

**JOURNAL**  
OF THE  
**HOUSE OF REPRESENTATIVES**  
OF THE  
**FIRST CALLED SESSION**  
OF THE  
**THIRTY-FIRST LEGISLATURE OF TEXAS**

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CONVENED IN OBEDIENCE TO THE PROCLAMATION OF THE  
GOVERNOR MARCH 13, 1909, AND ADJOURNED  
WITHOUT DAY, APRIL 11, 1909

AND OF THE  
**SECOND CALLED SESSION**

CONVENED IN OBEDIENCE TO THE PROCLAMATION OF THE  
GOVERNOR APRIL 12, 1909, AND ADJOURNED  
WITHOUT DAY MAY 11, 1909



**FIRST DAY.**

Hall of the House of Representatives,  
Austin, Texas,

Saturday, March 13, 1909.

In obedience to the proclamation by His Excellency, T. M. Campbell, Governor of Texas, convening the Thirty-first Legislature to meet in Special Session, at Austin, the seat of government, this, the 13th day of March, A. D. 1909, the members of the House of Representatives assembled in Representative Hall at 2 o'clock p. m., and the House was called to order by Hon. A. M. Kennedy, Speaker.

Speaker Kennedy, after stating to the members present that the Thirty-first Legislature had been convened in Special Session for the purposes named in the proclamation of the Governor, directed the Clerk to call the roll.

**RESIGNATION OF HON. A. M. KENNEDY, SPEAKER OF THE HOUSE.**

Speaker Kennedy called Bob Barker, Chief Clerk of the House, to the chair, and tendered his resignation as Speaker of the House of Representatives of the Thirty-first Legislature.

Mr. Kennedy, in tendering his resignation as Speaker of the House, said:

At the beginning of the Regular Session of the Thirty-first Legislature I was elected Speaker, and on Saturday, March 13, you passed a resolution suggesting my resignation.

Since the passage of that resolution, in spite of many reports to the contrary, I have neither contemplated nor considered any course other than to comply with that suggestion. However, in connection with the resignation of the Speakership, I owe it to myself and to those members of the House who have been my loyal friends and who supported me when I was elected to that position, to call attention to the fact that for the first time in the history of this State a Regular Session of the Legislature has been brought to a close in sixty days, and while the appropriation bill was not reached, it was ready and would have been finally passed had it not been for the time lost in the investigations in the House and in the Senate.

Conscious, always, of the rectitude of my own conduct, I demanded an investigation of my acts as Speaker, and the investigation shows no more nor no less than I knew beforehand that it would. I did not miscalculate in this in the least, but in another particular I did. I did not know that the political enemies of mine outside of the Legislature would continue the fight made against me in the Speakership contest, and would, personally, seek out any member whom they had a possible chance to influence and demand of him my destruction. Neither did I anticipate that the corridors of the Capitol would be filled with personal abuse and with disastrous predictions of the outcome of the inves-

tigation, and that an organized effort would be made to destroy me even before the evidence was fairly begun.

Further than this, it should be known that a bill had passed the Regular Session authorizing the appointment of a committee to investigate the penitentiaries of this State. The bill has not yet been signed. Had it been I would have already appointed a committee on the part of the House which would have had a real investigation, and one of the reasons in the breast of the administration for my removal would have been lacking because of the abuses, carelessness, almost criminal extravagance and waste of money wrung from the daily toil of a people already overburdened by a horde of useless and often overpaid officials has existed and does exist in the penitentiary system of this State if the publications made in the newspapers, and particularly in the San Antonio Express, are but half true.

It is also true that I have been in favor of a thorough investigation on the manner and methods adopted in the selection of the text-books for the public schools by the Text-Book Board, and that I still favor the same.

However, my candid, careful judgment tells me now, after the most thorough self-searching, that no more can be said of my conduct than that I permitted and extended the continuation of a bad custom, and that I offended the administration. I am not disposed to say one word of criticism concerning those who voted against me, for when time cools their passions and reflection softens the sternness and vigor of their partisanship they will then know that an injustice has been done a man who never did an intentional wrong. In the certainty of that conclusion I find the solace of a man who has been pursued with an energy and industry which has known no ceasing and which has never for a moment tired.

I, therefore, turn back the gavel which was given me unsullied by a single dis-

honorable or ignoble act and without a sigh of regret.

Respectfully,  
A. M. KENNEDY.

Mr. Robertson of Bell moved that the House accept the resignation of Mr. Kennedy as Speaker.

The motion prevailed, and the resignation was accepted.

#### ELECTION OF SPEAKER.

The Chief Clerk announced that nominations for Speaker were in order.

Mr. Gaines nominated Hon. John Marshall of Grayson county.

In making the nomination, Mr. Gaines said:

We have just passed through one of the most memorable scenes in the history of our State, and—I believe I voice the sentiments of both sides of the past controversy when I say—the performance to all the members of the House of what was one of the most painful duties that they have been called upon to meet.

I am glad that we are about to close that unfortunate drama in a manner that forebodes here good to the State and to the tide of good feeling that shall prevail among the members of this House. It is our fortune as well as our great responsibility, that we represent here a State which, in the extent of its territory, the glorious history of its past and the still more glorious prospects of the future, when combined, is the premier State of the greatest government of the world.

And we stand as members of a body that—I am not exaggerating when I say is the most Democratic assembly in the world. It is therefore our duty as humble actors in performing each part to try to write the chapter of our day and time, as we write the history of our State, by our conduct, in such manner that it will not only be worthy of the glorious heritage of the past, but that it will become a fitting example for the imitation of the future. There is no field in which the element of choice and precision enter with more exacting demand in the performance of such duties as these than upon men situated as we are to select a presiding officer for the lower house of the Legislature, for there is not in this State a man who can exercise more power over the policies of the State Government than the man we choose to wield the gavel of Speaker. Therefore it becomes us to select one whose policies of State, whose ideas of

propriety, whose ideals of public service in every way are in harmony and keeping with the highest ideals of public service and worthy examples for those who follow in his footsteps.

We come today to present to the House as such a man to preside hereafter, a man of becoming modesty, but of firm and resolute character; a man whose whole life has been spent in such manner as to make him in touch with every interest, in touch with the farmers and laboring masses of this State and with the broad commercial interests of the State, and whose career has been such as to put him in touch with every interest in legislation. Well-poised, well-balanced in every way, he is also a man—and it is necessary there should be such a man—whose ideals of public service are not only in harmony with the Democratic ideals which this State strives to maintain, but whose personal character is above reproach, a man whose whole life has been that of a gentle, brave, noble chevalier, upon whose escutcheon there has never been a stain. It is my pleasure to present to you such a name; that of Hon. John Marshall of Grayson county.

Mr. Rayburn seconded the nomination of Hon. John Marshall.

On motion of Mr. Robertson of Bell, nominations were declared closed.

The following tellers were appointed to collect the ballots: Messrs. Davis, Bowman, Bartlett and Brownlee.

To count the ballots: Messrs. Johnson, Maddox, Roberson of Erath and Stephenson.

The ballots resulted as follows:

Hon. John Marshall received 104 votes.

Hon. A. M. Kennedy received 2 votes.

Hon. Sam Rayburn received 4 votes.

Hon. John A. Mobley received 1 vote.

The Chief Clerk then announced that Hon. John Marshall, having received a majority of all the votes cast, he was duly and constitutionally elected Speaker of the House of Representatives of the Thirty-first Legislature.

Mr. Dotson moved that a committee of five be appointed to escort the Speaker-elect to the Speaker's stand.

The motion prevailed.

In accordance with the above action, the Chief Clerk announced the appointment of the following committee: Messrs. Robertson of Bell, Elliott, Rayburn, Lee and Gaines.

The committee performed the duty assigned them.

Bob Barker, Chief Clerk of the House, then administered the oath of office to the Speaker-elect.

Mr. Barker then presented Hon. John Marshall to the House as Speaker-elect, and handed him the gavel.

Speaker Marshall, assuming the chair, thanked the House for the honor conferred and declared the House ready for business.