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OF THE

House of Representatives

OF THE

SECOND CALLED SESSION

OF THE

THIRTY-EIGHTH LEGISLATURE

BEGUN AND HELD AT

THE CITY OF AUSTIN, APRIL 16, 1923

VON BORCKMANN-JONES CO.,
AUSTIN, TEXAS.
1923
Assistant to Sergeant-at-Arms in the
Gallery, W. C. Nichols.
Bookkeeper to Sergeant-at-Arms, J. T. Hamilton.
Clerk to Sergeant-at-Arms, Aaron Cole.
Night Watchman, Charles S. Pipkin.
Messenger to Confederate Home, N. Hollinsworth.
Messenger to Confederate Woman's House, W. H. McWilliams.
Assistant to Engrossing Clerk, Gus Michel.
Assistant to Enrolling Clerk, Hobson Green.
Elevator Operator, William Gerron.
Chief Operator of Voting Machine, L. Ledbetter.
Assistant Operator of Voting Machine, Lord Basford.
Committee Clerks—Francis Cook, Earl F. Solman, J. A. Davis.
Page to Mr. Rice, W. E. Beathard.
Page to Mr. DeBerry, Frank Roach.
Stenographers—Miss O. D. Hughes, Miss Ora Taulbee, Miss Ruby Gillespie, Mrs. Oma Stanley, Miss Gusie Cottingham, Mrs. Lois Haltom, Miss Marjorie Williams, Miss Besie Minter, Miss Isabelle Sutherland, Miss Ruby Robertson, Miss Wanda Barnett, Miss Pearl Williams, Miss Anita Heberer, Miss Laura Aten, Miss Grace Johnson, Miss Ruby Turpin.
Pages—John Lee Pool, Glenn Bowen, Bertram Simmons, George Woodruff, Roy Meyer, Morris George, Neywood Roberdeau, Ernest Davis, W. T. Lindsey, Buster Vanpelt, Quentin Lacey, Langston Smith, Billey Moore, Huard Jones, Weldon Terrell.

MESSAGE FROM THE GOVERNOR.

The Speaker laid before the House and had read the following message from the Governor:

Governor's Office,
Austin, Texas, April 16, 1923.

To the Members of the Thirty-eighth Legislature, Second Called Session.

Gentlemen: You have been called in extraordinary session to deal with extraordinary problems. Among the several subjects calling for legislative consideration, none more urgently demands careful thought and decisive action than does the one of taxation. It must necessarily be studied from many angles. Upon the proper solution of this problem depends in no small degree efficient and orderly conduct of the public service. Government and taxation are inseparably interwoven. They are interdependent.

There are two sources of revenue: one is property, the other is privilege. Growing out of a practice covering a long period of years, we are prone to look too much to property, and too little to privileges, each alike valuable possessions, from which to secure revenue for the support of the government. We have been educated to believe that tangible things, which can be seen, like land, and not intangible things, earning factors in modern commercial life, are the taxable things with which to maintain our governmental institutions. As a result, land, taken as a whole, is paying too great a part of our tax burdens, and, in proportion, privileges are bearing too little. Tangible or intangible, visible or invisible, a profitable possession, whether land or privilege, is a valuable possession and should bear, proportionate to its value, a rightful share of the costs of the government which protects and makes valuable such possession.

During the past few years, comparatively speaking, on account of the development of the natural resources and other big interests, the whole fabric of our industrial life has been renewed. Individual opportunity has given way to corporate monopoly. With the development of this new industrial age has come increasing demands upon the State for corporate privileges. Inasmuch as Texas furnishes a rich and ample field for the development of natural resources, and inasmuch as valuable rights pertaining thereto are received from the State, it is not an unreasonable exercise of the taxing power for the sovereign state, which furnishes this field and protects these rights, to impose a reasonable tax upon the earning value of these valuable possessions and privileges.

An interesting illustration, both of the value of privilege and of the extent to which corporate monopoly has grown, which should impress itself upon legislative thought, may be had by comparing the gross receipts of ten classified corporate industries, which for the year 1922, from operations in Texas, exceeded eight hundred millions of dollars, with little in excess of four hundred million dollars received during the same year by four hundred thousand farmers for their entire cotton crop, including the seed.
Franchise Tax.

There are approximately 13,000 corporations doing business at this time in the State of Texas. With the exception of a nominal flat franchise tax, only a small per cent of these corporations are taxed with reference to the value of the privilege received. Inasmuch as land is taxed upon value, frequently unsupported by earning capacity, there is no sound reason why privileges should be accorded a more lenient rule, especially when, as in the case of privilege, the tax does not adhere except upon value actually proved by actual earnings. Texas, under its nominal flat rate franchise tax, receives from her corporations, excepting a small per cent coming under the provisions of the gross receipts tax or intangible tax laws, less money than half a million dollars each year; while California, for illustration, under the taxing system based upon the value of the privilege conferred, receives from the same class each year, approximately three and one-half million dollars. Our franchise tax law should be amended to the end that these valuable privileges received by corporate interests from the sovereignty of the State, be taxed in proportion to the value of these corporate rights and franchise privileges. In this way taxes would be placed where they belong and the State's necessary revenue will be materially increased.

Gross Receipts Tax.

The present gross receipts tax law was enacted by the Legislature of 1907. Since its enactment the rate of tax imposed has not been changed. During the same period, however, the ad valorem tax upon property has been increased from 32 cents to 75 cents upon the one hundred dollars of assessed valuation. During the same time, the State's assessed valuation has increased from $1,635,297,115 to $3,379,872,796. It is therefore clearly seen that the present gross receipts tax law should be rewritten and the rates adjusted to present-day conditions.

Tax on Crude Oil, the State's Greatest Natural Resource.

As shown by the records in the Controller's Department, the production of crude oil in Texas for the year ending August 31, 1922, totaled 113,683,608 barrels, having an aggregate market value of $117,676,517. It is estimated that the big oil companies produce about 75 per cent of this annual oil output. As a matter of equity and as a matter of right, Texas has a claim against these oceans of oil found thousands of feet below her surface. Is the State of Texas to stand idly by and see this stream of gold flow out of her borders until the State is drained dry, and not require this enormous wealth to build its proportionate part of our schools, our public roads, and our eleemosynary institutions? Will the Legislature permit this great natural resource to make millionaires of a few and at the same time not do its part in paying for those worth-while things that make a State both great and good?

The daily papers of this State recently carried the statement that one oil company alone, last year, a clear profit of $60,000,000 out of crude oil, a natural resource.

Our neighboring States, Oklahoma and Louisiana, demand of their oil companies a reasonable compensation for the support of their respective governments. Shall the people of Texas continue to sleep at the switch while the oil trains pass by?

This oil industry is not confined to production alone. Frequently, through interlocking interests, and close corporate affiliations, the occupation of producing is intimately associated with the refining industry and the pipe line industry—the natural by-products of our oil wells. As parts of a whole, these separate industries should bear, in keeping with their values, a proportionate share of the costs of the government, under the protecting wings of which they create their wealth.

The Man of Wealth Who Stands Between.

Among the several activities of our big and busy industrial life there is frequently standing the middle man, who should not be overlooked in the legislative study of our tax problems. On the highway of commerce he stands between the cotton fields and the factory; the ranch and the meat shop; the oil well and its numerous wealth-producing by-products. This middle man may not be directly concerned in the original production of wealth, but in the handling of this produced wealth he makes his profits. Having in his possession perchance, but little visible, physical property, he pays but little tax. He
may not produce cotton, yet as a broker his profits far exceed those of the tiller of the soil, who, by arduous labor, does produce it. He may not bore oil wells, yet in buying from the producers and selling to the pipe lines, the refineries, and other handlers of crude oil, he amasses his millions. He may not raise cattle on the ranch, but may be a potent factor in cutting down the price of cattle on the hoof and of running up the price of a roast in the meat market. In short, there are many men and industries earning enormous profits in the handling of capital vastly out of proportion to the value of their taxable physical property. Certainly this wealth, thus accumulated, should contribute its part to the support of the government.

Delinquent Taxes Should Be Collected.

Under our present inefficient tax law we have no effective way of collecting taxes. In justice to the State, and in justice to those who do pay their taxes, all past due taxes should be collected. As shown by the records, the delinquent taxes due on real estate alone aggregate in excess of $6,000,000. Effective laws should be promptly enacted whereby these past due taxes could be collected, and the proceeds turned into the Treasury.

Equalization of Taxes.

Our State Constitution declares that, "taxation shall be equal and uniform," and that "all property in this State shall be taxed in proportion to its value." This language of the Constitution is definite and mandatory. It is, however, a matter of common knowledge that we have in this State no uniformity of assessed valuations. There can be no equality of taxation except that which is based upon uniformity of assessments.

Laws should be enacted whereby, for the purpose of the State tax levy, assessed valuations throughout the State shall be brought to a uniform standard. It should at all times be kept in mind, however, that no system of taxation may in truth be called just and equitable that does not equalize the tax burdens, not only those that pertain to property of the same value and character, but those also pertaining to property and valuable privileges granted to special interests by the State.

Present Status of Your State's Treasury.

Upon this the 16th day of April coincident with the beginning of your deliberations, the State's general revenue account shows a deficit amounting to $780,406.55. In addition thereto, as shown by the record in the Comptroller's Department, there are outstanding legislative appropriation charges against general revenue, subject to demand between present date and August 31, 1923, aggregating $6,318,690.85.

The total of expectant revenue to be derived from all sources during the same period, including receipts from tax collectors, departmental revenue and gross receipts taxes, will not exceed $2,384,693.45, showing a deficit of revenue to meet outstanding obligations as of August 31, 1923, amounting to $3,309,697.40. Any appropriations made by the Special Session to be available during the present fiscal year will, to such an extent, increase the debt shown. Assuming that for the Special Session the usual necessary appropriation to pay mileage and per diem of members, and contingent expense, will be $86,000. This item included will bring the total deficit of general revenue as of August 31st, to $5,484,097.40.

The total sum appropriated by the Regular Session of the Thirty-eighth Legislature was $6,914,500, of which sum $165,000 was for mileage, per diem and expense, and $3,000,000 in aid of public free schools and since transferred from general revenue to the available school fund. Of the remainder appropriated, $1,483,250 was made available during the present fiscal year; $847,500 September 1st, 1923, to August 31, 1924, and $1,418,750 September 1st, 1924, to August 31, 1925.

It is estimated that assessed valuations of all property subject to the ad valorem tax for the year 1923 will not exceed $3,400,000,000. Without taking into account additional revenue, such as in your wisdom may be provided for, general revenue for the fiscal year September 1, 1923, to August 31, 1924, conservatively estimated will not exceed $18,920,900. From this amount of prospective Revenue, the deficiency as indicated, $3,484,097, plus appropriations by the Regular Session, available September 1, 1923, to August 31, 1924, $847,500; total, $4,531,597, leaving a balance of $12,388,403 to meet requirements of the general appropria-
tion bills for maintenance of the State's government, including the judiciary, the several eleemosynary institutions, institutions of learning, executive and administrative departments and miscellaneous items, and such appropriations out of the general revenue as may be made in aid of the public free schools. Exclusive of miscellaneous items and appropriations in aid of the public free schools, recommendations submitted by the Board of Control, not including the State Highway Department, aggregate $15,986,689, as against estimated revenue of $12,288,403, indicating, based upon the figures submitted, a prospective deficit to general revenue at the end of the fiscal year August 31, 1924, of $3,697,256.

Therefore it is obvious that the Legislature must either enact laws providing additional revenues or materially reduce the operating expense of the State government. We must make provision for our eleemosynary and educational institutions, including the public free schools, the judiciary and the executive and administrative departments of our government. The State should be placed upon a "Pay as you go" basis. Conservative thought and action will go far toward solving our present financial problem. In solving it, I feel confident of your earnest and patriotic cooperation. In the light of the above truths and in the spirit of co-workers, I submit for your consideration tax legislation on the following subjects:

1. A law by which, in keeping with their value, producers of crude oil, refineries and pipe line companies, shall pay to the State a tax commensurate with their accumulating profits derived from the State's economic wealth.
2. A law by which corporate franchise privileges be taxed upon a basis of the value of such rights received from the State.
3. A law amending the present gross receipt tax schedule of rates so as to conform with present-day earnings.
4. A law providing for a more comprehensive system of taxing inherited property with liberal exemption in favor of the widow, husband and lineal issue.
5. A law by which property of every character now subject to the ad valorem tax, yet escaping taxation, be introduced to the tax assessors and be made to pay its rightful share.
6. A law by which delinquent taxes may be impartially collected and the proceeds paid into the Treasury.
7. A law that will equalize, for the purpose of the State tax levy, property valuations.
8. An income tax law. Such a law may, and should be, designed especially to reach a considerable number of persons who, having little or no physical property to be taxed, yet in their particular fields, prosper far beyond the average citizen who is regularly taxed. Their children, like those of their tax-paying neighbors, are educated at public expense. They have equal protection of the law; they should bear their rightful share of the expenses of government.

It is to be hoped that these necessary revenue-producing measures may have priority over other legislative matters, in order that we may all know, at the earliest date possible, the length and width of our financial cloth from which we must necessarily cut our appropriation garment.

Respectfully submitted,
PAT M. NEFF,
Governor.

PROVIDING FOR AMENDMENT TO RULES OF THE HOUSE.

Mr. Satterwhite offered the following resolution:

Resolved by the House, That the Rules of the House be amended as follows:

1. Strike from Section 6 of Rule 4, after the word "enrolled," in line 6, the following: "They shall be immediately copied in a letter press copy book by the Enrolling Clerk, in the presence of the Committee on Enrolled Bills."
2. Add a new paragraph to Section 6 of Rule 4, which shall read as follows:

"The Enrolling Clerk shall note the following on every enrolled bill, which notation shall constitute the certification of the Speaker of the House, the Lieutenant-Governor, the Chief Clerk of the House, and the Secretary of the Senate as applied to their respective bodies:

"1. The date of final passage of the bill, and the vote by which the bill was finally passed, if a record vote was taken. If no record vote was taken, the fact shall appear in this notation. If the bill was amended in the house other than that in which it originated, this fact shall also be noted.

"2. The date of concurrence in amendments by the other house; and
irrigation water and service, amending Chapter 88 of the General Laws of the Thirty-fifth Legislature, Regular Session, approved March 9, 1917, by amending Section 87 of said act, limiting and regulating the contract lien upon crops irrigated, exempting municipal owned companies or associations or governmental agencies, and levying an occupation tax, repealing all laws in conflict herewith, and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Mr. Greer, Mr. Melson, Mrs. Wilman, Mr. Chitwood, Mr. Wallace and Mr. Henderson of Marion:

H. B. No. 22. A bill to be entitled "An Act to provide for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of two million dollars per year, or so much thereof as may be necessary, for the next two fiscal years ending August 31, 1924, and August 31, 1925, respectively; allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished and maintained; providing certain prerequisites for the granting of such aid; and providing no school having over five hundred scholastic shall receive such aid; giving preference to all school districts in which the available school fund together with the local district tax will not maintain the school six months in the year; limiting the amount which any school may receive; providing for aid for schools where extraordinary conditions prevent school from meeting stated requirements; providing assistance for such rural schools as will afford instruction and demonstration in home and farm vocations, according to plans approved by the State Department of Education; providing assistance for small districts which effect consolidation during two fiscal years; providing for the expenses of administration by action of the State Board of Education; providing for report to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disposition of all money granted under the provisions of this act; repealing all laws and parts of laws in conflict herewith."

Referred to Committee on Appropriations.

BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 1, "An Act making appropriations to pay the per diem and mileage of members and per diem of officers and employees of the Second Called Session of the Thirty-eighth Legislature of the State of Texas; to pay the unpaid warrants held by members, officers and employees of the Regular Session of the Thirty-eighth Legislature; to pay the per diem of the employees for post-session work of the Regular Session of the Thirty-eighth Legislature; to pay the per diem of members, officers and employees for the pre-session work of the Second Called Session of the Thirty-eighth Legislature, convened on the 16th day of April, 1923, by proclamation of the Governor; providing how accounts may be approved, and declaring an emergency."

S. B. No. 2, "An Act making appropriations to pay the contingent expenses of the Second Called Session of the Thirty-eighth Legislature of the State of Texas; to pay the contingent expenses of the post-session work of the Regular Session of the Thirty-eighth Legislature and to pay the contingent expenses of the pre-session work of the Second Called Session of the Thirty-eighth Legislature of the State of Texas, convened April 16, 1923, by proclamation of the Governor; providing how accounts may be approved, and declaring an emergency."

MESSAGE FROM THE GOVERNOR.

Mrs. J. F. Tindale, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House as follows:

Governor's Office,
Austin, Texas, April 16, 1923.

To the Members of the Thirty-eighth Legislature, Second Called Session.

Gentlemen: During the days of Roman splendor it was said that Cato, the Censor, never made a speech in be-
Yielding with respect to the first and noblest of the dictations of the great Roman, it is now time to present the fourth time to present the Fourth Amendment to the Constitution of this country. At and in order in this State, I come for the purpose of making certain suggestions and observations concerning the same. It is not a time to violate our statutory law. It is not a time to disregard our constitutional injunctions. We have but one Constitution for the nation and but one Constitution for the State, and each and every part of these documents is binding on all the people. Both the national and the State Constitutions prohibit the manufacture and the sale of intoxicating beverages; therefore, every man who loves his country, or respects her laws, should now be an active defender of this constitutional provision. No full-blooded, red-blooded son of Texas should encourage by voice or in speech, the liquor traffic. No man, or group of men, should be permitted to nullify the Constitution of the country, or defy the law of the land.

By constitutional and statutory enactments, the bootlegger is now the outlawed enemy of civilization. He prostitutes statesmanship with ill-gotten gold; he debauches official life with polluted politics; he pulls down the flag of his State with traitorous hands, and laughs to scorn the Constitution of his country. He combines the spirit of the Bolsheviki and the anarchist. There should be no spot on Texas soil where the bootlegger should be permitted to stand and conduct his nefarious business. He is an enemy to our civilization and no one should, by word or act, make easy his pathway.

If the moonshiner is caught making whisky, or the bootlegger is apprehended handling it, he should be, when this is proven on him, sent to the penitentiary, unless he is able to explain to the satisfaction of an unprejudiced jury that he was making, or handling it, within the law. When a person is found with stolen property in his possession, he is adjudged guilty under the law unless he can prove that he had a right to carry the weapon. When a person is found with property in his possession, he is adjudged guilty under the law unless he can explain to a court and jury how and why the stolen property came into his possession. By exactly the same rules of evidence, the moonshiner and the bootlegger should be tried. The business of Texas will not be stopped until we have a law of this kind. It is indeed a sad commentary that we have come upon a day when the liquor influence of this State is so strong that the people who wrote the prohibition law are unable to get adequate legislation for its enforcement. Our prohibition law is not the edict of a king. The people who own this government went to the ballot box, the last resort of freemen, except the battlefield, and wrote with their own hands this prohibition law into the fundamental principles of their government. Therefore, the people who made this law have a right to look to their public servants for whatever laws are necessary to adequately enforce this constitutional provision.

Officers of the Law Should Enforce the Law or Be Put Out of Office.

Neither the prohibition law, nor any other law, is automatic in its enforcement. A law cannot put on its hat and walk out of the statutes and enforce itself. Laws can only be given life by official action. Therefore, officers are elected by the people and charged with the responsibility of enforcing the law. They are the agents of the people. The people placed their trust in them by making them guardians of their property, their liberty, and their lives.
There is no channel through which the law can be enforced except by authority and power vested in the officers. For this high purpose the resources of the State and the powers of the government are placed at their command. The officer who keeps his eye shut to the law and connives at its violations, should not be permitted to receive the emoluments of office. The officer who is unwilling to enforce the law should be stripped of every official power and every insignia of office. When an officer wilfully and corruptly fails and refuses to enforce a law, he should be ousted from office.

Ouster Proceedings.

The Attorney General of the State should be authorized to go into the open courtroom before judge and jury, and if he proves to twelve men in the jury box that an officer has wilfully and corruptly failed and refused to enforce the law, then in that event said defaulting officer should be ousted by order of the court. In order that the State and the defendant may each get a fair trial, the Attorney General, if he so desired, should have the authority to institute ouster proceedings in a county other than the residence of the officer to be tried. Similar proceedings as to where a person may be tried, may now be instituted in criminal assault cases, in conspiracy, in pandering, in misapplication of public funds, in violation of anti-trust laws, in abduction, in kidnapping, in violation of the highway law and in several other offenses against the laws of Texas. There is no use to try an officer in his own county. The very fact that a county has an officer who refuses to enforce the law is strongly suggestive that the State would not get a fair trial in an effort to enforce the law. Try him where both the State and the defendant can have a fair and impartial trial. If you try him in his own county, where all his friends, relatives, supporters, and henchmen live, he can easily get one juror out of the twelve who will hang the jury. A bill thus providing for the removal of officers is not needed in many counties, but in some counties it is badly needed. It will not hurt the good officers. The corrupt, dishonest officers are not entitled to be protected in their official misconduct.

Certainly no member of the Thirty-eighth Legislature should object to the passage of a bill providing for the removal of officers on the ground that the venue of such a suit is placed in a neighboring county to the county in which the officer resides, because at the Regular Session of this Legislature, Senate bill No. 34 passed the House and the Senate without a dissenting vote. That bill pertained to the prosecutions, or quo warranto proceedings relative to the forfeiture of charters of domestic corporations and contained the following provision:

"Article 7801. For a violation of any of the provisions of this chapter, or any anti-trust laws of this State, by any corporation, it shall be the duty of the Attorney General, when in his judgment the public interest requires it, upon his motion and without leave or order of any judge or court, to institute suit or quo warranto proceedings in Travis county, or at the county seat of any county in the State which the Attorney General may select, for the forfeiture of its charter rights and privileges, and the dissolution of its corporate existence, and for such purposes venue is hereby given to each district court in the State of Texas."

There was no objection to the passage of the above mentioned bill, notwithstanding it gave to the Attorney General the authority to institute suit, or quo warranto proceedings either in Travis county, or in any other county of the State.

That there is necessity for the passage of a law providing for the removal of officers against whom it can be proven that they wilfully and corruptly refused to enforce the law, there can be no question. This is no indictment against all the officers of Texas, but it can be truthfully stated that there are officers in certain localities who openly and arrogantly, wilfully and corruptly fail and refuse to uphold and enforce the law. They protect the criminal and neglect the public. Instead of enforcing the law, they stand in the way of the law. They encourage lawlessness in one form or another, and it is the duty of the State to protect itself against such officers.

You may not know it, but it is a fact that there are places in Texas where the booze traffic is protected by official life. Officers of the law should not shield crime anywhere. To protect or make easy violations of the prohibition law, is to encourage lawlessness. Whoever encourages lawlessness strikes at the very heart of his own government.
State Sovereignty in the Enforcement of the Law.

Argument has been made by some people that the officers and the people of the respective counties are the judges as to how the laws should be enforced in their respective counties; that the enforcement of the laws in these counties is not a matter in which the State should interfere; and that for the State to do so is a violation of the fundamental principles of local self-government. There is no such thing as local self-government in regard to violations of the law. Our government was not instituted to favor criminals, but to protect the law-abiding. Every crime that is committed is a crime against the State. The State enacts laws, not the counties. The State is the sovereign government. Counties are but political subdivisions of the State, made by the State for the convenience of the State in the administration of the government. Counties elect their officers, but elect them to enforce State laws. Every indictment charging an offense against the law begins in the name of the State and closes against the peace and dignity of the State. Every person in the penitentiary was sent there in the name of the State, not in the name of the county. The State pays the expenses of the sheriff who arrests him, of the judge who tries him, and of the penitentiary authorities who keep him. Therefore, the standard in behalf of law and order must be raised in the name of the State. When county officers protest against the State sending her rangers and her State officials to a county to enforce the law, the protest is always made for the benefit of the criminals and not the law-abiding people. If a county were permitted to set up its own standard for law enforcement, then the criminals could take charge of some small county in Texas and have a world of unrestrained lawlessness all their own. No parliament of gamblers, bootleggers, thieves, thugs, murderers, and trespassers of the law generally, should be permitted to establish courts, elect officers, and take charge of any county in this State. The law should be enforced and respected on every square foot of Texas soil.

In the name of law and order, and its efficient administration, I submit to you for your consideration, and recommend the passage of legislation on the following subjects:

1. To vest the courts of Texas with effective authority to remove from office any officer against whom it can be proven in open court and before a jury, that such officer has willfully and corruptly failed and refused to enforce, as he took an oath to enforce the laws of the country.

2. To pass such laws as will make more effective the provisions of the Federal and State Constitutions which prohibit the manufacture, the sale, and the transportation of intoxicating beverages.

3. A law providing that in criminal prosecutions, counsel for the State shall have a right to argue the fact that defendant failed to testify in his own behalf.

4. A law providing that no case, civil or criminal, shall be reversed for technical reasons that do not in any way touch the merits of the case; providing also for a modification of the court procedure requiring courts of appeal to write lengthy decisions on all questions raised in a case, permitting the judges to write short and simple decisions on all well established points of law.

Respectfully submitted,

PAT M. NEFF,
Governor.

ADDRESS BY HON. ROSCOE POUNDS.

In accordance with a resolution heretofore adopted, inviting Hon. Roscoe Pounds to address the Legislature, the Speaker announced the appointment of the following committee to escort Hon. Roscoe Pounds to the Speaker's stand:

Messrs. Carpenter of Dallas, Nelson, Bell, Beasley, Henderson of McLennan, Morgan of Robertson.

Senators Darwin and Thomas were requested by the Speaker to accompany the committee to the platform.

The committee having performed their duty, Speaker Seagler presented Senator Darwin, who in turn introduced Hon. Roscoe Pounds.

Hon. Roscoe Pounds then addressed the Legislature.

RECESS.

On motion of Mr. Satterwhite, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.
The Speaker then laid House bill No. 34 before the House on its third reading and final passage. The bill was read third time and was passed.

HOUSE BILL NO. 34 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,
H. E. No. 34, A bill to be entitled "An Act making it a felony for any person to carry on or about his person while violating the liquor laws any weapon or arm mentioned in Article 475 of the Penal Code; prescribing the penalty, and declaring an emergency."

The bill was read second time.

Mr. Stroder offered the following amendment to the bill:
Amend House bill No. 34 by changing Section 2 to read Section 3, and insert a new Section 2, as follows:
"Section 2. If any person shall have on or about his person any weapon or arms mentioned in Article 475 of the Penal Code of 1911, as amended, and shall have in his possession at the same time any intoxicating liquor as defined in the prohibition laws of this State, which liquor was not procured from one who had a legal right to sell same, he shall be guilty of a felony, and upon conviction shall be confined in the State penitentiary for a period of time not less than one year, and not more than five years."

Mr. Jones offered the following amendment to the amendment:
Amend amendment to House bill No. 34 after the word "person," by adding the following: "or in any vehicle of whatever kind or character."

Mr. Patman offered the following substitute for the amendment to the amendment:
Amend House bill No. 34, after the word "liquor" in line 13, page 1, add the following: "or any other offense in violation of the law of Texas."

Mr. Jones moved to table the substitute by Mr. Patman.

MESSAGE FROM THE GOVERNOR.

Mr. John H. Johnson, Assistant Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office,
Austin, Texas, April 26, 1923.

To the Members of the Second Called Session of the Thirty-eighth Legislature.

Gentlemen: I hereby submit to you for your legislative consideration, the following subject matters:
1. Highway legislation: giving county commissioners courts authority to condemn land for the purpose of laying out and building public highways; providing for the use of gravel, shell, and similar material belonging to the State,
used in public road building; and the condemnation generally of land, including right-of-way thereto, containing road building material; providing for safe crossings at the intersections of public highways and railroad tracks; regulating headlights on motor vehicles used on public roads; regulating motor trucks and jitney lines operating for hire on public roads; defining the weight and size of vehicles used on the public roads and the amount of tonnage to be carried at any one time on any of said vehicles; providing for an emergency upkeep and maintenance of the improved highways of Texas.

2. Laws relating to classing, grading, weighing, labeling, and marketing farm, orchard, and dairy products, and other articles of commerce.

3. Enactment of laws providing for, and regulating primary elections.

4. Extending oil and gas permits on lands which are now, or have been, under the control of the Federal receiver appointed by the Supreme Court of the United States for such periods of time as such lands have been under the control of said receiver.

5. Amending law relating to navigation districts containing cities with a population exceeding one hundred thousand.

6. A law authorizing the State of Texas to co-operate with other cotton producing States in what is known as the work of the Cotton States Commission.

7. Local bills; creating the Velehrad County Line Common School District, composed of territory in Lavaca and Fayette counties; amending the Navajo Independent County Line School District law passed by the Thirty-eighth Legislature; amending the law creating Anahuac Independent School District in Chambers county; creating common and independent school districts in Hidalgo county; creating the Bernardo Independent School District in Colorado county; the creation and consolidation of common and independent school districts in Smith county, Bandera county, Montague county, Navarro county, Hill county; creating and incorporating the Quitaque Independent School District in Briscoe county; defining the limits of the McCulloch County Line Independent School District; creating and defining the limits of the Sylvester Independent School District in Fisher county; creating and defining the boundaries of common and independent school districts in Edwards county.

8. Amending the present Brazoria county road law.

9. A law providing for a tax and the license fee for the taking and selling of raw furs in Texas; a more equitable and practical law protecting in Texas, game animals and wild birds.

Respectfully submitted,

PAT M. NEFF,
Governor.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Davenport:

H. B. No. 56, A bill to be entitled "An Act amending Article 3903 of the Revised Civil Statutes of the State of Texas of 1911, as amended by Section — of Chapter 80 of the Acts of the Forty-Fifth Legislature, providing that the State Executive Committee of parties holding primary elections may prescribe qualifications for voters in such party primaries which shall be uniform throughout the State and shall be enforced by all county executive committees of such party."

Referred to Committee on Privileges, Privileges, Suffrage and Elections.

By Mr. Davenport:

H. B. No. 57, A bill to be entitled "An Act amending statutes relative to elections, general and primary, and the requirements of poll tax receipts; amending Article 3949 of the Revised Civil Statutes of the State of Texas of 1911, requiring poll tax receipts to show the name of the political party to which the person to whom it is issued belongs; amending Article 2950 of the Revised Civil Statutes of the State of Texas of 1911, requiring that every poll tax receipt form shall show the political party to which the person to whom such receipt is issued belongs; amending Article 2953 of the Revised Civil Statutes of the State of Texas of 1911, requiring that exemption certificates shall state the name of the political party to which the person procuring such certificate belongs; amending Article 2956 of the Revised Civil Statutes of the State of Texas of 1911, requiring duplicate copy of poll tax receipts and certificates of exemption to show the name of the political party of the person to whom such receipt or certificate of ex-
The amendment was adopted following vote:

Yeas—66.

Abney.  Looney.
Avis.  McDaniel.
Barker.  McKean.
Bell.  McNatt.
Burmeister.  Merritt.
Carpenter of Matagorda.  Miller.
Carson.  Patterson.
Covey.  Pinkston.
Cowen.  Pool.
Culp.  Pope.
Davenport.  Potter.
DeBerry.  Rice.
Dielmann.  Robinson.
Downs.  Rowland.
Duffey.  Russell.
Dunlap.  of Callahan.
Fields.  Sackett.
Finlay.  Sanford.
Henderson of Marion.  Satterwhite.
Henderson of McLennan.  Shearer.
Houston.  Smith.
Howeth.  Sparkman.
Hull.  of Edwards.
Irwin.  Stewart.
Jennings.  Stevens.
Johnson.  Strickland.
Kemble.  Thompson.
Lane.  Wallace.
LeMaster.  Westbrook.
LeStourgeon.  Williamson.
Lewis.  Wilson.

Nays—36.

Baker of Milam.  Green.
Baker of Orange.  Greer.
Beasley.  Harrington.
Bryant.  Harris.
Chitwood.  Jacks.
Driggers.  Lackey.
Dunn.  Laird.
Durham.  McFarlane.
Edwards.  Martin.
Fugler.  Mathes.
Moore.  Stell.
Morgan of Liberty.  Stewart of Reeves.
Morgan of Robertson.  Stroder.
Patman.  Sweet.
Quinn.  Thrasher.
Shires.  Wells.
Simpson.  Wilmans.

Present—Not Voting.

Mr. Speaker.  McDonald.
Arnold.  Absent.

Bird.  Maxwell.
Cable.  Melson.
Coffee.  Montgomery.
Collins.  Price.
Davis.  Purl.
Faubion.  Quaid.
Gipson.  Rogers.
Hardin of Erath.  Rountree.
Hendricks.  Stierberg.
Hughes.  Teer.
Lamb.  Vaughan.

Absent—Excused.

Amesler.  Dodd.
Baldwin.  Frnka.
Barrett.  Hardin.
Blount.  Jones.
Bobbitt.  Jones.
Bonham.  Lusk.
Carpenter of Dallas.  Merriman.
Carter of Coke.  Russell of Trinity.
Crawford.  Turner.
Dinkle.  Wessels.

Mr. Pope move to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

H. B. No. 8, "An Act making an emergency appropriation for the Adjutant General of this State, made necessary by emergencies arising in declaring martial law in this State, and declaring an emergency."

MESSAGE FROM THE GOVERNOR.

Mrs. Margaret Tindale, Assistant Secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:
Governor's Office,  
Austin, Texas, May 1, 1923.

To the Members of the Thirty-eighth  
Legislature, Second Called Session.

Gentlemen: In the train of consequences following the development of  
the automobile and its wide and varied use, as the concurrent result of improved  
highways, is the response by all classes of our people to the "back to nature" call.  
Nothing is more conducive to the happiness and contentment of a people, a State's most valuable asset,  
than for them to go "back to nature," where the bees hum, the birds sing, the  
brooks ripple, the breezes blow and the flowers bloom. Here, spending their  
hours of recreation on blue-bonneted hills and daisy-decked meadows, in an  
atmosphere sweet with the perfume of flowers of a thousand hues, the old  
grow young, the sick regain health, and the weary enjoy a quiet rest. The  
health, welfare and happiness of the people of Texas is largely enhanced by  
the number of places within her borders, where the people in vacation and leisure  
periods can go for rest, recreation and relaxation. Texas, by nature, is rich  
and radiant in scenic beauty spots peculiarly adapted in climate and environment  
to outdoor life. These primeval and picturesque places of native charm and  
characteristic beauty are rapidly disappearing before the onward march of  
cold, consuming commercialism. These places particularly suited for park and  
pleincking purposes should be preserved not only for the present, but for posterity.  
These camping and outing places, these rest and recreation resorts, these breathing spots for  
humanity where the weak, the weary and the worn are nursed, in the lap of nature,  
back to health, wealth and happiness, should be established along our highways and scattered  
throughout the State wherever trees grow and water runs.

By the establishment of a system of parks and camping places throughout the  
State we will make of Texas the Mecca for automobile tourists and bequeath to posterity a most valuable  
legacy.

In keeping, therefore, with the foregoing thought, I recommend that there  
be created by this Legislature a State parks committee, composed of six members,  
to serve without compensation, said committee to be charged with the duty of soliciting donations of land in  
tracts large or small to be converted by said committee into public parks, said committee to be also charged with the  
duty of investigating and locating tracts of land, large or small, suited for public park purposes, and reporting said findings and all data concerning said tracts of land to each Regular Session of the Legislature to the end that Texas, by either donations of land or acquisition by purchase of same, may establish, before it is too late to do so, a system of State parks where the rank and file of the people of Texas and elsewhere may go and forget the anxieties, the strife and vexations of life's daily business grind.

Respectfully submitted,  
PAT M. NEFF,  
Governor.

SPECIAL ORDER SET.

On motion of Mr. Pope, by unanimous consent, House bill No. 51 was set as a special order for 10 o'clock a.m. tomorrow.

BILLS RECOMMITTED.

On motion of Mr. Culp, House bills Nos. 18 and 36 were recommitted to the Committee on Revenue and Taxation.

HOUSE BILL NO. 14 ON ENGROSSMENT.

The Speaker laid before the House, as unfinished business, on its passage to engrossment,  
H. B. No. 14, A bill to be entitled "An Act providing for the collection of delinquent occupation, franchise, inheritance and insolvent taxes and other money due the State, and providing a means for collecting such taxes, repealing all laws in conflict with this act, and declaring an emergency." The bill having heretofore been read second time, with amendment by Mr. Pope, substitute by Mr. Satterwhite for the amendment, motion by Mr. Greer to postpone further consideration of the bill indefinitely and motion for the previous question on the pending motions and the bill pending.

Question first recurring on the motion for the previous question, it prevailed. Question then recurring on the motion to postpone indefinitely, yeas and nays were demanded.

The motion to postpone was lost by the following vote:
House Journal. 177


Mr. Satterwhite moved that further consideration of the bill be postponed until 11 o'clock a. m. next Friday. On motion of Mr. Pope, the motion to postpone was tabled.

Extending Use of the Hall.

Mr. Smith offered the following resolution:

Whereas, The Texas Radio Corporation will tonight at 8 o'clock broadcast a special program for the entertainment of the legislators; and

Whereas, Several of the speakers on the program are members of the House and Senate; and

Whereas, It is desired to give the entire Legislature the pleasure and benefit of the program; therefore, be it

Resolved, That the Texas Radio Corporation be allowed to place in the House for this evening at 8 o'clock a radio receiver and a loud speaking instrument, through which the program may be heard all over the House chamber.

The resolution was read second time and was adopted.

Resolution Signed by the Speaker.

The Speaker signed in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

H. C. R. No. 6, Inviting Mrs. Rebecca J. Fisher to address the Legislature.

Senate Bill on First Reading.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee as follows:

Senate bill No. 8, to the Committee on Appropriations.

Recess.

Mr. Miller moved that the House recess to 2 o'clock p. m. today.

Mr. Quinn moved that the House recess to 1:30 o'clock p. m. today.

The motion of Mr. Miller prevailed, and the House, accordingly, at 12 o'clock m., took recess to 2 o'clock p. m. today.

Afternoon Session.

H. C. R. No. 6, Inviting Mrs. Rebecca J. Fisher to address the Legislature.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

Message from the Governor.

John H. Johnson, Assistant Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office, Austin, Texas, May 2, 1923.

To the Members of the Thirty-Eighth Legislature, Second Called Session.

Gentlemen: I hereby submit to you, for your legislative consideration and action, the following subjects:

1. An act abolishing what is known as special funds in the State Treasury set aside therein for special and particular purposes, and placing all moneys that are in the State Treasury, and all public funds received by and through the various officers and departments of the State government, in the general revenue fund so that all money shall not only go into the public treasury, but shall be paid out of the public treasury on general warrants, in order that the general revenue will get the benefit of all public funds.

2. A law providing for the quarantine of any area of land within the State found to be infested with any dangerous insect pest, plant disease, or other destructive evils, and providing for such remedial measures within such quarantine area as are necessary for the eradication of such pests.

3. According to the United States census of 1920, there are at this time in Texas approximately 300,000 persons over ten years of age who can neither read nor write. This great percentage of illiteracy among our people is a menace to our prosperity and should not exist. Looking to the elimination of illiteracy, I hereby recommend the
passage of a law creating an Illiteracy Commission, defining its powers and duties to the end that the large per cent of our illiterates be decreased as rapidly as possible. Many States have already adopted a policy of this kind.

4. The Federal Congress recently passed what is known as the Lenroot-Anderson Rural Credit Act, providing that property owners in the several States under certain conditions could secure money at a low rate of interest. In order, therefore, that the farmers and stockmen of Texas may receive the benefits of this act, and secure loans at a low rate of interest, I hereby submit to you for your deliberations, this subject matter, together with the entire law pertaining to Federal farm loans.

5. A law authorizing cities having more than 5000 inhabitants on application of property owners, to establish illuminating districts in said cities and to construct and maintain a system of artificial lights to be paid for in keeping with an agreement entered into by and between the abutting property owners of said district and the governing authorities in said cities.

6. A law authorizing the sale and delivery of bonds by county judges, mayors, trustees of independent school districts, and their successors in office.

7. A law to regulate, supervise and prevent fraud in the sale and purchase in the State of Texas of stocks, stock certificates and bonds of joint stock companies, brokers, partnerships and other organizations, defining what shall constitute violations of the law in regard to the issuance and sale of said stock certificates, and providing a punishment therefor.

8. The work and compensation of county commissioners, and the work and compensation to be paid tax assessors for the assessment of property for tax, are hereby submitted.

9. For many years there has been a tendency to put too many people on the State payroll. This custom has caused the useless expenditure of money, lessened efficiency, and resulted in an overlapping of governmental work. We have at this time in Texas too many traveling representatives. Too much of the government is on wheels. The State has grown in its governmental affairs top heavy. The overhead expenses of doing the business of the State government is too heavy for the underpinning of our governmental structure. We have too much machinery. We need elimination, co-operation, and co-ordination. Every office, every board and bureau, and every department not absolutely necessary for the efficient and economic administration of the government should be abolished. The Department of Agriculture, the Markets and Warehouse Department, the Live Stock Sanitary Commission, the Agricultural and Mechanical College, the College of Industrial Arts are duplicating work along certain lines. The Department of Labor and the Mining Board travel over the same territory, doing practically, in a number of instances, the same character of work. We have too many departments dealing with various phases of insurance; as a matter of fact, all insurance matters should be under one directing head, responsible for the efficient and economic administration of all branches of insurance supervised by the State. I submit to you for your consideration the abolishment, the co-ordination, and the co-ordination of those institutions of the State and those departments of the State government which duplicate and overlap in their work.

10. It is said that 75,000 citizens of Texas a year die from preventable diseases. The health of our people is of prime importance and nothing should be left undone in the State looking to the protection of the people from disease and from the inefficiency and incompetency of those who assume the responsibility of treating preventable diseases. All such owe a duty, not only to the individual treated, but to the public generally. In the crusade in behalf of a healthy and able-bodied people, the Health Department should lead the way in sanitation and in the elimination of preventable diseases. The State Health Officer should be paid a salary commensurate with the responsibilities of his far-reaching duties. The present law in regard to commissioners courts employing county health officers and nurses should be amended so that these respective officers could be employed by the commissioners court for full time, under the general direction of the State Health Officer, with compensation in keeping with duties performed. The
present Medical Practice Act should be amended authorizing the Board of Medical Examiners, or some other established and recognized board, to cancel the license of doctors who constantly and persistently fail and refuse to furnish to the State Health Department birth and death certificates, and who fail and refuse to report contagious diseases treated by them.

In connection with the foregoing thoughts, there is hereby submitted to you for your legislative consideration, the entire renovation of the present Health Department, the passage of such laws as will stay the destructive march of preventable diseases, the passage of such other laws as will make more efficient the work of the State Health Department, the treatment and prevention of diseases, and make more effective the health and sanitary conditions in the municipalities and counties of the State.

11. There is hereby submitted to you for the passage of such laws as may to you seem wise, looking to the protection of the overflow lands and towns in the counties bordering on, and adjacent to the Gulf of Mexico, from the flood waters of our Texas streams, at or near the place where said streams empty into the Gulf of Mexico.

12. (Local.) The creation, the establishment, and the incorporation of common or independent school districts, and the issuance of bonds, and all local legislative matters pertaining thereto is hereby submitted to you in regard to each and all of the counties of the State. You are authorized to pass special road laws for Cherokee, Guadalupe, San Patricio, and Brazoria counties; also to pass an amendment to the present law in regard to the terms of holding court in the Sixty-third Judicial District, in the Seventy-second Judicial District of the State; also the terms of holding district court in Denton and in Cooke counties; an act authorizing and empowering the city of Perryton, in Ochiltree county, to close certain streets in said town, and make proper financial adjustment with all interested parties thereto, together with the validation of city ordinances heretofore passed concerning same; a law regulating the catching and sale of fish in Taylor county, Texas; providing that counties with a population of 10,000, or less, may contract for the construction of toll bridges, giving the commissioners court authority to levy the amount of said tolls and to limit the number of years same to be paid; an act extending for a period of two years oil and gas permit No. 2609, providing for the development of oil and gas in San Jacinto Bay, Harris county, Texas.

15. Amending House bill No. 13, regarding the employment agency law, passed by the Regular Session of the Thirty-eighth Legislature in regard to employment agency bureaus.

16. An act authorizing the Railroad Commission of Texas to grant reparation to shippers of goods, wares and merchandises, between points wholly within the State of Texas when the Commission shall find that an unjust and unreasonable rate has been charged by a common carrier.

17. The mode or manner of executing the orders of the courts of our State in regard to death sentences, is hereby presented for your consideration. In submitting the above subjects, it is not intended to convey the thought that I am under any implied obligation to approve any bill that may be passed by virtue of the above subjects having been presented to you for legislative consideration.

Respectfully submitted,

PAT M. NEFF,
Governor.

HOUSE BILL NO. 51 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 51, relating to the purchasing and distribution of free text books, on its passage to engrossment.

Mr. Bell offered the following amendment to the bill:

Amend House bill No. 51 by striking out the enacting clause.

Mr. Satterwhite moved the previous question on the pending amendment and the engrossment of the bill, and the main question was ordered.

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yea—46.

Baker of Milam. Davis.
Bell. Fugler.
Carpenter of Matagorda. Greer.
Collins. Harris.
Covey. Henderson.
Cowen. of Marion.
MESSAGE FROM THE GOVERNOR.

Mrs. Margaret Tindale, Assistant Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office, Austin, Texas, May 5, 1923.

To the Members of the Thirty-eighth Legislature, Second Called Session.

Gentlemen: It was not my intention to submit any other matters to you for consideration, but I find I have overlooked sending up in my last message two or three items that I had promised to submit.

I will, therefore, submit to you legislation in regard to the powers and duties of the State Board of Education, with reference to the purchase of bonds for the account of the State Permanent School Fund, which will require an amendment to Article 2740 of the Revised Civil Statutes; an act prescribing the qualifications of the persons holding the office of county superintendent of public instruction, and for the filling of vacancies in said office; amending the laws harmonizing and reconciling discriminations of non-resident guardians as to bond required and the validity of appointments of non-resident guardians; limiting and regulating persons to whom the railroads of the State are privileged to grant free transportation.

Respectfully submitted,

PAT M. NEFF,
Governor.

MESSAGE FROM THE SENATE.

Senate Chamber, Austin, Texas, May 5, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 33, A bill to be entitled "An Act extending oil and gas permits on lands which are now or have been in the possession or under the control of the Federal receiver appointed by the Supreme Court of the United States for such periods of time respectively as such lands have been or may be in such receiver's possession or under his control, and declaring an emergency."

S. B. No. 52, A bill to be entitled "An Act amending acts of the Thirty-seventh Legislature, First Called Session, Chapter 13, and providing for the reorganization of the Seventy-second Judicial District of Texas, fixing the times and terms of the district courts in the several counties thereof, and naming them; providing that process, bonds and recognizances made and grand and petit juries drawn, before this act takes effect, shall be valid for and returnable to the terms as herein set forth; attaching the unorganized county of Cochran to Hockley county for judicial and all other purposes; fixing the time of taking effect of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 55, A bill to be entitled "An Act to amend Section 5, Chapter 87, of the Acts of the Thirty-fifth Legislature of the State of Texas, by providing for ordering of elections by the commissioners court for the organization of water improvement districts; providing the questions to be submitted at such election; and to amend Section 7, Chapter 87, of the Acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas, as amended by Chapter 28, Second Called Session of the Thirty-sixth Legislature of the State of Texas, providing for the manner of conducting elections provided for in said Chapter 87; providing the qualifications for voters at such elections; prescribing the duties of the commissioners court in canvassing the returns of such vote; the creation of water improvement districts; providing for the division of the proposed district into one or more election precincts; and providing polling places in such voting precincts; the appointment of judges and clerks to hold such election; providing a method of filling places on said election board; providing for printing of ballots and the matter to be contained therein; and amending Section 9 of Chapter 87 of the Acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas, as amended by Chapter 28, Second Called Session of the Thirty-sixth Legislature of the State of Texas, by providing for returns to be made by the officers of such election; the canvass and return showing the results of such election; the establishment of districts and making records thereof; the issuance of notes of said district for the purpose of defraying expenses of the organization, investigation, engineering, issuance of bonds, making and filing of maps and reports, all legal ex-