


JOURNAL
OF THE
House of Representatives
OF THE
THIRD CALLED SESSION
OF THE
FORTY-SECOND LEGISLATURE
BEGUN AND HELD AT
THE CITY OF AUSTIN, AUGUST 30, 1932




VON BOECKMANN-JONES CO.,
PRINTERS AND BOOKBINDERS,
AUSTIN, TEXAS.

instructed to begin work by the Speaker.

SANDERS,
GRAVES.

The resolution was read second time.

Mr. Sherrill offered the following amendment to the resolution:

Amend resolution to read "stenographers shall only receive pay for six days per week."

Mr. Albritton offered the following substitute for the amendment:

Amend the resolution by cutting the salary of all employees 20 per cent.

ALBRITTON.
KAYTON.

Question first recurring on the substitute amendment, it was lost.

Question then recurring on the amendment by Mr. Sherrill, it was lost.

Mr. Lee offered the following amendment to the resolution:

Amend resolution to read "12 pages and 10 stenographers."

On motion of Mr. Hardy, the amendment was tabled.

The resolution was then adopted.

MESSAGE FROM THE GOVERNOR.

The Speaker laid before the House and had read the following message from the Governor:

Executive Office,
Austin, Texas, August 30, 1932.

To the Legislature of the State of Texas:

Only the most imperative demand and need could have impelled me to call you ladies and gentlemen forth again from your homes and private affairs to the service of the State in a Special Session.

Such a demand, which began months ago, has been coming to me with increasing urgency from citizens all over Texas, a swelling cry for tax relief which should no longer go unheeded.

Members of this Legislature are familiar with the condition of the taxpayers, and are aware of the general clamor for immediate relief. You know, too, I am sure, that substantial relief can be provided for by legislation, and that to delay it longer would be unjust to the people.

Many citizens all over Texas beseeched me to convene the Legislature in July, but I deferred the call,

principally for the reason that most of the members were engrossed in their campaigns for re-election, and it would have been extremely inconvenient and undesirable for many of them to leave their affairs at that time. As it is, however, the session is occurring early enough to make the proposed relief measures affect this year's tax payments.

The primary purpose of the Special Session is to enact legislation setting aside a sufficient portion of the State highway funds to pay interest and sinking fund due this year, and in succeeding years, on bonds heretofore issued by counties and road districts to help finance construction of State highways.

In many counties these road bond taxes are a ruinous load on the backs of the people, running as high as two dollars on the one hundred dollars valuation in some instances. The cost of building State roads in late years should never have been saddled upon the homes, farms, ranches and other property of the people; it should have been derived from the traffic on the roads. In the present acute emergency the State should act quickly to assume the outstanding bonds of county and road districts affected, so that their tax rates may be reduced accordingly.

A bill was enacted at my request a year ago, waiving interest and penalties accrued on all delinquent State taxes that should be paid on or before last January 31. This legislation justly relieved the taxpayer of an onerous burden at a time when he needed the relief, and also it encouraged the payment of delinquent taxes at a time when the State needed revenues. The measure should be re-enacted, so that all interest and penalties will be released on delinquent taxes that are paid on or before January 31, 1933. Its enactment at this time, rather than at the next Regular Session, is greatly desirable, for that it will enable the taxpayers to know what to expect and what to plan for, and will avoid much confusion which would result in event of the State's collecting the interest and penalties on delinquent taxes paid during the remainder of this year, and then having to remit them should a penalty release law be passed in January.

I have called the Legislature also to enact a bill allowing insurance companies and building and loan associations to make investments in the stock

of the Federal Home Loan Banks created by the recent act of Congress, so that home owners might have the benefit of those institutions in financing and refinancing and carrying and extending loans on their homesteads.

Under our present laws, these institutions have not authority to invest their funds in the Federal Home Loan Bank. This measure is designed simply to give them that authority, in order that home owners of Texas may participate in the relief program promulgated by Congress, and save their homesteads from loss by foreclosure.

It should not require longer than a week to properly consider and enact these three measures. I sincerely trust and entreat that you work with utmost speed, so that the expense of the session to the taxpayers may be kept as low as possible, and that you may soon return to your homes.

Respectfully submitted,

R. S. STERLING,

Governor of Texas.

PROVIDING FOR PRE-SESSION PAY FOR CERTAIN EM- PLOYES.

Mr. Warwick offered the following resolution:

Resolved, That the following be allowed pre-session per diem for work in preparing the House for organization:

Chief Clerk, 1 day.

Secretary to the Chief Clerk, 1 day.

Sergeant-at-Arms, 1 day.

Bookkeeper to the Sergeant-at-Arms, 1 day.

Storekeeper to the Sergeant-at-Arms, 1 day.

One porter, 4 days.

One porter, 1 day.

WARWICK,

JOHNSON of Dimmit.

The resolution was read second time and was adopted.

HOUSE BILL ON FIRST READING.

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Sanders:

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, out of the general reve-

nues, to pay the per diem and mileage of members, the per diem of officers and employes and the contingent expenses of the Third Called Session of the Forty-second Legislature of the State of Texas convened on the 30th day of August, 1932, by proclamation of the Governor; to supplement the like appropriation of the Regular Session, First and Second Called Sessions of said Legislature; to pay any unpaid vouchers or warrants held by members, officers or employes of the Regular Session, First and Second Called Sessions of said Legislature; to pay any unpaid claims and accounts of members, officers or employes of said sessions or of other persons, authorized either by the Senate or the House of Representatives; to pay any and all sums for whatever purpose authorized to be expended by concurrent resolution of the Forty-second Legislature at its Regular Session, First and Second Called Sessions; to pay the per diem of members, officers or employes for pre-session and post-session work of the Third Called Session of said Forty-second Legislature; providing how accounts may be approved and audited, and declaring an emergency."

Referred to Committee on Appropriations.

HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Bradley, Mr. Metcalfe, Mrs. Hughes, Mr. West of Coryell, Mr. Dowell, Mr. Bond, Mr. Burns of McCulloch, Mr. Hill, Mr. Stevenson, Mr. Engelhard, Mr. Hoskins, Mr. Leonard, Mr. Kayton, Mr. Finn, Mr. Holder, Mr. Johnson of Dimmit, Mr. Sherrill, Mr. Albritton, Mr. Steward, Mr. Smith of Bastrop, Mr. Young, and Mr. Ford:

H. J. R. No. 1, Ratifying an amendment to the Constitution of the United States of America passed by the Seventy-second Congress of the United States of America at its First Session, begun and held at the city of Washington on Monday, the 7th day of December, 1931, which amendment, in substance, provides and fixes the commencement of the terms of President and Vice-President and members of Congress and fixes the time of the assembling of Congress, and that said

MESSAGE FROM THE GOVERNOR.

Mr. Pat Daugherty, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,

Austin, Texas, September 1, 1932.

To the Members of the Forty-second Legislature:

By reason of the fact that a great hurricane swept Brazoria county on August 13, 1932, and destroyed property values in excess of a million dollars and practically wiped out the school buildings in the West Columbia Independent School District at West Columbia, Texas, and the Brazoria Independent School District at Brazoria, Texas, and on account of the inability of the people to repair and reconstruct said buildings, and on account of the districts being unable to further bond themselves, and on account of the approaching school terms being in the immediate present, creates an emergency, and by reason of said calamity and by precedent heretofore established, it seems proper that the State should aid in the repair and reconstruction of said buildings.

The bills hereto attached on these subjects are submitted for your consideration.

Respectfully submitted,

R. S. STERLING,

Governor.

MESSAGES FROM THE GOVERNOR.

The Speaker laid before the House and had read the following messages from the Governor:

Executive Office,
September 2, 1932.

To the Members of the Forty-second Legislature:

Tarrant County Water Control and Improvement District No. 1, a corporate agency or subdivision of the government of Texas, was created under an act of the Legislature of Texas for the purpose of affording water supply and flood protection to the city of Fort Worth. There has been authorized by the qualified voters of the district at an election held for the purpose, the issuance and sale of \$6,500,000, to be expended for the purposes indicated, including the construction of two great reservoirs and flood control basins on the west fork of the Trinity River in Tarrant and Wise counties. The two projects are nearing completion. Of the bonds, authorized to be issued and sold for the purpose, \$1,165,000 of such bonds have, since October 18, 1931, been unsold and the district has been unable to sell same at a price permissible under the law. On February 4, 1930, the directors for the district let a contract for construction of the two projects mentioned, the combined storage capacity thereof for beneficial uses being approximately 500,000 acre feet of water and the combined storage capacity of flood waters to control and prevent flood damage to the city of Fort Worth and contiguous territory being an additional 1,000,000 acre feet.

The benefit to be derived from these projects is not confined to the furnishing of an adequate water supply as well as flood protection for the city of Fort Worth, but insures to the entire valley of the Trinity River. In June, 1932, the available funds of the district were practically exhausted and the work on the two dams constituting the project is nearing completion. It is imperative that it go forward until both projects are completed. For, if work should be now suspended indefinitely for lack of funds, not only the loss to the taxpayers of the district of their investment of approximately \$5,000,000 al-

ready made would be imminent but large quantities of waters already impounded would, if the incomplete dams should break, cause untold property damage and endanger the lives of many citizens in the lowlands down stream from these dams.

Being unable to sell the remainder of its bonds at an advantageous price, or at a price permissible under the law, the district on July 28, 1932, filed with the Reconstruction Finance Corporation an application for a loan to be effected by the sale of the district bonds, or by a loan not to exceed five years, secured by a pledge of the district bonds and in addition, if required to do so, by a pledge of the district's expectancy of income by the sale of water. The Reconstruction Finance Corporation has approved the district's projects as one which will enable the district ultimately to repay to the Corporation out of the revenues derived from sales of water the amount of the desired loan, and that said loan is therefore within the intent of the emergency act. It appears that before the loan can be consummated, technical legal questions concerning the power of the district to comply with the requirements of the directors of the Reconstruction Finance Corporation must be met.

Failure of the taxpayers to procure the loan would be followed by grave consequences. If the work should now be suspended, several hundred employees would be thrown out of employment. If the work proceeds the directors on October 1, 1932, will be indebted to its contractors in a sum approximating \$500,000; the debt will bear interest at the rate of 8% per annum and the contractors would be within their right, if not under the necessity to procure judgment immediately, in which event the court's decree would require that the directors of the district levy a tax, possibly within the year 1933, adequate to pay the judgment. This action would be ruinous to the taxpayers of the district.

In addition to the foregoing, the directors of said district are confronted with the probable necessity of depositing in the registry of the county court of Wise county a large sum of money in a condemnation proceeding begun in which judgment has been rendered in favor of the condemnor. The deposits of public

Executive Office,
September 3, 1932.

To the Members of the Forty-second
Legislature:

I hand you herewith for your consideration and action a measure which, if enacted, would add Articles 7249a and 7249b to the Revised Civil Statutes of Texas. The purpose of this measure is to amend the present law governing official bonds of tax collectors and provide for weekly remittances by the tax collectors to the county treasurers and State Treasurer of all taxes collected during the preceding week.

This measure has the official approval of the State Auditor and the State Comptroller. I regard this bill as wholesome legislation, and if enacted will relieve a situation in Texas which I regard as an emergency matter.

Respectfully submitted,
R. S. STERLING,
Governor.

Executive Office,
September 3, 1932.

To the Members of the Forty-second
Legislature:

I hand you herewith for your consideration and action copies of a proposed measure amending Chapter 314, Acts of the Forty-second Legislature, being House bill No. 981, which measure proposes to extend the time of certain cities and towns in Texas to comply with the provisions of House bill No. 312, Chapter 163, Acts of the Forty-second Legislature.

I consider the passage of this measure as being essential to the welfare of cities and towns affected thereby.

Respectfully submitted,
R. S. STERLING,
Governor.

MESSAGE FROM THE GOVERNOR.

The Speaker laid before the House and had read the following message from the Governor:

Executive Office,
Austin, Texas, September 7, 1932.
To the Members of the Forty-second
Legislature:

I hand you herewith the following bill for your consideration:

"An Act validating all road bonds heretofore voted by any political subdivision or road district under Section 52 of Article 3 of the Constitution, and which bonds have not been issued and sold; authorizing the commissioners court of the county including such subdivision or road district to pass all orders necessary in respect of the sale of such road bonds and to levy ad valorem taxes on all taxable property in such subdivision or district in payment thereof; providing that such bonds, when approved by the Attorney General and registered by the State Comptroller, shall be the valid obligation of such political subdivision or road district issuing the same, and declaring an emergency."

Respectfully submitted,
R. S. STERLING,
Governor.

MESSAGE FROM THE GOVERNOR.

The Speaker laid before the House and had read the following message from the Governor:

Executive Office,

Austin, Texas, September 17, 1932.

To the Members of the Forty-second Legislature:

I take this occasion to congratulate you upon the fine work you have done in the passage of all the measures which you were called to consider. I want to especially compliment you upon the bill known as House bill No. 2, which gives much needed relief to the counties and road districts where they have contributed money toward the construction of State highways. I consider this one of the best pieces of legislation enacted in many years.

I am assuming that you will complete your duties today, and I wish to thank you kindly for your spirit of co-operation, and your splendid work for the State of Texas.

Respectfully submitted,

R. S. STERLING,

Governor of Texas.

JOURNAL
OF THE
SENATE OF TEXAS
BEING THE
Third Called Session
OF THE
FORTY-SECOND LEGISLATURE

BEGUN AND HELD AT

The City of Austin, August 30, 1932



WENDELL O'NEAL, Journal Clerk.
MRS. PATTI CLENDENNIN, Assistant Journal Clerk.

Message From the Governor

Executive Office,
August 30, 1932.

To the Legislature of the State of Texas:

Only the most imperative demand and need could have impelled me to call you ladies and gentlemen forth again from your homes and private affairs to the service of the State in a special session.

Such a demand, which began months ago, has been coming to me with increasing urgency from citizens all over Texas, a swelling cry for tax relief which should no longer go unheeded.

Members of this Legislature are familiar with the condition of the taxpayers, and are aware of the general clamor for immediate relief. You know too, I am sure, that substantial relief can be provided for by legislation, and that to delay it longer would be unjust to the people.

Many citizens all over Texas beseeched me to convene the Legislature in July, but I deferred the call, principally for the reason that most of the members were engrossed in their campaigns for re-election, and it would have been extremely inconvenient and undesirable for many of them to leave their affairs at that time. As it is, however, the session is occurring early enough to make the proposed relief measures affect this year's tax payments.

The primary purpose of the special session is to enact legislation setting aside a sufficient portion of the State highway funds to pay interest and sinking fund due this year, and in succeeding years, on bonds heretofore issued by counties and road districts to help finance construction of State highways.

In many counties these road bond taxes are a ruinous load on the backs of the people, running as high as two dollars on the one hundred dollars valuation in some instances. The cost of building State roads in late years should never have been saddled upon the homes, farms, ranches and other property of the people; it should have been derived from the traffic on the roads. In the present acute emergency the State should act quickly to assume the outstanding bonds of county and road districts affected, so that their tax rates may be reduced accordingly.

A bill was enacted at my request a year ago, waiving interest and penalties accrued on all delinquent State taxes that should be paid on or before last January 31. This legislation justly relieved the taxpayer of an onerous burden at a time when he needed the relief, and also it encouraged the payment of delinquent taxes at a time when the State needed revenues. The measure should be re-enacted, so that all interest and penalties will be released on delinquent taxes that are paid on or before January 31, 1933. Its enactment at this time, rather than at the next regular session, is greatly desirable, for that it will enable the taxpayers to know what to expect and what to plan for, and will avoid much confusion which would result in event of the State's collecting the interest and penalties on delinquent taxes paid during the remainder of this year, and then having to remit them should a penalty release law be passed in January.

I have called the Legislature also to enact a bill allowing insurance companies and building and loan associations to make investments in the stock of the Federal Home Loan Banks created by the recent Act of Congress, so that home owners might have the benefit of those institutions in financing and refinancing and carrying and extending loans on their homesteads.

Under our present laws, these institutions have not authority to invest their funds in the Federal Home Loan Bank. This measure is designed simply to give them that authority, in order that home owners of Texas may participate in the relief program promulgated by Congress, and save their homesteads from loss by foreclosure.

It should not require longer than a week to properly consider and enact these three measures. I sincerely trust and entreat that you work with utmost speed, so that the expense of the session to the taxpayers may be kept as low as possible, and that you may soon return to your homes.

Respectfully submitted,

R. S. STERLING,
Governor of Texas.

Message From the Governor.

Executive Office,
Austin, Texas,
August 31, 1932.

To the Members of the Forty-second
Legislature, 3rd Called Session:

My attention has been called to the fact, by interested citizens of this State, that it is highly essential that Article 515 and 517 of the Revised Civil Statutes of Texas, as amended, regulating the borrowing of money and the pledging of securities by State banking corporations be amended so as to permit State banks or State banks and trust companies to borrow money from and to pledge collaterals to the Reconstruction Finance Corporation.

I therefore hereby submit to you the subject of amending Articles 515 and 517 of the Revised Civil Statutes of Texas for the above mentioned purpose.

Respectfully submitted,

R. S. STERLING,
Governor.

Executive Office,
Austin, Texas, Sept. 3, 1932.
To the Members of the Forty-second
Legislature:

Tarrant County Water Control and District No. 1, a corporate agency or sub-division of the Government of Texas, was created under an Act of the Legislature of Texas for the purpose of affording water supply and flood protection to the city of Fort Worth. There has been authorized by the qualified voters of the district at an election held for the purpose, the issuance and sale of \$6,500,000 to be expended for the purposes indicated, including the construction of two great reservoirs and flood control basins on the west fork of the Trinity River in Tarrant and Wise Counties. The two projects are nearing completion. Of the bonds authorized to be issued and sold for the purpose \$1,165,000 of such bonds have since October 18, 1931, been unsold and the district has been unable to sell same at a price permissible under the law. On February 4, 1930, the directors for the district let a contract for construction of the two projects mentioned, the combined storage capacity thereof for beneficial uses being approximately 500,000 acre feet of water and the combined storage capacity of flood waters to control and prevent flood damage to the city of Fort Worth and contiguous territory, being an additional 1,000,000 acre feet.

The benefit to be derived from these projects is not confined to the furnishing of an adequate water supply as well as flood protection for the city of Fort Worth, but inures to the entire valley of the Trinity River. In June, 1932, the available funds of the district were practically exhausted and the work on the two dams constituting the project is nearing completion. It is imperative that it go forward until both projects are completed for if work should be now suspended indefinitely for lack of funds, not only the loss to the tax-payers of the district of their investment of approximately \$5,000,000 already made would be imminent but large quantities of waters already impounded damage and endanger the lives of many citizens in the lowlands down stream from these dams.

Being unable to sell the remainder of its bonds at an advantageous price, or at a price permissible under the law, the district on July 28, 1932, filed with the Reconstruction Finance Corporation an application for a loan to be affected by the sale of the district bonds, or by a loan not to exceed five years, secured by a pledge of the district's bonds and in addition, if required to do so, by a pledge of the district's expectancy of income by the sale of water. The Reconstruction Finance Corporation has approved the district's project as one which will enable the district ultimately to repay to the corporation out of the revenues derived from sales of water, the amount of the desired loan, and that said loan is therefore within the intent of the emergency act. It appears that before the loan can be consummated, technical legal questions concerning the power of the district to comply with the requirements of the directors of the Reconstruction Finance Corporation must be met.

Failure of the tax-payers to procure the loan would be followed by grave consequences. If the work should now be suspended, several hundred employees would be thrown out of employment. If the work proceeds the directors on October 1, 1932, will be indebted to its contractors in a sum approximating \$500,000.00; the debt will bear interest at a rate of 8% per annum and the contractors would be within their right, if not under the necessity to procure judgment immediately, in which event the court's decree would require that the directors of the district levy a tax, possibly within the year 1932, adequate to pay the judgment. This action would be ruinous to the tax-payers of the district.

In addition to the foregoing, the directors of said district are confronted with the probable necessity of depositing in the registry of the county court of Wise County, a large sum of money in a condemnation proceeding begun in which judgment has been rendered in favor of the condemnor. The deposits of public funds required to be deposited with county clerks in condemnation proceedings many times far exceeds the financial responsibility of the clerk and the amount of his bond. The

money is not deposited in a county depository but is deposited in some bank of the clerk's choice without security therefor. I am competently advised that under the present decisions of the Supreme Court, the clerk's deposit in such cases could not be secured by a pledge of the assets of the Depository bank. This would constitute a grave risk of the said district in the management of its funds to be derived from the loan it seeks to procure from the Reconstruction Finance Corporation, which risk ought to be eliminated and every safeguard thrown around the custody of such public money in order to insure its final payment to the persons entitled thereto.

The two bills hereto attached are intended to meet these emergencies and are submitted to you for your consideration.

Respectfully submitted,
R. S. STERLING,
Governor.

Executive Office,
September 3, 1932.
To the Forty-second Legislature of
Texas:

I hand you herewith for your consideration and action copies of a proposed measure amending Chapter 314, Act of the Forty-second Legislature being H. B. No. 981, which measure proposes to extend the time of certain cities and towns in Texas to comply with the provisions of H. B. No. 312, Chapter 163, Acts of the Forty-second Legislature.

I consider the passage of this measure as being essential to the welfare of cities and towns affected thereby.

Respectfully submitted,
R. S. STERLING,
Governor.

Message From the Governor.

Executive Office,
Austin, Texas, Sept. 6, 1932.
To the Members of the Forty-second
Legislature:

By reason of the fact that a great hurricane swept Fort Bend County on August 13, 1932, and destroyed property values in excess of a million dollars and totally destroyed the negro school building in the Needville Independent School District at Needville, Texas, and on account of the inability of the people to repair and reconstruct said building, and on account of the district being unable to further bond itself, and on account of the approaching school term being in the immediate present, creates an emergency, and by reason of said calamity and by precedent heretofore established, it seems proper that the State should aid in the repair and reconstruction of said building.

The bill hereto attached on this subject is submitted for your consideration.

Respectfully submitted,

R. S. STERLING,
Governor.

Message From the Governor.

Executive Office,
Austin, Texas, Sept. 7, 1932.
To the Members of the Forty-second
Legislature:

I hereby hand you for your consideration the attached bills captioned as follows:

1. An Act to authorize the State Department of Education to pay out of the Rural Aid Appropriation for the school year of 1932-33 an amount not to exceed fifty thousand dollars for the payment of unpaid claims for the school year of 1931-32 out of the rural aid appropriation as provided in Senate Bill 263, Forty-second Legislature, Regular Session, and providing for the reverting of any unused portion of said sum to the appropriation for the school year of 1932-33; repealing all laws in conflict herewith and declaring an emergency.

2. An Act requiring the Land Commissioner to ascertain and determine the amounts of bonus and rental money due the State and by whom due under the operation, terms and conditions of Chapter 81, printed Acts of the Second Called Session of the Thirty-sixth Legislature and the amendment thereof by the First Called Session of the Thirty-seventh Legislature, which Acts are generally referred to as the Relinquishment Act, authorizing the Land Commissioner to settle and compromise such debts with the debtors on the basis of actual amounts found due less all just and lawful credits; providing the terms and conditions by which the debtor to the State shall pay the amount found by the Land Commissioner

to be due, or that may be determined to be due by the judgment of a court; providing that the finding of the Land Commissioner shall be final against the debtor when accepted by him; providing for the making of a statement in writing by the Land Commissioner to the Attorney General of the facts found by him in each case; authorizing the Attorney General to bring suit for the collection of the amount found to be due the State and when in the judgment of the Attorney General the State is entitled to a larger amount than that found by the Land

Commissioner, to sue for such larger amount, fixing the venue of all suits for the recovery of bonus and rental money due the State; providing that no suit may be maintained by the State for the collection of any bonus or rental money except as in this Act provided; and that suit may not be maintained for a larger amount than that found to be due by the Land Commissioner after one year from the date of the Land Commissioner's written statement to the Attorney General, and that no suit for the collection of such debts may be maintained unless instituted within two years from the date this act becomes effective; providing that the terms and provisions of this Act shall not apply to any indebtedness due the State for bonus or rental money under the relinquishment act which has accrued or may accrue subsequent to the 24th day of February, 1932; and that nothing in this act shall be construed to affect or change the existing rights and obligations between the land owners and lessees as to such accrued indebtedness; the finding of certain facts by the Legislature; defining the terms used in this Act; providing that if any portion of this act ever be held to be unconstitutional such holding shall not affect the remaining portions of this Act; and declaring an emergency.

3. An Act confirming and validating repurchases of public free school and asylum lands by forfeited land owners heretofore made under Chapter 94, page 267, Acts of 1925, and Chapter 25, page 43, Acts of the First Called Session of the 39th Legislature of 1926; defining the rights of the State and the repurchasing land owners in respect to the ownership of the oil and gas and other minerals therein; and providing that oil and gas leases heretofore or hereafter executed by the repurchasing land owners on any lands repurchased under said Acts with a one-sixteenth reservation of oil and gas in favor of the State shall be validated and that the lessees under such leases shall pay to the State a free royalty equal to one-sixteenth of the value of the oil and gas that may be produced and saved from said lands and that no further liability, obligation or

payment shall be due to the State from the repurchasing land owners or their lessees or assignees on account of the State's one-sixteenth interest in the oil and gas; and providing how such royalty payments shall be made; and further providing that where the prior forfeited sales were made without mineral reservation, the repurchase contracts made under said Repurchase Acts shall be deemed to have been made without mineral reservation in favor of the State; and declaring an emergency.

4. An Act amending Article 5326 Revised Civil Statutes, providing that the failure to pay any portion of the interest of the unpaid purchase money of lands sold by the State shall subject the sale of said land to forfeiture; providing where such sale is forfeited for the resale of said land, the terms and conditions of such resale, and giving a preference right to the person owning the land at the time the sale was forfeited to repurchase the same within one year after the date of forfeiture, for an amount equal to the sale price that was forfeited plus all accrued interest; providing that where the forfeited sale was on a mineral classification that the resale shall reserve to the State and to the fund to which the land belongs, a one-sixteenth free royalty interest in all minerals in the land, and declaring an emergency.

5. An Act for the relief of Water Improvement Districts and Water Control and Improvement Districts and declaring and providing for such districts the power to make contracts with, sell securities to, and borrow money from, the Reconstruction Finance Corporation, and defining the terms and conditions upon which and the manner in which said powers may be exercised, and providing the purpose for which the money so borrowed may be expended, and providing how and in what manner the repayment of such borrowed money may be secured out of certain income and revenues of such districts, and providing certain rights and remedies

for the enforcement of such security, and for said purposes created the "Loan Fund Charge," and providing for the proceeds of said Loan Fund Charge to be kept in a separate fund to be known as the "Loan Fund" to be used and disbursed for no other purpose than to pay the principal and interest of the money borrowed, and providing that the action of the Board of Directors of the district in fixing the Loan Fund Charge and in fixing the total annual charges or assessments for maintenance and operation purposes shall not be reviewable by the State Board of Water Engineers, and providing that such borrowed money may be secured by pledging all or any part of certain present and future income of such districts and by pledging upon certain terms and conditions unsold bonds of such districts theretofore authorized by such districts for the purpose for which said monies are borrowed, and providing that any such district may secure the payment of any such borrowed money by all or any of the means provided in this Act, and providing that all powers conferred in this Act are in addition to and cumulative of existing powers possessed by such districts, and providing the manner in which such powers may be exercised by the Board of Directors of such districts and declaring an emergency.

6. An Act for the relief of Water Improvement Districts and Water Control and Improvement Districts, and empowering such districts without an election to refund outstanding bonded indebtedness including matured and unpaid interest coupons and accrued interest, and prescribing the manner in which and the terms and conditions upon which same may be refunded, and prescribing the duties and functions of the Attorney General and Comptroller of the State in connection with such refunding; and providing for the manner in which, and the terms and conditions upon which such districts may cancel all, or any

part, of such unsold bonds heretofore authorized by such districts; and providing for the manner in which and the terms and conditions upon which said districts in certain contingencies and emergencies may borrow money for certain purposes and prescribing how the indebtedness for such borrowed money may be evidenced and secured, and authorizing such district for such borrowed money to create and pledge out of its income and revenues by creating and pledging the "Emergency Loan Fund Charge," and defining said charge, and prescribing what shall be done with the proceeds of the collection of such charge; and providing that such charge when fixed by the Board of Directors of such district shall not be reviewable by the State Board of Water Engineers; and providing that such district may also pledge all or any part of its present or future income accruing from certain sources to secure repayment of said borrowed money; and prescribing the terms, conditions, and circumstances under which any such district may borrow money for improvements, repairs, replacements, extensions, betterments, or additions; and prescribing how and in what manner the repayment of such borrowed money may be secured, and creating and authorizing the pledge of the "Improvement Loan Charge," and defining said charge and prescribing what disposition shall be made of the proceeds of such charge; and prescribing the terms and conditions upon which such district may pledge certain of its unsold bonds to secure the repayment of said borrowed money; and providing for the impounding of any such unsold bonds not pledged to secure the repayment of said borrowed money; and the application of the proceeds of the sale of any such impounded bonds; and providing that any such district may secure the payment of any such borrowed money by any or all of the means provided in the Act, and that all powers conferred in the Act are cumulative; and providing how such powers may be exercised by the

Board of Directors of any such district; and providing that any such district may exchange any unsold authorized bonds on hand, par for par, for any other bonds of the same issue theretofore sold or disposed of by such district; and that all bonds so received in exchange shall be subject to sale or other disposition; and declaring an emergency.

Respectfully submitted,

R. S. STERLING,
Governor.

Messages From the Governor.

Executive Office,
Austin, Texas, Sept. 7, 1932.
To the Senate of the Forty-second
Legislature.

Subject to your confirmation I
have appointed Dr. Ed. Taylor of
Greenville as a member of the Board
of Dental Examiners to serve the
unexpired term of Dr. Hearne, de-
ceased.

I have also appointed Hon. R. A.
Stuart of Fort Worth as a member
of the Board of Directors of Texas
Technological College to serve the
unexpired term of Mrs. F. N. Drane,
deceased.

Respectfully submitted,
R. S. STERLING,
Governor.

Executive Office,
Austin, Texas, Sept. 7, 1932.
To the Members of the Forty-second
Legislature.

I hand you herewith for your con-
sideration the attached bill cap-
tioned as follows:

An Act validating all the proceed-
ings had and taken in the organiza-
tion of conservation and reclamation
districts organized under the provi-
sions of Chapter 8, Title 128, Re-
vised Statutes of 1925, and Chapter
6, Title 128, Revised Statutes of
1925, under Section 59, Article 16,
of the Constitution of Texas; vali-
dating the manner in which taxes
and assessments for taxation should
or shall be made, levied and col-
lected; validating the issuance of
bonds of such districts and the ap-
pointment and qualification of of-
ficers and supervisors thereof; au-
thorizing the submission of the sev-
eral purposes for which bonds may
be issued as a single proposition;
and providing that bonds to be re-
tired and refunded may have been
issued by a navigation district em-
bracing the same territory; and val-
idating all bonds which have here-
tofore been voted as a single propo-
sition for the several purposes au-
thorized herein when said bonds
have been examined and approved
by the Attorney General of the State
of Texas; and declaring an emer-
gency.

Respectfully submitted,
R. S. STERLING,
Governor.

Message from the Governor.

Executive Office,
Austin, Texas, Sept. 8, 1932.

To the Members of the Forty-second
Legislature:

On February 6th, 1931, I submitted to you for confirmation, the appointment of Hon. Moore Lynn as State Auditor and Efficiency Expert for the next ensuing statutory term of office, which appointment was confirmed and certified by you on February 11th, 1931.

On August 11th, 1931, I submitted to you for confirmation the appointment of Hon. James Shaw as a State Banking Commissioner for the next ensuing statutory term of office which appointment was confirmed by you on August 12th, 1931, and duly certified.

On February 2nd, 1931, I submitted to you for confirmation the appointments of Hon. Caesar Kleberg and Hon. Gus F. Schreiner as members of the State Game, Fish and Oyster Commission for the next ensuing statutory terms of office, which appointments were confirmed by you and duly certified on February 4th, 1931.

Some legal question has been raised with reference to the respective appointments above mentioned and I have this day re-appointed the above mentioned to the respective offices named and for the respective terms hereinabove named and I hereby submit these appointments to you for confirmation.

Respectfully submitted,
R. S. STERLING,
Governor.

Read and referred to Committee
on Governor's Nominations.

Executive Office,
Austin, Texas, Sept. 1932.

To the Members of the Forty-second
Legislature:

I hereby submit for your consideration the following bill captioned as follows:

"An Act to authorize the creation of corporations formed wholly for the purpose of providing housing for families of low income and/or for re-construction of slum areas; making provisions for the regulation by the governing bodies of municipalities in which the properties of such corporations may be situated

as to rents, charges, capital structure, rate of return and areas and methods of operation; making provisions for the powers of such corporations and the fees and taxes to be paid thereby; and making provisions for appeals by such corporations when dissatisfied with the fixing or changing of rents, charges, capital structures, rate of return and area and method of operation, and providing penalties for violation of regulatory measures, and declaring an emergency."

Respectfully submitted,
R. S. STERLING,
Governor.

Message from the Governor.

Executive Office,
Austin, Texas, Sept. 9, 1932.
To the Members of the Forty-second
Legislature:

I hand you herewith for your consideration a bill relating to navigation districts organized under the provisions of Section 59 of Article 16 of the Constitution, and of Chapter 5 of the General Laws passed by the Thirty-ninth Legislature at its Regular Session, and Acts amendatory thereof, etc.

The measure herewith submitted is, in my judgment, intended to, and will correct, an emergency situation existing with reference to navigation districts, and will, if enacted, enable them to borrow funds from the Reconstruction Finance Corporation.

Respectfully submitted,

R. S. STERLING,
Governor.

Message from the Governor.

Executive Office,
Austin, Texas, Sept. 15, 1932.

To the Members of the Forty-second
Legislature:

I herewith submit for your consideration the following:

"An Act making it an offense for any lessee, assignee, or holder of any oil or gas lease, or interest therein, who without the consent of the person entitled to any part of the oil produced from said lease or proceeds realized from the sale thereof, shall fraudulently convert the same to his own use and benefit with intent to deprive the owner of the value of same, shall be guilty of theft and shall be punished as prescribed in the Penal Code for theft of like property."

Respectfully submitted,

R. S. STERLING,
Governor.

Messages From the Governor.

Executive Office,

Austin, Texas, Sept. 19, 1932.

To the Members of the Forty-second Legislature:

I understand that House Bill No. 100, copy of which is hereto attached, was introduced several days ago, and now is out of the committee on a favorable report.

I have talked with citizens living in the water control district affected and, I understand that the recent floods in the Rio Grande River destroyed much property and it will

be impossible for the water district to rebuild and rehabilitate its properties unless legislative relief is afforded by means of which the catastrophe can be overcome.

I, therefore, hereby submit this bill for your consideration.

Respectfully,

R. S. STERLING,
Governor.

Executive Office,

Austin, Texas, Sept. 19, 1932.

To the Senate of the Forty-second Legislature:

I have appointed Hon. Charles I. Francis of Wichita Falls, Texas, as a member of the Board of Regents of The University of Texas, to succeed Hon. W. M. Odell of Fort Worth, resigned.

I have also re-appointed Hon. George E. Shelly of Austin, Texas, to succeed himself as a member of the State Library and Historical Commission, for the next ensuing statutory term.

Respectfully submitted,

R. S. STERLING,
Governor.

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

Executive Office,

Austin, Texas, Sept. 19, 1932.

To the Members of the Senate of the Forty-second Legislature:

I have appointed Hon. P. O. French of Fairfield, Texas, as District Attorney of the Seventy-seventh Judicial District of Texas, to succeed Hon. Sam McCorkle, resigned, and submit his name herewith for your confirmation.

Respectfully submitted,

R. S. STERLING,
Governor.