SEVENTIETH DAY
(Monday, June 2, 1941)

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

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

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

Absent—Excused
Hill  Spears
Smith

A quorum was announced present.
Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of the Sixty-ninth 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 Hill was granted leave of absence for today on account of important business, on motion of Senator Winfield.

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

Report of Standing Committee

Senator Weinert submitted the following report:

Austin, Texas,
June 2, 1941.

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

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 1053, A bill to be entitled "An Act amending Section 5 of H. B.
No. 194, Acts of the Forty-first Legislature, 1929, Chapter 292, page 656, by reducing the interest rate of bonds in which taxes remitted to the City of Port Arthur may be invested; 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.

WEINERT, Chairman.

Senate Bill 493 on First Reading

The following local bill was laid before the Senate, read first time, and referred to the Committee on Counties and Boundaries:

By Senator York:

S. B. No. 493, A bill to be entitled “An Act authorizing the allowance of traveling expenses for members of the commissioners’ court in certain counties; and declaring an emergency.”

Senate Concurrent Resolution 71

Senator Ramsey offered the following resolution:

S. C. R. No. 71, Authorizing A. T. Mast to sue the State.

Whereas, A. T. Mast is the owner of a certain lot and parcel of land situated in the City of Nacogdoches, Nacogdoches County, Texas, and

Whereas, There has been constructed by the Highway Department of the State of Texas, an overpass over and across said lot or parcel of land and adjacent thereto; and

Whereas, The said A. T. Mast claims that the value to said lot has been greatly diminished and decreased because of the construction of said overpass and that he has been damaged by the construction of said overpass by said Highway Department, and that he has not been paid damages for the construction of said overpass by the Highway Department of the State of Texas, and that the Highway Department of the State of Texas, and/or the State of Texas, is liable to him for damages of said property by reason of the construction of said overpass.

Whereas, The said A. T. Mast is desirous of determining the liability of the State of Texas and/or the State Highway Department for damages to said property by the construction of said overpass by filing suit or suits in the proper court or courts of the State of Texas; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said A. T. Mast be and he is hereby authorized to file suit against the State of Texas, and the State Highway Department of the State of Texas, in the proper court or courts having jurisdiction thereof in the State of Texas, to determine the damages, if any, he is entitled to recover; and that in the event said suit or suits are filed, service of citation or other necessary process shall be had upon the Chairman of the State Highway Commission and the Attorney General of the State of Texas, and that said cases or cases shall be tried as all other Civil Cases, reserving to either party the right of appeal, and if final judgment is rendered against the State of Texas and the State Highway Department, or either of them, the State Highway Commission is hereby authorized and empowered to pay same out of State Highway Funds, and there is hereby appropriated a sufficient amount to pay said final judgment, if any, which might be recovered by the said A. T. Mast. However, it is to be understood that the purpose of this Resolution is to grant permission to said A. T. Mast to bring suit against the State of Texas, and no admission of liability of the State is made by this Resolution, and the facts as set out herein must be proved in court.

The resolution was read and referred to the Committee on State Affairs.

Senate Concurrent Resolution 72

Senator Ramsey offered the following resolution:

S. C. R. No. 72, Authorizing A. T. Mast and H. R. Mast to sue the State.

Whereas, A. T. Mast and H. R. Mast are the owners of a certain lot and parcel of land situated in the City of Nacogdoches, Nacogdoches County, Texas; and

Whereas, There has been constructed by the Highway Department of the State of Texas, an overpass over and across said lot or parcel of land and adjacent thereto; and

Whereas, Said A. T. Mast and H. R. Mast claim that the value to said lot has been greatly diminished and
resolved because of the construction of said overpass and that they have been damaged by the construction of said overpass by said Highway Department and that they have not been paid damages for the construction of said overpass by the Highway Department of the State of Texas, and that the Highway Department of the State of Texas, and/or the State of Texas, is liable to them for damages to said property by reason of the construction of said overpass.

Whereas, The said A. T. Mast and H. R. Mast are desirous of determining the liability of the State of Texas and/or the State Highway Department for damages to said property by the construction of said overpass by filing suit or suits in the proper court or courts of the State of Texas; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said A. T. Mast and H. R. Mast be, and they are hereby authorized to file suit against the State of Texas, and the State Highway Department of the State of Texas, in the proper court or courts having jurisdiction thereof in the State of Texas, to determine the damages, if any, they are entitled to recover; and that in the event said suit or suits are filed, service of citation or other necessary process shall be had upon the Chairman of the State Highway Commission and the Attorney General of the State of Texas and that said case or cases shall be tried as all other civil cases, reserving to either party the right of appeal, and if final judgment is rendered against the State of Texas and the State Highway Department, or either of them, the State Highway Commission is hereby authorized and empowered to pay same out of State Highway Funds, and there is hereby appropriated a sufficient amount to pay said final judgment, if any, which might be recovered by the said A. T. Mast and H. R. Mast. However, it is to be understood that the purpose of this resolution is to grant permission to said A. T. Mast and H. R. Mast to bring suit against the State of Texas, and no admission of liability of the State is made by this resolution, and the facts as set out herein must be proved in court.

The resolution was read and was referred to the Committee on State Affairs.

Senate Concurrent Resolution 73

Senator Chadick offered the following resolution:

S. C. R. No. 73, Authorizing correction in H. B. No. 983.

Whereas, H. B. No. 983 has passed the Senate with amendments, and such amendments have been concurred in by the House of Representatives, and such bill is now being engrossed prior to being delivered to the Governor for his action; and

Whereas, An amendment was offered to the printed bill when the same was pending in the Senate, adding the words at the end of paragraph (c) of Section 2, as follows: "But in no event shall any such corporation be authorized to spend more than Ten Thousand ($10,000.00) Dollars in any one election contest" which said amendment was adopted; and

Whereas, A question has been raised as to whether or not the word "contest" should be used; and

Whereas, In order to make the provisions the same for both the criminal and the civil Sections of the bill, like language should be used, and paragraph (c) of Section 4 should be amended by inserting the same language at the end of such Section; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Engrossing Clerk of the House of Representatives be and is hereby instructed to insert the following language at the end of paragraph (c), Section 2, and likewise at the end of paragraph (c) of Section 4 of the printed bill: "but in no event shall any such corporation be authorized to spend more than Ten Thousand ($10,000.00) Dollars in any one election contest."

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

Message from the House

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

Hall of the House of Representatives,
Austin, Texas,
June 2, 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 and resolutions:

S. B. No. 163, A bill to be entitled "An Act providing for and regulating appropriations from moneys in the State Treasury not otherwise appropriated, to supplement local funds for the support, maintenance, operation, and improvement of the Public Junior Colleges of Texas as named in this Act; providing for an annual appropriation of Three Hundred Twenty-five Thousand ($325,000) Dollars for each of the fiscal years beginning September 1, 1941, and September 1, 1942, respectfully, for the allocation thereof; and declaring an emergency."

With amendments.

H. B. No. 1066, A bill to be entitled "An Act authorizing cities and towns to maintain hospitals and fixing the compensation of officers, physicians, surgeons, nurses and other employees, and providing herein expenses for persons who accompany patient to and from their place of residence and providing for form of research of patients and for persons trained in the work of following up cases of cancer and precancer; providing for the employment by the Administrator of said Cancer Hospital any nurse attendant necessary for the conducting thereof, and providing herein for a Committee to be appointed by the Governor, and providing herein for the establishment of a laundry building and equipment for the Hospital, appropriated out of the State Treasury, charged to the General Revenue Fund as the General Assembly shall deem necessary to maintain the State Cancer Hospital."

S. C. R. No. 70, Declaring the purpose and intent of the Legislature by the passage of H. B. No. 205.

H. C. R. No. 166, Granting Mrs. Wodie Spore permission to sue the State of Texas.

H. C. R. No. 172, Granting R. W. Dillard and wife, Lillian Dillard, permission to sue the State.

H. C. R. No. 190, Authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 360.

H. C. R. No. 191, Declaring the intent of the Legislature with respect to Sections 4 and 10 of H. B. No. 933, Acts of the Forty-sixth Legislature.

The House has granted the request of the Senate for the appointment of a new Conference Committee on H. B. No. 29 and appoints on the part of the House the following: Fuchs, Chambers, Hoyo, Carrington, and Donald.

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

House Bill 971 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 971 at this time.

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

H. B. No. 971, A bill to be entitled "An Act authorizing cities and towns
eligible under the terms of this Act
to fund certain indebtedness out-
standing on the effective date of this
Act; prescribing the method and pro-
cedure for issuance of funding or re-
funding bonds, and which cities or
town cannot derive revenues for gen-
eral fund operating expenses from
any publicly owned utilities at this
time; validating such outstanding in-
deptedness not in litigation at the
time this Act becomes effective;
providing that this Act shall not in-
crease the debt burden of any such
city or town; providing that this Act
shall be cumulative of all other Acts,
but that its provisions shall prevail
in the event of conflict with other
laws; enacting provisions incident to
and relating to the subject; and
declaring an emergency."
The bill was read second time.
Senator Weinert offered the fol-
lowing (committee) amendments to
the bill:

(1)
Amend H. B. No. 971 by inserting
after the words "any city or town
in this State" in line 1 and 2 of
Section 1 the following words: "having
a population of less than three
hundred eighty thousand (380,000)
inhabitants, according to the preced-
ing or any future Federal Census."

(2)
Amend the caption of H. B. No.
971 by inserting after the words
"cities and towns" in line 1 of the
enrolled bill the following words:
"having a population of less than
three hundred eighty thousand (380,-
000) inhabitants, according to the
preceding or any future Federal
Census, and"
The (committee) amendments were
adopted severally.
The bill was passed to third reading.

House Bill 971 on Third Reading
Senator Weinert moved that the
constitutional rule requiring bills to
be read on three several days be sus-
pended and that H. B. No. 971 be
placed on its third reading and final
passage.
The motion prevailed by the fol-
lowing vote: Yeas—28

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

The bill was passed to third reading.

The President then laid the bill
before the Senate on its third read-
ing and final passage.
The bill was read third time and
was passed by the following vote:

Yeas—28

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

The President then laid the bill
before the Senate on its third read-
ing and final passage.
The bill was passed to third reading.

The motion prevailed.

The motion prevailed.

The motion was lost by the follow-
ing vote (not receiving the necessary
two-thirds vote):

Yeas—14

Beck Chadick Hazlewood Kelley Lovelady
Beck
Chadick
Hazlewood
Kelley
Lovelady
Stone                      Winfield
Weinert                      York

Nays—12

Aikin                      Lanning
Brownlee                      Lemens
Cotten                      Moore
Fain                      Sulak
Graves                      Van Zandt
Isbell                      Vick

Absent—Excused

Hill

Paired

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

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

**House Concurrent Resolution 191**

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

H. C. R. No. 191, Declaring intent of the Legislature with respect to H. B. No. 933 of the Forty-sixth Legislature.

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

**House Concurrent Resolution 155**

On motion of Senator Mauritz and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 155 at this time.

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

H. C. R. No. 155, Granting John W. Hoch permission to sue the State.

The resolution was read.

Senator Mauritz offered the following amendment to the resolution:

Amend H. C. R. No. 155 by adding thereto the following paragraph:

"However, it is to be understood that the purpose of this resolution is to grant permission to said John W. Hoch to bring suit against the State of Texas and against the Highway Department of the State of Texas, and no admission of liability of the State of Texas or the Highway De-

partment of the State of Texas is made by this resolution, and the facts as set out herein must be proved in court."

The amendment was adopted.

The resolution as amended was adopted.

**Notice Given**

At 11:00 o'clock a.m., Senator Martin gave notice that he would on tomorrow move that the Senate go into executive session at 11:00 o'clock a.m. on that day.

**Motion to Set House Bill 199 as Special Order**

Senator Moore moved that H. B. No. 199 be set as a special order for 11:00 o'clock a.m. today.

The motion was lost by the following vote:

Yeas—11

Beck                      Metcalfe
Fain                      Moore
Hazelwood                     Stone
Kelley                      Winfield
Martin                      York
Mauritz

Nays—17

Aikin                      Lovelady
Brownlee                      Moffett
Chadick                      Ramsey
Cotten                      Shivers
Formby                      Sulak
Graves                      Van Zandt
Isbell                      Vick
Lanning                      Weinert
Lemens

Absent—Excused

Hill                      Spears
Smith

**Bills Tabled**

On motion of Senator Cotten, S. B. No. 77 was tabled.

On motion of Senator Van Zandt, S. B. No. 167 and S. B. No. 168 were tabled.

On motion of Senator Lovelady, S. B. No. 69 was tabled.

On motion of Senator Mauritz, S. B. No. 121 and S. B. No. 279 were tabled.

On motion of Senator Van Zandt S. B. No. 178 and S. B. No. 457 were tabled.
Senate Bill 51 Set as Special Order

Senator Kelley moved that S. B. No. 51 be set as a special order Tuesday, June 3, 1941, immediately after completion of the morning call on that day or for 11:00 o'clock a.m., if there is no morning call on that day.

The motion prevailed by the following vote:

Yeas—19
Beck  Mauritz
Chadick  Metcalfe
Cotten  Moffett
Fain  Moore
Formby  Shivers
Graves  Stone
Kelley  Van Zandt
Lanning  Vick
Lemens  Winfield
Martin  

Nays—7
Aikin  Sulak
Brownlee  Weinert
Lovelady  York
Ramsey  

Absent
Hazlewood  Isbell

Absent—Excused
Hill  Spears
Smith  

House Bill 965 Set as Special Order

Senator Metcalfe moved that H. B. No. 965 be set as a special order for 11:30 o'clock a.m. today.

The motion prevailed by the following vote:

Yeas—21
Aikin  Moffett
Cotten  Moore
Fain  Ramsey
Formby  Shivers
Graves  Stone
Hazlewood  Van Zandt
Kelley  Vick
Lanning  Weinert
Lemens  Winfield
Mauritz  York
Metcalfe  

Nays—4
Brownlee  Lovelady
Chadick  Sulak

Absent
Beck  Martin
Isbell  

Concurrence in House Amendments to Senate Bill 163

Senator Aikin called S. B. No. 163 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Senator Aikin moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—19
Aikin  Lovelady
Beck  Mauritz
Brownlee  Metcalfe
Chadick  Moffett
Fain  Ramsey
Formby  Shivers
Hazlewood  Sulak
Kelley  Van Zandt
Lanning  York
Lemens  

Nays—9
Cotten  Stone
Graves  Vick
Isbell  Weinert
Martin  Winfield
Moffett  

Absent—Excused
Hill  Spears
Smith  

Bills and Resolutions Signed

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

H. B. No. 7, A bill to be entitled "An Act making a donation of all of the net amount of State ad valorem taxes collected on property situated in and from rolling stock of railroads apportioned to Calhoun County, Texas, to the City of Port Lavaca, Texas, to enable the city to construct, repair, and improve sea walls, breakwaters, and harbors, to prevent continuing and recurring calamitous overflows; providing for reports by the assessor and collector of taxes to Comptroller and providing for disposition of moneys collected by him; authorizing said city to issue bonds subject to the provisions and limitations contained in this Act; prescrib-
ing a penalty for diversion of such State donated funds; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 1065, A bill to be entitled "An Act providing that mutual life insurance companies and associations operating under S. B. No. 135, Acts of the Regular Session of the Forty-sixth Legislature may with the approval of the Board of Insurance Commissioners place provisions in the policies issued providing for the payment of reduced benefits or the exclusion of coverage if death or injury occurs while the insured is engaged in military, naval, aerial service or aerial flight in time of peace or war; or while engaged in certain hazardous occupations to be named in the policies; or if death or injury is caused by mob violence or legal execution; and providing for reducing or excluding benefits for sickness from certain named causes; providing a savings clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 214, A bill to be entitled "An Act amending Article 1036, Title 15, Chapter 2, of the Code of Criminal Procedure of 1925, as amended by Chapter 75, Acts of the Regular Session of the Fortieth Legislature, and by Chapter 143 of the Acts of the Regular Session of the Forty-second Legislature, providing for the payment of witness fees by the State of Texas; prescribing the procedure to be followed in the payment thereof; and declaring an emergency."

S. B. No. 477, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or clerk in any county having a population of not more than eleven thousand, seven hundred and twenty (11,720), and not less than eleven thousand, seven hundred and ten (11,710) inhabitants, according to the last preceding Federal Census of 1940; regulating the salary of same; providing for payment of salary; providing for removal; and declaring an emergency."

H. B. No. 886, A bill to be entitled "An Act amending Section 1 of Chapter 168, S. B. No. 203, of the General Laws of the Regular Session of the Forty-second Legislature so as to authorize the State Parks Board to operate or grant concessions in State Parks and to operate concessions or make concession contracts for any causeway, beach drive or other improvements in connection with State Park sites; and providing that the revenue thus earned shall when collected be placed in the State Treasury; and authorizing the said Board to make such rules and regulations for the carrying out of this Act and the Laws of this State relative to State Parks as it may deem necessary not in conflict with law; and declaring an emergency."

H. J. R. No. 24, A joint resolution proposing an amendment to Section 22 of Article V of the Constitution of Texas by adding thereto authority for the Legislature to increase, diminish, or change the probate or other jurisdiction of the county court and to create additional courts having either exclusive or concurrent jurisdiction with the county courts in such matters.

S. C. R. No. 70, Providing funds to administer H. B. No. 205.

H. C. R. No. 183, Instructing Enrolling Clerk to correct H. B. No. 73.

H. C. R. No. 189, Authorizing the House and/or Senate to adjourn from May 29, 1941 to June 2, 1941.

Report of Standing Committee

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

Austin, Texas, June 2, 1941.

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

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

S. B. No. 493, A bill to be entitled "An Act authorizing the allowance of traveling expenses for members of the Commissioner's Court in certain counties; and declaring an emergency."

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

RAMSEY, Chairman.
Message from the House.

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

Hall of the House of Representatives, Austin, Texas, June 2, 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:

S. C. R. No. 67, Granting permission to Judges J. D. Stephenson, O. E. McPherson, and A. R. Stout to be absent from the State of Texas, etc.

S. C. R. No. 66, Relating to a well considered plan for providing additional space, in keeping with the actual needs of State Departments.

With amendments.

S. C. R. No. 68, Endorsing foreign policies of the President of the United States, etc.

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

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

House Bill 796 Set as Special Order

Senator Moffett moved that H. B. No. 796 be set as a special order for 10:30 o'clock a. m. tomorrow.

The motion prevailed by the following vote:

Yeas—20
Aikin
Chadick
Fain
Formby
Graves
Hazlewood
Isbell
Kelley
Lemens
Lovelady
Martin
Mauritz
McPherson
Moffett
Moore
Ramsey
Shivers
Van Zandt
Vick
Weinert

Nays—6
Brownlee
Cotten
Lanning
Beck
Sulak
Winfield
York

Absent
Beck
Stone

Absent—Excused
Hill
Spear

Senate Joint Resolution 1

Senator Lanning moved that S. J. R. No. 1 be set as a special order for immediate consideration by the Senate.

The motion prevailed by the following vote:

Yeas—23
Aikin
Beck
Brownlee
Chadick
Cotten
Fain
Hazlewood
Isbell
Kelley
Lanning
Lemens
Lovelady
Martin
Mauritz
McPherson
Moffett
Moore
Ramsey
Sulak
Van Zandt
Weinert
Winfield
York

Nays—4
Formby
Graves
Vick

Absent
Stone
The President laid before the Senate, on its passage to engrossment (the resolution having been read second time on May 19, 1941):

S. J. R. No. 1, A joint resolution proposing an amendment to Article VIII of the Constitution of the State of Texas, by adding thereto a new Section to be known as "Section 7-a" providing that all road-user taxes shall be used exclusively for road purposes under the regulations prescribed by the Legislature, excepting that one-fourth (1/4) of the net revenues derived from motor fuel taxes are allocated to the State Available School Fund; providing for proclamation, publication and election and appropriating the necessary funds therefor.

Senator Lanning offered the following (committee) amendment to the resolution:

Amend S. J. R. No. 1, by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Article VIII of the Constitution of the State of Texas be amended by adding thereto a new Section to be known as Section 7-a and to read as follows:

"Section 7-a. All revenue, in excess of the cost of collection and administration and exemptions, accruing from road-user taxes, namely: Motor vehicle registration fees, drivers license fees, and all taxes on motor fuels and lubricating oils used in propelling motor vehicles over public roads, on automobiles, trucks, and tires or tubes for same, excepting ad valorem and gross production taxes thereon, shall be used exclusively for the construction, maintenance and policing of public roads and streets and for the discharge of the principal and interest on county or road district bonds and warrants voted before January 2, 1939, for roadbuilding purposes; provided however, that one-fourth (1/4) of the net motor fuel tax revenue is hereby allocated to the Available Free School Fund. Nothing herein shall authorize the pledging of the State's credit for any purpose."

Sec. 2. The foregoing amendment to the Constitution shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State on the 1st Monday of November, 1941, at which election each ballot shall have printed thereon the following words:

"FOR the amendment to the State Constitution requiring that road-user taxes shall be used exclusively for road purposes, excepting that one-fourth (1/4) of the motor fuel tax revenues are set apart to the State Available School Fund."

"AGAINST the amendment to the State Constitution requiring that road-user taxes shall be used exclusively for road purposes, excepting that one-fourth (1/4) of the motor fuel tax revenues are set apart to the State Available School Fund."

Each voter shall strike out with pen or pencil the clause which he desires to vote against so as to indicate whether he is voting for or against said proposed amendment.

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and to have same published as required by the Constitution for amendments thereto.

Sec. 4. The sum of Five Thousand ($5,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated from funds in the Treasury of the State not otherwise appropriated to pay the expenses of such publication.

The (committee) amendment was adopted.

Senator Lanning offered the following amendment to the resolution:

Amend S. J. R. No. 1, Committee amendment No. 1, by inserting in line 31, the words "or issued" between the word "voted" and the word "before."

The amendment was adopted.

Senator Lanning offered the following amendment to the resolution:

Amend S. J. R. No. 1, by striking out in line 27 the words "on automobiles, trucks, and tires or tubes for same."

The amendment was adopted.

Senator Formby offered the following amendment to the resolution:

Amend S. J. R. No. 1, Section 7-a, line 31, by changing date "January 2, 1939" to "January 2, 1941."
Senator Lanning moved to table the amendment. The amendment was adopted.

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

Yeas—21
Aikin 
Beck 
Brownlee 
Cotten 
Fain 
Graves 
Isbell 
Lanning 
Lemens 
Lovelady 
Martin
Mauritz 
Metcalf 
Moore 
Ramsey 
Shivers 
Stone 
Sulak 
Van Zandt 
Weinert 
York

Nays—7
Chadick 
Formby 
Hazlewood 
Kelley
Moffett 
Vick 
Winfield

Absent—Excused
Hill
Smith

Senator Aikin offered the following amendment to the resolution:

Amend S. J. R. No. 1 by adding the following on page 1, line 23, after the word “revenue” the following: “levied at and before the effective date of this amendment.”

Senator Shivers moved to table the amendment.

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

Yeas—11
Brownlee 
Fain 
Lanning 
Lemens 
Metcalf 
Moore
Ramsey 
Shivers 
Weinert 
Winfield 
York

Nays—17
Aikin 
Beck 
Chadick 
Cotten 
Formby 
Graves 
Hazlewood 
Isbell 
Kelley
Lovelady 
Martin 
Mauritz
Moffett 
Moore 
Mauritz 
Metcalf 
Stone 
Sulak 
Van Zandt 
Vick

Absent—Excused
Hill
Smith

The amendment was adopted.

On motion of Senator Lanning, the caption of the resolution was amended to conform to the body of the resolution as amended.

On motion of Senator Lanning, and by unanimous consent the date of the election to be held pursuant to the resolution was changed to conform to the date for the next general election.

The resolution was passed to engrossment and adopted by the following vote:

Yeas—23
Aikin 
Beck 
Brownlee 
Cotten 
Fain 
Graves 
Isbell 
Lanning 
Lemens 
Lovelady 
Martin 
Mauritz 
Metcalf 
Moore 
Ramsey 
Shivers 
Stone 
Sulak 
Van Zandt 
Weinert 
York

Nays—5
Chadick 
Formby 
Hazlewood 
Kelley 
Moffett 
Moor 
Vick 
Winfield

Absent—Excused
Hill
Smith

Message from the House

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

Hall of the House of Representatives, 
Austin, Texas, 
June 2, 1941.

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

Sir: I am directed by the House to inform the Senate that the House has refused to adopt the Conference Committee report on S. B. No. 402 and has referred the bill back to the Conference Committee for further consideration.

Respectfully submitted,

E. R. LINDLEY, 
Chief Clerk, House of Representatives.
Messages from the Governor

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

Austin, Texas, June 2, 1941.

To the Senate of the Forty-seventh Legislature:

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

To be Members of the Board of Pharmacy for six year terms to expire June 14, 1947:

E. M. Joseph, Austin, Travis County (reappointment);
Shine Philips of Big Spring, Howard County

Respectfully submitted,
W. LEE O’DANIEL,
Governor of Texas.

Austin, Texas, June 2, 1941.

To the Senate of the Forty-seventh Legislature:

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

To be a Member of the State Board of Education to succeed Homer DeWolfe, deceased, term to expire January 1, 1945:

Judge Royall Watkins of Dallas, Dallas County.

Respectfully submitted,
W. LEE O’DANIEL,
Governor of Texas.

Austin, Texas, June 2, 1941.

To the Senate of the Forty-seventh Legislature:

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

To be a Member of the Commission of Public Safety, term to expire December 31, 1945:

George Prendergast of Marshall, Harrison County.

Respectfully submitted,
W. LEE O’DANIEL,
Governor of Texas.
To the Senate of the Forty-seventh Legislature:

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

To be Members of King's Memorial State Park Commission for two year terms expiring June 2nd, 1943:

Dr. Josephine Shelton Finn of Refugio, Refugio County.
Mrs. Celeste Low of Refugio, Refugio County.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

Austin, Texas,
June 2, 1941.

To the Senate of the Forty-seventh Legislature:

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

To be Members of the Board of Dental Examiners for six year terms expiring June 10, 1947:

Dr. B. Carl Holder, Corpus Christi, Nueces County;
Dr. T. J. Treadwell, Fort Worth, Tarrant County.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

The messages were referred to the Committee on Nominations of the Governor.

Signing of Resolutions

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

S. C. R. No. 67, Granting certain district judges leave of absence from the State.
S. C. R. No. 68, Endorsing foreign policies of the President of the United States.

Recess

On motion of Senator Metcalfe the Senate, at 12:55 o'clock p. m., took recess to 10:00 o'clock a. m. tomorrow.

APPENDIX

Communication from Family of Judge George E. Christian

To the Senate, Forty-seventh Legislature,
Austin, Texas.

The family of the late Judge George E. Christian wish to thank you for the beautiful flowers and your kind expression of sympathy as expressed in your Concurrent Resolution No. 39. We are grateful for the tribute paid to our husband and father, and our appreciation is deep and ever-lasting.

Sincerely,

Mrs. George E. Christian,
Juliet, George Jr., and Martha Jo Christian.

May 29, 1941,
3108 Wheeler St.
A Tribute to

Our Beloved Morris Sheppard

Senator Beck submitted the following poem by Nina Pauline Hannon, which was ordered printed in the Journal:

I wonder how I will ever begin to write a just
Tribute to such man among men;
No scholar or poet can write such poem as he lived
From beginning to end,
Learned, wise, just, generous, and true; such noble
Traits were all his; these only a few;
So gentle, a child's tears moved him, as others are
Moved by a broken heart,
Anxious always for others, never failing a friend,
Generously doing his big part;
Yet his heart and vision was much too great to stop
With serving only those he held dear;
Loyally he gave himself to serve his country, never
Once counting the cost, without fear;
Today steps are falling softly; heads are bowed in
Grief at the loss of such man and friend;
Who failed to give sufficient thought to his body's
Need, which doubtlessly hastened the end.
Not strange, that he went to join the Master on
This Holy Week;
Always a faithful steward and follower in serving
His Lord, lowly and meek.
What a heritage he has left to all who knew him,
With such purpose great and true;
Up yonder, he will watch anxiously as he beckons
To all. This means you, and you, and you.

—Nina Pauline Hannon,
1103 Main Street,
Texarkana, Texas.