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SENATE OF TEXAS
BEING THE
First Called Session
OF THE
FORTY-SECOND LEGISLATURE
BEGUN AND HELD AT
The City of Austin, July 14, 1931

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Messages from the Governor.

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

To the Senate, 42nd Legislature, Capitol.

Gentlemen:

I hand you herewith a list of names of persons whom I have appointed as emergency notaries public, subject to your confirmation.

Very truly yours,

R. S. STERLING, Governor.

Referred to Committee on Governor’s nominations.

Executive Office,

Austin, Texas, July 15, 1931.

To the Members of the Forty-second Legislature:

A grave crisis confronts the State in the conservation of its natural resources. The earth’s reservoirs of oil and gas are being drained and virtually thrown away, and enormous underground waste is resulting from the orgy of disorderly production.

Section 59 of the State Constitution declares: “The conservation and development of all the natural resources of this State ... and the preservation and conservation of all such natural resources of the State are each and all hereby declared public rights and duties.”

Aside from these legal “public rights and duties,” Texas of today owes a solemn moral obligation to Texas of tomorrow, not to exhaust and dissipate its resources needlessly so as to deprive oncoming generations of their benefits.

This applies to soil, water and other mineral resources, with equal force as to oil and gas. The impoverishment and deterioration of the State’s agricultural lands, already in advanced stages in some sections, is creating a conservation problem which bids fair in the not distant future, unless checked, to attain distressing proportions, directly affecting the welfare of every farmer in the State whose soil is being sapped of its fertility through erosion and lack of proper rotation of crops. State assistance and counsel, properly directed along proven scientific lines, could do much toward preserving the quality of the soil, and spare the tillers thereof incalculable losses from diminished productivity.

Existing laws are inadequate to carry out the conservation clause of the State Constitution, and in consequence the State is suffering grievously. The oil industry, one of the State’s principal sources of wealth, is demoralized and tottering on its foundations; thousands of people, directly dependent upon the industry, are going bankrupt; hundreds of thousands, perhaps millions, of others are feeling the effects indirectly; and the State itself is losing millions of dollars annually in reduced gross production tax receipts—all due to the wanton release and waste of oil and gas which nature has been storing up for thousands of years in the subterranean sands.

So acute and disturbing has the emergency become, that citizens from all over Texas have besieged the Executive Office with telegrams, letters, petitions, long distance calls and personal visits, urging the convening of a special session of the Legislature to cope with the problem. Numerous chambers of commerce, local governing bodies, land, lease and royalty owners, business men and the vast majority of small independent oil men, have joined in the demand, pleading that immediate legislation was the only course that offered substantial relief.

Not wishing to put the State to the expense and the members to the inconvenience of an extraordinary session unnecessarily, I withheld action for several weeks, hoping that the conservation problem might be worked out through voluntary public effort. However, such effort apparently has proved fruitless; and finally, after many members of the Legislature had added their advocacy of a session and the enactment of a conservancy law, I concluded that this course should be taken.

Accordingly, I submit to your Honorable Body the matter of enacting legislation to make the conservation clause of the Constitution effective. And since this clause covers “all the natural resources of this State,” I believe that your legislative program should properly include the conservation of all mineral resources, of the soil and of the waters of Texas.
The soil is the basic natural resource of the State, and it is being depleted so rapidly that unless remedial steps are taken, the heirs to our agricultural lands a few generations hence will find them a worn-out, unproductive legacy. Such already has proved the case in other states where the lands have been cultivated longer, without adequate attention to conservation.

The public waters, too, are becoming more and more important as a natural resource, as the state grows. More and more they are coming into demand for power, irrigation and municipal use. While we have a Water Board for their conservation, we should look well to keeping our facilities abreast of the changing requirements of the times, lest we fail to realize the full public benefits of our waters.

Much study and consultation has strengthened my belief that conservation of our natural resources could best be achieved through a unified program of effort for conserving all natural resources. And so I commend this idea to your earnest consideration, confident of your wisdom to work out a constructive plan that will meet the emergency, give effect to the Constitution, and safeguard the State's interest in its natural properties, now and in the future.

Respectfully submitted,

(Signed) R. S. STERLING,
Governor.
Message From the Governor.

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

Executive Office.
July 22, 1931.
To the Senate and House of Representatives, Forty-second Legislature:
I beg to submit herewith what I deem a real emergency, and I beg of you to give it your prompt and earnest consideration.

The Highway department of Texas and Oklahoma have recently completed a free bridge across the Red River between Denison, Texas, and Durant, Oklahoma.

Before the beginning of the construction of this free bridge by the respective states it became necessary, on account of certain litigation, brought by the Red River Bridge Company, the owners of the toll bridge, for the Texas Highway Commission to make certain contracts with the bridge owners, whereby this litigation would be dismissed.

About the time of the completion of this free bridge by the respective states there arose a difference of opinion between the Texas Highway Commission and the bridge company as to the meaning or construction of the contract, which resulted in the bridge company filing a suit in the United States District Court at Houston, Texas, and obtaining an injunction against the Highway Commission of Texas and their employees, enjoining them from opening the free bridge on the Texas side and also commanding them to keep it closed until a settlement could be obtained upon said contract.

This injunction is still in force and it appears that this litigation will be long drawn out. Therefore, I feel that it would be to the best interest of the State of Texas that the Legislature pass a bill permitting the bridge company to sue the State of Texas. I am reliably informed that if this should be done the injunction will immediately be dismissed and the bridge be immediately opened for the public use.

Respectfully submitted,
R. S. STERLING,
Governor of Texas.
Messages from the Governor.

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

Executive Office,
Austin, Texas, August 3, 1931.
To the Forty-second Legislature:
The revenues of this State have been seriously depleted because of the low prices of oil since our production tax is based on two per cent of the value of the oil produced. Unless the Legislature takes some necessary steps, it will result in a very much lower income to the State from this source than in years gone by. I think that you should amend this law to provide that there should be levied a tax of two cents per barrel on crude oil, which would bring in the same amount as the present production tax of two per cent on oil at $1.00 per barrel.
I am attaching hereto a proposed bill which I feel if enacted will bring about the desired condition of the finances of this State.
Respectfully submitted,
R. S. STERLING, Governor.

Executive Office,
Austin, Texas, August 3, 1931.
To the Forty-second Legislature:
This session of the Legislature was called in response to many telegrams, letters, petitions, telephone calls and personal appeals, urging that the Legislature be convened in special session to consider the problem of conserving our natural resources. I have heretofore submitted to you these matters in a short general way. You have wisely devoted a considerable portion of your time to the hearing of facts bearing upon the general subject and I delayed sending you a further message until you had completed those hearings, feeling that every fact bearing on the general subject should be before the Legislature before it undertook to write a law.

At the time this session was convened many cases were pending in the courts attacking the constitutionality of our conservation laws and particularly the validity of the orders of the Railroad Commission which had been made under those laws. Since this session convened a Federal Court, composed of Circuit Judge Hutchison, and District Judges Bryant and West, has given us in the case of McMillan vs. Railroad Commission our first written opinion construing these laws. This was one of the cases involving the validity of our conservation laws and of the orders of the Railroad Commission. Therein the validity of the laws was before the court, and it had the opportunity to pass upon the question as to whether they were constitutional or unconstitutional. At the time the opinion was written, the court, knowing that the Legislature was in session, it may reasonably be assumed that if the court had thought the laws were invalid, would have held so as to give this Legislature an opportunity to eliminate and correct any cause for invalidity. The court having failed to do this, we are justified in assuming that our existing conservation laws are valid. In this case, that court also construed "economic waste" as also meaning and including "market demand," holding that the Legislature in prohibiting the consideration of "economic waste" prevented that Commission from considering "market demand" in making its orders.

It appeals to me, in view of this decision of the United States Court, that it would be unwise to attempt radical changes in our existing laws. Any attempt at their amendment or modification should retain their general structure and ideas and not inject changes that would invite any new attacks upon them. I think it prudent that these statutes be only made plainer, so as to further define "physical waste," if necessary, and supplemented with more adequate and expeditious procedural provisions.

These laws were designed to prevent physical waste only and expressly inhibit the consideration of economic waste. This idea should be cautiously preserved. All price fixing attempts must be avoided.

The court pointed out in this case that the Railroad Commission is not given the power to limit the production of oil to the "market demand." I, of course, gladly accept the decision because to me it is sound from an economic point of view. Certainly,
if our laws permitted the Railroad Commission, or any other body, to prohibit the production of oil in excess of the market demand, it would tend to bring about a condition where the oil interests of this State might create a monopoly in this important part of the people's business. I repeat now what I have often said, namely, that I am opposed to the passage of any law that would have a tendency toward price fixing.

I advocate the creation of a new commission to enforce these laws, together with all laws enacted, for the protection of our natural resources.

(1) In my opinion, this commission should be appointive rather than elective.

(2) A provision that all persons charged with the duty or empowered to enforce existing conservation laws and orders of the commission, passed pursuant thereto, must be no other than the regular employees of the State, and provisions should be made to give the commission the necessary funds to employ sufficient men to enforce its orders. The present policy of entrusting the enforcement of the orders of the commission to persons who are paid by the contributions of the operators in the field is unsound and unworkable. And further define, if necessary, "physical" waste so as to strengthen the conservation laws.

(3) To provide for the speedy trial of all law suits that are brought attacking the validity of the orders of the commission entered under the conservation laws.

(4) To strengthen the ratable taking or common purchaser act so as to make it possible and practicable for every one to secure an outlet for his oil.

The oil business is something in which many more people are interested than just the companies and men who are producing and marketing oil. We sell to the outside, five times as much oil as we use; and we receive at this time less than one-fifth of the taxes which we ought to collect from this source.

The people of this State must be protected from any tendency toward monopoly in this important part of the public's business, and any law which you might pass, if I could see in it anything tending, or that might result in a monopoly, I would, of course, feel constrained to veto such bill without ceremony. The ultimate and sole end of all legislation upon these subjects by this Legislature should be the conservation of these natural resources.

In this day of combinations of capital and mergers of industries, the anti-trust laws of Texas have become of multiplied importance. Their enforcement must be looked after more scrupulously than at any time before in the history of our State. I compliment any effort of the Attorney General in reference to this question. The House of Representatives is worthy of the congratulation of the people of Texas for passing the $30,000.00 appropriation for the Attorney General's Department. I hope that the Senate will pass the bill at their earliest convenience. And I pledge to the Attorney General the full cooperation of the entire Executive Department in relation to all activities pertaining to the enforcement of the anti-trust laws.

I am indeed mindful of the critical situation which confronts the farmer. No man in Texas is more anxious than I to help bring about a situation which will improve their condition, and I, therefore, urge that if, in your judgment, any legislation can be enacted which will tend to solve their problems, or better their condition, that you give your careful thought to the same.

Six million people in Texas are to be considered in the enactment of legislation. No bill should be passed which will shift any burden from those most able to pay to the shoulders of those who are least able to pay.

I recognize the necessity for legislation along lines and upon subjects which have not been submitted by me. The time is short for you to consider the legislation now before you. I am in hopes that you will make progress, to the end that within a few days I may see my way clear to submit to you other subjects of vital interest.

Respectfully submitted,

R. S. STERLING, Governor.
Message From the Governor.

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

Executive Office,
Austin, Texas, August 6, 1931.
To the Members of the Forty-second Legislature:
By reason of the scores of cases now pending in the District Courts of Travis County, Texas, in which the State of Texas is a party, and by reason of the fact that our present local district courts are wholly unable to reach and dispose of these cases, I feel that Travis County is in urgent need of an additional district court.
In order to meet the emergencies existing in Travis County I hereby submit to the Legislature as an emergency matter the subject of the creation of an additional district court in and for Travis County, and hand you herewith a suggested measure which has been drawn and presented to me with the request that I submit it to your body for your action.
Respectfully submitted,
R. S. STERLING, Governor.

Executive Office,
Austin, Texas, August 6, 1931.
To the Members of the Forty-second Legislature:
I hand you herewith a suggested measure amending Articles 2255, Chapter 12, Title 42 of the Revised Statutes of Texas of 1925.
I understand that confusion now exists under the present law and that the attached bill, if passed, will remedy the situation.
Feeling that an emergency exists in this regard I hereby submit for your consideration the attached bill and the subject therein mentioned.
Respectfully submitted.
R. S. STERLING, Governor.

Executive Office,
Austin, Texas, August 6, 1931.
To the Members of the Forty-second Legislature:
Owing to the vast amount of litigation created and pending in Gregg County, Texas, by reason of the oil field development, I feel that this county is in urgent need of an additional district court, at least temporarily.
In order to meet the emergencies existing in Gregg County I hereby submit to the Legislature as an emergency matter the subject of the creation of a temporary district court in and for Gregg County, and hand you herewith a suggested measure which has been drawn and presented to me with the request that I submit it to your body for your action.
Respectfully submitted,
R. S. STERLING, Governor.

Executive Office,
Austin, Texas, August 6, 1931.
To the Members of the Forty-second Legislature:
I hand you herewith a suggested measure amending Articles 2255, Chapter 12, Title 42 of the Revised Statutes of Texas of 1925.
I understand that confusion now exists under the present law and that the attached bill, if passed, will remedy the situation.
Feeling that an emergency exists in this regard I hereby submit for your consideration the attached bill and the subject therein mentioned.
Respectfully submitted.
R. S. STERLING, Governor.
Messages from the Governor.

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

Executive Office, August 7, 1931.
To the Members of the Forty-second Legislature:

It has been called to my attention that in the bill fixing the terms of court in the Thirty-second Judicial District of Texas, passed by the Regular Session of the Forty-second Legislature, there was an error made in designating the terms of court to be held in Mitchell County and that confusion now exists because of this error.

I have been requested to submit the hereto attached bill which seeks to correct the existing situation and I, therefore, hereby submit the attached proposed bill and the subject therein contained as an emergency measure for your consideration.

Respectfully submitted,
R. S. STERLING,
Governor.

Executive Office, Austin, Texas, August 7, 1931.
To the Forty-second Legislature:

It has been called to my attention that the present law providing for the Board of Optometry Examiners is possibly unconstitutional because of the fact that the present law calls for only five members. The attached bill seeks to increase the membership of this board to six members in order to meet the constitutional question which has been raised.

I, therefore, hereby submit the attached proposed measure and the subject therein contained as an emergency measure for your consideration.

Respectfully submitted,
R. S. STERLING,
Governor.

Executive Office, August 7, 1931.
To the Forty-second Legislature:

I hereby submit for your consideration the following subjects:

(1) The enactment of a measure to provide for the employment of a supervisor or supervisors in all counties in this State whenever deemed advisable by the county board of school trustees, specifying the classifications and duties of such supervisors and providing for a manner and mode of payment thereof.

(2) The enactment of a measure amending Section 1 of Chapter 354, Page 844, Acts of the Regular Session of the Forty-second Legislature relating to the creation of the office of the Criminal District Attorney in certain counties so as to make said act applicable to counties having a population of not less than thirty-
two thousand (32,000) and not more than seventy-five thousand (75,000) inhabitants according to the last preceding Federal Census.

(3) The enactment of a law amending Section 1 of Chapter 129 of the General Laws of the State of Texas enacted by the Regular Session of the Forty-first Legislature so as to provide that the Centennial Committee therein created shall be composed of twenty-one (21) members instead of nine (9) members and providing for their appointment.

Respectfully submitted,
R. S. STERLING,
Governor.

Executive Office,
Austin, Texas, August 7, 1931.

To the Members of the Forty-second Legislature:
I hereby submit for your consideration the following subjects, to wit:

(1) Legislation validating issues of funding or refunding notes, bonds, warrants, time warrants and treasury warrants heretofore issued or authorized to be issued by any counties, cities or towns in Texas.

(2) Legislation authorising the assignment and transfer of any tax liens levied by the State of Texas and/or any county, municipality, school district or any other political subdivision of the State and providing for the issuance of tax certificates evidencing the transferred tax obligation, providing means for the collection of such tax certificates, the rate of interest for such obligations, the time of payment, the time for filing and filing fees.

Respectfully submitted,
R. S. STERLING,
Governor.

Executive Office,
Austin, Texas, August 7, 1931.

To the Members of the Forty-second Legislature:

Under the provisions of the Constitution and laws of the United States and of the State of Texas relating to apportionment of the state's congressional representation Texas is now entitled to an increase in the number of Representatives, in the Congress, according to the last enumerated census.

I, therefore, hereby submit for your consideration and attention the subject of redistricting the State of Texas as to its congressional representative districts.

Respectfully,
R. S. STERLING,
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, August 7, 1931.
To the Members of the Forty-second Legislature:
At the Regular Session of the Forty-second Legislature a bill was passed creating the Division of Child Welfare in the Board of Control; empowering the Board of Control to employ a chief and necessary assistants; prescribing qualification of the chief; defining the duty of the Division as to defective, illegitimate, dependent, neglected and delinquent children through the enforcement of all State laws in regard thereto; vesting authority for payment of all expenses; providing for county welfare boards and describing their duties. As this bill went into effect immediately, but no appropriation was provided for which would make this division workable, I therefore submit to you attached bill which sets out a small appropriation for the next biennium in order that this important division may function. I believe that this Act will be of untold benefit to Texas in helping to solve some of the problems of illegitimate, dependent, neglected, and delinquent children.

Respectfully submitted,
R. S. STERLING, Governor.

Executive Office,
Austin, Texas, August 7, 1931.
To the Members of the Forty-second Legislature:
I hereby submit for your consideration the following subject:

(1) Legislation authorizing navigation districts to expend their funds for work done or to be done on improvements made or to be made outside of their geographical boundaries.

(2) Legislation amending Articles 2559 and 2560 Revised Statutes of the State of Texas for 1925, to provide the way and manner in which cities, towns and villages shall take bids for depositories of funds of such cities, towns and villages and providing for the way and manner in which said funds shall be secured.

Respectfully submitted,
R. S. STERLING, Governor.

Executive Office,
Austin, Texas, August 7, 1931.
To the Members of the Forty-second Legislature:
For your consideration and attention I hand you herewith a proposed measure which amends Sections 11, 13, 14 and 15 of House Bill No. 547, Acts of the Forty-second Legislature, Chapter 73, page 111, Laws of the Regular Session, and which adds thereto certain sections, and making other provisions amending and correcting what is know as the Cigarette Tax Law.
In order that the Cigarette Tax law may be more workable and less expensive in its operation I commend the attached bill to your honorable body for your action.

Respectfully submitted,
R. S. STERLING, Governor.

Executive Office,
Austin, Texas, August 7, 1931.
To the Members of the Forty-second Legislature:
I hereby submit for your consideration the subject of the laws pertaining to county depositories.
County officials from many sections of Texas urge that I submit this subject in order that certain corrective provisions may be enacted by you.

Respectfully submitted,
R. S. STERLING, 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, August 10, 1931.
To the Members of the Forty-second Legislature:
I hereby submit the following subjects for your consideration, viz:
(1) To amend our insurance laws so as to provide that licenses for life insurance agents will not be renewed each year, thus making the same provision for life insurance agents as the Regular Session of the Legislature made for all other insurance agents and saving the State several thousand dollars per year in unnecessary expense.
(2) To provide that all warrants drawn upon the State Treasury, and not paid for lack of funds, shall draw interest from and after the date of such refusal of payment until the date upon which they are called for payment by the State Treasurer, thus making obligations of the State automatically draw interest after non-payment in the same manner that the State laws have always required as to obligations of private citizens; along the lines of the laws of Missouri and numerous other states.
(3) To amend Article 109 of our laws governing primary elections so as to make it clear that it applies to all offices for which candidates are to be nominated.
Respectfully submitted,
R. S. STERLING, Governor.

Executive Office,
Austin, Texas, August 10, 1931.
To the Members of the Forty-second Legislature:
I hereby submit for your consideration the following subjects:
(1) Amending Senate Bill No. 467 passed by the Regular Session of the Forty-second Legislature.
(2) The enactment of legislation waiving the rights of the State of Texas to enter upon, for the purpose of the developing of mines, minerals and mineral rights any lands acquired under the provisions of Article 8225, Revised Statutes, 1925, which lands are now controlled by, or which may hereafter be conveyed to the United States of America for navigation purposes, so long as such lands shall be used by the United States of America for navigation purposes.
Respectfully submitted,
R. S. STERLING, 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, August 12, 1931.
To the Members of the Senate of the Forty-second Legislature:
Subject to your confirmation I have re-appointed Honorable James Shaw as State Banking Commissioner for the next ensuing statutory term.
Respectfully submitted,
R. S. STERLING, Governor.

Read and referred to Committee on Governor's Nominations.

Executive Office,
Austin, Texas, August 12, 1931.
To the Forty-second Legislature:
I understand that a bill has been passed in the House amending Article 2350, Revised Civil Statutes of 1925, as amended by Chapter 290 of the Regular Session of the Fortieth Legislature, as amended by Chapter 46 of the First Called Session of the Fortieth Legislature. I am informed further that point of order has been sustained in the Senate against the passage of this bill for lack of my submitting the subject.
At the special instance and request of the legislators from the district affected by this bill, I hereby submit this subject to you for your consideration.
Respectfully submitted
R. S. STERLING, Governor.