



APR 8 P.M.

ABRAHAM KAZEN, JR.
78TH DISTRICT
LAREDO, TEXAS

STATE OF TEXAS
HOUSE OF REPRESENTATIVES
AUSTIN, TEXAS

April 7, 1949

Honorable Lyndon B. Johnson
United States Senator
Senate Office Building
Washington, D. C.

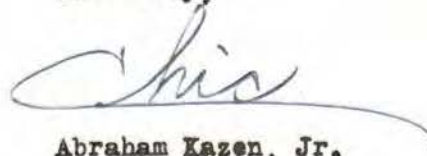
Dear Senator:

Enclosed please find a copy of the Majority Report filed by the Legislative Committee which investigated the Longoria incident in Three Rivers, Texas.

The signers of this Majority Report were the Chairman, Mr. Storey, and Representatives Windham, Cheatham, and Tinsley. Frank Oltoft had an out of town speaking engagement today and he instructed me to send the enclosed copy to you as soon as the report was filed. As soon as Frank gets back and our gang can get together, we will formulate some sort of procedure to be followed from this point.

With best personal regards, I am

Sincerely,



Abraham Kazen, Jr.

AK:st
Enclosure

COPY

April 11, 1949

My dear Friend:

I am grateful for the copy of the majority report filed in the Longoria matter.

Sincerely,

Lyndon B. Johnson

Honorable Abraham Kasen, Jr.
State House of Representatives
Austin, Texas

jc/shl
Army—Longoria, Felix

Austin, Texas

April 7, 1949

TO THE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES:

We, your Committee, appointed under H.S.R. No. 68, directed to investigate conflicting reports alleging that discrimination has been shown in handling the funeral arrangements of Felix Longoria, deceased veteran, who was killed on the island of Luzon in World War No. 2, beg leave to report as follows:

In order that the House may thoroughly understand the difficult, intricate and far-reaching duty imposed upon this Committee we deem it advisable and necessary to give you, as we shall attempt to do, specific findings of fact and our conclusions based upon the evidence, as the testimony discloses.

In the initial meeting of this Committee, upon proper motion duly seconded and unanimously adopted, the Committee invoked the rule and adopted the standard rules of evidence enforced in Texas at this time. Therefore, one must bear in mind that this Committee was the sole judge of the credibility of the witnesses and the weight to be given their testimony. One must further bear in mind that the Resolution limited this Committee investigation to the specific purposes therein contained.

This record is quite voluminous, consisting of three volumes aggregating some 372 pages. There were 19 witnesses examined by the Committee during the investigation. An opportunity was afforded any other witnesses who desired to appear. During the entire deliberations of this Committee, all the material witnesses examined were represented by counsel of their own choice, or were afforded such representation, under the rules of this Committee, if they so desired. It was the further announced policy of this Committee, when they had neared the end of this matter under investigation, that any and all parties so desiring be, and the same were, afforded all opportunity of being heard, or bringing matters before this Committee for consideration, deemed necessary thereby for the proposed investigation of the matters covered by the Resolution, where pertinent.

further announced policy of this Committee, when they had neared the end of this matter under investigation, that any and all parties so desiring be, and the same were, afforded all opportunity of being heard, or bringing matters before this Committee for consideration, deemed necessary thereby for the proposed investigation of the matters covered by the Resolution, where pertinent.

This House appropriated the sum of \$1,000.00 to be used in investigating the incident in the Resolution creating and directing the functions of this Committee. Suffice it to say, the Committee did not use more than one-half of this allotted amount. It is desirable, in this connection, to thank the Board of Control for lending to us an able and efficient reporter, none other than Mrs. Agnes Miller. Very little expense was incurred in that respect.

Now, as to the findings of fact, this Committee so finds and reports back to this Honorable Body the following, to-wit:

1. This Committee finds that all parties involved in this incident, under investigation, were citizens of the United States of America.

2. That Felix Longoria, deceased veteran, died as a soldier in the American Army on the island of Luzon.

3. We find that on January 1, 1949, the undertaker, Mr. T.W. Kennedy, purchased the Rice Funeral Home, Three Rivers, Texas, from the owner, Mr. Rice; that he, the said T.W. Kennedy, had theretofore been an employee of said Rice Funeral Home for fifteen months, - he having been a native of Pennsylvania, and having come to Texas in 1944 as a soldier in the Army of the United States. We further find that Mr. T.W. Kennedy first met the deceased soldier's widow, Mrs. Beatrice Longoria, in November, 1948, in the Rice Funeral Home. At that time, she

had with her some literature that she had received from the United States Government with reference to the return to this country of the body of her deceased husband, Felix Longoria, for interment in this country, and which she wanted explained, and further wanted to know whether or not the said funeral home could help her with the interment. And in this connection, we find that the said Mr. T.W. Kennedy, acting for and in behalf of said Rice Funeral Home, endeavored to render to Mrs. Beatrice Longoria the requested assistance relative to the papers that she had tendered to him for that purpose.

4. The Committee further finds that during this conference, herein-above mentioned, between the widow, Mrs. Beatrice Longoria, and the said Mr. T.W. Kennedy, that the said Mrs. Beatrice Longoria, widow of the said Felix Longoria, the deceased veteran in question, informed Mr. T.W. Kennedy of strained relations existing between her and the members of the family of the deceased veteran, Felix Longoria. In this connection, the Committee further finds that Mr. T.W. Kennedy had been apprised by Mr. W.E. McMurray, Justice of the Peace in Three Rivers, Texas, of the strained relations existing between Mrs. Beatrice Longoria, as aforesaid, and the family of the deceased veteran, Felix Longoria.

5. The Committee further finds that upon word being conveyed to the widow of Felix Longoria of the return of the body of her deceased husband, Felix Longoria, to this country for reinterment and the fact thereof becoming known to the people of Three Rivers, Texas, that the family of the deceased veteran, Felix Longoria, acting by and through one of the brothers of the said deceased veteran, Felix Longoria, contacted Mrs. T.W. Kennedy, wife of the undertaker, and asked that she inform them when the body of said Felix Longoria had been

returned to this country for reburial, stating that he was afraid Mrs. Beatrice Longoria, widow of the deceased veteran, would not let the family of said deceased veteran know when the body did arrive.

6. The Committee further finds that the next time the said undertaker, Mr. T.W. Kennedy, saw Mrs. Beatrice Longoria, the deceased veteran's widow, was at the local bus depot, Three Rivers, Texas, on January 8, 1949, when she requested and was granted a conference with him, the said Mr. T.W. Kennedy. Among other things the said Mrs. Beatrice Longoria, asked Mr. T.W. Kennedy if she could have the body of her deceased husband, Felix Longoria, brought to the funeral home in connection with the re-interment of said body.

7. The Committee further finds that at this time the said widow, Mrs. Beatrice Longoria, never actually requested any chapel services at all for her deceased husband but only requested and sought to make actual arrangements for the funeral services, that is, providing for the time when the minister, or priest, or whoever would be conducting the service, would be there and conduct the service.

8. The Committee further finds that there was no common intention on the part of the said funeral director, Mr. T.W. Kennedy, and the said widow, Mrs. Beatrice Longoria, with reference to chapel service for the deceased veteran, but that, on the other hand, the impression was left with the said Mr. T.W. Kennedy, that there would not be any reason for requesting chapel service, because the deceased veteran was supposed to be a Catholic and would want interment in accordance with the rules and regulations of the Church of his faith.

9. The Committee further finds that, during this conference between the said Mr. T.W. Kennedy and the widow, Mrs. Beatrice Longoria, that the said widow did discuss with the said Mr. T.W. Kennedy the matter of having the body of her deceased husband

brought to the funeral home for preparation and to lie in state in the funeral home prior to final reinterment, and that, at this particular time, the said Mr. T.W. Kennedy, did discourage the use of the funeral home for said purpose and suggested that it would be better that the widow have such service take place in her home situated in Three Rivers, Texas, whereat, the said funeral director, Mr. T.W. Kennedy, would make available all of his equipment and facilities necessary for such purpose.

The Committee finds in this connection that the said Mr. T.W. Kennedy discouraged the use of the funeral home for the reason that he had in mind the strained relations existing between the said Mrs. Beatrice Longoria and the family of the deceased veteran, desiring to avoid any probable display of disagreement or trouble.

10. The Committee further finds that the said Mrs. Beatrice Longoria and the said funeral director, Mr. T.W. Kennedy, repaired to the home of said Mrs. Beatrice Longoria in Three Rivers, Texas, which was then unoccupied, and examined same as a suitable place for the holding of that portion of the funeral service. After a careful survey, by both parties, the said Mrs. Beatrice Longoria and the said Mr. T.W. Kennedy, it was mutually agreed that the said house of the said Mrs. Beatrice Longoria could and would be very accessible and adaptable for the desired purpose. Thereupon the said parties, by mutual understanding and agreement, made all necessary and pertinent arrangements for the body of the deceased veteran to remain in the house of the said Mrs. Beatrice Longoria during and prior to its final interment.

11. The Committee further finds that the said Mrs. Beatrice Longoria and the said funeral director, Mr. T.W. Kennedy, had made full, complete, and final arrangements for the lying-in-state of the body of the deceased veteran, Felix Longoria, prior to its final reinterment.

12. The Committee further finds that thereafter the said widow, Mrs. Beatrice Longoria, went to Corpus Christi, Texas, and while in conference with her sister, Sara Moreno, informed her said sister of the arrangements herinabove shown to have been made. The Committee further finds that thereupon the said sister, Sara Moreno, made arrangements for the said widow, Mrs. Beatrice Longoria, to have and hold a conference with Dr. Hector P. Garcia, of Corpus Christi, Texas, and that, thereafter, the deceased widow, acting through her sister, Sara Moreno, in a long distance telephone conversation informed the undertaker, Mr. T.W. Kennedy, that they would make other arrangements for the funeral. This telephone conversation occurred on Monday night, January, 10, 1949, at about 9:00 o'clock, P.M. This was the first information apparently that this undertaker had that the widow was not going to use the arrangements they had theretofore mutually agreed upon with reference to the funeral to be held in Three Rivers, Texas.

13. This Committee further finds that there was a very heated telephone conversation between Dr. Hector P. Garcia and the undertaker and also with a newspaper reporter, claiming that there had been discrimination in regard to the proposed re-burial of the deceased soldier, Felix Longoria.

14. This Committee further finds that the undertaker, Mr. T.W. Kennedy, gave the mayor of Three Rivers, Texas, Mr. J.E. Montgomery, authority to send to Dr. Hector P. Garcia a telegram the contents of which were conveyed to the widow, Mrs. Beatrice Longoria, which telegram was dated January 11, 1949, and which telegram we quote:

"I HAVE JUST INTERVIEWED MR T W KENNEDY HIGH FUNERAL HOME STOP DID NOT REFUSE USE OF HIS FACILITIES AND DOES NOT REFUSE USE STOP ARRANGEMENTS CAN BE MADE FOR USE IF DESIRED BY LONGORIA FAMILY STOP AMERICAN LEGION HAD ARRANGED FULL MILITARY HONORS ALSO OFFERED USE OF AMERICAN LEGION HALL STOP MAYOR'S HOME OFFERED IF NECESSARY" (Signed, J.E. Montgomery, mayor of the city of Three Rivers, Texas.)

15. The Committee further finds that the undertaker, Mr. T.W. Kennedy, wrote the deceased's wife, Mrs. Beatrice L. Longoria on January 12, 1949, the following letter:

"Jan 12, 1949

Mrs. Beatrice Longoria
2801 Lamar Street
Corpus Christi, Texas

Dear Mrs. Longoria:

In regard to the misunderstanding of the burial of your husband, I wish to clear this up by letting you know that at no time did I refuse to bury your husband or to allow the use of the funeral home, but on January 8th, I tried to discourage you from using it because I was afraid of trouble at the funeral due to the fact that there was some misunderstanding between you and the deceased's parents.

So, if there was a misunderstanding on my part, my apologies are extended and if you still want the use of the funeral home chapel and want us to conduct the service we are only too glad to be able to be of service. But, you will need to contact me in person or by phone or letter and let me know of the arrangements as soon as possible.

I am also sending a copy of this letter to Dr. Hector F. Garcia.

Sincerely yours,

TKK:jf:jk

/s/ T.W. Kennedy, Jr."

and thereafter, on January 14, 1949, T.W. Kennedy received a reply to the above quoted letter from the widow, Mrs. Beatrice Longoria:

"January 14, 1949

Rice Funeral Home
T.W. Kennedy, Jr.,
P.O. Box 328
Three Rivers, Texas

Dear Mr. Kennedy:

I wish to acknowledge your letter dated Jan. 12, which I received today. I want to thank you for your offer; however, I feel that it is still too late.

My husband will be buried in Arlington National Cemetery Washington, D.C. My thanks and gratitude to the people of Three Rivers for their sentiment on the matter.

I want to let you know that I bear no grudge and still think greatly of all of the people from Three Rivers. I am sorry about the whole matter.

Sincerely yours,

/s/ Mrs. Beatrice Longoria"

16. We further find that subsequent to the mutual arrangements made between the undertaker and the deceased soldier's wife relative to the burial of the deceased soldier's body at Three Rivers, Texas, heated conversations occurred between third parties and the undertaker concerning funeral arrangements and the burial. In such conversations, over the phone, the undertaker used some very unfortunate expressions; upon reflection he explained and apologized for same. This was about the last connection that the undertaker, Mr. T.W. Kennedy, had with the widow, Mrs. Beatrice Longoria, relative to the funeral. Thereafter, arrangements were made when the body of the deceased soldier, Felix Longoria, arrived, to have it reinterred in Arlington National Cemetery, Washington, D.C. and in accordance therewith the body of Felix Longoria was so reinterred in the Cemetery.

17. This Committee therefore concludes that there was no discrimination on the part of the undertaker at Three Rivers, Texas, relative to the proposed burial of the body of the deceased Felix Longoria.

Chairman

COPY

April 2, 1949

Dear Gus:

I appreciate very much your up-to-date reporting job on the events and implications of the investigation.

You have my best wishes for a fine time in associations with your newly-found friends.

I will continue to await the report of the committee. I am confident that everything will work out for the best.

With my warm regards,

Sincerely,

Lyndon B. Johnson

Honorable Gus C. Garcia
Majestic Building
San Antonio, Texas

hb -- longoria case

Handwritten: JCG
Buz

GUS C. GARCIA
ATTORNEY AT LAW
MAJESTIC BUILDING
SAN ANTONIO, TEXAS

Stamp: MAR 27 P.M.

March 25, 1949

Senator Lyndon B. Johnson
Senate Office Building
Washington, D. C.

Dear Senator:

To keep you posted on the developments in the Longoria Matter I want to let you know that the "loaded" committee is now having a difficult time making up its mind and will not render its report until the middle of next week. I was reliably informed from Austin yesterday that there is a fifty-fifty chance of a favorable report because of the tremendous pressure being exerted by powerful political figures including the Governor himself. As this friend of mine remarked, this is the first time that all the conservative elements including some notorious Dixicrats are on my side of the argument.

Handwritten: confessing
discrimination

This attitude of course is due to the International implications that they attach to this matter. They undoubtedly are recalling the repercussion that the incident had in Mexico and since the International labor agreement is hanging in the balance, they probably fear dire results if the report is too obviously a whitewash. Thus, strange as it may seem some of your political enemies are now desperately trying to save face but at the same time their efforts, if successful, will result in a public justification of everything that you have done.

Kindest regards.

Sincerely yours,

Handwritten signature: Gus
Gus C. Garcia

GCG/jg

COPY

April 15, 1949

Dear Frank:

Many thanks for your note of the 14th
sending me the House Journal.

It's always good to hear from you.

With best wishes, I am

Sincerely

Lyndon B. Johnson

Honorable Frank Olterff
House of Representatives
Austin, Texas

dj
~~RMCK~~

longoria case

Dear Lyndon: I will send ^{was might} ~~send~~
the rest of the
material when it is
available. I shall
write you a long letter
giving you details.
In hearing for Waco &
will write - return.
F.C.D.

Mr. _____

(present), who would vote _____, with

Mr. _____

(absent) who would vote _____

APR 8 AM
DLT:RF

MINORITY REPORT ON THE LONGORIA INVESTIGATION

I deeply regret the necessity of filing a minority report in the matter pertaining to alleged discrimination in the handling of the body of Felix Longoria. I respect the ability and integrity of each member of the investigating committee. Sincere men may differ in the interpretation of evidence and their subsequent conclusions. I, therefore, could not concur in their majority report without violating both my sense of justice and my intellectual honesty.

The duty of this committee was to establish the accuracy or inaccuracy of conflicting reports alleging that discrimination had been shown in the handling of Felix Longoria's funeral arrangements. Mr. Kennedy, the owner of the funeral home at Three Rivers was the only person who had the opportunity to discriminate, and I shall concern myself solely with his words and actions in relation to alleged discrimination between January 8, 1949, through January 11, 1949. The pertinent facts are briefly these:

On the 8th of January 1949, Mrs Beatrice Longoria tried to avail herself of the use of the funeral home chapel for her husband's funeral. In the testimony she stated that Mr. Kennedy said, "He couldn't do it because the whites would object to it." Mr. Kennedy stated in the testimony that he discouraged the use of the chapel because he feared trouble between members of the Longoria family and that his discouragement had nothing to do with the racial origin of the deceased. He denied telling Mrs. Longoria that "White people might object." There is evidence in the record that the father and brother of the deceased were arrested for fighting with a man in 1947. Mr. Kennedy had heard of this trouble and stated that such trouble and fear of future trouble were the sole reasons for his discouragement of the use of the chapel.

Mrs. Longoria left Three Rivers on January 9, apparently satisfied to hold the funeral services in her home as suggested by Mr. Kennedy. She proceeded to Corpus Christi and on January 10, contacted through her sister, Dr. Hector P. Garcia, President of the American GI Forum, an organization consisting primarily of Latin American Veterans. She told Dr. Garcia of the facts and said that she desired the use of the chapel. Dr. Garcia phoned Mr. Kennedy and so requested it on behalf of Mrs. Longoria. Mr. Kennedy replied that he could not do it because "The whites wouldn't like it." Dr. Garcia then called Mr. George Groh, a reporter of the Corpus Christi Times, and told him

of his conversation with Mr. Kennedy. Mr. Groh then phoned Mr. Kennedy on the same night to get the story for his paper. He informed Mr. Kennedy that he wanted his version of the story for publication. He asked if he would refuse the chapel for the service of Felix Longoria and Kennedy replied yes. He then asked Mr. Kennedy twice if the refusal was based on the fact that Longoria was a Mexican, and the undertaker replied yes, saying that "We have never made a practice of letting Mexicans use ^{the} chapel and we don't want to start now." Mr. Kennedy admitted making these remarks, but told the committee that he was "mad" at the time and regretted saying them. Mr. Kennedy told both Mr. Groh and Mr. Thomas Southerland of the Good Neighbor Commission that the "Whites might object" and stated to the investigation committee that he had used "bad terminology".

The question of racial discrimination arose and received wide spread publicity due to Mr. T. W. Kennedy's statements to Mr. George Groh, Dr. Hector P. Garcia, and Mr. Thomas Southerland. Mr. Kennedy admitted saying that "The whites might object" and later publicly apologized to the widow and her sister for having made such remarks. There is no evidence that his words reflected the views of the citizens of Three Rivers. After publicity had been given the event in the Corpus Christi paper, Mr. Kennedy and representative citizens of Three Rivers offered every honor and facility for the re-interment of the body. The widow replied that she was grateful for their sentiment and held no grudge but that their offer was "still too late."

The statements of Mr. George Groh, a disinterested reporter are indisputable and undeniable. I cannot look into the heart of Mr. Kennedy to ascertain his true intent but can only accept his oral words which appear to me discriminatory.

James C. O'Leary

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Mrs. Longoria left Three Rivers on January 8, apparently satisfied to hold the funeral services in her home as suggested by Mr. Kennedy. She proceeded to Corpus Christi and on January 10, contacted through her sister, Dr. Hector P. Garcia, President of the American GI Forum, an organization consisting primarily of Latin American Veterans. She told Dr. Garcia of the facts and said that she desired the use of the chapel. Dr. Garcia phoned Mr. Kennedy and so requested it on behalf of Mrs. Longoria. Mr. Kennedy replied that he could not do it because "The whites wouldn't like it." Dr. Garcia then

called Mr. George Groh, a reporter of the Corpus Christi Times, and told him of his conversation with Mr. Kennedy. Mr. Groh then phoned Mr. Kennedy on the same night to get the story for his paper. He informed Mr. Kennedy that he wanted his version of the story for publication. He asked if he would refuse the chapel for the services of Felix Longoria and Kennedy replied yes. He then asked Mr. Kennedy twice if the refusal was based on the fact that Longoria was a Mexican, and the undertaker replied yes, saying that "We have never made a practice of letting Mexicans use a chapel and we don't want to start now." Mr. Kennedy admitted making these remarks, but told the committee that he was "mad" at the time and regretted saying them. Mr. Kennedy told both Mr. Groh and Mr. Thomas Sutherland of the Good Neighbor Commission that the "Whites might object" and stated to the investigation committee that he had used "bad terminology."

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The statements of Mr. George Groh, a disinterested reporter are indisputable and undeniable. I cannot look into the heart of Mr. Kennedy to ascertain his true intent but can only accept his oral words which appear to me discriminatory.

Frank C. Oltorf

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Frank C. Oltorf

COPY

March 18, 1949.

Dear Gus:

I have received your letter of March 16th together with the corrected copy of your statement regarding the investigation. I was very interested in your reaction, and the information that you gave me.

I, of course, will appreciate seeing the report of the Committee just as soon as it is filed.

I am very grateful for your kindness in the matter and your thoughtfulness in writing to me. I trust that the incident will shortly be a closed chapter.

With best wishes, I am

Sincerely,

Lyndon B. Johnson.

Mr. Gus Garcia,
Majestic Building,
San Antonio, Texas.

jbc m
war - longoria, felix

JOHN

SENATOR SAYS YOU'LL HAVE TO ANSWER THIS; BE CAREFUL
ABOUT IT.

DJN

Early Consideration Requested

Senator

GUS C. GARCIA
ATTORNEY AT LAW
MAJESTIC BUILDING
SAN ANTONIO, TEXAS

March 16, 1949

United States Senator Lyndon B. Johnson
Senate Office Building
Washington, D.C.

Dear Senator:

As you probably know by this time we had a very interesting session in Three Rivers in the legislative "investigation" of the Longoria incident. The only member of the committee who knew that I would be present was Frank Oltorff, and he kept it to himself. I sat back quietly as a spectator until I deemed it necessary for me to intervene.

Needless to say, Chairman Storey and Representative Cheatham were there as representatives of the Three Rivers Chamber of Commerce, and not as impartial investigators. They both browbeat old man Longoria until he did not even know who he was, and then I took over in a somewhat "ham-my" theatrical gesture suitable to the intellect of the investigating committee members. From then on Frank and I gave Brothers Storey and Cheatham a bad time. As you know, Cannon of Corpus Christi ran out on us and a youngster by the name of Tinsley was appointed to take his place. He is a pretty good kid, but I fear that he is under the domination of the other two. The same goes for the other committee member.

I am enclosing a statement which I released to the press and which conveys my impression of the situation as dispassionately as possible.

Your name was naturally bandied about a bit, but we managed to leave the correct interpretation in the record -- namely, that you did nothing except follow Mrs. Longoria's instructions. The Chairman wanted to establish the theory that you and Doctor Garcia had ramrodded the whole thing for publicity purposes, but I believe that the record is clear on that point. In order to offset some of the doubts created by pointed leading questions on the part of the Chairman to Mrs. Longoria (who, incidentally, is no mental giant) I had to introduce a letter from you to her, in which you stated that you would follow her instructions. You also expressed your sympathy in that letter, but there is nothing in it which could harm you politically.

Frank and I decided against the introduction of several telegrams which by themselves might be distorted by your political enemies.

It is my opinion that the committee will probably render a four to one report clearing Three Rivers of discrimination, but certainly the language will have to be very soft because the record is overwhelmingly conclusive that there was discrimination at the outset. Furthermore, Frank intends to write a blistering dissent and I am going to help him prepare it.

Any suggestions that you have for the minority report will be welcomed by Frank, I am sure.

The committee is so confused by the unexpected turn of events that it has obtained a two-weeks extension from the legislature for the filing of its report. Doctor Garcia made a splendid witness. He was calm, deliberate and well-informed. He dispelled any idea that might have existed that he is a "crackpot" or rabid rabble-rouser. Bob Smith and Doctor Garcia were supposed to see Governor Jester yesterday morning. Smith, by the way, came down to testify voluntarily and his presence was very helpful.

Regardless of what the committee may decide the American G. I. Forum intends to publish the entire record in pamphlet form with an explanatory preface setting out the most essential points. Your participation in this matter, therefore, will be available for all to see, and, as a colored man said, "Right is right, and you can't beat right." Surely even the benighted State of Texas can recognize that what you did is precisely the sort of thing that will enable us to hold our own against disintegration from within.

My very best regards to John. More power to you, and God bless you.

Sincerely your friend,



Gus C. Garcia

GCG/lba

The following statement is made by Gus C. Garcia with reference to the legislative investigation in Three Rivers, Texas, of the so called Longoria Incident. If the statement cannot be published in full, I do not want any portion of it published:

"Having been employed as counsel for Mrs. Beatrice Longoria only recently, I was in a position to have a better perspective of the entire matter than those who have been intimately associated with the incident since the beginning.

"In summary I can say from the evidence adduced at the legislative hearing, that once the publicity had 'broken' in connection with the case every effort was made to offer all facilities available to the widow and other members of the Longoria family in order that the body of Felix Longoria might be buried in Three Rivers. Prior to that time, however, the only person involved, namely, the owner of the funeral house, had unquestionably denied the use of his chapel because of the national origin of the deceased and the members of his family. This conclusion is substantiated by the testimony of the widow to whom the funeral director first denied the use of his chapel because 'the whites would not like it'; by the testimony of Dr. Hector P. Garcia, who attempted to obtain the use of the chapel at the widow's request; by Gladys Blucher, Doctor Garcia's secretary, who listened to the conversation between Doctor Garcia and the funeral director on the extension; by Sara Moreno, sister of Mrs. Longoria, whom the funeral director called after his conversation with Doctor Garcia; by George Greh, a reporter for the Corpus Christi Caller (a disinterested witness, who knew neither the Longorias nor the funeral director), to whom the funeral director admitted that he had denied the use of the chapel, and by Tom Sutherland, Executive Secretary of the Texas Good Neighbor Commission, who spoke with the funeral director on the following day and who was told by the director that he had only 'discouraged' the use of the chapel in view of all the publicity but would permit it 'if the family insisted'.

"The excuse in regard to family differences being the reason for the denial was an afterthought -- a story intended for face-saving purposes.

"I would be the last to label Three Rivers a 'bad spot' as Texas rural communities go. It should not be surprising, however, to hear of the denial of the use of a funeral home when the Mayor of Three Rivers admitted from the witness stand that in his community (1) there is still segregation of Latin-American children in public schools; (2) certain public establishments still refuse to serve the Latin-American residents of that community; (3) by custom and usage, separate sections of the cemeteries are used for burying Anglo-Americans and Latin-Americans; (4) no concerted effort has ever been made by any public or private organization to improve the conditions among the Latin-American inhabitants as to health, sanitary facilities, or housing.

"I have no way of knowing what the legislative committee will decide; however, the entire record of the hearing will be published in pamphlet form by the American G. I. Forum, a Veterans' organization, and so every citizen who wishes may read the record for himself and draw his own con-

clusions.

"Incidentally, conspicuous by his absence at this legislative hearing was the chairman of the Investigating Committee for the American Legion of San Antonio, who 'whitewashed' the whole incident without interviewing any member of the Longoria family, or to my knowledge, questioning any other witness referred to in this statement except possibly the funeral director and the Mayor of Three Rivers.

"The most important matter that must not be overlooked is the fact that regardless of how many weaknesses our democratic system may have nevertheless every person who was willing to shed light on the subject was allowed to testify without threats or intimidation; legal counsel was permitted to anyone who desired same; and the entire testimony was transcribed in an open and public hearing. That fact and the additional fact that even small communities in Texas are becoming conscious of this issue should be sufficient grounds for every citizen to feel optimistic about future relations among our citizens of diverse origins and races."



Senator - this is a corrected copy

MAR 17 AM

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X
hangar

GUS C. GARCIA
ATTORNEY AT LAW
MAJESTIC BUILDING
SAN ANTONIO, TEXAS

April 7, 1949

Mr. John Connally
c/o Senator Lyndon B. Johnson
Senate Office Building
Washington, D. C.

Dear John:

I received your telegram, which makes everything rosy, and I want to thank you and the Senator from the bottom of my heart. I know that by this time you have talked with Frank Oltorff and that you know all about the Three Rivers fiasco. I suggest that we adopt the motto of the tool grinders' union: "illegitimi non carborundum."*

Cordially and sincerely,

Gus
Gus C. Garcia

GCG/jg

* "Don't let the bastards
grind you down."
G.

DOMESTIC SERVICE	
Check <input type="checkbox"/> of service desired; otherwise this message will be sent as a full rate telegram	
FULL RATE TELEGRAM	SERIAL
DAY LETTER	NIGHT LETTER

WESTERN UNION

1206

INTERNATIONAL SERVICE	
Check the class of service desired; otherwise this message will be sent at the full rate	
FULL RATE	DEFERRED
CODE	NIGHT LETTER

JOSEPH L. EGAN, PRESIDENT

NO. WDS.-CL. OF SVC.	PD. OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	TIME FILED

Send the following message, subject to the terms on back hereof, which are hereby agreed to

WASHINGTON, D. C.
FEBRUARY 28, 1949

MR. FRANK OLTORF
HOUSE OF REPRESENTATIVES
AUSTIN, TEXAS

RETEL. THANKS MUCH. HOPE YOU WILL GIVE ME YOUR ANALYSIS OF SITUATION BY LETTER.

LYNDON B. JOHNSON, USS

OFFICIAL BUSINESS
GOVERNMENT RATE
LONGRAM PAID

lbj dj
longoria investigation by state legislature

CLASS OF SERVICE
This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

(48)

SYMBOLS
DL = Day Letter
NL = Night Letter
LC = Deferred Cable
NLT = Cable Night Letter
Ship Radiogram

JOSEPH L. EGAN
PRESIDENT

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

WZ231 PD=VT AUSTIN TEX 28 1207P=

1949 FEB 28 PM 2 49

SEN LYNDON B JOHNSON=

SENATE OFFICE BLDG=

COMMISSION CONSISTS OF CECIL STORY OF LONGVIEW AS CHAIRMAN
& OLTORF, O E CANNON OF CORPUS CHRISTI, TOM CHEATAM OF
CUERO JAMES M WINDHAM OF LIVINGSTON=

OLTORF=

ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS

To guard against mistakes or delays, the sender of a message should order it repeated, that is, telegraphed back to the originating office for comparison. For this, one-half the unrepeatable message rate is charged in addition. Unless otherwise indicated on its face, this is an unrepeatable message and paid for as such, in consideration whereof it is agreed between the sender of the message and this Company as follows:

1. The Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the unrepeatable-message rate beyond the sum of five thousand dollars; nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the repeated-message rate beyond the sum of five thousand dollars, unless specially valued; nor in any case for delays arising from unavoidable interruption in the working of its lines.

2. In any event the Company shall not be liable for damages for mistakes or delays in the transmission or delivery, or for the non-delivery, of any message, whether caused by the negligence of its servants or otherwise, beyond the actual loss, not exceeding in any event the sum of five thousand dollars, at which amount the sender of each message represents that the message is valued, unless a greater value is stated in writing by the sender thereof at the time the message is tendered for transmission, and unless the repeated-message rate is paid or agreed to be paid, and an additional charge equal to one-tenth of one per cent of the amount by which such valuation shall exceed five thousand dollars.

3. The Company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other company when necessary to reach its destination.

4. Except as otherwise indicated in connection with the listing of individual places in the filed tariffs of the Company, the amount paid for the transmission of a domestic telegram or an incoming cable or radio message covers its delivery within the following limits: In cities or towns of 5,000 or more inhabitants where the Company has an office which, as shown by the filed tariffs of the Company, is not operated through the agency of a railroad company, within two miles of any open main or branch office of the Company; in cities or towns of 5,000 or more inhabitants where, as shown by the filed tariffs of the Company, the telegraph service is performed through the agency of a railroad company, within one mile of the telegraph office; in cities or towns of less than 5,000 inhabitants in which an office of the Company is located, within one-half mile of the telegraph office. Beyond the limits above specified the Company does not undertake to make delivery, but will endeavor to arrange for delivery as the agent of the sender, with the understanding that the sender authorizes the collection of any additional charge from the addressee and agrees to pay such additional charge if it is not collected from the addressee. There will be no additional charge for deliveries made by telephone within the corporate limits of any city or town in which an office of the Company is located.

5. No responsibility attaches to this Company concerning messages until the same are accepted at one of its transmitting offices; and if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the agent of the sender.

6. The Company will not be liable for damages or statutory penalties in the case of any message except an intrastate message in Texas where the claim is not presented in writing to the Company within sixty days after the message is filed with the Company for transmission, and in the case of an intrastate message in Texas the Company will not be liable for damages or statutory penalties where the claim is not presented in writing to the Company within ninety-five days after the cause of action, if any, shall have accrued; provided, however, that neither of these conditions shall apply to claims for damages or overcharges within the purview of Section 415 of the Communications Act of 1934.

7. It is agreed that in any action by the Company to recover the tolls for any message or messages the prompt and correct transmission and delivery thereof shall be presumed, subject to rebuttal by competent evidence.

8. Special terms governing the transmission of messages according to their classes, as enumerated below, shall apply to messages in each of such respective classes in addition to all the foregoing terms.

9. No employee of the Company is authorized to vary the foregoing.

10-42

CLASSES OF SERVICE

DOMESTIC SERVICES

FULL RATE TELEGRAMS

A full rate expedited service.

DAY LETTERS

A deferred service at lower than the full rate

SERIALS

Messages sent in sections during the same day.

NIGHT LETTERS

Accepted up to 2 A.M. for delivery not earlier than the following morning at rates substantially lower than the full rate telegram or day letter rates.

CABLE SERVICES

FULL RATE CABLES

The standard fast service at full rates. May be written in any language that can be expressed in Roman letters or in cipher.

CODE (CDE)

A fast message service consisting of words formed without condition or restriction, counted at 5 characters per word. Minimum charge of 5 words applies.

DEFERREDS (LC)

Plain language messages, subject to being deferred in favor of full rate and CDE messages.

NIGHT LETTERS (NLT)

Overnight plain-language messages. Minimum charge of 25 words applies.



MEMO
FROM

House of Representatives

APR 14 A.M.

Dear Lyndon:

See 1510 for majority
report and my comment
to you on 1513 -

It was good to
hear your voice a
few minutes ago.

I have deep affection &
respect for you and
it is always a pleasure
to talk with you.

Love -

HOUSE JOURNAL

FIFTY-FIRST LEGISLATURE, REGULAR SESSION

AUSTIN, TEXAS, THURSDAY, APRIL 7, 1949

PROCEEDINGS

FIFTY-SECOND DAY

(Thursday, April 7, 1949)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Hon. Pearce Johnson.

The roll of the House was called, and the following Members were present:

Abington	Graham
Aynesworth	Gray
Bell	Gregory
Benton	Gromatzky
Bergman	Hanna
Blount	Hardee
Bradshaw	Heflin
Briscoe	Heideke
Brooks	Holstein
of Jefferson	Holt
Brooks	Horany
of Red River	Hughes
Bryan	Hull
Cannon	Isaacks
Carter	Ivey
Casey	Jackson
Cassidy	James
Caston	Jameson
Caven	Jobe
Chambers	Johnson
Cheatham	Jones
Childress	Kazen
Clifton	Kilgore
Collie	King
Cox	Kirkpatrick
Craig	Latimer
Crosthwait	Lee
Daniel	Lehman
Etheredge	Lewis
Flanagan	Lindsey
Fleming	Loving
Fly	Luedemann
Gandy	McCann
Gardner	McCorkle
Gathings	McDaniel
Godard	McDonald

McGregor	Steward
McIlhany	Still, Mrs.
McKnight	Stockard
McLellan	Storey
Mangum	Stovell
Miller	Stamp
Moore	Svadlenak
Morrison	Swindell
Moursund	Tatum
Murray	Teague
Niemann	Thomas
Nokes	Timmons
Norton	Tinsley
Parkhouse	Tippen
Paschall	Tufares
Pattison	Turner
Pearson	Wagonseller
Perry of Brazoria	Watson
Perry of Erath	Whiteside
Peterson	of Baylor
Presnal	Whiteside
Pyle	of Smith
Rampy	Whitworth
Reed	Wilkinson
Richards	Williams of Bexar
Ridgeway	Williams
Rogers	of Scurry
of Childress	Willis of Tarrant
Rogers of Travis	Willis
Rust	of Kaufman
Rutherford	Wilson
Senterfitt	Windham
Shannon	Wisener
Shell	Wood of Smith
Slimp	Wood of Houston
Smith of Hays	Woodruff
Smith of Lubbock	Yezak
Spacek	Young
Sparks	Zivley
Staton	

Absent—Excused

Oltorf	Walker
Vale	Williamson

A quorum was announced present.

Prayer was offered by Rev. J. H. Clark, Chaplain, as follows:

"O Gracious Father, Thou hast brought us into the Light and Life of another beautiful morning; the promise of another day. Wilt Thou not take away from us all that is displeasing and offensive to Thee; and give to us all we need to help us to be, what we ought to be, and do well for Thee the things we ought do. In humble gratitude we bring our Morning Offering.—Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Oltorf for today on motion of Mr. Whiteside of Smith.

Mr. Kilgore, temporarily for today on motion of Mr. McKnight.

Mr. Vale, temporarily for today on motion of Mr. Smith of Hays.

The following Members were granted leaves of absence on account of illness:

Mr. Walker for today on motion of Mr. Lee.

Mr. Williamson for today on motion of Mr. Hull.

INTRODUCTION OF HOUSE BILLS

Mr. Gray asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 849.

There was no objection offered and it was so ordered.

Mr. Casey asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 850.

There was no objection offered and it was so ordered.

Mr. Heflin asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 851.

There was no objection offered and it was so ordered.

Mr. Heflin asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 853.

There was no objection offered and it was so ordered.

Mr. Stockard asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 854.

There was no objection offered and it was so ordered.

Mr. Etheredge asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 855.

There was no objection offered and it was so ordered.

Mr. Williams of Bexar asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 856.

There was no objection offered and it was so ordered.

Mr. Williams of Bexar asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 857.

There was no objection offered and it was so ordered.

CONFERENCE COMMITTEE REPORT ON H. B. NO. 64

Mr. Graham submitted the following Conference Committee report on H. B. No. 64:

Austin, Texas, April 6, 1949.

Hon. Allan Shivers, President of the Senate.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your Conference Committee on House Bill No. 64, appointed by the President of the Senate and the Speaker of the House of Representatives respectively to adjust the differences between the two Houses, beg leave to report that we have adjusted the differences between the Senate and the House, and recommend the passage of the bill in the form hereto attached.

Respectfully submitted,
PRESNAL,
BRISCOE,
SETERFITT,
RAMPY,

GRAHAM,
On the Part of the House.

AIKIN,
MOFFITT,
HUDSON,
HARDEMAN,
On the Part of the Senate.

H. B. No. 64 By Graham, et al.

A BILL To Be Entitled

An Act amending Chapter 2, Title 49, Revised Civil Statutes of Texas by adding a new Article to be designated Article 2615d, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to establish an adjunct of the College in Kimble County, Texas; authorizing said Board to provide at the adjunct any services which conform to the leading object of the Agricultural and Mechanical College of Texas, including research, with certain exceptions and limitations; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Amend Chapter 2, Title 49, Revised Civil Statutes of Texas by adding a new Article to be designated Article 2615d reading as follows:

"Article 2615d: Adjunct of College authorized to be located in Kimble County.

"Section 1. The Board of Directors of the Agricultural and Mechanical College of Texas is authorized to establish in Kimble County an adjunct of the College to be located on land furnished without cost to the State of Texas.

"Sec. 2. That the Board of Directors of the Agricultural and Mechanical College of Texas is authorized to provide at said adjunct any services which conform to the leading object of the Agricultural and Mechanical College of Texas as defined in Article 2608 of the Revised Civil Statutes of Texas, 1925, including research, subject to the following exceptions:

"1. That no undergraduate course carrying college credit will be offered at the adjunct in Kimble County during the eight (8) months between

the first day of October and the first day of June of any school year.

"2. That not more than Two Hundred Thousand Dollars (\$200,000) may be expended from available plant funds for buildings and improvements without the specific authorization of the Legislature of Texas.

"3. College credits received at the adjunct in Kimble County shall not be counted toward graduation from Agricultural and Mechanical College of Texas, unless an equivalent number of college credits for graduation shall have been received at the Agricultural and Mechanical College of Texas, located at College Station, Texas."

Sec. 2. The fact that the Agricultural and Mechanical College of Texas has a large enrollment, consisting of many ex-servicemen, and lacks the necessary facilities to provide the proper orientation and pre-college screening, and the fact that many ex-servicemen students desiring admission to the College need a preliminary refresher course to equip them for college work, and the fact that many students fail in the College because of a lack of pre-college indoctrination, at great expense to the State and to the parents of such students, and the further fact that the adjunct in Kimble County could be used for summer classes to provide the necessary pre-college training required if failures are to be reduced, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Graham, the Conference Committee report was adopted by the following vote:

Yeas—114

Abington	Brooks
Bell	of Red River
Benton	Bryan
Bergman	Cannon
Bradshaw	Carter
Briscoe	Casey
Brooks	Cassity
of Jefferson	Caston

Caven	Parkhouse
Cheatham	Paschall
Clifton	Pattison
Collie	Perry of Brazoria
Cox	Perry of Erath
Craig	Peterson
Crosthwait	Pyle
Etheredge	Rampy
Flanagan	Reed
Fly	Ridgeway
Gandy	Rogers
Gardner	of Childress
Gathings	Rust
Godard	Senterfitt
Graham	Shannon
Gray	Shell
Gromatzky	Slimp
Hanna	Smith of Hays
Hardee	Smith of Lubbock
Heideke	Spacek
Holstein	Sparks
Holt	Staton
Horany	Steward
Hughes	Still, Mrs.
Hull	Stockard
Isaacks	Storey
Ivey	Stovell
James	Svadlenak
Jameson	Swindell
Jones	Tatum
Kazen	Thomas
King	Timmons
Kirkpatrick	Tinsley
Latimer	Tippen
Lee	Turner
Lehman	Wagonseller
Lewis	Whiteside
Lindsey	of Smith
Loving	Whitworth
Luedemann	Wilkinson
McCann	Williams of Bexar
McCorkle	Williams
McDaniel	of Scurry
McDonald	Willis of Tarrant
McGregor	Willis
McIlhany	of Kaufman
McKnight	Windham
Mangum	Wisener
Moore	Wood of Smith
Morrison	Woodruff
Niemann	Yezak
Nokes	Young
Norton	Zivley

Absent

Aynsworth	Gregory
Blount	Heflin
Chambers	Jackson
Childress	Jobe
Daniel	Kilgore
Fleming	McLellan

Miller	Stump
Moursund	Teague
Murray	Tufares
Pearson	Watson
Presnal	Whiteside
Richards	of Baylor
Rogers of Travis	Wilson
Rutherford	Wood of Houston

Absent—Excused

Oltorf	Walker
Vale	Williamson

Mr. Graham moved to reconsider the vote by which the Conference Committee report on H. B. No. 64 was adopted and to table the motion to reconsider.

The motion to table prevailed.

BILLS ORDERED PRINTED IN MIMEOGRAPH FORM

On motion of Mr. Holt, by unanimous consent, House Bill No. 789 was ordered printed in mimeograph form and not otherwise printed.

On motion of Mr. Brooks of Jefferson, by unanimous consent, House Bill No. 642 was ordered printed in mimeograph form and not otherwise printed.

On motion of Mr. Rogers of Travis, by unanimous consent, House Bill No. 606 was ordered printed in mimeograph form and not otherwise printed.

On motion of Mr. Hughes, by unanimous consent, Senate Bill No. 28 was ordered printed in mimeograph form and not otherwise printed.

On motion of Mr. Crosthwait, by unanimous consent, House Bill No. 747 was ordered printed in mimeograph form and not otherwise printed.

On motion of Mr. McDaniel, by unanimous consent, House Bill No. 756 was ordered printed in mimeograph form and not otherwise printed.

PROVIDING FOR THE CONSIDERATION OF LOCAL AND UNCONTESTED BILLS

Mr. Ridgeway moved that the House set a local and uncontested bill calendar for next Tuesday, April

12, after the consideration of constitutional amendments, to be not later than 3:00 o'clock p. m.

There was no objection offered and it was so ordered.

TO NAME SUSAN HANCOCK JACKSON MASCOT OF THE HOUSE

Mr. Cox offered the following resolution:

H. S. R. No. 168.

Whereas, We have with us now a proper person to be named Mascot of the House of Representatives of the Fifty-first Session of the Texas Legislature; and

Whereas, Susan Hancock Jackson is the adorable daughter of our esteemed and distinguished fellow Member, Hal Jackson, and Mrs. Jackson of Denton; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That Susan Hancock Jackson be named as Mascot of the Fifty-first Session and that the said Mascot's picture be made and placed in the official group of this Body.

The resolution was referred to the Committee on Rules.

TO PROVIDE FOR CERTAIN ADJOURNMENT PERIOD

Mr. Bell offered the following resolution:

H. C. R. No. 65.

Be It Resolved by the House of Representatives, the Senate concurring, That each House grant the other permission to adjourn from Thursday, April 7, 1949, until Monday, April 11, 1949.

The resolution was read and was adopted.

TO GRANT PERMISSION TO D. S. ROGERS JR., TO SUE THE STATE

Mr. Brooks of Jefferson offered the following resolution:

H. C. R. No. 66.

Whereas, On or about November 5, 1948, in the County of Jefferson,

Texas, Elmo J. Blanchard, an employee of the State Highway Department, driving an automobile with license number XH 2692, backed into a car belonging to D. S. Rogers, Jr., of Anahuac, Chambers County, Texas, causing damage to Rogers' car estimated by competent repairman to be Two Hundred and Sixty-four Dollars and Sixty-five Cents (\$264.65); and

Whereas, The said D. S. Rogers, Jr., is desirous of determining the liability, if any, of the State of Texas and the State Highway Department for the alleged damages to his automobile, and for that purpose he desires to file suit in the proper Court having jurisdiction over said claim to have such liability, if any, and the amount of the resulting damages therefrom, if any, judicially determined; now therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said D. S. Rogers, Jr., be, and he is hereby, authorized to file suit against the State of Texas and the State Highway Department in the proper Court having jurisdiction thereof to determine the liability, if any, and the damages, if any, which he may be entitled to recover. In the event said suit is filed, service of citation or other necessary process shall be upon the Chairman of the State Highway Commission and the Attorney General of the State of Texas, and said suit shall be tried as provided by law for all other civil cases, reserving to either party the right to appeal; and be it further

Resolved, That nothing herein shall be construed as an admission of liability on the part of the State of Texas or on the part of the State Highway Department. It is understood that the sole purpose of this Resolution is to grant permission to the said D. S. Rogers, Jr., to bring suit against the State of Texas and the State Highway Department for the alleged damages incurred; and no admission of liability of the State or the State Highway Department of any facts and no admission whatsoever against the interest of the State or the State Highway Department is or shall be made by this Resolution; and all of the same shall

be proved in Court as in other civil cases.

The resolution was referred to the Committee on State Affairs.

COMMITTEE TO ESCORT DR. LUTHER H. EVANS

The Chair announced the appointment of the following Committee to escort Dr. Luther H. Evans from the Governor's Office to the floor of the House:

Messrs. Whitworth, Niemann, Blount, McLellan, McDaniel, and Chambers.

RELATIVE TO H. J. R. NO. 18

Mr. Sparks called from the Journal the motion to reconsider the vote by which H. J. R. No. 18 was re-referred from the Committee on Constitutional Amendments to the Committee on Military and Veteran's Affairs.

Mr. Horany raised the point of order that the motion to reconsider is out of order, in that it is in violation of Rule 14, Sec. 1, which relates to reconsiderations, that when a motion to reconsider has been defeated, the motion cannot again be made except by unanimous consent.

The Chair overruled the point of order on the ground that the point of order comes too late.

Mr. Horany raised a further point of order on further consideration of the motion to reconsider, made by Mr. Clifton, on the ground that Mr. Clifton did not vote on the prevailing side.

The Chair overruled the point of order.

Mr. Jameson moved to reconsider the vote by which H. J. R. No. 18, was withdrawn from the Committee on Constitutional Amendments and referred to the Committee on Military and Veteran's Affairs.

Mr. Horany moved to table the motion to reconsider the vote by which H. J. R. No. 18 was withdrawn from the Committee on Constitutional Amendments and referred to the Committee on Military and Veteran's Affairs.

Question recurring on the motion to table the motion to reconsider the vote, yeas and nays were demanded.

The motion to table the motion to reconsider the vote by which H. J. R. No. 18 was re-referred was lost by the following vote:

Yeas—58

Benton	Norton
Blount	Paschall
Bradshaw	Pearson
Brooks	Perry of Brazoria
of Red River	Rogers of Travis
Bryan	Rutherford
Cassity	Smith of Lubbock
Daniel	Spacek
Flanagan	Staton
Fly	Stump
Gathings	Svadlenak
Gray	Swindell
Gromatzky	Teague
Hardee	Timmons
Holstein	Tippen
Holt	Tufares
Horany	Turner
Jobe	Whiteside
Jones	of Baylor
Kazen	Whiteside
Lee	of Smith
Lehman	Wilkinson
Lindsey	Williams
McCann	of Scurry
McCorkle	Willis of Tarrant
McDaniel	Wisener
McDonald	Wood of Houston
McGregor	Woodruff
McIlhany	Yezak
Moore	Young
Niemann	Zivley

Nays—70

Abington	Gardner
Aynsworth	Graham
Bell	Gregory
Bergman	Hanna
Brooks	Heflin
of Jefferson	Heideke
Cannon	Hughes
Carter	Hull
Casey	Isaacks
Caston	Ivey
Caven	Jackson
Cheatham	James
Clifton	Jameson
Collie	King
Cox	Kirkpatrick
Craig	Latimer
Crothwait	Lewis
Etheredge	Loving

Luedemann	Rust
McKnight	Senterfitt
Mangum	Shannon
Moursund	Shell
Murray	Slimp
Nokes	Smith of Hays
Parkhouse	Sparks
Pattison	Steward
Perry of Erath	Still, Mrs.
Peterson	Stockard
Presnal	Stovell
Pyle	Tatum
Rampy	Thomas
Reed	Wagon seller
Richards	Watson
Ridgeway	Whitworth
Rogers	Williams of Bexar
of Childress	Wood of Smith

Absent

Briscoe	Miller
Chambers	Morrison
Childress	Storey
Fleming	Tinsley
Gandy	Willis
Godard	of Kaufman
Kilgore	Wilson
McLellan	Windham

Absent—Excused

Oltorf	Walker
Vale	Williamson

Question then recurring on the motion to reconsider the vote by which H. J. R. No. 18 was re-referred, yeas and nays were demanded.

The motion to reconsider the vote by which H. J. R. No. 18 was re-referred from the Committee on Constitutional Amendments to the Committee on Military and Veteran's Affairs prevailed by the following vote:

Yeas—68

Abington	Craig
Aynsworth	Crothwait
Bell	Etheredge
Bergman	Fleming
Briscoe	Gardner
Brooks	Godard
of Jefferson	Graham
Cannon	Gregory
Carter	Hanna
Casey	Heflin
Caston	Heideke
Caven	Hughes
Cheatham	Hull
Collie	Isaacks
Cox	Ivey

Jackson	Richards
James	Ridgeway
Jameson	Rust
King	Senterfitt
Kirkpatrick	Shannon
Latimer	Shell
Lewis	Slimp
Loving	Smith of Hays
Luedemann	Sparks
McKnight	Steward
Mangum	Still, Mrs.
Moursund	Stockard
Nokes	Stovell
Parkhouse	Tatum
Pattison	Thomas
Perry of Erath	Tinsley
Peterson	Wagon seller
Presnal	Watson
Pyle	Whitworth
Rampy	Williams of Bexar
Reed	Wood of Smith

Nays—59

Benton	Paschall
Blount	Pearson
Bradshaw	Perry of Brazoria
Brooks	Rogers of Travis
of Red River	Rutherford
Bryan	Smith of Lubbock
Cassity	Spacek
Clifton	Staton
Daniel	Stump
Flanagan	Svadlenak
Fly	Swindell
Gathings	Teague
Gray	Timmons
Gromatzky	Tippen
Hardee	Tufares
Holstein	Turner
Holt	Whiteside
Horany	of Baylor
Jobe	Whiteside
Kazen	of Smith
Lee	Wilkinson
Lehman	Williams
Lindsey	of Scurry
McCann	Willis of Tarrant
McCorkle	Wilson
McDaniel	Wisener
McDonald	Wood of Houston
McGregor	Woodruff
McIlhany	Yezak
Moore	Young
Niemann	Zivley
Norton	

Absent

Chambers	Kilgore
Childress	McLellan
Gandy	Miller
Jones	Morrison

Murray
Rogers
of Childress
Storey

Willis
of Kaufman
Windham

Absent—Excused

Oltorf
Vale

Walker
Williamson

Mr. Horany raised the point of order that the motion to reconsider the above vote requires a two-thirds vote in accordance with Rule 14, Section 1, of the House Rules.

The Chair overruled the point of order.

Question then recurring on the motion to re-refer H. J. R. No. 18 to the Committee on Military and Veteran's Affairs, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows: Yeas 65; Nays 68.

A verification of the vote was requested.

Mr. Sparks raised a point of order on further consideration of a verification of the above vote in that it is now in violation of Section 9 of Rule 11 of the House Rules, in that the Speaker shall not entertain a request for verification after the House has proceeded to the next question, or after a recess or adjournment.

The Chair overruled the point of order.

The roll of the "nays" was again called and the verified vote resulted, as follows:

Yeas—65

Benton
Blount
Bradshaw
Brooks
of Red River
Bryan
Cassity
Childress
Clifton
Daniel
Flanagan
Fly
Gandy
Gathings

Gray
Gromatzky
Hardee
Holstein
Holt
Horany
Jobe
Jones
Kazen
King
Lee
Lehman
Lindsey
McCann

McDaniel
McDonald
McGregor
McIlhany
Moore
Murray
Niemann
Norton
Paschall
Pearson
Perry of Brazoria
Rogers of Travis
Rutherford
Smith of Lubbock
Spacek
Staton
Stump
Svadlenak
Swindell
Tatum

Teague
Timmons
Tinsley
Tippen
Tufares
Turner
Whiteside
of Baylor
Whiteside
of Smith
Wilkinson
Willis of Tarrant
Wilson
Windham
Wisener
Wood of Houston
Woodruff
Yezak
Young
Zivley

Nays—65

Abington
Aynesworth
Bell
Bergman
Briscoe
Brooks
of Jefferson
Cannon
Carter
Casey
Caston
Caven
Cheatham
Collie
Cox
Craig
Crosthwait
Etheredge
Gardner
Graham
Gregory
Hanna
Heffin
Heideke
Hughes
Hull
Isaacks
Ivey
Jackson
James
Jameson
Kirkpatrick
Latimer

Lewis
Loving
Luedemann
McKnight
Mangum
Moursund
Nokes
Parkhouse
Pattison
Perry of Erath
Presnal
Pyle
Rampy
Reed
Richards
Ridgeway
Rust
Senterfitt
Shannon
Shell
Slimp
Smith of Hays
Sparks
Steward
Still, Mrs.
Stockard
Stovell
Thomas
Wagonseller
Watson
Whitworth
Williams of Bexar
Wood of Smith

Absent

Chambers
Fleming
Godard
Kilgore

McCorkle
McLellan
Miller
Morrison

Peterson
Rogers
of Childress
Storey

Williams
of Scurry
Willis
of Kaufman

Absent—Excused

Oltorf
Vale

Walker
Williamson

(On motion of Mr. Sparks, the House dispensed with the verification of those voting "yea.")

The Chair announced that the motion to re-refer H. J. R. No. 18 from the Committee on Constitutional Amendments to the Committee on Military and Veteran's Affairs was lost by the above vote.

ADDRESS BY DR. LUTHER H. EVANS

In accordance with the provisions of H. C. R. No. 27, Inviting Dr. Luther H. Evans to address a Joint Session at 11:00 o'clock a. m. today, Dr. Luther H. Evans, accompanied by Governor Beauford H. Jester and Mr. and Mrs. G. W. Evans of Bastrop, parents of Dr. Luther H. Evans; Mrs. Alice McCreery, sister, and Mr. J. R. Turner, a friend; and Messrs. Whitworth, Niemann, Blount, McLellan, McDaniel and Chambers, Committee on the part of the House; and Senators Corbin, McDonald, Moore, Bracewell and Martin, Committee on the part of the Senate, were announced at the Bar of the House and escorted to seats on the Speaker's rostrum.

Senator Kyle Vick, President Pro Tempore of the Senate, occupied a seat on the Speaker's rostrum.

Hon. Pearce Johnson presented Governor Beauford H. Jester, who introduced Dr. Luther H. Evans.

Dr. Evans then addressed the Joint Session.

Mr. Johnson then presented the following:

Mr. and Mrs. G. W. Evans, of Bastrop, Texas.

Mrs. Alice McCreery and Mr. J. R. Turner.

SENATE RETIRES

At 12:00 o'clock m., at the con-

clusion of the address, Senator Kyle Vick announced that the Senate would retire.

ADDRESS ORDERED PRINTED

Mr. Lewis moved that the remarks of Dr. Luther Evans be printed in the Journal.

The motion prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, April 7, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on H. B. No. 64 by the following vote: Yeas 24, nays 2.

Respectfully,

GARLAND A. SMITH,
Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, April 7, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

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

H. C. R. No. 65, Granting each House permission to adjourn from Thursday, April 7, until Monday, April 11, 1949.

S. C. R. No. 39, Inviting the Governor of the State of Coahuila to address a Joint Session of the Senate and House at 11:00 o'clock a. m., Monday, April 11, 1949.

Respectfully,

GARLAND A. SMITH,
Secretary of the Senate.

RESOLUTION SIGNED BY THE CHAIR

The Chair signed in the presence of the House after giving due notice thereof and its caption had been read the following enrolled resolution:

S. C. R. No. 38, To provide for inspection of fire hazards in State institutions, etc.

RECESS

Mr. Nokes moved that the House recess until 2:00 o'clock p. m. today.

Mr. Lee moved that the House adjourn until 10:00 o'clock a. m. next Monday.

Mr. Gregory moved that the House recess until 1:30 o'clock p. m. today.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—49

Abington	Pyle
Bell	Rampy
Bryan	Ridgeway
Cassity	Rogers
Cheatham	of Childress
Gardner	Rust
Hanna	Shannon
Heideke	Shell
Horany	Slimp
Hughes	Smith of Lubbock
Ivey	Spacek
Jackson	Staton
Jameson	Svadlenak
Jobe	Vale
Kazen	Wagonseller
Latimer	Watson
Lee	Whitworth
Lehman	Wilkinson
Luedemann	Williams of Bexar
McIlhany	Williams
Miller	of Scurry
Moore	Willis of Tarrant
Moursund	Willis
Niemann	of Kaufman
Paschall	Yezak
Pattison	Zivley

Nays—89

Aynesworth	Caven
Benton	Childress
Blount	Clifton
Bradshaw	Collie
Briscoe	Cox
Brooks	Craig
of Jefferson	Crosthwait
Brooks	Daniel
of Red River	Etheredge
Cannon	Flanagan
Carter	Fleming
Casey	Fly
Caston	Gandy

Gathings	Peterson
Godard	Presnal
Graham	Reed
Gray	Richards
Gregory	Rogers of Travis
Gromatzky	Rutherford
Hardee	Senterfitt
Heflin	Smith of Hays
Holstein	Sparks
Hull	Steward
Isaacks	Still, Mrs.
James	Stockard
Jones	Storey
Kilgore	Stovell
King	Swindell
Kirkpatrick	Tatum
Lewis	Teague
Lindsey	Thomas
Loving	Timmons
McCann	Tinsley
McCorkle	Tippen
McDaniel	Tufares
McDonald	Turner
McGregor	Whiteside
McKnight	of Baylor
Mangum	Whiteside
Morrison	of Smith
Murray	Wilson
Nokes	Windham
Norton	Wisener
Parkhouse	Wood of Smith
Pearson	Wood of Houston
Perry of Brazoria	Woodruff
Perry of Erath	Young

Absent

Bergman	McLellan
Chambers	Stump
Holt	

Absent—Excused

Oltorf	Williamson
Walker	

Question then recurring on the motion to recess until 1:30 o'clock p. m. today, yeas and nays were demanded.

The motion to recess until 1:30 o'clock p. m. today was lost by the following vote:

Yeas—17

Blount	Gregory
Briscoe	James
Brooks	Jameson
of Jefferson	Mangum
Clifton	Miller
Craig	Reed
Crosthwait	Richards

Smith of Hays	Teague
Smith of Lubbock	Wood of Smith

Nays—120

Abington	McDonald
Aynesworth	McGregor
Bell	McIlhany
Benton	McKnight
Bradshaw	Moore
Brooks	Morrison
of Red River	Moursund
Bryan	Murray
Cannon	Niemann
Carter	Nokes
Casey	Norton
Cassity	Parkhouse
Caston	Paschall
Caven	Pattison
Cheatham	Pearson
Childress	Perry of Brazoria
Collie	Peterson
Cox	Presnal
Daniel	Pyle
Etheredge	Rampy
Flanagan	Ridgeway
Fleming	Rogers
Fly	of Childress
Gandy	Rogers of Travis
Gardner	Rust
Gathings	Rutherford
Godard	Senterfitt
Graham	Shannon
Gray	Shell
Gromatzky	Slimp
Hanna	Spacek
Hardee	Sparks
Heflin	Staton
Heideke	Steward
Holstein	Still, Mrs.
Horany	Stockard
Hughes	Storey
Hull	Stovell
Isaacks	Svadlenak
Ivey	Swindell
Jackson	Tatum
Jobe	Thomas
Jones	Timmons
Kazen	Tinsley
Kilgore	Tippen
King	Tufares
Kirkpatrick	Turner
Latimer	Vale
Lee	Wagonseller
Lehman	Watson
Lewis	Whiteside
Lindsey	of Baylor
Loving	Whiteside
Luedemann	of Smith
McCann	Whitworth
McCorkle	Wilkinson
McDaniel	Williams of Bexar

Williams of Scurry	Wisener
Willis of Tarrant	Wood of Houston
Willis	Woodruff
of Kaufman	Yezak
Windham	Young
	Zivley

Absent

Bergman	Perry of Erath
Chambers	Stump
Holt	Wilson
McLellan	

Absent—Excused

Oltorf	Williamson
Walker	

Question next recurring on the motion to recess until 2:00 o'clock p. m. today, yeas and nays were demanded.

The motion to recess until 2:00 o'clock p. m. today prevailed by the following vote:

Yeas—87

Abington	Isaacks
Bell	Jackson
Benton	James
Blount	Jameson
Bradshaw	Jobe
Briscoe	Jones
Brooks	King
of Jefferson	Latimer
Brooks	Lewis
of Red River	Lindsey
Cannon	Loving
Carter	Luedemann
Casey	McCann
Caston	McCorkle
Caven	McDaniel
Childress	McDonald
Collie	McKnight
Cox	Mangum
Craig	Moore
Crosthwait	Morrison
Daniel	Murray
Etheredge	Nokes
Flanagan	Norton
Fly	Paschall
Gandy	Pearson
Gathings	Perry of Brazoria
Godard	Presnal
Graham	Pyle
Gregory	Reed
Gromatzky	Richards
Hardee	Rogers of Travis
Heflin	Rutherford
Holstein	Senterfitt
Hull	Smith of Hays

Sparks	Turner
Staton	Whiteside
Still, Mrs.	of Smith
Storey	Willis of Tarrant
Stovell	Windham
Swindell	Wisener
Teague	Wood of Smith
Timmons	Wood of Houston
Tinsley	Woodruff
Tippen	Young
Tufares	Zivley

Nays—45

Aynesworth	Ridgeway
Bryan	Rogers
Cassity	of Childress
Clifton	Rust
Fleming	Shannon
Gardner	Shell
Gray	Slimp
Hanna	Smith of Lubbock
Heideke	Spacek
Horany	Steward
Hughes	Stockard
Ivey	Stump
Kazen	Svadlenak
Kirkpatrick	Vale
Lee	Wagonseller
Lehman	Watson
McGregor	Whiteside
McIlhany	of Baylor
Miller	Whitworth
Moursund	Wilkinson
Niemann	Williams of Bexar
Pattison	Williams
Peterson	of Scurry
Rampy	Yezak

Absent

Bergman	Perry of Erath
Chambers	Tatum
Cheatham	Thomas
Holt	Willis
Kilgore	of Kaufman
McLellan	Wilson
Parkhouse	

Absent—Excused

Oltorf	Williamson
Walker	

The House, accordingly, at 12:10 o'clock p. m., took recess until 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m. and was called to order by Hon. Pearce Johnson.

SENATE BILL NO. 115 ON PASSAGE TO THIRD READING

The Chair laid before the House, as pending business, on its passage to third reading

S. B. No. 115, A bill to be entitled "An Act providing a more efficient method of State administration of the public free schools; creating a central education agency, defining the powers and duties thereof; establishing the component parts thereof, including a State Board of Education, a State Commissioner of Education, and a State Department of Education; providing for the appointment of a Textbook Committee, and a State School Investment Committee, with powers and duties of each defined; providing certain general provisions; terminating and abolishing the present State Board of Education and State Superintendent of Public Instruction; repealing conflicting laws or parts of laws; containing a savings clause; and declaring an emergency."

The bill having been read second time on March 31, with committee amendment offered by Mr. Nokes and others, pending.

Mr. Miller offered the following amendment to the committee amendment:

Amend S. B. No. 115, page 3, Section 5 of the printed bill, line 26 by changing the word "except" to read "including."

Mrs. Still moved to table the amendment by Mr. Miller to the committee amendment.

Question recurring on the motion to table the amendment by Mr. Miller to the committee amendment, yeas and nays were demanded.

The motion to table the amendment by Mr. Miller to the committee amendment was lost by the following vote:

Yeas—56

Abington	Brooks
Blount	of Jefferson
Bradshaw	Cannon
Briscoe	Carter

Casey	Reed
Caston	Rogers of Travis
Caven	Rutherford
Collie	Smith of Hays
Cox	Sparks
Craig	Still, Mrs.
Etheredge	Storey
Gathings	Stovell
Graham	Swindell
Hardee	Tatum
Jackson	Timmons
Jones	Tinsley
Kilgore	Tippen
King	Turner
Lewis	Whiteside
Lindsey	of Baylor
Loving	Whiteside
McCann	of Smith
McDonald	Whitworth
McGregor	Wilkinson
Morrison	Willis of Tarrant
Murray	Windham
Nokes	Wood of Smith
Norton	Wood of Houston
Parkhouse	Young
Presnal	

Nays—57

Aynesworth	Luedemann
Bell	McCorkle
Benton	Miller
Brooks	Moore
of Red River	Moursund
Bryan	Niemann
Cassity	Paschall
Chambers	Pearson
Cheatham	Rampy
Childress	Richards
Clifton	Rust
Flanagan	Slimp
Fleming	Spacek
Gardner	Staton
Godard	Stump
Gray	Svadlenak
Gregory	Thomas
Gromatzky	Tufares
Heideke	Vale
Holstein	Wagonseller
Holt	Watson
Horany	Williams of Bexar
James	Williams
Jameson	of Scurry
Jobe	Willis
Kazen	of Kaufman
Kirkpatrick	Wilson
Latimer	Wisener
Lee	Woodruff
Lehman	Yezak

Present—Not Voting

McKnight	Rogers
	of Childress

Absent

Bergman	Pattison
Crosthwait	Perry of Brazoria
Daniel	Perry of Erath
Fly	Peterson
Gandy	Pyle
Hanna	Ridgeway
Heflin	Senterfitt
Hughes	Shannon
Hull	Shell
Isaacks	Smith of Lubbock
Ivey	Steward
McDaniel	Stockard
McIlhany	Teague
McLellan	Zivley
Mangum	

Absent—Excused

Oltorf	Williamson
Walker	

PAIRED

Mr. McKnight (present), who would vote "yea," with Mr. Oltorf (absent), who would vote "nay."

Mr. Rogers of Childress (present), who would vote "nay," with Mr. Teague (absent), who would vote "yea."

Question recurring on the amendment by Mr. Miller to the committee amendment, yeas and nays were demanded.

The roll of the House was called on the amendment by Mr. Miller and the vote announced, as follows: Yeas 59; Nays 60.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

Yeas—58

Aynesworth	Gardner
Bell	Godard
Benton	Gray
Brooks	Gregory
of Red River	Gromatzky
Bryan	Heideke
Cassity	Holstein
Chambers	Holt
Cheatham	Horany
Clifton	Jameson
Flanagan	Jobe
Fleming	Kazen

Kirkpatrick	Staton
Latimer	Stump
Lee	Svadlenak
Lehman	Thomas
Luedemann	Tufares
McCorkle	Vale
McGregor	Wagonseller
McLellan	Watson
Miller	Williams of Bexar
Moore	Williams
Moursund	of Scurry
Niemann	Willis
Paschall	of Kaufman
Pearson	Wilson
Rampy	Windham
Rust	Wisener
Slimp	Woodruff
Smith of Lubbock	Yezak
Spacek	

Nays—58

Blount	Norton
Bradshaw	Parkhouse
Briscoe	Peterson
Cannon	Presnal
Carter	Reed
Caston	Richards
Caven	Rogers of Travis
Childress	Rutherford
Collie	Shell
Cox	Smith of Hays
Craig	Sparks
Daniel	Still, Mrs.
Etheredge	Stockard
Gathings	Storey
Graham	Stovell
Hardee	Swindell
Jackson	Tatum
Jones	Timmons
Kilgore	Tinsley
King	Tippen
Lewis	Turner
Lindsey	Whiteside
Loving	of Baylor
McCann	Whiteside
McDonald	of Smith
McIlhany	Whitworth
Mangum	Willis of Tarrant
Morrison	Wood of Smith
Murray	Wood of Houston
Nokes	Young

Present—Not Voting

Casey	Rogers
McKnight	of Childress

Absent

Abington	Crosthwait
Bergman	Fly
Brooks	Gandy
of Jefferson	Hanna

Heflin	Perry of Erath
Hughes	Pyle
Hull	Ridgeway
Isaacks	Senterfitt
Ivey	Shannon
James	Steward
McDaniel	Teague
Pattison	Wilkinson
Perry of Brazoria	Zivley

Absent—Excused

Oltorf	Williamson
Walker	

PAIRED

Mr. Rogers of Childress (present), who would vote "yea," with Mr. Teague (absent), who would vote "nay."

Mr. McKnight (present), who would vote "nay," with Mr. Oltorf (absent), who would vote "yea."

The Chair announced that the amendment by Mr. Miller to the committee amendment was lost by the above vote.

Mr. Jameson offered the following amendment to the committee amendment:

Amend committee amendment to S. B. No. 115 by inserting a new section to be known as Section 4A in Article IV to read as follows:

"No person who has acted as an agent for any author or text book publishing house, or who has been an author or associate author of any text book published by any publishing house, or who owns stock in any text book depository or publishing house or who has been directly or indirectly connected with any text book publishing house shall be eligible to appointment to the State Textbook Committee."

The amendment to the committee amendment was adopted.

Mr. Jameson offered the following amendment to the committee amendment:

Amend committee substitute for Senate Bill No. 115 by striking out all of Section 6, Article VI and substituting in lieu thereof the following:

Sec. 6. The Commissioner shall execute his official bond with a surety company as surety thereon in the sum of \$50,000 payable to the Secretary of State conditioned on the faithful performance of his duties as required by the laws of Texas and the rules and regulations imposed by the Board acting under the authority of law.

The amendment to the committee amendment was adopted.

Mr. Jameson offered the following amendment to the committee amendment:

Amend committee amendment to S. B. No. 115 by inserting a new section to be known as Section 5A in Article II which shall read as follows:

"No person who has acted as an agent for any author or text book publishing house, or who has been an author or associate author of any textbook published by any publishing house, or who owns stock in any textbook depository or publishing house or who has been directly or indirectly connected with any textbook publishing house shall be eligible to serve on or be elected to the State Board of Education."

The amendment to the committee amendment was adopted.

Mr. Horany offered the following amendment to the committee amendment:

Amend Article 6 by substituting a new Article 6 to read as follows:

Section 1. There is hereby established the position of State Commissioner of Education. All powers and duties heretofore vested in the State Superintendent of Public Instruction shall be discharged by this Commissioner, provided said powers and duties are not in conflict with the provisions of this Act. The Commissioner of Education shall be duly elected by the people of the State of Texas under provisions of the statutes now in effect pertaining to the office of the State Superintendent of Education.

Sec. 2. The State Commissioner of

Education shall be a person of broad and professional educational experience, with special and recognized abilities of the highest order in organization, direction and co-ordination of education systems and programs, with particular abilities in administration and management of public schools and public education generally. The Commissioner of Education shall be a citizen of the United States, and of the State of Texas for a period of not less than five (5) years immediately preceding his appointment, of good moral character, and shall be eligible for the highest school administrator's certificate currently issued by the State Department of Education, and shall have a minimum of a Master's Degree, from a recognized institution of higher learning. He shall subscribe to the oath of office required of other state officials.

Sec. 3. The Commissioner of Education shall serve as the Executive Office of the Board of Education and Board of Vocational Education, and shall be its Executive Secretary.

Sec. 4. It shall be the duty of the State Commissioner of Education to issue teaching certificates to public school teachers and administrators and to voucher the expenses of the central educational agencies according to the rules and regulations prescribed by the State Board of Education. The decisions of the State Commissioner of Education shall be subject to review by the State Board of Education.

Sec. 5. It shall be the duty of the Commissioner of Education to observe and execute the mandates, prohibitions, and regulations established by law, or by the State Board of Education in accordance with law.

Sec. 6. The Commissioner shall execute his official bond in the sum of Fifty Thousand (\$50,000.00) Dollars conditioned on the faithful performance of his duties as required by the laws of the State and the rules and regulations imposed by the Board, acting in accordance with law.

Sec. 7. The Commissioner of Education shall serve as Executive Officer of the Central Education Agency, and shall be responsible for promoting efficiency and improve-

ment in the public school system of the State. He shall have the power to prescribe such rules and regulations as are necessary to carry out the duties and responsibilities placed upon him by the Legislature and the State Board of Education. He shall recommend to the State Board of Education such policies, rules, regulations as he considers necessary to promote educational progress, and shall supply the State Board of Education with all necessary or pertinent information to guide it in its deliberations. He shall prescribe and require such uniform systems of reports and records as are necessary to secure needed information from county school officers and from local school districts. He may delegate ministerial and executive functions to members of the State Department of Education.

Mr. Nokes moved to table the amendment by Mr. Horany to the committee amendment.

Question recurring on the motion to table the amendment by Mr. Horany to the committee amendment, yeas and nays were demanded.

The motion to table the amendment by Mr. Horany to the committee amendment prevailed by the following vote:

Yeas—75

Abington	Gathings
Aynsworth	Godard
Bell	Graham
Benton	Gregory
Blount	Heflin
Briscoe	Holt
Brooks	Hull
of Jefferson	Isaacks
Brooks	Jackson
of Red River	James
Cannon	Jones
Carter	King
Casey	Latimer
Caston	Lindsey
Caven	Loving
Childress	Luedemann
Collie	McCann
Cox	McDonald
Craig	McIlhany
Crosthwaite	Mangum
Etheredge	Morrison
Fly	Nokes
Gardner	Norton

Parkhouse	Still, Mrs.
Pearson	Storey
Peterson	Stovell
Presnal	Swindell
Pyle	Tatum
Reed	Timmons
Richards	Tinsley
Ridgeway	Tippen
Rogers of Travis	Turner
Rutherford	Whiteside
Senterfitt	of Smith
Shannon	Whitworth
Shell	Windham
Smith of Hays	Wood of Smith
Sparks	Wood of Houston
Steward	Woodruff

Nays—60

Bergman	Niemann
Bradshaw	Paschall
Bryan	Pattison
Cassity	Rampy
Chambers	Rust
Cheatham	Slimp
Clifton	Smith of Lubbock
Daniel	Spacek
Flanagan	Staton
Gandy	Stockard
Gray	Stump
Gromatzky	Svadlenak
Hanna	Thomas
Hardee	Tufares
Heideke	Vale
Holstein	Wagonseller
Horany	Walker
Hughes	Watson
Ivey	Whiteside
Jameson	of Baylor
Jobe	Williams of Bexar
Kazen	Williams
Kilgore	of Scurry
Kirkpatrick	Willis of Tarrant
Lee	Willis
Lehman	of Kaufman
Lewis	Wilson
McCorkle	Wisener
McGregor	Yezak
McLellan	Young
Moursund	Zivley
Murray	

Present—Not Voting

Fleming	Rogers
McKnight	of Childress

Absent

McDaniel	Perry of Erath
Miller	Teague
Moore	Wilkinson
Perry of Brazoria	

Absent—Excused

Oltorf	Williamson
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PAIRED

Mr. McKnight (present), who would vote "yea," with Mr. Oltorf (absent), who would vote "nay."

Mr. Rogers of Childress (present), who would vote "nay," with Mr. Teague (absent), who would vote "yea."

Mr. Perry of Brazoria (present), who would vote "yea," with Mr. Perry of Erath (absent), who would vote "nay."

Mr. Tufares offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1, S. B. No. 115, Article II to read as follows:

Section 1. There is hereby created the State Board of Education, to consist of twenty-one (21) members. One member of the State Board of Education shall be elected from each of the twenty-one (21) Congressional Districts of the State of Texas as they now exist and as they shall be changed from time to time.

Sec. 2. In the first Democratic Primary in 1950, in conjunction with the election of all state officers, the State Board of Education shall be elected in and for each of the twenty-one (21) districts, as above described, by the voters qualified to vote in the several trustee elections in each such congressional district. A special election for the purpose of electing such board members shall be held within Thirty (30) days after such effective date of this act upon call of the Secretary of State and shall hold office until January 1, 1951. The members elected at the general election, 1950, in Districts 1, 2, 3, 4, 5, 6, and 7 shall serve for a period of two (2) years, the members elected at the general election, 1950, in Districts 8, 9, 10, 11, 12, 13, and 14 shall serve for a period of four (4) years; and the members elected at the general election in Districts 15, 16, 17, 18, 19, 20 and 21 shall serve for a period of six

(6) years; and similar elections shall be held successively in said districts thereafter as the respective terms expire therein.

Sec. 3. The election of members of the State Board of Education at the general election, or the special election provided in Section 2 of Article II shall be ordered by the Secretary of State of the State of Texas, not more than forty (40) or less than thirty (30) days prior to election, and notice shall be given by the local Board of Trustees of the several local districts, who shall cause the same to be published once each week for two (2) weeks prior to said election, and the Secretary of State shall also send a copy of said order to the County Judge of each County, who shall cause the same to be posted at the Court House Door of said County. The local election officers appointed to hold local District Trustee Elections, shall also hold the elections of members to the State Board of Education and returns shall be made to the Secretary of State within five (5) days after said election, who shall, within fifteen (15) days after said election, canvass the said returns and issue a certificate of election to the person in each district receiving the highest number of votes. The forms and supplies for said election shall be selected and provided by the Secretary of State, and he shall deliver to the County Judge of each County in this State in which an election is to be held, at least fifteen (15) days prior to the date of election, a sufficient number of the official ballots for the election of the respective board members. The cost of same, and all other expenses actually and necessarily incurred by the Secretary of State, shall be paid from the general budget and maintenance fund of the Central Education Agency. In like manner, subsequent elections shall be ordered by, and returns made to, the Secretary of State.

Sec. 4. The terms of office of the members of the State Board of Education shall begin on January 1st, following general election, and each member shall subscribe to the official Oath of Office and give a bond in the amount of Ten Thousand (\$10,000.00) Dollars,

payable to the Secretary of State, conditioned upon the faithful performance of his duties; provided, however, that the terms of all members of the State Board of Education elected in a special election held pursuant to the provisions of Section 2 of Article II of this Act shall commence upon the certification by the Secretary of State of their election and shall run until January 1, 1951.

Sec. 5. No person who holds an office under the State of Texas or any political subdivision thereof, or who holds employment or receives any compensation for services from the State or any political subdivision thereof, except retirement benefits paid by the State of Texas or the Federal Government, nor any person engaged in organized public educational activity shall be eligible to serve on said Board or be elected thereto. No person shall be elected from or serve in a district who is not a bona fide resident thereof, with five (5) years continuous residence therein, prior to his election. No person shall be eligible to serve on said Board or be elected thereto unless he shall be a citizen of the United States, a qualified elector of his district and shall have attained the age of thirty years.

Sec. 6. Any vacancy on said Board shall be filled by a special election for the unexpired term held in the District concerned in conjunction with the next general Trustee Election, and such special election shall be called and held as herein provided for general election. When a vacancy occurs on said Board, the Board of Education shall fill such vacancy by appointment for a term to extend until a successor is duly elected and qualified as herein provided; provided, however, that should it be necessary for the Secretary of State to call a special election as provided in Section 2, any persons desiring to be a candidate shall file his sworn application therefor with the Secretary of State not later than twenty-one (21) days before election.

Sec. 7. Any person desiring to become a candidate for election to such Board shall, not later than forty (40) days before election, file his sworn application therefor with the

Secretary of State, showing his qualifications, which action shall constitute any qualified person a candidate; and within such time, one hundred (100) or more of the resident qualified voters in each respective District may file any qualified resident of such District as a candidate in such election, and the ballots shall carry such candidates and also a blank space for other selection by the voters. Only the qualified voters residing in said District shall be eligible to vote in such elections and said elections shall be governed and held by the General Election Laws, so far as applicable. The total amount authorized to be expended furthering or opposing the candidacy of any person as a member of the State Board of Education shall not exceed \$1500.

Sec. 7a. It is hereby declared to be unlawful for any person, group of persons, organizations, corporations, or any other person of whatever nature who is engaged in the manufacturing, shipping, selling, storing, advertising, or in any other manner connected with the textbook business; to make a financial contribution to, or to take part in, directly or indirectly, the campaign of any person seeking to become a member of the Board of Education established by this act.

Sec. 7b. It is likewise declared to be unlawful for anyone whomsoever interested in the selling of bonds of any type whatsoever to make a contribution to or to take part in, directly or indirectly, the campaign of any person seeking to be elected to said board.

Sec. 7c. Anyone convicted of violating the provisions of Sections 7a and 7b of this Act shall be fined not less than Five Hundred (\$500.00) Dollars nor more than one thousand (\$1,000.00) dollars and/or be sentenced to serve a jail term of not less than ninety (90) days nor more than one hundred and eighty (180) days.

Sec. 8. The first meeting of said Board shall be called by the Secretary of State on July 1, 1949, or as soon thereafter as practicable, at which time said Board shall organize, elect a President and other officers, and adopt proper rules for

procedure. Said Board each year shall organize in similar manner following qualification of the new members selected. No meeting of said Board shall be held unless attended by fourteen (14) members or more, which members shall constitute a quorum of said Board for the transaction of all business except filling vacancies of said Board when said Board consists of less than fourteen (14) members. The Board shall hold regular meetings in the City of Austin, Texas, on the first Mondays in May, July, September, November, January and March, and it may hold such other meetings as shall be scheduled by it in formal sessions and as shall be called by the chairman.

Members shall receive no salary but shall be reimbursed for full expense incurred in attending meetings of the Board of Education.

TUFARES
and others.

Mr. Lindsey moved to table the amendment by Mr. Tufares to the committee amendment.

Question recurring on the motion to table the amendment by Mr. Tufares, yeas and nays were demanded.

The motion to table the amendment by Mr. Tufares was lost by the following vote:

Yeas—46

Briscoe	Lindsey
Brooks	Luedemann
of Jefferson	McCann
Brooks	McDonald
of Red River	Mangum
Cannon	Moore
Carter	Morrison
Casey	Nokes
Caven	Parkhouse
Collie	Perry of Brazoria
Craig	Presnal
Etheredge	Reed
Fly	Shell
Gathings	Sparks
Graham	Still, Mrs.
Gregory	Storey
Heflin	Stovell
Isaacks	Tatum
Jackson	Timmons
Jones	Tippen
Kazen	Turner
Lewis	

Whiteside of Smith	Wood of Houston
Wood of Smith	Woodruff Young

Nays—89

Abington	Niemann
Aynesworth	Norton
Bell	Paschall
Benton	Pattison
Bergman	Pearson
Blount	Perry of Erath
Bradshaw	Pyle
Bryan	Rampy
Cassity	Richards
Caston	Ridgeway
Cheatham	Rogers of Travis
Childress	Rust
Clifton	Rutherford
Cox	Shannon
Crosthwait	Slimp
Daniel	Smith of Hays
Flanagan	Smith of Lubbock
Fleming	Spacek
Gandy	Staton
Godard	Steward
Gray	Stockard
Gromatzky	Stump
Hanna	Svadlenak
Hardee	Swindell
Heideke	Thomas
Holstein	Tinsley
Holt	Tufares
Horany	Vale
Hughes	Wagon seller
Hull	Walker
Ivey	Watson
James	Whiteside
Jameson	of Baylor
Jobe	Whitworth
Kilgore	Wilkinson
King	Williams of Bexar
Kirkpatrick	Williams
Latimer	of Scurry
Lee	Willis of Tarrant
Lehman	Willis
Loving	of Kaufman
McCorkle	Wilson
McGregor	Windham
McIlhany	Wisener
McLellan	Yezak
Moursund	Zivley

Present—Not Voting

McKnight	Rogers of Childress
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Absent

Chambers	Murray
Gardner	Peterson
McDaniel	Senterfitt
Miller	Teague

Absent—Excused
Oltorf Williamson

PAIRED

Mr. Rogers of Childress (present), who would vote "nay," with Mr. Teague (absent), who would vote "yea."

Mr. McKnight (present), who would vote "yea," with Mr. Oltorf (absent), who would vote "nay."

(Speaker in the Chair.)

Question recurring on the amendment by Mr. Tufares, yeas and nays were demanded.

The amendment by Mr. Tufares to the committee amendment was adopted by the following vote:

Yeas—95

Abington	Kazen
Aynesworth	Kilgore
Bell	King
Benton	Kirkpatrick
Bergman	Latimer
Blount	Lee
Bradshaw	Lehman
Briscoe	Loving
Brooks	McCorkle
of Jefferson	McDaniel
Bryan	McGregor
Cassity	McIlhany
Caston	McLellan
Chambers	Miller
Cheatham	Moursund
Childress	Niemann
Clifton	Norton
Cox	Paschall
Daniel	Pattison
Flanagan	Pearson
Fleming	Perry of Erath
Gandy	Peterson
Godard	Pyle
Gray	Rampy
Gregory	Richards
Gromatzky	Ridgeway
Hanna	Rogers of Travis
Hardee	Rust
Holstein	Rutherford
Holt	Senterfitt
Horany	Shannon
Hughes	Slimp
Hull	Smith of Lubbock
Ivey	Spacek
James	Staton
Jameson	Stockard
Jobe	Storey

Stump	Wilkinson
Svadlenak	Williams of Bexar
Swindell	Williams
Thomas	of Scurry
Tinsley	Willis of Tarrant
Tufares	Willis
Vale	of Kaufman
Wagonseller	Wilson
Walker	Windham
Watson	Wisener
Whiteside	Yezak
of Baylor	Zivley
Whitworth	

Nays—45

Brooks	Morrison
of Red River	Murray
Cannon	Nokes
Carter	Parkhouse
Casey	Perry of Brazoria
Caven	Presnal
Collie	Reed
Craig	Shell
Etheredge	Smith of Hays
Fly	Sparks
Gardner	Steward
Gathings	Still, Mrs.
Graham	Stovell
Heflin	Tatum
Isaacks	Timmons
Jackson	Tippen
Jones	Turner
Lewis	Whiteside
Lindsey	of Smith
Luedemann	Wood of Smith
McCann	Wood of Houston
McDonald	Woodruff
Mangum	Young
Moore	

Present—Not Voting

Rogers
of Childress

Absent

Crosthwait	McKnight
Heideke	Teague

Absent—Excused

Oltorf	Williamson
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Mr. Tufares moved to reconsider the vote by which the amendment offered by himself was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Nokes moved that Section 9, of Rule XIX, of the House Rules be invoked.

Question recurring on the motion that Section 9 of Rule XIX be invoked, yeas and nays were demanded.

The motion that Section 9 of Rule XIX of the House Rules be invoked was lost by the following vote:

Yeas—51

Blount	McLellan
Bradshaw	Mangum
Briscoe	Morrison
Brooks	Nokes
of Jefferson	Norton
Brooks	Parkhouse
of Red River	Perry of Brazoria
Cannon	Presnal
Carter	Richards
Casey	Rogers of Travis
Childress	Rutherford
Collie	Senterfitt
Cox	Smith of Hays
Craig	Steward
Etheredge	Still, Mrs.
Gardner	Stovell
Gathings	Swindell
Gregory	Tatum
Holstein	Timmons
Jackson	Turner
King	Whiteside
Lindsey	of Smith
Loving	Windham
McCann	Wood of Smith
McDaniel	Wood of Houston
McDonald	Woodruff
McIlhany	Young

Nays—83

Abington	Holt
Aynesworth	Horany
Bell	Hughes
Benton	Hull
Bergman	Ivey
Bryan	James
Cassity	Jameson
Caston	Jobe
Caven	Jones
Chambers	Kazen
Cheatham	Kilgore
Clifton	Kirkpatrick
Daniel	Latimer
Flanagan	Lee
Fleming	Lehman
Fly	Luedemann
Gandy	McCorkle
Godard	McGregor
Graham	Miller
Hanna	Moore
Hardee	Moursund
Heflin	Murray
Heideke	Niemann

Paschall	Thomas
Pattison	Tippen
Pearson	Tufares
Perry of Erath	Vale
Peterson	Wagonseller
Pyle	Walker
Rampy	Watson
Ridgeway	Whiteside
Rogers	of Baylor
of Childress	Whitworth
Rust	Wilkinson
Shannon	Williams of Bexar
Shell	Williams
Slimp	of Scurry
Smith of Lubbock	Willis of Tarrant
Spacek	Willis
Sparks	of Kaufman
Staton	Wilson
Stockard	Wisener
Stump	Yezak
Svadlenak	Zivley

Present—Not Voting

McKnight	Reed
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Absent

Crosthwait	Lewis
Gray	Storey
Gromatzky	Teague
Isaacks	Tinsley

Absent—Excused

Oltorf	Williamson
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PAIRED

Mr. McKnight (present), who would vote "yea," with Mr. Oltorf (absent), who would vote "nay."

Mr. Rogers of Childress (present), who would vote "nay," with Mr. Teague (absent), who would vote "yea."

(Mr. Johnson in the Chair.)

Mr. Wilson offered the following amendment to the committee amendment:

Amend committee amendment S. B. No. 115 to read as follows:

Sec. 8, Art. 2:

The first meeting of the said Board shall be called by the Secretary on July 1, 1949, or as soon thereafter as practicable, which time said Board shall organize, elect a President and other officers, and adopt proper rules for procedure.

Said Board each year shall organize in a similar manner following qualifications of the new members selected. No meeting of the Board shall be held unless attended by fourteen (14) members or more, which members shall constitute a quorum of said Board for the transaction of all business except filling vacancies of said Board when said Board consists of less than fourteen (14) members. The Board shall hold regular meetings in the City of Austin, Texas, on the first Mondays in May, July, September, November, January, and March, and it may hold such other meetings as shall be scheduled by it in formal sessions and shall be called by the chairman.

Members shall receive a salary of one hundred (\$100.00) dollars per month and shall be reimbursed for full expense incurred in attending meetings of the Board of Education.

WILSON,
TUFARES.

Mr. Presnal raised a point of order on further consideration of the amendment by Mr. Wilson on the ground that the amendment by Mr. Wilson attempts to amend an amendment previously adopted, in that it attempts to amend Article II, Sec. 8, a section of the bill already amended.

The Chair sustained the point of order.

Mr. Wilson moved to suspend necessary rules in order that he might offer the above amendment at this time.

Question recurring on the motion to suspend the rules, yeas and nays were demanded.

The motion to suspend the rules was lost by the following vote:

Yeas—53

Benton	Hanna
Bergman	Holt
Bryan	Horany
Chambers	Hughes
Cheatham	Jameson
Clifton	Jobe
Daniel	Kilgore
Flanagan	Lee
Gromatzky	Lehman

McDaniel	Stockard
McGregor	Stump
McLellan	Thomas
Miller	Tufares
Moore	Vale
Moursund	Wagonseller
Niemann	Walker
Paschall	Watson
Pattison	Whiteside
Perry of Erath	of Baylor
Rampy	Wilkinson
Rogers	Williams
of Childress	of Scurry
Rust	Willis
Rutherford	of Kaufman
Shell	Wilson
Slimp	Wisener
Smith of Lubbock	Woodruff
Spacek	Yezak
Staton	

Nays—82

Abington	Latimer
Aynsworth	Lewis
Bell	Lindsey
Blount	Loving
Bradshaw	Luedemann
Briscoe	McCann
Brooks	McCorkle
of Jefferson	McDonald
Brooks	McIlhany
of Red River	Mangum
Cannon	Morrison
Carter	Murray
Casey	Nokes
Cassity	Norton
Caston	Parkhouse
Caven	Pearson
Collie	Perry of Brazoria
Cox	Peterson
Craig	Presnal
Etheredge	Pyle
Fleming	Richards
Fly	Ridgeway
Gandy	Rogers of Travis
Gardner	Senterfitt
Gathings	Shannon
Godard	Smith of Hays
Gray	Steward
Gregory	Still, Mrs.
Hardee	Storey
Heflin	Stovell
Heideke	Svadenak
Holstein	Swindell
Hull	Tatum
Isaacks	Tinsley
Ivey	Tippen
Jackson	Turner
James	Whiteside
Jones	of Smith
King	Whitworth

Williams of Bexar	Wood of Houston
Willis of Tarrant	Young
Windham	Zivley
Wood of Smith	

Present—Not Voting

McKnight	Reed
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Absent

Childress	Kirkpatrick
Crosthwait	Sparks
Graham	Teague
Kazen	Timmons

Absent—Excused

Oltorf	Williamson
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PAIRED

Mr. McKnight (present), who would vote "nay," with Mr. Oltorf (absent), who would vote "yea."

Mr. Horany offered the following amendment to the committee amendment:

Amend Article 3 of Senate Bill No. 115 by striking out the present Article 3 and substituting a new Article 3 to read as follows:

Section 1. The State Board of Education is hereby declared to be the policy forming and planning body for the Public School System of the State. It shall also be the State Board for Vocational Education, and as such, said Board shall have all the powers and duties conferred upon it by the various existing statutes now in effect relating to the State Board for Vocational Education.

Sec. 2. It shall have the duties and powers, prescribed in the statute for the State Board of Education and the State Board of Vocational Education. As one part of the Central Education Agency, it shall have the specific responsibility for adopting policies, enacting regulations and establishing general rules for carrying out the duties placed upon it or upon the Central Education Agency by the Legislature. The State Commissioner of Education shall be the executive officer through whom the State Board of Education and State Board of Vocational Education shall carry out its policies and enforce its rules and regulations. The State Board of

Education shall have power to suspend the operation of its rules and regulations and those of the State Commissioner of Education in individual cases, and shall pass upon appeals made from the decisions of the Commissioner in applying such rules and regulations.

Sec. 3. The State Board of Education shall review periodically the educational needs of the State and adopt or promote plans for meeting these needs. It shall evaluate the outcomes being achieved in the educational program. It shall, with the advice and assistance of the State Commissioner of Education:

(1). Formulate and present to the Board of Control the proposed budget or budgets for operating the Minimum Foundation Program of Education, the Central Education Agency, and the other programs for which it shall have responsibility.

(2). Adopt operating budgets on the basis of appropriation by the Legislature;

(3). Establish procedures for budgetary control, expending, auditing, and reporting on expenditures within the budgets adopted;

(4). Make biennial reports covering all the activities and expenditures of the Central Education Agency to the Legislature;

(5). Establish regulations for the accreditation of schools;

(6). Execute contracts for the purchase of instructional aids, including textbooks within the limits of authority granted by the Legislature; and

(7). Execute contracts for the investment of the Permanent School Fund, within the limits of authority granted by the Legislature.

The amendment to the committee amendment was adopted.

Question: Shall the committee amendment be adopted?

EXTENDING CONGRATULATIONS
TO MISS MARTHA MAE
CARTWRIGHT

Mr. Cox offered the following resolution:

H. S. R. No. 173.

Whereas, The House of Repre-

sentatives having observed with pride the election of Miss Martha Mae Cartwright, charming daughter of Dr. and Mrs. H. H. Cartwright of Breckenridge, Texas, as 1949 Sweetheart of The University of Texas; and

Whereas, Miss Cartwright is a senior English student, Chi Omega sorority member, Big Five Sweetheart, Blue Bonnet Belle finalist, president of the Reagan Literary Society, and was Aqua Carnival Queen of 1948; and

Whereas, She is not only a beautiful brunette with an engaging smile, but possessed of all the high ideals, charm, and graciousness typical of Texas womanhood; now therefore, be it

Resolved, by the House of Representatives of the State of Texas, That this Body extend to Miss Martha Mae Cartwright sincere congratulations on the signal honor of having been chosen Sweetheart by the student body of The University of Texas; and that the city of Breckenridge be commended for having received this outstanding recognition; and be it further

Resolved, That copies of this Resolution be forwarded to Miss Cartwright and to her parents.

The resolution was read and was unanimously adopted.

BILL ORDERED PRINTED IN MIMEOGRAPH FORM

On motion of Mr. Turner, by unanimous consent, House Bill No. 838 was ordered printed in mimeograph form and not otherwise printed.

INTRODUCTION OF H. B. NO. 858

Mr. Mangum asked unanimous consent of the House to introduce at this time and have placed on first reading H. B. No. 858.

There was no objection offered and it was so ordered.

RESOLUTION SIGNED BY THE CHAIR

The Chair signed in the presence of the House after giving due notice thereof and its caption had been

read the following enrolled resolution:

H. C. R. No. 65, Providing for certain adjournment period.

REPORTS OF THE COMMITTEE PURSUANT TO H. S. R. NO. 68

The following reports of the committee pursuant to H. S. R. No. 68 were ordered printed in the Journal:

Austin, Texas, April 7, 1949.

To The Speaker and Members of the House of Representatives:

We, Your Committee, appointed under H. S. R. No. 68, directed to investigate conflicting reports alleging that discrimination has been shown in handling the funeral arrangements of Felix Longoria, deceased veteran, who was killed on the island of Luzon in World War No. 2, beg leave to report as follows:

In order that the House may thoroughly understand the difficult, intricate and far-reaching duty imposed upon this Committee we deem it advisable and necessary to give you, as we shall attempt to do, specific findings of fact and our conclusions based upon the evidence, as the testimony discloses.

In the initial meeting of this Committee, upon proper motion duly seconded and unanimously adopted, the Committee invoked the rule and adopted the standard rules of evidence enforced in Texas at this time. Therefore, one must bear in mind that this Committee was the sole judge of the credibility of the witnesses and the weight to be given their testimony. One must further bear in mind that the Resolution limited this Committee investigation to the specific purposes therein contained.

This record is quite voluminous, consisting of three volumes aggregating some 372 pages. There were 19 witnesses examined by the Committee during the investigation. An opportunity was afforded any other witnesses who desired to appear. During the entire deliberations of this Committee, all the material witnesses examined were represented by counsel of their own choice, or were afforded such representation,

under the rules of this Committee, if they so desired. It was the further announced policy of this Committee, when they had neared the end of this matter under investigation, that any and all parties so desiring be, and the same were, afforded all opportunity of being heard, or bringing matters before this Committee for consideration, deemed necessary thereby for the proposed investigation of the matters covered by the Resolution, where pertinent.

This House appropriated the sum of \$1,000.00 to be used in investigating the incident in the Resolution creating and directing the functions of this Committee. Suffice it to say, the Committee did not use more than one-half of this allotted amount. It is desirable, in this connection, to thank the Board of Control for lending to us an able and efficient reporter, none other than Mrs. Agnes Miller. Very little expense was incurred in that respect.

Now, as to the findings of fact, this Committee so finds and reports back to this Honorable Body the following, to-wit:

1. This Committee finds that all parties involved in this incident, under investigation, were citizens of the United States of America.

2. That Felix Longoria, deceased veteran, died as a soldier in the American Army on the island of Luzon.

3. We find that on January 1, 1949, the undertaker, Mr. T. W. Kennedy, purchased the Rice Funeral Home, Three Rivers, Texas, from the owner, Mr. Rice; that he, the said T. W. Kennedy, had theretofore been an employee of said Rice Funeral Home for fifteen months,—he having been a native of Pennsylvania, and having come to Texas in 1944 as a soldier in the Army of the United States. We further find that Mr. T. W. Kennedy first met the deceased soldier's widow, Mrs. Beatrice Longoria, in November, 1948, in the Rice Funeral Home. At that time, she had with her some literature that she had received from the United States Government with reference to the return to this country of the body of her deceased husband, Felix Longoria, for interment in this country, and which she

wanted explained, and further wanted to know whether or not the said funeral home could help her with the interment. And in this connection, we find that the said Mr. T. W. Kennedy, acting for and in behalf of said Rice Funeral Home, endeavored to render to Mrs. Beatrice Longoria the requested assistance relative to the papers that she had tendered to him for that purpose.

4. The Committee further finds that during this conference hereinabove mentioned, between the widow, Mrs. Beatrice Longoria, and the said Mr. T. W. Kennedy, that the said Mrs. Beatrice Longoria, widow of the said Felix Longoria, the deceased veteran in question, informed Mr. T. W. Kennedy of strained relations existing between her and the members of the family of the deceased veteran, Felix Longoria. In this connection, the Committee further finds that Mr. T. W. Kennedy had been apprised by Mr. W. E. McMurray, Justice of the Peace in Three Rivers, Texas, of the strained relations existing between Mrs. Beatrice Longoria, as aforesaid, and the family of the deceased veteran, Felix Longoria.

5. The Committee further finds that upon word being conveyed to the widow of Felix Longoria of the return of the body of her deceased husband, Felix Longoria, to this country for reinterment and the fact thereof becoming known to the people of Three Rivers, Texas, that the family of the deceased veteran, Felix Longoria, acting by and through one of the brothers of the said deceased veteran, Felix Longoria, contacted Mrs. T. W. Kennedy, wife of the undertaker, and asked that she inform them when the body of said Felix Longoria had been returned to this country for reburial, stating that he was afraid Mrs. Beatrice Longoria, widow of the deceased veteran would not let the family of said deceased veteran know when the body did arrive.

6. The Committee further finds that the next time the said undertaker, Mr. T. W. Kennedy, saw Mrs. Beatrice Longoria, the deceased veteran's widow, was at the local bus depot, Three Rivers, Texas, on January 8, 1949, when she requested and

was granted a conference with him, the said Mr. T. W. Kennedy. Among other things the said Mrs. Beatrice Longoria, asked Mr. T. W. Kennedy if she could have the body of her deceased husband, Felix Longoria, brought to the funeral home in connection with the reinterment of said body.

7. The Committee further finds that there was no common intention on the part of the said funeral director, Mr. T. W. Kennedy, and the said widow, Mrs. Beatrice Longoria, with reference to chapel service for the deceased veteran, but that, on the other hand, the impression was left with the said Mr. T. W. Kennedy, that there would not be any reason for requesting chapel service, because the deceased veteran was supposed to be a Catholic and would want interment in accordance with the rules and regulations of the Church of his faith.

8. The Committee further finds that, during this conference between the said Mr. T. W. Kennedy and the widow, Mrs. Beatrice Longoria, that the said widow did discuss with the said Mr. T. W. Kennedy the matter of having the body of her deceased husband brought to the funeral home for preparation and to lie in state in the funeral home prior to final reinterment, and that, at this particular time, the said Mr. T. W. Kennedy did discourage the use of the funeral home for said purpose and suggested that it would be better that the widow have such service take place in her home situated in Three Rivers, Texas, whereat, the said funeral director, Mr. T. W. Kennedy, would make available all of his equipment and facilities necessary for such purpose.

The Committee finds in this connection that the said Mr. T. W. Kennedy discouraged the use of the funeral home for the reason that he had in mind the strained relations existing between the said Mrs. Beatrice Longoria and the family of the deceased veteran, desiring to avoid any probable display of disagreement or trouble.

9. The Committee further finds that the said Mrs. Beatrice Longoria and the said funeral director, Mr. T. W. Kennedy, repaired to the home of

said Mrs. Beatrice Longoria in Three Rivers, Texas, which was then unoccupied, and examined same as a suitable place for the holding of that portion of the funeral service. After a careful survey, by both parties, the said Mrs. Beatrice Longoria and the said Mr. T. W. Kennedy, it was mutually agreed that the said house of the said Mrs. Beatrice Longoria could and would be very accessible and adaptable for the desired purpose. Thereupon the said parties, by mutual understanding and agreement, made all necessary and pertinent arrangements for the body of the deceased veteran to remain in the house of the said Mrs. Beatrice Longoria during and prior to its final interment.

10. The Committee further finds that the said Mrs. Beatrice Longoria and the said funeral director, Mr. T. W. Kennedy, had made full, complete, and final arrangements for the lying-in-state of the body of the deceased veteran, Felix Longoria, prior to its final reinterment.

11. The Committee further finds that thereafter the said widow, Mrs. Beatrice Longoria, went to Corpus Christi, Texas, and while in conference with her sister, Sara Moreno, informed her said sister of the arrangements hereinabove shown to have been made. The committee further finds that thereupon the said sister, Sara Moreno, made arrangements for the said widow, Mrs. Beatrice Longoria, to have and hold a conference with Dr. Hector P. Garcia, of Corpus Christi, Texas, and that, thereafter, the deceased widow, acting through her sister, Sara Moreno, in a long distance telephone conversation informed the undertaker, Mr. T. W. Kennedy, that they would make other arrangements for the funeral. This telephone conversation occurred on Monday night, January 10, 1949, at about 9:00 o'clock p. m. This was the first information apparently that this undertaker had that the widow was not going to use the arrangements they had theretofore mutually agreed upon with reference to the funeral to be held in Three Rivers, Texas.

12. This Committee further finds that there was a very heated telephone conversation between Dr. Hec-

tor P. Garcia and the undertaker and also with a newspaper reporter, claiming that there had been discrimination in regard to the proposed re-burial of the deceased soldier, Felix Longoria.

13. This Committee further finds that the undertaker, Mr. T. W. Kennedy, gave the mayor of Three Rivers, Texas, Mr. J. K. Montgomery, authority to send to Dr. Hector P. Garcia a telegram the contents of which were conveyed to the widow, Mrs. Beatrice Longoria, which telegram was dated January 11, 1949, and which telegram we quote:

"I have just interviewed Mr. T. W. Kennedy Rice Funeral Home Stop Did not refuse use of his facilities and does not refuse use Stop Arrangements can be made for use if desired by Longoria family Stop American Legion had arranged full military honors also offered use of American Legion Hall Stop Mayor's home offered if necessary." (Signed J. K. Montgomery, mayor of the city of Three Rivers, Texas.)

14. The Committee further finds that the undertaker, Mr. T. W. Kennedy, wrote the deceased's wife, Mrs. Beatrice Longoria on January 12, 1949, the following letter:

"Jan. 12, 1949.

Mrs. Beatrice Longoria
2801 Lamar Street
Corpus Christi, Texas

Dear Mrs. Longoria:

In regard to the misunderstanding of the burial of your husband, I wish to clear this up by letting you know that at no time did I refuse to bury your husband or to allow the use of the funeral home, but on January 8th, I tried to discourage you from using it because I was afraid of trouble at the funeral due to the fact that there was some misunderstanding between you and the deceased's parents.

So, if there was a misunderstanding on my part, my apologies are extended and if you still want the use of the funeral home chapel and want us to conduct the service we are only too glad to be able to be of service. But, you will need to contact me in person or by phone or letter and let

me know of the arrangements as soon as possible.

I am also sending a copy of this letter to Dr. Hector P. Garcia.

Sincerely yours,

/s/ T. W. Kennedy, Jr."

TWK:jr:jk

and, thereafter, on January 14, 1949, T. W. Kennedy received a reply to the above-quoted letter from the widow, Mrs. Beatrice Longoria:

"January 14, 1949.

Rice Funeral Home
T. W. Kennedy, Jr.
P. O. Box 328
Three Rivers, Texas

Dear Mr. Kennedy:

I wish to acknowledge your letter dated Jan. 12, which I received today. I want to thank you for your offer; however, I feel that it is still too late.

My husband will be buried in Arlington National Cemetery, Washington, D. C. My thanks and gratitude to the people of Three Rivers for their sentiment on the matter.

I want to let you know that I bear no grudge and still think greatly of all of the people from Three Rivers. I am sorry about the whole matter.

Sincerely yours,

/s/ Mrs. Beatrice Longoria."

15. We further find that subsequent to the mutual arrangements made between the undertaker and the deceased soldier's wife relative to the burial of the deceased soldier's body at Three Rivers, Texas, heated conversations occurred between third parties and the undertaker concerning funeral arrangements and the burial. In such conversations, over the phone, the undertaker used some very unfortunate expressions; upon reflection he explained and apologized for same. This was about the last connection that the undertaker, Mr. T. W. Kennedy, had with the widow, Mrs. Beatrice Longoria, relative to the funeral. Thereafter, arrangements were made when the body of the deceased soldier, Felix Longoria, arrived, to have it reinterred in Arlington National Cemetery, Washington, D. C., and in accordance therewith the body of Felix Longoria was so reinterred in the Cemetery.

This was added after Civil Cemetery report was to file a minority report. Feb

16. This Committee therefore concludes that there was no discrimination on the part of the undertaker at Three Rivers, Texas, relative to the proposed burial of the body of the deceased Felix Longoria.

STOREY, Chairman.
CHEATHAM,
WINDHAM,
TINSLEY.

MINORITY REPORT ON THE LONGORIA INVESTIGATION

I deeply regret the necessity of filing a minority report in the matter pertaining to alleged discrimination in the handling of the body of Felix Longoria. I respect the ability and integrity of each member of the investigating committee. Sincere men may differ in the interpretation of evidence and their subsequent conclusions. I, therefore, could not concur in their majority report without violating both my sense of justice and my intellectual honesty.

The duty of this committee was to establish the accuracy or inaccuracy of conflicting reports alleging that discrimination had been shown in the handling of Felix Longoria's funeral arrangements. Mr. Kennedy, the owner of the funeral home at Three Rivers was the only person who had the opportunity to discriminate, and I shall concern myself solely with his words and actions in relation to alleged discrimination between January 8, 1949, through January 11, 1949. The pertinent facts are briefly these:

On the 8th of January, 1949, Mrs. Beatrice Longoria tried to avail herself of the use of the funeral home chapel for her husband's funeral. In the testimony she stated that Mr. Kennedy said, "He couldn't do it because the whites would object to it." Mr. Kennedy stated in the testimony that he discouraged the use of the chapel because he feared trouble between members of the Longoria family and that his discouragement had nothing to do with the racial origin of the deceased. He denied telling Mrs. Longoria that "White people might object." There is evidence in the record that the father and brother of the deceased were arrested for fighting with a man in 1947. Mr. Kennedy had heard of this

trouble and stated that such trouble and fear of future trouble were the sole reasons for his discouragement of the use of the chapel.

Mrs. Longoria left Three Rivers on January 8, apparently satisfied to hold the funeral services in her home as suggested by Mr. Kennedy. She proceeded to Corpus Christi and on January 10, contacted through her sister, Dr. Hector P. Garcia, President of the American GI Forum, an organization consisting primarily of Latin American Veterans. She told Dr. Garcia of the facts and said that she desired the use of the chapel. Dr. Garcia phoned Mr. Kennedy and so requested it on behalf of Mrs. Longoria. Mr. Kennedy replied that he could not do it because "The whites wouldn't like it." Dr. Garcia then called Mr. George Groh, a reporter of the Corpus Christi Times, and told him of his conversation with Mr. Kennedy. Mr. Groh then phoned Mr. Kennedy on the same night to get the story for his paper. He informed Mr. Kennedy that he wanted his version of the story for publication. He asked if he would refuse the chapel for the service of Felix Longoria and Kennedy replied yes. He then asked Mr. Kennedy twice if the refusal was based on the fact that Longoria was a Mexican, and the undertaker replied yes, saying that "We have never made a practice of letting Mexicans use the chapel and we don't want to start now." Mr. Kennedy admitted making these remarks, but told the committee that he was "mad" at the time and regretted saying them. Mr. Kennedy told both Mr. Groh and Mr. Thomas Southerland of the Good Neighbor Commission that the "Whites might object" and stated to the investigation committee that he had used "bad terminology."

The question of racial discrimination arose and received wide spread publicity due to Mr. T. W. Kennedy's statements to Mr. George Groh, Dr. Hector P. Garcia, and Mr. Thomas Southerland. Mr. Kennedy admitted saying that "The Whites might object" and later publicly apologized to the widow and her sister for having made such remarks. There is no evidence that his words reflected the views of the citizens of

Three Rivers. After publicity had been given the event in the Corpus Christi paper, Mr. Kennedy and representative citizens of Three Rivers offered every honor and facility for the re-interment of the body. The widow replied that she was grateful for their sentiment and held no grudge but that their offer was "still too late."

The statements of Mr. George Groh, a disinterested reporter are indisputable and undeniable. I cannot look into the heart of Mr. Kennedy to ascertain his true intent but can only accept his oral words which appear to me discriminatory.

OLTORF.

ADJOURNMENT

Mr. Lehman moved that the House adjourn until 10:00 o'clock a. m. next Monday.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn until 10:00 o'clock a. m. next Monday prevailed by the following vote:

Yeas—75

Abington	Jobe
Bell	Jones
Benton	Kazen
Bergman	Kilgore
Brooks	Latimer
of Red River	Lee
Bryan	Lehman
Cassity	Luedemann
Caston	McDaniel
Caven	Miller
Chambers	Moore
Cheatham	Moursund
Childress	Niemann
Clifton	Paschall
Daniel	Pattison
Gandy	Perry of Erath
Gardner	Peterson
Godard	Pyle
Gray	Rampy
Gromatzky	Ridgeway
Hanna	Rust
Heflin	Shannon
Heideke	Shell
Horany	Slimp
Hughes	Smith of Lubbock
Hull	Spacek
Ivey	Staton
James	Steward

Stockard
Stump
Svadenak
Thomas
Tinsley
Tufares
Vale
Wagonseller
Walker
Watson
Whiteside
of Baylor

Whitworth
Wilkinson
Williams of Bexar
Williams
of Scurry
Willis of Tarrant
Willis
of Kaufman
Woodruff
Yezak
Zivley

Nays—63

Aynsworth	McKnight
Blount	McLellan
Bradshaw	Mangum
Briscoe	Morrison
Brooks	Murray
of Jefferson	Nokes
Cannon	Norton
Carter	Parkhouse
Casey	Pearson
Collie	Perry of Brazoria
Cox	Presnal
Craig	Reed
Crosthwait	Richards
Etheredge	Rogers of Travis
Flanagan	Rutherford
Fleming	Senterfitt
Fly	Smith of Hays
Gathings	Sparks
Gregory	Still, Mrs.
Hardee	Stovell
Holstein	Swindell
Holt	Tatum
Jackson	Timmons
King	Tippen
Kirkpatrick	Turner
Lewis	Whiteside
Lindsey	of Smith
Loving	Wilson
McCann	Windham
McCorkle	Wisener
McDonald	Wood of Houston
McGregor	Young
McIlhany	

Present—Not Voting

Rogers
of Childress

Wood of Smith

Absent

Graham
Isaacks
Jameson

Storey
Teague

Absent—Excused

Oltorf
Williamson

The House, accordingly, at 5:10 o'clock p.m. adjourned until 10:00 o'clock a. m. next Monday.

PAIRED

Mr. Wood of Smith (present), who would vote "nay," with Mr. Jameson (absent), who would vote "yea."

Mr. Rogers of Childress (present), who would vote "yea," with Mr. Teague (absent), who would vote "nay."

APPENDIX

STANDING COMMITTEE REPORTS

The following committee filed favorable reports on bills and resolutions, as follows:

Appropriations: H. B. No. 97.

Criminal Jurisprudence: H. B. No. 403.

Education: H. B. No. 545, H. B. No. 546, H. B. No. 642, H. B. No. 789.

Game and Fisheries: H. B. No. 598, H. B. No. 843, S. B. No. 4.

Judiciary: H. B. No. 625, H. B. No. 673, S. B. No. 72.

State Affairs: H. C. R. No. 53, H. B. No. 15, H. B. No. 139, H. B. No. 415, H. B. No. 606, H. B. No. 643, H. B. No. 747, H. B. No. 756, S. B. No. 28.

Privilege, Suffrage and Elections: H. B. No. 601, and H. B. No. 364.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 7, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 65, Granting each House permission to adjourn from Thursday, April 7, 1949, until Monday, April 11, 1949.

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 174, A bill to be entitled "An Act amending Article 2654b-1, Chapter 9A, Title 49, of Vernon's Annotated Civil Statutes of 1925, the same being Acts, 1933, Forty-third Legislature, First Called Session, Page 10, Chapter 6; as amended by Acts of 1943, Forty-eighth Legislature, Page 568, Chapter 337, as amended by Acts, 1945, Forty-ninth Legislature, Page 552, Chapter 338, authorizing the governing boards of the several State institutions of collegiate rank to exempt certain persons who have served in the Armed Forces of the United States from payment of certain dues, fees, and charges, with certain exceptions; authorizing the refund of such fees to students who have paid same for the term of 1948-1949; and to issue scholarships to the highest ranking graduate of accredited high schools, exempting said graduates from the payment of dues, fees, and charges, with certain exceptions; providing that all benefits provided in this Act shall apply and accrue to nurses, members of the Women's Army Auxiliary Corps, Women's Auxiliary Volunteer Emergency Service, and all other members of the United States Armed Forces who served not less than ninety (90) days during World War II, provided such persons were honorably discharged, provided further that the benefits of this Act shall apply to the children, widows or wives of such members who were killed in action or died while in service, or following honorable discharge, may die or become totally disabled, with certain exceptions; defining total disability; providing for repeal of laws in conflict but specifically providing that nothing in this Act shall be construed to repeal Section 4 of Article 2654b-1, Revised Civil Statutes of Texas, but this Act is cumulative

thereof; containing severability and saving clauses; and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 442, A bill to be entitled "An Act providing for a Board of Park Commissioners for the equipping, operation and maintenance of public parks owned by certain counties, and providing for the delegation by those counties to such board of control of such parks; providing for the appointment of said board members and prescribing their qualifications, powers, and duties; providing for necessary expenses to be paid Commissioners in the discharge of their duties; giving said Board authority to expend funds received by said Commission; providing for the giving of bond by each member of the Board and that suit may be brought upon said bond of any member for violation of the provisions of the Act and providing for his removal; making the Act cumulative; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 709, A bill to be entitled "An Act providing for the appointment of Court Bailiffs of District Criminal, District and County Courts in counties having a population of 300,000 inhabitants, or more, according to the last preceding or any future Federal Census; providing their Compensation and manner of payment thereof; providing that such bailiffs shall have the same authori-

ty as sheriffs to make arrests anywhere in the County where they are appointed and to serve anywhere in said County Warrants, Capiases, Subpoenas in all Criminal Cases, and all other processes Civil or Criminal in Cases issued by any District Court, County Court or Justice Court in the State; providing such bailiffs shall be under the sole Authority and direction of the Judge appointing them; repealing all laws and parts of laws in conflict and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 404, A bill to be entitled "An Act amending Article 2093-C, Revised Civil Statutes of 1925, which said Article is further known as Acts of 1941, 47th Legislature, Page 156, Chapter 118, Section 1, as amended, providing for the creation of the position of assignment clerk for all counties having at least eight District Courts, two of which are Criminal Courts, and at least four County Courts, of which two are County Courts at Law and one is a County Criminal Court, providing for the appointment of such clerk and for duties and salary; providing a saving clause; repealing all laws and parts of laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 436, A bill to be entitled "An Act to fix the maximum and minimum of the salaries to be paid the County Judge, the Sheriff, the District Attorney or

Criminal District Attorney, as the case may be, the District Clerk, the County Clerk, the Assessor and Collector of Taxes, the County Treasurer, and the Judges of any County Courts at Law in counties having a population of three hundred thousand (300,000) inhabitants or more according to the last preceding or any future Federal Census; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 297, A bill to be entitled "An Act amending Section 3 of Chapter 88, General Laws, Second Called Session, 41st Legislature, as amended by Section 1 of Chapter 3, General Laws, Second Called Session of the 43rd Legislature, as amended by Section 1 of Chapter 51 of the General Laws, Regular Session, 44th Legislature, so as to exempt motor vehicles, trailers, and semitrailers, owned and used exclusively in the service of the United States Government, the State of Texas or any political subdivision thereof from the payment of license or registration fees to the State of Texas; repealing all laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 120, A bill to be entitled "An Act placing all State parks and all State historical parks, now under the control and custody of the State Board of Control, except the San Jacinto State Park, the San Jacinto Memorial Tower and the Battleship Texas, under the control and

custody of the State Parks Board, under the authority conferred upon the State Parks Board by existing laws; providing that all laws which are in conflict, in whole or in part with this act, are hereby repealed, including Articles 677, 6074, 6075, 6076, 6077, and 6077i, of the Revised Civil Statutes of Texas; providing for the transfer of all appropriations made for the historical parks to the State Parks Board; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 360, A bill to be entitled "An Act to amend Subsection R of Section 1 and Subsection 2 of Subsection B of Section 5 of Article 6228a of Title 109, Revised Civil Statutes of Texas, 1925; providing the method for computing certain monthly payments; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 350, A bill to be entitled "An Act to validate the charters and incorporations of all cities and towns whose charters may be void by reason of failure to properly define their limits, or that may have included in such limits more territory than was provided for in Article 971, Revised Civil Statutes of 1925; validating such charters and incorporations the same as if such territorial limits had at first been properly established and the superficial areas authorized; providing a saving clause; providing the Act shall not

apply in case of litigation in any court; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 386, A bill to be entitled "An Act repealing House Bill No. 137, Chapter 62, Acts of the 45th Legislature, Second Called Session, 1937; repealing H. B. No. 1059, Chapter 58, Special Laws, Acts of the 46th Legislature, Regular Session, 1939; and repealing in part and amending Chapter 123, Acts of the 48th Legislature, Regular Session, 1943, by eliminating therefrom the license provision; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 476, A bill to be entitled "An Act amending Section 6 of H. B. No. 87, Ch. 283, Acts of the R. S. of the 40th Legislature, 1927, page 424, providing for notice of hearings of the Zoning Commission; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 433, A bill to be entitled "An Act to make the provisions of the Acts of 1945, 49th Legislature, Page 122, Chapter 85 (Vernon's Annotated Civil Statutes, Article 3912 (e)4a), applicable to all counties

having a population of three hundred fifty five thousand inhabitants or more according to the last preceding or any future federal census; further providing that the provisions of this bill shall not be construed as limiting or repealing the provisions of House Bill 324, or any other laws relating to counties having a population of five hundred thousand inhabitants or more according to the last preceding federal census, except as herein expressly provided, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 6, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 64, In memory of Mr. Herman Diezl.

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 315, A bill to be entitled "An Act to amend Sections 3 and 5 of Chapter 352, Acts of the Regular Session of the Fiftieth Legislature and carried in the Revised Civil Statutes as Article 6228a, reducing the minimum years of Creditable Service to be eligible for retirement benefits; repealing all laws in conflict; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 234, A bill to be entitled "An Act to amend Section 45 of Senate Bill 111, Chapter 61, page 100 of the General Laws passed by the Second Called Session of the 41st Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 342, A bill to be entitled "An Act authorizing counties to lease their county hospital, provided the Commissioners' Court of such county, by an order entered in the minutes, finds that it is to the best interest of the county to lease such hospital; and provided further that prior to the provisions of such order becoming effective, such Commissioners' Court shall fix a time and place for a public hearing upon such question and shall issue notices of such public hearing; providing for the submission of such question to a referendum vote in event a petition is submitted bearing the signatures of ten per cent of the voters of said county; enacting provisions incident and relating to the subject; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith to the extent of such conflict and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 593, A bill to be entitled "An Act to amend Chapter 1, Title 46 of the R. C. S. of Texas, 1925, as the same has been amended, by amending Articles 2461, 2462, 2464,

2465, 2468, 2469, 2470, 2471, 2477, and 2484 thereof, and by adding thereto an article to be numbered Article 2484b; containing a severability clause, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 211, A bill to be entitled "An Act amending Article 1196, Title 28, Chapter 16, Revised Civil Statutes of Texas, 1925, so as to provide for the selection of Judges of the Corporation Courts in cities heretofore or hereafter incorporated under or adopting or amending their Charters under Article 11, Section 5, of the Constitution of the State of Texas, in the manner specified in the Charters of such cities; validating the selection of the present judges of such Courts; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 158, A bill to be entitled "An Act to amend Section 1 of Chapter 231 of the Acts of the Regular Session of the Fortieth Legislature in 1927, appearing as Article 974a of Vernon's Revised Civil Statutes, relative to the approval of subdivision plats within the corporate limits or within five (5) miles of the corporate limits, of certain cities so as to provide that the benefits and the terms thereof shall extend to all cities; repealing Section 10 of Chapter 231, Acts, Regular Session, Fortieth Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 590, A bill to be entitled "An Act to amend Article 5139 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Fiftieth Legislature, Chapter 326, page 560, so as to provide for County Juvenile Boards in counties having a population of eighty thousand (80,000) inhabitants and less than eighty-four thousand (84,000) inhabitants according to the last preceding Federal Census, and providing for salaries for their members; providing nothing in the Act shall be construed to repeal Article 6819a, Acts, Forty-ninth Legislature, Chapter 200, page 271 or any other law fixing compensation of certain judges; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 419, A bill to be entitled "An Act providing for the appointment of official court reporters in and for the County Courts at Law and the County Criminal Courts in counties in which there now exists, or may hereafter be created, two or more County Courts at Law and one or more County Criminal Courts; providing the qualifications; providing that the salary of each of said court reporters shall be the same as the salary of the official court reporters of the District Courts of the respective counties; providing for the manner of payment of such salaries; providing said reporters shall not be required to take testimony under certain conditions; repealing all laws

in conflict herewith; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 335, A bill to be entitled "An Act authorizing the Commissioners Courts of certain counties to establish, maintain, and operate law libraries for such counties; to provide funds therefor; to receive gifts or bequests therefor; to employ a custodian or custodians for such library; to require bonds from such custodians; to make all orders, rules or regulations necessary or proper for the establishment, maintenance or operation of such libraries; providing for the establishment and payment of claims; providing a saving clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 353, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of Texas by adding to said Article a new subdivision authorizing the formation of private corporations for the purpose of owning and operating public scales; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 462, A bill to be entitled "An Act to amend Article 977 of the Revised Civil Statutes of Texas of 1925 and Article 999 by adding Article 999a; allowing the governing body of any city less than 5,000 and more than 3,000 to dispense with the office of City Marshal; allowing the governing body of such cities to appoint a City Police Officer and secretary; providing a savings clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 307, A bill to be entitled "An Act validating the consolidation of certain common and independent school districts where a majority of the qualified voters of each of the affected districts approved such consolidation at an election held for such purposes; validating the bonds of such consolidation districts and the proceedings had authorizing same after such attempted consolidation; providing such validation shall not apply to districts now in litigation; repealing all laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 370, A bill to be entitled "An Act defining the qualifications of the Superintendents of the Texas School for the Blind and the Texas School for the Deaf; providing for removal of same for good cause; defining good cause; making said Superintendents employees of the State

Board of Control; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 470, A bill to be entitled "An Act validating annexation proceedings in cities operating under the General Laws of Texas, having a population in excess of Five Thousand (5,000) inhabitants, according to the last preceding Federal Census; authorizing such cities to levy, assess and collect taxes in annexed areas; providing this Act shall not apply to any city now involved in litigation or in which the annexation of territory to such city is attacked in litigation within forty-five (45) days after the effective date of this Act; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 335, A bill to be entitled "An Act authorizing the Commissioners Courts of any County to establish, maintain and operate a law library for such county, to provide funds therefor, to receive gifts or bequests therefor, to employ a custodian or custodians of such library, to require a bond or bonds of such custodian or custodians, to make all orders, rules and regulations necessary or proper for the establishment, maintenance and operation of such library, providing for the depositing of such funds with the county treasurer, or other official discharging such duty, and the separation of such funds as a special fund, providing for the establishment and payment of claims on account of such

library, and repealing all other laws or parts of laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 509, A bill to be entitled "An Act validating and declaring to be negotiable instruments certain seawall bonds heretofore issued by counties and cities bordering on the coast of the Gulf of Mexico and all renewals and refundings thereof originally acquired from the issuers by the United States government and its agencies; validating all proceedings for the issuance of refunding bonds in lieu thereof and for their security and payment and the pledge of operating revenues therefor, and validating the refunding bonds when issued; providing for subsequent refundings; providing that no securities shall be validated by this Act the validity of which is being directly attacked in pending litigation; prescribing a severability clause; enacting other provisions related to the subject; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 114, A bill to be entitled "An Act authorizing the Texas Agricultural Experiment Station of the Texas Agricultural and Mechanical College System to transfer the Field Laboratory for Agricultural Research from its present location near San Antonio in Bexar County to the Main Station at College Station, Texas, and to sell the State property including the 10 acres of land, build-

ings, and improvements thereon and to use the proceeds for re-establishing the Laboratory at College Station; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 147, A bill to be entitled "An Act amending Sections 17, 17(a) and 18 of Chapter 290 Acts of the Forty-first Legislature, Regular Session, in 1929, as amended by Chapter 57 Acts of the Forty-fourth Legislature, Regular Session, in 1935, and further amended by Chapter 69, Acts of the Forty-fifth Legislature, Regular Session, 1937, same being Sections 17, 17(a) and 18 of Article 2815h Vernon's Annotated Civil Statutes, governing the creation of Junior College Districts; amending these Sections so as to authorize the creation of a Junior College District composed of contiguous School Districts within the same County or within two or more Counties; repealing all laws or parts of laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 229, A bill to be entitled "An Act amending Article 1302, Revised Civil Statutes, 1925, as amended, by adding a new section to provide that corporations may be created for the purpose of owning, operating and maintaining dehydrating plants and processing plants for certain purposes; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 239, A bill to be entitled "An Act changing the name 'Eleemosynary Institutions,' given to various State institutions, to 'Texas State Hospitals and Special Schools'; providing a changed meaning of the name 'Eleemosynary Institutions'; or any reference thereto, wherever such name or reference appears in the Revised Statutes of Texas of 1925, or any amendment thereto, or in any acts of any Legislature passed since the adoption of said Revised Statutes; ratifying and confirming in behalf of the Texas State Hospitals and Special Schools all Legislative Acts and appropriations heretofore passed in behalf of the Eleemosynary Institutions or Texas State Hospitals and Special Schools; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 248, A bill to be entitled "An Act to amend Article 6268 of the Revised Statutes of Texas, 1925, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 4, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 341, A bill to be entitled "An Act amending Chapter 107, Page 142, Section 1, Acts of the 47th Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 372, A bill to be entitled "An Act creating a special road law for Presidio County, Texas, providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 1, 1949, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all Acts and proceedings heretofore had by the commissioners' court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 468, A bill to be entitled "An Act to validate the creation of the Port Lavaca Independent School District by the annexation of certain independent and common school districts of Calhoun County, Texas, thereto by an election under Article 2922 and 2922c Vernon's Civil Statutes of Texas under an order or orders of the County School Trustees calling for a Rural High School Election; validating all acts, orders, election and proceedings thereof; defining the boundaries of such district, extending the same over the Gulf tidal areas within said County; vali-

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dating the bonds and tax levies thereof; changing the name thereof to the 'Calhoun County Independent School District'; providing its powers and duties; providing for the vesture, control, management and disposition of all property, real and personal, with sale thereof subject to Article 2773 Vernon's Civil Statutes of Texas; providing for the election and tenure of the trustees of county-wide election with residential qualifications; defining Trustee Districts; validating and authorizing the rates, levy, assessment and collection of taxes; providing that such act shall not validate in the event of suits heretofore filed or hereafter filed within 45 days from the effective date of the Act; providing a savings clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 475, A bill to be entitled "An Act providing for the employment of Assistant County Attorneys and Secretaries to County Judges by the Commissioners' Courts of certain counties, fixing their salaries; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 610, A bill to be entitled "An Act to authorize certain cities to acquire, improve, maintain and operate facilities for the generation of hydro-electric power and to finance such acquisition and improvement through the issuance of negotiable

bonds payable from the revenues of such facilities; authorizing such cities to sell the electricity generated by such facilities and to enter into contracts in that connection; providing a saving clause; repealing all laws or parts of laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 613, A bill to be entitled "An Act to amend Articles 688, R. C. S. of Texas, 1925, as amended by the Acts of the R. S. of the 42nd Legislature, 1931, Chap. 206, page 339, so as to require the heads of departments of government to submit budgets to the State Board of Control at certain times; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 699, A bill to be entitled "An Act to amend Section or subdivision 3 of Article 7 of Chapter V of House Bill No. 79, Chapter 97 of the 48th Legislature, R. S.; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 703, A bill to be entitled

"An Act to fix the salaries of official shorthand reporters in courts in any county constituting in itself a judicial district and now or hereafter having therein not less than six and not more than nine permanent district courts, including both civil and criminal district courts; providing for the payment thereof; providing a saving clause; repealing all laws and parts of laws in conflict herewith to the extent of such conflict; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, April 5, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 706, A bill to be entitled "An Act to permit the Commissioners' Court to establish an automobile care allowance for Grand Jury Bailiffs; and creating an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

CORRECTION FOR THE JOURNAL

On page 1473 proceedings of Wednesday, April 6, the Journal will be corrected to show that Mr. Staton voted "nay" on the motion to table the amendment by Mr. Chambers, instead of "yea" as the Journal erroneously shows.

In Memory of

Mr. Dennis Waller

Mr. Etheredge offered the following resolution:

H. S. R. No. 169, In memory of Mr. Dennis Waller.

Whereas, God in His infinite wisdom did on the twenty-fourth day of March, 1949, call from his earthly home Mr. Dennis Waller of Huntsville, Walker County, Texas, and did leave a vacancy in the hearts of many; and

Whereas, He is survived by his wife, Mrs. Ethel Waller; and his children, Mr. George M. Waller of Bay City; Mr. William Alfred Waller of Memphis, Tennessee; Mrs. Mildred Waller Ozier of Pasadena; Dennis B. Waller, Jr. of Huntsville; Robert E. Waller of Orange; C. Peyton Waller of Bay City; and Morris Waller of Huntsville. He is also survived by three sisters, Mrs. Fred Smith of Livingston, Mrs. L. B. Allen of Houston, and Mrs. Ruth Murray of Livingston; and

Whereas, He was born on January 10, 1889, in Crockett, Texas, the oldest child of George M. Waller, Sr., and Melissa Ratcliff Waller, He was reared in Crockett, and graduated from high school there in 1907. Soon after that he graduated from Toby Business College in Waco, Texas. During the time he was attending the business college, 1908, his family moved to Trinity, Texas. In 1910 Dennis Waller and his father organized the Waller Grocery Company, a wholesale business that served a large portion of East Texas for a number of years. During the next twenty-three years, this concern thrived as a credit to the community and territory. Mr. Waller was president of this firm and made many valuable contributions to civic projects. He was an ardent member and continual supporter of the First Methodist Church of Trinity, serving on the official board there for twenty-five years. Being an outstanding figure in the erection of the present First Methodist Church building in Trinity, a member of the Lions Club, Chamber of Commerce, and School Board, Mr. Waller was a generous man with both his time and his money. Mr. Waller lived with his family in Trinity until 1938, at which time he moved to Huntsville, Texas. There he represented the Kimbell Milling Company as branch manager for six years. Afterward, he was associated with the Schuhmacher Grocery Company of Houston, with whom he was employed at the time of his death; and

Whereas, Mr. Waller was a sincere, progressive, and happy man during his lifetime, certainly a man with many friends and accom-

plishments. He was a devoted husband and father, giving everything for his family. Now therefore, be it

Resolved by the House of Representatives, That we express to the bereaved family and many friends our sorrow over the passing of this beloved citizen; and be it further

Resolved, That when the House adjourns today, it do so in solemn memory of the late Dennis Waller and that copies of this Resolution be sent to members of the family.

Signed—Manford, Speaker; Abington, Aynesworth, Bell, Benton, Bergman, Blount, Bradshaw, Briscoe, Brooks of Jefferson, Brooks of Red River, Bryan, Cannon, Carter, Casey, Cassity, Caston, Caven, Chambers, Cheatham, Childress, Clifton, Collie, Cox, Craig, Crosthwait, Daniel, Flanagan, Fleming, Fly, Gandy, Gardner, Gathings, Godard, Graham, Gray, Gregory, Gromatzky, Hanna, Hardee, Heflin, Heideke, Holstein, Holt, Horany, Hughes, Hull, Isaacks, Ivey, Jackson, James, Jameson, Jobe, Johnson, Jones, Kazen, Kilgore, King, Kirkpatrick, Latimer, Lee, Lehman, Lewis, Lindsey, Loving, Luedemann, McCann, McCorkle, McDaniel, McDonald, McGregor, McIlhany, McKnight, McLellan, Mangum, Miller, Moore, Morrison, Moursund, Murray, Niemann, Nokes, Norton, Oltorf, Parkhouse, Paschall, Pattison, Pearson, Perry of Brazoria, Perry of Erath, Peterson, Presnal, Pyle, Rappy, Reed, Richards, Ridgeway, Rogers of Childress, Rogers of Travis, Rust, Rutherford, Senterfitt, Shannon, Shell, Slimp, Smith of Hays, Smith of Lubbock, Spacek, Sparks, Staton, Steward, Mrs. Still, Stockard, Storey, Stovell, Stump, Svadlenak, Swindell, Tatum, Teague, Thomas, Timmons, Tinsley, Tippen, Tufares, Turner, Vale, Wagon seller, Walker, Watson, Whiteside of Baylor, Whiteside of Smith, Whitworth, Wilkinson, Williams of Bexar, Williams of Scurry, Williamson, Willis of Tarrant, Willis of Kaufman, Wilson, Windham, Wisener, Wood of Smith, Wood of Houston, Woodruff, Yezak, Young, Zivley.

The resolution was read.

On the motion of Mr. Horany the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.

IN MEMORY OF THOSE WHO LOST THEIR LIVES IN ST.
ANTHONY'S HOSPITAL FIRE AND EXTENDING
SYMPATHY TO THOSE INJURED

Mr. Flanagan offered the following resolution:

H. S. R. No. 170.

Whereas, The House of Representatives of the State of Texas is deeply touched by the sad news of the destruction of St. Anthony's Hospital located in Effingham, Illinois, in which many lives were lost; and

Whereas, It having been so short a time since the people of this State faced two major disasters, namely, the Texas City Disaster and the New London School Explosion, which makes us keenly conscious of the many heartaches and untold suffering accompanying such incidents. These horrible calamities come without warning and takes its toll of human lives and injuries countless numbers; and

Whereas, During such times we can look only for good leadership to minimize the loss and suffering and make the best of a bad situation. Leadership and sacrifice came forth, in this instance, as it has always done in the past, and saved numbers of lives. There can be no doubt that several made the supreme sacrifice to save the lives of others; and

Whereas, These unparalleled heroic acts should receive the highest acclaim by all, because we as Americans believe in helping, aiding, and assisting our fellowmen, therefore the injured should receive our sympathy and those losing their lives in the great fire should be remembered by future generations; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, That we extend our deepest sympathy to those injured in the St. Anthony's Hospital Fire, their friends and relatives; and that when the House adjourns today, they do so in tribute of those injured and in memory of those who lost their lives in this great disaster; that a page in the House Journal be dedicated in their memory; and be it further

Resolved, That an enrolled copy of this Resolution be sent to the Mayor of the City of Effingham, Illinois, and also a copy to the Governor of the State of Illinois.

Signed—Manford, Speaker; Abington, Aynesworth, Bell, Benton, Bergman, Blount, Bradshaw, Briscoe, Brooks of Jefferson, Brooks of Red River, Bryan, Cannon, Carter, Casey, Cassity, Caston, Caven, Chambers, Cheatham, Childress, Clifton, Collie, Cox, Craig, Crosthwait, Daniel, Etheredge, Fleming, Fly, Gandy, Gardner, Gathings, Godard, Graham, Gray, Gregory, Gromatzky, Hanna, Hardee, Heflin, Heideke, Holstein, Holt, Horany, Hughes, Hull, Isaacks, Ivey, Jackson, James, Jameson, Jobe, Johnson, Jones, Kazen, Kilgore, King, Kirkpatrick, Latimer, Lee, Lehman, Lewis, Lindsey, Loving, Luedemann, McCann, McCorkle, McDaniel, McDonald, McGregor, McIlhany, McKnight, McLellan, Mangum, Miller, Moore, Morrison, Moursund, Murray, Niemann, Nokes, Norton, Oltorf, Parkhouse, Paschall, Pattison, Pearson, Perry of Brazoria, Perry of Erath, Peterson, Presnal, Pyle, Rappy, Reed, Richards, Ridgeway, Rogers of Childress, Rogers of Travis, Rust,

Rutherford, Senterfitt, Shannon, Shell, Slimp, Smith of Hays, Smith of Lubbock, Spacek, Sparks, Staton, Steward, Mrs. Still, Stockard, Storey, Stovell, Stump, Svadlenak, Swindell, Tatum, Teague, Thomas, Timmons, Tinsley, Tippen, Tufares, Turner, Vale, Wagonseller, Walker, Watson, Whiteside of Baylor, Whiteside of Smith, Whitworth, Wilkinson, Williams of Bexar, Williams of Scurry, Williamson, Willis of Tarrant, Willis of Kaufman, Wilson, Windham, Wisener, Wood of Smith, Wood of Houston, Woodruff, Yezak, Young, Zivley.

The resolution was read.

On the motion of Mr. Yezak the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.

(1530)

In Memory of

The Reverend James R. Maceo

Mr. Blount offered the following resolution:

H. S. R. No. 171, In memory of the Reverend James R. Maceo.

Whereas, On Sunday, April 3, 1949, at Big Spring, Texas, Almighty God called from our earthly ranks the great soul of The Reverend James R. Maceo, at the age of sixty-three years; and

Whereas, Death climaxed a colorful career for The Reverend Maceo with two decades in the ministry. At the time of his death he was rector of the St. Mary's Episcopal church, a post which he had held for the past year; and

Whereas, The Reverend Maceo was born Jaime Roberto Maceo on the high seas off Cuba. He was educated in England, and served in the British Army during World War I. He came to Fort Worth, Texas in 1919. After being admitted to the Texas State Bar in 1925, he served as an accountant and tax attorney. He began his studies for the ministry at St. Andrews church in Fort Worth, and received the Holy Orders in 1929, serving as curate at that church and supplied at Decatur. He was one of the founders of St. John's church in Fort Worth; and

Whereas, For ten years he was a member of the Texas Christian University faculty in its school of business administration, and transferred to Big Spring from the Dallas diocese on March 1, 1948, to become rector of the St. Mary's church. The Reverend Maceo had served as a National Guard and Army Chaplain; and

Whereas, The Reverend Maceo is survived by his wife, Mrs. Elsie Maceo; one son, James Robert Maceo, U. S. Navy; and one daughter, Mrs. James S. Dieckmann, Midland, Michigan; and

Whereas, The Members of the Fifty-first Legislature of the State of Texas, wish to join with the bereaved family and many friends of this great minister and "guiding light," in paying a last tribute to his memory; now therefore, be it

Resolved, That copies of this Resolution, under the seal of the House of Representatives, be sent to the members of his family; and be it further

Resolved, That when the House adjourns today it do so in memory of the late James R. Maceo.

Signed—Manford, Speaker; Abington, Aynesworth, Bell, Benton, Bergman, Bradshaw, Briscoe, Brooks of Jefferson, Brooks of Red River, Bryan, Cannon, Carter, Casey, Cassity, Caston, Caven, Cham-

(1531)

bers, Cheatham, Childress, Clifton, Collie, Cox, Craig, Crosthwait, Daniel, Etheredge, Flanagan, Fleming, Fly, Gandy, Gardner, Gathings, Godard, Graham, Gray, Gregory, Gromatzky, Hanna, Hardee, Heflin, Heideke, Holstein, Holt, Horany, Hughes, Hull, Isaacks, Ivey, Jackson, James, Jameson, Jobe, Johnson, Jones, Kazen, Kilgore, King, Kirkpatrick, Latimer, Lee, Lehman, Lewis, Lindsey, Loving, Luedemann, McCann, McCorkle, McDaniel, McDonald, McGregor, McIlhany, McKnight, McLellan, Mangum, Miller, Moore, Morrison, Moursund, Murray, Niemann, Nokes, Norton, Oltorf, Parkhouse, Paschall, Pattison, Pearson, Perry of Brazoria, Perry of Erath, Peterson, Presnal, Pyle, Rappy, Reed, Richards, Ridgeway, Rogers of Childress, Rogers of Travis, Rust, Rutherford, Senterfitt, Shannon, Shell, Slimp, Smith of Hays, Smith of Lubbock, Spacek, Sparks, Staton, Steward, Mrs. Still, Stockard, Storey, Stovell, Stump, Svadlenak, Swindell, Tatum, Teague, Thomas, Timmons, Tinsley, Tippen, Tufares, Turner, Vale, Wagonseller, Walker, Watson, Whiteside of Baylor, Whiteside of Smith, Whitworth, Wilkinson, Williams of Bexar, Williams of Scurry, Williamson, Willis of Tarrant, Willis of Kaufman, Wilson, Windham, Wisener, Wood of Smith, Wood of Houston, Woodruff, Yezak, Young, Zivley.

The resolution was read.

On the motion of Mr. Smith of Lubbock the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.

Dear Lyndon:

See page 334 to see
age & no vote on
investigation -

700

FEB 27 A.M.

HOUSE JOURNAL

FIFTY-FIRST LEGISLATURE, REGULAR SESSION

AUSTIN, TEXAS THURSDAY, FEBRUARY 17, 1949

PROCEEDINGS

TWENTY-SECOND DAY

(Thursday, February 17, 1949)

The House met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Manford.

The roll of the House was called, and the following Members were present:

Mr. Speaker
Abington
Aynsworth
Bell
Benton
Bergman
Blount
Bradshaw
Briscoe
Brooks
 of Red River
Bryan
Cannon
Carter
Casey
Cassity
Caston
Caven
Chambers
Cheatham
Childress
Collie
Cox
Crosthwait
Daniel
Etheredge
Flanagan
Fleming
Fly
Gandy
Gardner
Gathings
Godard
Graham
Gray
Gregory
Gromatzky

Hanna
Hardee
Heffin
Heideke
Henderson
Holstein
Holt
Horany
Hughes
Hull
Isaacks
Ivey
James
Jameson
Jobe
Johnson
Jones
Kazen
Kilgore
Kirkpatrick
Latimer
Lee
Lehman
Lewis
Lindsey
Loving
Luedemann
McCann
McCorkle
McDonald
McGregor
McIlhany
McKnight
McLellan
Mangum
Miller
Moore

Morrison
Moursund
Murray
Niemann
Nokes
Norton
Oltorf
Parkhouse
Paschall
Pattison
Pearson
Perry of Erath
Peterson
Presnal
Pyle
Rampy
Reed
Richards
Rogers
 of Childress
Rogers of Travis
Rust
Rutherford
Senterfitt
Shannon
Shell
Slimp
Smith of Hays
Smith of Lubbock
Spacek
Sparks
Staton
Steward
Still, Mrs.
Stockard
Storey
Stovell

Stump
Svadlenak
Swindell
Tatum
Thomas
Timmons
Tinsley
Tippen
Tufares
Turner
Vale
Wagonseller
Walker
Watson
Whiteside
 of Baylor
Whiteside
 of Smith
Whitworth
Wilkinson
Williams of Bexar
Williams
 of Scurry
Williamson
Willis of Tarrant
Willis
 of Kaufman
Wilson
Windham
Wisener
Wood of Smith
Wood of Houston
Woodruff
Yezak
Young
Zivley

Absent

Craig McDaniel

Absent—Excused

Brooks King
 of Jefferson Perry of Brazoria
Clifton Ridgeway
Jackson Teague

A quorum was announced present.

Prayer was offered by Rev. J. H. Clark, Chaplain, as follows:

"Our Heavenly Father, We Thank Thee for the Night-Time; a Season for refreshing sleep and rest. We thank Thee for the Day-Time; time for lofty thinking; and noble living. We Pray Thee to help us this day to eschew the Evil—Choosing the Good, thus placing by the Way-side an immovable Guide-Post, to direct the feet of those who come after us. In Jesus' Name—Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Torgue for today on motion of Mr. Wilson.

Mr. Brooks of Jefferson for today on motion of Mr. Lee.

Mr. Ridgeway for today on motion of Mr. Latimer.

Mr. Perry of Brazoria for today on motion of Mr. Casey.

Mr. Clifton for today on motion of Mr. Tinsley.

Mr. King for today on motion of Mr. Williams of Bexar.

MESSAGE FROM THE SENATE

Austin, Texas, February 17, 1949.
Hon. Durwood Manford, Speaker of the House of Representatives.

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

H. C. R. No. 25, In memory of Reverend D. C. Dove of Dallas, Dallas County, Texas.

Respectfully,
GARLAND A. SMITH,
Secretary of the Senate.

BILLS ORDERED NOT PRINTED

On motion of Mr. Johnson, H. B. No. 241 was ordered not printed.

On motion of Mr. Heflin, H. B. No. 261 was ordered not printed.

On motion of Mr. Gray, H. B. No. 314 was ordered not printed.

BILLS ORDERED PRINTED IN MIMEOGRAPH FORM

On motion of Mr. Williams of Bexar, House Bill No. 186 was ordered printed in mimeograph form and not otherwise printed.

CAPITON OF H. B. NO. 302 ORDERED AMENDED

On motion of Mr. Hughes, by unanimous consent of the House, the caption of H. B. No. 302 was ordered amended to conform to all changes and with the body of the bill.

ADDITIONAL SIGNERS OF H. B. NO. 26

By unanimous consent of the House Mr. Windham was granted permission to be shown as co-author of H. B. No. 26.

BILL SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House after giving due notice thereof and its caption had been read the following enrolled bill:

S. B. No. 54, Validating the creation of Road District No. 4-A of Atascosa County, Texas, authorizing the issuance of road bonds; and declaring an emergency.

EXTENDING CONGRATULATIONS TO JUDGE S. J. ISAACKS

Mr. Jameson offered the following resolution:

H. S. R. No. 72.

Whereas, Honorable S. J. Isaacks will attain his eightieth birthday on Friday, February 18, 1949; and

Whereas, Judge Isaacks is an outstanding Texas statesman and jurist and has been an honored and beloved Member of this House in the Twenty-eighth, Forty-sixth, Forty-seventh, Forty-eighth, Forty-ninth, Fiftieth and Fifty-first Legislatures; and

Whereas, His diligence in the performance of his duty, his wise counsel and broad humanity have furnished constant inspiration to all those serving with him; and

Whereas, Judge Isaacks holds the distinction of being the oldest Member of the House; now, therefore, be it

Resolved by the House of Representatives of the Fifty-first Legislature, That this House extend to Judge Isaacks congratulations on his eightieth birthday, and wish him eighty more years of happiness and service to his fellowman.

Signed—Manford, Speaker; Abington, Aynesworth, Bell, Benton, Bergman, Blount, Bradshaw, Briscoe, Brooks of Jefferson, Brooks of Red River, Bryan, Cannon, Carter, Casey, Cassity, Caston, Caven, Chambers, Cheatham, Childress, Clifton, Collie, Cox, Craig, Crosthwait, Daniel, Etheredge, Flanagan, Fleming, Fly, Gandy, Gardner, Gathings, Godard, Graham, Gray, Gregory, Gromatzky, Hanna, Hardee, Heflin, Heideke, Henderson, Holstein, Holt, Horany, Hughes, Hull, Ivey, Jackson, James, Jobe, Johnson, Jones, Kazen, Kilgore, King, Kirkpatrick, Latimer, Lee, Lehman, Lewis, Lindsey, Loving, Luedemann, McCann, McCorkle, McDaniel, McDonald, McGregor, McIlhenny, McKnight, McLellan, Mangum, Miller, Moore, Morrison, Mour-sund, Murray, Niemann, Nokes, Norton, Oltorf, Parkhouse, Paschall, Pattison, Pearson, Perry of Brazoria, Perry of Erath, Peterson, Presnal, Pyle, Rampey, Reed, Richards, Ridgeway, Rogers of Childress, Rogers of Travis, Rust, Rutherford, Senterfitt, Shannon, Shell, Slipe, Smith of Hays, Smith of Lubbock, Spacek, Sparks, Staton, Steward, Mrs. Still, Stockard, Storey, Stovell, Stump, Svadlenak, Swindell, Tatum, Teague, Thomas, Timmons, Tinsley, Tippen, Tufares, Turner, Vale, Wagonseller, Walker, Watson, Whiteside of Baylor, Whiteside of Smith, Whitworth, Wilkinson, Williams of Bexar, Williams of Scurry, Williamson, Willis of Tarrant, Willis of Kaufman, Wilson, Windham, Wisener, Wood of Smith, Wood of Houston, Woodruff, Yezak, Young, Zivley.

The resolution was read.

On motion of Mr. Pyle the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

PROVIDING FOR COMMITTEE TO MAKE CERTAIN INVESTIGATION IN REGARD TO REBURIAL OF FELIX LONGORIA

Mr. Gray offered the following resolution:

H. S. R. No. 68.

Whereas, International publicity has been given to the reburial of one of our returning soldiers, Felix Longoria, and

Whereas, So many conflicting reports have been circulated and continue to circulate, some such reports alleging that discrimination had been shown in the handling of his funeral arrangements, and

Whereas, To establish the accuracy of such acquisition or the incorrectness of such acquisition is now absolutely necessary for the continuation of good relations among the peoples of South Texas and to our international relations, and

Whereas Without the public knowing the facts, injustice is being done to the people involved in this controversy making it doubly necessary that the truth be found; now therefore, be it

Resolved by the Members of the House of Representatives that the Speaker of the House, at his earliest convenience, be instructed and is hereby instructed to appoint a committee composed of five members of this House empowering such committee with authority to subpoena witnesses and administer oath and to take evidence and that the committee be instructed to do all things necessary to find and report back to this House the truth in this controversy not later than March 1, 1949, to the end that justice may be done.

The resolution was read second time.

Mr. McLellan raised a point of order on further consideration of the resolution at this time, on the ground that the resolution should be referred to a proper committee.

The Speaker sustained the point of order.

H. S. R. No. 68 was referred to the Committee on State Affairs.

TO PROVIDE FOR APPOINTMENT
OF A COMMITTEE TO CONSIDER
POSSIBILITIES OF SECURING
OFFICE SPACE FOR
MEMBERS

Mr. Sparks offered the following resolution:

H. S. R. No. 73.

Be It Resolved by the House of Representatives, Fifty-first Legislature, State of Texas, That the Speaker be authorized to appoint a committee of three (3) to consider the possibilities of securing immediate office space for members of the House.

The resolution was read.

Mr. Hanna raised a point on further consideration of the resolution at this time, on the ground that the time for the consideration has expired.

The Speaker sustained the point of order.

Mr. Sparks moved to suspend the necessary rules in order that H. S. R. No. 73 might be considered at this time.

The motion to suspend the rules was lost by the following vote, (Not receiving the necessary two-thirds vote):

Yeas—69

Abington	Kazen
Bell	Kilgore
Blount	Latimer
Bradshaw	Lee
Cannon	Lewis
Carter	McCann
Cassity	McDonald
Cheatham	McIlhany
Childress	McKnight
Cox	Mangum
Craig	Miller
Crosthwait	Moursund
Fly	Murray
Gardner	Nokes
Gathings	Norton
Hardee	Oltorf
Heideke	Perry of Erath
Henderson	Presnal
Holstein	Pyle
Hughes	Reed
Hull	Richards
Isaacks	Rogers
Jameson	of Childress

Rutherford	Turner
Senterfitt	Vale
Smith of Hays	Walker
Sparks	Whiteside
Steward	of Baylor
Still, Mrs.	Whitworth
Stockard	Williams of Bexar
Swindell	Williams
Tatum	of Scurry
Timmons	Wood of Smith
Tinsley	Wood of Houston
Tippen	Young
Tufares	Zivley

Nays—66

Aynesworth	Moore
Benton	Morrison
Bergman	Niemann
Briscoe	Parkhouse
Brooks	Paschall
of Red River	Pattison
Bryan	Pearson
Casey	Peterson
Caston	Rampy
Caven	Rogers of Travis
Chambers	Rust
Collie	Shannon
Etheredge	Shell
Flanagan	Slimp
Fleming	Smith of Lubbock
Gandy	Spacek
Godard	Staton
Graham	Storey
Gregory	Stovell
Gromatzky	Stump
Hanna	Svadlenak
Heflin	Wagon seller
Holt	Watson
Horany	Whiteside
Ivey	of Smith
James	Wilkinson
Jobe	Willis of Tarrant
Johnson	Willis
Jones	of Kaufman
Kirkpatrick	Wilson
Lehman	Windham
Lindsey	Wisener
Loving	Woodruff
Luedemann	Yezak
McCorkle	

Present—Not Voting

McGregor

Absent

Daniel	McLellan
Gray	Thomas
McDaniel	Williamson

Absent—Excused

Brooks	King
of Jefferson	Perry of Brazoria
Clifton	Ridgeway
Jackson	Teague

MESSAGE FROM THE SENATE

Austin, Texas, February 17, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

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

S. B. No. 115, Providing for state administration of the public free schools; creating a Central Education Agency; etc., and declaring an emergency.

Respectfully,
GARLAND A. SMITH,
Secretary of the Senate.

(Mr. Nokes in the Chair.)

MESSAGE FROM THE GOVERNOR

The Chair laid before the House and had read the following Message from the Governor:

Austin, Texas, February 17, 1949.

To the Members of the 51st Legislature:

Strange as it seems, the problems incident to financial prosperity are in some respects as formidable as those of adversity.

In both situations, we are confronted with the necessity of selecting that which must be done first.

When times are hard, it is expected that we get along with the barest necessities, and all of us gird ourselves for the sacrifice and rigors of such existence.

But when our condition improves, we begin to think at once of all the comforts which we have had to forego, of the things we so much need, of the improvements in our living so long postponed, and, almost before we realize what is happening, we find our demands again to be more than our means.

The financial position of our State at this time is a case in point.

Texas is well off financially. It owes no debts. It has no unpaid obligations, except a nominal amount of bonds held by its own agencies.

In January of 1947, we had a surplus of 35 million dollars in the general revenue of the State.

We doubled our support of State

services during the past two years, imposed no new taxes, levied no State ad valorem tax for the general revenue in 1948, and came out with a surplus in January, 1949, more than twice the size of that in January, 1947.

By the end of this fiscal year, we shall probably have a surplus of almost 100 million dollars.

Our State Comptroller has advised us that—from present indications—our surplus, as of August 31, 1949, plus anticipated income for the next biennium, will total 318 million dollars, as far as our general revenue is concerned.

This is a very satisfying situation and a most encouraging prospect.

Inevitably, it causes our minds to dwell upon the things which we have wanted so much to do for so long a time to improve the services of our State and advance the well-being of our people—plans which we have had to set aside during the war years and the period of adjustment immediately thereafter.

Faced with the immediate fact of a substantial amount of cash on hand and in prospect, it is quite to be expected and it is essentially human that all agencies of our government, all geographical areas of the State, all organizations and groups and individuals with special interests and concerns—that all of us should begin thinking and dreaming of worthwhile ways in which those funds could and should be spent.

We should not be critical of genuine, legitimate, defensible demands for participation in the expanded budget of our State.

It is inevitable, however, that with all of us contributing ideas for the enlargement and improvement of our public structure, the time will come—as indeed it has now come—when we receive the estimates of the cost and find that that which we want to build will cost more money than we have to spend.

Then we face the tedious and depressing task of selecting what we can have and what, for the time being, we must forego, or of setting out in quest of new funds.

The necessity of making that choice in Texas is now before us.

It is my constitutional duty to report to you on the financial position of the State.

For the purpose of this message, I shall emphasize the situation as to the general revenue of the State.

Simply stated, our position is essentially this:

If we levy the State ad valorem tax (not levied in 1948) for this year and the two years of the next biennium—(after which, of course, it cannot be levied again for State purposes, under which the provisions of the recently adopted Constitutional amendment)—we shall have available for appropriation by the 51st Legislature from the general revenue the amount of \$318,000,000—unless conditions change for the worse before the Legislature adjourns and the State Comptroller is faced with the necessity of revising his estimate downward, or unless new revenues are found.

The Governor has before him at this writing requests, recommendations, and estimates for expenditures during the next biennium and for the remainder of this fiscal year totaling approximately \$367,000,000—or \$49,000,000 more than the estimated funds available.

There are doubtless other suggestions for expenditures just as worthy of consideration as those on the list which the Governor has compiled, and their omission from the Governor's list is not to be taken as failure on his part to recognize their merits and the genuineness of the motives and views of their sponsors.

In the discussion of this situation, I desire to be absolutely forthright and frank. The spirit of this message is to counsel with you and the people of Texas, rather than to make arbitrary recommendations as to the items in our budget.

It would take the skill of a financial wizard, the sagacity and ingenuity of a Solomon to adjust these estimates and suggestions to the resources available and satisfy us all.

Indeed, while we speak of Texas as a place of "magic and miracles," I do not believe that even in Texas can you stretch 318 million dollars to buy goods and services priced at 367 million.

When you do not have enough

ways two things to do—reduce your needs or secure more funds.

Applying this to the State, we money for your needs, there are almost of course trim our expenditures to the size of presently available money or get some more money. It is that simple.

I do not think I need remind you that I am a "no-new-tax" man. I advocated no new taxes in 1946. I defended that position before the 50th Legislature and that body agreed with those views.

I still feel it was the wise course, as evidenced by the fact that Texas greatly expanded its services during the present biennium and yet accumulated a surplus of around 100 million dollars.

Essentially, I am still a "no-new-tax" man. I feel that the heavy drain of Federal taxes plus the ever-increasing requirements of local government for more tax resources, means that the State should make a legitimate and earnest attempt to live within its means. In my opening message to the Legislature, I expressed this thought in these words:

"We must realize that Texas is growing and gaining in population, wealth, and national stature, and provide state services worthy of our State. The 1930 concept will not fit the 1950 picture."

"At the same time, we face the deadly serious necessity of planning wisely and within our means, to the end that an unpredictable business recession will not leave the State of Texas in a perilous financial condition."

"In other words—we must reach out as far as we can into new and expanded areas of public service—but we must not over-reach ourselves."

While making this very urgent plea for the maintenance of the financial solvency of this State, I would not be living up to the obligations imposed on me by the Constitution if I failed to emphasize at the same time the very pressing needs for the expansion of our State services in many directions.

Repeatedly have I expressed the opinion that we will defend successfully the rights of the States only in so far as we can carry out, ade-

quately and efficiently, the duties and responsibilities of the State.

There is no one among us—be he the greatest taxpayer of us all or the humble citizen contributing his mite—but who shudders to think of the conditions under which we care for the afflicted and the handicapped of our people. None, I am quite sure, can walk with me through some of the crumbling institutions of our State, can sit and read with me report after report of totally incapacitated people, without possible resource, who are in great distress of body and mind; can stand with me and look upon a dilapidated disgrace to Texas which we call our prison system; can consider the tragically inadequate effort we are making to develop our youth; can listen to the story of people in our rural areas who cannot send their children to school, take their produce to market, receive their mail or go to the family cemetery to bury their dead—all because of the conditions of their roads;—no man or woman—in Texas—regardless of conservatism and caution and care in the expenditure of personal or public funds—no one among us could have these experiences and not know deep in his heart that these things are unworthy of Texas.

There are schools to be built; there are vital resources to be conserved, there are fundamental and basic functions of State to be performed.

I underscore these facts just as firmly as I plead for financial care and caution. And in so doing, I know full well that I speak the sentiments in the hearts of our people.

How then shall we proceed? It would be the height of arbitrary action for me to take the 367 million dollars worth of needed services already brought to my attention and pare them to 318 million dollars and urge your endorsement of my decisions.

I am attaching to this statement a list of the projects and the appropriations making up the 367 million dollar total mentioned in this report.

Some of these things are of course "must" items and from time to time

I shall call them to your particular attention in special messages.

Others are estimates which have been given me by those in position to know what they should be.

In submitting items totaling 367 million dollars which have been commended to him as especially worthy of Legislature consideration, and in reporting that, as of now, there is an estimated total of 318 million dollars available for appropriation, what is the Governor's advice to the Legislature?

It is to screen with the utmost care every individual item and request; to assure itself that these requested expenditures are not only wise and desirable and absolutely needed, but that they are more important, in the general plan of things, than other appropriations might be farther down the line; that every request be considered in light of what the State can afford and what the people most earnestly want done.

In the meantime, it has been reported to me that in our existing tax structure—with levies already made by the Legislature—there are certain loopholes and inconsistencies which are costing the State millions of dollars a year. As you consider the entire fiscal position of the State, you will doubtless want information in this regard.

Therefore, I have created a special fact-finding commission of State officials and staff members, expert in the fields of taxation and public finance, and have asked this Commission to go to work immediately to determine what can be done to strengthen and repair our existing tax structure. I expect a series of reports from this Commission in the not too distant future, and I shall transmit these to you as soon as I receive them.

It is just possible that, with this study and the remedial legislation which you may wish to pass as a result thereof, we may be able to bring in new revenue which the State Comptroller will be in position to contemplate in making such revisions in his estimates as future developments may indicate.

It has long been my belief and contention that our existing tax

structure needs thorough study by an agency of the Legislature. I recommended such a study two years ago; I recommended it again in my first message to the 51st Legislature.

I say now that such a study is not only desirable and advisable, but imperative.

There is nothing sacred or necessarily permanent about our present tax structure; yet I contend that it should not be changed haphazardly and with an eye only to the exigencies of the moment.

Hasty action conceivably might do violence to some phases or elements of our business or industrial picture, resulting in hardship or in virtual confiscation of property.

In an era of inflation, with federal taxes high and going higher; with counties, municipalities and school districts urging their need for more money; with almost every mail bringing news of a new drive for charity or social welfare—it is not too much for our people to ask that we be deliberate, careful, scientific and fair in our determination as to whether we are going to increase their state tax burden.

In summary, by budget report and recommendations to you are as follows:

1. We have at least \$367,000,000

in biennial requests to consider in distributing available revenue of \$318,000,000.

2. I urge you to use your best judgment, discretion and ability in scaling down these requests to match our income, to the end that—

3. No new taxes should be levied until a thorough-going study of the present tax structure is initiated and completed by the Legislature or a commission of its fostering.

I want to remind you, in closing, of two things. The first is this: Estimated available revenue for the forthcoming biennium exceeds by \$175,000,000 or 122.5 per cent that which is being spent from general revenue for the present biennium. The people of Texas may well feel that such an increase is enough over a short two-year period.

The other point is that you are the direct representatives of these people. With you, I am sworn to defend them, to protect them, to serve them well.

In the diligence, the skill and the courage with which we approach this tremendous task of making a new financial plan for Texas, there will be reflected the intelligence and the general character of our stewardship.

BEAUFORD H. JESTER,
Governor of Texas.

SUGGESTIONS OF EXPENDITURES FROM THE GENERAL REVENUE
FOR STATE SERVICES FOR THE REMAINDER OF THE 1947-49
BIENNIUM AND FOR THE 1949-51 BIENNIUM SUBMITTED
FOR CONSIDERATION OF THE 51ST LEGISLATURE

Expenses of the Legislature	\$ 1,500,000
Board of Control recommendations for the Judiciary	5,158,466
Rural school aid (emergency)	9,000,000
Board of Control recommendations for State Departments	34,802,675
Prison System—Capital improvements	4,200,000
Prison System—Emergency for remainder of current fiscal year	539,000
State Youth Development Council	350,000
Tidelands Defense Fund	200,000
State Archives and Records (emergency)	70,000
Rural roads	20,000,000
State salary adjustments including District Attorney salary increase (emergency)	5,000,000
Deficiency appropriations	177,000
General claims (estimated)	80,000
Board of Control recommendations for eleemosynary institutions	61,715,546
Terrell State Hospital (emergency)	900,000
Reserve fund for disaster relief and civil defense	200,000

Public schools	120,000,000
Junior colleges	2,400,000
Board of Control recommendations for higher education	66,627,310
Higher education increases—for additional medical education, for other services, and for new institutions and services	10,000,000
Public Employees Retirement	2,000,000
Buildings—Public Safety—National Guard	1,500,000
Increase in contribution to Council of State Governments	24,000
Water conservation programming	1,100,000
Soil conservation	10,000,000
State buildings and Capital planning	7,000,000
Regional education	134,000
Texas State University for Negroes (emergency)	400,000
School Library Division (emergency)	2,712
Library Extension	400,000
Palo Duro Park Bonds	300,000
Court of Civil Appeals (emergency)	3,500
National Sesquicentennial (Participation of Texas)	50,000
Battleship Texas	235,000
Livestock Sanitary Commission (emergency)	10,000
Alamo Library	50,000
Eleemosynary Emergency for Maintenance and Operation during remainder of current fiscal year	1,000,000
Miscellaneous items	150,000
	<u>\$367,279,209</u>

ITEMS APPEARING IN FOREGOING SCHEDULE WHICH ARE
NON-RECURRING IN NATURE

Building items in 4 major budgets, submitted by Board of Control	\$28,000,000
Prison System	4,700,000
Livestock Sanitary Commission (emergency)	10,000
Battleship Texas	235,000
National Sesquicentennial	50,000
Court of Civil Appeals (emergency)	3,500
School Library Division (emergency)	2,712
Texas State University for Negroes (emergency)	400,000
State Buildings and Capital planning	7,000,000
Soil conservation	10,000,000
Buildings—Public Safety—National Guard	1,500,000
Rural school aid (emergency)	9,000,000
Tidelands Defense Fund	200,000
State Records and Archives (emergency)	70,000
State salary adjustments (emergency)	5,000,000
Terrell State Hospital	900,000
Reserve fund for disaster relief and civil defense	200,000
Higher education facilities	7,000,000
Palo Duro Park Bonds	300,000
Alamo Library	50,000
Eleemosynary (emergency)	1,000,000
Miscellaneous items	150,000
Water Conservation planning	1,100,000
	<u>\$76,871,212</u>

CONSIDERATION OF H. S. R. NO. 68

Mr. Gray moved that the necessary rules be suspended for the purpose of taking up and considering at this time, H. S. R. No. 68.

The motion prevailed.

The Chair then laid before the House, for consideration at this time H. S. R. No. 68, Providing for the appointment of Committee to make certain investigation in regard to reburial of Felix Longoria.

Mr. Chambers offered the following amendment to the resolution:

Amendment No. 1 to H. S. R. No. 68: Insert the date of March 15th at the proper place instead of March 1st.

The amendment was adopted.

Mr. Vale raised a point of order on further consideration of the resolution at this time, on the ground that a bill or a resolution sent to a committee cannot be brought before the House by a suspension of the rules if said bill or resolution has not been acted upon by the committee.

The Chair overruled the point of order.

A reading of the resolution was called for.
(Speaker in the Chair)

Mr. Horany offered the following amendment to the resolution:

Amend H. S. R. No. 68 by adding the following at the end of the last paragraph:

The expenses of this investigation shall not exceed the sum of \$250.00.

Mr. Crosthwait moved that H. S. R. be referred to the Committee on Contingent Expenses with instructions to report back by 12:15 o'clock a. m. today.

Mr. Tippen moved, as a substitute motion, that the resolution be referred to the Committee on Appropriations.

Mr. Crosthwait moved to table the motion by Mr. Tippen to refer H. S.

R. No. 68 to the Committee on Appropriations.

The motion to table prevailed.

(Mr. Johnson in the Chair)

Question recurring on the motion to refer H. S. R. No. 68 to the Committee on Contingent Expenses, with instructions, it prevailed.

ADOPTION OF THE REPORT OF THE COMMITTEE ON RULES

The Chair laid before the House for consideration at this time the report of the Committee on Rules reconsidering the adoption of the permanent rules of the House.

The report having been submitted to the House on Feb. 19, 1949 and printed in the Journal on that date.

Mr. Zively offered the following amendment to the report:

Amend proposed amendment to Rule 18, Section 1, page 216, by thereto adding the following sentence:

"The Chief Clerk shall report daily to the Journal Clerk the names of Members filed in his office as co-authors of bills."

The amendment was adopted.

Question recurring on proposed Rule change No. 1, yeas and nays were demanded.

Rule change No. 1, was adopted by the following vote:

Yeas—120

Abington	Cheatham
Aynesworth	Childress
Bell	Collie
Bergman	Cox
Blount	Craig
Bradshaw	Crosthwait
Briscoe	Flanagan
Brooks	Fly
of Red River	Gandy
Bryan	Gardner
Cannon	Gathings
Carter	Godard
Casey	Graham
Cassity	Gregory
Caston	Gromatzky
Caven	Hanna
Chambers	Hardee

Heflin	Richards
Heideke	Rogers
Henderson	of Childress
Holstein	Rogers of Travis
Holt	Rust
Horany	Rutherford
Hull	Senterfitt
Isaacks	Shell
Ivey	Slimp
James	Smith of Hays
Jobe	Smith of Lubbock
Jones	Spacek
Kazen	Sparks
Kilgore	Staton
Kirkpatrick	Steward
Latimer	Still, Mrs.
Lehman	Stockard
Lindsey	Storey
Loving	Stump
Luedemann	Svadlenak
McCann	Swindell
McCorkle	Tatum
McDonald	Thomas
McGregor	Tinsley
McIlhany	Tippen
McKnight	Tufares
McLellan	Turner
Mangum	Vale
Miller	Wagon seller
Moore	Walker
Morrison	Watson
Moursund	Whiteside
Murray	of Baylor
Niemann	Whiteside
Nokes	of Smith
Norton	Whitworth
Oltorf	Williamson
Parkhouse	Willis
Paschall	of Kaufman
Pearson	Windham
Peterson	Wisener
Presnal	Woodruff
Pyle	Yezak
Rampy	Young
Reed	Zivley

Absent

Benton	Shannon
Daniel	Stovell
Etheredge	Timmons
Fleming	Wilkinson
Gray	Williams of Bexar
Hughes	Williams
Jameson	of Scurry
Lee	Willis of Tarrant
Lewis	Wilson
McDaniel	Wood of Smith
Pattison	Wood of Houston
Perry of Brazoria	

Absent—Excused

Brooks	Clifton
of Jefferson	Jackson

King	Ridgeway
Perry of Erath	Teague

Question recurring on proposed Rule change No. 2, it was adopted by the following vote:

Yeas—117

Abington	McLellan
Aynesworth	Mangum
Bell	Miller
Bergman	Moore
Blount	Morrison
Bradshaw	Moursund
Brooks	Murray
of Red River	Niemann
Bryan	Nokes
Cannon	Norton
Carter	Oltorf
Cassity	Parkhouse
Caston	Paschall
Caven	Pearson
Chambers	Perry of Erath
Cheatham	Peterson
Childress	Presnal
Collie	Pyle
Cox	Rampy
Craig	Reed
Crosthwait	Richards
Flanagan	Rogers
Fly	of Childress
Gandy	Rogers of Travis
Gardner	Rust
Gathings	Rutherford
Godard	Senterfitt
Graham	Shell
Gregory	Slimp
Gromatzky	Smith of Hays
Hanna	Smith of Lubbock
Hardee	Spacek
Heflin	Sparks
Heideke	Staton
Henderson	Steward
Holstein	Still, Mrs.
Holt	Stockard
Horany	Storey
Hull	Stump
James	Svadlenak
Jobe	Tatum
Jones	Thomas
Kazen	Tinsley
Kilgore	Tippen
Kirkpatrick	Tufares
Latimer	Turner
Lehman	Vale
Lindsey	Wagon seller
Loving	Walker
Luedemann	Watson
McCann	Whiteside
McCorkle	of Baylor
McDonald	Whiteside
McGregor	of Smith
McIlhany	Whitworth
McKnight	Wilkinson

Williamson
Willis of Tarrant
Willis
of Kaufman
Windham

Wisener
Woodruff
Yezak
Young
Zivley

Absent

Benton
Briscoe
Casey
Daniel
Etheredge
Fleming
Gray
Hughes
Isaacks
Ivey
Jameson
Lee
Lewis

McDaniel
Pattison
Shannon
Stovell
Swindell
Timmons
Williams of Bexar
Williams
of Scurry
Wilson
Wood of Smith
Wood of Houston

Absent—Excused

Brooks
of Jefferson
Clifton
Jackson

King
Perry of Brazoria
Ridgeway
Teague

Question recurring on proposed Rule Change No. 3, it was adopted by the following vote:

Yeas—117

Abington
Aynesworth
Bell
Bergman
Blount
Bradshaw
Brooks
of Red River
Bryan
Cannon
Carter
Cassity
Caston
Caven
Chambers
Cheatham
Childress
Collie
Cox
Craig
Crosthwait
Flanagan
Fly
Gandy
Gardner
Gathings
Godard
Graham
Gregory
Gromatzky
Hanna

Hardee
Hefflin
Heideke
Henderson
Holstein
Holt
Horany
Hull
James
Jobe
Jones
Kazen
Kilgore
Kirkpatrick
Latimer
Lehman
Lindsey
Loving
Luedemann
McCann
McCorkle
McDonald
McGregor
McIlhany
McKnight
McLellan
Mangum
Miller
Moore
Morrison
Moursund

Murray
Niemann
Nokes
Norton
Oltorf
Parkhouse
Paschall
Pearson
Perry of Erath
Peterson
Presnal
Pyle
Rampy
Reed
Richards
Rogers
of Childress
Rogers of Travis
Rust
Rutherford
Senterfitt
Shell
Simp
Smith of Hays
Smith of Lubbock
Spacek
Sparks
Staton
Steward
Still, Mrs.
Zivley

Stockard
Storey
Stump
Svadlenak
Tatum
Thomas
Tinsley
Tippen
Tufares
Turner
Vale
Wagonseller
Walker
Watson
Whiteside
of Baylor
Whiteside
of Smith
Whitworth
Wilkinson
Williamson
Willis of Tarrant
Willis
of Kaufman
Windham
Wisener
Woodruff
Yezak
Young
Zivley

Absent

Benton
Briscoe
Casey
Daniel
Etheredge
Fleming
Gray
Hughes
Isaacks
Ivey
Jameson
Lee
Lewis

McDaniel
Pattison
Shannon
Stovell
Swindell
Timmons
Williams of Bexar
Williams
of Scurry
Wilson
Wood of Smith
Wood of Houston

Absent—Excused

Brooks
of Jefferson
Clifton
Jackson

King
Perry of Brazoria
Ridgeway
Teague

Mr. Zivley moved that proposed Rule Change No. 4, be adopted.

(Speaker in the Chair)

Mr. Hull moved that the proposed Rule Changes No. 4 and No. 5 be stricken from the report of the Committee on Rules.

Mr. Zivley moved to table the motion by Mr. Hull.

The motion to table prevailed.

Question recurring on the adoption of proposed Rule Change No. 4, yeas and nays were demanded.

Rule Change No. 4 was adopted by the following vote:

Yeas—69

Moore
Murray
Niemann
Norton
Pattison
Rampy
Rust
Senterfitt
Shell
Smith of Lubbock
Sparks
Steward
Still, Mrs.
Storey
Stovell
Stump
Svadlenak
Swindell
Thomas
Timmons
Tinsley
Tufares
Turner
Wagonseller
Walker
Watson
Whiteside
of Baylor
Whiteside
of Smith
Whitworth
Wilkinson
Williamson
Willis of Tarrant
Willis
of Kaufman
Windham
Wisener
Woodruff
Yezak
Young
Zivley

Bell
Bergman
Bradshaw
Bryan
Carter
Caston
Cheatham
Collie
Craig
Etheredge
Fleming
Fly
Gandy
Gathings
Graham
Gregory
Hanna
Hardee
Heideke
Henderson
Holt
Horany
Isaacks
Ivey
Jameson
Jobe
Johnson
Kirkpatrick
Latimer
Lehman
Lewis
Loving
Luedemann
McCorkle
McDonald
Miller

Nays—55

Abington
Aynesworth
Blount
Brooks
of Red River
Cannon
Casey
Cassity
Caven
Childress
Cox
Crosthwait
Flanagan
Gardner
Hefflin

Holstein
James
Jones
Kilgore
Lee
Lindsey
McIlhany
McLellan
Morrison
Moursund
Nokes
Oltorf
Parkhouse
Paschall
Pearson

Perry of Erath
Peterson
Presnal
Pyle
Reed
Richards
Rogers
of Childress
Rogers of Travis
Rutherford
Simp
Smith of Hays
Spacek
Staton

Absent

Benton
Briscoe
Chambers
Daniel
Godard
Gray
Gromatzky
Hughes
Hull

Kazen
McCann
McDaniel
McGregor
McKnight
Mangum
Shannon
Wood of Smith
Wood of Houston

Absent—Excused

Brooks
of Jefferson
Clifton
Jackson

King
Perry of Brazoria
Ridgeway
Teague

Question recurring on proposed Rule Change No. 5, it was adopted by the following vote:

Yeas—89

Bell
Bergman
Blount
Bradshaw
Bryan
Carter
Caston
Cheatham
Collie
Craig
Etheredge
Fly
Gandy
Gathings
Godard
Graham
Gray
Gregory
Gromatzky
Hanna
Hardee
Hefflin
Heideke
Henderson
Holstein
Holt

Horany
Hughes
Hull
Isaacks
Ivey
Jameson
Johnson
Kirkpatrick
Latimer
Lee
Lehman
Loving
Luedemann
McCann
McCorkle
McDonald
McGregor
McIlhany
Moore
Murray
Niemann
Nokes
Norton
Oltorf
Pattison

Yeas—27

Abington Paschall
Bergman Pearson
Blount Peterson
Bradshaw Pyle
Caven Rust
Crosthwait Rutherford
Etheredge Spacek
Godard Sparks
Gregory Steward
Hardee Svadlenak
Isaacks Vale
Lee Wagonseller
McCann Whitworth
Murray

Nays—103

Aynesworth McDaniel
Bell McDonald
Brooks McGregor
of Red River McIlhany
Cannon McKnight
Carter McLellan
Casey Mangum
Cassity Miller
Caston Moore
Chambers Morrison
Cheatham Moursund
Childress Niemann
Collie Nokes
Cox Norton
Flanagan Oltorf
Fleming Parkhouse
Fly Pattison
Gandy Perry of Erath
Gardner Presnal
Gathings Rampsy
Graham Reed
Gray Richards
Gromatzky Rogers
Hanna of Childress
Hefflin Rogers of Travis
Heideke Senterfitt
Henderson Shell
Holt Slimp
Horany Smith of Hays
Hughes Smith of Lubbock
Ivey Staton
James Still, Mrs.
Jameson Stockard
Jobe Storey
Johnson Stovell
Jones Stump
Kazen Swindell
Kilgore Thomas
Kirkpatrick Timmons
Latimer Tinsley
Lehman Tippen
Lewis Tufares
Lindsey Turner
Loving Walker
Luedemann Watson
McCorkle

Whiteside
of Baylor
Whiteside
of Smith
Wilkinson
Williams of Bexar
Williamson
Willis of Tarrant
Willis
of Kaufman
Wilson
Windham
Wood of Houston
Woodruff
Yezak
Young
Zivley

Absent

Benton Shannon
Briscoe Tatum
Bryan Williams
Craig of Scurry
Daniel Wisener
Holstein Wood of Smith
Hull

Absent—Excused

Brooks King
of Jefferson Perry of Brazoria
Clifton Ridgeway
Jackson Teague

Question recurring on the motion to adjourn until 10:00 o'clock a. m. next Monday.

The motion was lost by the following vote:

Yeas—39

Bell Moore
Collie Morrison
Craig Niemann
Flanagan Pattison
Gandy Presnal
Gardner Pyle
Hanna Rampsy
Heideke Reed
Holt Rogers
Hull of Childress
Ivey Shell
Jameson Spacek
Johnson Thomas
Latimer Timmons
Lee Tippen
Lewis Vale
Loving Willis of Tarrant
Luedemann Wilson
McLellan Wood of Smith
Mangum Zivley

Nays—94

Abington Casey
Aynesworth Cassity
Blount Caston
Bradshaw Caven
Brooks Chambers
of Red River Cheatham
Cannon Childress
Carter Cox

Crosthwait
Etheredge
Fleming
Fly
Gathings
Godard
Graham
Gray
Gregory
Gromatzky
Hardee
Hefflin
Henderson
Horany
Hughes
Isaacks
James
Jobe
Jones
Kazen
Kilgore
Kirkpatrick
Lehman
Lindsey
McCann
McCorkle
McDaniel
McDonald
McGregor
McIlhany
McKnight
Miller
Moursund
Murray
Nokes
Norton
Oltorf
Parkhouse
Paschall
Pearson
Perry of Erath
Peterson
Richards
Rogers of Travis
Rust
Rutherford
Senterfitt
Slimp
Smith of Hays
Smith of Lubbock
Sparks
Staton
Steward
Still, Mrs.
Stockard
Storey
Stovell
Stump
Svadlenak
Swindell
Tatum
Tinsley
Tufares
Turner
Wagonseller
Walker
Watson
Whiteside
of Baylor
Whiteside
of Smith
Whitworth
Wilkinson
Williams of Bexar
Williamson
Willis
of Kaufman
Windham
Wood of Houston
Woodruff
Yezak
Young

Absent

Benton Holstein
Bergman Shannon
Briscoe Williams
Bryan of Scurry
Daniel Wisener

Absent—Excused

Brooks King
of Jefferson Perry of Brazoria
Clifton Ridgeway
Jackson Teague

Question recurring on the motion to adjourn until 10:30 o'clock a. m. next Monday.

The motion was lost by the following vote:

Yeas—52

Bergman Casey

Cassity
Childress
Collie
Fleming
Gardner
Hanna
Hefflin
Heideke
Henderson
Holt
Hughes
Hull
Jameson
Johnson
Jones
Latimer
Lee
Lehman
Lindsey
Loving
McDaniel
Mangum
Moore
Moursund
Niemann
Nokes
Pattison
Presnal
Pyle
Reed
Rogers
of Childress
Sparks
Still, Mrs.
Storey
Stump
Swindell
Thomas
Timmons
Turner
Vale
Watson
Whiteside
of Smith
Wilkinson
Williams of Bexar
Willis of Tarrant
Wilson
Windham
Wood of Smith
Young
Zivley

Nays—81

Abington McCann
Aynesworth McCorkle
Blount McDonald
Bradshaw McGregor
Brooks McIlhany
of Red River McKnight
Cannon Miller
Carter Morrison
Caston Murray
Caven Norton
Chambers Oltorf
Cheatham Parkhouse
Cox Paschall
Craig Pearson
Crosthwait Perry of Erath
Etheredge Peterson
Flanagan Rampsy
Fly Richards
Gandy Rogers of Travis
Gathings Rust
Godard Rutherford
Graham Senterfitt
Gray Shell
Gregory Slimp
Gromatzky Smith of Hays
Hardee Smith of Lubbock
Horany Spacek
Isaacks Staton
Ivey Steward
James Stockard
Jobe Stovell
Kazen Svadlenak
Kilgore Tatum
Kirkpatrick Tinsley
Lewis Tippen
Luedemann Tufares

Wagonseller
Walker
Whiteside
of Baylor
Whitworth
Williamson

Willis
of Kaufman
Wisener
Wood of Houston
Woodruff
Yezak

Absent

Bell
Benton
Briscoe
Bryan
Daniel

Holstein
McLellan
Shannon
Williams
of Scurry

Absent—Excused

Brooks
of Jefferson
Clifton
Jackson

King
Perry of Brazoria
Ridgeway
Teague

Question then recurring on the amendment by Mr. Cannon to H. S. R. No. 68, it was adopted.

Mr. Williamson moved the previous question on the resolution and the main question was ordered.

Question recurring on the resolution, yeas and nays were demanded.

H. S. R. No. 68 was adopted by the following vote:

Yeas—104

Bell
Bergman
Blount
Brooks
of Red River
Cannon
Carter
Casey
Caston
Chambers
Cheatham
Collie
Crosthwait
Etheredge
Flanagan
Fleming
Fly
Gandy
Gardner
Gathings
Godard
Graham
Gray
Gregory
Gromatzky
Hanna
Hardee
Hefflin

Heideke
Henderson
Holt
Horany
Isaacks
Ivey
James
Jameson
Johnson
Jones
Kazen
Kilgore
Kirkpatrick
Latimer
Lee
Lehman
Lewis
Lindsey
Loving
Luedemann
McCann
McCorkle
McDonald
McGregor
McIlhany
McKnight
Miller
Moore

Morrison
Moursund
Murray
Niemann
Norton
Parkhouse
Paschall
Pattison
Pearson
Perry of Erath
Peterson
Presnal
Rampy
Richards
Rogers of Travis
Rust
Rutherford
Senterfitt
Shell
Simp
Smith of Hays
Smith of Lubbock
Spacek
Sparks
Staton
Steward

Still, Mrs.
Storey
Stovell
Stump
Svadenak
Swindell
Thomas
Tinsley
Tippen
Tufares
Wagonseller
Walker
Whiteside
of Baylor
Whiteside
of Smith
Whitworth
Williamson
Willis
of Kaufman
Wilson
Windham
Wisener
Wood of Houston
Woodruff
Yezak

Nays—20

Abington
Aynsworth
Bradshaw
Caven
Childress
Cox
McLellan
Mangum
Nokes
Oltorf

Pyle
Reed
Stockard
Tatum
Timmons
Turner
Vale
Watson
Willis of Tarrant
Zivley

Present—Not Voting

Hughes
Rogers
of Childress

Wilkinson

Absent

Benton
Briscoe
Bryan
Cassity
Craig
Daniel
Holstein
Hull

Jobe
McDaniel
Shannon
Williams of Bexar
Williams
of Scurry
Wood of Smith
Young

Absent—Excused

Brooks
of Jefferson
Clifton
Jackson

King
Perry of Brazoria
Ridgeway
Teague

Mr. Gray moved to reconsider the vote by which the resolution was

adopted and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILLS ON FIRST READING

The following Senate bills were today laid before the House, read severally first time, and referred to the appropriate committees as follows:

S. B. No. 93 to the Committee on State Affairs.

S. B. No. 27 to the Committee on Judiciary.

S. B. No. 179 to the Committee on Game and Fisheries.

S. B. No. 156 to the Committee on Counties.

S. B. No. 102 to the Committee on Judiciary.

S. B. No. 65 to the Committee on Judiciary.

S. B. No. 87 to the Committee on State Affairs.

S. B. No. 52 to the Committee on State Affairs.

S. B. No. 56 to the Committee on Highways and Roads.

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read severally first time and referred to the appropriate committees, as follows:

By Mr. Perry of Brazoria:

H. B. No. 335, A bill to be entitled "An Act authorizing the Commissioners Courts of any County to establish, maintain and operate a law library for such county, to provide funds therefore, to receive gifts or bequests therefor, to employ a custodian or custodians of such library, to require a bond or bonds of such custodian or custodians, to make all orders, rules and regulations necessary or proper for the establishment, maintenance and operation of such library, providing for the depositing of such funds with the county treasurer, or other official discharging such duty, and the separation of such funds as a special fund, provid-

ing for the establishment and payment of claims on account of such library, and repealing all other laws or parts of laws in conflict herewith."

Referred to the Committee on Counties.

By Messrs. Hanna, Reed, Bergman, Mangum, Parkhouse and Crosthwait:

H. B. No. 336, A bill to be entitled "An Act relinquishing and granting unto adjacent land owners the title to beds and channels of all abandoned rivers, streams and other channels that have been or may hereafter be abandoned by reason of the relocation of the bed or channels of such rivers and streams by flood control districts, drainage districts, or levee improvements districts under an approved plan of reclamation; providing certain facts shall be conclusive evidence of abandonment of such rivers, streams and channels; defining certain terms; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Tippen:

H. B. No. 337, A bill to be entitled "An Act to provide for the better and more efficient care of epileptic patients of the Abilene State Hospital; defining the duties of the Superintendent; prescribing the means for admission; authorizing the transfer of epileptic patients from the mental hospitals to the epileptic hospital; prescribing the duties of the County Judge regarding admissions; providing for a repealing clause, and declaring an emergency."

Referred to the Committee on State Eleemosynary and Reformatory Institutions.

By Mr. Henderson:

H. B. No. 338, A bill to be entitled "An Act providing that it shall be unlawful for any person, firm or corporation to sell, expose for sale, give away or exhibit in any public place any indecent or obscene printed matter or pictures; providing that said law shall be cumulative of other laws; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Aynesworth:

H. B. No. 339, A bill to be entitled "An Act fixing the salaries of the County Tax Assessors and Collectors in certain counties; repealing all laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Aynesworth:

H. B. No. 340, A bill to be entitled "An Act defining delinquent parents; providing that delinquent parents are guilty of a misdemeanor, prescribing a penalty and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Smith of Lubbock:

H. B. No. 341, A bill to be entitled "An Act amending Chapter 107, Page 142, Section 1, Acts of the 47th Legislature, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Smith of Lubbock:

H. B. No. 342, A bill to be entitled "An Act authorizing counties to lease their county hospital, provided the commissioners' court of such county, by an order entered in the minutes, finds that it is to the best interest of the county to lease such hospital; and provided further that prior to the provisions of such order becoming effective, such commissioners' court shall fix a time and place for a public hearing upon such question and shall issue notices of such public hearing; providing for the submission of such question to a referendum vote in event a petition is submitted bearing the signatures of ten per cent of the voters of said county; enacting provisions incident and relating to the subject; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith to the extent of such conflict and declaring an emergency."

Referred to the Committee on Counties.

By Messrs. Henderson and Isaacks:

H. B. No. 343, A bill to be entitled "An Act to amend Article 2930, Revised Civil Statutes of Texas as amended by Section 4 of Chapter 368, General and Special Laws of the 49th Legislature, Regular Session, 1945, with regard to fees of county clerks for recording chattel mortgages and release thereof; and declaring an emergency."

Referred to the Committee on Judiciary.

By Messrs. Heflin and Lewis:

H. B. No. 344, A bill to be entitled "An Act to amend Section 57, House Bill No. 407, Chapter 4, Acts of the Forty-sixth Legislature, as amended by Acts of the Regular Session, Forty-seventh Legislature, Chapter 187, House Bill 205, as amended by Chapter 272, Acts of the Forty-eighth Legislature, Regular Session, 1943; providing for the disposition of moneys derived from the Certificate of Title Act; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Walker:

H. B. No. 345, A bill to be entitled "An Act amending Article 945 of the Penal Code of the State of Texas so as to allow the use of purse seines of any size mesh within certain waters, providing a penalty; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. McDonald:

H. B. No. 346, A bill to be entitled "An Act providing that the commissioners' courts of certain counties may increase the compensation of the First Assistant or Chief Deputy to the County Clerk in such counties; repealing all laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Counties.

By Messrs. Rampy and Blount:

H. B. No. 347, A bill to be entitled "An Act amending Section 1, Section 2, and Section 3 of House Bill No. 692, Chapter 319, Acts of the Regular Session of the 48th Legislature,

fixing the time and terms of holding of the 51st Judicial District Court in the Counties of Tom Green, Irion, Schleicher, Coke and Sterling; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds and making them returnable to the next term of court in said counties; validating the summoning of Grand and Petit Juries under this Act; and declaring an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Hull:

H. B. No. 348, A bill to be entitled "An Act amending subsection (a) of Section 2a of Article 4860a-20 of the Revised Civil Statutes of Texas, 1925, and amendments thereto by adding to said subsection (a) of Section 2a of Article 4860a-20 a definition of the following additional terms used in said statute to-wit: 'Vehicles,' 'Dwellings,' 'Country Property,' 'Re-insurance,' and 'Wheresoever.'"

Referred to the Committee on Insurance.

By Messrs. Parkhouse, Reed, Mangum, Crosthwait, Bergman and Hanna:

H. B. No. 349, A bill to be entitled "An Act to validate all subdivisions and detachments of territory from common school districts and common county line school districts and the annexation thereof to contiguous independent school districts; validating the enlarged independent school districts resulting therefrom and conferring upon such independent districts all the powers possessed in their original status or by other independent school districts; validating the acts of all school officials pertaining thereto; validating all independent school districts so enlarged whether by all or only a portion of the common school district so subdivided declaring the territory so subdivided and annexed to be legal and integral parts of such enlarged districts; validating all elections and other acts for spreading all the prior obligations of said independent districts over their entire territory after such enlargement; validating all taxes of such districts; validating all bonds issued in such enlarged dis-

tricts and elections authorizing same; validating the closing of elementary schools in such annexed territory, sale of school property, disposition of the proceeds; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Craig:

H. B. No. 350, A bill to be entitled "An Act to validate the charters and incorporations of all cities and towns whose charters may be void by reason of failure to properly define their limits, or that may have included in such limits more territory than was provided for in Article 971, Revised Civil Statutes of 1925; validating such charters and incorporations the same as if such territorial limits had at first been properly established and the superficial areas authorized; providing a saving clause; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Craig:

H. B. No. 351, A bill to be entitled "An Act authorizing the Governor to designate the Chairman of the State Board of Water Engineers as Compact Commissioner to represent the State of Texas in conference with Compact Commissioners for the States of New Mexico and Oklahoma, and a representative of the Government of the United States to negotiate an agreement respecting the use, control and disposition of the waters of the Canadian River; prescribing the authority and duties of the Compact Commissioner; providing that necessary expenses of Compact Commissioner shall be paid out of funds made available by the Legislature for such purpose; providing that the Chairman of the State Board of Water Engineers shall not be entitled to any additional salary by reason of services rendered as Compact Commissioner; prescribing the method of reaching such agreement and submitting it to the Legislature for ratification; making an appropriation, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Hardee:

H. B. No. 352, A bill to be entitled "An Act to amend Article 2815, Revised Civil Statutes of Texas, 1925, as amended, by adding thereto a section to be known as Section (b), providing for the withdrawal of territory from consolidated school districts, repealing all laws, or parts of laws in conflict therewith and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Gray:

H. B. No. 353, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of Texas by adding to said article a new subdivision authorizing the formation of private corporations for the purpose of owning and operating public scales; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mrs. Still and Mr. Nokes and Messrs. Etheredge, Smith of Hays, Isaacks, Lewis, Gathings, King, Senterfitt, Tufares, Cox, Wood of Smith, McKnight, Tippen, Pyle, Tatum, Craig and Morrison:

H. B. No. 354, A bill to be entitled "An Act providing a more efficient method of State administration of the public free schools; creating a central education agency, defining the powers and duties thereof; establishing the component parts thereof, including a State Board of Education, a State Commissioner of Education, and a State Department of Education; providing for the appointment of a Textbook Committee, and a State School Investment Commission, with powers and duties of each defined; providing certain general provisions; terminating and abolishing the present State Board of Education and State Superintendent of Public Instruction; repealing conflicting laws or parts of laws; containing a savings clause; and declaring an emergency."

Referred to the Committee on Education.

By Mr. Nokes and Mrs. Still and Messrs. Morrison, Senterfitt, Etheredge, Wood of Smith, Rogers of Travis, King, Lewis and Tufares:

H. B. No. 355, A bill to be entitled "An Act providing a minimum Foundation School Program for nine (9) full months of the school year for each child of school age in the public free schools of Texas and establishing the eligibility requirements for grants from the Foundation School Fund applicable to all Texas public school districts in connection therewith; designating the procedure and means by which such program shall be financed; providing a minimum base salary schedule plus increments for teaching experience for public school teachers and repealing all laws in conflict therewith; providing that school districts shall purchase motor vehicles, including buses and bus bodies, and motor vehicle tires and tubes through the Board of Control under competitive bidding; amending Chapter 3, Title 20, Revised Civil Statutes, 1925, by adding thereto a new section providing for such purchase by such school districts of such motor vehicles and tires and tubes through the Board of Control and the manner and method thereof and providing for the payment of such articles so purchased including the issuance of time warrants; repealing Article XIV, of House Bill 295, Acts of the Regular Session, 50th Legislature; providing for an economic index for counties and new duties of County Tax Assessors-Collectors with respect thereto; providing for the administration of this Act; providing penalties for violation of the provisions of this Act, for misapplication of funds appropriated for the purpose of this Act or false swearing of sworn reports required for the purposes thereof; defining what constitutes false swearing for the purposes of this Act; repealing all laws in conflict with this Act, providing a savings clause; and declaring an emergency."

Referred to the Committee on Education.

By Mr. Nokes and Mrs. Still and Messrs. Morrison, Rogers of Travis, King, Lewis and Tufares:

H. B. No. 356, A bill to be entitled "An Act amending Article XX, Section 4 of House Bill No. 8, Chapter 184, Acts of the Forty-seventh Legis-

lature, Regular Session, 1941, as amended, by changing Subsection (4-a), added by House Bill No. 301, Acts of the Fiftieth Legislature, Regular Session, 1947; providing for the transfer of certain funds to the Foundation School Fund created herein; repealing conflicting laws or parts of laws; containing a savings clause; and declaring an emergency."

Referred to the Committee on Education.

By Mr. Willis of Tarrant:

H. B. No. 357, A bill to be entitled "An Act providing for a secret ballot in all elections in Texas; amending Art. 2980, Title 50, Ch. 6, of R. C. S. of Texas, 1925, as amended, providing for the form of ballot; amending Art. 3008, Title 50, Ch. 8, of R. C. S. of Texas, 1925, providing for the delivery of ballots; amending Art. 3012, Title 50, Ch. 8, of R. C. S. of Texas, 1925, providing for the depositing of ballots; amending Art. 3109, Title 50, Ch. 13, of R. C. S. of Texas, 1925, providing for balloting for primaries; amending Art. 3122, Title 50, Ch. 13, of R. C. S. of Texas, 1925, providing for precaution against fraud; providing that the provisions of this Act shall also be applicable to absentee voting; excepting the provisions of this Act from elections in which voting machines are used; providing for a savings clause; repealing all laws or parts of laws in conflict with this Act to the extent of such conflict only; and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Messrs. Storey and Isaacks:

H. B. No. 358, A bill to be entitled "An Act providing for rewriting and recodifying the Penal Code and Code of Criminal Procedure, authorizing the appointment of a Commission on Criminal Law Revision for such purpose, prescribing their duties, providing for their compensation, expense, office space, help, and reports, and printing thereof; making an appropriation for such purposes, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Messrs. Timmons, McDaniel and Melhany:

H. B. No. 359, A bill to be entitled "An Act making an appropriation for the Panhandle Water Conservation Authority; designating who shall have authority to execute vouchers under the direction and with the consent of Directors of said Authority; limiting the purposes for which the money may be spent; providing money therein appropriated is intended as a loan and is to be repaid to the State's General Revenue Fund from the first revenue received by said Authority, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Parkhouse:

H. B. No. 360, A bill to be entitled "An Act to amend Subsection R of Section 1 and Subsection 2 of Subsection B of Section 5 of Article 6228a of Title 109, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to the Committee on State Affairs.

By Messrs. Jameson, Walker and Lee:

H. B. No. 361, A bill to be entitled "An Act amending Section 2, Chapter 241, House Bill No. 755, Acts of the 44th Legislature, Regular Session, 1935, page 757, by adding to said section authority for the Comptroller to authorize distributors to affix revenue tax stamps by imprinting tax meter stamps upon original packages of cigarettes, providing rules and regulations relating thereto, amending Section 3 of Chapter 241, House Bill No. 755, Acts of the 44th Legislature, Regular Session, 1935, and the amendments thereto prescribing the duties of the State Treasurer in invoicing, distributing and handling stamp metering machines, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Messrs. Tippen and Brooks of Jefferson:

H. B. No. 362, A bill to be entitled "An Act to provide a more adequate water code for Texas by consolidating, revising and implementing the laws relating to the appropriation, distribution and use of the State's

water resources; providing that prior proceedings shall not be affected; defining certain words and phrases as used in the Act; declaring a State policy; declaring the waters of the State the property of the people of the State; authorizing their appropriation, storage and diversion for beneficial uses; limiting the right to the waters of the State to beneficial uses; providing that vested rights shall not be impaired; preserving vested riparian rights; prescribing priority of appropriation and superiority of uses; perpetuating the State Board of Water Engineers; and prescribing its powers and duties; providing for the appointment of a State Water Engineer; defining water rights and prescribing the method of acquiring, perfecting and preserving same; requiring applications to be made to the State Board of Water Engineers for permits to construct storage, diversion and distribution works, and prescribing the method thereof; declaring forfeiture of abandoned water rights; prescribing procedure for cancellation of abandoned and unused water rights; providing procedure for the determination of water rights; authorizing appeals from the decisions of the State Board of Water Engineers; prescribing the method of serving notice on claimants and appropriators of water; authorizing the issuance of certificates of appropriation and certificates of adjudication; providing for the appointment of water masters and assistant water masters on adjudicated streams; and prescribing their powers and duties; dividing the State into water divisions and providing water districts; conferring the right of eminent domain; providing for appropriations for future municipal use; prescribing penalties for violation of the provisions of this Act; requiring the making of annual reports to the Board of Water Engineers; requiring the control of flowing artesian wells; authorizing the chartering of corporations to construct and operate water works; authorizing contracts for the supply and delivery of water, and creating liens to secure payment thereof; repealing Articles 7466 to 7621, both

inclusive, Title 128, Vernon's Revised Civil Statutes of Texas, 1948, excepting Articles 7466a, 7466b, 7466c, 7466d, 7466e-1, 7466f, 7466f-1, and 7467a; providing a saving clause and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Aynesworth:

H. B. No. 363, A bill to be entitled "An Act exempting minors who are wards of the State of Texas from the payment of all fees to any State department, board, or agency; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to the Committee on State Affairs.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House after giving due notice thereof and its caption had been read the following resolution:

H. C. R. No. 29, Providing for certain adjournment period.

ADJOURNMENT

Mr. Pyle moved that the House adjourn until 10:30 o'clock a. m. next Monday.

Mr. Spacek moved that the House adjourn until 10:00 o'clock a. m. next Monday.

Mr. Tatum moved that the House adjourn until 8:00 o'clock a. m. next Monday.

Mr. Sparks moved that the House adjourn until 11:30 o'clock a. m. next Monday.

The motion to adjourn until 8:00 o'clock a. m. next Monday was lost.

The motion to adjourn until 10:00 o'clock a. m. next Monday was lost.

The motion to adjourn until 10:30 o'clock a. m. next Monday prevailed.

The House accordingly, at 1:14 o'clock p. m., adjourned until 10:30 o'clock a. m. next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills as follows:

Education: H. B. 188, S. B. 45.

Judiciary: H. B. 96, H. B. 112, H. B. 130, H. B. 151, H. B. 209, H. B. 260, H. B. 273, H. B. 301.

Public Health: H. B. No. 127.

School Districts: H. B. No. 53.

The following Committee filed an unfavorable report on a bill as follows:

Judiciary: H. B. 258.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, February 16, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your committee on Engrossed Bills to whom was referred

H. B. No. 332, A bill to be entitled "An Act amending Ch. 45, Acts of the R. S. of the 44th Legislature, 1935, as amended by Ch. 207, Acts of the R. S. of the 48th Legislature, 1943 and as amended by Ch. 227, Acts of the R. S. of the 50th Legislature, 1947, page 400, by adding thereto Washington County and continuing all other counties subject to same; providing a penalty; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, February 16, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 326, A bill to be entitled "An Act to provide a closed season on wild deer and wild turkey in Nolan County for a period of two years; prescribing a penalty; re-

pealing all laws in conflict herewith and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.
ETHEREDGE, Chairman.

Austin, Texas, February 16, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 314, A bill to be entitled "An Act fixing an open season on buck deer, wild turkey and quail in McMullen County; repealing all laws in conflict therewith; fixing a penalty; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, February 16, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 325, A bill to be entitled "An Act amending Article 880 of the Penal Code of the State of Texas, as amended by the Acts of the 45th Legislature, 1937, 2nd Called Session, chapter 49, and as amended by the Acts of the 47th Legislature, 1941, Regular Session, chapter 593, by adding thereto the Counties of Starr, Webb, and Zapata, and changing the provisions of the Act so as to permit trailing wounded deer with dogs; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

ETHEREDGE, Chairman.

Austin, Texas, February 16, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 302, A bill to be entitled "An Act making it unlawful for any person to hunt, snare, kill, or attempt to kill by any means whatsoever any wild deer, buck, doe or fawn in the counties of Newton,

Jasper, San Augustine, Sabine, Panola, and Shelby in the State of Texas, for a period of five (5) years from and after the passage of this Act; providing a penalty therefor; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.
ETHEREDGE, Chairman.

Austin, Texas, February 16, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 282, A bill to be entitled "An Act to validate the establishment, organization, and/or creation of all school districts, validating the acts of county boards of school trustees, county judges, commissioners' courts, boards of trustees of such school districts, and municipal governing bodies; validating tax elections, bond elections, bond assumption elections, and all bonds voted, authorized, and/or now outstanding of said districts; authorizing the levy, assessment, and collection of taxes; providing that this Act shall not apply to certain districts involved now or previously involved in litigation, or to districts which may have been established and which later returned to original status; providing a savings clause, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.
ETHEREDGE, Chairman.

Austin, Texas, February 16, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 278, A bill to be entitled "An Act creating a conservation district in Wise County for the preservation of minnows; making it unlawful for any person to take minnows from the public waters of said district or transporting same outside of said district for the purpose of sale; providing a penalty for violation thereof; containing a saving

clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.
ETHEREDGE, Chairman.

Austin, Texas, February 16, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 277, A bill to be entitled "An Act governing the taking of fish and minnows from the public fresh waters of Wise County; providing means and methods by which fish may be taken from said waters with certain exceptions; providing a penalty for the violation of this Act; repealing conflicting laws; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.
ETHEREDGE, Chairman.

Austin, Texas, February 16, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 231, A bill to be entitled "An Act providing that wild fox may be taken or killed at any time in Robertson County and providing that the hides and pelts thereof may be sold, repealing all laws or parts of laws in conflict herewith and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.
ETHEREDGE, Chairman.

Austin, Texas, February 16, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 29, Granting each House permission to adjourn from Thursday, February 17, 1949, until Monday, February 21, 1949.

Has carefully compared same and finds it correctly engrossed.
ETHEREDGE, Chairman.

Austin, Texas, February 16, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 20, Granting R. J. Johnston permission to bring suit against the State of Texas and the State Highway Department of the State of Texas.

Has carefully compared same and finds it correctly engrossed.
ETHEREDGE, Chairman.

Austin, Texas, February 16, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 19, Granting permission to E. D. Bitting to sue the State of Texas and the State Highway Department.

Has carefully compared same and finds it correctly engrossed.
ETHEREDGE, Chairman.

Austin, Texas, February 16, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 14, Granting Lillie Graham permission to sue the State of Texas.

Has carefully compared same and finds it correctly engrossed.
ETHEREDGE, Chairman.

Austin, Texas, February 16, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom referred

H. C. R. No. 12, Granting permission to D. E. Skinner to bring suit against the State of Texas and the State Highway Department of the State of Texas.

Has carefully compared same and finds it correctly engrossed.
ETHEREDGE, Chairman.

Austin, Texas, February 16, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom referred

H. C. R. No. 27, Extending an invitation to Honorable Luther Harris Evans to address a Joint Session of the Legislature.

Has carefully compared same and finds it correctly engrossed.
ETHEREDGE, Chairman.

In Memory of

Mrs. Georgia Kelly Etheredge

Mr. Windham offered the following resolution:

H. S. R. No. 69, In memory of Mrs. Georgia Kelly Etheredge.

Whereas, On February 12, 1949, God in His infinite wisdom called from all earthly labors Mrs. Georgia Kelly Etheredge of Trinity; and

Whereas, Mrs. Etheredge was born in Polk County on March 3, 1861, and spent her entire life in Polk, Trinity, and Houston Counties; and

Whereas, Mrs. Etheredge was an active member of the Baptist Church and led a life devoted to her family consisting of ten children, eighteen grandchildren, thirty-six great-grandchildren and three great-great-grandchildren; and

Whereas, Mrs. Etheredge is the grandmother of our colleague and Member of the House, The Honorable M. B. Etheredge of Walker County; now therefore, be it

Resolved by the House of Representatives, That a page of the Journal of today be dedicated to the memory of Mrs. Georgia Kelly Etheredge, and that the Chief Clerk of the House be instructed to forward copies of this Resolution to Mrs. Ida Etheredge Doan, Volga, Texas; Mrs. Georgia Etheredge, Houston, Texas; Mr. M. B. Etheredge, Sr., Trinity, Texas; Mr. Tom Etheredge, Sr., Houston, Texas; and Mr. R. P. Etheredge, Trinity, Texas.

Resolved, That when the House adjourns today it do so in memory of Mrs. Georgia Kelly Etheredge.

Signed—Manford, Speaker; Abington, Aynesworth, Bell, Benton, Bergman, Blount, Bradshaw, Briscoe, Brooks of Jefferson, Brooks of Red River, Bryan, Cannon, Carter, Casey, Cassity, Caston, Caven, Chambers, Cheatham, Childress, Clifton, Collie, Cox, Craig, Crosthwait, Daniel, Etheredge, Flanagan, Fleming, Fly, Gandy, Gardner, Gathings, Godard, Graham, Gray, Gregory, Gromatzky, Hanna, Hardee, Heflin, Heideke, Henderson, Holstein, Holt, Horany, Hughes, Hull, Isaacks, Ivey, Jackson, James, Jameson, Jobe, Johnson, Jones, Kazen, Kilgore, King, Kirkpatrick, Latimer, Lee, Lehman, Lewis, Lindsey, Loving, Luedemann, McCann, McCorkle, McDaniel, McDonald, McGregor, McIlhany, McKnight, McLellan, Mangum, Miller, Moore, Morrison, Moursund, Murray, Niemann, Nokes, Norton, Oltorf, Parkhouse, Paschall, Pattison, Pearson, Perry of Brazoria, Perry of Erath, Peterson, Prenal, Pyle, Rappy, Reed, Richards, Ridgeway, Rogers of Childress, Rogers of Travis, Rust, Rutherford, Senterfitt, Shannon, Shell, Sliemp, Smith of Hays, Smith of Lubbock, Spacek, Sparks,

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Staton, Steward, Mrs. Still, Stockard, Storey, Stovell, Stump, Svadenak, Swindell, Tatum, Teague, Thomas, Timmons, Tinsley, Tippen, Tufares, Turner, Vale, Wagonseller, Walker, Watson, Whiteside of Baylor, Whiteside of Smith, Whitworth, Wilkinson, Williams of Bexar, Williams of Scurry, Williamson, Willis of Tarrant, Willis of Kaufman, Wilson, Wisener, Wood of Smith, Wood of Houston, Woodruff, Yezak, Young, Zivley.

The resolution was read.

On the motion of Mr. Perry of Erath the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.

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In Memory of

Judge Sam L. Henderson

Mr. Young offered the following resolution:

H. S. R. No. 70, In memory of Judge Sam L. Henderson.

Whereas, The Almighty Father in His infinite wisdom called to rest from his earthly labors Judge Sam L. Henderson at his home in Linden, Texas, at the age of sixty-seven; and

Whereas, Being a son of a pioneer family of Texas, the State of Texas and more particularly the County of Cass and the citizens of Linden lost a most distinguished citizen and churchman, one whose every thought was for the betterment of his community and his fellowman; and

Whereas, Judge Henderson's outstanding achievements in religious, civic, and fraternal fields won him the allegiance of merited friends and Statewide respect; and

Whereas, Judge Henderson was County Judge of Cass County for eight years, postmaster of Linden for nine years, Sunday School Superintendent of the First Methodist Church at Linden, Texas, from 1918 to 1947; and

Whereas, He fought as vigorously for the things he believed in as he fought against those that he felt were harmful. Truly, it can be said of Sam L. Henderson, "he has fought a good fight, he has finished his course, he has kept the faith"; and

Whereas, He is survived by his wife and these children: Mrs. T. R. Lester, Mr. Sam Ed Henderson, Mr. John Byron Henderson, Mrs. Audry Cates, and Mrs. Morris Humphrey; now, therefore, be it

Resolved by the House of Representatives, State of Texas, That we acknowledge the loss of this beloved citizen by expressing bereavement to the family and many friends over the State by sending a copy of this Resolution, under the gold seal of the House of Representatives, to the members of his family; and be it further

Resolved, That when the House adjourns today it do so in memory of the late Judge Henderson.

Signed—Manford, Speaker; Abington, Aynesworth, Bell, Benton, Bergman, Blount, Bradshaw, Briscoe, Brooks of Jefferson, Brooks of Red River, Bryan, Cannon, Carter, Casey, Cassity, Caston, Caven, Chambers, Cheatham, Childress, Clifton, Collie, Cox, Craig, Cros-thwait, Daniel, Etheredge, Flanagan, Fleming, Fly, Gandy, Gardner,

Gathings, Godard, Graham, Gray, Gregory, Gromatzky, Hanna, Hardee, Heflin, Heideke, Henderson, Holstein, Holt, Horany, Hughes, Hull, Isaacks, Ivey, Jackson, James, Jameson, Jobe, Johnson, Jones, Kazen, Kilgore, King, Kirkpatrick, Latimer, Lee, Lehman, Lewis, Lindsey, Loving, Luedemann, McCann, McCorkle, McDaniel, McDonald, McGregor, McIlhany, McKnight, McLellan, Mangum, Miller, Moore, Morrison, Moursund, Murray, Niemann, Nokes, Norton, Oltorf, Park-house, Paschall, Pattison, Pearson, Perry of Brazoria, Perry of Erath, Peterson, Presnal, Pyle, Rampsy, Reed, Richards, Ridgeway, Rogers of Childress, Rogers of Travis, Rust, Rutherford, Senterfitt, Shannon, Shell, Slimp, Smith of Hays, Smith of Lubbock, Spacek, Sparks, Staton, Steward, Mrs. Still, Stockard, Storey, Stovell, Stump, Svadlenak, Swindell, Tatum, Teague, Thomas, Timmons, Tinsley, Tippen, Tufares, Turner, Vale, Wagonseller, Walker, Watson, White-side of Baylor, Whiteside of Smith, Whitworth, Wilkinson, Williams of Bexar, Williams of Scurry, Williamson, Willis of Tarrant, Willis of Kaufman, Wilson, Windham, Wisener, Wood of Smith, Wood of Houston, Woodruff, Yezak, Zivley.

The resolution was read.

On the motion of Mr. Lindsey the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.

In Memory of

Mr. Herman C. Pipkin

Mr. Timmons offered the following resolution:

H. S. R. No. 71. In memory of Mr. Herman C. Pipkin.

Whereas, Mr. Herman C. Pipkin, a great lawyer and citizen of the highest character, died at Amarillo, Texas, on the tenth day of February, 1949; and

Mr. Pipkin was born in Fort Deposit, Alabama, January 28, 1886, and moved to Texas when he was ten years old.

Mr. Pipkin was a graduate of The University of Texas, Law Class of 1911, where he was a member of the Beta Theta Pi Fraternity and Phi Delta Phi, honorary legal fraternity.

Mr. Pipkin was an untiring civic and church worker, and his efforts were instrumental in much of the progress of the Panhandle of Texas and the State as a whole.

Mr. Pipkin was chairman of the board of deacons of the First Baptist Church of Amarillo for 15 years and a leading member of the Panhandle-Plains Historical Society which established the Panhandle-Plains Museum on the campus of West Texas State College. He received for himself and the Panhandle much distinction as president of the State Bar of Texas and as president of the Ex-Students Association of The University of Texas.

Mr. Pipkin was known and beloved throughout the State and was universally respected for his high character and ability; now, therefore, be it

Resolved by the House of Representatives of the 51st Legislature, That we hereby extend to the bereaved family of Mr. Pipkin our sympathy; and be it further

Resolved, That the Chief Clerk of the House send to each member of the family a copy of this Resolution and that a page of the House Journal be dedicated to his memory, and when the House adjourns it do so in his memory.

Signed—Manford, Speaker; Abington, Aynesworth, Bell, Benton, Bergman, Blount, Bradshaw, Briscoe, Brooks of Jefferson, Brooks of Red River, Bryan, Cannon, Carter, Casey, Cassity, Caston, Caven, Chambers, Cheatham, Childress, Clifton, Collie, Cox, Craig, Crosthwait, Daniel, Etheredge, Flanagan, Fleming, Fly, Gandy, Gardner, Gathings, Godard, Graham, Gray, Gregory, Gromatzky, Hanna,

Hardee, Heflin, Heideke, Henderson, Holstein, Holt, Horany, Hughes, Hull, Isaacks, Ivey, Jackson, James, Jameson, Jobe, Johnson, Jones, Kazen, Kilgore, King, Kirkpatrick, Latimer, Lee, Lehman, Lewis, Lindsey, Loving, Luedemann, McCann, McCorkle, McDaniel, McDonald, McGregor, McIlhany, McKnight, McLellan, Mangum, Miller, Moore, Morrison, Moursund, Murray, Niemann, Nokes, Norton, Oltorf, Parkhouse, Paschall, Pattison, Pearson, Perry of Brazoria, Perry of Erath, Peterson, Presnal, Pyle, Ramps, Reed, Richards, Ridgeway, Rogers of Childress, Rogers of Travis, Rust, Rutherford, Senterfitt, Shannon, Shell, Shimp, Smith of Hays, Smith of Lubbock, Spacek, Sparks, Staton, Steward, Mrs. Still, Stockard, Storey, Stovell, Stump, Svadlenak, Swindell, Tatum, Teague, Thomas, Tinsley, Tippen, Tufares, Turner, Vale, Wagonseller, Walker, Watson, Whiteside of Baylor, Whiteside of Smith, Whitworth, Wilkinson, Williams of Bexar, Williams of Scurry, Williamson, Willis of Tarrant, Willis of Kaufman, Wilson, Windham, Wisener, Wood of Smith, Wood of Houston, Woodruff, Yezak, Young, Zivley.

The resolution was read.

On the motion of Mr. Pyle the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.

In Memory of

Mrs. E. K. Ward

Mrs. Still offered the following resolution:

H. S R. No. 74, In memory of Mrs. E. K. Ward.

Whereas, The House of Representatives has learned of the death of Mrs. E. K. Ward on Thursday, January 17, 1949, in Midlothian, Texas, at the age of 95; and

Whereas, Mrs. Ward was very active in church work and civic activities, was one of our most honored and outstanding pioneer citizens of Texas, the mother of 12 children, 30 grandchildren, 65 great-grandchildren, and 15 great-great-grandchildren, all honored citizens of Texas; and

Whereas, Mrs. Ward was the grandmother of Mrs. Don A. Lewis, wife of Don A. Lewis, Member of the House of Representatives; and

Whereas, It is the desire of the House to express sincere and heartfelt sympathy to the family and many friends of the deceased; now, therefore, be it

Resolved by the House of Representatives, That flowers be sent to the funeral of Mrs. Ward; and, be it further

Resolved, That a copy of this Resolution be sent to each member of the immediate family of Mrs. Ward, and that a page of the House Journal of today be dedicated to the memory of Mrs. E. K. Ward; and, be it further

Resolved, That when the House adjourns today it do so in memory of Mrs. E. K. Ward.

The resolution was read, and was unanimously adopted by a rising vote.