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

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

Mr. Speaker Holstein
Armor Hooks
Atwell Housey
Baker Huesner
Ballman Huffor
Bartram Huffer
Bass Hughes of Grayson
Bell Hughes of Dallas
Bishop Hutchins
Blaine Isaacks, Miss
Blanchard Jackson
Bowers Jamison
Boyse Johnson
Bristow Jones
Bryan Joseph
Ballock Kelly
Burkett Kennard
Byrd Kennedy
Chapman Kilpatrick
Cline Koliba
Cloud Korloth
Cole Kothmann
Conley Latimer
Cory Laurel
Cotten Lee
Coven McCoppin
Cox of Montgomery McDonald
Cox of Bell McGregor
Crosthwaite of McLennan
Day McGregor of El Paso
Dewey McIlhany
Durbin Miss Manny
Dugas Martin
Dungan Mathew
Durlh Ears
Elliott Moore of Harris
Ellis Moore of Tarrant
Ferrell Mullin
Ford Murray
Fordyce Myatt
Forrester Oliver
Glasell Osborne
Gluesing Parish
Green Parsons
Hale Patterson
Harrington Piggin
Healy Pool
Hefflin Pressler
Heltman Pickett
Hensley Ramsey
Hollowell Richardson
Holman Roberts
Russell Stewart
Sadler Storrey
Sandahl Strickland
Sanders Stroman
Saul Suderth
Sebrell Talasek
Schwarzenegger Thurmond
Schwartz Tinsell
of Washington
Seeligson Walling
Shackelford Watson
Shannon of Erath
Shannon of Wheeler
of Tarrant
Shaw Wilson of Potter
Sheridan Winfree
Sherrill Wohlford
Smith of Hays Year
Smith of Jefferson Zbranek
Springer

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

De la Garza of El Paso
Dewey McIlhany
Dungan Mathew
Durlh Ears
Elliott Moore of Harris
Ellis Moore of Tarrant
Ferrell Mullin
Ford Murray
Fordyce Myatt
Forrester Oliver
Glasell Osborne
Gluesing Parish
Green Parsons
Hale Patterson
Harrington Piggin
Healy Pool
Hefflin Pressler
Heltman Pickett
Hensley Ramsey
Hollowell Richardson
Holman Roberts
Russell Stewart
Sadler Storrey
Sandahl Strickland
Sanders Stroman
Saul Suderth
Sebrell Talasek
Schwarzenegger Thurmond
Schwartz Tinsell
of Washington
Seeligson Walling
Shackelford Watson
Shannon of Erath
Shannon of Wheeler
of Tarrant
Shaw Wilson of Potter
Sheridan Winfree
Sherrill Wohlford
Smith of Hays Year
Smith of Jefferson Zbranek
Springer

A quorum of the House was announced present.

The Invocation was offered by the Reverend E. C. McDonald, Chaplain, as follows:

"We are very happy this morning, our Father, as we gather in this room to resume work. We thank God that none of these men were injured on the highway returning to Austin.

"We are thankful for our Speaker of the House, a Christian gentleman with unquestionable character, an amiable disposition, gentle spirit, and is at home with the rich, the poor, the educated, and the uneducated.

"We pray for every Representative, as I know them, I can say the same about them. The future of Texas, in the matter of law and order, is in your hands. We pray that the spirit of unity may prevail as you proceed. May the Spirit of God lead you, until through you, His will may be accomplished. In His name—Amen."

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:
Mr. Wilson of Young for today on motion of Mr. Jones.

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

Mr. Anderson for today on motion of Mr. Harrington.
Mr. Brashear for today on motion of Mr. Sadler.
Mr. Sutten for today on motion of Mr. Kelly.
Mr. Spilman for today on motion of Mr. McDonald.

MESSAGE FROM THE SENATE

Austin, Texas, January 28, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives,

Sir:

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

H. C. R. 16, Inviting Dr. William C. Menninger to address a Joint Session of the Legislature on February 12, 1957.

S. B. 66, Creating a County Court at Law of Brazos County, and declaring an emergency.

S. B. 96, Providing for the bonds and the compensation of the citizen Board Members of the Veterans' Land Board, and declaring an emergency.

Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

TO GRANT COCA-COLA BOTTLING COMPANY PERMISSION TO SUE THE STATE

Mr. Sanders offered the following resolution:

H. C. R. No. 18

Whereas, On or about September 26, 1955, at approximately 2:00 o'clock P. M., a tractor-trailer van owned by the Coca-Cola Bottling Company was travelling west on U. S. Highway 82, approximately five (5) miles west of Wichita Falls, Texas, and a 1956 International Pickup truck license number XII-8376, owned by the Texas Highway Department and being driven by Harmon Edgar Newsom, who resides at 607 North Brook Street, Wichita Falls, Texas, was travelling east on said Highway 82. As the two vehicles approached each other the International Pickup truck which was hit on its left side, jackknifed and half turned over; and

Whereas, By reason of the above facts the truck and trailer, property of the Coca-Cola Bottling Company, received extensive damage; and

Whereas, The said Coca-Cola Bottling Company decides to file suit against the State of Texas and the State Highway Department for damage sustained as a result of the negligent operation of the said International Pickup truck by said employee of the State of Texas and State Highway Department; now, therefore, be it

Resolved, By the House of Representatives, the Senate concurring, That the said Coca-Cola Bottling Company is hereby granted permission to sue the State of Texas and the State Highway Department at any time within a period of two (2) years from the effective date of this Resolution, and not thereafter, in any court in Wichita County, Texas, having jurisdiction for the purpose of determining what amount of damages, if any, are due to the said Coca-Cola Bottling Company; and, be it further

Resolved, That service of citation and/or other necessary process may be upon the Chairman of the Texas Highway Commission and the Attorney General of Texas, and that said suit shall be tried according to law and the rules of procedure and evidence governing similar suits against individuals and private corporations; the State of Texas waiving immunity by reason of its Sovereignty; but this Resolution shall not be construed as an admission of liability and the facts alleged must be proved in court as in other cases.

The resolution was referred to the Committee on State Affairs.

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read sever-
ally first time and referred to the appropriate Committees, as follows:

By Messrs. Spilman, de la Garza, Murray, Conley and Ellis:
H. B. No. 213. A bill to be entitled “An Act making an appropriation to pay the principal of certain judgments obtained against the State of Texas in Cause No. B-19986, styled “Akin Products Company, et al. v. State of Texas”, in the 93rd Judicial District Court of Hidalgo County, Texas, and in Cause No. CL-997, styled “E. C. Davis and Frank Davis, doing business as Pittman & Davis, et al. v. State of Texas”, in the County Court at Law of Hidalgo County, Texas, according to the tenor, effect and reading of such judgments; providing that only Principal of such judgments be paid and that no interest be paid thereon, and declaring an emergency.”

Referred to the Committee on Appropriations.

By Messrs. Pipkin and Murray:
H. B. No. 244. A bill to be entitled “An Act increasing certain fees chargeable by Clerks of the District Courts under Article 3927, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1941, 47th Legislature, Page 641, Chapter 387, Section 1, as amended by Acts of 1945, 49th Legislature, Page 662, Chapter 388, Section 2, Article 3928, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1941, 47th Legislature, Page 641, Chapter 397, Section 1; Article 4499, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1953, 53rd Legislature, Page 602, Chapter 398, Section 2, so as to increase such fees in an amount equal to fifty per cent (50%) computed to the largest even, of the fees chargeable under such laws as they existed on January 1, 1937, providing that such increased fees shall not inure to the benefit of any individual, but in counties operating on a salary basis, the same shall be accounted for to such counties as fees of office; repealing all laws in conflict herewith and declaring an emergency.”

Referred to the Committee on Judiciary.

By Messrs. Murray, Pipkin and Conley:
H. B. No. 245. A bill to be entitled “An Act amending Article 397, Code of Criminal Procedure, 1925, so as to provide that the summons provided therein may be made by first class United States mail, certified United States mail or by registered United States mail, as the judge drawing the jury may direct, as well as verbally upon each juror in person; providing a repealing clause; providing a severability clause and declaring an emergency.”

Referred to the Committee on Criminal Jurisprudence.

(Mr. Hale in the Chair.)

By Messrs. Murray, Pipkin and Conley:
H. B. No. 246. A bill to be entitled “An Act authorizing the use of certified mail in lieu of registered mail; declaring the mailing of notices and other material by certified mail to have the same legal effect as if sent by registered mail; continuing the use of registered mail where insurance against loss is needed; providing a severability clause and declaring an emergency.”

Referred to the Committee on Judiciary.

By Mr. Burkett:
H. B. No. 247. A bill to be entitled “An Act making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill, or possess any game bird or game animal in Gillespie, Kerr, Mason, Llano, Medina, Sutton, Edwards, Blanco and Crockett Counties at any time; to take, kill, or trap any fur-bearing animal in said counties; to take or attempt to take any fresh water fish in said counties by any means or method; prescribing the legislative policies with respect to the wild life resources of said counties; conferring upon the Game and Fish Commission power and authority to regulate by provision, order, rule, or regulation the taking of wild life resources of said counties; requiring the Game and Fish Commission to make investigations with respect to depletion and waste of the wild life resources of said counties; requiring the Commission to provide an open season or period of time when...
it shall be lawful to take a portion of the wild life resources of said counties; defining depletion and waste; providing for the issuance of the doe permit; providing for a public hearing to be held in the county affected by the proposed Commission's rules, regulations, or orders and for adequate notice of such hearing and for proper conducting of such hearing; providing for the adoption of the proclamation, orders, rules, or regulations of the Game and Fish Commission; providing for the effective period of regulations and for approval or disapproval by the Commissioners' Court in the county affected by the Commission's rule, regulation or order; providing for the publication of the regulations; providing that the powers of the Commission are not limited; providing venue for suit to test the validity of the proclamations, rules, regulations, or orders of the Commission; providing a penalty for the violation of any of the provisions of this Act as well as any order, rule, or regulation of the Commission; providing for the forfeiture of licenses; making it unlawful to provide a new license and providing a penalty therefor; defining wild life resources; repealing certain laws; providing for the effective date of this Act; providing a saving clause; and declaring an emergency.

Referred to the Committee on Commerce and Manufactures.

By Messrs. Thurmond and Laurel:

H. B. No. 250. A bill to be entitled "An Act declaring it to be illegal to divert waters released from storage and destined for downstream users; authorizing the Board of Water Engineers to promulgate and enforce rules and orders to effectuate the provisions of this Act; providing for the manner of adopting such rules and orders; authorizing appeals from Board rules and orders; providing a savings clause; and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Messrs. Anderson and Korioth:

H. B. No. 256. A bill to be entitled "An Act amending Article 4591 of the Revised Civil Statutes of Texas, 1925, as amended, designating certain days as legal holidays, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Sheridan:

H. B. No. 251. A bill to be entitled "An Act amending Sections 10 and 11 of the Plumbing License Law of 1947 (codified under Article 6243-101 in Vernon's Texas Civil Statutes), by prescribing certain qualifications for those seeking to become licensed plumbers, and particularly requiring three years' experience as apprentice before obtaining such license; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Blanchard:

H. B. No. 252. A bill to be entitled "An Act making it a misdemeanor, punishable by fine, for any male minor..."
between 14 and 17 years of age or any female minor between 14 and 18 years of age to drive or operate a motor vehicle while under the influence of intoxicating liquor or in such a way as to violate any traffic law of this State; defining the term "any traffic law of this State", prohibiting commitment of any such minor in default of payment of fine, but authorizing suspension of his or her driver's license until the fine is paid; making it a misdemeanor for any such minor to operate a motor vehicle without a valid driver's license and providing the penalty therefore, and authorizing seizure of any motor vehicle operated in violation of this provision; making other provisions relative to disposition of vehicles so seized or impounded; fixing jurisdiction of the offenses created hereunder and stating the effect of this Act on other laws; repealing Chapter 436, Acts of the 52nd Legislature, R. S. 1951. but providing for prosecution of any such minor in default of payment of fine or impounded; providing for the filing of an affidavit In honor of items presented to a drawee bank; and declaring an emergency." Referred to the Committee on Counties.

By Messrs. Ferrell, Osborn and Tunnell: H. B. No. 254. A bill to be entitled "An Act amending Article 4 of Chapter VII of the Texas Banking Code of 1943, Acts of the 48th Legislature, Regular Session, 1943, relating to collections, payment, refusal, and dishonor of items presented to a drawee bank; and declaring an emergency." Referred to the Committee on Banks and Banking.

By Mr. Pool: H. B. No. 256, A bill to be entitled "An Act amending Section 3 of Article 21.38 of the Insurance Code of Texas, 1951, as amended, said Section 3 to be amended by changing its caption, by retaining some of its provisions, increasing the annual license fee to agents licensed under Article 21.38 to $100.00; prescribing the fund into which the license fee shall be placed, by placing a tax equal to five per cent of the premium paid for insurance in such unauthorized insurer, prescribing the manner in which and by whom such tax shall be placed; providing for the filing of an affidavit in form approved by the Board of Insurance Commissioners, requiring certain reports of agents licensed under Article 21.38 and providing a penalty; repealing conflicting laws and parts of laws to the extent of such conflicts; providing for a severability clause; and declaring an emergency." Referred to the Committee on Insurance.

By Mr. Green: H. B. No. 257, A bill to be entitled "An Act requiring county attorneys, criminal district attorneys and district attorneys to institute suits in behalf of a county, school district or other
political subdivision within their jurisdictions for the recovery of any money unlawfully expended or any money or property misappropriated or applied to an unlawful purpose by any officer or employee of any county, school district, or political subdivision; prescribing their powers and duties in relation thereto; conferring concurrent jurisdiction on the district attorney of Travis County, Texas; providing a severability clause; providing a repealing clause; and declaring an emergency."

Referred to the Committee on Judiciary.

By Messrs. Hensley and Russell:

H. B. No. 228, A bill to be entitled "An Act changing the name and designation of the Special 37th Judicial District of Bexar County, Texas, as created by Senate Bill No. 295, Acts of the 54th Legislature, 1955, Chapter 262, page 730, to the 121st Judicial District of Bexar County, Texas, providing that the duly elected Judge of the Special 37th Judicial District shall be the Judge of the 121st Judicial District until the time for which he has been elected expires, and his successor qualifies; and declaring an emergency." Referred to the Committee on Judicial Districts.

By Messrs. Hensley and Russell:

H. B. No. 229, A bill to be entitled "An Act to authorize business records to be reproduced by photographic, photostatic or miniature photographic process; to provide for the disposal of the original record; and to provide for the admisibility in evidence of such reproduced records." Referred to the Committee on Judiciary.

By Mr. Ferrell:

H. B. No. 260, A bill to be entitled "An Act to amend "an act providing for the annexation of common and/or independent school districts to certain Junior College Districts for Junior College purposes only; providing for the creation of boards of trustees for such districts and annexed common and independent school districts, and determining the manner of representation on said board from the several common or independent school districts, the territory of which has been or may be annexed to such Junior College Districts for Junior College purposes only; providing the mode, manner and time of electing members of said boards for their terms of office, and enacting other provisions relating to the subject matter; repealing laws in conflict therewith to the extent of such conflict; preserving to such Junior College Districts the powers and privileges of Junior College Districts generally; providing a saving clause; and declaring an emergency" passed by the 54th legislature of the State of Texas at its regular session as chapter 370, page 3152, of the acts of the 54th legislature of the State of Texas, so as to add thereto section 2a, providing for a change in the formula for determining and adding members of the board of trustees after the total membership under section 2 thereof reaches ten (10) in number, and declaring an emergency." Referred to the Committee on Education.

By Messrs. Hughes of Dallas and Sanders:

H. B. No. 261, A bill to be entitled "An Act authorizing and providing for purchase by the State Board of Education of State-owned education films for the use and benefit of the public free school systems; providing for the establishment of a complete system for the distribution of such State-owned films to Film Depository Service-Centers, herein defined, pursuant to certain minimum standards herein prescribed and others to be established under rules and regulations of the State Board of Education; creating a State Film Committee and prescribing its duties; setting out the procedure for the creation, the functions and responsibilities of designated types of Film Depository Service-Centers subject to the approval of the State Board of Education; providing for financing the purchase of such State-owned films as an additional cost of the Minimum Foundation School Program to be paid out of the Foundation School Fund; providing for the current use and subsequent disposition of present State-owned films now serviced to school districts from the State Film Library in the State Department of Education; defining the function of the State Film Library in the transition to the Film
An Act to amend Title 52, Eminent Domain, of the Revised Civil Statutes of Texas, of 1925, as amended; by amending Article 3264, as amended, thereof; setting forth requisites of the statement in condemnation; authorizing filing of condemnation proceedings with Judges of County Courts at Law, County Judges, and District Courts under the circumstances provided herein: making special provisions where title is in litigation or dispute or is unknown: and permitting the condemnor to join in the same action one or more separate pieces of property, subject to the power of the court to order a separate trial as to any tract or tracts of land under certain conditions; by adding to said Title 52 of the Revised Civil Statutes of Texas, of 1925, as amended, Article 3264e, as amended, a new, different, and alternative procedure to be followed in the exercise of the right of Eminent Domain in cases where a declaration of taking is filed and in such cases superseding the provisions of Article 3264, Revised Civil Statutes of Texas, of 1925, as amended; permitting the State of Texas to acquire title to real estate needed for highway purposes; requiring that such cases be brought by filing specified papers with the clerk of the County Courts at Law, County Courts or District Courts, depending upon the circumstances specified herein; providing for venue of such cases; providing for joinder in the same action of court to order a separate trial as to any tract or tracts of land under certain conditions; requiring that any objections or defenses to the taking be filed within the time and in the manner specified herein; prohibiting the hearing of any such case earlier than twenty days after the appearance day specified in the citation; and providing that other provisions of Title 52 where not inconsistent with said Article 3264e, shall be applicable to proceedings thereunder and prescribing the use of the Texas Rules of Civil Procedure, unless otherwise provided; by amending Article 3265, as amended, Title 52, Revised Civil Statutes of Texas, of 1925; providing method for apportioning commissioner's award among different parties who have different estates or interest in the property being condemned; and providing that said method is to be employed upon any appeal from the award of the Commissioners; and, by amending Article 3268, as amended, Title 52, Revised Civil Statutes of Texas, of 1925; providing for deposit of security upon taking possession and payment of interest from date of taking possession; providing for continuance of appeal upon acceptance of award by appealing defendant; requiring tender of deposit by plaintiff to reduce interest; providing that the provision that the State and other State agencies are not required to deposit double the amount of the award shall be extended to all State departments and agencies; providing that in the event of appeal the judgment shall not be suspended which would result in the plaintiff from possession provided plaintiff from taking possession during the appeal; providing that this Act shall be construed as severable if parts hereof are held invalid: and declaring an emergency.

Referred to the Committee on Appropriations.

By Mr. Spilman:

H. B. No. 262, A bill to be entitled "An Act to amend Title 52, Eminent Domain, of the Revised Civil Statutes of Texas, of 1925, as amended; by amending Article 3264, as amended, thereof; setting forth requisites of the statement in condemnation; authorizing filing of condemnation proceedings with Judges of County Courts at Law, County Judges, and District Courts under the circumstances provided herein: making special provisions where title is in litigation or dispute or is unknown: and permitting the condemnor to join in the same action one or more separate pieces of property, subject to the power of the court to order a separate trial as to any tract or tracts of land under certain conditions; by adding to said Title 52 of the Revised Civil Statutes of Texas, of 1925, as amended, Article 3264e, as amended, a new, different, and alternative procedure to be followed in the exercise of the right of Eminent Domain in cases where a declaration of taking is filed and in such cases superseding the provisions of Article 3264, Revised Civil Statutes of Texas, of 1925, as amended; permitting the State of Texas to acquire title to real estate needed for highway purposes; requiring that such cases be brought by filing specified papers with the clerk of the County Courts at Law, County Courts or District Courts, depending upon the circumstances specified herein; providing for venue of such cases; providing for joinder in the same action of court to order a separate trial as to any tract or tracts of land under certain conditions; requiring that any objections or defenses to the taking be filed within the time and in the manner specified herein; prohibiting the hearing of any such case earlier than twenty days after the appearance day specified in the citation; and providing that other provisions of Title 52 where not inconsistent with said Article 3264e, shall be applicable to proceedings thereunder and prescribing the use of the Texas Rules of Civil Procedure, unless otherwise provided; by amending Article 3265, as amended, Title 52, Revised Civil Statutes of Texas, of 1925; providing method for apportioning commissioner's award among different parties who have different estates or interest in the property being condemned; and providing that said method is to be employed upon any appeal from the award of the Commissioners; and, by amending Article 3268, as amended, Title 52, Revised Civil Statutes of Texas, of 1925; providing for deposit of security upon taking possession and payment of interest from date of taking possession; providing for continuance of appeal upon acceptance of award by appealing defendant; requiring tender of deposit by plaintiff to reduce interest; providing that the provision that the State and other State agencies are not required to deposit double the amount of the award shall be extended to all State departments and agencies; providing that in the event of appeal the judgment shall not be suspended which would result in the plaintiff from possession provided plaintiff from taking possession during the appeal; providing that this Act shall be construed as severable if parts hereof are held invalid: and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Lee:

H. B. No. 263, A bill to be entitled "An Act authorizing the District Attorney of the 70th Judicial District
to employ stenographers, assistants and investigators; prescribing their compensation, powers, duties, authority and method of employment, making other provisions relating thereto; providing a repealing clause; providing a severability clause and declaring an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Patterson:
H. B. No. 264, A bill to be entitled "An Act amending Article 494a, Vernon's Code of Criminal Procedure, increasing attorney fees for representation of indigents accused of felony offenses, and repealing all laws or parts of laws in conflict herewith; and expressly repealing Section 1a of Chapter 19, Page 25, Acts of the 52nd Legislature known as Article 494a, Vernon's Code of Criminal Procedure."

Referred to the Committee on Criminal Jurisprudence.

By Messrs. Watson, Day and Thurmond:
H. B. No. 265, A bill to be entitled "An Act amending Section 1 of Chapter 196, Acts of the Forty-third Legislature, Regular Session, 1933, respecting the rates of tuition or registration fees to be charged by the institutions of higher education supported in whole or in part by public funds appropriated from the State Treasury; repealing all laws in conflict herewith; and declaring an emergency."

Referred to the Committee on State Affairs.

By Messrs. Welch, Spilman, Osborn, McDonald, Glass, Shaw, Blanchard, Cory, Jamison, Lee, Matthew and Winfree:
H. B. No. 266, A bill to be entitled "An Act to be known as the Lobbyist Registration Act, concerning the regulation of persons who for compensation undertake to promote or oppose the passage of legislation by the Legislature or its approval or veto by the Governor; repealing Articles 179 to 183, inclusive, of the Texas Penal Code, 1925; providing a severability clause; and declaring an emergency."

Referred to the Committee on State Affairs.

Speaker in the Chair.

By Mr. Chapman:
H. H. No. 267, A bill to be entitled "An Act amending Rule 2 of Section 194 of the Texas Probate Code, relating to the penal amount to be fixed for bonds of personal representatives of estates; changing the amount required on bonds executed by corporate sureties; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Chapman:
H. B. No. 268, A bill to be entitled "An Act relating to exemptions of corporations from the franchise tax; amending Article 7094 of the Revised Civil Statutes of Texas, 1925, so as to exempt from the franchise tax corporations organized for the purpose of educating the public in the conservation of fish, game, and other forms of wildlife and forests; providing for severability; repealing conflicting laws; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

HOUSE JOINT RESOLUTION
ON FIRST READING

The following House Joint Resolution was laid before the House, read first time and referred to the appropriate Committee, as follows:

By Mr. Pipkin:
H. J. R. No. 23, A Joint Resolution "Providing an amendment to Article III of the Constitution of the State of Texas by changing Section 504 to provide that the Legislature shall create a State Medical Education Board, a State Medical Scholarship Fund, from which grants, loans, or scholarships may be made to students desiring to study medicine; providing that such students shall agree to practice in rural areas or State Hospitals or Special Schools and Homes of this State; providing certain restrictions and limitations; providing for an election and the issuance of a proclamation thereof."

Referred to the Committee on Constitutional Amendments.
The following Senate Bills received from the Senate today were laid before the House, read severally first time, and referred to the appropriate Committees, as follows:

S. B. No. 66 to the Committee on Counties.

S. B. No. 96 to the Committee on Military and Veteran's Affairs.

ADDRESS BY HONORABLE JOE N. CHAPMAN

The following was ordered printed in the Journal:


Mr. Speaker, fellow members of the House of Representatives:

Mr. Johnson of Dallas has granted me the privilege of explaining and discussing House Concurrent Resolution No. 17 just read to you.

As I am sure you all know this resolution has been provoked by the recent decision of the Supreme Court. It is with sincere humility that I attempt to explain to you the seriousness with which I view the dangers inherent in our American way of life as we have known it by the unprecedented power assumed by the highest court of this land. I realize that there are those here who do not agree with me, but certainly I would not be worthy of my heritage if I did not exert my humble efforts for a cause which I think is morally and legally right.

Recently a federal judge in Tennessee cited certain citizens who were not before the court and were not parties to the litigation for contempt. If a federal judge has such authority, then a citizen of the Lone Star State likewise, without violating any law passed by an authorized legislature or congress, could be punished without a grand jury indictment and without the right to a trial by jury. Such action by any judge is a violation of every principle of Anglo-Saxon jurisprudence.

If this judge could sentence citizens to jail for thirty days because they do not approve of his decision, then could not just as easily condemn them to be hanged? Our entire system of justice is based upon the guarantee in the federal and every state constitution that in a felony one must be indicted by a grand jury and on all criminal charges is entitled to a jury trial. So committed are we to the principles of freedom and justice under the law that we have adopted the axiom that it is better that ten guilty men should escape punishment than that one innocent should suffer. So carefully have we preserved our freedom that all jurors are warned by the judge that they must not bring in a verdict of guilty against the accused if there is in their minds a reasonable doubt as to his guilt.

The resolution before us today is based upon the fundamental principles of our jurisprudence. Recent scientific and material progress evidenced by the development of the atomic and hydrogen bombs gives us a false sense of security. Seventy-five years ago after the Civil War, we thought that slavery had been abolished from the world forever. It is hard to realize that during the startling progress of the last forty years in the realm of science that political and economic relationships have gone backward instead of forward. Today we know that more than half of the people of the world are controlled by a godless philosophy of government and that there are more people in concentration and slave labor camps today than at any time in the history of the world.

We have recently witnessed another episode where freedom-loving citizens of Hungary have been whisked out of their country, we assume either to jail or slave labor camps. We know that in more than half of the world today people tremble when they hear a knock on their door in fear that some member of their family may be executed for no greater crime than disagreeing with the dictator in power or placed in the salt mines of Siberia never to be heard from again.

The resolution before you today is based on the same principles that caused our forefathers to brave 3000 miles of wild Atlantic Ocean to establish a new country in a new world. It was the strong, tough, brave and self-reliant who followed the promise of freedom to seek the better life—
the American way of life. We are their children. Their blood is our blood. Ours is a heritage greater than that of royalty and wealth. Our heritage is of the courageous and the free. The timid hugged close to old world firesides. It is up to us to prove we are worthy of our heritage.

Our Declaration of Independence states that all men are endowed by their Creator with certain inalienable rights, among which are life, liberty and the pursuit of happiness. Has the time come when we, who have enjoyed these privileges so long, do not have the courage to stand up for these fundamental rights?

When Patrick Henry said, 'Give me liberty, or give me death,' he meant just that. Had the colonies not won their independence, Patrick Henry would have been hanged as a traitor and his land confiscated. When John Hancock said, 'Let me sign the Declaration of Independence in writing large enough that they will have no trouble in reading my name,' he signed this instrument knowing that if the cause failed, he too would lose his life as a traitor.

The Supreme Court does not have the power to change the Constitution of the United States. Lawless acts of a court do not make the law.

The resolution before this House reaffirms the principles for which Travis and Bowie died in the Alamo. I hope that by your vote on this resolution you will show the rest of the United States and the world that Texas still believes in a government of law instead of a government of men.

I respectfully request that you vote to adopt House Concurrent Resolution No. 17.

CO-AUTHOR OF H. B. NO. 211
Mr. Wilson of Potter was granted permission by the Author of H. B. No. 211 to sign H. B. 211 as co-author of the bill.

CO-AUTHOR OF H. B. NO. 72
Mr. Green was granted permission by the Author of H. B. No. 72 to sign H. B. No. 72 as co-author of the bill.

ADJOURNMENT
Mr. Moore of Harris moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

The Reverend E. C. McDonald, Chaplain, offered the Benediction, as follows:

"As we leave this room to go our several ways, our Heavenly Father, give us, including the Chaplain, a sincere feeling that we have done the best we know, with the knowledge we possess to raise the standards of moral and religious living, thereby making Texas a better State in which to live and rear our families. In the name of our Lord and Christ, we pray—Amen."

The motion by Mr. Moore of Harris prevailed and the House accordingly, at 10:38 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.
In Memory of

John A. Couch

Mr. Cloud offered the following resolution:

H. S. R. No. 63. In Memory of John A. Couch.

Whereas, On February 15, 1956, West Texas, and Haskell County in particular, lost an esteemed citizen in the passing of John A. Couch; and

Whereas, He was born March 23, 1877, in Coleman County, the son of the late Mr. and Mrs. J. A. Couch; and when he was a youth he moved with his parents to Haskell County where he married Miss Zoolie Johnson in 1900; and

Whereas, Mr. Couch was prominently and successfully identified with several enterprises that covered a broad scope of service which included that of Public School teacher, manager of R. B. Spencer Lumber Company and was a co-owner at the time of his death; he was a member of the board of directors of the Lumbermen’s Association for seven years, and a member of the National Affairs Committee of the National Lumber Dealers’ Association. He served ten years as a member of the Board of Trustees of Haskell Public Schools, was President of the Haskell County Board for twenty-two years, and was a member of the Board of Trustees of Hardin-Simmons University for six years, Mr. Couch was County Chairman of Haskell County Democratic Committee for nineteen years, and he was previously secretary of the organization for more than twenty years; he served three successive terms as President of the Haskell Chamber of Commerce and he was Mayor of Haskell from 1944 to 1948; and from April 1954, through March 1955, he was President of the West Texas Chamber of Commerce. Vitaliy interested in area water problems, he helped organize the Bob Hawk Dam Association of the Brazor River, and he was President of that organization for sixteen years; he was President of the Haskell County Veterans Vocational School from the time of its organization until his demise. In 1940, he was named by the Haskell Lions Club as Haskell’s most useful citizen. In addition to the above, Mr. Couch had been a member of the First Baptist Church, Haskell, and he had been a deacon in that Church for many years; and

Whereas, He is survived by his widow; one daughter, Mrs. Edward Burleson of Waco; a brother, R. C. Couch, Sr. of Haskell; two sisters, Mrs. Mattie Roberts of El Paso and Mrs. Allie Reeves of Waco; a grandson, Lieutenant Edward Burleson, Jr., of College Station; and numerous nephews and nieces; and

Whereas, The House of Representatives wishes to recognize and pay tribute to an esteemed, useful, and worthy life, now, therefore, be it

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Resolved, That the House express its deep sympathy to his family and forward to them a copy of this Resolution; and be it further

Resolved, That a page be set aside in the House Journal in memory of Mr. Couch and that when the House adjourns this day, it do so in loving respect to him.

Cloyd.
McGREGOR of McLennan.

The resolution was unanimously adopted by a rising vote.