

House bill No. 13, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the Comptroller of Public Accounts of the State of Texas and of his employes; providing for a complete system of accounting, bookkeeping and auditing for said departments with other departments and officers of the government; providing that the Comptroller shall prescribe and furnish forms to be used in the collection of revenue and claims; providing for the appointment of a chief clerk and prescribing his duties; providing for filling vacancies in the office of the Comptroller; repealing Articles 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847 and 2848 of Chapter 2 of Title 52 of the Revised Civil Statutes of 1895, relating to the duties of the Comptroller in connection with the bookkeeping and auditing of the Comptroller's Department, and all laws and parts of laws in conflict with this act, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

SPECIAL ORDER FIXED.

On motion of Mr. Stephenson, further consideration of the bill was postponed until 10:30 o'clock a. m. tomorrow, and the same was made a special order for that hour.

ADDITION TO STANDING COMMITTEE.

Mr. Terrell of Bexar was added to the Committee on Insurance, on motion of Mr. Cureton, Chairman.

ADJOURNMENT.

Mr. Baker of Hood moved that the House stand adjourned until 2 o'clock p. m. tomorrow.

Mr. Robertson of Travis moved that the House stand adjourned until 3 o'clock p. m. tomorrow.

The motion of Mr. Robertson of Travis prevailed, and the House, at 2:50 o'clock p. m., adjourned until 3 o'clock p. m. tomorrow.

APPENDIX.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room.

Austin, Texas, August 1, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, have carefully examined and compared

House bill No. 10, A bill to be entitled "An Act making appropriations for the purpose of building, remodeling, repairing, equipping and completing the construction of additions to the negro male and female departments and the dining hall at the State Lunatic Asylum at Austin; and for the purpose of remodeling, building, equipping and completing the construction of a reinforced concrete tunnel at said institution; and providing for the construction and equipment of a steam laundry at said institution; providing the manner of expending such appropriations, and declaring an emergency,"

And find the same correctly engrossed.
ODOM, Chairman.

NINTH DAY.

Hall of the House of Representatives,
Austin, Texas,

Tuesday, August 2, 1910.

The House met at 3 o'clock p. m., pursuant to adjournment.

Speaker Marshall in the chair.

The roll was called, and the following members were present:

Adams.	Byrne.
Anderson.	Cable.
Aston.	Canales.
Baker of Hood.	Cathey.
Baker of Panola.	Caves.
Ballengee.	Cox.
Barrett.	Craven.
Bartlett.	Crawford.
Bell.	Crisp.
Bierschwale.	Crockett of
Bogard.	Washington.
Bostic.	Cureton.
Boswell.	Currey.
Bowles.	Dalby.
Branch.	Davis.
Briscoe.	Dotson.
Brooks.	Driggers.
Brookshire.	Elliott.
Brownlee.	Fant.
Buchanan.	Fitzhugh.

Flournoy.	Odom.
Fuller.	Pearson.
Gilmore.	Perkins.
Goodman.	Pharr.
Graham.	Porter.
Hamilton of	Rabb.
Childress.	Ralston.
Hamilton of	Ray.
McCulloch.	Rayburn.
Harman.	Reedy.
Haxthausen.	Reid.
Highsmith.	Roberson of Erath.
Hill.	Robertson of Bell.
Humphrey.	Robertson of
Johnston.	Travis.
Keeble.	Ross.
Kennedy.	Schluter.
Lawson.	Schofield.
Leach.	Self.
Lee.	Smith.
Lively.	Spradley.
Looney.	Stamps.
Maddox.	Standifer.
Mason.	Stephenson.
Matthews.	Stepter.
Maxwell.	Stratton.
McDaniel.	Strickland.
McDonald.	Tarver.
McGown.	Terrell of Bexar.
McKinney.	Tillotson.
Minton.	Turner.
Moller.	Von Rosenberg.
Morris.	Wahrmund.
Munson.	Walter.
Nelson of Hopkins.	Watson.
Nelson of	Werner.
Kaufman.	Wilburn.
Nickels.	Wilson.
O'Bryan.	Wortham.
O'Bryant.	Yantis.

Absent.

Chaney.	McLain.
Jennings.	

Absent—Excused.

Brown.	McCallum.
Crockett of	Roach.
Mitchell.	Stead.
German.	Terrell of Cherokee.
Jackson.	Turney.
Johnson.	Vaughan.
Luce.	

A quorum was announced present.

Prayer by Rev. Dr. G. B. Butler,
Pastor First Baptist Church of Austin.

LEAVE OF ABSENCE GRANTED.

On account of important business:

Mr. Haxthausen for last Friday, Saturday and Monday, on motion of Mr. Spradley.

Mr. Stratton and Mr. Vaughan for yesterday, on motion of Mr. Lee.

On account of sickness:

Mr. Turney for today, on motion of Mr. McGown.

Mr. German indefinitely, on motion of Mr. Hamilton of Childress.

Mr. Crockett of Mitchell for today, on motion of Mr. Tillotson.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 2, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

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

House bill No. 10. A bill to be entitled "An Act making appropriations for the purpose of building, remodeling, repairing, equipping and completing the construction of additions to the negro male and female departments and the dining hall at the State Lunatic Asylum at Austin; and for the purpose of remodeling, building, equipping and completing the construction of a reinforced concrete tunnel at said institution; and providing for the purchase of additional machinery for the steam laundry at said institution: providing the manner of expending such appropriations, and declaring an emergency."

Respectfully,

CLYDE D. SMITH,
Secretary of the Senate.

COMMUNICATION FROM GOVERNOR J. Y. SANDERS, OF LOUISIANA.

The following communication was read to the House:

Baton Rouge, La., August 2, 1910.

Bob Barker, Chief Clerk, House of Representatives:

Answering communication of 29th. Can reach Austin Thursday evening at 5 o'clock and address general assembly same night. Will this be satisfactory?

J. Y. SANDERS,
Governor of Louisiana.

PROVIDING FOR ENTERTAINMENT OF GOVERNOR SANDERS, OF LOUISIANA.

Mr. Terrell of Bexar offered the following resolution:

House Concurrent Resolution No. 2, Providing for entertainment of Governor Sanders, of Louisiana.

Pursuant to Senate Concurrent Resolution No. 1, Inviting Governor J. Y. Sanders, of Louisiana, to address the

Legislature, and he has telegraphed that it would be convenient to address the joint session on Thursday night, August 4, 1910; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Senate and House meet in joint session in the Hall of the House at 8 o'clock p. m., Thursday, August 4, 1910, and there be appointed a committee of five, three from the House and two from the Senate, to meet Governor Sanders at the depot and escort him to the Capitol.

The resolution was read second time, and was adopted.

THANKING TEXAS COMMERCIAL SECRETARIES.

Mr. Smith offered the following resolution:

Whereas, The Texas Commercial Secretaries' Association, apparently domiciled at Fort Worth, Texas, have prepared and placed on the desk of the members of this House certain pamphlets entitled "Roster of Members of the First Called Session of the Thirty-first Legislature," the names in which are incomplete and the committees as given are incorrect; the "Door of Opportunity"; "Industries of Texas"; "The Master Builder," and two glazed-backed blotters—the last of which have proved useful for some members; therefore, be it

Resolved by this House, That we extend a vote of thanks to the Commercial Secretaries' Association for the blotters.

SMITH,
DOTSON,
PERKINS.

The resolution was read, and, a second reading being objected to, it went to the Speaker's Table.

MESSAGE FROM THE GOVERNOR.

Hon. J. R. Bowman, Private Secretary to the Governor, appeared at the bar of the House and, being duly announced, presented a message from the Governor, which was read as follows:

Executive Office,
State of Texas.

Austin, Texas, August 2, 1910.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your

consideration the following subjects and suggest legislative action thereon:

1. The joint resolution proposing an amendment to the Constitution of the United States, which said amendment was proposed by both Houses of the Sixty-first Congress of the United States of America at its First Session by the constitutional majority of two-thirds thereof, and is known as the Sixteenth Amendment to the Constitution of the United States of America.

2. Legislation transferring to a fund to be known as the "pure feed fund of A. and M. College" all moneys collected as fees and charges from pure feed inspection.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

MESSAGE FROM THE SENATE.

Senate Chamber.

Austin, Texas, August 2, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

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

Senate bill No. 7, A bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing on the first day of July, 1909, and the first day of September, 1910, for issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such other bonds, and the manner of exchange of the new bonds, and declaring an emergency."

Senate bill No. 8, A bill to be entitled "An Act authorizing the Treasurer of the State of Texas upon warrant drawn by the Comptroller to pay off and discharge bonds, aggregating the sum of \$13,200, issued by the State of Texas, bearing date July 1, 1879, and due July 1, 1909, together with interest accrued thereon up to the date of the passage and taking effect of this act, and authorizing the Comptroller of Public Accounts to cancel said bonds and now held by any individual or individuals, corporation or corporations, upon presentation of said bonds for payment, and providing for interest to cease upon said bonds after the passage and taking effect of this act, and making an appropriation of the sum of \$15,500 for that purpose, and declaring an emergency."

House Concurrent Resolution No. 2, Arranging for address of Governor J. Y. Sanders of Louisiana to joint session

of the Legislature at 8 p. m. on Thursday evening, August 4th.

Respectfully,
CLYDE D. SMITH,
Secretary of the Senate.

SENATE BILLS ON FIRST READING.

Senate bills Nos. 7 and 8, received from the Senate today, were laid before the House, read first time, and referred to the Committee on Public Debt.

ASSIGNMENTS TO STANDING COMMITTEES.

The Speaker announced the following assignment of members to standing committees:

Chairmanships to fill vacancies:

Mr. Baker, Chairman Committee on Banks and Banking.

Mr. Vaughan, Chairman Committee on Insurance.

Mr. Looney, Chairman Committee on Reforms in Civil and Criminal Procedure.

To fill vacancies in Committee on Rules:

Mr. Fuller, Mr. Canales, Mr. Caves.

Committee assignments of newly elected members:

Hon. R. E. Yantis, to Committees on Private Corporations, Public Printing, Education.

Hon. D. Watson, to Committees on Appropriations, State Affairs, Privileges, Suffrage and Elections, Counties and County Boundaries.

Hon. S. Wilburn, to Committees on State Affairs, Labor, Military Affairs, Forestry.

Hon. P. M. Johnston, to Committees on Judiciary, Education, Public Health, Forestry.

Hon. E. A. McDaniel, to Committees on Criminal Jurisprudence, Common Carriers, Reforms in Civil and Criminal Procedure.

Hon. J. W. Minton, to Committees on Enrolled Bills, Military Affairs, Irrigation, Stock and Stock Raising.

Hon. R. B. Humphrey, to Committees on Insurance, Public Lands and Land Office, Judicial Districts, Private Corporations.

Hon. Leonard Tillotson, to Committees on Public Printing, Education, State Affairs, Game and Fisheries.

Hon. T. S. Ross, to Committees on Education, State Affairs, Roads, Bridges and Ferries, Commerce and Manufacturing.

Hon. B. F. Looney, to Committees on Judiciary, Criminal Jurisprudence, Rev-

enue and Taxation, Constitutional Amendments.

To fill vacancy in Committee on Contingent Expenses:

Hon. W. A. Tarver.

HOUSE BILL NO. 13 ON ENGROSSMENT.

(Special Order.)

The Speaker laid before the House, as a special order for this hour, on its passage to engrossment,

House bill No. 13, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the Comptroller of Public Accounts of the State of Texas and of his employes; providing for a complete system of accounting, bookkeeping and auditing for said departments with other departments and officers of the government; providing that the Comptroller shall prescribe and furnish forms to be used in the collection of revenue and claims; providing for the appointment of a chief clerk and prescribing his duties; providing for filling vacancies in the office of the Comptroller; repealing Articles 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847 and 2848, of Chapter 2, of Title 52 of the Revised Civil Statutes of 1895 relating to the duties of the Comptroller in connection with the bookkeeping and auditing of the Comptroller's Department, and all laws and parts of laws in conflict with this act, and declaring an emergency."

The bill having been read second time on yesterday.

Question—Shall the bill be passed to engrossment?

Mr. Cox moved that the bill be considered as a whole from Sections 1 to 20, inclusive, and that balance of the bill be read and considered section by section, and that the author of the bill, Mr. Caves, be requested to explain the purposes of the bill to the House.

The motion prevailed.

Section 21 of the bill was read.

Mr. Stephenson offered the following amendment to Section 21 of the bill:

Amend the bill by striking out the words "or paid by the Treasurer," in line 3, page 5 of the bill.

McDANIEL,
STEPHENSON.

On motion of Mr. Cable, the amendment was tabled.

Section 21 of the bill was adopted.

Section 22 of the bill was read and adopted.

Section 23 of the bill was read.

Mr. Caves offered the following amendment to Section 23 of the bill:

Amend House bill No. 13, at page 6, Section 23, line 8, by inserting after the word "be" a comma (,), and by inserting after the comma the following: "On receipt by the Treasurer of the amount stated therein, receipted by the Treasurer and," and by inserting in line 10 in the same section after the word "duplicate" the following: "Shall be on receipt of the amount stated therein, receipted by the Treasurer and by him returned to," and by striking out of the same line the words "retained by" and by striking out of the same line the words "and filed by him," and inserting in lieu thereof the words "who shall file the same."

The amendment was adopted.

Section 23 of the bill as amended was adopted.

Section 24 of the bill was read.

Mr. Caves offered the following amendment to Section 24 of the bill:

Amend House bill No. 13 by striking out all of Section 24 and inserting in lieu thereof the following:

"Sec. 24. The Comptroller shall have printed uniform deposit receipts to be issued by the Comptroller to cover moneys and other securities received and held by the State Treasurer for which no deposit warrant is issued, or the issuance of a deposit warrant for which if deferred, except office fees of the State Treasurer. Such receipts shall be prepared in duplicate and marked 'original' and 'duplicate,' respectively, and shall be serially numbered and the printed form for these receipts shall be so prepared and arranged that the original and the duplicate may, and the same shall, by the use of carbon sheets, both be prepared at one and the same writing. The duplicate shall be receipted by the Treasurer and by him returned to the Comptroller and the original delivered to and retained by the State Treasurer. He shall provide his office with separate registers, prepared in like manner and form, as the register provided for in Section 23 of this act, in which he shall register the deposit receipts, issued in like manner as is provided for the registration of deposit warrants and shall provide a separate ledger in which shall be kept appropriate accounts for all mat-

ters for which such deposit receipts are issued."

CAVES,
CABLE.

The amendment was adopted.

Section 24 of the bill, as amended, was adopted.

Section 25 of the bill was read and adopted.

Section 26 of the bill was read and adopted.

Section 27 of the bill was read and adopted.

(Mr. O'Bryan in the chair.)

Section 28 of the bill was read and adopted.

Section 29 of the bill was read and adopted.

Section 30 of the bill was read.

Mr. Caves offered the following amendment to Section 30 of the bill:

Amend House bill No. 13, by striking out all of "Section 30" and inserting in lieu thereof the following:

"Sec. 30. Applications for pensions and the issuance of pension warrants shall not be subject to the provisions of this act. Such warrants shall be separately serially numbered. The Comptroller shall furnish to the State Treasurer at the time such warrants are presented to the Treasurer for registration by him a statement of the total number of each class of warrants prepared and the aggregate amount of each class of such warrants. Such warrants shall be registered by the State Treasurer, but shall not be registered by the Comptroller, and appropriate accounts shall be opened and kept by the Treasurer and Comptroller of the total number and aggregate amount of each issue of such warrants. Such warrants shall be prepared in duplicate by the use of carbon sheets and marked 'original' and 'duplicate.' The duplicates shall be delivered to and filed by the Comptroller in numerical order. When the original warrants are registered and signed by the Treasurer they shall be returned by him to the Comptroller, who shall dispose of them in like manner as pay warrants."

CAVES,
CABLE.

The amendment was adopted.

Section 30, as amended, was adopted.

Section 31 of the bill was read and adopted.

Section 32 of the bill was read and adopted.

Section 33 of the bill was read and adopted.

Section 34 of the bill was read and adopted.

Section 35 of the bill was read and adopted.

Section 36 of the bill was read and adopted.

(Speaker in the chair.)

Section 37 of the bill was read and adopted.

Section 38 of the bill was read.

Mr. Caves offered the following amendment to Section 38 of the bill:

Amend by adding at the end of line 7, page 12, Section 38, the following: "or destroyed."

CAVES,
CABLE.

The amendment was adopted.

Section 38, as amended, was adopted.

Section 39 of the bill was read and adopted.

Section 40 of the bill was read and adopted.

Section 41 of the bill was read.

Mr. Caves offered the following amendment to Section 41 of the bill:

Amend House bill No. 13, page 12, Section 41, line 40, by striking out the figures "2830."

CAVES,
CABLE.

The amendment was adopted.

Mr. Marshall offered the following amendment to Section 41 of the bill:

Insert word "other" before word "laws" in line 5, page 13.

The amendment was adopted.

Section 41 of the bill, as amended, was adopted.

Section 42 of the bill was read and adopted.

Question—Shall the bill be passed to engrossment?

Mr. Hamilton of Childress offered the following amendment to the bill:

Amend House bill No. 13, page 1, Section 3, line 33, by inserting after the word "election" the words "or appointment."

The amendment was adopted.

Mr. Cox offered the following amendment to the bill:

Amend Section 21, in line 8, page 5, by striking out the word "no" between the words "then" and "warrant," and insert in lieu thereof the words "a deficiency."

The amendment was adopted.

Mr. Aston offered the following amendment to the bill:

Amend Section 26, page 7, line 21, by inserting after the words "district attorneys" the words "district clerks."

The amendment was adopted.

Mr. Caves offered the following amendment to the bill:

Amend the caption to House bill No. 13 by inserting at the end of line 18, after the word "the" the following: "election, qualification, and"; by inserting in line 19, after the word "Comptroller," the following: "and the appointment, qualification and duties of a chief clerk"; and by striking out of lines 19 and 20 the following: "in connection with the bookkeeping and auditing of the Comptroller's Department"; and by striking out of line 16 the figures "2830."

CAVES,
CABLE.

The amendment was adopted.

House bill No. 13 was passed to engrossment.

HOUSE BILL NO. 13 ON THIRD READING.

Mr. Caves moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 13 be placed on third reading and final passage.

The motion prevailed by the following vote:

Yeas—102.

- | | |
|------------------|-------------|
| Adams. | Currey. |
| Anderson. | Dalby. |
| Baker of Hood. | Davis. |
| Baker of Panola. | Dotson. |
| Ballengee. | Driggers. |
| Barrett. | Elliott. |
| Bartlett. | Fant. |
| Bell. | Flournoy. |
| Bierschwale. | Fuller. |
| Bogard. | Gilmore. |
| Bostic. | Goodman. |
| Boswell. | Hamilton of |
| Bowles. | Childress. |
| Branch. | Hamilton of |
| Brooks. | McCulloch. |
| Brookshire. | Harman. |
| Brownlee. | Hill. |
| Buchanan. | Humphrey. |
| Byrne. | Johnston. |
| Cable. | Keeble. |
| Canales. | Kennedy. |
| Cathey. | Lawson. |
| Caves. | Leach. |
| Cox. | Lively. |
| Craven. | Looney. |
| Crawford. | Maddox. |
| Crisp. | Mason. |
| Crockett of | Matthews. |
| Washington. | Maxwell. |
| Cureton. | McDaniel. |

McDonald.	Robertson of Travis.	Caves.	Moller.
McGown.	Ross.	Craven.	Morris.
McKinney.	Schofield.	Crawford.	Munson.
Minton.	Self.	Crisp.	Nelson of Hopkins.
Moller.	Smith.	Crockett of	Nelson of
Morris.	Spradley.	Washington.	Kaufman.
Munson.	Stamps.	Cureton.	O'Bryan.
Nelson of Hopkins.	Standifer.	Currey.	O'Bryant.
Nelson of	Stephenson.	Dalby.	Odom.
Kaufman.	Stepter.	Davis.	Pearson.
Nickels.	Stratton.	Dotson.	Pharr.
O'Bryan.	Tarver.	Driggers.	Porter.
O'Bryant.	Terrell of Bexar.	Elliott.	Rabb.
Odom.	Tillotson.	Fant.	Ralston.
Pharr.	Turner.	Flournoy.	Rayburn.
Porter.	Von Rosenberg.	Fuller.	Reedy.
Rabb.	Walter.	Gilmore.	Reid.
Ralston.	Watson.	Goodman.	Roberson of Erath.
Ray.	Werner.	Hamilton of	Robertson of Bell.
Rayburn.	Wilburn.	Childress.	Robertson of
Reedy.	Wilson.	Hamilton of	Travis.
Reid.	Wortham.	McCulloch.	Ross.
Robertson of Bell.	Yantis.	Harman.	Schofield.

Nays—4.

Aston.	Lee.
Haxthausen.	Pearson.

Absent.

Briscoe.	Perkins.
Chaney.	Roberson of Erath.
Fitzhugh.	Schluter.
Highsmith.	Strickland.
Jennings.	Wahrmund.
McLain.	

Absent—Excused.

Brown.	Luce.
Crockett of	McCallum.
Mitchell.	Roach.
German.	Stead.
Graham.	Terrell of Cherokee.
Jackson.	Turney.
Johnson.	Vaughan.

The Speaker laid the bill before the House and it was read third time.

Question—Shall the bill be passed?

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—101.

Adams.	Boswell.
Anderson.	Bowles.
Aston.	Branch.
Baker of Hood.	Brooks.
Baker of Panola.	Brookshire.
Barrett.	Brownlee.
Bartlett.	Buchanan.
Bell.	Byrne.
Bierschwale.	Cable.
Bogard.	Canales.
Bostic.	Cathey.

Caves.	Moller.
Craven.	Morris.
Crawford.	Munson.
Crisp.	Nelson of Hopkins.
Crockett of	Nelson of
Washington.	Kaufman.
Cureton.	O'Bryan.
Currey.	O'Bryant.
Dalby.	Odom.
Davis.	Pearson.
Dotson.	Pharr.
Driggers.	Porter.
Elliott.	Rabb.
Fant.	Ralston.
Flournoy.	Rayburn.
Fuller.	Reedy.
Gilmore.	Reid.
Goodman.	Roberson of Erath.
Hamilton of	Robertson of Bell.
Childress.	Robertson of
Hamilton of	Travis.
McCulloch.	Ross.
Harman.	Schofield.
Haxthausen.	Self.
Hill.	Smith.
Humphrey.	Spradley.
Johnston.	Stamps.
Keeble.	Standifer.
Kennedy.	Stephenson.
Lawson.	Stepter.
Leach.	Stratton.
Lee.	Tarver.
Lively.	Terrell of Bexar.
Looney.	Tillotson.
Maddox.	Von Rosenberg.
Mason.	Walter.
Matthews.	Watson.
Maxwell.	Werner.
McDaniel.	Wilburn.
McDonald.	Wilson.
McKinney.	Wortham.
Minton.	Yantis.

Present—Not Voting.

McGown.	Turner.
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Absent.

Ballengee.	McLain.
Briscoe.	Nickels.
Chaney.	Perkins.
Cox.	Ray.
Fitzhugh.	Schluter.
Graham.	Strickland.
Highsmith.	Wahrmund.
Jennings.	

Absent—Excused.

Brown.	McCallum.
Crockett of	Roach.
Mitchell.	Stead.
German.	Terrell of Cherokee.
Jackson.	Turney.
Johnson.	Vaughan.
Luce.	

COMMITTEE TO RECEIVE GOVERNOR SANDERS OF LOUISIANA.

The Chair announced the appointment of the following committee by virtue of House Concurrent Resolution No. 2: Messrs. Robertson of Travis, Terrell of Bexar and Lee.

HOUSE BILL ON FIRST READING.

The following House bill was introduced, read first time, and referred to the Committee on Appropriations:

By Mr. Davis.

House bill No. 14, A bill to be entitled "An Act appropriating and transferring to the use and benefit of the A. and M. College all moneys collected under the pure feed acts of the Twenty-ninth Legislature, and not expended for and on behalf of the A. and M. College, and authorizing expenditure of same, and declaring an emergency."

HOUSE JOINT RESOLUTIONS ON FIRST READING.

The following House joint resolutions were introduced, read first time, and referred to Committee on Constitutional Amendments:

By Mr. Baker of Hood:

House Joint Resolution No. 1, Ratifying the Sixteenth Amendment to the Constitution of the United States of America.

By Mr. Tarver and Mr. Brownlee:

House Joint Resolution No. 2, Ratifying the Sixteenth Amendment to the Constitution of the United States of America.

ADJOURNMENT.

On motion of Mr. Crockett of Washington, the House, at 6:25 o'clock p. m., adjourned until 3 o'clock p. m. tomorrow.

APPENDIX.

COMMUNICATION FROM ATTORNEY GENERAL.

(Published in the Journal by order of the House.)

Attorney General's Department,
State of Texas.

Austin, Texas, August 2, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

Dear Sir: We beg to acknowledge

your favor of the 1st instant, in which you request our opinion on the question as to whether newly elected members of the House of Representatives, elected to fill vacancies caused by death or resignation, are entitled to per diem from the date of the election, or whether the right of such members to per diem begins with the date when they are sworn in and seated.

Replying to your question, we wish to say that Section 24 of Article 3 of the Constitution provides that:

"The members of the Legislature shall receive from the public treasury such compensation for their services as may from time to time be provided by law, not exceeding five dollars per day for the first sixty days of each session. * * *"

Section 1 of Article 16 of the Constitution provides that:

"Members of the Legislature, and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation." * * *

It is manifest that the per diem compensation for members of the Legislature is prescribed for the services to be rendered by them as members of the Legislature, and it is difficult to see how any member elect can legally claim per diem compensation for any period of time prior to his taking the oath prescribed by the Constitution and prior to his being seated as a member of the body; for each house is made the exclusive judge of the qualifications of its members and until a member elect has taken the constitutional oath and has been seated he is not a member of the Legislature.

See United States vs. Dietrich, 126 Fed. Rep., 676, 678, and 681.

Therefore, we are of the opinion that such members elect are not entitled to per diem from the date of their election but that such right must be held to begin when they are sworn in and become members of the legislative body.

Yours very truly,

JOHN W. BRADY,

Assistant Attorney General.

TENTH DAY.

Hall of the House of Representatives,
Austin, Texas,

Wednesday, August 3, 1910.

The House met at 3 o'clock p. m., pursuant to adjournment.

Speaker Marshall in the chair.

The roll was called, and the following members were present: