

The Philosophical Society of Texas

PROCEEDINGS

1958

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PROCEEDINGS
OF THE ANNUAL MEETING
AT AUSTIN

DECEMBER 13, 1958

XXII

DALLAS
THE PHILOSOPHICAL SOCIETY OF TEXAS

1959

THE PHILOSOPHICAL SOCIETY OF TEXAS *for the Collection and Diffusion of Knowledge* was founded December 5, 1837, in the Capitol of the Republic of Texas at Houston, by MIRABEAU B. LAMAR, ASHBEL SMITH, THOMAS J. RUSK, WILLIAM H. WHARTON, JOSEPH ROWE, ANGUS MCNEILL, GEORGE W. BONNELL, JOSEPH BAKER, PATRICK C. JACK, W. FAIRFAX GRAY, JOHN A. WHARTON, DAVID S. KAUFMAN, JAMES COLLINSWORTH, ANSON JONES, LITTLETON FOWLER, A. C. HORTON, J. W. BUNTON, EDWARD T. BRANCH, HENRY SMITH, HUGH MCLEOD, THOMAS JEFFERSON CHAMBERS, SAM HOUSTON, R. A. IRION, DAVID G. BURNET, and JOHN BIRDSALL.

The Society was reconstituted on December 5, 1936. Membership is by invitation. Active and Associate Members must have been born within, or must have resided within, the boundaries of the late Republic of Texas.

Officers and Library of the Society are in the Hall of State, Dallas 26, Texas.

The Philosophical Society of Texas

THE ANNUAL MEETING of the Society was held in the Driskill Hotel at Austin on Saturday, December 13, 1958, beginning at 9:30 a.m. Morning and afternoon sessions of the Symposium, for members only, were moderated by Judge Bobbitt and Mr. McGhee who, with Mrs. Hobby, planned the program. The topic was "Texas in Today's World—Obligations, Opportunities and Dangers," and forty-two members attended, a majority of them taking an active part in the discussion. Mr. Andrews presented a brief statement regarding the role that the Symposium was expected to play in the Annual Meetings, and all present agreed that it should continue to be an integral part of the proceedings.

At luncheon in the Maxmilian Room, President Bryan presided and Secretary Gambrell spoke briefly on conditions prevailing in Texas in 1837 when the Society was organized, and told something of the careers of the Founders.

Members attending were: Miss Allen, Mrs. Gambrell, Miss Hogg, Mrs. Knepper, Mrs. Krey, Mrs. Tobin; Messrs. Jesse Andrews, Mark Edwin Andrews, Bantel, Bates, Bobbitt, Brogan, Bruce, Bryan, Doyle, Francis, Gambrell, Garwood, Gilchrist, Graves, Hart, Hickman, Jeffers, Keeton, Kilman, Long, Lonsdale, Lovett, McClendon, McGhee, Randall, Richardson, John Rosser, Curtice Rosser, Sadler, Sellards, Sutherland, Webb, Whyburn, Woodward, Woolrich, Wozencraft.

A unique feature of the 1958 meeting was the elaborate exhibition of documents and objects relating to the founding and the founders of the Society. At the suggestion of President Bryan, priceless materials from the University of Texas Archives selected by Miss Allen, and from the San Jacinto Museum of History selected by Mrs. Knepper, were beautifully displayed in museum cases on the mezzanine floor of the Driskill during the entire day, to the delight of members and their guests. From the San Jacinto Museum was the original minute book of the Society containing the record of the first meeting on December 5, 1837, and the By-Laws signed by the charter members, as well as other manuscript and museum items related to the Society. From the University Archives were the twelve manu-

script volumes of the diary of William Fairfax Gray, begun on his tour of Texas on the eve of the Revolution in 1835, covering the meeting of the Convention—the fullest account of proceedings extant—and continuing through the period in which the Philosophical Society of Texas was organized, with Gray as first secretary. Letters written by many other Founders of the Society and Gray's verbatim copy of the Declaration of Independence, made immediately after its adoption, were also shown. Colonel George D. Sears, longtime member of the Society, graciously lent for the occasion oil portraits of Colonel and Mrs. Gray, his grandparents.

As a compliment to Miss Hogg, each person attending the luncheon was presented one of the James Stephen Hogg commemorative plates by an anonymous friend. Dinner guests received copies of John Nathan Craven's *James Harper Starr, Financier of the Republic of Texas*, through the generosity of the Fund established by Dr. Starr's granddaughters. Arrangements were made by an Austin member who refuses to be identified, but to whom the Society is grateful.

President Bryan presided at the dinner and Dr. Sadler gave the invocation. After announcing the names of members elected during the year, he presented the speaker of the evening, identifying him as the senior partner of a great law firm and one of the most distinguished private citizens of the State of Texas; a man who never aspired to public office but who for more than half a century has actively participated in politics with the hope of improving the democratic processes.^o

^o Mr. Bryan's remarks were extemporaneous and his sudden death on January 30 prevented his reconstruction of them.

“The Hughes Plan”

JESSE ANDREWS

Mr. President, Members of the Society, Ladies and Gentlemen:

AWARE of the availability to President Bryan of so many speakers who could have filled more acceptably the assignment of delivering the annual address to the Society this year, I would have declined the invitation had I not thought that there is a subject that needs so much to be discussed and is so rarely referred to that, perhaps, if I should undertake a discussion of it, the importance of the subject might make up, in a way, for what the address lacked in other respects, and so I accepted.

The subject I refer to is that of improving the method of nominating candidates for public office.

It is closely related to an experience each of us had in July of this year; that is, our participation in the Primary election of July 26.

Undoubtedly, the thought must have occurred to you in that election that the opportunity afforded you to cast your votes for the nomination of suitable men for the offices listed on the ballot left very much to be desired. You must have felt, as to many of the candidates, that you had far too little information about them to make an intelligent choice. You, doubtless, at the same time, wondered how bad the choice of other voters must be who had given even less thought to the candidates than you.

As showing the frustrating problem that was presented to the voters, take my own county, Harris, for example. The ballot contained upwards of 180 names of candidates with 54 offices to be filled. These offices included United States Senator, two Congressmen, Governor, Lieut. Governor, four Judgeships on the Supreme Court, various State offices and various County offices. For some of the offices there were as many as six candidates. “Whoever heard of a voter,” one was heard to remark, “who could go to the polls and register a personal opinion on the candidates in 54 simultaneous elections?” And yet 140,000 voters in the County were expected to do this.

I need not say more to show that something is wrong with our method of nominating men for public office.

Nor need I stress the point that the need of capable men in public office was perhaps never greater than today. When we think of the problems facing the Congress in the International situation we long for statesmen of real ability to deal with them. Do we have them? Hardly a day passes but what we read of some important problem of a domestic nature pressing upon Congress for solution. Are our interests in safe hands in the men we now send to Congress?

The need of men of ability and experience in public office exists not only with respect to our National affairs but also our State and local affairs. We have a population in Texas of about 9 million people. We appropriate for State Government every two years more than two billion dollars. Even the most casual reader of the newspapers knows that many important matters will come before the next Legislature for attention. Are men of mature judgment and outstanding ability sent to the Texas Legislature?

In what I shall say, reference will be made to political parties and political meetings. I do not speak of them as a politician or as one who has ever held or sought public office. I speak of them only as one of your number, men and women who are vitally concerned with the welfare of their Country and have an interest in political affairs, and take part in party elections, only because by so doing they hope to make a contribution to good government.

Let us recall how it happened that you and I were confronted with the situation last July to which I have referred. You and I know that the candidates to be voted on in the general election in November of each even year are the men who have been nominated as party candidates in the primary elections in the preceding July. You and I know that in these primary elections each political party presents a ballot on which, for each office, there is a list of names. You and I know that almost anyone can have his name entered on this list for any one of the named offices if only he makes application and pays a filing fee. You and I know that, practically speaking, the voters in the primary election have no opportunity to vote for anyone for any office except those who have put themselves on the ballot. You and I know that those on this ballot who receive the majority votes become the candidates to go on the ballot in November and thereafter become our elected officials. It is because of this loose method that you and I were called upon last July to respond in such an unsatisfactory way to the duty of doing our part in seeing that the affairs of government are placed in the hands of competent men.

It was not always thus in Texas. Prior to 1906, the method of selecting the names to go on the official ballot for the November election was very different. Texas, up to that time, had followed the

practice of the other states of having the political parties choose their candidates for the official November ballot in conventions,—a state convention to select candidates for statewide offices, county conventions for county offices.

There was but one party, chiefly speaking, in Texas in that period,—the Democratic Party,—and what I say will refer to it. The voters of the State took a lively interest in these conventions. On a specified date, every other year, in each county precinct throughout the State, there was a gathering of people of the precinct. They, from among their number, chose delegates to attend a similar gathering of delegates from all of the precincts of the county. The county conventions, in the same way, chose delegates to attend, on a named date, the state convention. The state convention, through its appointed committees, received in the course of its deliberations the recommendations of its committees of persons to be nominated for the respective offices. The choice of the convention was made by majority vote. The persons so selected went on the November ballot as the candidates of the party for the offices.

Since, in the convention, it was the votes of the county delegations that were decisive, men aspiring to be the nominees of the convention conducted their campaigns, prior to the convention, not by soliciting votes from various and sundry persons, as is now done, because it would not be known prior to the county convention who the delegates from the county would be. They campaigned, therefore, by discussing in public meetings the measures they advocated and sought in this way to win the support of those who would be the leaders in the county convention. Running for office then was on a more dignified plane than now.

Not infrequently, too, the man who received the state convention nomination had not been a candidate for the office. Looking about for a suitable man, some committee of the convention appointed to recommend a candidate would bring out a man who had not sought the office. Nominated by the convention, his election in the following November was assured and there would be none of the disagreeable features of campaigning with which we are now familiar. It was easier to secure the consent of men of exceptional ability to run.

It was under this system that Texas elected to office some of her most distinguished public officials,—Governors, Senators, Justices of the Supreme Court, Congressmen, and other public officials. To name but a few, there were, as Governors, Richard Coke, ever to be remembered as the Governor who wrested control of the State from the Carpetbaggers, Oran M. Roberts, famous as the Governor who, finding the State hopelessly in debt, restored it to solvency by rigid

economy in all departments, and James Stephen Hogg, perhaps the greatest of them all. There was, as United States Senator, John H. Reagan, formerly Postmaster General of the Confederacy, who resigned the office of United States Senator to become Chairman of the first Texas Railroad Commission, so important was this position then deemed to be. There were, as Justices of the Supreme Court of Texas, Robert W. Stayton, Reuben R. Gaines and Thomas J. Brown, who sitting together wrote one of the most illustrious chapters in the annals of the jurisprudence of Texas.

You may ask why a system that produced such able officials was discarded for one which all now agree is so faulty.

The convention system, in the state of the law then existing, was certainly open to abuse. There was no registration of voters required such as we now have under our poll tax law. There were no regulations defining the persons who could participate in precinct or county conventions or prescribing the procedure in such conventions as we now have. Special interests could see to it that their people were on hand, at the conventions, in large numbers. The railroads, especially, were charged with abusing the processes of the convention by issuing free passes in large numbers to delegates favorable to their interests and seeing that they voted right. "In a period when political spoils were rampant," wrote one commentator speaking of the convention system, "when valuable franchises, privileges, tax exemption, patronage, graft and political power of large cities . . . turned on the control of the party nomination convention, crude tactics and gross venality were often utilized. Powerful corporations and money interests often pulled the strings behind the scenes; and the nominations were bought and sold on the convention block."* the convention came in time to be associated in the public mind with malodorous deals made in smoke-filled rooms and fell into disrepute.

Reflecting this sentiment, a wave of reform swept the Nation. Robert M. LaFollette, Governor of Wisconsin, in 1904 succeeded in pushing through the legislature a mandatory system for making nominations. By it the convention was abolished and its functions assumed by what we now know as the Direct Primary. The Wisconsin law set the pattern. The adoption of the primary system in other states was aided by the Progressive Movement then under way. By the end of President Wilson's administration, all but four states had primary laws, and, during the New Deal era, three of these adopted them.

It is this law, adopted in Texas in 1905, that produced for you and me last July the perplexing problems to which I have referred.

* *Report of the Committee on Direct Primary* (National Municipal League, p. 13).

I hope you will find it of interest to inquire with me more particularly into the workings of this law and what practical steps may be taken to remedy its defects. Fortunately, much thought has been given the subject and much written about it. Fortunately, too, a number of the States, by later amendments, have broken away from the original concept and set a pattern that it might be well for Texas to follow.

Under the Direct Primary it is difficult, if not impossible, to induce some of our most capable men to run for office,—men who probably would have accepted nomination under the convention system.

Among other things, they would have an aversion to the manner of campaigning in which they would be compelled to engage. This manner is fresh in your recollection from your observations in July. You recall the candidates going about the State shaking hands with people on the streets they had never seen before and handing out cards; doing the same in the stores and offices when they could gain admission; attending any public meeting, large or small, to which they could get themselves invited, forcing themselves on the attention of people at such meetings; sometimes carrying a hillbilly band and frequently a blatant loud speaker. It is not surprising that there are men of real ability and worth to whom this manner of conducting a campaign is repulsive and that they are not to be considered for public office.

The Hon. Charles Evans Hughes (later Chief Justice of the United States Supreme Court), in his study of government, perceived this evil of the Direct Primary and forcefully called attention to it. Speaking of the Direct Primary in an address to the National Municipal League in 1920, when he was president of that body, he said:

To my mind, the most serious question, presenting itself in different phases, is with respect to the obtaining of suitable candidacies under the direct [primary] method. The aversion to a primary contest on the part of men conspicuously well fitted for office is quite apparent. The citizen of ability, well trained and experienced, is a man with a vocation. He has received his training and his experience through his devotion to that vocation. He is not destitute of public spirit, but he is not in a position and has no inclination to spend time and money in trying to get an office which he does not want and which he would only take at a considerable sacrifice. . . . He will exhibit in public service the same fidelity, loyalty to principle and integrity of character which have given him standing in his daily work, whatever that work may be, in agriculture, industry, trade or the professions. But it is difficult, if not impossible, to persuade him to enter a primary contest.

Were there not these objections from a personal standpoint to engaging in a political campaign, there would still be an insuperable obstacle to many men because of the expense involved. Think of these expenditures, reported by some of the candidates in the July primary:

One candidate for U. S. Senator	\$298,045
Another candidate for U. S. Senator	166,659
One candidate for Governor	55,605
One candidate for Lieut. Governor	65,483
One candidate for Justice of the Supreme Court	48,145

The Democratic nomination for Congressman in the newly created Congressional District in our County cost the successful candidate \$16,397, and his two defeated opponents reported expenditures of more than \$7,000 for one and \$12,000 for the other. The successful candidate for a District Judgeship spent \$10,653 and the loser in excess of \$6,000. Campaigns for even the minor offices, such as State Senator, called for the expenditure by one candidate of more than \$7,000. A candidate for a legislative position spent over \$3,000. It is unnecessary to say that none of the expenditures was for an illegal or improper purpose. Filing fees, radio and television time, newspaper, billboard and other advertising, printing, traveling, miscellaneous expenses, etc., accounted for the totals.

If to conduct a campaign, such sums of money, or anything approaching them, must be raised by the candidates, as undoubtedly appears to be the case, one can see how much more difficult is made the task of inducing desirable men to run for office.

A first consideration of a man thinking of entering the primary now must be how he will finance the campaign. Until that question is answered he cannot run. It cannot but be distasteful to the candidate to be asking, or having his friends asking, for gifts of money, and yet that is what is required.

In casting your votes in the primary election last July it may have occurred to you, as it did to me, that there were many persons who would make better officers than some on the ticket. But when we recalled what would be demanded of such a person in the campaign,—the personal solicitation by him of votes for himself, the going around and handing out cards, the shaking hands with unknown persons on the streets, the seeking of financial aid from almost any source from which aid might be obtained, the likelihood of being engaged in an extremely personal campaign,—when we thought of these things we quickly concluded that there would have been no possible chance of inducing some of such men to run.

Since, in the primary election, the voter makes a direct choice

between the candidates on the ticket by marking his ballot, the Direct Primary has been hailed by some as a great electoral reform, as a means of enabling the people themselves to *choose* their candidates to go on the November ballot, and thus elect them to office.

This is a great fallacy. The voters have only the most limited choice,—amounting to practically no choice at all. The choice is not one in which the whole field of capable persons in the voting area is taken into consideration and from them a choice is made. The choice the voter has is to choose from those, and from those only, who have put their names on the ballot.

Of all the persons the voter may think of as being best fitted for the offices, he may vote for none unless perchance the name of that best-fitted person is on the ballot,—a very unlikely event. Under the operation of the Direct Primary, as previously said, anyone who is a qualified voter and pays the filing fee may run for an office. It is the persons thus choosing to run whose names go on the ballot; and it is to these names and these alone that the voter is limited when he comes to the polling place to cast his ballot. None of the men of high qualifications the voter can think of whose names are not on the ballot can be considered by him when he makes his so-called “choice”.

I recall our experience as to the election last July of representatives from our County for the Legislature. As the final day for filing for a place on the primary ticket approached, we would every few days read in the newspapers of someone who had announced. Usually it was a person many had never heard of,—very probably a young lawyer, not long in the practice. I was aware, as was every thoughtful citizen, that the 1959 Legislature would be a very important session and that there would come up from Houston many important bills of a local nature, the ultimate fate of which would rest in the hands of the Harris County delegation. And, yet, there we sat, from day to day, waiting and watching to see who would announce, knowing that on primary election day our choice for these important positions would have to be made from the men who had put themselves up, whoever they were, and from them alone. This was a far cry from saying the Direct Primary had given the people of Harris County an opportunity to choose their representatives in the Legislature.

As was said by one writer: “The right which the preference primary gives the people . . . is not to choose the one man . . . whom they would most prefer . . . but merely to make a selection among those gentlemen who themselves seek the nomination.”

Said a former correspondent of the *New York Times*, writing in *Collier's Weekly* (March 29, 1924):

The traditional theory of our old political system was that the office should seek the man. Two notable cases [of this] in New York were the nomination of Mr. Hughes for the governorship in 1906 and the election of Elihu Root to the Senate. Neither wanted the office. Neither would have lifted a finger to get it. Both were drafted by their party and responded. But that theory broke down when the primary superseded the convention. For the primary is only a machine by which men who seek office may first seek the nomination. The primary does confer upon the individual a special opportunity in seeking office. The only right it confers upon the people is that of choosing among the office seekers.

Even from among those who put themselves forward, the voter, under the Direct Primary, is, for many reasons, often not able to make an intelligent choice. As to the candidates for those offices at the top of the ballot, United States Senator, Congressman, Governor, and, possibly, Lieutenant Governor, the voter may have some knowledge gained in the last weeks of the hectic campaign, but it is very superficial and far from being adequate. The test (if there can be said to be any test) applied to them by the voter is far different from what would be true in the selective process of a convention where men's merits are debated and their character and accomplishments investigated,—first by committee action and then by the full convention.

When the voter proceeds down the ballot at a primary election and gets to the by far larger number of offices, he is hopelessly at sea. As an example of this, the voters of Texas in a primary came very near rejecting a worthy candidate for Justice of the Supreme Court some years ago and accepting a comparatively unknown lawyer because they, in large numbers, presumably, did not like the assumed implication of the given name of the worthy candidate, it being "St. John," and that was all they knew about him. Voters very frequently make a choice based solely on how the name sounds, whether it is "good American" or "foreign," knowing nothing about the candidate. First place on the ballot for a given office is considered very desirable, because the voters, knowing nothing about the candidates, vote for the first on the list. The Direct Primary, not without good grounds, has been called the "grab bag primary".

In addition to the evil of the Direct Primary in excluding from availability for public office, in many instances, our best qualified citizens, there is the further evil consisting of the complete undermining it does of party organization.

There is an inclination on the part of some, I fear, to hold themselves aloof from political parties, as such, or to look upon them

askance as something with which the average citizen need not concern himself very much, or as something which is for the "professional politician". This, I submit, is a mistaken view. No one would deny that each and every citizen has a direct and personal interest in good government. All benefit by it or are harmed by the absence of it. It is only through the concerted effort which the political party makes possible that the citizens can make their voices effective in their efforts to secure good government. For this concerted effort there should be strong, healthy political parties. Such parties there will not be unless people generally give them their active, interested support. Given such support, there will generally be two major political parties as has been true of this Country since its beginning. They are essential to the welfare of the Country.

I have said that an objection to the Direct Primary as it presently exists in Texas, is that it tends to destroy party organization. Party means but little, under the Direct Primary System, to the man seeking office in Texas. He does not have to be a member of the party in order to file for office. He looks to no party to carry on his campaign. He does it himself. The obvious thing happens. When he gets to Congress, we will say, he is more or less independent of party. His interest is not in the party organization, but rather in the different minority groups at home to whom he can look for support in the next campaign. He votes accordingly and the cause of good government suffers.

Under the convention system this was not so. The Congressman was elected as the nominee of a political party polling a majority of the votes in the District. He was aware that he owed his election to that party. He could feel assured that as long as he upheld by his votes in Congress the platform pledges of that party he had but little to fear as to the retention of his office. He was free to pursue a more independent, courageous course in his voting.

A thoughtful writer wrote a good many years ago what seems to me well worth our consideration now. He said:

One thing, [concerning the Direct Primary] is certain. Since the direct primary there has been a weakening in the moral tone and fibre of Congress. Thanks to the political coercion of the organized minorities, there is a conspicuous lack of courage and backbone. Congress legislates far too much in the interest of special groups. Political expediency, rather than principles of broad public policy, determines far too many of its decisions, and will continue to do so as long as members must win votes in the primaries.

A strong two-party system is indispensable to representative government . . . the direct primary has broken down party responsibility.

. . . in place of this we are moving toward a government by blocs and combinations, the domination of politics by special groups, the piling up of appropriations like Pelion on Ossa and a weakening of party discipline. The failure of the direct primary to perform what had been promised for it is bad enough, but even more serious are the evils which it has brought with it, evils which threaten the institutions of government upon which the greatness of the republic has been built.†

Our people are fruitful in ideas as to what is best to safeguard the national interest and promote the welfare of the country and abundantly give expression to them. They write and speak convincingly of what is urgently needed. But there the success of their good efforts frequently stops. To make the policies advocated by them effective, Congressional or legislative action is required, and the Congress or the Legislature fails to act. I cannot but believe that in many instances this failure is traceable to the absence on the part of the Congressmen and legislators of that reasonable measure of statesmanlike ability which but for the Direct Primary we should have in the men in our congressional and legislative halls.

Confronted with the need of such action, our people are much given to requesting their friends to write letters to their congressmen. It is difficult for me to imagine a more ineffectual way than this indirect way to get at the root of the trouble.

There exists in New York City an association known as the National Municipal League. For more than sixty years it has been engaged in the study of state and municipal government and the dissemination of its literature to those interested in the subject. Eight or ten years ago it inaugurated, through a special committee of scholars and publicists, a study of the Direct Primary. The report of this committee published by the League in 1951 bears evidence of thorough research and intelligent consideration. Some of the evils I have ventured to lay at the door of the Direct Primary find support in the report's summarization of the faults found in the Direct Primary. On page 17 it is said:

The criticism commonly voiced against the direct primary *as now practiced* may be summarized under the following major points:

1. It weakens party leadership and responsibility.
2. It ignores the necessity for conference and consultation in the selection of candidates and does not provide for the drafting of candidates of high qualifications.
3. It facilitates the candidacies of self-advertisers and dem-

† *Atlantic Monthly*, August, 1931.

agogues who will push forward unasked and unabashed and wage a campaign for nomination.

4. It affords no suitable means for the formulation of party platforms or the selection of candidates who are in sympathy with the party program.

5. It entails heavy expense to the candidates because of the necessity of conducting two campaigns.

What, then, is the remedy for the evils of the Direct Primary? The answer is not clear. Much has been written on the subject. In different states the Direct Primary exists in different forms. Some have tried it, dropped it, and gone back to the Convention System. Some have never adopted it as to the office of governor or other state-wide offices.

In the midst of this confusion, the best answer, it seems to me, is that given by Charles Evans Hughes when he was Governor of New York. This was stated in his advocacy, in the New York Legislature, of a Direct Primary bill embodying his views. These views, in substance, were that each political party, prior to the date of the primary election, through a party organization created by it especially for the purpose, should name candidates for the party to go on the primary ballot and that, later, other party members who might wish to run in the primary should have the opportunity to do so, thus giving the voters an opportunity to choose between the candidate that had been nominated by the party organization and the candidate who had put himself in the race.

The report of the Committee on the Direct Primary of the National Municipal League, to which I have heretofore referred, said: "Forty years ago Charles Evans Hughes, then governor of New York, advocated that party organizations be authorized to propose candidates prior to the direct primary election and strongly supported a direct primary bill which embodied this proposal. While others had advocated the same principle, Governor Hughes gave it prominence and it has often been referred to as the 'Hughes Plan'. Though unsuccessful in securing its adoption by the New York State Legislature, Mr. Hughes continued to advocate this plan . . ."

In his address to the National Municipal League, later, in 1920, Mr. Hughes, as its then president, after referring to the aversion of men conspicuously well fitted for office to a primary contest, said:

It seems to me that these difficulties can be met if we have regard to the proper objects of a primary. . . . The primary system should be so devised as to interpose the necessary check upon party leadership. . . .

He then stated his views as to how the party organization should be constituted that would propose candidates prior to the Direct Primary election, saying:

. . . it is necessary that the party organization should be truly representative, that is, that those who are selected should not be hosts of delegates in such numbers that their choice awakens little interest in them and favors the notion that they are held to slight, if any, responsibility. The party should be represented (in the organization) in its various district divisions, starting from the lowest unit, by directly chosen representatives who are responsible in each case to the party members of the unit. The persons thus chosen will constitute representative bodies of the party, district bodies and a State body, with an appropriate number of members. And these bodies may meet, under suitable provisions of a statute, to designate the persons recommended for nomination for the offices to be filled . . . these bodies, State and local, respectively, would furnish the facilities for conference and consultation in order that fit men should be chosen to represent the party as candidates. It is of no consequence whether such a body be called a convention or not. Its distinctive feature would be that it would consist, either in the State or in the smaller political division of the State, of a directly responsible group, instead of a host of delegates selected in such manner and in such numbers as to be without any real personal responsibility to the party voters. It would be, in a sense, a nominating committee, appointed by the party in a convenient manner so as to charge each representative with direct responsibility . . . the action of such a body should not be final. If it ignored the sentiment of the party voters, if it appeared that some ulterior or sinister purpose had been served, if the candidates, or any of them, which it selected were unworthy, then there should be opportunity for the party members, immediately and without difficulty, to express themselves in opposition and on primary day to have a chance to show whether or not the designation of the organization body was approved.

This would mean that the body representing the party, chosen in the manner I have described as a really representative body, would not care to invite a challenge of its choice; that it would endeavor to meet the wishes of the party voters so far as these could be ascertained. The party representatives would act under a check, which as a rule would preclude any action but that which the party voters would be ready to approve. But the party voters would always have their chance to disapprove and to present other candidates. . . .

In this way natural leaders, chosen by events, would find their place. On the other hand, the party conference would afford the opportunity for bringing forward men of merit, fitted for office, who would be willing to accept nominations with the backing of the designating body, although they would not subject themselves to the annoyances and expense of an open primary.

The Hughes Plan was supported in the recommendation of the Committee on Direct Primary of the National Municipal League. It was recommended that:

Party organizations, acting through committees or conferences of responsible party officers, should be authorized by law to select and propose candidates for nomination by the party for public office and for election to party office, to be voted on at the direct primary election.

"This," said the Report, "is the major recommendation, the central feature, of the proposed model primary election system."

It is obvious that where there are numbers of people desirous of taking common action they are powerless to act effectively until they have organized themselves and delegated to a smaller group authority to make a recommendation. This is recognized in the ordinary affairs of life. Wherever in a church, or lodge, or other body numerously composed, officers are to be chosen, nominating committees are appointed to make nominations. As far back as the Old Testament we find that the Judges of Israel were nominated by a small group of people meeting together to decide upon a candidate.

The essence of the Hughes Plan is that it affords means for the voters of a party, through delegates chosen by them and assembled in meeting, to nominate candidates for the primary election and at the same time leaves the way open for others to run in the primary, with the result that the voters can choose between those nominated by the delegates and those not.

Regarding this as the distinguishing feature of the Hughes Plan, it can be said to be followed in varying forms in the following states: Colorado, Connecticut, Maryland, Massachusetts, New Mexico, Rhode Island, and Utah. In each of these the Direct Primary is mandatory, but there is a provision requiring the placing on the ballot in the primary election of the names of candidates of the party chosen by representatives of the party and the names of other members of the party, not so chosen, who may wish to run.

Neither Indiana nor New York has ever adopted the Direct Primary as to governor or other state officers.

The rest of the states have the Direct Primary in one form or another,—some leaving the use of it optional, some requiring only the filing and payment of fees to get one's name on the primary ballot, others requiring the presentation of petitions with varying numbers of signers.

While this was being written the two political parties in New York, in conventions, were selecting their gubernatorial and senatorial candidates to go on the ballot in November in that state. The

Democrats selected Governor Averill Harriman for governor and Frank S. Hogan, District Attorney of New York, for U. S. Senator; the Republicans selected Nelson Rockefeller for governor and their best known Representative in Congress, Kenneth B. Keating, for U. S. Senator. One might challenge the protagonists for the Direct Primary, standing alone, to name candidates produced by it who surpassed these in fitness for office.

With what happened in New York under the convention system one might contrast what occurred about the same time in Arkansas under the Direct Primary, not supplemented by the Hughes Plan. A Justice of the Supreme Court of that state, Minor Millwee, was running in the primary for renomination. His opponent was one Jim Johnson, who was campaigning for the office as a segregationist. Imagine that as a basis for qualification! The Associated Press, reporting the race, based on early returns, said:

Diehard segregationist Jim Johnson held a narrow lead over Justice Minor Millwee in his efforts to replace Millwee on the bench of Arkansas Supreme Court.

It is to be noted that Governor Hughes, speaking of the manner in which the party organization should be constituted which is to name candidates to be voted on in the primary, says that those composing it "should not be hosts of delegates in such numbers that their choice awakens little interest (in them) and favors the notion that they are held to slight, if any, responsibility." . . . that, "It is of no consequence whether such a body be called a convention or not. Its distinctive feature would be that it would consist . . . of a directly responsible group, instead of a host of delegates selected in such a manner and in such numbers as to be without any real personal responsibility to the party voters. It would be, in a sense, a nominating committee, appointed by the party in a convenient manner so as to charge each representative with direct responsibility."

From this it might be inferred that Governor Hughes would have thought that a state convention such as was had in Texas prior to 1906 would be too numerous, or otherwise unsuited, to serve as the nominating group and that a smaller one should be created by each political party or use made by the party of its central standing committee.

In a state as large as Texas and as much a one-party state as Texas, the task of a party organization, such as Governor Hughes visualized, in proposing candidates to the voters of the party for all the offices to be filled,—executive, judicial and legislative, would be a major one. It is to be assumed that the campaigns of rival candidates or groups to secure favorable consideration of the nominating group

(which for convenience I will call a convention) would be long, heated, and possibly bitter, and on the nominating group great pressure would be applied. Only a body sufficiently large to reflect public sentiment in all its phases at the time, sufficiently large to resist this pressure, sufficiently large to distribute the responsibility adequately and thus cause no responsibility to be evaded, only a body freshly chosen by the voters for the task,—only such a body, in my opinion, would suffice.

We have, in Texas, a precedent for such a body, or convention. It is the May state convention held by each political party every four years to choose delegates to the ensuing National Convention at which nominations will be made for President and Vice-President.

Delegates to these conventions are chosen by county conventions and the delegates to the county conventions, in turn, by the voters at meetings in the precincts of the county. Such precinct conventions can be held only after due notice has been publicly given of the time and place for holding them. No one can call the meetings to order but the previously duly elected precinct chairmen. No one can participate or even be present but the certified, qualified voters of the precincts. And there are other legal regulations for the holding of such precinct meetings calculated to insure, to a large degree, more orderly and legal procedure than was true years ago when there were justifiable complaints of the proceedings at such meetings. The convention, under the Hughes Plan, would be held every two years.

There will be abuses, of course, but, by and large, it would be fair to assume that each such state convention would be truly representative of the party members as a whole, and, being broad-based as it was and coming fresh from the voters, as it would be, it could be more safely depended upon to register the will of the party than would be a smaller group, such as the standing State Democratic Executive Committee. If, despite the statutes designed to throw safeguards around political meetings and restrict participation in them to duly registered voters,—statutes which were not on the books in the old convention days,—if, despite these, a convention such as just suggested should be boss-controlled and thwart the will of the party members, or, as Judge Hughes puts it, “by it some ulterior or sinister purpose should be served,” the wrong could be remedied by the voters at the ensuing Direct Primary, where the losing candidate before the convention as well as the one nominated by it would be before the voters for choosing.

However, as to the precise nature of the organization to make the pre-primary nominations, it seems to me we need not concern our-

selves at this time. We need not stop to consider whether it should be a convention fashioned after our May conventions or whether it should be a smaller body. The primary consideration is that, convention or smaller body, it should be truly representative of the aims and purposes of the particular political party, freely chosen by the members of the party and prepared to place before them at the July primary its recommendations of persons to be voted for, the way being open, at the same time, for others to run if they so desire.

With such a system, the members of a political party, casting their votes in a July primary election, could, in a real sense, be said to choose their candidates for the November ballot, their choosing being between the persons recommended to them by their duly appointed delegates and those, if any, who might wish to run.

I extend my thanks to you for your patience in following me in this somewhat tedious analysis of our Direct Primary System and hope that something may have been said that will stimulate interest in improving the method of choosing our public officials.

BUSINESS PERIOD

LOSS BY DEATH of eight distinguished members of the Society was announced: James Harvey Black, Paul Lewis Boynton, Carlos Eduardo Castañeda, Asa Crawford Chandler, Clyde Eagleton, Thomas Steele Holden, Robert Marvin Kelly and Umphrey Lee. Messrs. Geiser, Steen, Lucey, McKillop, Ferguson, Lemmon, Baker and Gambrell were appointed to prepare notices of them for *Proceedings*.

Acceptance of membership by the following Texans was announced:

Gerry Doyle, of Beaumont
 Lamar Fleming Jr., of Houston
 Fred Farrell Florence, of Dallas
 Charles Inge Francis, of Houston
 Virginia Leddy Gambrell, of Dallas
 Joe Greenhill, of Austin
 Joseph MacGlashan Hill, of Dallas
 Watrous Henry Irons, of Dallas
 Leon Jaworski, of Houston
 LeRoy Jeffers, of Houston
 Page Keeton, of Austin
 Dorothy Wardell Knepper, of Houston
 Walter Ewing Long, of Austin
 John Tipton Lonsdale, of Austin
 William Wright Lynch, of Dallas
 George Lescher MacGregor, of Dallas
 Leonard Franklin McCollum, of Houston
 Fred Merriam Nelson, of Houston
 Levi Olan, of Dallas
 Edward Randall Jr., of Galveston
 Summerfield Griffith Roberts, of Dallas
 James Leftwich Shepherd Jr., of Houston
 Gardiner Symonds, of Houston
 Margaret Batts Tobin, of San Antonio
 Ruel Carlile Walker, of Austin.

* * * *

Mr. Rosser presented the annual report of the nominating committee, which was adopted. President Bryan then introduced the president for 1959, Judge St. John Garwood, who spoke briefly.

The Society adjourned until December 5, 1959.

N E C R O L O G Y

JAMES HARVEY BLACK

1884-1958

IN THE DEATH of Doctor Black on November 30, 1958, American Medicine lost one of its leading authorities in the field of allergic diseases, and the Southwest a pioneer teacher of medical bacteriology and pathology. In 1929-30 he was president of the American Society of Clinical Pathologists; in 1931-32 he was chairman of the section of pathology and physiology of the American Medical Association. In 1934-35 he was president of the Association for the Study of Allergy; from 1942 to 1958, editor of the section on allergy of *Biological Abstracts*, and from 1945 to 1958, a member of the editorial board of *The Journal of Allergy*. In 1948 he published (with Dr. W. T. Vaughan) an authoritative text and reference book, *The Practice of Allergy*. He was long a prominent teacher of bacteriology, pathology, preventive- and clinical medicine (the title varied over the years) in Dallas medical schools of Southwestern University and Southern Methodist University (1908-15); Baylor University (1915-43); and Southwestern Medical School (1943- —), now of the University of Texas. He was dean of the Southern Methodist University Medical School (succeeding Dr. John O. McReynolds) in the last year of its operation (1914-15).

He was born in Huntington, West Virginia, March 27, 1884, and died in Dallas. The son of a Methodist minister in West Virginia, Kentucky and in Texas, Black early became interested in the study and practice of medicine. "I always wanted to study medicine; my paternal grandfather was a physician, and for a time I hoped to become a medical missionary," he once said to me. Failure of his father's health in the late 'nineties caused the family to remove to Texas where the Rev. John Adam Black occupied pulpits in Bonham and Paris.

James Harvey Black was graduated from the Paris High School and attended Southwestern University at Georgetown for two years (1900-02). The death of his father in 1902 compelled his withdrawal from college for a year; then with borrowed money, he attended the Atlanta College of Physicians & Surgeons for two years (1903-05). He removed with his family to Dallas, where he was an interne at

St. Paul's Hospital (1906-07) while completing his medical studies at the Southwestern University College of Medicine. He took his degree of M.D. in 1907, and entered practice. For fifty-one years he practiced in Dallas, keeping abreast of the advances in his special field of medicine and teaching successive generations of physicians. Beginning with 1937, he limited his practice to allergic medicine, and became known throughout America as an authority in this field.

In 1913, feeling the necessity of further study in pathology, he worked for some months at McGill University in Montreal (still under the influence of Sir William Osler's pioneer work there); then returned to the States, and on September 4, 1913, married at Catlettsburg, Kentucky, his childhood sweetheart, Alleen Patton. Two children were born to this union: Emily Anne (Mrs. Armand Garguilo), of New York, a clinical psychologist and a trustee of the Columbia University School of Social Work; and Lois (Mrs. Jack W. Crosland, Jr.), of Dallas.

It would hardly be possible to estimate the influence of Dr. Black on the medical profession of the Southwest. Some thousands of medical students, now in practice, bore away from his classroom over two-score years the ideals of a great physician. They feel the undying influence of his radiant, sincere, dynamic personality, and his conviction that medicine offers unmeasured opportunity for service as happy and self-rewarding as it is whole-hearted and self-forgetting. His earnest seeking after the truth, his love of medicine as a science and as an art, his warm humanity that embraced all conditions of men, remains with colleagues, and with other friends, of whom the name is legion. He was an honor, not only to his profession, but to our poor humanity. He was a faithful member of this Society for twenty years.

— S. W. G. *ms*

PAUL LEWIS BOYNTON

1898-1958

PAUL LEWIS BOYNTON was born in Llano, July 24, 1898 and died in Nacogdoches, August 6, 1958. In the sixty years of his lifetime he gained a lasting place among those who have served the cause of education in Texas.

Dr. Boynton was a graduate of Belton High School. He held the B.A. degree from Sam Houston State Teachers College, and M.A. and Ph.D. degrees from George Peabody College for Teachers.

His service to education was marked by extensive publication in his chosen field of psychology, by teaching assignments in the University of Kentucky and Peabody College, and by sixteen years as President of Stephen F. Austin State College.

Paul Lewis Boynton was best known to those with whom he worked at Stephen F. Austin State College. Perhaps no finer tribute can be paid him than to quote the following paragraphs from the resolutions adopted by the faculty and staff:

The sudden loss of Dr. Boynton focuses our thoughts anew on the pleasant associations and the unparalleled accomplishments that we as individuals and the College as an institution enjoyed under his able and positive leadership. Short, it seems, is the life span of an individual. Yet life cannot be measured quantitatively in terms of time, of a beginning and an end; it must be reckoned in the qualitative light of accomplishment that produces in proportion a permanence transcending mortal finitude. When viewed in this wise, we know, the life of Dr. Boynton looms large and timeless.

In retrospect we see him, a young man whose intellectual and spiritual powers reflected stature far beyond his actual years, assuming control of a struggling young educational institution with a future made questionable by countless problems attendant to World War II. With keen insight, unswerving devotion to duty, and resourcefulness uncommon to an amazing degree, he met and solved the problems one by one. After the war, when steadily increasing enrollment produced seemingly unending problems equally complex but of a different nature, Dr. Boynton continued to be more than equal to the challenge. The results of his efforts are readily observable at every hand and will continue to be so as long as the College itself exists. Impressive buildings and facilities of all types stand as inanimate tributes. Even more significant, thousands of persons in all walks of life constitute living memorials to Dr. Boynton. These are the men and women fashioned for useful lives by one who considered himself first and last a teacher.

— R. W. S. *pen*

CARLOS EDUARDO CASTAÑEDA

1896-1958

DEATH CAME SUDDENLY to Carlos Eduardo Castañeda on Good Friday, April 5, 1958, at Seton Hospital, Austin. He is survived by his widow, Mrs. Elisa Castañeda, and his daughters, Mrs. Hugo Artaza, and Miss Rosemary Castañeda. The news of his untimely death brought expressions of sympathy and esteem from historians

and scholars everywhere, and from the most distinguished learned societies in the United States and Latin America.

Dr. Castañeda was born on November 11, 1896, at Camargo, Mexico, a small town on the banks of the Rio Grande River, and came to the United States in 1908. With an uncommon determination, in spite of many obstacles, he sought a higher education, beginning with high school at Brownsville, and concluding with the doctorate of philosophy from the University of Texas in 1932.

Though he qualified as a graduate engineer, spending one year in field work in the Republic of Mexico, he found himself irresistibly attracted to the teaching and writing of history. For the remainder of his life he devoted himself to the history of the Southwest and of Latin America. His knowledge of languages, his superb talents, and his native culture eminently fitted him for this work, and his attainments in this field were such that they brought him universal recognition and well-merited renown.

His teaching career began at the ancient College of William and Mary in Virginia, where he taught Spanish and Spanish-American Literature. He returned in 1927 to his alma mater, the University of Texas, to which he remained until his death, becoming a full professor in 1946.

He had an amazing capacity for work, and with an enthusiasm which never cooled, he wrote a prodigious number of books, pamphlets, and articles. For many years he was engaged by the University of Texas to search the principal archives of Mexico City and Saltillo, colonial capital of Coahuila-Texas, for documentary sources relating to early Texas. As a happy result, his transcripts numbering thousands of pages, now available in the University Archives, will be of paramount importance to all students of Texas history. In the course of this work he discovered and edited Fray Juan Agustin Morfi's *History of Texas, 1673-1779*, a work which had been considered lost.

Great acclaim came to Dr. Castañeda with the publication of *Our Catholic Heritage in Texas, 1519-1950*, a series of seven volumes, published under the auspices of the Knights of Columbus of Texas. The renowned historian of Texas, Professor Eugene C. Baker of the University of Texas, said in this connection: ". . . the founders of this monument to the church chose wisely in selecting him to write the story." Some of his other principal books were: *A Guide to Latin-American Manuscripts in Texas Library*; *El Proceso del General Scott por sus relaciones con el General Santa Anna*; *Pan Americanism and World Peace*; *Morfi's History of Texas*; *Mexico in Manuscripts*.

Dr. Castañeda was the recipient of many distinguished honors

and recognitions, among them were the following: Director General of Education, League of Latin-American Citizens; Knight Commander, Order of Isabel (Spain); Knight Commander, Order of the Holy Sepulchre of Jerusalem; Fellow, Texas History Association; honorary member, Sociedad Mexicana de Geografia y Estadistica; Institut Historique et Heraldique de France; Centro de Estudios Historicos de Buenos Aires; Hispanic Society of America; Phi Beta Kappa; Omicron Delta Kappa, Phi Alpha Theta. He was for twenty years a valued member of the Philosophical Society of Texas.

Dr. Castañeda's presence will be long missed. He was a man without ostentation, with an ever-ready smile, humble and always the Christian courtly gentleman.

— R. E. L.

ASA CRAWFORD CHANDLER

1891-1958

THE SUDDEN DEATH of Asa Crawford Chandler at Rotterdam, The Netherlands, August 23, 1958, brought to a close a brilliant career marked by high attainments in scientific research, effective and fruitful teaching, important public service, and a rare skill in presenting the findings of science to the larger audience of interested laymen.

Asa Chandler was born in Newark, New Jersey, February 19, 1891, and educated at Cornell University (B.A., 1911) and the University of California (M.S., 1912; Ph.D., 1914). He began his teaching career at Oregon State College. In 1919 he joined the Biology Department of the Rice Institute, and proved to be an ideal faculty member for a young and growing university. He had already become a pioneer parasitologist. His manifold achievements and contributions in the decades that followed were fittingly recognized in the program marking the opening of the M. D. Anderson Biological Laboratories at the Rice Institute, January 30 - February 1, 1958. This program centered in a "Symposium on Resistance and Immunity in Parasitic Infections." In his address of welcome President William V. Houston said that in addition to celebrating the opening of the building "the second object in arranging this symposium is to pay honor, before his retirement, to Professor A. C. Chandler. Because of Professor Chandler's long and distinguished career here it has seemed quite appropriate that this symposium should be on the subject to which he has given his life's attention."

Of Asa Chandler's professional record we may say that space fails

us not only to set down his contributions but even to enumerate the kinds of work he did. The standard text which he first published in 1918 under the title *Animal Parasites and Human Disease* has gone through nine editions with successive revisions to 1955, finally bearing the title, *Introduction to Parasitology with Special Reference to the Parasites of Man*, and revisions to 1958 have been carried out. His *Eater's Digest* (1941) is a treatise on diet at once popular and authoritative. From 1924 to 1927 he was in charge of the Hookworm Research Laboratory, School of Tropical Medicine and Hygiene, Calcutta; and in 1952-53 he held a Fulbright Award for Egypt, to the Fuad I Institute for Tropical Medicine. From 1942 to 1947 he was special consultant to the United States Public Health Service on malaria control in war areas, and from 1952 served on the advisory panel on parasitic diseases, World Health Organization. He was a prominent member of various scientific organizations, among them the American Association for the Advancement of Science (Fellow), the American Society of Tropical Medicine and Hygiene (Vice-President, 1938), the American Society of Parasitologists (President, 1945), and the American Microscopical Society (President, 1950). At the time of his death he was on his way to Lisbon, where he was to deliver an address as Honorary President of the Sixth International Congress on Tropical Medicine and Malaria. Despite ill health during the past ten years he continued his vigorous career, and carried on to the end, as he would have wished.

In all this there was great variety of experience and activity, along with continuity of effort and a strong sense of direction. Dr. Chandler's associates will always remember his far ranging interest in every aspect of his subject, his mastery of the literature and of the parasitological collection he had built up in his laboratory. As a critic of his own work and that of his students he was eager, exacting, and insistent on pushing a project to its limits. He was always direct, practical, imbued with a gusto for life, often given to plain and racy expression. A revealing statement is in his presidential address to the American Society of Parasitologists in 1946:

In conclusion I might compare the parasitologist to an orchid. He requires long and careful nurturing, he develops slowly, and he is himself a parasite in that he is dependent on many other sciences for material aid. But when he comes to flower he is a rare and beautiful object, scientifically speaking, and is usually slow in going to seed. He may not always smell like an orchid, but we can't have everything.

The characteristic turn of humor here does not obscure, but rather enhances, the underlying devotion to his calling.

Asa Chandler will never be forgotten by a circle of colleagues and friends extending from the Gulf Coast to the Orient, whose affectionate esteem for him has always been both professional and personal, and who now extend their deepest sympathy to Mrs. Chandler and his children. He was a valued member of this Society for twenty-one years.

— A. D. MC KILGIP

HENRY PATRICK DROUGHT

1893-1957

HENRY PATRICK DROUGHT ("Harry" Drought to his thousands of friends), prominent lawyer and public official, died at his home in San Antonio on July 28, 1957, after an illness of two months. He was born in San Antonio on June 16, 1893. His father, also Henry Patrick Drought, a native of County Clare, Ireland, came to San Antonio as a young man, was admitted to the Bar and became a distinguished attorney and investment banker. For many years he was the owner of H. P. Drought & Company, which made farm and ranch loans in all portions of Texas. His mother, Ethel Tunstall Drought, a native of San Antonio, was a member of one of the oldest and most prominent families of early San Antonio.

Henry Patrick Drought attended St. Mary's and St. Anthony's colleges in San Antonio, and received his LL.B. degree from the University of Texas in 1915. For distinguished attainments St. Edward's University conferred on him the LL.D. degree. He was a member of the Kappa Sigma social fraternity, the legal fraternity of Phi Delta Phi, the Texas Bar Association and the American Bar Association. He began his legal career in 1915, the year of his graduation from law school, and thereafter was actively engaged in the practice of his profession in his native city of San Antonio until his death.

He had a very active and successful career as a lawyer, as a business man, and as a public official.

He was State Director for the Texas National Emergency Council, 1934-1937; he was the State Administrator for the Work Projects Administration, better known as the W. P. A., for the years 1935 to 1943; Chairman of the Board of Commissioners of the Housing Authority of San Antonio from its beginning until his death. He was a member of the Regional Loyalty Board of the United States Civil Service Commission, Region 14, for the years 1948 to 1953.

He was a director of the Matador Land and Cattle Company, Ltd., of Dundee, Scotland, and Denver, Colorado, from 1938 to 1951, and during that period had a great deal to do with the management of the great Matador Ranch in Northwest Texas. He was a director of the San Antonio Branch of the Federal Reserve Bank of Dallas, 1947 to 1952, and chairman of the board during the years 1953 and 1954.

Following the death of his father in 1917, he became the active head of H. P. Drought & Company, and conducted the affairs of that loan and investment house along with his law practice.

He was a member of St. Mary's Church, of San Antonio, and chairman of the building committee when the present church was erected. He was also legal counsel for the Archdiocese of San Antonio.

He was married at "Droughtfels," his father's summer home on the Guadalupe River in Kendall County, on June 2, 1913, to Miss Kathleen Lukin, a native of San Antonio, daughter of Charles James Lukin, prominent in the educational and social life of San Antonio.

He is survived by his widow, Mrs. Kathleen Lukin Drought, a daughter, Mrs. Karl Strieber, and by three sons, Patrick, James L. and Thomas Drought, and by two brothers, Humphreys L. and Frank T. Drought, and by eleven grandchildren.

The Philosophical Society of Texas, of which he was a distinguished and devoted member for nearly twenty years, records his passing with sorrow but with deep appreciation for his enduring contributions to the Texan heritage.

— C. S. B.

CLYDE EAGLETON

1891-1958

STRICKEN with a heart attack shortly after his retirement as professor of international law at New York University, Clyde Eagleton died in his home at Crestwood, near New York City, on Wednesday, January 30, 1958. Surviving are his wife, Virginia, and his son, Clyde, Jr. Distinguished not only in academic circles but also as a consultant to government and private agencies trying to sort out the problems of nations, Clyde Eagleton's death brought to its close a career that had carried him into almost every field of social interest.

One trained under his tutelage to seek out the hidden forces of history cannot fail to note how little the written record of the man's life revealed. The record is good, and it is impressive, but it gives scant hint of the abundance of Eagleton's influence or the scope of

his spirit. He was born at Sherman, Texas, May 18, 1891, where his father was a distinguished professor of English. He finished his undergraduate work at Austin College at Sherman in 1910, receiving his A.M. in 1911. Later he pursued graduate studies at Princeton, taking an M.A. there in 1914. He was a Rhodes Scholar at Oxford and in 1917 received his Oxford B.A. His doctorate came from Columbia in 1928, his chief interest having shifted meanwhile from modern European history to the study of international law. During 1918-19 he taught at the University of Louisville and during 1919-23 he taught at Southern Methodist University. From Southern Methodist he went to New York University, becoming professor of international law in that institution until his retirement in 1956.

It was a worthy academic life, enhanced by the round of activities his position in international law brought with it, including leaves with the Department of State, wide travel, and many special projects on which Eagleton acted as a consultant. Yet to grasp his impact one must stir the memory and read behind the lines—as Eagleton himself taught so many to do. Only as the facts are made flesh can they be presented properly.

Take a single item from the lengthy account in *Who's Who in America*: "Southern Meth. U., Dallas, Tex., 1919-23." Those who knew him in those years know that he did not dwell apart or live in books or behind the lectern. He became part of the conscience of a young university, a Presbyterian in practise as well as principle, holding to severe codes. He insisted that athletics ought to serve an academic purpose and that recruiting a successful football team should not be a main concern of a great educational institution.

In a like manner the record tells us where he taught; it does not tell us how he taught. But those who were his students know. For all his learning, his composure provided a presence in which one was stimulated to do his own thinking. He invited rather than probed and taught young minds by his example to look beyond the obvious. He did not stuff his students like a taxidermist but helped them try their wings. He taught the uses of analysis and promoted self-expression through learning.

Here, for example, is the one question that made up the final examination of his course in modern European history in the spring of 1923 at Southern Methodist: "Give the immediate and remote cause of the World War."

You knew or you didn't, but to pass the examination you had to correlate and analyze and organize what you knew.

Eagleton's teaching was good because it grew out of his attitude. Hence he made an excellent companion as well as a fine teacher.

The home of Clyde and Virginia Eagleton was open to a wide range of acquaintances from many lands, and not less to a variety of points of view. The hospitality of the Eagletons went beyond warmth and food; it welcomed ideas and diverse points of view.

It was this steady ability to relate learning to life that made Clyde Eagleton's career transcend its record. By training he was, to be sure, an international lawyer: he believed in the accretion of precedents that might establish law among nation-states. His books, particularly *The Responsibility of States in International Law*, reveals the depth of his interest. Yet at the same time he preserved an open mind and gave counsel to those who would organize the world around something bolder than the nation pattern. He was on the advisory council of Clarence Streit's Federal Union, an organization that seeks an actual federation of the democracies.

In a word, the application of his knowledge and experience to daily life counted most with Clyde Eagleton. And he was continually seeking new areas for that application. Just before his death he had launched a study of international rivers and the many turbulent problems that flowed with these rivers.

Clyde Eagleton has been sorely missed in the year since his death, especially by those who needed his genial and abiding counsel. For there was wisdom even in his hints, and an occasional visit with him was enough to start a person on a new and exciting line of thought.

— C. W. Ferguson

THOMAS S. HOLDEN

1886-1958

THOMAS STEELE HOLDEN, a native Texan and a member of the Society, passed away suddenly of a heart attack at the age of seventy-two in the Engineers Club, New York City, on November 3, 1958.

He was an executive, mathematician, architect, economist, statistician, loved and respected by his host of friends and colleagues.

During most of Mr. Holden's life he was associated with F. W. Dodge Corporation, construction news and marketing specialists, a national organization with the home office at 119 West 40th Street, New York. He lived at 27 Tory Road, Darien, Connecticut. Mr. Holden was an expert on business conditions, particularly in the building industry, and was president from 1935 to 1940 of the New York Building Congress, Inc. He often was quoted on matters pertaining to construction, on which he had written widely for newspapers, magazines and other media.

He was born in Dallas and attended private and public schools there. In his late teens, on the death of his father, he moved to Austin with his mother. He attended the University of Texas and graduated in three years as a Phi Beta Kappa, receiving both the B.A. and M.A. degrees. His social fraternity was Phi Gamma Delta. After teaching a few years at the University of Texas he went to the Massachusetts Institute of Technology in Boston. Here he received the B.S. and M.S. degrees in architecture.

After graduating at M. I. T. in 1916 and a short term as an economics investigator for the United States Department of Labor, he became, in 1919, chief statistician for F. W. Dodge, which publishes magazines, bulletins, catalogues and other material for the building industry. In 1927 he became vice president in charge of statistics and research. He was elected president of the corporation in 1941, and served until 1953, when he was made vice-chairman.

He was also a vice-president and director of the John B. Pierce Foundation and the Regional Plan Association of New York, an honorary member of the Architectural League of New York and the American Institute of Architects. He belonged to the Century and Engineers Clubs in New York and to the National Press Club in Washington.

Surviving are his widow, the former Anne Stratton whom he married in 1922; a son, Clay S. Holden; a brother, Oliver F.; a sister, Mrs. Howard Dunham of Dallas; and a grandchild.

In recording his passing, the authoritative *Architectural Record* said:

A characteristic of his life was service to others, particularly to organizations in architecture and building. As president of the New York Building Congress in the dark depression days, he rebuilt that group from near-extinction. He helped organize building congresses in Chicago, Washington and Connecticut. He worked long and hard for the Regional Plan Association and the Commerce and Industry Association of New York, the Business Advisory Council of the U. S. Department of Commerce, the John B. Pierce Foundation and dozens of other groups.

Among his many honors, those of which he was most proud were honorary memberships in the American Institute of Architects and the Architectural League of New York, and the initial Award of Recognition by the Producers' Council.

Mr. Holden's closest associates will remember him best for his unbounded faith in the future, and in the growth potential of America. His view was always forward, and he was impatient with chronic pessimists, even in the depths of war and depression. And in the long run, events always proved him right.

UMPHREY LEE

1893-1958

CHANCELLOR UMPHREY LEE, President of the Society in 1944, died in his office on Southern Methodist University campus June 23, 1958. Son of the Rev. Josephus Lee, he was born in Oakland City, Indiana, March 23, 1893, and moved to Texas in his youth. He was graduated B.A. from Trinity University, 1914; M.A., Southern Methodist University, 1916; Ph.D., Columbia University, 1931. His honorary degrees included the D.D. from Trinity; Litt.D., Southwestern; LL.D., Ohio Wesleyan and Oklahoma City universities. Among his published works are *Jesus the Pioneer*, 1926; *The Lord's Horseman—John Wesley*, 1928; *The Bible and Business*, 1930; *Historical Backgrounds of Early Methodist Enthusiasm*, 1931; *John Wesley and Modern Religion*, 1936; *The Historic Church and Modern Pacifism*, 1943; *Render Unto the People*, 1947; *Short History of Methodism*, 1956; and *Our Fathers and Us* (in press at the time of his death), 1958.

He entered the Methodist ministry in 1918 and, after serving two pastorates and establishing the Wesley Bible Chair at the University of Texas, came to Dallas as pastor of Highland Park Methodist Church in 1923. For the last thirty-five years of his life (except two) Dallas was his home and Dallas regarded him as a first citizen. As pastor he evolved from a small town preacher into the most evocative sermonizer of the metropolis. He designed and built the Gothic sanctuary of his church and saw its membership quadruple. He was president of the Civic Federation, numerous other organizations, and the most sought after speaker of the community. In 1927 he added the professorship of homiletics in Southern Methodist University to his other duties.

In 1937 he went to Vanderbilt University as dean of the school of religion and professor of church history, but in 1939 he was back in Dallas as President of Southern Methodist University. Universally respected as a scholar and a man but inexperienced in academic administration, he began his fifteen year tenure with a program of academic reform which was curtailed by the impact of world events, which brought to his and other campuses vexatious problems. He was no money raiser he said, and his friends believed him; but during his fifteen year tenure twenty-three million dollars were added to the University assets and eighteen new buildings were on the campus. Modestly and with a degree of truth he asserted that others, not he,

induced the gifts; but most of them came because he was there. He led his faculties in strengthening Southern Methodist University's internal structure and extending her sphere of academic influence. Probably without realizing it himself, he built there his own monument.

His influence was not confined to his own campus. Almost every year he filled lectureships at other institutions—Vanderbilt, Emory, Randolph-Macon, Southwestern, Oklahoma City, Willamette University among others. He wrote for educational and religious journals and spoke at conferences at home and abroad. In 1948 he was president of the Southern University Conference.

With all his occupations, he took the time for human companionship and for duties that were merely parochial. He seldom missed a meeting of the Thirteen Club, a congenial group that for thirty years met for "dinner and argumentation"; he served as president of his Rotary Club; he taught a course in history in his university; he directed theses; he introduced visiting celebrities; he explored by-paths of western history; he bought books and read them; and he fished and hunted deer in season.

His tastes were catholic—in people as well as in literature and aesthetics. An amazing cross-section of humanity counted him friend and looked to him for counsel on every conceivable subject. He had an uncanny, intuitive understanding of the other fellow's point of view and sometimes a baffling appreciation of his crotchets. He came near to the Pauline ideal of being all things to all men. His mind was stored with wisdom as well as learning, and he used his tongue to convey, not to obscure, thought.

He had a contagious sense of humor and, which is rarer, a Shavian wit that enabled him to see all things—including himself—in just proportion. He had little personal vanity, but he evaluated himself with an accurate sense of his own capacities. In every relationship of life, in every task to which he set his hand, Umphrey Lee was an extraordinary man.

He was one of the ten Texans who revived the Philosophical Society of Texas in 1936, served on the board of directors, and in 1944 succeeded Edward Randall as president. The Society joins the innumerable organizations of which he was a part, and the thousands of individuals whose lives he touched, in recording its sorrow at his loss.

— H. G. *Cambell*

ROBERT MARVIN KELLY

1869-1958

THE BIOGRAPHICAL DATA supplied by Marvin Kelly for the Society's files are unique, constituting probably the briefest record of the longest career among the membership. He was born near Longview, Texas, February 12, 1869; he died in Longview, Texas, April 3, 1958. All the 89 years of his life, except the time he spent in college, were lived in Longview, Texas. He was a son of George Addison Kelly, of Kellyville, and he returned from college to become bookkeeper for G. A. Kelly Plow Company. He succeeded his father as president in 1909; and was still chairman of the board at the time of his death nearly half a century later. Sixty-seven years of continuous association with a single organization is something of a record in the annals of American business, as is the 115 year history of the G. A. Kelly Plow Company, which is still family-owned. His membership in the Methodist Church extended over 77 years, and for more than half a century he was a director of the First National Bank of Longview. He was the principal founder of the East Texas Chamber of Commerce in 1926 and served as its first president. His business, his church, and his region—East Texas—these were the major concerns of his long and useful life.

His huge Victorian home was a sort of museum of Texas history and a center of musical and social life. During World War II the soldiers who enjoyed its hospitality referred to it as Kelly's Klassical Kulture Klub.

He was graduated from Roanoke College, Virginia, in 1891 and was probably its oldest alumnus when he died. He was proud of his little college, and the college demonstrated its appreciation of him in many ways. His college roommate was the Rev. William R. Goodwin, who was instrumental in the restoration of Williamsburg, Virginia.

In 1897 Mr. Kelly was married to Arra Lee Hoskins. Their two children, George Addison Kelly II and Margaret Euphemia Kelly, survive him. Mrs. Kelly died in 1945.

To few Texans comes the opportunity to follow one vocation for so long a time and in the same locality; and few have made a deeper impression upon their region and the successive generations with whom they came in contact. His warmth, serenity, integrity, patience, and philanthropies marked him as an admirable character in every relationship. The Society records his passing with sorrow.

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