Accordingly, the Senate, at 12:30 o'clock p.m., adjourned until 10:00 o'clock a.m. Monday, June 9, 1941.

SEVENTY-THIRD DAY
(Monday, June 9, 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:


Absent—Excused
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 Thursday, June 5, 1941 was dispensed with and the Journal was approved.

Leave of Absence Granted

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

Reports of Standing Committees

Senator Smith offered the following reports:

Committee Room,
Austin, Texas,
June 5, 1941.

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

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 991, A bill to be entitled
"An Act making it unlawful for any person to shoot, take, trap, snare, or in any other manner kill any quail in Bee County, Texas, for a period of two (2) years, except as otherwise provided by the authorization of the Game, Fish and Oyster Commission; prescribing a penalty; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

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

SMITH, Chairman.
Committee Room,
Austin, Texas,
June 5, 1941.

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

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 995, A bill to be entitled
"An Act to declare a closed season on the killing of wild deer and wild turkey in Throckmorton, Shackelford, and Haskell Counties for a period ending February 1, 1946; prescribing a penalty therefor; repealing H. B. No. 198 of the Forty-seventh Legislature; and declaring an emergency."

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

SMITH, Chairman.
Committee Room,
Austin, Texas,
June 5, 1941.

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

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 689, A bill to be entitled
"An Act amending H. B. No. 920 of the Special Laws of the Forty-third Legislature, Regular Session,
1933, making it unlawful to trap or take opossums, bobcats, and catamounts in San Augustine and Sabine Counties; repealing all laws in conflict herewith; and declaring an emergency."

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

SMITH, Chairman.

Senator Shivers submitted the following report:

Committee Room, Austin, Texas, June 5, 1941.

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

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred

H. B. No. 414, A bill to be entitled "An Act amending Chapter 58, Section 1, of the Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 97, of the Acts of the Forty-third Legislature, Regular Session; 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.

SHIVERS, Chairman.

Senator Vick submitted the following report:

Senate Chamber, Austin, Texas, June 5, 1941.

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

Sir: We, your Committee on Representative Districts, to whom was referred

H. B. No. 44, A bill to be entitled "An Act amending Articles 195 and 196, Revised Civil Statutes of 1925, State of Texas; fixing the time of taking effect of this Act; and declaring an emergency."

Have had the same under consideration and I am instructed to report back to the Senate with the recommendation that the committee substitute do pass in lieu of the original bill and be printed.

VICK, Chairman.

Senate Bill 497 on First Reading

Senator Chadick 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—30
Aikin
Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hazelwood
Hill
Isbell
Kelley
Lanning
Lemons
Lovelady
Martin
Mauritz
Metcalfe
Moffett
Moore
Ramsey
Shivers
Smith
Stone
Sulak
Van Zandt
Vick
Weinert
Winfield
York

Absent—Excused
Spears

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

By Senators Chadick, Kelley and Fain:

S. B. No. 497, A bill to be entitled "An Act making sabotage an offense; defining the term sabotage; providing the penalty therefor; providing that the offense of sabotage shall be cumulative with any offense now prohibited by law coming within the term sabotage; and providing the State may elect under which law it will prosecute; providing a period of limitation for the prosecution of the offense of sabotage; providing a savings clause; and declaring an emergency."

Message from the House

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

Hall of the House of Representatives, Austin, Texas, June 5, 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. 5, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five (5) years, beginning with the taxable year 1942, all of the State ad valorem taxes for general revenue purposes not heretofore donated or appropriated, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies; providing that taxes shall be levied, assessed and collected as now provided by law; authorizing the assessor or collector of taxes in each county to pay over to the county treasurer all moneys collected by him at the end of each month during the period of this donation, less amounts allowed by law for assessing and collecting the same; providing that nothing in this Act shall amend, alter, modify or repeal any donation, grant or remission of taxes heretofore made; providing that the taxes donated and granted by this Act shall be used by the county commissioners' courts for any purpose not inconsistent with the Constitution of Texas, including lowering the ad valorem tax rate for county purposes, constructing flood control works and improvements in said county, improvements to prevent soil erosion and soil conservation purposes, irrigation and drainage projects, reforestation and road building, conservation and utilization of water projects sponsored by a county in cooperation with the Federal Works Progress Administration or its successors, purchase of rights-of-way for public roads, general relief and charitable purposes, paying the interest and sinking fund on any outstanding bonded indebtedness of the county, assisting in the development of navigation, and any other purpose or purposes not specifically prohibited by the Constitution; authorizing the Commissioners' Courts to contract with the Governing Boards of any River Authority or Water Improvement District to perform construction works for such River Authority or Water Improvement District; or to set aside any part, or all, of the taxes herein donated and granted to such county, for the use of such River Authority or Water Improvement District in retiring its bonded indebtedness, or carrying out any other purpose for which such district was created; providing that if any Section Subsection, paragraph, clause, sentence, or word of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining provisions of this Act; and this Legislature hereby declares that it would have passed such remaining portions despite such invalidity; and declaring an emergency."

With amendments.

S. B. No. 115, A bill to be entitled "An Act making an appropriation of an amount necessary to pay the claim of the American National Bank, of Austin, Texas, a corporation, the sum of Eight Thousand, Eight Hundred Sixty-one and 62/100 ($8,861.62) Dollars, so appropriated and to be paid out of the State Treasury not otherwise appropriated to reimburse said bank for moneys advanced for the construction of the Auditorium Building at Agricultural & Mechanical College of Texas, said building having been authorized by the Acts of the Thirty-fourth Legislature, First Called Session, 1915, page 104, and said sum being a part of the unexpended balance of said appropriation, this claim having been approved and allowed by the Fortieth Legislature in the Acts of 1937, page 919, appearing as an item in the Miscellaneous Claims Appropriation Bill passed at that session of the Legislature, Chapter 404, et seq., page 905 in the蹬revenue Appropriation Bill passed at that session of the Legislature, page 915, said claim having been adjudicated to be a valid and subsisting claim against the State of Texas by a final judgment of the Honourable District Court of Travis County, Texas, for the 98th Judicial District of Texas in a final judgment entered therein on the 14th day of December, A. D., 1938; and declaring an emergency."

providing compensation for such auditors; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 358, A bill to be entitled "An Act amending Article 1041, Title 15, Code of Criminal Procedure, Revision of 1925, as amended by S. B. No. 101, Chapter 7, of the Forty-fifth Legislature, Regular Session, by providing that in counties having a population in excess of seventy-five thousand (75,000) inhabitants according to the last preceding or any future Federal Census, the commissioners' court may allow each jail guard, jailer, matron or turnkey, a monthly salary of One Hundred Fifty Dollars per month; and declaring an emergency."

S. B. No. 408, A bill to be entitled "An Act to declare a State policy regarding the activities of the various agricultural agencies of the State, especially as they affect cotton and cotton products, and the increased use and consumption of same; directing that the heads of the State's various agricultural agencies shall take due notice of said policy; providing for the establishment of a cotton research laboratory, and making an appropriation therefor; providing that the Board of Control may accept tracts of land, gifts, or grants, providing for construction to be under the Board of Control; providing for the location of said laboratories; providing for the employment of architects, engineers, experts, etc.; providing for the necessary expenses; providing for the Comptroller to pay warrants; providing rules and regulations shall allow for cooperation between cotton producing states; and declaring an emergency."

S. B. No. 436, A bill to be entitled "An Act to amend Article 3333 of Title 54 of the Revised Civil Statutes of Texas, Revision of 1925 as amended, by providing that the citation therein provided to be issued by the Clerk shall be directed to the sheriff, or any constable of the county where the proceeding is pending, validating written wills heretofore probated and letters of administration heretofore granted upon citations or notices not so directed, but conforming to the other requirements of said Article 3333, providing that this amendment shall not apply in certain cases; and declaring an emergency."

With amendments.

H. C. R. No. 188, Memorializing Congress to designate the second Sunday in May as Mother's and Father's Day.

H. C. R. No. 200, Providing for the appointment of a committee to investigate all phases of child care in the State and to prepare a report to be submitted to the next Regular Session of the Legislature.

H. C. R. No. 201, Declaring an immediate need for the construction of State Highways.

H. C. R. No. 211, Granting each House permission to adjourn from Thursday, June 5th, to Monday, June 9th.

H. C. R. No. 216, Authorizing the Enrolling Clerk to make corrections in H. B. No. 1074.

The House has refused to concur in Senate amendments to H. B. No. 199 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: McNamara, Clark, Bean, McAlister and Kinard.

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

Report of Standing Committee

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

Austin, Texas,
June 9, 1941.

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

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

S. B. No. 497, A bill to be entitled "An Act making sabotage an offense; defining the term sabotage; providing the penalty therefor; providing that the offense of sabotage shall be cumulative with any offense now prohibited by law coming within the term sabotage; and providing the State may elect under which law it will prosecute; providing a period of limitation for the prosecution of the offense of sabotage; providing a savings clause; 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.

LEMENS, Chairman.
House Bills on First Reading

The following bills previously received from the House, were laid before the Senate, read severally first time, and referred to the committees indicated:

- H. B. No. 1066, to Committee on Finance.
- H. B. No. 268, to Committee on Finance.
- H. B. No. 1068, to Committee on State Affairs.
- H. B. No. 1040, to Committee on Education.
- H. B. No. 1069, to Committee on Counties and County Boundaries.
- H. B. No. 1070, to Committee on Game and Fish.

Motion to Introduce Bill

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

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—15
Beck Lovelady
Brownlee Mauritz
Chadick Moore
Fain Stone
Formby Vick
Graves Weinert
Hazelwood Winfield
Lemens
Nays—11
Aikin Ramsey
Cotten Smith
Hill Sulak
Lanning Van Zandt
Metcalfe York
Moffett
Absent
Isbell Martin
Kelley Shivers
Absent—Excused
Spears

Senators Resolution 158

Senator Lanning offered the following resolution:

- Whereas, Miss Leta Jo Perry, of Nocona, Texas, is an accomplished singer; and

Whereas, She is at the bar of the Senate; now, therefore, be it

Resolved, That she be invited to sing before the Senate at this time.

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

Senator Lanning then presented Miss Leta Jo Perry, who sang for the Senate.

Senators Resolution 159

Senator Stone offered the following resolution:

Whereas, The Honorable Thomas J. Holbrook is ill and confined in Seton Hospital; and

Whereas, The Honorable Thomas J. Holbrook served as a member of the Senate of the State of Texas for many years with distinction and honor and is recognized as an outstanding citizen of this State; now, therefore, be it

Resolved by the Senate of Texas, That it extend its best wishes for a speedy and complete recovery, and that the Secretary be instructed to send flowers to him as a token of its esteem.

STONE, AIKIN, BECK, BROWNLEE, CHADICK, COTTEN, PAIN, FORMBY, GRAVES, HAZLEWOOD, HILL, ISBEll, KELLEY, LANNING, LEMENS, LOVELADY, MARTIN, MAURIZT, METCALFE, MOFFETT, MOORE, RAMSEY, SHIVERS, SMITH, SPEARS, SULAK, VAN ZANDT, VICK, WEINERT, WINFIELD, YORK, STEVENSON, Lt.-Gov.
On motion of Senator Winfield and by unanimous consent, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.

Senate Bill 498 on First Reading

Senator Hazlewood 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:

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Absent—Excused

Spears

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

By Senator Hazlewood:

S. B. No. 498, A bill to be entitled "An Act amending H. B. No. 271, which was passed by the Forty-seventh Legislature, 1941, which became effective April 18, 1941, for the purpose of correcting a clerical error made in said bill; and declaring an emergency."

Senate Bill 499 on First Reading

Senator Vick 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:

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Absent—Excused

Spears

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

By Senator Vick:

S. B. No. 499, A bill to be entitled "An Act to amend Article 4605 of the Revised Civil Statutes of Texas, 1925, by adding thereto, that, 'no county clerk shall issue a license to celebrate the rites of matrimony between the hours of 6 o'clock p. m. and 8 o'clock a. m.; and declaring an emergency."

Senate Bill 500 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:

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Absent

Moore

Absent—Excused

Spears
The following bill then was introduced, read first time and referred to the Committee on Counties and County Boundaries:

By Senator Stone:

S. B. No. 500, A bill to be entitled "An Act amending Chapter 82 of the Acts of the Forty-first Legislature at its regular session entitled 'An Act granting to cities located in any country in this State of less than one hundred thousand (100,000) inhabitants according to the last United States Census, and which county contains a city of more than forty-three thousand (43,000) inhabitants according to said census, the right to execute leases not to exceed a period of ninety-nine (99) years on islands, flats and other submerged lands heretofore granted by the State of Texas, or the Republic of Texas to such cities and providing that no provision shall ever be incorporated in any such lease restricting the right of the lessee to construct, establish, maintain, equip and operate docks, wharves, ferries, ferry landings, loading and unloading devices and shipping facilities and to demand and receive compensation for services furnished for private purposes or otherwise, and that every such lease shall specify the purpose for which the same is made and provide a maximum period of five years within which the lessee shall exercise the rights and privileges granted and reserving portions of any such island, flats or other submerged lands abutting and extending for a distance of two thousand feet along existing navigable channels and extending back from said channel fifteen hundred (1500) feet from the point of mean low tide, and declaring an emergency,' approved March 5, 1929; and declaring an emergency."

Senator Aikin offered the following resolution:

Whereas, Mr. Graden Ausmus, instructor in the public schools of Fort Worth, is in the capitol today for the purpose of observing the procedure of legislative work; and

Whereas, Mr. Ausmus is an outstanding instructor and we are delighted to have him; now, therefore, be it

Resolved, That Mr. Ausmus be extended the privileges of the floor for today.

AIKIN.

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

Bills and Resolutions Signed

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

H. B. No. 360, A bill to be entitled "An Act authorizing the commissioners' court in each county in this State having a population of not less than ten thousand three hundred and twenty-five (10,325) nor more than ten thousand three hundred and fifty (10,350) and nineteen thousand and seventy-five (19,075) nor more than nineteen thousand and seventy-five (19,075) and providing that no provision shall hereinafter be made for the use of his automobile on official business only; requiring each such commissioner to pay the expense of operation and repair of such vehicle so used without any further expense whatsoever to the county; and declaring an emergency."

H. B. No. 922, A bill to be entitled "An Act to fix the maximum rate of tax to be levied in any independent school district having and including within its limits a city or town which, according to the then latest Federal Census, has a population of not fewer than sixty-four hundred and seventy-five (6,475) inhabitants; and providing that the taxes hereinabove imposed shall never be levied, collected, diminished or increased; and providing further that no bonds shall be issued except by a majority of the qualified voters of the district; and declaring an emergency."

H. B. No. 965, A bill to be entitled "An Act making it unlawful for any person, not a member of the Texas Defense Guard, to wear the shoulder patch, the arm brassard, or the collar ornaments duly prescribed as part of the uniform of said Texas Defense Guard, or any imitation of said articles; also making it unlawful for any member of said Texas Defense Guard to purchase or have in his possession such articles of uniform, or any imi-
shall apply to the issuance, approval and certification, and registration of the bonds provided for in this Act; providing that if any Section, clause or phrase of this Act be held unconstitutional, such decision shall not affect the remaining portion of this Act; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency.”

H. B. No. 1049, A bill to be entitled “An Act for the purpose of providing necessary regulations for the taking or possession of fish or use of fishing tackle or gear, from the body of water impounded in Possum Kingdom Dam, which dam is situated in Palo Pinto County, Texas, and declaring it unlawful to fish in said body of water possess, or dispose of fish taken therefrom, or possess fishing tackle, except in regulations issued under the direction given in this: Providing a special license for those over seventeen (17) years of age who fish in Possum Kingdom Lake; providing for disposition of funds collected from sale of such special license; providing suitable penalty for violation of any provision of this Act; repealing conflicting laws; and declaring an emergency.”

H. B. No. 1059, A bill to be entitled “An Act to amend Section 40 of S. B. No. 36, Acts of the Forty-sixth Legislature, to provide the effective date for making grants of aid and assistance to the needy blind and for destitute dependent children; providing an appropriation for providing and administering aid to the blind for the period from May 1, 1941 to August 31, 1941, making an appropriation for providing and administering aid and assistance for destitute dependent children for the period from May 1, 1941, to August 31, 1941; and declaring an emergency.”

H. C. R. No. 92, Granting permission to Mrs. Mamie Scherrer and husband, Emil Scherrer, their heirs, executors, administrators, and assigns, to bring suit against the State of Texas.

H. C. R. No. 128, Granting W. C. Kulp and B. H. Kulp, composing a partnership operating under the firm name of Kulp Bros., permission to bring suit against the State of Texas.

H. C. R. No. 197, Authorizing correction of H. J. R. No. 1
House Concurrent Resolution 201

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

H. C. R. No. 201, Declaring the existence of a public emergency and immediate need for construction of State highways for defense purposes and authorizing employment of workers on highways in excess of 48 hours per week.

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

House Concurrent Resolution 216

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

H. C. R. No. 216, Authorizing certain corrections in enrolled copy of H. B. No. 1074.

By unanimous consent, the resolution was considered and adopted at this time.

Senate Resolution 161

Senator Winfield offered the following resolution:

Whereas, complaints concerning the leasing of lands donated and set apart as a permanent fund of the University of Texas have been made to the author of this resolution; and

Whereas, complaints involving alleged favoritism have likewise come to the author hereof, which complaints, if true, should be called to the attention of the Board of Regents of the University of Texas in order that said Board may have a full and complete knowledge of the facts for appropriate action in order that the Board of Regents may be able to protect the best interests of the public and the University permanent Fund; now, therefore, be it

Resolved, That the President of the Senate appoint five Members to investigate such complaints and to present them to the Board of Regents of the University of Texas; and be it further

Resolved, That this committee be empowered to cooperate with the Board of Regents of the University of Texas in securing these facts, and to secure the cooperation of any and all State Departments, as in the wis-
The President laid the resolution before the Senate.

Senator Hill offered the following amendment to the resolution:

Be it further resolved, That this committee be and hereby directed to make full and complete inquiry into the manner and results obtained from the leasing of mineral lands belonging to the University of Texas.

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

Yeas-23
Aikin
Beck
Chadick
Cotten
Formby
Graves
Hazlewood
Hill
Ishell
Kelley
Lanning
Lemens
Lovelady
Martin
Mauritz
Metcalf
Moffett
Ramsey
Shivers
Smith
Sulak
Winfield
York

Nays-6
Brownlee
Fain
Moore
Van Zandt
Weinert

The resolution as amended then was adopted.

House Concurrent Resolution 211

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

H. C. R. No. 211, Authorizing the House and/or Senate to adjourn from Thursday, June 5, 1941 to Monday, June 9, 1941.

By unanimous consent, the resolution was considered and adopted at this time.

Senate Concurrent Resolution 76

Senator Chadick offered the following resolution:

S. C. R. No. 76, Relating to dedication of Tyler State Park on June 14 and 15, 1941.

Whereas, The Tyler State Park in Smith County is being publicly dedicated on June 14 and 15; and

Whereas, The Senate and the House of Representatives of the Forty-seventh Legislature of Texas have been particularly invited, as well as the public generally, to attend the dedication ceremonies; and

Whereas, The Tyler State Park is one of the most beautiful scenic spots in all Texas and is located nearer to the urban population of this State than most of the other State parks; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the Legislature of the State of Texas call attention of the people of Texas to the beauty of the park and the recreational facilities provided for the benefit of visitors, and invite all Texans to be present and participate in the dedication of the Tyler State Park on June 14 and 15.

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

Senate Bill 501 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-26
Aikin
Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hazlewood
Ishell
Kelley
Lanning
Lemens
Lovelady
Martin
Mauritz
Metcalf
Moffett
Moore
Ramsey
Shivers
Smith
Sulak
Stone
Vick
Weinert
Winfield
York

Absent
Sulak
Absent-Excused
Spears

The resolution as amended then was adopted.

Hour for Executive Session

On motion of Senator Martin and by unanimous consent, the Senate agreed to hold an executive session immediately after conclusion of the morning call today or at 11:30 o'clock a. m. today if the morning call has not been completed at that hour.
The following bill then was introduced, read first time and referred to the Committee on Civil Jurisprudence.

By Senator Moore:

S. B. No. 501, A bill to be entitled "An Act providing that corporations may be formed for the purpose of engaging in mining, agriculture, and stock raising; and declaring an emergency."

Nomination Withdrawn

Senator Martin moved that the request of the Governor to withdraw the nomination of Dr. John A. Hart to be a member of the State board of Medical Examiners be granted.

The motion prevailed.

Reports of Standing Committees

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

Austin, Texas,  
June 9, 1941.

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

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

H. B. No. 511, A bill to be entitled "An Act amending Article 8306, Revised Civil Statutes of 1925, by adding a new Section to be known as Section 7-e, providing that where liability for compensation exists, the association shall furnish any and all artificial appliances that would materially beneficially improve the future usefulness and occupational opportunities of such injured employee; providing the maximum cost of such artificial appliances; providing the association shall not be liable for having such appliances replaced or repaired; providing the method to require the association to furnish such appliances in the event of their failure to do so; 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.

VAN ZANDT, Chairman.

Austin, Texas, June 5, 1941.

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

Sir: We, your Committee on P

S. B. No. 495, A bill to be entitled "An Act to authorize and empower the Board of Insurance Commissioners of the State of Texas to promulgate special rates and rating plans for Workmen's Compensation, Motor Vehicle and other lines of Casualty Insurance separately or in combination applicable to the construction or operation of National Defense Projects; authorizing the Board to make special fire, windstorm and material damage insurance rates on such projects; to promulgate rules and regulations incident to all such forms of insurance; providing that this Act shall be cumulative of existing laws and applicable only to insurance rates in relation to National Defense Projects; 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.

VAN ZANDT, Chairman.

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

Austin, Texas, June 9, 1941.

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

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

H. B. No. 1069, A bill to be entitled “An Act prescribing the time of meeting of the county board of school trustees in counties containing a population of not less than forty-eight thousand and eight hundred (48,800) and not more than fifty thousand and four hundred (50,400) inhabitants; according to the last preceding Federal Census, the meeting place of said board, the compensation to be paid each county school trustee, and the fund out of which said compensation shall be paid; providing that this Act shall be cumulative of all existing laws on this subject when not in conflict and when in conflict the provisions of this Act shall control; repealing all laws in conflict; and declaring an emergency.”

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

RAMSEY, Chairman.

Executive Session

At 11:30 o’clock a.m., the President announced the hour heretofore fixed for an executive session of the Senate had arrived, and he directed the floor of the Senate Chamber to be cleared of all those not entitled to attend the executive session and ordered all doors leading from the Chamber to be closed.

After Executive Session

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following reports of the Committee on Nominations of the Governor had been adopted by the Senate:

Committee Room, Austin, Texas, June 5, 1941.

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

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be Members of the Board of Directors of the Agricultural and Mechanical College of Texas:

For six year terms expiring January 10, 1947:

D. S. Buchanan of Austin, Travis County;

To fill the unexpired term of R. C. Schumacher of Houston, deceased, term expiring January 10, 1943:

F. M. Law of Houston, Harris County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room, Austin, Texas, June 4, 1941.

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

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nomination:

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

George Pendergast of Marshall, Harrison County.

Have had the same under consideration, and do recommend that he be in all things confirmed.

MARTIN, Chairman.

Committee Room, Austin, Texas, June 4, 1941.

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

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be Members of the Board of Directors of Texas Technological College for six years terms expiring February 19, 1947:
J. M. West of Houston, Harris County;
John B. Collier, Jr. of Fort Worth, Tarrant County;
Chancellor Weymouth of Amarillo, Potter County.

To be a Member of the Board of Directors of Texas Technological College to fill unexpired term of Joe T. Sneed, deceased, term to expire February 19, 1945:
A. J. Riddle of Denson, Grayson County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
June 5, 1941.

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

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be Members of the Board of Dental Examiners for six year terms expiring June 10, 1947:
Dr. B. Carl Holder of Corpus Christi, Nueces County;
Dr. T. J. Treadwell of Fort Worth, Tarrant County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
June 4, 1941.

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

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

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

S. O. Latimer of Port Arthur, Jefferson County (reappointment);
W. W. Glass of Port Arthur, Jefferson County (reappointment);
L. W. Hustmyre of Orange, Orange County (reappointment);
T. T. Hunt of Beaumont, Jefferson County (reappointment);

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
June 4, 1941.

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

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be Pilot Commissioners for Sabine Bar, Pass, and Tributaries, for two year terms expiring April 29, 1943:

S. O. Latimer of Port Arthur, Jefferson County (reappointment);
W. W. Glass of Port Arthur, Jefferson County (reappointment);
L. W. Hustmyre of Orange, Orange County (reappointment);
T. T. Hunt of Beaumont, Jefferson County (reappointment);

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
June 4, 1941.

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

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be Members of the Board of Nurse Examiners for six year terms expiring April 9, 1947:
Mrs. Calvin R. Hanna of Dallas, Dallas County (reappointment);
Miss Laura Cole of Temple, Bell County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
June 5, 1941.

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

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be Members of the Board of Pilot Commissioners for Sabine Bar, Pass, and Tributaries, for two year terms expiring April 29, 1943:

S. O. Latimer of Port Arthur, Jefferson County (reappointment);
W. W. Glass of Port Arthur, Jefferson County (reappointment);
L. W. Hustmyre of Orange, Orange County (reappointment);
T. T. Hunt of Beaumont, Jefferson County (reappointment);

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
June 4, 1941.

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

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be Members of the Board of Dental Examiners for six year terms expiring June 10, 1947:
Dr. B. Carl Holder of Corpus Christi, Nueces County;
Dr. T. J. Treadwell of Fort Worth, Tarrant County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
June 4, 1941.

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

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be Members of the Board of Dental Examiners for six year terms expiring June 10, 1947:
Dr. B. Carl Holder of Corpus Christi, Nueces County;
Dr. T. J. Treadwell of Fort Worth, Tarrant County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Dr. Josephine Shelton Finn, of Refugio, Refugio County;
Mrs. Celeste Low, of Refugio, Refugio County.
Have had the same under consideration, and do recommend that they be in all things confirmed.
MARTIN, Chairman.
Committee Room, Austin, Texas, June 5, 1941.
Hon. Coke R. Stevenson, President of the Senate.
Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:
To be Members of the Board of Pharmacy for six year terms to expire June 14, 1947:
E. M. Joseph of Austin, Travis County (reappointment);
Shine Phillips of Big Springs, Howard County.
Have had the same under consideration, and do recommend that they be in all things confirmed.
MARTIN, Chairman.
The Secretary of the Senate also informed the Journal Clerk that the following report of the Committee on Nominations of the Governor had been rejected by the Senate:
Committee Room, Austin, Texas, June 5, 1941.
Hon. Coke R. Stevenson, President of the Senate.
Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 501, A bill to be entitled "An Act providing that corporations may be formed for the purpose of engaging in mining, agriculture, and stock raising; and declaring an emergency."
Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.
WEINERT, Chairman.
Senator Ramsey, by unanimous consent, submitted at this time the following report:
Committee Room, Austin, Texas, June 9, 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. 500, A bill to be entitled "An Act amending Chapter 82 of the Acts of the Forty-first Legislature at its regular session entitled "An Act granting to cities located in any county in this State of less than one hundred thousand (100,000) inhabitants according to the last United States Census, and which county contains a city of more than forty-three thousand (43,000) inhabitants according to said census, the right to execute leases not to exceed a period of ninety-nine (99) years on islands, flats and other submerged lands heretofore granted by the State of Texas, or the Republic of Texas to such cities and providing that no provision shall ever be incorporated in any such lease restricting the right of the lessee to construct, establish, maintain, equip and operate docks, wharves, ferries, ferry landings, loading and unloading devices and shipping facilities and to demand and receive compensation for services furnished for private purposes or otherwise, and that every such lease shall specify the purposes

Reports of Standing Committees
Senator Weinert, by unanimous consent, submitted at this time the following report:
Senate Chamber, Austin, Texas, June 9, 1941.
Hon. Coke R. Stevenson, President of the Senate.
Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 501, A bill to be entitled "An Act providing that corporations may be formed for the purpose of engaging in mining, agriculture, and stock raising; and declaring an emergency."
Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.
WEINERT, Chairman.
Senator Ramsey, by unanimous consent, submitted at this time the following report:
Committee Room, Austin, Texas, June 9, 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. 500, A bill to be entitled "An Act amending Chapter 82 of the Acts of the Forty-first Legislature at its regular session entitled "An Act granting to cities located in any county in this State of less than one hundred thousand (100,000) inhabitants according to the last United States Census, and which county contains a city of more than forty-three thousand (43,000) inhabitants according to said census, the right to execute leases not to exceed a period of ninety-nine (99) years on islands, flats and other submerged lands heretofore granted by the State of Texas, or the Republic of Texas to such cities and providing that no provision shall ever be incorporated in any such lease restricting the right of the lessee to construct, establish, maintain, equip and operate docks, wharves, ferries, ferry landings, loading and unloading devices and shipping facilities and to demand and receive compensation for services furnished for private purposes or otherwise, and that every such lease shall specify the purposes
for which the same is made and provide a maximum period of five (5) years within which the lessee shall exercise the rights and privileges granted and reserving portions of any such island, flats or other submerged lands abutting and extending for a distance of two thousand (2,000) feet along existing navigable channels and extending back from said channel fifteen hundred (1,500) feet from the point of mean low tide, and declaring an emergency,' approved March 5, 1929; 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.

Senate Bill 497 on Second Reading

Senator Chadick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 497 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30
Aikin    Beck    Brownlee    Chadick    Cotton    Fair
        Beck    Brownlee    Chadick    Cotton    Fair
        Brownlee Chadick    Cotton    Fair
        Chadick Cotton    Fair
        Cotton Fair

Absene—Excused

Spears

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

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

Senate Bill 497 on Third Reading

The President then laid S. B. No. 497 before the Senate on its third reading and final passage.

The bill was read third time.

Question—Shall the bill be passed?

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

S. B. No. 115, A bill to be entitled "An Act making an appropriation of an amount necessary to pay the claim of the American National Bank, of Austin, Texas, a corporation, the sum of Eight Thousand Eight Hundred Sixty-one and 62/100 ($8,861.62) Dollars, so appropriated and to be paid out of the State Treasury not otherwise appropriated to reimburse said bank for moneys advanced for the construction of the Auditorium Building at Agricultural and Mechanical College of Texas, said building having been authorized by the Acts of the Thirty-fourth Legislature, First Called Session, 1915, page 104, and said sum being a part of the unexpended balance of said appropriation, this claim having been approved and allowed by the Forty-fifth Legislature in the Acts of 1937, page 919, appearing as an item in the Miscellaneous Claims Appropriation Bill passed at that session of the Legislature, Chapter 404, et seq., page 905 in the item appearing on page 915, said claim having been adjudicated to be a valid and subsisting claim against the State of Texas by a final judgment of the Honorable District Court of Travis County, Texas, for the 38th Judicial District of Texas in a final judgment entered therein on the 14th day of December, A. D., 1938; and declaring an emergency."

S. B. No. 324, A bill to be entitled "An Act amending Article 1667 of the Revised Civil Statutes of 1925, as amended by Acts of the Forty-second Legislature, 1931, Second Called Session, page 62, Chapter 13, providing for the appointment of auditors for the counties under the provisions of said Article and providing control over finances in such counties by auditors; providing compensation for such auditors; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 358, A bill to be entitled "An Act amending Article 1041, Title 15, Code of Criminal Procedure, Revision of 1925, as amended by S. B.
No. 101, Chapter 7, of the Forty-fifth Legislature, Regular Session, by providing that in counties having a population in excess of seventy-five thousand (75,000) inhabitants according to the last preceding or any future Federal Census, the commissioners' court may allow each jail guard, jailer, matron or turnkey, a monthly salary of One Hundred Fifty ($150.00) Dollars per month; and declaring an emergency."

H. B. No. 1020, A bill to be entitled "An Act creating a Firemen's Relief and Retirement Fund in cities having a population of 280,000 or more, according to the preceding or any future Federal Census; creating a board to administer such fund; providing that the mayor and city treasurer or city secretary together with three (3) members of the fire department to be selected by a vote of the members of such department, shall compose the board; providing the mayor shall be the chairman of said board and enacting other provisions with reference to the organization and duties of said board; providing for the segregation of a proportionate part of accumulated funds now in a general pension fund to the firemen's relief and retirement fund; etc.; fixing the effective date of the Act; and declaring an emergency."

H. C. R. No. 216, Authorizing certain corrections in H. B. No. 1074.

H. C. R. No. 211, Granting permission to the House and/or Senate to adjourn from Thursday, June 5, 1941 to Monday, June 9, 1941.

Report of Conference Committee on House Bill 233

Senator Van Zandt submitted at this time the following report:

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 House and the Senate on H. B. No. 233, have met and beg leave to recommend that said H. B. No. 233 be passed in the form attached hereto.

Respectfully submitted,

Akin,
METCALFE,
LOVELADY,
VAN ZANDT,
FORMBY,

On the part of the Senate:

ALSUP,
BULLOCK,
MORRIS,
LOCK,
ALLISON,

On the part of the House.
H. B. No. 233, A bill to be entitled

"An Act appropriating the sum of

One Million One Hundred Eighty-Six

Thousand Five Hundred and Fifty-Five

Dollars and fifty-eight cents

($1,186,555.58) per year or so much

thereof as may be necessary, for the

next biennium beginning September

1, 1941, and ending August 31, 1943,

from the General Revenue Fund for

the purpose of promoting public

school interests and assisting local
districts in the teaching of voca-
tional agriculture, home economics,
trades and industries, vocational re-
habilitation, and rehabilitation for
crippled children according to the
Federal laws governing vocational
education, all of which shall be
matched by Federal funds; provid-
ing for the administration, attaching
conditions, regulations, and limita-
tions thereto; making various
allocations of said appropriation;
authorizing aid to such schools in
accordance with the conditions speci-
fied herein; providing all costs of
administering funds named in this
Act shall be paid out of moneys ap-
propriated in this Act under the
authority of the State Superintendent
of Public Instruction, who is the
Executive Officer of the State Board
for Vocational Education under the
direction of the State Board for
Vocational Education; providing for
acceptance and disbursement of all
Federal moneys as may be made
available to the State Board for
Vocational Education in accordance
with plans acceptable to the Fed-
eral agency in charge of such funds;
defining the powers of the State
Board for Vocational Education and
the State Superintendent who is the
Executive Officer; repealing all
laws or parts of laws in conflict
herewith; and declaring an emer-
gency."

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

Section 1. For the purpose of pro-
moting public school interests and
matching Federal funds, there is
hereby appropriated out of the Gen-
eral Revenue Fund One Million One
Hundred Eighty-Six Thousand Five
Hundred and Fifty-Five Dollars and
fifty-eight cents ($1,186,555.58), or
so much thereof as may be necessary
for the school year ending August
31, 1942, and One Million One Hun-
dred Eighty-Six Thousand Five Hun-
dred and Fifty-Five Dollars and
fifty-eight cents ($1,186,555.58) or
so much thereof as may be necessary
for the school year ending August
31, 1943, to be allotted and ex-
pended by the State Superintendent
of Public Instruction under the di-
rection of the State Board for Vo-
cational Education.

Sec. 2. The funds appropriated in
this Act shall be expended in accord-
cance with all Federal laws and reg-
ulations governing vocational edu-
cation, providing that in schools
where equalization funds are re-
ceived, vocational agriculture, home-
making, and trades and industries
shall comply with such regulations
as set forth in the Equalization Bill.

Sec. 3. Provided that vocational
agriculture and trade and industrial
teachers may be paid for twelve (12)
months where the superintendent of
the school in which they are em-
ployed has certified to the State
Superintendent of Public Instruction
that such teacher is actually engaged
in teaching this work twelve (12)
months; and salaries may be paid to
vocational home economics teachers
not to exceed ten (10) months in any
one (1) year. Provided further that
no salary shall be paid to local trial
teachers in vocational schools in ex-
cess of Eighteen Hundred ($1800)
Dollars per year for the first two
(2) years of their teaching ex-
perience, and shall not be consum-
mat ed until same is approved by the
State Board for Vocational Educa-
tion upon the recommendation of the
State Superintendent.

Sec. 4. The State Board for Vo-
cational Education, through its Exec-
utive Officer, the State Superin-
tendent, is hereby authorized to re-
ceive and disburse in accordance with
plans acceptable to the responsible
Federal Agency, all Federal moneys
that are made available to the State
of Texas for such purposes as train-
ing personnel for National Defense
Industries, and for such other activi-
ties as come under the authority of
the State Board for Vocational Edu-
cation.

Sec. 5. There is hereby allocated
and set aside the following amounts
for the purposes indicated below:

Vocational Agriculture Three
Hundred Eighty-Five Thousand,
Four Hundred Twenty-Five Dollars
... $385,425.00.

Vocational Home Economics: Two
Hundred Ninety-Six Thousand, Seven
Hundred Fifty-Six Dollars and Fifty-Eight Cents. . . $296,756.58.

Trades and Industries: Two Hundred Thousand Dollars . . . $200,000.00.

Vocational Rehabilitation: One Hundred Forty Thousand Three Hundred Seventy-Four Dollars . . . $154,374.00.

Rehabilitation for Crippled Children: One Hundred Fifty Thousand Dollars ... $150,000.00.

Provided the unexpended balances remaining in the funds herein appropriated under the provisions of this Act at the end of each fiscal year may be reallocated by the State Superintendent of Public Instruction.

Sec. 6. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 7. The fact that many schools in this State are desirous of having the services of vocational teachers mentioned in this Act, and the further fact that if these schools receive such services it is absolutely necessary that this appropriation be passed, 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 the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Adjournment

On motion of Senator Cotten, the Senate, at 12:40 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

Communication from Mrs. George E. Christian

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

The family of the late Judge George E. Christian wishes 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 everlasting.

Sincerely,

MRS. GEORGE E. CHRISTIAN, JULIET, GEORGE JR., AND MARTHA JO CHRISTIAN.

May 29, 1941, 3108 Wheeler St.

SEVENTY-FOURTH DAY

(Tuesday, June 10, 1941)

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

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

Aikin    Mauritz
Beck     Metcalfe
Brownlee Moffett
Chadick  Moore
Cotten   Ramsey
Fain     Shivers
Fornby   Smith
Graves   Spears
Hazlewood Stone
Hill     Sulak
Ishbell  Van Zandt
Kelley   Vick
Lanning  Wehrert
Lemons   Winfield
Lovelady York
Martin

A quorum was announced present.

The invocation was offered by the Chaplain.

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

Reports of Standing Committees

Senator Aikin submitted the following reports:

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

Sir: We, your Committee on Finance, to whom was referred H. B. No. 1011, A bill to be entitled "An Act appropriating the sum of Three Hundred Thousand ($300,000) Dollars out of any funds in the State Treasury, not otherwise appropriated, annually, for the purpose of providing permanent funds or reve-