

H. C. R. No. 93.

Senator Redditt received unanimous consent to suspend the regular order of business to take up H. C. R. No. 93.

The Chair laid before the Senate H. C. R. No. 93, providing for a joint session Tuesday April 23, 1935, at 1 p. m. for the purpose of hearing the Honorable Martin Dies, member of Congress from Texas, discuss cotton bills now pending in Congress, etc.

Senator Redditt moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 93 be taken up and considered at this time.

The motion prevailed by viva voce vote.

H. C. R. No. 93 was adopted unanimously.

House Bill No. 408.

The question recurred on the amendment by Senator Oneal as amended by Senator Rawlings.

Motion to Table.

Senator Burns moved to table the substitute amendment as amended.

The motion to table prevailed by the following vote:

Yeas—16.

Beck.	Rawlings.
Burns.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Martin.	Small.
Neal.	Stone.
Pace.	Woodruff.

Nays—9.

Blackert.	Hornsby.
Collie.	Isbell.
DeBerry.	Oneal.
Duggan.	Poage.
Holbrook.	Sulak.

Absent.

Hopkins.	Westerfeld.
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Absent—Excused.

Fellbaum.	Van Zandt.
Moore.	

Motion to Recess.

Senator Holbrook at 12:00 m.

moved that the Senate recess until 2:00 p. m.

Motion pending.

Motion to Suspend Rule.

Senator Redditt received unanimous consent to suspend the regular order of business and moved to suspend the constitutional rule relating to the time for introduction of bills.

The motion prevailed by the following vote:

Yeas—28.

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

Absent—Excused.

Fellbaum.	Van Zandt.
Moore.	

Senate Bill No. 513.

By Senator Fellbaum:

S. B. No. 513, A bill to be entitled "An Act granting to A. T. Sayers, and as next friend for Leonard Sayers, a minor, of San Antonio, Bexar County, Texas, permission to bring suit against the State of Texas and/or the State Highway Department in the District Court of Bexar County, Texas, for damages sustained to his automobile and for personal injuries to said Leonard Sayers, on account of the negligence of an employee of the State Highway Department; providing for place of venue; providing 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. 508.

Senator DeBerry asked unanimous consent to have S. B. No. 508 printed.

Unanimous consent was granted.

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ONEAL,
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H. C. R. No. 92
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Senate Bill No. 265.

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

Amendment No. 1.

Amend S. B. No. 265 by striking out all after the enacting clause and by inserting in lieu thereof the following, to-wit:

Section 1. The term "transportation agent" as used in this act shall mean any person, firm, partnership, association of persons, or corporation receiving and/or furnishing information concerning transportation by means of motor vehicles; assisting one or more persons to secure transportation by passenger motor vehicle with another person, persons, partnership, firm, association or corporation; assisting in bringing into contractual relations one or more persons or corporation with reference to transportation of persons by passenger motor vehicle. The term "transportation agent" shall include any person, persons, association, firm, partnership or corporation engaged in the business of acting as an intermediary or broker between persons desiring passenger motor transportation, and any person, persons, firm, partnership, association of persons, or corporation desiring to furnish such transportation, whether the last named operate under the name of travel bureau, transportation broker, transportation agent or any other name or designation whatsoever.

Sec. 2. Nothing in this act shall be construed to affect the operation of motor vehicles used as common carriers now regulated by the laws of this state, or of school buses regularly engaged in transporting school children daily to and from the public schools of this state, or to motor vehicles operated exclusively within a municipality, or to the agents regularly engaged or employed by certified motor bus carriers for the selling of tickets, whether such regularly engaged or employed agents work on a salary or commission basis.

Sec. 3. The Railroad Commission of the State of Texas is hereby vested with power and authority to license and supervise, regulate and control motor transportation agents in all matters affecting the relations between such transportation agents, their customers, and the public.

Sec. 4. It is hereby declared to be unlawful for any motor "transportation agent" as defined in this act to act in such capacity, or hold himself or itself forth to the public as acting in such capacity, until he or it or they shall have first procured a license from the Railroad Commission of Texas as herein provided, and shall have complied with all the provisions and requirements of this act.

Sec. 5. All transportation agents on the effective date of this act who desire to continue in such business and who shall on the effective date of this act be acting as motor transportation agents, shall have sixty (60) days after such effective date to apply to the Railroad Commission in writing for a license to operate as such under this act, and shall accompany such application with a remittance in the sum of Twenty-five Dollars (\$25.00); and all persons or concerns whatever who shall hereafter wish to become engaged in the business of motor transportation agent shall make application for license and procure same before engaging in such business. Upon the filing of any application, together with the filing fee of Twenty-five Dollars (\$25.00), the Commission shall set a date for the hearing thereon, and shall give at least ten (10) days notice thereof to the officers or owners of any common carriers of passengers by bus operating in the territory in which the applicant wishes to operate and to any other person, persons or concerns who in the opinion of the Commission shall be properly interested in such application; and the common carriers of passengers or other persons are hereby declared to be interested parties, and may offer testimony for or against the issuing of such license. In no event shall any such license be issued until evidence has been adduced before the Railroad Commission showing conclusively that there is a public need and necessity for the issuance of such license. In determining whether such license referred to in the proceeding parts of this section shall be issued, the Commission shall, among other things, give reasonable consideration to the financial responsibility and character of the applicant, and shall give due consideration to the effect such transportation may have upon other transportation services being rendered, and shall give consideration to all other pertinent facts. If

upon hearing the determine that the and proper person as a motor transport shall determine the lic necessity there license be issued ance by the applica quirements of this wise not. It is he the business of agent as defined in ness impressed wi est, and the evils heretofore existi such transportati ing travel bureau brokers and the li as to make necessa of this state to st and control suc agents so as to p morals, comfort a the general public.

Before any suc issued under the the applicant for deliver to the Com tain continuously a bond in the sum Dollars (\$2,000.00 by the applicant a a bonding, surety pany authorized I in this state as su in such form as t mission may pres tection, use and k son or persons wh or damage by rea negligence or wh part of any su agent, or who sha or damage by rea any contract or ob implied, entered transportation age spective passenge Said bond shall Railroad Commiss may be sued on persons so sufferi successively until thereof is exhaust

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upon hearing the Commission shall determine that the applicant is a fit and proper person or concern to act as a motor transportation agent, and shall determine that there is a public necessity therefor, then shall the license be issued upon the performance by the applicant of all the requirements of this act, and otherwise not. It is hereby declared that the business of a transportation agent as defined in this act is a business impressed with a public interest, and the evils and irregularities heretofore existing in the business of such transportation agents, including travel bureaus, transportation brokers and the like have been such as to make necessary a public policy of this state to stringently regulate and control such transportation agents so as to protect the health, morals, comfort and well-being of the general public.

Before any such license shall be issued under the terms of this act the applicant for such license shall deliver to the Commission and maintain continuously in force and effect a bond in the sum of Two Thousand Dollars (\$2,000.00) to be executed by the applicant as principal and by a bonding, surety or insurance company authorized by law to operate in this state as surety on such bond in such form as the Railroad Commission may prescribe for the protection, use and benefit of any person or persons who shall suffer loss or damage by reason of any act of negligence or wrongdoing on the part of any such transportation agent, or who shall suffer any loss or damage by reason of the breach of any contract or obligation, express or implied, entered into by any such transportation agent with any prospective passenger or passengers. Said bond shall be payable to the Railroad Commission of Texas, and may be sued on by any person or persons so suffering damage or loss successively until the full amount thereof is exhausted.

Sec. 6. It shall be unlawful for any such transportation agent to sell or offer to sell, directly or indirectly, any motor transportation to any person or persons whatever or to act as a broker or intermediary, directly or indirectly, between any person or persons desiring motor transportation and any person, persons, firm, partnership, association or corporation desiring to furnish such motor transportation unless the person,

persons, firm, partnership, association or corporation desiring to furnish such transportation shall then and there have in its, his or their possession a valid certificate of convenience and necessity duly issued by the Railroad Commission of Texas under the terms of the Motor Bus Law of this state and shall then and there be fully and lawfully authorized to operate as a carriers of passengers for hire in this state, having then and there on file with the Railroad Commission such bonds and insurance policies duly approved by the Railroad Commission of Texas as required by the Motor Bus Law of this state, and as required by the rules and regulations of the Railroad Commission as provided under the terms of said Motor Bus Law.

Sec. 7. In the event that a license be issued pursuant to any application therefor, the filing deposit of Twenty-five Dollars (\$25.00) required to accompany such application shall be turned over to the Railroad Commission to become a part of the Motor Carrier Fund to be used by the Commission in the enforcement of this act; and if such application for license be denied such deposit and filing fee shall nevertheless be retained by the Commission and placed in said Motor Carrier Fund.

Sec. 8. For the purpose of helping to defray the expense of administering this act there shall be levied and collected from each such transportation agent in this state an annual license fee of Twenty-five Dollars (\$25.00) per year in addition to all other fees and taxes, payable on or before September 15th of each calendar year. If the license herein referred to shall be issued after the month of September in any calendar year, the tax or license fee shall be prorated to the remaining portion of the year ending August 31st following, but in no case shall less than one-fifth (1/5) of the annual license fee be collected, and said fund shall be placed in and become a part of the Motor Carrier Fund to be used by the Railroad Commission to defray expenses of administering this act.

Sec. 9. The license of every transportation agent authorized to do business in this state shall be conspicuously displayed in the front part of the main office of such motor transportation agent, and each such motor transportation agent shall main-

agents to maintain for a period of and permanent actions had by s, including the of the person or the amount of such agent, the the name of the a or corporation such record shall onable times to e Railroad Com- , servants and transportation y make a report mission show- ed data for the month, such re- on forms pre- ad Commission. be the duty of mission of Texas e of a license to such a license the Commission ere is no public r the operation agency in the yn or city named The fact that d facilities for bus tickets are place, location, l be sufficient ilroad Commis- ere is no public the issuance of

mission shall int and employ uch experts, as- help as may be to its present e it at all times ter and enforce ns and employes hall be paid for l by them such and determined ommission, and l be paid in . Such salaries the Motor Car- te Treasurer on e Comptroller of order or voucher mission or the All actual and expenses of the mission and its the administra- nt of this act of said fund in as salaries for accounts shall

have been itemized and sworn to by the Commission or a member thereof or the employees incurring such expense and approved by the Commission or the chairman thereof. If the amount of total fees collected under the provisions of this act shall not be sufficient during any annual period to pay such salaries, fees or expenses, then the deficit shall be paid by the State Treasurer out of any fund not otherwise appropriated, but in no event shall any deficit in any one calendar month be so paid in excess of Two Thousand Dollars (\$2,000.00). If sufficient funds have accrued to said Motor Carrier Fund for the payment of expenses as provided herein, said expenses shall be paid by the State Treasurer out of funds not otherwise appropriated, and there is hereby appropriated the sum of Two Thousand Five Hundred Dollars (\$2,500.00) or so much thereof as may be necessary to be used by the Commission in the enforcement of this act.

Sec. 14. Any person or persons, firm, association, partnership, corporation or concern whatsoever who shall violate any or the provisions or requirements of this act shall be punished for such misdemeanor by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). The violation of this act on each and every day when such violation occurs shall be considered a separate and distinct offense and shall be punishable as such. It shall be the duty of the state's attorney in any county where any such offense may occur to diligently prosecute the same when it is brought to the attention of the attorney or attorneys that such an offense has been committed.

When it is brought to the attention of the Railroad Commission in any manner that any person, firm, association, corporation or concern is operating as a transportation agent as that term is defined in this act and is operating as such in violation of any provision or provisions of this act, it shall be the duty of the Commission to bring such violation to the attention of the Attorney-General of this State who shall, if upon investigation he finds that such violation of the law has occurred, bring suit in one of the district courts of Travis County, Texas, against such an offender or offenders for an injunction restraining

such offender or offenders and servants, representatives or agents from operating as such motor transportation agent or agents, and this remedy by injunction for the enforcement of this act shall be in addition to, cumulative of, and independent of the punishment by fine elsewhere provided for in this act for the violation of said act.

Nothing in this act, however, shall be construed as affecting or regulating private citizens none of whom holds himself forth as a transportation agent as that term is defined in this act, from entering into purely private agreements whereby such private citizens may agree to bear jointly the expense of a trip or journey in a purely private motor passenger vehicle; it being the intent and purpose of this law to regulate only those persons, firms, partnerships, corporations, associations or concerns who hold themselves forth before the public as transportation agents as that term has heretofore been defined in this act.

Sec. 15. All laws or parts of laws in conflict herewith are hereby repealed, but it is expressly provided that the Motor Bus Law of this state which provides for the issuance of certificates of convenience and necessity for the carriage of passengers by motor vehicles is in no wise repealed, amended or affected by the terms of this act and said motor bus law in all its terms and provisions shall be and remain unimpaired and in full force and effect. Should any section, part or portion of this act be declared unconstitutional, such unconstitutionality of such part or parts shall not affect the validity of the remaining parts of this act.

Sec. 16. The fact that there are many transportation agents as described and defined by the terms of this act who are operating unlawfully in the state of Texas without any regulation whatever, such operation often being contrary to the public health, safety, morals and well-being, and the fact that in many instances such transportation agents or brokers are operating in such manner as to menace and endanger the public health, morals, safety and well-being of the people of this state creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days in each house be suspended and such rule is hereby suspended, and it is:

provided that this act shall take effect and be in force from and after the date of its passage, and it is so enacted.

Senate Bill No. 491.

Senator Neal received unanimous consent to suspend the regular order of business and take up out of order S. B. No. 491.

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

By Senator Neal:

S. B. No. 491, A bill to be entitled "An Act changing the time of holding the terms of the District Court in the 49th Judicial District, and providing that all processes and writs heretofore issued and all recognizances and bonds heretofore made and executed and returned to existing terms of district court in counties composing said district, together with jurors heretofore selected, are valid and returnable to the first term of such court, after this Act takes effect, and providing for the continuation of the existing district courts in said counties in session when this Act takes effect, to the end of their terms; repealing all conflicting laws; fixing the effective date of this Act, and declaring an emergency."

(With committee amendments.)

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee amendments were adopted.

The bill was read second time as amended and passed to engrossment by viva voce vote.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 491 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Collie.
Blackert.	Burns.

"\$4,500,001 and less than	
\$10,000,000 not to exceed	\$1,200.00 each year
\$10,000,001 and less than	
\$14,000,000 not to exceed	1,600.00 each year
\$14,400,001 and less than	
\$20,000,000 not to exceed	1,800.00 each year
\$20,000,001 and less than	
\$30,000,000 not to exceed	2,000.00 each year

Cotten.	Pace.
Davis.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hill.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Neal.	Westerfeld.
Oneal.	Woodruff.

Absent—Excused.

Fellbaum.	Van Zandt.
Moore.	

Read third time and finally passed by the following vote:

Yeas—28.

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

Absent—Excused.

Fellbaum.	Van Zandt.
Moore.	

House Bill No. 408.

Pending business was H. B. No. 408.

Senator Oneal sent up the following for substitute for the Woodruff amendment:

Amend C. S. H. B. No. 408, by striking out on page two of the printed bill, beginning with line 17 and ending with line 42, inclusive, and inserting in lieu thereof the following:

\$30,000,001 and
\$40,000,000 not
\$40,000,001 and
\$65,000,000 not
\$65,000,001 and
\$90,000,00 not
\$90,000,001 and
\$140,000,000 not
Over \$140,000,0

Read and adopt

The substitute was adopted.

The amendment adopted.

Senator Davis s ing:

Amend last pa 1 by striking out 000 and inserting the figures \$4,500

Read and adopt

Amend caption of bill.

Adopted.

The committee ing that the bil adopted by unani The committee adopted.

The bill was re amended and pass

On motion of constitutional rule be read on three suspended and H put on its third passage by the fo

Yeas

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Burns.
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Cotten.
Davis.
DeBerry.
Duggan.
Hill.
Holbrook.
Hopkins.
Hornsby.
Isbell.
Martin.

Absent—

Fellbaum.
Moore.

\$30,000,001 and less than	
\$40,000,000 not to exceed	2,200.00 each year
\$40,000,001 and less than	
\$65,000,000 not to exceed	2,400.00 each year
\$65,000,001 and less than	
\$90,000,000 not to exceed	2,800.00 each year
\$90,000,001 and less than	
\$140,000,000 not to exceed	3,200.00 each year
Over \$140,000,000	4,200.00 each year"

ONEAL,
HOLBROOK,
POAGE,
HORNSBY.

Read and adopted.

The substitute by Senator Oneal was adopted.

The amendment as substituted was adopted.

Senator Davis sent up the following:

Amend last paragraph in Section 1 by striking out the figures \$5,000,000 and inserting in lieu thereof the figures \$4,500,000.

DAVIS.

Read and adopted.

Amend caption to confirm to body of bill.

Adopted.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee amendments were adopted.

The bill was read second time as amended and passed to third reading.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 408 was put on its third reading and final passage by the following vote:

Yeas—28.

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

Absent—Excused.

Fellbaum.	Van Zandt.
Moore.	

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Oneal.
Burns.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
Duggan.	Redditt.
Hill.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Isbell.	Small.
Martin.	Stone.
Neal.	Woodruff.

Nays—7.

Blackert.	Sulak.
Collie.	Van Zandt.
DeBerry.	Westerfeld.
Holbrook.	

Absent—Excused.

Fellbaum.	Moore.
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Senate Bill No. 36.

Senator Redditt received unanimous consent to suspend the regular order of business and take up out of regular order S. B. No. 36.

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

By Senator Redditt:

S. B. No. 36, A bill to be entitled "An Act making appropriations for the support, maintenance, operation, and improvement of the State institutions of higher learning for the two fiscal years beginning September 1, 1935, and ending August 31, 1937, prescribing certain restrictions concerning the expenditure of said appropriations, and declaring an emergency."

(With committee substitute.)

Read and pending.

Recess.

The Senate, at 12:25 o'clock p. m. recessed until 2:00 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p. m., and was called to order by President Pro Tem, K. M. Regan.

Senate Bill No. 506.

Senator Small asked unanimous consent to withdraw S. B. No. 506 from the committee to which it was referred and from the Senate.

Unanimous consent was granted.

Senate Bill No. 3.

Senator Pace asked unanimous

consent to suspend the regular order of business and take up out of order S. B. No. 3.

There was objection.

Senate Bill No. 36.

Pending business was S. B. No. 36.

The committee substitute was adopted by viva voce vote.

Senator Redditt sent up the following:

Amend the Committee Substitute for S. B. No. 36 by striking out all of Section 2, after line 44, on page 1 of the bill, and inserting in lieu thereof the following:

	For the Years Ending	
	August 31, 1936	August 31, 1937
Agricultural and Mechanical College of Texas	\$ 567,415.00	\$ 567,415.00
Summer School	11,980.00	11,980.00
Agricultural and Mechanical College Experiment Station System	254,676.00	254,676.00
Agricultural and Mechanical College Extension Service	210,977.00	210,977.00
Agricultural and Mechanical College Rodent Control Service	10,971.00	10,971.00
Agricultural and Mechanical College Fireman's Training School	4,240.00	4,240.00
Agricultural and Mechanical College Forestry Service	77,789.00	77,789.00
Prairie View Normal and Industrial College	138,278.00	138,278.00
Summer School	5,000.00	5,000.00
John Tarleton Agricultural College, Stephenville	168,337.00	168,337.00
Summer School	7,364.00	7,364.00
Library Assistant	972.00	972.00
North Texas Junior Agricultural College, Arlington	118,535.00	118,535.00
Summer School	3,010.00	3,010.00
University of Texas	918,075.00	918,075.00
Summer School	49,066.00	49,066.00
University, Extra Murals Division	92,100.00	92,100.00
University, Medical Branch, Galveston	181,295.00	181,295.00
College of Mines and Metallurgy, El Paso	111,689.00	111,689.00
Summer School	6,538.00	6,538.00
College of Industrial Arts, Denton	275,170.00	275,170.00
Summer School	11,245.00	11,245.00
Texas College of Arts and Industries, Kingsville	118,934.00	118,934.00
Summer School	9,555.00	9,555.00
Texas Technological College, Lubbock	332,784.00	332,784.00
East Texas State Teachers College, Commerce	200,544.00	200,544.00
Summer School	26,355.00	26,355.00
Summer School	20,685.00	20,685.00

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Sam Houston State
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Summer School
Southwest Texas
San Marcos
Summer School
Stephen F. Austin
Nacogdoches
Summer School
Sul Ross State
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Read and adopted
Senator Dugga
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North Texas State Teachers College, Denton	275,647.00	275,647.00
Summer School	34,366.00	34,366.00
Sam Houston State Teachers College, Huntsville	150,515.00	150,515.00
Summer School	17,651.00	17,651.00
Southwest Texas State Teachers College, San Marcos	169,384.00	169,384.00
Summer School	23,877.00	23,877.00
Stephen F. Austin State Teachers College, Nacogdoches	137,435.00	137,435.00
Summer School	15,177.00	15,177.00
Sul Ross State Teachers College, Alpine	78,234.00	78,234.00
Summer School	10,290.00	10,280.00
West Texas State Teachers College, Canyon	148,335.00	148,335.00
Summer School	14,798.00	14,798.00
To pay taxes for county purposes only on endowment lands set aside to the University of Texas by the State Constitution and the Act of 1883	34,000.00	34,000.00
Total	\$ 5,043,288.00	\$ 5,043,288.00

REDDITT.

Read and adopted.

Senator Hornsby sent up the following amendment to S. B. No. 36:

"In view of the fact that the Institutions of Higher Learning are using the public schools of the cities, where said Institutions are located, as practice laboratories for teacher training; it is further provided that all teachers who hold regular contracts of employment in the public schools of the city or municipality in which a State institution of higher learning is located, and is using said public schools as practice laboratories, shall be exempt from the payment of tuition fees ordinarily charged by such institutions."

HORNSBY.

Read and adopted.

Senator Duggan sent up the following amendment:

Amend S. B. No. 36, page 1, Section 2, line 58, by adding the following:

For State Experimental Station No. 8, at Lubbock, Texas, and Chilli-cotte substation 12, for services, materials, and equipment to establish a forest tree nursery in West Texas for the production of plaining stock for distribution to farmers at cost for shelterbelt, windbreak, and farmstead plantings, and for necessary research work to determine species of trees best adapted (to be matched by Federal funds under the provisions of the Clarke-McNary Law).

for each year of the biennium for each station, \$2,500.00.

ONEAL.
DUGGAN.

Read and adopted.

Vote Recorded.

Senator DeBerry asked to be recorded as voting nay on the adoption of the amendment by Senator Duggan.

Senator Stone sent up the following amendment:

Amend Committee Substitute for S. B. No. 36, by changing the figures \$547,410 in line 49, page 1, and inserting in lieu thereof \$617,415.00.

STONE.

Read and adopted.

Senator Beck sent up the following:

Amend committee substitute to S. B. No. 36, page 1, line 57, Rodent Control Service, by striking out the figures "\$10,971.00" for each year, and inserting in lieu thereof "\$20,971.00" for each year.

BECK.

Read and adopted.

Vote Recorded.

Senator DeBerry asked to be recorded as voting "nay" on the amendments by Senator Stone and the amendment by Senator Beck.

he regular order
up out of order

on.

No. 36.

was S. B. No.

substitute was
e vote.

sent up the fol-

nittee Substitute
striking out all
line 44, on page
inserting in lieu
E:

ears Ending
August 31,
1937

\$ 567,415.00
11,980.00

254,676.00

210,977.00

10,971.00

4,240.00

77,789.00

138,278.00
5,000.00

168,337.00
7,364.00
972.00

118,535.00
3,010.00

918,075.00

49,066.00

92,100.00

181,295.00

111,689.00

6,538.00

275,170.00

11,245.00

118,934.00
9,555.00

332,784.00

200,544.00

26,355.00

20,685.00

Senator Rawlings sent up the following:
Amend S. B. No. 36, page 2, by

striking out all of lines 4 and 5, and insert in lieu thereof the following:

		For the Years Ending	
		August 31, 1936	August 31, 1937
"North Texas Junior Agricultural College, Arlington -----"		\$ 157,000.00	\$ 167,000.00"

RAWLINGS.

Senator Stone sent up the following:

Amend Committee Substitute for S. B. No. 36, by striking out Section 5, lines 50 to 60 inclusive, and inserting in lieu thereof the following:

Sec. 5. Salaries paid to professors, associate professors, assistant profes-

sors, and instructors of the University of Texas of the Medical Branch of the University of Texas and the Agricultural & Mechanical College of Texas at College Station, Texas, from appropriations made herein for said institutions shall be within the limits indicated in this section as follows:

	Minimum Salary for Nine Months	Maximum Salary for Nine Months
Professor -----	\$3,000.00	\$4,500.00
Associate Professor -----	2,250.00	3,450.00
Assistant or Adjunct Professor -----	1,850.00	2,450.00
Instructor -----	1,450.00	2,050.00

STONE.

Read and adopted.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 36 by striking out the figures \$181,295 in line 10, page 22 and substituting therefor the figures \$210,000.

HOLBROOK.

Read and adopted.

Senator Stone sent up the following:

Amend committee substitute for S. B. No. 36, by striking out the words Agricultural & Mechanical College of Texas, in lines 62 and 63,

page 3.

STONE.

Read and adopted.

Amend committee substitute to S. B. No. 36, by changing the figures \$138,278, in line 59, page 1, to \$148,278.

STONE.

Read and adopted.

Senator Woodruff sent up the following:

Amend S. B. No. 36 by striking out lines 13 and 14, page 2, and inserting in lieu thereof the following:

		For the Years Ending	
		August 31, 1936	August 31, 1937
College of Industrial Arts Denton -----	\$	322,000.00	\$ 322,000.00
Summer School -----		16,000.00	16,000.00

Yeas—9.

Amend Caption and totals to conform.

WOODRUFF.

Read.

Motion to Table.

Senator DeBerry moved to table the amendment by Senator Woodruff.

The motion lost by the following vote:

Blackert.	Poage.
Collie.	Redditt.
DeBerry.	Small.
Hill.	Westerfeld.
Martin.	
Nays—14.	
Beck.	Holbrook.
Burns.	Hornsby.
Duggan.	Isbell.

Neal.
Oneal.
Pace.
Rawlings.

Cotten.
Sanderford.

Absent

Davis.
Fellbaum.
Hopkins.

The amendment
ruff was adopted.
Amend C. S. S.
ing out of line
ures "\$210,977.00"
and inserting in
lowing:

"\$225,000.00,

Read and adopted.

Senator Neal
ing amendments:

Amendment

Amend Commi
Senate Bill No. 3
the words "Col
Arts," line 64,
the words "or T
and Industries";
words "The Coll
dustry" from
page 4 thereof.

Read and laid
call.

Amendment

Amend the Co
for Senate Bill No.
of line 16 on pag
ures \$118,934.00
the figures \$118
two and insert in
column one \$130
column two \$130

Read and adopted.

Vote

Senator DeBer
corded as voting
tion of No. 2 ame
Neal.

Senator Neal w
Amendment No. 1

Neal.	Regan.
Oneal.	Shivers.
Pace.	Stone.
Rawlings.	Woodruff.

Absent.

Cotten.	Sulak.
Sanderford.	

Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

The amendment by Senator Woodruff was adopted by a viva voce vote.

Amend C. S. S. B. No. 36 by striking out of line 55, page 1, the figures "\$210,977.00 and \$210,977.00" and inserting in lieu thereof the following:

"\$225,000.00, \$225,000.00."

ONEAL.

Read and adopted.

Senator Neal sent up the following amendments:

Amendment No. 1.

Amend Committee Substitute for Senate Bill No. 36 by inserting after the words "College of Industrial Arts," line 64, of page 3, thereof, the words "or Texas College of Arts and Industries"; and strike out the words "The College of Arts and Industries" from lines 9 and 10 on page 4 thereof.

NEAL.

Read and laid on table subject to call.

Amendment No. 2.

Amend the Committee Substitute for Senate Bill No. 36 by striking out of line 16 on page 2 thereof, the figures \$118,934.00 in column one and the figures \$118,934.00 in column two and insert in lieu thereof under column one \$130,000.00 and under column two \$130,000.00.

NEAL.

Read and adopted.

Vote Recorded.

Senator DeBerry asked to be recorded as voting "no" on the adoption of No. 2 amendment by Senator Neal.

Senator Neal withdrew Committee Amendment No. 1.

Senator Duggan sent up the following:

Amend C. S. S. B. No. 36, page 2, line 18, by striking out the figures "\$332,784.00" in both columns and inserting in lieu thereof the figures "\$350,000.00" in both columns.

DUGGAN.

Read and adopted.

Senator Poage sent up the following amendment:

Amend S. B. No. 36 at the end of Section 14 by adding a new subsection to be known as Sub-Section 20; as follows:

Provided further, that none of the foregoing appropriations for salaries shall be paid or warrants therefor issued by the State Comptroller to any employee until the employee shall have filed with the superintendent and/or disbursing officer of such respective institution or agency an affidavit showing his or her marital status, and if married whether or not the spouse and/or any single children residing at home of such employee are also employed by the State Government, and the name of the institution, school, department, appellate court, or other State agency where such spouse or child is employed, together with the name of such spouse or child; the superintendent or disbursing officer of such institution or agency, in addition to the statutory affidavit now required to be attached to all pay rolls, shall also set forth in the pay roll affidavit that all of his employees have made the required affidavits and also set forth the facts of any of said relationship employment as disclosed by said employees' affidavits, together with the name of the institution, school, department, appellate court, or other State agency where such spouse or child is employed, and if such relationship employment does not exist, then said affidavit shall so state; and the superintendent and/or disbursing officer of the institution or agency and the State Comptroller shall not approve for payment or issue warrants or checks for salaries for more than one of the above-mentioned members of any one family, provided, however, this shall not apply where the total salaries do not exceed \$125 per month, so employed in any eleemosynary institution, or

for more than one member of any one family if other of the above-mentioned members of the family are employed by some other eleemosynary institution, school, appellate court, or other agency of the State Government. Affidavits of present employees shall be made by them and filed with the institutional superintendents within ten days before the first day of each fiscal year, and persons thereafter employed shall file such affidavits before they begin work; all of said affidavits shall be preserved by the superintendents for proper inspection for at least two years after their dates; said employees' affidavits shall be conclusive evidence of the superintendent's right to approve the pay rolls, and the pay roll affidavit of the superintendent or disbursing officer shall be conclusive evidence to the State Comptroller of his right to issue the warrants. None of these provisions shall apply to employees whose above-mentioned relatives may be on the State pay roll as highway maintenance laborers, employees on any State contracts where bids were received, and vocational, or other teachers in the public free schools. In the event the Comptroller shall hold up issuance or delivery of any warrant he shall notify the Board of Control of his action, and such warrants shall not be issued or delivered until the matter is definitely settled to the satisfaction of the State Comptroller.

"Provided however, that the above restrictions shall not require the resignation of any member of a faculty of a State supported institution of higher learning, and provided further that it shall not preclude the employment of any son or daughter of any such faculty member upon a part-time basis while a student in any public school."

POAGE,
WESTERFELD,
ONEAL,
WOODRUFF.

Read and adopted.

Senator Collie sent up the following:

Amend C. S. for S. B. No. 36, page 5, after the words "Surety Bonds," in line 34 by adding the following:

"or in lieu of surety bonds, the boards may require the pledging, and said banks are hereby authorized to

pledge with such boards for the purpose of securing such funds, securities of the following kind in an amount equal to the amount of said funds on deposit in said depository bank, as follows: United States bonds; certificates of indebtedness of the United States; bonds of the State of Texas; or all bonds issued by any agency of the Federal Government, which are guaranteed both principal and interest by the Federal Government; obligations and pledges of the University of Texas; or bonds, pledges or other securities issued by the Board of Regents of the University of Texas."

COLLIE.

Read and adopted.

Senator Redditt asked unanimous consent to amend the caption to conform to the body of the bill. Unanimous consent was granted.

The Committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time as amended and passed to engrossment.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 36 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Westerfeld.
Martin.	Woodruff.
Neal.	

Absent—Excused.

Davis.	Moore.
Fellbaum.	Sulak.
Hopkins.	Van Zandt.

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Duggan.
Burns.	Hill.
Cotten.	Poage.

Holbrook.
Hornsby.
Isbell.
Martin.
Neal.
Oneal.
Pace.
Rawlings.
Redditt.

Blackert.
Collie.

Absent—

Davis.
Fellbaum.
Hopkins.

Senate

Senator DeBerry and moved to suspend the order of business out of order S. B. No. 36. Senator Rawlinstitute that S. B. No. 36 be referred to the Committee.

City Corporations.

Senator Rawlin discussion of the

H. C. R.

Committee

The Chair appointed Senators on the committee organized in H. C. R. No. 36. Redditt, DeBerry, Martin.

Senate Bill

Senator Regan introducing bill:

By Senator Regan, S. B. No. 514, A. "An Act defining the terms, and phrases used in this Act; conferring the domain on all agricultural corporations engaged in projects; prescribing for the exercise of the red; declaring this Act to be a statute; declaring severable; and defining agency."

Read and referred to committee on State Affairs.

Senate Bill

The question re

Holbrook.
Hornsby.
Isbell.
Martin.
Neal.
Oneal.
Pace.
Rawlings.
Redditt.

Regan.
Sanderford.
Shivers.
Small.
Stone.
Sulak.
Westerfeld.
Woodruff.

Nays—3.

Blackert.
Collie.

DeBerry.

Absent—Excused.

Davis.
Fellbaum.
Hopkins.

Moore.
Van Zandt.

Senate Bill No. 3.

Senator DeBerry was recognized and moved to suspend the regular order of business and to take up out of order S. B. No. 3.

Senator Rawlings moved as a substitute that S. B. No. 3 be re-referred to the Committee on Towns and

City Corporations.

Senator Rawlings had the floor on discussion of the motion.

H. C. R. No. 50.

Committee Appointed.

The Chair appointed the following Senators on the committee as authorized in H. C. R. No. 50. Senators Redditt, DeBerry, Pace, Collie and Martin.

Senate Bill No. 514.

Senator Regan sent up the following bill:

By Senator Regan:
S. B. No. 514, A bill to be entitled "An Act defining certain words, terms, and phrases as used in the Act; conferring the right of eminent domain on all agencies, bodies and corporations engaged in public works projects; prescribing the procedure for the exercise of the power conferred; declaring the provisions of this Act to be cumulative of other statutes; declaring the Act to be severable; and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 3.

The question recurred on the sub-

stitute motions by Senator Rawlings to re-refer S. B. No. 3.

The Chair stated that the time he had consumed, of Senator Rawlings time would be duly noted.

Privileged Motion.

Senator Rawlings yielded to Senator Stone for a privileged motion.

Motion to Extend Time.

Senator Stone asked unanimous consent that Senator Rawlings' time be extended.

Senator DeBerry objected.

Privileged Motion.

Senator Woodruff was recognized for a privileged motion.

Motion to Recess.

Senator Woodruff at 3:45 p. m. moved that the Senate recess until 10 o'clock a. m. Saturday.

The motion to recess lost by the following vote:

Yeas—8.

Holbrook.
Martin.
Rawlings.
Regan.

Sanderford.
Stone.
Sulak.
Woodruff.

Nays—14.

Beck.
Burns.
Collie.
Cotten.
DeBerry.
Duggan.
Hill.

Hornsby.
Neal.
Oneal.
Pace.
Poage.
Shivers.
Westerfeld.

Absent.

Blackert.
Isbell.

Redditt.
Small.

Absent—Excused.

Davis.
Fellbaum.
Hopkins.

Moore.
Van Zandt.

Senator Holbrook moved to recess until 10 o'clock a. m. Tuesday.

The motion to recess lost by the following vote:

Yeas—7.

Burns.
Holbrook.
Rawlings.
Sanderford.

Shivers.
Stone.
Sulak.

COLLIE.

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caption to con-
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Nays—14.

Collie.	Oneal.
Cotten.	Pace.
DeBerry.	Poage.
Duggan.	Regan.
Hill.	Small.
Hornsby.	Westerfeld.
Neal.	Woodruff.

Absent.

Beck.	Martin.
Blackert.	Redditt.

Absent—Excused.

Davis.	Isbell.
Fellbaum.	Moore.
Hopkins.	Van Zandt.

Motion to Adjourn.

Senator Martin moved that the Senate adjourn until 10 o'clock a. m. Monday.

The motion lost by the following vote:

Yeas—6.

Holbrook.	Sanderford.
Martin.	Shivers.
Rawlings.	Stone.

Nays—16.

Blackert.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Regan.
Duggan.	Small.
Hill.	Westerfeld.
Hornsby.	Woodruff.

Absent.

Beck.	Sulak.
Redditt.	

Absent—Excused.

Davis.	Isbell.
Fellbaum.	Moore.
Hopkins.	Van Zandt.

Senator Sanderford moved that the Senate adjourn until 10 a. m. Saturday. The motion lost by the following vote:

Yeas—10.

Duggan.	Sanderford.
Holbrook.	Small.
Martin.	Stone.
Rawlings.	Sulak.
Regan.	Westerfeld.

Nays—15.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
DeBerry.	Shivers.
Hill.	Woodruff.
Hornsby.	

Absent—Excused.

Davis.	Isbell.
Fellbaum.	Moore.
Hopkins.	Van Zandt.

Senate Bill No. 3.

Senator Rawlings had the floor on discussion of his motion.

The Chair informed Senator Rawlings his time had expired.

Motion to Extend Time.

Senator Stone moved to suspend the rule relating to the time limit for discussing motions and Senator Rawlings' time be extended indefinitely.

The motion lost by the following vote:

Yeas—13.

Holbrook.	Sanderford.
Hornsby.	Shivers.
Isbell.	Small.
Martin.	Stone.
Neal.	Sulak.
Rawlings.	Westerfeld.
Regan.	

Nays—11.

Beck.	Hill.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Woodruff.
DeBerry.	

Absent.

Duggan.	Redditt.
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Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

Senator Stone moved to suspend the rule relating to the time for discussion of motions and that Senator Rawlings' time be extended 20 minutes.

The motion lost by the following vote:

Beck.
Duggan.
Holbrook.
Hornsby.
Isbell.
Martin.
Neal.
Rawlings.

Blackert.
Burns.
Collie.
Cotten.
DeBerry.

Redditt.

Davis.
Fellbaum.
Hopkins.

Senator Stone
the rule relating
discussion of mo
ator Rawlings' t
minutes.

The motion lo
vote:

Beck.
Holbrook.
Hornsby.
Isbell.
Martin.
Neal.
Rawlings.
Regan.

Blackert.
Burns.
Collie.
Cotten.
DeBerry.

Present—

Duggan.

Redditt.

Davis.
Fellbaum.
Hopkins.

The question re

Yeas—16.

Beck.	Regan.
Duggan.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Neal.	Westerfeld.
Rawlings.	Woodruff.

Nays—9.

Blackert.	Hill.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	

Absent.

Redditt.

Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

Senator Stone moved to suspend the rule relating to the time for discussion of motions and that Senator Rawlings' time be extended 15 minutes.

The motion lost by the following vote:

Yeas—15.

Beck.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Neal.	Westerfeld.
Rawlings.	Woodruff.
Regan.	

Nays—9.

Blackert.	Hill.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	

Present—Not Voting.

Duggan.

Absent.

Redditt.

Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

The question recurred on the sub-

stitute motion by Senator Rawlings to re-refer S. B. No. 3.

The motion lost by the following vote:

Yeas—8.

Holbrook.	Sanderford.
Martin.	Stone.
Rawlings.	Sulak.
Regan.	Westerfeld.

Nays—15.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Shivers.
Hill.	Small.
Hornsby.	Woodruff.
Isbell.	

Absent.

Duggan.	Redditt.
---------	----------

Absent—Excused.

Fellbaum.	Moore.
Hopkins.	Van Zandt.

(Pair Recorded.)

Senator Burns (present) who would vote nay, with Senator Davis (absent) who would vote yea.

Senator Martin asked unanimous consent to speak three minutes on Senator DeBerry's motion to take up S. B. No. 3.

Unanimous consent was granted. The question recurred on Senator DeBerry's motion to suspend the regular order and take up S. B. No. 3.

The motion lost by the following vote:

Yeas—12.

Beck.	Hill.
Blackert.	Isbell.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Woodruff.

Nays—12.

Duggan.	Regan.
Holbrook.	Sanderford.
Hornsby.	Shivers.
Martin.	Stone.
Neal.	Sulak.
Rawlings.	Westerfeld.

Absent.

Redditt.

Absent—Excused.

Davis. Moore.
Fellbaum. Van Zandt.

(Pair Recorded.)

Senator Small (present) who would vote yea, with Senator Hopkins (absent) who would vote nay.

Senate Bill No. 482.

Senator Duggan moved to suspend the regular order and take up out of order S. B. No. 482.

The motion prevailed by the following vote:

Yeas—24.

Beck. Pace.
Blackert. Poage.
Burns. Rawlings.
Cotten. Redditt.
DeBerry. Regan.
Duggan. Sanderford.
Holbrook. Shivers.
Hornsby. Small.
Isbell. Stone.
Martin. Sulak.
Neal. Westerfeld.
Oneal. Woodruff.

Nays—2.

Collie. Hill.

Absent—Excused.

Davis. Moore.
Fellbaum. Van Zandt.
Hopkins.

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

By Senators Duggan and Beck:
S. B. No. 482, A bill to be entitled "An Act making a certain emergency appropriation out of the General Revenue of the State of Texas to rebuild the barn at the Texas Experimental Station No. 8, located near Lubbock, Texas, to purchase harness and feed, also burned, and declaring an emergency."

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

On motion of Senator Duggan, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 482 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck. Oneal.
Blackert. Pace.
Burns. Poage.
Collie. Rawlings.
Cotten. Redditt.
DeBerry. Regan.
Duggan. Sanderford.
Hill. Shivers.
Holbrook. Small.
Hornsby. Stone.
Isbell. Sulak.
Martin. Westerfeld.
Neal. Woodruff.

Absent—Excused.

Davis. Moore.
Fellbaum. Van Zandt.
Hopkins.

Read third time and finally passed by the following vote:

Yeas—26.

Beck. Oneal.
Blackert. Pace.
Burns. Poage.
Collie. Rawlings.
Cotten. Redditt.
DeBerry. Regan.
Duggan. Sanderford.
Hill. Shivers.
Holbrook. Small.
Hornsby. Stone.
Isbell. Sulak.
Martin. Westerfeld.
Neal. Woodruff.

Absent—Excused.

Davis. Moore.
Fellbaum. Van Zandt.
Hopkins.

Senate Bill No. 4.

Senator Woodruff called from the table S. B. No. 4.

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

By Senators Neal and Westerfeld:
S. B. No. 4, A bill to be entitled "An Act authorizing municipalities, political subdivisions and taxing districts to proceed under the provisions of Federal Bankruptcy Laws enacted for the relief of such municipalities, political subdivisions and taxing districts; and declaring an emergency."

On motion of Senator Woodruff S. B. No. 4 was laid on the table subject to call.

Privileged

Senator Pace requested the Chair to lay on the table the following motion.

House Bill

Senator Pace moved to suspend the regular order and take up out of order H. B. No. 482, just the difference between the two Houses.

The motion prevailed by the following vote.

Conference Committee

The Chair appointed the following members of the conference committee on the bill H. B. No. 482: Senators Davis, Rawlings and Oneal.

Senate Bill

Senator Hornsby moved to suspend the regular order of business and take up out of order S. B. No. 482.

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

By Senators Hornsby, Hopkins, Sulak, Rawlings, Davis, Woodruff, Van Zandt, Westerfeld, Martin, Redditt, Beck, Hill, Burnes, Shivers, Fellbaum,

S. B. No. 505, A bill to be entitled "An Act authorizing the Colorado River Authority to issue bonds in the amount of \$20,000,000 in a series of \$1,000,000 bonds, the amount of which shall be determined by the amount of the bonds issued by such authority, and declaring an emergency."

The committee reported that the bill had been adopted by unanimous vote.

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

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 505 was put on its third reading and final passage by the following vote:

Privileged Motion.

Senator Pace recognized for a privileged motion.

House Bill No. 408.

Senator Pace moved that the Senate grant the request of the House for the appointment of a conference committee on H. B. No. 408 to adjust the differences between the two Houses.

The motion prevailed by a viva voce vote.

Conference Committee Appointed.

The Chair appointed the following as conferees on the part of the Senate on H. B. No. 408:

Senators Davis, Pace, Burns, Rawlings and Oneal.

Senate Bill No. 505.

Senator Hornsby received unanimous consent to suspend the regular order of business and take up out of regular order S. B. No. 505.

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

By Senators Hornsby, Holbrook, Hopkins, Sulak, Regan, Woodul, Rawlings, Davis, Duggan, Poage, Woodruff, Van Zandt, Cotten, Neal, Westerfeld, Martin, Sanderford, Redditt, Beck, Hill, Burns, Stone, Small, Shivers, Fellbaum, Blackert.

S. B. No. 505, A bill to be entitled "An Act authorizing the Lower Colorado River Authority to issue bonds not to exceed twenty million dollars (\$20,000,000) in aggregate principal amount, repealing that portion of the Colorado River Authority Act limiting the amount of bonds which may be issued by such district to ten million dollars (\$10,000,000), and all other laws in conflict herewith, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

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

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 505 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Poage.
Blackert.	Rawlings.
Burns.	Redditt.
Cotten.	Regan.
Duggan.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Neal.	Westerfeld.
Oneal.	Woodruff.
Pace.	

Nays—1.

DeBerry.

Present—Not Voting.

Hill.

Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.

(Pair Recorded.)

Senator Collie (present) who would vote nay, with Senator Hopkins (absent) who would vote yea.

Motion to Reconsider.

Senator Duggan moved to reconsider the vote by which S. B. No. 505 was finally passed.

Motion to Table.

Senator Hornsby moved to table the motion to reconsider.

The motion to table prevailed by viva voce vote.

Senate Resolution No. 81.

Senator Beck sent up the following resolution:

Whereas, Vernon A. McGee has been for some months, a United Press correspondent, writing news relating to this Senate,

Whereas, He has been notified of a promotion in that he will be transferred to Baton Rouge, La., where he will be in charge of the United Press Bureau;

Whereas, Mr McGee has been of valuable service to the Senate and his organization in his work and associations while a correspondent here;

Whereas, The Senate of the Forty-Fourth Legislature regrets that Mr. McGee is leaving and that his associations with this body have been most pleasant,

Therefore, be it Resolved, that this body wishes him success and happiness in his new location and that his associations there be as pleasant as they have been here.

BECK.

Read and adopted.

House Bill No. 497.

Senator Holbrook received unanimous consent to suspend the regular order of business and moved to take up H. B. No. 497.

The motion prevailed.

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

By Mrs. Moore:

H. B. No. 497, A bill to be entitled "An Act making certain emergency appropriations out of the General Fund of the State of Texas, for the State Commission for the Blind's Department for the balance of the fiscal year ending August 31, 1935, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 497 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

Senate Bill No. 497.

Senator Burns asked unanimous consent to suspend the regular order of business and take up out of order S. B. No. 497.

There was objection.

Senator Burns moved to suspend the regular order of business and take up out of order S. B. No. 497.

The motion prevailed by the following vote:

Yeas—24.

Beck.	Hornsby.
Blackert.	Martin.
Burns.	Neal.
Cotten.	Pace.
Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Regan.

Sanderford.
Shivers.
Small.
Stone.

Collie.
DeBerry.

Davis.
Fellbaum.
Hopkins.

The Chair laid on its second reading the bill:

By Senator Burns, S. B. No. 497, "An Act to provide for the District Attorney of the District of Texas same per diem 15 days in excess of the number of days of the Regular Session of the third Legislature under the provisions providing that no change the law of the said district attorney with reference to the performance of his side of the count and declaring an

Motion to

Senator Rawlin p. m., moved that until 10:00 o'clock Motion pending

Senate B

The committee ing that the bill adopted by unani

The bill was re passed to engross vote.

On motion of constitutional rule be read on three suspended and S put on its third passage by the fo

Beck.
Blackert.
Burns.
Collie.
Cotten.

Yeas

Sanderford.
Shivers.
Small.
Stone.

Sulak.
Westerfeld.
Woodruff.

Nays—4.

Collie.
DeBerry.

Oneal.
Poage.

Absent—Excused.

Davis.
Fellbaum.
Hopkins.

Isbell.
Moore.
Van Zandt.

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

By Senator Burns:

S. B. No. 497, A bill to be entitled "An Act to provide that the District Attorney of the 12th Judicial District of Texas shall receive the same per diem for not to exceed 15 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."

Motion to Adjourn.

Senator Rawlings at 5:00 o'clock p. m., moved that the Senate adjourn until 10:00 o'clock a. m., Tuesday.

Motion pending.

Senate Bill No. 497.

The committee report recommending that the bill be printed was adopted by unanimous consent.

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

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 497 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.
Blackert.
Duggan.
Burns.
Collie.
Cotten.

DeBerry.
Duggan.
Hill.
Holbrook.
Hornsby.

Isbell.
Martin.
Neal.
Oneal.
Pace.
Poage.
Rawlings.
Redditt.

Regan.
Sanderford.
Shivers.
Small.
Stone.
Sulak.
Westerfeld.
Woodruff.

Absent—Excused.

Davis.
Fellbaum.
Hopkins.

Moore.
Van Zandt.

Read third time and finally passed by the following vote:

Yeas—17.

Burns.
Cotten.
Duggan.
Hill.
Holbrook.
Hornsby.
Isbell.
Martin.
Pace.

Rawlings.
Redditt.
Regan.
Sanderford.
Shivers.
Small.
Stone.
Westerfeld.

Nays—9.

Beck.
Blackert.
Collie.
DeBerry.
Neal.

Oneal.
Poage.
Sulak.
Woodruff.

Absent—Excused.

Davis.
Fellbaum.
Hopkins.

Moore.
Van Zandt.

Bills and Resolutions Signed.

The Chair, President Pro Tem. K. M. Regan, gave notice of signing, and did sign, in the presence of the Senate, after their caption had been read, the following bills and resolutions:

S. B. No. 498.	H. C. R. No. 93.
S. B. No. 361.	H. J. R. No. 39.
H. B. No. 589.	H. C. R. No. 65.
H. B. No. 304.	H. C. R. No. 39.
H. B. No. 697.	H. C. R. No. 48.
H. B. No. 392.	H. C. R. No. 5.
H. B. No. 750.	H. C. R. No. 1.
H. B. No. 883.	H. C. R. No. 2.
H. B. No. 257.	H. C. R. No. 3.
H. C. R. No. 92.	H. C. R. No. 4.

Senator Moore.

Senator Moore gave his pending motion count of illness, til Saturday morning at 10 o'clock a. m. by the following vote.

Bill Referred.

H. B. No. 736 was referred to the Committee on State Affairs.

Messages From the House.

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

Hall of the House of Representatives, Austin, Texas, April 19, 1935.

Hon. Ken M. Regan, President Pro Tem. of the Senate.

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

H. B. No. 736, A bill to be entitled "An Act repealing Section 7, Section 14, and Section 29, of House Bill No. 122, Chapter 116, General Laws of the Forty-third Legislature, Regular Session, and inserting new sections known as Section 7, Section 14, and Section 29 therein; amending Section 3, Section 4, Section 5, Section 6, Section 8, Section 9, Section 10, Section 11, Section 12, Section 13, Section 18, Section 25, Section 26, and Section 28 of said Act; providing the creation of a Beer Tax Fund and that refunds and stamp redemptions be made from such fund before allocation; providing for issuance of refund warrants with limitation; providing an appropriation for the payment of refunds and stamp redemptions, if such be necessary, etc."

The House has adopted the Conference Committee Report on House Bill No. 257 by a vote of 104 yeas, 11 noes.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, April 19, 1935.

Hon. Ken M. Regan, President Pro Tem. of the Senate.

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

Resolved, R. No. 92, Authorizing the Chief Clerk of the House to correct the bill for clerical errors, in H. B.

On motion of the constitutional 3, Providing for a to be read on Wednesday, April 23, suspended and H. a p. m., for the put on its third reading the Honorable passage by the following of Congress

from Texas, discuss cotton bills now pending in Congress, etc.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, April 19, 1935.

Hon. Ken M. Regan, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to H. B. No. 408, and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

LEATH,
RUSSELL,
BUTLER of Karnes,
GIBSON,
JAMES.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 294.

Senator Stone received unanimous consent to suspend the regular order of business and take up out of order.

House Bill No. 294.

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

By Mr. Frazer:

H. B. No. 294, A bill to be entitled "An Act designating fur bearing animals, declaring them the property of the State, declaring a five (5) year closed season on wild fox in Robertson County; providing a penalty for violation of this Act, and declaring an emergency."

Senator Stone sent up the following amendments:

Amendment No. 1.

Amend House Bill No. 294 by adding the following counties: Brazos County, Grimes County and Washington County.

STONE.

Read and adopted.

Amendment No. 2.

Amend House Bill No. 294 by

changing the
the bill.

Read and a

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Davis.
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Motio

Senator Poa

changing the caption to conform to the bill.

STONE.

Read and adopted.

The Committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time as amended and passed to third reading.

On motion of Senator Stone the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 294 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Westerfeld.
Martin.	Woodruff.
Neal.	
Oneal.	

Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Davis.	Moore.
Fellbaum.	Van Zandt.
Hopkins.	

Motion to Adjourn.

Senator Poage moved that the Sen-

ate adjourn until 10 a. m. Saturday.

Adjournment.

The motion to adjourn until Tuesday morning lost by the following vote:

Yeas—11.

Burns.	Redditt.
Cotten.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Isbell.	Stone.
Rawlings.	

Nays—16.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
DeBerry.	Regan.
Duggan.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Davis.	Hopkins.
Fellbaum.	Moore.

Senator Martin moved that the Senate adjourn until Monday morning at 10 a. m.

The motion lost by the following vote:

Yeas—3.

Cotten.	Sanderford.
Martin.	

Nays—24.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
DeBerry.	Regan.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.

Absent—Excused.

Davis.	Hopkins.
Fellbaum.	Moore.

Senator Poage's pending motion to adjourn until Saturday morning lost by viva voce vote.

Motion to Recess.

Senator Woodruff moved that the Senate recess until Saturday morning at 9:30 o'clock.

The motion lost by the following vote:

Yeas—8.

Beck.	Poage.
Duggan.	Sanderford.
Neal.	Sulak.
Oneal.	Woodruff.

Nays—18.

Blackert.	Martin.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.

Absent—Excused.

Davis.	Moore.
Fellbaum.	Small.
Hopkins.	

Senator Pace moved to recess until 8 o'clock a. m. tonight. Senator Pace withdrew his motion to recess.

House Bill No. 456.

Senator Pace asked unanimous consent to suspend the regular order of business and take up H. B. No. 456.

There was objection.

Senator Pace moved to suspend the regular order of business and take up H. B. No. 456.

The motion lost by viva voce vote.

Motion to Recess.

Senator Redditt moved that the Senate recess until 7:30 a. m. Saturday.

The motion lost by viva voce vote.

Motion to Adjourn.

Senator DeBerry made a motion that the Senate adjourn until 9:30 a. m. Saturday.

The motion lost by viva voce vote.

Motion to Adjourn.

Senator DeBerry at 5:20 o'clock p. m. moved that the Senate adjourn

until 9:45 o'clock a. m. Saturday.

The motion lost by the following vote:

Yeas—13.

Beck.	Oneal.
Blackert.	Poage.
Collie.	Regan.
DeBerry.	Stone.
Duggan.	Van Zandt.
Hornsby.	Woodruff.
Neal.	

Nays—13.

Burns.	Rawlings.
Cotten.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Isbell.	Sulak.
Martin.	Westerfeld.
Pace.	

Absent—Excused.

Davis.	Moore.
Fellbaum.	Small.
Hopkins.	

Adjournment.

Senator DeBerry moved that the Senate adjourn until 9:44 a. m. Saturday morning. The motion prevailed by the following vote:

Yeas—15.

Beck.	Poage.
Blackert.	Regan.
Collie.	Sanderford.
DeBerry.	Stone.
Duggan.	Van Zandt.
Hill.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Nays—11.

Burns.	Pace.
Cotten.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Shivers.
Isbell.	Sulak.
Martin.	

Absent—Excused.

Davis.	Moore.
Fellbaum.	Small.
Hopkins.	

APPENDIX.**Committee on Engrossed Bills.**

Committee Room,
Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your
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carefully exam
and find same

Committee

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Hon. Walter F
of the Senat
Sir: We, yo
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Austin, Tex
Hon. Walter F
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Sir: We, yo
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Austin, Tex
Hon. Walter F
the Senate.
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S. B. No. 36
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pass.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 491 carefully examined and compared and find same carefully engrossed.
DAVIS, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, April 18, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 498 carefully examined and compared and find same correctly enrolled.
POAGE, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 361 carefully examined and compared and find same correctly enrolled.
POAGE, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Commerce and Manufacturing, to whom was referred

S. B. No. 368, A bill to be entitled "An Act requiring every person, firm, association, corporation, trust or syndicate engaged or hereafter engaged in the drilling, redrilling or deepening of any oil or gas well to file certain indemnity bonds with the Commissioner of Labor Statistics to secure laborers working on such wells; providing for the filing of a larger bond by such person, firm, association, corporation, trust or syndicate under certain conditions; authorizing suit on such bonds under certain circumstances; fixing the duty of the Attorney General in relation thereto; authorizing commissioner of Labor Statistics to make certain rules and regulations hereunder; fixing penalties, and declaring an emergency."

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

HILL, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Commerce and Manufacturing to whom was referred

H. B. No. 5, A bill to be entitled "An Act to protect trade mark owners, distributors and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade mark, brand or name, and to facilitate fair trade; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following committee amendments:

Committee Amendment No. 1.

Amend by adding at the end of the first paragraph of Section 1, the following:

"Provided that no such contract may extend or be in force for a period longer than one year from the date thereof."

Committee Amendment No. 2.

Amend by adding a new section to be known as Section 1-A, and to read as follows:

"It shall be a defense to any suit that may be brought under the authority of the foregoing Section for the defendant or any one of the defendants to show that the plaintiff or any one of the plaintiffs have, since the passage of this Act, refused to sell the commodity or any one of the commodities alleged to have been sold at a price in violation of the contract alleged by plaintiff, to any other person, firm or corporation within this State at the same price as is prescribed in the alleged contract."

HILL, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.
Hon. K. M. Regan, President Pro Tem. of the Senate.

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

H. B. No. 581, A bill to be entitled "An Act defining the terms or phrases 'Commission,' 'order of the Commission,' 'oil,' 'crude oil,' 'gas,'

'product,' 'unlawful oil,' 'unlawful product,' 'unlawful gas,' 'tender,' 'manifest,' 'person'; prohibiting the transportation by truck or motor vehicle of unlawful oil and unlawful product; 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 it do not pass but pass with the committee substitute in lieu thereof and the committee substitute only be printed in bill form.

PACE, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.
Hon. Ken Regan, Acting Lieutenant Governor:

Sir: We, your Committee on Banking, to whom was referred H. B. No. 928,

Have had same under consideration and report favorably with recommendations that this Bill do pass and be not printed.

SANDERFORD,
HORNSBY,
HOLBROOK,
HOPKINS,
WOODRUFF.

Committee Room,
Austin, Texas, April 18, 1935.
Hon. Frank Rawlings, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 510, A bill to be entitled "An Act providing for relief for the Independence Common School District of Henderson and Kaufman Counties, Texas, in order to aid said district in rebuilding its properties and equipping its school which was destroyed by fire on the fourth day of March, A. D. 1935; providing for work relief; making an appropriation to said district for said property, 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 that the committee substitute attached hereto do pass in lieu thereof and be printed in bill form.

REDDITT, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President of the Senate.

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

H. B. No. 912, A bill to be entitled "An Act prohibiting taking, killing or possessing wild foxes for the purpose of barter or sale, providing a penalty for the violation thereof, in certain counties, 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.

SHIVERS, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President of the Senate.

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

H. B. No. 908, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals in Cherokee County, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, 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.

SHIVERS, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President of the Senate.

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

H. B. No. 909, A bill to be entitled "An Act to prohibit the selling, taking or possession for barter or sale of wild fox, or the pelt thereof in Cherokee County; to prohibit the killing of wild fox in said county; providing penalties; providing that the Act shall remain in effect for two (2) years, 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.

SHIVERS, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on

Game and Fish, to whom was referred

H. B. No. 912, A bill to be entitled "An Act prohibiting taking, killing or possessing wild foxes for the purpose of barter or sale, providing a penalty for the violation thereof, in certain counties, 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.

Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President of the Senate.

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

H. B. No. 908, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals in Cherokee County, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, 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.

Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President of the Senate.

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

H. B. No. 909, A bill to be entitled "An Act to prohibit the selling, taking or possession for barter or sale of wild fox, or the pelt thereof in Cherokee County; to prohibit the killing of wild fox in said county; providing penalties; providing that the Act shall remain in effect for two (2) years, 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.

Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President of the Senate.

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H. B. No. 911, A bill to be entitled
"An Act providing that it shall be
unlawful to take or kill squirrel in
Cherokee County during certain
months; providing penalty for the
violation thereof, 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 and
be not printed.

SHIVERS, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Game and Fish, to whom was re-
ferred

H. B. No. 834, A bill to be entitled
"An Act to prohibit the use of a
steel trap for taking fur-bearing ani-
mals or the setting of any steel trap
in Montgomery County, with certain
exceptions; providing a penalty; re-
pealing all laws in conflict there-
with, 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 and
be not printed.

SHIVERS, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Game and Fish, to whom was re-
ferred

H. B. No. 915, A bill to be entitled
"An Act to prohibit the use of a
seine or net for taking fish in Mont-
gomery County, except a seine or
net of not less than three (3) inch
square mesh during certain months;
excepting a minnow seine from the
provisions of this Act; providing a
penalty; repealing all laws or parts
of laws in conflict herewith, and de-
claring 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 and
be not printed.

SHIVERS, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Game and Fish, to whom was re-
ferred

H. B. No. 615, A bill to be entitled
"An Act to make it unlawful to take,
hunt, trap, shoot or kill any wild
quail of any species, for a period of
three (3) years in Ector County,
Texas; fixing 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 and
be not printed.

SHIVERS, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Game and Fish, to whom was re-
ferred

H. B. No. 838, A bill to be entitled
"An Act to declare a closed season
on the killing of quail and bob
whites in Van Zandt and Wood
Counties for a period ending Janu-
ary 15, 1937, prescribing a penalty
therefor, and declaring an emergen-
cy."

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 and
be not printed.

SHIVERS, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Game and Fish, to whom was re-
ferred

H. B. No. 847, A bill to be entitled
"An Act prohibiting the transporta-
tion by any one person at any one
time of more than one hundred and
twenty-five (125) minnows taken
from the waters of Falls County,
Texas; beyond the borders of such
county; providing a penalty, and de-
claring 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 and
be not printed.

SHIVERS, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on

Game and Fish, to whom was referred

H. B. No. 377, A bill to be entitled "An Act creating a closed season upon wild deer, buck, doe, fawn, or wild turkey for a period of six (6) years in the County of Robertson, in the State of Texas, making it unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill, by any means whatsoever, any wild deer, buck, doe, fawn, or wild turkey within said county, for a period of six (6) years; providing a penalty therefor, 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.

SHIVERS, Chairman.

Committee Room,

Austin, Texas, April 19, 1935.

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

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

H. B. No. 600, A bill to be entitled "An Act prohibiting the setting of any steel trap, snare or deadfall in Smith County for the purpose of taking any fur-bearing animals for a period of two (2) years; repealing all laws, in so far as they conflict with this Act; providing a penalty for violation of this Act, 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.

SHIVERS, Chairman.

Committee Room,

Austin, Texas, April 19, 1935.

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

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

H. B. No. 836, A bill to be entitled "An Act making it unlawful to take squirrels in Washington County at any time other than during the months of May, June, July, October, November and December, or to take more than ten (10) squirrels in one day or to possess more than twenty (20) squirrels at one time; providing a penalty; repealing all laws in conflict with this Act, 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 and be not printed.

SHIVERS, Chairman.

Committee Room,

Austin, Texas, April 19, 1935.

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

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

H. B. No. 841, A bill to be entitled "An Act to declare a four (4) year closed season on wild fox in Palo Pinto County and making it unlawful to kill, except as herein provided, take, or for anyone to have in his possession for barter or sale after the passage of this Act any wild fox or the pelts thereof; providing for a penalty for the violation of this Act, 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.

SHIVERS, Chairman.

Committee Room,

Austin, Texas, April 19, 1935.

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

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

S. B. No. 415, A bill to be entitled "An Act amending Chapter 1, Title 78, Revised Civil Statutes of Texas, 1925, by adding a new article to be known as Article 4862c, to provide that all insurance companies, whether specifically named or not, issuing or delivering any form of insurance policy in this State, other than fire, life, tornado, windstorm, hail, workmen's compensation, or automobile insurance policies, shall file with the Commissioner its classification of risks and premium rates or schedules, etc."

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 with committee amendments.

COLLIE, Chairman.

Amendment No. 1.

Amend S. B. No. 415, Section 2, line 6, of such Section, by inserting after the word "approved" and be-

fore the word
"for the use of

Amend

Amend S. B.
new section in
Section 7 to be
to read as follo

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E, Chairman.

No. 1.

415, Section 2,
n, by inserting
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fore the word "by" the following:
"for the use of such insurer."

Amendment No. 2.

Amend S. B. No. 415 by adding a
new section immediately following
Section 7 to be known as Section 8,
to read as follows:

"Sec. 8. The State of Texas shall
assess and collect an additional tax
of one-half of one per cent on the
gross premiums of all insurance af-
fected by this Act of all insurers
writing such insurances in this State,
according to the annual reports made
to the Commissioner as required by
law. Said taxes when collected shall
be placed in a separate fund to be
known as the Insurance Department
Miscellaneous Insurance Fund to be
used for the sole and exclusive pur-
pose of the administration of this
Act and to be expended on appro-
priations made by the Legislature
in carrying out the provisions of this
law. Should there be an unexpended
balance at the end of any year, it
shall be transferred by the State
Treasurer to the credit of the general
revenue of this State."

Amend the caption of the bill to
conform hereto.

Amendment No. 3.

Amend S. B. No. 415, Section 7,
by striking out all of said Section 7
as it now occurs and inserting in lieu
thereof the following:

"Sec. 7. Nothing in this Act shall
be construed to prohibit the modifi-
cation of any rates by an experience
or merit rating plan, filed by it and

approved by the Commissioner, de-
signed to encourage the prevention
and/or reduction of losses and to
take account of the peculiar hazards
of individual risks and of the par-
ticular plan of operation of such
carrier; provided further that only
one such plan for each form of in-
surance hereunder shall be approved
for the same carrier."

Amendment No. 4.

Amend S. B. No. 415, Article
4862c, Section 1, by striking out the
words "and/or Automobile" where
they first occur in said section.

Amend the caption to conform
hereto.

Committee Room,

Austin, Texas, April 19, 1935.

Hon. K. M. Regan, President Pro
Tem of the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred H. B.
No. 828, amending Article 7257 of
the Revised Civil Statutes of Texas
of 1925, providing additional duties
of the Tax Assessor and Collector,
requiring an entry upon the tax rolls
when payment of taxes has been
made; providing for a seal for this
office, and prescribing that such en-
try shall be taken as evidence of the
payment of said tax, and declaring
an emergency, have had the same
under consideration, and I am in-
structed to report it back to the Sen-
ate with the recommendation that it
do pass and be not printed.

PACE, Chairman.



SENATE JOURNAL

Forty-fourth Legislature—Regular Session.

AUSTIN, TEXAS, SATURDAY, APRIL 20, 1935.

PROCEEDINGS

FIFTY-SECOND DAY.

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

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. K. M. Regan.

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

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

Absent.

Redditt. Shivers.

Absent—Excused.

Davis. Hopkins.

Fellbaum.

Prayer by the Chaplain.

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

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

House Bill No. 456.

Pending business was the motion to suspend the regular order and take up H. B. No. 456.

The motion prevailed by the following vote:

Yeas—24.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Regan.
Duggan.	Sanderford.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Present—Not Voting.

DeBerry.

Absent—Excused.

Davis.	Moore.
Fellbaum.	Redditt.
Hopkins.	Shivers.

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

H. B. No. 456, A bill to be entitled "An Act amending Subdivision 63 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, providing for the terms of court in the Sixty-third Judicial District and the time of the holding of same; repealing Chapter 183, page 397, Acts of the Regular Session of the Forty-first Legislature, 1929; validating all processes, writs, bonds, and recognizances of every kind and character heretofore issued or entered and all grand and petit jurors drawn and selected under the existing laws by the various counties affected by this Act, that same shall be returnable to and said jurors serve for the next term of court in the various counties affected, after the taking effect of this Act; providing the time for this Act to take effect, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Pace the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 456 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Neal.	

Absent—Excused.

Davis.	Moore.
Fellbaum.	Redditt.
Hopkins.	Shivers.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Neal.	

Absent—Excused.

Davis.	Moore.
Fellbaum.	Redditt.
Hopkins.	Shivers.

Senate Bill No. 4.

Senator Woodruff called from the table:

By Senators Neal and Westerfeld: S. B. No. 4, A bill to be entitled "An Act authorizing municipalities, political subdivisions and taxing

districts to proceed under the provisions of Federal Bankruptcy Laws enacted for the relief of such municipalities, political subdivisions and taxing districts; and declaring an emergency."

Senator Woodruff sent up the following amendment:

Amend S. B. No. 4, by adding in line 17, page 1, the following, between the words "included" and "are":

Except such as to such municipalities political subdivisions and taxing districts as are indebted to the permanent school fund of the State of Texas, or to any independent school district, city school district or common school district.

WOODRUFF.

Read and adopted.

The bill passed to engrossment by viva voce vote.

On motion of Senator Woodruff, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 4 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Neal.	

Absent—Excused.

Davis.	Moore.
Fellbaum.	Redditt.
Hopkins.	Shivers.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Holbrook.
Blackert.	Hornsby.
Burns.	Isbell.
Collie.	Martin.
Cotten.	Neal.
Duggan.	Oneal.
Hill.	Pace.

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Rawlings.	Sulak.
Regan.	Van Zandt.
Sanderford.	Westerfeld.
Small.	Woodruff.

Nay—1.

DeBerry.

Absent—Excused.

Davis.	Moore.
Fellbaum.	Redditt.
Hopkins.	Shivers.

House Bill No. 265.

Senator Holbrook asked unanimous consent to suspend the regular order and take up H. B. No. 265.

There was objection.

S. C. R. No. 39.

Senator Hornsby moved to take up out of order S. C. R. No. 39.

Senator Collie objected.

The motion prevailed by the following vote:

Yeas—14.

Beck.	Martin.
Cotten.	Pace.
Duggan.	Rawlings.
Hill.	Regan.
Holbrook.	Sanderford.
Hornsby.	Sulak.
Isbell.	Van Zandt.

Nays—7.

Blackert.	Poage.
Collie.	Small.
DeBerry.	Westerfeld.
Oneal.	

Absent.

Burns.	Stone.
Neal.	Woodruff.

Absent—Excused.

Davis.	Moore.
Fellbaum.	Redditt.
Hopkins.	Shivers.

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

Ratifying the transfer of 1666 acre tract near Camp Mabry to State Highway Department and authorizing Adjutant General's Department, to acquire sufficient land for an adequate entrance to Camp Mabry.

S. C. R. No. 39 was adopted by viva voce vote.

Senate Resolution No. 82.

Senator Westerfeld sent up the following resolution:

Whereas, The term of office of the Honorable Bryd E. White, of Lancaster and Dallas, Texas, as one of the Directors of A. & M. College expired on last January 1st; and,

Whereas, For several years he gave unreservedly of his time and his private funds for the advancement and improvement of the public school system of Dallas County; and for the past twelve years he has given his undivided time and effort, his loyalty and deep devotion to the interests of A. & M. College; and,

Whereas, One of his most signal achievements was the bringing about of a harmonious relationship between the Regents of the University of Texas and the Directors of the A. & M. College, resulting in a satisfactory settlement of the prolonged and frequently debated issue of the proper division between the two institutions of endowment funds; now, therefore, be it

Resolved, That we express to him our grateful appreciation and commendation of his splendid, intelligent and untiring services, and of his deep devotion to the cause of educational advancement in Texas; and, therefore, be it further

Resolved, That, as a man who has dedicated much of his time and his fortune to education in Texas, and as a director of A. & M. College, the People of Texas shall ever hold him in their highest esteem, and shall ever be grateful for his great public service; and, be it further

Resolved, That a copy of this resolution be printed in the Senate Journal as a tribute to him and in recognition of the splendid service he has rendered Texas; and that a copy of same be dispatched by the Secretary of the Senate to the Honorable Byrd M. White, Lancaster, Texas.

WESTERFELD,
HOLBROOK,
BURNS,
SHIVERS,
SANDERFORD,
PACE,
COTTEN,
BECK,
POAGE,
HILL,
COLLIE,

ONEAL,
NEAL,
HORNSBY,
DUGGAN,
SMALL,
STONE,
SULAK,
BLACKERT,
MARTIN,
RAWLINGS,
WOODRUFF,

Senator Westerfeld asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. R. No. 82 be taken up and considered at this time.

Consent was granted.

S. R. No. 82, was adopted by viva voce vote.

Bill Keferred.

H. B. No. 77, was referred to the Committee on Mining, Irrigation and Drainage.

Senators Excused.

Senator Woodruff asked to be excused for the remainder of the day on account of illness in the family.

Senator Hopkins was excused on account of illness in the family on motion of Senator Pace.

Senator Shivers was excused on account of important business on motion of Senator Sanderford.

Senator Redditt was excused on account of important business on motion of Senator Moore.

Message from the House.

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

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

Hon. Ken M. Regan, President Pro Tem of the Senate.

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

H. B. No. 77, A bill to be entitled "An Act creating a conservation and reclamation district to be known as the Upper Colorado River Authority, pursuant to and for the purposes set forth in Section 59 of Article 16, of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to

alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State, fixing boundaries thereof, conferring thereon all powers, rights, privileges and functions conferred by general law upon districts created pursuant to said Section 59, except as expressly limited; etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Committee Appointment.

Senator Isbell was appointed on the following committees:

Agriculture, Banking, Criminal Jurisprudence, Congressional Districts, Education, Insurance, Vice-Chairman; Internal Improvements, Chairman; Judicial, Privileges and Elections, Public Land and Land Office.

Senate Bill No. 17.

The Chair laid before the Senate on its second reading the following bill, which had been made special order on the calendar.

By Senators Collie, Beck and Oneal:

S. B. No. 17, A bill to be entitled "An Act amending Article 650 of the Code of Criminal Procedure of the State of Texas, and repealing Article 651 and Article 711 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Senator Collie sent up the following amendment:

Amend S. B. No. 17 by striking out all below the enacting clause and substitute in lieu thereof the following:

Section 1. That Article 650 of the Code of Criminal Procedure of the State of Texas be amended so as to hereafter read as follows, to-wit:

Article 650. Any defendant jointly indicted with others for an offense growing out of the same transaction, or any defendant who may be separately indicted for an offense for which others are likewise indicted, may ask for a severance and separate trial, and petition the court to set the order of their respective trials. Such severance and separate trial, however, shall not be a matter

of right, discretion allowed on the court require it.

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Sec. 2. Code of hereafter as follow

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Read.

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of right, but shall be in the sound discretion of the court, and be allowed only when in the opinion of the court the ends of justice require it.

In the event the court shall in his discretion allow a severance and separate trial, then he shall proceed to fix the order in which the defendants may be tried.

Sec. 2. That Article 651 of the Code of Criminal Procedure shall hereafter be so amended as to read as follows, to-wit:

Article 651. In seeking a severance and separate trial, in the trial of capital cases, the application for same shall be filed and heard on or before the date for which the venire is to appear, and before the date fixed for trial.

Sec. 3. The widespread demand for law enforcement in Texas and the unreasonable and unnecessary delay in the trial of criminal cases brought about by the articles to be amended by the foregoing act, together with the fact that under the present procedure in criminal cases where severances are granted, the state and the counties are put to a tremendous expense by reason of having to change the venue in many cases and by the continuance of other cases, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended and that this act shall take effect and be in force from and after its passage, and it is so enacted.

COLLIE.

Read.

Adjournment.

Senator Moore at 12 m., moved that the Senate adjourn until 10 a. m., Monday.

Senator Van Zandt moved that the Senate adjourn until 9:30 Tuesday morning.

The motion to adjourn until Tuesday prevailed by viva voce vote.

Vote Recorded.

The following Senators asked to be recorded as voting "no" on adjournment until Tuesday, Senators Poage, Oneal, DeBerry and Hornsby.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, April 19, 1935.

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

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 482 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.

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

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 505 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, April 19, 1935.

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

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 497 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, April 20, 1935.

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

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 4 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 20, 1935.

Hon. Ken M. Regan, President Pro Tem. of the Senate.

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

H. B. No. 502, A bill to be entitled "An Act amending Section 3, of S. B. No. 247, Chapter No. 158, page 400, Acts of the Regular Session of the Forty-third Legislature, 1933, empowering the Rehabilitation Division of the State Department of Education to take census, make surveys, and establish permanent records of crippled children; and to cooperate with the Department of Education in providing equipment for and instruction of same; etc."

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 amendments, and be printed.

DUGGAN, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 502, on page 1 by striking out the last word in line 29 and all of line 30-31-32 and the words "Orthopedic Surgery" in line 33—Insert in lieu thereof the following:

"to procure medical and surgical service for crippled children, provided that only physicians legally qualified to practice medicine and surgery in Texas be employed for purposes of diagnosis and treatment, that not more than the customary minimum fees be paid for such services, and that physicians or surgeons so employed shall be approved by the State Board of Health as qualified to render such service."

Committee Amendment No. 2.

Amend H. B. No. 502, on page 2 by striking out lines 2 to 13 inc. Substitute in lieu thereof the following:

"The Rehabilitation Division of the State Department of Education is directed to provide in Rules & Regulations, the necessary details for the conduct of this work, in accordance with the purposes of this act, which shall permit as far as possible, the free choice of patients in their selection of physicians and hospitals, and shall arrange with hospitals, brace departments and other services providing for crippled children's work, compensation for such services, provided that such fees or charges shall not exceed the average minimum charges for the same services rendered to average ward patients in the hospitals approved for purpose of this Act—Such Rules and Regulations shall be approved by the State Department of Education."

Committee Amendment No. 3.

Amend the caption of H. B. No. 502 to include the words "approved by the Board of Control" after the word "hospitals" in line 39, page 21.

Committee Amendment No. 4.

Amend Caption of H. B. No. 502 to conform to all changes made herein.

Committee Room,
Austin, Texas, April 20, 1935.
Hon. Ken M. Regan, President Pro Tem. of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 472, A bill to be entitled "Authorizing the State Highway Commission of Texas to provide for the removal of the bridges obstructing the construction of the Intracoastal Waterway of Louisiana and Texas, and to replace same out of any funds available for that purpose, 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.

MARTIN, Chairman.

Committee Room,
Austin, Texas, April 20, 1935.
Hon. Ken M. Regan, President Pro Tem. of the Senate.

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

H. B. No. 13, A bill to be entitled "An Act to amend Chapter 39, of the General and Special Laws of the Forty-second Legislature, which was an Act 'providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools in the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency,' so that hereafter said law shall not embrace, apply to, or include Nacogdoches County, 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, April 20, 1935.
Hon. Ken M. Regan, President Pro Tem. of the Senate.

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

H. B. No. 14, A bill to be entitled "An Act repealing S. B. No. 265, Chapter 14, Acts of the Regular Session of the Forty-second Legislature, providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools in the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid;

providing said purpose, and declaring an emergency."

Have had the same under consideration,

providing other things incidental to said purpose, 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.

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SENATE JOURNAL

Forty-fourth Legislature—Regular Session.

AUSTIN, TEXAS, TUESDAY, APRIL 23, 1935.

PROCEEDINGS

FIFTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
April 23, 1935.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. K. M. Regan.

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.
Isbell.	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 Burns.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Bills and Resolutions.

Senate Bill No. 17.

Pending business was S. B. No. 17 with pending amendment by Senator Collie.

Senate Bill No. 515.

Senator Small sent up the following bill:

By Senator Small:

S. B. No. 515, A bill to be entitled

“An Act authorizing the creation and incorporation of wind erosion conservation districts coextensive with the area of any county in this State; prescribing the methods for the creation of same and designating the powers and duties of such districts; prescribing that the county judge and commissioners’ court shall constitute the governing body and that the county treasurer and county clerk shall be the treasurer and clerk of such districts; making such districts agencies of the State; prescribing the nature of work that may be done by the districts and providing that a portion of the costs thereof may be assessed against real property in such districts and prescribing the method of making such assessments; providing for the issuance of assessment certificates and the creation of liens to secure same; and providing for suits on such certificates and for the foreclosure of such liens; committing the use of 20% of automobile registration fees collected by counties where such districts are created and authorizing the transfer of road and bridge special taxes to such districts; diverting State ad valorem taxes in whole and in part in certain counties to provide funds to carry on wind erosion conservation work; providing that the districts can not levy ad valorem taxes; and declaring an emergency.”

Read and 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, April 23, 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 bill:

H. B. No. 223, A bill to be entitled
"An Act levying and imposing license
taxes and occupation taxes on coin
operated vending machines as defined
in the Act, providing for certain ex-
ceptions and exemptions, prescribing
penalties for violation of acts pro-
hibited hereby and for failure to do
and perform acts required to be done
and performed under the provisions
of this Act, to repeal Chapter 116,
Acts of the First Called Session of
the Forty-third Legislature, and to
provide against counties, cities, and
towns imposing any additional oc-
cupation tax by virtue of the taxes
levied and imposed by this Act, etc.,
and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 23, 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 bill:

H. B. No. 201, A bill to be entitled
"An Act repealing Article 307 of the
Revised Civil Statutes of Texas,
1925; further providing that said
Act shall be effective on and after
July 1, 1937."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 23, 1935.

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

Sir: I am directed by the House
to inform the Senate that the House
has concurred in Senate amendments
to H. B. No. 356 by a vote of 119
yeas, 0 nays.

The House has adopted the Con-
ference Committee report on H. C. R.
No. 50 by a viva voce vote.

The House has passed the follow-
ing resolution:

S. C. R. No. 38, Urging the Texas
Representatives in Congress to exert
their utmost efforts to secure speedy
and favorable action on the legisla-
tion providing for Federal aid to the
Brazos River Conservation and Rec-
lamation District.

The House has refused to concur
in Senate amendments to H. B. No.
780 and requests the Senate for the
appointment of a free conference
committee to adjust the differences
between the two houses. The follow-
ing are appointed as conferees on
the part of the House:

Leonard, Good, Aikin, Dickison,
and Dunlap of Hays.

The House refused to concur in
Senate amendments to H. B. No. 781
and has requested that appointment
of a conference committee to con-
sider the differences between the two
houses.

Leonard, Moore, Dunlap of Hays,
Good and McKee.

The House has adopted the follow-
ing resolution:

H. C. R. No. 94, Asking Federal
government and State government to
cooperate in projects to help drought
stricken areas.

The House has granted the request
of the Senate for the appointment of
a conference committee to consider
the differences between the two
houses on S. B. No. 146. The follow-
ing are conferees on the part of the
House:

Graves, Knetsch, Walker, Petsch
and Jones of Atascosa.

The House refused to concur in
Senate amendments to H. B. No. 327
and has requested the appointment
of a conference committee to con-
sider the differences between the two
houses.

Russell, Aikin, Petsch, Hankamer
and Moffett.

The House has concurred in Senate
amendments to H. B. No. 294 by a
viva voce vote.

The House has tabled the motion
to adopt the Conference Committee
report on H. B. No. 11, by a vote
of 70 yeas and 68 nays.

The House has adopted a motion
requesting the Senate for a new Con-
ference Committee on H. B. No. 11,
to consider further the differences
between the two houses, instructing
the House conferees to consider the
following:

I move to instructing the House
Conference Committee on H. B. No.
11 to provide for no increase in sal-
ary for any employee in any depart-
ment of the State of Texas.

FRAZER.

April 22, 1935, adopted by a viva
voce vote.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

I move to
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vote vote.

LOUISE SNOW PHINNEY,
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LOUISE SNOW PHINNEY,
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I move to
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I move that the House Conference Committee on H. B. No. 11 is hereby instructed to strike out of the conference report on page 1613 of the House Journal in section 9 thereof the words "so far as practicable" and to strike out in section 10 the words "as far as practicable" as it applies to labor.

FARMER.

April 22, 1935, adopted by a viva vote vote.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

I move to instruct the new conference committee to provide that no total compensation shall be paid by the Centennial Commission in excess of \$6,500.00.

JONES of Wise.

April 22, 1935, adopted by a viva vote vote.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

I move that House conferees appointed for the purpose of adjusting the differences of the Senate on H. B. No. 11 be instructed to incorporate in the conference report a provision which will make a definite allocation of funds to the Alamo and the Battle Ground of San Jacinto.

GIBSON.

April 22, 1935, adopted by a viva vote vote.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

I move to instruct the Conference Committee on H. B. No. 11 to provide as follows, in its report, by adding immediately before the emergency clause, the following: "That after the show is over and upon some date during the Centennial year of 1936 that the patriotic citizens of this State, who believe in that form of government established by our forefathers, shall assemble at their own expenses at the Alamo, San Jacinto, and Goliad, and duly and appropriately commemorate the birth of the Republic of Texas and its entry into the American Union."

GREATHOUSE.

April 22, 1935, adopted by a viva vote vote.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

I move to instruct the Conference Committee on H. B. No. 11 to make

a definite appropriation to the last and only Indian tribe in Texas, the Alabama and Coushatti, in Polk County.

BERGMAN.

April 22, 1935, adopted by a viva vote vote.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

We move that the House Conferees on H. B. No. 11 be instructed to insert in the conference report on said bill, a provision that 10% of the gross receipts on all concessions operating under or with agreement with the Centennial Commission, be paid into General Revenue of the State of Texas until the entire appropriation made by virtue of H. B. No. 11 has been repaid to the State Treasury.

TRAWATER,
MAURITZ.

April 22, 1935, adopted by a vote of 71 yeas and 54 nays.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

I move that the House of Representatives instruct the Conference Committee on the Centennial Bill to include in the Centennial Bill a provision for levying, collecting, and accounting for a 10% tax on admission tickets to be paid at each city or location of fair grounds where a Centennial Celebration is held, said tax to be allocated to the General Fund.

MOORE.

April 22, 1935, adopted by a viva vote vote.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

The following are the new conferees on part of the House on H. B. No. 11:

Stinson, Spears, Howard, Settle and Butler of Brazos.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills Referred.

H. B. No. 223, was referred to the Committee on State Affairs.

H. B. No. 201, was referred to the Committee on Civil Jurisprudence.

Certificate of Election.

Department of State,

I, Gerald C. Mann, Secretary of State in and for the State of Texas

duly qualified and acting as such do hereby certify that on the 13th day of April, 1935 at a special election called in compliance with law for and in the Tenth Senatorial District of Texas composed of the Counties of Rockwall, Hunt, Rains and Collins; Honorable Claude M. Isbell of Rockwall County, Texas received the highest number of votes cast for any person for the office of State Senator in and for said Tenth Senatorial District and is therefore entitled to all emoluments and duties of said office for the unexpired term of the Honorable Wallace Hughston, resigned, said term ending in 1939.

(SEAL)

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the seal of State at my office in the City of Austin, this the 23rd day of April, A. D. 1935.

GERALD, C. MANN,
Secretary of State.

House Bill No. 327.

Senator Redditt moved that the Senate grant the request of the House for the appointment of a Conference Committee on H. B. No. 327 to adjust the differences between the two houses the motion prevailed.

Conference Committee Appointed.

The Chair President Pro Tem. K. M. Regan appointed the following conferees on part of the Senate for H. B. No. 327:

Senators Redditt, Duggan, Poage, Sanderford and Davis.

House Bill No. 780.

Senator Redditt moved that the Senate grant the request of the House for the appointment of a conference committee on H. B. No. 780 to adjust the differences between the two houses.

The motion prevailed.

Conference Committee Appointed.

The Chair appointed the following conferees on part of the Senate on H. B. No. 780:

Senators Redditt, Rawlings, Pace, Burns and Hill.

Appointment to Committee.

Senator Isbell was appointed to be

a member of the Committee on State Affairs.

House Bill No. 781.

Senator Redditt moved that the Senate grant the request of the House for the appointment of a Conference Committee on H. B. No. 781 to adjust the differences between the two Houses.

The motion prevailed by viva voce vote.

Conference Committee Appointed.

The Chair appointed the following conferees on part of the Senate on H. B. No. 781:

Senators Redditt, Beck, Oneal, Cotton and DeBerry.

House Bill No. 417.

Senator Pace asked unanimous consent that his name be withdrawn from the Conference Committee on H. B. No. 417.

The Chair appointed Senator Van Zandt as conferee on H. B. No. 417.

House Bill No. 11.

Senator Westerfeld moved that the Senate grant the request of the House for the appointment of a new conference committee to further consider the differences between the two houses on H. B. No. 11.

Motion to Return Message.

Senator Martin moved that the Senate return the message on H. B. No. 11 to the House for more specific instructions.

Point of Order.

Senator Rawlings raised the point of order that the motion of Senator Martin was out of order because the Senate had no right or power to instruct the House as to what action they shall take.

The Chair, President Pro Tem. K. M. Regan, sustained the point of order.

The question recurred on the motion by Senator Westerfeld.

The motion prevailed by viva voce vote.

Conference Committee Appointed.

The Chair, President Pro Tem. K. M. Regan, appointed the following conferees on part of the Senate on H. B. No. 11:

Senators
Berry, Moore

Senate

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S. R. No. 8
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Senator F
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Senators Westerfeld, Oneal, DeBerry, Moore and Rawlings.

Senate Resolution No. 83.

Senator Moore sent up S. R. No. 83, Memorializing Hon. Underwood Nazro.

S. R. No. 83, was read and adopted by a rising vote.

Motion to Recess.

Senator Redditt, at 11:58 a. m., moved that the Senate recess until 12:55 o'clock p. m.

Motion to recess pending.

Executive Session.

Senator Oneal, moved that the Senate go into executive session at 11:59 o'clock a. m.

The motion prevailed by viva voce vote.

The time having arrived the chamber was cleared and the doors locked.

After Executive Session.

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

Committee Room,

Austin, Texas, April 23, 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 to the Senate with the recommendation that they be in all things confirmed:

To be members on Board of Man-
sion Supervisors:

Miss Ima Hogg, Houston, Harris
County, Texas.

Mrs. R. S. Sterling, Houston, Har-
ris County, Texas.

ONEAL, Chairman.

Adopted.

Bills and Resolutions Signed.

The Chair, President Pro Tem. K. M. Regan, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. B. No. 294. H. B. No. 521.
H. B. No. 356. H. C. R. No. 48.
H. B. No. 424. H. C. R. No. 50.
H. B. No. 456.

Senate Bill No. 516.

Senator Beck received unanimous consent to suspend the regular order of business and sent up the following local bill:

By Senator Fellbaum:

S. B. No. 516, A bill to be entitled "An Act authorizing the Judge of the Criminal District Court of Bexar County, Texas, to transfer criminal cases to the 37th, 45th, 57th and 73rd District Courts, Bexar County, Texas, describing the procedure therefor and the duty of the district clerk in relation thereto, and providing that all writs, processes, bonds and recognizances in such cases so transferred shall be transferred with said cases and be as binding in the court to which the case or cases are transferred as in the court in which same were originally issued, and declaring an emergency."

Read and referred to the Committee on Judicial Districts.

Motion to Suspend Rule.

Senator Duggan received unanimous consent to suspend the regular order of business and moved to suspend the constitutional rule, relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—30.

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

Absent—Excused.

Fellbaum.

Senate Bill No. 517.

By Senator Duggan:

S. B. No. 517, A bill to be entitled

"An Act providing for the filing by executors and administrators of petitions for composition or extension with creditors of insolvent estates in the United States District Court and the invocation of the relief provided by Section 74 of the Bankruptcy Act of 1898 as amended, upon order of the county court; providing for waiver and relinquishment of jurisdiction by the county court in favor of jurisdiction by the United States Courts as to estates and the assets thereof; authorizing the executor or administrator of the estate to do acts necessary or expedient to carry out any plan of composition or extension approved by the United States Courts without liability personally or upon his bond; providing for reversion of jurisdiction of the estate and the assets thereof to the county court upon final termination of proceedings in the United States Courts, and for resumption of administration by the county court, and for filing of report and transcript by the executor or administrator, providing that the county court shall not enter any order, or permit any act by the executor or administrator, impairing any proceedings or plan of composition or extension had, done, or approved in and by the United States Courts; ratifying any order of any county court heretofore entered authorizing the filing of petition for composition or extension, and the filing of such petition in accordance therewith, and providing that such petition shall be governed by this Act; providing for payment of costs of proceedings in the United States Courts; repealing all laws or parts of laws in conflict with this Act; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Recess.

The Senate at 12:10 o'clock p. m., recessed until 12:55 o'clock p. m.

After Recess.

The Senate met at 12:55 o'clock p. m., pursuant to recess and was called to order by President Pro Tem. K. M. Regan.

At Ease.

The Senate stood at ease on motion of Senator Redditt, until the hour set for joint session.

Joint Session.

At 1:45 o'clock p. m., the Senate adjourned to the House for the joint session.

Joint Session.

In accordance with H. C. R. No. 93, heretofore adopted, providing for a joint session to hear Hon. Martin Dies, member of Congress from Texas discuss pending cotton legislation in Congress. At 1:45 o'clock today the Senate appeared at the Bar of the House and being admitted, were escorted to seats prepared for them along the aisle.

President Pro Tem. K. M. Regan and Senator Redditt, member of the committee on part of the Senate were seated on the Speakers stand. Hon. Coke Stevenson, Speaker of the House presented Hon. J. E. McDonald, Commissioner of Agriculture, who in turn presented Hon. Martin Dies.

Congressman Martin Dies addressed the joint session.

Senate Called to Order.

The Senate was called to order at 2:35 o'clock p. m.

Senate Bill No. 17.

The question recurred on the pending amendment by Senator Collie.

Senator Martin sent up the following amendment:

Amend pending amendment to S. B. No. 17, by striking out of same the phrase "and before the date fixed for trial," found in proposed Article 651 at the end of the first paragraph of same.

MARTIN.

Read.

Senator Martin moved the adoption of the amendment.

Senator Woodruff sent up the following amendment:

Amend Martin amendment by adding the following:

Strike out the words "on or" in line 4, of Article 651.

WOODRUFF.

Read and adopted.

The amendment by Senator Martin as amended by Senator Woodruff was adopted by viva voce vote.

Senator Burns sent up the following amendment:

Amend substitute for S. B. No. 17, by striking out of Article 650—by

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Read and

Senator
Hopkins.

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striking out the words "shall not be a matter of right."

BURNS.

Read and pending.

Senator Burns yielded to Senator Hopkins.

House Bill No. 439.

Senator Hopkins asked unanimous consent to have H. B. No. 439 referred to the Committee on State Highways and Motor Traffic.

Unanimous consent was granted.

S. C. R. No. 42.

Senator Hill received unanimous consent to suspend the regular order of business and sent up the following resolution:

Whereas, The President of the United States has seen the necessity for social welfare legislation, resulting in the Social Security Act now pending before the National Congress, which Act has to do with child welfare, the aged, the crippled and other unfortunates; and,

Whereas, The Act calls for the appointment of a Social Security Board of three members, to be appointed by the President, with the advice and consent of the Senate; and,

Whereas, The entire Texas delegation in Congress, and the Party leaders, State and National, have personally submitted to the President the name of a distinguished Texan, former Senator Margie E. Neal of Carthage, Texas, for membership on the Social Security Board, if and when, the bill is enacted into law; and,

Whereas, While a member of the State Senate, Senator Neal espoused such humanitarian legislation as rehabilitation of civilian cripples and hospitalization and treatment of crippled children, as well as various welfare measures of a benevolent nature; and,

Whereas, The State Legislature and the citizens of Texas, who are interested in the program of social welfare contemplated by the Government, are now afforded the opportunity to cooperate with the Texas delegation in the National Congress in bringing to the attention of the Administration one who is preeminently qualified by training, education, experience and association to serve the Nation in this humanitarian endeavor; and,

Whereas, Senator Neal is not only generally but intimately well versed and experienced in matters pertaining to philanthropy, thereby rendering her most capable of performing a unique service as a member of said Social Security Board; and,

Whereas, Texas would not only do honor to itself and to the Nation, but would reflect credit of the highest degree upon the American people as a whole in bringing about the selection and elevation of our distinguished former member to this important post; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That we also endorse Miss Neal, our former respected and beloved colleague, for membership on the Federal Social Security Board, and convey to the President our opinion that in naming her to this position he will honor Texas and the Nation, and will serve well the cause of human welfare, which is so very near his heart; and be it further

Resolved, That we commend Miss Neal to the President as a citizen of the highest integrity; as a publisher who always espoused the cause of benevolence, righteous living and good government; as a public official, who served her State long and well; as a capable, conscientious and effective social worker; as an ardent supporter of much welfare legislation; as a forward looking public servant who at all times had the interests of all concerned at heart; and be it further

Resolved, That she be commended for her Party loyalty and yeoman service; for her acknowledged leadership and her directorship of two Democratic National Campaigns in Texas, with some of Texas' most distinguished and worthy Party leaders; for her services as Director of Finance for the Democratic National Committee, under National Treasurer Cordell Hull; for representing the Party as delegate-at-large in all National Conventions but one, for the past twenty years and for having been cited for distinguished service to the Party by Texas Young Democrats at their Jefferson Day Dinner in 1934, when they bestowed certificates of honorable service upon twenty-five (25) Texas democrats; and be it further

Resolved, That copies of this resolution be forwarded to President Franklin D. Roosevelt, Vice-President John N. Garner, Hon. James Farley

and Mrs. James H. Wolfe of the Democratic National Committee, Hon. Morris Sheppard and Hon. Tom Connally, our United States Senators from Texas, and Hon. Morgan Sanders and Hon. Martin Dies, Members of Congress, expressing to them our keen desire that Honorable Margie E. Neal, our beloved citizen and patriot without a peer, be favored with this appointment.

HILL,
HOLBROOK,
HORNSBY,
REDDITT,
MOORE,
WESTERFELD,
SMALL,
COTTEN,
PACE,
SANDERFORD,
BURNS,
HOPKINS,
NEAL,
STONE,
REGAN,
DAVIS,
RAWLINGS,
COLLIE,
DUGGAN,
POAGE,
SHIVERS,
BLACKERT,
BECK,
FELLBAUM,
SULAK,
VAN ZANDT,
WOODRUFF,
ISELL,
MARTIN.

Read and adopted.

Senator Hill moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 42 be taken up and considered at this time.

S. C. R. No. 42 was adopted unanimously.

Senate Bill No. 17.

Pending amendment by Senator Burns.

Senator Woodruff sent up the following amendment:

Amend H. B. No. 17 by substituting for the pending Burns amendment the following:

"The granting of such application for such severance and separate trial, however shall be in the sound discretion of the court, and be allowed only when in the opinion of the court the ends of justice require it."

And strike out the last sentence of the first paragraph of Article 650.
WOODRUFF.

Read.

Senator Woodruff moved the adoption of the amendment.

Motion to Table.

Senator Collie moved to table the substitute amendment.

The motion lost by the following vote:

Yeas—11.

Blackert.	Poage.
Collie.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Isbell.	Westerfeld.
Oneal.	

Nays—14.

Burns.	Pace.
Cotten.	Rawlings.
Hill.	Redditt.
Holbrook.	Shivers.
Hornsby.	Stone.
Martin.	Van Zandt.
Moore.	Woodruff.

Absent.

Beck.	Neal.
Davis.	Sulak.
Hopkins.	

Absent—Excused.

Fellbaum.

Senator Woodruff moved the adoption of the substitute amendment.

The amendment was adopted by the following vote:

Yeas—15.

Burns.	Pace.
Cotten.	Redditt.
Hill.	Shivers.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Woodruff.
Moore.	

Nays—14.

Beck.	Oneal.
Blackert.	Poage.
Collie.	Rawlings.
DeBerry.	Regan.
Duggan.	Sanderford.
Isbell.	Small.
Neal.	Westerfeld.

Davis.

Absent.

Fellbaum.

The amendment lost by the following vote:

Burns.
Cotten.
Hill.
Holbrook.
Hopkins.
Hornsby.
Martin.

Beck.
Blackert.
Collie.
DeBerry.
Duggan.
Isbell.
Neal.

Davis.

Absent.

Fellbaum.

Senator Marling moved the adoption of the amendment pending before the Senate, H. B. No. 17, as amended, Section 1, providing for the words "or and" to be separately for which other words are dictated."

Read.

Motion.

Senator Collie moved the adoption of the amendment by the following vote:

Beck.
Blackert.
Collie.
DeBerry.
Duggan.
Hornsby.
Isbell.
Neal.
Oneal.

Absent.

Davis.

Absent—Excused.

Fellbaum.

The amendment as substituted was lost by the following vote:

Yeas—14.

Burns.	Moore.
Cotten.	Pace.
Hill.	Redditt.
Holbrook.	Shivers.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Woodruff.

Nays—14.

Beck.	Oneal.
Blackert.	Poage.
Collie.	Rawlings.
DeBerry.	Regan.
Duggan.	Sanderford.
Isbell.	Small.
Neal.	Westerfeld.

Absent.

Davis. Stone.

Absent—Excused.

Fellbaum.

Senator Martin sent up the following amendment:

Amend pending amendment to S. B. No. 17, as follows: Strike out of Section 1, proposed Article 650, the words "or any defendant who may be separately indicted for an offense for which others are likewise indicted."

MARTIN.

Read.

Motion to Table.

Senator Collie moved to table the amendment by Senator Martin.

The motion prevailed by the following vote:

Yeas—17.

Beck.	Poage.
Blackert.	Rawlings.
Collie.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Nays—11.

Burns.	Moore.
Cotten.	Pace.
Hill.	Redditt.
Holbrook.	Stone.
Hopkins.	Sulak.
Martin.	

Absent.

Davis. Shivers.

Absent—Excused.

Fellbaum.

Senator Burns sent up the following amendment:

Amend Senator Collie's substitute for S. B. No. 17, by adding after the word "court" in the last part of Article 650, paragraph No. 1, the following:

Provided where two or more defendants are jointly indicted, each defendant shall have a speedy trial in keeping with Section 10, Article 1, of the Constitution of Texas, and shall not be required to await for trial until all defendants are arrested.

BURNS.

Read.

Motion to Table.

Senator Collie moved to table the amendment by Senator Burns.

The motion to table prevailed by the following vote:

Yeas—15.

Beck.	Poage.
Blackert.	Regan.
Collie.	Sanderford.
DeBerry.	Small.
Duggan.	Van Zandt.
Isbell.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Nays—12.

Burns.	Martin.
Cotten.	Moore.
Hill.	Pace.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Sulak.

Absent.

Davis. Stone.

Absent—Excused.

Fellbaum.

Motion to Order the Previous Question.

Senator Woodruff moved to order the previous question on S. B. No. 17 and pending substitute.

The motion was seconded.

Previous Question.

The motion prevailed by the following vote:

Yeas—15.

Beck.	Regan.
Blackert.	Sanderford.
DeBerry.	Small.
Duggan.	Sulak.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Neal.	

Nays—13.

Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Hill.	Rawlings.
Holbrook.	Redditt.
Martin.	Stone.
Moore.	

Absent.

Davis.	Shivers.
Absent—Excused.	

Fellbaum.

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

On motion of Senator Collie the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 17 was put on its third reading and final passage by the following vote:

Yeas—25.

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

Nays—4.

Hill.	Martin.
Holbrook.	Sulak.

Absent—Excused.

Davis.	Fellbaum.
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The pending amendment by Senator Collie as amended was adopted by unanimous consent.

Amend the caption to S. B. No. 17 by substituting the following for the original caption:

A BILL**To Be Entitled**

An Act to amend Articles 650 and 651 of the Code of Criminal Procedure which permits defendants jointly indicted or defendants indicted for offenses growing out of the same transaction the right to apply for severance and ask for a separate trial, by leaving the action thereon to the sound discretion of the trial court, and regulating the procedure in reference thereto, and declaring an emergency.

COLLIE.

Read and adopted by unanimous consent.

Read third time as amended and finally passed by the following vote:

Yeas—18.

Beck.	Poage.
Blackert.	Rawlings.
Collie.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hornsby.	Small.
Isbell.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.

Nays—11.

Burns.	Moore.
Cotten.	Pace.
Hill.	Shivers.
Holbrook.	Stone.
Hopkins.	Sulak.
Martin.	

Absent.

Davis.

Absent—Excused.

Fellbaum.

Hon.

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House Bill No. 266.

Senator Small called from the table H. B. No. 266.

The Chair laid before the Senate the following bill:

H. B. No. 266, A bill to be entitled "An Act declaring the policy of the State with reference to the preservation of natural resources and protection of the rights of the owners of gas producing properties; defining certain terms used in this bill; declaring certain corporations to be public service utilities; authorizing the Railroad Commission of Texas to determine whether the supply of gas in any pool is in excess of the reasonable market demand and reasonable demand for gas reserves and authorizing the Commission to restrict the use of gas to light and fuel purposes in all fields where the supply is not in excess of the demand and where the supply is not in excess of the reasonable requirements for reserve purposes, etc., and declaring an emergency."

Pending.

Motion to Recess.

Senator Cotten at 5:10 o'clock p. m., moved that the Senate recess until 10 o'clock a. m., Wednesday.

Senator Beck moved that the Senate recess until 8 o'clock tonight.

Recess.

The motion to recess prevailed by viva voce vote.

APPENDIX.**Committee on Engrossed Bills.**

Committee Room,
Austin, Texas, April 23, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 36 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, April 23, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 39 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, April 23, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 38 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 23, 1935.
Hon. K. M. Regan, President Pro Tempore of the Senate.

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

H. B. No. 595, A bill to be entitled "An Act amending Sections 2 and 3 of S. B. No. 209, Chapter 220, Acts of the Regular Session of the Forty-third Legislature; (said Section 2 amending Article 3891 of the Revised Civil Statutes of Texas, of 1925, as amended, and said Section 3 amending Article 3902, Revised Civil Statutes of Texas, of 1925, as amended), 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.

PAGE, Chairman.

Committee Room,
Austin, Texas, April 23, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on County and County Boundaries, to whom was referred

H. B. No. 344, A bill to be entitled "An Act to amend Section 11 of the Acts of 1927, Fortieth Legislature, Regular Session, Chapter 22, page 26, H. B. No. 80 as amended by the Acts of 1933, Forty-third Legislature, Chapter 50, page 61, Special Laws, H. B. No. 435, so as to provide by this Act, and as an amendment of said Act of the Forty-third Legislature, that the two Judges of the County Courts at Law Nos 1 and 2, of Bexar County, Texas, shall not be required to furnish bonds, but shall each take the oath of office prescribed by the Constitution of Texas, and that certain fees shall be collected by the clerk of said courts and by him paid in to the County Treasury of Bexar County, Texas, and that the two Judges of the

County Courts at Law Nos. 1 and 2, of Bexar County, Texas, shall each receive an annual salary of Five Thousand Dollars (\$5,000); and providing for the payment of said salaries; providing for the repealing of all laws and parts of laws in conflict with this Act, 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 amendments and be not printed.

NEAL, Vice-Chairman.

Committee Amendment.

Amend H. B. No. 344 by striking out the words and figures "Five Thousand Dollars (\$5,000)" wherever they may appear in the caption and body of the bill, and insert in lieu thereof the following words and figures "Forty-four Hundred Dollars (\$4400)."

Committee Room.

Austin, Texas, April 23, 1935.

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

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 516, A bill to be entitled "An Act authorizing the Judge of the Criminal District Court of Bexar

County, Texas, to transfer criminal cases to the 37th, 45th, 57th and 73rd District Courts, Bexar County, Texas, describing the procedure therefor and the duty of the district clerk in relation thereto, and providing that all writs, processes, bonds, and recognizances in such cases so transferred shall be transferred with said cases and be as binding in the court to which the case or cases are transferred as in the court in which same were originally issued, 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.

MARTIN, Chairman.

Minutes of Committee Meetings.

Minutes of Committee on Insurance,
Held April 23, 1935.

Regular Meeting.

Present: Collie, DeBerry, Pace, Westerfeld and Woodruff.

Absent: Cotten, Holbrook, Moore, Poage, Rawlings, Shivers and Sulak.
H. B. No. 176 set for special hearing Wednesday night, April 24th, at 7:30 o'clock.

ANNA MAY CULLEN,
Secretary.

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In Memoriam

Underwood Nazro

Senate Resolution No. 83.

WHEREAS, In His divine wisdom, the Supreme Ruler of the Universe has removed from this life Underwood Nazro, a distinguished and honorable citizen of Harris County, Texas; and,

WHEREAS, In the death of Underwood Nazro, Texas has lost an outstanding citizen; and the business interests of Texas have lost one of their foremost leaders; and his thousands of fellow workers have lost an understanding and sympathetic friend; and his family has suffered an irreparable loss; now, therefore be it

RESOLVED, By the Senate of Texas:

First, That we express our appreciation of the splendid character and outstanding services of Underwood Nazro;

Second, That we extend to the members of his family our sincere sympathy in their great loss;

Third, That this Resolution be printed in the Senate Journal and copies of same be furnished to the members of the family of Underwood Nazro.

MOORE,
REDDITT.

Senator Shivers received unanimous consent for the names of all members of the Senate to be added.

BECK,
BLACKERT,
BURNS,
COLLIE,
COTTEN,
DAVIS,
DeBERRY,
DUGGAN,
FELLBAUM,
HILL,

HOLBROOK,
HOPKINS,
HORNSBY,
ISBELL,
MARTIN,
NEAL,
ONEAL,
PACE,
POAGE,
RAWLINGS,

REGAN,
SANDERFORD,
SHIVERS,
SMALL,
STONE,
SULAK,
VAN ZANDT,
WESTERFELD,
WOODRUFF,
WOODUL, Lt. Gov.

Read and unanimously adopted by a rising vote.



SENATE JOURNAL

Forty-fourth Legislature—Regular Session.

AUSTIN, TEXAS, WEDNESDAY, APRIL 24, 1935.

PROCEEDINGS

FIFTY-THIRD DAY.

(Continued)

Senate Chamber,
Austin, Texas,
April 24, 1935.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by President Pro Tem. K. M. Regan.

House Bill No. 266.

Pending business was H. B. No. 266.

Senate Resolution No. 84.

Senator Small sent up the following resolution:

Whereas, It has been called to the attention of this body that certain bills have been introduced in the Legislature of the State of Illinois, including Senate Bills Nos. 184 and 272 and House Bills 423, 693 and 740, any of which bills, if enacted, would result in the levy of a tax of 5 cents to 10 cents on each one thousand cu. ft. of natural gas distributed in that State, much if not all of which gas is transported to Illinois from Texas gas fields, and

Whereas, By reason of the very narrow margin of profit realized from the production of gas in Texas and its transportation to Illinois, the levy and collection of these proposed taxes, or any of them, would destroy the business of those transporting gas from Texas to Illinois, and thus deprive numerous citizens of Texas of their market for natural gas and at the same time deprive millions of citizens and many industries of Illinois of the comfort and conveniences of natural gas in their homes and places of business, and

Whereas, The practical result of the levy and collection of these taxes would be to place a complete boycott against the sale and distribution

of Texas gas in the State of Illinois, which situation would stir up resentment among the people of Texas which in all probability would cause retaliatory measures against the sale and distribution of enormous quantities of Illinois products, including meats and meat products, farm implements and machinery, for which products Texas has long constituted one of the best and most extensive markets available to the people of Illinois, and thus bring about a situation most undesirable from the standpoint of each of said great States: Now therefore be it

Resolved by the Senate of Texas, That the serious consequences of the levy and collection of the taxes contemplated in the above mentioned bills be and same are, with great respect, called to the attention of the Legislature of the great State of Illinois, with the hope that it will refrain from the levy and collection of any of the proposed taxes, and thus make it possible and desirable that the great states of Illinois and Texas may continue to enjoy the highly satisfactory commercial relations which they have had and enjoyed for the past century. Be it further

Resolved, That copies of this resolution be forwarded by the Secretary of the Senate of Texas respectively to the President of the Senate, the Speaker of the House, the Chairman of the Senate Committee on Public Utilities, the Chairman of the Senate Committee on Revenue and the Chairman of the House Committee on Public Utilities and Transportation, Springfield, Illinois.

SMALL.

Read.

Senator Small moved that the Senate Rule requiring resolutions to be referred to a committee be suspended, and that S. R. No. 84 be

taken up and considered at this time.

The motion prevailed by viva voce vote.

S. R. No. 84 was adopted by viva voce vote.

Motion to Suspend Rule.

Senator Hornsby received unanimous consent to suspend the regular order of business and moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—28.

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

Nays—2.

DeBerry. Sulak.

Absent—Excused.

Fellbaum.

Senate Bill No. 518.

By Senator Hornsby:

S. B. No. 518, A bill to be entitled "An Act exempting from taxation institutions or organizations such as Texas Federation of Women's Clubs of Texas or local organizations of such a body; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

House Bill No. 266.

Pending business was H. B. No. 266.

Senator Small yielded to Senator Burns.

House Bill No. 185.

Senator Burns received unanimous consent to suspend the regular order of business and take up H. B. No. 185.

House Bill No. 185.

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

By Mr. Jefferson, Mr. Reader, Mr. Dickison, and Mr. Spears:

H. B. No. 185, A bill to be entitled "An Act to amend Section 15, paragraph 3, of the Acts of the Regular Session of the Forty-third Legislature, relating to the appointment of grand jury bailiffs of the Criminal District Court of Bexar County."

(With committee amendments.)

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendments were adopted by viva voce vote.

The bill was read second time and passed to engrossment.

On motion of Senator Burns the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 185 was put on its third reading and final passage by the following vote:

Yeas—28.

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

Absent.

DeBerry. Regan.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Duggan.
Blackert.	Hill.
Burns.	Holbrook.
Collie.	Hopkins.
Cotten.	Hornsby.
Davis.	Isbell.
DeBerry.	Martin.

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Collie.
Cotten.
Davis.
DeBerry.
Duggan.
Hill.
Holbrook.

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Woodruff.

Absent.

Regan.

Absent—Excused.

Fellbaum.

Senate Resolution No. 85.

Senator Hornsby sent up the fol-
lowing resolution:

Whereas, Professor Don Cude,
superintendent of Marble Falls Pub-
lic Schools and his class in Govern-
ment are visiting in their Capital
City, and are now in the Senate
Gallery; now, therefore be it

Resolved, by the Senate That
they be invited to occupy seats in
the rear of the Senate Chamber as
our guests and that they be given
an opportunity to see and hear real
legislative action "close up," and
that Prof. Cude be invited to address
the Senate.

HORNSBY.

Read and unanimously adopted.

Motion to Recess.

Senator Oneal at 12:03 moved
that the Senate recess until 2:00
o'clock p. m.

Motion to recess pending.

Senate Bill No. 491.

Senator Neal moved that the Sen-
ate do concur in House amendments
to S. B. No. 491.

The motion prevailed by the fol-
lowing vote:

Yeas—30.

Beck.
Blackert.
Burns.
Collie.
Cotten.
Davis.
DeBerry.
Duggan.
Hill.
Holbrook.

Hopkins.
Hornsby.
Isbell.
Martin.
Moore.
Neal.
Oneal.
Pace.
Poage.
Rawlings.

Redditt.
Regan.
Sanderford.
Shivers.
Small.
Stone.
Sulak.
Van Zandt.
Westerfeld.
Woodruff.

Absent—Excused.

Fellbaum.

Motion to Suspend Rule.

Senator Hornsby received unani-
mous consent to suspend the regular
order of business and moved to sus-
pend the constitutional rule relating
to the time for the introduction of
bills.

The motion prevailed by the fol-
lowing vote:

Yeas—30.

Beck.
Blackert.
Burns.
Collie.
Cotten.
Davis.
DeBerry.
Duggan.
Hill.
Holbrook.
Hopkins.
Hornsby.
Isbell.
Martin.
Moore.

Neal.
Oneal.
Pace.
Poage.
Rawlings.
Redditt.
Regan.
Sanderford.
Shivers.
Small.
Stone.
Sulak.
Van Zandt.
Westerfeld.
Woodruff.

Absent—Excused.

Fellbaum.

Senate Bill No. 519.

By Senator Hornsby:

S. B. No. 519, A bill to be entitled
"An Act authorizing Commissioners'
Courts to purchase out of the general
fund half-ton trucks to be used by
the respective commissioners in the
discharge of their duties, and declar-
ing an emergency."

Read and referred to the Commit-
tee on State Affairs.

House Bill No. 386.

Senator Stone received unanimous
consent to suspend the regular or-
der of business and to take up out
of order H. B. No. 386.

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

By Mr. Ash:

H. B. No. 386, A bill to be entitled "An Act declaring it unlawful for any person to kill, take, or have in his possession for barter or sale after the passage of this Act, for a period of five years, etc."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Stone, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 386 was put on its third reading and final passage by the following vote:

Yeas—30.

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

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—30.

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

Absent—Excused.

Fellbaum.

Recess.

The motion to recess prevailed by viva voce vote.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem. K. M. Regan.

Point of "No Quorum."

Senator Woodruff raised the point of "no quorum."

The roll call disclosed a quorum present.

House Bill No. 266.

Senator Small sent up the following amendment for committee substitute for H. B. No. 266:

Amend committee substitute H. B. No. 266, as follows:

Strike out all below the enacting clause and add in lieu thereof the following:

Section 1. Declaration of Policy: In recognition of past, present, and imminent evils occurring in the production and use of natural gas, as a result of waste in the production and use thereof in the absence of correlative opportunities of owners of gas in a common reservoir to produce and use the same, this law is enacted for the protection of public and private interests against such evils by prohibiting waste and compelling ratable production.

Sec. 2. Article 6008 of the Revised Civil Statutes of Texas of 1925 as amended by Chapter 26, Acts of the First Called Session of the Forty-second Legislature, as amended by Chapter 100, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 88, Acts of the First Called Session of the Forty-third Legislature, is hereby amended so as to hereafter read as follows:

Article 6008. Unless the context otherwise requires, the words defined in this Section shall have the following meaning when used in this Article to wit:

(a) "Commission" means the Railroad Commission of Texas;

(b) "Person" means any natural person, corporation association, partnership, receiver, trustee, guardian,

executor, ad
ciary or rep

(c) The
voir" as use
mean any oil
thereof which
any area w
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tific data or
drilling oper
appears to be
pool or accu
gas;

(d) The t
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only, or (b)
than 100,000
gas to each
leum oil fro
horizon, or
ural gas from
ing horizon
encountered
which crude
produced thr
other string
(e) The t
well which
more of crud
100,000 cubi
(f) "Dry"
produced fro
not produce
(g) The
mean any
more than o
of hydrogen
dred (100).
thirty (30)
per one hun
or gas which
found by the
for use in g
for domestic

(h) The t
mean all na
gas" and "ca

(i) The t
shall mean a
digenous to a
duced from s

(j) The t
shall apply
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any natural
(k) For th
ticle, by the
is meant vol
cubic feet an
pressure of f
square inch
metric press
square inch,

executor, administrator and a fiduciary or representative of any kind;

(c) The term "Common Reservoir" as used in this Article shall mean any oil and/or gas field or part thereof which comprises and includes any area which is underlaid, or which from geological or other scientific data or experiments or from drilling operations or other evidence appears to be underlaid by a common pool or accumulation of oil and/or gas;

(d) The term "gas well" is any well (a) which produces natural gas only, or (b) which produces more than 100,000 cubic feet of natural gas to each barrel of crude petroleum oil from the same producing horizon, or (c) which produces natural gas from a formation or producing horizon productive of gas only encountered in a well bore through which crude petroleum oil also is produced through the inside of another string of casing.

(e) The term "oil well" is any well which produces one barrel or more of crude petroleum oil to each 100,000 cubic feet of natural gas.

(f) "Dry Gas" is any natural gas produced from a stratum that does not produce crude petroleum oil.

(g) The term "sour gas" shall mean any natural gas containing more than one and one-half grains of hydrogen sulphide per one hundred (100) cubic feet or more than thirty (30) grains of total sulphur per one hundred (100) cubic feet, or gas which in its natural state is found by the commission to be unfit for use in generating light or fuel for domestic purposes.

(h) The term "sweet gas" shall mean all natural gas except "sour gas" and "casinghead gas."

(i) The term "casinghead gas" shall mean any gas and/or vapor indigenous to an oil stratum and produced from such stratum with oil.

(j) The term "natural gasoline" shall apply to gasoline manufactured from casinghead gas or from any natural gas.

(k) For the purposes of this Article, by the term "cubic foot of gas" is meant volume of gas expressed in cubic feet and computed at a base pressure of four ounces (4 ozs.) per square inch above the average barometric pressure of 14.4 pounds per square inch, a standard base and

flowing temperature of sixty (60) degrees Fahrenheit; correction to be made for pressure according to Boyle's Law, and for specific gravity according to test made by the Balance Method.

Sec. 3. The production, transportation, or use of natural gas in such manner, in such amount, or under such conditions as to constitute waste is hereby declared to be unlawful and is prohibited. The term "waste" among other things shall specifically include:

(a) The operation of any oil well, or wells with an inefficient gas-oil ratio.

(b) The drowning with water of any stratum or part thereof capable of producing gas in paying quantities.

(c) Underground waste or loss however caused and whether or not defined in other subdivisions hereof.

(d) Permitting any natural gas well to burn wastefully.

(e) The creation of unnecessary fire hazards.

(f) Physical waste or loss incident to, or resulting from so drilling, equipping, or operating well or wells as to reduce or tend to reduce the ultimate recovery of natural gas from any pool.

(g) The escape into the open air, from a well producing both oil and gas, of natural gas in excess of the amount which is necessary in the efficient drilling or operation of the well.

(h) The production of natural gas in excess of transportation or market facilities, or reasonable market demand for the type of gas produced.

(i) The use of natural gas for the manufacture of carbon black without first having extracted the natural gasoline content from such gas.

(j) The use of sweet gas produced from a gas well for the manufacture of carbon black.

(k) Permitting any natural gas produced from a gas well to escape into the air before or after such gas has been processed for its gasoline content.

(l) The production of natural gas from a well producing oil from a stratum other than that in which the oil is found, unless such gas is produced in a separate string of casing

from that in which the oil is produced.

(m) The production of more than 100,000 cubic feet of gas to each barrel of crude petroleum oil unless such gas is put to one or more of the uses authorized for the type of such gas so produced under allocations made by the Commission.

Sec. 4. (a) If oil and/or gas be produced through different strings of casing set in the same well bore, the inner string through which oil and/or gas be produced shall be regarded as one well, and each successive additional string of casing through which oil and/or gas shall be produced, from a different producing horizon, the others producing through the same well bore, shall be regarded as another well.

(b) No person in possession of or operating any oil well shall produce from such well natural gas found in a horizon productive of natural gas only.

Sec. 5. The Commission is given authority to fix and determine the gas-oil ratio of all oil wells in this State, but nothing in this act shall be construed to authorize the limitation of the production of marginal wells, as such marginal wells are defined, below the amount fixed by statute. If any restriction imposed by the Commission upon the production of oil from any oil well operates to increase the gas-oil ratio of such well so as to then classify it as a gas well under the provisions of this Article, such well shall be deemed to be an oil well nevertheless.

Sec. 6. The Commission shall make and enforce rules, regulations, or orders for the conservation of natural gas, to prevent the waste thereof, and otherwise to accomplish the purposes of this Article, including rules, regulations, or orders for the following purposes:

(1) To prevent the waste, as hereinafter defined, of natural gas in drilling and producing operations and in the piping and distribution thereof.

(2) To require dry or abandoned wells to be plugged in such way as to confine natural gas, and water in the strata in which they are found and to prevent them from escaping into other strata.

(3) For the drilling of wells and preserving a record thereof.

(4) To require wells to be drilled and operated in such manner as to prevent injury to adjoining property.

(5) To prevent natural gas and water from escaping from the strata in which they are found into other strata.

(6) To require records to be kept and reports made.

(7) To provide for the issuance of permits, and other evidences of permission when the issuance of such permits, or permission is necessary or incident to the enforcement of its blanket grant of authority to make any rules necessary to effectuate the law.

Sec. 7. After the expiration of ten (10) days from the time of encountering gas in a gas well, no gas from such well shall be permitted to escape into the air, and all gas produced therefrom shall be utilized for the following purposes:

(1) No sweet gas shall be utilized except for:

(a) Light or fuel.

(b) Efficient chemical manufacturing, other than the manufacture of carbon black.

(c) Bona fide introduction of gas into oil, or gas bearing horizon, in order to maintain or increase the rock pressure or otherwise increase the ultimate recovery of oil or gas from such horizon.

(d) The extraction of natural gasoline therefrom when the residue is returned to the horizon from which it is produced.

(2) In addition to the purposes for which sweet gas produced from a gas well may be used, sour gas may be used for efficient chemical manufacturing purposes including the manufacture of carbon black provided it is utilized in a plant producing a recovery of not less than one pound of carbon black to each one thousand (1000) cubic feet of gas, and provided further that the gasoline content is removed and saved from such sour gas before the same is utilized for carbon black.

(3) Casinghead gas may be used for any beneficial purpose, which includes the manufacture of natural gasoline.

(4) Any producer of either sweet or sour gas of casinghead gas may use the same as gas lift in the bona

fide production of gas is not used sand (10,000) of oil produced order to prevent where the fact that it, the Commission the use of a gas to lift gas so used in feet for each processed for the residue be when same is

Sec. 8. It persons, companies, producing natural gas well to ascertain the amount of gas respectively, through appropriate in the presence supervision of the Commission and generally and under rules to be prescribed open flow and gas well from shall be produced reports thereof Commission day of each of which said report file with the become a permanent and shall be and examination which said report name of the Commission when such test person produced common reservation the test as made person may to be made provided and person or his

Sec. 9. The Commission shall reserve the right to authorize a person to test any marginal well in which natural gas is produced or gauged, unless the owner, lessor, or lessee of the well owner from royalty interest produced.

Sec. 10. The Commission shall regulate the daily production from each well

vide production of oil where such gas is not used in excess of ten thousand (10,000) cubic feet per barrel of oil produced; provided that in order to prevent waste in any case where the facts in such case warrant it, the Commission may permit the use of additional quantities of gas to lift oil, provided all such gas so used in excess of 10,000 cubic feet for each barrel of oil shall be processed for natural gasoline and the residue burned for carbon black when same is reproduced.

Sec. 8. It shall be the duty of all persons, companies or corporations producing natural gas from any gas well to ascertain and determine during the months of January, and July, respectively, of each year hereafter, through appropriate tests, to be made in the presence of and under the supervision of a representative of the Commission, and under uniform and generally recognized methods, and under regulations which shall be prescribed by the Commission, the open flow and rock pressure of each gas well from which natural gas shall be produced, and verified reports thereof shall be filed with the Commission on or before the 10th day of each of the months aforesaid; which said reports shall be kept on file with the Commission and shall become a permanent public record and shall be open to the inspection and examination of the public, and which said reports shall disclose the name of the representative of the Commission who was actually present when such tests were made. If any person producing gas from the same common reservoir be dissatisfied with the test as made and reported, such person may demand a second test to be made in the manner herein provided and in the presence of such person or his representative.

Sec. 9. The Railroad Commission shall require one of its duly authorized agents to inspect, read or test any meter, or meters, through which natural gas is being measured, or gauged, upon the request of any lessor, lessee, operator, or royalty owner from whose land, lease, or royalty interest natural gas is being produced.

Sec. 10. It shall be the duty of the Commission to prorate and regulate the daily gas well production from each common reservoir in the

manner and method herein set forth. The Commission shall prorate and regulate such production for the protection of public and private interests:

(a) In the prevention of waste as "waste" is defined herein;

(b) In the adjustment of correlative rights and opportunities of each owner of gas in a common reservoir to produce and use or sell such gas as permitted in this Article.

Sec. 11. The Commission shall exercise the authority to accomplish the purpose designated under item (a) of Section 10 when the presence or imminence of waste is supported by a finding based upon the evidence introduced at a hearing to be held as herein provided.

The Commission shall exercise the authority to accomplish the purpose designated under item (b) of Section 10 when evidence introduced at a hearing to be held as herein provided will support a finding made by the Commission that the aggregate lawful volume of the open flow or daily potential capacity to produce of all gas wells located in a common reservoir, is in excess of the daily reasonable market demand for gas from gas wells that may be produced from such common reservoir, to be utilized as permitted in this Article.

Sec. 12. On or before the 20th day of each calendar month the Commission shall hold a hearing after notice has been given, as provided by law, for the purpose of determining the aggregate daily capacity to produce of all gas wells in a common reservoir, and as nearly as possible, the daily volume of gas from each common reservoir that will be produced from gas wells during the following month to be utilized as permitted in this Article. Upon such determination, the Commission, based upon evidence introduced at such hearing, shall allocate to each gas well producing gas from such common reservoir a percentage of the daily productive capacity of each well which may be produced daily during the following month from each gas well producing gas from such common reservoir. Such percentage of the daily producing capacity of each well shall be regarded as its daily allowable pro-