Absent
Shivers Vick
Absent-Excused
Brownlee Spears
Cotten Sulak
Hill

Senator Martin offered the following amendment to the amendment (1):
Amend H. B. No. 272 by adding another item numbered "98" immediately following item "97," line 24, page 28 to read as follows, "classroom building...$1,500,000.00."

Question—Shall the amendment to the amendment (1) be adopted?

Message from the House

The Chief Clerk of the House presented the following message:

Hall of the House of Representatives, Austin, Texas, May 8, 1941.

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

Sir: I am directed by the House to inform the Senate that the House has revised its original action and has concurred in Senate amendments to H. B. No. 444 by a 119 ayes, 0 noes vote.
The House has concurred in Senate amendments to H. B. No. 728 by a vote of 120 ayes, 0 nays.
The House has concurred in Senate amendments to H. B. No. 819 by a vote of 126 ayes, 0 nays.
The House has concurred in Senate amendments to H. B. No. 820 by a vote of 132 ayes, 0 nays.
The House has adopted the Conference Committee report on S. B. No. 282 by a vote of 67 ayes, 12 noes, 29 present.
The House has concurred in Senate amendments to H. B. No. 928 by a vote of 122 yeas, 0 noes.
The House has passed the following bill and resolution:

S. B. No. 204, A bill to be entitled "An Act to repeal Chapter 10, Acts Fourth Called Session of the Forty-first Legislature, as amended by Chapter 202, Regular Session Forty-second Legislature, declaring the open season for killing wild turkeys in any county composing the 3rd, 5th and 14th Senatorial Districts, and in counties having a population of over three hundred fifty thousand (350,000) according to the 1930 Federal census, or any other census taken thereafter, to be during the months of March and April; and declaring an emergency."

With amendments.
S. C. R. No. 41, Authorizing the donation of certain materials of the State Highway Department.

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

Recess.

On motion of Senator Weinert, the Senate, at 4:05 o'clock p. m., took recess to 10:00 o'clock a. m. tomorrow.

SIXTY-FIFTH DAY
Continued

(Friday, May 9, 1941)

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

Leave of Absence Granted

Senator Metcalfe was granted leave of absence for today on account of important business, on motion of Senator Mauritz.

House Concurrent Resolution 113

On motion of Senator Brownlee, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time (the resolution having been received from the House on May 5, 1941):

H. C. R. No. 113, Authorizing the Board of Control to execute an extension of a lease to the City of Austin for a certain tract of land.

The President laid the resolution before the Senate, and it was read and was adopted.

Reports of Standing Committees

Senator Weinert, by unanimous consent, submitted at this time the following reports:

Austin, Texas, May 9, 1941.

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

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 202, A bill to be entitled "An Act amending Article 3148, R.
C. S. of Texas, 1925, so as to provide for the service of notice in a primary election contest upon the opposing candidate, by providing that such notice may be served upon the agent or attorney of the opposing candidate, or by leaving the notice with some person over the age of sixteen years at the usual place of residence or business of the opposing candidate, or his last address; etc.

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.

WEINERT, Chairman.

Austin, Texas,
May 9, 1941.

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

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 464, A bill to be entitled “An Act amending Article 4549, Chapter 9 of Title 71 of the R. C. S. of the State of Texas as amended; providing for notice and hearing before revocation or suspension of licenses; etc.”

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.

WEINERT, Chairman.

Austin, Texas,
May 9, 1941.

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

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 450, A bill to be entitled “An Act permitting estates of deceased Texas citizens, and others being administered within its jurisdiction, to take advantage of savings in federal income taxes, authorized under Section 162 of the Federal Internal Revenue Code, by providing that where the estate of a deceased person is being administered under the direction, control and orders of a county court in the exercise of its probate jurisdiction, upon the application of the executor or administrator of said estate, or any interested party, after notice thereof as provided for in Sections 6 and 7 of H. B. No. 112, Chapter 446 of the Forty-fourth Legislature, Second Called Session, 1935, relating to notices of applications filed under the provisions of said H. B. No. 122, etc.”

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.

WEINERT, Chairman.
Austin, Texas,
May 9, 1941.

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

Sir:

We, your Committee on Civil Jurisprudence, to whom was referred
H. B. No. 465, A bill to be entitled
"An Act providing that in all counties in the State of Texas having County Courts at Law, the Judges of such Courts may act for the County Judge in probate or guardianship proceedings or matters, etc."

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

WEINERT, Chairman.

Austin, Texas,
May 9, 1941.

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

Sir:

We, your Committee on Civil Jurisprudence, to whom was referred
H. B. No. 902, A bill to be entitled
"An Act amending Section 17a of Chapter 280, Acts of the Regular Session of the Forty-first Legislature, amending Chapter 25, Acts of the Regular Session of the Thirty-ninth Legislature; providing that water control and improvement districts may purchase, own, and operate fire engines and all necessary fire fighting equipment and appliances; validating all purchases of fire engines, equipment, and appliances heretofore made by water control and improvement districts; etc."

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

WEINERT, Chairman.

Austin, Texas,
May 9, 1941.

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

Sir:

We, your Committee on Civil Jurisprudence, to whom was referred
S. B. No. 439, A bill to be entitled
"An Act authorizing the commissioners' court of any county in this State to call an election for the purpose of issuing bonds or warrants for the purpose of acquiring tracts of land and constructing buildings and improvements thereon for an agricultural experiment station: etc."

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

WEINERT, Chairman.

Austin, Texas,
May 9, 1941.

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

Sir:

We, your Committee on Civil Jurisprudence, to whom was referred
H. B. No. 951, A bill to be entitled
"An Act amending House Bill No. 31, Acts of 1933, Forty-third Legislature, First Called Session, Chapter 101 and amendments thereto by adding thereto a new section to be known as Section 18, providing that whenever an incorporated city or town has heretofore qualified and operated under said Act, the power and authority given to said city or town under said Act shall remain in full
force and effect, regardless of any change in the population of said city or town; etc."

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.

WEINERT, Chairman.

Austin, Texas,
May 9, 1941.

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

Sir:

We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 214, A bill to be entitled "An Act amending Article 1036, Title 15, Chapter 2, of the Code of Criminal Procedure of 1925, as amended by Chapter 75, page 113, Acts of the Regular Session of the Fortieth Legislature, and by Chapter 143, page 239 of the Acts of the Regular Session of the Forty-second Legislature, providing for the payment of witness fees by the State of Texas; etc."

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.

WEINERT, Chairman.

Austin, Texas,
May 9, 1941.

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

Sir:

We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 416, A bill to be entitled "An Act to amend Section 7, Article 3286, of the Revised Civil Statutes of 1925, so as to provide for commissioners in eminent domain proceedings in the minutes of the county court, and repealing all laws and parts of laws in conflict herewith; 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 printed.

WEINERT, Chairman.

Austin, Texas,
May 9, 1941.

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

Sir:

We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 416, A bill to be entitled "An Act to amend Section 7, Article 3286, of the Revised Civil Statutes of 1925, so as to provide for commissioners in eminent domain proceedings in the minutes of the county court, and repealing all laws and parts of laws in conflict herewith; 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 printed.

WEINERT, Chairman.

Austin, Texas,
May 9, 1941.

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

Sir:

We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 416, A bill to be entitled "An Act to amend Section 7, Article 3286, of the Revised Civil Statutes of 1925, so as to provide for commissioners in eminent domain proceedings in the minutes of the county court, and repealing all laws and parts of laws in conflict herewith; 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 printed.

WEINERT, Chairman.

Austin, Texas,
May 9, 1941.

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

Sir:

We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 416, A bill to be entitled "An Act to amend Section 7, Article 3286, of the Revised Civil Statutes of 1925, so as to provide for commissioners in eminent domain proceedings in the minutes of the county court, and repealing all laws and parts of laws in conflict herewith; 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 printed.

WEINERT, Chairman.

Austin, Texas,
May 9, 1941.

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

Sir:

We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 416, A bill to be entitled "An Act to amend Section 7, Article 3286, of the Revised Civil Statutes of 1925, so as to provide for commissioners in eminent domain proceedings in the minutes of the county court, and repealing all laws and parts of laws in conflict herewith; 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 printed.

WEINERT, Chairman.
Austin, Texas,
May 9, 1941.
Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 139, A bill to be entitled "An Act validating all zoning ordinances and amendments thereto heretofore passed by the legislative bodies of cities and incorporated villages pursuant to Chapter 283, Acts of the Fortieth Legislature, etc."

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.

WEINERT, Chairman.

Austin, Texas,
May 9, 1941.
Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 442, A bill to be entitled "An Act amending Section 18, Chapter 41, Acts Fortieth Legislature, First Called Session, as amended by Section 2, Acts of the Forty-sixth Legislature, so as to provide for the filing of a birth record in the county where the birth occurred, etc."

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.

WEINERT, Chairman.
Senator Moffett, by unanimous consent, submitted at this time the following report:

Austin, Texas,
May 9, 1941.

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

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

H. C. R. No. 115, Requesting the serious consideration of the Under-Secretary of War and the Office of Production Management, Washington, D. C., as to the wonderful possibilities the Texas Panhandle offers for the erection and construction of munitions plants.

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.

MOFFETT, Chairman.

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

Committee Room,
Austin, Texas,
May 9, 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. 144, A bill to be entitled

"An Act amending Article 3902, Section 1, of the Revised Civil Statutes of Texas of 1925, by adding Section 1b, providing for salaries of heads of departments which may be appointed by the commissioners' courts of counties having a population of not less than twenty-four thousand, five hundred (24,500), and not more than twenty-four thousand, seven hundred (24,700), according to the last preceding Federal census; and declaring an emergency."

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

RAMSEY, Chairman.

Committee Room,
Austin, Texas,
May 9, 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. 775, A bill to be entitled

"An Act amending Article 3912c, Section 15, of Chapter 1 of Title 61 of the Revised Civil Statutes of the State of Texas by adding to Article 3912e, after Section 15, a Section to be known as Section 15a; providing that in counties having a population of not less than twenty-four thousand, five hundred (24,500) and not more than twenty-four thousand, seven hundred (24,700), according to the last preceding Federal census and which has an assessed valuation of not less than Twenty Million Dollars ($20,000,000), according to the last preceding approved tax roll of such counties, the county judge's salary is hereby fixed at Thirty-four Hundred and Twenty ($3420.00) Dollars; repealing all laws in conflict therewith; and declaring an emergency."

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

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

RAMSEY, Chairman.

Committee Room, Austin, Texas, May 9, 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. 777, A bill to be entitled “An Act amending H. B. No. 6, Acts, 1929, Forty-first Legislature, Second Called Session, page 172, Chapter 88, as amended, by adding a new Section, providing that in counties having a population of not less than twenty-four thousand, five hundred (24,500) and not more than twenty-four thousand, seven hundred (24,700) inhabitants, according to the last preceding Federal census, the county tax collector may establish a sub-office or branch office for the sale of motor vehicle license plates at one or more places in the county other than the office of the county tax collector and may appoint a deputy to make such sales under the same power and authority as if they were made at the courthouse and in the office of the tax collector, and all reports of such sub-office or branch office shall be made through the regular office of the tax collector just as though the sales were actually made in his office; repealing all laws in conflict herewith; and declaring an emergency.”

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

RAMSEY, Chairman.

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

Austin, Texas, May 9, 1941.

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

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

S. B. No. 465, A bill to be entitled “An Act making an appropriation of $1,600.00 or so much thereof as may be necessary, to pay a certain judgment rendered on June 19, 1939, in the district court of Gonzales County, Texas, in cause No. 8892, wherein O. I. Littlefield is plaintiff and the, etc.”

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.

AIKIN, Chairman.

Conference Committee Report on House Bill 369

Senator Mauritz submitted the following report:

Austin, Texas, May 5, 1941.

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

Hon. Homer Leonard, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the Senate and the House on H. B. No. 369, have had same under consideration, and beg leave to report it back to the Senate and House with the recommendation that said bill be adopted in the form attached hereto.

Respectfully submitted,

MAURITZ,

LOVELADY,

STONE,

On the part of the Senate;

BELL,

MORRIS,

SKILES,

LYLE,

HARTZOG,

On the part of the House.

A Bill To Be Entitled

“An Act fixing the salaries and traveling expenses for county commissioners in counties of not less than twenty-four thousand, nine hundred (24,900) and not more than twenty-five thousand (25,000) inhabitants; and fixing traveling expenses for County Commissioners in counties having a population of not less than fifty thousand (50,000) and not exceeding sixty thousand (60,000) inhabitants, and having an assessed valuation exceeding Seventy-five Million ($75,000,000.00) Dollars according to the last approved tax rolls for the preceding year; repealing all laws and parts of laws in conflict; and declaring an emergency.”
Be it enacted by the Legislature of the State of Texas:

Section 1. That the salaries and compensation of each of the county commissioners in all counties having a population of not less than twenty-four thousand, nine hundred (24,900) inhabitants and not more than twenty-five thousand (25,000) inhabitants shall be Eighteen Hundred Dollars ($1800.00) per annum, payable in equal monthly installments, and that the commissioners court is hereby authorized to allow each commissioner not in excess of Fifty Dollars ($50.00) per month as traveling expenses; and in any county having a population of not less than fifty thousand (50,000) and not more than sixty thousand (60,000) inhabitants, and having an assessed valuation exceeding Seventy-five Million Dollars ($75,000,000.00), according to the last approved tax rolls for the preceding year, is hereby authorized to allow each county commissioner the sum of Fifty Dollars ($50.00) per month as traveling expenses.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. The fact that salaries and traveling expenses for county commissioners in counties affected by this Act are grossly inadequate creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senate Concurrent Resolution 50

On motion of Senator Lovelady and by unanimous consent, the regular order of business was suspended, to permit consideration of S. C. R. No. 50 at this time.

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

S. C. R. No. 50, Relating to compensation of capital and labor for defense purposes.

Senator Lovelady offered the following (committee) amendments to the resolution:

(1) Amend S. C. R. No. 50 by Lovelady et al. by striking out the paragraph as follows:

“Whereas, Capital and labor have not responded as they should have responded; and”

and inserting in lieu thereof the following:

“Whereas, In order to further the national defense, it is essential that there be full cooperation between capital and labor and all branches of our government; and

“Whereas, there are instances where groups of capital and labor, by their failure to cooperate, are seriously impeding and endangering the defense program; and”

(2) Amend S. C. R. No. 50 by Lovelady et al., by striking out the first resolving clause and substitute the following:

“Resolved by the Senate of Texas, the House of Representatives concurring, That it is the sentiment, will, and desire of the Texas Legislature that the Congress of the United States immediately take such steps as may be necessary to properly prepare these United States of America to defend themselves from any aggressor from within or from without; and be it further”

The committee amendments were adopted severally.

The resolution as amended was adopted.

Senate Concurrent Resolution 51

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

S. C. R. No. 51, Authorizing Highway Department to lend guard wire to Meridian Cemetery association.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire; and

Whereas, This guard wire can be used to great advantages by the Cemetery association to fence their grounds; and

Whereas, It would be a great accommodation for the Cemetery association to borrow from the State Highway Department this discarded guard wire; now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to lend to the Cemetery Association of Meridian, Texas, sufficient quantities of the discarded guard wire, if said guard
wire is available, to take care of the particular case relative to said Cemetery association, and it is so resolved.

The resolution was read, and on motion of Senator Lovelady and by unanimous consent, it was considered immediately and was adopted.

**House Bill 272 on Passage to Third Reading**

The Senate resumed consideration of the unfinished special order, same being H. B. No. 272 (the educational appropriation bill) on its passage to third reading, with amendments (1) and (2) by Senator Aikin, striking out all after and all before the enacting clause and inserting the full text of a complete bill and an amendment by Senator Martin to the amendment (1) pending.

Senator Martin withdrew the amendment to the amendment (1).

Senator Martin offered the following amendment to the amendment (1):

Amend Amendment (1) by adding a new item immediately following item "97" in line 24 page 28 of printed bill (S. B. No. 448) to be numbered "98a" and to read as follows: “classroom building . . . . $150,000” and further by changing the grand total to conform to this addition.

Senator Aikin moved to table the amendment to the amendment (1).

Yays and nays were demanded, and the motion to table was lost by the following vote:

- **Yays—8**
  - Aikin
  - Beck
  - Isbell
  - Lanning
  - Mauritz
  - Moffett
  - Ramsey
  - Weinert

- **Nays—16**
  - Brownlee
  - Chadick
  - Formby
  - Graves
  - Hazlewood
  - Kelley
  - Lovelady
  - Martin
  - Moore
  - Shivers
  - Smith
  - Stone
  - Van Zandt
  - Vick
  - Winfield
  - York
  - Sulak
  - Hill

**Absent—Excused**

Senator Fain (present), who would vote “nay” with Senator Metcalfe (absent), who would vote “yea”.

Senator Lemens (present), who would vote “yea” with Senator Spears (absent), who would vote “nay”.

The amendment to the amendment (1) was adopted.

Senator Lovelady offered the following amendment to the amendment (1):

Amend the substitute for H. B. No. 272, page 26, line 7, item 97, by striking out said line.

The amendment to the amendment (1) was adopted.

Senator Lovelady offered the following amendment to the amendment (1):

Amend the amendment, page 26, line 18, by adding a new item to be known as “99a”, to read as follows:

“Agricultural building equipment and utility connection . . . . $200,000.00”

And correct the total appropriation to conform.

LOVELADY, MOFFETT.

The amendment to the amendment (1) was adopted.

Senator Fain offered the following amendment to the amendment (1).

“Amend Senate substitute for H. B. No. 272, Sam Houston State Teachers College Section, Page 76 of the printed copy by inserting between lines 50 and 51, the following:

"109. Classroom building .... $250,000.00
110. Equipment .... 20,000.00"

The amendment to the amendment (1) was adopted.

Senator York offered the following amendment to the amendment (1):

Amend amendment substitute S. B. No. 448, Page 12, line 18, by striking out the figures $134,015.00 $134,015.00 and inserting in lieu thereof the figures $164,015.00 $164,015.00 and by striking out the figures in line 21, page 12 of S. B. No. 448 and inserting in lieu thereof the figures $1,118,385.00 $1,118,385.00.

The amendment to the amendment (1) was adopted.
Senator Lanning offered the following amendment to the amendment (1):

Amend amendment page 60 by adding a new item as follows:

"Home Economics building for Texas State College for Women.
$200,000.00 and change the totals to conform."

LANNING, MOFFETT.

The amendment to the amendment (1) was adopted.

Senator Ramsey offered the following amendment to the amendment (1):

Amend Substitute for H. B. No. 272, page 22, by inserting the following at the proper place and to correct the totals to correspond with said amendment:

Amend substitute on page 18 by inserting, between lines 62 and 63, the following:

<table>
<thead>
<tr>
<th>The Establishment and Maintenance of an Experiment Station in the El Paso Region:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Office and laboratory building and equipment $2,000.00</td>
</tr>
<tr>
<td>2. Implement shed and shop</td>
</tr>
<tr>
<td>3. Barn for work stock and storage of feed</td>
</tr>
<tr>
<td>4. Farm machinery and implements (including tractor)</td>
</tr>
<tr>
<td>5. Fences and fencing</td>
</tr>
<tr>
<td>6. Office equipment</td>
</tr>
<tr>
<td>7. Scientific equipment</td>
</tr>
<tr>
<td>8. Work mules</td>
</tr>
<tr>
<td>9. Superintendent in charge</td>
</tr>
<tr>
<td>10. Agronomist in charge cotton and other crops investigations (Pima cotton, etc.)</td>
</tr>
<tr>
<td>11. Animal husbandman</td>
</tr>
<tr>
<td>12. Labor in connection with agricultural experiments and conditioning land</td>
</tr>
<tr>
<td>13. Furniture and fixtures, postage, stationery, office supplies, freight, express, telephone, telegrams, and travel</td>
</tr>
<tr>
<td>14. Seeds, plants, chemicals, fertilizers, and laboratory supplies</td>
</tr>
<tr>
<td>15. Fuel, oils, greases, and lubricants for station engines</td>
</tr>
<tr>
<td>16. Power and lights</td>
</tr>
<tr>
<td>17. Feeding stuffs</td>
</tr>
<tr>
<td>18. For outlying experiments, particularly livestock problems</td>
</tr>
</tbody>
</table>

Total, Substation in El Paso Region $28,400.00 $18,350.00
The amendment to the amendment (1) was adopted.

Senator Van Zandt offered the following amendment to the amendment (1):

Amend pending bill by adding a new section to be appropriately numbered, reading as follows, to wit:

Sec. — There is hereby created a technical aeronautics and engineering school to be located within ten (10) miles of the City of Sherman, Grayson County, Texas, and to be known as “The Texas State School of Aeronautics and Engineering.”

Sec. — That said “Texas State School of Aeronautics and Engineering” be located and ready for reception of students on October 1st, 1942.

Sec. — The Governor of Texas, the President of the University of Texas, the President of the Agricultural and Mechanical College of Texas, the Chairman of the State Board of Control and the Superintendent of Public Instruction of the State of Texas are hereby constituted a board for the purpose of locating said “Texas School of Aeronautics Engineering” within the territory authorized by this Act and a majority of said board shall constitute a quorum for the transaction of business thereof; and said school shall be located in conformity with this Act from the appropriation herein made and grants thereto given.

Said board, in considering the location of said school within the area authorized shall take into consideration the cultural environment of said area, the topography of the land on which said school is to be located, the accessibility of highways and facilities of transportation and other facilities of transportation, the proximity of other State schools from which students may be enrolled, the accessibility of aviation institutions and kindred industries as same applies to national defense, and the general health of the area involved. No donation shall be required by said locating board, except such donations of land as may be offered by any place as a site for the building or buildings of said school, and in no event shall a building site of less than five hundred (500) acres be considered or accepted; provided however that said board shall have full authority to cooperate with the United States Government or any of its departments, agencies or bureaus in the location of said school and receive from said Government, its departments, agencies or bureaus any donations, contributions or appropriations in behalf of the purposes herein authorized.

Sec. — Organization, Control and Management.

The organization, control and management of such school shall be vested in a Board of nine (9) Directors who shall be appointed by the Governor of Texas and confirmed by the Senate. The term of office of each director shall be six (6) years; provided that in making the first appointment the Governor shall appoint three (3) members for two (2) years, three (3) members for four (4) years and three (3) members for six (6) years. Any vacancy that occurs on the Board shall be filled for the unexpired term by the Governor. The members of said Board shall be removable by the Governor for inefficiency or inattention to the duties of his office. Each member of the Board shall take the constitutional oath of office. The said Board of Directors shall meet for the first time after the passing of this Act at the time and place designated by the Governor, as soon after their appointments as possible. They shall organize by electing a President of said Board of Directors, and such other officers as they may desire. They shall select a president for the school as soon as possible after the organization of the said Board of Directors. They shall fix his term of office, name his salary and define his duties. The president of the school shall be the executive officer for the Board of Directors and shall work under their direction. He shall recommend the plan organization, and the appointment of employees of said school and shall have the cooperation of said Board of Directors and shall be responsible to said board for the general management and success of said school.
Sec. — The Work of the School. The general purpose of the "Texas State School of Aeronautics and Engineering" shall be to prepare people for better living, through the application of science to the every day affairs of life. The work of said school, its materials, or subject matter, and courses of study shall be divided into three (3) divisions, to wit:

1. Liberal Arts
2. Aeronautics and Engineering

1. Liberal Arts. The liberal arts division shall embrace the fine arts, languages, literature, mathematics, the natural sciences, the social sciences, including history, civics, and sociology. These shall be taught as such subjects are presented in the universities and the better class of senior colleges of the country, and as the Board of Directors may order.

2. Aeronautics and Engineering. Aeronautics and Engineering shall include, in addition to the basic mechanical engineering curriculum the following:


3. Military Training. The art and science of military training shall be offered the male students of the "Texas State School of Aeronautics and Engineering," as shall be provided by the Board of Directors of said School of Aeronautics and Engineering, and under such rules and regulations as the said board may prescribe, provided that all rules and regulations made to govern such military training shall comply with the laws of Texas and the United States; and the said Board of Directors shall fully cooperate with the Federal Government, the State Government and their respective agencies in carrying out a National program of defense.

Sec. — Courses and Degrees. Such courses of study shall be offered in the Texas State School of Aeronautics and Engineering as are found in senior schools of the first rank in similar fields in Texas, or elsewhere, as the Board of Directors may order, provided that any bachelor's degree shall be based on four years of college work, and any higher degree may be offered with appropriate courses, when in the judgment of the Board of Directors the educational welfare of the people served by the school demands such advanced courses and degrees. Short courses, long courses, and special courses of intense practical value shall be given from time to time by the Texas State School for Aeronautics and Engineering in the subjects authorized by this Act.

Sec. — Additional Courses. The specifications of courses of study written in this Act shall not prohibit the Board of Directors from adding other courses, subjects or groups of subjects necessary to enable the Texas State School for Aeronautics and Engineering to perform its functions as a school of aeronautics and engineering and applied science in the most practical and efficient way. The Board of Directors are required and directed to build and control a State school of the first rank that shall compare favorably with other schools doing similar technical service in the section in which the Aeronautics and Engineering school is located. This school shall be equipped adequately to do its work well, as the other State schools perform their functions. To this end the president of the said school and the Directors of the same shall biennially place before the Legislature fully and frankly the growing needs of this school which is placed in the midst of a rapidly developing industry of this State, to the end that it may stimulate and guide as well as possible the citizens and people generally into prosperity, moral righteousness, peace and happiness.

Sec. — Subject to the approval and the obtaining of a substantial grant from the United States Gov-
The amendment to the amendment (1) was adopted.

Senator Moffett offered the following amendment to the amendment (1):

Amend printed substitute for H. B. No. 272, page 17, by adding a new item numbered 8a between lines 13 and 14, to read as follows:

"Mesquite eradication, research and control," first year, $3,000; second year, $3,000; and change totals to conform.

Moffett, Formby.

The amendment to the amendment (1) was adopted.

Senator Hazlewood offered the following amendment to the amendment (1):

Amend S. B. No. 448, page 183, by adding a new item as follows:

"Museum building, $40,000, to be paid only when matched in full by an equal amount from other sources" And change totals to conform.

The amendment to the amendment (1) was adopted.

Senator Kelley offered the following amendment to the amendment (1):

Amend the substitute by striking out all items for Texas College of Arts and Industries and inserting in lieu thereof the following:

For the Years Ending August 31, August 31, 1942 1943

1. Director, professor of agronomy $3,150.00 $3,150.00
2. Professor of agriculture part time (12 months) 500.00 500.00
3. Associate professor of animal husbandry 2,250.00 2,250.00
4. Associate professor 2,400.00 2,400.00
5. Associate professor of agriculture, education and district supervisor of vocational agricultural teaching (12 months) to match federal aid 1,800.00 1,800.00
6. Instructor, part-time (12 months) 700.00 700.00
7. Superintendent of farms (12 months) 900.00 900.00

Commerce
8. Director and professor 3,250.00 3,250.00
9. Associate professor 2,400.00 2,400.00
10. Instructor 1,680.00 1,680.00

Education
11. Director and professor 3,250.00 3,250.00
12. Professor of education 2,700.00 2,700.00
13. Professor of secondary education and director of high school teaching 2,700.00 2,700.00
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<th>Department</th>
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<td>Director, professor of foods and nutrition</td>
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<td>81. Secretary to agriculture department</td>
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<td>82. Secretary to music department</td>
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<td>87. Superintendent of buildings and grounds</td>
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<td>88. Chief utilities operator-mechanic</td>
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<tr>
<td>98. Maid</td>
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99. Business manager ..................... $3,150.00 $3,150.00
100. Purchasing agent (was "auditor and secretary to business office") .......... $1,800.00 $1,800.00
101. Bookkeeper ........................................ $1,800.00 $1,800.00
102. Student labor .................................. $2,400.00 $2,400.00
103. Campus labor .................................. $1,200.00 $1,200.00

Total salaries ........................................... $209,385.00 $209,385.00

104. Summer school ................................ $23,000.00 $23,000.00
105. Maintenance and equipment ............... $14,933.00 $14,933.00

Improvements, Repairs and Buildings:
106. General repairs, etc. ....................... $2,500.00 $2,500.00
107. Library-auditorium building and equipment .... $175,000.00 
108. Water well, tank and tower .................. $15,000.00 

Total improvements, repairs and buildings ................ $192,500.00 $2,500.00

Grand total ................................................ $439,818.00 $249,818.00

The amendment to the amendment (1) was adopted.

Senator Formby offered the following amendment to the amendment (1):

Amend amendment (1) as follows:

PAGE 62:

Line 43, by adding 1-A to read

1-A Secretary to the Dean (12 months) .................. $1,350.00 $1,350.00
1-B Student assistants ................................ $500.00 $500.00

Line 45, by adding a new position to be known as

3-A Instructor ........................................ $1,800.00 $1,800.00

Line 51, by adding a new position

8-A Assistant professor in poultry husbandry .......... $2,250.00 $2,250.00
8-B Dairy cattle herdsman (12 months) ................ $1,200.00 $1,200.00

Line 54, adding a new Section to be known as

10-A Assistant professor ............................... $2,100.00 $2,100.00

Line 62, 16-A Instructor ............................... $1,800.00 $1,800.00

PAGE 63:

Line 8, 19-A Secretary to the dean (12 months) ........ $1,350.00 $1,350.00
19-B Student assistants ................................ $500.00 $500.00

Line 12, 22-A Instructor ............................... $1,800.00 $1,800.00
22-B New department to be known as Chemical Engineering
22-C Professor
22-D Instructor

Line 17,
26-A Instructor

Line 35,
38-A Instructor
38-B New department to be known as Petroleum Engineering
Assistant professor

Line 41,
42-A Secretary to the dean (12 months)

Line 50,
49-A Instructor

Line 61,
56-A Instructor (half salary)

PAGE 64:

Line 4,
58-A Student assistants

Line 6,
59-A Secretary to the dean (12 months)

Line 13,
65-A Instructor

Line 29,
67-A Instructor
67-B Instructor

Line 36,
83-A Instructor

Line 50,
96-A Instructor
96-B Student assistants

Line 59, Strike out the words ‘and Petroleum Engineering’

PAGE 65,

Line 8,
112-A Instructor

Line 18,
118-A Student assistants

Line 32,
129-A Instructor
129-B Instructor

Line 36,
131-A Instructor

Line 43,
136-A Instructor

Line 47,
139-A Instructor

Line 51,
142-A Instructor

Line 54,
144-A Instructor

For the Years Ending August 31, August 31, 1942 1943

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<th>22-D</th>
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| New department to be known as Petroleum Engineering |
| Assistant professor |
| 2,100.00 | 2,100.00 |

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<tr>
<th>Line 41, 42-A</th>
<th>Secretary to the dean (12 months)</th>
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<td>1,350.00</td>
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<th>Line 61, 56-A</th>
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<th>PAGE 64: Line 4, 58-A</th>
<th>Student assistants</th>
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<td>500.00</td>
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<tr>
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<th>Line 59, Strike out the words ‘and Petroleum Engineering’</th>
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And further amend the substitute by adding a new Section to be known as "Research and Extra-Mural Division":

1. Cattle, sheep and swine feeding experiments
   - 1,200.00 $ 1,350.00

2. Research in industrial chemistry to study utilization of agricultural wastes and by-products; oils for paints and varnishes from West Texas products; cheap plastics for building materials and other uses from agricultural products and wastes; study of oil well cores for the plotting of underground structures; analysis of West Texas vegetables for nutritional values and mineral deficiencies
   - 3,690.00 3,400.00

3. Anthropological research. The excavation, restoration, and interpretation of prehistoric remains in the high plains area and the determination of their cultural relationship to adjacent areas
   - 1,100.00 1,150.00

4. Textile research to make yarns and fabrics of West Texas cottons under specifications similar to those under which yarns and fabrics are now made commercially of cotton grown in areas other than West Texas to determine actual comparative values in manufacturing and weaving qualities and strength
   - 6,200.00 3,600.00

5. Physical and electrical research, primarily for the study of sandstorm electricity, static electricity, and dust explosion in West Texas cotton gins
   - 2,560.00 2,600.00

6. Pasture improvement, involving a study of reseeding methods and recoveries of denuded pastures; eradication of mesquite and other injurious growths; water conservation
   - 1,200.00 1,600.00

7. Expense of publishing the results of research at Texas Technological College, pamphlets, bulletins, etc.,
The amendment to the amendment
(1) was adopted.

Senator Ramsey offered the follow-
ing amendment to amendment (1):

Amend substitute for H. B. No. 272, page 22, by inserting the following at the proper place and to change the totals to correspond:

"Item 96. Labor, services and equipment in the maintenance of forest roads constructed by CCC camps, $15,000."

RAMSEY,
BECK.

The amendment to the amendment
(1) was adopted.

Senator Winfield offered the follow-
ing amendments to the amend-
ment (1):

(a)

Amend S. B. No. 448 on page 82 by adding after the word "building;" in item 46, line 42, the following:

"including reconditioning ceiling and walls."

(b)

Amend S. B. No. 448 on page 82, by inserting between lines 43 and 44 the following:

"For the Years Ending
Aug 31, 1942 Aug. 31, 1943
46a. Topping campus driveways ....$2,000.00
46b. Stack units for Library.... $2,000.00"

The amendments to the amendment
(1) were adopted severally.

Senator Moffett offered the follow-
ing amendment to the amendment (1):

Amend substitute by inserting at proper place the following:

"There is hereby appropriated for the support, maintenance, operation and improvement of the Public Junior Colleges of Texas as named herein, the sum of $325,000.00, or so much thereof as may be necessary for the fiscal year beginning September 1, 1941; and the sum of $325,000.00, or so much thereof as may be necessary, for the fiscal year beginning September 1, 1942; and providing further that
this appropriation shall be apportioned among the following junior colleges:

- Blinn Junior College at Brenham
- Brownsville Junior College at Brownsville
- Hillsboro Junior College at Hillsboro
- Amarillo Junior College at Amarillo
- Clarendon Junior College at Clarendon
- Hardin Junior College at Wichita Falls
- Paris Junior College at Paris
- Texarkana Junior College at Texarkana
- Corpus Christi Junior College at Corpus Christi
- San Antonio Junior College at San Antonio
- Kilgore Junior College at Kilgore
- Ranger Junior College at Ranger
- Edinburg Junior College at Edinburg
- Gainesville Junior College at Gainesville
- Temple Junior College at Temple
- Victoria Junior College at Victoria
- Lee Junior College at Goose Creek
- Lamar Junior College at Beaumont
- Tyler Junior College at Tyler
- San Angelo Junior College at San Angelo
- Cisco Junior College at Cisco.

Provided that each of the above public junior colleges shall qualify within the requirements of existing law; and provided further that the funds here appropriated shall be disbursed to and distributed among the public junior colleges which qualify to receive it on the basis of Fifty ($50.00) Dollars per capita for each full time student per scholastic year, and providing that ‘full time student’ as herein used is defined as a student doing fifteen semester hours of work, and that the number of full time students enrolled in any school to be benefitted by this Act shall be determined by dividing the total number of semester hours of work carried by all students of the school, as of November 1 in any fiscal year, by fifteen (15)."

Senator Moore moved to table the amendment to the amendment (1).

Yees and nays were demanded, and the motion to table was lost by the following vote:

- Yeas—9
  - Brownlee
  - Lemens
  - Fain
  - Martin

- Nays—14
  - Aikin
  - Shivers
  - Smith
  - Moore
  - Stone
  - Weinert

- Absent
  - Lanning
  - Lovelady
  - Mauritz
  - Moffett
  - Van Zandt
  - Vick
  - York

Paired
- Ramsey
- Winfield
- Absent—Excused
- Cotten
- Spears
- Hill
- Sulak

Senator Isbell (present), who would vote “yea,” with Senator Metcalfe (absent), who would vote “nay.”

The amendment to the amendment (1) was adopted.

Record of Vote

Senators Moore, Weinert, and Isbell asked to be recorded as voting “nay” on the amendment to the amendment.

Senator Brownlee offered the following amendment to the amendment (1):

Amend amendment (1), page 45, line 53, by striking out line 53, “grand total main university $1,835,488.00 for each year of biennium and substituting therefor $2,129,000.00 for each year of the biennium, which includes $100,000.00 each year for scientific research in addition to that hereintofore appropriated for that purpose.

The amendment to the amendment (1) was adopted.

Senator Aikin offered the following amendment to the amendment (1):

Amend substitute for H. B. No. 272, by adding the following at the end of Section 18:

“No local funds shall be used to supplement any salary of any employee at any school in this bill.”

The amendment to the amendment (1) was adopted.

Senator Aikin offered the following amendment to the amendment (1):

Amend substitute for H. B. No. 272 by adding the following at the end of Section 3:

“No local funds shall be used to supplement any funds for any type of building not authorized in this appropriation.”

The amendment to the amendment (1) was adopted.
Sen·ator Smith offered the following amendment to the amendment (1):

Amend Senate substitute for H. B. No. 272, Sub-section 16, page 88, to read as follows:

"Sub-section (16) Be it further provided that, since liberty is the most precious heritage enjoyed by the people of this nation or any other nation in the world, a heritage which has been denied to such a large percentage of the peoples of the earth, and it is indeed comforting to know that such splendid and patriotic organizations as the American Legion, Veterans of Foreign Wars, the Spanish American War Veterans, the Daughters of the American Revolution, the United Daugh·ters of the Confederacy, and the various women's auxiliary organizations, and every patriotic American citizen, are all ever on guard against vicious, subversive, and alien influences which sow their seeds of disloyalty on American soil; and because of the fact that at this time the peace and security of our people are threatened by powerful aggressive nations abroad who have declared their intentions to abolish democratic institutions in all the earth, and since these nations by systems of espionage and sabotage are striving to injure our material resources and weaken the morale of our people; therefore in order that the American people may be protected from all sources of alien and un-American propaganda, to the end that the American way of life shall be preserved, and to this end in order that the youth of Texas may be protected against unscrupulous or unwise and unwise un-American doctrines and principles, it is hereby further provided that any member of any faculty of any State-supported institution who shall advocate, subscribe to or believe in communism, or any other form of totalitarian state doctrine, that is that the individual exists for the benefit of the State, which is the antithesis of the American ideal and theory that all governments should exist for the benefit and glory of the citizens thereof, shall be discharged from such faculty when found guilty of advocating or encouraging such theories of government by the governing board of such institutions."

The amendment to the amendment (1) was adopted.

Senator Beck offered the following amendment to the amendment (1):

Amend S. B. substitute for H. B. No. 272 by adding a new paragraph at the end of page eighteen (18) to read as follows:

"That the Board of Directors of the Agricultural and Mechanical College of Texas are hereby authorized and empowered to establish and maintain a Dairy Experiment Station in the First Senatorial District of Texas for the purpose of making scientific investigations and experiments in the study of the grazing, feeding, pasturage, land maintenance, and other problems of dairying applicable to northeast Texas.

"The Board of Directors of the Agricultural and Mechanical College of Texas are hereby authorized and empowered to secure a suitable site for the location of said Dairy Experiment Station to be located in the First Senatorial District. Said Board of Directors are authorized to accept donations of land, water, and money for the establishment and maintenance of said Station and to use any appropriations which are hereby made for the purchase of suitable lands and the erection of necessary buildings and equipment.

"The Dairy Experiment Station herein provided for shall be under the direction and supervision of the Board of Directors of the Agricultural and Mechanical College of Texas, and shall be operated and conducted by the Directors of Experiment Station, as all other State Experiment Stations are now conducted."

The amendment to the amendment (1) was adopted.

The amendment (1) as amended was adopted.

The amendment (2) was adopted.

Senator Aikin offered the following (committee) amendment to the bill as amended:

Amend S. B. No. 448 by adding at an appropriate place the following:

"It is provided that student educational fees may be used to pay salaries of not to exceed four positions at $8,000 to professors in the School of Law of the University of Texas."

The (committee) amendment was adopted.

On motion of Senator Aikin, the caption was ordered amended to con-
form to the body of the bill as amended.

The bill was then passed to third reading.

Record of Votes

Senators Shivers and Smith asked to be recorded as voting "nay" on the passage of the bill to third reading.

House Bill 272 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 272 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26
Aikin
Beck
Brownlee
Chadick
Fain
Formby
Graves
Hazelwood
Kelley
Lanning
Lemens
Lovelady
Martin
Mauritz
Moffett
Moore
Ramsey
Shivers
Smith
Stone
Vick
Weinert
Winfield
York

Absent—Excused
Cotten
Hill
Metcalfe

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.

Record of Vote

Senators Shivers and Smith asked that they be recorded as voting "nay" on the final passage of the bill.

Senate Bill 465 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 465 at this time.

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

S. B. No. 465, A bill to be entitled "An Act making an appropriation of

One Thousand Six Hundred ($1,600.00) Dollars, or so much thereof as may be necessary, to pay a certain judgment rendered on June 19, 1939, in the District Court of Gonzales County, Texas, in Cause No. 8892, wherein O. I. Littlefield is plaintiff and the etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 465 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. 465 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26
Aikin
Beck
Brownlee
Chadick
Fain
Formby
Graves
Hazelwood
Isbell
Kelley
Lanning
Lemens
Lovelady
Martin
Mauritz
Moffett
Moore
Ramsey
Shivers
Smith
Stone
Vick
Weinert
Winfield
York

Absent—Excused
Cotten
Hill
Metcalfe

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:

Yeas—26
Aikin
Beck
Brownlee
Chadick
Fain
Formby
Graves
Hazelwood
Isbell
Kelley
Lanning
Lemens
Lovelady
Martin
Mauritz
Moffett
Moore
Ramsey
Shivers
Smith
Stone
Vick
Weinert
Winfield
York
Absent—Excused
  Cotten  Spears
  Hill  Sulak
  Metcalfe

House Bill 436 on Final Passage

Senator Van Zandt called up for consideration at this time the motion to reconsider the vote by which H. B. No. 436 was passed by the Senate on May 1, 1941.

The motion prevailed.

The President laid the bill before the Senate on its final passage.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 436 by adding the following sections to be known as Section 1a, Section 1b, and Section 1c.

"Section 1a. In any county in this State containing a population of not less than thirty-eight thousand (38,000) nor more than eighty-five thousand (85,000), according to the last preceding Federal Census, the Commissioners Court is hereby authorized to allow each Commissioner not more than Fifty Dollars ($50.00) per month, to be paid out of the Road and Bridge Fund of each respective Commissioners Precinct, for traveling expenses and depreciation on the automobile while used on official business only and/or overseeing the construction and maintenance of the public roads of said counties. Each such Commissioner shall pay all expenses in the operation of such automobile and keep same in repair at his own expense, free of any other charge whatsoever to the county; provided, however, that such expenses not to exceed Fifty Dollars ($50.00) per month must be itemized, sworn to, and filed for record with the County Clerk."

"Section 1b. Upon the authorization of the Commissioners' Court in all counties having a population according to last preceding Federal census of not less than thirty-eight thousand (38,000) and not more than eight-five thousand (85,000), the county judge of such counties shall be entitled to the actual and necessary expenses while out of their respective counties attending to county business. Such expenses to be paid out of the general revenue of such counties on sworn accounts thereof."

"Section 1c. If any section, subsection, paragraph, sentence, clause, or provision of this Act shall, for any reason, be held invalid, such invalidity shall not affect any other portion of this Act or the application of such section, subsection, paragraph, sentence, clause, or provision to any other person or situation, but this Act shall be construed and enforced as if such invalid provisions had not been contained therein."

Amend the caption accordingly.

The amendment was adopted unanimously.

The bill was passed by the following vote:

Yeas—26
  Aikin  Martin
  Beck  Mauritz
  Brownlee  Moffett
  Chadick  Moore
  Fain  Ramsey
  Formby  Shivers
  Graves  Smith
  Hazlewood  Stone
  Isbell  Van Zandt
  Kelley  Vick
  Lanning  Weinert
  Lemons  Winfield
  Lovelady  York

Absent—Excused
  Cotten  Spears
  Hill  Sulak
  Metcalfe

House Bill 957 on Second Reading

On motion of Senator Lanning and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 957 at this time.

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

H. B. No. 957, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts having a scholastic population, according to the 1940-1941 scholastic census, of not less than 775 and not more than 785 approved scholastics, whether such school district is organized under general or special law; provided, that no such tax shall be levied, collected, abrogated, diminished, or increased, and no bonds shall be issued hereunder, until such action has been authorized by a majority of the votes cast at an election held for such purpose; prescribing the qualifications of voters..."
The bill was read second time and was passed to third reading.

House Bill 957 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 957 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26
Aikin  Beck  Brownlee  Chadick  Fain  Formby  Graves  Hazlewood  Isbell  Kelley  Lanning  Lemens  Lovelady  Martin  Mauritz  Moffett  Moore  Ramsey  Shivers  Smith  Stone  Van Zandt  Vick  Weinert  Winfield  York

Absent—Excused
Cotten  Hill  Metcalfe  Spears  Sulak

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:

Yeas—26
Aikin  Beck  Brownlee  Chadick  Fain  Formby  Graves  Hazlewood  Isbell  Kelley  Lanning  Lemens  Lovelady  Martin  Mauritz  Moffett  Moore  Ramsey  Shivers  Smith  Stone  Van Zandt  Vick  Weinert  Winfield  York

Absent—Excused
Cotten  Hill  Metcalfe  Spears  Sulak

Senate Bill 446 Recommitted

On motion of Senator Lemens, S. B. No. 446 was recommitted to the Committee on Criminal Jurisprudence.

Signing of Bills

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

H. B. No. 95, A bill to be entitled "An Act authorizing the commissioners' court of any county having a population of not less than three hundred twenty thousand (320,000), and not more than three hundred sixty thousand (360,000), according to the last United States Census, to rent or let to any landowner any tractor, grader, machinery or equipment belonging to said county to be used exclusively upon land belonging to such owner situated in said county, in the construction of terraces, dikes and ditches for the purposes of said conservation and soil erosion prevention and for the purpose of constructing water tanks and reservoirs; and declaring an emergency."

H. B. No. 143, A bill to be entitled "An Act making it unlawful to hunt, take or kill any squirrel except during the months of October, November, and December in Liberty and Hardin Counties; providing for a penalty; repealing all conflicting laws; and declaring an emergency."

H. B. No. 302, A bill to be entitled "An Act applicable to the County of Concho, State of Texas, prohibiting the transportation of minnows taken in said county beyond the borders of said county for the purpose of sale; limiting the number of minnows to be transported beyond the borders of said county; providing legal length of catfish in said county; providing penalties for any violation of this Act; and declaring an emergency."

H. B. No. 618, A bill to be entitled "An Act to amend Article 2779 of the 1925 Revised Civil Statutes of Texas by adding Article 2779a, to provide for the election of tax assessors and collectors in independent school districts under certain circumstances; etc.; and declaring an emergency."

H. B. No. 778, A bill to be entitled "An Act making it unlawful to kill fox in Liberty and Hardin Counties; providing for a penalty; repealing all conflicting laws; and declaring an emergency."
for a period of five years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

H. B. No. 779, A bill to be entitled
"An Act making it unlawful to kill or attempt to kill bear or wild turkey or molest same in Hardin County for a period of five years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

H. B. No. 797, A bill to be entitled
"An Act authorizing the Commissioners' Court in Wharton County to allow each County Commissioner certain expenses in connection with the performance of the duties as Road Commissioner in addition to the duties as County Commissioner; providing for the payment of the same; and declaring an emergency."

H. B. No. 850, A bill to be entitled
"An Act making permanent Roane Independent School District No. 93, situated in Navarro County, without regard to number of scholastics therein; and declaring an emergency."

H. B. No. 897, A bill to be entitled
"An Act authorizing the commissioners' court in certain counties to allow each county commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as county commissioner; providing for the payment of the same; and declaring an emergency."

H. B. No. 954, A bill to be entitled
"An Act amending H. B. No. 884 of the Forty-second Legislature, as amended by H. B. No. 1109 of the Forty-sixth Legislature, so as to add thereto a new Section to be known as Section 1a, following Section 1 thereof, to provide that it shall be lawful to take, capture, shoot or kill Collared Peccary or Javelina in the Counties of Webb, Starr and Zapata at any time; prohibiting the sale of any Collared Peccary or Javelina, or any part of the same, in said counties; prescribing penalties; and declaring an emergency."

Message from the House

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

Hall of the House of Representatives, Austin, Texas, May 9, 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. 122, Authorizing the Board of Regents of North Texas State Teachers College to dispose of a certain tract of land no longer usable to said college.

H. C. R. No. 123, Setting aside the second Sunday in May of each year as Mother's Day and the second Sunday in June of each year as Father's Day.

H. C. R. No. 125, Inviting the President of the United States to visit the State of Texas to inspect as many of the defense projects as time permits.

H. C. R. No. 129, Authorizing the Enrolling Clerk to make certain necessary corrections in H. B. No. 903.

The House has concurred in Senate amendments to H. B. No. 910 by a vote of 112 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 899 by a vote of 117 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 518 by a vote of 111 yeas, 0 noes.

Respectfully submitted,

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

Senate Concurrent Resolution 52

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

S. C. R. No. 52, Recalling H. B. No. 903 from the Governor for correction.

Whereas, H. B. No. 903, by Lansberry, has finally passed both the House and the Senate, and has been sent to the Governor; and

Whereas, In order to give full force and effect to the provisions of said bill, it is necessary to make several corrective changes therein; now, therefore, be it

Resolved by the Senate, the House concurring, That the Governor be and he is hereby requested to return H. B. No. 903 to the House of Representatives for further consideration, and that the Speaker of the House and the Chief Clerk of the House, the Lieutenant Governor and Secretary of the Senate be requested to erase their names from said bill.

The resolution was read; and on motion of Senator Brownlee and by
unanimous consent, it was considered immediately.

The resolution was adopted.

**House Bill 753 on Final Passage**

Senator Moore moved to reconsider the vote by which H. B. No. 753 was passed on yesterday.

The motion prevailed.

The President laid the bill before the Senate on its final passage.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 753 by adding thereto a new Section to be known as Section 2a and reading as follows:

"Section 2a. None of the provisions of this Act shall apply to the employees of railroad corporations which come within the purview of the Railway Labor Act or which are in anywise under the supervision of the Interstate Commerce Commission under the Fair Labor Standards Law or the Wages and Hour Law of the United States."

Amend the caption accordingly.

The amendment was adopted unanimously.

The bill was passed by the following vote:

*Yeas—26*

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

*Absent—Excused*

- Cotten
- Hill
- Metcalfe
- Spears
- Sulak

**Conference Committee on Senate Bill 184**

Senator Graves called S. B. No. 184 from the President's table for consideration of the House amendments to the bill.

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

S. B. No. 454, A bill to be entitled "An Act extending oil and gas mineral leases granted by the State on areas covered by the coastal waters of the State or within the Gulf of..."
Mexico in cases in which the War Department refuses to grant permits to the lessee or owner of the lease to drill thereon, providing for annual applications by the lessee to the War Department for permits, providing for the payment of rentals during the extended term of the lease, providing that if a permit is granted during the extended term of the lease the lease will continue in force thereafter if the lessee commences operations within sixty (60) days after obtaining a permit and so long as the lessee shall continue drilling operations, or if oil is discovered so long as oil, gas or other mineral is produced, providing that the lease may be continued by operations if commenced within thirty (30) days after the cessation of production during the primary term, authorizing the commissioner of the general land office to issue to the lessee such instrument in writing in the nature of an extension of the lease as may be necessary or proper to carry into effect the 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 engrossment.

Record of Vote

Senator Moore asked that he be recorded as voting "nay" on the passage of the bill to engrossment.

Senate Bill 454 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 454 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas—25

Aikin  Beck  Brownlee  Chadick  Fain  Formby  Graves  Hazlewood  Isbell  Kelley  Lanning  Lemens  Lovelady

Nays—1

Moore

Absent—Excused

Cotten  Hill  Sulak  Metcalf

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

Question—Shall the bill be passed?

Recess

On motion of Senator Isbell, the Senate, at 12:25 o’clock p. m., took recess until 2:00 o’clock p. m. today.

Afternoon Session

The Senate met at 2:00 o’clock p. m. and was called to order by the President.

House Concurrent Resolution 106

On motion of Senator Brownlee, H. C. R. No. 106 was re-referred from the Committee on State Affairs to the Committee on Highways and Motor Traffic.

House Concurrent Resolution 55 Tabled

On motion of Senator Lovelady, and by unanimous consent, H. C. R. No. 55 was tabled.

House Bill 25 on Second Reading

On motion of Senator Mauritz and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 25 at this time.

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

H. B. No. 25, A bill to be entitled "An Act amending Chapter 277, Acts of the Regular Session of the Forty-second Legislature, as heretofore amended, by adding Sections 1a and 1b hereto; excepting from the definition of 'Motor Carrier' and 'Contract Carrier' certain persons, firms and corporations; exempting certain persons, firms and corporations transporting under certain circumstances
and conditions their own employees, property or property in which they have an interest as consignee or agent; defining a private motor vehicle owner; exempting private motor vehicle owners from said Act; providing for the repeal of all laws and parts of laws in conflict with this Act; providing that any Section, clause or provisions of this Act be held unconstitutional or invalid, it shall not affect the remaining portions; and declaring an emergency."

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

Senate Concurrent Resolution 53

Senator Van Zandt by unanimous consent offered the following resolution:

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire; and

Whereas, This guard wire can be used to great advantages by the schools to fence their grounds; and

Whereas, It would be a great accommodation for the schools to borrow from the State Highway Department this discarded guard wire; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to lend the Tioga Schools of Tioga, Texas, sufficient quantities of the discarded guard wire, if said guard wire is available, to take care of the particular case relative to said schools, and it is so resolved.

The resolution was read; and on motion of Senator Van Zandt and by unanimous consent, it was considered immediately.

The resolution was adopted.

House Bill 144 on Second Reading

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 144 at this time.

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

H. B. No. 144, A bill to be entitled "An Act amending Article 3902, Section 1, of the Revised Civil Statutes of 1925, by adding Section 1b, providing for salaries of heads of departments which may be appointed by the commissioners' courts of counties having a population of not less than twenty-four thousand and five hundred (24,500), and not more than twenty-four thousand and seven hundred (24,700), according to the last Federal Census; and declaring an emergency."

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

House Bill 144 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 144 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

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

Absent—Excused

Cotten
Hill
Metcalf
Spears
Sulak

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:

Yeas—26

Aikin
Beck
Brownlee
Chadick
Fain
Formby
Graves
Hazlewood
Isbell
Kelley
Lanning
Lemens
Lovelady
Martin
Mauritz
Moffett
Moore
Ramsey
Shivers
Smith
Stone
Van Zandt
Vick
Weinert
Winfield
York
On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 776 at this time.

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

H. B. No. 776, A bill to be entitled "An Act amending Chapter 2 of Title 34, Article 1645, of the Revised Civil Statutes of the State of Texas, providing for a new Article to be added after 1645, to be known as Article 1645e-2, providing that the county auditor in counties having a population of not less than twenty-four thousand five hundred (24,500) and not more than twenty-four thousand seven hundred (24,700) inhabitants according to the latest preceding Federal Census, and having an assessed valuation of more than Twenty Million ($20,000,000.00) Dollars, according to the last preceding approved tax roll of such counties, shall receive as compensation for his services One Hundred Fifty ($150) Dollars for each One Million ($1,000,-000.00) Dollars or major portion thereof on the assessed valuation, such annual salary to be paid in twelve (12) monthly installments or in the same manner as other county officers are paid in said county; repealing all parts of laws in conflict herewith; and declaring an emergency."

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

House Bill 776 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 776 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26
Aikin  Brownlee
Beck    Mauritz
Brownlee Moffett
Chadick Moore
Fain    Ramsey
Formby  Shivers
Graves  Smith
Hazlewood Stone
Isbell  Van Zandt
Kelley  Vick
Lanning Weinert
Lemens Winfield
Lovelady York

Absent—Excused
Cotten Skears
Hill    Sulak
Metcalfe

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:

Yeas—26
Aikin  Martin
Beck    Mauritz
Brownlee Moffett
Chadick Moore
Fain    Ramsey
Formby  Shivers
Graves  Smith
Hazlewood Stone
Isbell  Van Zandt
Kelley  Vick
Lanning Weinert
Lemens Winfield
Lovelady York

Absent—Excused
Cotten Skears
Hill    Sulak
Metcalfe

House Bill 775 on Second Reading

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 775 at this time.

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

H. B. No. 775, A bill to be entitled "An Act amending Article 3912e, Section 15, of Chapter 1 of Title 61 of the Revised Civil Statutes of the State of Texas by adding to Article 3912e, after Section 15, an additional Section to be known as Section 15a; providing that in counties having a population of not less than twenty-four thousand and five hundred (24,
500) and not more than twenty-four thousand and seven hundred (24,700), according to the last preceding Federal Census and which has an assessed valuation of not less than Twenty Million ($20,000,000.00) Dollars, according to the last preceding approved tax roll of such counties, the county judge’s salary is hereby fixed at Thirty-four Hundred and Twenty ($3,420.00) Dollars; repealing all laws in conflict therewith; and declaring an emergency.”

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

House Bill 775 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 775 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

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

Absent—Excused

Cotten Hill Metcalfe

House Bill 777 on Second Reading

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 777 at this time.

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

H. B. No. 777, A bill to be entitled “An Act amending Chapter 1, Title 116, of the Revised Civil Statutes of the State of Texas by adding Article 6675a-2b, providing that in counties having a population of not less than twenty-four thousand five hundred (24,500) and not more than twenty-four thousand seven hundred (24,700) inhabitants according to the last preceding Federal Census the county tax collector may establish a sub-office or branch office for the sale of motor vehicle license plates at one or more places in the county other than the office of the county tax collector, and may appoint a deputy to make such sales under the same power and authority as if they were made at the courthouse and in the office of the tax collector, and all reports of such sub or branch offices shall be made through the regular office of the tax collector just as if though the sales were actually made in his office; repealing all laws in conflict herewith; and declaring an emergency.”

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

House Bill 777 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 777 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin Beck Brownlee Chadick Lanning Lemens Lovelady Martin Mauritz Moffett Moore Ramsey Shivers Smith
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:

Yeas—26

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

Absent—Excused

Cotten  Hill  Metcalfe

Meanwhile, Senator Martin offered the following (committee) amendment to the bill:

Amend S. B. No. 462, Section 6, by adding at the end of Section 6, immediately following the word “repealed,” the following: “to the extent of such conflict only.”

And amend the caption accordingly.

The amendment was adopted.

The bill was passed to engrossment.

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 462 at this time.

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

S. B. No. 462, A bill to be entitled “An Act granting permission to Mount Olivet Cemetery Company, a private corporation chartered under the laws of this State, and to bring and prosecute suit against the State of Texas in any court of competent jurisdiction in Tarrant County, Texas, to ascertain the amount, if any, due the Mount Olivet Cemetery Company for damages alleged to have been sustained by reason of the construction and maintenance of the State highway and the overpass on said State highway which runs in a general easterly and westerly direction on the north side of the cemetery belonging to and operated by the Mount Olivet Cemetery Company in Tarrant County, Texas, said highway being known as State Highway No. 15, and providing that said suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit were one by and between citizens of the State of Texas or by and between private corporations; providing for a right of appeal by either party and for the joinder of other proper or necessary parties; providing for the service of citation on the State, and providing the time in which such suit may be brought, and providing that the State of Texas may plead any defense available to it, except the Statute of Limitation; and declaring an emergency.”

The bill was read second time.

The amendment was adopted.

The bill was passed to engrossment.

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 462 at this time.

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

The amendment was adopted.

The bill was passed to engrossment.

The motion prevailed by the following vote:

Yeas—26

Aikin  Brownlee  Chadick  Fain  Formby  Graves  Hazlewood  Isbell  Kelley  Lemens  Lovelady  Martin  Mauritz  Moore  Ramsey  Shivers  Stone  Van Zandt  Vick  Weinert  Winfield  York

Company for damages alleged to have been sustained by reason of the construction and maintenance of the State highway and the overpass on said State highway which runs in a general easterly and westerly direction on the north side of the cemetery belonging to and operated by the Mount Olivet Cemetery Company in Tarrant County, Texas, said highway being known as State Highway No. 15, and providing that said suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit were one by and between citizens of the State of Texas or by and between private corporations; providing for a right of appeal by either party and for the joinder of other proper or necessary parties; providing for the service of citation on the State, and providing the time in which such suit may be brought, and providing that the State of Texas may plead any defense available to it, except the Statute of Limitation; and declaring an emergency.”

The bill was read second time.

Senator Martin offered the following (committee) amendment to the bill:

Amend S. B. No. 462, Section 6, by adding at the end of Section 6, immediately following the word “repealed,” the following: “to the extent of such conflict only.”

And amend the caption accordingly.

The amendment was adopted.

The bill was passed to engrossment.

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 462 at this time.

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

S. B. No. 462, A bill to be entitled “An Act granting permission to Mount Olivet Cemetery Company, a private corporation chartered under the laws of this State, and to bring and prosecute suit against the State of Texas in any court of competent jurisdiction in Tarrant County, Texas, to ascertain the amount, if any, due the Mount Olivet Cemetery Company for damages alleged to have been sustained by reason of the construction and maintenance of the State highway and the overpass on said State highway which runs in a general easterly and westerly direction on the north side of the cemetery belonging to and operated by the Mount Olivet Cemetery Company in Tarrant County, Texas, said highway being known as State Highway No. 15, and providing that said suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit were one by and between citizens of the State of Texas or by and between private corporations; providing for a right of appeal by either party and for the joinder of other proper or necessary parties; providing for the service of citation on the State, and providing the time in which such suit may be brought, and providing that the State of Texas may plead any defense available to it, except the Statute of Limitation; and declaring an emergency.”

The bill was read second time.

Senator Martin offered the following (committee) amendment to the bill:

Amend S. B. No. 462, Section 6, by adding at the end of Section 6, immediately following the word “repealed,” the following: “to the extent of such conflict only.”

And amend the caption accordingly.

The amendment was adopted.

The bill was passed to engrossment.

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 462 at this time.

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

The amendment was adopted.

The bill was passed to engrossment.

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 462 at this time.

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

The amendment was adopted.

The bill was passed to engrossment.
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:

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*Senators:* Aikin, Beck, Brownlee, Chadick, Fain, Formby, Graves, Hazlewood, Isbell, Kelley, Lanning, Lemens, Lovelady, Martin, Mauritz, Moffett, Moore, Ramsey, Shivers, Smith, Stone, Van Zandt, Vick, Weinert, Winfield, York

*Absent—Excused:* Cotten, Hill, Metcalfe, Spears, Sulak

**Senate Bill 455 on Second Reading**

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 455 at this time.

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

S. B. No. 455, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in municipal school districts entirely surrounded by a county line common school district, pursuant to an election to be held for that purpose; defining the terms 'municipal district' and the term 'governing body' of the city or town; prescribing the method of procedure precedent to calling such election; providing that such election shall be held as nearly as possible in compliance with law with reference to regular city elections, and prescribing qualifications of voters of such election; prescribing forms of ballot for such election; prescribing certain duties of the governing body of the city or town and board of education or trustees of the municipal district in respect to declaring the result of such election; providing that if the proposition is defeated, no election for that purpose shall be ordered until after the expiration of one year from date of such election; etc.; and declaring an emergency."

The bill was read second time.

Senator Van Zandt offered the following amendment to the bill:

Amend S. B. No. 455 by inserting in the blank in Section 1, the words and figures "sixteen hundred (1,600)"

The amendment was adopted.

The bill was passed to engrossment.

**Senate Bill 455 on Third Reading**

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 455 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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*Senators:* Aikin, Beck, Brownlee, Chadick, Fain, Formby, Graves, Hazlewood, Isbell, Kelley, Lanning, Lemens, Lovelady, Martin, Mauritz, Moffett, Moore, Ramsey, Shivers, Smith, Stone, Van Zandt, Vick, Weinert, Winfield, York

*Absent—Excused:* Cotten, Hill, Metcalfe, Spears, Sulak

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

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

<table>
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<th>Yeas</th>
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*Senators:* Aikin, Brownlee, Chadick
that would be applicable if such suit were against an ordinary Texas corporation” and inserting in lieu thereof the following: “procedure as in ordinary cases. However, it is to be understood that the purpose of this bill is to grant permission to E. B. Rodriguez to bring suit against the State of Texas, and no admission of liability of the State of Texas is made by this bill, and the facts as set out herein must be proved in court.”

(3) Amend H. B. No. 495 by striking out the following words from Section 4: “and any judgment which may be recovered by reason of the prosecution of this suit shall be payabe out of the funds of the Highway Department of the State of Texas.”

(4) Amend the caption of H. B. No. 495 to conform to the body of the bill.

The amendments were adopted severally.

The bill was passed to third reading.

House Bill 495 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 495 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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<th>Yeas</th>
<th>Absent-Excused</th>
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<td>26</td>
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</tbody>
</table>

Aikin  Martin
Beck   Mauritz
BrownleeMoffett
Chadick Moore
Fain   Ramsey
Formby Shivers
Graves Smith
Hazelwood Stone
Ishell Van Zandt
Kelley Vick
Lanning Weinert
Lemens Winfield
Lovelady York

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:

Yeas—26

Aikin        Martin
Beck         Mauritiz
Brownlee     Moffett
Chadick      Moore
Fain         Ramsey
Formby        Shivers
Graves       Smith
Hazlewood    Stone
Isbell        Van Zandt
Kelley        Vick
Lanning       Weinert
Lemons        Winfield
Lovelady      York

Absent—Excused

Cotten        Spears
Hill          Sulak
Metcalfe

Senate Concurrent Resolution 40

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, to permit consideration of S. C. R. No. 40 at this time.

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

S. C. R. No. 40, Granting permission to the Federal Crude Oil Company to sue the State.

Senator Shivers offered the following (committee) amendment to the bill:

Amend S. C. R. No. 40 by adding thereto the following paragraph:

"However, it is to be understood that the purpose of this resolution is to grant permission to said Federal Crude Oil Company to bring suit against the State of Texas, and no admission of liability of the State of Texas is made by this resolution, and the facts as set out herein must be proved in court."

The amendment was adopted.

The resolution as amended was adopted.

Senate Concurrent Resolution 54

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

Whereas, There is present in the State of Texas, General Maximino Avila Camacho, a distinguished citizen of the Republic of Mexico, and the brother of his Excellency Senor Manuel Avila Camacho, President of the said Mexican Republic; and

Whereas, The friendly relations now existing between the peoples of Mexico and the United States have been largely brought about through the cooperation of President Camacho with our own great President; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the General Maximino Camacho be invited to address a joint session of the Texas Legislature on May 12, 1941, at 11:30 o'clock a.m., and be it further

Resolved, That the Clerk of the House of Representatives send a copy of this resolution to General Camacho and make the necessary preparations for his accepting this invitation herein expressed; and be it further

Resolved, That the time for this address be set by the Speaker of the House of Representatives to suit the convenience of General Maximio Avila Camacho.

SMITH, LOVELADY.

The resolution was read; and on motion of Senator Smith and by unanimous consent, it was considered immediately.

The resolution was adopted.

Message from the Governor

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

Austin, Texas, May 9, 1941.

To the Senate of the Forty-seventh Legislature:

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

To be Members of the Board of Directors of the Guadalupe-Blanco River Authority:

E. M. Cape of San Marcos, Hays County (reappointment);
B. B. Hoskins of Gonzales, Gonzales County (reappointment);
C. F. Combs of Cuero, De Witt County.

To fill the unexpired term of Joe P. Gibbs of Seguin, resigned, term expiring February 1, 1943:
D. C. Blumberg of Seguin, Guadalupe County.
Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

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

House Concurrent Resolution 122

The President laid before the Senate and had read (the resolution having been received from the House):

H. C. R. No. 122, Authorizing sale of certain tract of land by North Texas State Teachers College.

On motion of Senator Lanning and by unanimous consent, the resolution was considered and adopted at this time.

Adoption of Report of Conference Committee on House Bill 369

Senator Mauritz moved that the report of the Conference Committee on H. B. No. 369 submitted today be adopted.

The motion prevailed by the following vote:

Yeas—26

Absent—Excused
Cotten  Hill  Metcalfe

House Bill 905 on Second Reading

On motion of Senator York and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 905 at this time.

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

H. B. No. 905, A bill to be entitled "An Act fixing the compensation of sheriffs in all counties of the State of Texas having a population of not less than twenty-five thousand, five hundred and forty (25,540) and not more than twenty-six thousand and fifty (26,050), according to the last Federal Census, in which there are no district attorneys; providing for the appointment by such sheriffs of such counties of at least one (1) special deputy sheriff and one (1) deputy sheriff; prescribing the powers and duties of such deputies; fixing the compensation therefor; providing mode and manner of payment of such salaries; providing that this Act shall be cumulative of all other Acts not in conflict herewith; repealing all laws and parts of laws in conflict to the extent of the conflict only; and declaring an emergency."

The bill was read second time.

Senator York offered the following (committee) amendment to the bill:

Amend H. B. No. 905, page 1, Section 1, by striking out the following words: "Thirty-six Hundred ($3,600) Dollars, and not more than Forty-two Hundred ($4,200) Dollars," and substituting in lieu thereof the following: "Thirty-three Hundred ($3,300) Dollars and not more than Thirty-six Hundred ($3,600) Dollars."

The amendment was adopted.

The bill was passed to third reading.

House Bill 905 on Third Reading

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 905 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26
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:

Yeas—26
Aikin Beck Brownlee Chadick Fain Formby Graves Hazlewood Isbell Kelley Lanning Lemeng Lovelady Martin Mauritz Moffett Moore Ramsey Shivers Smith Stone Van Zandt Vick Weinert Winfield York

Absent—Excused
Cotten Hill Metcalfe Spears Sulak

House Bill 711 on Second Reading

On motion of Senator Kelley and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 711 at this time.

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

H. B. No. 711, A bill to be entitled "An Act providing for a more adequate and equitable salary and increasing the amount of office and travel expenditures for county superintendents of public instruction in all those counties of Texas coming within the brackets and population figures herein; specifically in all those counties having not less than one hundred six thousand (106,000) and not more than one hundred seven thousand (107,000); and in all those counties having not less than ninety-two thousand (92,000) and not more than ninety-three thousand (93,000) and in all those counties having not less than eighty-three thousand (83,000) and not more than eighty-four thousand (84,000) and in all those counties having not less than twenty thousand, five hundred sixty (20,560) and not more than twenty thousand, five hundred seventy (20,570); and in all those counties having not less than two hundred thirty (20,230) and not more than twenty thousand, two hundred twenty (20,220) and not more than thirteen thousand, two hundred twenty (13,220) and not more than thirteen thousand two hundred forty (13,240) according to the last preceding Federal Census; modifying all laws or parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Kelley offered the following amendment to the bill:

Amend H. B. 711 by striking out the words and figures wherever they appear in the bill as follows: "not less than one hundred six thousand six hundred (106,600) and not more than one hundred seven thousand four hundred (107,400); and in all those counties having not less than ninety-two thousand (92,000) and not more than ninety-three thousand (93,000) and in all those counties having not less than eighty-three thousand (83,000) and not more than eighty-four thousand (84,000) and in all those counties having not less than eighty-three thousand (83,000) and not more than eighty-four thousand (84,000) and in all those counties having not less than eighty-three thousand (83,000) and not more than eighty-four thousand (84,000) and in all those counties having not less than one hundred six thousand (106,600) and not more than one hundred seven thousand (107,000); and in all those counties having not less than ninety-two thousand (92,000) and not more than ninety-three thousand (93,000) and in all those counties having not less than eighty-three thousand (83,000) and not more than eighty-four thousand (84,000);

Amend the caption accordingly.

The amendment was adopted.

The bill was passed to third reading:

House Bill 711 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 711 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26
Aikin Beck Brownlee Chadick

Absent—Excused
Cotten Hill Metcalfe Spears Sulak
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:

Yeas—26
Aikin       Martin
Beck        Mauritz
Brownlee    Moffett
Chadick     Moore
Fain        Ramsey
Formby      Shivers
Graves      Smith
Hazlewood   Stone
Isbell      Van Zandt
Kelley      Vick
Lanning     Weinert
Lemens      Winfield
Lovelady    York

Absent—Excused
Cotten      Spears
Hill        Sulak
Metcalf

On motion of Senator Isbell and by unanimous consent, the Secretary of the Senate was authorized to send flowers to Miss Mary Jacobs, Senate telephone operator, who is ill at Seton Hospital.

Flowers to Miss Mary Jacobs

On motion of Senator Lovelady, the Senate, at 2:55 o'clock p.m., adjourned until 10:00 o'clock a.m. Monday, May 12, 1941.