

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:

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| Adams. | Lee. |
| Anderson. | Lively. |
| Aston. | Looney. |
| Baker of Hood. | Maddox. |
| Baker of Panola. | Mason. |
| Ballengee. | Matthews. |
| Barrett. | Maxwell. |
| Bartlett. | McCallum. |
| Bell. | McDaniel. |
| Bierschwale. | McGown. |
| Bogard. | McKinney. |
| Bostic. | McLain. |
| Boswell. | Minton. |
| Bowles. | Moller. |
| Branch. | Morris. |
| Briscoe. | Munson. |
| Brooks. | Nelson of Hopkins. |
| Brookshire. | Nelson of |
| Brownlee. | Kaufman. |
| Buchanan. | Nickels. |
| Byrne. | O'Bryan. |
| Cable. | O'Bryant. |
| Canales. | Odom. |
| Cathey. | Perkins. |
| Caves. | Pharr. |
| Cox. | Porter. |
| Craven. | Rabb. |
| Crawford. | Ray. |
| Crisp. | Rayburn. |
| Crockett of | Reedy. |
| Washington. | Réid. |
| Cureton. | Roberson of Erath. |
| Currey. | Robertson of Bell. |
| Davis. | Robertson of |
| Dotson. | Travis. |
| Driggers. | Ross. |
| Elliott. | Schluter. |
| Fant. | Schofield. |
| Fitzhugh. | Self. |
| Flournoy. | Smith. |
| Fuller. | Spradley. |
| German. | Stamps. |
| Gilmore. | Standifer. |
| Goodman. | Stephenson. |
| Graham. | Stepter. |
| Hamilton of | Stratton. |
| Childress. | Strickland. |
| Hamilton of | Tarver. |
| McCulloch. | Terrell of Bexar. |
| Harman. | Tillotson. |
| Haxthausen. | Turner. |
| Highsmith. | Turney. |
| Hill. | Von Rosenberg. |
| Humphrey. | Wahrmund. |
| Jennings. | Walter. |
| Johnson. | Werner. |
| Johnston. | Wilburn. |
| Keeble. | Wilson. |
| Kennedy. | Wortham. |
| Lawson. | Yantis. |
| Leach. | |

Absent.

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| Chaney. | McDonald. |
| Crockett of | Pearson. |
| Mitchell. | Ralston. |

Absent—Excused.

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| Brown. | Stead. |
| Dalby. | Terrell of |
| Jackson. | Cherokee. |
| Luce. | Vaughan. |
| Roach. | Watson. |

A quorum was announced present.

Prayer by Rev. W. J. Joyce, Chaplain.

LEAVE OF ABSENCE GRANTED.

On account of important business:

Mr. Crawford for last Saturday and Monday, on motion of Mr. Hamilton of Childress.

Mr. Dalby indefinitely, on motion of Mr. Barrett.

Mr. Watson for today, on motion of Mr. Bierschwale.

Mr. Wilburn for last Monday, on motion of Mr. Anderson.

Mr. Jennings for yesterday, on motion of Mr. Tarver.

Mr. McLain for last Monday and Tuesday, on motion of Mr. McCallum.

Mr. Roach for today, on motion of Mr. Mason.

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 bill:

House bill No. 10, "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."

ADDITION TO STANDING COMMITTEE.

Mr. Looney was added to the Committee on Privileges, Suffrage and Elections, on motion of Mr. Cable, Chairman.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 3, 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. 10, A bill to be entitled "An Act appropriating and transferring to a fund to be known as 'Pure Feed Fund of the A. and M. College' all money collected under the Pure Feed Inspection Acts of the Twenty-ninth Legislature, and not expended for and on behalf of the A. and M. College, and authorizing the expenditure of same."

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

MOTION TO NOT PRINT SENATE BILLS NOS. 7 AND 8.

Mr. Self moved that Senate bills Nos. 7 and 8, relating to the public debt, be not printed.

Question—Shall the bills be ordered not printed?

Yeas and nays were demanded, and the motion to not print the bills was lost by the following vote:

Yeas—46.

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| Adams. | Humphrey. |
| Aston. | Johnson. |
| Baker of Hood. | Johnston. |
| Baker of Panola. | Looney. |
| Barrett. | McCallum. |
| Bierschwale. | Moller. |
| Bogard. | Munson. |
| Bostic. | Nelson of Hopkins. |
| Boswell. | O'Bryant. |
| Branch. | Odom. |
| Brooks. | Pharr. |
| Brookshire. | Rabb. |
| Brownlee. | Rayburn. |
| Cable. | Reedy. |
| Cureton. | Roberson of Erath. |
| Currey. | Ross. |
| Fant. | Self. |
| German. | Stamps. |
| Graham. | Stepter. |
| Hamilton of Childress. | Stratton. |
| Hamilton of McCulloch. | Strickland. |
| Highsmith. | Tarver. |
| | Werner. |
| | Wilburn. |

Nays—63.

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| Anderson. | Briscoe. |
| Ballengee. | Byrne. |
| Bell. | Canales. |
| Bowles. | Cathey. |

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| Caves. | Matthews. |
| Cox. | McDaniel. |
| Craven. | McGown. |
| Crawford. | McKinney. |
| Crisp. | McLain. |
| Crockett of Mitchell. | Minton. |
| Crockett of Washington. | Morris. |
| Davis. | Nelson of Kaufman. |
| Dotson. | Nickels. |
| Driggers. | O'Bryan. |
| Elliott. | Porter. |
| Fitzhugh. | Robertson of Bell. |
| Flournoy. | Robertson of Travis. |
| Fuller. | Schluter. |
| Gilmore. | Schofield. |
| Goodman. | Smith. |
| Harman. | Spradley. |
| Haxthausen. | Standifer. |
| Hill. | Stephenson. |
| Jennings. | Terrell of Bexar. |
| Keeble. | Tillotson. |
| Kennedy. | Turner. |
| Lawson. | Turney. |
| Leach. | Walter. |
| Lee. | Wilson. |
| Lively. | Wortham. |
| Maddox. | Yantis. |
| Mason. | |

Present—Not Voting.

Reid.

Absent.

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| Bartlett. | Perkins. |
| Buchanan. | Ralston. |
| Chaney. | Ray. |
| Maxwell. | Von Rosenberg. |
| McDonald. | Wahrmund |
| Pearson. | |

Absent—Excused.

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| Brown. | Stead. |
| Dalby. | Terrell of |
| Jackson. | Cherokee. |
| Luce. | Vaughan. |
| Roach. | Watson. |

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 3, 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 legislation thereon:

1. Legislation amending Chapter 16 of the Acts of the Regular Session of the Thirty-first Legislature of the State of Texas, approved February 20, 1909, entitled "An Act authorizing any county in the State of Texas having a population in excess of fifty thousand inhabitants by the last preceding United States census to submit to the qualified voters the propriety of a bond issue for the construction and maintenance of causeways, viaducts, bridges and approaches across any rivers within the limits of such county, and to provide for the construction, maintenance and use of such causeways, viaducts, bridges and approaches, and declaring an emergency," by adding thereto Sections 9a and 9b, providing a method by which counties may acquire land upon which to construct and maintain such causeways, viaducts, bridges and approaches by condemnation and by grant from cities and counties of the right to use streets, alleys, public highways and public grounds, and to authorize counties to construct said causeways, viaducts, bridges and approaches across the lines of railway, telegraph and telephone corporations, and prescribing the method of such proceedings.

2. Legislation amending Section 120 of the Election Law, relating to the nomination of candidates by political parties, so as to provide for the nomination of candidates for district and State offices by a majority of all the votes cast for such offices, and prescribing the duty of the State and district conventions in such cases, and the method of nominations in the event of the failure of any candidate to receive a majority of all the votes cast for such office, and to provide rules and regulations by which county candidates may be nominated.

3. Legislation to amend and strengthen the statutes regulating the granting of liquor licenses and the revocation and cancellation thereof, and the regulation of the liquor traffic, and to prohibit the same within ten miles of any State educational institution supported in whole or in part by appropriations from the State's general revenue, and such other legislation relative to the liquor traffic as the welfare of the State demands, and providing appropriate penalties for violations of such laws.

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

SENATE BILL ON FIRST READING.

Senate bill No. 10, received from the Senate today, was laid before the House, read first time, and referred to the Committee on Appropriations.

HOUSE BILLS ON FIRST READING.

The following House bills were introduced, read first time and referred to appropriate committees as follows:

By Mr. Nickels:

House bill No. 15, A bill to be entitled "An Act to amend Section 14 of Chapter 17, of the Acts of the Regular Session of the Thirty-first Legislature, the same being 'An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being "An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold; imposing an occupation tax upon persons, firms, corporations and associations of persons, selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act; providing same is not sold to be drunk on the premises where sold, and otherwise regulating of such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the condition of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors and providing penalties for the violation of the provisions of this act, and declaring an emergency," and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a and 35a, prescribing the methods and procedure by which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the

facts upon which forfeiture is based, and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto, and repealing all laws or parts of laws in conflict herewith; requiring licenses to be issued under this act and prescribing the continuation in force of licenses issued under prior laws for sixty days after this act takes effect in order to give time for securing licenses under this act, and providing that credit be allowed upon licenses to be obtained under this act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency; by amending Section 14 so as to require every person or firm who are engaged in the sale of intoxicating liquors or who may hereafter become engaged in the sale of intoxicating liquors in any locality in this State other than where local option is enforced to keep such places of business closed from and after 6 o'clock p. m. until 7 o'clock a. m. of the next day, and to keep such places closed from 6 o'clock p. m. on Saturday until 7 o'clock a. m. on the following Monday of each week, and forbidding sale of any intoxicating liquors or the transaction of any business in such places within said hours, and prescribing penalties therefor, and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Nickels:

House bill No. 16, A bill to be entitled "An Act to prohibit the sale of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication in any locality of this State other than where local option is in force, in quantities of less than one quart, and prescribing penalties for violations thereof, and declaring an emergency."

Referred to Committee on Liquor Traffic.

By Mr. Nickels:

House bill No. 17, A bill to be entitled "An Act to prohibit the drinking of spirituous, vinous or malt liquors and medicated bitters capable of producing intoxication on the premises where sold in any locality of this State other than where local option is in force, and providing penalties therefor, and declaring an emergency."

Referred to Committee on Liquor Traffic.

By Mr. Johnson and Mr. Moller:

House bill No. 18, A bill to be entitled

"An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston bay, to connect as part of the roadways of the county on the island and mainland and the county to issue bonds for same on taxation; also establishing three-mile limit and condemnation proceedings and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum, and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property tax-paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act."

Referred to Committee on Roads, Bridges and Ferries.

(Mr. Robertson of Bell in the chair.)

HOUSE BILL NO. 11 ON ENGROSSMENT.

The Speaker laid before the House, on its passage to engrossment,

House bill No. 11, A bill to be entitled "An Act authorizing the Comptroller of Public Accounts to pay off, discharge and cancel bonds aggregating the sum of \$13,200, issued by the State of Texas, bearing date July 1, 1879, and due July 1, 1910, together with interest accrued thereon up to the time of the passage and taking effect of this act, and now held by an 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."

The bill having been read second time on Monday, August 1st, and further consideration postponed until Tuesday, August 2nd, at 10 o'clock a. m.

Question—Shall the bill be passed to engrossment?

On motion of Mr. Marshall further consideration of the bill was postponed until 10 o'clock a. m., next Friday, August 5th.

HOUSE BILL NO. 12 ON ENGROSSMENT.

The Speaker laid before the House, on its passage to engrossment,

House bill No. 12, 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."

The bill having been read second time on Monday, August 1st, and further consideration postponed until Tuesday, August 2nd, at 10:30 o'clock a. m.

Question—Shall the bill be passed to engrossment?

Mr. Self moved that further consideration of the bill be postponed until next Friday, August 5th, at 11 o'clock a. m.

Mr. Fuller moved to table the motion to postpone and the motion to table was lost.

Mr. Terrell of Bexar moved as a substitute for the motion to postpone that the bill be made a special order for next Friday, August 5th, at 1 o'clock a. m.

The motion to make the bill a special order was lost.

The motion to postpone prevailed.

HOUSE JOINT RESOLUTION NO. 1 ON SECOND READING.

The Speaker laid before the House, on second reading and passage to engrossment,

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

The resolution was read second time.

Question—Shall the resolution be passed to engrossment?

Mr. Baker of Hood, Mr. Tarver and

Mr. Brownlee offered the following (committee) substitute for the resolution:

House Joint Resolution, ratifying the Sixteenth Amendment to the Constitution of the United States of America:

Whereas, Both Houses of the Sixty-first Congress of the United States of America, at its First Session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

A joint resolution proposing an amendment to the Constitution of the United States:

Resolved, By the Senate and the House of Representatives of the United States of America, in Congress assembled (two-thirds of each house concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes, as a part of the Constitution, namely, Article XVI.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration; therefore, be it

Resolved, By the Senate and the House of Representatives of the State of Texas, that the said proposed amendment to the Constitution of the United States of America be and the same is hereby ratified by the Legislature of the State of Texas.

Sec. 2. That certified copies of this preamble and joint resolution be forwarded by the Governor of this State to the President of the United States, Secretary of State of the United States, to the presiding officer of the United States Senate and to the Speaker of the United States House of Representatives.

The substitute was adopted.

Question—Shall the resolution as substituted be passed to engrossment?

The Clerk was directed to call the roll and the resolution was passed to engrossment by the following vote:

Yeas—108.

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| Adams. | Ballengee. |
| Anderson. | Barrett. |
| Aston. | Bartlett. |
| Baker of Hood. | Bell. |
| Baker of Panola. | Bierschwale. |

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| Bogard. | Maxwell. |
| Bostic. | McCallum. |
| Boswell. | McDaniel. |
| Bowles. | McGown. |
| Branch. | McKinney. |
| Briscoe. | McLain. |
| Brooks. | Minton. |
| Brookshire. | Moller. |
| Brownlee. | Morris. |
| Buchanan. | Munson. |
| Cable. | Nelson of Hopkins. |
| Canales. | Nelson of |
| Cathey. | Kaufman. |
| Caves. | Nickels. |
| Cox. | O'Bryan. |
| Craven. | O'Bryant. |
| Crawford. | Odom. |
| Crisp. | Perkins. |
| Crockett of | Pharr. |
| Mitchell. | Porter. |
| Crockett of | Rayburn. |
| Washington. | Reedy. |
| Cureton. | Reid. |
| Currey. | Roberson of Erath. |
| Dotson. | Robertson of |
| Driggers | Travis. |
| Elliott. | Ross. |
| Fant. | Schluter. |
| Flournoy. | Schofield. |
| Fuller. | Self. |
| German. | Smith. |
| Gilmore. | Spradley. |
| Goodman. | Stamps. |
| Graham. | Standifer. |
| Hamilton of | Stephenson. |
| Childress. | Stepter. |
| Hamilton of | Stratton. |
| McCulloch. | Strickland. |
| Harman. | Tarver. |
| Haxthausen. | Terrell of Bexar. |
| Hill. | Tillotson. |
| Humphrey. | Turner. |
| Jennings. | Turney. |
| Johnston. | Von Rosenberg. |
| Lawson. | Wahrmund. |
| Leach. | Walter. |
| Lee. | Werner. |
| Lively. | Wilburn. |
| Looney. | Wilson. |
| Maddox. | Wortham. |
| Mason. | Yantis. |
| Matthews. | |

Nay—1.

Robertson of Bell.

Present—Not Voting.

Johnson.

Absent.

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| Byrne. | Kennedy. |
| Chaney. | McDonald. |
| Davis. | Pearson. |
| Fitzhugh. | Rabb. |
| Highsmith. | Ralston. |
| Keeble. | Ray. |

Absent—Excused.

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| Brown. | Stead. |
| Dalby. | Terrell of |
| Jackson. | Cherokee. |
| Luce. | Vaughan. |
| Roach. | Watson. |

ADJOURNMENT.

On motion of Mr. Terrell of Bexar, the House, at 4:30 o'clock p. m., adjourned until 3 o'clock p. m. tomorrow.

APPENDIX.

REPORT OF THE COMMITTEE ON CONSTITUTIONAL AMENDMENTS.

Committee Room,
Austin, Texas, August 3, 1910.

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

Sir: Your Committee on Constitutional Amendments, to whom was referred House Joint Resolution No. 1, "A joint resolution ratifying the Sixteenth Amendment to the Constitution of the United States of America," and also House Joint Resolution No. 2, "A joint resolution ratifying the Sixteenth Amendment to the Constitution of the United States of America," have had the same under consideration; and

Whereas, It appearing to the committee that House Joint Resolution No. 1 was introduced by Baker of Hood, and that House Joint Resolution No. 2 was introduced by Tarver and Brownlee, and it further appearing to the committee that the resolutions were introduced simultaneously, that neither is entitled to priority; and

Whereas, As it rarely falls to the lot of a member of the State Legislature to offer a resolution ratifying a proposed amendment to the Constitution of the United States of America, the same is justly regarded as an unusual honor; and

Whereas, The committee finds that in the honorable rivalry of these worthy authors of these resolutions there is glory enough for them all; and

Whereas, They have joined in the preparation of the accompanying substitute for the two resolutions in which the three gentlemen, Baker of Hood, Tarver and Brownlee, all join;

Therefore, I am instructed by the said committee to report them back to the

House with the recommendation that House Joint Resolution No. 1, and House Joint Resolution No. 2, do not pass, but that the substitute accompanying this report, in lieu of said resolutions, do pass.

Mr. Looney of Hunt was appointed to make full report.

HILL, Chairman.

(Full Report.)

Committee Room,
Austin, Texas, August 3, 1910.

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

Sir: Having been appointed by your Committee on Constitutional Amendments to make a full report for the committee on House Joint Resolution No. 1, a joint resolution ratifying the Sixteenth Amendment to the Constitution of the United States of America, and also House Joint Resolution No. 2, a resolution ratifying the Sixteenth Amendment to the Constitution of the United States of America, beg leave to report as follows:

That the joint resolutions under consideration were introduced for the purpose of ratifying by this State a joint resolution proposed at the recent Special Session of Congress, in which it is sought to amend the Constitution of the United States of America, authorizing Congress to levy and collect taxes on incomes.

The feature of income taxation has been for some time thoroughly established as a part of the fiscal system of the European governments and in 1862 the Congress of the United States enacted as a war measure an income tax, which was repealed in 1871. Again, in 1894, during the administration of President Cleveland, Congress passed an income tax law, which was declared unconstitutional by the Supreme Court of the United States, by a vote of five to four, after one of the judges suddenly changed his opinion. This law was stricken down by the courts before it became fairly operative, and before, as an object lesson, the people had an opportunity to properly judge of the acceptability of such a measure. Since 1895 the subject of taxing incomes has been more or less prominent in the political discussions of the country, and now that the constitutional amendment has been proposed, it is the subject of legislative activity in all the States.

This method in taxation has been

adopted in at least five States of the Union, to wit: Massachusetts, Virginia, North Carolina, South Carolina and in Oklahoma, and in a number of other States the people are demanding a change in their organic law, empowering the Legislature to levy income taxes.

The arguments in favor of such a measure are that it is a just tax, in that every person is called upon to aid in the support of the government in proportion to his ability to pay; it equalizes the burdens of taxation in that it falls upon those best able to pay upon incomes in excess of the average living expenses and upon those who suffer least from direct taxes, and because the tax can not be shifted. Again the tax reaches the wealthier classes of the people, who would otherwise escape taxation, and, further, it is a protection against swollen fortunes tending to mitigate this evil; and, further, it is considered that it is politically and socially advantageous by demanding aid from those who would not otherwise pay financial obligations to the government, and such a measure would surely stimulate a greater interest in the duties of citizenship, in developing a more careful scrutiny into the administration of public affairs and finally this method of taxation would furnish a surer, more stable and more elastic source of revenue.

In conclusion, I beg to quote the language of one of the best informed and most far-seeing statesmen of this day. He said in discussing the proposed amendment in the Senate of the United States, among other things: "I now come to state, and I shall state them as briefly as I can, the reasons which have induced me to believe that an income tax ought to be adopted as a settled and permanent part of our fiscal policy. The extraordinary increase in our public expenditures, during the last twenty years, has rendered it necessary for us to call in every year a sum of money so great as to almost confuse the human mind; of course, the people must supply this money in some way. In searching for that way, I could find no better one than that which I am proposing. Under any circumstances, an income tax is more equitable than a tax on consumption. It is more just as between the different classes and it better conforms to that sound canon of taxation, which enjoins upon us to lay all taxes on those who can bear them with the least inconvenience; and this general advantage is emphasized by our

present conditions, for the cost of living has increased so enormously during the last few years that the plainest dictates of humanity require some abatement in the taxes on articles of necessary and daily use."

Respectfully submitted,

LOONEY.

By Mr. Baker of Hood, Mr. Tarver and Mr. Brownlee:

Committee Substitute House Joint Resolution Nos. 1 and 2, Joint Resolution ratifying the Sixteenth Amendment to the Constitution of the United States of America.

Whereas, Both Houses of the Sixty-first Congress of the United States of America, at its First Session, by a constitutional majority of two-thirds thereof made the following proposition to amend the Constitution of the United States of America, in the following words, to-wit:

A joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and the House of Representatives of the United States of America, in Congress assembled (two-thirds of each house concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the several States, shall be valid as to all intents and purposes, as a part of the Constitution, namely, Article 16.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration; therefore, be it

Resolved by the Senate and the House of Representatives of the State of Texas, That the said proposed amendment to the Constitution of the United States of America be and the same is hereby ratified by the Legislature of the State of Texas.

Sec. 2. That certified copies of this preamble and joint resolution be forwarded by the Governor of this State to the President of the United States, Secretary of State of the United States, to the presiding officer of the United States Senate and to the Speaker of the United States House of Representatives.

On motion of Mr. McKinney, the above report was ordered printed in the Journal.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, August 3, 1910.

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

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

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 employees; 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, 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,"

And find the same correctly engrossed.
ODOM, Chairman.

REPORTS OF THE COMMITTEE ON PUBLIC DEBT.

Committee Room,
Austin, Texas, August 3, 1910.

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

Sir: Your Committee on Public Debt, to whom was referred Senate bill No. 8, have had same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass in lieu of House bill No. 11 upon the same subject now pending before the House.

SELF, Chairman.

Committee Room,
Austin, Texas, August 3, 1910.

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

Sir: Your Committee on Public Debt, to whom was referred Senate bill

No. 7, have had same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass in lieu of House bill No. 12 upon the same subject now pending before the House.

SELF, Chairman.

REPORT OF THE COMMITTEE ON APPROPRIATIONS.

Committee Room,
Austin, Texas, August 3, 1910.

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

Sir: Your Committee on Appropriations, to whom was referred Senate bill No. 10, have had same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass, with amendments.

CROCKETT of Washington,
Chairman.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, August 3, 1910.

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

Sir: Your Committee on Enrolled Bills have carefully examined and compared

House bill No. 10, "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 enrolled, and have this day, at 3:15 o'clock p. m., presented the same to the Governor for his signature.

SCHOFIELD, Chairman.

ELEVENTH DAY.

Hall of the House of Representatives,
Austin, Texas,

Thursday, August 4, 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:

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| Adams. | Looney. |
| Anderson. | Maddox. |
| Aston. | Mason. |
| Baker of Hood. | Matthews. |
| Baker of Panola. | Maxwell. |
| Ballengee. | McCallum. |
| Barrett. | McDaniel. |
| Bartlett. | McGown. |
| Bell. | McKinney. |
| Bierschwale. | McLain. |
| Bogard. | Minton. |
| Bostic. | Moller. |
| Boswell. | Morris. |
| Bowles. | Munson. |
| Branch. | Nelson of Hopkins. |
| Briscoe. | Nelson of |
| Brooks. | Kaufman. |
| Brookshire. | Nickels. |
| Brownlee. | O'Bryan. |
| Buchanan. | O'Bryant. |
| Byrne. | Odom. |
| Cable. | Pearson. |
| Canales. | Perkins. |
| Cathey. | Pharr. |
| Caves. | Porter. |
| Cox. | Rabb. |
| Craven. | Ray. |
| Crawford. | Rayburn. |
| Crisp. | Reedy. |
| Crockett of | Reid. |
| Mitchell. | Roach. |
| Cureton. | Roberson of Erath. |
| Currey. | Robertson of Bell. |
| Davis. | Robertson of |
| Dotson. | Travis. |
| Driggers. | Ross. |
| Elliott. | Schofield. |
| Fant. | Self. |
| Fitzhugh. | Smith. |
| Flournoy. | Spradley. |
| Fuller. | Stamps. |
| Gilmore. | Standifer. |
| Goodman. | Stephenson. |
| Graham. | Stepter. |
| Hamilton of | Stratton. |
| Childress. | Strickland. |
| Hamilton of | Tarver. |
| McCulloch. | Terrell of Bexar. |
| Harman. | Tillotson. |
| Haxthausen. | Turner. |
| Highsmith. | Turney. |
| Hill. | Vaughan. |
| Humphrey. | Von Rosenberg. |
| Jennings. | Wahrmund. |
| Johnson. | Walter. |
| Johnston. | Watson. |
| Keeble. | Werner. |
| Kennedy. | Wilburn. |
| Lawson. | Wilson. |
| Lee. | Wortham. |
| Lively. | Yantis. |
| | Absent. |
| Chaney. | |