JOURNAL

OF THE

House of Representatives

OF THE

SECOND CALLED SESSION

OF THE

THIRTY-SEVENTH LEGISLATURE

BEGUN AND HELD AT

THE CITY OF AUSTIN, AUGUST 17, 1921

VON BOECKMANN-JONES CO., PRINTERS
AUSTIN, TEXAS
1921

The bill was read third time.

Mr. John Davis of Dallas offered the following (committee) amendment to the caption of the bill:

Committee amendment No. 2 to Senate bill No. 1: Strike out all above the enacting clause and insert in lieu thereof the following:

A bill to be entitled, "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them as follows, towit: The University of Texas, including the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso; the Agricultural and Mechanical College; the State Experimental Stations; the Prairie View State Normal; the College of Industrial Arts for Women; the Sam Houston Normal Institute; the North Texas State Normal; the Southwest Texas State Normal; the West Texas State Normal; the East Texas State Normal; the Sul Ross State Normal; the Stephen F. Austin State Normal; the John Tarleton Agricultural College; the Grubbs Vocational College; the Texas State School for the Blind; and the State Deaf and Dumb Institute for the two years beginning September 1, 1921, and ending August 31, 1923, and declaring an emergency."

The (committee) amendment was adopted.

Senate bill No. 1 was then passed.

Mr. John Davis of Dallas moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR.

Mr. R. B. Walthall, secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office,
Austin, Texas, August 19, 1921.

To the Members of the Senate and House of Representatives, Second Called Session of the Thirty-seventh Legislature.

Gentlemen: Your inability to pass the general appropriation bill during either the Regular or First Called Session, as you were each time urged to do, made it necessary for me to reconvene you in this Second Special Session. It was with reluctance that you were reassembled. I had no alternative. Our institutions of learning could not, in justice to the people, be, for the coming year, closed. Your honorable body alone has the power to make these appropriations for their maintenance. The Constitution makes it my duty to recommend, but I have no authority to enact laws. Therefore, when on Tuesday night you adjourned with the doors of every institution of advanced learning in Texas closed for the coming year, there was nothing left for me to do except reassemble you and for the third time kindly ask that these imperatively demanding appropriations be made.

While I do not consider it within the scope of my proper province to take either side of the bitterly contested differences between the Senate and House which made it impossible to agree on the educational bills, still I do not deem it out of place for me, in the interest of the great State of Texas, whose servants we are, to express the earnest hope that you will speedily reconcile and compromise your differences and make necessary appropriation for the support of all our institutions. Appropriations, of course, should be kept within the available revenues. In this connection, desire to remind you that our present tax rate is 22 cents on the one hundred dollars. This tax rate, together with taxes from other sources, according to the highest estimate made by any State official connected with the handling of the State's funds, will make available for you to appropriate for the coming fiscal year, in round numbers, the sum of $19,000,000. If your appropriations exceed this amount you force a raise of the present tax rate. Estimating the educational bills, not yet passed, at five million dollars, the present Legislature has appropriated to be paid out of this nineteen million dollars twenty-two million dollars. It is impossible to pay a twenty-two million dollar debt with nineteen million dollars. Under present financial conditions the present tax burdens should not be increased. Therefore, in order that you may readjust your appropriations and cut the garments to fit the cloth, provided you do not desire to increase the tax burdens, you are privileged to consider the wisdom of cutting down any appropriations made for any purpose in any bill passed by the Thirty-seventh Legislature.

As far as I know, this will be my only message to this Special Session, and for that reason I feel it my duty

to again call your attention to the fact that Texas has not been redistricted into Senatorial Districts for twenty years. The Constitution demands that the State be redistricted into Representative and Senatorial Districts every ten years. The democratic platform on which you ran for office demands that this Legislature thus redistrict the State. The bill passed by the First Called Session a few days ago does not fulfill either the letter or the spirit of the Constitution or the party platform. Therefore, the matter of redistricting the State into Senatorial and Representative Districts is cordially submitted to you for the third time, in order that this work, committed to your hands by the people of Texas, may be done so that said acts will go into effect now and not in 1924, as heretofore enacted by you.

I pledge to you my active help and earnest co-operation to the end that we may have a government amply provided for and economically administered. If I can be of service to you in your deliberations, I am yours to command.

Respectfully,
PAT M. NEFF,
Governor.

Mr. Hall moved a call of the House for the purpose of maintaining a quorum until 12 o'clock m., and the motion was duly adopted.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

HOUSE BILLS ON FIRST READING.

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

By Mr. John E. Davis of Dallas:

H. B. No. 1, A bill to be entitled "An Act to apportion the State of Texas into Representative Districts, and to fix the number of Representatives thereof, and to repeal all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Representative Districts.

By Mr. Satterwhite:

H. B. No. 2, A bill to be entitled "An Act to appropriate out of the general revenue not heretofore appropriated the sum of $20,000 or so much thereof as may be necessary, for the remainder of the fiscal year ending August 31, 1922, and the further sum of $20,000, or so much thereof as may be necessary, for the fiscal year ending August 31, 1923, to defray the expenses of the Department of the State Health Officer of the State of Texas in intensive rural health work and rural sanitation leading to the prevention and eradication of malaria, hookworm, typhoid fever, and other contagious or infectious diseases in the State of Texas; authorizing the State Health Officer to supplement therefrom an amount equal to an amount appropriated or set aside by any county, or city or town therein, for such purposes; also authorizing the State Health Officer to accept donations from any source to supplement such fund or funds; and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Bonham:

H. B. No. 3, A bill to be entitled "An Act making an appropriation to pay the salary of engineer for the Highway Department of the State Government for two years beginning September 1, 1921, and ending August 31, 1923, and declaring an emergency."

Referred to Committee on Appropriations.

RELATING TO VOTING MACHINE FOR THE HOUSE.

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

Whereas, On August 6, during the First Called Session of the Thirty-seventh Legislature, a resolution was adopted by the House authorizing the installation of an electric voting machine in the Hall of the House of Representatives, which said resolution provided for the appointment of a committee of five members with authority to arrange necessary details for the installation of said device and approve same; and,

Whereas, No provision was made in said resolution for the payment of the per diem or expenses of said committee; therefore, be it

Resolved, That the members of said committee shall receive the sum of five ($5) dollars per day while in the performance of said duty, payable out of any moneys remaining in the Treasury appropriated to pay the mileage and per

By Mr. Pope:

H. B. No. 7, A bill to be entitled "An Act to amend Sections 2, 4 and 23 of Chapter 29 of the General Laws of the Regular Session of the Thirty-sixth Legislature, and Sections 1 and 2 of Chapter 23 of the General Laws of the Second Called Session of the Thirty-sixth Legislature, relating to free text-books for the use of children attending public free schools in the State of Texas; providing regulations and limitations on the Board of Education in the distribution of free text-books, and declaring an emergency."

Referred to Committee on Education.

MESSAGE FROM THE GOVERNOR.

Mr. R. B. Walthall, secretary to the Governor, appeared at the bar of the House and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office,
Austin, Texas, August 24, 1921.

To the Members of the Texas House of Representatives.

Gentlemen: I am transmitting herewith to you a letter just received from the Lieutenant Governor, who is also chairman of the Board of Managers for the Texas State Railroad.

I herewith, at the request of the Lieutenant Governor and chairman as aforesaid, submit to you, for your consideration and legislative action, the subject matter contained in the communication attached hereto.

Yours sincerely,
PAT M. NEFF,
Governor.

Lieutenant Governor's Office,
Austin, Texas, August 24, 1921.

Hon. Pat M. Neff, Governor, State of Texas, Austin, Texas.

My Dear Governor: On yesterday the Board of Managers of the Texas State Railroad executed a contract with the Texas & New Orleans Railroad Company, which you approved when it was submitted to you.

This board is acting under authority given it by the Legislature, in Senate bill No. 267 of the Regular Session, Thirty-seventh Legislature, which requires that the board shall regularly report to the Legislature. Therefore, the ratification of the lease agreement by the Legislature is desired, both by the railroad company and by the Board of Managers.

The bill creating the Board of Managers was hurriedly drawn and passed during the last days of the Regular Session. It is inadequate and incomplete in several respects, and has some provisions that threatened its effectiveness. The bill directs the board to continue during the period in which convict labor is made available to it, to repair and rebuild and use the convict labor in maintaining the road. However, another clause which is somewhat ambiguous, has been interpreted by the Attorney General's Department, to lapse all the funds to the credit of the board, as soon as a contract has been made.

Hon. W. W. Caves of the Attorney General's Department is drawing a bill which is intended to cure the defects in the existing law, and to permit the board to continue to function.

I beg, therefore, to request that you submit to the Legislature "the subject of legislation with respect to the Texas State Railroad, and providing for its disposition."

I trust that you will submit the subject early today in order that the necessary measure may be passed at the earliest possible time.

Very truly yours,
LYNCH DAVIDSON,
Chairman of the Board.

COMMUNICATION FROM COMMISSIONER GENERAL LAND OFFICE.

The Speaker laid before the House and had read the following communication from Commissioner General Land Office:

General Land Office,
Austin, Texas, August 24, 1921.

Hon. Charles G. Thomas, Speaker, House of Representatives, Austin, Texas.

Dear Sir: I am in receipt of House Journal of August 15, 1921, and my attention is called to page 574 wherein a simple resolution by the House requests that each department of the State government furnish to the House of Representatives the names of all married women in such department who have husbands in the employment of the State government or an employe of any private concern or in business for themselves.

Answering the foregoing, beg to say