







# THE BAIRD STAR

Issued every Friday, Baird, Texas

Entered as Second Class Matter, December 8, 1887, at the Post Office in Baird, Texas, under the Act of 1879.

Established by W. E. Gilliland, December 8, 1887  
Baird, Texas

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## Brief Summary Of Proposed Amendments To Constitution To Be Voted On Nov. 3rd.

(Editor's Note: The following brief summary of the proposed amendments to be voted on by Texas voters at the general election Nov. 3rd., was prepared by B. P. Matocha, Secretary of State.

### Proposed Amendment No. 1

The first proposed Constitutional Amendment to face the voter on November 3rd. is S. J. R. No. 3-A which provides for a State dispensary system to have exclusive sale of distilled liquors and all profits from the sale of such liquors would go to the State. The sale of spirituous distilled liquors for private profit, as is now the case, is prohibited within this State, by this Amendment, except when such sale is made to the State, according to B. P. Matocha, Secretary of State. It is further provided that the State of Texas shall have the exclusive right to purchase at wholesale and to sell at retail such distilled spirituous liquors. Such sale shall be made only in unbroken packages and no such liquors shall be consumed on the premises where sold. The difference between the proposed plan and that now in effect would simply be one of ownership—i. e. by the State rather than the individual.

The State would maintain various places of business for the purpose of the sale of such liquor direct to the consumer. These places of business would only be maintained in the counties, precincts or incorporated towns where by local option elections such sale has been made legal.

Local option as now in effect would not be changed by adoption of the amendment. The sale of alcoholic beverages containing not more than 3.2 per cent alcohol which has been legalized in such political subdivisions shall not be prohibited by this section.

This amendment further provides that the open saloon shall not be re-established.

It is also provided in this Amendment that the Legislature shall have the power to regulate the sale for private profit and possession of distilled liquors for medicinal, scientific and mechanical purposes.

### Proposed Amendment No. 2

Proposal No. 2 effecting a change in the State Constitution S. J. R. No. 18 providing that the Legislature shall have the right to levy taxes to provide a Retirement Fund for school teachers and persons employed in public schools, colleges and universities, supported wholly or partly by the State.

According to the interpretation of Secretary of State, B. P. Matocha, it is provided that the State shall contribute to such Retirement Fund an amount equal to that paid for the same purpose from the income of each person. It is a matching plan. Each person so employed in such State schools, colleges and universities will likely be required to set aside so much of their salary and the State will set aside a like amount. This Amendment further provides that the amount contributed to such Retirement Fund by the State shall not exceed at any time five per cent of the compensation paid to each person by the State or school district, and shall not be more than One Hundred Eighty Dollars for any one person in one year.

No person shall be eligible for a pension under this Amendment who has not taught twenty years in the State of Texas, but those who retire before they have taught for a period of twenty years in this State and who have been contributing to the Retirement Fund shall be entitled to a refund of the moneys paid into the fund.

All funds provided from the com-

pensation of said persons, or by the State, for such Retirement Fund, as are received by the Treasury of the State of Texas, shall be invested in bonds of the United States, the State of Texas, or counties or cities of this State, or in bonds issued by any agency of the United States Government, the payment of the principal of and interest on which is guaranteed by the United States Government.

Persons who are the recipients of pensions from such Retirement Fund shall not be eligible for any other pension retirement funds of direct aid from the State.

### Proposed Amendment No. 3

For a number of years there has been a definite movement to give State Employees the benefit of Workmen's Compensation insurance. The State, by law, requires other employers in all other industries to carry such insurance on its employees while the State has not done so.

It will be possible for the State to insure its workers under the terms of the third proposed Amendment to the Constitution, which will be submitted to Texas voters November 3rd. according to Secretary of State B. P. Matocha.

The amendment is permissive and not compulsory. It gives the Legislature power to provide such insurance. It does not compel them to do so.

It is pointed out that perhaps the most men effected by this proposal are in the Highway Department where most of the hazardous work of the State is done.

However, there are a number of other departments which would be interested.

The heart of the amendment is found in the following language: "The Legislature shall have power to pass such laws as may be necessary to provide for Workmen's Compensation Insurance for such State Employees, as in its judgment is necessary or required; and to provide for the payment of all costs, charges, and premiums on such policies of insurance; providing the State shall never be required to purchase insurance for any employees."

### Proposed Amendment No. 4

Removal of the absolute power of pardon and parole from the hands of the Governor and vesting it largely in those of a non-political board, is the effect of Amendment No. 4, on the November 3rd. ballot. This Amendment known as S. J. R. No. 26, makes provision for the Governor to grant parole, pardon, commutation, etc., of sentences upon the recommendation of a Board.

In interpreting the Amendment Secretary of State B. P. Matocha said "The proposed Board of Pardons and Paroles would be comprised of three members; one of whom would be appointed by the Governor; one by the Chief Justice of the Supreme Court and one by the Chief Justice of the Court of Criminal Appeals. They will serve for six years, one member's term every two years. It would be impossible in his manner for any one individual or official to ever have complete control of the Board."

The Governor is given the power to grant one thirty day reprieve in a death case. This is his only initiative, however. He has the veto power on all recommendations and he may revoke paroles and conditional pardons.

This amendment was given its impetus by Governor James V. Allred, who is advocating its enactment. It is believed that its adoption may be a step toward ending abuses and stopping mistakes made in the issuance of various forms of clemency.

In cases of treason, under the terms of the proposed Amendment the Governor has the power to grant reprieves, commutations of punishment and pardons with the advice and consent of the Legislature.

At the present time all power of

clemency, commutations, etc., is vested in the Governor and no small portion of his time is devoted to reviewing the thousands of applications. It is a strain and a responsibility which many feel is too much to place on any one individual.

### Proposed Amendment No. 5

Proposal No. 5 to the State Constitution known as S. J. R. No. 14 proposes to raise the salaries of certain Constitutional Officers, namely, the Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of General Land Office, and Secretary of State.

This Amendment provides that the Governor shall receive as compensation for his services an annual salary of Twelve Thousand (\$12,000) Dollars, as compared to the Four Thousand (\$4,000) he now receives, and shall have the use and occupation of the Governor's Mansion, fixtures and furniture.

The salary of the Attorney General would be fixed at Ten Thousand (\$10,000) Dollars as compared to the Four Thousand (\$4,000) he now receives.

The Comptroller of Public Accounts the Treasurer, and the Commissioner of the General Land Office each hold office for a term of two years, reside at the Capitol of the State during continuance in office, perform the duties required of them by law, and now receive a salary of Twenty-five Hundred (\$2500) Dollars per year. This Amendment would increase the salary of these officials from Twenty-five Hundred (\$2500) Dollars to Six Thousand (\$6,000) Dollars annually.

The Secretary of State is appointed by the Governor, with the advice and consent of the Senate, and holds office during the term of the service of the Governor. The present salary of the Secretary of State is Two Thousand (\$2,000) Dollars per year and this Amendment would provide for a salary of Six Thousand (\$6,000) annually.

### Proposed Amendment No. 6

Limiting the representation of the larger cities is the clear intent of H. J. R. No. 9 relating to the apportionment of State Representatives for the counties of this State whose population exceeds seven hundred thousand (700,000) people. B. P. Matocha, Secretary of State, declares.

It is provided by this Amendment that no county in this State shall be entitled to or have under any apportionment more than seven (7) Representatives in the State Legislature unless the population of such county shall exceed seven hundred thousand (700,000) people as ascertained by the most recent United States census.

In the event a county shall have a population in excess of seven hundred thousand (700,000) people, then such county shall be entitled to one additional Representative for each one hundred thousand (100,000) population in excess of seven hundred thousand (700,000) population as shown by the latest United States census.

This Amendment also provides that no district shall be created which would permit any county to have more than seven (7) Representatives except under the above conditions.

Simply speaking, H. J. R. No. 9 would limit the number of Representatives in the State Legislature to not more than seven (7) from any county, unless that county had a population of more than seven hundred thousand (700,000). In that case, one more would be allowed for every one hundred thousand (100,000) above the seven hundred thousand (700,000).

### EXPLAINING AMENDMENT No. 6

By Geo. Moffett, Chillicothe, Tex., Member of House of Representatives

Amendment No. 6, the last one on the ballot in November, provides that carry one particular county may not have more than seven members in the Texas House of Representatives, and since the total membership of the House is 150 members, it certainly is proper that no one county out of the 254 counties in Texas should have more than seven. In a state as large as Texas it would never be for the best interest of the State to permit the bunching or clustering of its law-makers within a very few of the 254 counties. In other words geography should be taken into consideration as well as population in allocating members of the Legislature among the various counties.

Thirty states of the American union do recognize geography as well as population in apportioning representatives in the Legislature, and it is more justifiable for Texas to recognize geography than any other state because it is the largest state with the most far flung boundaries and the greatest variety of conditions, but unless amendment No. 6 is adopted by the people, in a few years four or five of our larger counties will have increased in population to the point where they, on a population basis, will be able to control and dictate

the laws under which the people of all of the 254 counties must live. Amendment No. 6 seeks to put a balance wheel in our governmental machinery which is badly needed and which many other states already have. In Oklahoma the limit for a county is seven members, in Georgia and Florida three members and in Iowa two members and other states have similar restrictions based on geographic and territorial consideration.

The trend of population is unquestionably from the farm to the city and unless Amendment No. 6 is adopted five large counties in Texas may soon control the destinies of the largest agricultural state in the union.

A plea to Texas voters to adopt Amendment Number Four on Nov. 3rd. ballot was made here this week by Governor James V. Allred.

This proposed Constitutional Amendment would remove pardoning power from the hands of the Governor to those of a non-political, non partisan Board. At the present time the Governor has absolute power in clemency matters.

"It is not fair to the convicts nor to the public," Gov. Allred said, "and no governor has the time to give the proper attention to each case. It is a full-time job and every convict's case should be subject to the review without the necessity of bringing influence to bear. Prior to my election as Governor I advocated this change in our basic law and since I have been in the office I am more convinced than ever that it should be adopted."

The Governor pointed out that during his administration criticism had greatly diminished but that the system inaugurated of having a board pass on meritorious cases could be better insured by adoption of Amendment No. 4 on the ballot.

"In my opinion," the Governor continued, "the case of each inmate in the penitentiary should be subject to review automatically at the proper time. This would be possible if this Amendment is adopted. I appeal to the people of Texas to give this proposal their most earnest consideration and vote for its adoption. In so doing, this State will take a long step forward."

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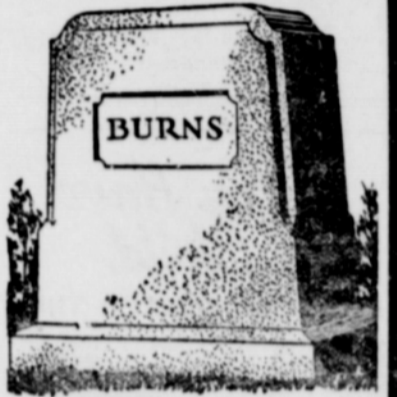
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