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

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

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

Absent—Excused

Smith  Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of the Sixty-sixth Legislative Day, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senator Smith was granted leave of absence for today on account of important business, on motion of Senator Moffett.

Reports of Standing Committees

Senator Aikin submitted the following reports:

Austin, Texas, May 13, 1941.

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

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

S. B. No. 188, A bill to be entitled

"An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas the sum of Seventeen Thousand Two Hundred ($17,200.00) Dollars not otherwise appropriated, to cover taxes due by the State of Texas to Fort Bend County, covering the years 1939 and 1940, inclusive; 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.

AIKIN, Chairman.

Austin, Texas, May 13, 1941.

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

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

S. B. No. 456, A bill to be entitled

"An Act appropriating One Thousand Dollars for the Commission of Appeals to the Court of Criminal Appeals; 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.

AIKIN, Chairman.
Austin, Texas, May 14, 1941.
Hon. Coke R. Stevenson, President of the Senate.
Sir: We, your Committee on Finance, to whom was referred
S. B. No. 412, A bill to be entitled "An Act making certain emergency appropriations for the Adjutant General’s Department incident to the support of the Texas Defense Guard; 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.
AIKIN, Chairman.

Austin, Texas, May 13, 1941.
Hon. Coke R. Stevenson, President of the Senate.
Sir: We, your Committee on Finance, to whom was referred
S. B. No. 459, A bill to be entitled "An Act making an emergency appropriation out of the General Fund of the State of Texas to the Secretary of State for the purpose of printing and mailing supplemental franchise tax forms; making same immediately available; providing for reversion of all unexpended funds on August 31, 1941; 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 with amendment hereto attached and be printed as amended.
AIKIN, Chairman.

Senator Weinert submitted the following report:

Austin, Texas, May 14, 1941.
Hon. Coke R. Stevenson, President of the Senate.
Sir: We, your Committee on Civil Jurisprudence, to whom was referred
H. B. No. 894, A bill to be entitled "An Act defining the jurisdiction of the county court of Navarro County and diminishing its civil jurisdiction; 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.
WEINERT, Chairman.

Message from the House

A clerk from the House was announced, and was recognized by the President to present the following message:

Hall of the House of Representatives, Austin, Texas, May 14, 1941.
Hon. Coke R. Stevenson, President of the Senate.
Sir: I am directed by the House to inform the Senate that the House has passed the following bill:
H. B. No. 942, A bill to be entitled "An Act amending Section 6, Chapter 2, Acts of Forty-second Legislature, Fourth Called Session, as amended by Section 9, Chapter 76, Acts of the Forty-fourth Legislature, Regular Session, and providing that the Railroad Commission shall limit production of crude petroleum oil in this State to the reasonable market demand therefor, providing that the allowable production of oil shall be allocated among the pools in the State by the Railroad Commission; providing that the Railroad Commission shall ascertain the reasonable market demand; providing that certain factors shall be considered by the Railroad Commission in determining rea-
sonable market demand; providing that certain factors shall be considered by the Railroad Commission in allocating and apportioning the allowable production of oil among the pools in this State; and declaring an emergency."

Respectfully submitted,

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

Senate Bill 469 on First Reading

Senator Stone moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29
Aikin
Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hazlewood
Hill
Isbell
Kelley
Lanning
Lemens
Lovelady
Martin
Mauritz
Metcalfe
Moffett
Moore
Ramsey
Shivers
Stone
Sulak
Van Zandt
Vick
Weinert
Winfield
York

Absent—Excused
Smith
Spears

The following bill then was introduced, read first time and referred to the Committee on Judicial Districts.

By Senator Stone:

S. B. No. 469, A bill to be entitled "An Act amending S. B. No. 409, Chapter 53, page 64, of the Special Laws of the Regular Session of the Forty-third Legislature, 1933, relating to the 'County Court of Galveston County at Law,' transferring the jurisdiction of this court to the county court of Galveston County; providing for additional compensation for the county judge and county clerk; and declaring an emergency."

Senate Concurrent Resolution 59

Senator Cotten offered the following resolution:

S. C. R. No. 59, Requesting Congress to provide for an emergency in transportation and thereby aid our allies.

Whereas, The people of the United States expressed their determination to extend aid to the struggling Democracies in the world in the Lend-Lease bill by "all out" aid; and

Whereas, The mechanized armies of today depend upon petroleum and its products for continued operation, and in consideration of the serious situation in Iraq and Iran, where a British oil producing territory may be destroyed, thereby affecting the greatest industry of Texas and creating an international emergency; and

Whereas, There exists a serious shortage of tanker ships to transport oil and with many U. S. tankers diverted to Great Britain and perhaps many more being required if we are to supply the needs of the British Navy, which is our first line of defense; quoting Dr. Robert F. Wilson, oil consultant in the office of production management, in a discussion of oil and defense requirements before a conference on natural resources and defense:

"The weakest link in the petroleum chain is in transportation, and the transfer of fifty American tankers to the British tends to intensify the transportation problem. The movement of petroleum along the Gulf Coast alone amounts to 1,250,000 barrels daily, requiring approximately 250 domestic tankers";

Whereas, Reports persist that the British have made large purchases of American crude oil to be moved from Texas Gulf ports to the North Atlantic ports, the situation creating a national emergency which should be met immediately by diversion of traffic from coastal tanker ships to the rails so as to release tankers for foreign service, this transfer of oil tankers being of utmost significance to the fortunes of war in Europe, Asia and Africa; and

Whereas, President Roosevelt also has recognized the danger of a serious "bottleneck" and has recommended the construction of additional pipe line facilities to take the burden off the tankers; and

Whereas, The railroads have ample power, idle private line tank cars, idle employees which we feel should be utilized in preference to the delay in building pipe lines; be it therefore
Resolved, That the Texas Senate and the House concurring request Congress to take advantage of the immediate availability of rail transportation service, and to meet the emergency in the transportation of this commodity during the construction of pipe lines if the same is found to be necessary.

The resolution was read, and by unanimous consent, it was considered immediately and was adopted.

Senate Concurrent Resolution 60

Senator Lovelady offered the following resolution:

S. C. R. No. 60, Authorizing amendment to caption of S. B. No. 437.

Resolved by the Senate, the House of Representatives concurring, That the Enrolling Clerk of the Senate be instructed to add the following to the caption of S. B. No. 437:

"and validating the acts of the county board of trustees of Bosque County in ordering an election combining common school districts and Clifton Independent School District";

Which bill has been finally passed to enrollment but the caption of said bill does not conform with the body thereof.

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

Bills Re-referred

On motion of Senator Lanning, and by unanimous consent, S. B. No. 115, S. B. No. 118, S. B. No. 434, S. B. No. 141, H. B. No. 3, and H. B. No. 549, making appropriations to pay judgments against the State, were re-referred from the Committee on Public Debt, Claims and Accounts to the Committee on Finance.

Signing of Bills and Resolution

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

S. B. No. 282, "An Act regulating fishing in or on Lake Travis and Lake Austin, and defining such lakes; providing the gear or tackle that may be used; providing an open season; providing a bag or possession limit for different varieties of fish that may be taken and providing a total bag limit; providing the length of different varieties of fish that may be taken; repealing all laws in conflict with this Act; and declaring an emergency."

H. B. No. 144, "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 Federal census; and declaring an emergency."

H. B. No. 349, "An Act authorizing the Board of Regents of the University of Texas and the branches thereof, the Board of Directors of the Agricultural and Mechanical College and its branches, the Board of Directors of Texas Technological College, the Board of Regents of the State Teachers' Colleges, the Board of Directors of the Texas State College for Women, and the Board of Directors of the College of Arts and Industries to charge students building use fees of not to exceed Five ($5.00) Dollars per semester for the construction and equipment of buildings and power plants, the paving of streets, the purchase of land and for other capital improvements; providing that such acquisition, equipment and construction be without cost to the State of Texas; providing for the issuance of negotiable revenue bonds to be secured by a pledge of such building use fees and that such bonds may be additionally secured by a pledge of the revenues from buildings and facilities of such institutions; making it the duty of the governing boards of such institutions to fix adequate fees and charges; requiring approval of such bonds by the Attorney General and prescribing the effect thereof; providing that bonds issued under this Act shall be eligible investments for the Permanent School Fund of Texas; and declaring an emergency."

H. B. No. 373, "An Act further regulating the prescribing of liquor for medicinal purposes and the transportation, storage and sale thereof by amending Sub-section (11) and (16) of Section 15, Article 1, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as
amended by H. B. No. 5, Acts of the
Regular Session of the Forty-fifth
Legislature, and by the addition of
a new Sub-section (19) to said Sec-
tion 15, Article 1; prescribing pen-
alties; providing saving clauses; and
declaring an emergency.

H. B. No. 775, "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 3912c, after Sec-
tion 15, a Section to be known as
Section 16a; providing that in coun-
ties having a population of not less
than twenty-four thousand, five hun-
dred (24,500) and not more than
twenty-four thousand, seven hundred
(24,700), according to the last pre-
ceding Federal census and which has
an assessed valuation of not less than
Twenty Million ($20,000,000) Dol-
ars, 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; repeal-
ing all laws in conflict therewith;
and declaring an emergency."

H. B. No. 776, "An Act amending
Chapter 2 of Title 34, Article 1645,
of the Revised Civil Statutes of the
State of Texas, 1925, providing for
a new Article to be added after 1645,
to be known as Article 1645e-2, pro-
viding 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), according to the last pre-
ceding Federal census and which has
an assessed valuation of more than
Twenty Million ($20,000,000) Dol-
ars, according to the last preceding
approved tax roll of such counties,
the county auditor in any county hav-
ing a population of not less than
one hundred and two thou-
sand (102,000) and not more than
one hundred and ten thousand (110,-
000) according to the last preceding
Federal Census, to allow each county
commissioner certain expenses for
traveling and in connection with the
use of his automobile on official bus-
ness; etc.; and declaring an emer-
gency."

H. B. No. 795, "An Act authoriz-
ing the commissioners' court in any
county having a population of not
less than one hundred and two thou-
sand (102,000) and not more than
one hundred and ten thousand (110,-
000) according to the last preceding
Federal Census, to allow each county
commissioner certain expenses for
traveling and in connection with the
use of his automobile on official bus-
ness; etc.; and declaring an emer-
gency."

H. B. No. 819, "An Act providing
for the transfer of title of certain
lands to Refugio and Aransas Coun-
ties, said land consisting of three
adjoining tracts lying under, along
and adjacent to a proposed causeway
and approaches across Copano Bay
in Refugio and Aransas Counties
near the town of Bayside."

H. B. No. 937, "An Act providing
for a closed season for turkey in
Angelina and Tyler Counties for five
(5) years; prescribing a penalty for
the violation of this Act, and repeal-
ing all laws in conflict."

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.

House Bill 136 Set as Special Order

Senator Mauritz moved that H. B.
No. 136 be set as a special order for
next Wednesday, May 21, 1941, im-
mediately after conclusion of the
morning call on that day.
The motion prevailed by the following vote:

*Yeas—29*

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

*Absent—Excused*

- Smith
- Spears

Report of Conference Committee on Senate Bill 20

Senator Moore submitted at this time the following report:

Conference Committee Room, Austin, Texas, May 9, 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 two Houses on S. B. No. 20, have met and beg leave to recommend that said S. B. No. 20 be passed in the form hereto attached.

Respectfully,

- MOORE,
- SHIVERS,
- WINFIELD,
- VAN ZANDT,
- FAIN,

On the part of the Senate;

- STINSON,
- CROSTHWAIT,
- ALLEN,
- HEPFNER,
- HUMPHREY,

On the part of the House.

S. B. No. 20, A bill to be entitled "An Act providing a more efficient fiscal system for the State of Texas; creating a Legislative Audit Committee, and the appointment of a State Auditor by such Legislative Audit Committee; repealing H. B. No. 170, Chapter 91, Acts of the First Called Session of the Forty-first Legislature, and Section 18, Chapter 212, Acts, Regular Session, Fortieth Legislature; providing that the present State Auditor and Efficiency Expert and the Prison Auditor shall continue to discharge the duties of their offices under H. B. No. 170, and Section 18 above mentioned until a State Auditor is selected and qualifies under this Act; amending Article 4366, Revised Civil Statutes, 1925; providing for the transfer of appropriations and making additional appropriation; providing that one full-time assistant auditor or employee be assigned to the Prison System, providing that the appointment of the State Auditor shall be by and with the consent of two-thirds (2/3) of the members of the Senate; prescribing the qualifications, duties, and authority of said State Auditor and providing for his compensation; providing for the necessary assistants for said State Auditor and fixing their qualifications and compensation; providing for the payment of salaries, travel, and other expense of the office of State Auditor; providing for the removal of State Auditor and his assistants, or any of them, under certain conditions; providing a method of filling any vacancy in the office of State Auditor and vacancies in the personnel of said office; prescribing penalties; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. H. B. No. 170, Chapter 91, of the Acts of the First Called Session of the Forty-first Legislature of the State of Texas, 1929, be and the same is hereby repealed, save and except that the State Auditor and Efficiency Expert and his employees shall continue to discharge the functions of the office under such H. B. No. 170 until a State Auditor has been appointed and has qualified under the terms of this Act. Upon the qualification of a State Auditor under the terms of this Act, any funds remaining in the appropriation for the current biennium for the office of State Auditor and Efficiency Expert and for the Auditor provided in Section 18, Chapter 212, Acts, Regular Session, Fortieth Legislature, may be used by and are appropriated for the office of State Auditor provided for in this Act subject to the provisions hereof. In addition, there is hereby appropriated for the remainder of
The current biennium the sum of Fifteen Hundred ($1,500.00) Dollars or so much thereof as, together with appropriations transferred, is necessary to pay the State Auditor the salary hereinafter provided.

Sec. 2. There is hereby created a Legislative Audit Committee, which shall be composed of the Speaker of the House of Representatives, the Chairman of the Appropriations Committee of the House of Representatives, the Chairman of the Revenue and Taxation Committee of the House of Representatives, the Lieutenant-Governor, the Chairman of the Finance Committee of the Senate and the Chairman of the Committee on State Affairs of the Senate. The members of said committee shall receive no compensation for the services performed under the provisions of this Act, but each shall receive his actual and necessary expenses incurred in the discharge of his duties as such member. The committee shall employ such clerical assistants as it may need within the limits of the appropriations made for such purpose.

The committee, within ten (10) days from the passage of this Act, shall meet and organize by electing one (1) member of said committee chairman, and another member of said committee secretary. In voting on any question which this Act requires the Legislative Audit Committee to decide, if the full committee is present and there is a tie vote and the committee cannot secure, within a reasonable time, a majority vote either for or against the proposition under consideration, then the committee shall agree on a seventh member, selected from the membership of either the House or the Senate, and the member so selected shall meet with the committee and shall vote on the proposition under consideration. When he has voted and the proposition has been decided, his duties as a member of such committee shall end.

Sec. 3. Such committee, or the majority of the membership thereof, shall appoint an investigator of all custodians of public funds, disbursing agents, and personnel of departments, the title of such officer to be State Auditor. The appointment shall be made during the period from February 1st to February 15th of each odd numbered year and the person so appointed State Auditor shall hold the office until his successor is appointed and qualifies; provided, however, that within ten (10) days of the effective date of this Act, or as soon thereafter as practicable, such committee shall appoint an Auditor for the period expiring February 15th, 1943. Such Auditor shall be a Certified Public Accountant of Texas.

Sec. 4. The person appointed State Auditor shall have had at least five (5) years experience as a certified public accountant immediately preceding his appointment and he shall be a man of unquestioned integrity and moral character and who has had sufficient experience in business and finance to properly discharge the functions of the office. He shall have been a citizen and resident of Texas for at least five (5) years immediately preceding his appointment. He shall qualify by taking the constitutional oath of office and executing a bond to be approved by the appointing power, payable to the Governor of the State of Texas and his successors in office, in the sum of Twenty-five Thousand ($25,000.00) Dollars, conditioned upon the faithful discharge of the duties of his office, with a solvent surety company as surety. The premium due the surety company for the execution of such bond shall be paid by the State.

Sec. 5. The Legislative Audit Committee, or a majority of the membership thereof, shall execute a written appointment of the person so appointed as such State Auditor and cause the same to be filed in the office of the Secretary of State. The person so appointed to such office, within ten (10) days after his appointment, shall file in the office of the Secretary of State his oath and approved bond, and if he shall fail to do so, the committee, or a majority of the membership thereof, shall appoint some other qualified person to fill such office. All vacancies in the office of State Auditor shall be filled by the committee or a majority of the membership thereof.

Sec. 6. The appointment of the State Auditor shall be by the Legislative Audit Committee immediately certified to the Senate, if the same be in session, and if not be then in session it shall be certified within ten (10) days after said Senate shall be officially convened for any purpose, and if, after consideration by the Senate, the person so appointed and certified shall not receive the
approval of two-thirds (2/3) of the members of the Senate, he shall not be considered as approved, and the Legislative Committee shall at once proceed to the selection of another for such position.

Sec. 7. The State Auditor is hereby granted the authority and it shall be his duty:

1. To perform an audit of all accounts, books and other financial records of the State government or any officer of the State, department, board, bureau, institution, commission or agency thereof and to prepare a written report or reports of such audit or audits to the Legislative Audit Committee and such other person or persons hereafter designated in this bill.

2. To personally, or by his duly authorized assistants, examine and audit all fiscal books, records and accounts of all custodians of public funds, and of all disbursing officers of any department of the State, making independent verifications of all assets, liabilities, revenues and expenditures of the State, its departments, boards, bureaus, institutions, commissions or agencies thereof now in existence or hereafter created.

3. To require such changes in the accounting system or systems and record or records of any office, department, board, bureau, institution, commission or state agency, that in his opinion will augment or provide a uniform, adequate, and efficient system of records and accounting.

4. To work with the executive officers of any and all State offices, departments, boards, bureaus, institutions, commissions or agencies thereof hereafter created in outlining and installing a uniform, adequate and efficient system of records and accounting.

5. To require the aid and assistance of all executives and officials, auditors, accountants and other employees of each and every department, board, bureau, institution, commission or agency of the State at all times in the inspection, examination and audit of any and all books, accounts and records of the several departments.

The State Auditor shall have access at all times to all of the books, accounts, reports, confidential or otherwise, vouchers, or other records of information in any State office, depart-
port shall contain, among other things, copies of, or the substance of reports made to the various departments, bureaus, institutions, and boards, as well as a summary of changes made in the system of accounts and records thereof.

Reports shall also contain specific recommendations to the Legislature for the amendment of existing laws or the passage of new laws designed to improve the functioning of various departments, boards, bureaus, institutions or agencies of State Government to the end that more efficient service may be rendered and the cost of government reduced.

All recommendations submitted by the State Auditor shall be confined to those matters properly coming within his jurisdiction, which is to see that the laws passed by the Legislature dealing with the expenditure of public moneys are in all respects carefully observed, and that the attention of the Legislature is directed to all cases of violation of the law and to those instances where there is need for change of existing laws or the passage of new laws to secure the efficient spending of public funds. The State Auditor shall not include in his recommendations to the Legislature any recommendations as to the sources from which taxes shall be raised to meet the governmental expense.

All reports by the State Auditor shall call attention to any funds, which, in his opinion, have not been expended in accordance with law or appropriations by the Legislature; and shall make recommendations to the Legislature as to the manner or form of appropriations, which will avoid any such improper expenditure of money in the future.

Each of the auditings herein provided for shall be made and concluded as directed by the Legislative Audit Committee, and in accordance with the terms of this Act; but shall be concluded and reports thereof made not later than thirty (30) days before the convening of each Regular Session of the Legislature. The committee shall direct the Auditor to make any special audit or investigation that in its judgment is proper or necessary to carry out the purpose of this Act or to assist the Legislature in the proper discharge of its duties.

The committee shall direct the printing or mimeographing of such number of any reports as it thinks necessary and proper.

All reports filed by the Secretary of State shall be open to public inspection.

Sec. 9. The State Auditor shall keep, or cause to be kept, a complete, accurate and adequate set of fiscal transactions of the State Auditor's office. He shall also keep a complete file of copies of all audit reports, examinations, investigations, and any and all other reports or releases issued by him or his office, and a complete file of audit work papers and other evidences pertaining to work of the office of State Auditor.

Sec. 10. If the State Auditor finds, in the course of his audit, evidence of improper practices of financial administration or of any general incompetency of personnel, inadequacy of fiscal records, he shall report same to the Governor, the Legislative Audit Committee, and the Executive Department head or heads immediately. If the State Auditor shall find evidence of illegal transaction, he shall forthwith report such transactions to the Governor, the Legislative Audit Committee, the Attorney General and the department heads.

Immediately upon receipt of a report from the State Auditor of incompetency of personnel and inadequacy of fiscal records, the Legislative Audit Committee shall review the State Auditor's report of same and hold hearings with the Department head or heads concerning such incompetency and inadequacy of fiscal records. The Legislative Audit Committee, after holding such hearings, shall make a report to the department head or heads requesting the removal or replacement of the incompetent personnel or the installation of the necessary fiscal records. The Legislative Audit Committee shall report to the Legislature any refusal of the department officials to remedy such incompetency or the installation of proper fiscal records.

Sec. 11. The State Auditor shall devote his entire time to the discharge of the duties herein imposed upon him, shall maintain his office in the Capitol, and the Board of Control is directed to furnish suitable quarters, supplies and stationery for him and his assistants and employees. The
State Auditor shall receive for his services compensation at the rate of Seven Thousand Five Hundred ($7,500.00) Dollars per annum until September 1, 1943, and thereafter such sum as may be provided in the biennial appropriation bill, together with the necessary traveling expenses, payable monthly in the manner as other State officers are paid. All vouchers issued in the payment of salary and expenses to the State Auditor shall be approved by the Chairman of the Legislative Audit Committee before they are paid; and all vouchers issued for the payment of salaries of assistant auditors and for stenographic and clerical help, as well as all vouchers issued in the payment of other expenses incurred in the operation of the office of the State Auditor shall be approved by the State Auditor before they are paid. Traveling expenses for all employees in the State Auditor's office when engaged on official business shall be paid to the extent authorized in the appropriation bill for the State Auditor's office. The Legislative Audit Committee, or a majority of the members of the committee, shall fix and determine the number of and the amount of salary to be paid each assistant auditor and all stenographic and clerical assistants within the limits of the appropriation therefor. Such salaries and compensation shall be paid monthly. The salary of no assistant auditor shall exceed the sum of Four Thousand Two Hundred ($4,200.00) Dollars per annum, except the First Assistant whose salary shall not exceed Six Thousand ($6,000.00) Dollars per annum. The First Assistant State Auditor shall perform such duties and assignments as the State Auditor may prescribe and shall act as State Auditor in the absence of the State Auditor. All such assistant auditors and stenographic and clerical assistants shall be named and appointed by the State Auditor. The salaries paid shall in no event exceed the amounts paid in other departments for similar services.

Sec. 12. The State Auditor shall be free to select the most efficient personnel available for each and every position in his office, to the end that he may render to the members of the Legislature that service which they have a right to expect. It is the intention and desire of the Legislature to free the State Auditor and his staff from partisan politics and it is hereby declared to be against public policy and unlawful for any member of the Legislature or any official or employee of the State Government or any board, bureau, department or institution thereof to recommend or suggest the appointment of any person to a position on the staff of the State Auditor. The State Auditor is hereby authorized to conduct such professional examination as he may deem expedient in determining the qualifications of the persons whom he contemplates placing on his staff.

Sec. 13. The State Auditor may be removed or discharged at any time by the Legislative Audit Committee, or a majority of the members thereof, for any reason satisfactory to said committee or a majority thereof, and without a hearing, and such office or position filled by appointment, the same as though a vacancy existed in such office. The State Auditor may remove or discharge any assistant auditor or any stenographic or clerical assistants at any time and for any reason satisfactory to himself and without a hearing.

Sec. 14. Any officer or person employed by the State of Texas or any governmental unit of the State who shall refuse to permit the examination or access to the books, accounts, reports, vouchers, papers, documents or cash drawer or cash of his office, department, institution, board or bureau by the State Auditor, or who shall in any way interfere with such examination, or who shall refuse to make any report required by this Act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred ($100.00) Dollars nor more than One Thousand ($1,000.00) Dollars, or by imprisonment in the county jail for not less than one (1) month nor more than twelve (12) months, or by both such fine and imprisonment.

Sec. 15. The State Auditor shall not serve in any ex-officio capacity, on any administrative board or commission or have any financial interest in the transactions of any department, board, bureau, institution, commission or agency of the State.

Sec. 16. Section 18 of Chapter 212, H. B. No. 59, Acts of the Regular Session of the Fortieth Legislature, is hereby repealed; provided however that the Auditor provided by such Act shall continue to perform the duties of his office until a State Auditor
has been appointed and qualified under the terms of this Act; and provided further that the State Auditor shall assign at least one assistant auditor or employee of his office who shall devote his entire time to auditing the Prison System.

Sec. 17. Article 4366 of the Revised Statutes of 1925 is amended hereby so as to read hereafter as follows:

"Article 4366. The State Auditor shall examine the disbursements of the Treasurer at the end of each quarter, and shall, together with the Treasurer, cancel the warrants which have been paid in such manner as to prevent their future circulation, and shall examine if the receipts acknowledged by the treasurer during the quarter correspond with the deposits, and if the balance of money reported to be in his possession is actually in his hands."

Sec. 18. Wherever the word "department," "board," "bureau," "institution," "commission," or other word or words of similar import appear in any prior Section of this Act, such shall mean each and every department, board, bureau, institution, commission or agency of the State Government.

Sec. 19. The importance of this legislation creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and such rule is suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

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Absent—Excused

Smith Spears

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

"Whereas, The Senator from Travis, the Honorable Houghton Brownlee is today celebrating his 54th birthday;

Whereas, The Senate congratulates the Senator on passing another milestone in his journey through life; and

Whereas, We have as employees in the House and Senate, two gifted young vocalists, in the persons of Bobby and Tommy Fairy, pages; now, therefore, be it Resolved by the Senate, That these two young artists be invited to sing a birthday greeting to our distinguished colleague on this day, and to sing any other selection any other member of the Senate may desire.

The resolution was read, and by unanimous consent, it was considered immediately and was adopted.

Accordingly, Bobby and Tommy Fairy, playing their own accompaniments, sang a birthday greeting to Senator Brownlee and also sang two selections for the Senate and the President of the Senate.

Senate Joint Resolution 21 on First Reading

Senator Lovelady moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a joint resolution, the provisions of which he explained.

The motion prevailed by the following vote:

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<td>Smith Spears</td>
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The following joint resolution then was introduced, read first time and referred to the Committee on Constitutional Amendments:

By Senator Lovelady:

S. J. R. No. 21, Proposing an amendment to the Constitution of the State of Texas authorizing the Legislature to appropriate Seventy-five Thousand ($75,000.00) Dollars or so much thereof as may be necessary to pay claims incurred by John Tarleton Agricultural College for the construction of a building on the campus of such college pursuant to deficiency authorization by the Governor of Texas on August 31st, 1937.

House Bill 193 on Second Reading

The President laid before the Senate, as a special order set for this hour, on its second reading and passage to third reading:

H. B. No. 193, A bill to be entitled "An Act defining publication, newspaper, political sub-division, district and certain mandatory expressions; designating persons to select newspapers in which publications are to be inserted; fixing a legal rate for publications in newspapers; providing for the publication of notices, proclamations, advertising, and citations in newspapers; repealing conflicting provisions of Articles 3, 29, 1154, 3311, 3334, 3311, 3334, 3808, 4203, 7206, 7276, 7342 and 7624 of the Revised Civil Statutes, of Article 4115 of the Revised Civil Statutes as amended by Acts of 1935, Forty-fourth Legislature, Chapter 254, Section 1, of Acts of 1925, Thirty-ninth Legislature, Chapter 161, Section 2 through 6, of Acts of 1935, Forty-third Legislature, First Called Session, Chapter 84, Section 1, and of Acts of 1937, Forty-fifth Legislature, Chapter 506; repealing all parts of laws in conflict; providing a rule of construction; and declaring an emergency."

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

House Bill 193 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. 193 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29
Aikin  Martin
Beck  Mauritz
Brownlee  Metcalfe
Chadick  Moffett
Cotten  Moore
Fain  Ramsey
Formby  Shivers
Graves  Stone
Hazlewood  Sulak
Hill  Van Zandt
Ishell  Vick
Kelley  Weipert
Lanning  Winfield
Lemens  York
Lovelady

Absent—Excused
Smith  Spears

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

The bill was read third time and was passed.

Record of Vote

Senator Cotten asked to be recorded as voting "nay" on the passage to the bill.

Message from the House

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

Hall of the House of Representatives, Austin, Texas, May 14, 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 bills:

S. B. No. 30, A bill to be entitled "An Act declaring the sovereignty of Texas along its seacoast; fixing its present seacoast boundary and ownership; and declaring an emergency."

S. B. No. 61, A bill to be entitled "An Act to amend Article 5139 of the Revised Civil Statutes of Texas of 1925; providing for constituting the District Judges, Judges of the Criminal District Courts, and County Judges of certain counties juvenile boards for such counties; providing salaries for said judges of certain counties as members of said juvenile boards, and the manner of payment of same; repealing all laws in con-
S. B. No. 335, A bill to be entitled “An Act appropriating from the Unemployment Compensation Fund the sum of Two Thousand Six Hundred Sixty-seven and 64/100 ($2,667.64) to be paid to the Wiergate Naval Stores, Inc., Wiergate, Texas, as a refund of unemployment compensation taxes erroneously collected by the Texas Unemployment Compensation Commission of and from said Wiergate Naval Stores, Inc., during the years 1936, 1937, 1938, and 1939; and declaring an emergency.”

S. B. No. 421, A bill to be entitled “An Act amending Article 5139 of the Revised Civil Statutes of Texas, 1925, by adding a new Article to be known as Article 5139-B; providing for the establishment of a juvenile board in counties having a population of not less than seventy-four thousand (74,000) inhabitants and not more than eighty-three thousand (83,000) inhabitants, according to the last preceding Federal census; providing for the compensation of the members of said boards; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency.”

S. B. No. 427, A bill to be entitled “An Act defining the jurisdiction of the County Court of Navarro County and diminishing its civil jurisdiction; providing that the District Court of Navarro County shall have jurisdiction in all civil matters over which by the law the county court would have original jurisdiction; providing for the transfer of certain civil causes from the County Court to the District Court of Navarro County; providing the Act shall not affect judgments heretofore rendered by said county court in causes now transferred to the district court of said county; providing for the repeal of all laws in conflict therewith.”

S. B. No. 437, A bill to be entitled “An Act amending Section 1, Chapter 35, Acts of the Special Laws of the Thirty-third Legislature, same being S. B. No. 253; and amending Section 1, Chapter 136, Acts of the Special Laws of the Forty-second Legislature, the same being S. B. No. 570; which Act amended Section 4, Chapter 35, Acts of the Thirty-third Legislature relating to the Clifton Independent School District; and validating the acts of the board of trustees; and declaring an emergency.”
S. B. No. 441, A bill to be entitled
"An Act providing for a closed sea­son on wild deer and wild turkey in Burleson County for a period of five (5) years; prescribing penalties for the violation of this Act; repealing all laws in conflict; and declaring an emergency."

S. B. No. 445, A bill to be entitled
"An Act to define certain means and methods of taking certain fish in the fresh waters of Hamilton County, Texas; providing it shall be lawful at any time of the year under certain conditions to use set nets of not less than one and one-half (1½) inch square mesh for the purpose of taking certain fish; declaring it unlawful to use drag seines or drag nets at any time in Hamilton County; provided, however, that nothing in this Act shall forbid the use of a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait; declar­ing it unlawful to take fish in Ham­ilton County by gigging, roping, snaring, grappling with the hands or by the use of grab hooks or fish traps of any kind; permitting the taking of catfish and perch in said county at any time of the year by use of certain devices; providing a 10-inch length limit for catfish in said county; forbidding the sale, the offering for sale, possession for the purpose of sale, or the purchase of any catfish taken from the waters of Hamilton County; declaring it unlawful to sell or take for the purpose of sale any minnows from the waters of Hamilton County, and forbidding the transportation from said county of more than one hundred twenty-five (125) minnows by any person for whatever purpose; providing a penalty for the violation of this Act; repealing certain laws in conflict with this Act and all other laws or parts of laws in conflict with the provisions of this Act; and declaring an emergency."

S. B. No. 449. A bill to be entitled
"An Act providing, in counties hav­ing a population of more than five hundred thousand (500,000), for the extension for not to exceed thirty (30) days after the expiration of the term of the period during which a grand jury may sit to conclude its investigation; and declaring an emer­gency."

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."

S. B. No. 461, A bill to be entitled
"An Act to permit John R. Howe and wife, Emma Howe of Hays County, Texas, to sue and join the State of Texas and Texas Highway Commission in a suit against Hays County, the State of Texas and Highway Commission for damages incident to condemnation proceedings had in cause No. 1409 in the County Court of Hays County, Texas, styled State of Texas vs. John R. Howe and wife, Emma Howe; fixing the time within which the same may be brought; fixing the venue thereof in Hays County, Texas; providing that any judgment recovered against the State and Highwray Commission or either thereof, shall be paid out of State Highway Funds; providing for service of citation; for appeal without bond; and declaring an emergency."

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.)
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8892, wherein O. I. Littlefield is plaintiff to whom prior permission had been granted to bring such suit, and the State of Texas and the State Highway Commission of Texas are defendants, for the principal sum of Nine Hundred Ninety-five and 70/100 ($995.70) Dollars, with interest at the legal rate of six (6%) per cent per annum from the date of said judgment until paid, and all costs of suit, of which costs there is a balance due of One Hundred Nineteen and 92/100 ($119.92) Dollars, which judgment was affirmed by the Court of Civil Appeals for the Fourth Supreme Judicial District of Texas, and a writ of error dismissed by the Supreme Court of Texas, so that said judgment is now a final judgment for the full amount thereof, principal interest and costs against the State of Texas, and the State Highway Commission of Texas and a valid judgment obligation of record; and declaring an emergency."

With amendments.

The House has refused to concur in Senate amendments to H. B. No. 73 and requests the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed on the part of the House: Isaacks, Lyle, Bruhl, Coker, and Bell.

The House has adopted the Conference Committee report on S. B. No. 20 by a vote of 106 yeas, 15 noes.

The House has concurred in Senate amendments to H. B. No. 905 by a vote of 124 yeas, 0 noes.

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

Conference Committee Report on House Bill 76

The President laid before the Senate for further consideration at this time the report of the Conference Committee on House Bill No. 76, relative to payment of delinquent taxes, submitted on yesterday and printed in the Journal of that day.

The report was adopted by the following vote:

Yes—15
Aikin
Chadick
Cotten
Graves

Nays—10
Beck
Brownlee
Formby
Isbell
Lemens

Absent

Hill
Paired

Senator Fain (present), who would vote "yea" with Senator Smith (absent), who would vote "nay."

Senator Weinert (present), who would vote "nay" with Senator Spears (absent), who would vote "yea."

House Bill 21 on Second Reading

Senator Brownlee moved that the regular order of business be suspended to permit consideration of H. B. No. 21 at this time.

The motion prevailed by the following vote:

Yes—27
Aikin
Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Isbell
Kelley
Lanning
Lemens
Lovelady
Martin

Absent

Hazlewood
Hill

Absent—Excused

Smith
Spears

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

H. B. No. 21, A bill to be entitled "An Act to amend H. B. No. 144 of the Forty-fifth Legislature by striking out
The bill was read second time.

Question—Shall the bill be passed to third reading?

Committee Substitute House Bill 29 on Third Reading

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 29 at this time.

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

C.S.H.B. No. 29, A bill to be entitled "An Act to amend Chapter 5, Title 14, of the Penal Code of Texas of 1925, as amended, by amending Articles 1037 and 1037a relating to weights and measures, and by adding the new Articles numbered as follows: Articles 1037b, 1037c, 1037d, 1037e, 1037f, 1037g, 1037h, 1037i, and 1037j; prohibiting the sale, use, or possession of false weights, measures, or weighing or measuring devices and weights, measures, or weighing or measuring devices which have not been sealed by a weights and measures official; prohibiting the sale and use of devices which have been condemned for repairs; prohibiting the sale of commodities contrary to law; requiring commodities to be sold by weight, measure, or numerical count; regulating the packing and marking of packages and containers, etc.; and declaring an emergency."

The bill was read third time and was passed.

Record of Vote

Senators Aikin and Moore asked to be recorded as voting "nay" on the passage of the bill.

Senate Bill 470 on First Reading

Senator Moore moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote: Yeas—29

Aikin  Beck  Cotten  Fain  Formby  Graves  Hazlewood  Hill  Isbell  Kelley  Lanning  Lemens  Lovelady  Martin  Mauritz  Metcalfe  Moffett  Moore  Ramsey  Shivers  Stone  Sulak  Van Zandt  Vick  Weinert  Winfield  York  Absent—Excused

Smith  Spears

The following bill then was introduced, read first time and referred to the Committee on State Affairs:

By Senators Moore, Chadick, Shivers, Weinert and Van Zandt:

S. B. No. 470, A bill to be entitled "An Act amending Article X of H. B. No. 8, Acts Regular Session, Forty-seventh Legislature, so as to define the terms 'new,' 'cosmetics,' and 'playing cards,' and declaring an emergency."

House Bill 25 on Third 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 third reading and final passage:

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 if 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 third time and was passed.
House Bill 21 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 21, on its passage to third reading.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 21 by adding at the end of Section 1 the following: "Provided further the number of employees and the salaries of each shall be as fixed in the biennial departmental appropriation bill." Amend the caption accordingly.

The amendment was adopted.

The bill was passed to third reading.

House Bill 21 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 21 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

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

Absent—Excused

Smith    Spears

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

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

Yeas—29


House Bill 218 on Second Reading

On motion of Senator Vick and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 218 at this time.

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

H. B. No. 218, A bill to be entitled "An Act to provide a hearing as to the sanity of persons who have previously been judicially declared to be of unsound mind; setting out procedure with reference thereto; and providing for venue of said cause of action; and declaring an emergency."

The bill was read second time.

Senator Vick offered the following amendment to the bill:

Amend H. B. No. 218 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. That Section 4 of S. B. No. 259, same being Section 4 of Chapter 446, Regular Session of the Forty-fifth Legislature, 1937, be amended so that said Section will read hereafter as follows, to-wit:

'Section IV. Whenever one or more adult citizens of this State shall file an affidavit with the county judge of the county where any one of the affiants resides, alleging under oath that there is located within said county, or confined within said county, a person who has theretofore been declared to be of unsound mind, or an habitual drunkard, and that in the opinion of affiants such person has been restored to his right mind, or to sober habits, and that there is no criminal charge pending against such person, the county judge shall forthwith, either in term time or in vacation, set a day for a hearing to determine the sanity, or sobriety, of such person. The county judge shall cause notice of the date set for the hearing to be
issued by the county clerk, to the
guardian of such person, if any, and
to those having custody of such per-
sion, if any there be, and in the event
such person be a beneficiary of the
Veterans' Administration, or his estate
consists in whole or in part of money
or other assets derived from compen-
sation, pension or insurance paid by
the United States, like notice shall be
served on the chief attorney of the
Veterans Administration in this State
by delivering a copy of said notice to
his office, of the filing of such affi-
davit, and that a hearing is to be
had thereon, giving the time and place
thereof. The county judge shall direct
the sheriff of the county where such
person is located or confined to bring
such person into open court for said
hearing, if such action be necessary to
procure his presence at the trial.

(a) A jury may be demanded by
any person interested in the ward or
his estate to pass on the question of
whether or not such person has been
restored to his right mind, or to
sober habits, but if a jury is not
demanded, the county judge may pass
upon such question, or he may cause
a jury to be empanelled to hear such
cause.

(b) If the trial of the cause, either
before a jury or the county judge,
results in a finding that such person
has been restored to his right mind,
or to sober habits, a judgment shall
be entered upon the minutes of the
court reciting such facts, and adjudg-
ing such person to be of sound mind,
or sober habits, and said person, if
then under restraint, shall be dis-
charged immediately.

(c) If such person be under guar-
dianship at the institution of such pro-
ceedings and shall be adjudged to
have been restored to his right mind,
or to sober habits, under the provi-
sion of this Act, and if such resto-
tation takes place in a court other than
that in which the guardianship is
pending, then said former ward shall
file a certified copy of the judgment
of restoration to sanity; or sobriety;
in the court where the guardianship is
pending; and, immediately after the
filing of such certified copy of such
judgment in the court where the
guardianship is pending, the former
guardian shall file his final account,
and deliver to his former ward the
estate remaining in his hands. If the
restoration be had in the court where
the guardianship is pending, then im-
mediately after such judgment of
restoration is entered, the former
guardian shall file his final account
and deliver over to his former ward
the estate remaining in his hands, in
the time and manner provided for in
probate proceedings.

(d) From a judgment rendered by
the county court upon any restoration
hearing as provided an appeal may
be taken to the district court of the
county wherein said cause originally
tried. The appeal from the judg-
ment of the county court to the dis-

crtict court to be perfected in the
manner and in the time provided by
law for the appeal of probate pro-
ceedings from the county court to
the district court; and provided fur-
ther, that the trial in the district court
shall be de novo as in other probate
proceedings and that the judgment of
the district court shall be final.

(e) Any person who has hereto-
fore been declared to be of unsound
mind, or an habitual drunkard, and
has been tried under the provisions
of this Act and found to be of unsound
mind, or an habitual drunkard, shall
not again be tried for a period of
six months.

(f) This Act shall be cumulative of
Articles 4282, 4283, and 4284 of the
1925 Revised Civil Statutes of the
State of Texas."

Sec. 2. If any word, phrase, clause,
sentence, paragraph, Section, or part
of this Act shall be held by any court
of competent jurisdiction to be invalid
or unconstitutional, it shall not affect
any other word, phrase, clause, sen-
tence, paragraph, Section, or part of
this Act.

Sec. 3. The fact that there exists
many conflicts in the law with refer-
ence to how one who has been ad-
judged to be of unsound mind, or an
habitual drunkard, may be legally ad-
judged to have been restored to his
right mind, or to sober habits, and
the further fact that the law is am-
biguous at present and that many
persons now of sound mind and sober
habits, but who have been adjudged
to be of unsound mind, or habitual
drunkards, are now suffering as a
result of the conflict and ambiguity of
our law, creates an emergency and an
imperative public necessity that the
constitutional rule requiring bills to
be read on three several days in each
House be suspended, and said rule is
hereby suspended, and this Act shall
take effect and be in force from and
after its passage, and it is so enacted.
Amend the caption to conform.

Senator Chadick offered the following amendment to the amendment:
Amend amendment by striking out the second sentence of Section IV of the pending amendment by Vick.

Question—Shall the amendment to the amendment be adopted?

Senate Resolution 136

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

Whereas, The Constitution and Statutes of this State provide that the Secretary of State shall appoint Notaries Public; and

Whereas, The Secretary of State has required that applications be forwarded to the Secretary of State by the county clerks of the respective counties; and

Whereas, There is no such provision or requisite in the Constitution or laws of this State; and

Whereas, Such requirement constitutes an unnecessary expense to the offices of county clerks of this State; now, therefore, be it

Resolved by the Senate of Texas, That the Secretary of State be requested to act upon requests for appointments as Notaries Public when such applications are made to him direct.

MOORE, FAIN.

The resolution was read, and by unanimous consent, it was considered immediately and was adopted.

Reports of Standing Committees

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

Austin, Texas, May 14, 1941.

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

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 543, A bill to be entitled "An Act amending Article 2613, Revised Civil Statutes of Texas, 1925, authorizing the State Forester to designate certain of his employees as peace officers; and declaring an emergency."

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

LEMENS, Chairman.

Austin, Texas, May 14, 1941.

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

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 446, A bill to be entitled "An Act repealing Article 1850, Revised Civil Statutes of Texas, 1925; amending Article 1351 so as to make the penalty therein provided apply specifically to Articles 1348 and 1349, Revised Civil Statutes of Texas, 1925; amending Article 1351, Revised Civil Statutes and Article 213, Penal Code of Texas, to prohibit corporations, their officers, directors, stockholders, employees and agents acting in their behalf, from expending or promising to expend any money or thing of value in order to aid or hinder the nomination or election of any person to public office or to influence the vote on any question submitted to the voters; providing for an exception in elections directly affecting the granting, refusing, existence, or value of a franchise of a corporation which has the right of eminent domain, and providing that in such elections, all means of publicity employed by such corporations shall be identified as pay for by it; . . . etc.; and declaring an emergency."

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

LEMENS, Chairman.

Austin, Texas, May 14, 1941.

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

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

H. B. No. 420, A bill to be entitled "An Act to regulate the sale and labeling of agricultural and vegetable..."
seeds in the State of Texas; and defining the manner of labeling of same by seed dealers who may expose and/or offer such seed for sale; providing for the testing of such seeds for germination and other purposes; ... and declaring an emergency."

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

MOFFETT, Chairman.

Recess

On motion of Senator Lanning, the Senate, at 12:15 o'clock p. m., took recess until 2:30 o'clock p. m. today.

Afternoon Session

The Senate met at 2:30 o'clock p. m. and was called to order by the President.

Bills Signed

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

H. B. No. 181, A bill to be entitled "An Act to amend Section 4, S. B. No. 28, Chapter 2, of the Acts of the Regular Session of the Fortieth Legislature, as amended by S. B. No. 485, Chapter 206, of the Acts of the Regular Session of the Forty-fifth Legislature, so as to extend the time of existence of the special District Court of Rusk County, Texas; and declaring an emergency."

H. B. No. 369, 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 declaring an emergency."

H. B. No. 436, A bill to be entitled "An Act authorizing the commissioners' court in each county in this State having a population of not less than thirty thousand three hundred and sixty (30,360), nor more than thirty thousand four hundred (30,400), according to the last preceding Federal census, to allow each county commissioner certain expense for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction work on public roads of the county; requiring each such commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county; and declaring an emergency."

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, six hundred (25,600) and not more than twenty-five thousand, eight hundred and eighty-nine (25,889), 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 special deputy sheriff and one 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."

H. B. No. 924, A bill to be entitled "An Act providing for a closed season on wild deer and wild turkey in Schleicher County for a period of five (5) years; prescribing penalties for the violation of this Act; repealing all laws in conflict; and declaring an emergency."

House Bill 218 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 218, relating to method of adjudging sane any person who has been adjudged insane and whose sanity has been restored; with amendment by Senator Vick and amendment by Senator Chadick to the amendment pending.

(Senator Shivers in the Chair.)

Senator Van Zandt moved to table the amendment to the amendment.

Yea and nay were demanded, and the motion to table prevailed by the following vote:

Yea—19

Brownlee
Fain
Hazlewood
The amendment by Senator Vick was adopted.

The bill was passed to third reading.

**House Bill 218 on Third Reading**

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 218 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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<th>Yeas-29</th>
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<td>Beck</td>
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<td>Lovelady</td>
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**Absent-Excused**

- Smith
- Spears

The motion to reconsider prevailed.

The Presiding Officer laid the bill before the Senate on its final passage.

Senator Van Zandt moved that the vote by which the bill was passed to third reading be reconsidered.

Senator Aikin raised the point of order that the rules of the Senate do not permit such a motion to be made except on the same day the vote to be reconsidered is taken or on the next legislative day.

The Presiding Officer (Senator Shivers) sustained the point of order.

Senator Van Zandt moved to suspend the Senate rule relating to reconsideration, in order that a motion now may be made to reconsider the vote by which the bill was passed to third reading.

The motion was lost by the following vote:
The bill was passed by the following vote:

<table>
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<tr>
<th>Yeas</th>
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<td>Brownlee</td>
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<td>Aikin</td>
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<td>Beck</td>
<td>Shivers</td>
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<td>Hazlewood</td>
<td>Van Zandt</td>
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<td>Kelley</td>
<td>Weinert</td>
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Senator Martin offered the following amendment to the bill:

Amend C. S. H. B. No. 29 by striking out amendment by Senator Graves relating to weight of bread loaves.

The amendment was lost by the following vote:

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<td>Martin</td>
<td>Winfield</td>
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<td>Lanning</td>
<td>Absent</td>
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<tr>
<td>Hill</td>
<td>Absent—Excused</td>
</tr>
<tr>
<td>Smith</td>
<td>Spears</td>
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</table>

House Bill 123 on Second Reading

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 123 at this time.

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

H. B. No. 123, A bill to be entitled "An Act providing for the revision and compilation of the abstracts of patented, titled, and surveyed land by the Commissioner of the General Land Office; making an appropriation for the printing and binding of same; providing for the distribution and sale of same by the Comptroller of Public Accounts; providing such binding and printing is to be done within this State; providing the Act shall not affect laws pertaining to preparation, printing, and distribution of supplementary abstract volumes; and declaring an emergency."

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

House Bill 123 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 123 be placed on its third reading and final passage.
The motion prevailed by the following vote:

Yeas—29

Aikin
Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hazlewood
Hill
Ishbell
Kelley
Lanning
Lemens
Lovelady
Martin
Mauritz
Metcalfe
Moffett
Moore
Ramsey
Shivers
Stone
Sulak
Van Zandt
Vi
Weinert
Winfield
York

Absent—Excused

Smith
Spears

The Presiding Officer 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
Cotten
Fain
Formby
Graves
Hazlewood
Hill
Ishbell
Kelley
Lanning
Lemens
Lovelady
Martin
Mauritz
Metcalfe
Moffett
Moore
Ramsey
Shivers
Stone
Sulak
Van Zandt
Vi
Weinert
Winfield
York

Nays—2

Cotten
Ishbell

Absent

The Reading Clerk of the House was recognized by the Presiding Officer to present the following message:

Hall of the House of Representatives,
Austin, Texas,
May 14, 1941.

Hon. Coke R. Stevenson, President of the Senate.
The Presiding Officer 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

Senator Cotten asked that he be recorded as voting "nay" on the final passage of the bill.

House Bill 98 on Second Reading

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 98 at this time.

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

H. B. No. 98, A bill to be entitled "An Act authorizing and directing the Board of Regents of the University of Texas to request the War and Navy Departments of the United States to establish and maintain military and naval training at said institution; and authorizing the Board of Regents to enter into contracts for such purposes; authorizing the Board of Regents to establish regulations as to credit toward degree requirements; providing the training shall not be required for entrance or graduation; and declaring an emergency."

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

House Bill 98 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 98 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

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

House Bill 251 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 251 at this time.

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

H. B. No. 251, A bill to be entitled "An Act making an appropriation for the use of the San Antonio River Canal and Conservancy District; providing manner for signing warrants; providing that any unexpended balance on August 31, 1943, be repaid to the State of Texas; and declaring an emergency."

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

House Bill 251 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. 251 be
placed on its third reading and final passage.

The motion prevailed by the following vote:

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<tr>
<th>Yeas</th>
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<td>Brownlee</td>
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<td>Beck</td>
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<td>Cotten</td>
<td>Beck</td>
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<td>Formby</td>
<td>Chadick</td>
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<td>Martin</td>
<td>Lanning</td>
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<td>Nays</td>
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<td>Beck</td>
<td>Lemens</td>
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<tr>
<td>Lovelady</td>
<td>Martin</td>
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Report of Standing Committee

Senator Moore, by unanimous consent, submitted the following report:

Senate Committee Room, Austin, Texas, May 14, 1941.

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

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 470, A bill to be entitled "An Act amending Article X of H. B. No. 8, Acts, Regular Session, Forty-seventh Legislature, so as to define the terms 'new,' 'cosmetics,' and 'playing cards'; 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 mimeographed and not otherwise printed.

MOORE, Chairman.

Senate Bill 470 on Second Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 470 be
Concurrence in House Amendments to Senate Bill 465

Senator Weinert called S. B. No. 465 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments to the bill.

House Bill 854 on Second Reading

Senator Cotten moved that the regular order of business be suspended, to permit consideration of H. B. No. 854 at this time.

The motion prevailed by the following vote:

Yeas—29
Aikin
Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hazlewood
Hill
Kelley
Lanning
Lemens
Lovelady
Martin
Mauritz
Metcalfe
Moffett
Moore
Ramsey
Shivers
Stone
Sulak
Van Zandt
Vick
Weinert
Winfield
York
Absent—Excused
Smith
Spears

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

H. B. No. 854, A bill to be entitled "An Act authorizing independent school districts, upon the order of its trustees, with the consent of the State Superintendent of Public Instruction, to sell, exchange and convey real property, or any part thereof, belonging to said school district, and to apply any proceeds to the purchase of necessary ground or to the building or repairing of school houses, or to the credit of the available school fund of the district, and validating all sales theretofore made by any district in substantial compliance with the provisions hereof; and declaring an emergency."

The bill was read second time.

Senator Van Zandt offered the following (committee) amendment to the bill:

(1)

Amend H. B. No. 854, Section 1, by adding after the words "apply any proceeds to" the following words, "sinking fund account of such district, if there be outstanding bonds therein, otherwise to."

The amendment was adopted.

Senator Chadick offered the following amendment to the bill:

Amend H. B. No. 854 by striking out all of Section 2 thereof and substituting therefor the following:

"Any and all sales or leases of minerals heretofore made by any independent school districts in substantial compliance with the provisions of this act and such sale or lease has been made with the consent of the State Board of Education or the State Superintendent of Public Instruction after same has been authorized by the trustees of the independent school district, shall not be invalid by reason of any lack of authority to make and enter into such sales and leases."

The amendment was adopted.

Senator Cotten offered the following amendment to the bill:

Amend the caption to H. B. No. 854 so that the same will conform to the body of the Act.

The amendment was adopted.

The bill was passed to third reading.

House Bill 854 on Third Reading

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 854 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29
Aikin
Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hazlewood
Hill
Kelley
Lanning
Lemens
Lovelady
Martin
Mauritz
Metcalfe
Moffett
Moore
Ramsey
Shivers
Van Zandt
Vick
Weinert
Winfield
York
Absent—Excused
Smith
Spears

The bill was passed to third reading.
The Presiding Officer then laid before the Senate on its third reading and final passage:

H. B. No. 392, A bill to be entitled "An Act making an emergency supplemental appropriation for the sum of Seven Thousand, Three Hundred and Seventy-five ($7,375.00) Dollars for certain divisions of the State Department of Education; and declaring an emergency."

The bill was read second time.

(Senator Weinert in the Chair.)

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 392, page 2 by striking out all of lines 5, 6, 7, and 8. Senator Metcalfe withdrew the amendment.

The bill was passed to third reading.

House Bill 392 on Third Reading

Senator Lovelady moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 392 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29
Aikin
Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hazlewood
Hill
Isbell
Kelley
Lanning
Lemens
Lovelady

Absent—Excused
Smith
Spears

House Bill 392 on Second Reading

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 620 at this time.

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

H. B. No. 620, A bill to be entitled "An Act amending Section 2 of Chapter 5, Acts, Second Called Session of the Forty-third Legislature, as amended by Chapter 459, Acts, Second Called Session of the Forty-fourth Legislature; and declaring an emergency."

The bill was read second time.

On motion of Senator Brownlee, the bill was tabled subject to call.

On motion of Senator Aikin, the bill was ordered printed.

House Bill 392 on Second Reading

On motion of Senator Lovelady and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 392 at this time.
House Bill 202 on Second Reading

On motion of Senator Ramsey and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 202 at this time.

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

H. B. No. 202, A bill to be entitled “An Act amending Article 3148, Revised Civil Statutes of Texas, 1925, so as to provide for the service of notice in a primary election contest upon the opposing candidate; and declaring an emergency.”

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

House Bill 202 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 202 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea--29
Aikin
Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hill
Lanning
Lemens
Lovelady
Martin
Mauritz
Metcalfe
Moffett
Moore
Ramsey
Shivers
Stone
Sulak
Van Zandt
Vick
Weinert
Winfield
York

Nays--1
Beck
Kelley
Moore
Smith
Absent
Absent--Excused
Shivers
Spears

(Senator Shivers in the Chair)

House Bill 203 on Second Reading

On motion of Senator Ramsey and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 203 at this time.

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

H. B. No. 203, A bill to be entitled “An Act to provide for the service upon the contestee in a primary nomination contest of a copy of the grounds of contest together with the notice of the date set for hearing by providing that service may be had upon the agent or attorney of the contestee, or by leaving such notice with some person over the age of sixteen years at the usual place of residence or business of the contestee; and declaring an emergency.”

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

House Bill 203 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 203 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea--29
Aikin
Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
The bill was read third time and was passed.

**House Bill 866 on Second Reading**

On motion of Senator Lemens and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 866 at this time.

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

H. B. No. 866, A bill to be entitled "An Act making an appropriation out of the State Highway Fund for refunding donations made for the purpose of making surveys and investigation on Highway No. 22, and which work was never accomplished; and declaring an emergency."

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

**House Bill 866 on Third Reading**

Senator Lemens moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 866 be placed on its third reading and final passage.

The motion prevailed by the following vote:

- Yeas—29
  - Aikin
  - Beck
  - Brownlee
  - Chadick
  - Cotten
  - Fain
  - Formby
  - Graves
  - Hazlewood
  - Hill
  - Isbell
  - Kelley
  - Lanning
  - Lemens
  - Lovelady
  - Martin
  - Mauritz
  - Metcalfe
  - Moffett
  - Moore
  - Ramsey
  - Shivers
  - Stone
  - Sulak
  - Van Zandt
  - Weinert
  - Winfield
  - York

- Absent—Excused
  - Smith
  - Spears

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

The bill was read third time and was passed.

**Message from the House**

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

Gal of the House of Representatives,  
Austin, Texas,  
May 14, 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. 131, Granting W. F. Howell and wife permission to sue the State.

H. C. R. No. 132, Authorizing Enrolling Clerk to make certain corrections in H. B. No. 354.

H. C. R. No. 134, Authorizing the Enrolling Clerk of the House to Representatives to make certain changes in H. B. No. 903.

H. C. R. No. 137, Authorizing Enrolling Clerk to make correction in Section 3 of H. B. 978.

Respectfully submitted,

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

**House Bill 538 on Second Reading**

On motion of Senator Stone and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 538 at this time.

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

H. B. No. 538, A bill to be entitled "An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas the sum of Seventeen Thousand Two Hundred ($17,200.00) Dollars, not otherwise appropriated, to cover taxes due by
the State of Texas to Fort Bend County, covering the years 1939 and 1940, inclusive, and the taxes to become due for the years 1941 and 1942; and declaring an emergency.”

The bill was read second time.

Senator Stone offered the following amendment to the bill:

(1)

Amend H. B. No. 538 by striking out all of Sections 1 and 2 and inserting in lieu thereof the following:

“Section 1. There is hereby appropriated out of the General Revenue Fund of the State of Texas the sum of Twenty-six Thousand One Hundred Twenty-three Dollars and Thirteen Cents ($26,123.13) not otherwise appropriated on such portion thereof as may be necessary, to cover the payment of taxes on State prison farm lands located in Fort Bend and Brazoria Counties now due and unpaid, exclusive of penalties and interest, by the State of Texas to said counties and to the independent school districts in which said lands are located for the years 1939 and 1940 and to become due for the years 1941 and 1942.

“Sec. 2. The Comptroller of Public Accounts of the State of Texas is authorized, and it is hereby made his duty, to pay to said counties and independent school districts out of the appropriation hereby made, in the manner prescribed by law, upon the receipt of proper statements of taxes due to said counties and independent school districts from the tax assessors and collectors of said counties and independent school districts under proper seal and/or oath, the amount of taxes due on said prison farm lands located therein.”

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 538, by adding at the proper place the following: “The monies so received by any school district from the appropriations herein made shall be accounted for as revenues of such districts on all applications for aid or State reports therefrom.”

The amendment was adopted.

Senator Ramsey offered the following amendment to the bill:

Amend H. B. No. 538 by adding the following: “There is hereby appropriated out of the General Revenue Fund to any Independent School District in Cherokee County that contains any State lands that formerly constituted the State Prison System, the sum of Two Thousand ($2,000) Dollars to be paid as provided in this bill.”

Senator Stone raised a point of order against consideration of the amendment on the ground it is not germane to the purposes of the bill.

The Presiding officer (Senator Shivers) sustained the point of order.

On motion of Senator Stone and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill was passed to third reading.

House Bill 538 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 538 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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Absent—Excused

| Smith | Spears |

The Presiding officer 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 Chadick, Lovelady, Hill, Isbell, Beck, Moffett and Weinert asked to be recorded as voting “nay” on the passage of the bill.
On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 875 at this time.

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

H. B. No. 875, A bill to be entitled "An Act to amend Article 5221-b, Vernon's Annotated Statutes of Texas, as amended, by adding a new Section to be known as Section 8-A; defining certain additional terms; making provisions with reference to the authority of the Unemployment Compensation Commission to make reasonable rules and regulations regarding seasonal workers; and declaring an emergency."

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

House Bill 875 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 875 be placed on its third reading and final passage.

The motion prevailed by the following vote:


Absent—Excused

Smith  Spears

The Presiding officer 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:

Aikin  Beck  Brownlee  Chadick

Yeas—29

Absent—Excused

Smith  Spears

House Bill 411 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. 411 at this time.

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

H. B. No. 411, A bill to be entitled "An Act providing for fees and travel expenses of sheriffs and other peace officers whose income is on a fee basis and who travel into other states to serve extradition papers; providing travel expenses for sheriffs and other peace officers who are compensated by a fixed salary and who travel into other states to serve extradition papers; and declaring an emergency."

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

House Bill 411 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 411 be placed on its third reading and final passage.

The motion prevailed by the following vote:


Absent—Excused

Smith  Spears

The Presiding officer 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:

Aikin  Beck  Brownlee  Chadick

Yeas—29
House Bill 362 on Second Reading

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 362 at this time.

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

H. B. No. 362, A bill to be entitled “An Act creating the Lavaca County Flood Control District in Lavaca County, Texas, and defining its powers; designating the commissioners' court as the governing body of such district and defining the powers of such court in connection therewith; providing for the filing of a petition for the issuance of bonds, notice of hearing thereon, for an election therefor, and the procedure; limiting the tax rate in support of bonds voted; providing for the issuance of bonds and the manner and form thereof and the procedure in connection with the issuance, registration, approval, and sale thereof; defining the duties of the various officials of Lavaca County; providing that State laws applicable to contracts and accounting for funds shall apply to such district; making the Act cumulative of other laws; providing for the use of public property by such district; granting the right of eminent domain; providing laws relating to assessing and collecting State and county current and delinquent taxes shall apply to said district; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.”

The bill was read second time.

Senator Sulak offered the following amendment to the bill:

Amend H. B. No. 362 by inserting between Section 12b and 13 the following:

II.

“Section 1. Jackson County Flood Control District Created.

There is hereby created and established within the State of Texas in addition to the districts into which the State has heretofore been divided, in the form and manner hereinafter provided, a conservation and reclamation district to be known at Jackson County Flood Control District, hereinafter called the district, and consisting of that part of the State of Texas which is known as and included within the boundaries of the County of Jackson. Such district shall be a governmental agency and body politic and corporate, with the powers of government and with the authority to exercise the rights, privileges, and functions hereinafter specified, the creation and establishment of such district being essential to the accomplishment of the purposes of Section 59 of Article XVI of the Constitution of the State of Texas, as amended, including the control, storing, preservation, and distribution of the storm and flood waters, and the waters of the rivers and streams in Jackson County and their tributaries, for domestic, municipal, flood control, irrigation, and other useful purposes, the reclamation and drainage of the overflow land of Jackson County, the conservation of forests, and to aid in the protection of navigation on the navigable waters by regulating the flood and storm waters that flow into said navigable streams.

The Commissioners' Court of Jackson County, Texas, is hereby designated as the governing body of such district and the agency through which the management and control of the district shall be administered, and it is hereby empowered to do any and all things necessary to carry out the aims and purposes of this Act.

Sec. 2. Added Powers. In addition to the powers given to the commissioners' court by general laws in addition to the general powers herein given, it shall be authorized in connection with the Jackson County Flood Control District to exercise the following added rights, powers, privileges, and functions:

a. To acquire land and rights and interest therein and any other charac-
ter of property needed to carry on the work of flood control, by gift, devise, purchase, or condemnation;

b. To sell, trade, or otherwise dispose of land or other property or rights therein when the same are no longer needed for the project or flood control purposes;

c. To appoint a flood control manager and such agents and employees of the county for flood control purposes as may be necessary, including an engineer and counsel, and to prescribe their duties and fix their bonds and compensation;

d. To authorize its officers, employees, or agents to go upon any lands lying within the district for the purpose of making surveys and examining the same in connection with flood control plans and projects, and for any other lawful purpose within the scope of its authority;

e. To devise plans and construct works to lessen and control floods; to reclaim lands in the district; to prevent the deposit of silt in navigable streams; to remove obstructions, natural or artificial, from streams and water courses; to regulate the flow of surface and flood-waters; and to provide drainage where essential to the flood control project;

f. To exercise all powers, rights, privileges, and functions conferred by general law upon flood control districts created pursuant to Section 59 of Article XVI of the Constitution of the State of Texas, as amended, so far as the same may be applicable to Jackson County and essential to the flood control project;

g. To cooperate with and contract with the United States of America or with any of its agencies now existing, or which may be created hereafter, for grants, loans, or advancements to carry out any of the powers or to further any of the purposes set forth in this Act and to receive and use said moneys for such purposes; or to contribute to the United States of America or any of its agencies in connection with any project undertaken by it affecting or relating to flood control in Jackson County;

h. To cooperate with, or to contract with any agency or political sub-division of the State, or any city or town within Jackson County in relation to surveys, the acquisition of land or rights-of-way, the construction or maintenance of projects or parts thereof or the financing of the same in connection with any matter within the scope of this Act;

1. To sue and be sued in any proper case under the laws of this State, and all courts shall take judicial notice of the establishment of the said district; and

j. To do any and all other acts or things necessary or proper to carry into effect the foregoing powers.

Sec. 3. Petition for Hearing: A petition may be filed with the County Clerk of Jackson County for submission to the commissioners' court, signed by not less than fifty (50) qualified property taxing voters resident of said county who own and assess property therein, accompanied by the certificate of the assessor and collector of taxes showing that such persons have correctly stated the facts with respect to their qualifications to sign the petition, which petition may request the submission to the qualified voters the question of the issuance of a named amount of bonds for flood control purposes under the provisions of Section 59 of Article XVI of the Constitution of the State of Texas, as amended. Said petition shall set out the general nature of the work to be done, the necessity thereof, the feasibility thereof, and a reasonable amount of detail with respect to the matters alleged, sufficient to inform the commissioners' court fully of the purpose, utility, feasibility, and necessity therefor. The petition shall state the estimated cost of the project as then estimated and its operating costs and shall give such additional information as may be available for the purpose. The petition shall request that the commissioners' court hear evidence of the feasibility, practicability, and cost of the project and whether or not the same would be a public benefit and is needed, and that an election be called to determine whether or not said bonds shall be issued.

Sec. 4. Notice of Hearing. Notice of such hearing shall be given by publication once a week for two (2) consecutive weeks prior to the date fixed for such hearing and exclusive thereof in a daily newspaper published in Jackson County which said notice shall consist of a certified copy of the petition and of the order of the Court setting the same for hearing and shall be signed by the County Judge. In addition thereto,
the Sheriff of Jackson County shall: post at least fifteen (15) days prior to the date of hearing, one copy of said notice at each of four (4) public places in Jackson County and one copy thereof at the Courthouse door, and said sheriff and the editor of the newspaper in which said notice is published shall make due return under oath showing the dates of posting and publication, respectively.

Sec. 5. Hearing. The commissioners' court shall have jurisdiction to hear, consider, and determine the matters brought before it in said petition and by the evidence produced in favor of and against the proposition to issue bonds. The hearing may be continued from day to day. Should the court refuse said petition it shall so find and its order shall be recorded in its minutes refusing said petition and giving its reasons therefor. Should the commissioners' court determine that the proposition to issue such bonds should be submitted at an election called for the purpose it shall thereupon enter its order making its findings with respect to the matters herein provided for and shall be authorized to submit in accordance with the provisions of the Constitution and with subdivisions 1 and 2 of Title 22 of the Revised Civil Statutes of Texas of 1925, to an election of the qualified property taxpaying voters resident of said county who own and assess property therein, the question of a bond issue for the purpose of providing said funds, and said county is given the right, after a majority vote of the electors qualified as herein required in favor of the proposition to issue bonds, to issue flood control bonds as authorized by Section 59 of the Constitution of the State of Texas, as amended, upon a compliance with the provisions of subdivisions 1 and 2 of Title 22, Revised Civil Statutes of Texas of 1925, and with this Section, and within the limitations therein prescribed; and to levy and assess upon all the property subject to taxation in said county, and thereafter to collect such taxes as may annually be required to pay the interest on the bonds voted at said election and to create a sinking fund sufficient to retire said bonds at maturity; provided that additional bonds may be issued from time to time in like manner and under the same procedure.

Provided, further, however, that the initial issuance of bonds shall not be for a sum which will require a tax rate in excess of fifteen (15) cents on the One Hundred Dollars valuation on the property within said district, nor shall any subsequent issue of said bonds be authorized the effect of which will be to increase the tax rate for all outstanding bonds of said district including such issue to an amount in excess of fifteen (15) cents on the One Hundred Dollars valuation to pay the interest on said bonds and to create a sinking fund to retire the same at maturity.

Sec. 6. Bond Record. Before any Jackson County Flood Control District Bonds authorized by this Act shall be sold, a certified copy of the proceedings for the issuance thereof, including certificates showing the bonded indebtedness of the district, certificates showing the assessed values of the property of the county, and certificates reflecting any other information which the Attorney General of the State of Texas may require, shall be submitted to the Attorney General; and if he shall approve such bonds, he shall execute a certificate to that effect, which shall be filed in the office of the Comptroller of Public Accounts of the State of Texas.

No bonds shall be sold until the State Board of Education has been given its preferential right of purchase as provided by law, and until the same shall have been registered by the Comptroller who shall so register the same if the Attorney General shall have filed with the Comptroller of Public Accounts of the State of Texas his certificate approving the bonds and the proceedings for the issuance thereof, as hereinabove provided.

The county treasurer shall keep a record in a well-bound book of all bonds issued and shall register therein the amount of bonds issued, the numbers, the denomination, rate of interest, date due, date of issue, the paying agent, the amount received, and the purchaser. The said book shall be at all times open to the inspection of all proper parties, either taxpayers or bondholders or officials of the State or county.

When such bonds have been registered with the county treasurer, the commissioners' court of said county shall set a date for the sale
of such amount of bonds as may be needed to procure funds to construct the improvements then contemplated and thereto, and after advertising said bonds for sale by notice published once a week for two (2) consecutive weeks, shall sell such bonds upon the best terms and for the best price obtainable, but none of said bonds shall be sold for less than the face value thereof and accrued interest thereon to date of delivery, and the purchase price of such bonds shall be paid to the county treasurer and shall be by him placed to the credit of the Jackson County Flood Control District and said funds shall be available for the construction of the project and its operation as voted, provided that the accrued interest and premium received shall be credited to the interest and sinking fund of the county for such issue of bonds. No commission shall be paid for the sale of any bonds.

All bonds approved by the Attorney General, registered by the Comptroller, and issued and sold in accordance with the proceedings so approved, shall be valid and binding obligations of the Jackson County Flood Control District of Jackson County, Texas, and shall be incontestable for any cause from and after the time of such registration, except for forgery or fraud.

The commissioners' court shall have the right to employ the county auditor or any other qualified person to prepare all orders, notices, certificates, and transcripts of the proceedings of any issue of bonds in order to obtain the opinion of the Attorney General and a commercial legal opinion to insure the full market price for such bonds when sold, and to pay all the necessary expenses incident thereto and to the printing, registering, issuance, sale, and approval of such bonds.

Sec 7. Form of Bonds. All bonds issued under the provisions of this Act shall be issued in denominations of not less than One Hundred ($100.00) Dollars nor more than One Thousand ($1,000.00) Dollars, as determined in the order authorizing their issuance, and shall bear interest at a rate not to exceed five (5) per cent per annum, payable semi-annually and evidenced by attached coupons which shall bear the facsimile signatures of the county judge and of the county clerk. The bonds shall mature serially or otherwise in such number of years as may be determined by the commissioners' court not to exceed thirty (30) years.

Payment of principal and interest may be made at such places as may be determined by the commissioners' court in the order authorizing the issuance of such bonds.

Sec. 8. State Laws Applicable. All existing State Laws, General or Special, applicable to contracts and to the receipt and disbursement of, and accounting for, public funds in Jackson County are hereby made applicable to the contracts and to the receipt and disbursement of, and accounting for, any funds collected and disbursed under the terms of this Act. The provisions of this Act shall be cumulative of any other laws upon the subject matter.

Sec. 9. Use of Public Property. In the prosecution of the flood control plans of the Jackson County Flood Control District, the district shall have the right to make use of the bed and banks of the bayous, rivers, and streams lying within the district.

The Jackson County Flood Control District shall have a right of way and easement over and across the roads and highways of the State and its subdivisions for the construction and maintenance of the flood control projects of the district, subject however, to the concurrence of the State Highway Commission whenever such projects require the relocation or bridging of State highways.

The district shall have the power and authority to overflow or inundate any public lands and public property, and to require the relocation of roads and highways, in the manner and to the extent permitted to any district organized under General Laws, pursuant to Section 59 of Article XVI of the Constitution of this State, as amended.
Sec. 10. Eminent Domain. The Jackson County Flood Control District shall have the right and power of eminent domain for the purpose of acquiring by condemnation any and all property of any kind, real, personal, or mixed, or any interest therein, within the boundaries of the district, necessary or convenient to the exercise of the rights, powers, privileges, and functions conferred upon it by this Act, in the manner provided by General Law with respect to condemnation, or, at the option of the commissioners' court, in the manner provided by statutes relative to condemnation by districts organized under General Law pursuant to Section 69 of Article XVI of the Constitution of the State of Texas, as amended.

In condemnation proceedings being prosecuted by said district, the district shall not be required to give bond for appeal or bond for costs.

Sec. 11. Taxes. All laws of the State of Texas relating to the assessing and collecting of State and county taxes are by this Act made available for, and shall be applied to, the collection of both current and delinquent taxes of the Jackson County Flood Control District in so far as such laws are applicable.

Sec. 12. Officers. The county judge, county commissioners, the assessor and collector of taxes, the county treasurer, and the depository are authorized to, and shall be required to, perform all duties in connection with the flood control district required of them by law in connection with official matters for Jackson County, and the county auditor shall be the auditor for the Jackson County Flood Control District.

Sec. 12-a. Tax collector's reports. If at any time after the enactment of this law, the Legislature of the State of Texas shall make any donation or grant or diversion or reclamation of taxes to or affecting Jackson County, Texas, or the flood control district herein created, at the end of each month after the effective date of such Act, the assessor and collector of taxes of Jackson County shall make an itemized report under oath to the Comptroller of Public Accounts of the State of Texas on forms to be furnished by the Comptroller showing each and every item of the State taxes collected by him upon property and from persons within the district; and he shall accompany the same with an itemized statement listing all taxes received and showing full disposal of all such taxes collected. The said assessor and collector of taxes shall forward his report to the Comptroller, and shall make a like report to the county auditor, and he shall pay over to the county treasurer all moneys collected by him as State taxes so donated or granted under Legislative authority, less such amounts as are allowed by law for assessing and collecting same, and shall remit the balance to the proper authority as required by then existing laws.

The commissioners' court, in its discretion, may utilize the tax funds donated and granted by the State of Texas for the construction of flood control improvements and other improvements and purposes authorized by such enactments and the maintenance or operation thereof; or may deposit the same in a sinking fund to pay interest on and to redeem bonds of said district or other obligations issued for such purposes, in the manner hereinafter provided.

Sec. 12-b. Issuance of bonds. The County of Jackson, Texas, acting by and through its commissioners' court, shall have authority and it is hereby authorized to issue its negotiable bonds secured by a pledge of any such taxes hereafter donated, granted, diverted, or remitted by the State of Texas to it or the flood control district created herein, and the proceeds of the sale of such bonds may be used for purchasing lands, easements, rights-of-way, structures, and for the construction of improvements, including dams, reservoirs, and all other works suitable for use in connection with the flood control program and projects in said county and the maintenance and operation thereof, and doing all things necessary to the execution of the purposes for which the grant and donation is made; provided, however, that the aggregate amount of bonds to be issued shall not exceed such sum as the donation and grant of the State taxes will service so as to pay interest and to create a sinking fund sufficient to pay said bonds at maturity.

In the event the Commissioners' Court of Jackson County, Texas,
shall determine by a majority vote on a resolution entered of record, giving the reasons therefor and showing that a necessity exists for utilizing any tax funds hereafter donated and granted by the State of Texas for the issuance of bonds in order to facilitate the construction of improvements and make funds immediately available, said bonds may be issued in the form and manner hereinafter prescribed. The bonds so authorized and issued in accordance with the provisions of this Act need not be issued at one time.

The amount of money necessary to provide a sinking fund to mature said bonds and to pay the interest thereon shall be set aside annually from the first of such hereafter donated and granted funds received from the assessor and collector of taxes and said funds may not be diverted to any other purpose. Officers of the county and the depository are forbidden to authorize the payment of any amount from said State taxes hereafter so donated and granted until there has first been set aside therefrom an amount sufficient to cover all servicing charges for the bonds for the year. Thereupon and after the auditor has filed a certificate showing the deposit to the interest and sinking fund of a sufficient amount to cover such servicing charges for the year, any taxes hereafter donated, granted, diverted or remitted to Jackson County or the Flood Control District created hereby by the State of Texas, collected during the remainder of the year may be utilized for purposes consistent with this Act. Should the necessity arise, the commissioners' court may supplement from its general funds any State taxes hereafter donated and granted, but no tax shall ever be levied or any debt be created against the county for such purpose without a vote of the people. Any bonds issued under this Section shall be in accordance with the provisions of subdivisions 1 and 2 of Title 22, Revised Civil Statutes, 1925, and any amendments thereto.

III.

Section 1. Fayette County Flood Control District Created.

There is hereby created and established within the State of Texas in addition to the districts into which the State has heretofore been divided, in the form and manner hereinafter provided, a conservation and reclamation district to be known as Fayette County Flood Control District, hereinafter called the district, and consisting of the part of the State of Texas which is known as and included within the boundaries of the County of Fayette. Such district shall be a governmental agency and body politic and corporate, with the powers of government and with the authority to exercise the rights, privileges, and functions hereinafter specified, the creation and establishment of such district being essential to the accomplishment of the purpose of Section 59 of Article XVI of the Constitution of the State of Texas, as amended including the control, storage, preservation, and distribution of the storm and flood waters, and the waters of the rivers and streams in Fayette County and their tributaries, for domestic, municipal, flood control, irrigation, and other useful purposes, the reclamation and drainage of the overflow land of Fayette County, the conservation of forests, and to aid in the protection of navigation on the navigable waters by regulating the flood and storm waters that flow into said navigable streams.

The Commissioners' Court of Fayette County, Texas, is hereby designated as the governing body of such district and the agency through which the management and control of the district shall be administered, and it is hereby empowered to do any and all things necessary to carry out the aims and purposes of this Act.

Sec. 2. Added powers. In addition to the powers given to the commissioners' court by general laws and in addition to the general powers herein given, it shall be authorized in connection with the Fayette County Flood Control District to exercise the following added rights, powers, privileges, and functions:

a. To acquire land and rights and interest therein and any other character of property needed to carry on the work of flood control, by gift, devise, purchase, or condemnation;

b. To sell, trade, or otherwise dispose of land or other property or rights therein when the same are no longer needed for the project or flood control purposes;

c. To appoint a flood control manager and such agents and employees of the county for flood control pur-
poses as may be necessary, including an engineer and counsel, and to prescribe their duties and fix their bonds and compensation;

d. To authorize its officers, employees, or agents to go upon any lands lying within the district for the purpose of making surveys and examining the same in connection with flood control plans and projects, and for any other lawful purpose within the scope of its authority;

e. To devise plans and construct works to lessen and control floods; to reclaim lands in the district; to prevent the deposit of silt in navigable streams; to remove obstructions, natural or artificial, from streams and water courses; to regulate the flow of surface and flood-waters; and to provide drainage where essential to the flood control project;

f. To exercise all powers, rights, privileges, and functions conferred by general law upon flood control districts created pursuant to Section 59 of Article XVI of the Constitution of Texas, as amended, so far as the same may be applicable to Fayette County and essential to the flood control project;

g. To cooperate with and contract with the United States of America or with any of its agencies now existing, or which may be created hereafter, for grants, loans, or advancements to carry out any of the powers or to further any of the purposes set forth in this Act and to receive and use said moneys for such purposes; or to contribute to the United States of America or any of its agencies in connection with any project undertaken by it affecting or relating to flood control in Fayette County;

h. To cooperate with, or to contract with any agency or political sub-division of the State, or any city or town within Fayette County, in relation to surveys, the acquisition of land or rights-of-way, the construction or maintenance of projects or parts thereof or the financing of the same in connection with any matter within the scope of this Act;

i. To sue and be sued in any proper case under the laws of this State; and all courts shall take judicial notice of the establishment of the said district; and

j. To do any and all other acts or things necessary or proper to carry into effect the foregoing powers.

Sec. 3. Petition for Hearing: A petition may be filed with the County Clerk of Fayette County for submission to the commissioners’ court, signed by not less than fifty (50) qualified property tax-paying voters resident of said county who own and assess property therein, accompanied by the certificate of the assessor and collector of taxes showing that such persons have correctly stated the facts with respect to their qualifications to sign the petition, which petition may request the submission to the qualified voters the question of the issuance of a named amount of bonds for flood control purposes under the provisions of Section 59 of Article XVI of the Constitution of the State of Texas, as amended. Said petition shall set out the general nature of the work to be done, the necessity therefor, the feasibility thereof, and a reasonable amount of detail with respect to the matters alleged, sufficient to inform the commissioners' court fully of the purpose, utility, feasibility, and necessity therefor. The petition shall state the estimated cost of the project as then estimated and its operating costs and shall give such additional information as may be available for the purpose. The petition shall request that the commissioners' court hear evidence of the feasibility, practicability, and cost of the project and whether or not the same would be a public benefit and is needed, and that an election be called to determine whether or not said bonds shall be issued.

Sec. 4. Notice of Hearing. Notice of such hearing shall be given by publication once a week for two (2) consecutive weeks prior to the date fixed for such hearing and exclusive thereof in a daily newspaper published in Fayette County which said notice shall consist of a certified copy of the petition and of the order of the court setting the same for hearing and shall be signed by the county judge. In addition thereto, the Sheriff of Fayette County shall post at least fifteen (15) days prior to the date of hearing, one copy of said notice at each of four (4) public places in Fayette County and one copy thereof at the courthouse door, and said sheriff and the editor of the newspaper in which said notice is published shall make due return under oath showing the dates of posting and publication, respectively.
Sec. 5. Hearing. The commissioners' court shall have jurisdiction to hear, consider, and determine the matters brought before it in said petition and by the evidence produced in favor of and against the proposition to issue bonds. The hearing may be continued from day to day. Should the court refuse said petition it shall so find and its order shall be recorded in its minutes refusing said petition and giving its reasons therefor. Should the commissioners' court determine that the proposition to issue such bonds should be submitted at an election called for the purpose it shall thereupon enter its order making its findings with respect to the matters herein provided for and shall be authorized to submit in accordance with the provisions of the Constitution and with Subdivisions 1 and 2 of Title 22 of the Revised Civil Statutes of Texas of 1925, to an election of the qualified property tax-paying voters resident of said county who own and assess property therein, the question of a bond issue for the purpose of providing said funds, and said county is given the right, after a majority vote of the electors qualified as herein required in favor of the proposition to issue bonds, to issue flood control bonds as authorized by Section 59 of the Constitution of the State of Texas, as amended, upon a compliance with the provisions of sub-divisions 1 and 2 of Title 22, Revised Civil Statutes of Texas of 1925, and with this Section, and within the limitations therein prescribed; and to levy and access upon all the property subject to taxation in said county, and thereafter to collect such taxes as may annually be required to pay the interest on the bonds voted at said election and to create a sinking fund sufficient to retire said bonds at maturity; provided that additional bonds may be issued from time to time in like manner and under the same procedure.

Provided further, however, that the initial issuance of bonds shall not be for a sum which will require a tax rate in excess of fifteen (15) cents on the One Hundred ($100.00) Dollars valuation on the property within said district, nor shall any subsequent issue of said bonds be authorized the effect of which will be to increase the tax rate for all outstanding bonds of said district including such issue to an amount in excess of fifteen (15) cents on the One Hundred ($100.00) Dollars valuation to pay the interest on said bonds and to create a sinking fund to retire the same at maturity.

Sec. 6. Bond Record. Before any Fayette County Flood Control District Bonds authorized by this Act shall be sold, a certified copy of the proceedings for the issuance thereof, including certificates showing the bonded indebtedness of the district, certificates showing the assessed values of the property of the county, and certificates reflecting any other information which the Attorney General of the State of Texas may require, shall be submitted to the Attorney General; and if he shall approve such bonds, he shall execute a certificate to that effect, which shall be filed in the office of the Comptroller of Public Accounts of the State of Texas.

No bonds shall be sold until the State Board of Education has been given its preferential right of purchase as provided by law, and until the same shall have been registered by the Comptroller who shall so register the same if the Attorney General shall have filed with the Comptroller of Public Accounts of the State of Texas his certificate approving the bonds and the proceedings for the issuance thereof, as hereinabove provided.

The county treasurer shall keep a record in a well-bound book of all bonds issued and shall register therein the amount of bonds issued, the numbers, the denomination, rate of interest, date due, date of issue, the paying agent, the amount received, and the purchaser. The said book shall be at all times open to the inspection of all proper parties, either taxpayers or bondholders or officials of the State or county.

When such bonds have been registered with the county treasurer, the commissioners' court of said county shall set a date for the sale of such amount of bonds as may be needed to procure funds to construct the improvements then contemplated and pay the expenses incident thereto, and after advertising said bonds for sale by notice published once a week for two (2) consecutive weeks, shall sell such bonds upon the best terms and for the best price obtainable, but none of said bonds shall be sold for less than the face value thereof and accrued interest thereon to date of delivery, and the purchase price of such bonds shall be paid to the county
treasurer and shall be by him placed to the credit of the Fayette County Flood Control District and said funds shall be available for the construction of the project and its operation as voted; provided that the accrued interest and premium received shall be credited to the interest and sinking fund of the county for such issue of bonds. No commission shall be paid for the sale of any bonds.

All bonds approved by the Attorney General, registered by the Comptroller and issued and sold in accordance with the proceedings so approved, shall be valid and binding obligations of the Fayette County Flood Control District of Fayette County, Texas, and shall be incontestable for any cause from and after the time of such registration, except for forgery or fraud.

The commissioners' court shall have the right to employ the county auditor or any other qualified person to prepare all orders, notices, certificates, and transcripts of the proceedings of any issue of bonds in order to obtain the opinion of the Attorney General and a commercial legal opinion to insure the full market price for such bonds when sold, and to pay all the necessary expenses incident thereto, and to the printing, registering, issuance, sale, and approval of such bonds.

Sec. 7. Form of Bonds. All bonds issued under the provisions of this Act shall be issued in the name of Fayette County Flood Control District of Fayette County, Texas, and shall be signed by the county judge, attested by the county clerk, and the seal of the commissioners' court of Fayette County shall be affixed to each of them. Said bonds shall be registered with the county treasurer and his certificate of registration shall be endorsed on said bonds. Said bonds shall be issued in denominations of not less than One Hundred ($100.00) Dollars, nor more than One Thousand ($1,000.00) Dollars, as determined in the order authorizing their issuance, and shall bear interest at a rate not to exceed five (5%) per cent per annum, payable semi-annually and evidenced by attached coupons which shall bear the facsimile signatures of the county judge and of the county clerk. The bonds shall mature serially or otherwise in such number of years as may be determined by the commissioners' court not to exceed thirty (30) years.

Payment of principal and interest may be made at such places as may be determined by the commissioners' court in the order authorizing the issuance of such bonds.

Sec. 8. State Laws Applicable. All existing State Laws, General or Special, applicable to contracts and to the receipt and disbursement of, and accounting for, public funds in Fayette County are hereby made applicable to the contracts and to the receipt and disbursement of, and accounting for, any funds collected and disbursed under the terms of this Act. The provisions of this Act shall be cumulative of any other laws upon the subject matter.

Sec. 9. Use of Public Property. In the prosecution of the flood control plans of the Fayette County Flood Control District, the district shall be recognized to have the right to make use of the bed and banks of the bayous, rivers, and streams lying within the district.

The Fayette County Flood Control District shall have a right-of-way and easement over and across the roads and highways of the State and its sub-divisions for the construction and maintenance of the flood control projects of the district, subject, however, to the concurrence of the State Highway Commission whenever such projects require the relocation or bridging of State highways.

The district shall have the power and authority to overflow or inundate any public lands and public property, and to require the relocation of roads and highways, in the manner and to the extent permitted to any district organized under General Laws, pursuant to Section 59 of Article XVI of the Constitution of this State, as amended.

Sec. 10. Eminent Domain. The Fayette County Flood Control District shall have the right and power of eminent domain for the purpose of acquiring by condemnation any and all property of any kind, real, personal, or mixed, or any interest therein, within the boundaries of the district, necessary or convenient to the exercise of the rights, powers, privileges, and functions conferred upon it by this Act, in the manner provided by general law with respect to condemnation, or, at the option of the commissioners' court, in the manner provided by statutes relative to condemnation by districts organized under general law pursuant to Section 59 of Article XVI of the Consti-
tution of the State of Texas, as amended.

In condemnation proceedings being prosecuted by said district, the district shall not be required to give bond for appeal or bond for costs.

Sec. 11. Taxes. All laws of the State of Texas relating to the assessing and collecting of State and county taxes are by this Act made available for, and shall be applied to, the collection of both current and delinquent taxes of the Fayette County Flood Control District in so far as such laws are applicable.

Sec. 12. Officers. The county judge, county commissioners, the assessor and collector of taxes, the county treasurer, and the depository are authorized to, and shall be required to, perform all duties in connection with the flood control district required of them by law in connection with official matters for Fayette County, and the county auditor shall be the auditor for the Fayette County Flood Control District.

Sec. 12-a. Tax Collector's Reports. If at any time after the enactment of this law, the Legislature of the State of Texas shall make any donation or grant or diversion or reversion of taxes to or affecting Fayette County, Texas, of the flood control district herein created, at the end of each month after the effective date of such Act, the Assessor and Collector of Taxes of Fayette County shall make an itemized report under oath to the Comptroller of Public Accounts of the State of Texas on forms to be furnished by the Comptroller showing each and every item of the State taxes collected by him upon property and from persons within the district; and he shall accompany the same with an itemized statement listing all taxes received and showing full disposal of all such taxes-collected. The said assessor and collector of taxes shall forward his report to the Comptroller, and shall make a like report to the county auditor, and he shall pay over to the county treasurer all moneys collected by him as State taxes so donated or granted under Legislative authority, less such amounts as are allowed by law for assessing and collecting same, and shall remit the balance to the proper authority as required by then existing laws.

The commissioners' court, in its discretion, may utilize the tax funds donated and granted by the State of Texas for the construction of flood control improvements and other improvements and purposes authorized by such enactments and the maintenance or operation thereof, or may deposit the same in a sinking fund to pay interest on and to redeem bonds of said district or other obligations issued for such purposes, in the manner hereinafter provided.

Sec. 12-b. Issuance of bonds. The County of Fayette, Texas, acting by and through its commissioners' court, shall have authority and it is hereby authorized to issue its negotiable bonds secured by a pledge of any such taxes hereafter donated, granted, diverted, or remitted by the State of Texas to it or the flood control district created herein, and the proceeds of the sale of such bonds may be used for purchasing lands, easements, rights-of-way, structures, and for the construction of improvements, including dams, reservoirs, and all other works suitable for use in connection with the flood control program and projects in said county and the maintenance and operation thereof, and doing all things necessary to the execution of the purposes for which the grant and donation is made; provided, however, that the aggregate amount of bonds to be issued shall not exceed such sum as the donation and grant of the State taxes will service so as to pay interest and to create a sinking fund sufficient to pay said bonds at maturity.

In the event the Commissioners' Court of Fayette County, Texas, shall determine by a majority vote on a resolution entered of record, giving the reasons therefor and showing that a necessity exists for utilizing any tax funds hereafter donated and granted by the State of Texas for the issuance of bonds in order to facilitate the construction of improvements and make funds immediately available, said bonds may be issued in the form and manner hereinafter prescribed. The bonds so authorized and issued in accordance with the provisions of this Act need not be issued at one time.

The amount of money necessary to provide a sinking fund to mature said bonds and to pay the interest thereon shall be set aside annually from the first of such hereafter donated and granted funds received
from the assessor and collector of taxes and said funds may not be diverted to any other purpose. Officers of the county and depository are forbidden to authorize the payment of any amount from said State taxes hereafter so donated and granted until there has first been set aside therefrom an amount sufficient to cover all servicing charges for the bonds for the year. Thereupon and after the auditor has filed a certificate showing the deposit to the interest and sinking fund of a sufficient amount to cover such servicing charges for the year, any taxes hereafter donated, granted, diverted or remitted to Fayette County or the flood control district created herein by the State of Texas, collected during the remainder of the year may be utilized for purposes consistent with this Act. Should the necessity arise, the commissioners’ court may supplement from its general funds any State taxes hereafter donated and granted, but no tax shall ever be levied or any debt be created against the county for such purpose without a vote of the people. Any bonds issued under this Section shall be in accordance with the provisions of subdivisions 1 and 2 of Title 22, Revised Civil Statutes, 1925, and any amendments thereto.

IV.

Section 1. Colorado County Flood Control District Created.

There is hereby created and established within the State of Texas in addition to the districts into which the State has heretofore been divided, in the form and manner hereinafter provided, a conservation and reclamation district to be known as Colorado County Flood Control District, hereinafter called the district, and consisting of that part of the State of Texas which is known as, and included within the boundaries of the County of Colorado. Such district shall be a governmental agency and body politic and corporate, with the powers of government and with the authority to exercise the rights, privileges, and functions hereinafter specified, the creation and establishment of such district being essential to the accomplishment of the purposes of Section 59 of Article XVI of the Constitution of the State of Texas, as amended, including the control, storage, preservation, and distribution of the storm and flood waters, and the waters of the rivers and streams in Colorado County and their tributaries, for domestic, municipal, flood control, irrigation, and other useful purposes, the reclamation and drainage of the overflow land of Colorado County, the conservation of forests, and to aid in the protection of navigation on the navigable streams by regulating the flood and storm waters that flow into said navigable streams.

The Commissioners’ Court of Colorado County, Texas, is hereby designated as the governing body of such district and the agency through which the management and control of the district shall be administered, and it is hereby empowered to do any and all things necessary to carry out the aims and purposes of this Act.

Sec. 2. Added Powers. In addition to the powers given to the commissioners’ court by General Laws and in addition to the general powers herein given, it shall be authorized in connection with the Colorado County Flood Control District to exercise the following added rights, powers, privileges, and functions:

a. To acquire land and rights and interest therein and any other character of property needed to carry on the work of flood control, by gift, devise, purchase, or condemnation;
b. To sell, trade, or otherwise dispose of land or other property or rights therein when the same are no longer needed for the project or flood control purposes;
c. To appoint a flood control manager and such agents and employees of the county for flood control purposes as may be necessary, including an engineer and counsel, and to prescribe their duties and fix their bonds and compensation;
d. To authorize its officers, employees, or agents to go upon any lands lying within the district for the purpose of making surveys and examining the same in connection with flood control plans and projects, and for any other lawful purpose within the scope of its authority;
e. To devise plans and construct works to lessen and control floods; to reclaim lands in the district; to prevent the deposit of silt in navigable streams; to remove obstructions, natural or artificial, from streams and water courses; to reg-
ulate the flow of surface and flood-waters; and to provide drainage where essential to the flood control project;

f. To exercise all powers, rights, privileges, and functions conferred by General Law upon flood control districts created pursuant to Section 59 of Article XVI of the Constitution of Texas, as amended, so far as the same may be applicable to Colorado County and essential to the flood control project;

g. To cooperate with and contract with the United States of America or with any of its agencies now existing, or which may be created hereafter, for grants, loans, or advancements to carry out any of the powers or to further any of the purposes set forth in this Act and to receive and use said moneys for such purposes; or to contribute to the United States of America or any of its agencies in connection with any project undertaken by it affecting or relating to flood control in Colorado County;

h. To cooperate with, or to contract with any agency or political subdivision of the State, or any city or town within Colorado County in relation to surveys, the acquisition of land or rights-of-way, the construction or maintenance of projects or parts thereof or the financing of the same in connection with any matter within the scope of this Act;

i. To sue and be sued in any proper case under the laws of this State; and all courts shall take judicial notice of the establishment of the said district; and

j. To do any and all other acts or things necessary or proper to carry into effect the foregoing powers.

Sec. 3. Petition for Hearing: A petition may be filed with the county clerk of Colorado County for submission to the commissioners' court signed by not less than fifty (50) qualified property tax-paying voters resident of said county who own and assess property therein, accompanied by the certificate of the assessor and collector of taxes showing that such persons have correctly stated the facts with respect to their qualifications to sign the petition, which petition may request the submission to the qualified voters the question of the issuance of a named amount of bonds for flood control purposes under the provisions of Section 59 of Article XVI of the Constitution of the State of Texas, as amended. Said petition shall set out the general nature of the work to be done, the necessity thereof, the feasibility thereof, and a reasonable amount of detail with respect to the matters alleged, sufficient to inform the commissioners' court fully of the purpose, utility, feasibility, and necessity thereof. The petition shall state the estimated cost of the project as then estimated and its operating costs and shall give such additional information as may be available for the purpose. The petition shall request that the commissioners' court hear evidence of the feasibility, practicability, and cost of the project and whether or not the same would be a public benefit and is needed, and that an election be called to determine whether or not said bonds shall be issued.

Sec. 4. Notice of Hearing. Notice of such hearing shall be given by publication once a week for two (2) consecutive weeks prior to the date fixed for such hearing and exclusive thereof in a daily newspaper published in Colorado County which said notice shall consist of a certified copy of the petition and of the order of the court setting the same for hearing and shall be signed by the county judge. In addition thereto, the sheriff of Colorado County shall post at least fifteen (15) days prior to the date of hearing, one copy of said notice at each of four (4) public places in Colorado County and one copy thereof at the courthouse door, and said sheriff and the editor of the newspaper in which said notice is published shall make due return under oath showing the dates of posting and publication, respectively.

Sec. 5. Hearing. The commissioners' court shall have jurisdiction to hear, consider, and determine the matters brought before it in said petition and by the evidence produced in favor of and against the proposition to issue bonds. The hearing may be continued from day to day. Should the court refuse said petition it shall so find and its order shall be recorded in its minutes refusing said petition and giving its reasons therefor. Should the commissioners' court determine that the proposition to issue such bonds should be sub-
mitted at an election called for the purpose it shall thereupon enter its order making its findings with respect to the matters herein provided for and shall be authorized to submit in accordance with the provisions of the Constitution and with subdivisions 1 and 2 of Title 22 of the Revised Civil Statutes of Texas of 1925, to an election of the qualified property taxing payers resident of said county who own and assess property therein, the question of a bond issue for the purpose of providing said funds, and said county is given the right, after a majority vote of the electors qualified as herein required in favor of the proposition to issue bonds, to issue flood control bonds as authorized by Section 59 of the Constitution of the State of Texas, as amended, upon a compliance with the provisions of subdivisions 1 and 2 of Title 22, Revised Civil Statutes of Texas of 1925, and with this Section, and within the limitations therein prescribed; and to levy and assess upon all the property subject to taxation in said county, and thereafter to collect such taxes as may annually be required to pay the interest on the bonds voted at said election and to create a sinking fund sufficient to retire said bonds at maturity; provided that additional bonds may be issued from time to time in like manner and under the same procedure.

Provided further, however, that the initial issuance of bonds shall not be for a sum which will require a tax rate in excess of fifteen (15) cents on the One Hundred Dollars valuation on the property within said district, nor shall any subsequent issue of said bonds be authorized the effect of which will be to increase the tax rate for all outstanding bonds of said district including such issue to an amount in excess of fifteen (15) cents on the One Hundred Dollars valuation to pay the interest on said bonds and to create a sinking fund to retire the same at maturity.

Sec. 6. Bond Records: Before any Colorado County Flood Control District Bonds authorized by this Act shall be sold, a certified copy of the proceedings for the issuance thereof, including certificates showing the bonded indebtedness of the district, certificates showing the assessed values of the property of the county, and certificates reflecting any other information which the Attorney General of the State of Texas may require, shall be submitted to the Attorney General; and if he shall approve such bonds, he shall execute a certificate to that effect, which shall be filed in the office of the Comptroller of Public Accounts of the State of Texas.

No bonds shall be sold until the State Board of Education has been given its preferential right of purchase as provided by law, and until the same shall have been registered by the Comptroller who shall so register the same if the Attorney General shall have filed with the Comptroller of Public Accounts of the State of Texas his certificate approving the bonds and the proceedings for the issuance thereof, as hereinabove provided.

The county treasurer shall keep a record in a well-bound book of all bonds issued and shall register therein the amount of bonds issued, the numbers, the denomination, rate of interest, date due, date of issue, the paying agent, the amount received, and the purchaser. The said book shall be at all times open to the inspection of all proper parties, either taxpayers or bondholders or officials of the State or county.

When such bonds have been registered with the county treasurer, the commissioners' court of said county shall set a date for the sale of such amount of bonds as may be needed to procure funds to construct the improvements then contemplated and pay the expenses incident thereto, and after advertising said bonds for sale by notice published once a week for two (2) consecutive weeks, shall sell such bonds upon the best terms and for the best price obtainable, but none of said bonds shall be sold for less than the face value thereof and accrued interest thereon to date of delivery, and the purchase price of such bonds shall be paid to the county treasurer, and shall be by him placed to the credit of the Colorado County Flood Control District Bonds authorized by this Act shall be sold, a certified copy of the proceedings for the issuance thereof, including certificates showing the bonded indebtedness of the district, certificates showing the assessed values of the property of the county, and certificates reflecting any other information which the Attorney General of the State of Texas may require, shall be submitted to the Attorney General; and if he shall approve such bonds, he shall execute a certificate to that effect, which shall be filed in the office of the Comptroller of Public Accounts of the State of Texas.

No bonds shall be sold until the State Board of Education has been given its preferential right of purchase as provided by law, and until the same shall have been registered by the Comptroller who shall so register the same if the Attorney General shall have filed with the Comptroller of Public Accounts of the State of Texas his certificate approving the bonds and the proceedings for the issuance thereof, as hereinabove provided.

The county treasurer shall keep a record in a well-bound book of all bonds issued and shall register therein the amount of bonds issued, the numbers, the denomination, rate of interest, date due, date of issue, the paying agent, the amount received, and the purchaser. The said book shall be at all times open to the inspection of all proper parties, either taxpayers or bondholders or officials of the State or county.

When such bonds have been registered with the county treasurer, the commissioners' court of said county shall set a date for the sale of such amount of bonds as may be needed to procure funds to construct the improvements then contemplated and pay the expenses incident thereto, and after advertising said bonds for sale by notice published once a week for two (2) consecutive weeks, shall sell such bonds upon the best terms and for the best price obtainable, but none of said bonds shall be sold for less than the face value thereof and accrued interest thereon to date of delivery, and the purchase price of such bonds shall be paid to the county treasurer, and shall be by him placed to the credit of the Colorado County Flood Control District and said funds shall be available for the construction of the project and its operation as voted; provided that the accrued interest and premium received shall be credited to the interest and sinking fund of the county for such issue of bonds. No commission shall be paid for the sale of any bonds.
All bonds approved by the Attorney General, registered by the Controller, and issued and sold in accordance with the proceedings so approved, shall be valid and binding obligations of the Colorado County Flood Control District of Colorado County, Texas, and shall be incontestable for any cause from and after the time of such registration, except for forgery or fraud.

The commissioners' court shall have the right to employ the county auditor or any other qualified person to prepare all orders, notices, certificates, and transcripts of the proceedings of any issue of bonds in order to obtain the opinion of the Attorney General and a commercial legal opinion to insure the full market price for such bonds when sold, and to pay all the necessary expenses incident thereto and to the printing, registering, issuance, sale, and approval of such bonds.

Sec. 7. Form of Bonds. All bonds issued under the provisions of this Act shall be issued in the name of Colorado County Flood Control District of Colorado County, Texas, and shall be signed by the County Judge, attested by the County Clerk, and the seal of the Commissioners' Court of Colorado County shall be affixed to each of them. Said bonds shall be registered with the county treasurer and his certificate of registration shall be endorsed on said bonds. Said bonds shall be issued in denominations of not less than One Hundred ($100) Dollars nor more than One Thousand ($1,000) Dollars, as determined in the order authorizing their issuance, and shall bear interest at a rate not to exceed five (5%) per cent per annum, payable semi-annually and evidenced by attached coupons which shall bear the facsimile signatures of the county judge and of the county clerk. The bonds shall mature serially or otherwise in such number of years as may be determined by the commissioners' court not to exceed thirty (30) years.

Payment of principal and interest may be made at such places as may be determined by the commissioners' court in the order authorizing the issuance of such bonds.

Sec. 8. State Laws Applicable. All existing State Laws, General or Special, applicable to contracts and to the receipt and disbursement of, and accounting for, public funds in Colorado County are hereby made applicable to the contracts and to the receipt and disbursement of, and accounting for, any funds collected and disbursed under the terms of this Act. The provisions of this Act shall be cumulative of any other laws upon the subject matter.

Sec. 9. Use of Public Property. In the prosecution of the flood control plans of the Colorado County Flood Control District, the district shall be recognized to have the right to make use of the bed and banks of the bayous, rivers, and streams lying within the district.

The Colorado County Flood Control District shall have rights-of-way and easements over and across the roads and highways of the State and its sub-divisions for the construction and maintenance of the flood control projects of the district, subject, however, to the concurrence of the State Highway Commission whenever such projects require the relocation or bridging of State highways.

The district shall have the power and authority to overflow or inundate any public lands and public property, and to require the relocation of roads and highways, in the manner and to the extent permitted to any district organized under general laws, pursuant to Section 59 of Article XVI of the Constitution of this State, as amended.

Sec. 10. Eminent Domain. The Colorado County Flood Control District shall have the right and power of eminent domain for the purpose of acquiring by condemnation any and all property of any kind, real, personal, or mixed, or any interest therein, within the boundaries of the district, necessary or convenient to the exercise of the rights, powers, privileges, and functions conferred upon it by this Act, in the manner provided by general law with respect to condemnation, or at the option of the commissioners' court, in the manner provided by Statutes relative to condemnation by districts organized under general law pursuant to Section 59 of Article XVI of the Constitution of the State of Texas, as amended.

In condemnation proceedings being prosecuted by said district, the district shall not be required to give bond for appeal or bond for costs.

Sec. 11. Taxes. All laws of the State of Texas relating to the as-
sessions and collecting of State and county taxes are by this Act made available for, and shall be applied to, the collection of both current and delinquent taxes of the Colorado County Flood Control District in so far as such laws are applicable.

Sec. 12. Officers. The county judge, county commissioners, the assessor and collector of taxes, the county treasurer, and the depository are authorized to, and shall be required to, perform all duties in connection with the flood control district required of them by law in connection with official matters for Colorado County, and the county auditor shall be the auditor for the Colorado County Flood Control District.

Sec. 12-a. Tax Collector's Reports. If at any time after the enactment of this Act, the Assessor and Collector of taxes of Colorado County shall make an itemized report under oath to the Comptroller of Public Accounts of the State of Texas showing each and every item of the State taxes collected by him upon property and from persons within the district, and he shall accompany the same with an itemized statement listing all taxes received and showing full disposal of all such taxes collected. The said assessor and collector of taxes shall forward his report to the Comptroller, and shall make a like report to the county auditor, and he shall pay over to the county treasurer all moneys collected by him as State taxes so donated or granted under Legislative authority, less such amounts as are allowed by law for assessing and collecting the same, and shall remit the balance to the proper authority as required by then existing laws.

The commissioners' court, in its discretion, may utilize the tax funds donated and granted by the State of Texas for the construction of flood control improvements and other improvements and purposes authorized by such enactments and the maintenance or operation thereof; or may deposit the same in a sinking fund to pay interest on and to redeem bonds of said district or other obligations issued for such purposes, in the manner hereinafter provided.

Sec. 12-b. Issuance of Bonds. The County of Colorado, Texas, acting by and through its commissioners' court, shall have authority and it is hereby authorized to issue its negotiable bonds secured by a pledge of any such taxes hereafter donated, granted, diverted, or remitted by the State of Texas to it or the flood district created herein, and the proceeds of the sale of such bonds may be used for purchasing lands, easements, rights-of-way, structures, and for the construction of improvements, including dams, reservoirs, and all other works suitable for use in connection with the flood control program and projects in said county and the maintenance and operation thereof, and doing all things necessary to the execution of the purposes for which the grant and donation is made; provided, however, that the aggregate amount of bonds to be issued shall not exceed such sum as the donation and grant of the State taxes will service so as to pay interest and to create a sinking fund sufficient to pay said bonds at maturity.

In the event the Commissioners' Court of Colorado County, Texas, shall determine by a majority vote on a resolution entered of record giving the reasons therefor and showing that a necessity exists for utilizing any tax funds hereafter donated and granted by the State of Texas for the issuance of bonds in order to facilitate the construction of improvements and make funds immediately available, said bonds may be issued in the form and manner hereinafter prescribed. The bonds so authorized and issued in accordance with the provisions of this Act need not be issued at one time.

The amount of money necessary to provide a sinking fund to mature said bonds and to pay the interest thereon shall be set aside annually from the first of such hereafter donated and granted funds received from the assessor and collector of taxes and said funds may not be diverted to any other purpose. Officers of the county and the depository are forbidden to authorize the payment of any amount from said State taxes hereafter so donated and granted until there has first been set aside therefrom an amount sufficient to cover all servicing charges for the bonds for the year. Thereupon and after the auditor
has filed a certificate showing the deposit to the interest and sinking fund of a sufficient amount to cover such servicing charges for the year, any taxes hereafter donated, granted, diverted or remitted to Colorado County or the flood control district created herein by the State of Texas, collected during the remainder of the year, may be utilized for purposes consistent with this Act. Should the necessity arise, the commissioners' court may supplement from its general fund any State taxes hereafter donated and granted, but no tax shall ever be levied or any debt be created against the county for such purpose without a vote of the people. Any bonds issued under this Section shall be in accordance with the provisions of sub-divisions 1 and 2 of Title 22, Revised Civil Statutes, 1925, and any amendments thereto.

Sec. 13. Validity. If any Section, subsection, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Act shall not be affected thereby, it being the intent of the Legislature in adopting, and of the Governor in approving this Act, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, or regulation.

Sec. 14. Repeal. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Sec. 15. Emergency. The fact that a large area of public and private lands, highways, homes, and other property are periodically subjected to destruction and loss, and that the lives of persons have been lost and are continuously jeopardized, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 362 be placed on its third reading and final passage.

And amend the caption to conform.

The amendment was adopted.

The bill was passed to third reading by the following vote:

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| Nays 5 | Aikin | Shivers |
|        | Beck  | Winfield|
|        | Lovelady |      |
| Absent | Chadick | Kelley |
|        | Cotten | Martin |
| Absent—Excused | Smith | Spears |

House Bill 362 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 362 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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<tr>
<th>Yeas—23</th>
<th>Brownlee</th>
<th>Moffett</th>
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<td>Nays—2</td>
<td>Aikin</td>
<td>Beck</td>
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<tr>
<td>Absent</td>
<td>Chadick</td>
<td>Kelley</td>
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<td>Cotten</td>
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<td>Absent—Excused</td>
<td>Smith</td>
<td>Spears</td>
</tr>
</tbody>
</table>

And amend the caption to conform.

The amendment was adopted.

The bill was passed to third reading, yeas and nays were demanded.
The bill was read third time and was passed by the following vote:

**Yeas—21**

Brownlee  Metcalfe
Fain          Moffett
Formby        Moore
Graves       Ramsey
Hazlewood   Sulak
Hill            Van Zandt
Isbell         Vick
Lanning      Weinert
Lemens       Winfield
Lovelady  York
Mauritz

**Nays—3**

Aikin    Shivers
Beck

**Absent**

Chadick  Martin
Cotten       Stone
Kelley

**Absent—Excused**

Smith    Spears

**House Concurrent Resolution 89**

On motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 89 at this time.

The Presiding Officer laid before the Senate for consideration at this time:

H. C. R. No. 89, Granting permission to W. D. Muncy and wife, Flora K. Muncy, to sue the State of Texas.

The resolution was read.

Senator Hazlewood offered the following amendment to the resolution:

Amend H. C. R. No. 89 by adding thereto the following paragraph:

"However, it is to be understood that the purpose of this resolution is to grant permission to said W. D. Muncy and wife, Flora K. Muncy, to bring suit against the State of Texas and/or the State Highway Department, and no admission of liability of the State of Texas or the State Highway Department 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.

**House Bill 900 on Second Reading**

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 900 at this time.

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

H. B. No. 900, A bill to be entitled "An Act to amend S. B. No. 220, Chapter 354, Acts of the Regular Session of the Forty-second Legislature, page 844, by adding a new Section thereto to be known as Section 8a following Section 3, so as to authorize expenses in the investigation of crime and an allowance of four (4c) cents a mile for each mile traveled, to the criminal district attorney in counties operating under such Act; providing that such expenses shall be paid by the commissioners' court as other expenses are paid; and declaring an emergency."

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

**House Bill 900 on Third Reading**

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 900 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

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

**Absent—Excused**

Smith    Spears

The Presiding Officer 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—29

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

Absent—Excused

Smith  Spears

House Bill 431 on Second Reading

On motion of Senator Graves and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 431 at this time.

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

H. B. No. 431, A bill to be entitled "An Act making it unlawful to sell tickets to any sports event, amusement or entertainment in Texas for which an admission charge is made, in excess of the purchase price of the ticket appearing thereon, without having procured a license therefor from the Commissioner of Labor Statistics of the State of Texas; prohibiting the granting of any such license to any firm, partnership, association or corporation in the name of such, providing the procedure for the securing of a license and the license fee therefor; prescribing penalties; and declaring an emergency."

The bill was read second time.

Senator Graves offered the following amendments to the bill:

(1)

Amend H. B. No. 431 by inserting the words, "Comptroller of Public Accounts" in each place in such bill where the words "Commissioner" or "Commissioner of Labor Statistics" are used.

(2)

Amend the caption of H. B. No. 431 to conform to the body of the bill.

The amendments were adopted severally.

The bill was passed to third reading.

House Bill 431 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 431 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

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

Absent—Excused

Smith  Spears

The Presiding Officer 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—29

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

Absent—Excused

Smith  Spears
Absent—Excused
Smith Spears

House Bill 305 on Second Reading

On motion of Senator Formby and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 305 at this time.

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

H. B. No. 305, A bill to be entitled "An Act amending Sections 3, 4 and 6, Chapter 21, General and Special Laws. Forty-third Legislature of Texas, Second Called Session, which amended Sections 4, 5 and 8, Chapter 241, General Laws of the Forty-third Legislature of Texas, Regular Session, providing for the reduction of promoter's license fees and bond in cities of less than twenty-five thousand (25,000) population; providing for the appointment of a referee for a single bout by a deputy boxing commissioner, and fixing the fee therefore; providing for similar appointment of seconds, timekeepers, and other local officials for no license fee; providing for a thirty (30) day boxer's license and fixing the fee therefore; and declaring an emergency."

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

House Bill 305 on Third Reading

Senator Formby moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 305 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

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

Absent—Excused
Smith Spears

The Presiding Officer 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—29


House Bill 738 on Second Reading

On motion of Senator Isbell and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 738 at this time.

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

H. B. No. 738, A bill to be entitled "An Act amending Article 177 of Title 4, Chapter 1, of the Code of Criminal Procedure, to include in said Article 177 the offense of conversion by any executor, administrator or guardian having charge of any estate, real, personal, or mixed, so that said Article 177 shall hereafter read as follows:"

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

House Bill 738 on Third Reading

Senator Isbell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 738 be placed on its third reading and final passage.
The motion prevailed by the following vote:

Yeas—29

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

Absent—Excused

Smith
Spears

The Presiding Officer 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—29

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

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.

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

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 974, A bill to be entitled "An Act to amend Section 18, Chapter 41, Acts of the Fortieth Legislature, First Called Session, as amended by Section 2 of H. B. No. 614, Acts of the Regular Session of the Fortieth Legislature, to provide that any citizen of Texas wishing to file the record of any birth, not previously registered, may submit such record to the probate court in the county where such person resides rather than where the birth occurred as now required; 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 with committee amendments Nos. 1, 2, 3, and 4 and be printed.

WEINERT, Chairman.

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

Committee Room,
Austin, Texas,
May 14, 1941.

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

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 469, A bill to be entitled "An Act amending S. B. No. 409,
being Chapter 53, page 64, of the Special Laws of the Regular Session of the Forty-third Legislature, 1933, relating to the 'County Court of Galveston County at Law,' transferring the jurisdiction of this Court to the County Court of Galveston County; providing for additional compensation for the county judge and county clerk; and declaring an emergency.'

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

RAMSEY, Chairman.

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

Senate Committee Room, Austin, Texas, May 14, 1941.

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

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 48, Authorizing exchange of the flag of the Battle of San Jacinto for the flag of the Battle of the Alamo.

Have had the same under consideration and do hereby recommend that the same do not pass, but that the committee substitute hereto attached do pass in lieu of the original bill and be not printed.

MOORE, Chairman.

Senate Concurrent Resolution 48

On motion of Senator Fain and by unanimous consent, the regular order of business was suspended, to permit consideration of S. C. R. No. 48 at this time.

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

S. C. R. No. 48, Providing for exchange of certain flags with Mexico.

The resolution was read and was adopted.

Adjournment

On motion of Senator Brownlee, the Senate, at 5:20 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.
In Memory of
Hon. Homer C. De Wolfe

Senator Metcalfe offered the following resolution:

(Senate Resolution 134)

Whereas, On Friday, May 9, 1941, death claimed Homer C. DeWolfe, at the early age of forty years; and

Whereas, Homer C. DeWolfe was a distinguished native son of Texas, and lived to grace the State of his birth both in public and in private life; and

Whereas, The Senate recalls that Homer C. DeWolfe loved the woods, and fields and streams, and that he devoted much time and energy both in official and private capacity to the conservation and propagation of the game animals he knew so well, it realizes that the outdoors of Texas is a more pleasant place because Homer C. DeWolfe lived among us; and

Whereas, Homer C. DeWolfe was always concerned with the problems and welfare of his fellows, he devoted much of his time and energy to matters affecting their common interests. He was particularly interested in public education, and in the preservation of the Permanent School Fund of Texas. In the House of Representatives, representing Mills and Comanche Counties during the Forty-first and Forty-second Legislatures, he fostered much legislation in furtherance of public education, and as author of the junior college law made possible to countless Texas children the benefits of education above high school levels. As an Assistant Attorney General between 1931 and 1935, he was assigned to the public lands desk, and in that capacity obtained judgments which swelled the Permanent School Fund of this State. In 1939, he was appointed as a member of the State Board of Education, and as a member of this body, he gave unstintingly of his time and effort until the hour of his last illness; and

Whereas, The State of Texas in the death of Homer C. DeWolfe has lost the aid and counsel of one of its most gifted statesmen, who brought the courage and strength of right and justice into all of his endeavors; and

Whereas, The Senate recognizes that his aid and counsel will be sorely missed, though others try to fill the void; and

Whereas, Into the few short years which fate allotted, Homer C. DeWolfe crowded a long lifetime of friendship and achievement; and

Whereas, Homer C. DeWolfe was a staunch friend, the friends who are bereaved by his death are countless; now, therefore, be it

Resolved, That the Senate and its members join with his other surviving friends, in sadness at the death of Homer C. DeWolfe; and
In Memory of

Mrs. Charles N. Shaver

Senator Fain, by unanimous consent, offered the following resolution:

(Senate Concurrent Resolution 61)

Whereas, On the 13th day of May, 1941, the Great Architect of the Universe called to rest from her earthly labors, Mrs. Charles N. Shaver, the beloved wife of the Honorable C. N. Shaver, a former member of the House of Representatives, former Superintendent of Public Instruction and now the honored President of Sam Houston State Teachers College; and

Whereas, Mrs. Shaver was born in Brazoria County, Texas, on November 12, 1885, the daughter of Mr. and Mrs. Erin Bryan, later moving to Giddings, Lee County, Texas, where she was married to Mr. C. N. Shaver on July 6, 1909; and

Whereas, Mrs. Shaver was the great granddaughter of Moses Austin the father of our own Stephen F. Austin; and

Whereas, The said Mrs. Charles N. Shaver was an active member of the Methodist Church, and of the Daughters of the Republic of Texas; and

Whereas, Mrs. Shaver was an outstanding educational, social, patriotic and civic leader, and in the passing of this lovable and distinguished lady her community has suffered the loss of a beautiful and shining character, a faithful, true and loyal citizen and friend; and

Whereas, Mrs. Shaver exemplified the greatness of her character in true realm—her home—she having been a splendid wife and wonderful mother; now, therefore, be it

Resolved, That the Senate of Texas, the House of Representatives concurring, acknowledge with deep regret the passing of this fine lady, and that a copy of this resolution be spread upon the memorial pages of the Senate and House Journals of the day, as a token of the love and esteem in which she was held; and be it further

Resolved, That the Secretary of the Senate, and the Chief Clerk of the House of Representatives send the family of the deceased a copy of this resolution under their respective seals, and that when the Senate and the House of Representatives adjourn today, they do so in silent tribute to Mrs. C. N. Shaver whose name shall live long in the affection of her friends and sorrowing family.

FAIN,
AIKIN.


The resolution was read.

On motion of Senator Moffett, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.
Resolved, That though his memorial lies in living things—in game animals who roam the woods, in educational facilities made possible because of his effort, in warm memories of good deeds—that this resolution be spread on the pages of the Senate Journal in token of our respect to his memory, and that a copy be forwarded to his family as an expression of our sympathy in their bereavement; and

Resolved, That when the Senate adjourn today, that it do so in memory of Homer C. DeWolfe, a man who ably served his fellows as a soldier, a sportsman, a statesman, but was best of all, a friend.

METCALFE, BROWNLEE, VAN ZANDT, MOFFETT.


The resolution was read.

On motion of Senator Winfield, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.