JOURNAL
OF THE
SENATE OF TEXAS
BEING THE
Fourth Called Session
OF THE
FORTY-FIRST LEGISLATURE
BEGUN AND HELD AT
The City of Austin, January 20, 1930

WENDELL O'NEAL, Journal Clerk.
MRS. HUGH HARRIS, First Assistant Journal Clerk.
Present—Not Voting.

Martin.

Absent.

Miller. Pollard.

Absent—Excused.

Greer. Stevenson.
Moore. Williamson.
Parr. Wirtz.
Small.

Message From the Governor.

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

Executive Office,
Austin, Texas, January 27, 1930.
To the Members of the Forty-first Legislature:

In the message presented to you on last Tuesday, I made the statement: "No deficiency appropriations have been authorized by me since the last session of the Legislature." In preparing this message I had before me the statement of the Comptroller concerning the general revenue of the State. It made no reference to any deficiency appropriation, and since I did not recall authorizing any deficiency, I made the statement above quoted.

It has since come to my memory that the Highway Department made an application last October for a deficiency appropriation in the sum of one thousand two hundred sixty-seven dollars ($1,267.00). This application was approved as to form by the Attorney General's Department and was approved by me.

I understand that some difference of opinion existed between the Comptroller's Department and the Highway Department over the question of which item of the Appropriation Bill the Highway Department should have asked to be supplemented by a deficiency. I assume, therefore, that the item never went into the accounts of the Comptroller's Department and for that reason was not mentioned in the statement to me, and it had escaped my memory. Therefore, I want to correct the above quoted statement and ask that this be printed in your journals as a correction.

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, February 10, 1930.

To the Members of the Forty-first Legislature:

Some days ago, by Resolution, you petitioned me to submit the subject of appropriations. Requests for appropriations which have been presented to me total nearly $3,000,000.00, or to be exact $2,941,519.44. These are claimed to represent emergency needs of the departments and institutions. It is obvious that the prospective revenue for the remainder of this fiscal year and for the ensuing fiscal year of this biennium cannot pay any such sum of additional appropriations. The surplus of revenue above outstanding appropriations which the maximum tax rates would yield could not meet these requests.

I am under the impression that the Legislature is of a mind to appropriate money for a considerable portion of these requests: the Resolution requesting the submission of the subject of appropriations, in part, so impresses me. It would be well to have the money before it is appropriated.

Therefore, I am submitting the subject of raising the funds to meet such appropriations as you desire to make. If the funds are raised there will be time to submit the subject of appropriations.

I do not want any to construe this as the submission of any subject which would permit the introduction of a bill on income tax. I have stated to the people of Texas, through the press, that I did not intend to submit that subject to this session of the Legislature, and I am, therefore, expressly excepting it from this submission. If, however, any such bill should be introduced and passed I would keep faith with my statement to the people of Texas by, at this time, vetoing the bill.

I am further submitting for your consideration the following subjects, upon request:

1. The validation of outstanding bond issues of counties, road districts and other political subdivisions of the State.
2. The attached bill validating the extension of the corporate limits of certain cities and towns.
3. The attached bill requested by the Board of Regents, amending Chapter 292 of the General Laws, passed at the Regular Session of the Forty-first Legislature.
4. The attached bill prescribing the duties of the Board of Education with respect to the management and handling of the oil, gas and other minerals in and on lands belonging to the permanent school fund.
5. The amendment of Chapter 292, Acts of the Regular Session of the Forty-first Legislature, held invalid by opinion of the Attorney General's Department.
6. Measures of reform affecting procedure in civil and criminal cases. In submitting this subject I desire to call your attention to the fact that a bill has been introduced, or is to be introduced, making some amendment to the Act creating the Commission of Appeals, and I understand that the proposed change is desired, or at least approved, by the Supreme Court as a means of making the Commission a more effective agency of the Court.
7. The enactment of legislation to prevent the construction of any large building on the site of the present Travis County Courthouse, or at any point adjacent to the State Capitol building, which can be prevented in the constitutional exercise of the police power of the State.
8. At your request I submit for your consideration the enactment of corrective amendments to the existing law providing for the payment of pensions under Section 51 of Article 3 of the Constitution.

Respectfully submitted,

DAN MOODY.
Message From the Governor.

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

Executive Office,
February 17, 1930.

To the Members of the Forty-first Legislature:

Certain members of the Legislature have stated to me that a bill amending the election laws is about to pass or will be passed but that the subject has not been submitted. At the request of members interested in the bill, I submit the subject of amending the election laws.

Respectfully,
DAN MOODY.
Message from the Governor.

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

Executive Office,
Austin, Texas, Feb. 18, 1930.
To the Senate of Texas of the Forty-first Legislature:
I return herewith Senate Bill No. 12, which I have vetoed.
This bill raises the fees of constables in civil cases filed in the justices of the peace courts. Under this schedule of fees the costs of court in cases involving small sums of money would almost prohibit the filing of such cases. The citizen is entitled to a tribunal in which he may bring suit upon small claims where the cost will not be prohibitive. In my judgment this bill places the cost too high. To illustrate, just the fee for returning a writ of execution nulla bona would be three dollars, or ten per cent of a thirty dollar claim.
Respectfully submitted,
DAN MOODY, Governor of Texas.

Proclamation.

By the Governor of the State of Texas.
To All to Whom These Presents Shall Come.

Whereas, The Forty-first Legislature at its Fourth Called Session has not had time in the thirty day period limited by the Constitution to Special Sessions of the Legislature to dispose of pending business, and among such pending and undisposed of matters are the following:
1. The enactment of legislation to provide for the reorganization and rehabilitation of the Texas Prison System.
2. The hearings pursuant to the resolution adopted by the House of Representatives of the State Legislature at the Fourth Called Session of the Forty-first Legislature providing for an investigation of certain charges made against the State Comptroller of Public Accounts, and,
3. The raising of sufficient revenue to meet the supplemental demands of the State departments and institutions.

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 ten o'clock, a. m., on Wednesday, the nineteenth day of February, A. D. 1930, for the following purposes:
1. To pass legislation providing for the reorganization, reformation and rehabilitation of the Texas Prison System and the improvement of the Texas Prison System into a modern penal institution.
2. To facilitate a fair and impartial trial of charges made against the State Comptroller of Public Accounts, and,
3. To provide revenues to meet the supplemental demands of the State departments and institutions.

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 eighteenth day of February, A. D. 1930.
DAN MOODY, Governor of Texas.
By the Governor:
JANE Y. McCallum,
Secretary of State.