JOURNAL
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SENATE, STATE of TEXAS
Second Called Session
Thirty-Fifth Legislature

Convened in the City of Austin
August 1, 1917

AND
Adjourned Without Day
August 30, 1917

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(1) Amend the resolution so as to include the repeal of laws establishing the Commerce Normal and John Tarlton College at Stephenville, Texas.

Senator Woodward offered the following amendment to the foregoing amendment:

Amend the amendment by striking out John Tarlton College at Stephenville, Texas.

Senator Alderdice offered the following amendments, which were read:

(2) Amend resolution by adding in its proper place the words “Northwest Texas Insane Asylum.”

(3) Amend resolution by including the act appropriating two million dollars for aid of rural schools.

Senator Westbrook offered the following substitute for the amendment to amendment No. 1:

Amend the amendment No. 1 by striking out John Tarlton College at Stephenville, Texas, and Commerce Normal College at Commerce.

Morning call concluded.

Messages from the Governor.

Here a messenger from the Governor appeared at the bar of the Senate and presented the following messages, which were laid before the Senate:

Governor’s Office,
Austin, Texas, Aug. 10, 1917.

To the Thirty-fifth Legislature, in Second Called Session:

At the request of Hon. W. E. Pope, I submit for your consideration a bill, hereto attached, being an act regulating the purchase of junk by persons engaged as junk dealers, etc. And at the request of Hon. F. J. Hardy, I submit for your consideration a bill, hereto attached, being an act to amend Section 10th, Chapter 28, of the General Laws of the State of Texas passed by the Regular Session of the Thirty-third Legislature, approved March 31, 1913, and entitled “An Act to amend Section 3, Chapter 30, of the General Laws of the State of Texas passed by the Thirty-first Legislature (1903), relating to the Texas State Board of Health, etc.” Respectfully submitted.

JAS. E. FERGUSON,
Governor of Texas.

To the Thirty-fifth Legislature in Second Called Session:

At present at least fifty counties in West Texas are suffering from the worst drought in perhaps thirty years. Conditions are deplorable. The matter of securing food for everybody is one of the gravest concern; crops are an entire failure; cattle are dying; and there is in this section no seed for planting next year’s crop.

Many officials from these counties have applied to me to use the good offices of this department to relieve the distressing condition. Having recently visited the West, I know that the situation has not been overstated. It is one not to be considered lightly. It is the duty of the State to take up this matter and prevent any possibility of suffering or lack of food and clothes.

Therefore, I submit for your consideration the matter of taking such action and making such appropriation as you are permitted to make under the law for the relief of our citizenship in West Texas.

At this time, when the Government is making so many liberal appropriations, let us not disregard a call of humanity. I respectfully request your prompt and serious consideration of this grave matter.

JAS. E. FERGUSON,
Governor of Texas.

Recess.

At 12:05 o’clock p. m. the Senate, on motion of Senator Clark, recessed until 3 o’clock today.

After Recess.

(Afternoon Session.)

The Senate was called to order at 3 o’clock p. m. by President Pro Tem. Smith.

Simple Resolution No. 22.

(By unanimous consent.)

Whereas, Section 12 of Article 4 of the Constitution of the State of Texas makes it imperative upon the
being present, the following Senators answering to their names:

Alderdice. Hall.
Bee. Johnson of Hall.
Buchanan of Beill. Johnston of Harris.
Buchanan of Scurry. Lattimore.
Caldwell. McNealus.
Dayton. Page.
Dean. Parr.
Decherd. Strickland.
Floyd. Suter.
Gibson. Woodward.

Absent.
Clark. Robbins.
Harley. Smith.
McCullum. Westbrook.

Absent—Excused.
Hopkins. Hudspeth.

Prayer by the Chaplain.
Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator McNealus.

Excused.
Senator McCullum for today, on account of important business, on motion of Senator Bailey.
Senator Clark for today, on account of important business, on motion of Senator McNealus.

Resolutions Signed.
The Chair (Lieutenant Governor Hobby) gave notice of signing, and did sign in the presence of the Senate, after their captions had been read, the following resolutions:
H. C. R. No. 4, Reaffirming the confidence of the people of Texas in the administration of President Woodrow Wilson.

Messages from the Governor.
Here a messenger from the Governor appeared at the bar of the Senate and presented the following message, which was laid before the Senate:

Governor's Office.
Austin, Texas, Aug. 18, 1917.
To the Thirty-fifth Legislature in Second Called Session:
At the request of Hon. R. L. Templeton, I hereby submit for your consideration the matter of creating the Almanreed Independent School District in Gray County, Texas.
Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office.
Austin, Texas, Aug. 18, 1917.
To the Thirty-fifth Legislature in Second Called Session:
At the request of Hon. W. R. Butler, I hereby submit for your consideration a bill, hereto attached, being an act creating the Center Oak Independent School District of Bell County, Texas, and declaring an emergency.
Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office.
Austin, Texas, Aug. 18, 1917.
To the Thirty-fifth Legislature in Second Called Session:
At the request of Hon. A. L. Benson, I hereby submit for your consideration a bill, hereto attached, being an act to regulate the business of emigrant agents; defining emigrant agents; providing for licensing any person, firm or private employment agency desiring to be licensed as an emigrant agent, etc.
Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Message from the House.
Hall of the House of Representatives,
Austin, Texas, Aug. 20, 1917.
Hon. W. F. Hobby, President of the Senate.
Sir: I am directed by the House to inform the Senate that the House has adopted S. C. R. No. 2 inviting Hon. J. T. Heflin, member of Congress from Alabama to address a joint session of the Senate and House Thirty-fifth Legislature.
Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.
Simple Resolution No. 21.

Senator Bailey called up from the table Simple Resolution No. 21, and the Chair laid the same before the Senate.

Senator Floyd moved the adoption of the committee report, carrying the following:

Committee Substitute.

Whereas, At the Regular Session of the Thirty-fifth Legislature laws were passed establishing the West Texas A. and M. College, the Sul Ross Normal, Stephen F. Austin Normal, the South Texas Normal and several Junior A. and M. colleges; and,

Whereas, Since the passage of these laws our country has become involved in war with certain foreign countries whereby a large number of young men will be drafted into the service, and which will necessarily decrease the attendance in our colleges and universities and which will lessen the demand for said normals and agricultural schools in this State; and,

Whereas, An extensive drought has practically enveloped the entire State resulting in poor crop conditions and bringing distress upon a large portion of our State population; and,

Whereas, Our State tax rate has already reached the constitutional limit and on account of extensive crop failures a large proportion of the people of the State are asking for aid and many of whom will be burdened to meet their present tax rate; therefore, be it

Resolved, That the Senate of the State of Texas request that the Governor submit to the Legislature for their consideration the repeal of the laws passed at the Regular Session of the Thirty-fifth Legislature establishing the West Texas A. and M. College, the Sul Ross College, the Stephen F. Austin Normal College, the South Texas Normal College, and several Junior A. and M. colleges.

Provided that nothing herein shall apply to the John Tarleton College at Stephenville, Texas, the Commerce Normal College at Commerce, Texas, and the Grubba Vocational School at Arlington, Texas, as no request is made by this resolution to repeal the laws creating said schools. And provided further, that the request is made hereby for the Governor to submit to this Legislature the question of repealing of the law creating and making an appropriation for the Northwest Texas Insane Asylum and the act appropriating two million dollars for the aid of rural schools.

The substitute was read and Senator Bee offered the following amendment:

(1) Amend the committee report by striking out that portion of the committee report calling upon the Governor to submit a message asking for the repeal of the Act appropriating two million dollars for the aid of rural schools.

Senator Bailey offered the following substitute for the pending amendment:

Amend the committee report by inserting after the word "repealing" in the third line from the close of the resolution the words "or amending."

Pending.

Executive Session.

The Chair, Lieutenant-Governor Hobby, here announced that the hour heretofore designated by the Senate for executive session had arrived, and directed the Sergeant-at-Arms to clear the Chamber of all persons not entitled to remain; which was accordingly done and the Senate proceeded to executive session.

The Secretary reports to the Journal Clerk that the following confirmations were made:

Hon. Covey C. Thomas, of La Salle county, to be judge of the Eighty-first Judicial District of Texas, appointed August 3, 1917.

Hon. B. D. Tarleton, Jr., of Bee county, to be district attorney of the Thirty-sixth Judicial District of Texas, appointed August 3, 1917.

In the Senate.

Lieutenant Governor Hobby in the chair.

Messages from the Governor.

The Chair here laid before the Senate the following messages from the Governor received today.
The messages in full are as follows:

Governor's Office,
Austin, Texas, Aug. 21, 1917.

To the Thirty-fifth Legislature in Called Session:
At the request of Honorable W. V. Dunman and Honorable F. M. Fitzpatrick, I submit for your consideration a bill, hereto attached, being an Act to amend Articles 1867 and 1868 of the Revised Statutes by adding Article 1563a, providing that a defendant in the service of the United States as a soldier shall not be required to answer to the merits of a demand sued upon during the time he is actively engaged in the war between the United States and Germany, etc.

I also submit for your consideration a bill, hereto attached, being an act to amend the special road law of Cass County, Texas, etc.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, Aug. 21, 1917.

To the Thirty-fifth Legislature in Second Called Session:
Upon the urgent request of many people living in the territory involved, and especially upon the request of Honorable J. P. Buchanan, Congressman from the Travis County District of Texas, I submit for your consideration a bill, hereto attached, prepared by Honorable Leonard Tillotson and others, having for its purpose the prevention of the ravages of the plunk boil worm along our Mexican border and such legislation as will prevent its spread into the United States. The Agricultural Department of Washington, together with our State Agricultural Department, are taking this matter up, actively, and legislation along this line may be necessary in order for them to combat this impending evil.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, Aug. 21, 1917.

To the Thirty-fifth Legislature in Second Called Session:
At the urgent request of Honorable James T. Robison, Commissioner of the General Land Office, I submit for your consideration and such action as

In your wisdom you may deem necessary the following letter, relating to the payment of interest on public lands:

General Land Office
State of Texas

Austin, Texas, August 20, 1917.
Hon. James E. Ferguson, Governor,
Austin, Texas.

Dear Sir:

Noting with sympathy your suggestion that the Legislature may consider the subject of relief for persons residing in the middle west it is believed you will pardon this intrusive suggestion that the territory be enlarged so as to include the counties comprising the extreme west where conditions are perhaps worse than the middle west because there grass is practically the only primary base for revenue while in the middle west revenue from grass is supplemented with cultivated crops.

Without information as to the character of relief that may be contemplated for the area included in your message of recent date, some small assistance could be extended to a few persons in the extreme west by the postponement of forfeitures for non-payment of interest.

For the purpose of acquainting you with the present situation and of drawing legislative attention to the administration of affairs in this department when crises like the present confront the debtors of the State so that there may be some expression from the supreme authority in public affairs for either correction in methods in this department or for approval of such administration facts leading up to the present will be given.

Beginning in 1915 rains ceased to give seasons in the extreme west. Following in 1916, or last year, there was less rain. Stock had to be moved or fed. Losses were heavy. On account of conditions this department postponed forfeiting the land for non-payment of interest due November 1, 1915. At present in the counties of Brewster, Crockett, Culberson, El Paso, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Val Verde, Ward and Winkler there are 358,137 acres aggregating $858,337 due the school fund on which there are $25,374 interest due to November 1, 1915, or $51,948 now due and unpaid to November 1, 1916. Without some legislative
authority to further postpone forfeiting this land forfeiture will be declared within a week because to further postpone might be an abuse of a sound discretion in an administrative department, though it is believed most all of this past due interest would be paid if the owners were permitted to keep the land until rains came and grass grew, and, if so, the school fund would get past due interest, and the people would have an asset to begin anew. To forfeit now the school fund would lose the interest, the owner would lose the land, and it is doubtful if the land would be resold for as much as the school fund now holds against it.

A few years ago when a like condition prevailed forfeitures were deferred upon lands on which there were some $500,000 interest due the school fund. When rains fell, the grass grew and the land was restocked, the owners were called upon for the interest and all was paid except about $7,000.

This department has postponed forfeitures at present for interest due to November 1, 1916, but feels that is as far as it can go in the exercise of a sound discretion, therefore, through you legislative advice is sought.

The statute relative to forfeitures simply says when interest is not paid on November 1, the land shall be subject to forfeiture without any suggestion as to when the forfeiture shall be declared. A concurrent resolution expressing the sense of the Legislature is all that is necessary.

Yours very truly,
(Signed) J. T. ROBINSON,
Commissioner.

Respectfully submitted,
JAS. E. FERGUSON,
Governor.

Recess,
At 12:15 o'clock p. m. the Senate, on motion of Senator Clark, recessed until 2 o'clock today.

After Recess.
(Afternoon Session.)

The Senate was called to order at 2 p.m. by Lieutenant Governor Hobby.

Simple Resolution No. 21.
(Pending.)

Action recurred upon S. R. No. 21 as pending business (see the morning session for the resolution) the question being upon the substitute amendment offered by Senator Bailey for the pending amendment by Senator Bee. Pending.

(Senator Lattimore in the chair.)

Executive Session.

Senator Hudspeth moved that the Senate go into executive session next Thursday morning at eleven o'clock for consideration of all nominations of the Governor.

As a substitute Senator McNealus moved that next Tuesday morning, August 23, at 11 o'clock be set as the time for such executive session.

The substitute motion prevailed by the following vote:

Yea—12.
Alderdice, Johnston of Harris.
Buchanan of Bell. Lattimore.
Buchanan of Screpy. McNealus.
Floyd. Robbins.
Gibson. Strickland.
Johnson of Hall. Sullter.

Nay—11.
Bee. Hudspeth.
Caldwell. McCollum.
Charl. Page.
Decherd. Parr.
Hall.

Present—Not Voting.
Dean.
Absent.

Dayton. Westbrook.
Henderson. Woodward.
Smith.

Absent—Excused.
Hopkins.

Senator Hudspeth moved that the Senate go into executive session next Thursday at 11 o'clock a. m. to consider two certain nominees.

Senator McNealus made the point of order that all nominations are included in the motion heretofore adopted.

The point of order was sustained.

Senator Bailey moved to rescind
Yeas—12.

Bailey. Hudsith. 
Bee. Lattimore.
Clark. McCollum.
Hall. Page.
Harley. Westbrook.
Henderson. Woodward.

Nays—15.

Alderdice. Hopkins.
Buchanan of Bell. Johnson of Hall.
Buchanan of Scurry. McNealus.
Dayton. Robbins.
Dean. Smith.
Decherd. Strickland.
Floyd. Sutler.
Gibson. Absent.

Caldwell. Johnston of Harris Absent—Excused.
Parr.

Action then recurred upon the committee substitute resolution No. 21, and the same was adopted by the following vote:

Yeas—16.

Alderdice. Hall.
Bailey. Johnson of Hall.
Buchanan of Bell. Johnston of Harris.
Buchanan of Scurry. McNealus.
Dayton. Pace.
Dean. Robbins.
Decherd. Smith.
Floyd. Sutler.

Nays—11.

Bee. Lattimore.
Caldwell. McCollium.
Gibson. Strickland.
Harley. Westbrook.
Henderson. Woodward.
Hudsith. Absent.
Hopkins. 

Fair Recorded.

Senator Clark (present), who would vote “yea”; Senator Parr (absent), who would vote “nay.”

Senator Alderdice moved to reconsider the vote by which the committee substitute resolution No. 21 was adopted and table that motion. The motion to table prevailed.

Reason for Vote.

I vote “nay” because two schools to wit, the John Tarleton College and the Commerce College were eliminated from the resolution and I am in favor of repealing the laws creating all the schools.

STRICLAND.

Messages from the Governor.

The Chair here laid before the Senate the following messages from the Governor received today.

The messages in full are as follows:

Governor’s Office,
Austin, Texas, Aug. 22, 1917.

To the Thirty-fifth Legislature in Second Called Session:

At the request of Honorable C. M. Beard, I submit for your consideration a bill, hereto attached, being an Act to amend Chapter 37, Acts of the Thirty-fifth Legislature, First Called Session, being an Act creating the Smyrna Common School District No. 43, of Milam county, Texas, etc.

Respectfully submitted,
JAMES E. FERGUSON,
Governor of Texas.

Governor’s Office,
Austin, Texas, Aug. 22, 1917.

To the Thirty-fifth Legislature in Second Called Session:

At the request of Honorable Eugene Nordhaus and others, I submit for your consideration a bill, hereto attached, being an Act to amend Chapter 165 of the Acts of the Regular Session of the Twenty-ninth Legislature, being an Act to prevent the diversion of electric current, water or gas, etc.

And at the request of Honorable French Spencer, I submit for your consideration a bill, hereto attached, being an Act creating the Bridgeport Independent School District in Wise county, Texas, etc.

Respectfully submitted,
JAMES E. FERGUSON,
Governor of Texas.

Simple Resolution No. 27.

Senator Dayton called up from the table and the Chair laid before the Senate Simple Resolution No. 27 as follows:

Whereas, Because of the state of war existing between the United States government and her allies and
Nays—7.
Buchanan of Bell. McNealus.
Johnson of Hall. Page.
Johnston of Harris. Suiter.
Lattimore.

Absent.
Decherd. Smith.
Robbins.

Absent—Excused.
Parr.

APPENDIX.

Committee Report.

Committee Room,
Austin, Texas, Aug. 21, 1917.
Hon. W. P. Hobby, President of the Senate:
Sir: Your Committee on Education, to whom was referred S. B. No. 6, A bill to be entitled "An Act creating the Center Oak Independent School District of Bell County, Texas, with certain metes and bounds; providing for the election of trustees of said school district; naming the trustees and officials and their terms of office; and caring for the present bonded indebtedness on said territory embraced in the Center Oak Consolidated Common School District, validating and providing for collection of present maintenance tax levy, and declaring an emergency."

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

BEE, Chairman.

Engrossing Committee Report.

Committee Room,
Austin, Texas, Aug. 22, 1917.
Hon. W. P. Hobby, President of the Senate:
Sir: Your Committee on Engrossed Bills has had Senate Bill No 4 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas,
Thursday, August 23, 1917.
The Senate met at 10 o'clock a. m.
pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.
The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice. Harley.
Bailey. Hopkins.
Bee. Johnston of Hall.
Buchanan of Bell. Johnston of Harris.
Buchanan of Seurry Lattimore.
Caldwell. McNealus.
Clark. Page.
Dayton. Robbins.
Dean. Smith.
Decherd. Strickland.
Floyd. Suiter.
Hull. Westbrook.

Absent.
Gibson. McColum.
Henderson. Woodward.
Hudspeth.

Absent—Excused.
Parr.

Prayer by the Chaplain.
Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Excused.

Senator Henderson was excused for today on account of sickness, on motion of Senator Bailey.
Senator Gibson for today and tomorrow on account of important business, on motion of Senator Bailey.
Senator Parr for today and until next Tuesday, on motion of Senator Clark.
Senator McColum for today and until next Tuesday, on motion of Senator Johnson of Hall.

Messages from the Governor.

The Chair here laid before the Senate the following messages from the Governor received today.
The messages in full are as follows:

Governor's Office,
Austin, Texas, August 22, 1917.
To the Thirty-fifth Legislature in Second Called Session:
At the request of Honorable T. T. Thompson, I hereby submit for your consideration a bill, hereto attached, being an Act creating the Johnstown
Independent School District of Red River County, etc.
Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, August 23, 1917.
To the Thirty-fifth Legislature in Second Called Session:
At the request of Senator C. B. Hudspeth, I hereby submit for your
consideration a bill, heretofore attached, being An Act to amend Chapter 60
of the General Laws of the State of Texas, passed at the Regular Session
of the Thirty-fifth Legislature, being an act supplementing the act creating
the Live Stock Sanitary Commission for the State of Texas, and
which is known as the Eradication of Cattle Tick Law, so that hereafer
Val Verde County shall be placed in Zone No. 2 instead of in
Zone No. 1 as heretofore.
Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, August 22, 1917.
To the Thirty-fifth Legislature in Second Called Session:
At the request of Honorable Ed. H. Lange and Honorable Thos. J.
Martin, I hereby submit for your
consideration a bill, heretofore attached, being An Act amending Articles
2858, 2859 and 2860 of the Revised
Civil Statutes of Texas, so as to pro-
vide for the manner of holding an
election for the levy, the continu-
ce or the discontinuance of
local school taxes in independent
districts incorporated for school pur-
poses only.
Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Petitions and Memorials.
See Appendix.

Committee Reports.
See Appendix.

Bills and Resolutions.
By Senator Hudspeth:
S. B. No. 9, A bill to be entitled

"An Act to amend Chapter 60 of the
General Laws of Texas, passed at
the regular session of the Thirty-fifth
Legislature of the State of Texas,
and being an Act supplementing the
Act creating the Live Stock Sanitary
Commission for the State of Texas,
and which is known as the Eradica-
tion of Cattle Tick Law, so that hereafer
Val Verde County, in the State
of Texas, shall be placed in Zone
No. 2, instead of Zone No. 1 as here-
tofore, and declaring an emergency."
Read first time and referred to
Committee on Stock and Stock Rais-
ing.

Simple Resolution No. 29.
By Senator Dayton:
Whereas, It is a noted fact that
there has been in progress a contro-
voy between certain State officials
and the University of Texas for more
than a year past; and,
Whereas, Said controversy has
reached such proportions and such
an acute stage as to impair the use-
fulness and efficiency of the Univer-
sity; and,
Whereas, It is necessary that some
action be taken by the Legislature
to restore and continue the confi-
dence of the people in their Un-
iversity and in the faculty of the
University; and,
Whereas, It is an institution, only
about thirty-four years of age, and
in this short period has grown to
such proportions as to give every
Texan a feeling of pride and merit
his loyal support; and,
Whereas, The irregularities com-
plained of in the University, in the
judgment of the Board of Regents,
after full investigation, have been
found to never have amounted to
moral turpitude and such irregulari-
ties have been and are being cor-
corrected by the management and the
faculty of the University; and,
Whereas, It is the desire of this
Legislature to explicitly express its
confidence in the University of Texas,
its faculty and its management to
the end that the sons and daughters
of Texans may receive, in Texas, an
education equal to that of any un-
iversity in the United States, and that
the spirit of patriotism and loyalty
may be instilled in the youth of the
land through her own schools and
University; and,
Whereas, It has been charged that
authorities in charge of the Univer-
sity are opposed to making an item
be vested with power to subpoena witnesses, compel their attendance before the committee, punish for contempt and refusal to answer questions the same as the district courts of this State, and employ a stenographer to keep the proceedings of said committee; said stenographer before entering upon the discharge of his duties shall take an affidavit to fairly, impartially and correctly report testimony and acts and doings of the committee. The committee shall determine the compensation for said stenographer.

The committee, or any member thereof, shall have full power to administer oaths to all witnesses and other parties coming before said committee, and have full and complete control of all proceedings before said committee. It shall be the duty of this committee to fully and completely investigate the University and its management in every detail deemed advisable by the committee. Seven members of this committee shall constitute a quorum to do business. Said committee shall report its findings, with such recommendations as it may deem advisable to the next regular session of the Legislature.

The members of said committee shall be allowed $5 per day for time actually spent in investigation. Witnesses shall receive the same fees as they receive for attendance upon the district courts of this State.

Said committee shall make public notice in five daily newspapers of this State of times and places where it shall hold its meetings ten days preceding said meetings.

The sessions of said committee shall be open to the public; any and all persons desiring hearing before said committee on matters pertaining to this investigation, shall be given a hearing; therefore be it further resolved, that the sum of $15,000, or so much thereof as may be necessary, is hereby set aside to bear the expenses of this committee out of the general funds of this State, not otherwise appropriated.

DAYTON
CLARK.

The resolution was read, and Senator Dayton moved to lay the same on the table subject to be called up at 3 o'clock Monday afternoon.

Senator McNealus made the point of order that the Legislature cannot appropriate money for any purpose by a concurrent resolution, as shown by holding with reference to Penitentiary Investigation held by the Thirty-fourth Legislature; but that such expense should be provided for by simple resolution to pay same out of the contingent expense fund.

The Chair did not rule on the point of order.

Senator Bailey moved that further consideration of the resolution and the pending point of order be postponed until next Monday.

The motion prevailed.

Message from the House.

Hall of the House of Representatives, Austin, Texas, Aug. 24, 1917.
Hon. W. P. Hobby, President of the Senate.
Sir: I am directed by the House to inform the Senate that the House has adopted the following:
H. C. R. No. 2, requesting the submission of additional subjects for legislation.

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

Messages from the Governor.

The Chair here laid before the Senate the following messages from the Governor received today.

Pending the reading of the same, Senator McNealus objected to the same being read for the reason as contended by him, that under the constitution of this State the House has suspended the Governor from his office by voting on yesterday for his impeachment.

Senator Bailey made the point of order that the Senate cannot take cognizance of any act of the House, through rumors, newspaper reports or in any manner other than an official notice from that body, and having received none, it is proper for the Senate to receive these executive messages.

The Chair sustained the point of order and directed the secretary to continue the reading of the messages, which he did as follows:

Governor's Office, Austin, Texas, Aug. 24, 1917.

To the Thirty-fifth Legislature in Second Called Session:
At the request of Honorable Fritz R.
Smith, I hereby submit for your consideration the matter of remitting the State ad valorem taxes to Stonewall and Kent counties for the year 1917.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, Aug. 24, 1917.

To the Thirty-fifth Legislature in Second Called Session:
At the request of Honorable Charles M. Spradley, I hereby submit for your consideration an act incorporating and creating the Rhome Independent School District of Dallas and Collin counties, Texas.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, Aug. 23, 1917.

To the Thirty-fifth Legislature in Second Called Session:
At the request of Senator Lon A. Smith, I hereby submit for your consideration a bill, hereto attached, being an Act to amend Article 7355, Chapter 1, Title 126 of the Revised Civil Statutes of Texas, of 1911, so as to exempt hobby horses, theatres, circuses, etc., from paying an occupation tax, when such hobby horses, etc., are operated during the exhibition of and under the auspices and for the benefit of and in connection with district or county agricultural fairs.

Also a bill, hereto attached, being an Act to amend Chapter 27 of the General Laws passed by the First Called Session of the Thirty-fifth Legislature relating to official shorthand reporters' compensation in certain counties.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, Aug. 23, 1917.

To the Thirty-fifth Legislature in Second Called Session:
On May 24, 1917, I was informed by the Honorable Secretary of the Department of Commerce, at Washington, D. C., that he had been obliged "to close the fish-cultural station at San Marcos, Texas, because of the failure of the State to meet the conditions imposed by Congress. These conditions are,

(1) That the State shall afford proper protection to the fish cultivated, and
(2) That the Commissioner of Fisheries and his duly authorized agents shall be accorded the right to conduct fish-cultural work and all operations connected therewith in such manner and at such times as they may regard as necessary and proper.

I deem it proper to call your attention to this matter at this time in the hope that appropriate legislation may be passed which will remedy the alleged existing handicaps about which the Department of Commerce seems to have no occasion to complain.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, Aug. 24, 1917.

To the Honorable Senate and House of Representatives of the Thirty-fifth Legislature of Texas:
I have the honor to herewith transmit for your information a copy of proclamation issued by me this the 24th day of August, A. D. 1917.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

By the Governor, Attest:
C. J. BARTLETT,
Secretary of State.

State of Texas,
Executive Office.

Proclamation.

Whereas, There exist in Harris County, Texas, certain bodies of armed men and armed individuals who are acting together and are resisting the laws of this State and are doing violence to citizens and property located in Harris County, Texas; and

Whereas, The civil authorities of said Harris County and of the city of Houston situated therein have notified me of the existence of the lawless conditions hereinbefore set out, and have stated to me that the civil authorities are unable to cope with the situation and have requested that martial law
be declared in said city of Houston and said Harris County; now
Therefore, I, James E. Ferguson, Governor and commander-in-chief of the military forces, by virtue of the power and authority in me vested by the laws of the State of Texas, do declare that the condition contemplated by Article 5522 of the Revised Civil Statutes of Texas, 1911, exists in said city of Houston and in said Harris County, and do declare martial law in said city of Houston and in said county of Harris.

In testimony thereof I have hereunto set my hand and caused to be affixed the great seal of the State, in the City of Austin, the State Capital, this 24th day of August, A. D. 1917.

JAS. E. FERGUSON,
Governor of Texas.

By the Governor, Attest: C. J. BARTLETT,
Secretary of State.

Governor's Office, Austin, Texas, Aug. 23, 1917.

To the Thirty-fifth Legislature in Second Called Session:

At the request of Honorable R. H. Holland, I hereby submit for your consideration a bill, hereto attached, being an Act to amend Section 30 of the Harris County Road Law, passed by the Thirty-third Legislature, being an act to provide a more efficient road law for Harris County, etc.

Respectfully submitted,

JAS. E. FERGUSON,
Governor of Texas.

Governor's Office, Austin, Texas, Aug. 24, 1917.

To the Texas State Senate:

I ask the advice and consent of the Senate in the appointment of Honorable W. T. Davis, of San Augustine, to be judge of the First Judicial District, in place of Honorable W. R. Blackshear, resigned; and Honorable M. C. Jeffrey, of Lockhart, to be judge of the Twenty-second Judicial District, in place of Honorable F. S. Roberts, resigns.

Respectfully submitted,

JAS. E. FERGUSON,
Governor of Texas.

Senator Caldwell moved that the two nominations submitted be referred to the Committee on Nominations and that the same be considered with other nominations in executive session next Tuesday.

The motion prevailed.

Bills and Resolutions.

Simple Resolution No. 34.

Whereas, During the Regular Session of this, the Thirty-fifth Legislature, a law was enacted appropriating the sum of $1,000,000 per year for the school years ending August 31, 1918, and August 31, 1919, for the benefit of the country schools and to be used in accordance with the provisions of said Act; and,

Whereas, In said Act, among other provisions, the following provision is made, to wit: "Provided that the State Board of Education shall, when it is necessary to extend the term of school, for one time only, apportion any amount not to exceed $200 whether any tax has been levied or not, and State aid may be continued upon condition that the district levy and collect the required local tax"; and,

Whereas, This provision in said Act was inserted by an amendment offered in the Senate and adopted after full discussion and thereafter concurred in by the House, the purpose of this amendment being to assist the small schools that are unable to continue their terms of school for the constitutional term of six months to do so, and thereby stimulate such schools into greater effort to improve the conditions of their schools and give the children residing in such districts better educational advantages; and,

Whereas, The Superintendent of Public Instruction was present in the Senate at least part of the time during such discussion and was and is advised of the reasons why said provision is in said bill and the purposes of same; and,

Whereas, We are informed said Superintendent has indicated to the various counties and school districts of the State that no attention, or at least little attention, will be paid to this provision of the law and that only such schools as are able, financially and otherwise, to fully comply with all the provisions of the law, including the fifty cent tax, will be granted State aid; and,

Whereas, It is the opinion of this Senate that the smaller and poorer schools should not be penalized for the benefit of the larger and more wealthy districts and that granting
You and each of you are hereby commanded to appear before the Senate of Texas, sitting as a Court of Impeachment, on the day of, A. D. 1917, at 10 o'clock a.m. at the Senate Chamber in the City of Austin, Texas, then and there to testify your knowledge in the cause which is before the court, in which the House of Representatives have impeached James F. Ferguson. Herein fail not.

Witness, President of the Senate, and of the Court of Impeachment, at the City of Austin, Texas, this day of, A. D. 1917.

President.

And the following shall be the form of direction for service of such subpoenas:

To the Sergeant-at-Arms of the Court of Impeachment, or any of his assistants:

You are hereby commanded to serve in person, or by registered mail or telegram, the within subpoena and due return make thereof.

Dated at the City of Austin, this day of, A. D. 1917.

Secretary of Said Court.

Which said subpoena may be served upon said witness in person, by registered mail or by telegram.

Be it further resolved, That witnesses summoned to testify at the trial of the said cause, which is now pending in the Senate, shall receive two and 50/100 ($2.50) dollars for each day they shall be required to be in actual attendance, and mileage at the rate of three cents per mile coming from their residence to Austin, Texas, and returning thereto, by the most direct route practicable, which mileage and per diem shall be paid out of the contingent expense fund of the Thirty-fifth Legislature, upon vouchers approved by the Chairman of the Senate Committee on Contingent Expenses, and the President of the Senate.

BAILEY, LATTIMORE, DEAN.

The resolution was read and adopted.

Senate Concurrent Resolution No. 5.

By Senator Caldwell:

Whereas, It is necessary that a copy of all enrolled bills in both the Senate and House be furnished to the State printer by the Secretary of State; therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that the Enrolling Clerk of the Senate and the Enrolling Clerk of the House of Representatives be directed to make carbon copies of all enrolled bills sent to the Governor for his approval, and they are hereby directed so to do, and to deliver the same to the Secretary of State.

The resolution was read and adopted.

Morning call concluded.

Message From the Governor.

At this time a messenger from the Governor appeared at the bar of the Senate with an executive message and the same was laid before the Senate and read by the Secretary as follows:

Governor's Office.
Austin, Texas, Aug. 27, 1917.

To the Thirty-fifth Legislature in Second Called Session:

At the request of Honorable J. C. Russell, representative of San Patricio County in the House of Representatives, I hereby submit for your consideration the following subject for legislation: An Act authorizing the commissioners court of San Patricio County, Texas, to abolish the office of county superintendent of schools, and to confer the duties thereof on the county judge as ex officio county superintendent.

Respectfully submitted,

W. P. HOBBS,
Acting Governor of Texas.

(Senator Dean in the chair.)

Senate Bill No. 14.

(By unanimous consent.)

The Chair laid before the Senate on second reading
S. B. No. 14, A bill to be entitled "An Act to amend the special road law of Cass County, Texas, enacted by the Regular Session of the Thirty-fifth Legislature, 1917, which be-