order of the Railroad Commission of Texas promulgated pursuant thereto, shall be discharged by this Act, but prosecutions and suits for same shall be, nevertheless, instituted and prosecuted; providing that if any portion of the Act is unconstitutional it shall not affect the valid portions thereof; and declaring an emergency."

To Committee on Mining, Irrigation and Drainage.

By Senator Hazlewood:
S. B. No. 32, A bill to be entitled "An Act amending Article 6008 of the Revised Civil Statutes of Texas, as amended by Chapter 120, Acts of the Forty-fourth Legislature, Regular Session, providing for the use of sweet and other natural gas under certain conditions for the manufacture of carbon black; and declaring an emergency."

To Committee on Mining, Irrigation and Drainage.

Adjournment

On motion of Senator Brownlee, the Senate, at 11:55 o'clock a.m., adjourned until 10:00 o'clock a.m., Monday, January 20, 1941.

FOURTH DAY
(Monday, January 20, 1941)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin    Mauritz
Beck    Metcalfe
Brownlee    Moffett
Cotten    Moore
Fain    Ramsey
Formby    Shivers
Graves    Smith
Hazlewood    Spears
Hill    Stone
Isbell    Sulak
Kelley    Van Zandt
Lanning    Vick
Lemens    Weinert
Lovelady    Winfield
Martin

Absent—Excused

Chadick    York

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of the third legislative day was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Chadick was granted leave of absence for today on account of important business on motion of Senator Formby.

Senator York was granted leave of absence for today and tomorrow on account of important official business on motion of Senator Ramsey.

Message from the House

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, January 20, 1941.

Hon. Coke R. Stevenson, President of the Senate:
Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:
H. C. R. No. 12, Inviting Hon. T. V. Smith of Illinois to address a joint session of the Legislature on Monday, January 27, at 11:00 o'clock a.m.

Respectfully submitted,
E. R. LINDLEY,
Chief Clerk, House of Representatives.

Senate Bills on First Reading

The following Senate bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Hazlewood:
S. B. No. 33, A bill to be entitled "An Act amending Article 6008 of the Revised Civil Statutes of Texas, as amended by Chapter 120, Acts of the Forty-fourth Legislature, Regular Session, providing for the use of sweet and other natural gas under certain conditions for the manufacture of carbon black; and declaring an emergency."

To Committee on Mining, Irrigation and Drainage.
By Senator Brownlee:

S. B. No. 84, A bill to be entitled "An Act to amend Section 8 of Chapter 282, Acts, Regular Session, Forty-second Legislature, 1931, relative to speed of motor vehicles, and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Brownlee:

S. B. No. 35, A bill to be entitled "An Act to amend Chapter 314, General Laws of the State of Texas, Regular Session, Forty-first Legislature, as amended by Chapter 24, General Laws, Second Called Session, Forty-first Legislature, as amended by Chapter 277, General Laws, Forty-second Legislature, Regular Session, as amended by Chapters 255, 316, and 321, General Laws, Regular Session, Forty-fifth Legislature, as amended by House Bill No. 224, Regular Session, Forty-sixth Legislature, by adding a new subsection to Section 1 thereof, so as to exempt certain specified persons, firms, and corporations from the provisions of said statute; and declaring an emergency."

To Committee on Highways and Motor Traffic.

Senate Resolution 11

Senator Moore offered the following resolution:

Whereas, The Senate of Texas is of the opinion that no person or groups of persons should have or enjoy special recognition to the exclusion of the citizenship of this State; and

Whereas, No good purpose is served by the use of symbols such as S. O. on the number issued to public officials for privately owned passenger cars; and

Whereas, There is no reason why members of the Senate, the House of Representatives, and other State officials should not use the same type and kind of automobile license numbers as other citizens of this State; now, therefore, be it

Resolved by the Senate of Texas, That the Highway Department is respectfully requested to abandon the use of any special identification symbols on the automobile license numbers issued to State officials for their respective private automobiles.

MOORE,
MOFFETT.

The resolution was read.

Senator Hill moved to refer the resolution to the Committee on Internal Improvements.

Yeas and nays were demanded, and the motion to refer prevailed by the following vote:

Yeas—14
Beck  Lanning
Cotten  Martin
Graves  Mauritz
Hazlewood  Metcalfe
Hill  Spears
Isbell  Stone
Kelley  Van Zandt

Nays—12
Aikin  Moffett
Brownlee  Moore
Fain  Ramsey
Fainby  Smith
Lemens  Vick
Lovelady  Winfield

Absent—Excused
Shivers  Weinert
Sulak

Absent

Chadick  York

House Concurrent Resolution 12

The following resolution, previously received from the House, was laid before the Senate for consideration at this time:

H. C. R. No. 12, Inviting Hon. T. V. Smith to address a joint session of the Legislature on Monday, January 27, 1941 at 11:00 o'clock a.m.

The resolution was read and was adopted.

Signing of Resolutions

The President signed in the presence of the Senate, after their captions had been read, the following enrolled resolutions:

H. C. R. No. 7, Providing for a committee to designate a poet laureate for the State of Texas.

H. C. R. No. 8, In memory of George Edward Robinson, Sr., of Galveston, Texas.
Senate Resolution 5  
(Postponed Business) 

The President laid before the Senate, as postponed business, the following resolution, providing for a Senate investigating committee:

Resolved, By the Senate of the State of Texas:

Section 1. That the Lieutenant Governor be, and he is hereby authorized to appoint a committee of five Members of the Senate to sit at such times and places between this date and the date of the convening of the Regular Session of the Forty-eighth Legislature, as may to said committee seem necessary and proper; and the committee shall continue the inquiries heretofore begun by the committee authorized and appointed at the Regular Session of the Forty-sixth Legislature relative to law violations and the administration of all State laws and any of the matters pertaining to or affecting the revenues of the State government, and the expenditures of taxes, fees, and assessments, and to inquire into any other affairs and activities of governmental departments and institutions of whatever kind and character, as such activities in any way affect the financial or other welfare of the government and the citizens of Texas. Said committee shall make a study of any other governmental activity, and shall have authority to investigate and inquire into any such matters.

Sec. 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting, recessing, and adjourning. Provided, however, that the rules of evidence to be followed shall be practically the same as followed in the courts of this State, and the committee is authorized to hold executive sessions, within its discretion, and then the committee may be governed by the rules of evidence applicable to any grand jury inquiry in this State.

Sec. 3. That the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have the power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State; and said committee shall have authority to cite for contempt any one disobeying said process and to punish for such contempt in the same manner as provided for by general law. Said committee shall have power to inspect and make copies of any books, records, or files of the departments and institutions and any and all other instruments and documents pertinent to the matter under investigation by said committee, including any county or political subdivision of this State, and shall also have power to examine and audit the books of any person, firm, or corporation having dealings with departments and institutions under investigation by said committee. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all the powers necessary in order to accomplish the purposes for which it is appointed. Three members of such committee shall constitute a quorum for the transaction of official business.

Sec. 4. The witnesses attending under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this State.

Sec. 5. Said committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers, and any other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigations.

Sec. 6. That said committee may call upon the Attorney General’s Department, Auditing Department, and all other departments for assistance and advice, and it shall be the duty of the Attorney General’s Department to render opinions, give counsel and assistance to said committee on request of chairman or members of said committee.

Sec. 7. That said committee shall submit a report in writing to the Forty-eighth Legislature, and make such recommendations as it may choose to make. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and per diem and contingent fund of the Forty-seventh Legisla-
ture and out of any fund otherwise appropriated by said session of said Legislature for such purpose, upon sworn account of persons entitled to such pay, when approved by the chairman of said committee; and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said Forty-seventh Legislature to meet the payment of such per diem and expenses of the members of said committee witnesses, fees, and other expenses incident to said investigation.

Sec. 8. Said committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

With the following amendment by Senator Van Zandt pending:

Amend pending resolution Section 3, by striking the first "the" and substitute, in lieu thereof, the following: "the majority of the membership of said" and by adding the word "present" after the first "committee."

Question first recurring on the amendment, it was adopted.

Senator Hill offered the following amendment to the resolution:

Amend Senate Resolution No. 5 by inserting at the end of Section 3 thereof the following:

"That notwithstanding the foregoing general limitation on the privilege of an individual member to subpoena witnesses and records and take sworn testimony in the absence of a quorum of said committee, any one member shall have such powers under the following conditions:

"1. When he shall have, in writing, notified the chairman of the committee that he had reason to believe that the practices and violations enumerated or referred to in Sections 1 and 2 hereof were or had, or were about to be engaged in or violated, and;

"2. Requested by registered mail a meeting of said committee, and ten days after the receipt of the notice the Chairman has not convened the committee, or a quorum thereof shall have failed to appear and hear the requested testimony, or;

"3. In the event the Chairman desires to take testimony and calls the committee, by registered mail, and a quorum fails to appear, then the Chairman may take testimony and subpoena records as though a quorum were present.

"When a meeting is requested, as set out above, and a quorum fails to appear, or the Chairman refuses to call a meeting, it shall be the duty of the Chairman to certify to the requesting member a receipt of the request for meeting, and upon his failure so to do, a copy of the letter of the request, with a return receipt from the United States Post Office inserted in the record shall serve as proof of compliance with the enumerated conditions.

"When testimony is taken by an individual member, without the presence of a quorum, it shall not be made public without the consent of a majority of the committee, but the member taking it shall have the right to submit a report thereof to the Legislature in a minority report, and file the evidence with the Secretary of the Senate."

Pending consideration of the amendment, President Pro Tempore Cotten occupied the Chair temporarily.

Senator Moore moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas-17
Aikin    Moffett
Brownlee Moore
Fain     Smith
Formby   Stone
Graves   Van Zandt
Hazlewood Vick
Isbell   Weinert
Kelley   Winfield
Martin

Nays-10
Beck     Lovelady
Cotten   Mauritz
Hill     Metcalfe
Lanning Spears
Lemens   Sulak
Absent
Ramsey Shivers
Absent—Excused

Chadick

York

Senator Moore offered the following amendment to the resolution:

Amend the resolution by adding a new section known as Sec. 3a as follows:

“A majority of the members of the committee or the Chairman may call a meeting of the committee.”

The amendment was adopted.

The resolution as amended then was adopted.

Message from the House

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
January 20, 1941.

Hon. Coke R. Stevenson, President of the Senate:

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

S. C. R. 2, In memory of George Edward Robinson, Sr.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Adjournment

On motion of Senator Van Zandt, the Senate, at 11:30 o'clock a.m., adjourned until 11:00 o'clock a.m. tomorrow.
In Memory of

Hon. Walter C. Woodward

The following resolution, previously received from the House, was laid before the Senate and was read:

(House Concurrent Resolution 13)

Whereas, On the 17th day of December, 1940, the Great Architect of the Universe called from the walks of men Senator Walter C. Woodward, of Coleman, Texas, at the age of fifty-eight years, and he met the final ordeal with the same undaunted spirit that he met the problems of life; and

Whereas, In his passing the State has lost a statesman, a great lawyer, and a patriotic citizen; he was loved and respected by his legion of friends; his good works will live on, and his memory be cherished by all who knew him; and

Whereas, His service to the State has been of the highest order, he was elected in 1907 as County Attorney of Coleman County and served until 1911. He was elected State Senator in 1925, he served in the Thirty-ninth, the Forty-first, the Forty-second, and the Forty-third Sessions of the Legislature. Walter Woodward was President of the Texas State Bar Association from 1936 to 1937, and at the time of his death he was serving the State very ably as State Insurance Commissioner, having been appointed by the Honorable Governor W. Lee O'Daniel, February 10, 1939; and

Whereas, The Members of the Forty-seventh Legislature of the State of Texas in recognition of his useful life bow their heads in humble respect for the great loss of his outstanding service and devotion to his fellowman; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a copy of this resolution be spread on the memorial pages of the House Journal on this day to acknowledge the loss of his inspiring presence and splendid record in the field of public service and let this serve as an acknowledgment of his great usefulness to his State and to his people; and be it further

Resolved, That the Chief Clerk of the House of Representatives send the family of the deceased a copy of this resolution under his seal, and when the House and Senate adjourn today, they do so in silent tribute to a man whose name shall live long in the consciousness of his people.

CHAMBERS,
HOWINGTON,
RAMPY,
BURKETT.

On motion of Senator Metcalfe, and by unanimous consent, the resolution was considered immediately.

The resolution was adopted unanimously.
In Memory of

Mrs. Davidella R. Holbrook

Senator Stone offered the following resolution:

(Senate Resolution 12)

On Sunday, January 12, 1941, Mrs. Davidella R. Holbrook, wife of former Senator T. J. Holbrook, died at her home in Austin, Texas. During the many years in which Senator Holbrook served in this body his devoted wife endeared herself to all those in official life, as well as to a host of friends throughout the State of Texas. The members of the Texas Legislature and especially the members of the Senate found her to be a gentle, sweet, intellectual woman who typified the highest ideals of American womanhood. She was a faithful, devoted and helpful companion to her distinguished husband, and a gracious, warm-hearted associate of her many friends. Her life was particularly valuable in that she devoted herself freely to alleviate the sorrows of the distressed and unfortunate. In her last days she endured her affliction with the patience and fortitude of a saint, always maintaining a sweet and cheerful disposition in spite of most severe physical suffering. In the passing of Mrs. Holbrook, Texas has lost a noble, useful woman, and her associates have lost a true friend; therefore, be it

Resolved, That the Senate of the State of Texas, and the members thereof, here and now extend their sincere sympathy to Senator T. J. Holbrook and the members of the deceased’s family; and that her passing be appraised as an irreparable loss to all those who were privileged to know her; be it further

Resolved, That when the Senate adjourns today that it do so out of respect for the memory of the life of this splendid woman.

STONE, SHIVERS, MOORE, WINFIELD, WEINERT, BROWNLEE, SULAK, BECK, COTTEN, VAN ZANDT, HILL, AIKIN, ISBELL, SPEARS.


On motion of Senator Metcalfe and by unanimous consent, the names of all the members of the Senate were added to the resolution as signers thereof.

The resolution was adopted unanimously.
FIFTH DAY
(Tuesday, January 21, 1941)

The Senate met at 11:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Cotten.

The roll was called, and the following Senators were present:

Aiken Mauritz
Brownlee Metcalfe
Chadick Moffett
Cotten Moore
Fain Ramsey
Formby Shivers
Graves Spears
Hill Stone
Isbell Sulak
Kelley Van Zandt
Lanning Vick
Lemens Weinert
Lovelady Winfield
Martin

Absent
Beck
Absent—Excused
York

A quorum was announced present.

Prayer was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with, and the Journal was approved.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President Pro Tempore to the committees indicated:

By Senators Spears and Aikin:

S. B. No. 36, A bill to be entitled "An Act to authorize and empower the Governor of the State of Texas to lease and demise to the United States the tract of land, known as Camp Hulen at or near Palacios, Matagorda County, Texas, now owned and held in trust by the State of Texas for the use and benefit of the 36th Division, Texas National Guard, together with such buildings, systems, fixtures, and appurtenances thereon, as he may deem advisable."

To Committee on Military Affairs.

By Senator Brownlee:

S. B. No. 37, A bill to be entitled "An Act to create a Texas Defense Guard in the State of Texas during such time as any part of the National Guard is in active Federal Service, and to provide for the organization, maintenance, training and discipline thereof; and declaring an emergency."

To Committee on Military Affairs.

By Senator Fain:

S. B. No. 38, A bill to be entitled "An Act to provide further safeguards for public educational funds; and declaring an emergency."

To Committee on Education.

By Senator Moore:

S. B. No. 39, A bill to be entitled "An Act amending Section 5 of Senate Bill No. 175 passed at the Regular Session of the Forty-sixth Legislature and known as Chapter 15, page 285, of the General Laws passed at said Regular Session of the Forty-sixth Legislature so that Section 5 of said Senate Bill No. 175 shall hereafter read as follows: 'No bonds authorized to be issued or executed under this Act shall be issued or executed after the expiration of four years after the effective date of this Act'; and declaring an emergency."

To Committee on Internal Improvements.

Message from the House

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, January 21, 1941.

Hon Coke R. Stevenson, President of the Senate.

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

H. C. R. No. 14, Providing for joint session of House and Senate at 11:30 a. m., Tuesday, January 21, 1941, for purpose of inaugurating Hon. W. Lee O'Daniel as Governor of Texas, and Honorable Coke Stevenson as Lieutenant Governor of Texas, for the ensuing period of two years, and further providing for the adjourn-