JOURNAL
OF THE
TEXAS STATE LIBRARY
Austin, Texas
SENATE OF TEXAS
BEING THE
First Called Session
OF THE
FORTY-FIRST LEGISLATURE
BEGUN AND HELD AT
The City of Austin, April 22, 1929

WENDELL O'NEAL, Journal Clerk.
MRS. HUGH HARRIS, First Assistant Journal Clerk.
MISS GLADYS ASH, Second Assistant Journal Clerk.
PROCLAMATION
BY THE
GOVERNOR OF THE STATE
OF TEXAS

The Chair laid before the Senate the following proclamation by the Governor:
To all to whom these presents shall come:

Whereas, Economic and humanitarian considerations call for the enactment of laws providing for the concentration of the Prison System, and a public necessity exists for the enactment of such legislation, and

Whereas, The amendment adopted by the people of Texas at the last general election to Section 8 of Article VII of the Constitution of Texas has not been given effect by the enactment of laws pursuant thereto, and a necessity exists therefore, and

Whereas, The economic welfare of the State and the prompt disposition of its business in its several departments calls for the enactment of laws providing for a merit system for the selection of subordinate employees of the State government:

Now, Therefore, I, Dan Moody, Governor of the State of Texas do, by virtue of the authority vested in me by the Constitution of this State, hereby call a Special Session of the Forty-first Legislature to be convened in the City of Austin, commencing at twelve o'clock, noon, on Monday, the twenty-second day of April, A. D. 1929, for the following purposes:

1. To enact laws providing for the concentration of the Texas Prison System, and the improvement of said System along modern and scientific lines.
2. To enact laws carrying into effect the amendment to Section 8 of Article VII of the Constitution.
3. To provide a merit system for the selection of subordinate employees of the State Government.
4. To consider and act on such other subjects of public importance as the Executive may, from time to time during the session, submit by message or otherwise.

In Testimony Whereof I hereunto sign my name and cause to be impressed hereon the Seal of the State of Texas at Austin, this the 9th day of April, A. D. 1929.

(Seal.)
DAN MOODY,
Governor of Texas.
MESSAGE FROM THE GOVERNOR.

Executive Office,
Austin, Texas. April 22, 1929.
To the Members of the Forty-first Legislature:

It is my desire to first submit for your consideration subjects under which I believe legislation may be passed that will improve departmental economy and efficiency. Therefore, the following subjects are respectfully submitted for your consideration:

1. The enactment of laws providing for the concentration of the Texas Prison System, and the improvement of said System along modern and scientific lines.

2. The enactment of laws with reference to the handling of prisoners confined in the State Penitentiary, including the adoption of an adequate parole law.

3. The enactment of laws carrying into effect the amendment to Section 8 of Article VII of the Constitution.

4. The enactment of laws to place the selection of subordinate employees of the State Government upon a merit basis.

5. The enactment of statutes to abolish the terms of the several district courts of the State and to provide that such courts may hold sessions in any county of their several districts at any time to be determined by the judge of such court, and to otherwise simplify and reform the procedure in civil cases.

Respectfully submitted,

DAN MOODY,
Governor of Texas.

The message was read.
To the Senate of the State of Texas:
Capitol.

Gentlemen:
I have appointed, subject to your confirmation, the following named persons to the office set opposite their names for the statutory term of office:
Roy I. Biggs of Pecos, District Attorney for the 19th Judicial District of Texas;
Robert Crim of Hicks, Member of State Mining Board;
Dr. Edward Randall of Galveston, to succeed Honorable R. G. Storey as a member of the Board of Regents of the University of Texas.
Honorable W. M. Odell of Fort Worth, to succeed Honorable Ed Howard as a member of the Board of Regents of the University of Texas.
Honorable Oliver C. Aldrich of San Juan, to be District Attorney of the 79th Judicial District of Texas.
Respectfully Submitted,
DAN MOODY,
Governor.

Executive Office,
April 28, 1929.

To the Members of the Forty-First Legislature:
The following subjects are submitted for your consideration:
(1) Taxation,
(2) The control and regulation of public utilities through the establishment of a Utility Commission.
Respectfully submitted,
DAN MOODY,
Governor.
Message from the Governor.

The Chair recognized the Doorkeeper who introduced a messenger from the Governor with the following message:

Executive Office,
April 30, 1929.

To the Honorable Forty-first Legislature:

The following subjects are submitted for your consideration:

(1) The compact between the Commissioners representing the States of New Mexico, Texas, Oklahoma and Arkansas for the control and distribution of the waters of the Canadian River was made subject to ratification by the Legislatures of the several states mentioned in this compact, and it is submitted for you to determine whether you desire to ratify and otherwise give effect to the compact, or refuse to ratify it.

(2) The tentative compact between the Commissioners representing the states of Colorado, New Mexico and Texas concerning the control and distribution of the waters of the Rio Grande River was made subject to the ratification and approval of the Legislatures of the states named, and this compact is submitted for you to determine whether you desire to ratify the compact and otherwise give it effect, or refuse to ratify it.

(3) The amendment of sub-sections 2 and 3 of Chapter 1 of Title 125, Revised Civil Statutes, 1925, regulating the use and distribution of public waters.

(4) The amendment of Chapter 1 and Chapter 8 of Title 16, Revised Civil Statutes, 1925, dealing with banks and banking.

(5) The enactment of statutes better defining the duties of the Livestock Sanitary Commission and the Commissioners' Courts of the several counties with regard to the eradication of contagious, infectious and communicable diseases, and the Texas fever tick among livestock within this State.

(6) The amendment of Article 5063, Revised Civil Statutes, 1925, to better regulate the sale of stocks and other securities in connection with the sale of life insurance policies.

(7) The enactment of statutes to regulate the organization and business of mutual insurance companies.

(8) The regulation of the business of insurance written under what is known as the Lloyd's plan.

(9) The amendment of Article 4891, Revised Civil Statutes, 1925, to better regulate the use of co-insurance clauses and like provisions in insurance policies of fire insurance.

(10) The enactment of statutes granting easements to the United States government for the construction of intra-coastal water ways.

(11) Sections 3, 4, 14, and 20 of Chapter 41, Acts of the Forty-first Legislature passed at its First Called Session, are submitted for amendment to correct defects therein.

(12) The repeal of Chapter 4, Article 4477, Revised Civil Statutes of 1925, and the enactment of an adequate Sanitary Code in lieu thereof is submitted for your consideration.

(13) Chapter 195, General Laws, passed at the Regular Session of the Forty-first Legislature, page 278, has been held unconstitutional because of some defects in the caption. The amendment of the caption and Sections 1, 4, 5, 6, 7, 8, 9, to correct said defect is submitted for your consideration.


(15) The amendment of Chapter 104, page 239, Acts of the Regular Session of the Forty-first Legislature to correct defects therein with reference to payment of compensation to Justices of the Peace for trial of criminal cases; and the placing of proper maximums upon fees and other compensation payable to public officers.

(16) The amendment of statutes pertaining to agriculture, and to better define the duties, respectively, of the A. & M. College and the Department of Agriculture, with relation thereto.

Respectfully submitted,

DAN MOODY, Governor.
Message from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office, Austin, Texas, May 6, 1929.

To the Members of the Forty-first Legislature:

At the request of members of the Legislature, the attached bills are submitted for your consideration.

They are:

1. A bill to validate certain acts of the County School Trustees of Jack and Young Counties.

2. A bill defining by metes and bounds Road District No. 3 of Colorado County.


4. A local road law for Hopkins County.

5. A bill authorizing cities and towns having a population of more than twenty-five hundred to acquire sites for airports.

6. A law authorizing the issuance of interim bonds by water districts.

7. A bill prohibiting discrimination in the sale of commodities.

8. A bill prescribing the manner of selection of juries in civil cases in certain counties.

9. A bill accepting the provisions and benefits of an Act of Congress providing for the promotion of vocational rehabilitation.


In addition to the above the following subjects are submitted for your consideration:

(a) The amendment of Chapter 2 of Title 128, dealing with water improvement districts.

(b) The amendment of Title 129, Revised Civil Statutes.


(d) The investigation and disposition of claims now pending against the State of Texas.

Respectfully submitted,

DAN MOODY, Governor.
Messages From the Governor.
The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following messages:

Executive Office,
Austin, Texas, May 9, 1929.
To the Honorable Forty-first Legislature:

At the request of members of the Legislature the following matters are submitted for your consideration. The attached bills are on the following subjects:

(1) Local game bills for San Saba, Gillespie, Blanco, Kendall, Kerr, Llano, Mason, Kimble, Cass Bowie, Morris and Titus Counties.

(2) A local school bill for Wood County, and a bill amending Section 1 of Chapter 91 of the First Called Session of the Fortieth Legislature.

(3) A bill amending Articles 10 of the Code of Criminal Procedure.

(4) A bill amending Articles 1377 and 1378 of the Penal Code.

(5) A bill amending the statutes to authorize the adjustment of accounts between counties and county officers, because of the opinion of the Supreme Court in the case of Bitter vs. Bexar County.

(6) A bill amending Chapter 3, Title 67 of the Revised Civil Statutes of Texas.

(7) A local game bill for Smith County.

(8) A bill re-enacting Chapter 4 of Title 104 of the Revised Civil Statutes of 1911.

In addition to the above the following subjects are submitted:

(a) Amendments to the statutes with reference to navigation districts and water control and improvement districts.

(b) The enactment of necessary local road laws for the several counties of the State.

(c) The amendment of statutes authorizing the Board of Regents of the University of Texas to accept and hold in trust for the University of Texas sums of money to provide scholarships in the University of Texas to students.

Respectfully submitted,

DAN MOODY,
Governor.
Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,
Austin, Texas, May 9, 1929.
To the Members of the Forty-first Legislature:

Some of your number who have been giving thought and attention to the matter of providing adequate revenues for the development of our highway system are impressed with the thought that the situation would be improved, and the problem of working out proper legislation to finance highway construction and maintenance would be more easily solved, if subjects are submitted broad enough to admit legislative consideration of the license fees imposed upon motor vehicles. In deference to their judgment in the matter, and in the hope that it will facilitate the adoption of proper laws to adequately and equitably finance highway development, I submit for your consideration the subject of laws dealing with revenues derived from license fees imposed upon motor vehicles.

Respectfully submitted,

DAN MOODY, Governor.
Message from the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,
May 13, 1889.
To the Members of the Forty-First Legislature:
The subjects of the reports of the Committee appointed under Senate Concurrent Resolution No. 4, Regular Session of the Forty-first Legislature, and the Committee appointed to investigate textbook matters, and the enactment of such statutes as may be necessary or give better protection to the school fund and the public interest in public lands are submitted for your consideration.
Respectfully submitted,
DAN MOODY,
Governor.
Message from the Governor.

The Chair recognized the Doorkeeper who introduced a messenger from the Governor with the following message:

Executive Office,
May 14, 1929.

To the Members of the Forty-First Legislature:

I herewith submit for your consideration the following:

(1) The attached Bill to create Brazoria County Drainage District No. 5, in Brazoria County, Texas.

(2) Your attention is respectfully called to the decision of the Court of Civil Appeals for the Fourth Supreme Judicial District, at San Antonio in the case of Leal vs. Burger, 299 S. W. 497, in which it is held that Article 2241, Revised Civil Statutes, was repealed by an Act of the Legislature in 1925. By the elimination of this article from the statutes indigent litigants are in effect denied the right of appeal in civil cases in which they are unable to pay or secure the payment of costs. Justice should be within the reach of the poorest man. This omission in our law should be cured at the earliest practicable moment by the enactment of some statute making it possible for indigent litigants to carry their cases before the appellate courts.

Respectfully submitted,

DAN MOODY,
Governor.
Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,
Austin, Texas, May 14, 1929.
To the Honorable Forty-first Legislature:

A bill introduced under the number of House Bill No. 170, being entitled:

"An Act providing for the appointment of a State Auditor; prescribing the qualifications and duties of said officer; providing for his necessary assistants and compensation,"

is submitted for your consideration. This bill seems to conform to one of the recommendations made by the Fiscal Survey Committee appointed pursuant to a resolution of the Fortieth Legislature.

Respectfully submitted,

DAN MOODY,
Governor.