House Bill 374 on Second Reading

On motion of Senator Fain and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 374 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 374, A bill to be entitled “An Act to amend Chapter 57 of the Acts of the Forty-first Legislature of Texas, Regular Session, as amended by Chapter 200 of the Acts of the Forty-fifth Legislature of Texas, Regular Session, by amending Section 12 and 13b thereof so as to provide for the funding of scrip and warrant indebtedness of the Road and Bridge Fund of Montgomery County, Texas, legally incurred prior to February 1, 1941; and validating, ratifying, legalizing, and confirming an issue of Sixty-six Thousand ($66,000) Dollars of road and bridge time warrants of said county, dated February 1, 1941, and authorizing the funding thereof into coupon bonds of said county, in accordance with the terms and provisions of this Act; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.”

The bill was read second time and was passed to third reading.

House Bill 374 on Third Reading

Senator Fain moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 374 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

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

Absent—Excused

Cotten  Moore
Mauritz  Spears

The bill was read third time and was passed by the following vote:

Yeas—27

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

Absent—Excused

Cotten  Moore
Mauritz  Spears

Recess

Senator Kelley moved that the Senate recess until 10:00 o'clock a. m. tomorrow.

The motion prevailed, and the Senate, accordingly, at 1:10 p. m., took recess until 10:00 o'clock a. m. tomorrow.

FORTY-FIRST DAY
CONTINUED
(Thursday, March 27, 1941)

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

Senate Resolution 74

Senator Isbell, by unanimous consent, offered at this time the following resolution:

Whereas, Mrs. Nancy Richey Ranson, recently selected Poet Laureate for the ensuing two years is now within the Capitol; therefore, be it
Resolved, That she be extended the privilege of the floor for the day and be invited to address the Senate.

The resolution was read, and by unanimous consent, it was considered and adopted at this time.

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, March 27, 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 bill and resolution:

H. C. R. No. 80, Extending the time for filing applications with the State Department of Education by districts in the State whose populations have been clearly increased by reason of defense projects.

H. B. No. 567, A bill to be entitled "An Act making emergency supplementary appropriations for the support and maintenance of the Texas Liquor Control Board for the fiscal year ending August 31, 1941; for the payment of refund claims filed under the provisions of the Texas Liquor Control Act; providing regulations and restrictions in respect to the appropriations made herein; and declaring an emergency."

Respectfully submitted,

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

Message from the Governor

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

Austin, Texas, March 27, 1941.

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

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be a Member of the Board of Hairdressers and Cosmetologists to fill the unexpired term of Mrs. Faye Stewart, resigned, term to expire August 9, 1941:

Mrs. Lillie Stone of Commerce, Hunt County.

Respectfully submitted,

W. LEE O’DANIEL,
Governor of Texas.

The message was referred to the Committee on Nominations of the Governor.

Committee Substitute Senate Bill 43 on Engrossment

The Senate resumed consideration of pending business, same being C. S. S. B. No. 43, prescribing license fees to be paid for registration of commercial motor vehicles, trailers and buses; with the following amendment by Senator Metcalfe pending:

Amend C. S. S. B. No. 43, page 1, by striking out all of lines 44, 45, 46 and 47, and substitute in lieu thereof the following:

<table>
<thead>
<tr>
<th>Bracket</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-4,000</td>
<td>$0.35</td>
</tr>
<tr>
<td>4,001-6,000</td>
<td>$0.40</td>
</tr>
<tr>
<td>6,001-8,000</td>
<td>$0.50</td>
</tr>
<tr>
<td>8,001-10,000</td>
<td>$0.60</td>
</tr>
<tr>
<td>10,001-20,000</td>
<td>$0.70</td>
</tr>
<tr>
<td>20,001-30,000</td>
<td>$0.80</td>
</tr>
<tr>
<td>30,001-and up</td>
<td>$0.90</td>
</tr>
</tbody>
</table>

Senator Metcalfe withdrew the amendment.

Senator Van Zandt offered the following amendment to the bill:

Amend C. S. S. B. No. 43, by striking out all of lines 44, 45, 46 and 47, and substitute in lieu thereof the following:

<table>
<thead>
<tr>
<th>Bracket</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-6,000</td>
<td>$0.40</td>
</tr>
</tbody>
</table>

The amendment to the amendment was adopted.
Senator Sulak offered the following amendment to the amendment:

Amend Van Zandt amendment by striking figures "1.90" and "1.20" and inserting in lieu thereof "1.00" and "1.30."

On motion of Senator Metcalfe, the amendment to the amendment was tabled.

The amendment (as amended) was adopted.

Senator Weinert offered the following amendment to the bill:

"This Act shall in no wise repeal, alter or amend Acts 1934, Forty-third Legislature, Third Called Session, page 75, Chapter 36, Section 1."

WEINERT, MARTIN, MOFFETT.

The amendment was adopted.

Senator Stone offered the following amendment to the bill:

Amend S. B. No. 43 by adding a new Section thereto, properly placed and properly numbered, to read as follows:

"Sec...., Section 8, Chapter 75, Acts 1923, Thirty-eighth Legislature, Regular Session, be amended so as to hereafter read as follows:

"If any person shall operate, or permit to be operated, any motor vehicle, licensed under this law, of a greater weight than stated in his declaration or application for license, he shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than Twenty Five ($25.00) Dollars, nor more than Two Hundred ($200.00) Dollars, and each use of such vehicle shall constitute a separate offense, and venue for prosecutions hereunder shall lie in any county in which any motor vehicle is operated with a greater gross weight than that stated in the declaration or application for a license for such motor vehicle."

The amendment was adopted.

Senator Mauritz offered the following amendment to the bill:

Amend S. B. No. 43 by adding a Section to be numbered 6a to read as follows:

"Section 6a. All vehicles using or being propelled by Diesel motors or engines shall pay double the fees provided in this Act."

(Senator Fain in the Chair.)

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—16
Aikin
Chadick
Pain
Formby
Graves
Hazelwood
Hill
Isbell
Lanning
Lemons
Mauritz
Moore
Shivers
Stone
Sulak
York

Nays—13
Beck
Brownlee
Kelley
Lovelady
Martin
Metcalfe
Moffett

Absent—Excused
Cotten
Spears

Senator Sulak offered the following amendment to the bill:

Amend S. B. No. 43 by adding a new Section, which shall be numbered Section 1a, and read as follows:

"Section 1a. That Section 2, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, as amended by Section 2, Chapter 23, Acts 1929, Forty-first Legislature, Fifth Called Session, be and the same is hereby amended so as to hereafter read as follows:

"Section 2. Every owner of a motor vehicle, trailer or semi-trailer used or to be used upon the public highways of this State, and each chauffeur, shall apply each year to the State Highway Department through the county tax collector of the county in which he resides for the registration of each such vehicle owned or controlled by him, or for a chauffeur's license, for the ensuing or current calendar year or unexpired portion thereof; provided that where a public highway separates lands under the domain or control of one owner, the operation of a motor vehicle by such owner, his agents or employees, across such highway at a right angle therewith, shall not constitute a use of such motor vehicle upon a public highway of this State. Owners of farm tractors, farm trailers, farm-semi-trailers, and implements of husbandry, operated or moved temporarily upon the highways shall not be required to register such farm-tractors, farm-trailers,
farm-semi-trailers, or implements of husbandry; provided, however, that such farm-trailers and farm-semi-trailers are operated in conformity to all provisions of the law save and except the requirements as to registration and license; and providing further, that the exemptions in this Section shall not apply to any farm-trailer or farm-semi-trailer when the gross weight exceeds four thousand (4,000) pounds; provided that no farm-trailer or farm-semi-trailer with metal tires shall be permitted to operate at a speed in excess of fifteen (15) miles per hour; and provided, further, that the exemptions in this Section shall not apply to any farm-trailer or farm-semi-trailer with steel tires of a width less than three inches operating in excess of fifteen (15) miles per hour; and providing, further, that the exemption in this Section shall not apply to any farm-trailer or farm-semi-trailer when the same is used for hire. Provided, however, it shall be unlawful to operate any trailer or semi-trailer at night without a rear red light or red reflectors.'

Senator Brownlee offered the following amendment to the amendment:

Amend Sulak amendment by striking out the words "at right angles therewith."

The amendment to the amendment was adopted.

The amendment (as amended) was adopted.

Senator Lanning offered the following amendment to the bill:

Amend C. S. S. B. No. 43, page 2, lines 44 and 45, by striking out "$1.40" on line 44 and insert in lieu thereof "$2.00," and by striking out "$1.40" in line 45, and insert in lieu thereof "$2.00."

(President in the Chair.)

Senator Sulak offered the following substitute for the amendment:

Amend S. B. No. 43 by striking out in line 44 the figures "$1.40" and "$1.75" and insert in lieu thereof "$2.00" and "$3.00"; and in line 45 the figures "$3.00" and "$4.00."

Question—Shall the substitute for the amendment be adopted?
The President laid the bill and
House amendments before the Senate.

Senator Shivers moved that the Sen­
ate concur in the House amend­ments.

The motion prevailed by the fol­
lowing vote:

Yeas—30
Aikin    Martin
Beck     Mauritz
Brownlee Metcalf
Chadick    Moffett
Cotten     Moore
Fain     Ramsey
Formby     Shivers
Graves     Smith
Hazlewood Stone
Hill       Sulak
Isbell     Van Zandt
Kelley     Vick
Lanning   Weinert
Lemens   Winfield
Lovelady  York

Absent—Excused
Spears

Signing of Bills and Resolutions

The President signed in the pres­
ence of the Senate, after their captions
had been read, the following enrolled
bills and resolutions:

S. B. No. 147, bill to be entitled
"An Act authorizing the Board of Di­
fectors of the Agricultural and Me­
chanical College of Texas to acquire,
and maintain and operate airports for
said institution and its branches; con­
ferring the right of eminent domain;
enacting other provisions in reference
to the subject; and declaring an emer­
gency."

S. B. No. 212, A bill to be entitled
"An Act authorizing any banking
 corporation selected as the depository
for county funds or as the depository
for the funds of any school district
in Texas, to pledge General Fund
Warrants of the State of Texas as
securities securing such funds when,
as otherwise provided by law, such
banking corporations are authorized
to pledge securities in lieu of personal
bonds or surety bonds; and declaring
an emergency."

S. B. No. 326, A bill to be entitled
"An Act to amend the subject matter
embraced in Section 7, Chapter 482,
General and Special Laws of the
Forty-fourth Legislature, Third Called
Session, as amended by Section 3,
Chapter 67, General and Special Laws,
Forty-fifth Legislature, Regular Ses­
tion, as amended by Section 4, Chap­
ter 2, General Laws, Forty-sixth Leg­
islature, Regular Session, as amended
by S. B. No. 29 of the Forty-seventh
Legislature, Regular Session, provid­
ing for determining the amount of
contributions by employers and de­
fining certain terms, and providing
for the effective date of this Act and
for the repeal of all laws and parts
of laws in conflict therewith; and de­
claring an emergency."

S. C. R. No. 35, Congratulating Gov­
er and people of State of Vermont.

H. B. No. 84, A bill to be entitled
"An Act creating the 94th Judicial
District Court for Nueces County; de­
fining its jurisdiction; adjusting busi­
ness of the 28th District Court of
Nueces County and the 117th Dis­
trict Court of Nueces County with
the court created hereby; prescrib­
ing the duties of the district clerk
with respect thereto; and fixing the
three during which said court shall exist;
and declaring an emergency."

H. B. No. 230, A bill to be entitled
"An Act to amend Section 1 of Ar­
ticle 2351a of the Revised Civil Stat­
tutes of Texas of 1925, the same being
H. B. No. 427, Acts 1937, of the Forty­
fifth Legislature, Regular Session, by
providing for the addition thereto of
counties having not less than six
thousand, one hundred (6,100) and not
more than six thousand, one hundred
and eighty (6,180), according to the
last preceding Federal Census; and de­
claring an emergency."

H. B. No. 323, A bill to be entitled
"An Act providing that it shall be
unlawful for any person, firm, part­
ership, association, or corporation to
sell or offer for sale within the State
of Texas any goods, wares, or mer­
chandise manufactured wholly or in
part by convicts or prisoners in penal
and reformatory institutions, except
convicts or prisoners on parole or pro­
bation; providing exemptions and
penalties for the violation thereof; and
declaring an emergency."

H. B. No. 765, A bill to be entitled
"An Act to amend H. B. No. 427, Acts
Forty-second Legislature, Regular
Session, providing that all officers and
employees of the State of Texas, any
county or political subdivision thereof,
including municipalities, who are mem­
ers of the National Guard, National
Guard Reserves, or Organized Re-
serves of the Army or Navy of the United States, shall be entitled to leave of absence without loss of pay or efficiency rating during such days as they may attend training ordered or authorized under provisions of law; limiting the period of absence with pay to twelve (12) days in any one calendar year; providing that such limitation to twelve (12) days absence with pay shall not apply to members of the Legislature; and declaring an emergency."

Address by Poet Laureate

In accordance with the Senate Resolution No. 74, adopted by the Senate today, the President requested Senators Winfield, Isbell and Fain to escort Mrs. Nancy Richey Ranson, Poet Laureate of Texas, to the President's desk.

The President presented Senator Winfield, who introduced Mrs. Nancy Richey Ranson to the Senate.

Mrs. Ranson addressed the Senate briefly and recited two of her poems.

(Senator Isbell in the Chair.)

Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following messages:

Hall of the House of Representatives, Austin, Texas, March 27, 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. 64, Granting J. H. Ferrel, Trustee, permission to make the State of Texas a party defendant in a suit to foreclose vendor's lien against a certain lot in Abilene.

H. C. R. No. 82, Granting each House the right to adjourn to a certain date.

Respectfully submitted,

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

(President in the Chair.)

On motion of Senator Moffett and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 398 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 398, A bill to be entitled "An Act amending Section 1 of H. B. No. 160, Acts of the First Called Session of the Forty-first Legislature, Chapter 83, page 209, as amended by H. B. No. 216, Acts of the Forty-seventh Legislature, Regular Session, by removing therefrom the restriction, limiting the land, which a city may purchase for airport purposes, to tracts of land within the county in which such city is situated; and providing that a city may acquire land by purchase, providing same be located within twelve (12) miles of the corporate limits of such city, irrespective of whether the said land shall be within or without the boundaries of the county in which such city is located; and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following amendment to the bill:

Amend S. B. No. 398 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Section 1 of H. B. No. 160, Acts of the Forty-first Legislature, First Called Session, Chapter 83, page 209, as amended by H. B. No. 216, Acts of the Forty-seventh Legislature, Regular Session, be and the same is hereby amended so as to hereafter read as follows:

"Section 1. A. That the governing body of any incorporated city in this State may receive through gift or dedication, and is hereby empowered to acquire, by purchase without condemnation or by purchase through condemnation proceedings, and thereafter maintain and operate as an airport, or lease, or sell, to the Federal Government, tracts of land either within or without the corporate limits of such city and within the county in which such city is situated, and the commissioners' court of any county may likewise acquire, maintain and operate for like purpose tracts of land within the limits of the county.

"B. That the governing body of any incorporated city in this State
may receive through gift or dedication, and is hereby empowered to acquire by purchase without condemnation, and thereafter maintain and operate as an airport, or lease, or sell to the Federal Government, tracts of land without the county in which such city is situated, provided said tracts are not within five (5) miles of another incorporated city.

"C. That the governing body of any incorporated city in this State may, and is hereby empowered to acquire through condemnation proceedings, and thereafter maintain and operate as an airport, or lease, or sell to the Federal Government, tracts of land without the county in which such city is located, provided said tracts are not within five (5) miles of another incorporated city; provided, however, that the grant herein made, to acquire land through condemnation, shall expire on September 1, 1943, but that tracts of land acquired prior to that date may continue to be operated, leased, or sold, as otherwise provided herein.

"D. In addition to the power which it may now have, the governing body of an incorporated city shall have the power to sell, convey or lease, all or any portions of any airports herefore established or that may be hereafter established, to the United States of America for any purpose deemed by the Government of the United States necessary for national defense, or for air mail purposes, or any other public purpose, or to the State of Texas, or any branch of the State Government, or to any other person, firm, or corporation, to carry out any purpose necessary or incidental to national defense or training incidental thereto; and that such governing body shall provide rules and regulations for the proper use of any such airports in connection with the purposes stated herein.

"Sec. 2. If any Section or Sections, clause, sentence or provision of this Act should, for any reason, be held to be invalid or unconstitutional, it shall not affect in anywise the remaining parts of this Act, not so held, and that portion not held invalid shall remain in full force and effect.

"Sec. 3. The fact that the present law restricts a city in acquiring lands for airport sites, to lands in the county in which such city is located, and the fact that many cities lie close to the boundaries of the county within which they are located, and in many instances the most valuable land for use for airport sites lies partly without, or wholly without the county in which such city is located, and the fact that in many instances cities would not be able to acquire suitable land for airports within the limits of the county in which such cities are located, and the further fact that such cities need to acquire the most practical and suitable lands for such purposes in furtherance of the Emergency National Defense Program, creates an emergency and imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and requires that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Senator Weinert offered the following amendment to the bill:

Amend S. B. No. 398, by striking out "Paragraph C" of Section No. 1.

The amendment was adopted.

By unanimous consent, it was ordered that the caption be amended to conform to the body of the bill as amended.

The bill was passed to engrossment.

Senate Bill 398 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 398 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30
Aikin  Beek  Brownlee  Chadick  Cotten  Fain  Formby  Graves  Hazlewood  Hill  Isbell  Keller  Lanning  Lemens  Lovelady

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

<table>
<thead>
<tr>
<th>Yeas—30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aikin</td>
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<tr>
<td>Beck</td>
</tr>
<tr>
<td>Brownlee</td>
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<tr>
<td>Chadick</td>
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<td>Cotten</td>
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<td>Formby</td>
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<td>Graves</td>
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<td>Hazlewood</td>
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<td>Hill</td>
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<td>Isbell</td>
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<td>Kelley</td>
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<tr>
<td>Lanning</td>
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<tr>
<td>Lemens</td>
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<tr>
<td>Lovelady</td>
</tr>
</tbody>
</table>

Absent—Excused

Spears

Committee Substitute Senate Bill 43 on Passage to Engrossment

The Senate resumed consideration of C. S. S. B. No. 43, prescribing fees for the registration of commercial motor vehicles, trailers and buses, on its passage to engrossment; with amendment by Senator Lanning and substitute by Senator Sulak for the amendment pending.

Question—Shall the substitute be adopted?

Senator Moore moved a call of the Senate to maintain a quorum until S. B. No. 43 has been disposed of, and the call was duly seconded.

The call of the Senate was ordered by the following vote:

<table>
<thead>
<tr>
<th>Yeas—17</th>
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</thead>
<tbody>
<tr>
<td>Beck</td>
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<tr>
<td>Brownlee</td>
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<td>Fain</td>
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<tr>
<td>Formby</td>
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<td>Hazlewood</td>
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<td>Hill</td>
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<tr>
<td>Kelley</td>
</tr>
<tr>
<td>Lovelady</td>
</tr>
<tr>
<td>Mauritz</td>
</tr>
</tbody>
</table>

Nays—13

Aikin          | Cotten |
| Chadick       | Graves |

Absent—Excused

Spears

Senator Hill moved to reconsider the vote by which the call was ordered.

The motion to reconsider was lost by the following vote:

<table>
<thead>
<tr>
<th>Yeas—14</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aikin</td>
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<tr>
<td>Chadick</td>
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<tr>
<td>Cotten</td>
</tr>
<tr>
<td>Fain</td>
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<tr>
<td>Formby</td>
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<td>Hazlewood</td>
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<td>Hill</td>
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<tr>
<td>Isbell</td>
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<td>Kelley</td>
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<tr>
<td>Lanning</td>
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<tr>
<td>Lemens</td>
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<tr>
<td>Lovelady</td>
</tr>
</tbody>
</table>

Nays—16

Beck            | Metcalf |
| Brownlee      | Moore   |
| Formby        | Ramsey  |
| Hazlewood     | Smith   |
| Kelley        | Stone   |
| Lovelady      | Weinert |
| Martin        | Winfield|
| Mauritz       | York    |

Absent—Excused

Spears

Senator Sulak withdrew the substitute.

Senator Metcalf offered the following substitute for the amendment by Senator Lanning:

Amend S. B. No. 43 by striking out all of “Section 5.”

Question—Shall the substitute be adopted?

Senator Moore moved the previous question on the pending amendments and the bill, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

<table>
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<tr>
<th>Yeas—15</th>
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<tbody>
<tr>
<td>Beck</td>
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<td>Brownlee</td>
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<td>Fain</td>
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<td>Formby</td>
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<td>Hazlewood</td>
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<td>Kelley</td>
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<tr>
<td>Martin</td>
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<tr>
<td>Mauritz</td>
</tr>
</tbody>
</table>
The substitute was lost by the following vote:

<table>
<thead>
<tr>
<th>Senators</th>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beck</td>
<td>12</td>
<td>18</td>
</tr>
<tr>
<td>Brownlee</td>
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<td>Fain</td>
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<td>Smith</td>
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Absent—Excused

Spears

Question next recurring on the amendment by Senator Lanning, yeas and nays were demanded.

The amendment was adopted by the following vote:

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<tr>
<th>Senators</th>
<th>Yeas</th>
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<td>Aikin</td>
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Absent—Excused

Spears

C. S. S. B. No. 43 then was passed to engrossment.

Committee Substitute Senate Bill 43 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 43...
be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin
Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hazlewood
Hill
Isbell
Kelley
Lanning
Lemens
Lovelady
Nays—1
Sulak
Absent—Excused
Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Chadick offered the following amendment to the bill:

Amend C. S. S. B. No. 43 by adding a new Section to be designated as Section 7a, to read as follows:

"Sec. 7a. The drivers of all commercial vehicles shall carry a certificate from the tax assessor-collector of the county in which such vehicle is registered, which shall legally state the motor and license number of the vehicle being driven and the maximum gross weight in pounds for which such vehicle is registered. The driver, owner, operator, or other person operating, or driving such vehicle, failing to comply with this provision of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not to exceed Two Hundred Dollars. The certificate above required shall be admissible in evidence in any cause in which the gross weight of such vehicle is registered, is an issue, and shall be prima facie evidence of the gross weight for which such vehicle is registered. Such certificate shall be displayed to any officer authorized to enforce this Act upon request by such officer."

The amendment was adopted unanimously.
combines or moving machinery, but shall not include any automobile or truck."

Question—Shall the amendment be adopted?

Senator Kelley, by unanimous consent, offered the following amendment to the bill:

Amend S. B. No. 43 by inserting a new Section, properly numbered.

"If any Section, sub-section, phrase, clause, sentence or portion hereof, shall for any reason be held invalid, the same shall not affect the remaining Sections and provisions of this Act and the Legislature hereby declares that it would have passed this Act, without such portion that might be held invalid."

KELLEY, METCALFE.

Senator Hill moved the previous question on the amendments offered by Senators Metcalfe and Kelley and the passage of the bill, and the motion was duly seconded.

The main question was ordered by the following vote:

Yeas-24
Beck  Chadick  Cotten  Fain  Formby  Graves  Hill  Kelley  Lanning  Lemens  Martin
Mauritz  Metcalfe  Moffett  Moore  Ramsey  Shivers  Smith  Van Zandt  Weinert  York

Nays-6
Aikin  Brownlee  Isbell  Lovelady  Sulak
Beck  Chadick  Cotten  Fain  Formby  Graves  Hill  Kelley  Lemens
Mauritz  Metcalfe  Moffett  Moore  Ramsey  Shivers  Smith  Van Zandt  Weinert

Absent-Excused
Spears

On motion of Senator Van Zandt, and by unanimous consent, it was ordered that all Sections of the bill be properly numbered or re-numbered to appear in a proper numerical order.

The bill (as amended) then was passed by the following vote:

Yeas-25
Aikin  Lovelady
Beck  Martin
Brownlee  Mauritz
Chadick  Metcalfe
Cotten  Moffett
Fain  Moore
Formby  Ramsey
Graves  Shivers
Hazlewood  Smith
Hill  Vick
Kelley  Winfield
Lanning  York
Lemens

Nays-5
Isbell  Van Zandt
Stone  Weinert
Sulak

Absent-Excused
Spears

Message from the House

The Chief Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives, Austin, Texas, March 27, 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. 81, Extending time for registration of commercial motor vehicles.

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

Reports of Standing Committees

Senator Smith, by unanimous consent, submitted at this time the following report:

Committee Room, Austin, Texas, March 27, 1941.

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

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 440, A bill to be entitled "An Act to make it unlawful to shoot,
kill, maim, injure, molest, entrap, or detain an Antwerp Messenger or Homing Pigeon, commonly called a 'carrier pigeon'; making it unlawful for person other than owner to remove or alter any stamp or identification mark; and to provide a penalty for the violation thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Senator Beck, by unanimous consent, submitted at this time the following report:

Austin, Texas,
March 27, 1941.

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

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 17, A Joint Resolution proposing an amendment to Article V of the Constitution of Texas by providing that the Legislature shall have the power, by local or general law, in counties having a population in excess of two hundred and fifty thousand (250,000) inhabitants to create other courts having exclusive jurisdiction or concurrent jurisdiction with the county court in civil, criminal or probate matters; fixing the time for an election therefor; prescribing the form of ballot; providing for a proclamation of such election and the advertisement thereof, and making an appropriation therefor.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BECK, Chairman.

Senator Ramsey, by unanimous consent, submitted at this time the following report:

Senate Chamber,
Austin, Texas,
March 27, 1941.

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

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 74, A bill to be entitled "An Act to amend Article 2970, Title 50, Chapter 5, of the Revised Civil Statutes of Texas, of 1925, as amended by Section 2 of Chapter 2, Acts of the Forty-sixth Legislature, Regular Session, 1939; page 296; repealing all laws in conflict; and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be printed.

RAMSEY, Chairman.

House Concurrent Resolution 82

The President laid before the Senate for consideration at this time:

H. C. R. No. 82, Authorizing either House to adjourn from March 27, 1941, to March 31, 1941.

The resolution was read and was adopted.

Record of Vote

Senator Hill asked to be recorded as voting "nay" on the resolution.

House Concurrent Resolution 81

The President laid before the Senate (the resolution having been received from the House today):

H. C. R. No. 81, To extend time for registering commercial motor vehicles for the registration year 1941.

The resolution was read and was referred to the Committee on Highways and Motor Traffic.

Adjournment

Senator Lovelady moved that the Senate adjourn until 10:00 o'clock a.m. tomorrow.

The motion prevailed, and the Senate, accordingly, at 2:10 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.

FORTY-SECOND DAY

(Friday, March 28, 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 Formby
Beck Graves
Brownlee Hazlewood
Chadick Lemens