

JOURNAL
OF THE
SENATE OF TEXAS
BEING THE
Second Called Session
OF THE
FORTY-FIRST LEGISLATURE

BEGUN AND HELD AT

The City of Austin, June 3, 1929



Texas State Library

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Executive Office,
Austin, Texas, June 3, 1929.
To the Members of the Forty-first
Legislature:

Attached hereto are copies of the
following bills:

S. B. No. 62, being an Act author-
izing the Board of Regents of the
College of Industrial Arts to make
contracts for the erection of dormi-
tories, contemplates the construction
of dormitories at the College of In-
dustrial Arts to be paid for out of
the earnings of such dormitories and
authorizes the issuance of obliga-
tions for the construction of such
dormitories. It is supposed that the
obligations will be secured by pledge

of the rentals, revenues and income
from the dormitories. In Section 2
it is provided that the State Board
of Education is authorized to invest
the permanent public free school
fund of the State of Texas in these
obligations. It is my judgment that
the State school fund should not be
invested in this character of securi-
ties. I have taken no action on
this bill. I submit the subject of
amending the bill to eliminate the
authority which it grants to invest
the permanent school fund in the
securities mentioned.

H. B. No. 97, being an Act to
amend Article 6221, Title 109, Re-
vised Civil Statutes, 1925, and pre-
scribing certain rules with reference
to the payment of pensions. You
will observe that the last sentence
in Section 1 of this bill is in the fol-
lowing language:

"Provided that it shall not be nec-
essary for any Confederate Veteran
otherwise eligible to a pension to be
indigent or disabled or to show in-
digency or disability in his applica-
tion in order to be entitled to said
pension."

The amendment of Section 51 of
Article 3 of the Constitution, as
adopted at the General Election held
on November 6, 1928, provides that:

"The Legislature may grant aid
to indigent and disabled Confeder-
ate soldiers and sailors under such
regulations and limitations as may
be deemed by the Legislature as ex-
pedient."

I have withheld action on this bill.
The subject of amending H. B. No.
97 to correct the matter referred to
is herewith submitted.

A copy of the Act of the last ses-
sion of the Forty-first Legislature,
creating a State Board of Education,
is attached hereto. You will notice
that there is a defect in the caption
of this bill in that it recites that the
Board of Education thereby created
is authorized to appoint a State Su-
perintendent of Public Instruction,
whereas the body of the bill makes
no reference to this matter. In view
of the fact that the Board of Edu-
cation handles transactions upon
which valuable property rights de-
pend and in view of the fact that it
is the head of our State educational
system, I believe it wise to elim-
inate any question that might be
raised by reason of the difference
that exists between the caption and
the body of the bill. I have with-
held any action on this bill. The
subject of enacting a bill with re-
ference to the Board of Education
and the elimination of this conflict
between the caption and body of the
bill is submitted for your consider-
ation.

H. B. No. 164, being an Act to
amend Article 5172 of the Civil Stat-
utes, and H. B. No. 165, being an Act
to amend Article 1571 of the Penal
Code. You will observe that in each
of these Acts the caption mentions
matters not in the body of the bills.
I have withheld action on each of
these bills. The subject of passing
appropriate amendments to correct
these defects is submitted for your
consideration.

At the First Called Session of the
Forty-first Legislature H. B. No.
178, being an Act which granted
until February first to register mo-
tor vehicles, was regularly passed.
I approved this bill on May 23, 1929.
It is apparent from the reading of
this bill that the author intended
to fix the month of January as a pe-
riod during which the license fees
on motor vehicles might be paid.
After approving this bill I discovered
that the amendment to Article 6677,
Revised Civil Statutes, 1925, had
been worded in such a manner that
one might legally avoid the payment
of the license fees on his automobile
for one-twelfth of the year; that is,
for the month of January. I submit
the subject of amending this Act to
clarify the language in the partic-
ular mentioned.

Attached hereto is a copy of H. B. No. 104, which is an Act relating to the practice of barbering. This bill provides for the inspection of barber shops by members of the Board which is created by the terms of the bill, or its agents or assistants. Apparently the bill contemplates that this inspection shall be with regard to the sanitary conditions in the various barbershops inspected. The bill provides for a board of three members to be appointed by the Governor. It is evident that such a Board could not possibly inspect the many barbershops in this State and these inspections could only be carried out through agents or assistants appointed by the Board. The State Department of Health is responsible for the enforcement of health and sanitary laws and now has a staff of employees engaged in making inspections and enforcing these laws. If the Board created by this bill is also authorized to make similar inspections and charged with the responsibility of enforcing a part of the sanitary laws of the State, it would result in considerable duplication of work between this Board and the Board of Health. I have withheld action on this bill and I submit for your consideration the passing of an appropriate amendment to require that the State Department of Health conduct these inspections instead of the Board created by this bill.

Attached hereto is a copy of S. B. No. 55. This bill authorizes the Board of Control, with the consent of the Governor, to set aside certain lands at Rusk for use of the Rusk State Hospital and authorizes the sale of other lands in Cherokee County formerly used by the Prison System.

Section 5 of this bill declares that the sale and lease of certain lands by deed dated March 16, 1920, to L. P. Featherstone, was void. At this time the Attorney General has a suit pending for the recovery of the balance of the purchase price due on these lands, amounting to approximately \$50,000.00. This section of the bill would perhaps prevent a recovery by the State in the pending suit.

I have withheld action on this bill and submit for your further consideration the question of whether the Legislature desires to declare this transaction void and thereby defeat the State's suit for the recovery of the balance of the purchase price of the property sold in 1920.

Respectfully submitted,

DAN MOODY,
Governor of Texas.

Message From the Governor.

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

Executive Office,

Austin, Texas, June 5, 1929.

To the Members of the Forty-First Legislature:

The following subjects are submitted for your consideration:

1. The amendment of Article 388, Revised Civil Statutes, to prescribe the qualifications of directors in banking corporations. The amendment of this statute is made necessary by reason of the bill passed by the last session of the Legislature prescribing the amount in which certificates of stock in banking corporations might be issued.

2. Amendments of the statutes to adjust the compensation of public officers.

3. Amendment of Chapter 208, page 449, Acts of the Forty-first Legislature, to correct defects in said bill.

4. The enactment of a local bill to protect wild game in Denton county.

5. Enactment of amendments to the present State Sanitary Laws to make needed changes and to properly protect public health.

6. The enactment of statutes giving the Department of Agriculture power to enforce quarantine and other rules.

Respectfully submitted,

DAN MOODY,
Governor of Texas.

Message From the Governor.

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

Executive Office,

Austin, Texas, June 7, 1929.

To the Members of the Forty-first Legislature:

The attached bill, to correct defects in H. B. No. 207 passed at the First Called Session of the Forty-first Legislature, is submitted for your consideration.

Respectfully submitted,

DAN MOODY,
Governor.

Executive Office,
Austin, Texas, June 10, 1929.
To the Honorable Senate:
Subject to your confirmation I
have appointed the following named
persons to the following named positions:

Honorable Richard F. Burgess of
El Paso County to be Commissioner
to represent the State of Texas in
the distribution of the waters of the
Rio Grande above Fort Quitman;
this position having been created by
S. B. No. 34, passed at the First
Called Session of the Forty-first
Legislature.

Honorable George E. Shelley of
Travis County to be a member of the
State Library and Historical Commission,
to succeed Honorable Richard
F. Burgess of El Paso County.

Honorable W. R. Smith of Midland
County to be district attorney
for the Seventieth (70th) Judicial
District of Texas.

Respectfully submitted,
DAN MOODY,
Governor.

Read and referred to Committee
on Governor's Nominations.

Communication From the Governor.

Senator Hornsby received unanimous
consent to have printed in the
Journal the following communication
from the Governor:

In the issue of the Fort Worth
Star Telegram of June sixth an editorial
appeared commenting upon
statements made in a speech before
the Legislature on last Tuesday. In
correction of statements made in the
editorial the following telegram was
sent to the Fort Worth Star Telegram
on June eighth:

"The Fort Worth Star Telegram,
Fort Worth, Texas.

Your editorial June sixth stop
though I have not made a comparison
I believe your quotation from
speech I made in Taylor in 1926 is
substantially correct stop you did
not enclose in quotation marks all
that was printed in the box in your
editorial column just beside the quotation
from 1926 speech but the
casual reader might infer from the
manner in which it was printed that
you purported to quote literally
from what I had said before Legis-

lature last Tuesday stop I made the
statement before the Legislature
that the cost of State Government
from 1909 to 1929 had grown enormously
and cited the totals of appropriations
for some of the years stop
In this connection I said 'if you run
the ad valorem tax rate up to the
constitutional limit and give the people
no other relief you have passed up a
great opportunity to benefit the State'.
I said that the Highways of our State
had to be developed and it required
finances to develop them that I believed
the proper way to finance State Highway
Development was by placing the cost upon
the traffic and that this was conveniently
done through the gasoline tax and license
fees, that if license fees were reduced it
meant an increase in the gasoline tax or a
reduction of funds available for highway
development stop I said I favored reasonable
reduction in license fees and an increase
in gasoline tax sufficient to make up any
shortage and supply the necessary funds
for highway development and maintenance
stop I further commented upon effect of
an increase in the gasoline tax upon the
available school fund in providing additions
to that fund stop I did not say that a
State income tax equal to the Federal
income tax should be established but I
said I thought an income tax should be
adopted as a substitute for our present
ad valorem tax for State purposes and
said this could be accomplished by
adopting the general basis of Federal
income tax and imposing that fractional
portion of the rates which would be
necessary to equal or approximately equal
the amount of State ad valorem tax and
that upon this beginning an economic
and just system could be developed
stop I endeavored to impress upon
Legislature the urgent need for some
relief to the ranches, farms and homes
of this State of the present unjust
burdens of taxation imposed upon them
by the ad valorem method stop I also
urged that our policy be changed to
relieve the farms ranches and homes
of the tax now imposed upon them for
the construction of State Highways
stop While you set out some figures in
comparison of tax rates for different
years you fail to state that for years
1923 and

1924 the State ad valorem tax rate totaled one dollar fifty cents, that for years 1925 and 1926 State ad valorem tax rate totaled one dollar forty two and that for two years of this administration, 1927 and 1928, it was reduced to total of only one dollar thirty one stop During the two years of this administration the schools of the State elementary, secondary, colleges and universities each and all were better supported than at any time in past history of the State stop I have no objection to your opposition to anything which I may advocate but I want to be quoted correctly.

DAN MOODY"

In printing the above telegram the Fort Worth Star Telegram put a head line over the telegram and a statement about it to the effect that it was denied that an adoption of an income tax was advocated in the speech before the Legislature on Tuesday. In correction of this headline and this statement in the Fort Worth Star-Telegram of June ninth the following telegram was sent:
"The Fort Worth Star Telegram,
Fort Worth, Texas.

I insist again that if you attempt to quote me or state my position on any public question you should quote me correctly and state my position correctly period in printing the telegram which I sent to you yesterday you have used a headline which is misleading and in the two paragraphs which you printed immediately above my telegram you make statements which are not warranted by the telegram period for example you state in your headline that I deny that I urged the adoption of an income tax and in the first sentence of your first paragraph you state that I deny that I advocated the adoption by the Legislature of a State income tax period I stated specifically in my telegram that I told the Legislature that I thought an income tax should be adopted as a substitute for our present ad valorem tax for State purposes period I said that I endeavored to impress upon the Legislature the urgent need for some relief to the ranches farms and homes of this State of the present unjust burdens of taxation imposed upon them by the ad valorem method period I did advocate a State income

tax as a substitute for the present system of State ad valorem taxes and I believe it would bring a needed relief to hundreds of thousands of ranch farm and home owners in Texas period You said that I advocated an income tax equal to the Federal income tax but you were mistaken in that statement period Likewise you are mistaken in imputing to me opposition to adjustments between the license fees on automobiles and the gasoline tax period I have advocated the policy of raising from these sources necessary funds for highway development and maintenance period I did not criticize statements in your editorial period I do not know what news article you read.

DAN MOODY."

Message from the Governor.

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

Executive Office,
June 12, 1929.

To the Members of the Forty-First Legislature:

In addressing the Legislature on June fourth I intended to open the subject of prison reform for your consideration. There seems to be some question as to whether that subject was opened, and it is the purpose of this message to open for your consideration the subject of enacting laws to provide for the concentration and modernization of our Texas Prison System.

The pressing importance of this matter is emphasized by the calamitous overflow which the Prison System is now suffering. I hope very much that the differences of opinion existing upon this subject can be composed, and that the Legislature will enact a bill giving the Prison Commission authority to formulate plans for the concentration of the System, and report these plans to the Legislature.

Respectfully submitted,

DAN MOODY,
Governor.

Executive Office,
Austin, Texas, June 11, 1929.

To the Senate of the State of Texas,
Capitol.

Gentlemen: I have appointed, subject to your confirmation, Mr.

S. C. Tisdale, as Public Weigher in and for the city of Port Lavaca, Calhoun County, Texas. His statutory endorsement is on file in this office.

Respectfully submitted,

DAN MOODY,
Governor.

Message From the Governor.

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

Executive Office,

Austin, Texas, June 13, 1929.

To the Honorable Senate:

Complying with the request contained in your Resolution adopted this morning, the following is a copy of the statement mentioned:

Some Pertinent Facts Relative To Text-Book Adoptions.

Austin, Texas, March 16, 1929.

The Senate Committee which was appointed to inquire into the legality of certain text-book awards filed two reports on last Tuesday. The report signed by two members of the committee was to the effect that contracts should not be made on certain awards, because of their belief that such contracts would be illegal. This report also criticized the other awards as tending to extravagance. The report filed by the third member of the committee was to the effect that contracts made on these awards would be legal. The report of the two members was later withdrawn and amended to eliminate criticism of the economy of the awards. On Thursday, just before adjournment, the Senate postponed action on this amended report. But before the Senate acted on the original report, and before it was withdrawn, the newspapers carried items, which are calculated to mislead. No contracts have been signed; only awards have been made.

With reference to the economy with which the text-book law has been administered, the actual facts as to what text-books have cost the State are the best test for economy. The average cost for the first seven years that the free text-book law was in force was \$1.629 per pupil per year. The last year, the average cost per pupil has been only 96.6 cents, or a saving of more than \$.66 per pupil. The cost during the present school year; that is, up to March 1, has been only 76.4 cents per pupil. In order to determine how much this saving amounts to per annum you only have to multiply

the annual saving per pupil by the number of scholastics; that is multiply the amount of the reduction in cost per pupil by 1,402,000, the number of school children in Texas, and it will be seen whether or not the text-book law has been administered extravagantly or economically.

The original report, which was later withdrawn, but which had been carried in news items before its withdrawal, questioned the economy of the award on geographies. The geographies in use in the public schools of Texas are published by the American Book Company in a two-book series being an elementary geography and an advanced geography. The elementary geography costs the State \$1.197, the advanced geography \$1.683. This contract was let in 1922, and when it expired the present Text Book Commission refused to renew it. The people of Texas will recall that at the time this contract was made the American Book Company proposed to reduce its bid ten per cent, but this proposal was rejected and the contract was made at the prices just quoted. During the time this contract has been in force the American Book Company has received from the State of Texas for its geographies \$1,081,581.10, which means that the American Book Company received from the school children of Texas \$108,158.11 more money under this contract than it would have received if the reduction had been accepted when the contract was let seven years ago. The Text Book Commission refused in 1923 to renew that contract, and neither of us have any apologies to make to anyone for refusing to renew this contract. The American Book Company offered the same books to the State of Texas in 1923 at \$1.05 for the first book and \$1.47 for the second book. The reader can figure the reduction himself; it is more than the ten per cent reduction proposition in 1922; and we have no way of figuring the unfair profits paid

by the State under the old contract. The members of this Text Book Commission refused to pay the American Book Company more for its geography than they would have to pay for as good a book by another publisher. The prices at which this Text Book Commission made an award for a geography were, for the elementary book \$.90, and for the advanced book \$1.15. In other words, under the geography award made by this Commission the State will save \$.15 on every elementary book and \$.32 on every advanced book as compared with the prices offered by the American Book Company in its bid for a renewal contract. With 300,000 children studying the elementary book, and with approximately 250,000 studying the advanced book, it can readily be seen what the saving will be to the school fund by reason of having made the award for the lower priced book. In the last five years the schools of Texas bought under the American Book Company's contract, which this Commission refused to renew, 318,746 copies of the first book and 415,949 copies of the second book. If an equal number of books are used in the schools during the next five years, the difference in the price at which the American Book Company's book was offered and the price at which the new award was made to the other company would represent a saving on the first book of \$47,811.90 and of \$133,103.68 on the second book, or a total of \$180,915.58. If we do not have to buy that many books, the saving will be proportionately less; even if we need only ten books they will cost us less under this award than if the Commission had re-adopted the American Book Company's book. We believe this to be economy and not extravagance.

It is said that there are many of the American Book Company's books on hand, and that is true, but approximately 90% of these books have been in use from four to five years, and there can be no doubt that many of them will have to be replaced within one year. The law allows a period of three years for the gradual introduction of new books, and we have a three-year period under which we can exchange old books for new ones and get a credit on the new ones. This

will enable the schools to use up and receive the full value of the American Book Company's geographies now on hand. We believe that if we can divorce the American Book Company from the school funds of Texas we will have rendered a substantial service to the taxpayers that furnish the funds for the education of our children.

The majority report, which was later withdrawn, called into question the economy of the arithmetic award. The book now in the schools is a three-book series. The first book of the series costs less than the second and the second a little less than the third. The average cost of the series is \$.52 per book. Arithmetic begins with the third and goes through the seventh grade in such schools as follow the prescribed course of study. If the prescribed course of study is carried out every school child from the third grade through the seventh grade would have a book under the present contract costing an average of \$.52 per book. The scholastic enrollment for the third, fourth, fifth, sixth and seventh grades is approximately 700,000. The first book is used in the third and fourth grades; the second book is used in the fifth and sixth; and the third book is used in the seventh grade. Thus to illustrate, under a three-book series, the third grade children carry not only the material for their third grade work but also the material for the fourth grade, and likewise the fourth grade children have the work of the third grade, as well as the fourth, and so as to the fifth and sixth grades. To avoid having to supply third grade pupils with fourth grade material and the fourth grade pupils with the third grade material and so on, the Commission adopted a five-book series, one book for each grade. This series costs an average of \$.33 per book, an average saving of \$.19 per scholastic studying arithmetic as compared with the three-book series. If every school child in the grades in which arithmetic is taught is furnished with this arithmetic, the saving of an average of \$.19 per book for approximately 700,000 children will total approximately \$133,000.00. Again this impresses us as good economy.

This report, which was later with-

drawn, drew certain comparisons between the price paid in Louisiana and Mississippi for books and the price paid in Texas, and charged that the books cost more in Texas than in Louisiana. This statement was in conflict with statements contained in the committee report itself, for in each instance the report showed that the actual outlay in Texas for the books mentioned was less than what the States of Louisiana and Mississippi paid for the same books. In Texas the publishers deliver books to us at the depository, at the lowest wholesale price at which the books are sold at the factory door of the publisher. The law prescribes that if they do not deliver books at such prices, the books shall not be bought; and this commission does not buy them. In Louisiana the publisher pays a commission to the depository agent which distributes its books, and if you deduct what the company pays its agents for the distribution of its books in Louisiana from what the company receives from the State of Louisiana, the net to the company may be less than what the State of Texas pays for the books, but for proper standards of comparison, you have yet to deduct from the price paid by Texas the expense to the publishers in bringing their books to Texas and in turning them over to our schools. Those figures are not available, and we do not know them, but the important fact is that Texas pays out less from its school fund for each book mentioned than Louisiana and Mississippi pay for the identical book.

The following illustrates the point just made: (1) The McMurray-Parkins Elementary Geography was bid to the State of Texas at \$.90 per copy. For this book the State of Louisiana is paying \$.955. (2) Beard's History of the United States by Macmillan Company was bid to Texas at \$1.47 per copy. The same book costs the children of Mississippi \$1.50. (3) Shepherd's Geography for Beginners by Rand, McNally and Company was bid to the State of Texas at \$.66 per copy. For this book the children of Arkansas pay \$.81 per copy. (4) The Open Road to Reading, fourth, fifth, and sixth readers, published by Ginn & Company was bid to the State of Texas at \$.48, \$.51, and

\$.57, respectively. For these books, the children of Louisiana pay \$504 \$.531, and \$.594, respectively. (5) The Advanced Geography published by Rand, McNally Company was bid to Arkansas at \$1.135, and in Texas, at \$1.10. (6) Millikan and Gale's Elements of Physics, adopted in Texas in 1928, at \$1.25 per copy is sold to the children of Mississippi at \$1.42 per copy.

In Louisiana the publisher delivers the books to the parish school, while in Texas the delivery is made f. o. b. the Texas depository of the publisher. The item of freight paid by the State in Texas from the depository to the school amounts to approximately 2% of the cost of the book; and when this is added to the cost of the book, Texas is still paying less for the books mentioned than the states named pay.

The report which was withdrawn also criticized the adoption of certain supplementary readers. The law provides that not more than four supplementary readers may be adopted for each elementary grade. Formerly this provision was not in our law, and in the past textbook commissions have had as many as nine supplementary readers for some of the elementary grades. The 1928 Text Book Commission not only did not adopt more than four supplementary readers for any grade, but it arranged the terms of the contracts so that hereafter no commission will have to adopt in any year more than one set of supplementary readers for any one grade. The teachers of the State claim that the supplementary reader feature of the text book law is of perhaps greater value to our educational system than any other feature of the law. There is no such thing as exchange in supplementary readers, for the schools keep them and use them over and over again until they are worn out and of no further use. Thus a change in contracts does not result in a loss to the state.

The present Board of Education and Text Book Commission have favored the plan of re-binding and re-conditioning used text books in order that the schools might get the greatest benefit possible out of the money expended for books. When this proposition was first advanced,

it was met with strenuous opposition by the representatives of the American Book Company, who did not want us to adopt the economy of re-conditioning text books, but wanted to replace used books with new ones at the high prices they had formerly put over on the school fund of Texas. Notwithstanding their opposition, a contract was made. Books are being rebound and re-conditioned successfully, and this year, according to the estimate of the Department of Education, this re-binding will save the school fund of Texas approximately a quarter of a million dollars. The American Book Company is not satisfied with this sort of handling of the text book business; and neither of us are satisfied with the American Book Company's past method of doing business with Texas. We are concerned in saving money for the school fund and the tax-payer, while the American Book Company is concerned in making money from the taxpayer. We do not want the State of Texas tied up in any more contracts like the American Book Company geography contract.

Neither of us would make any reference to this matter except for the fact that before the report was withdrawn, it was published in the newspapers and misunderstandings may have been created thereby. We mean absolutely no criticism of the members of the committee, for as soon as their attention was directed to certain facts they withdrew the report, but could not do it until the same had been carried in the press.

The men and women who composed the 1928 Commission are Texas teachers of unquestioned integrity and ability. In the discharge of their duty they spent weeks of arduous and conscientious work, and in the end they made only such adoptions as were, in their judgment, for the best interest of the schools, taking into consideration the merits of the books, the prices at which they were offered, and the provisions of the statutes governing their work as the same were interpreted by the Attorney General's Department. We make this statement in behalf of the patriotic, conscientious ladies and gentlemen who serve on this Commission and hold no office.

The foregoing statement was is-

sued by S. M. N. Marrs and me on March 16, 1929, and delivered to representatives of the press.

Respectfully submitted,

DAN MOODY,
Governor of Texas.

Message From the Governor.

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

Executive Office,
Austin, Texas, June 13, 1929.
To the Honorable Forty-first Legislature:

At the request of members of the Legislature the following subjects are submitted for your consideration:

1. Amendment of Section 1, Chapter 55, Acts of the Regular Session of the Fortieth Legislature, to correct defects therein.
2. The amendment of Section 1, H. B. No. 196, passed at the First Called Session of the Forty-first Legislature, to correct defects therein.
3. The amendment of Chapter 314, Acts of the Regular Session of the Forty-first Legislature, to correct defects therein, and the enactment of laws to control the issuance of passes by persons, firms and corporations engaged as common carriers in transporting passengers and freight by motor vehicles.
4. The amendment of H. B. No. 180, passed at the First Called Session of the Forty-first Legislature, to correct defects therein.
5. The amendment of Article 1265, Revised Civil Statutes, 1925, to make it conform with the recent holding of the Supreme Court of Texas.
6. The enactment of statutes to give further effect to Section 59, of Article 16 of the Constitution in the formation of conservation and reclamation districts.
7. The amendment of H. B. No. 159, Acts of the Forty-first Legislature, First Called Session, to correct defects therein.
8. The amendment of S. B. No. 37, Acts of the First Called Session of the Forty-first Legislature.
9. The attached bill, by the Speaker of the House of Representatives, dealing with the filing of liens.
10. There have been so many requests for the submission of local game and fish laws that it is impractical to attempt to list them separately, and I herewith submit the subject of enacting laws dealing with conservation of wild game and fish in the counties of your respective districts.

Respectfully submitted,
DAN MOODY,
Governor of Texas.

Message from the Governor.

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

Executive Office,

Austin, Texas, June 21, 1929.

**To The Honorable Members of the
Forty-first Legislature,
Ladies and Gentlemen:**

At the request of members of the Legislature, the following subjects are submitted for your consideration:

1. The amendment of Section 83, Article 199, Revised Civil Statutes of Texas.

2. The amendment of Senate Bill No. 172, Chapter 17, page 46, Acts of the Regular Session of the Forty-first Legislature, to correct defects therein and to make provision for the payment of the expense of the examinations required by the Bill.

3. The enactment of laws affecting public lands and to protect the public interest in any excesses which may be developed by the resurvey of University lands, which resurvey is now being conducted, or is soon to be conducted by the University of Texas.

4. The enactment of a Bill to better provide for the printing of the Acts of the Legislature following each Regular and Special Session.

5. The enactment of a Bill to authorize the Board of Directors of the A. & M. College to contract for the construction of dormitories under terms similar to those fixed in Bills passed with reference to the University of Texas and the College of Industrial Arts.

6. The amendment of Senate Bill No. 60, Chapter 5, page 9, Acts of the Regular Session of the Forty-first Legislature, so as to make said article apply to Liberty County.

7. The Board of Regents of the University of Texas has requested that I submit for your consideration the subject of extending one of the leases on University lands in Hudspeth County. At the request of said Board this subject is submitted for your consideration.

Respectfully submitted,

DAN MOODY, Governor.

Message From the Governor.

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

Executive Office,

Austin, Texas, July 2, 1929.

To the Honorable Senate of the State of Texas:

I return herewith Senate Bills numbers 105, 98, 27, 137, 155, 104, 196, 103, 124, 159, 57 and 156.

Each bill is intended to raise the salary of some public officer or officers. Each bill, with the exception of one, is written in general terms and contains a provision limiting its application to the named officers of counties or districts of certain given descriptions. Most of these counties or districts are described by population. It may, therefore, be said that the bills with one exception are general bills, but of local application. They are all salary increase bills. I do not believe these salaries should be increased in this manner, and I hereby veto these bills, and return them herewith.

Respectfully submitted,

DAN MOODY,
Governor.

To the members of the Forty-first Legislature of Texas
Ladies and Gentlemen of the Legislature:

Of the appropriation bills passed at this session of the Legislature, I have up to this time approved appropriations in the amount of \$232,780.00. There is now before me, but unapproved, bills passed by this session of the Legislature carrying appropriations in the amount of \$35,819,978.48. The total of these two figures, that is, \$36,052,758.48, represents the amount of appropriations carried in bills passed in this Second Called Session of the Forty-first Legislature, which have come to me for approval. I am further advised that you have adopted a free conference report on the Education Bill and that this bill, as prepared, carries appropriations in the amount of \$16,496,545.00. The total of all of these figures, that is, \$52,549,303.48, is the amount which has been appropriated by this Second Called Session of the Legislature.

During the Regular Session and the First Called Session of the Forty-first Legislature, your appropriations, which were approved, total \$2,349,884.04.

Therefore, according to these figures this Legislature in the Regular First and Second Called Sessions, has appropriated a total of \$54,899,187.52. So far as I am informed this exceeds by several million dollars the appropriations of any Legislature in the past history of this State.

The amount of these appropriations which are to be paid from the general revenue of the State during the two ensuing fiscal years can be approximately estimated. Estimates made by different people would vary in amount, but I believe that all will agree that considerably more than \$50,000,000.00 of these appropriations must be paid from the general revenue fund during the next two years.

Varying figures have been offered as to the possible income to the general revenue fund of the State for the ensuing biennium. I know of but one way to figure this and that is after the formula prescribed by the statutes. When the income is so figured, allowing as liberal estimates

on valuation and income from sources other than ad valorem taxes as are reasonable, the maximum rate of taxation allowed under the Constitution would yield approximately \$49,000,000.00 to the general revenue and likely some less than this sum. It is apparent to my mind that these appropriations exceed the prospective income for the period during which they must be paid.

I deplore the fact that the Legislature feels the necessity to appropriate the maximum of State income under the highest tax rate allowed under the Constitution. I do not believe such a necessity exists. I do not believe that the people of Texas want the Legislature to be niggardly or stingy in support of its institutions or departments, but I know that they want economy practiced by the Legislature, the institutions and the departments. There is no security against extravagance or waste except the fidelity of the public officers and employees. When the amount of money expended in past years in support of the government is considered, I believe that you can adequately provide for all activities of the government and bring the appropriations under the present bills by a large sum of money. In 1921, that is only eight

years ago, the appropriations totaled only \$24,419,688.55. The bills passed by this Legislature represent an increase of more than one hundred per cent in the cost of the government in a period of eight years. Against such a rising tide in State expense, someone must stand. The tax paying public will not endorse any such ratio of increase in the cost of government, and should be protected from such increases.

The law permits the Governor to veto items from the appropriation bill. He cannot reduce an item, but he must either approve it all or veto it all. He is prohibited from reducing an item to an amount which he thinks reasonable. He must let the whole item stand as passed by the Legislature or strike it all from the bill. In most instances the items which can be vetoed are small and you must remember that it takes a thousand \$1,000.00 items to equal \$1,000,000.00. When you contemplate

this fact the improbability of my being able to reduce these appropriations to a reasonable sum must be apparent to all of you. I abandon all hope of vetoing items as a means of bringing these bills within a sum which would be a reasonable expense for the support of State departments and institutions for the ensuing two years.

The duty to keep the expenses within the revenue of the State government is a mutual one, it rests upon the Legislature and it rests upon the Governor. The duty to keep State expense within proper limits is likewise mutual between us. I consider it my duty to veto the major appropriation bills, if not all appropriation bills now before you. I shall veto the major appropriation bills, and it is my purpose to issue a proclamation tonight convening the Legislature in Special Session for tomorrow morning at ten o'clock. The subject of appropriations for the support of the departments and institutions of the State government will be submitted for your consideration.

Respectfully submitted,

DAN MOODY, Governor.