

JOURNAL  
*OF THE*  
House of Representatives  
*OF THE*  
FIRST CALLED SESSION  
*OF THE*  
Forty-fifth Legislature

*BEGUN AND HELD AT*  
THE CITY OF AUSTIN  
MAY 27, 1937



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ADDRESS BY GOVERNOR JAMES  
V. ALLRED

(In Joint Session)

In accordance with the provisions of Senate Concurrent Resolution No. 1, Providing for a Joint Session of the House and Senate for the purpose of hearing an address by Governor James V. Allred, the Honorable Senators, at 11:45 o'clock a. m., appeared at the Bar of the House and, being duly admitted, were escorted to seats along the aisle.

Lieutenant Governor Walter F. Woodul occupied a seat on the Speaker's stand.

Governor James V. Allred and party, escorted by Senators Oneal, Lemens and Westerfeld, committee on the part of the Senate, and Messrs. Bradbury and Wood, committee on the part of the House, were announced at the Bar of the House and, being duly admitted, occupied seats on the Speaker's stand.

Speaker Calvert called the House to order and stated that the two Houses were in Joint Session for the purpose of hearing an address by Governor James V. Allred.

Lieutenant Governor Walter F. Woodul called the Senate to order.

Speaker Calvert presented Governor James V. Allred, who addressed the

Joint Session, as follows:

Austin, Texas, May 27, 1937.  
To the Members of the Forty-fifth Legislature (First Called Session):

I regret that the State has been put to the expense of this special session; but in simple honor and in justice to my conscience, I could not do otherwise. In a special message to this Legislature a month before adjournment, I appealed to the Members of the Senate to help me save the cost of a special session by giving a simple, clear-cut vote on repeal of the race track gambling law. This a minority refused to permit, and I had no option other than to call this extraordinary session.

As I see it, outlawry of the gambling evil presents not only a great moral and economic need, but, in view of the peculiar, the devious course of legislative history which has marked legalization of race track gambling and all efforts to repeal this law, an even greater principle is at stake—the integrity of and respect for government itself.

In early Biblical history landmarks were of utmost importance; and their removal a subject of constant concern to the people. Various of the old teachers repeatedly cautioned against their removal. Solomon, perhaps the wisest of all counselors, in his pronouncements of moral virtues and their contrary vices twice admonished that we "remove not the ancient landmark".

Here in Texas we have our own landmarks—foundations laid by our forebearers in the slow but sure progress of government; foundations upon which the welfare of the people has come to depend; foundations which should not lightly be removed.

One of these foundations—a moral one—was established under the leadership of the great Governor Tom Campbell by the Thirty-first Legislature in 1909. Serving as members of that illustrious body we find the names of such outstanding Texans as A. T. McKinney, Sr., of Huntsville, a member of the Constitutional Convention of 1876; Judge C. M. Cureton, now Chief Justice of the Supreme Court of Texas; Judge S. H. German, of Livingston, now a member of the Commission of Appeals of the Supreme Court; Hon. Sam Rayburn, of Fannin County, now Democratic leader in the National Congress; the great Clarence E. Gilmore, of Van Zandt County; Judge Ben Cathey, of Quitman, a Member of the present Legislature; Judge M. S. Munson, of Angleton; Judge W. C. Davis, of Bryan; Judge C. H. Jenkins, of Brownwood; Senator J. J. Strickland, of Palestine; Judge N. L. Dalby, of Bowie County; Hon. George B. Terrell, of Cherokee County; Judge Luther Nichols, then of Hillsboro; Judge B. F. Vaughan, of Hunt County; Senator R. E. Cofer, of Travis County; Senator Tom W. Perkins, of Collin County; Senator Charles L. Brachfield, of Rusk County; Senator Pierce B. Ward, of Johnson County; Senator McDonald Meachum, of Anderson County; Senator Earle B. Mayfield, of Bosque County, and many others.

This Legislature served with Governor Campbell in his second administration. During Governor Campbell's first term a gambling statute had been passed. Serious opposition based upon this and other constructive measures arose. It all became and was a burning issue in the campaign of 1908. The people spoke at the polls and the Democratic convention, which drafted the platform, rejoiced "at the emphatic endorsement given said laws and administration by the Democratic voters of Texas in the recent primary election".

History seemingly repeats itself. Two bills were introduced at that immortal session. One, strange as it may seem, proposed to set up a Racing Commission and legalize prac-

tically the same practices now being carried on under the so-called parimutuel betting law. Another, by Hon. James H. Robertson of Travis County, struck severely at the gambling evil and specifically prohibited race track gambling.

In his initial message to the Legislature, Governor Campbell said—(and it is applicable here today)—in part:

"You need make no serious mistakes as the will of the people has been ascertained upon all important matters. . . . Organized avarice, though in attempted disguise, can hardly be expected to override the people's will. Selfish interests and those seeking special advantages and exclusive privileges will have their ready advocates on every hand, and wholesome legislation heretofore enacted for the protection of the people will doubtless be assailed. A word of caution is therefore offered to the end that the chosen representative of a confiding constituency may be on his guard. It is not unlikely that designing forces have organized, and will be maintained at the Capitol, which will test the wisdom, integrity and patriotism of this Legislature. . . ."

How history does repeat itself! We need only to review that which has been attempted during the Regular Session of this Legislature, and the frustration of the people's will during the Forty-fourth Legislature, to find that the same forces still seek to operate under the Capitol Dome.

The bill to create a Racing Commission and legalize race track gambling in Texas was killed in committee in 1909.

On the other hand out of the same committee a bill emerged to outlaw gambling in almost every form then known. They expressly voted down amendments to create a State Racing Commission like we have now; and to permit local option! Thus did the Members of the Thirty-first Legislature write their names in history by setting up this "landmark" of the people.

It remained undisturbed for almost thirty years!

During the closing hours of the Forty-third Legislature, after the same proposal had been beaten on the floor of the House of Representatives, without the matter having been made an issue in any legislative or gubernatorial campaign, a rider was tied on to the general appropriation bill

setting up a Texas Racing Commission and legalizing race track gambling. Only a short time before the Court of Criminal Appeals had held in a test case that the so-called parimutuel system of betting violated the laws of Texas. When the free conference appropriation bill, with the race track gambling rider attached, was presented to the Legislature, Members were confronted with the proposition that they either had to vote against all of the appropriation bill or, voting for it, accept race track gambling. At least, this was the argument or excuse employed; and thus lightly, yet perhaps designedly, did Texas Legislators wipe out a great moral "landmark" of the fathers and bring back to Texas race track gambling evils grown a thousand fold more undesirable in the period that had ensued.

It is true that in a subsequent special session of the same Legislature a corrected bill was passed, but it was with the explanation that it was merely to clear up the legal question involved—a ready excuse or alibi to the voters.

Mind you, this was done without the issue having been submitted to the people by any candidate for Governor or the Legislature. The first time the people spoke was in the gubernatorial primaries of 1934 when the demand for repeal was openly and clearly made by the successful candidate for Governor. That demand was then incorporated in the Democratic platform. It was recommended to the Forty-fourth Legislature, but the repeal bill was not even permitted to come up for a vote on the floor of either House. Again the people spoke in the primaries of 1936! Again the demand was placed in the Democratic platform! Again that particular plank in the platform was submitted to the Legislature!

Within one month after this Legislature convened, the House of Representatives suspended all rules and passed the bill by the overwhelming vote of 109-26. It went to the Senate. Early efforts to get it out of committee were fruitless. So much so that on March 4th, when House Bill 167 was pending before the Senate, an amendment was offered and adopted to make gambling at race tracks unlawful. Every dilatory motion, every effort at delay, even proposed local option, was voted down by the Sen-

ate on that occasion; and the amended bill passed to engrossment by a vote of 20-8. At that time two Members of the Senate who had committed for repeal and one who was against repeal were absent.

Six days later by a vote of 15-14 the bill was sent back to the committee. At that time the race track people said that all they wanted was an opportunity to be heard. That hearing was held. Not a single member of the committee who had voted or committed for repeal changed his vote in committee. On the contrary, each member of the Senate committee who had voted or committed for repeal promptly voted to recommend to the Senate that the bill pass.

The practical effect, however, was to kill the repeal bill for the Regular Session. When it was sent back to the committee on March 10th it occupied a favored and advantageous position on the calendar; to such an extent that it could not have been kept from coming up. After it had gone to the committee for the hearing, other bills had meantime secured preference on the Senate calendar; and these, as is well known, were used as filibuster vehicles to keep from reaching the race track repeal bill. How disgustingly successful these efforts have been is a story well known to the citizenship of Texas.

And now, my friends of the Forty-fifth Legislature, here we are in extraordinary session with the matter squarely submitted for action. I beseech each Member to work and vote for the passage of this law. To those who cannot agree with me upon the wisdom of its passage, I earnestly urge that no effort be made to keep the bill from coming to a final, fair and clear-cut vote.

It is a matter of common knowledge that rules have been invoked simply for the purpose of preventing a vote on this measure or for holding it until some propitious time when perhaps Members who favor repeal might be absent and the bill could be defeated. I make you the proposition that rules are designed to expedite, not to hinder, the transaction of legislative business. They should breathe life into a legislative body, give it power and make it a living vehicle for carrying out the people's will, rather than choke and render lifeless this arm of the people's government.

I do not know how to state in words a stronger case for repeal of the race track gambling law than I have already given to this Legislature from time to time. I have quoted Washington, Franklin, Blackstone, Shakespeare, Brisbane, McIntyre and the Holy Bible. I have pointed out the living evidence of undesirables, of doping, of thuggery, of embezzlements, of bank failures, of suicides, and narcotic rings. Each month of the life of this law sees additions to the numbers of these human tragedies.

Not having appeared before any of the committees, let me briefly refer to some of the arguments that have been made against repeal and present the other side.

#### First:

It is urged that this law ought not to be repealed because it is an attempt to legislate morals; and it has been said you cannot do this; that you cannot save people from themselves.

No one has ever asserted that morality can be legislated into a people. The same argument could just as well be used against all our vice laws; but it is no argument against such laws. We are dedicated as a State to legislation seeking to remove so much as possible the opportunity for unbridled indulgences in vice. Repeal of the race track gambling law will remove the temptation, the opportunity and, to some extent, the inclination to gamble.

It is undisputed that practically all the bookie shops in Texas have come to flourish since passage of the race track gambling law. There has been an almost complete breakdown in enforcement of all other gambling laws. Officers can hardly enforce the law against gambling in one place when all a defense lawyer has to do is to remind an average jury that the State is in the most inconsistent moral attitude possible when it says by law that it is all right to gamble in a privileged place but all wrong to gamble in another.

#### Second:

This gambling law ought not to be repealed, they say, because of the revenues accruing to the State.

We ought to be ashamed of an argument so weak, so shallow! If we are to accept tribute from an evil which all concede is bad, then let us

legalize all forms of vice. Texas doesn't need gambling revenues! Everyone ultimately realizes that the honest man can't beat the gamblers. The State can't beat them either; and we ought not to set up a "skin game" for a part of the "take"!

#### Third:

Don't repeal this law, they urge, because millions of dollars have been invested in race tracks.

Were not these investments made with full notice of the temper of the people of Texas? Have they not continued with full notice of the gambling issue and demands in our Democratic platform?

But that's not all! The amount of these investments has been grossly misrepresented to this Legislature. The whole theory was completely exploded by Senator Nelson before the Senate committee when he read the pitiful, woefully small renditions of these properties for taxation—some of them not rendering any property for taxation whatever.

#### Fourth:

Some of those who oppose repeal say, "We are not all bad. Maybe some are, but not all of us who believe in race track gambling are. We love good horses; and this law has made it possible for us to raise more horses!"

The report of the Federal narcotic authorities sent to the Legislature weeks ago discloses the most sordid story of abuses of horses the human mind can conceive. How any lover of good horses can espouse the continuation of a law which makes it possible for narcotic traffickers to find a ready market for their wares by providing means for driving dumb animals insane is beyond me. There is no record of a horse ever being doped except to run a race! All the races ever run are not worth the agony and cruelty dealt even one of these poor helpless beasts! I appeal to all who love good horses, I appeal to all who believe in preventing cruelty to animals, to join with me in demanding that this law be repealed.

The narcotic traffic has been intensified, it has increased, not only among animals but among men down here in Texas. Indisputably it centers and has its headquarters around the race track. Let's get rid of them! We can't ever hope to completely wipe out moral and social wrongs; but we

can reduce, we can minimize these evils.

Fifth:

But, they say, only a few preachers want this law repealed.

This is not true! Most of the substantial citizens of Texas want it repealed. Most of the church people want it repealed. Most of the business forces want it repealed.

But even if it were true that only a few preachers are leading the fight, I think we should line up on their side! After all, most of us heed too little the advice of our preachers. I know very few of them who are ever wrong on a moral question. I know very few of us but would be better men if we lived according to their precepts.

This belittling of the ministry is, in my opinion, the unfairer of tactics that can be adopted. After all, it is conceded that while there may be an honest dispute as to whether an economic and governmental question is involved in race track repeal, it is unquestionably one of the greatest moral problems ever before the people. Since it is, let us accept the moral leadership of our ministers. Let us go along with the few who have heeded the call to preach the Gospel to every creature.

Sixth:

A compromise proposal for so-called local option is suggested.

This was also voted down by the patriotic Members of the Thirty-first Legislature in 1909. It was likewise voted down by the Texas Senate on March 4th of this year by a vote of 19-8. Thus we see the issue has already been passed upon.

The Members of the Thirty-first Legislature and the 19 Members of the present Senate who voted against a local option proposal for race track gambling must have recognized that we cannot wipe out these evils if they are to be permitted in one community, yet denied in another. Bookie shops will do a more fruitful business than ever in that event. We will still have the same argument made against the enforcement of any of our gambling laws—that the average man can't see why it is just and legal to gamble in one place, yet unlawful to do it in another.

There is no comparison between local option on liquor and local option on gambling. The Constitution expressly permits local option elections

to determine whether liquor shall be sold in a given community. It does not permit local option on any other form of law violation. From a legal standpoint we had just as well propose local option on murder, robbery, theft, or any other form of penal offense.

I have purposely limited the call for this extraordinary session to the following:

"To outlaw and prohibit the so-called pari-mutuel betting or gaming on horse races, at race tracks, legalized by the Act of the Forty-third Legislature in 1933."

I recognize that there will be those who will say, "I am against dog racing". So am I! That there will be those who say, "I want a more effective bookie statute". So do I. But if these subjects are submitted now, they may be used as a vehicle for obstruction; and I have no doubt they can be promptly passed almost as uncontested bills if you will but take this great forward step by first wiping out the race track gambling law.

I am proud of the fact that some of our sister Southern States have refused to succumb to the wiles of the race track crowd, which offers a mess of pottage for a birthright. I am proud of the fact that a courageous Governor of Colorado recently vetoed a bill similar to this one upon the very grounds urged for the repeal of our present law.

I honestly believe that every man who voted in 1909 for the law outlawing race track gambling in Texas placed a star in his crown. It remains to be seen whether this Legislature will, in the words of Governor Campbell, "be on its guard". I do not believe we will allow ourselves to be overcome by the organized forces of those "seeking special advantages and exclusive privileges" who have "their ready advocates on every hand".

The honor roll of Members of the Thirty-first Legislature set out at the beginning of this message shows that the leaders in the legislative battle of 1909 have gone far and high. Evidently they laid the ground work well when they allied themselves with the forces of righteousness and good morals. "Let us do our work as well." Certainly, some of the Members of this Legislature will record their names in State or National life, but all of us may write a splendid record

in the satisfaction of their own hearts.

Members of the Forty-fifth Legislature, won't you join with me in restoring this "landmark of the Fathers"?

Respectfully submitted,

JAMES V. ALLRED,  
Governor of Texas.

that there was available space in good comfortable buildings sufficient to hold every department of the State; and

Whereas, Said Confederate Home is located right on the street car line—only a few blocks from the main part of town, and a comparatively short distance from the Capitol; and

Whereas, These buildings are good and up to date buildings, sanitary, equipped with water, lights and heat; and

Whereas, At a very small cost said buildings can be renovated, if they need be, and nothing to do but to move desks in and other office equipment and go to work; and

Whereas, The Ex-Confederate Soldiers are now very few in number and are fast passing away; and

Whereas, The Appropriation Committee appointed a sub-committee to investigate said building space available for office room and report back to the Appropriation Committee right-ful the same that is reported by the House Committee; and

Whereas, The State Treasury is very much in the Red and perhaps before the fiscal year ends will be \$30,000,000.00 in the red; and

Whereas, It is the duty of the House and Senate, as representatives of the people and the tax payers to look into the matter of this kind and direct officers in power; and

Whereas, The whole State and the people are thoroughly disgusted and are criticizing severely the extravagant practice of the departments of the State; therefore, be it

Resolved by the House, and Senate concurring, That the Board of Control be instructed to make arrangements to move the various offices to the Confederate Home and thereby save Fifty to Seventy-five Thousand Dollars of the people's tax money.

The resolution was read second time.

On motion of Mr. Metcalfe, the resolution was referred to the Committee on Appropriations.

#### MESSAGE FROM THE GOVERNOR

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

Austin, Texas, June 7, 1937.  
To the Members of the Forty-fifth Legislature:

I congratulate this Legislature upon the passage of the bill repealing the

so-called pari-mutuel betting law and outlawing all forms of gaming at race tracks. In my opinion, this is a stronger bill than the one Texas had before passage of the Racing Commission Act of 1933. A great forward step has been taken.

At the beginning of this Session I told you that I was just as anxious as anyone to outlaw betting on dog races and secure a more effective bookie statute. I did not submit these subjects at that time because unquestionably they would have been used by opponents of repeal to try to load down the bill with so many amendments as to defeat repeal of race track betting. These subjects are now submitted to you.

#### Gaming on Dog Races

So far as I have been able to learn there have not been many efforts to carry on dog racing in this State. A few tracks have opened up here and there, however. Unquestionably this form of gaming is just as much to be condemned as the one outlawed last week by this Legislature. I recommend the passage of a bill outlawing and prohibiting betting or wagering of any kind on this character of racing.

#### Bookie Laws

It has been repeatedly stated that most of the wagering on horse races is through so-called bookie shops. This is probably true, and in various messages to the Legislature I have heretofore urged the passage of an effective bookie statute.

#### A.

One of the chief difficulties with reference to enforcement of our bookie statute has been that in order to secure a conviction the State was required to show not only that a bet was taken but that a race actually was run. Of course, this is almost impossible to do since bookmaking is a misdemeanor and witnesses cannot be brought from outside the county in misdemeanor cases. Certainly they cannot be brought from outside the State where the bookmaking is on a race run beyond the boundaries of Texas.

Any effective bookie statute passed by this Legislature should stipulate that in order to secure a conviction it shall not be necessary to show that a horse race was actually run.

## B.

If bookmaking shops are to be effectively outlawed, we must prohibit telegraph and telephone companies, or any agent or employee thereof, from transmitting information concerning bets or wagers, or odds offered or paid on any horse race or dog race.

One of the difficulties in prosecutions under such a statute is found in establishing knowledge on the part of the telegraph or telephone company, its officers, agents or employees, of the nature of the use made of such facilities. Some have suggested that the word "knowingly" be left out of the statute. I think probably the courts would read "knowingly" into any bill that might be passed by this Legislature; and I suggest that any bill on this subject contain a provision substantially to the effect that where it is shown by the State that information concerning bets or wagers, or odds offered or paid on any horse race or dog race, is transmitted by telegraph, teletype or telephone over any lines or facilities of such concern, it shall be prima facie evidence of knowledge on the part of such corporation, its officers, agents or employees, of the unlawful nature of such transaction. Provision should also be made affirmatively requiring such telegraph or telephone company to remove any of its lines or facilities from the office of place of business of any person making such unlawful use of such facilities.

In addition to criminal penalties, it should be provided that any person violating any provision of the gaming statutes passed by this Legislature may be proceeded against by injunction under Articles 4664, 4665, 4666 and 4667 of the Revised Civil Statutes of 1925.

## C.

In addition to outlawing book making in its ordinary terms, any bill passed by this Legislature should prohibit and outlaw the business of bookmaking. The bill should specifically authorize the State to prove any number of transactions and to elect upon any one of the number proved for conviction.

We now have upon our statute books laws denouncing and prohibiting general gaming, including slot and marble machines. The State is in a rather inconsistent attitude with

reference to marble machines in view of a claimed license by the State. In my opinion no such license exists but it is a smoke screen behind which operators of these marble machines and some local officers hide. I suggest that any doubt on this matter be removed by the Legislature.

The most effective method of dealing with slot and marble machines is confiscation. These machines are subject to confiscation, but are required to be turned over to local sheriffs by the seizing officers. It sometimes happens that after these machines have been seized by the State officers in a few counties in this State and turned over to the sheriff, they are returned to the operators. Some effective method of dealing with the matter of requiring the performance of duty by local officers should be devised by this Legislature.

Among other things I recommend that authority be given for the filing of injunction suits against gambling houses and condemnation suits for gambling paraphernalia in the district court of Travis County where it is alleged by the Attorney General that the local officers in any given county have failed or refused to discharge their duties.

## Jacks and Stallions

I also submit to the Legislature the subject of the disposition of jacks and stallions belonging to the State. It occurs to me that these animals can be disposed of by arrangements with commissioners' courts in various counties over the State. If they have been worth being kept by the State, then they are certainly worth as much to the county. I see no reason why these animals cannot be disposed of by the end of the present fiscal year. Certainly there is no occasion to appropriate money to maintain or look after them over another two year period, as was provided in one of the amendments offered to Senate Bill No. 1.

## In General

I suggest that the committees of the two Houses ask the State's Attorney for the Court of Criminal Appeals to come before them and assist in preparation of a bill, or bills, to accomplish these objectives. I understand a number of bills on these subjects are being offered, and since it is quite probable the writing of such bills will go to a sub-committee they should

avail themselves of the services of the State's Attorney.

Caution should be observed that any bill dealing with bookies, or other forms of gambling, shall not in anywise modify or repeal the law already passed prohibiting gambling on horse races.

It occurs to me that these ends can probably best be achieved by the passage of separate bills dealing with these subjects, rather than attempt to consolidate all in one bill.

Respectfully submitted,

JAMES V. ALLRED,  
Governor of Texas.

## MESSAGE FROM THE GOVERNOR

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

Austin, Texas, June 15, 1937.

To the Members of the Forty-fifth Legislature:

According to the public press, amendments have been offered to a bill to outlaw betting on dog races so as to include every form of trifling wager that might be made on anything, even in private homes.

The fight I have been waging is based upon a desire to outlaw public, commercialized gambling, particularly that which has assumed racketeering proportions, on horse racing, dog racing, slot and marble machines. I do not want to see the government invade the privacy of homes, even by the passage of a law, which would not be enforced, to deal with every trifling form of wager.

The statement has been made that it is wrong to bet or wager anywhere on anything. This is a matter of personal opinion; but, in any event, all moral rights and wrongs cannot be dealt with by law. For instance, it is morally wrong to tell a falsehood anytime or anywhere; but the law has never provided earthly punishment for the telling of a simple falsehood; it only punishes for perjury, false swearing, slander, or swindling. In other words, it only deals with certain types of material commercial falsehoods. I don't think anyone would urge that we should pass a law to put somebody in jail for telling a "fib".

May I respectfully suggest to the vast majority of this Legislature who are sincerely concerned with outlawing commercialized, public gambling, or carrying on the business of gambling, that, in my opinion, it is the plan of those who favor legalized gambling on horse and dog races to secure the passage of as extreme and ridiculous a law as possible so as to hasten the return of the form of gambling in which they are interested. I hope that we will not fall into the trap. I hope that no law will be passed by this Legislature dealing with trifles. If it should, I would not feel inclined to approve it. In my opinion, such a law would be impossible of enforcement. It was primarily for this reason that I refused to submit the sub-

ject of gambling in general at the outset of this session. I realized then, as did many Members of this Legislature, that supporters of horse and dog race gambling would try to load the bill down with as many trifling and extreme amendments as possible.

Please, I urge, let's get back to fundamentals. Let a man's home continue to be his castle. Let's continue to outlaw commercialized, public gambling—the business of gambling—just as we have outlawed it by the repeal of the pari-mutuel law, and as we hope to outlaw it by an adequate and effective bookie statute, a dog race statute, and by making more effective the law against slot and marble machines.

In this connection, may I remind you of the suggestion of the State's Attorney for the Court of Criminal Appeals that we should be extremely careful about amending or changing our present statutes. They have all been construed and are thoroughly understood by the courts and prosecuting attorneys. He has suggested the passage of new and cumulative statutes to cover conditions which have arisen in recent years; likewise that the subject matters be separated by bills, rather than to try to incorporate too many subjects in the same bill. I think these suggestions are more than worth while.

Respectfully submitted,  
JAMES V. ALLRED,  
Governor of Texas.

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MESSAGES FROM THE  
GOVERNOR

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

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Austin, Texas, June 21, 1937.

To the Members of the Forty-fifth Legislature:

I hereby submit to you for consideration the following local and uncontested matters:

- | Authors   | Substance Matter  |
|---|---|
| 1. Bills by Senator Hill and Representative Bob Leath       | Validate the issuance of bonds for the New London School District and Gladewater. |
| 2. Bills by Senator Roberts and Representative Schuene-mann | Validate local bonds.   |

- |     |  |   |
|-----|--|---|
| 3.  |  | Local bond validation bill for Harris County.   |
| 4.  | Senator Woodruff                         | Local time warrant bill.  |
| 5.  | Representative Rutta                     | Local game bill.  |
| 6.  | Representative Holland                   | To offer a bounty on rattlesnakes in Bell County.   |
| 7.  | Representative Cathey                    | Lower the allowance for prisoners working out fines from \$3.00 to \$1.00.  |
| 8.  | Senator Spears                           | Enable a renewal of the charter of the San Antonio Express Publishing Company.  |
| 9.  | Representative Huddleston                | Local game bill.  |
| 10. | Representative Amos                      | Authorize certain investigations to be made before the issuance of a charter to labor organizations, excepting farmers. |
| 11. | Senator Aikin                            | Local hospital bill.  |
| 12. | Senator Westerfeld                       | Local validation bill.  |
| 13. | Senator Westerfeld                       | Provide for six members of the State Embalming Board, to be appointed by the State Board of Health.                     |
| 14. | Representative Metcalfe                  | Local jury wheel bill.  |
| 15. | Representative Stocks                    | Authorize a suit against the State Highway Department and the State.  |
| 16. |  | Local validation bond bill for Chambers County.   |
| 17. | Senator Cotten and Representative Lucas  | Brownsboro independent school district bill.  |
| 18. | Representative Jones of Falls County     | Make the State season for mourning and white-wing doves correspond with Federal regulations.                            |
| 19. | Senator Holbrook                         | Correct inadvertent errors in Senate Bill No. 84, Acts of the Regular Session.  |
| 20. | Representative Stinson                   | Authorize execution of oil and gas leases by non-resident guardians.  |
| 21. | Representative Broadfoot                 | Prohibit candidates from making certain donations.  |
| 22. | Senator Isbell and Representative Burton | Validate certain independent school district elections.   |

Respectfully submitted,  
**JAMES V. ALLRED,**  
 Governor of Texas.

Austin, Texas, June 21, 1937.  
 To the Members of the Forty-fifth Legislature:

I hereby submit for your action the repeal of House Bill 915, Acts of the Regular Session.

This was a school consolidation bill. At the time of its passage and at the time I signed this bill, it was done as a local and uncontested bill. It now develops that this bill was not entitled to that character of passage, and took territory out of one of the school districts represented by Hon. Sam Jones and that this was without his knowledge at the time.

I think in fairness to him the Legislature should repeal the bill, especially in view of the fact that it

is probably unconstitutional; at least, I am advised that the Attorney General has held it so.

Respectfully submitted,  
**JAMES V. ALLRED,**  
 Governor of Texas.

## MESSAGE FROM THE GOVERNOR

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

Austin, Texas, June 21, 1937.

To the Members of the Forty-fifth Legislature:

I submit for your immediate action the matter of making certain corrections in House Bill 5, Acts of the Forty-fifth Legislature, which corrections have been requested by Hon. Bert Ford, Administrator for the Texas Liquor Control Board.

It is my understanding that these amendments have all been agreed upon and are simply corrective, with no intention or desire to in any way change any controversial point or the general policies of the original measure.

Respectfully submitted,  
JAMES V. ALLRED,  
Governor of Texas.

## MESSAGE FROM THE GOVERNOR

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

Austin, Texas, June 22, 1937.

To the Members of the Forty-fifth Legislature (In 1st Called Session):

I hereby submit for your consideration a bill by Representatives Derden and Cagle to amend Article 305, Revised Civil Statutes of 1925.

Respectfully submitted,  
JAMES V. ALLRED,  
Governor of Texas.

# JOURNAL OF THE SENATE

OF THE

## STATE OF TEXAS

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### FIRST CALLED SESSION

OF THE

### FORTY-FIFTH LEGISLATURE

CONVENED AT THE CITY OF AUSTIN  
MAY 27, 1937



Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

**Yeas—12**

Brownlee	Shivers
Holbrook	Small
Moore	Stone
Pace	Weinert
Rawlings	Westerfeld
Roberts	Winfield

**Nays—17**

Aikin	Lemens
Beck	Neal
Burns	Nelson
Collie	Newton
Cotten	Oneal
Davis	Redditt
Head	Van Zandt
Hill	Woodruff
Isbell	

**Absent—Excused**

Spears                      Sulak

Question next recurring on the motion to recess, yeas and nays were demanded.

The motion prevailed by the following vote:

**Yeas—16**

Aikin	Lemens
Beck	Neal
Burns	Nelson
Cotten	Newton
Davis	Oneal
Head	Redditt
Hill	Van Zandt
Isbell	Woodruff

**Nays—13**

Brownlee	Shivers
Collie	Small
Holbrook	Stone
Moore	Weinert
Pace	Westerfeld
Rawlings	Winfield
Roberts	

**Absent—Excused**

Spears                      Sulak

The Senate, accordingly, at 2:25 o'clock p. m., took recess until 10:00 o'clock a. m. Thursday, June 3, 1937.

**APPENDIX**

**Report of Standing Committee**

Committee Room,  
Austin, Texas, May 27, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 1 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

**FOURTH DAY**

**(Continued)**

(Thursday, June 3, 1937)

The Senate met at 10 o'clock a. m. and was called to order by President Woodul.

**Message From the Governor**

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas, June 3, 1937.

To the Senate of the Forty-fifth Legislature:

A number of members have asked me whether the subject matter of outlawing dog racing and strengthening the bookie statutes would be submitted to this Legislature.

This is to officially advise you that immediately after the passage of a bill outlawing race track betting, I will submit the matter of outlawing betting at dog races, tightening and strengthening of the bookie laws and other forms of gambling as well as the disposition of jacks and stallions. These latter subjects, however, have not been submitted and are not now submitted, but will be when the subject heretofore submitted has been disposed of. The purpose of this message is to officially record this declaration of intention for the information and assurance of all members of the Senate.

Respectfully,

JAMES V. ALLRED,  
Governor of Texas.

**Resolution Signed**

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled resolution:

H. C. R. No. 4, Granting the

## Yeas—11

Aikin	Neal
Collie	Nelson
Cotten	Oneal
Head	Spears
Hill	Woodruff
Lemens	

## Nays—20

Beck	Redditt
Brownlee	Roberts
Burns	Shivers
Davis	Small
Holbrook	Stone
Isbell	Sulak
Moore	Van Zandt
Newton	Weinert
Pace	Westerfeld
Rawlings	Winfield

Senator Hill raised the point of order that the motion of Senator Pace, as submitted, may not be considered, because it contains matter not germane to a motion to recess.

The President overruled the point of order.

Question then recurring on the motion of Senator Pace, as submitted, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—17

Beck	Shivers
Brownlee	Small
Davis	Stone
Holbrook	Sulak
Moore	Van Zandt
Pace	Weinert
Rawlings	Westerfeld
Redditt	Winfield
Roberts	

## Nays—14

Aikin	Lemens
Burns	Neal
Collie	Nelson
Cotten	Newton
Head	Oneal
Hill	Spears
Isbell	Woodruff

The Senate, accordingly, at 1:20 o'clock p. m., took recess to 3:30 o'clock p. m. today.

## After Recess

The Senate met at 3:30 o'clock p. m. and was called to order by the President.

## Message From the Governor

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas, June 3, 1937.

To the Senate of the Forty-fifth Legislature:

I am in receipt of a copy of a Senate simple resolution by Pace providing for recess of the Senate until 3:30 this afternoon to permit me to submit to this Legislature the matter of outlawing betting at dog races, and tightening and strengthening of the bookie laws and other forms of gambling as well as the disposition of jacks and stallions.

In my message to the Senate this morning I stated:

"This is to officially advise you that immediately after the passage of a bill outlawing race track betting, I will submit the matter of outlawing betting at dog races, tightening and strengthening of the bookie laws and other forms of gambling as well as the disposition of jacks and stallions."

While Senate Bill No. 1 has passed the Senate, it must now go to the House. If I submitted these other subjects, the amendments to Senate Bill No. 1 might be germane to the bill in the House, and if amended the bill would have to be returned to the Senate and there run the gauntlet of absences due to sickness, business or other causes. A bill is not passed until it is passed by both Houses. My statement and assurance to the Senate this morning still stands; and when this bill is passed I will submit these other subjects.

Respectfully submitted,

JAMES V. ALLRED,  
Governor of Texas.

## Report of Standing Committee

Senator Redditt, by unanimous consent, submitted, at this time, the following report on H. B. No. 1:

Committee Room,

Austin, Texas, June 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1, A bill to be entitled "An Act making an appropriation