JOURNAL

OF THE

House of Representatives

OF THE

THIRD CALLED SESSION

OF THE

THIRTY-EIGHTH LEGISLATURE

BEGUN AND HELD AT

THE CITY OF AUSTIN, MAY 16, 1923

VON BOECKMANN-JONES CO.,
AUSTIN, TEXAS.
1923
sions of this act, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Purl:

H. B. No. 22. A bill to be entitled "An Act amending subdivision (1) of Section 1 of an act authorizing and empowering certain municipalities of this State to fix and prescribe the annual salaries or compensation of their city or corporation judge, city attorney and city auditor, at not exceeding a maximum amount thereof and declaring an emergency, being House bill No. 101, Chapter 21 of the General Laws of Texas approved June 17, 1923, and effective June 17, 1923, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

RECESS.

On motion of Mr. Simpson, the House, at 11:20 o'clock a. m., took recess to 3 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 3 o'clock p. m. and was called to order by the Speaker.

MESSAGE FROM THE SENATE.

Senate Chamber, Austin, Texas, May 16, 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. C. R. No. 2, Requesting the Senate Committee on State Affairs and the House Committee on Revenue and Taxation to act and work together and if possible agree on certain revenue measures.

Respectfully,
RICHARD BLAGOES,
Assistant Secretary of the Senate.

MESSAGE FROM THE SENATE.

Senate Chamber, Austin, Texas, May 16, 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. 1, A bill to be entitled

"An Act making an appropriation to pay the contingent expenses of the Third Called Session of the Thirty-eighth Legislature and to supplement the appropriation to pay the contingent expenses of the Second Called Session of the Thirty-eighth Legislature, said Third Called Session being convened May 16, 1923, by proclamation of the Governor, and declaring an emergency."

S. B. No. 2, A bill to be entitled

"An Act making an appropriation to pay the per diem pay of members and the per diem pay of discredited employees of the Third Called Session of the Thirty-eighth Legislature of the State of Texas, convened May 16, 1923, by proclamation of the Governor, and declaring an emergency."

Respectfully,

RICHARD BLAGOES,
Assistant Secretary of the Senate.

MESSAGE FROM THE GOVERNOR.

Mrs. Margaret Tindall, 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 16, 1923.

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

Gentlemen: It has been conservatively estimated that you have appropriated for the maintenance of the institutions of the State, and for the support of the departments of the Texas government for the two years beginning September 1, 1923, more than eight million dollars in excess of the available revenue coming into the State during said two years.

You have therefore been reconvened in this your Third Called Session in order that you might bring the appropriations within the available revenues. This question, strictly construed, and no other subject matter, is hereby submitted to you for your consideration.

Respectfully submitted.
PAT M. NEFF,
Governor.

RELATING TO SUPPLIES FOR MEMBERS.

Mr. Moore offered the following resolution:

Whereas, The Committee on Contingent Expenses of the House is desirous of holding the expense of the House at the
minimum, particularly in the matter of miscellaneous supplies; and

Whereas, It is necessary that said committee have the hearty support of the members of the House, individually and collectively; and

Whereas, We are now assembled in extra session at great expense to the tax payers of the State; therefore, be it

Resolved, In the interest of economy, that the individual members of the House of Representatives be limited to five ($5) dollars worth of supplies during the Third Called Session of the Thirty-eighth Legislature, and the bookkeeper to the Sergeant-at-Arms be and is hereby directed to keep the miscellaneous supply account of each member within the limit of five ($5) dollars, said amount to be the maximum for each member; be it further

Resolved, That the Speaker’s room be and is hereby specifically excepted from the provisions herein, and that this resolution shall in no wise be construed as limiting the stamp account provided for in resolutions heretofore adopted.

Signed—Committee on Contingent Expenses, by Moore, Chairman; Stewart of Jasper, Vice-Chairman; Parker, Faucon and Stevens.

The resolution was read second time and was adopted.

RELATING TO CONSIDERATION OF REVENUE MEASURES.

The Speaker laid before the House for consideration at this time, the following resolution:

S. C. R. No. 2, Relating to consideration of revenue measures.

Whereas, The House and Senate of Texas have thoroughly considered revenue measures during the Regular and Special Session of the Thirty-eighth Legislature; and

Whereas, The question of working out proper revenue measures is the main question to be considered during this Called Session, and will be the paramount measure to be considered; now, therefore, be it

Resolved by the Senate and the House of Representatives concurring, That the Committee on Revenue and Taxation in the House and the Committee on State Affairs of the Senate be requested to work and act together, and if possible agree on such revenue measures as in their judgment are reasonably certain to be agreed upon, and can be agreed upon by both houses.

The resolution was read second time. Mr. Cable moved that the resolution be referred to the Committee on Revenue and Taxation.

The motion was lost. Question then recurring on the resolution, it was adopted.

RELATING TO HULL YOUNGBLOOD AFFAIR.

On motion of Mr. Irwin, the Speaker was authorized to appoint a committee of three members of the House to make the necessary arrangements to have Hull Youngblood appear before the House of Representatives.

In accordance with the above action, the Speaker announced the appointment of the following committee:

Messrs. Irwin, Beasley and Patterson.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read several first time, and referred to the appropriate committees as follows:

Senate bill No. 1, to the Committee on Appropriations.
Senate bill No. 2, to the Committee on Appropriations.

COMMITTEE TO CONFER WITH GOVERNOR.

On motion of Mr. Patterson, the Speaker was authorized to appoint three members of the House as a committee to confer with the Governor immediately for the purpose of ascertaining definitely the subjects of legislation included in his message to the House.

In accordance with the above action, the Speaker announced the appointment of the following committee:

Messrs. Patterson, Carpenter of Matagorda and Laird.

RECESS.

On motion of Mr. Stewart of Edwards, the House, at 3:50 o’clock p. m., took recess to 10 o’clock a. m. tomorrow.

FIRST DAY.

(Continued.)

(Thursday, May 17, 1923.)

The House met at 10 o’clock a. m. and was called to order by Speaker Seagler.
By Mr. Baldwin:
H. B. No. 26. A bill to be entitled
"An Act amending Article 7355 of the
Revised Civil Statutes of the State of
Texas, 1911, by adding thereto after
Section 13 a new section to be known
as Section 13a, imposing an occupation
tax upon regularly established and rec-
ognized opera houses, theaters, air-
domes, and places where moving pic-
ture exhibitions are given for private
profit, the amount of tax to be deter-
mined according to the number of in-
habitants of cities and towns in the
State of Texas; providing that counties,
cities and towns shall each have power
and authority to collect a tax equal to
one-half the amount of the State tax,
and declaring an emergency."

Referred to Committee on Revenue
and Taxation.

By Mr. Burmeister:
H. B. No. 27. A bill to be entitled
"An Act to empower municipal corpora-
tions or county commissioners courts
licensing and regulating public indoor
recreation places; providing for issuing
of license by the State Comptroller;
providing for payment of license tax ac-
cording to basis of population and for
distribution of revenue derived there-
from; limiting license to adult citizens
of the United States and requiring cer-
tificate of good moral character; provid-
ing for revocation of license; compelling
operators, managers or proprietors to
conform to regulations and fixing pen-
alties for violations; prohibiting minors
and vagrants from loitering in such
places; prohibiting gambling in any
form, profane language, or obscene pic-
tures in such places; prohibiting blinds
and other obstructions; regulating hours
of opening and closing; exempting fra-
ternal, benevolent, educational, religious
or charitable organizations; authorizing
suit on bond for violations, and declar-
ing an emergency."

Referred to Committee on Revenue
and Taxation.

By Mr. Baldwin:
H. B. No. 28. A bill to be entitled
"An Act amending Section 14 of Article
7355 of the Revised Civil Statutes of
the State of Texas of 1911, relative to
occupation taxes; fixing the amount of
taxes to be levied on circuses, shows,
amusement companies, trained animal
shows, wild west shows and other com-
panies of similar kind and character;
confering upon counties, incorporated

 cites, towns and villages authority to
levy occupation taxes; providing for the
bringing of suit for the collection of
such taxes due the State of Texas and
fixing the venue thereof; making certain
exemptions from the provisions of this
act; repealing all laws in conflict her-
with, and declaring an emergency."

Referred to Committee on Revenue
and Taxation.

MESSAGE FROM THE GOVERNOR.

Mrs. Margaret Tindall, Assistant Sec-
retary to the Governor, appeared at the
bar of the House, and being duly an-
nounced, presented the following mes-
sage from the Governor, which was read
to the House, as follows:

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

To the Members of the Third Called
Session of the Thirty-eighth Legisla-
ture.

Gentlemen: I have been requested by
the House of Representatives to state
whether or not my message to the Third
Called Session of the Thirty-eighth Leg-
islature included the subject of revenue
measures. This is to advise that it was
my purpose that this message include,
and I hereby submit to you, both the
subjects of revenue and appropriations,
to the end that the wide discrepancy
between the appropriations heretofore
made by your honorable body for the
maintenance of our State institutions
and the estimated available revenues out
of which said appropriations are to be
met be eliminated.

Respectfully submitted,
FAT M. NEFF,
Governor.

RECESS.

On motion of Mr. Quaid, the House,
at 11:26 a.m. took recess to 3
o'clock p.m. today.

AFTERNOON SESSION.
The House met at 3 o'clock p.m. and
was called to order by the Speaker.

LEAVE OF ABSENCE GRANTED.

On motion of Mr. Dunlap, Mr. Blount
was granted leave of absence for today
and the remainder of the week on ac-
count of sickness.
Senate bill No. 15, to the Committee on Appropriations.

MESSAGE FROM THE GOVERNOR.

Mrs. Margaret Tindall, 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 28, 1923.

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

Gentlemen: Those who essay the task of raising the revenue and of spending the money necessary for the economic administration of a government of two million people, assume a grave responsibility. This responsibility was accepted by the individuals who compose the present legislative body. In assuming the duties of your office, under the Constitution of the State, you took upon yourselves the task of providing the money and appropriating same to the support of the State government and the maintenance of her institutions. Our Constitution does not confer upon the Governor the power either to levy taxes or to make appropriations, this being solely a legislative function.

Upon the adjournment of the second Called Session of the Thirty-eighth Legislature it was estimated that there had been appropriated approximately eight million dollars more money than the estimated income of the State. In view of this wide discrepancy I had a constitutional duty to perform, and, therefore reconvened you in Special Session in order that you might adjust the wide difference either by providing additional revenue or by reducing the appropriations made. The Third Called Session of the Legislature has now been in session thirteen days, and so far no material progress has been made in adjusting this discrepancy.

I trust it will not be deemed improper for me to advise you that unless some decisive, meaningful action is taken within the next day or two to harmonize the authorized appropriations with the estimated available revenue, I shall consider it my duty to veto the appropriation bills now on my desk.

Yours sincerely,

PAT M. NEFF,
Governor.

BILL RE-REFERRED.

On motion of Mr. Westbrook, Senate bill No. 15 was withdrawn from the Committee on Appropriations and referred to the Committee on Agriculture.

RECESS.

On motion of Mr. Simpson, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

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

BILL RE-REFERRED.

On motion of Mr. Lackey, House bill No. 42 was withdrawn from the Committee on Revenue and Taxation and referred to the Committee on Appropriations.

HOUSE BILL NO. 2 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 2, providing for occupation tax on express companies, gas, light, etc., on its passage to engrossment.

Mr. Patman offered the following amendment to the bill:

Amend caption of House bill No. 2 by striking out "736b" in line 10, page 1, and inserting "7383b."

The amendment was adopted.

Mr. Purl offered the following amendment to the bill:

Amend House bill No. 2, page 2, line 22, by striking out the words "five thousand" and inserting the words "eight thousand."

The amendment was adopted.

House bill No. 2 was then passed to engrossment.

HOUSE BILL NO. 2 ON THIRD READING.

Mr. Patman moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 2 be placed on its third reading and final passage. The motion prevailed by the following vote:

Yea—85.

Mr. Speaker. Barker.
Arnold. Beasley.
Baldwin. Bell.
(Pending consideration of the amendment Mr. Rogers occupied the chair temporarily.)

(Speaker in the chair.)

MESSAGE FROM THE GOVERNOR.

Mrs. Margaret Tindle, 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, June 7, 1923.

To the Members of the Thirty-eighth Legislature, Third Called Session:

Gentlemen: I submit to you for your consideration the following subject matters:

An amendment to House bill No. 183, passed at the Second Called Session of the Thirty-eighth Legislature, pertaining to the organization of corporations for the purpose of borrowing and loaning money to the members of said organizations.

An act providing for the teaching of the Constitution of the United States and the Constitution of Texas in the public schools of the State.

A law providing for the equalization of taxes so that each dollar's worth of property in the State will bear its proportionate part of the burdens of the government.

An act providing for the construction of permanent improvements for the University of Texas out of the income of the available funds belonging to said institution.

A law prescribing the size and character of lights for motor vehicles used on the public highways of Texas.

A law changing the name of what is now known as the Commission of Insurance and Banking in keeping with laws recently passed by the Legislature.

The passage of a law creating an Illiteracy Commission, to the end that illiteracy in Texas may be reduced to the lowest possible minimum.

An act making it a penal offense for anyone engaged in the manufacture, transportation or sale of intoxicating beverages, or any outlawed narcotics, to have on or about premises where said intoxicating beverages or outlawed narcotics are manufactured, transported or kept firearms or other deadly weapons.

An act authorizing any city in the State of Texas that has more than one hundred thousand inhabitants to disannex unimproved territory within said city limits.

An act regulating by taxation and otherwise the use of trucks and jitneys used for hire and general traffic on the public highways of the State.

The following local bills are submitted for your consideration and passage:

The creation of independent school districts in the following counties: Hockley county, Pecos county, Bailey county, Rockwall county, Brazoria county, Nolan county, Live Oak county, Terry county, Fisher county, Throckmorton county, Stephens county.

An act creating a reclamation district for flood control in Hidalgo and Cameron counties.

A law clearing the title to some city lots located in Colorado, Texas, alleged to belong to the Georgia Technological College.

An act validating public free school lands purchased during the years 1895 and 1896.

An act authorizing the commissioners court of Floyd county to execute a deed of confirmation to the sale of a certain 211 acres of land out of Section No. 89, Certificate No. 1497, as shown by the official map of Floyd county.

Respectfully submitted,

PAT M. NEFF,
Governor.

RECESS.

On motion of Mr. Blount, the House, at 12 o'clock m., took recess to 2:30 o'clock p. m. today.

AFTERNOON SESSION.

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

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. Sackett and Mr. Moore:

H. B. No. 93. A bill to be entitled "An Act providing for the supervision and regulation of the transportation of persons and property for compensation or hire over any public highway by motor-propelled vehicles; defining auto transportation companies as common carriers, and providing for the supervision and regulation thereof by the
H. C. R. No. 21, Recalling House bill No. 51 from the Governor for correction.
Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

MESSAGE FROM THE SENATE.
Senate Chamber,
Austin, Texas, June 14, 1923.
Hon. R. E. Seagr, Speaker of the House of Representatives,
Sir: I am directed by the Senate to inform the House that the Senate has passed
H. C. R. No. 15, Providing for a non-salaried eleemosynary commission.
Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.
(Speaker in the chair.)

HOUSE NOTIFIED.
A committee from the Senate appeared at the bar of the House, and being duly announced, notified the House that the Senate had completed its labors and was now ready to adjourn sine die.

COMMITTEES TO NOTIFY GOVERNOR AND SENATE.
Mr. Faubion offered the following resolution:
Resolved, That the Speaker appoint two committees of three members each, one to notify the Governor and the other to notify the Senate, that the House has completed its labors and is now ready to adjourn.
The resolution was read second time and was adopted.
In accordance with the above action, the Speaker announced the appointment of the following committees:
To notify the Governor: Messrs. Shearer, Dunlap and Lane.
To notify the Senate: Messrs. Fields, Laird and McBride.

SENATE NOTIFIED.
The committee appointed to notify the Senate that the House has completed its labors and is now ready to adjourn sine die appeared at the bar of the House, and being duly announced, stated that they had performed the duty assigned them.

GOVERNOR NOTIFIED.
The committee appointed to notify the Governor that the House has completed its labors and is now ready to adjourn sine die appeared at the bar of the House, and being duly announced, stated that they had performed the duty assigned them.

MESSAGE FROM THE GOVERNOR.
The Speaker laid before the House, and had read, the following message from the Governor:

Governor's Office,
Austin, Texas, June 14, 1923.
To the Members of the Texas House of Representatives, Third Called Session of the Thirty-eighth Legislature.
Gentlemen: In answer to your committee commissioned to advise me that your honorable body is now ready to adjourn, this is to say that I have had no time to make an accurate analysis of the work of this session, as the most important appropriation bills have just reached my desk. A cursory observation, however, leads me to believe that you have neither provided the necessary revenue with which to meet the made appropriations, nor placed the appropriations within the available revenue. So often have I submitted this proposition to you that I have no hope that you would make 'tongue and buckle meet' should I again reconvene you for this purpose in another special session. I do not feel that we should at this time spend more of the people's money in marching up the legislative hill and down the legislative hill in a futile effort to do the thing that ought to be done, but which it seems is impossible for you to do.
In so far as I have the authority to speak for all the people, I desire to cordially thank those of you who have during these legislative days stood for truth, justice and right; for law and order; and for all those things that go to make a State both great and good. As you, one and all, reach your respective homes, I sincerely trust you will find your friends and loved ones well and your business not seriously impaired by your absence, occasioned by your service to the State.
Yours most sincerely,
PAT M. NEFF,
Governor.

ADJOURNMENT SINE DIE.
Mr. Purl moved that the Third Called Session of the Thirty-eighth Legislature adjourn sine die.
The motion prevailed.
The Speaker then, at 12 o'clock m., pronounced the Third Called Session of