

JOURNAL
OF THE
SENATE OF TEXAS

BEING THE
First Called Session
OF THE
Thirty-ninth Legislature

BEGUN AND HELD AT
The City of Austin, September 13, 1926



JOHN D. COFER, Journal Clerk
WENDELL O'NEAL, First Assistant Journal Clerk
MISS JOSEPHINE BRAMLETTE, Second Assistant Journal Clerk


A. C. BALDWIN & SONS
STATE PRINTERS
AUSTIN

Stuart.	Wirtz.
Triplett.	Witt.
Ward.	Wood.
Westbrook.	Woodward.

Absent.

Hardin of Kaufman

Executive Message.

A messenger from the Governor's office here appeared at the bar of the Senate, delivering the following message:

Governor's Office,
Austin, Texas, Sept. 13, 1926.
To the Honorable Legislature of the
State of Texas, Austin, Texas.
Gentlemen:

Under authority conferred on the Governor, on the 26th day of July, 1926, I issued my official proclamation calling your Honorable body to be convened in Special Session at the State Capitol in the City of Austin on the 13th day of September, 1926, for the following purposes:

1.

To pass necessary and proper legislation that will validate and legalize State, County, Commissioners' Precinct and Special District Bonds or securities whose validity has been brought in question by the decision of any State or Federal courts, or otherwise. And to cure any defects in the issuance of said bonds or securities or to provide by proper legislation to make said bonds or securities binding and valid debts and obligations of the authority issuing the same.

2.

To make such investigation of any department of the State Government that the Legislature may desire to make.

3.

To consider any other subject or matter which may be submitted to said special session by the Governor.

As the Legislature has now convened in obedience to said proclamation I desire to again emphasize the purposes for which you have been convened and to respectfully urge your careful consideration of the same.

Bond Validation.

As the matter of bond validation was occasioned by the decision of the

Supreme Court in what is known as the Archer County case, I desire to call attention specially to the fact that whatever legislation may be passed by you must and of the necessity of the case be such legislation as will meet the objections and questions raised by the Supreme Court of the United States in said case. Any law of validation that does not meet the requirements of the decision in the Archer County case will be of no avail and will not be of any benefit to the credit of the state which has been impaired as the result of said decision.

Investigation of Departments.

In justice to all parties concerned I want to call attention to the powers now conferred upon the Legislature under said proclamation to investigate any department of the State Government. Recently grave charges have been made of irregularities in certain departments of the Government that border upon malfeasance and corruption by State officials. If the Legislature is of the opinion that such irregularities have existed or still exist, then in such event I urge a full and fair investigation while the Legislature is in session, and I pledge my full personal and official co-operation to that end and purpose. In view of the partisan discussion that has recently taken place I trust that the Legislature will take such action as will be in keeping with the best interests of the State. If there has been any official misconduct or corruption the people have a right to know it. If there has not been any official misconduct or corruption then the State ought not to bear an unfounded suspicion.

Other Subjects.

I may under the powers of the proclamation submit other subjects for your consideration, but I am not inclined to do so until the matter of bond validation and investigation of the departments shall have had ample opportunity for disposition.

Deficiencies.

Since adjournment of the Regular Session of the Legislature I have found it necessary to grant deficiency appropriations amounting to \$1,536,066.19. An itemized statement is hereto attached for your informa-

tion. The size of such deficiency appropriations perhaps requires explanation and reason therefor. During the summer of 1925 a dangerous malady known as the Foot and Mouth Disease broke out among the cattle herds in the territory between Houston and Galveston. The extent and prevalence of said disease at said time and place caused widespread alarm, extending to other states and nations. The National Government acted promptly in the premises and put a number of experts, veterinarians and inspectors upon the ground and a plan of co-operation between the Bureau of Animal Industry and our Live Stock Sanitary Commission was soon agreed upon. In accordance with the requirements of the Bureau of Animal Industry and our own Live Stock Sanitary Commission and in accordance with modern thought in dealing with this deadly disease it became necessary to promptly take possession of and kill many thousand head of cattle. In order to exercise this unusual authority it became necessary to make provision for the prompt payment of the value of the cattle killed to the owners. Under the regulations the National Government paid one-half and the State paid or was asked to pay the other half. As there was no appropriation available sufficient to take care of this expense I issued deficiency appropriations under approval of the Attorney General to the amount of \$577,000.00. This item alone constitutes more than one-third of the total of all deficiency appropriations issued. This outbreak of course was a calamity for which no one was directly responsible, but it was a situation which had to be promptly met and I therefore acted in the premises.

Tick Eradication.

By law duly passed at the Regular Session of the Legislature the State entered upon a fixed policy of tick eradication. The amount appropriated by the Legislature was found to be far short of the requirements of such policy and I therefore have issued deficiency appropriations for said purpose to the amount of \$209,000.00.

West Texas Technological College.

Unexpected growth and increase in attendance made it necessary to grant

deficiency appropriations to the West Texas Technological College to the amount of \$123,180.00.

Expenses of Legislature.

To complete the work and provide for the proper record of the proceedings of the Regular Session of the Legislature I granted a deficiency appropriation of \$15,900.00 for the contingent expense fund of the Legislature.

University Summer School.

To supply the needs of the State University for a Summer School I granted a deficiency appropriation of \$100,000.00 for that purpose.

A. & M. College.

To meet the extra needs of the A. & M. College a deficiency appropriation of \$96,000.00 was granted.

C. I. A.

To supply the necessary lights, heat and power to the students of the College of Industrial Arts a deficiency appropriation of \$45,000.00 was allowed.

Teachers Colleges.

To supply the extra needs of the State Teachers Colleges a deficiency appropriation of \$116,000.00 was allowed.

Eleemosynary Institutions.

To care for the extra needs of the wards of the State in our different asylums and other institutions a deficiency appropriation of \$204,500.00 was allowed.

All Other Departments.

To meet the demands of all other departments deficiency appropriations amounting to \$156,486.00 were allowed.

These items constitute the distribution of this apparently large deficiency appropriation, and in this connection it will not be forgotten that none of these appropriations were allowed until after due and formal application was made for the same by the governing heads of each department and institution and upon their urgent plea for the same declaring an imperative necessity therefor. I trust that the Legislature will

make prompt appropriations for the payment of all said deficiency appropriations.

In this connection I am pleased to advise that at the beginning of the fiscal year, September 1, 1926, there was to the credit of the general revenue \$7,514,576.70. The payment of the deficiency appropriations can be made without any inconvenience to the Treasury.

Other Funds.

Previous to my coming into office one L. W. Pierce was indicted in the District Court of Smith County upon the charge of murder. He gave bond for his appearance and forfeited the same, amounting to some \$7500.00 by non-appearance on the day set for trial. I offered a reward of \$1250.00 for the arrest and conviction of said defendant. Application was made to me for the remission of the forfeiture of said bond and it was made to appear that it would work great financial loss and hardship upon the bondsmen if they were required to pay the full sum of said bond. It also appeared that the bondsmen had made diligent effort to secure the re-arrest and apprehension of the defendant. I finally agreed to remit the forfeiture of said bond if the bondsmen would deposit the sum of \$2000.00 to defray the expense in the re-arrest and apprehension of said L. W. Pierce and to pay the reward offered by me upon his final conviction. Said defendant has been re-arrested and tried in the District Court and has received a five year sentence in the Penitentiary. His case is now on appeal. Out of said sum coming into my hands I paid the sum of \$552.42 to defray the expense of re-arrest and apprehension of said defendant. There remains now in my hands out of said sum of \$2000.00 the sum of \$1447.58.

Condition of the State.

The condition of Texas is at present prosperous and gratifying. The farmers have made average crops and many thousands of acres of new land are coming under the plow. The cattle industry again seems to be on the road to decided and marked improvement. Texas bids fair to become the greatest dairy state in the Union. The agricultural value of the

1926 crops will be in round numbers one and a half billion dollars, which, divided by a population of five million people will represent a per capita production from the soil of \$300.00 for every man, woman and child in the State, or \$1,500.00 for the average family of five. Great is Texas. Oil is being discovered in paying quantities in every section of the State. The vast deposits of lignite coal are being used to supply immense power plants costing millions of dollars. Other minerals will yet be found in Texas of great value. The matter of irrigation and reclamation is receiving the attention in different parts of the State in the way of immense investments for said purposes. New railroads are being built in the undeveloped sections of the State. Foreign capital is flowing into Texas by the hundreds of millions of dollars. Our State Government is functioning in every way toward the end of building and establishing more schools and roads and factories. Our State tax rate has been reduced and the great development that is going on in our State along industrial, educational and scientific lines aided by millions of outside capital shows that the world has its eye on Texas with confidence in our people and our government.

Personal Invitation.

I trust that the labors of the Special Session will be profitable and harmonious. I desire to tender my full cooperation in the labors of your body. To that end I want to extend a personal and official invitation to each and every member of the Legislature to visit the Executive offices for any purpose, official or personal. The campaign has just closed and whether you voted for me or not in the recent election makes no difference. You and I are the public servants of the people and the partisan discussion and the acrimonies of political campaigns should close with the end of the campaign, at least to the extent of permitting the same to in no way interfere with the public service.

I therefore bid each and every member of the Legislature a sincere welcome to the Executive offices.

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor.

Messages from the Governor.

The Chair recognized the Door-keeper, who introduced Mrs. Gwynn, who delivered the following Messages from the Governor:

Governor's Office,
Austin, Texas, Sept. 21, 1926.
To the Honorable State Senate of the State of Texas:

I hereby submit for your advice, consent and confirmation to the appointments made by me as Governor since the adjournment of the Regular Session of the Legislature of the following appointees whose title and date of appointment are hereinafter set forth, to-wit:

State Fire Insurance Commission—
G. N. Holton, member, appointed March 1, 1926.

State Board of Health—
Dr. Ralph Bailey, member, appointed March 25, 1926.

Dr. J. R. Froese, member, appointed March 25, 1926.

Library and Historical Commission—
Richard F. Burges, member, appointed November 17, 1925.

Board of Directors Texas Technological College—

Mrs. John A. Haley, member.

Board of Directors A. & M. College of Texas—

S. A. Lilliard, Jr., member, appointed September 21, 1926.

Texas Rate Making Board—

Eli Marks, member, appointed September 9, 1925.

E. C. Brand, member, appointed September 9, 1925.

Walton D. Hood, member, appointed September 9, 1925.

D. C. Giddings, member, appointed September 9, 1925.

R. L. Thornton, member, September 9, 1925.

Since transmitting the name of W. C. Witcher for District Attorney of the 72nd Judicial District, the said W. C. Witcher has forwarded me his resignation to take effect October 1, 1926, and the same has been accepted.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 21, 1926.
To the Honorable Thirty-ninth Legislature of Texas in Called Session:
Gentlemen:

Acting under authority reserved in

the original proclamation convening you in Special Session, I hereby submit for your respectful consideration the following:

First.

The increase from one cent a gallon now levied and collected by law on sales of gasoline to three or four cents, as you may determine, and the appropriation of one-fourth of the revenues derived therefrom to supplement the available school fund for the common schools of the State to make at least \$15.00 per capita apportionment, and the remaining three-fourths to the maintenance and construction of the State highways and maintenance of the State Highway Department.

Second.

The substantial decrease of the present occupation tax levied on automobiles and motor vehicles and the appropriation of the remaining tax to be appropriated and set aside to the maintenance and construction of the county roads of each county under the supervision and control of the commissioners' court of each county.

I do not think that ad valorem taxes upon the farms and city and town real estate and personal property of the people should be further taxed, as this class of property now bears more than its proportionate part of the burdens of taxation, and for that reason I urge the tax upon sales of gasoline as a more equitable and uniform distribution of our tax burdens.

It appears from the records that in the last year the one cent tax now levied on gasoline produced in round numbers five and one-third million dollars, and upon this basis, which will increase from time to time, a three cent tax would yield sixteen million dollars. By appropriating one-fourth of this sum to supplement the available school fund the per capita apportionment can be increased to \$15.00 for all scholastics. From this tax there would then be left twelve million dollars, plus Federal aid, which would amount to approximately five million dollars, or a total of seventeen million dollars, for the maintenance and construction of State highways. Then the tax now collected and used by the State High-

way Department could be given to the counties for the upkeep of the county roads, and all this can be done without any increase in the present ad valorem rate for these purposes.

I am sure that the Legislature will appreciate the necessity of due and prompt consideration of the matters herein respectfully submitted.

MIRIAM A. FERGUSON,
Governor of Texas.

Message from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Sept. 21, 1926.
Hon. Barry Miller, President of the Senate.

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

H. B. No. 32, A bill to be entitled "An Act to create Road District No. 2, in Hill County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; and declaring an emergency."

H. B. No. 53, A bill to be entitled "An Act to create Road District No. 8, in Sabine County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such

orders legal evidence; and declaring an emergency."

H. B. No. 56, A bill to be entitled "An Act to create Road District No. 12, in Sabine County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; and declaring an emergency."

H. B. No. 59, A bill to be entitled "An Act to create Road District No. 2, in Smith County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; and declaring an emergency."

H. B. No. 68, A bill to be entitled "An Act to create Road District No. 4, in Collin County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; and declaring an emergency."

H. B. No. 69, A bill to be entitled "An Act to create Road District

After the Executive Session.

The Senate reconvened in open session with Lieutenant Governor Miller in the Chair.

Report From Executive Session.

Senator Wirtz reported to Senate that the Executive Session had made no progress and moved that the Senate reconvene in Executive Session at 2:30 p. m. after recess.

The motion was adopted.

Recess.

The Senate at 12:10 a. m. on the motion of Senator Bailey recessed until 2:30 p. m.

After Recess.

The Senate reconvened at 2:30 p. m. pursuant to recess with Lieutenant Governor Miller in the Chair.

Message from the Governor.

The Chair recognized the Doorkeeper, who introduced Mrs. Gwynn, Secretary to the Governor, with the following messages from the Governor:

Governor's Office,
Austin, Texas,
September 22, 1926.

To the Honorable Legislature of the State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the bill hereto attached, An Act to amend Article 708 of the Code of Criminal Procedure as amended by Chapter 27 of the Act of the Regular Session of the 39th Legislature, by amending subdivision three thereof so that persons convicted of felony may testify for the State and defendant, and declaring an emergency, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas,
September 22, 1926.

To the Honorable Legislature of the State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, as per request, I am submitting you for your consid-

eration the matters set forth in the bill hereto attached, the same being An Act amending Article 456 of the Revised Civil Statutes of the State of Texas of 1925, so as to grant the Commissioner of Ranking some discretion in reference to the filing of claims against insolvent banks or bankers and trust companies.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas,
September 22, 1926.

To the Honorable Legislature of the State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative H. A. Justice, I am submitting you for your consideration the matters set forth in the bill hereto attached, the same being An Act to create the Athens Independent School District in Henderson County, Texas, providing a board of trustees therefor, and vesting said Independent School District Board of Trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; divesting the Town of Athens of the control and management of the public schools thereof and vesting the same in the Athens Independent School District.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Austin, Texas,
September 22, 1926.

To the Honorable Legislature of the State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting you for your consideration the matters set forth in the bill hereto attached, An Act ratifying and validating election heretofore held in and throughout Carson County, Texas, upon the question of authorizing the issuance of one million dollars special road bonds of said county, and levying a tax in payment thereof, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas,
September 22, 1926.

To the Honorable Legislature of the
State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the bill hereto attached, An Act authorizing the commissioners' court of Limestone County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and declaring an emergency.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas,
September 22, 1926.

To the Honorable Legislature of the
State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the bill hereto attached, An Act to create the Nordheim Independent School District in DeWitt County, Texas, including therein the Nordheim Common School District in said county; providing a board of trustees therefor, vesting the said Independent District Board of Trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas,
September 22, 1926.

To the Honorable Legislature of the
State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to amend Section 1, Chapter 12, Local and Special Laws of the State of Texas, so as to enlarge the area of

the Liberty Independent School District.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas,
September 22, 1926.

To the Honorable Legislature of the
State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the bill hereto attached, being An Act creating and establishing Brazos River Harbor Navigation District of Brazoria County, under Section 59, Article 16, of the Constitution of Texas, for the purpose of making improvements for the navigation of inland and coastal waters, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas,
September 22, 1926.

To the Honorable Legislature of the
State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the bill hereto attached, being An Act providing specially as to how the salary of the County School Superintendent of Bell County, Texas, shall be fixed, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas,
September 22, 1926.

To the Honorable Legislature of the
State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the bill hereto attached, being An Act ratifying and validating an election heretofore held in and throughout Willacy County, Texas, upon the question of authorizing the issuance of \$300,000 special road bonds of said

county, and levying a tax in payment thereof, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas,
September 22, 1926.

To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Holbrook, I am submitting to you for your consideration the matters set forth in the bill hereto attached, being An Act to amend Section 21, Article 8308, of the Revised Civil Statutes of 1925, to provide for the payment by the Association of Judgments in a court of law, or in a court of admiralty and maritime jurisdiction by which subscribers who have complied with all rules, regulations and demands of the Association are required to pay to any employee any damage, actual or exemplary, on account of personal injury sustained by such employee in the course of employment during the period of subscription, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas,
September 22, 1926.

To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Holbrook, I am submitting to you for your consideration the matters set forth in the bill hereto attached, being An Act to relieve The Sealy and Smith Foundation for the John Sealy Hospital, the estate of John Sealy, deceased, formerly of Galveston, Texas, and the legatees in and under his will, from payment of taxes provided in Chapter 5, Title 122, Revised Statutes of Texas, generally known as Inheritance Taxes, and providing that the City of Galveston shall not thereby be relieved from any obligation under a certain lease of John Sealy Hospital, executed by the Board of Regents of the Uni-

versity of Texas with said city, dated the 9th day of May, 1913, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas,
September 22, 1926.

To the Honorable Legislature of the State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the bill hereto attached, the same being An Act to amend Chapter 94, approved March 19, 1925, relating to the forfeiture and re-sale of Public Free School Lands, and providing for the validation of the forfeiture and re-sale and award in cases where requests for revaluation were made within the time required by law.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas,
September 22, 1926.

To the Honorable Legislature of the State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the bill hereto attached, An Act to create Saratoga Independent School District in Reeves County, Texas, providing a board of trustees therefor, and vesting said school district board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas,
September 22, 1926.

To the Honorable Legislature of the State of Texas:

The following subjects are hereby submitted to the Legislature now convened in Special Session, for its consideration, and for the enactment of such legislation thereon as may seem to it to be proper:

(1) To confirm and validate

bonds which have been, or may be, issued by any county or political subdivision or defined district in this State in pursuance of elections heretofore held under and in accordance with the provisions of Section 52 of Article 111 of the Constitution of this State and Acts of the Legislature in aid thereof, and all proceedings preliminary to the issuance of such bonds and all tax levies and collection of taxes to pay the interest on said bonds and provide a sinking fund for the redemption of said bonds at maturity.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas,
September 22, 1926.

To the Honorable Legislature of the State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the bill hereto attached, same being An Act to re-define and adding to the Dumas Independent School District all the territory now embraced in Common School District No. 7 of Moore County, Texas, and divesting the said Common School District No. 7 of the control of the public free schools in said district, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas,
September 22, 1926.

To the Honorable Legislature of the State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Laird, I am submitting to you for your consideration the matters set forth in the bill hereto attached, being An Act providing a method of consolidating school districts in Angelina County and limiting the authority of the County Board of Education of said district, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Executive Session.

The Chair announced that the time (2:30 P. M.) had arrived for the

Executive Session, and instructed the Sergeant-at-Arms to clear the floor for the Executive Session.

After the Executive Session.

Simple Resolution No. 14.

R. S. No. 14 being special order set for today, was pending for consideration.

On the motion of Senator Price, amendment No. 3 introduced by him was withdrawn.

The resolution was adopted by the following vote.

Yeas—22.

Bailey.	Reid.
Berkeley.	Russek.
Bledsoe.	Smith.
Davis.	Stuart.
Floyd.	Triplett.
Lewis.	Ward.
Moore.	Westbrook.
Parnell.	Wirtz.
Pollard.	Witt.
Price.	Wood.
Real.	Woodward.

Nays—7.

Bowers.	Miller.
Fairchild.	Parr.
Hardin of Kaufman.	Strong.
Holbrook.	

Absent—Excused.

Hardin of Erath. Murphy.

Senator Bowers sent up the following reasons for his vote.

My reason for voting "No" on simple resolution No. 14, is the following:

Hal Moseley and John Cage should have had an opportunity to answer charges that were filed with the Governor's Nomination Committee, against them, and the Senate should then vote to confirm or reject them. If they are guilty they should not be permitted to remain in office. If not guilty they should be confirmed.

BOWERS.

Senator Miller sent up the following reasons for his vote on S. R. No. 14.

I vote "No" on this resolution because I feel that the Constitution places the duty upon the Senate to pass on these recess appointees at this time. Section 12 of Article 4 of the Constitution seems to set out

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 191, A bill to be entitled "An Act to create Road District No. 3 in Bosque County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district, validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed in bill form or in the Journal; and the Committee finds that the constitutional requirement for publication of notice of intention to apply for the enactment of Local or Special Laws has been complied with.

PRICE, Chairman.

EIGHTH DAY.

Senate Chamber,
Austin, Texas,
Thursday, Sept. 23, 1926.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Miller.

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

Bailey.	Pollard.
Berkeley.	Real.
Bledsoe.	Reid.
Bowers.	Murphy.
Davis.	Smith.
Fairchild.	Strong.
Floyd.	Stuart.
Hardin of Kaufman.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Miller.	Witt.
Moore.	Wood.
Parnell.	Woodward.
Parr.	

Absent.

Russek. Price.

Absent—Excused.

Hardin of Erath. Wirtz.

Prayer by the Chaplain.

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

Senators Excused.

On motion of Senator Bailey, Senator Wirtz and Senator Russek were excused until Monday because of important business.

Messages from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor, with the following messages:

Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Cox, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to create the Rural Shade Independent School District, in Navarro County, Texas, including therein the Rural Shade Common School District, in said county, providing a board of trustees therefor, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to create the Fluvanna Independent School District, in Scurry County, Texas, including therein the town of Fluvanna, in said county, providing a board of trustees therefor, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act creating the Wortham Independent School District, in Freestone County, providing for the assumption of the outstanding indebtedness of the component districts comprising the Wortham Independent School District created by this Act, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to amend Section 1, Chapter 162, of the Special Laws of the Thirty-ninth Legislature of Texas, the same being An Act creating the Common County Line School District No. 9, in Borden, Mitchell and Scurry Counties, and validating all bond and maintenance tax elections heretofore held under the provisions of said Chapter 162, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act validating the creation of Common School Districts Nos. 7 and 8, of Hidalgo County, Texas; validating the consolidation of said common school districts Nos. 7 and 8, and Edinburg Independent School District, forming the Edinburg Consolidated Independent School District, in Hidalgo County, Texas; validating all orders and proceedings in connection therewith, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act validating the creation and consolidation of Common School Districts Nos. 5 and 6, of Hidalgo County, Texas, forming the Tabasco Consolidated School District, in Hidalgo County, Texas; validating all orders and proceedings in connection therewith, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act validating the creation and consolidation of Common School Districts Nos. 1, 2 and 4 of Starr County, Texas, in Rio Grande City Independent School District, in Starr County, Texas, forming the Rio Grande City Consolidated Independent School District, in Starr County, Texas; validating all orders and proceedings in connection therewith, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act making it unlawful for the fraudulent taking of any domestic fowl, such as chicken or turkey, making such offense a felony or a misdemeanor, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the State of Texas:
Acting under authority reserved in

the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the bill hereto attached, An Act to amend Chapter 64 of the Acts of the Regular Session of the 35th Legislature, page 123, relating to the salary of District Attorneys; and amending Chapter 55 of the Acts of the Regular Session of the 35th Legislature, page 94, relating to the appointment and compensation of Assistants to District Attorneys, etc., in so far as the same pertains to the 34th Judicial District.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Austin, Texas, Sept. 23, 1926.

To the Honorable Legislature of the State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the bill hereto attached, An Act to amend House Bill No. 516, Chapter 165, of the Local and Special Laws passed by the 39th Legislature, Regular Session, and declaring an emergency, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Austin, Texas, Sept. 23, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act adding to and making a part of the Hull Independent School District of Liberty County, Texas, certain lands and territory adjoining thereto, and situated in said county, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Austin, Texas, Sept. 23, 1926.

To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to enlarge and re-

create the Dayton Independent School District, in Liberty County, Texas, defining its boundaries, to provide for the election of trustees, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Austin, Texas, Sept. 23, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to create the Ennis Independent School District, in Scurry County, Texas, including therein the village of Ennis, in said county, providing a board of trustees therefor, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Austin, Texas, Sept. 23, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached being An Act to create and enlarge the Silsbee Independent School District, in Hardin County, Texas, defining its boundaries, to provide for the election of trustees, providing for the retention in office of the present board of trustees of the Silsbee Independent School District, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Austin, Texas, Sept. 23, 1926.

To the Honorable Legislature of the State of Texas.

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the bill hereto attached, An Act creating the Bryson Independent School District in Jack and Young Counties, Texas, validating all levies of taxes and contracts made in behalf of the existing Bryson Independent School District, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Absent—Excused.

Hardin of Erath. Wirtz.
Russek.

Senate Bills Signed.

The Chair (Lieutenant Governor Miller), after their captions were read, signed in the presence of the Senate the following Senate bills:

S. B. No. 37.	S. B. No. 27.
S. B. No. 36.	S. B. No. 26.
S. B. No. 35.	S. B. No. 25.
S. B. No. 34.	S. B. No. 174.
S. B. No. 28.	S. B. No. 173.
S. B. No. 16.	S. B. No. 204.
S. B. No. 134.	S. B. No. 135.
S. B. No. 38.	S. B. No. 24.
S. B. No. 133.	S. B. No. 23.
S. B. No. 131.	S. B. No. 14.
S. B. No. 130.	S. B. No. 13.
S. B. No. 124.	S. B. No. 12.
S. B. No. 30.	S. B. No. 8.
S. B. No. 75.	S. B. No. 41.
S. B. No. 31.	S. B. No. 39.
S. B. No. 74.	S. B. No. 17.
S. B. No. 15.	S. B. No. 18.
S. B. No. 33.	S. B. No. 132.
S. B. No. 32.	S. B. No. 9.
S. B. No. 29.	S. B. No. 10.
S. B. No. 22.	S. B. No. 11.
S. B. No. 21.	S. B. No. 42.
S. B. No. 20.	S. B. No. 40.
S. B. No. 19.	S. B. No. 7.

Message from the Governor.

The Chair (Pres. Pro. Tem. Strong) recognized the doorkeeper who introduced a messenger from the Governor with the following messages:

Governor's Office,
Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached Concurrent Resolution, accepting a donation from the Palacios Campsite Association, Incorporated, representing the Business Interests of the City of Palacios, of certain lands at or near Palacios, for the establishment and maintenance of a permanent encampment for the Texas National Guard, etc.

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor.

Governor's Office,

Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the State of Texas in Called Session:

Gentlemen: During the recent outbreak of the Foot and Mouth disease in 1925 in the Houston, Galveston and Brazoria area it became necessary in the opinion of the Federal and State authorities to restrict and prohibit the shipping and sale of hay from said area. Injunction suits were filed to prevent enforcement of said orders by the authorities. Mass meetings were held at which the various owners of hay meadows were present, together with Federal and State authorities, and I sent a representative to also participate in said meeting.

After full discussion and by agreement of all parties all suits were dismissed and it was agreed by the owners of the hay meadows that they would not undertake to ship hay from the quarantined area and that they would give full co-operation to authorities in enforcing the quarantine deemed so necessary to stamp out the disease that threatened the cattle industry of Texas.

I authorized my representative to say in my behalf that I would recommend to the Legislature the payment of actual losses sustained by the enforcement of said orders.

I do not know just what losses have been sustained, but I am officially informed by our Live Stock Sanitary Commission that claims aggregating some Six Hundred Thousand (\$600,000) dollars have been filed, and it is my information that our Live Stock Sanitary Commission is of the opinion that said claims should be reduced to approximately \$200,000 as the State's part of this expense for this damage, and the remaining amount to be made against the Federal Government.

As stated I do not know the actual amount of damage, but I do know that the owners of the hay meadows have sustained substantial losses and their property was taken in the interest of the public good and protection.

Therefore I am submitting to you the question for your full deliberation and disposition the matter of payment of the loss sustained by the owners of the hay meadows in such

amount as you may determine as right and proper.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the
State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in special session, and as per request of Representative Daniel, I am submitting to you for your consideration the matter set forth in the attached bill, being An Act to fix the salary of the Superintendent of Public Instruction of Wichita county, Texas; providing for office expenses; repealing all laws and parts of laws in conflict herewith, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the
State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in special session, and as per request of Representative Wester, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act creating the Monroe Independent School District in Lubbock county, Texas, out of territory now comprising Monroe Common School District No. 10 in Lubbock county, Texas, as said common school district was created and established by act of the Thirty-fifth Legislature of the State of Texas, Fourth Called Session, Local and Special Laws, H. B. No. 175, Chapter 27, Section 2, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the
State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in special session, and as per request of Representative Wester, I am submitting to you for your consideration the matters set forth in the attached bill,

being An Act creating and incorporating the Lamay Independent School District in Terry county, Texas, and defining the boundaries thereof, providing for a Board of Trustees thereof, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the
State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in special session, and as per request of Representative Wester, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act creating the Hardy Independent School District in Lubbock county, Texas, out of territory now comprising Hardy Common School District No. 26 in Lubbock county, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the
State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Wester, I am submitting to you for your consideration the matters set forth in the attached bill, being an Act creating and incorporating the Foster Independent School District in Terry county, Texas, out of territory now composing the Union Independent School District, Terry county, Texas, as heretofore created by Special Act of the 36th Legislature, Regular Session, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the
State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Wester, I am submitting to you for your consideration the matters set forth in the attached bill,

being An Act to create the Eason Independent School District in Dawson county, Texas, out of territory now comprising Common School District No. 6 of Dawson County, Texas, etc.

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor.

House Bills on First Reading.

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

H. B. No. 126, Referred to Committee on Military Affairs.

H. B. No. 127, Referred to Committee on Military Affairs.

H. B. No. 130, Referred to Committee on Military Affairs.

H. B. No. 136, Referred to Committee on Public Printing.

H. B. No. 137, Referred to Committee on Public Printing.

H. B. No. 138, Referred to Committee on Public Printing.

H. B. No. 139, Referred to Committee on Public Printing.

H. B. No. 147, Referred to Committee on Public Printing.

H. B. No. 148, Referred to Committee on State Highways and Motor Traffic.

H. B. No. 150, Referred to Committee on State Highways and Motor Traffic.

S. B. No. 155, Referred to Committee on State Highways and Motor Traffic.

H. B. No. 167, Referred to Committee on State Highways and Motor Traffic.

H. B. No. 183, referred to Committee on State Highways and Motor Traffic.

H. B. No. 223, Referred to Committee on State Highways and Motor Traffic.

H. B. No. 30, Referred to Committee on Labor.

H. B. No. 13, Referred to Committee on Labor.

H. B. No. 54, Referred to Committee on Labor.

H. B. No. 98, Referred to Committee on Labor.

H. B. No. 102, Referred to Committee on Labor.

H. B. No. 103, Referred to Committee on Privileges and Elections.

H. B. No. 105, Referred to Committee on Privileges and Elections.

H. B. No. 109, Referred to Committee on Privileges and Elections.

H. B. No. 110, Referred to Committee on Privileges and Elections.

H. B. No. 111, Referred to Committee on Military Affairs.

H. B. No. 121, Referred to Committee on Military Affairs.

House Bill No. 32.

The Chair laid before the Senate on second reading,

H. B. No. 32, A bill to be entitled "An Act to create Road District No. 2, in Hill County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

The committee report was adopted. H. B. No. 32 was read second time and passed to third reading.

House Bill No. 37.

The Chair laid before the Senate on second reading,

H. B. No. 37, A bill to be entitled "An Act to create Road District No. 19, in Fannin County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

The committee report was adopted. H. B. No. 37 was read second time and passed to third reading.

House Bill No. 40.

The Chair laid before the Senate on second reading,

H. B. No. 40, A bill to be entitled "An Act to create Road District No. 23, in Fannin County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

The committee report was adopted. H. B. No. 40 was read second time and passed to third reading.

zation of said district; validating the authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

S. B. No. 232 was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Davis.
Berkeley.	Fairchild.
Bledsoe.	Floyd.
Bowers.	Hardin of Kaufman.
Holbrook.	Reid.
Lewis.	Smith.
Miller.	Strong.
Moore.	Stuart.
Murphy.	Triplett.
Parnell.	Ward.
Parr.	Westbrook.
Pollard.	Witt.
Price.	Wood.
Real.	Woodward.

Absent—Excused.

Hardin of Erath. Wirtz.
Russek.

Message From the Governor.

The Chair recognized the doorkeeper who introduced Mrs. Gwynn, Secretary to the Governor with messages from the Governor.

Governor's Office,

Austin, Texas, Sept. 23, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation, convening you in Special Session, and as per request of Representative Brown, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act creating and incorporating the Fastrill Independent School District in Cherokee County, Texas, containing the present Fastrill Independent School District and the same is described in the field notes in the bill hereto attached, providing that the school property be vested in such independent school district, etc.

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor.

Governor's Office,

Austin, Texas, Sept. 23, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under author-

ity reserved in the original proclamation convening you in Special Session, and as per request of Representative Bean, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act providing a method of consolidating school districts in Jasper and Newton Counties, and limiting the authority of the County Board of Education of said county, etc.

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor.

Governor's Office,

Austin, Texas, Sept. 23, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth hereto in the attached bill, An Act to create Hyman Common County Line School District No. 29 in Mitchell and Howard County, Texas, including therein the present Hyman Common School District No. 29, etc.

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor.

Governor's Office,

Austin, Texas, Sept. 23, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: I have received the following letter:

Houston, Texas, Sept. 23, 1926.

Hon. Miriam A. Ferguson, Governor of the State of Texas,

Dear Madam: The State of Texas through its Prison Commission has heretofore executed to the undersigned, what are commonly known as oil, gas and sulphur leases upon the Clemens, Ramsey and Retrieve State Prison Farms. These leases may be more particularly described as follows:

(1) Lease of date June 6, 1925, covering 8218.05 acres more or less, commonly known as the Clemens State Prison Farm.

(2) Lease of date February 8, 1926, covering 15040 acres, more or less, commonly known as the Retrieve State Prison Farm.

(3) Lease of date February 8, 1926, covering 7424.4 acres, more or less, commonly known as the Retrieve State Prison Farm.

In order to preserve its interests under these leases, the undersigned must either pay substantial case rentals from time to time or must engage in drilling operations upon said respective properties; and the undersigned has already drilled two wells upon said Clemens State Prison Farm at great expense without obtaining production.

Question has arisen as to the validity of the laws pursuant to which these leases were executed and the undersigned is reluctant to proceed with further drilling operations so long as doubt exists as to the validity of its leases.

We, therefore, respectfully request convening you in Special Session, the Legislature of the State of Texas, you submit to the Legislature for its consideration, a bill approving, adopting and validating these leases and removing all question as to their validity.

Very respectfully yours,
ROXANA PETROLEUM CORPORATION,

By Walle Merritt, Agent.

This message was referred to the Committee on Penitentiaries.

Therefore, acting under authority reserved in the original proclamation convening you in special session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being an Act approving, validating and adopting all leases, grants or agreements, commonly known as oil, gas and sulphur leases, that have been entered into at the direction of the Governor by the Board of Prison Commissioners of the State of Texas as lessors or grantors, etc.

Respectfully submitted,

MIRIAM A. FERGUSON,
 Governor.

Senate Bill No. 236.

The Chair laid before the Senate, on third reading,

S. B. No. 236, A bill to be entitled "An Act to create Road District No. 4, in Hill County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

S. B. No. 236 was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent—Excused.

Hardin of Erath. Wirtz.
 Russek.

Senate Bill No. 240.

The Chair laid before the Senate, on third reading,

S. B. No. 240, A bill to be entitled "An Act to create Road District No. 5, in Walker County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

S. B. No. 240 was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent—Excused.

Hardin of Erath. Wirtz.
 Russek.

The motion to table was lost by the following vote:

Yeas—8.

Bledsoe.	Reid.
Lewis.	Smith.
Moore.	Stuart.
Real.	Wood.

Nays—17.

Bailey.	Parnell.
Berkeley.	Pollard.
Bowers.	Price.
Davis.	Strong.
Fairchild.	Triplett.
Floyd.	Ward.
Hardin of Kaufman.	Westbrook.
Holbrook.	Witt.
Murphy.	

Absent.

Miller.	Woodward.
Parr.	

Absent—Excused.

Hardin of Erath.	Wirtz.
Russek.	

Senator Davis moved that further consideration of the motion be indefinitely postponed.

Senator Davis withdrew his motion to postpone indefinitely.

The motion by Senator Parnell was adopted.

Message From the Governor.

The Chair recognized the doorkeeper who introduced a messenger from the Governor with the following message:

Governor's Office,
Austin, Texas, Sept. 23, 1926.
To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Stell, I am submitting for your consideration the matters contained in the attached bill, being An Act amending Section 4 of Chapter 91 of the General Laws of the Regular Session of the 39th Legislature relative to public weighers in certain counties so as to postpone the taking effect of said Act until January 1, 1927, etc.

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor.

Simple Resolution No. 17.

Santor Bailey sent up to the following resolution:

This September 23, 1926, being the eighty-fifth anniversary of the birth of Hon. Joseph D. Sayers, it is meet and fitting that the Legislature of Texas should put on record its recognition of the anniversary of the natal day of a man who, by his character and service, has reflected the highest honor upon Texas.

As a gallant Confederate soldier, who bears on his body the scars of wounds received at the forefront of the fighting, as State Senator, as Lieutenant Governor, as sixteen years a member of Congress, and as Governor of Texas for four years, he served his people with courage, ability and conscientious fidelity, and left the impress of efficient service upon the records of the era in the activities of which he was a leader.

As a soldier, he led his men into the "foremost and focal fire," and when in common with all his fellow soldiers of the South he was forced to yield to overwhelming odds, he sheathed a sword "as stainless as the scimitar of Eden's sentinel."

As chairman of the Committee on Appropriations of the House of Representatives of the United States Congress, he in large measure directed the appropriation of many millions of dollars and laid down that high trust with clean hands and left behind him a record which his bitterest political foe could not impeach.

Resolved, therefore by the Senate, That now, when ripe in years, and rich in honors, he draws near the sunset of life, we tender him our heartfelt congratulations, and the assurance that we rejoice that his honorable and useful life has been so long spared, and place of record our earnest hope that he may yet abide with his people for many days; and

We further put on record our earnest invitation that at his earliest possible convenience he will visit this hall and address the Senate, and that he bring with him his noble wife to whom he is so largely indebted for his signal successes and triumphs.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Messages From the Governor.

The Chair recognized the Doorkeeper, who introduced Mrs. Gwynn, messenger from the Governor, with the following messages:

Governor's Office.

Austin, Texas, Sept. 27, 1926.

To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting for your consideration the matters set forth in the attached bill, being An Act to amend Article 6954 of the Revised Civil Statutes, 1925, and as amended by Chapters 99 and 101, Regular Session of the Thirty-ninth Legislature, so as to include Bailey and Parmer Counties, which relates to stock law elections, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office.

Austin, Texas, Sept. 27, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Whereas, There has been much discussion about the action of the State Text Book Commission; and

Whereas, Your body has decided to investigate the same:

Therefore, Acting under the authority reserved in the message calling you in Special Session, I submit for your consideration the entire law creating the Text Book Commission of Texas for such changes, additions or eliminations as you may think necessary and proper in the premises.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office.

Austin, Texas, Sept. 24, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Ses-

sion, and at the request of Senator Bowers, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act creating the Brenham Independent School District in Washington County, Texas; defining its boundaries, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office.

Austin, Texas, Sept. 23, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Smith, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act creating and incorporating the Breckenridge Independent School District in Stephens County, Texas, including the present Breckenridge Independent School District, defining its metes and bounds, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office.

Austin, Texas, Sept. 23, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Merritt, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to create the McAdoo Independent School District in Dickens County, Texas, including therein the McAdoo Common School District No. 15 in said county, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office.

Austin, Texas, Sept. 27, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting for your consideration the matters set forth in the attached bill, being An Act creating Edom Inde-

pendent School District in Van Zandt and Henderson Counties.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office.

Austin, Texas, Sept. 27, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation, and as per request, I am submitting for your consideration the matters set forth in the attached bill, being An Act to create the Priddy Independent School District in Mills County, defining the metes and bounds thereof, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,

Austin, Texas, Sept. 27, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation, and as per request, I am submitting for your consideration the matters set forth in the attached bill, being An Act abolishing the office of District Attorney in the Sixth Judicial District of Texas, fixing the duties of the county attorneys of said district, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,

Austin, Texas, Sept. 23, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Smith, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act creating Road District No. 7, in Haskell County, Texas, defining its boundaries, declaring it to be a body corporate, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office.

Austin, Texas, Sept. 27, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Bailey, I am submitting for your consideration the matters set forth in the attached bill, being An Act to authorize any county or political subdivision or road district now or hereafter to be described and defined to issue bonds and to levy taxes and provide for the collection thereof to pay interest and sinking fund on same, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,

Austin, Texas, Sept. 23, 1926.

To the Honorable Senate of the State of Texas.

Gentlemen: Heretofore I submitted to you the name of W. C. Witcher as District Attorney for the 72nd Judicial District for your confirmation. Subsequent thereto I advised you that Mr. Witcher had filed his resignation effective October first and that the same had been accepted.

Mr. Witcher has been permitted to withdraw his resignation and I submit his name to you for confirmation as District Attorney for the 72nd Judicial District of Texas.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Read and referred to the Committee on Governor's Nominations.

Bills and Resolutions.

By Senator Floyd:

S. B. No. 285. A bill to be entitled "An Act to create Road District No. 4, in Hopkins County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

Absent.

Fairchild.

Absent.

Lewis.
Parnell.

Russek.

The bill was read third time and finally passed, by the following vote:

Yeas—27.

Bailey.	Moore.
Berkeley.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Davis.	Price.
Floyd.	Real.
Hardin of Erath.	Reid.
Hardin of Kaufman	Smith.
Holbrook.	Strong.
Miller.	Stuart.

Absent.

Triplett.	Wood.
Ward.	Woodward.
Westbrook.	
Wirtz.	Witt.

Fairchild.

Absent—Excused.

Lewis.
Parnell.

Russek.

Messages from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor, with the following messages:

Governor's Office,
Austin, Texas, Sept. 27, 1926.

To the Honorable Legislature of the State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to amend Section 2, of Chapter 66, Local and Special Laws, passed by the 30th Legislature in 1907, same being a Special Road Law for Burleson County, Texas, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Sept. 27, 1926.
To the Honorable Legislature of the State of Texas:

Acting under authority reserved in the original proclamation convening

you in Special Session, I am submitting to you for your consideration the matters set forth in the attached bill, An Act amending Section 24, of Chapter 75, of the Local and Special Laws of the State of Texas, passed at the Regular Session of the 39th Legislature, same being an Act creating a more efficient road system of Bastrop County, Texas, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Sept. 27, 1926.
To the Honorable Legislature of the State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, I am submitting to you for your consideration the matters set forth in the attached bill, An Act to create Common School District No. 3, in Dickens County, Texas, including therein the present Common School District No. 3, in said county; providing a board of trustees therefor, vesting the said Common School District board of trustees with all the rights, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Message From the House.

The Chair (Senator Strong) recognized the Doorkeeper, who introduced a messenger from the House, with the following message:

Hall of the House of Representatives,
Austin, Texas, September 2, 1926.
Hon. Barry Miller, President of the Senate.

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

H. B. No. 295, A bill to be entitled "An Act amending Article 456, of the Revised Civil Statutes of the State of Texas of 1895, so as to grant the Commissioner of Banking some discretion in reference to the filing of claims against insolvent banks or bank and trust companies, and declaring an emergency."

Respectfully submitted,
C. L. PHINNEY,
Chief Clerk, House of Representatives.

House Bill Read and Referred.

The Chair laid before the Senate on first reading the following House bill, which was read and referred to

taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; and declaring an emergency."

H. B. No. 236, A bill to be entitled "An Act to create Road District No. 1, in Denton County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; and declaring an emergency."

Messages from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor, with the following messages:

Office of the Governor,
Austin, Texas, Sept. 27, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act creating the Inadale Independent School District, in Scurry, Fisher and Nolan Counties, Texas; defining the boundary lines of said district., etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Office of the Governor,
Austin, Texas, Sept. 27, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: I am in receipt of the following letter from Hon. J. T. Robison, Commissioner of the General Land Office, to-wit:

"Mrs. Miriam Ferguson,

"Governor, Austin, Texas.

"Dear Governor: You will recall a few minutes ago I conferred with

you concerning an emergency appropriation at this Special Session, so as to enable the Land Office to advertise the list of lands for sale either in January or May, according to when we can get the list ready so as to place the lands on a revenue bearing basis at the earliest practical date. After conferring with the Board of Control as to the cost of listing, it is estimated about \$2000.00 will be necessary; I have also conferred with the Appropriation Committee of the House, and as they are hurrying their work, I would be glad to have you submit a special message requesting this legislation if it is consistent with your idea of a proper administration for public affairs. Having conferred with the committee, I think it would like to have the matter submitted, if submitted at all, as soon as your convenience will permit, so that they might amend a bill that they now have by including this, rather than to incur the expense of an independent bill.

"Yours truly,
(Signed) "J. T. ROBISON,
JTR/M "Commissioner."

I will thank you to give the subject matter of this letter your careful consideration.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Office of the Governor,
Austin, Texas, Sept. 27, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being "An Act creating and establishing Freeport Independent School District in Brazoria County, Texas, defining and describing it by metes and bounds," etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Office of the Governor,
Austin, Texas, Sept. 27, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Parnell, I am submitting to you for

your consideration the matters and things set forth in the attached bill, being "An Act creating Megargel County Line Independent School District in Archer and Baylor Counties, Texas, defining its boundaries," etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Office of the Governor,
Austin, Texas, Sept. 27, 1926.
To the Honorable Legislature of the
State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Masterson, I am submitting for your consideration the matters set forth in the attached bill, being "An Act creating and establishing Damon Independent School District in Brazoria County, Texas, defining and describing it by metes and bounds," etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Office of the Governor,
Austin, Texas, Sept. 27, 1926.
To the Honorable Legislature of the
State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, I am submitting to you for your consideration the matters contained in the attached bill, being "An Act making an appropriation to be used for the erection of a monument in the City of Crockett, Houston County, Texas, in memory of David Crockett, a Texas hero," etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Office of the Governor,
Austin, Texas, Sept. 27, 1926.
To the Honorable Legislature of the
State of Texas.

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, the same being "An Act to create the La Pryor Independent School District in Zavalla County, Texas, including therein the LaPryor Common School District No. 4 in said County; providing a board of trustees," etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Office of the Governor,
Austin, Texas, Sept. 27, 1926.
To the Honorable Legislature of the
State of Texas.

Acting under the authority reserved in the original proclamation convening you in Special Session, and as request, I am submitting to you for your consideration the matters set forth in the attached bill, being "An Act to appropriate the sum of fifteen thousand dollars or so much thereof as may be necessary to pay for the publication of the Constitutional Amendments authorized by the Thirty-ninth Legislature of the State of Texas."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Office of the Governor,
Austin, Texas, Sept. 27, 1926.
To the Honorable Legislature of the
State of Texas.

Acting under authority reserved in the original proclamation convening you in Special Session and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being "An Act to create the Ibex Independent School District in Shackelford County, Texas, including therein the Center Hill Common County Line School District No. 2 in said county, providing a board of trustees therefor; vesting the said independent district board of trustees with all of the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; fixing the term of office of such trustees, and declaring an emergency."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Communication From Hon. John Cage.

Senator Ward send up the following communication:

September 27, 1926.

Hon. Barry Miller, President of the
State Senate.

Dear Sir: Recently I requested that I be granted the privilege to appear before your Honorable Body and be heard on the question of deferring action on my confirmation as Highway Commissioner. This request being denied, later I asked to be heard before the Senate in session on resolution to reconsider. I understand the motion to reconsider was voted down and a resolution was

Messages from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor, with the following messages:

Governor's Office,
Austin, Texas, Sept. 28, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Parr, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act creating a Special Road Law for Duval County, Texas; authorizing and permitting Duval County, by and through the commissioners' court of said county, to issue bonds of said county for the purpose of funding or refunding indebtedness, whether issued in the form of scrip, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Sept. 28, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Parr, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act amending Chapter 115, Local and Special Laws of the Regular Session of the 35th Legislature, same being a special road law for Duval County, Texas, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Sept. 28, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Parr, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act validating, approving and ratifying an election heretofore held in and throughout Jim Wells County, upon the question of authorizing the issu-

ance of \$600,000 of Special Road bonds of said county, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Sept. 28, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Gray, I am submitting for your consideration the matters set forth in the attached bill, being An Act relating to the jurisdiction of the county court of Hutchinson County, conferring upon said court civil and criminal jurisdiction, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Senate Bill No. 191.

The Chair laid before the Senate on second reading.

S. B. No. 191, A bill to be entitled "An Act to create Road District No. 3, in Reeves County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

The committee report was adopted.
S. B. No. 191 was read second time and passed to engrossment.

Senate Bill No. 255.

The Chair laid before the Senate on second reading.

S. B. No. 255, A bill to be entitled "An Act to create Road District No. 3, in Navarro County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

The committee report was adopted.
S. B. No. 255 was read second time and passed to engrossment.

S. B. No. 85,	S. B. No. 88,
S. B. No. 79,	S. B. No. 116,
S. B. No. 80,	S. B. No. 168,
S. B. No. 169,	S. B. No. 162,
S. B. No. 86,	S. B. No. 142,
S. B. No. 166,	S. B. No. 161,
S. B. No. 104,	S. B. No. 145,
S. B. No. 128,	S. B. No. 157,
S. B. No. 128,	S. B. No. 78,
S. B. No. 164,	S. B. No. 199,
S. B. No. 117,	S. B. No. 107,
S. B. No. 115,	S. B. No. 153,
S. B. No. 200,	S. B. No. 165,
S. B. No. 163,	S. B. No. 72,
S. B. No. 113,	S. B. No. 114,
S. B. No. 99,	S. B. No. 154,
S. B. No. 98,	H. B. No. 80,
S. B. No. 100,	H. B. No. 81,
S. B. No. 101,	H. B. No. 42,
S. B. No. 210,	H. B. No. 43,
S. B. No. 187,	H. B. No. 45,
S. B. No. 91,	H. B. No. 47,
S. B. No. 103,	H. B. No. 32,
S. B. No. 92,	H. B. No. 51,
S. B. No. 144,	H. B. No. 49,
S. B. No. 149,	

Messages from the Governor.

The Chair recognized the door-keeper who introduced Mrs. Gwynn, Messenger from the Governor, with the following messages:

Governor's Office,

Austin, Texas, September 28, 1926
To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Price, I am submitting to you for your consideration the matters set forth in the attached bill, being an Act to amend Chapter 31 of the Local and Special Laws passed by the 36th Legislature at its Third Called Session, and which original act created the Texarkana Independent School District, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,

Austin, Texas, September 28, 1926
To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Wester, I am submitting to you for your consideration the matters set forth in the attached bill, be-

ing an Act to create the Bledsoe Independent School District in Cochran County, Texas, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,

Austin, Texas, September 28, 1926
To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Renfro, I am submitting to you for your consideration the matters set forth in the attached bill, being an Act creating Mullin Independent School District in Mills County, Texas, defining its boundaries, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,

Austin, Texas, September 28, 1926
To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Wester, I am submitting to you for your consideration the matters set forth in the attached bill, being an Act creating Carlisle Consolidated Independent School District in Lubbock and Hockley Counties, Texas, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,

Austin, Texas, September 28, 1926
To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Miller, I am submitting to you for your consideration the matters set forth in the attached bill, being an Act creating the Bryson Independent School District in Jack and Young Counties, Texas, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, September 28, 1926
To the Honorable Legislature of the
State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in special session, and as per request of Representative Masterson, I am submitting for your consideration the matters set forth in the attached bill, being an Act to increase and fix the salary of the superintendent of public instruction of Brazoria County, Texas, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, September 28, 1926
To the Honorable Legislature of the
State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in special session, and as per request of Representative Harman, I am submitting to you for your consideration the matters set forth in the attached bill, being an act creating the Hewitt Independent School District in McLennan County etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Simple Resolution No. 22.

Senator Parnell received unanimous consent to send up the following resolution:

Whereas, Mrs. Lena Gwynn, the leading lady from the Governor's Office, is now within the presence of the Senate Chamber;

Now, Therefore, be it resolved that she be invited to address the Senate.

Parnell, Miller, Smith, Stewart, Floyd, Pollard.

The resolution was read and adopted.

Recess.

On motion of Senator Wood the Senate at 11:53 p. m. took recess until 2:30 this afternoon.

After Recess.

The Senate was called to order by Lieutenant Governor Miller at 2:30 p. m., pursuant to recess.

Message From the House.

The Chair recognized the Door-

keeper who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Sept. 28, 1926.

Hon. Barry Miller, President of the Senate.

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

H. B. No. 321, A bill to be entitled "An Act to fix the salary of the superintendent of public instruction of Wichita County, Texas."

S. C. R. No. 2, A resolution in reference to deficiencies.

Respectfully submitted,
C. L. PHINNEY,
Chief Clerk, House of Representatives.

House Bill Read and Referred.

The Chair had read first time and referred the following House bill.

H. B. No. 321, referred to Committee on Education.

House Bill No. 13.

The Chair laid before the Senate, on third reading,

H. B. No. 13, A bill to be entitled "An Act to create Road District No. 2, in Chambers County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency.

H. B. No. 13, was read third time and passed finally, by the following vote:

Yeas—27.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Davis.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Hardin of Kaufman.	Triplett.
Holbrook.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.
Parnell.	Woodward.
Parr.	

Absent—Excused.

Fairchild.	Russek.
Lewis.	Wirtz.

as the number of indictments, dismissals, and the nature of the offenses. To embrace all would extend this statement too much, and additional facts obtainable from the public records mentioned will, when compiled, be embraced in another statement.

The foregoing relates to felony cases only. The data at present available, relating to misdemeanors, covers but four years, viz.:

1916 to 1918, 181 counties.

1918 to 1920, 161 counties, and discloses the following:

Trials, 32,090; Convictions, 28,046; Reversals, 184.

The misdemeanor reports do not include trials in justice and corporation courts, but only those in county courts of the counties reporting. The data touching appeals and reversals was compiled from the records of the Court of Criminal Appeals.

OLIN W. FINGER,

Clerk, Court of Criminal Appeals.

The resolution was read and adopted.

S. C. R. No. 8.

By Senator Woodward:

Resolved by the Senate of Texas, the House of Representatives concurring, that the first Called Session of the 39th Legislature of the State of Texas stand adjourned, sine die, at 5:00 p. m. on October 5, A. D. 1926.

The resolution was read and laid on the table subject to call.

Simple Resolution No. 23.

Senator Wirtz sent up the following resolution:

By Senator Wirtz:

Whereas, a number of committee rooms of the Senate are not properly furnished for use by committees of the Senate, and not more than three committee rooms are available for committee use and the use of the Senate members, and,

Whereas there are a great many committees of the Senate functioning during the regular session and it is highly desirable that all of the committee rooms adjacent to the Senate Chamber be fitted and furnished for use by Senate committees and members of the Senate in order to expedite the business of the Senate during the regular session,

Therefore, be it resolved by the Senate, that the Board of Control be requested to furnish all of the committee rooms of the Senate for use of Senate committees, and that said committee rooms be cleared of all other occupants and be properly fitted and in readiness for use by Senate committees and members of the Senate when the Fortieth Legislature convenes in regular session.

The resolution was read and adopted.

Messages from the Governor.

The Chair recognized the doorkeeper who introduced a messenger from the Governor with the following messages:

Governor's Office.

Austin, Texas, September 29, 1926
To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Dinkle and Senator Moore, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act reorganizing the State of Texas into supreme judicial districts for the purpose of constituting and organizing Courts of Civil Appeals therein, etc.

Respectfully submitted,

MIRIAM A. FERGUSON,

Governor.

Governor's Office.

Austin, Texas, Sept. 29, 1926.
To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Johnson, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to create the Bethel Independent School District in Anderson County, Texas, etc.

Respectfully submitted,

MIRIAM A. FERGUSON,

Governor.

Governor's Office.

Austin, Texas, Sept. 29, 1926.
To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under author-

ity reserved in the original proclamation convening you in Special Session, and as per the request of Representative Elliott, I am submitting for your consideration the matters set forth in the attached bill, being An Act to create the Belton Independent School District in Bell County, Texas, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Sept. 29, 1926.
To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act creating and establishing Crowell Independent School District in Foard County, Texas, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Sept. 29, 1926.
To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to amend Section 1 of Chapter 155 of the Acts of the 39th Legislature of the State of Texas so as to relinquish and grant unto all incorporated cities and towns the beds, abandoned beds and banks and channels of all rivers, streams and water courses within and adjacent to the limits of such cities and towns, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Message From The House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Sept. 29, 1926.

Hon. Barry Miller, President of the Senate.

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

H. B. No. 182, A bill to be entitled "An Act validating the authorization, issuance and sale of Cochran County special road bonds, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said County; approving and validating all orders of the commissioners' court of said county in respect of said Cochran County special road bonds and taxes, or certified copies thereof, and constituting such orders legal evidence, and declaring an emergency."

H. B. No. 203, A bill to be entitled "An Act to create Road District No. 1, in Calhoun County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence, and declaring an emergency."

H. B. No. 210, A bill to be entitled "An Act to create Road District No. 6, in Ellis County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence, and declaring an emergency."

H. B. No. 214, A bill to be entitled "An Act to create Road District No. 4, in Victoria County, Texas, validating and approving all orders made by the commissioners' court of

No. 2, in Cooke County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

The committee report was adopted.

H. B. No. 245 was read second time and passed to third reading.

House Bill No. 262.

The Chair laid before the Senate, on second reading,

H. B. No. 262, A bill to be entitled "An Act to create Road District No. 5, in Gonzales County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

The committee report was adopted.

H. B. No. 262 was read second time and passed to third reading.

House Bill No. 263.

The Chair laid before the Senate, on second reading,

H. B. No. 263, A bill to be entitled "An Act to create Road District No. 6, in Gonzales County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

The committee report was adopted.

H. B. No. 263 was read second time and passed to third reading.

House Bill No. 264.

The Chair laid before the Senate on second reading,

H. B. No. 264, A bill to be entitled "An Act to create Road District No. 7 in Gonzales County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the

authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

The committee report was adopted.

H. B. No. 264 was read second time and passed to third reading.

House Bill No. 286.

The Chair laid before the Senate on second reading,

H. B. No. 286, A bill to be entitled "An Act to create road district No. 1 in Denton County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

The committee report was adopted.

H. B. No. 286 was read second time and passed to third reading.

Messages from the Governor.

The Chair recognized the Doorkeeper who introduced a messenger from the Governor with the following messages:

Governor's Office.

Austin, Texas, September 29, 1926
To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Floyd and Representative Moore, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act providing that in counties requiring road duty every male person between the ages of twenty-one and forty-five years except those exempt under sub-division No. 1 of Article 6723, R. S. 1925, to pay to the county of their residence the sum of three dollars in lieu of road duty required by Article 6723 and 6767 R. S. of 1925.

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor.

Governor's Office.

Austin, Texas, September 29, 1926
To the Honorable Legislature of the

State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Maxwell, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to create the Cad-do Independent School District in Stephens County, Texas, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office.

Austin, Texas, September 29, 1926
To the Honorable Legislature of the
State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Bonham, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to provide for and regulate the filing of statement of facts and bills of exception in civil and criminal cases concerning changes of venue, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office.

Austin, Texas, September 29, 1926
To the Honorable Legislature of the
State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Fairchild, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act creating the Buna Independent School District in Jasper County, Texas, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office.

Austin, Texas, September 29, 1926
To the Honorable Legislature of the
State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Jones, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to reorganize the 49th

and 81st Judicial Districts of Texas, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Bill Read First Time.

Senator Miller received unanimous consent to send up the following bill:

By Miller:

S. B. No. 298, A bill to be entitled "An Act creating the Bryson Independent School District in Jack and Young Counties, Tex., validating all levies of taxes and contracts made in behalf of the existing Bryson Independent School District, continuing in office the board of trustees of said independent district, repealing all laws in conflict with the provisions of this Act, and declaring an emergency."

The bill was read first time and referred to Committee on Education.

Senator Moore received unanimous consent to send up the following bill:

By Moore:

S. B. No. 299, A bill to be entitled "An Act reorganizing the State of Texas into supreme judicial district for the purpose of constituting and organizing Courts of Civil Appeals therein; creating the Twelfth Supreme Judicial District of Texas, with Greenville as the site of said Court; providing for the appointment and qualification of the judges of said Twelfth Supreme Judicial District, and other officers thereof; providing for the transfer of cases and regulating appeals from the lower courts of the counties constituting said Twelfth Supreme District of Texas, providing an appropriation for the maintenance of said Court, and declaring an emergency."

The bill was read first time and referred to Committee on Judicial Districts.

House Bills Read and Referred.

The following House Bills were laid before the Senate, read, severally, first time and referred to appropriate committees:

H. B. No. 182, referred to Committee on Public Health.

H. B. No. 203, referred to Committee on Public Health.

H. B. No. 210, referred to Committee on Public Health.

H. B. No. 214, referred to Committee on Public Health.

H. B. No. 215, referred to Committee on Public Health.

for the validation of all contracts for the maintenance of the schools of the territory herein incorporated for the current scholastic year; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 278 was read third time and passed finally, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Hardin of Kaufman.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent—Excused.

Russek.

Senate Bill No. 283.

The Chair laid before the Senate, on second reading,

S. B. No. 283, A bill to be entitled "An Act to amend Section 1, Chapter 162, of the Special Laws of the Thirty-ninth Legislature of Texas, the same being an Act creating the Common County Line School District No. 9, in Borden, Mitchell and Scurry Counties; and validating all bond and maintenance tax elections heretofore held under the provisions of the said Chapter 162, and declaring an emergency."

S. B. No. 283 was read third time and passed finally, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Hardin of Kaufman.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent—Excused.

Russek.

Senate Bill No. 285.

The Chair laid before the Senate, on second reading,

S. B. No. 285, A bill to be entitled "An Act to create Road District No. 4, in Hopkins County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

S. B. No. 285 was read third time and passed finally, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Hardin of Kaufman.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent—Excused.

Russek.

Messages From The Governor.

The Chair recognized the Doorkeeper, who introduced Mrs. Lena Gwynn, messenger from the Governor, with the following messages.

Governor's Office,

Austin, Texas, Sept. 29, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation

convening you in Special Session, and as per request of Representative Dale, I am submitting to you for your consideration the matters set forth in the attached bill, being A bill to be entitled "An Act to create Honey Grove Independent School District of Fannin County, Texas," etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Sept. 29, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation, and as per request of Representative Smythe, I am submitting to you for your consideration the matters set forth in the attached bill, being "An Act amending Articles 3334 and 3336 of the Revised Civil Statutes of 1925, relating to the manner of service of citation on application for the probate of wills," etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Sept. 22, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the bill hereto attached, being "An Act making an appropriation of the fees collected on or after September 1, 1926, or to be collected from employment agencies which fees are paid under the Statutes of this State upon the issuance of licenses to employment agents by the Commissioner of Labor," etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Messages From The House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Sept. 29, 1926.
Hon. Barry Miller, President of the Senate.

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

H. C. R. No. 7, requesting the Governor to return S. B. No. 275 for further consideration.

C. L. PHINNEY,
Chief Clerk, House of Representatives.
Hall of the House of Representatives,
Austin, Texas, Sept. 29, 1926.
Hon. Barry Miller, President of the Senate.

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

S. B. No. 201, A bill to be entitled "An Act to create Road District No. 4, in Karnes County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

S. B. No. 186, A bill to be entitled "An Act to create Road District No. 5, in Jasper County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

S. B. No. 185, A bill to be entitled "An Act to create Road District No. 4, in Jasper County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 296 put on its third reading and final passage by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent—Excused.

Wirtz.

S. B. No. 296 was read third time and passed finally, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent—Excused.

Wirtz.

Messages from the Governor.

The Chair recognized the Door-keeper who introduced a messenger from the Governor with the following messages:

Governor's Office.

Austin, Texas, Sept. 30, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclama-

tion convening you in Special Session, and as per request of Senator Moore. I am submitting to you for your consideration the matters set forth in the attached bill, being an Act to amend Section 1 of Chapter 116 of the Local and Special Laws as passed by the Thirty-third Legislature, 1913, entitled "An Act creating an independent school district to be known as the Rockwall Independent School District," etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Sept. 30, 1926.
To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Holbrook, I am submitting to you for your consideration the matters set forth in the attached Concurrent Resolution.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Senate Bill No. 300.

Senator Fairchild received unanimous consent to take up out of its regular order the following bill:

S. B. No. 300. A bill to be entitled "An Act creating the Buna Independent School District, in Jasper County, Texas; defining its boundaries and 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 independent school districts and the board of trustees thereof; declaring that all taxes or bonds heretofore authorized by the former Buna Independent School District shall remain in full force and effect; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 300 was put on its second reading and final passage, by the following vote:

Yeas—30.

Bailey.	Bowers.
Berkeley.	Davis.
Bledsoe.	Fairchild.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report carrying amendments was adopted.

Senator Bailey sent up the following amendment, which was read:

Amendment No. 1 to Senate Concurrent Resolution No. 9:

"Amend the resolution by striking out on page 2 the words 'the same sum out of the contingent fund of'."

The amendment was read and adopted.

The resolution as amended was adopted.

Messages from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor, with the following messages:

Governor's Office,

Austin, Texas, Sept. 30, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to create the Lockney Independent School District, in Floyd County, Texas, etc.

Respectfully submitted,

MIRIAM A. FERGUSON.

Governor.

Governor's Office,

Austin, Texas, Sept. 30, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Parr, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to establish a more efficient system of public roads for Zavala County, etc.

Respectfully submitted,

MIRIAM A. FERGUSON.

Governor.

Governor's Office,

Austin, Texas, Sept. 30, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Ses-

sion, and as per request of Senator Strong, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to amend Chapter 172 of the General Laws of the Regular Session of the Thirty-ninth Legislature, page 388, relating to the preservation and propagation of wild animals, etc.

Respectfully submitted,

MIRIAM A. FERGUSON.

Governor.

Senate Bill No. 292.

Senator Fairchild received unanimous consent to take up out of its order the following bill:

S. B. No. 292, A bill to be entitled "An Act approving, validating and adopting all leases, grants, or agreements commonly known as oil, gas and sulphur leases, that have been entered into at the direction of the Governor, by the Board of Prison Commissioners of the State of Texas, as lessors or grantors, and have been approved as to form by the Attorney General and delivered to the lessees or grantees for valuable consideration, and which are now in force and effect unless said Board of Prison Commissioners lacked legal authority to enter into the same, and which purport to lease or grant for the purpose of oil, gas and sulphur exploration and development and purposes incidental thereto, any of the real estate belonging to the prison system and commonly known as the State prison farms.

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The bill was passed to engrossment.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 292 put on its third reading and final passage, by the following vote:

Yeas—26.

Bailey.	Lewis.
Berkeley.	Moore.
Bledsoe.	Murphy.
Bowers.	Parnell.
Davis.	Parr.
Fairchild.	Pollard.
Floyd.	Reid.
Hardin of Erath.	Russek.
Holbrook.	Smith.

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Hardin of Kaufman.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Murphy.	Wood.
Parnell.	

Absent—Excused.

Real. Woodward.

Messages from the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor, with the following messages:

Governor's Office,
Austin, Texas, Oct. 1, 1926.
To the Honorable Legislature of the
State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Jesse R. Smith, I am submitting to you for your consideration the matters set forth in the attached bill, same being An Act creating a more efficient system for Fisher County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Oct. 1, 1926.
To the Honorable Legislature of the
State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and upon the request of the Railroad Commission and the Chief Supervisor of the Oil and Gas Division, I am submitting to you for your consideration the matters set forth in the attached bill, being An

Act making appropriation for the additional support and maintenance of the Oil and Gas Division of the Railroad Commission of Texas for the year beginning September 1, 1926, and ending August 31, 1927, and for the payment of the sum of one thousand three hundred seventy dollars (\$1,370.00) for the services of a Deputy Supervisor thereof from April 13, 1926, to August 31, 1926; and declaring an emergency.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Oct. 1, 1926.
To the Honorable Legislature of the
State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to create the Saratoga Independent School District, in Hardin County, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Governor's Office,
Austin, Texas, Oct. 1, 1926.
To the Honorable Legislature of the
State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you for your consideration the matters set forth in the attached bill, same being An Act to create the Batson Independent School District, in Hardin County, Texas, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

House Concurrent Resolution Signed.

After its caption was read, the Chair signed, in the presence of the Senate,
H. C. R. No. 6.

Senate Concurrent Resolution No. 7.

Senator Pollard received unanimous consent to call up the following resolution:

S. C. R. No. 7, being a resolution to investigate the University of Texas.

The Senate rule requiring commit-

pendent School District; continuing in office the board of trustees of said independent district; repealing all laws in conflict with the provisions of this act; and declaring an emergency."

S. B. No. 300, A bill to be entitled "An Act creating the Buna Independent School District, in Jasper County, Texas; defining its boundaries and 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 independent school districts and the board of force and effect; repealing all laws taxes or bonds heretofore authorized by the former Buna Independent School District shall remain in full force and effect; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 303, A bill to be entitled "An Act to creat Saragosa Independent School District in Reeves County, Texas; providing a board of trustees therefor and vesting said school district board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing for the validation of all contracts for the maintenance of the schools of the territory herein incorporated for the current scholastic year; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 318, A bill to be entitled "An Act to amend House Bill No. 516, Chapter 165, of the local and special laws passed by the Thirty-ninth Legislature, Regular Session, and declaring an emergency."

H. B. No. 323, A bill to be entitled "An Act creating and incorporating the Foster Independent School District in Terry County, Texas."

H. B. No. 326, A bill to be entitled "An Act creating and incorporating the Lahay Independent School District in Terry County, Texas."

H. B. No. 356, A bill to be entitled "An Act creating the Mullen Independent School District in Mills County, Texas."

H. B. No. 355, A bill to be entitled "An Act creating the Hewitt Independent School District in McLennan County, Texas."

H. B. No. 377, Creating the Lock-

ney Independent School District in Floyd County.

S. C. R. No. 9, Providing for a committee to correct the Statutes of Texas.

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Messages From the Governor.

The Chair recognized the Doorkeeper who introduced a messenger from the Governor with the following Executive Messages:

Governor's Office.

Austin, Texas, Oct. 4, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Wirtz, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act amending Article 7150 of the Revised Civil Statutes of the State of Texas of 1925 by adding Section 1-a, etc.

Respectfully submitted,

MIRIAM A. FERGUSON.

Governor.

Governor's Office.

Austin, Texas, Oct. 2, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request, I am submitting to you the matters set forth in the attached bill, being An Act creating an independent school district to be known as McCamey Independent School District, etc.

Respectfully submitted,

MIRIAM A. FERGUSON,

Governor.

Governor's Office,

Austin, Texas, Oct. 4, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Smith, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act creating Roby Independent School District in Fisher County, etc.

Respectfully submitted,

MIRIAM A. FERGUSON.

Governor.

Governor's Office,
Austin, Texas, Oct. 4, 1926.
To the Honorable Legislature of the
State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Senator Fairchild, I am submitting to you for your consideration the matters set forth in the attached bill, same being An Act making an emergency appropriation for the Stephen F. Austin State Teacher's College, and declaring an emergency, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

House Bills Read and Referred.

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

H. B. No. 303, referred to Committee on Educational Affairs.

H. B. No. 318, referred to Committee on Educational Affairs.

H. B. No. 323, referred to Committee on Education.

H. B. No. 326, referred to Committee on Educational Affairs.

H. B. No. 356, referred to Committee on Educational Affairs.

H. B. No. 355, referred to Committee on Educational Affairs.

Simple Resolution No. 28.

Senator Stuart sent up the following resolution:

By Senators Stuart, Floyd, Read, Parnell:

Whereas, The House of the Thirty-ninth Legislature has passed two companion revenue-raising measures known as The Gasoline Bill and the Motor Vehicle License Bill; and,

Whereas, Said bills are now before the Senate for consideration, and will, if passed, increase the taxes of the people of Texas approximately \$7,500,000.00; and,

Whereas, Said measures involve the entire Highway subject, motor vehicle transportation and the public school system of Texas; and,

Whereas, Only a few days remain before the close of this session and the Senate has not sufficient time to give these important subjects the consideration they deserve; and,

Whereas, The Senate has already passed an appropriation bill of \$2,-

750,000.00 to supplement the available school fund, which said bill, if passed by the House, will take care of the needs of the public schools of Texas until the convening of the regular session of the 40th Legislature, when, if said amount is not sufficient to raise the per capita appropriation for the support of the public schools to \$15.00, other appropriations can be made to supplement said funds; and,

Whereas, A committee has been appointed by the House to investigate our entire Highway system and to report back to the Fortieth Legislature; and,

Whereas, The Senate cannot act intelligently upon the needs of this department until said committee reports as to the condition of the Highway Department, the expenditure of funds, and the needs thereof for the coming two years; and,

Whereas, The motor license law and gasoline tax law as passed by the House, create an undue burden upon the owners and operators of trucks in the State, because of the fact that the license fee upon trucks has not been reduced as in the case of other motor vehicles, and the gasoline tax has been increased 300 percent, which in effect tends to destroy truck transportation in Texas, and,

Whereas, The apportionment of these revenues between the State and the Counties, as provided in these bills, is not fair and equitable as among the Counties of the State and the Highway Department; and,

Whereas, The Highway Department is in need of additional revenues over and above the amount it has heretofore had; and,

Whereas, Under the provisions of this bill the revenues of this department will be reduced by approximately one and one-half to two million dollars, and thereby the State will lose a like amount which has been allotted to Texas by the Federal Government, which will greatly hamper and delay the completion of highways in Texas;

Now, Therefore, be it resolved that the further consideration of said revenue measures, and other similar measures that may come before the Senate for consideration, be postponed until the Regular Session of the Fortieth Legislature so that ample time may be had to con-

Nays—3.

Bailey. Wirtz.
Real.

Absent.

Hardin of Erath. Pollard.
Hardin of Kaufman Russek.

Absent—Excused.

Davis. Woodward.
Holbrook.

H. C. R. No. 6.

The Chair appoints the following committee on part of Senate on H. C. R. No. 6:

HARDIN of Erath.
MILLER.

House Bill No. 376.

Senator Wirtz received unanimous consent to take up out of its order the following bill:

H. B. No. 376, Creating Smiley Independent School District in Gonzales County.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 376 put on its second reading by the following vote:

Yeas—28.

Bailey. Pollard.
Berkeley. Price.
Bledsoe. Real.
Bowers. Reid.
Fairchild. Russek.
Floyd. Smith.
Hardin of Erath. Strong.
Hardin of Kaufman. Stuart.
Lewis. Triplett.
Miller. Ward.
Moore. Westbrook.
Murphy. Wirtz.
Parnell. Witt.
Parr. Wood.

Absent—Excused.

Davis. Woodward.
Holbrook.

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was passed to third reading.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 376 put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey. Pollard.
Berkeley. Price.
Bledsoe. Real.
Bowers. Reid.
Fairchild. Russek.
Floyd. Smith.
Hardin of Erath. Strong.
Hardin of Kaufman. Stuart.
Lewis. Triplett.
Miller. Ward.
Moore. Westbrook.
Murphy. Wirtz.
Parnell. Witt.
Parr. Wood.

Absent—Excused.

Davis. Woodward.
Holbrook.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey. Pollard.
Berkeley. Price.
Bledsoe. Real.
Bowers. Reid.
Fairchild. Russek.
Floyd. Smith.
Hardin of Erath. Strong.
Hardin of Kaufman. Stuart.
Lewis. Triplett.
Miller. Ward.
Moore. Westbrook.
Murphy. Wirtz.
Parnell. Witt.
Parr. Wood.

Absent—Excused.

Davis. Woodward.
Holbrook.

Message From the Governor.

The Chair recognized the Doorkeeper who introduced a messenger from the Governor with the following Executive Message:

Governor's Office,
Austin, Texas, Oct. 4, 1926.
To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session,

and as per request of Senator Parnell, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act fixing the compensation of the official shorthand reporters in the Thirtieth, Seventy-eighth and Eighty-ninth Judicial Districts, of Wichita, Archer and Young Counties, Texas, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Senate Bill No. 313.

Senator Parnell received unanimous consent to take up out of its order the following bill:

S. B. No. 313, A bill to be entitled "An Act fixing the compensation of the official shorthand reporters in the Thirtieth, Seventy-eighth and Eighty-ninth Judicial Districts of Wichita, Archer and Young Counties, Texas, prescribing the method of payment, and declaring an emergency."

On motion of Senator Parnell the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 313 was put on its second reading by the following vote:

Yeas—26.

Bailey.	Price.
Berkeley.	Real.
Bledsoe.	Reid.
Bowers.	Russek.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Hardin of Kaufman.	Triplett.
Lewis.	Ward.
Moore.	Westbrook.
Parnell.	Wirtz.
Parr.	Witt.
Pollard.	Wood.

Absent.

Miller. Murphy.

Absent—Excused.

Davis. Woodward.
Holbrook.

The bill was read second time.
The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.
The bill was passed to engrossment.

On motion of Senator Parnell, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 313 was placed on its third reading and final passage by the following vote:

Yeas—26.

Bailey.	Price.
Berkeley.	Real.
Bledsoe.	Reid.
Bowers.	Russek.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Hardin of Kaufman.	Triplett.
Lewis.	Ward.
Moore.	Westbrook.
Parnell.	Wirtz.
Parr.	Witt.
Pollard.	Wood.

Absent.

Murphy. Miller.

Absent—Excused.

Davis. Woodward.
Holbrook.

The bill was read third time and passed finally, by the following vote:

Yeas—24.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Stuart.
Hardin of Kaufman.	Triplett.
Lewis.	Westbrook.
Moore.	Wirtz.
Parnell.	Witt.
Parr.	Wood.

Nays—1.

Strong.

Absent.

Miller. Ward.
Murphy.

Absent—Excused.

Davis. Woodward.
Holbrook.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Committee Reports.

(See Appendix.)

House Bill No. 360.

On the motion of Senator Bailey House Bill No. 360 was withdrawn from the Committee on Criminal Jurisprudence and referred to the Committee on Civil Jurisprudence.

Committee on S. C. R. No. 7

The chair announced the following Committee from the Senate on S. C. R. No. 7.

Pollard, Smith.

S. C. R. No. 10.

The Chair laid before the Senate the following resolution:

S. C. R. No. 10 in regard to a tax survey of the State.

The resolution was read.

Senator Bowers moved to indefinitely postpone the resolution.

Senator Bailey moved as a substitute that the resolution be laid on the table subject to call.

Senator Bowers withdrew his motion by unanimous consent.

The motion to lay on the table was lost.

The resolution was adopted by the following vote.

Yeas—23

Berkeley.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Lewis.	Stuart.
Miller.	Triplett.
Moore.	Ward.
Murphy.	Westbrook.
Parnell.	Witt.
Pollard.	Wood.
Price.	

Nays—5.

Bailey.	Hardin of Kaufman.
Bledsoe.	Parr.
Bowers.	

Absent—Excused.

Holbrook.	Woodward.
Wirtz.	

House Bill Signed.

After its caption was read, the Chair signed in the presence of the Senate H. B. No. 313.

Messages From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following Executive messages:

Governor's Office.

Austin, Texas, Oct. 5, 1926.

To the Honorable Legislature of the State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Mr. Findlay, I am submitting to you for your consideration the matters set forth in the attached bill, same being An Act to amend Chapter 30 of the Local and Special Laws enacted by the Twenty-fifth Legislature at its regular session in 1917, same being a special road law for McCulloch County by adding thereto section 13a authorizing the Commissioners' court of McCulloch County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof; and declaring an emergency.

Respectfully submitted,

MIRIAM A. FERGUSON,

Governor of Texas.

Governor's Office.

Austin, Texas, Oct. 5, 1926.

To the Honorable Legislature of the State of Texas:

Acting under authority of the original proclamation convening you in Special Session, and as per request of Representative Dielmann, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to provide for summoning the general panel of petit jurors by mail in any county of this state having therein a city or cities containing a population aggregating twenty thousand, or more, etc.

Respectfully submitted,

MIRIAM A. FERGUSON,

Governor of Texas.

Governor's Office.

Austin, Texas, Oct. 5, 1926.

To the Honorable Legislature of the State of Texas:

Acting under authority reserved in the original proclamation convening you in Special Session and as per the request of Representative John E. Davis, I am submitting to you for your consideration the matters set forth in the attached bill, being An

Act to create Dallas County Fresh Water Supply District No. 7 in Dallas County, Texas, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Governor's Office.

Austin, Texas, Oct. 5, 1926.

To the Honorable Senate of the State of Texas:

I hereby submit for your advice, consent and confirmation to the appointment of Hon. Ben Randals, of Reeves County, in place of Hon. Chas. Gibbs, resigned, to the position of district judge of the Seventieth Judicial District.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

Governor's Office.

Austin, Texas, Oct. 5, 1926.

To the Honorable Senate of the State of Texas:

Acting under authority reserved in the original proclamation and as per request of Senator Miller, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act to amend Chapter 59 of the Local and Special Laws enacted by the Thirty-fourth Legislature at its regular session in 1915, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Senate Bills Read and Referred.

Senator Davis received unanimous consent to send up the following bill:

By Davis.

S. B. No. 315, A bill to be entitled "An Act to create Dallas County Fresh Water Supply District No. 7, in Dallas County, Texas, validating and approving all orders made by the commissioners' court of said county and of the board of supervisors thereof in respect to the organization of said district; validating the assessment of taxes, the authorization, issuance and sale of certain bonds thereof, and providing for their payment by the annual levy assessment and collection of general ad valorem taxes on all taxable property in said district, approving and validating all orders of the commissioners' court of said county and of the board of

supervisors thereof, in respect of said district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence, and declaring an emergency."

The bill was read first time and referred to the Committee on Highways and Motor Traffic.

House Bills Signed.

After their captions were read, the Chair signed in the presence of the Senate the following House Bills:

H. B. No. 214.	H. B. No. 309.
H. B. No. 215.	H. B. No. 270.
H. B. No. 216.	H. B. No. 271.
H. B. No. 217.	H. B. No. 272.
H. B. No. 218.	H. B. No. 273.
H. B. No. 220.	H. B. No. 274.
H. B. No. 226.	H. B. No. 275.
H. B. No. 232.	H. B. No. 276.
H. B. No. 233.	H. B. No. 277.
H. B. No. 236.	H. B. No. 278.
H. B. No. 239.	H. B. No. 279.
H. B. No. 203.	H. B. No. 280.
H. B. No. 210.	H. B. No. 282.
H. B. No. 204.	H. B. No. 283.
H. B. No. 297.	H. B. No. 284.
H. B. No. 268.	H. B. No. 285.

Simple Resolution No. 29.

Senator Moore received unanimous consent to send up the following resolution:

Whereas, Senate Bill No. 308 to extend the boundaries of the Rockwall Independent School District was finally passed on representations that there was no controversy on same; and,

Whereas, since passage of the bill request has been made by interested citizens and taxpayers for a hearing on same; therefore, be it resolved, that the House of Representatives be requested to return Senate Bill No. 308 for further consideration.

The resolution was read and adopted.

Simple Resolution No. 30.

Senator Parr received unanimous consent to send up the following resolution:

By Senators Stuart and Parr:

Whereas, The Missouri Pacific Booster Band of Kingsville, Texas, composed of employees of The Missouri Pacific Railway Company, are now in the Capitol; therefore, be it

Resolved, That said band be invited to play for the Senate.

SIXTEENTH DAY.

Senate Chamber,
Austin, Texas.

Wednesday, Oct. 6, 1926.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

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

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz. Woodward.

Prayer by the chaplain.

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

Privileged Committee Reports.

(See Appendix.)

Committee Reports.

(See Appendix.)

Simple Resolution No. 31.

By Senator Wood by Request:

Whereas, There is held in Austin, Texas, each year the Texas State Exposition whose main feature is to set forth to the people of Texas the work being done by the State Institutions supported by Texas; and

Whereas, This Exposition also includes splendid exhibits of agricultural products, poultry, beef cattle, dairy cattle, swine, sheep, goats, and scores of other products which go to make up a prosperous State regardless of the price of cotton—which exhibits even include the finest race horse flesh that ever pounded the sod; and

Whereas, Wednesday, October 6th, is Austin Day at the Texas State Exposition and the members of the Legislature are exceedingly interested in all the above matters, and also being the guests of the business men of Austin into the Fair Grounds; therefore

Be it Resolved by the Senate that this body adjourn at 12 o'clock noon on October 6th in order that our members may have the opportunity of visiting the Texas State Exposition on this date.

Senator Bledsoe moved to lay the resolution on the table subject to call.

The motion to lay on the table prevailed.

Messages From the Governor.

The Chair recognized the Doorkeeper who introduced a messenger from the Governor with the following Executive messages:

Governor's Office,

Austin, Texas, Oct. 6, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Bonham, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act amending Chapter 17 of the Local and Special Laws of the State of Texas passed at the first Called Session of the Thirty-seventh Legislature changing and enlarging boundaries of Sodville Independent School District in San Patricio County, Texas, etc.

Respectfully submitted,

MIRIAM A. FERGUSON,

Governor.

Governor's Office,

Austin, Texas, Oct. 6, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Frnka, I am submitting to you for your consideration the matters set forth in the attached bill being An Act to amend Section 18, Chapter 89 of the Special Laws of the Regular Session of the Thirty-eighth Legis-

lature, known as An Act to create a more efficient road system for Colorado County, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

House Bills Signed.

After their captions were read, the Chair signed in the presence of the Senate the following House bills:

H. B. No. 377.	H. B. No. 330.
H. B. No. 376.	H. B. No. 328.
H. B. No. 346.	H. B. No. 316.
H. B. No. 339.	H. B. No. 318.
H. B. No. 337.	H. B. No. 358.

Message from the House.

The Chair recognized the Doorkeeper who introduced a messenger from the House with the following House message:

Hall of the House of Representatives,
Austin, Texas, October 6, 1926.

Hon. Barry Miller, President of the Senate.

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

S. B. No. 292, A bill to be entitled "An Act approving, validating and adopting all leases, grants or agreements commonly known as oil, gas and sulphur leases, that have been entered into at the direction of the Governor, by the Board of Prison Commissioners of the State of Texas, as lessors or grantors, and have been approved as to form by the Attorney General and delivered to the lessees or grantees for valuable consideration, and which, are now in force and effect unless said Board of Prison Commissioners lacked legal authority to enter into the same, and which purport to lease or grant for the purpose of oil, gas and sulphur exploration and development and purposes incidental thereto, and of the real estate belonging to the Prison System and commonly known as the State Prison Farms."

H. B. No. 359, A bill to be entitled "An Act to create Road District No. 5, in Houston County, Texas.

S. B. No. 273, A bill to be entitled "An Act to amend Chapter 94, approved March 19, 1925, relating to the forfeiture and resale of public free school land, and providing for the validation of the forfeiture and resale and award, in cases where requests for revaluation were made

within the time required by law, and of applications for said land that were filed after the time allowed by law, and declaring an emergency."

H. B. No. 336, A bill to be entitled "An Act to amend Article 6954 of the Revised Civil Statutes, 1925, and as amended by Chapters 99 and 101, Regular Session of the Thirty-ninth Legislature, so as to include Bailey and Parmer counties within the provisions of said article."

H. B. No. 373, A bill to be entitled "An Act validating the action of the Lampasas County School Board in redefining the boundaries of the Lampasas Independent School District No. 1 and adding thereto certain territory, on March 20, 1926, September 30, 1926."

S. B. No. 281, A bill to be entitled "An Act making appropriation to the Live Stock Sanitary Commission of the sum of two hundred thousand dollars or so much thereof as may be necessary out of the general fund, not otherwise appropriated, to pay such claim or claims as may be due for the destruction of hay in Brazoria, Galveston and Harris counties during the Hoof and Mouth epidemic after same have been allowed, and declaring an emergency."

S. B. No. 315, A bill to be entitled "An Act creating Fresh Water Supply District No. 7 in Dallas County.

Respectfully submitted,

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 292.

Senator Fairchild moved to concur in the House amendments to Senate Bill No. 292.

The Senate concurred in the amendments by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Floyd.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman	Smith.
Holbrook.	Strong.
Lewis.	Stuart.
Miller.	Triplett.
Moore.	Ward.
Murphy.	Westbrook.
Parnell.	Wirtz.
Parr.	Witt.
Pollard.	Wood.
Price.	Woodward.
Real.	

Message from the House.

The Chair recognized the Door-keeper who introduced a messenger from the House with the following message:

Hall of the House of Representatives.
Austin, Texas, Oct. 7, 1926.

Hon. Barry Miller, President of the Senate.

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

H. B. No. 381, A bill to be entitled "An Act creating an Independent School District to be known as 'McCamey Independent School District,' and to provide for the creation of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes."

S. C. R. No. 5 accepting the Palacios Camp Site for Texas National Guard.

The House has adopted the Free Conference Committee Report on S. B. No. 291 by a vote of 101 yeas and 7 nays.

H. B. No. 388 creating the Rose-land Independent School District.

Respectfully submitted,

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Message from the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following executive message:

Governor's Office,
Austin, Texas, Oct. 7, 1926.

To the Honorable Legislature of the State of Texas:

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per the request of Senator Hardin, I am submitting for your con-

sideration the matters set forth in the attached bill, being An Act creating a complete road law for Hamilton County, Texas, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Senate Bills Signed.

After their captions were read, the Chair signed in the presence of the Senate the following Senate Bills:

S. B. No. 280.	S. B. No. 314.
S. B. No. 301.	S. B. No. 287.
S. B. No. 316.	S. B. No. 303.

House Bills Signed.

After their captions were read, the Chair signed in the presence of the Senate the following House Bills:

H. B. No. 331.	H. B. No. 355.
H. B. No. 327.	H. B. No. 353.
H. B. No. 329.	H. B. No. 349.
H. B. No. 324.	H. B. No. 326.
H. B. No. 323.	H. B. No. 381.
H. B. No. 325.	H. B. No. 357.
H. B. No. 352.	H. B. No. 356.
H. B. No. 333.	

House Bill No. 336.

Senator Bowers asked unanimous consent to take up the following bill:

H. B. No. 336, A bill to be entitled "An Act to amend Article 6954 of the Revised Civil Statutes, 1925, and as amended by Chapters 99 and 101, Regular Session of the Thirty-ninth Legislature, so as to include Bailey and Parmer counties within the provisions of said article."

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted. Senator Bailey sent up the following amendment:

Amend H. B. No. 336, by striking out in line 17 of Section 1, on page 2 of the printed bill after the words commissioners' court all of the remainder of such section and making the semicolon a period.

By Bailey, Bowers, Parr, Holbrook. The amendment was read and adopted.

Senator Strong sent up the following amendment:

Amend H. B. No. 336, by adding Panola and Shelby Counties so as to