

Close of an address made by Senator Arthur Pope Duggan to the YOUNG DEMOCRATS of Lubbock county, on Nov. 11th, 1933.

"It is wonderful to me that the Creator himself is at all times seeking to bring order out of chaos, beauty out of barrenness. His thoughts blossom in the roses and the lillies; The carnations and the violets. They sparkle in the dew drops; fall white in the snow flakes glisten and dazzle in the sleet covered forests and are poured out in gentle showers of rain. With a wealth of color he hangs his thoughts on the rainbow of the sky with its wonderful prismatic beauty.

He carpets the meadow with a velvet green paints the fruit of the orchards with its russet crimson and scarlet; makes the springtime wave its censurs of perfume before the alters of early morning, and upholsters the autumnal forests in fire.

His thoughts crystalize in veins of gold and silver; in bales of cotton and sheaves of golden grain.

They turn to precious stones - the topaz, the ruby, the sapphire, the diamond. They lift themselves into unlimited space and fill the universe with stars and suns and rilling worlds traveling across the great expanse of time.

Humanity, clad in immortality, infinite in form and faculty, possesses so many of the attributes of the Creator.

It is a beautiful thought:
I leave it with you.

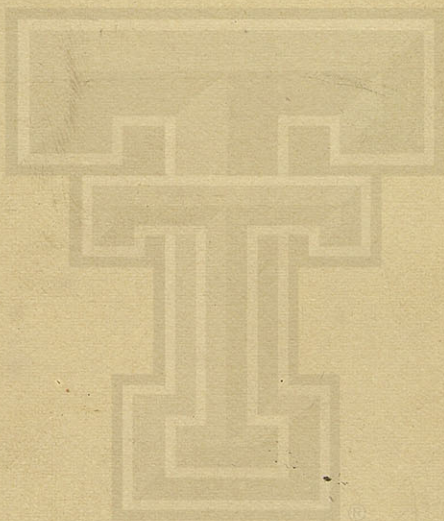


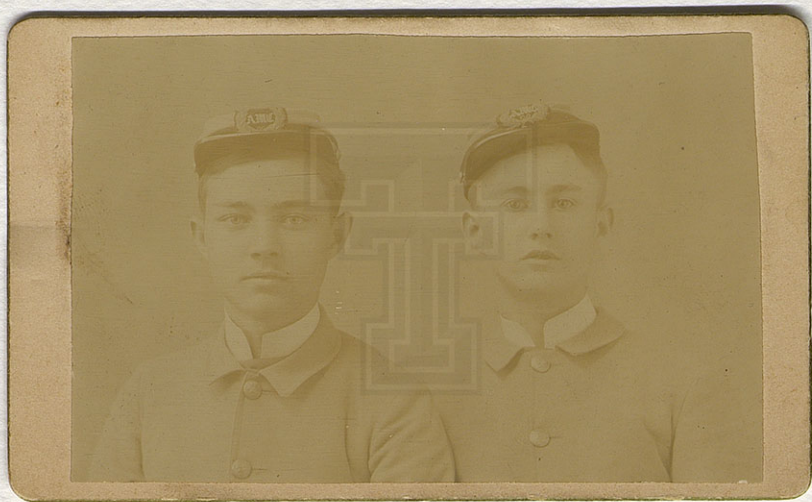
Your brother

A. P. Duggan.

A+M College of Texas.

1-27-94.





A. P. Duggan
San Antonio
Tax —

E. Trimble
Dallas
Tax —

Keep Picture
of
Arthur when
in A + M - College

Districts Will Decide On Grouping Plan

Arthur P. Duggan Saw Lamb County Change From 'Desert' To Farmland

(Continued From Page One)

Senator Duggan recommended extensive tax reforms. His term would have expired in January, 1937.

Governor Allred, the Associated Press said, delayed setting a special election to choose a successor pending the funeral services. It was likely he would call one immediately in view of the special session set for Sept. 16. It would be the third special election held to fill vacancies in the present senate, although Senator Duggan's death was the first of a member in many years.

Senate Committee Listed

Senators appointed to a committee to attend the rites were J. W. E. H. Beck of DeKalb, E. J. Blackert of Victoria, Clay Cotten of Palestine, Tom Deberry of Bogota, T. J. Holbrook of Galveston, W. K. Hopkins of Gonzales, John W. Hornsby, Austin, Will D. Pace of Tyler, W. R. Poage of Waco, John S. Redditt of Lubbock, Roy Sanderford of Belton, Albert Stone of Brenham, L. J. Sulak of LaGrange, and H. Grady Woodruff of Decatur. Others were Bob Barker of Fort Worth, secretary of the senate, and A. W. Holt of Austin, sergeant-at-arms.

Surviving Senator Duggan were his widow, a son, Arthur P. Duggan, jr.; a daughter, Mrs. David C. Gracy of Austin; his mother; a sister, Mrs. Julia Hart of Dallas, and two other brothers, Campbell J. Duggan of Kilgore, and R. Freeman Duggan of Dallas.

After recovering from the operation here, Senator Duggan spent some time in Littlefield. He and Mrs. Duggan then went to Gonzales to visit Miss Haral. The business trip to Laredo followed. There he suffered a severe attack of indigestion, according to Pat Boone, a relative, who lives in Littlefield.

The news of Senator Duggan's death, which was to shock South Plains residents, first was received here by his brother, and a nephew, Thomas B. Duggan, jr.

Was Native Texan

The South Plains pioneer was a native Texan, born of native Texans at San Marcos Sept. 21, 1876.

When he was five years old, he moved with his parents to San Saba, then a frontier community. There the Duggans owned a farm and ranch. His father for many years was district and county clerk of

San Saba county.

After Mr. Duggan finished the schools of his home town he entered Texas A. & M. college, where he was graduated with a bachelor of sciences degree after three years' study. After passing a year in his father's office, he entered the University of Texas. He was graduated with a bachelor of laws degree.

Moves To Stamford

In 1900, after a year in a law and abstract office, Mr. Duggan went to Stamford. For a short time he operated a hardware store owned by the estate of a late uncle. He then opened an insurance and loan agency in Stamford.

As in other communities in which he lived, Senator Duggan took an active interest in civic affairs. He was a charter member of the Stamford Masonic lodge, was first secretary of the Stamford Chamber of Commerce, and was a member of the Presbyterian church there.

In 1902 he married Miss Sarah Haral of Gonzales, a niece of the late Major George W. Littlefield. Their son, Arthur P. Duggan, jr., was the first child born in Littlefield.

In 1912 the Santa Fe railway began construction of the "cut-off" between Lubbock and Farwell. Major Littlefield, owner of the 300,000-acre Yellowhouse ranch, foresaw the end of the cattle business in that section. Mr. Duggan was chosen to take exclusive charge of his lands and sales.

Helped With Surveying

In August, 1912, State Surveyor W. D. Twichell began surveying and subdividing the ranch, which extended into four counties. Mr. Duggan, a member of the surveying party, was assigned the job of "corner builder." That required the stenciling and driving of iron pipes marking labor corners and the placing of concrete corners at the intersection of leagues.

A few months later, Mr. Duggan left the surveying party to lay out the townsite of Littlefield.

Much of the estate of the late Major Littlefield was in the huge ranch. It was through the successful sale of those lands that the major was enabled to give more than \$1,500,000 to the University of Texas.

Writing recently in the Littlefield Lamb County Leader, Senator Duggan said:

"In the early days out here the people of Texas 'knew' that this Plains country was a desert, and would laugh at anyone suggesting that it would ever be an agricultural country. It was necessary to put farms in and actually show the people that crops would grow here. The Littlefield property being the first in this immediate section to be opened up for settlement had to do the pioneering along agricultural lines. Other ranches waited until this had been done; until the country had been proven as a farming country."

That Lamb county has led other South Plains counties in cotton production, in addition to producing immense feed crops, has been a monument to Senator Duggan's foresight.

Served In Army

In 1918, Mr. Duggan entered the officers training camp at Camp Stanley, Texas, receiving the commission of captain. The armistice was signed while he was in the camp.

Five years later the Yellowhouse land company was organized as a trust holding company, taking over the remaining portion of the Littlefield land for public sale and settlement. Mr. Duggan, one of the organizers, became a trustee. When the Plains investment company was organized, Mr. Duggan was made a director and was elected secretary-treasurer.

Senator Duggan retired as active head of the Yellowhouse Land and Cattle company upon entering the senate, but he continued personal supervision of his West Texas real estate holdings.

On School Board 20 Years

He was a member of the Littlefield school board, of which he was a president, for more than two decades prior to his election to the senate. He had been a bank director there. Although he never engaged actively in the practice of law there he was a member of the Texas bar. He had practiced law in Houston before moving to Stamford.

Senator Duggan was a past master of the Littlefield Masonic lodge, a 32nd degree Mason, a member of the Nobles of the Mystic Shrine, and of the First Presbyterian church. He also was a member of the Woodmen of the World.

He was a past president of the Littlefield Chamber of Commerce and the Littlefield Rotary club.

He also had served as a president of the University Dads' and Mothers' association. He was prominent in ex-student activities.

Miserable Communist Band To Be Led Prison
RE, France, company their last for

Leaders In Many Fields Pay Their Respects To Late Senator Duggan

(Continued From Page One)

friendship, and his efforts in our behalf."

* * *

O. L. SLATON

President, First National Bank
"Mr. Duggan's death came as a severe shock to me. I didn't know that he had been ill. I have always considered him as one of the ablest senators this section of the state has ever had, especially in regards to tax matters. His place will be difficult to fill."

* * *

W. B. PRICE

Lubbock City Commissioner
"It was with deep regret that I learned of the unexpected death of that great developer of the South Plains and West Texas, Senator Arthur P. Duggan. His efforts on the behalf of this section will be missed greatly. The City of Lubbock has lost a friend."

* * *

R. C. HOPPING

Ellwood Farms Official
"Senator Duggan's death will not only be felt by West Texans but also by the entire state. He was one of West Texas' greatest developers."

* * *

SPENCER A. WELLS

WTCC Director
"His death is a very severe blow to this whole country. It is a shock to me, something I was not prepared for."

* * *

C. E. MAEDGEN

President, Lubbock National Bank
"We have suffered an irreparable loss in his death. He has spent lots of energy in the development of this section. I was very fond of him."

* * *

J. O. JONES

District Director, WPA
"I feel keenly the passing of Senator Arthur P. Duggan. I've lost a real friend, a man who was always ready and willing to lend a helping hand in any problem of benefit to the people of the South Plains and West Texas. The loss of his untiring efforts as a senator representing the interests of his state and the 30th senatorial district will not only be felt by his own people but also by the entire state as well."

* * *

A. B. DAVIS

Manager, Lubbock B.C.D.
"Arthur Duggan was a fine Christian gentleman, a real man without vices, a true friend, an educated, capable leader, who had the common touch; a loyal citizen of Texas who fought for the rights of West Texas."

* * *

PAT BOONE

President, Littlefield C. of C.
"Senator Duggan has done as much for Littlefield, Lamb county and the entire West Texas section as any man. All of West Texas is heartbroken over his death, which was a severe shock to this town and county in particular."

* * *

MRS. VERNIE WRIGHT

Mr. Duggan's Former Secretary
"Working at his office here, or supervising his affairs by correspondence for 12 years, I know Senator Duggan was a splendid business man. As his secretary, I knew him to be an untiring worker, faithful to all his tasks. His death is a distinct shock to me and the others in the Yellowhouse land office."

* * *

J. M. STOKES

Littlefield Druggist
"I hardly know what to say. We all hate to hear that he is lost to us. His death is keenly felt. This section of Texas knows that he has done a great work as a senator. We owe him many thanks which cannot now be expressed."

* * *

T. S. SALES

Ex-Mayor of Littlefield
"We have lost what I would term our key citizen, the founder of Littlefield. It will be long before another man can take his place in the activities which endeared him to us. We shall miss him more than we readily realize. He was a man honored by all."

* * *

J. C. WHICKER

Littlefield Hotel Operator
"In my acquaintance with Senator Duggan for the past 20 years, I knew him to be a most honorable and 'straight up' man. I worked with him as the first salesman with his company, and I know what we lost by his death. A great gap has been made in the ranks of our leaders."

* * *

L. R. CROCKETT

Mayor of Littlefield
"In my personal dealings with Senator Duggan for the last 12 years, when I counted him a very close friend, the times I have talked with him and made trips with him, have made me realize that he was one of the finest men I have ever had dealings with. We feel like we have lost one of our best citi-

zens. He never was a man the general public would appreciate when they saw him pass by. To know him better, the better the man you knew he was."

* * *

J. W. JAMES

President, Littlefield School Board
"In the death of Senator Duggan, Littlefield and West Texas have lost a willing worker and an ardent and staunch friend, and the state of Texas an able legislator. Senator Duggan was a very able and enthusiastic champion of education as most of us have observed in following his activities in legislature. I very deeply regret the passing of Senator Duggan."

* * *

MORLEY B. DRAKE

Publisher, Lamb County Leader
"Word of the death of Senator Duggan was a great shock to me. In the almost six years that I have been a resident of the South Plains I came to know Senator Duggan exceedingly well, and to know him was to appreciate his innumerable outstanding and excellent qualities. Senator Duggan is dead, but through his works he will live on, and men and women, boys and girls, down through the years, will benefit because of his vision, ideals and untiring service in the cause of all things in the best interests of humanity."

* * *

DR. J. E. COEN

Commander Littlefield Legion Post
"I knew Senator Duggan to be 'good and faithful' in any work set before him. While here, he usually attended all our meetings. He has helped us out a great deal. We shall certainly miss him."

Trimble Gets 5-Year Term

Defendant Is Convicted Slaying Of Menar Commissioner; Likely Be Fined

FREDERICKS
—L. E. Trimble today of slaying former Menar sioner. The jury five years. After Represente ble's at jury f the c an ap The before H. char sched

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DIRECTORS OF WTCC MEMBER TOWNS GIVEN

113 Municipalities Are
Affiliated with Body in
Its Program for Com-
ing Year

SWEETWATER, May 13.—(P)—

The 113 cities now affiliated with the West Texas chamber of commerce are represented on the board of directors as follows:

Abernathy, not named.

Abilene, C. M. Caldwell, Price Campbell, Max Bentley; Albany, R. H. McCarty; Alpine, John Perkins; Amarillo, Wilbur C. Hawk, Lawrence Hagy, John B. Gilvin; Amherst, John H. Wood; Artesia, Albert Woods; Anton, Ed M. Hart; Ballinger, W. C. McCarver; Benjamin, S. G. West; Big Lake, R. Theis; Big Spring, Ray Wilcox; Borger, E. C. Carver; Bowie, A. M. Latham; Brady, J. B. Vincent; Breckenridge, A. M. Smith; Bronte, Robert L. Knierim; Brownwood, Chester Harrison; Canadian, H. E. Hoover; Canyon, Wallace R. Clark.

Childress, E. B. Abington; Chilli-
cothe, J. R. Quinby; Cisco, J. E.
Spencer; Clarendon, Odus Caraway;

Coleman, Leon Shield; Colorado,
Crme. Thompson; Comanche, Car-
roll Black; Crosbyton, D. E. Aynes;
Crowell, T. N. Bell; Dalhart, W. J.
Casey; DeLeon, E. H. Houlter;
Denton, L. A. McDonald; Dimmitt,
T. A. Singer; Dublin, W. P. Hall-
mark, Sr.; Dumas, W. J. Morton;
Eastland, Milburn McCarty.

El Paso, C. N. Bassett, O. C. Coles,
W. H. Peterson; Farwell, James D.
Hamlin; Floydada, W. Edd Brown;
Fort Davis, Dr. C. E. Eaton; Fort
Stockton, H. D. Mendel; Fort Worth,
Amon G. Carter, Van Zandt Jarvis,
T. B. Yarbrough; Graham, D. H.
Bolin; Groom, J. W. Knorff; Gru-
ver, L. H. Gruver; Hale Center, S.
J. Underwood; Hamilton, Dr. A. G.
Livingston; Hamlin, Joe L. Cul-
bertson; Haskell, Courtney Hunt;
Henriett, J. T. Petro; Hereford, G.
A. F. Parker; Iowa Park, Gordon C.
Clark; Junction, Emil Loeffler;
Knox City, Roy Smith; Kress, W. T.
Bagley; Lamesa, C. E. Cameron;
Littlefield, Arthur P. Duggan; W.
B. Collins.

Lubbock, Spencer A. Wells, Chas.
A. Guy; Marfa, W. W. Bogel; Mat-
ador, C. L. Glenn; McCamey, M.
E. Pittman; McLean, T. A. Landers;
Menard, Joe Whaley; Merkel, W. O.
Boney; Midland, Leon Goodman;
Mineral Wells, D. C. Harris; Mule-
shoe, R. L. Brown; Odessa, John M.
Gist; Olney, Wright McClatchy;
Oilton, Pat B. Campbell; Paducah,
H. M. Dudley; Panhandle, David M.
Warren; Pecos, Jack W. Hawkins.

Plainview, Fred H. Madison; Por-
tales, N. M., G. W. Carr; Post, A.
C. Surman; Quanah, F. W. Ken-
nerly; Ranger, Roy W. Gilbreath;
Ralls, P. B. Ralls; Roscoe, A. J.
Parker; Roswell, N. M., R. L. Ma-
lone; Rotan, T. F. Huggins; Rule,
T. P. Hornback.

San Angelo, Houston Harte; San
Saba, H. O. Timmins; Santa Anna,
Fred W. Turner; Seagraves, O. M.
Herring; Seymour, F. H. Davis;
Shamrock, O. J. Walker; Slaton,
Claud P. Anderson; Snyder, D. P.
Yoder; Sonora, Geo. H. Neill; Spear-
man, J. R. Collard; Spur, Clifford
B. Jones; Stamford, A. J. Swenson;
Stanton, M. F. King; Stephenville,
J. Thomas Davis.

Sweetwater, D. A. Clark; Tahoka,
Taylor White; Tatum, N. M., E. J.
Fox; Throckmorton, Garland Eu-
bank; Thurber, Clint Imbro; Texon,
not named; Tulia, Dr. J. W. Stev-
ens; Turkey, Willis Walker; Van
Horn, J. F. Provine; Vernon, R. H.
Nichols; Weatherford, J. C. Hayes;
Wellington, Ber Hurst; White Deer,
Roscoe Ross.

Wichita Falls, W. B. Hamilton,
A. E. Kelly, Walter D. Cline.

Labor Has Silent Prayer for Lindys

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A. P. DUGGAN IS CANDIDATE FOR STATE SENATOR

Has Long Record of Service to Littlefield Section and West Texas

Arthur P. Duggan, who has a long record of service in the interests of this section and West Texas as a whole, Wednesday, announced as a candidate for state senator for the thirtieth senatorial district.

Mr. Duggan is one of the most valuable citizens of Littlefield and West Texas. This fact is generally recognized in Littlefield, in West Texas and throughout the state. Whenever a project of importance to Littlefield or



ARTHUR P. DUGGAN

West Texas is to be undertaken, the citizenship invariably turns to Mr. Duggan for leadership.

Mr. Duggan was born on a cotton farm in Hays county; raised largely on a stock farm in San Saba county; moved to Jones county in 1900, and to Lamb county in 1912.

Arriving in Lamb county, Mr. Duggan took charge of the subdivision and sale of the famous 300,000-acre property known as the Yellow House Ranch and owned by the late Major George W. Littlefield of Austin. While in charge of this project he sold thousands of acres of farm lands to real dirt farmers for homes and helped work out their problems.

Mr. Duggan owns, and directs the cropping of some Lamb county farm land, and is therefore personally acquainted with the problems of the farmers at this time.

"Actual personal experience, and a lot of it, makes me know very intimately the farmers' needs, condition, and viewpoint, and I am in thorough sympathy with them," he said.

It was Mr. Duggan's privilege to be graduated from Texas A. & M. and from the law department of the University of Texas. He takes considerable pride in the fact that he earned his own living while attending school and paid all his own school expenses.

Past President W. T. C. C.

As president of the West Texas

(Continued on Last Page)

Duggan—

(Continued from Page One)

Chamber of Commerce, the most intimate needs of every county in this district were brought to Mr. Duggan for analysis and assistance. This gave him an opportunity to become familiar with such needs, and placed him in the best possible position to realize just what this district must have for its continued development and prosperity. During the past 20 years Mr. Duggan has striven, as a citizen, for the upbuilding of this area. As a senator it would be his ambition to continue that work for the best interests of this senatorial district and its people.

His duties, over a long period, in Chamber of Commerce work; as an officer in the Rotary Club, and other city and rural civic organizations, has placed him in close touch with the economic conditions and real problems of the towns and rural districts of West Texas. His connections as honorary vice-president of the State Fair of Texas, and director of the Tri-State Fair of Amarillo, have forcibly brought to his attention the wonderful agricultural development of this section during the past few years; also the unlimited possibilities of diversified farming under proper encouragement. As vice-president of the South Plains Scottish Rite club; as a director of the Tech College Y. M. C. A.; work with the Boy Scouts, and as presiding officer of fraternal organizations, it has been his privilege to work with, and assist, those who seek to place the social and moral standards of our men and boys on a higher plane.

In 1918 he enlisted in the Texas National Guard; went to the U. S. officers training school at Camp Stanley and came out with a captain's commission. He became a charter member of the American Legion, and is still a member in good standing.

"Last fall, when the freight rate on cotton in a large part of this senatorial district was increased, it was my privilege to be made president of the South Plains Freight Rate Association," Mr. Duggan said. "By quick, energetic, concerted action that organization secured a hearing by the Texas Railway commission at Lubbock, and brought about a reduction in freight rates on cotton that saved the farmers of this section many thousands of dollars.

"West Texas should become road-minded. If I am elected your senator, I will go to Austin expecting to insist and demand that this senatorial district get, in addition to its full share of road money, its full pro rata part of all moneys, emolument and benefits coming to it from the state government. In other words, a square deal.

Tax Reduction Necessary

"It has become very popular to advocate tax reduction. Five years ago, as president of the West Texas Chamber of Commerce, I urged this very thing all over the country, as well as

the equalization of taxes in Texas. I have never been able to see the justice in some ninety-nine counties, mostly in eastern and central Texas, drawing from the State Treasury every year some \$3,250,000 for text books, rural aid and witness fees, more than they pay into the Treasury for all purposes. The last time I checked it up 155 counties in this state, including West Texas, and the counties where the large cities are located, were paying all the state government expenses and, in addition, approximately three and a quarter million dollars annually to educate the children of the said ninety-nine counties. I do not consider that equal and uniform taxation. Neither do I think it necessary or fair to our people out here. As a senator I would do my very best to have it corrected.

Yes, taxes should be, must be reduced and equalized. During twenty-five years our national population has increased some 55 per cent while our tax burdens have increased about 700 per cent. Any sane man knows that must stop NOW. This cannot be accomplished by seeking for something new to tax, but by stopping the spending of so much money, and the making of unnecessary appropriations. There is a total of 1,023,375 persons on the pay roll of our national government with an annual salary account of \$1,500,000,000. Our State and City governments are about in the same proportion. Too many departments, boards, bureaus, commissions, etc., etc.

"The ability of the people to pay taxes has been greatly reduced during the past three years, while taxes have not. It is essential that our people have an increase in income. The prosperity of this Senatorial district depends very largely on cotton. The income from cotton, during this fiscal year, will be less than one-third of that for the year 1928-29. We must have better distribution; more cotton must be sold to Europe; more uses must be found for cotton and its products. It is certainly important to increase the ability of business and industry; of agriculture and real estate to pay even the reduced taxation which it is necessary to bring about. Cotton is just one item, there are many others. Those are things I am intensely interested in, and would delight to work for.

"Having been president of the

school board at Littlefield for almost twenty years, I have had to study closely the school problems of our small towns and rural communities. I ought to know them pretty well. Since the large majority of the boys and girls in this district will never attend school away from home, our rural schools and high schools, should be the best possible. We are due them that.

"The aim of education is to teach us to live more successfully; to make better citizens, real citizens, and I am whole-heartedly for the sound sensible, sane educational training of the youth of our land. I believe in higher education along the same line, and strongly favor proper financial support, and recognition of the Texas Technological College, that splendid school, located within the confines of this Senatorial district. Our young men and women who desire to complete their education should have the opportunity of doing so here close to home. The best is none too good for them.

"As a State Senator I would not expect to make many speeches, nor to introduce a lot of bills. We have entirely too many laws already. 'Fewer and better laws' is a mighty good slogan to which I subscribe most heartily.

"Being a native Texan I am very proud of this great state, and of its traditions, history and institutions. I am for Texas as a whole, and I am for a squarer deal for West Texas, and for the people of the 30th Senatorial District."

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YOUR

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Eggs

at

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Also Good

TUESDAY & WEDNES

John Gilbert i

CLEAR CHEERING GALLERY AFTER HEFLIN SPEECH

ALABAMA MAN HITS LEADERS OF DEMOCRATS

Former Senator Makes 5-Hour Plea Upper House Unseat John Bankhead.

By Associated Press.
WASHINGTON, April 26.—Spectators were cleared from the galleries of the Senate late today after applause which followed a five-hour address by former Senator Heflin of Alabama demanding that his successor, John H. Bankhead, be unseated.

It was the first time in recent history that such action has been taken although presiding officers have threatened it frequently.

Senator Moses of New Hampshire, president pro tempore, in the chair at the time, ordered the sergeant-at-arms to clear the galleries when applause broke out there.

The guards quickly carried out his orders and the Senate went on with a discussion of the Heflin-Bankhead contest.

On his old familiar tilting ground—the floor of the Senate—Heflin, with lory gesture and grandiose phrase, spoke for more than five hours today an impassioned plea that his successor be unseated.

Before crowds that packed the galleries and formed long lines outside the doors, the bulky, frock coated Heflin, in a characteristic address, accompanied by a blustering and accompanying blows of his fist that he had been "robbed" in the 1930 election.

So interested was the Senate that it relaxed its previous ruling that he be heard for no more than two hours and let him talk on throughout the afternoon. The unusual privilege of addressing the Senate, although not a member, was granted him yesterday by a 33 to 31 vote.

It was to the Republican side of the chamber that "Old Tom" addressed himself, speaking much of the time with back turned to his erstwhile Democratic colleagues.

A familiar Heflin phrase, "My God, Senators, think of that!"—accompanied by a crack of fist on palm—rang out again and again as he plunged on in a fluent castigation of the Democratic Executive Committee of Alabama which barred him from the primary in 1930 because he refused to support Al Smith for President in 1928.

"They put me on the spot," Heflin shouted as he arraigned the Democratic "machine" an decharged that in the election in which he ran as an independent, ballots were bought, stolen, burned and coercion and intimidation practiced.

Alabama's two Senators—Black and Bankhead—sat impassively through it all.

Most of Heflin's charges had been heard before—either in his own addresses on the Senate floor last session or in the extensive hearings conducted by the Senate Elections Committee—but an accusation fired in the general direction of the Democratic National Committee officials was new.

Striding up and down, his black coat tails swishing the desks, Heflin told the Senators his investigators had "leads" pointing to expenditures of more than \$1,000,000 against him.

"We have a lead that Mr. Pettis, the state chairman," he said, "came to Washington to get some money from Jonett Shouse (chairman of the Democratic National Executive Committee)."

"Shouse gave him \$1,000 to go to New York and see John J. Raskob (chairman of the Democratic National Committee). Raskob told him, 'I don't like the way things are going to Alabama for Bankhead. If you raise \$50,000 there I will get you \$250,000.' We haven't been able to follow that lead through."

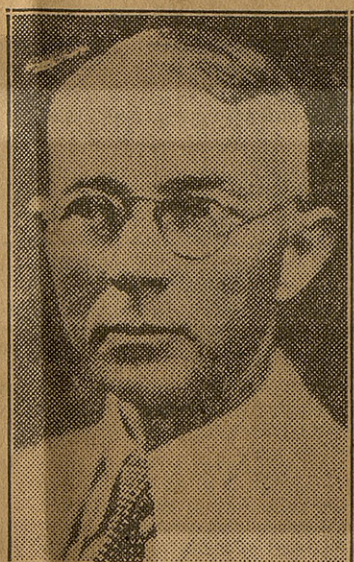
Sheriff May Ask Suspended Term

AUSTIN, April 26.—Attorney for A. J. Remmert, sheriff of Austin County on trial in Travis County District Court on a charge of extortive collection of fees of office, indicated in questioning prospective jurors they would ask for a suspended sentence in event Remmert was found guilty.

A jury had not been completed early this afternoon.

Remmert was charged with having excessive charges in an account

Is Candidate



Arthur P. Duggan of Littlefield, candidate for State Senator from the Thirtieth District on a platform calling for more equitable distribution of the tax burden.

SAYS TAX TRAIL END IS REACHED

The state, county and municipal governments of Texas have come to the end of the trail of tax levies and governmental expense and drastic economies must be brought about to save the taxpayer, victim of it all, from further punishment, declared former Senator R. L. Carlock Sr. in an address Monday before the Kiwanis Club at The Texas.

"It is high time that we sent men to the Legislature who will stand for laws to make it possible for a man to build, own and keep a home in this State," Carlock said. "Something must be done to relieve the home from such heavy taxation. The old ship of real estate must be preserved and placed again in its high position as a safe and sound investment."

Carlock cited the "tremendous increases" in cost of government during the last 20 years. He pointed out that the budget for operating the State Government for a year was \$4,000,000 20 years ago. Now it is \$24,000,000. He advocated a program of economy that will cut the state tax in half, principally through the reduction of expenditures on state highways. At least one-fourth of the gasoline tax should be returned to the county and cities where it originates, and it may take one-half of it ever to bring some of the municipalities out from under their indebtedness, he said.

Carlock deplored the high salaries and large fees of county officials, citing figures which showed a justice of the peace in Tarrant County receives more than a district judge and practically the same pay as the chief justice of the Supreme Court of Texas.

He advocated placing the county and district clerks' departments under one head, stating that "both of the clerks' positions are those of gentlemen supervisors and one such place is sufficient for both departments." He urged voters to aid in the passage of a proposed amendment to the State Constitution providing for the merging of the county tax assessor's and tax collector's offices.

Few taxpayers realize how much they are contributing to government expense, Carlock said. On a basis of 197,000 population, every resident of Tarrant County pays an average of \$201 each in taxes a year, he declared.

Dynamite Theft Linked to Deaths

CHICAGO, April 26.—Dynamite, identified as stolen from the State Office Building construction job in Columbus, Ohio, today linked two men under arrest since Thursday with an explosion which took 10 lives.

A representative of the contractor in charge of the tunnel work on the unfinished marble building identified explosives found in a stolen car operated by Edward Wallace, 30, an ex-convict, and Frank Wilson, 22, the police said.

Both prisoners said they would plead guilty in Federal Court here to interstate transportation of a stolen car rather than return to Columbus for questioning about the blast which killed 10 men in the interior of the nearly

DUGGAN SAYS TAXES UNJUST

Candidate for State Senate Charges Heaviest Burden Placed on West Texas.

LITTLEFIELD, April 26.—Arthur P. Duggan of Littlefield today accompanied his announcement as candidate for State Senator from the Thirtieth District with a statement in which he charged a great injustice was being done West Texas in distribution of the state tax burden. He stressed particularly state aid allotted to schools.

Duggan has been a student of taxation for many years. He was a member of the tax survey committee under Dan Moody in 1926. He has been president of the Littlefield School Board since its creation and at present is president of the Littlefield Chamber of Commerce.

The Thirtieth Senatorial District is composed of the following 24 counties: Andrews, Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Floyd, Gaines, Garza, Hale, Hockley, Howard, Kent, King, Lamb, Lubbock, Lynn, Martin, Motley, Stonewall, Terry and Yoakum. Pink L. Parrish is the present Senator from the district.

After calling attention to the population of this district and to the taxation the people placed upon themselves for local school purposes, Duggan points out that the district in 1929 received from the state for school purposes \$1,055,974, whereas local school taxes amounted to \$1,697,086. The ratio of local school taxes to state aid is 106 per cent. During the same year the district paid into the State Treasury \$1,296,834, or \$240,859 more than was received for the schools.

Duggan's statement then compares this record with that of the Sixth District, composed of Anderson, Freestone, Henderson, Kaufman and Navarro Counties. Local school taxes in that district amounted to \$591,248, and the sum received from the State was \$923,341, or a ratio of 64 per cent. The district paid to the State in taxes, according to Duggan, \$716,942, or more than \$200,000 less than received as state school aid.

Duggan also uses for purposes of comparison the Tenth District, composed of Collin, Hunt, Rockwall and Rains Counties. Local school taxes totaled \$269,638, while the district took from the State for schools \$555,542, or a ratio of 66 per cent. These counties, he says, paid into the State Treasury \$460,327, or \$95,215 less than they received for their schools.

"Facts compiled by the tax survey committee in 1926," the statement continues, "showed that there are 99 counties in Texas drawing approximately \$3,000,000 more annually for their schools than they pay into the State Treasury as taxes."

Counties in his own district are named by Duggan in other parts of Texas by Duggan. An illustration is the comparison of Polk and Lamb, as follows:

Population, 17,555 for Polk and 17,452 for Lamb; scholastics, 5,343 for Polk and 5,240 for Lamb; local school taxes, \$59,595 for Polk and \$203,443 for Lamb; respective percentage of tax to state aid, 67 for Polk and 366 for Lamb; state aid, \$88,875 for Polk and \$55,487 for Lamb. Similar comparisons, in which the same results are shown, are made for Howard and Brazos, Lubbock and Kaufman, Hale and Leon, Hockley and Camp.

"The 13 counties in Central and East Texas above mentioned," according to Duggan's statement, "together drew from the State Treasury for the year the sum of \$407,680 for their schools more than they paid in for all purposes. Who is paying that \$500,000 withdrawn annually for those 13 counties? The 24 counties in the Thirtieth District are paying half of it, as the foregoing figures will show. Two million dollars could be saved by the state annually for the available school funds by changing the method of distribution, but leaving the per capita apportionment at \$17.50."

In his statement Duggan quotes from West Texas Today to show that South Texas students receive an average \$5.20 more per capita and East Texas students an average of \$1.04 more per capita than students in West Texas. He quotes further to show that had the sum been apportioned on an enrollment basis the State could have paid \$19.14 per capita and West Texas would have gotten \$632,768 more than by the present method of distribution.

"This section should demand a law making state aid to a county in proportion to the local school tax the county is willing to assess; and it should elect to office men who know and will fight for the needs of West Texas," Duggan's statement concludes.

Belle and Bow



This charming American edition of William Tell is Miss Janet Hayward of New York, one of the many society notables who have taken up archery as an aid to eye-training and steadiness of hand. Miss Carroll is shown as she prepared to twang an arrow at the target at Hot Springs, Va., where she is vacationing.

JURY WHEEL FOUND ILLEGAL

By Associated Press.
HOUSTON, April 26.—A new list of prospective jurors for Harris County was ordered drawn from the county tax collector's poll list this afternoon when the county's seven district judges concurred in finding the jury wheel was illegally filled last August.

The manner in which the wheel was filled was called this morning to the attention of Judge Whit Boyd by Quinton Wright, attorney for Johnnie Williams, negro, charged with the murder of H. L. Bennett Sr., 71, retired railroad official, last Nov. 16.

When the Williams case was called for trial, Wright filed a motion to quash the special venire panel, claiming it was illegally drawn because in filling the jury wheel the names of negroes were intentionally excluded, in violation of the United States Constitution.

Judge Boyd postponed the negro's trial and called a meeting of the district judges. At the meeting he presented evidence that discrimination had been shown in filling the jury wheel.

The judges ordered Civil District Clerk O. M. Duclos to empty the jury wheel and draw from the tax collector's poll list 7,500 names to be put in the wheel.

It was estimated the 7,500 names would be sufficient to keep the courts supplied with juries until August, the month the wheel is filled each year.

A workmen's compensation case, involving \$4,000, on trial in Civil District Court, was stopped when the attorneys for the plaintiff, the Texas Employes Insurance Association, filed a motion for a continuance based on the alleged discrimination shown in filling the wheel. The motion was taken under advisement.

Michael Romanoff Ordered Deported

NEW YORK, April 26.—The suave, well dressed man who arrived as a stowaway on the liner Ile de France yesterday under the name of Michael Romanoff was ordered excluded from the United States by a special board of inquiry at Ellis Island today.

Romanoff, who is better known to immigration officials as Harry F. Gerguson, mingled with the first class passengers on the Ile de France for four days before it was discovered he was a stowaway.

He protested today that he is an American citizen, but was unable to prove it. Ellis Island officials said they were in doubt regarding his nationality.

Gerguson was ordered excluded once before, in 1923, when he escaped from Ellis Island by swimming to the

SHOOTING CASE DETAILS BARED

2 Witnesses Describe How Arlington Policeman Met Death at Hands of Negro.

The shooting of Evans Johnson, Arlington policeman, was described from the stand in Criminal District Court Tuesday in the second murder trial of Sam Louder, negro.

Jasper Johnson and Oscar Childs, negroes, who were living next door to Louder in Arlington on Nov. 23, 1930, when the shooting took place, were the witnesses.

The first said he was awakened about 4 a. m. when the policeman came to Louder's house and called to him. Jasper Johnson said he and Childs looked out the window.

The officer told Louder to "come out, this is the law from Arlington," the witness said, to which Louder replied that "I'm getting mighty tired of you fooling around with me when I haven't done nothing."

Jasper Johnson testified that Louder "cracked open the door" to speak, then opened it wider and fired six or seven times. He said the policeman staggered and fell, saying, "Lord help me."

On cross-examination, Jasper Johnson said he had been held in jail for 13 days until he "signed a paper."

Rev. W. J. Johnson, Presbyterian minister and father of the slain policeman, testified his son was 22 at his death and had been on the Arlington police force.

Both sides rested with his testimony. The defense used no witnesses.

At the first trial in January of 1931, the negro was given the death penalty. This verdict was reversed by the Court of Criminal Appeals.

Members of the jury are W. M. Mooney, Lexington Street; J. A. Anders, 2102 West Twenty-fifth; J. T. Gibson, 929 East Harvey; S. F. Reed, 2333 Primrose; C. N. Webster, 428 South Lake; S. O. Curry, 2619 Roosevelt; E. J. King, 800 Holden; R. H. Blalock, 3504 Avenue N; K. B. King, 3600 Millett; R. L. McDuff, 1209 East Davis; C. O. Gladden, Lake Worth; and O. R. Gillentine, 1700 block, New York.

Thinks Tomb of Cuatemoc Found

DENVER, April 26.—The recent spectacular finds of gold and other ornaments of jade and turquoise at Monte Alban in Mexico were referred to today by Edgar L. Hewett of the Archaeological Institute of America, Santa Fe, N. M., as the "most important archaeological discovery ever made in America."

Addressing the annual meeting of the American Association for the Advancement of Science, Southwestern Division, Dr. Hewett took issue with archaeologists who have interpreted the Monte Alban tomb as the burial place of a high priest or a Mincet warrior.

"The material found in the tomb, whether it be Mincet, Zapotec or Aztec, is not of the character of a medicine man's outfit, which among all Indian tribes and communities from New Mexico to Peru, must contain certain characteristic objects for ritualistic purposes," said Dr. Hewett. "Such objects appear to be absent from the Monte Alban finds."

The speaker said he was inclined to support the conclusions announced by the American archaeologist, Mrs. Zelia Nuttall, that the Mexican excavators have found the veritable tomb of Cuatemoc, last and greatest of the Aztec rulers.

Recounting that Cortez took Cuatemoc on his expedition from Mexico City to Honduras, that Cuatemoc died and probably was buried by his own people in the temple city on top of Monte Alban, Dr. Hewett said "the burial deposits naturally would consist of not only the few remaining possessions of the captive chief but of such other offerings as could be made by his followers from their possessions that had escaped the hands of the Spaniards—and this accounts for the very miscellaneous character of the finds."

YOUNG MEN ROB BANK

PHILLIPSBURG, Mo., April 26.—Two young men robbed the Farmers State Bank here today of about \$1,000 in currency and silver.

Films M In Co

Marlene Dietrich James Cagney

By Associated Press.
HOLLYWOOD, Cal., Ap. possibility that three of names of Hollywood, Diet Sternberg and Cagney, may nated from the screen arose a battle of contracts bet celebrities and two of the n ducers, Paramount and War First National Studios.

Deadlock grew between th and the screen personalities c tions of salary and the rights and director to interfere w material.

Well-informed film at pointed out if neither side the conclusion would be read the trio had broken their c making them ineligible for th until the contracts had expir No studio will employ any has broken his contract n term of employment specif has run its course.

Demands Large Increase

The contract of James Cagney is at odds with Warner Bros. a demand for a \$2,400 increase in salary, has several years

Marlene Dietrich, beautiful German star, is under contract Paramount to make three mures, and the contract of Jo Sternberg, her director, who out of the studio when it ref adaptation of her new picture, Venus," does not expire unt December.

Henry Herzbrun, head of th department of Paramount, fo up the sharp announcement ye

7-Day Wedding of Nabob Is En

JODHPUR, Rajputana Agency, April 26.—Six days of ceremonies, marking the marriage of the ruler of Jaipur, who is 22 old and has a permanent salute guns, and the daughter of the rajah of Jodhpur, came to a tonight.

It was a wedding entirely in ing by the eminence of the f it linked. They are two of th ancient houses of India.

The festivities started last day when the bridegroom weighted down with diamonds, and rubies, mounted a brilliant caparisoned elephant and led his dipping procession through his hor of Jaipur.

On Sunday the young ruler i in Jodhpur. At the city gates i met by all the notables of the Guns boomed his salute and escorted in a procession of elegantly gowned courtiers to his rary residence in Ratnada palace miring crowds cheered him as he his way through the streets.

That afternoon there were ceremonies as he proceeded to Jodhpur Fort, five miles He made the journey on an ele The entire aristocracy and gent accompanied him afoot.

The complex marriage ceremony lasting two hours, was performed in an inner apartment of the f which the ruler was led after been received in the main hall congregation of the most eminent sonages in this part of the w There followed numerous fest which lasted until tonight.

Mother Loses L Fight for Her S

DENVER, April 26.—Samuel Shale, 56, shot and killed his Maude, 47, and shot and blinded self in a suicide attempt because told police, he could no longer to humor and struggle with an wife as he had done for 11 year

TIVOLI

Not Old Enough to Know Better

MARSH UNDER 18

WARREN WILLIAM REGIS TOOMEY—ANITA PAGE

PALACE THEATRE



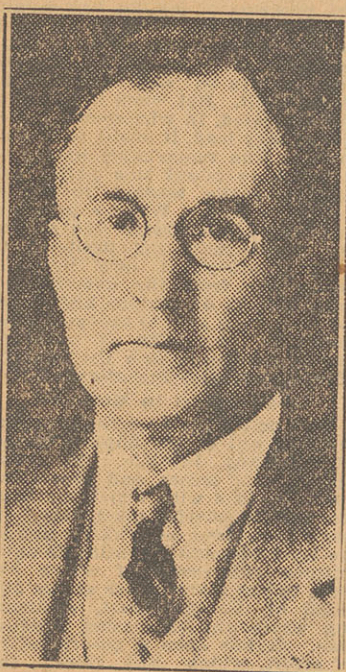
Partly cloudy.

Complete forecast for Texas on Page 1, column 1.

(UN)—United News
(UP)—United Press

5c PER COPY

Named President of West Texas C. of C.



R. W. HAYNIE.

Haynie Named Head of West Texas Chamber

Fort Worth Chosen as Convention City of Organization.

Floods Described

R. R. Ellis of Memphis Says Disasters Must Be Stopped.

BY HOWARD HAMPTON, Staff Correspondent of The News. WICHITA FALLS, Texas, May 17 (Sp).—Fort Worth, the city in which the West Texas Chamber of Commerce was organized nine years ago, was selected as the 1928 convention city at the conclusion here Tuesday night of the ninth annual meeting. The selection was unanimous. El Paso's bid for the 1929 convention was put in by R. E. Thomason, Mayor of that city.

Dallas will send the largest delegation to the meeting at Fort Worth next year that it has ever sent to any of the annual conventions, said John Boswell, manager of the Southwest development service of the Dallas Chamber of Commerce, following the selection.

R. W. Haynie of Abilene earlier in the day had been elected president of the West Texas Chamber. Besides electing the president, Abilene took first place in four of the various contests held in connection with the convention.

Wade Re-elected Manager.

Homer D. Wade, general manager, was re-elected by the new board of directors, it was announced at the night session. Arthur P. Duggan, retiring president, was elected to the board of directors.

The Sweetwater Municipal Band was chosen as the official band of the West Texas Chamber in the course of the band contest conducted under the auspices of the Texas Band Teachers' Association in connection with the convention.

First place in the industrial and fraternal class was taken by the Dallas Elks' Band, and the Dallas High School Honor Band placed first in the high school AA class.

Highland Park School of Dallas won first prize in the high school B class.

Vice presidents chosen were C. C. Small, Wellington; Walter D. Cline, Wichita Falls; Porter A. Whaley, San Antonio; M. K. Graham, Graham; J. A. Wheat, Seymour; Rufus Wright, Sweetwater; Dr. P. C. Coleman, Colorado; J. E. Thompson, Breckenridge; A. B. Spencer, Fort Worth; Carlton Couch, Haskell; R. L. Penick, Stamford; Houston Harte, San Angelo; Leon L. Shields, Coleman; W. P. Murphy, Brownwood; A. M. Bourland, Vernon; V. A. Robinson, Post; W. W. Flenniken, Amarillo; O. P. Thrane, Snyder; W. S. Posey, Lubbock; R. A. Underwood, Plainview; H. E. Hoover, Canadian; F. P. Reid, Pampa.

Directors Elected.

Directors elected were A. P. Duggan, Littlefield; R. Q. Lee, Cisco; D. E. Atnes, Crosbyton; P. B. Ralls, Ralls; B. L. Russell, Baird; George A. Sager, Memphis; E. O. Thompson, Amarillo; A. H. Hesse, Dalhart; J. L. Nunn, Amarillo; F. W. Kennerly, Quanah; W. M. Massey, Fort Worth; C. M. Caldwell, Abilene; Joe Weaver, Eastland; J. P. Williams, Mineral Wells; Amon G. Carter, Fort Worth; Scott Mack, Ballinger; Clifford B. Jones, Spur; C. C. Walsh, San Angelo; Seth B. Holman, Hereford; Fred W. Turner, Santa Anna; W. J. Moore, Llano; A. H. Britain, Wichita Falls; J. M. Penland, Waco; William Ochse, San Antonio; A. B. Brown, Lockney; M. H. Hagaman, Ranger; John Q. McAdams, Winters; C. T. Watson, Big Spring; G. W. Fry, Abilene; W. B. Hamilton, Wichita Falls; Sam M. Braswell, Clarendon; C. H. Mansell, Odonnell; A. G. Himm, Plainview; W. P. Hallmark, Dublin; J. D. Hamlin, Farwell; T. Paul Barron, Midland; M. B. Hanks, Abilene; E. H. Riley, Fredericksburg; Spencer Wells, Lubbock; Dr. S. J. Underwood, Hale Center; J. H. Doyle, Levelland; W. R. Keeble, Abilene; L. R. Thompson, Merkel; J. Sid O'Keefe, Panhandle; A. F. Barkley, Spearman; Jack Allen, Perryton; B. S. Huey, Cisco; Foster Klous, Tulsa; J. W. Reid, Canyon; R. H. McCarty, Albany; W. W. Rix, Lubbock; Carl Rountree, Lamesa; Fred H. Haskett, Childress; Sam E. Staggs, Slaton; A. Claude Easterline, Stamford; W. H. Abernathy, Paducah; J. H. Wood, Amherst; Tom Bell, Crowell; H. L. Bernie, El Paso; Wallace Clark, Canyon; J. L. Lackey, Stinnett; W. J. Morton, Dumas; A. L. Badger, McCamey; Roy Caldwell, Sonora; Joe H. Moore, Big Lake; S. E. Couch, Ozona; Col. John Perkins, Alpine; Walter A. Yaeggy, San Angelo; Coe Howard, Portales; O. T. Nicholson, Shamrock; J. R. Key, Lampasas; B. E. Finley, Pampa; John W. Elliott, Kress; George Sampson, Post; R. M. Simmons, Sweetwater. W. J. Moore of Llano was chairman of the nominating committee.

Speakers at Convention.

Speakers Tuesday included R. R. Ellis of Memphis, Tenn., a vice president of the United States Chamber of Commerce; Walter S.

CONTINUED PAGE 10, COLUMN 1

And Still the Total Mounts

During the last year The News' circulation in Dallas has increased tremendously. The increases have practically all been in home-delivered circulation, following the inauguration of a new and vastly enlarged system of city delivery.

Today The News' city home-delivered circulation, like its total circulation, is without an equal. Just how thoroughly it covers the homes of Dallas is being shown in a series of dot maps, published weekly, of which one will be found this morning on page 11.

Haynie Named Head of West Texas Chamber

CONTINUED FROM FIRST PAGE.

Curlee, Wichita Falls, president, Texas Association of Real Estate Boards; J. H. Barwise, Fort Worth, general counsel, Fort Worth & Denver City Railroad; Charles H. Alvord, College Station, director of the extension service, Texas A. & M. College; H. H. Williamson, College Station, state agent for the extension service in charge of county agent work; Van Zandt Jarvis, Fort Worth, president, Southwestern Exposition and Fat Stock Show, and Will J. Tucker, Austin, State Game, Fish and Oyster Commissioner.

Winners in the "My Home Town" speaking contest, as decided in the finals Tuesday afternoon, were: Walter R. Ely Jr., Abilene, first; Bert Clardy, Brownwood, second; Otto Belle Collins, Floydada, third; Kathryn Marshall, Quanah, fourth, and Cecil Alsop, Gainesville, fifth.

The Thomas Etheridge cup, which must be won three years in succession to become the permanent property of its holder, and \$100, went to the winner of first place, Thomas Etheridge Jr., San Antonio, who originated the contest and donated the cup, made the presentation. Leon Shields of Coleman donated the \$100 and Col. C. C. Walsh of Dallas donated a similar amount to be divided among the other winners in amounts ranging from \$10 to \$50.

Choice of Scholarships.

In addition to the cup and the \$100 prize the young speaker of Abilene may take his choice between scholarships in Texas Technological College at Lubbock and West Texas Teachers' College at Canyon.

Miss Mildred Marshall of Quanah, sister of this year's winner of fourth place, held the Etheridge cup last year, but was not competing this year, she having been graduated from high school.

Saying, in effect, that while the principle of States rights was thoroughly recognized today, present-day conditions demand that much regulation of commercial interchange be by Federal agencies, R. R. Ellis of Memphis, Tenn., a vice president of the United States Chamber of Commerce, urged a national outlook on national commercial and industrial questions.

"West Texas need not detract from the luster of any other section to add to its own," said the speaker. "The progress of the entire State contributes to the advance-

ment of West Texas as the progress of the country at large contributes to the well-being of both. We are all parts of the same huge economic mechanism that makes for material progress. In no field of activity is the interdependence of sections more strongly felt than in business and industry."

As an example of how closely our economic fabric is interwoven, Mr. Ellis said that life insurance companies of the country hold more

Thousands Crowd Wichita Falls Streets to Witness Parade of Nations



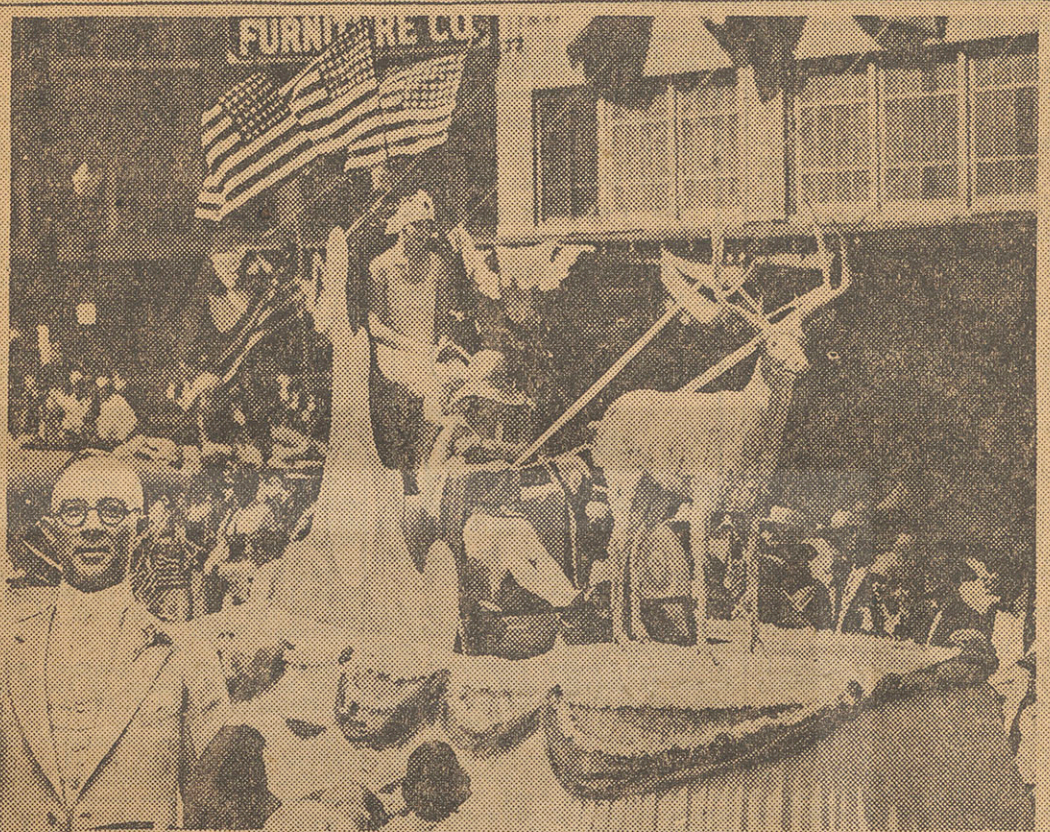
Upper left—Part of Boy Scout section of Parade of Nations. Each marching Boy Scout carried a United States flag.

Upper right—Float entered by White Deer, Carson County, which won first prize for decorated floats. Lower left—Reviewing stand before which the parade passed just before disbanding.

Lower right—The Dallas delegation parading at Wichita Falls just after leaving their special train

Monday morning. The Dallas delegation, more than 400 strong, attracted much favorable attention during their brief stay. They marched again in the Parade of Nations Monday afternoon.

In the center are Miss Emily Frances Key, daughter of Mr. and Mrs. J. R. Key of Lampasas, "Miss West Texas," at the West Texas Chamber of Commerce convention, and Arthur P. Duggan of Littlefield, president of the chamber.



than \$12,000,000,000 of assets, which are invested in mortgages of cities, railroads and various public utilities, scattered over forty-eight States, in which a good part of the population of the United States own stock.

Investments widespread. "So widespread are these investments, drawn from this huge reservoir of capital, which is literally a common possession of millions of policyholders, that any untoward event in any part of the country touches all adversely," it was said. "Business, industry and commerce have proved a solidifying influence in our national life, declared Mr. Ellis. In colonial days business was a neighborhood affair, but with the broadening of means of transportation and communication, community barriers were broken down and commerce did much to unify the colonies. Sections of the country are now bound together by many ties, prominent among which are the railroads, telegraph, telephone, radio, lengthening radius of business activities and mutual exchange of commodities.

"Every State and every section has problems with which it can deal more effectively than any central agency sitting a thousand miles away," said the speaker. "But in dealing with its own affairs the obligation rests upon every State to consider the effects of its action upon the country as a whole.

"In Europe economists and statesmen are considering the problem of trade barriers, which on that continent impede the flow of commerce at every frontier by numerous regulations, laws and administrative requirements. By contrast with that condition, the advantages of our own situation

are held up as an example to be followed."

Trade Flows Freely.

Trade flows from State to State in the United States without check or hindrance, it was pointed out. In our domain of commerce and industry there are no boundaries.

"Consider what would be the result if each State directed that commerce as it chose," said Mr. Ellis. "Economic chaos would result. But the danger that might arise from such a mistaken policy was not entirely obviated by the constitutional prescription that makes interstate commerce national and not a State affair.

"Most of the obstructions to interstate commerce, existing under the widely differing State laws, were erected with a laudable motive, in all probability," said the vice president of the United States Chamber of Commerce. "But in the aggregate the effect is far from salutary. A broad and comprehensive understanding of these relationships, tempered by a spirit of fair play and common sense, will do much to clear our economic highways of obstructions."

A disaster, such as the great flood, makes all the Nation akin, just as commerce destroys sectionalism and makes the country one in a union of development, said Mr. Ellis, who described some of the flood conditions he had seen with his own eyes and declared the problem of the floods must and will be solved. Every section of the country is affected by the disaster, and every section must come to the rescue through the United States Government, he told the convention.

"The American people are rich enough, the American people have the intelligence and the will power to put a stop to such disasters, and they will do so, but they need the aid of such organizations as the West Texas Chamber of Commerce," he declared.

Hear Denver Counsel.

Mr. Barwise, general counsel for the Denver, told of his railroad's pioneering in development of West Texas and the Panhandle over a period of many years, and said its present work of constructing 200 miles of extension from Estelline to Lubbock and Plainview represents what is in all probability the largest rail construction project in the United States today. Contractors are three months ahead of their schedule, and the extension should be completed within twelve to fourteen months, he said.

Decision was made Tuesday to establish a fish hatchery near Diversion Lake near Wichita Falls, after an inspection of site by Gov. Dan Moody and the Fish, Game and Oyster Commissioner, Mr. Tucker. The Fish, Game and Oyster Commissioner's department and the oil and gas division of the State Railroad Commission are co-operating in a campaign for enforcement of the State law designed to prevent stream pollution, it was said. Much stream pollution comes from oil and gas wells, declared the Commissioner. Fish and game suffer from a consequence.

Other speakers mentioned talked only briefly.

Band Awards Announced.

WICHITA FALLS, Texas, May 17 (AP).—Awards in the West Texas band contest conducted by the Texas Band Teachers' Association, were announced Tuesday night at the closing session of the West Texas Chamber of Commerce convention.

Simmons University of Abilene won first prize in the senior college class and Daniel Baker College of Brownwood won second. Other awards were:

Junior college class: North Texas Agricultural College, Arlington, first; John Tarleton, Stephenville, second.

High school double A class: Dallas High School, first; Houston High, second.

High school, A class: Austin High School, first; Brackenridge, second.

High school, B class: Highland Park, first; Waco High, second.

Six-year class: Memphis gold medal band, first; no second announced.

Five-year class: Sweetwater Municipal Band, first; Haskell, second.

Third-year class: Decatur Municipal, first; Paducah Chamber of

Commerce, second; Clarendon, third.

Second-year class: Matador, first; Hillsboro, second.

First-year class: Fort Worth ladies' band, first; First Presbyterian children's band of Greenville, second; Floydada Municipal, third.

Six-month class: Estelline Boosters, first; Burk Burnett, second; Iowa Park, third.

Industrial and fraternal class: St. Elks' band, first; Denver road banw, Childress, second.

Fort Worth ladies' band received first prize as the best unified band. The Sweetwater group was named official band of the West Texas Chamber of Commerce.

Telephone messages

called the Waxahatchie fire department to aid the local men, as the blaze was controlled before spread far.

Sparks from the Curry were blown three blocks residence of Mr. Heed.

The roof was burned.

The damage to the warehouse was \$5,000. The warehouse was destroyed. Telephone messages

Two Burial Places

LO (AP) referred to the story of the burial place of the man who died in the fire.

The man who died in the fire was buried in the cemetery.

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Duggan Rites To Be In Austin Sunday

Heart Attack At Gonzales Is Fatal For State Senator

A True Public Servant

An Editorial On The Late Arthur Duggan

DEATH of Senator Arthur P. Duggan takes from Texas legislative circles one of their ablest, most thoughtful and intelligent statesmen. From West Texas—and especially from this section of West Texas—it takes a loyal, earnest, tireless friend and public servant.

There was nothing sensational about Senator Duggan in either public or private life. He was never the bombastic showman; never the loud, talk-first-and-think-later type we so often see in positions of high trust. Instead, he was the quiet, efficient representative of his constituency, who did things well and in a serious, workmanlike manner.

No one ever doubted the motives which led Arthur Duggan to seek a seat in the Texas senate. Even his opponents knew his reason for wanting to serve in that high capacity was his desire to serve his section along the constructive, conservative lines with which he has been identified since young manhood and especially since, more than two full decades ago, he came into the senate, serving in his quiet, yet efficient way, even those who might have differed with his policies must have admitted he was doing the job and doing it well.

THE MORNING AVALANCHE grieves with the members of the late senator's family and sorrows with the 30th Senatorial district which has lost a good friend, a Christian gentleman and an unselfish public official.

Arthur Duggan is gone, but his many good works will live long and his stainless record will for years stand as an example for those who follow him.

Leaders In Many Fields Mourn Duggan's Death

SHOCKED and grieved at the untimely death of Senator Arthur P. Duggan, late of Littlefield, in Gonzales yesterday, leaders in many lines express their deep regrets.

Men high in business, professional, political and civic circles were united in the opinion that Senator Duggan's passing is as much of a blow to all Texas, as it is to the 30th Senatorial district from which he went to the upper house of the legislature.

Following are statements made The Morning Avalanche:

JAMES V. ALLRED

Governor Of Texas

"The whole state of Texas, along with his personal friends and relatives, sorrow at the passing of Senator Duggan. He was of the highest type of citizenship and character, and one who rendered outstanding service to the state. I was happy to sign his bill plugging up leaks in present tax laws, a means he proposed to obviate new taxes. Application of those bills has proven his promises. He was a splendid public servant."

CLIFFORD B. JONES

Of Spur; Chairman Tech Board

"I am shocked and grieved over the loss of a personal friend and a great friend of all Texas. Senator Duggan's services to Texas Technological college, to West Texas and the state as a whole were generous, broad and outstanding. He will be sadly missed for a long, long time."

DR. BRADFORD KNAPP

President, Texas Tech

"He was one of the finest state senators in the last session of the legislature. He was devoted to his job, and very rapidly was becoming an expert on tax questions. He held the high regard of his colleagues. Besides all that he was a friend of this section of the state and of Texas Technological college. His death is an exceedingly severe loss to all of us in this section, and particularly to Texas Tech. He had my very great admiration as a man because of his sterling character."

D. A. BANDEEN

Manager, West Texas C. of C.

"From his home in Stamford last night D. A. Bandeen, manager of the West Texas Chamber of Commerce, paid tribute to Sen. Arthur P. Duggan, a former president of the regional body. "Senator Duggan made many valuable contributions to the interest of West Texas," he said. "During his administration as WTCC



ARTHUR P. DUGGAN
Late Of Littlefield

Widely Known Pioneer, Leader In Business And Civic Life Of Littlefield Succumbs At Home Of Sister-In-Law

News Shocks Area

Few Knew Solon Had Suffered Recent Illness At Laredo; Was Resting After Week In Hospital In Border City

BY GORDON WEBB
Avalanche Staff Writer

FUNERAL services for Arthur P. Duggan of Littlefield, the South Plains' state senator, probably will be conducted at Austin Sunday.

The widely-known pioneer, founder of Littlefield, died unexpectedly of a heart attack at the home of his sister-in-law, Miss Mary Haral, in Gonzales, yesterday, shortly after noon.

Senator Duggan, 58, underwent an operation several weeks ago here and had recovered sufficiently to make a business trip to Laredo two weeks ago. He became ill there and after a week in a hospital was moved to Gonzales, his former home, to recuperate.

Thomas B. Duggan, sr., a brother of the senator from the 30th district, and Mrs. Duggan went to Dallas yesterday afternoon to be with Mrs. Medie Duggan, aged mother of the senator and the Lubbock man. If Mrs. Medie Duggan's condition permits, they will attend the funeral services.

Governor To Call Election After Duggan Funeral

J. Doyle Settle, state representative from the 119th district, after a telephone conversation with Governor James V. Allred late yesterday, said the governor told him he would call a special election to provide for a successor to the late Arthur P. Duggan "as soon as possible after Senator Duggan's funeral."

Statutes provide for such special elections to be held after 30 days following a vacancy in the senate, except when such vacancies occur within ten days of a meeting of the legislature, in which event the election can be called after 20 days have passed. Since Senator Duggan's death came within ten days of the forthcoming special legislative session, set for September 16, the Governor probably will call the election soon after the expiration of 20 days.

For the past week Settle has been looking after affairs in Lubbock, but plans to leave today for Austin where he will attend the Duggan funeral rites Sunday.

His official residence is Abilene, Tex.

Others To Attend

Other persons from this section who will attend the rites include Thomas B. Duggan, jr., of Lubbock; Ed Hart, Anton, manager of the Anton townsite and operator of a drug store, and Representative J. Doyle Settle, of Abilene.

Place of burial had not been determined last night. The body was taken to Austin.

Lieutenant Governor Walter Woodul appointed a committee of senators to attend the services, the Associated Press at Austin reported. Governor James V. Allred expressed deep regret over "the state's loss by Senator Duggan's death."

Senator Duggan was prominent in the development of the South Plains and in councils of the West Texas Chamber of Commerce, of which he was the sixth president in 1926.

His election to the 43rd senate in 1932 was his first political attempt, but a campaign for congress last year was unsuccessful. The 30th senatorial district embraces the South Plains area, and, in addition, nearby counties below the Caprock, 24 counties in all.

Counties in the district are: Dickens, Floyd, Gaines, Garza, Hale, Hockley, Lamb, Lubbock, Lynn, Motley, Terry, Yoakum, Andrews, Cottle, Borden, Howard, Martin, Bailey, Cochran, Dawson, Kent, King and Stonewall.

Was Authority On Taxes

Senator Duggan was considered an authority on taxation. As chairman of an interim committee, Sen-

See ARTHUR P., Page 5

Weather Report

WEST TEXAS: Increasing cloudiness, warmer in north portion Saturday; Sunday showers and cooler in north, partly cloudy in south portion.

NEW MEXICO: Generally fair south, unsettled and cooler north portion Saturday; Sunday fair.

LOCAL Temperatures: Maximum 69, minimum 59; 69 degrees at 6 p. m.

PRECIPITATION: .01 inch in 24-hour period ending at 6 p. m.

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WICHITA FALLS ALL SET FOR C. OF C. MEET

LARGE ATTENDANCE INDI- CATED FOR ANNUAL WEST TEXAS CONVENTION

Wichita Falls, April 30.—All indications point to the largest attendance in history for the annual meeting of the West Texas Chamber of Commerce to be held here on May 16 and 17. Local committees have been working hard on arrangements for the meeting and everything points to a very successful session. The official program for the two-day meet is as follows:

All business sessions of the convention will be held in the convention hall, 12th and Scott streets. General headquarters ground floor, Hamilton Building; Eighth and Lamar streets.

Monday, May 16.

Massed band concert in front of convention hall. Convention called to order by C. E. McCutcheon, president of the Wichita Falls Chamber of Commerce. Song, "America." Accompanied by Stanford firemen's band, official band of West Texas Chamber of Commerce.

Invocation by Dr. O. L. Powers, pastor First Baptist church.

Address of welcome in behalf of city—Hon. R. E. Shepherd, Mayor.

Address of welcome on behalf of Wichita Falls Chamber of Commerce—W. B. Hamilton.

Response by Col. R. H. McCarty, editor, Albany News. Presentation of President Arthur P. Duggan, of the West Texas Chamber of Commerce.

President's annual address. Announcement of committees.

Greetings from the State of Texas—Hon. Dan Moody, governor.

Greetings from the State of New Mexico—Hon. R. S. Dillon, governor.

Greetings from the State of Oklahoma—Hon. H. S. Johnston, governor.

Address—Hon. James J. Davis, secretary of Labor, Washington, D. C.

Afternoon Events.

Meeting of nominating committee.

Meeting of resolutions committee.

Meeting and dinner, executive board, West Texas Chamber of Commerce, Kemr hotel.

Second Day, May 17.

Convention called to order by President Arthur P. Duggan. Song, "America." Invocation by Rev. S. S. McKenney, pastor First M. E. Church, South.

Greetings—Hon. R. R. Kelly, president East Texas Chamber of Commerce; Hon. R. W. Morrison, president South Texas Chamber of Commerce. Address by Sam G. Bratton, from New Mexico. Address by Hon. R. R. Ellis, president of United States Chamber of Commerce. Announcements. Report of nominating committee.

Afternoon.

Program by Abilene Christian College orchestra. Address: Conservation—Hon. Fred J. Tucker. Home town speaking contest by the 12 contestants selected in the preliminaries.

Dinner and meeting of new officers and directors of West Texas Chamber of Commerce. Installation of officers. Report of resolution committee. Awarding of prizes. Selection of next place of meeting.

Governor Names Tax Survey Board

AUSTIN, Texas, April 29 (Sp).—Former Gov. O. B. Colquitt of Dallas was selected as a member of the Tax Survey Commission in appointments announced Friday by Gov. Dan Moody. Other appointees included men from every portion of the State and one professor of economics in the University of Texas.

Aside from the appointment of members of the commission, the Governor announced appointment of Raleigh White of Brady as a member of the board of directors of A. & M. College. Members of the Texas Survey Commission appointed were:

O. B. Colquitt, former Governor of Texas and previously Tax Commissioner and a member of the Texas Senate. Colquitt is also the author of the original tax revision legislation in the State.

A. P. Duggan of Littlefield, president of the West Texas Chamber of Commerce.

J. G. Willacy of San Antonio, formerly State Tax Commissioner and a member of the Senate.

J. M. Henderson of Daingerfield, formerly a member of the Senate.

Prof. E. T. Miller, professor of political economy at the University of Texas.

J. A. Kemp of Wichita Falls, capitalist.

Jim Callan of Menard, former president of the Texas and Southwestern Cattlemen's Association.

E. A. Peden of Houston, capitalist and manufacturer.

West Texas Is Host at Dinner

as Chamber of Commerce
Entertains Webster-
Franklin Club.

Austin Bureau,
The Dallas News.

AUSTIN, Texas, Feb. 5.—West Texas was host Friday night to the Franklin-Webster Club at dinner at the Driskill Hotel. The club consists of newspaper men who are members of the Legislature and the press correspondents reporting the session. There were many other invited guests.

Officials acting as personal hosts were Arthur P. Duggan, president, and Homer D. Wade, manager of the West Texas chamber. Both Mr. and Mrs. Duggan made addresses.

Governor and Mrs. Dan Moody were special guests, each making a short talk. Mrs. Moody was the recipient of several bouquets from western towns. A solo made her the "Sweetheart of the West," and she was otherwise acclaimed as a "daughter of the great western part of Texas." The main item on the menu was "broiled tenderloin Swenson-West Texas steak a la Duggan," with candied yams from West Texas and pecans from San Saba.

The menu card told in tabloid some of the greatness of West Texas. Here are some of the things it told:

"West Texas comprehends an area as large as the New England States, with one or two others thrown in for good measure. Its area is 159,600 square miles, with a population of 1,600,000 as compared with 650,000 a quarter of a century ago.

"In 1926, West Texas produced 8,000,000 pounds of mohair, 20,660,000 pounds of wool, 1,700,955 bales of cotton, 18,167,000 bushels of oats, 16,558,000 bushels wheat, 9,400,000 bushels grain sorghum, 9,100,000 bushels of pecans, \$30,000,000 worth of poultry, 2,924,932 head of cattle, 60,000,000 barrels of oil and \$25,000,000 worth of gas, carbon black and naphtha.

"West Texas leads in the production of building stone and has vast quantities of gypsum, salt, mica, quicksilver, potash, sulphur, coal and many other minerals.

"The schools and churches are on a thousand hills and are the pride of West Texans. The State institutions located in West Texas are comparable with any in the State, and, considering the appropriations given, are making the best showing in progress.

"West Texas has the largest regional commercial organization, in the West Texas Chamber of Commerce, in America. Its ambition is to make that section still greater.

"When Dan Moody became a candidate for matrimony, his eyes turned to West Texas and his greatest success has been in the selection of the flower of West Texas women.

"West Texans love their section, but are loyal and patriotic Texans. Their greatest desire is to see all Texas prosper and their State made a better place in which to live.

"The West Texas Chamber of Commerce joins with Wichita Falls in extending the membership of the Franklin-Webster Club an invitation to attend its ninth annual convention to be held in the "City That Faith Built," May 16 and 17, 1927."

PRESIDENT DUGGAN GIVEN HEARTY RESPONSE ON FIRST TRIP OF THE W. T. C. OF C. DISTRICT MEETINGS

President Arthur P. Duggan, of West Texas Chamber of Commerce, returned last Friday from his first round of speaking and holding of district conventions. Everywhere he went his party was greeted by great throngs of West Texas and New Mexico people, and his rousing addresses were received with loudest acclaim. The party consisted of President Duggan, wife and son, Arthur, Jr., Mrs. W. D. Arnett, Manager Homer D. Wade and wife, Publicity Manager E. D. Whitehead, Exhibit Manager B. M. Whitaker and son Clarence.

"It was a case of the proverbial 'winning and dining' at every place we visited," said Mr. Duggan, upon his return. "Everywhere we went the buildings were solidly packed with interested people, the programs were all well prepared and enthusiastically received, and there were so many banquets and specially prepared luncheons to the honor of the party that it was a physical impossibility for any one person, no matter the latitude and longitude of their corporosity, to even begin to stow under their individual equator their personal share of the various menus." "Some very promising orators were budded on the trip," said Mr. Duggan. "A tvarious times the women folks and the boys of the party came in for their share of the speaking, and Mrs. Arnett proved herself quite a public entertainer and developed a high degree of the Demosthenian art."

Starting the trip at Big Spring on August 6th there was a big banquet at the leading hotel of that city, while the programs of the day were held in the big new Methodist church that was filled to capacity throughout the day.

Arriving at Stanton the next morning at 9:30, the entire town closed up for a two hours' program. Then the party went on to Odessa, arriving there at noon, where they were entertained by Mr. and Mrs. John Gist, prominent ranchers and former Littlefield citizens. From there the schedule led them to Fort Stockton for an informal visit, after which they went to Alpine to be entertained that night with a delightful banquet which completely filled the spacious dining room with invited guests.

Wednesday morning was held the first district meeting of the new fiscal year at Maria. It was well attended and there was an excellent program with a big barbecue at the noon hour. "Up to this time," said Mr. Duggan, "I had never before realized the influence of the West Texas Chamber of Commerce." That night they drove back to Alpine where they were the honored guests at a big program given at Sul Ross normal by President Morelock and his faculty. The spacious auditorium was packed to its limit with interested auditors. Congressman Claude Hudspeth joined the party at Marfa and was accorded a place on the program with President Duggan.

Thursday morning the party drove through the Davis Mountains, passing the famous camping ground and on to Balmorhea for a late dinner. At that

ponit the citizenry turned out to greet them with an old fashioned basket dinner spread beneath the umbrageous shade of the wide-spreading trees. At all of these various places the addresses of the party were most cordially received. Late that afternoon the party journeyed into El Paso.

At noon the next day the El Paso Chamer of Commerce gave a big banquet in the Paso Del Norte hotel dining room, every nook and crevis of the room being filled with tables and still unable to accommodate the vast crowd that sought the privilege of attending. During this period President Duggan gave special emphasis in his address to the tax equalization question which appealed especially to the El Pasoans, since that is one of the highest taxed counties of the state. His address was frequently punctured with outbursts of applause from the banquet auditors, all of whom were prominent citizens and leading tax-payers of the city. At the close of his address hearty statements of endorsement were made by the chairman and Congressman Hudspeth, approved by the entire assemblage by their applause.

That afternoon the party was driven across the Rio Grande into Juarez, where they were treated to a typical Mexican dinner. Of this trip President Duggan had very little to say, perhaps due to the fact that there

Continued on last page

TO BE PREPARED.

Reported Leaf Worm Climbing Cap Rock Into Eastern Territory.

On account of the reports of leaf worm ravages under the Cap Rock country, and the indications that they are traveling this direction, it is urged by the local Chamber of Commerce that if such worms should be found on cotton of this vicinity that the farmers report same immediately to the local Chamber of Commerce, when a prompt and concerted action will be taken for their quick eradication.

Up to the present it is said that the cotton of this section has been comparatively free from insects of this kind.

ORGANIZATION IS PERFECTED GIV PLAINS PUB

A permanent organization be named, was perfected of City Development review last Thursday afternoon as a result of a meeting of from the ten counties operatively have developed a program of advertising the area. The ing, as published Herald, was as follows:

"The meeting action taken at on the night Hotel Ware extended to mer, R Briscoe

PRESIDENT DUGGAN GIVEN HEARTY RESPONSE FIRST W. T. C. OF C. MEETINGS

(Continued from first page)

were ladies in the party, and the representative of the Leader was unable to obtain a statement of the affair from any of the gentler sex accompanying them. However, this newspaper is well assured of the fact that the decorum of the party was entirely preserved on this occasion, due to the fact that there were several newspaper reporters along, if for no other reason. Returning that afternoon to El Paso the official party inspected the State School of Mines located there, after which they drove to Alamogordo, where they were again banqueted and had a program of more speaking.

During the afternoon they drove up to Cloudcroft where they were entertained by that Chamber of Commerce with another banquet, spending the night in the "City above the Clouds." The Leader is strictly forbidden by Mrs. Duggan to make any specific mention of the mountain deluge that met them about half way up, the auto that started to skid over the edge of the precipice and down some 2,000 feet to the hereafter, but which suddenly changed its mind and rammed into the mountain cut on the other side of the highway with sufficient force to loosen great obs of overhanging dirt and numerous rocks of more or less Gibralteric diminsions. The Leader is not permitted to delineate in detail the unparalleled aglity demonstrated by the President's wife as the car careened toward the vacant side of the precipice, the vocal pyrotechnics that escaped the throat of the Spade foreman's wife nor the flow of valuable oratory that exuded from the throat of the robust wife of Manager Wade, who about that time discovered

that the suit case containing her entire summer's wardrobe had mysteriously disappeared.

The next morning the party drove down the mountain to Ruidoso, one of the most beautiful spots visited during the entire pilgrimage. They were most cordially entertained at the lodge, driving on to Artesia the morning of the 16th where they held another district meeting, which was attended by Governor A. T. Hannett, of New Mexico. President Duggan and Gov. Hannett were the principal speakers of the occasion. The meeting was largely attended and there was also another banquet.

Late that afternoon the party drove to Carlsbad where the next day they attended a meeting of the Southern New Mexico Association, a new organization similar to W. T. C. of C., embracing thirteen towns of that section. The principal meeting was held in what is known as the "big room" of the Carlsbad cavern. It is 800 feet below the surface of the earth, two and a half miles back from the entrance, and the meeting was attended by 45 people. Here Governor Hannett and President Duggan were again the principal speakers. Under the spell of the occasion and the unusual inspiration of the place, it is said by other members of the party that Mr. Duggan delivered one of the most eloquent addresses ever heard in the Southwest. Hon. Willard E. Holt, ex-lieutenant governor of Michigan, now living at Lordsburg, New Mexico, (a long time friend of the editor of this newspaper) was present, and declared it to be the most beautiful address he ever heard.

While at Lordsburg President Duggan and Gov. Hannett were also called upon to express their ideas of feminine pulchritude in the capacity of judges for a bathing beauty show given that afternoon. Eighteen

beautiful creatures of fair form and comely face constituted the review. The Leader is not calling any names; but it is the reported statement of one of the party that the sight was enough to make a man wish he was young, unmarried and lived in the State of Utah with a million dollar bank account during the halcyon days of Brigham Young. The Leader is not very well acquainted with the artistic acumen of the New Mexico governor, but it is willing to wager its last simoleum that the Commercial president, who has always been a well versed coinesuer of beauty, did full justice to the occasion and rendered a verdict that was in full accord with popular public sentiment, although it may not have appealed to the asthetic taste of his "better half."

Everywhere the official party journeyed, "Equalization of Taxes," which was the keynote of Mr. Duggan's address, was heartily received. It is a subject that vitally touches the financial condition of every citizen of

West Texas, hence the universality of its interest. Mr. Duggan declared, upon his return last week, that no subject had ever been raised that was of greater general interest throughout the entire state and especially to the counties of the west and southwest section than this one of equalization of taxation. "We intend to drive the inequality, unjustness and unAmerican spirit of the fact into the hearts of the people all over the state," said Mr. Duggan, "until the matter is adequately adjusted to the fairness and satisfaction of every citizen holding residence in this great empire."

OLD BUT GOOD.

In Germany the use of legume crops as green manure began in the middle of the nineteenth century and has proved an important factor in reclaiming the sandy lands of parts of Prussia.

Patronize Home Merchants.

AUTOMOBILE ACCIDENT INSUR

Every person who drives a car s
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We can write you a policy
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restrictive covenants and deeds between property owners. But they are now enforceable only by private suits brought in court against alleged deed restriction violations.

The Duggan bill would relieve property owners from having to sue their neighbors to uphold such covenants, with the city moving in to assume that onus. The city governing body would act only after it had approved the plan or plat of an area in which a violation threatened.

Houston is the largest city in the nation without zoning. Several attempts in the past to get voter approval for it have been defeated. City legal authorities are watching the legislative move at Austin with interest. It calls for a novel substitute for limited zoning. If allowed by the Legislature, it would still have to be tested constitutionally by the courts.

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Ar. Thorne

SENATE JOURNAL

Forty-fourth Legislature—Regular Session.

AUSTIN, TEXAS, WEDNESDAY, FEBRUARY 20, 1935.

PROCEEDINGS

TWENTY-NINTH DAY.

Senate Chamber,
Austin, Texas,
February 20, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum. Sulak.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Cotten.

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

House Bill No. 197.

The Chair announced the following conferees on the part of the Senate on H. B. No. 197: Senators Oneal, Redditt, Woodruff, Martin and Stone.

Senators Excused.

Senator Sulak was excused for the day on account of important business on motion of Senator Van Zandt.

Report and Recommendations.

Senator Beck sent up and asked unanimous consent to have printed in the Journal the report and recommendations of the Senate Investigating Committee of the Forty-third Legislature, and that further reading be dispensed with.

Unanimous consent was granted.

Bills and Resolutions.

Senate Bill No. 318.

Senator Shivers sent up the following bill:

By Senator Shivers:

S. B. No. 318, A bill to be entitled "An Act giving to Mrs. Lillian Hargraves, for herself and as next friend of Orin Hargraves, Edith Hargraves and Ed Harold Hargraves, minors, of Beaumont, Jefferson County, Texas, consent of the Legislature to file and prosecute suit against the State of Texas and/or the State Highway Commission in a court of competent jurisdiction in order to determine what compensation, if any, she and the surviving children of the said Lillian Hargraves and O. K. Hargraves are to receive by reason of the death of the said O. K. Hargraves, received while an employee of the State Highway Commission; and providing the State and/or said Commission may appeal from said judgment as provided by law without executing any bond and upon the final judgment being recovered against the State and/or State Highway Commission, the same shall be paid out of the State Highway funds; and providing that service in said cause shall be had by citing the Chairman of

the Highway Commission and Attorney General; and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 319.

Senator Shivers sent up the following bill:

By Senator Shivers:

S. B. No. 319, A bill to be entitled "An Act granting to Dr. N. T. Anders and wife, Mrs. Hattie Anders, of Beaumont, Jefferson County, Texas, the permission to bring suit against the State of Texas and the State Highway Department and to join the State of Texas and the State Highway Department as co-defendants with Jefferson County, Texas, in the District Court of Jefferson County, Texas, in trespass to try title to a portion of the T. Spear League in Jefferson County, Texas, and to recover damages to the remainder of the plaintiff's land in said T. Spear League resulting from the construction of an embankment on and adjacent to the plaintiffs' land by the State Highway Department and Jefferson County, Texas; providing that such suit may be filed within two years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 320.

Senator Shivers sent up the following bill:

By Senator Shivers:

S. B. No. 320, A bill to be entitled "An Act to amend Section 10 of Chapter 42 of the Acts of the Forty-third Legislature, Regular Session, pages 49-50, amending Section 10, of Chapter 42, with reference to the salary to be paid the Deputy Clerk of the County Court of Jefferson County at Law; and providing that if any paragraph, clause or sentence of this Act be held unconstitutional the rest of the Act shall be held valid."

Read and referred to the Committee on State Affairs.

S. C. R. No. 19.

Senator Hopkins sent up the following resolution:

Whereas, A resolution has been introduced in the United States Senate attacking the integrity of a high Government official, in the person of Postmaster General James A. Farley; and

Whereas, Such charges are to be deplored at all times, and particularly when made against a person of the standing and character as the Postmaster General and Chairman of the National Democratic Executive Committee; and

Whereas, Said charges have been made on the floor of the United States Senate by one Senator Huey Long, who, in recent years, made unfounded, wholesale charges of corruption against the entire Texas Legislature in connection with the failure of the Texas Legislature to pass his no-cotton planting law; and

Whereas, By reason of the source of such charges the people of this great State have little faith in them; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That we do deeply deplore the bringing of such charges and express our confidence in Postmaster General Farley, and express to the President of the United States, the Senate of the United States, and to Postmaster General Farley our regrets that such charges have been made. Be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, the Senate of the United States, and to the Postmaster General.

HOPKINS.

Read.

Senator Hopkins asked unanimous consent that the Senate Rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 19 be taken up and considered at this time.

Senator Burns objected.

Senator Hopkins moved that the Senate Rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 19 be taken up and considered at this time.

The motion to suspend the rule lost by the following vote:

Yeas—7.

Blackert.
Cotten.
Hopkins.
Martin.

Rawlings.
Redditt.
Regan.

Burns.
Collie.
DeBerry.
Duggan.
Hill.
Holbrook.
Hornsby.
Hughston.
Moore.
Neal.

Beck.

Fellbaum.

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Nays—20.

Burns.	Oneal.
Collie.	Pace.
DeBerry.	Poage.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Hughston.	Van Zandt.
Moore.	Westrefeld.
Neal.	Woodruff.

Absent.

Beck.	Davis.
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Absent—Excused.

Fellbaum.	Sulak.
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S. C. R. No. 19 was referred to the Committee on Federal Relations.

Senate Bill No. 321.

Senator Stone received unanimous consent to send up the following bill:

By Senator Stone:

S. B. No. 321, A bill to be entitled "An Act amending Sections 17, 18, 19 and 20 of Chapter 290, Acts of the Forty-first Legislature so as to provide for the creation of Union Junior College District where there are two or more contiguous independent school districts or two or more contiguous common school districts or a combination of one or more independent school districts with one or more common school districts of contiguous territory within the same county having a combined taxable wealth of not less than \$9,500,000 and having a scholastic population of not less than 7,000 the next preceding school year and not less than 400 students in the last four years in the classified high school or high schools of said district and further providing for the creation by any county or combination of contiguous counties having a taxable value as hereinabove stated with the same scholastic population and the same number of students in classified high schools of the county or joint county Junior College and further providing for the filing of a petition for the ordering of an election at the same time an election is held for the creation of a Junior College District, providing for elections to determine the establishment, of such Union Junior College District, or County, or Joint County Junior College District, providing for the administration and control of such col-

leges, providing for the levy, assessment and collection of taxes for such district, and/or the issuance of bonds for the construction and/or equipment and/or maintenance for such district and to provide for interest and sinking fund for such bonds and further providing for the declaring of results of such election and further providing for the election of Junior College Trustees at the same time an election is held for the creation of such Junior College District and setting forth certain requirements for the candidates for trustees and providing means of declaring results of such election.

Read and referred to the Committee on Educational Affairs.

Senate Bill No. 16.

Senator Duggan moved to reconsider the vote by which S. B. No. 16 was finally passed.

The motion prevailed by viva voce vote.

Senate Resolution No. 49.

Senator Woodruff sent up the following resolution:

Whereas, Prior to the enactment of Chapter 99, page 219, Acts of the Forty-third Legislature, 1933, there existed uncertainty as to the law in the matter, and the Comptroller's Department for a number of years prior thereto had advised the various sheriffs of this State that the latter were entitled to mileage and arresting fees for arresting and bringing defendants before the several Justices of the Peace in this State, upon warrants issued by such Justices of the Peace, and

Whereas, Many sheriffs of the State, believing they were entitled to such arresting and mileage fees on warrants issued by Justices of the Peace, incurred great expense to themselves in going to various and, in some instances, distant points to apprehend and bring before the Justices of the Peace persons charged with violation of the Penal Code of this State, and

Whereas, Many sheriffs have presented to the State of Texas claims of such mileage and have been paid the same, and are now being called upon by the Comptroller and the State Auditor to refund the same, many of whom are unable to do so without sacrificing their homes, and

Whereas, The Legislature by the aforesaid Chapter 99, page 219, of the Forty-third Session of 1933, en-

acted what is now known as Article 1020 of the Code of Criminal Procedure clarifying the law upon the question and declaring it to be the public policy of this State to pay sheriffs mileage and arresting fees in executing the commands of the Justices of the Peace upon complaint filed in the Justice Court, where such complaint is followed by indictment, and

Whereas, It is an injustice to the sheriffs of this State to require them to refund to the State the mileage and arresting fees for arresting and transporting defendants on the warrants of Justices of the Peace, where such arrest or arrests are followed by indictment, therefore be it

Resolved, by the Senate of the Forty-fourth Legislature of the State of Texas, the House of Representatives concurring, That all claims of the State of Texas against sheriffs and/or former sheriffs of this State for the refund of mileage and fees collected for arresting and transporting persons charged with violations of the Penal Code by complaint filed in the Justices of the Peace Courts of this State, where such complaint is followed by indictment under the Code of Criminal Procedure of this State be and they are hereby relinquished and remitted. Be it further

Resolved, That the Comptroller of the State of Texas, be, and he is hereby, instructed and directed to remit and relinquish all such claims for refund to the sheriffs and former sheriffs of the several counties of this State, and that he do not deduct from any unpaid claim of any such sheriff the amount of mileage and arresting fees incurred in accordance with the foregoing, it being here declared to be the policy of this State that the sheriffs of this State are entitled to compensation for arresting and transporting persons charged with violations of the law, upon warrants issued by the Justices of the Peace of this State, where such arrest is followed by indictment.

Read and referred to the Committee on Finance.

Senate Bill No. 322.

Senator Martin received unanimous consent to send up the following bill:

By Senators Martin, Beck, Poage: S. B. No. 322, A bill to be entitled "An Act making it a misdemeanor for peace officers to demand, or to receive, fees of office in certain pros-

ecutions; prescribing a penalty for a violation thereof; defining the term "peace officer"; making certain exceptions thereto; and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

H. C. R. No. 11.

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 11, Granting permission to Mrs. Rhoda Sweatt and Miss Mae Vance to sue the State for damages.

Senator Rawlings explained the resolution.

Committee Amendment.

Amend House Concurrent Resolution No. 11 by adding after the word "jurisdiction" in the resolving clause the words "in Travis County."

Senator Rawlings moved to table to committee amendment to H. C. R. No. 11.

The motion to table prevailed by viva voce vote.

H. C. R. No. 11 was adopted by viva voce vote.

H. C. R. No. 8.

The Chair laid before the Senate on its second reading the following resolution:

By Duval:

H. C. R. No. 8, To grant J. W. Maney and J. R. Alley permission to sue the State.

On motion of Senator Rawlings H. C. R. No. 8 was laid on the table subject to call.

H. C. R. No. 9.

The Chair laid before the Senate on its second reading the following resolution:

By Lanning:

H. C. R. No. 9, Concerning erection of cigar stand in Capitol Building.

With amendments.

Senator Van Zandt received unanimous consent to have printed in the Journal the following amendment:

Amend H. C. R. No. 9 by striking out all after the resolving clause and substitute in lieu thereof the following:

"That authority is hereby given to the Commission of the Blind to erect a cigar stand on the ground floor of

the Capital by some Commission and contr

On motion of H. C. R. subject to

The Chair on its second resolution

H. C. R. State Board

With a Senator

tion.

The following ment was

Amend out in last

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Read a H. C. adopted

The Chair on its second bill:

By Rec H. B.

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On motion No. 1 wa

to call.

the Capitol Building to be operated by some person designated by said Commission under the supervision and control of the Board of Control."
VAN ZANDT.

On motion of Senator Van Zandt H. C. R. No. 9 was laid on the table subject to call.

H. C. R. No. 28.

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 28, Commending the State Board of Education.

With amendments.

Senator Pace explained the resolution.

The following Committee amendment was adopted.

Amend H. C. R. No. 28 by striking out in last paragraph—the following—"And to each school superintendent."

Senator Pace sent up the following amendment to H. C. R. No. 28:

Amend by adding after the word "receptive" in fifth line of the resolved clause the following—"As well as in the primary grade."

Read and adopted.

H. C. R. No. 28 as amended was adopted by viva voce vote.

House Bill No. 1.

The Chair laid before the Senate on its second reading the following bill:

By Reed of Bowie:

H. B. No. 1, A bill to be entitled "An Act authorizing any taxpayer in any common school district or independent school district to pay one-half or all of such school tax prior to the payment of any other tax that may be collectible on the same roll during the period of time covered by this Act; making provision for the receipt of same by the collector in making proper record thereof and providing for the issuance of official tax receipt or certificate of redemption upon final payment; authorizing, if desired, the making of a special roll showing such school taxes segregated; suspending all laws in conflict therewith, and declaring an emergency."

On motion of Senator Collie H. B. No. 1 was laid on the table subject to call.

Senator Beck called from the table H. B. No. 1.

The bill was read second time and passed to third reading by viva voce vote.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1 was put on its third and final passage by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum. Sulak.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum. Sulak.

Senate Bill No. 323.

Senator Woodruff received unanimous consent to send up the following bill:

By Woodruff:

S. B. No. 323, A bill to be entitled

"An Act requiring dealers in second-hand oil field supplies to obtain a license; providing an occupation tax; requiring the keeping of records and giving of bills of sale; requiring a bond; providing a penalty; and providing the District Court may enjoin the doing of business in violation thereof; and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

House Bill No. 47.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Leonard:

H. B. No. 47, A bill to be entitled "An Act to amend Sections 3, 5, 11, and 16 of House Bill No. 500, the Acts of the Regular Session of the Forty-second Legislature, and declaring an emergency."

On Motion of Senator Hornsby H. B. No. 47 was laid on the table subject to call.

House Bill No. 225.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Hankamer, Mr. Clayton, and Mr. Jackson:

H. B. No. 225, A bill to be entitled "An Act to amend Acts of 1927, Fortieth Legislature, First Called Session, Chapter 80, by adding thereto Section 9a, providing for the levying of a tax annually against the property in each of the counties composing a road district composed of two or more counties, for the purpose of securing rights of way within such district for such highways as such districts were created to construct, maintain and operate or acquire, and for the maintenance of such district highways as are not maintained by the State as State Highways, and declaring an emergency."

Senator Regan explained the bill.

The bill was read second time and passed to third reading by viva voce vote.

On motion of Senator Regan the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 225 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Hughston.	Westrefeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum. Sulak.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Hughston.	Westrefeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum. Sulak.

House Bill No. 403.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Stovall:

H. B. No. 403, A bill to be entitled "An Act amending Article 6049c, Sections 10 and 11 of the Revised Civil Statutes of 1925, as amended by the Acts of 1931, Forty-second Legislature, First Called Session, page 46, Chapter 26, relating to injunctions and/or restraining orders to be issued against the Railroad Commission of Texas; repealing all laws or parts of laws in conflict, and declaring an emergency."

Senator Small discussed the bill.

Motion to

Senator No. 403 be tomorrow at

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Senator substitute The mot the followi

Beck.
Davis.
DeBerry.
Duggan.
Hopkins.
Hornsby.
Hughston.
Moore.
Oneal.
Pace.

Burns.
Collie.
Cotten.
Hill.

Blackert.
Neal.

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Beck.
Collie.
Cotten.
Davis.
DeBerry.
Duggan.

**Motion to Set for Special Order
H. B. No. 403.**

Senator Small moved that H. B. No. 403 be set for special order tomorrow at 10:30 o'clock.

Motion to Recommit.

Senator Hill as a substitute moved to recommit H. B. No. 403 to the Committee on Civil Jurisprudence.

Senator Small spoke on the substitute motion.

Senator Hill requested unanimous consent that he be given 5 minutes additional time to discuss the bill.

Unanimous consent was granted.

Motion to Table.

Senator Small moved to table the substitute motion to recommit.

The motion to table prevailed by the following vote:

Yeas—19.

Beck.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Hughston.	Stone.
Moore.	Van Zandt.
Oneal.	Woodruff.
Pace.	

Nays—7.

Burns.	Holbrook.
Collie.	Martin.
Cotten.	Westerfeld.
Hill.	

Absent.

Blackert.	Regan.
Neal.	

Absent—Excused.

Fellbaum.	Sulak.
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The question recurred on the motion of Senator Small to set for special order.

The motion prevailed by the following vote:

Yeas—22.

Beck.	Hopkins.
Collie.	Hornsby.
Cotten.	Hughston.
Davis.	Moore.
DeBerry.	Oneal.
Duggan.	Pace.

Poage.	Shivers.
Rawlings.	Small.
Redditt.	Stone.
Regan.	Van Zandt.
Sanderford.	Woodruff.

Nays—5.

Burns.	Martin.
Hill.	Westerfeld.
Holbrook.	

Absent.

Blackert.	Neal.
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Absent—Excused.

Fellbaum.	Sulak.
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Messages from the Governor.

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

Executive Office,

Austin, Texas, Feb. 20, 1935.

To the Senate of the Forty-fourth Legislature:

On February 11, 1935, I asked the advice and consent of the Senate on the appointment of Mrs. W. R. Potter, of Bowie, Montague County, Texas, to succeed R. A. Stuart, of Fort Worth, Texas, as a member of the Board of Directors of Texas Technological College for the unexpired term of R. A. Stuart and for six-year term beginning February 19, 1939. The date of February 19, 1939, was a typographical error as the date should have read "February 19, 1936," and I now desire to correct this mistake, as the Senate confirmed the appointment as submitted by me.

I now respectfully submit for the advice and consent of the Senate the following appointment:

To Membership on the Board of Directors of Texas Technological College:

To succeed R. A. Stuart, of Fort Worth, heretofore nominated for membership on the Board of Regents of the State Teachers Colleges, for six-year term beginning February 19, 1935, Mrs. W. R. Potter, of Bowie, Montague County, Texas.

I further ask the advice and consent of the Senate on the following appointments:

Compensation Claim Board:
Penrose Metcalfe, of Tom Green County, to succeed Fred W. Davis, as Chairman;

Ed Legge, of Kaufman County, and Wm. A. Wilson, of Dawson County, to be members.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

Executive Office,
Austin, Texas, Feb. 20, 1935.
To the Forty-fourth Legislature:

I respectfully direct your attention to the provisions of H. B. 521, regulating the sale and offering for sale of securities, stocks, bonds, debentures and the like in the State of Texas. It is my understanding that the same bill will be introduced in the Senate.

In connection with this bill, I call your attention to the fact that the statutes of this State contain only meager and inadequate provisions for regulation of the issuance and sale of corporate stocks and similar securities. The present applicable law is found in the Revised Civil Statutes of 1925, Arts. 579-600, inclusive, and in the Texas Penal Code, 1925, Arts. 1071-1083, inclusive.

Our present statutes contain no provisions whatsoever regulating sellers of and dealers in securities. Under present laws it is possible for tricksters to bring into Texas the worthless stock of foreign corporations, presumably owned by others, and to offer it for sale to unwary Texas investors. It is conservative to say that Texas people annually are cheated out of millions of dollars by fly-by-night promoters and sellers of worthless stock that has no other backing than the paper on which it is printed.

At the present time, the Federal Securities Acts have practically closed the channels of interstate transportation to stocks and securities unless such issues have been registered under the stringent requirements of the Federal Act. Most of the states have more stringent laws regulating the issuance and sale of corporate securities than Texas. Because of the stringent Federal Act and the various state laws, Texas has become a fertile field in which scheming and unprincipled sellers of stock can operate. It is imperative that something be done to protect Texas people in their life's savings. It is thought that H. B. 521 will help remedy the situation.

Briefly, the bill provides for registration, licensing and placing under

bond of all dealers, brokers and professional salesmen of stock and securities. In other words, no one can make a business of dealing in securities without having first obtained a license and giving bond. The bond is for the benefit of the purchaser of the securities. Licenses may be revoked for fraudulent acts of dealers or for sale of stock known to be fraudulent, thus providing control of the type of stock that will be sold. Adequate provision is made, by exemption from the provisions of the bill, for the sale of government securities or the securities of any political subdivision; likewise, exemptions exist for the sale of any stock or securities, the issuance of which was under governmental supervision. Isolated sales of an individual's personally owned stock likewise is exempted.

The administration of the Act is placed in the Secretary of State, with provision that adequate help be employed to administer the Act. It is thought that the scale of fees provided for in the licensing of dealers, brokers and salesmen will be sufficient to pay for administration expenses.

The general intent and purpose of the Act proposes nothing which is in any way experimental. Similar provisions in reference to the business of selling securities have been found effective in other states. The bill, in many instances, follows closely the features of the Uniform Securities Act, which was adopted in 1929 by the National Association of Securities Commissioners, and which has the approval of the American Bar Association. It is almost an exact copy of the Pennsylvania Securities Act, which has very effectively removed "Blue Sky Salesmen" from that state. It is believed that the bill, if enacted into law, will save untold millions to Texas investors.

I suggest that you give this bill your earliest consideration so that this State may speedily provide adequate protection for its investors.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

Read.

Bills and Resolutions Referred.

H. B. No. 46 was referred to the Committee on State Affairs.

H. B. No. 407 was referred to the Committee on Labor.

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Chief Clerk,

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Sir: I am

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H. C. R. No. 35 was referred to the Committee on Federal Relations.

H. C. R. No. 37 was referred to the Committee on State Affairs.

Messages From the House.

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

Hall of the House of Representatives, Austin, Texas, Feb. 20, 1935.

Hon. Walter F. Woodul, President of the Senate.

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

H. B. No. 46, A bill to be entitled "An Act declaring monopolies contrary to public policy of this State; making it unlawful for those engaged in the public utility business to prevent or hinder legitimate competition, or to fix discriminatory rates; making the Act applicable to subsidiary and associated corporations; providing for prima facie evidence of violations; providing for quo warranto proceeding and forfeiture of charter; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 407, A bill to be entitled "An Act creating a State system of public employment offices; accepting the provisions of the Wagner-Peyser Act approved June 6, 1933 (48 Stat. 113, U. S. Code, Title 29, Section 49), 'An Act to provide for the establishment of a national employment system and for co-operation with the States in the promotion of such system, and for other purposes'; designating the Bureau of Labor Statistics to be known as the Texas State Employment Service, responsible for the administrative system of public employment officer, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives

Hall of the House of Representatives, Austin, Texas, Feb. 20, 1935.

Hon. Walter F. Woodul, President of the Senate.

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

H. C. R. No. 35, Requesting the Texas Press Association on its trip to Washington to extend invitations to the President and Vice-President to attend the Texas Centennial Celebrations in 1936.

H. C. R. No. 37, Declaring the intent of the Legislature of Texas in the matter of the time for distribution of certain funds accruing under the Racing Law due the Public Free School Fund.

H. C. R. No. 6, Memorializing Congress to support the plan to pay ex-service men's certificates.

S. C. R. No. 10, Requesting that Congress pass the Frazier-Lemke Farm Refinance Bill without further delay.

S. C. R. No. 17, Authorizing the Highway Department to lend certain road equipment to McLennan County.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Adjournment.

On motion of Senator Redditt the Senate at 12:15 o'clock p. m., adjourned until 10:00 o'clock Thursday morning.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Feb. 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 136 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, Feb. 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 138 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, Feb. 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 156 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

aside, then said final ruling and decision shall be binding upon all parties thereto, and, if the same is against the association, it shall at once comply with such final ruling and decision, and failing to do so the Board shall certify the fact to the Commissioner of Insurance and such certificate shall be sufficient cause to justify said Commissioner to revoke or forfeit the license or permit of such association to do business in Texas. It shall not be necessary for either party to plead or prove that the employee gave notice of injury to his employer within thirty (30) days after the date of his injury, or that the employee filed claim for compensation with the Industrial Accident Board within the six (6) months after his injury, or that notice of intention not to abide by the final ruling and decision of the Board was given within twenty (20) days after the rendition of said ruling and decision, or that suit to set aside the award was filed within twenty (20) days after the giving of such notice, unless the opposite party shall deny, under oath, the truth or existence of such facts or fact."

Sec. 2. The fact that the present law works unnecessary hardships and injustice upon injured employees and results in numerous reversals of judgment for technical reasons rather substantial errors, creates an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act take effect and be in force and effect from and after September 1, 1935, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 232, A bill to be entitled "An Act regulating petitions in suits for divorce, to require such petitions to state whether there are children under sixteen (16) years of age and if so, to give full information as to such minors, making it the duty of the courts having jurisdiction of such suits to inquire into the status of such children, if divorce be granted; empowering such courts to make orders and decrees for their support and maintenance until they reach sixteen (16) years of age; to deter-

mine and fix the amounts to be paid, the times of payment, to whom to be made, to have authority to enforce all decrees by contempt proceedings, and to have control of such decrees, to alter them when justice requires, to ascertain the ability to pay, to enforce the duty of the parents to support their children under sixteen (16) years of age, after divorce, presenting the procedure; providing for the filing of sworn monthly reports with the Clerk of the Court for approval by the judges; providing this Act shall be cumulative of all other laws on the same subject, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, Feb. 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 123, A bill to be entitled "An Act amending Article 2424, Revised Civil Statutes of Texas, 1925, relating to juries in civil cases in justice courts; providing the number of jurors which may render a verdict; providing if any part of this Act is declared unconstitutional, it shall not affect the validity of the remainder, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, a majority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 122, A bill to be entitled "An Act amending Articles 2203, 2204, 2205, and 2206 of the Revised Civil Statutes of Texas, 1925, relating to jury verdicts in civil cases; providing no special form of verdict is required; that arrests or reversals of judgment shall not be allowed for mere want of form of verdict; providing for a jury verdict

in civil cases of nine concurring members in the district court and five concurring members in the county court; providing that concurring jury members shall sign verdict; providing a jury verdict of nine members in the district court or of five in the county court in civil cases when one or more jurors may die or be disabled from sitting; providing for polling of the jury after they have reached the verdict; providing that the verdict shall be read aloud; providing that the entry of the verdict be made upon the minutes of the court; providing that either party shall have the right to poll the jury after verdict; providing the manner in which the jury shall be polled; providing that if as many as four jurors in the District Court or two jurors in the county or justice court shall answer in the negative, the jury shall be retired for further deliberation; providing if any part of this Act is declared unconstitutional it shall not affect the validity of the remainder, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

SMALL, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 122, A bill to be entitled "An Act amending Articles 2203, 2204, 2205, and 2206 of the Revised Civil Statutes of Texas, 1925, relating to jury verdicts in civil cases; providing no special form of verdict is required; that arrests or reversals of judgment shall not be allowed for mere want of form of verdict; providing for a jury verdict in civil cases of nine concurring members in the district court and five concurring members in the county court; providing that concurring jury members shall sign verdict; providing a jury verdict of nine members in the district court or of five in the county court in civil cases when one or more jurors may die or be disabled from sitting; providing for polling of the jury after they have reached the verdict; providing that the verdict shall be read aloud; providing that the entry of the verdict

be made upon the minutes of the court; providing that either party shall have the right to poll the jury after verdict; providing the manner in which the jury shall be polled; providing that if as many as four jurors in the District Court or two jurors in the county or justice court shall answer in the negative, the jury shall be retired for further deliberation; providing if any part of this Act is declared unconstitutional it shall not affect the validity of the remainder, and declaring an emergency."

Have had the same under consideration, and beg leave to dissent from the majority on said bill and recommend that said bill do pass, and be printed.

VAN ZANDT,
WESTERFELD,
RAWLINGS,
DAVIS.

Committee Room,

Austin, Texas, Feb. 20, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 321, A bill to be entitled "An Act amending Sections 17, 18, 19 and 20 of Chapter 290, Acts of the Forty-first Legislature, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DUGGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. N. 291, A bill to be entitled "An Act relating to mining claims and rights, amending Article 5395 of Chapter 5 of Title 86 of the Revised Civil Statutes of Texas, 1925, relating to the time of payment of rentals on mining claims awarded under Article 5397 of Chapter 5 of Title 86 of the Revised Civil Statutes of Texas, 1925, and providing royalties to be paid the State from minerals produced upon such claims; and amending Article 5397 of Chapter 5 of Title 86 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Have had the same under consideration, and report it back with recommendation that it be printed.

Austin, Texas, Feb. 20, 1935.
Hon. Walter F. Woodul, President of the Senate.
Sir: We, your Committee on Education, to whom was referred

S. B. No. 321, A bill to be entitled "An Act amending Sections 17, 18, 19 and 20 of Chapter 290, Acts of the Forty-first Legislature, etc., and declaring an emergency."

Have had the same under consideration, and report it back with recommendation that it be printed.

Committee Room,

Amend S. B. No. 321, A bill to be entitled "An Act amending Sections 17, 18, 19 and 20 of Chapter 290, Acts of the Forty-first Legislature, etc., and declaring an emergency."

Article 5395 of Chapter 5 of Title 86 of the Revised Civil Statutes of Texas, 1925, relating to the time of payment of rentals on mining claims awarded under Article 5397 of Chapter 5 of Title 86 of the Revised Civil Statutes of Texas, 1925, and providing royalties to be paid the State from minerals produced upon such claims; and amending Article 5397 of Chapter 5 of Title 86 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 229, A bill to be entitled "An Act amending Article 2851 of the Revised Civil Statutes of Texas, 1925, by eliminating from said Article the standardized amount of the bond which publishing companies must furnish for the execution of their contracts and giving the State Board of Education the authority to set the amount of bonds in proportion to the first, second and/or third year purchases under each contract; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

DUGGAN, Chairman.

Committee Amendment.

Amend S. B. No. 229 by striking out all of Article 2851 and substituting the following:

"Article 2851. The bidder to whom any contract may have been awarded shall execute a good and sufficient bond, payable to the State of Texas in a sum to be determined by the State Board of Education, said sum to be an amount equal to not less than ten nor more than twenty-five per cent of the total estimated costs of the books to be purchased under the first, second and/or third year of the contract, provided, however, in no event shall the bond be less than Three Thousand (\$3,000.00) Dollars nor more than One Hundred Thousand (\$100,000.00) Dollars. This bond shall be conditioned for the faithful performance of said contract by the successful bidder; it shall be drawn and approved by the Attorney General; and shall be deposited in the office of the Secretary of State. Said bond shall be payable in Travis County and may be sued upon in any court of competent jurisdiction at the election of the Attor-

ney General and successive suits may be filed thereon from time to time until the full amount of the bond is exhausted. It is further provided that the State Board of Education may at any time after twenty days notice in writing, sent by mail to the principal on said bond, require a new bond to be given and in event the contractor fails to furnish such new bond, the contract may, at the option of the State Board of Education, be forfeited."

Committee Room,

Austin, Texas, Feb. 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 260, A bill to be entitled "An Act providing that the District Attorney of the Seventh Judicial District shall receive the same per diem for not to exceed sixty days in excess of the maximum number of days provided by Acts of the Regular Session of the Forty-third Legislature, as he receives now under the provisions of said Acts; providing for additional allowance for expenses of said District Attorney; making an appropriation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but pass with the committee substitute in lieu thereof and be not printed.

PACE, Chairman.

C. S. for S. B. No. 260.

A BILL

To Be Entitled

An Act providing that the District Attorney of the Seventh Judicial District shall receive the same per diem for not to exceed fifty (50) days in excess of the maximum number of days provided by the Acts of the Regular Session of the Forty-third Legislature as he receives now under the provisions of said Acts; providing that nothing herein shall change the law effective on this date with reference to the expenses of said District Attorney while in the performance of his official duties outside of the county of his residence, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The District Attorney of the Seventh Judicial District shall

duties of the various members of said Board; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 256, A bill to be entitled "An Act providing for payment of the Ex-officio County Superintendent of Public Instruction in all counties having not less than four thousand nine hundred and nineteen (4,919) and not more than four thousand nine hundred and twenty (4,920) population according to the last preceding Federal census, from the County Available School Fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DUGGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 58, A bill to be entitled "An Act amending Article 7009 Revised Civil Statutes of 1925 so as to provide that one member of the Live Stock Sanitary Commission shall be appointed for a term of two years; one for a term of six years and that thereafter the term of office of said members shall be for six years; providing the qualification of said members and for the execution of a bond; providing for the date upon which their term shall expire; defining the word 'commission'; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

NEAL, Chairman.

Committee Amendment.

Amend S. B. No. 58 by striking out Section 1 thereof and insert the following:

Article 7009. The Live Stock Sanitary Commission of the State of Texas shall be composed of three members to be appointed by the Governor of the State with the consent of the Senate. The duly appointed qualified and acting members of the said Live Stock Sanitary Commission, when this Act goes into effect, are hereby specifically continued in office; one to serve two years, one to serve four years and one to serve six years from and after January 20, 1935, and until their respective successors shall be appointed and qualified. Thereafter at the expiration of the term of each member of the Board his successor shall be appointed by the Governor of the State with the consent of the Senate and shall serve for a term of six years or until his successor shall be appointed and qualified. Each commissioner shall give a bond payable to the State of Texas in the sum of Ten Thousand Dollars to be approved by the Comptroller of Public Accounts of the State. Each commissioner shall be a bona fide resident of and a practical live stock raiser in the community from which he may be appointed and shall have been actively engaged in said business for at least five years next preceding the date of his appointment; one of said commissioners shall be appointed from the West; one from the South and one from the Eastern portion of Texas.

"Upon the effective date of this Act or as soon thereafter as practicable the Governor shall file with the Secretary of State a letter designating which of the members of said Live Stock Sanitary Commission shall serve two years, which shall serve four years and which shall serve six years, and he shall also designate one member thereof to act as chairman of said commission until the inauguration of the next Governor. Thereafter the incoming Governor each biennium, upon his inauguration shall have the power and authority to designate the chairman of said commission. The word 'commission' as used in this Act or Chapter 8 of Title 121, Revised Civil Statutes of 1925, and amendments thereto, shall mean the Live Stock Sanitary Commission of the State of Texas."

Committee Room,
Austin, Texas, Feb. 15, 1935.
Hon. Walter F. Wodul, President of
the Senate.

Sir: We, your Committee on Game
and Fish, to whom was referred

H. B. No. 26, A bill to be entitled
"An Act prohibiting the taking of
minnows for the purpose of sale from
certain waters of Panola County;
providing the transportation by any
one person at one time of more than
one hundred and twenty-five (125)
minnows beyond the borders of Pan-
ola County; providing for a penalty,
and declaring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass,
with committee amendment, and be
be printed.

SHIVERS, Chairman.

Committee Amendment.

Amend H. B. No. 26, Sections 1, 2,
and 4, by adding after the word
"Panola" where it appears in said
sections the words "and Comal," and
by striking out the word "County"
wherever it appears in said sections
and inserting in lieu thereof the
word "Counties." Amend caption to
conform.

Committee Room,
Austin, Texas, Feb. 20, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sirs: We, your committee, author-
ized by Senate Resolution No. 120,
beg leave to submit the following
report.

BECK, Chairman,
REDDIT,
POAGE,
MARTIN,
WOODRUFF,
WOODWARD.

Letter of Transmittal.

Austin, Texas, Feb. 20, 1935.
His Excellency, Governor James V.
Allred.

Hon. Walter Woodul, President of
the Senate,

Hon. Coke Stevenson, Speaker of the
House, and

The Legislature of the State of
Texas.

Sirs: Pursuant to Senate Resolu-

tion No. 120, passed at the Regular
Session of the 43rd. Legislature,
May 26, 1933, we your committee
appointed in compliance with said
resolution, beg leave to report as
follows:

The committee met in the Senate
Finance Room on June 1, 1933.
Those present were: Purl, Poage,
Woodruff, Redditt, Martin, Wood-
ward. Senator J. W. E. H. Beck was
elected chairman.

Herewith is the report of your
committee regarding the results at-
tained in the investigation of the
scholastic census of Texas.

Report and Recommendations of the Senate Investigating Committee 43rd. Texas Legislature 1933-34

Investigating Irregularities of State Government

THE STATE OF TEXAS

Members of Committee

Senator J. W. E. H. Beck, Chairman
Walter C. Woodward
H. Grady Woodruff
W. R. Poage
George C. Purl
John S. Redditt
Will M. Martin

Agents of Committee

John Olsen, Director School Census,
State Dept. Education
Genevieve Neville, Secretary, State
Dept. Education

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Exhibits (7). These Exhibits are
filed with the Chairman of the
Senate Investigating Committee
(Selections of parts of the tran-
scripts of the hearings of the
committee are also on file with the
committee chairman.)

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Letter of Transmittal

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School Census

Census Law

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EXHIBITS.

Exhibit I. A Presentation of the Total Number in the Census of 1934, together with its comparative enrollment in all institutions of learning both public and private for the year 1932-33.

Exhibit II. A Comparative Study of Presented and Approved Rolls, showing by Comparison the Savings Due to Checking of Scholastic Census Rolls

Exhibit III. A Table Showing Scholastic Population, Enrollment, Average Daily Attendance for the Year 1932-33 for Independent and Common School Districts According to Population Groupings.

Exhibit IV. A Compilation Showing the Scholastic Census Requirements of 47 States.

Exhibit V. A Compilation of Available Names of the Private and Parochial Schools, Together With the Enrollment of Scholastics by County and Schools.

Exhibit VI. A Compilation of All Answers to the Questionnaire Distributed by the Committee, by Counties and Districts, Common and Independent.

Exhibit VII. A Table Showing the Age Distribution by Sex and Race and Giving Percentage Ratio of Each Age Compared to the Normal Ratio for the State, for Common and Independent Districts.

SENATE RESOLUTION NO. 120.

Senator Martin, et al, sent up the following resolution:

Providing for the creation of a Senate Committee to inquire into the application of the fee system of Texas, in conformity with the work of the Fee Committee appointed by

the 42nd Legislature; authorizing an inquiry by said Committee into tax delinquencies as such delinquencies affect the State revenue; and authorizing an inquiry into the affairs of State departments in the administration of affairs generally affecting the expenditures of public funds and other affairs of such departments touching the welfare of the citizens of Texas.

WHEREAS, attention of the Senate has been called to the effective and economical work of the Senate Fee Committee appointed by the Senate of the 42nd Legislature, and

WHEREAS, it is apparent to every observant person that the State has due it millions of dollars in delinquent taxes exclusive of ad valorem taxes, and

WHEREAS, many departments of the State Government are charged with the duty of collecting taxes and are delinquent in this work, and

WHEREAS, the taxpayers are burdened almost beyond the ability to pay the operating expenses of government, largely because of the delinquency in tax payments, and

WHEREAS, the saving of practically one million dollars to the taxpayers by the 42nd Senate Fee Committee justifies a continuation of the splendid work launched by said Committee, now therefore be it

RESOLVED by the Senate:

Section 1. That the President of the Senate be and he is hereby authorized to appoint a Committee of five members of the Senate, together with the Chairman of the Committees on Civil Jurisprudence and Criminal Jurisprudence to sit at intervals during the vacation of the 43rd Legislature, whose duties shall be to continue an inquiry into the application of the fee system in Texas; to inquire into tax delinquencies as such delinquencies apply to the State Revenue; to inquire into the collection of taxes, fees, and assessments by various departments of the State Government and the expenditures of said taxes, fees and assessments exclusive of legislative appropriations; and to inquire into other affairs and activities of governmental departments and institutions of whatever kind or character, as such activities affect the financial or other welfare of the citizens of Texas.

Section 2. That said Committee shall have power to formulate its own rules of procedure and evidence and to provide for its own hours for meeting and adjourning; said committee shall sit in the Capitol at Austin during its sessions, and sessions of said committee shall be open to the public, except at such times as the committee, by a majority vote may determine to hold an executive session. The Chairman of said committee shall be elected by a majority vote of the members of said committee, and the committee shall appoint its own secretary and employees, and its Sergeant-at-Arms.

Section 3. That the Committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have power to issue attachments which may be addressed to and served by either the Sergeant-at-Arms appointed by said committee or any Sheriff or any constable of this State. Said committee shall have power to inspect and make copies of any books, records or files of departments and institutions and any and all officers and/or employees of departments and institutions under investigation by said committee, and of any county or political subdivision of the State, and shall also have power to examine and audit the books of any person, firm or corporation having dealings with departments and institutions and any and all officers and/or employees of departments and institutions under investigation by said committee. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all powers necessary in order to accomplish the purposes for which it is appointed.

Section 4. The witnesses attending said committee under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the district court.

Section 5. Said committee shall have power and authority to employ and compensate all necessary experts, investigators, stenographers, clerks, auditors and all other necessary employees, and it shall be the

duty of said committee to make and keep a record of its investigation.

Section 6. That said committee may call upon the Attorney General's Department, Auditing Department, Ranger Department and all other Departments for assistance and advice and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee upon request of the Chairman or members of said Committee.

Section 7. That said committee shall begin and complete its investigation at the earliest practicable moment and shall submit a report in writing to the Forty-fourth Legislature. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and per diem and contingent expenses of the regular session of the Forty-third Legislature, upon sworn account of the persons entitled to such pay, when approved by the chairman of said committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said regular session of the Forty-third Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees, and other expenses incident to said investigation.

Section 8. Said committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

Martin, Beck, Moore, Murphy, Patton, Pace, Greer, Purl.
Read and adopted.

Committee Appointed.

The Chair announced the appointment of the following committees:

Members of Committee authorized by Senate Resolution No. 120: Senators Beck, Martin, Purl, Poage, Redditt, Woodruff, Woodward.

Introduction.

Your committee was instructed, under Senate Resolution No. 120, "to inquire into other affairs and activities of governmental departments and institutions of whatever kind or character, as such activities affect the financial or other welfare of the citizens of Texas." Complying with

this instruction May 26, 1931, inquiry into of scholastic

Under the sus law as p authorized b district offic paid from which has and resultin of scholast money is pa is finally app

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Section 6. derivable th herein auth be the ava which the L exceeding or the total va school fund, certain by until otherw and the ava be applied a of the publi law shall ev ating any pa available sch purpose wha same or any propriated to of any secta available sch ed shall be d counties acco tic populatio manner as m

Sec. 183 (The county s board of trus school distri

this instruction the committee on May 26, 1933, decided to direct an inquiry into the matter of a study of scholastic census.

Under the present scholastic census law as provided in statute and authorized by Constitution, local and district officials in many cases are paid from available school fund which has been fixed by statute, and resulting from an enumeration of scholastics a definite sum of money is paid for each name which is finally approved in the census.

Early in our investigations it was discovered that in some instances flagrant and wide-spread abuses had grown up under this system. In the various sections of the matters attached hereto you will find a study made of the difficulties of securing an accurate school census under our present method. Taken as a whole the specific instances of abuses, together with its tremendous cost constitute a challenge to the good intentions of all people who desire honest school administration.

Constitutional Provision Relating to School Census.

Article VII.

Section 6. (5) —and all interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, to which the Legislature may add not exceeding one per cent annually of the total value of the permanent school fund; such value to be ascertained by the Board of Education until otherwise provided by law; and the available school fund shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated to or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population, and applied in such manner as may be provided by law.

Census Law.

Sec. 183 (2816) Taking Census—The county superintendent and the board of trustees of the independent school districts, on the first day of

each January or as soon as practicable thereafter, shall appoint one of the trustees of each school district, or some other qualified person, to take the scholastic census, who shall be known as the census trustee of the district. The census trustee between the first day of March and the first day of April after his appointment, shall take a census of all the children that will be over six and under eighteen years of age on the first day of the following September, and who are residents of the school district on said first day of April. In taking the said census he shall visit each home, residence, habitation and place of abode, and shall by actual observation and interrogation, enumerate the children thereof in the following manner: He shall use for each parent, or guardian or persons having control of any such children, a prescribed form showing the name, color and nationality of the person rendering such children, the name and number of the school district in which the children reside, and the name, sex and date of birth of each such child of which he is a parent or guardian, or of which he has control. The census trustees shall require such forms to be subscribed and sworn to by the person rendering the children, and he is authorized to administer oaths for this purpose. When the census trustee visits any home or house or place of abode of a family, and fails to find either the parent or any person having legal control, he shall leave the prescribed census blank for the use of parents at such home or place of abode, with a note to the parent or guardian having legal control of such child or children, requiring that the form be filled out, signed and sworn to, and that the blank, when so filled out, shall be delivered by the parent or person having legal control of the child or children to the census trustee.

Sec. 184 (2817) Duty of Census Trustee. Only children of the same family shall be listed on one form; and if one person has under his control children of different family name, he shall use a separate form for each family name. The census trustee shall arrange the forms for white and colored children separately, in alphabetical order, ac-

according to the family name of the children reported thereon. He shall also make, on a prescribed form, separate census rolls for the white and colored children of the district, showing the name, age, sex and color of each child, and the name of the parent, guardian or person having control of said child, by whom it is reported. He shall also make a summary of his rolls showing the number of such children of each race of scholastic age. He shall make oath to all his rolls and summaries, and to the faithful and accurate discharge of his duties, and deliver said rolls, with the forms arranged in alphabetical order, to the county superintendent on or before June first next after his appointment.

A Short History of the Growth of the Scholastic Census of Texas.

The state Constitution of 1845 provided for a system of "Free Public Schools," but no law was enacted until 1854. This same constitution required that one-tenth of the annual revenue from taxation be set aside as a "General School Fund."

The law of 1854 required that a list of all free white population between the ages of 6 and 16 years be made each year in every county, and a copy of this list be sent to the State Treasurer on or before the first of July of each year. The list was to designate the number of such ages in each district in the county. The interest arising from the \$2,000,000 Special School Fund was to be apportioned by the State Treasurer to the several counties according to the number of the population of scholastic age. None of this money could be drawn by any school district until it had provided "a good substantial school house with the necessary seats and other fixtures," and the money could only be used to pay teacher's salary. The trustees were to pay the teacher's salary and any remainder was to be divided equally among the patrons of the school according to the number of pupils and the time spent in school by each pupil. If the teacher's salary was more than the fund amounted to, each patron was to pay his share of the salary, and all those who could not pay their share were to make proper affidavit to the Chief Justice of the county, and the

State Treasurer was to pay the amount. Very few districts qualified for this money.

The law of 1856 changed the age to 6 to 18 years. The fund was divided to the several counties according to the scholastic population. The fund in each county was divided to the children according to the time spent in school. After expenses of teaching were paid, the remainder was to be divided among the paying patrons of the school according to the children's attendance. The apportionment was made at the end of the year.

The law of 1858 provided that the county court was to decide who were unable to pay tuition, and the rate of tuition was fixed not to exceed ten cents a day for attendance.

The law of 1860 defined indigent children. This definition was applicable to children in 1856, 1858, and 1860. Only indigents were permitted to share in the State School Fund.

The law of 1866 required a list to be made of all free white population annually between the ages of 6 and 18 years. The State School Fund was divided in proportion to the scholastic population of the several counties. The police court was to apportion the fund. In addition to paying the teachers, the school fund might be used to build school houses and to pay tuition.

The school law of 1870 lowered the scholastic age from 6 to 16. The annual census was still required.

The law of 1871 changed the age back again to 6 to 18.

The law of 1876 changed the school age to 8 to 14. An annual school census of white and colored children was required to be made separately. The school fund was to be used for the education of white and colored children impartially.

The law of 1884 changed the school age to 8 to 16 years.

The law of 1885 provided that the census of the district be taken by district trustees under the county judge's supervision, and this law provided, for the first time, that compensation should be paid for taking school census.

The law of 1887 provided that the county judge might have compensation for supervision of census. He was entitled to receive \$25.00

for every \$50.00 for each year and after that time an additional \$1.00 for each school age year.

The law of 1898 changed the white school age to 8 to 14 years, and a provision was made for the case of a district judge was to be paid for the first day of school with others. The law of 1898 and 1899 provided that the county judge should appoint the first of the month of June of each year under 17 years of age, and the law of 1900 provided for 7 years of age of the school children.

The law of 1901 provided for the creation of a school district and made the square miles of land to levy a tax to support the school census of district.

The law of 1902 provided for the creation of a school district and made the square miles of land to levy a tax to support the school census of district.

Table S.

Year.

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*Figures are for calendar year.

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provided that the decide who were , and the rate not to exceed attendance.

defined indigent tion was appli- 1856, 1858, and s were permit- State School

required a list white popula- the ages of 6 State School proportion to tion of the sev- police court was l. In addition rs, the school to build school tion.

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for every \$500.00 distributed and \$50.00 for every \$1000.00 distributed and after that \$10.00 for each additional \$1000.00 distributed. The school age was retained at 8 to 16.

The law of 1895 provided that the white and colored children not be taught in the same school, and a provision was made that in case a district had less than 20 pupils of scholastic age, the county judge was to consolidate this group with others. This law provided that a scholastic census should be taken in 1898 and every year thereafter; that the county superintendent should appoint census trustees on the first of January. He was to take a school census between the first day of May and the first day of June of all children over 8 and under 17 on the first day of the following September.

The law of 1903 changed the ages from 7 years to 17 at the beginning of the scholastic year.

The law of 1908 provided for the creation of certain types of districts and made the area of the district 16 square miles and provided the power to levy a local maintenance tax for the support of the local schools. The school census determined the type of district.

The law of 1911 provided for

SCHOLASTIC POPULATION, APPORTIONMENT, 1872-1934.

Table Showing Annual Apportionment of State Funds to Public School Support.

Year.	Scholastic population.	Apportionment.		Year.	Scholastic population.	Apportionment.	
		Per capita.	Total.			Per capita.	Total.
1872.....	228,355	\$ 1.81	\$ 450,518	1904.....	765,966	\$ 5.00	\$ 3,829,880
1874.....	269,451	1.95	612,878	1905.....	782,693	5.00	3,913,465
1875.....	313,061	1.59	497,767	1906.....	798,675	5.25	4,193,044
1876.....	340,000	1.47	499,800	1907.....	869,864	5.00	4,349,320
1877.....	154,520	2.82	479,400	1908.....	893,441	6.00	5,360,646
1878.....	168,324	4.50	757,323	1909.....	914,628	6.75	6,173,739
1879.....	208,324	4.25	869,474	1910.....	949,000	6.25	5,931,288
1880.....	230,527	3.00	679,317	1911*.....	968,269	6.50	6,293,749
1881.....	261,871	3.00	785,613	1912.....	991,400	6.80	6,741,581
1882.....	266,709	3.25	900,000	1913.....	1,017,133	6.85	6,967,361
1883.....	295,457	3.61	1,068,323	1914.....	1,048,570	7.00	7,339,990
1884.....	311,134	4.50	1,399,873	1915.....	1,096,467	8.00	8,771,736
1885.....	406,932	5.00	2,034,100	1916.....	1,129,152	6.00	6,775,886
1886.....	452,678	5.20	2,353,925	1917.....	1,223,219	7.00	8,562,533
1887.....	489,795	4.75	2,326,526	1918.....	1,232,219	7.50	9,241,643
1888.....	507,878	4.50	2,285,451	1919.....	1,215,567	7.50	9,166,753
1889.....	523,110	4.00	2,112,440	1920.....	1,233,360	8.50	10,487,810
1890.....	545,616	4.00	2,182,464	1921.....	1,271,284	14.50	18,427,863
1891.....	565,672	4.50	2,545,524	1922.....	1,297,991	13.00	16,873,883
1892.....	583,835	4.50	2,627,257	1923.....	1,296,596	10.00	12,965,960
1893.....	605,495	5.00	3,027,475	1924.....	1,304,200	12.00	15,651,240
1894.....	630,308	4.50	2,836,363	1925.....	1,321,600	14.00	18,502,400
1895.....	693,751	3.50	2,428,132	1926.....	1,340,082	14.00	18,761,162
1896.....	715,640	3.50	2,515,271	1927.....	1,348,635	14.00	18,880,890
1897.....	752,041	4.00	3,008,164	1928.....	1,370,082	15.00	20,551,230
1898.....	777,431	4.00	3,109,724	1929.....	1,389,791	15.00	20,996,960
1899.....	708,125	4.50	3,186,562	1930.....	1,426,859	17.50	24,445,932
1900.....	706,546	4.25	3,002,820	1931.....	1,566,215	17.50	27,391,262
1901.....	720,217	4.75	3,463,780	1932.....	1,567,704	17.50	27,434,820
1902.....	739,573	4.75	3,512,971	1933.....	1,575,428	16.00	25,206,848
1903.....	759,358	5.00	3,796,790	1934.....	1,558,696	16.50	24,939,136

*Figures are for fiscal years ending August 31, beginning with 1911; prior to that time they are for calendar years.

county line districts and also provided for the method of taking a school census in county line districts.

The law of 1917 provided for rural state aid and limited the amount upon the scholastic population and also upon attendance.

In 1921 the law provided a requirement for receiving special state aid, which was that the district must have twenty times the number of scholastics as teachers. The special appropriation was made this year for the investigation of padded census rolls and the retaking of the census of certain districts.

The law of 1925 changed the scholastic census age to 7 to 18.

In 1929 the law changed the age to 6 to 18.

In 1933 a special act was passed providing for the investigation and checking of scholastic census, and an appropriation was made of \$7000.00 for each year of the biennium.

In recent years, beginning with 1918, a small amount has been appropriated by each Legislature for the purpose of filing and collecting census reports. The appropriation in no year amounted to much more than \$2000.00 except in 1921 and 1933.

A Comparative Study of Census Requirements of Forty Seven States.

We, your Committee, have made a careful study of the legal requirements of all the States as pertains to the taking of a school census. The study covers the following phases of this subject:

1. How often is a school census taken?
2. What is the purpose for which the census is taken?
3. Who has the final approval of the school census?
4. Are the census enumerators paid, if so, by whom, and how?
5. Is a complete census required?
6. What are the lower and upper age limits?
7. What is the basis for the apportionment of the state school fund?

Your Committee found that 29 of the states take a school census each and every year. We found that 8 states take a school census each two years; one state each three years; one state each four years; and three states take a school census only every five years. Two states (Arizona and Florida) do not take a school census. In one state (Illinois) a school census is taken in certain school districts only. In one state (Nevada) the State Board may require a school census to be taken any year in any or all the school districts of the state. New York state requires all the cities to keep a Continuing School Census. In this state all the school districts outside of the cities are required to take an annual school census. Michigan provides for a Continuing School Census, but requires that it be taken annually in order to keep it correct and up to date. In North Carolina the State Board of Education is directed to set up a Continuing School Census. The State Board of Education is given authority to adopt any rules and regulations necessary to install and keep going such a system.

We found that some of the states have more than one purpose in taking a school census. Twenty states use the school census to help enforce the compulsory school laws. Two states take a school for general information only. Three states use the school census in connection with

a system of child accounting. Twenty-five states use the school census as a basis for distributing school funds. Thirteen states use the school census to discover and better aid the handicapped children.

We found that the school census is approved by the local unit in 12 states; by the county in 17 states; and by the state agency in 15 states.

We found that 25 states provide for the payment of the school census enumerators. Eleven of these states pay the enumerators on a "per capita" basis. Some of the states require the teachers to take the school census without extra pay. In some states this work is part of the regular duties of the school attendance officer, or the clerk of the district school board.

Forty states require a school census of some kind for the entire state.

We found a great variation in the ages included in the school census of the different states. Two states require the school census to begin at birth. The lower age limit is 3 years in one state. It is 5 years in 12 states; it is 6 years in 22 states; it is 7 years in one state and 8 years in one state.

The upper age limit is to 14 years in one state; to 16 years in 5 states; to 18 years in 13 states; to 20 years in 5 states and to 21 years in 19 states.

We found that four states apportion all the state common, or available school fund, on the basis of the school census. Eight states apportion the greater part of the state school fund on a census basis, and 13 other states distribute a part of the state school fund on the basis of the school census. This makes 25 states that apportion all or a part of the state school fund on the basis of the number of school children in each district.

Four states apportion the state school fund on the basis of the number of teachers employed; eleven states on the basis of the average daily attendance; three states on the school enrollment. One state (North Carolina) has adopted a complete equalization program based on several factors. Four states apportion the state school fund on a "classroom unit" basis. Thirty five states use a combination of two or more

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factors as a basis for the apportionment of the state school fund.

We are including a very recent comparison of expenditures for public education of the various states. Attention is especially directed to col-

umn No. 6, showing percentage of scholastic children to the total population, keeping in mind that some counties in Texas show as high as forty plus per cent.

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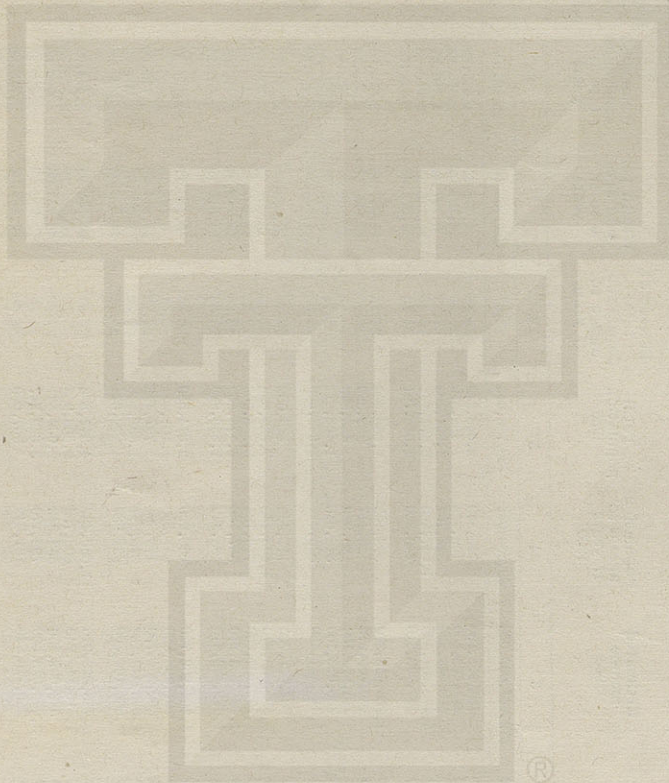
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WEALTH OF STATES AND THEIR EXPENDITURES FOR EDUCATION.

(Table prepared by W. G. Carr, Director Bureau Research, N. E. A.)

States	Value of tangible wealth 1930	Estimated income 1930	Population ages 6 to 17 years 1930	Total population 1930	Percent of total population ages 6 to 17 years	Wealth per child ages 6 to 17 years	Income per child ages 6 to 17 years	Expenditures per child in average daily attendance 1930	Rank in column 7	Rank in column 8	Rank in column 9
1	2	3	4	5	6	7	8	9	10	11	12
United States-----	322,735,000,000	\$72,141,000,000	29,066,072	122,775,046	23.67	\$11,103.50	\$2,481.97	\$108.49	—	—	—
Alabama-----	3,065,000,000	763,973,190	750,590	2,646,243	28.36	4,083.45	1,017.83	45.44	48	47	45
Arizona-----	1,366,000,000	241,672,350	106,735	435,573	24.50	12,798.05	2,264.23	142.87	24	30	6
Arkansas-----	2,655,000,000	598,045,890	513,794	1,854,482	27.71	5,167.44	1,163.99	42.77	44	45	47
California-----	15,433,000,000	3,546,451,560	1,047,263	5,677,251	18.45	14,736.51	3,386.40	161.70	10	7	5
Colorado-----	3,286,000,000	707,703,210	240,326	1,035,791	23.20	13,673.09	2,944.76	125.10	18	14	17
Connecticut-----	5,465,000,000	1,123,235,370	373,105	1,606,903	23.22	14,647.35	3,010.51	128.84	11	12	11
Delaware-----	646,000,000	163,760,070	53,417	238,880	22.41	12,093.53	3,065.69	139.88	28	10	8
District of Columbia-----	1,729,000,000	515,808,150	80,959	486,869	16.63	21,348.58	6,308.87	183.53	2	1	3
Florida-----	2,532,000,000	440,060,100	348,616	1,468,211	23.74	7,263.01	1,262.31	69.38	38	44	39
Georgia-----	4,005,000,000	1,042,437,450	825,211	2,908,506	28.37	4,853.30	1,263.24	34.52	46	43	49
Idaho-----	1,593,000,000	266,921,700	117,446	445,032	26.39	13,563.68	2,272.72	104.85	19	29	27
Illinois-----	22,653,000,000	5,559,906,870	1,635,445	7,630,654	21.43	13,852.50	3,399.63	127.39	17	6	13
Indiana-----	9,045,000,000	1,762,404,630	719,734	3,238,503	22.22	12,507.14	2,448.69	105.58	27	20	26
Iowa-----	10,686,000,000	1,404,585,270	567,130	2,470,939	22.95	18,842.24	2,476.65	109.10	4	23	24
Kansas-----	6,369,000,000	1,075,622,310	438,812	1,830,969	23.33	14,514.19	2,451.21	106.31	13	25	25
Kentucky-----	3,664,000,000	1,004,202,720	688,959	2,614,539	26.35	5,318.17	1,457.57	53.00	43	40	42
Louisiana-----	3,506,000,000	794,993,820	557,200	2,101,593	26.51	6,292.18	1,426.77	62.07	42	41	40
Maine-----	2,068,000,000	486,951,750	179,594	797,423	22.52	11,514.86	2,711.40	80.78	30	20	35
Maryland-----	4,100,000,000	1,086,443,460	370,291	1,631,526	22.70	11,072.37	2,934.03	104.00	32	15	30
Massachusetts-----	13,389,000,000	3,604,164,360	922,537	4,249,614	21.71	14,513.24	3,906.80	127.24	14	4	14
Michigan-----	11,781,000,000	2,713,223,010	1,096,427	4,842,325	22.64	10,744.90	2,474.60	140.13	33	24	7
Minnesota-----	8,741,000,000	1,416,849,240	606,753	2,563,953	33.66	14,406.19	2,335.13	112.86	15	28	20
Mississippi-----	2,237,000,000	523,022,250	562,343	2,009,821	27.98	3,978.00	930.08	39.87	49	49	48
Missouri-----	10,245,000,000	2,056,018,500	792,170	3,629,367	21.83	12,932.83	2,595.43	96.99	23	22	32
Montana-----	2,230,000,000	356,376,540	131,042	537,606	24.38	17,475.31	2,719.56	129.80	6	19	10
Nebraska-----	5,419,000,000	745,937,940	329,809	1,377,963	23.93	16,430.72	2,261.73	104.63	8	31	29
Nevada-----	547,000,000	75,026,640	17,452	91,058	19.17	31,343.11	4,299.03	183.95	1	2	2
New Hampshire-----	1,418,000,000	301,549,380	100,439	465,293	21.59	14,118.02	3,002.31	104.81	16	13	28
New Jersey-----	12,149,000,000	2,649,017,520	911,617	4,041,334	22.56	13,326.87	2,905.84	175.69	20	16	4
New Mexico-----	874,000,000	178,909,680	115,960	423,317	27.39	7,537.08	1,542.86	89.03	37	38	34

New York-----	37,766,000,000	11,007,273,790	2,580,891	12,588,066	20.50	14,632.93	4,264.01	191.87	12	3	1
North Carolina-----	4,719,000,000	941,440,050	942,466	3,170,276	29.73	5,007.08	998.91	55.40	45	48	41
North Dakota-----	2,490,000,000	306,599,250	188,751	680,845	27.72	13,191.98	1,624.36	110.66	21	37	21
Ohio-----	19,066,000,000	4,192,113,510	1,472,379	6,646,697	22.15	12,949.11	2,847.17	127.16	22	18	15
Oklahoma-----	4,048,000,000	1,057,587,000	638,516	2,396,040	26.65	6,339.70	1,656.32	69.78	40	35	38

Oregon-----	3,504,000,000	603,098,760	198,709	953,786	20.83	17,633.83	3,035.09	126.14	5	11	16
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Nebraska	5,419,000,000	745,937,940	329,809	1,377,963	23.93	16,430.72	2,261.73	104.63	8	31	29
Nevada	547,000,000	75,026,640	17,452	91,058	19.17	31,343.11	4,299.03	183.95	1	2	2
New Hampshire	1,418,000,000	301,549,380	100,439	465,293	21.59	14,118.02	3,002.31	104.81	16	13	28
New Jersey	12,149,000,000	2,649,017,520	911,617	4,041,334	22.56	13,326.87	2,905.84	175.69	20	16	4
New Mexico	874,000,000	178,909,680	115,960	423,317	27.39	7,537.08	1,542.86	89.03	37	38	34

New York	37,766,000,000	11,007,273,790	2,580,891	12,588,066	20.50	14,632.93	4,264.91	191.87	12	3	1
North Carolina	4,719,000,000	941,440,050	942,466	3,170,276	29.73	5,007.08	998.91	55.40	45	48	41
North Dakota	2,480,000,000	306,599,250	138,761	680,845	27.72	13,191.98	1,624.36	110.66	21	37	21
Ohio	19,066,000,000	4,192,113,510	1,472,379	6,646,697	22.15	12,949.11	2,847.17	127.16	22	18	15
Oklahoma	4,048,000,000	1,057,587,060	638,516	2,396,040	26.65	6,339.70	1,656.32	69.78	40	35	38
Oregon	3,504,000,000	603,098,760	198,709	953,786	20.83	17,633.83	3,035.09	126.14	5	11	16
Pennsylvania	29,614,000,000	6,706,227,380	2,350,699	9,631,350	24.41	12,597.95	2,852.87	110.31	26	17	22
Rhode Island	1,982,000,000	529,514,940	156,408	687,497	22.75	12,671.59	3,385.47	128.13	25	8	12
South Carolina	2,476,000,000	585,063,510	544,284	1,738,765	31.30	4,549.10	1,074.92	43.60	47	46	46
South Dakota	3,024,000,000	353,490,900	180,279	692,849	26.02	16,774.00	1,960.80	110.29	7	32	23
Tennessee	4,373,000,000	877,955,970	690,063	2,616,556	26.37	6,337.10	1,272.28	47.00	41	42	44
Texas	10,067,000,000	2,601,404,460	1,469,039	5,824,715	25.68	6,729.10	1,738.86	72.77	39	34	37
Utah	1,532,000,000	258,986,190	141,197	507,847	27.80	11,204.20	1,834.22	96.26	31	33	33
Vermont	863,000,000	212,815,950	80,669	359,611	22.43	10,698.04	2,638.14	97.63	34	21	31
Virginia	5,046,000,000	1,005,645,540	658,326	2,421,851	27.18	7,664.90	1,527.58	51.71	36	39	43
Washington	5,242,000,000	1,083,557,820	331,179	1,563,396	21.18	15,828.30	3,271.82	120.37	9	9	18
West Virginia	4,817,000,000	778,401,390	475,273	1,729,205	27.49	10,135.23	1,637.80	80.62	35	36	36
Wisconsin	8,084,000,000	1,652,750,310	685,826	2,939,006	23.34	11,787.25	2,409.87	113.41	29	27	19
Wyoming	1,014,000,000	181,795,320	52,912	225,565	23.46	19,163.89	3,435.81	135.83	3	5	9

Sources of data: Figures of column 2 are estimates of the National Industrial Conference Board. The national figure on income given at top of column 3, is an unpublished estimate by the National Bureau of Economic Research. This total was distributed among the states on the bases of the average of the total national income found in each state in the years 1919, 1920, and 1921, as estimated by the National Bureau of Economic Research. Figures of columns 4 and 5 are from the U. S. Census. Those of column 9 are from U. S. Department of Interior, Office of Education.

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Defects of the Present Method of Texas School Census.

The Senate Investigating Committee reports that in their opinion the present statutes governing the taking of Texas scholastic census contain the following defects:

1. The funds available to the State Department of Education are insufficient to make a complete investigation of the scholastic census rolls.

2. The present method permits the rendering of non-resident scholastics in a district who are in attendance upon institutions of higher learning or institutions of learning not located in their home district.

3. Punishment of individuals falsifying to any scholastic census information needs that the furnishing of information to proper officials be made mandatory.

4. The present method of school census requires that a person swear to his residence at a date after he has rendered his children whereas he should swear to his residence at a date prior to the rendition of his children.

5. The present method encourages false statements from persons rendering children in order to avoid paying tuition.

6. There is no authority given to anyone to make the records show the correct age of any child as compared to previous years records although the county superintendent or the State Department of Education might know that the record did not speak the truth.

7. The present method of taking school census permits children to be enumerated in adjacent districts in the same county and two or three counties across county, state and national boundary lines.

8. Either the husband or the wife or both can make the rendition of step-children and each one giving in the others children in their own surname.

9. The insertion of fictitious names occurs in the taking of school census, a practice found to be existing to a surprising degree in certain sections of the State.

10. The present compensation in many instances is insufficient to insure in some localities a correct school census.

11. No provision is made for a

supplemental census. Neither is there a provision for denying a supplemental census, rendered necessary by the omission of legal scholastics in the month of March.

12. The present method of transfers of scholastics is unsatisfactory. One child is supposed to be permitted to transfer to another district where school conditions might be more suitable. The county superintendent in many instances will not make the transfer, and this has led to a large amount of dissatisfaction and hardships. The rural aid law requires a specific number of children to be left in the district after transfer to entitle them rural aid to a fixed number of teachers. This causes a denial of transfer, and in some instances causes a transfer even though the parent or guardian does not desire it. Some districts refuse even though a transfer is legally made to pay a debt legally owed.

13. Under the present system the law provides for free attendance in public schools between the ages of 6 to 21 inclusive, regardless of the fact that the child may have previously completed the course of study in the public school.

14. The fixing of the county superintendent's salary upon the number of children residing in the county disregarding the number of children supervised, especially in some isolated cases such as Potter and Lamb, is subject to criticism.

15. The present method of providing funds for the accurate checking of scholastic census rolls is to be criticised because funds are appropriated from the General Revenue for this purpose.

Suggested Improvements of the Present Method of Taking School Census.

Provided that the present annual method of taking school census is satisfactory to the Legislature, the Senate Investigating Committee suggests the following improvements in the accomplishment of the annual school census:

1. The committee recommends that sufficient funds be made available to the State Department of Education for the investigation, checking, corrections, study and the detection of fraud where necessary in the scholastic census rolls.

2. It is recommended that the committee drawn from any non-resident who is institution of his home, findable official of from rendition.

3. It is recommended that made mandatory independent of authorized against any respect record and any violation in Travis County.

4. It is recommended that the committee of Texas, including the month of rendition taken as of.

5. It is recommended that reasonable any individual under the age of 17 on the

6. It is recommended that reference to scholastic the duty of the superintendent ages of more than so that the advance re mandatory have to do that when normal growth annually to the scholastic census it shall have ord. In no tionment by series of months.

7. It is recommended that the present law provide full to the State tion to the scholastic census roll placed opinion of not legally such school.

8. It is recommended that

2. It is recommended by the committee that a law be properly drawn prohibiting the enrollment of any non-resident scholastic in a district who is in attendance upon any institution of higher learning or any institution of learning not located in his home district and making it a finable offense coupled with a nominal jail sentence to any school official of the institution concerned from rendering said child or children.

3. It is recommended that it be made mandatory on the State Superintendent of Schools through his authorized agents to file complaint against any individual falsifying in any respect any scholastic census record and venue for prosecution of any violation of census law be fixed in Travis County.

4. It is recommended by the committee that the scholastic census of Texas be taken each year during the month of March and that the date of residence of such census be taken as of March first.

5. It is recommended that a reasonable fine be assessed against any individual who knowingly renders a child for public school census under the age of six or over the age of 17 on the first day of September.

6. It is recommended with reference to the duties relating to scholastic census that it shall be the duty of the county school superintendent to make comparison of ages of those children rendered more than once in the same county so that the ages of the children will advance regularly, and it should be mandatory upon all officials who have to do with scholastic census that when a child's age through normal growth advances one year annually to eliminate from the scholastic census records this child when it shall have become 18 by such record. In no event shall any apportionment be paid on any child for a series of more than 12 years.

7. It is recommended that the present law be amended so as to provide full and competent authority to the State Department of Education to strike from any scholastic census roll the name of any scholastic placed thereon which in the opinion of such State Department is not legally entitled to be placed on such scholastic census roll.

8. It is recommended by the

committee that in order to prevent step-parents from rendering children the law should designate in families containing step-children that only the mother or father or person in charge be permitted to render the family.

9. It is recommended that a proper law be drafted providing punishment for the adding of names to a bona fide scholastic census blank. The official census trustee for the district is the proper custodian of the blanks and if additional or fictitious names are inserted on these blanks such insertion shall be prima facie evidence that the census trustee is the person responsible for such additions. Family census blanks should in no event be permitted to become in the possession of any individual other than the census trustee except when he returns them to the county school superintendent with his sworn reports. Any individual discovered and proven to have padded the school census rolls in a court of competent jurisdiction should be penalized by fine and punishment in the county jail; both such fine and jail sentence should be of nominal amounts and terms.

10. It is the committee's opinion that the present amounts paid for enumeration per capita are insufficient in many sections of Texas. That in towns we find the rate is too low to secure competent assistance and in thinly settled counties that the rate per capita is extremely small, and it is impossible for thinly settled counties to secure a school census for the amount at present authorized.

11. It is the opinion of the committee that the addition of supplements to the scholastic census inevitably leads to duplication of children's names. It is the opinion of the committee that a statute should be passed prohibiting the acceptance by the State of any supplementary census after the month of March.

12. It is the opinion of the committee that due to the fact that the transfer question is of great interest to different school districts, though itself not a census question, that transfers from one district to another should be made under certain conditions, and we find in many instances that even though these conditions are necessitous in nature that

the county superintendent will not make the transfer. A proper statute should be passed relating to this question placing on the State Board of Education the duty of making such rules governing the right of transfer as they may see fit and authorizing the State School Superintendent or his agents to make all transfers which conform to the State Board of Education's rules and payment for said transfers made as if the scholastics transferred therein were residing in the district and were included in the original school census of the district.

13. It is the opinion of the committee that the present set-up of scholastic census is subject to criticism because it permits free attendance in public schools through the ages 6 to 21 in the district where the child lives. This necessitates the continuance in school within the ages if the scholastic finishes the course of study offered by the school. It is recommended by the Committee that a statute be passed providing that pupils shall be permitted to attend public free schools in the district where they live until they are 21 or until they have graduated from the public schools located in the district where they live.

14. It is recommended by the committee that in counties where the scholastic population is below a reasonable number of scholastics and yet the present law requires a county superintendent that sufficient counties be combined under one county superintendent's jurisdiction so that the per capita cost of those children supervised would be a reasonable cost for such supervision, and further, that if a group of counties are unified for county superintendent's supervision said county superintendent should be selected by the State Superintendent of Schools.

15. It is recommended by the committee that the cost of the accurate checking of scholastic census rolls be borne by that part of the available school fund not prohibited by the Constitution.

Modern Method of Census Accounting.

For the information of interested legislators there is included herewith a statement as to the most modern method of census account-

ing known to school authorities in the United States. There is what is known as the Continuing Census adopted by two entire states and in some portions of another state.

An investigation was had by the Senate Investigating Committee and under its direction of the efficiency of this method in the city schools of Denver, Colorado. This system contemplates that children are added to the census rolls at birth and are carried until they reach the age of 22 years, being deleted from the roll either when they move out of the unit or when they die and being added to the roll when they move in or are born. The practical accounting is done in the office of the city superintendent of schools and is very efficiently done. The census in the City of Denver is coupled with other informative and worthwhile projects; such as compulsory attendance, handicapped studies, census and social and economic relief. The larger part of the expenses of maintaining the division in the city school administration system of Denver comes from other items than census. The judgment of the head of the Census Division of this system of schools is that the census part of the work could be kept and efficiently kept by three individuals. This accounting is done for 73,000 names listed upon a card to the name.

A check of the outside opinion of the system Denver is now using, in the town of Fort Collins discloses the fact that in the opinion of outsiders Denver had more names on their continuing census than should be on. That they did not try to delete the rolls of any child between the ages of 16 to 22 because such aged children were not within the compulsory attendance age and Denver did not need them off.

A check upon the method of census accounting at Raton, New Mexico, disclosed the fact that the continuing census was in effect in this school district for 2700 children and was efficiently maintained at a cost of less than one-fourth cent per capita. The superintendent of schools expressed the opinion that it would be foolish to discard the continuing census and make a house to house annual canvass.

It is the opinion of the committee that this method of scholastic census is worthy of serious consideration,

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both from the standpoint of reducing the cost now incurred by the taking of an annual scholastic census and as a means of reducing the duplication of names on the census roll. The committee believes that if the State Department were given adequate funds to make one complete house to house census under State control to be used as a basis that a continuing census could be efficiently maintained in this State at a much less expense than the present annual census, and that if properly administered, it would give a more complete enumeration, and in any event the committee believes that this State should adopt a system of permanent personal record cards for every child ever enrolled in our public school system, and that no child should be admitted as a transfer into any school without producing his enrollment card in the school from whence he came, and that the school so admitting such child should not be entitled to receive any apportionment by reason of his admission until the admitting school has furnished the State Department with sufficient information concerning the child's past enrollment to enable the State to move his name from the roll of the school last attended. The committee is also of the opinion that it should be the duty of every school district to report immediately to the State Department all removals from said district, and to this end, it is suggested that the districts utilize the services of teachers and students keeping a check on every dwelling place within the district, and assigning definite areas for individual reports. As a means of securing compliance from uncooperative districts, the committee suggests that the State be authorized to pay a nominal reward of say 50 cents per name for evidence of the removal from the district of any child whose removal has not been reported within thirty days by the proper school authorities, and that such rewards be charged to the negligent districts proportionately.

Special Cases.

There is located in East Texas, a small town of a scholastic population of about 650 scholastics. This place has for many years rendered around 900 children in the scholastic census.

It has been suspected by the person in charge of scholastic census for many years that this census was in excess of the true number. With funds provided by the committee and acting under their instruction this case was investigated with the result of discovery and confession by the person guilty that for a period of ten years this number had been reported in excess annually of between 150 and 200 scholastics. That these 150 to 200 children had never resided in this district but were each year placed in the scholastic census roll with the intention of securing a definite fixed number of children so that the schools might be maintained without recourse to drastic reductions in expenses.

A second illustration in one of the largest counties of the great Valley, a small town adjacent to the river has been consistently for several years including in the scholastic census names of children who had no existence in fact. Acting under the authority of the Senate Investigating Committee, the person in charge of school census visited this town and by agreement eliminated nine per cent, which represented 81 scholastics, of the original roll which in his opinion represents approximately one-half of the true excess.

Without the necessity of visiting but by record proof alone there were eliminated from an extreme East Texas county 646 scholastics. This was accomplished by employees of the Senate Committee acting under the supervision of the director of census, giving an intensively close check of preceding records of scholastic census names.

Another district lying in the upper lower Valley was checked on the ground by the director of census, acting under the authority of the Senate Investigating Committee and with money furnished by them, and many names of scholastics not resident in the district were found to be in the scholastic census roll, and upon final agreement with the school authority of the district nine per cent, which represents 72 scholastics, of the scholastics were eliminated, and which represented in the opinion of the committee's authorized agent one-half of the excess.

In one of the larger cities of Texas the committee arrived at the conclusion that there were many ex-

cess names included in the scholastic census. After an intensive investigation substantial proof was required to secure any kind of agreed settlement. There was removed from the census roll due to apparent errors proven to be in the census rolls four per cent of the gross submission, which represented in excess names alone in that district 2933 scholastics. The expenses of this investigation in all of its necessary steps was borne by the Senate Committee with the exception of its first checking.

In checking the scholastic census rolls against the enrollment of educational institutions not maintained by taxation, it was discovered in a certain central Texas town that numbers of children rendered in other communities were rendered in the scholastic census of this town. An investigation of this condition led to the discovery that the deans of the institutions had signed family census blanks for the children reported as residents.

An investigation conducted with regard to this matter disclosed that the same community had added names on the family census blanks other than the ordinary handwriting not taken by the census trustee. This matter was satisfactorily adjusted by the person in charge of census by reducing the entire roll 175 scholastics.

Letter of John Olsen, Director
of School Census.

Austin, Texas, Feb. 15, 1935.

Hon. J. W. E. H. Beck, Chairman,
Senate Investigating Committee,
Austin, Texas.

Dear Sir:

In trying to arrive at the results obtained by the Senate Investigating Committee, I am of the opinion that the publicity attendant upon the Committee work, coupled with the knowledge of various persons that the Senate Committee was investigating census conditions is directly responsible for a saving in the actual reduction of presented names to the State Department of Education. In judging the value of the publicity attendant on this investigation, it is my opinion that prior to September first, 1934, this can be accurately figured in dollar valuation

to amount to \$115,000. In view of the fact the census rolls are approved on September first, any saving after that date of Committee investigation is very difficult of computation. However, the continued publicity attendant upon the Committee activity has been of untold value in the various settlements in which I have been connected.

Extra duplications discovered prior to the first of October directly due to Senate Investigating Committee labor is accurately figured at \$29,000. To this is to be added a very worth while project assumed by the Senate Investigating Committee during the Called Session and shortly thereafter in the discovery of many names in the scholastic census rolls which had been carried in various counties since 1922 and were still within the census rolls of the present scholastic year. The concrete effects of this has not as yet been evaluated.

Removal of excess names from census rolls due to investigations conducted by the Senate Investigating Committee is exactly figured at \$60,469.

In actual dollars, prior to October first—reserving to the State Department of Education quite a large saving of dollars—it is estimated that \$205,000 was saved directly by Committee interest and work. Of course, added to this should be a computation of some fine settlements for the State made by the Department since that time but were discovered by labor paid for by the Senate Committee and investigated when possible. I think it is fair to state that this saving can be valued at between fifty and seventy-five thousands of dollars.

Expressed concretely, the State of Texas, normal growth in population should be 23,000 children annually. Instead of this normal gain, the State approved census rolls on September first showed approximately 17,000 names less than the preceding year. At the present time due to various omissions in the rolls on September first, we still have a net reduction under the preceding year of approximately 16,000 names, which reduction within the last day or two has been substantially increased.

Permit me to express to you on behalf of the Department of Educa-

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tion and myself as director of the census work my great appreciation for the fine cooperation and assistance of the committee and to thank you and the members of the committee for their unselfish and untiring sacrifice of their personal responsibilities to benefit the State as a whole.

Yours very truly,

JOHN, OLSEN,

Director of School Census,
State Department of Education.

Savings Effected by the Senate
Committee Investigating Census
Conditions.

(As estimated by the Director of
School Census for the State Depart-
ment of Education.)

1. Saving from publicity	\$ 115,000
2. Extra duplications discovered and removed prior to September first	29,000
3. Excess names removed from the census rolls due to Senate Investigation	60,469
4. Additional savings effected from check on averaged children approximated	62,000
Total	\$ 266,469

Expenditure of the Senate Com-
mittee on Census Investigation.

1. Census Investigation	\$ 3643.77
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Refunding of Bonds Held by the State
Permanent School Fund.

Questionnaire.

County _____
Independent District _____

1. How long have your bonds been delinquent? _____

2. Who notified you they were delinquent? _____

3. What steps did you take to re-fund your bonds? _____

4. What assistance did the State Department of Education render you in refunding your bonds? _____

5. Who represented you in re-funding your bonds? _____

6. How much did you pay to your representative for refunding your bonds? _____

7. Whom did you pay for refunding your bonds? _____

Superintendent.

A copy of this questionnaire was sent to each of the districts and counties who had refunded bonds with the State Board of Education held by the State Permanent School Fund.

Many answers were received to the above questionnaire. In general the bonds had been delinquent possibly two or three years. They were notified of the delinquency by a certain printing firm of the City of Austin, and the same printing firm in a majority of cases took necessary steps to prepare information for presentation to the State Board of Education in order to secure the refunding of the bonds. It seems apparent that the Department of Education rendered assistance when possible and when requested to do so.

The average cost of bond refunding to the districts themselves ranged from \$50 to \$500, paid to printing firms.

It is recommended in this connection that there be placed in the Department of Education an individual whose duty it is to prepare necessary forms and assist each of the public school districts in regular and orderly refunding of their delinquent bond payments.

The extremely heavy cost of individual arrangements make necessary that some attention be paid to a regular and orderly handling of this important question.

Copy of Questionnaire.

A copy of this questionnaire was sent to each county and each independent district, with the following results, inclusive of all districts reporting:

To the County and City Superintendents:

1. Total number of names reported to the county superintendent by the census trustees 1,599,464.

2. Net number approved by the State Superintendent 1,575,070.

3. Number removed from the rolls by the check of county superintendent 9,342.

4. Number removed by the State Department on their check 10,895.

5. Total number of census trustees 6,909.

6. How many of your enumerators are school trustees or are related to trustees 3,218.

7. Number of teachers acting as census trustees 1,676.

8. Total gross annual cost of scholastic census \$86,472.41.

9. Give amount paid per capita for actual enumeration 5½c.

10. If some children are missed in first enumeration, state amount paid per capita for securing additional children on second and subsequent enumerations 9½c.

11. Is any investigation or check made as to the accuracy or honesty of the census trustees 754 yes: 154 no.

12. Who selects the census trustee 839 trustees: 16 City Supt.: 116 Co. Supt.

13. Are any requirements made of census trustee on the following items:

1. Education 613. 2. Character 740. 3. Efficiency 775. 4. Familiarity with district line 824. (check those required.)

14. State these requirements.....

15. Does the present system of taking census secure accuracy 806 yes. 112 no.

16. Are there many omissions 139 yes. 777 no. State approximate number 15,989. Are the five year old children put in to avoid tuition 22 yes. 910 no.

18. Are the eighteen year old children retained 22 yes. 906 no.

19. Give total school enrollment for 1932-33 1,278,058.

20. Give the average daily attendance for this school or group of schools for the year 1932-33 1,058,720.

21. In your opinion could the scholastic census be computed annually without actual enumeration by taking an original census of all children from birth through 20 years and adding newly borns and "move in's" and deducting deaths and "move out's" for each year's total 253 yes: 852 no.

22. Are the amounts as fixed by statute for the taking of census sufficient 338 yes: 506 no.

23. Daily average absentees on account of sickness 36,218.

24. Name of disease causing a majority of absentees 43 Mumps: 29 scarlet fever: 47 chicken pox: 26

Malaria: 13 Small pox: 4 pneumonia: 2 sore throat: 2 typhoid fever.

Subscribed and sworn to before me this the... day of.....

Notary Public in and for..... County, Texas.

Respectfully submitted,
Senate Investigating Committee.

BECK,
REDDITT,
POAGE,
MARTIN,
WOODRUFF,
WOODWARD.

Minutes of Committee Meetings.

Minutes of Committee on State Affairs, Held February 19, 1935,
Regular Meeting.

Present: Pace, Blackert, Collie, Cotten, Holbrook, Hopkins, Hornsby, Hughston, Martin, Moore, Oneal, Rawlings, Redditt, Regan, Shivers, Small, Stone, Sulak.

Absent: DeBerry, Fellbaum (both excused).

S. B. No. 103 was reported favorably by viva voce vote with the recommendation it be printed.

S. B. No. 260 was reported with the recommendation it do not pass, but pass with committee substitute in lieu thereof and be not printed.

S. B. No. 188 was referred to a sub-committee.

REEVES, Secretary.

A meeting of the Senate Committee on State Penitentiaries was held in the old Secretary's room on Tuesday, February 19, 1935, at 3:00 p. m., at which meeting the following members of the Committee were present:

Holbrook, chairman, Burns, vice-chairman, Rawlings, Redditt, Regan, Hill, Shivers, Beck, Hopkins, Sulak.

The following members were absent:

Pace (holding State Affairs meeting), DeBerry (sick), Duggan (attending State Affairs meeting).

The following bills were placed before the Committee for consideration:

S. B. No. 217 was placed before the Committee by the author, Senator Burns, for consideration. After discussion it was moved by Senator Rawlings and seconded by Senator Burns that the bill be reported back to the Senate that it do pass and be

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printed in bill form. This motion was put to the Committee and carried unanimously.

S. B. No. 113 was placed before the Committee by the author, Senator Burns, for consideration. After discussion it was moved by Senator Rawlings and seconded by Senator Burns that the bill be reported back to the Senate that it do pass and be printed in bill form. This motion was put to the Committee and carried unanimously.

S. B. No. 145 was placed before the Committee by its author, Senator Burns, and after discussion it was moved by Senator Rawlings and seconded by Senator Hill that this bill be set for a special hearing before a joint session of the House and Senate Monday, February 25, 1935, at 7:30 p. m. This motion was put before the Committee for consideration and was adopted by a unanimous vote.

There being no further business the Committee adjourned subject to call by the Chairman.

HOLBROOK, Chairman.

Minutes of Meeting of Committee on Stock and Stock Raising, Held February 19, 1935.

Present: Neal, Oneal, Collie, Poage, Rawlings, Stone.

Excused: Blackert, Fellbaum.

S. B. No. 58 was reported favorably by viva voce vote with committee amendment with the recommendation that it do pass and be printed.

F. G. MOFFETT, Secretary.

Minutes of Committee on Educational Affairs, Held February 18, 1935, Called Meeting.

Present: Duggan, Hornsby, Neal, Pace, Poage, Regan, Small, Woodruff.

Excused because of sickness: DeBerry, Cotten.

Absent: Burns, Hopkins.

S. B. No. 228 was referred to subcommittee to be rewritten.

S. B. No. 229 was reported to pass with the committee amendment.

S. B. No. 230 was referred to subcommittee to be rewritten.

S. B. No. 235 was reported favorably by viva voce vote.

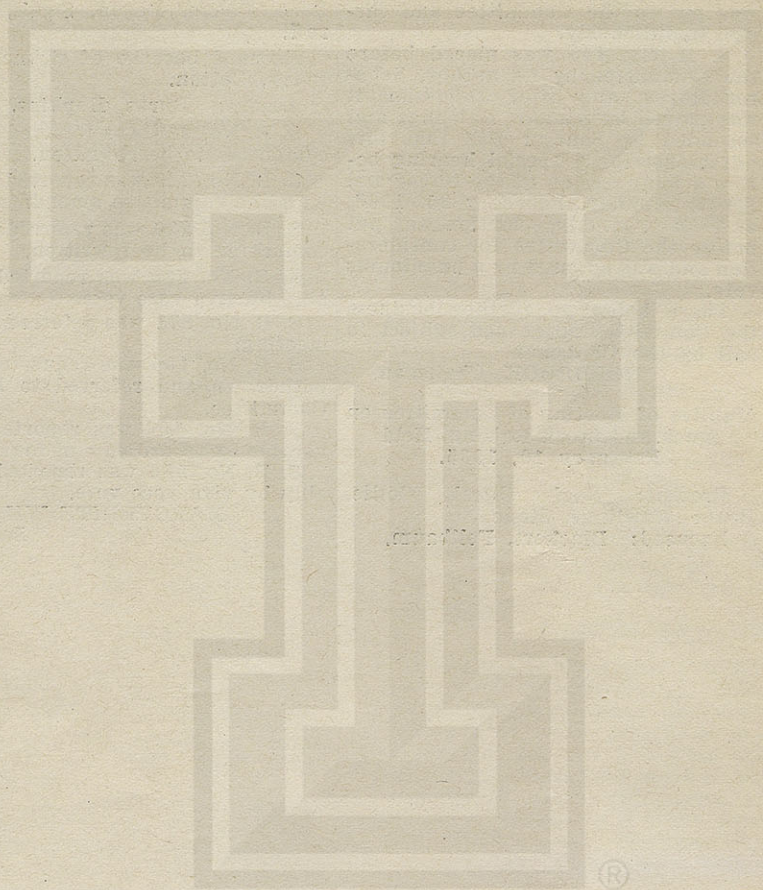
S. B. No. 271 was deferred to next meeting.

S. B. No. 105 was requested to be withdrawn and referred to Finance Committee.

S. B. No. 106 was reported unfavorable by record vote of four to one.

S. B. No. 256 was reported favorably by viva voce vote.

MARGUERITE WILSON,
Secretary.



SENATE JOURNAL

Forty-fourth Legislature—Regular Session.

AUSTIN, TEXAS, THURSDAY, FEBRUARY 21, 1935.

PROCEEDINGS

TWENTY-NINTH DAY.

Senate Chamber,
Austin, Texas,
February 20, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Sulak.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Report of the Committee on Taxation.

Senator Duggan received unani-

mous consent to print as a supplement to the Journal, the report of the Committee on Taxation.

Senators Excused.

Senator Fellbaum was excused for the day, on motion of Senator Stone.

Senator Regan was excused for the day on account of important business, on motion of Senator Rawlings.

Bills and Resolutions.

Senate Bill No. 324.

Senator Oneal sent up the following bill:

By Senator Oneal:

S. B. No. 324, A bill to be entitled "An Act prohibiting any person from catching, retaining or having in his possession any channel catfish or blue catfish which are less than eleven inches in length or to catch or retain or have in his possession in any one day a total aggregate of more than twenty of such fish taken from any of the waters described in Section 1 of Chapter 37 of the Acts of the Thirty-ninth Legislature; and providing a maximum number of hooks that may be used on any trot line and the minimum distance of said hooks from each other on said line; and providing the minimum distance from each other that any trot lines may be set and the number of trot lines that any party composed of any two or more persons may set or use at the same time in the waters described in said Section 1 of Chapter 37 of the Acts of the Thirty-ninth Legislature; and defining what is meant by the word 'party' as used in this Act, and declaring an emergency."

Read and referred to the Committee on Game and Fish.

Senate Bill No. 325.

Senator Duggan sent up the following bill:

By Senator Duggan:

S. B. No. 325, A bill to be entitled "An Act amending Article 2849 of the Revised Civil Statutes of Texas, 1925, by increasing the number of years, in which old books may be offered for exchange on new books purchased upon a change of adoption, from two to three years; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

Senate Bill No. 326.

Senator Shivers sent up the following bill:

By Senator Shivers:

S. B. No. 326, A bill to be entitled "An Act amending subdivision (b) of Section 11 of Chapter 116, Acts of the Forty-third Legislature, Regular Session, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 327.

Senator Shivers sent up the following bill:

By Senator Shivers:

S. B. No. 327, A bill to be entitled "An Act to amend Article 1379 of the Penal Code of the State of Texas, so as to increase the penalty from a fine of not less than ten nor more than five hundred dollars, to confinement in the jail for not less than three nor more than twelve months or in the penitentiary for not less than one nor more than five years, and to define 'owner' as therein used, and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

Senate Bill No. 328.

Senator Burns sent up the following bill:

By Senator Burns:

S. B. No. 328, A bill to be entitled "An Act amending Section 19 of H. B. No. 122, Chapter 116, Acts of the Regular Session, Forty-third Legis-

lature, 1933, and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

Delegate Appointed.

The Chair announced the appointment of Senator Oneal as a delegate to the Second Intrastate Assembly as authorized by S. R. No. 40.

Request For Executive Session.

Senator Oneal, Chairman of the Committee on Governor's Nominations, asked unanimous consent that an executive session be ordered for 10 o'clock a. m., today to consider Governor's nominations.

Unanimous consent was granted.

Executive Session.

At 10 o'clock the Chair announced that the time for executive session had arrived. The chamber was cleared and the doors locked.

After Executive Session.

The Secretary of the Senate informed the Journal Clerk that following action had been taken in executive session.

Committee Room,
Austin, Texas, Feb. 20, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, recommend that the Governor's message with reference to the appointment of Mrs. W. R. Potter of Bowie, Montague County, as a member on the Board of Directors of Texas Technological College, to succeed R. A. Stuart of Fort Worth, be referred back to the Governor for an explanation as to the date of February 19, 1936 and later the date of February 19, 1935, appearing in the message.

ONEAL, Chairman.

Adopted.

Committee Room,
Austin, Texas, Feb. 20, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments, have had same under consideration, and I, as chairman of said committee, am instructed to report same back

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