
Austin, Texas, September 29, 1920.  
Hon. W. P. Hobby, Governor,  
State of Texas, Capitol Bldg.,  
Austin, Texas.

Dear Governor: We desire to call your attention to the urgent and pressing need at this time of the Legislature taking some action for the relief of the cotton farmers of this State. The conditions now confronting the farmers are unprecedented in the history of this country. It has had no parallel in some respects throughout our entire history. We have seen cotton decline approximately \$100.00 a bale in the last ninety days and wipe out practically the results of the labor of a great majority of the citizenship of this State. It has resulted in a loss of more than one billion dollars to the people of the South and the end is not in sight yet. It is imperatively necessary that some action be taken by the Legislature at this time to aid and assist the farmers of Texas in working out their own salvation.

After materially considering the present conditions, we are led to the conclusion that the immediate legislation is to revise and perfect the present Markets and Warehouse Law and give sufficient appropriations, to be expended for immediate relief so as to enable the farmers of this State to dispose of their present stock of low grade cotton. We think we can conservatively say that there is in the hands of farmers of Texas at this present time about 500,000 bales of low grade cotton. We know of instances in this State where a market to a limited extent has been provided by pooling low grade cotton and shipping it to foreign markets. The efforts of those who have pooled their cotton locally have been successful, but the general lack of knowledge and the lack of funds with which to pool the low grade cotton in the State has resulted in a very limited market for this grade of cotton. In order to provide the necessary machinery, it is necessary to amend the present Marketing and Warehouse Law and pro-

vide for a commission of far-seeing business men, acting in conjunction with the Commissioner of Markets and Warehouses, whose duty it will be to aid and assist the holders of this cotton throughout the State to dispose of it, and in order to provide a future market for cotton it will be necessary to reconstruct the present Markets and Warehouse Law, provide for an adequate system of warehousing that will forever prevent a recurrence of the present conditions. To carry out this idea, we propose in the reorganization of the Markets and Warehouse Department to provide for the levying of a tax of fifty cents a bale on all cotton ginned in this State for the purpose of providing adequate warehousing facilities for the storage, financing and gradual marketing of the cotton crop, such warehouses to be controlled by the Commission and to be public property, the title to which will be in the Governor of the State of Texas for the use and benefit of the citizenship of the State.

The urgent need of immediate action is to aid those who now own this low grade cotton in disposing of same, but of course the appointment of the commission and the reconstruction of the present warehousing system will provide the necessary machinery for permanent relief. To this end we are asking that you submit this measure for the consideration of the present Legislature, together with your support and influence.

This matter not only concerns the farmers primarily but concerns the entire citizenship, the bankers and business men as well. It is upon the great support of agricultural production that we have to turn for our national wealth.

Providing an adequate financing system for the marketing and financing of the greatest money crop that we have to sell is not only of local importance but of national importance as well.

We submit this matter for your earnest consideration with the desire that you consider the same carefully under the present crisis.

Very respectfully yours,

Signed D. E. LYDAY,

Vice President and General Manager,

Texas Division, American Cotton Assn.

Signed F. C. WEINERT,  
Commissioner of Markets and Warehouses.

Governor's Office,  
Austin, Texas, Sept. 30, 1920.  
To the Thirty-sixth Legislature in  
Fourth Called Session:

Gentlemen: At the request of Representative Fairchild, I submit for your consideration the following subjects, to-wit:

"An Act to levy an annual occupation tax upon Emigrant Agents engaged in or pursuing said business in the State of Texas, etc., and declaring an emergency."

"An Act to regulate the business of Emigrant Agents; etc., and declaring an emergency."

Respectfully submitted,

W. P. HOBBY,  
Governor.

#### Senate Concurrent Resolution No. 4.

Senator Bailey sent up the following amendment to Senate Concurrent Resolution No. 4:

Amend the resolution by adding the following:

The expenses of the committee hereby created shall be paid out of the contingent expense fund of the present Legislature, the members to receive \$5.00 per day as compensation and also the payment of such actual expenses as may be necessarily incurred in the work hereby authorized for them to perform not to exceed \$5.00 per day for a period of 30 days. Said committee is hereby authorized to employ a stenographer to perform such duties as the committee may deem necessary in connection with the duties and work herein provided for who shall receive the same compensation for services and actual expenses as are paid the members of said committee for a period not to exceed 60 days, payable also out of the contingent expense fund of the Legislature."

The amendment was read.

Senator Dayton moved to table the resolution and the amendment.

The yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—18.

Alderdice.

Floyd.