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
Anderson
Armor
Atwell
Baker
Ballman
Bartram
Bass
Bell
Bishop
Bossier
Blanchard
Bowers
Bryan
Bullock
Byrd
Chapman
Cline
Coffin
Colt
Conley
Cory
Cox
Crockett
Day
de la Garza
Dewer
Duff, Miss
Dugas
Dunigan
Ehrle
Elliot
Farr
Ferrell
Ford
Foreman
Forryth
Glass
Glusing
Green
Hale
Harrington
Hatch
Heflin
Hendley
Hollowell
Holman
Holstein

Hooks
Husheer
Huff
Hughes of Grayson
Hughes of Dallas
Hutchins
Jackson
Jamison
Johnson
Jones
Joseph
Kelly
Kennard
Kennedy
Kilpatrick
Kolha
Kothmann
LaNier
Laurel
Lee
McCoppin
McDonald
McGrage
McLemore
Mcllhany
Mann
Martin
Mathew
Mays
Moore of Harrison
Moore of Tarrant
Mullen
Murray
Myatt
Oliver
Osborn
Parish
Parsons
Patterson
Pepin
Pool
Prewler
Puckett
Ramsey
Richardson
Roberts
Sadler

Sandahl
Sanders
Saul
Schafer
Schwarz
Schwarz
of Galveston
Schwarz
of Washington
Shackelford
Shannon of Erath
Shannon of Tarrant
Shaw
Sheridan
Sherrill
Shannon of Tarrant
Shaw
Sherrill
Smith of Hays
Smith of Jeffersone
Spilman
Springer
Stewart
Storey

Absent—Excused
Brashear
Hosey
Bristow
Seeligson

A quorum of the House was announced present.

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

"Our Father as we come to this Hall of service to our people, we are reminded of the greatest servant the world has ever known, Jesus Christ our Lord. Help us to feel in our hearts the sympathy Jesus has walked this earthly vale and has not forgotten what it is to be tired, what it is to know aching muscles, or how it is to know what it is to feel the hot tears running down Thy cheeks. We know, O God, that Thou dost work long hours at the carpenter's bench. Thou hast not forgotten what it is to feel the sharp stab of palm, or hunger, or thirst. Thou knowest what it is to feel the hot tears running down Thy cheeks. We know, O God, that Thou, our God are still able to do more than we ask or expect. So bless us each one, not according to our deserving, but according to Thy riches in glory, by Christ Jesus, our Lord—Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Seeligson for today on motion of Mr. Bell.
Mr. Hosey for today on motion of Mr. Schwartz of Galveston.

Mr. Braeuer was granted leave of absence for today, on account of death in the family on motion of Mr. Shannon of Erath.

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read several times and referred to the appropriate Committees, as follows:

By Messrs. Mann, Moore of Harris, O solo, Pressler, Winfree, Elliott, Heflin and Baker:

H. B. No. 901, A bill to be entitled "An Act amending Section 1 of House Bill No. 467, Chapter 293, Acts of the Regular Session of the 51st Legislature, empowering all incorporated cities having a population in excess of Three Hundred and Eighty Thousand (380,000) according to the last preceding or any future United States Census to provide for the establishment of up to eight (8) Corporation Courts; providing for the appointment of judges of such courts to serve at the will and pleasure of the mayor; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Messrs. Forzyth, Woolsey, Hale, Parish and Grist:

H. B. No. 902, A bill to be entitled "An Act providing for the transfer of title to certain lands to the State Highway Commission consisting of a tract of parcel lying along and parallel to Harbor Island and adjacent to Corpus Christi Bay, now owned by the State of Texas containing 289.2 acres, move or less, of land, and tidewater flats situated under the waters of Corpus Christi Bay, about Latitude 97°06' North and Chart No. 529, necessary for the building of State Highway No. 261, providing that the same shall not interfere nor conflict with the rights of the State Game and Fish Commission, except that the State Highway Department shall have the right to take materials from said tract without compensation therefor; and declaring an emergency."

Referred to the Committee on State Affairs.

By Messrs. Pressler, Heflin, Winfree, O solo, Mann, Moore of Harris and Elliott:

H. B. No. 903, A bill to be entitled "An Act authorizing certain cities to issue bonds in lieu of voted but unissued bonds of certain water districts annexed and abolished by such cities; providing for the manner of issuing, selling, approving, and registering such bonds; repealing laws and charter provisions in conflict; validating proceedings for annexation of territory including such water district or districts; containing a saving clause; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Harrington:

H. B. No. 904, A bill to be entitled "An Act creating a Conservation and Reclamation District to be known as the "Metropolitan Sanitary Sewer District of South Jefferson County"; said District to be comprised of the Cities of Port Arthur and Groves, and the Towns of Griffin Park and Lakeview; and providing that the District shall collect and treat sanitary and industrial sewage created by the Member Municipalities of the District in order to prevent and control pollution of the public waters and other waters within the District; and authorizing the issuance of bonds of the District secured by either the taxes, or revenues of the District, or both; enacting other provisions relating to this subject; containing a severability provision; and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Messrs. Howay and Schwartz of Galveston:

H. B. No. 905, A bill to be entitled "An Act to amend Section 1, Chapter 64, Acts of the 61st Legislature, Regular Session, 1951, (codified as Article 5133p, of Vernon's Texas Civil Statutes), to raise the maximum compensation of members of county juvenile boards in certain counties; and declaring an emergency."

Referred to the Committee on Counties.

SENATE BILLS ON FIRST READING

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

S. B. No. 169 to the Committee on Public Health.

S. B. No. 50 to the Committee on Municipal and Private Corporations.

S. B. No. 29 to the Committee on Conservation and Reclamation.

S. B. No. 246 to the Committee on Municipal and Private Corporations.

S. B. No. 12 to the Committee on Conservation and Reclamation.

S. B. No. 85 to the Committee on School Districts.

S. B. No. 348 to the Committee on State Affairs.

S. B. No. 247 to the Committee on State Affairs.

S. B. No. 70 to the Committee on Appropriations.

S. B. No. 427 to the Committee on Game and Fisheries.

S. B. No. 269 to the Committee on Counties.

S. B. No. 154 to the Committee on Criminal Jurisprudence.

S. B. No. 430 to the Committee on Conservation and Reclamation.

S. B. No. 481 to the Committee on Conservation and Reclamation.

S. B. No. 308 to the Committee on Agriculture.

S. B. No. 333 to the Committee on Judiciary.

INTRODUCTION OF HOUSE BILL NO. 907

Mr. Crosthwait asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 907.

There was no objection offered and it was so ordered.

INTRODUCTION OF HOUSE BILL NO. 908

Mr. Hollowell asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 908.

There was no objection offered and it was so ordered.

CORRECTION AUTHORIZED IN H. B. NO. 614

Mr. Zoranek asked unanimous consent of the House that Section 4 of H. B. No. 614, be corrected to read Chambers and Galveston Counties.

There was no objection offered and it was so ordered.

RELATIVE TO H. B. NO. 794

Mr. Joseph moved to suspend all necessary rules from the purpose of instructing the Chief Clerk to insert an enacting clause in H. B. No. 794.

A record vote was requested on the motion by Mr. Joseph.

The motion by Mr. Joseph was lost (not receiving the necessary two-thirds vote) by the following vote:

Yea—69  
No—31

Armor  Bishop  Blanchard  Boyesen  Bryan  Bullock  Byrd  Chapman  Cloud  Cole  Colley  Cory  Dewey  Doft, Miss  Dungan  Foreman  Glass  Glusia  
Green  Harrington  Hollowell  Holstein  Huffer  Hughes of Grayson  Hutchins  Isaacks, Miss  Jackson  Jamison  Jones  Joseph  Kelly  Kessard  Kilpatrick  Koroth  Latimer  Laurel
WELCOMING THE STUDENTS OF THE BENAVIDES SCHOOL

Mr. Mullen offered the following resolution:

H. C. R. No. 362

Whereas, The Eighth Grade Class of Benavides School, Benavides, Texas, accompanied by their teachers, Miss Liz Lira and Mr. Hector Maria Pena, were visiting in the State Capitol on the ninth day of April, 1957; and

Whereas, These fine young American citizens were on an educational tour to observe and learn the workings of their State government; and

Whereas, It is the desire of the House of Representatives of the Fifty-fifth Legislature to commend this group for their interest; now, therefore, be it

Resolved, That they be officially recognized and that a copy of this Resolution be forwarded to the Class.

The resolution was adopted.

INSTRUCTING THE SENATE ENGROSSING CLERK TO MAKE CERTAIN CORRECTIONS IN SENATE BILL NO. 32

Mr. Schwartz of Washington offered the following resolution:

H. C. R. No. 87

Whereas, Senate Bill No. 32 has passed both Houses and is now in the Senate Enrolling Room; and

Whereas, It has been discovered that in the House Amendment to this bill, the word “reappropriation” appears where same should have been “appropriation”; therefore, be it

Resolved, By the House of Representatives, the Senate concurring, That the Senate Enrolling Clerk be and is hereby directed to correct said amendment by substituting the word “appropriation” for the word “reappropriation” where it occurs in said amendment.

The resolution was adopted.
TO GRANT W. D. ANDERSON PERMISSION TO SUE THE STATE

The Speaker laid before the House for consideration at this time the following resolution:

S. C. R. No. 33

Whereas, W. D. Anderson, an individual, doing business as W. D. Anderson Co., General Contractor, hereinafter referred to as "Contractor," is a resident of Travis County, Texas; and

Whereas, On April 2, 1954, a contract was entered into between the Texas State Highway Department, hereinafter referred to as "The Department," and Contractor for the general construction portion of the State Highway Department Office Building at Camp Hubbard, Austin, Texas, to be constructed in accordance with the plans and specifications furnished by The Department to Contractor; and

Whereas, As part of said plans and specifications, information and drawings describing the subsurface conditions as disclosed by The Department were furnished to Contractor upon which the Contractor relied in determining the costs of excavation, foundation work and other structural elements material to the determination of the subsurface to be paid Contractor under the contract; and the subsurface conditions as represented by The Department are claimed by the Contractor to be substantially at variance with the conditions actually encountered, resulting in substantial damages, costs and expenses which were not anticipated and which, if established as alleged, The Department has contracted to pay; and

Whereas, In order to definitely and accurately determine the extent of the variance, if any, and the extent of the damages incurred, if any, it is the policy of this Legislature to let a court of competent jurisdiction pass upon the same; and

Resolved, That it is the policy of the State of Texas to give and grant to persons and corporations the right to litigate any valid claim against the State of Texas in a court of competent jurisdiction; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That W. D. Anderson be and he is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas for all amounts of money to which he may be entitled as a result of the alleged variance of conditions heretofore specified. Nothing herein contained shall be construed as an admission of liability against the State, and the facts upon which the plaintiff may seek to recover must be proved as in any other case.

TO GRANT HOY H. BYLEY PERMISSION TO SUE THE STATE

The Speaker laid before the House for consideration at this time the following resolution:

S. C. R. No. 44

Whereas, Hoy H. Byley, a resident of Sabine County, Texas, alleges that on January 16, 1956, while working under the direction of the State Highway Department and assisting said state department in the construction of a road detour to be used in conjunction with the construction of a State Farm-to-Market Road, the said Hoy H. Byley was injured when a state highway road maintainer, operated by a state employee, backed over the said Hoy H. Byley, crushing the knee of one leg and causing the loss of the other leg; and

Whereas, Hoy H. Byley, desires to institute suit against the State of Texas for damages suffered by him as a result of said injuries inflicted upon him; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That Hoy H. Byley is hereby given permission to sue the State of Texas in any court of competent jurisdiction. In case such suit is filed, service of citation or any other necessary process shall be made upon the Attorney General of the State of Texas. Either of the parties to the suit shall have the right of appeal, as in other civil cases; and be it further...
Resolved. That the sole purpose of this Resolution is to grant to the aforesaid Hoy H. Byley permission to bring suit against the State of Texas and/or its Highway Department, and no admission of liability of the State or of any fact is made in any way by the passage of this Resolution, and it is specifically provided that the facts upon which he seeks to recover must be proved in court as in other civil cases.

The resolution was referred to the Committee on State Affairs.

TO GRANT MARGUERITE HORTON BOSCAMP PERMISSION TO SUE THE STATE

The Speaker laid before the House for consideration at this time the following resolution:

S. C. R. No. 45

Whereas, Marguerite Horton Boscamp, a resident of Corpus Christi, Nueces County, Texas, is the owner of the following described real property situated in Nueces County, Texas, to-wit:

All of that portion lying East of the San Antonio and Aransas Pass Railroad right-of-way of Lots No. One (1), Five (5) and Seven (7) in Block No. Forty (40) of Rincon or Brooklyn Addition to the City of Corpus Christi, Texas, as shown by the map or plat thereof, recorded in Volume "A", page 33, Map Records of Nueces County, Texas; said Lot No. Seven (7) being also described as Lot No. 105, in Block No. 49, of Corpus Beach Hotel Addition to Corpus Christi, Texas, as shown on plat of record in Volume 1, page 51, Map Records of Nueces County, Texas, to which mentioned maps reference is here made for all pertinent purposes, together with all improvements thereon, and all furniture, fixtures, furnishings and equipment in said improvements; and

Whereas, There is located upon said above described real estate a tourist court, consisting of 72 rental units, which said tourist court has been and is now known as "Deluxe Apartments" located at 3109 North Water Street, Corpus Christi, Texas, and which is near and in close proximity to the north approach to a high level bridge across the Corpus Christi Channel, now under construction; and

Whereas, The State of Texas has purchased and now owns the right-of-way being used for such north approach to said high level bridge which is near and in close proximity to the hand heretofore described owned by the aforesaid Marguerite Horton Boscamp; and

Whereas, The State of Texas, acting through the Highway Commission of Texas, is now engaged in constructing upon said real estate so conveyed to it the necessary works for the north approach to a high level bridge across the Corpus Christi Ship Channel; and

Whereas, The said Marguerite Horton Boscamp alleges that said construction of such north approach to such high level bridge, as well as the maintenance thereof, has damaged and will continue to damage the above described tourist court belonging to the aforesaid Marguerite Horton Boscamp, within the meaning and intent of Article I, Section 17, of the Constitution of Texas; and

Whereas, The said Marguerite Horton Boscamp desires to institute suit against the State of Texas, and its Highway Department, for all damages accrued and to accrue to them; now, therefore, be it

Resolved, That the consent of the Legislature of the State of Texas is hereby given to Marguerite Horton Boscamp to bring suit against the State of Texas and its Highway Department, in a court of competent jurisdiction for trespass to try title, possession, and all and any and all damages accrued and to accrue, or for any action or actions as may be necessary to protect the alleged rights of Marguerite Horton Boscamp, with the premises, and in the event suit is filed, service of citation or any other necessary process shall be upon the Chairman of the Texas Highway Commission and the Attorney General of Texas, and either of the parties to the suit shall have the right of appeal as in other civil cases; and, be it further

Resolved, That the sole purpose of this Resolution is to grant permission to the aforesaid Marguerite Horton Boscamp, to bring suit against the State of Texas and/or its Highway Department, and no admission of liability of the State or of any fact is made in any way by the passage of this Resolution, and it is specifically provided that the facts upon which they seek to recover must be proved in
Resolved, That the facts stated above create an emergency and an imperative public necessity that the Constitutional Rule requiring Resolutions to be held on three several days in each House be suspended, and this Resolution shall take effect from and after its passage.

The resolution was referred to the Committee on State Affairs.

TO GRANT A. VINCENT PERMISSION TO SUE THE STATE

The Speaker laid before the House for consideration at this time the following resolution:

S. C. R. No. 48

WHEREAS, It is alleged by A. Vincent, a resident of Port Arthur, Jefferson County, Texas, that beginning in February, 1955, and continuing to the present time, certain property owned by him and being more particularly described as Lots Numbers One, Two, Four, Five, Eleven, Twelve, Fourteen and Fifteen (1, 2, 4, 5, 11, 12, 14 and 15), Block Three (3), C. A. Hughes Addition, Galveston County, Texas was damaged due to the construction and opening of Rollover Pass connecting East Galveston Bay with the Gulf of Mexico at Kaplan, Texas; that by virtue of the construction and opening of such Rollover Pass, said property has been caused to erode, and as a result of said erosion it necessitated the purchase of an additional lot by the said A. Vincent and the moving of his house thereon; and that thereby the said A. Vincent has been deprived of valuable property rights, for which the said A. Vincent has received no compensation, which has caused the aforesaid damages, and none of the defenses which the State of Texas may have shall be pleaded by the State of Texas or in any way waived by the passage of this Resolution.

Resolved, That any and all defenses which the State of Texas may have shall be pleaded by the State, and none of the defenses which the State of Texas may have are in any way waived by the passage of this Resolution.

The resolution was referred to the Committee on State Affairs.
Resolved, That such suit may be brought against the State of Texas and/or the State Highway Department, jointly, to establish and recover damages, if any, resulting to them by virtue of the injuries sustained by him in such wreck; and

Resolved, That process may be served upon the Chairman of the State Highway Commission and the Attorney General of Texas with the same force and effect as in any other civil case.

The Speaker laid before the House for consideration at this time the following resolution:

S. C. R. No. 50

Whereas, On the 6th of January, 1957, Ben E. Wade, about 22 years of age, of Foreman, Arkansas, was injured when the truck in which he was riding was wrecked because a bridge had been partially removed from the road where Highway No. 90 crosses the Brazos River; and

Whereas, The said Ben E. Wade desires to bring suit against the State of Texas and the State Highway Department, jointly, to establish and recover damages, if any, resulting to him by virtue of the injuries sustained by him in such wreck; and

Whereas, It is alleged that the said Ben E. Wade has never been compensated by the State of Texas for his damages resulting from his injuries sustained in said wreck; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that Ben E. Wade is hereby granted permission to bring suit against the State of Texas and/or the State Highway Department, jointly or severally, on account of the injuries sustained by the said Ben E. Wade in such wreck, if any, and on account of medical hospital and doctors' bills incurred by the said Ben E. Wade by reason of such wreck, if any, and on account of the loss of earnings sustained by the said Ben E. Wade, if any, by reason of said alleged negligence; and, be it further

Resolved, That such suit may be filed in any court of competent jurisdiction within the State of Texas at any time within the next two years from the date this Resolution takes effect, but it is understood that the sole purpose of this Resolution is to grant permission to the aforesaid Ben E. Wade to bring suit against the State of Texas, and no admission of liability of the state or of any fact is made in any way by the passage of this Resolution, and it is specifically provided that the facts upon which they seek to recover must be proved in court as in other civil cases; and, be it further

Resolved, That process in such suit may be served upon the Chairman of the State Highway Commission and the Attorney General of Texas with the same force and effect as in any other civil case.

The resolution was referred to the Committee on State Affairs.

TO GRANT C. P. SUTTON AND OTHERS PERMISSION TO SUE THE STATE

The Speaker laid before the House for consideration at this time the following resolution:

S. C. R. No. 51

Whereas, On the 6th of January, 1957, Franklin D. Sutton, about 20 years of age, of Foreman, Arkansas, was instantaneously killed when a truck in which he was riding was wrecked because a bridge had been partially removed from the road where Highway No. 90 crosses the Brazos River; and

Whereas, The said C. P. Sutton and wife, Mae Sutton, and the legal representatives of the said Franklin D. Sutton, deceased, desire to bring suit against the State of Texas and the State Highway Department, jointly, to establish and recover damages, if any, resulting to them by virtue of said death and said wreck; and

Whereas, It is alleged that the said C. P. Sutton and wife, Mae Sutton, have never been compensated by the State of Texas for damages resulting from the death of the said Franklin D. Sutton; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that C. P. Sutton and wife, Mae Sutton, and the legal representatives of the estate of Franklin D. Sutton, deceased, are hereby granted permission to bring suit against the State of Texas and/or the State Highway Department, jointly, on account of the death of said Franklin D. Sutton, on account of funeral expenses incurred,
If any, on account of the alleged negligence of the employees of the State Highway Department, as aforesaid, and for all damages, if any, both for said death and for funeral expenses, accruing to the said C. P. Sutton and wife, Mae Sutton and the legal representatives of the estate of Franklin D. Sutton, deceased, by reason of said alleged negligence; and, be it further

Resolved, That such suit may be filed in any court of competent jurisdiction within the State of Texas, within the next two years from the date this act takes effect, but it is understood that the sole purpose of this Resolution is to grant permission to the aforesaid C. F. Sutton and wife, Mae Sutton and the legal representatives of the estate of Franklin D. Sutton, deceased, to bring suit against the State of Texas, and no admission of liability of the state or of any fact is made in any way by the passage of this Resolution, and it is specifically provided that the facts upon which they seek to recover must be proved in court as in other civil cases; and, be it further

Resolved, That process in such suit may be served upon the Chairman of the State Highway Commission and the Attorney General of Texas with the same force and effect as in any other civil case.

The resolution was referred to the Committee on State Affairs.

TO GRANT SOUTHWEST NATURAL GAS COMPANY PERMISSION
TO SUE THE STATE

The Speaker laid before the House for consideration at this time the following resolution:

S. C. R. No. 54

Whereas, Southwest Natural Gas Company is a Delaware corporation with a permit to do business in the State of Texas, and has been doing business in the State of Texas continuously since long prior to 1935; and,

Whereas, The said Southwest Natural Gas Company has paid to the State of Texas gas gathering taxes beginning with the month of September, 1934, and continuing through and for April, 1952, said taxes being levied by Section XXIII of House Bill No. 285, Chapter 492, pages 740, Acts of the 69th Legislature of the State of Texas which became effective September 1, 1951, and which said Act has been declared unconstitutional by the Supreme Court of the United States in the cases styled Michigan-Wisconsin Pipeline Company v. Robert S. Calvert, et al and Panhandle Eastern Pipeline Company v. Robert S. Calvert, et al 347 U. S. 157, 74 S. Ct. 395; and

Whereas, The United States Supreme Court has held that taxes paid under this Act were illegally and unlawfully extracted and that said Act was void and of no force and effect; and

Whereas, There is no provision of law whereby this money unlawfully extracted can be returned or recovered except through a direct appropriation by the Legislature; and

Whereas, There is no provision in the laws of the State of Texas to accurately and definitely determine what amount of taxes, if any, should be returned; and

Whereas, In order to definitively and accurately determine the same it is the policy of this Legislature to let a court of competent jurisdiction pass upon the same; and

Whereas, It is the policy of the Legislature of the State of Texas to give and grant to persons and corporations the right to litigate any valid claim against the State of Texas in a court of competent jurisdiction; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that Southwest Natural Gas Company be and it is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, within two (2) years from the effective date of this Resolution, to recover judgment against the State of Texas for all amounts of money heretofore illegally extracted and paid by Southwest Natural Gas Company under said unconstitutional law. The sole purpose of this Resolution is to grant permission to the aforesaid Southwest Natural Gas Company to bring suit against the State of Texas, and no admission of liability of the State or of any fact is made in any way by the passage of this Resolution, and it is specifically provided that the facts upon which it seeks to recover must be
Resolved, That no interest shall be paid to Southwest Natural Gas Company in the event a final judgment is obtained by it for recovery of taxes paid under House Bill No. 286, 82nd Legislature; provided if a final judgment is obtained by the Southwest Natural Gas Company all increases in rates obtained on the basis of taxes paid under House Bill No. 286, Regular Session, 82nd Legislature, shall be refunded in full to all those having paid such rate increases.

The resolution was referred to the Committee on State Affairs.

TO GRANT DELHI-TAYLOR OIL CORPORATION PERMISSION TO SUE THE STATE

WHEREAS, Delhi-Taylor Oil Corporation is a Delaware corporation and has been doing business continuously in Texas since 1849; and

WHEREAS, Taylor Refining Company, a Texas corporation, was dissolved on the 7th day of January, 1952, and merged with Taylor Oil and Gas Corporation which in turn was merged on the 11th day of January, 1965, with Delhi-Taylor Oil Corporation.

WHEREAS, The said Delhi-Taylor Oil Corporation (through its predecessors, Taylor Refining Company and Taylor Oil and Gas Corporation) paid to the State of Texas gas gathering taxes beginning in the month of September, 1911, and continuing through the month of January, 1952, said taxes being levied by Section XXIII of House Bill No. 286, Chapter 409, Page 740, Acts of the 82nd Legislature of the State of Texas, which became effective September 1, 1911, and which Act has been declared unconstitutional by the Supreme Court of the United States in the cases styled Michigan-Wisconsin Pipeline Company v. Robert Calvert et al; and Panhandle Eastern Pipeline Company v. Robert Calvert et al.; U. S. 127, 74 S. 938; and 396; and 1718

WHEREAS, The United States Supreme Court has held that taxes paid under this Act were illegally and unlawfully extracted and that said Act was void and of no force and effect; and

WHEREAS, There is no provision of law whereby this money unlawfully extracted can be returned or recovered except through a direct appropriation by the Legislature; and

WHEREAS, There is no provision in the laws of the State of Texas to accurately and definitely determine what amount of taxes, if any, should be returned; and

WHEREAS, In order to definitely and accurately determine the same it is the policy of this Legislature to set a court of competent jurisdiction pass upon the same; and

WHEREAS, The Attorney General of this state is requested to have the questions of law involved finally settled in the Supreme Court of Texas; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that Delhi-Taylor Oil Corporation be and it is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas for all amounts of money hereafter illegally extracted and paid by Delhi-Taylor Oil Corporation under said unconstitutional law, and service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General, the State Treasurer, and the Comptroller of Public Accounts; and, be it further

Resolved, That such suit may be filed within two years from the effective date of this Resolution; and, be it further

Resolved, That it is understood that the purpose of this Resolution is solely to grant permission to bring suit against the State of Texas and no admission of liability on the part
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of the state or of any fact is made by this Resolution; and, be it further
Resolved, That no interest shall be paid Deihl-Taylor Oil Corporation in
the event the final judgment is obtained by it for recovery of taxes paid
under House Bill No. 285, 52nd Legislature; and, be it further
Resolved: Provided if a final judgment is obtained by the Deihl-Taylor
Oil Corporation, all increases in rates obtained on the basis of taxes paid
under House Bill No. 285, Regular Session, 52nd Legislature, shall be
refunded in full to all those having paid such rate increases.

The facts stated above create an emergency and an imperative public
necessity that the Constitutional Rule requiring Resolutions to be read on
three different days in each House be suspended, and this Resolution shall
take effect from and after its passage.

The resolution was referred to the Committee on State Affairs.

SENATE JOINT RESOLUTION NO. 9 ON THIRD READING
The Speaker laid before the House, S. J. R. No. 9, Proposing an Amend­
ment to the Constitution of the State of Texas to provide for a Court of
Criminal Appeals of Five Members.

The resolution was read third time.

Mr. Schwartz of Galveston moved that further consideration of S. J. R.
No. 9 be postponed until next Wednesday at 10:30 o'clock a.m.

There was no objection offered and it was so ordered.

MESSAGE FROM THE SENATE
Austin, Texas, April 11, 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. No. 85, Suspending Joint Rules to permit the House to set a
local and uncontested bill calendar on Wednesday, April 10, 1957.

Respectfully,
CHARLES SCHNABEL
Secretary of the Senate.

MESSAGE FROM THE SENATE
Austin, Texas, April 11, 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. No. 86, A bill to be entitled “An Act requiring a fishing license
of all persons who fish; providing for exceptions; providing for a fee for a
fishing license; providing a fee to compensate persons who lose fishing li­
censes; providing for exceptions; providing for the issuance of duplicate
fishing licenses; prescribing the form for fishing licenses; designating who
may issue fishing licenses; providing that the final judgment is ob­
tained by it for recovery of taxes paid under House Bill No. 285, 52nd Legi­
siture; and, be it further
Resolved, That no interest shall be paid Deihl-Taylor Oil Corporation
in the event the final judgment is obtained by it for recovery of taxes paid
under House Bill No. 285, 52nd Legislature; and, be it further
Resolved: Provided if a final judgment is obtained by the Deihl-Taylor
Oil Corporation, all increases in rates obtained on the basis of taxes paid
under House Bill No. 285, Regular Session, 52nd Legislature, shall be
refunded in full to all those having paid such rate increases.

The facts stated above create an emergency and an imperative public
necessity that the Constitutional Rule requiring Resolutions to be read on
three different days in each House be suspended, and this Resolution shall
take effect from and after its passage.

The resolution was referred to the Committee on State Affairs.

Senate Bill No. 126 on
SECOND READING
The Speaker laid before the House, on its second reading and passage to
third reading.

S. B. No. 126, Declaring it illegal to
divert waters released from storage and
destined for downstream; and declar­
ing an emergency.

The bill was read second time.

Mr. Thurmond moved that further
consideration of Senate Bill No. 126
be postponed until April 25, 1957, at
10:30 o'clock a.m.

There was no objection offered and
it was so ordered.

MESSAGE FROM THE SENATE
Austin, Texas, April 11, 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:

S. C. R. 64, Suspending the Joint Rules of the two Houses in order to
take up and consider S. B. No. 443 at any time.

Respectfully,
CHARLES SCHNABEL
Secretary of the Senate.
for disposition of license stubs and unused licenses; providing for the disposition of fines and licenses remitted under this Act; prohibiting use of one's license by another; providing for an effective date of this Act; providing for a penalty for violation of this Act; repealing all laws in conflict with this Act; and declaring an emergency.”

The bill was read second time.

Mr. Cory offered the following amendment to the bill:

Amendment to House Bill No. 895

Amend Section 6 of House Bill No. 895 by deleting the words “and shall be used for the propagation, distribution, management and protection of fish in all salt waters and all fresh waters within this State, including control of undesirable species of fish, and for the dissemination of information pertaining to the conservation of fish in this State”, and inserting in lieu thereof the following:

“And at least one-quarter (%) of all the monies so remitted shall be used for the propagation, distribution, management, research and protection of marine life in salt waters and the remainder of all such monies so remitted shall be used for the propagation, distribution, management, research and protection of aquatic life in salt or fresh waters within this state, including control of undesirable species of fish, and for the dissemination of information pertaining to the conservation of fish in this State.”

(Mr. Jamison in the Chair.)

Mr. Jones moved to table the amendment by Mr. Cory.

A record vote was requested on the motion to table.

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

Year—100

Anderson  Bishop
Armour  Blaine
Atwell  Bowers
Baker  Bryan
Bartram  Bullock
Bass  Byrd
Bell  Chapman
Cole  Moore of Tarrant
Cox  Myatt
Craigwhirt  Oehara
Dewey  Parsons
Duff, Miss  Patterson
Dungan  Pipkin
Eagle  Pow
Fenoglio  Presley
Ferrell  Richardson
Ford  Russell
Foreman  Sadler
Gree  Sandahl
Harrington  Saul
Hefflin  Schear
Hensley  Schwarts
Hollowell  of Washington
Holman  Shackleford
Holstein  Shannon of Brath
Hooks  Shannon
Huffman  of Terrell
Hughes of Grayson  Shaw
Hughes of Dallas  Sheridan
Hutchins  Sherrill
Isacka, Miss  Slack
Jackson  Smith of Hays
Johnson  Smith of Jefferson
Jones  Springer
Kennard  Stewart
Kennedy  Storey
Kilpatrick  Strickland
Koliba  Sudderth
Korinth  Sutton
Kothmann  Talasek
Latimer  Terrell
Lee  Thurmond
McCoplin  Tunell
McDonald  Watson
McGregor  Weich
McGregor of McLennan  White
McGregor of El Paso  Wilson of Young
Mann  Winfree
Martin  Yeak
Moore of Harris  Zbranek

Nay—29

Boyse  Kelly
Bidle  Matthews
Conley  Mays
Cory  Melvin
Cotten  Murray
Day  Parish
de la Garza  Sanders
Dugas  Schwartz of Galveston
Ellis  Spletman
Forsyth  Spillman
Gluesing  Broman
Hale  Tarman
Huebner  Walling
Huffer  Wheeler
Joseph  Woolsey
In the Chair

Mr. Parish raised a point of order on further consideration of H. B. No. 895 on the ground that the bill is in violation of Rule 9A of the Joint Rules in that it provides for an appropriation.

The Chair overruled the point of order.

Mr. Cory offered the following amendment to the bill:

To amend House Bill No. 895 by deleting the words "having no reel or other winding device attached" in said Section 2, and inserting the words "with or without reel or other winding device attached."

Mr. Mays moved the previous question on the pending amendment and the passage to engrossment of H. B. No. 895.

The motion was seconded.

Mr. Day raised a point of order on further consideration of the motion for the previous question on the ground that he had previously made a motion to adjourn until 10:00 o'clock a.m. next Monday.

The Chair overruled the point of order.

Question recurring on the motion for the main question, it prevailed.

Mr. Cory asked unanimous consent of the House that the opponents of H. B. No. 895 be allowed five minutes of debate along with the proponents of the bill.

There was objection offered to the request by Mr. Cory.
A record vote was requested on the passage of H. B. No. 955 to engrossment.

House Bill No. 955 was then passed to engrossment by the following vote:

Yea—108

Anderson Boyseen
Armour Bryan
Atwell Bullock
Baker Burtle
Ballman Byrd
Barlow Chapman
Bass Cloud
Bell Cole
Bishop Cotten
Blaine Cowan
Blanchard Cox
Bowers Crosthwait

Nay—57

Cline Matthew
Conley McLeen
Corry Murray
Coye Parikh
Day de la Garza
Duggar DeSoto
Ellis Elmer
Ferrill Spilman
Forrester Stewart
Glass Stroman
Glusting Tunnell
Hale Wheeler
Hollowell Wooley
Koliba Yeak

In the Chair

Blanchard

Dewey
McGregor
Moore of Harris
Shackelford
Moore of Tarrant
Shannon
McGREGOR
of El Paso
Shaw
Moore of Harris
Moore of Tarrant
Smith of Hays
Smith of Jefferson
Myatt
Oliver
Osborn
Parsons
Patterson
Pool
Premier
Richardson
Riddick
Rogers
Rodgers
Sailors
Sandahl
Schram
Schempp
Schwartz
Richardson
Shackelford
Shallenberger
Smith
Smith
Smith
Spradlin
Sudderth
Talasek
Taylor
Taylor
Tennell
Thompson
Trent
Tremel
Tyler
Von Dorn
Whilby
Wheeler
Wilkerson
Wilson
Young

In the Chair

Bishop
Cotten
Kollbrun
Yezak
Blaine
Cowen
Blanchard
Cox
Bowers
Crosthwait
April 11, 1957  HOUSE JOURNAL  1723

Mr. Schram moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 555 be placed on its third reading and final passage.

The motion prevailed by the following vote:

<table>
<thead>
<tr>
<th>Yeas 108</th>
<th>Nays 24</th>
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<tbody>
<tr>
<td>Anderson</td>
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<td>Armor</td>
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<td>Atwell</td>
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<td>Huffer</td>
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<td>Hughes of Grayson</td>
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<td>Bartram</td>
<td>Hughes of Dallas</td>
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<td>Bass</td>
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<td>Bell</td>
<td>Isaacks, Miss</td>
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<td>Bishop</td>
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<td>Blaine</td>
<td>Johnson</td>
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<td>Boykin</td>
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<td>of McLennan</td>
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<td>Glass</td>
<td>Moore of Harris</td>
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<td>Holstein</td>
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<th>Absent</th>
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<td>Healy</td>
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<td>Huebner</td>
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<td>Ramsey</td>
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<td>Roberts</td>
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<td>Absent-Excused</td>
<td>Sanders</td>
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<td>Saul</td>
<td>Saddler</td>
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The bill was read third time and was passed by the following vote:

<table>
<thead>
<tr>
<th>Yeas 109</th>
<th>Nays 20</th>
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<tbody>
<tr>
<td>Puckett</td>
<td>Mullen</td>
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<td>Richardson</td>
<td>Murray</td>
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<td>Russell</td>
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<td>Winfrey</td>
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<td>Smith of Hays</td>
<td>Winfrey</td>
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<td>Smith of Jefferson</td>
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In the Chair

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<td>Ramsey</td>
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<td>Roberts</td>
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The Chair then laid House Bill No. 555 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

<table>
<thead>
<tr>
<th>Yeas 109</th>
<th>Nays 24</th>
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In the Chair

Jamison
Absent

Anderson Osborn
Healy Ramsey
Kennedy Roberts
McGregor Sullivan
of McLennan Wohlford

Absent—Excused
Brashar House
Bristow Stellson

Mr. Schram moved to reconsider the vote by which H. B. No. 895 was passed and to table the motion to reconsider.

The motion to table prevailed.

SUSPENDING THE JOINT RULES OF THE TWO HOUSES IN ORDER TO CONSIDER S. B. NO. 443

The Chair laid before the House for consideration at this time the following resolution:

S. C. R. No. 64

Be It Resolved by the Senate, the House of Representatives concurring, that the Joint Rules of the two Houses be and they are hereby suspended, so that the Senate and the House may take up and consider Senate Bill No. 443 at any time.

The resolution was adopted without objections.

MESSAGE FROM THE SENATE

Austin, Texas, April 11, 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 concurred in House Amendments to Senate Bill No. 184 by the following vote: Yeas 24, Nays 6.

Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, April 11, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.
April 11, 1957

HOUSE JOURNAL

SIR: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to Senate Bill No. 290 by the following vote: Yeas 26, Nays 0.

Respectfully,
CHARLES SCHNABEL,
Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, April 11, 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 appointed the following Conference Committee to adjust the differences between the two Houses on B. J. B. No. 4:

Senators: Ashley, Krueger, Bracewell, Reagan, and Seerest.

Respectfully,
CHARLES SCHNABEL,
Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, April 11, 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 concurred in the House Amendments to Senate Bill No. 262, Page 730, to the following:

H. B. No. 216. An Act to authorize and provide for professional unit allocations for Foundation School Program Act and Fund purposes, determinable on a sparse area formula approved by the State Board of Education, applicable to any school district containing one hundred (100) square miles or more and having fewer than one (1) pupil per square mile and which operates and maintains a four-year accredited high school; requiring certain considerations by the State Commissioner of Education; providing the beginning effective date of this Act; and declaring an emergency.

SIR: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to Senate Bill No. 395, Acts of the Fifty-fourth Legislature, 1955, Chapter 262, Page 730, to the following:

The motion was lost (not receiving the necessary two-thirds vote).

BILL AND RESOLUTIONS SIGNED
BY THE SPEAKER

The Speaker signed in the presence of the House after giving due notice thereof and their captions have been read severally the following enrolled bills and resolutions:

H. B. No. 216. An Act to authorize and provide for professional unit allocations for Foundation School Program Act and Fund purposes, determinable on a sparse area formula approved by the State Board of Education, applicable to any school district containing one hundred (100) square miles or more and having fewer than one (1) pupil per square mile and which operates and maintains a four-year accredited high school; requiring certain considerations by the State Commissioner of Education; providing the beginning effective date of this Act; and declaring an emergency.

H. B. No. 218. An Act relating to the hunting of wild animals in halls or limestone counties; prohibiting the use of devices or instruments to call or attract animals; providing a penalty for violation; and declaring an emergency.

H. B. No. 214. An Act amending Section 3, Senate Bill No. 310, Acts, 1945, Forty-ninth Legislature, Regular Session, Page 130, Chapter 90, as amended by House Bill No. 696, Acts, 1955, Fifty-fourth Legislature, Regular Session, Page 609, Chapter 211, to permit the making of routine purchases and contracts not to exceed One Thousand Dollars ($1,000) without the taking of formal bids; preventing reduction or division of purchases or contracts; to provide for the attachment of either a certified or cashier's check in the amount of five percent (5%) of the amount of the bid, or a bidder's bond with a responsible surety in a like amount, conditioned that the successful bidder will enter into a contract and give bond as required by the specifications; providing for advertisement for bids; providing this Act be cumulative of all other applicable laws not in conflict with the provisions hereof; and declaring an emergency.

H. B. No. 358. An Act changing the name and designation of the Special 7th Judicial District of Bexar County, Texas, as created by Senate Bill No. 385, Acts of the Fifty-fourth Legislature, 1955, Chapter 567, Page 730, to

(Speaker in the Chair)

MOTION TO PLACE HOUSE BILL NO. 317 ON SECOND READING

Mr. Strickland moved that all the necessary rules be suspended for the purpose of taking up and considering at this time, House Bill No. 317.

The motion was lost (not receiving the necessary two-thirds vote).
the 131st Judicial District of Bexar County, Texas; providing that the duly elected Judge of the Special 37th Judicial District shall be the Judge of the 131st Judicial District until the time for which he has been elected expires, and his successor qualifies; providing that all appropriations heretofore made or hereafter made for the payment of the salary and expenses of the Judge of the Special 37th Judicial District Court of Bexar County shall be made available for the payment of the salary and expenses of the Judge of the 131st Judicial District Court of Bexar County; and declaring an emergency.

H. B. No. 280, An Act amending House Bill No. 853, Acts, 1949, Fifty-first Legislature, Regular Session, Page 107, Chapter 280, as amended, to provide for a Promotion and Development Fund of not more than five per cent (5%) of the gross income from operations in each calendar year for Navigation Districts having within its limits a city with a population in excess of one hundred thousand (100,000) according to the last preceding Federal census; providing this Act be cumulative of all other laws not in conflict herewith; and declaring an emergency.

H. B. No. 285, An Act amending Section 13 of Chapter 35, Acts of the Fifty-first Legislature, First Called Session, 1964, relating to the Green Belt Municipal and Industrial Water Authority so as to provide for the exclusion of member cities under certain conditions, providing for the annexation of such territory to the Authority; making other provisions relating to the operation of the Green Belt Municipal and Industrial Water Authority; providing a severability clause; and declaring an emergency.

H. B. No. 294, An Act to amend Section 3, Chapter 533, Acts of the Fifty-fourth Legislature, 1965, by providing a method for adopting the provisions of this Act: providing the provisions shall be cumulative; and declaring an emergency.

H. B. No. 312, An Act fixing the salary of the District Judge of the 73rd Judicial District of Texas; authorizing the Commissioners Court of the Counties comprising the 73rd Judicial District of Texas to supplement the salary of the District Judge and providing the method of supplementation; and declaring an emergency.

H. B. No. 328, An Act providing for County Juvenile Boards in each county comprising the Second Judicial District; providing for compensation of members of the Boards, providing compensation allowed County Judges hereunder shall not be counted as fees of office; providing that this Act shall be cumulative of existing laws relating to compensation of Judges of District Courts and County Judges; providing a saving clause; and declaring an emergency.

H. B. No. 354, An Act amending subsections (b) and (c) of Section 1, Senate Bill No. 476, Acts, 1935, Forty-fourth Legislature, Regular Session, Page 285, Chapter 194, to provide for publication once each week for two (2) successive weeks of advertisements for the taking of bids for the sale or lease of property owned by Navigation Districts; providing for the leading of surplus lands belonging to Navigation Districts for a term not to exceed five (5) years without the taking of bids; providing that this Act be cumulative of all other laws governing Navigation Districts; providing a saving clause; and declaring an emergency.

H. B. No. 378, An Act providing for a closed season in Bexar County upon quail until April 30, 1963; providing a penalty; and declaring an emergency.

H. B. No. 379, An Act providing for a closed season in Hidalgo County upon quail until April 30, 1963; providing a penalty; and declaring an emergency.

H. B. No. 386, An Act amending Chapter 670, Acts Fifty-third Legislature, Regular Session, 1965, relating to Orange County Navigation and Port District of Orange County, Texas; providing that this Act shall not affect rights heretofore vested in or acquired by said District under said Chapter 670 prior to its amendment; validating said District and declaring it to be a validity existing and operating conservation and recreation district under Section 79, Article 18, Constitution of Texas, and validating (with certain exceptions) elections held in the District and acts and governmental proceedings of the Board of Commissioners of the District; ending that all property in District and in State of Texas is benefited by District and will
be benefited by the improvement and facilities to be acquired or constructed under this Act; enacting provisions relating to the subject and purpose of this Act; providing a severability clause; and declaring an emergency.

H. B. No. 397, An Act providing for additional compensation for the County Judge of Bexar County, Texas, for services rendered by him as a member of the Bexar County Juvenile Board; specifying the fund or which such additional compensation shall be payable; providing that such additional compensation shall be in addition to all other salary or compensation now paid to said County Judge; providing that this Act shall be cumulative of all existing general laws of this State, and providing for the repeal of H. B. No. 377 of the Acts of the Regular Session, Fifty-fourth Legislature, 1955, providing for a severability clause; and declaring an emergency.

H. B. No. 411, An Act exempting Deaf Smith, Hale, Swisher, and Wichita Counties from the provisions of Chapter 7, Title 121, Revised Civil Statutes of Texas, 1955, and from all other laws regulating the inspection of hides and animals, and particularly from the provisions of Articles 1471 through Article 1477 of the Penal Code of Texas, 1955, and declaring an emergency.

H. B. No. 438, An Act to amend the law creating the Upper Guadalupe River Authority with boundary co-extensive with Kerr County by providing that such district may acquire taxing power under certain conditions; prescribing the method for acquiring such power and placing limitations thereon; providing for tax rolls and officers of the district; providing certain procedures in connection therein with and permitting the issuance of bonds secured by the pledge of ad valorem taxes; and declaring an emergency.

H. B. No. 454, An Act to amend Article 4438a-1, Vernon's Texas Statutes, the same being Acts of the Forty-ninth Legislature, Special Session in 1939, Page 444, by providing that in any county containing an incorporated city the Commissioners Court and the city council may co-operate in forming a City-County Health Unit and combined health units of any political subdivision appropriate funds to the combined unit; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

H. B. No. 474, An Act providing an open season for hunting, taking and killing quail in Hunt County, Texas; fixing the days on which such hunting is permitted; fixing the limit on the number of quail killed or that any person may have in possession at any time; making said Act applicable to all varieties of quail; fixing a penalty; repealing all laws in conflict with this Act; and declaring an emergency.

H. B. No. 494, An Act creating a conservation and reclamation district under Article XVI, Section 59, of the Constitution comprising the territory contained within the Cities of Seymour, Knox City, Munday, Corra, Has­sell, Rule and Rochester, to be known as the "North Central Texas Municipal Water Authority," for the purpose of providing a source of water supply for municipal, domestic, industrial and mining uses and processing and transporting the same, providing for a Board of Directors to govern said Authority; providing for the annexion of additional territory thereto; authorizing the Authority to do all things necessary for the above named uses to obtain water from surface sources and water it may obtain by purchase, lease, and operation contracts with persons, firms, corporations and public agencies of the United States Government or any of its agencies; empowering the Authority to acquire land and construct, lease or otherwise acquire all facilities necessary or useful in diverting, impounding, storing, processing or transporting water for the above-named purposes; authorizing the Authority to lease or acquire rights in and to storage and storage capacity in any reservoir; authorizing the issuance of bonds and making provisions for the payment and security thereof; making applicable to the Authority Title 52, Revised Civil Statutes, as amended, relating to eminent domain, and declaring the Authority to be a municipal corporation within the meaning of Article 5226 of Title 52; providing that the Authority shall bear the expense of relocation, raising, or rerouting of any highway, railroad or utility lines or pipelines made necessary by its exercise of the power of eminent domain; prescribing other powers and duties of the Authority; providing that the Authority shall not exercise any of
the power or authority conferred in this Act until establishment of such Authority is conferred at an election held throughout the Authority; amending other provisions relating to the subject; providing that nothing in this Act shall be interpreted to repeal or amend Article 7471, Revised Civil Statutes of Texas; providing for severability; and declaring an emergency.

H. B. No. 534, An Act establishing a juvenile board in Midland County; prescribing the membership and powers of the board and providing for compensation of its members; authorizing the board to appoint a juvenile officer; prescribing the powers and duties of the juvenile officer and providing for his compensation and expenses; repealing conflicting laws; providing for severability; and declaring an emergency.

H. B. No. 538, An Act to make it unlawful to use or employ doors or boards to spread or open a skirting trawl in the inland salt waters of Nueces County during the closed season of a greater size and dimension than twenty-four (24), by thirty-six (36) inches or a total of nine hundred and sixty (960) square inches; providing it shall be legal during this season in Nueces County to use a thirty-six (36) inch try net as an auxiliary; providing a penalty; and declaring an emergency.

H. B. No. 518, An Act fixing the period that deer and wild turkey may be hunted, taken or killed in Throckmorton County; providing for a penalty; and declaring an emergency.

H. B. No. 539, An Act amending Article 6224 of the Revised Civil Statutes of the State of Texas, 1836, prescribing the authority of the Navigation and Canal Commissioners of Navigation Districts created under Article 3, Section 12, of the Constitution of the State of Texas in relation to construction contracts in cases of public calamity or extreme emergency or unforeseen damage to property of such navigation districts, and providing for the procedure for contracts in cases of emergency; and declaring an emergency.

H. B. No. 695, An Act providing that it shall be unlawful to kill minks in Hunt County, Texas, for a period of two (2) years from and after the passage of this Act; repealing all laws in conflict; providing a penalty; and declaring an emergency.

H. B. No. 697, An Act to authorize and require the appointment of official shorthand reporters in each District Court and each County Court at Law heretofore and hereafter created in counties having a population of six hundred and thirteen thousand (613,000) or more, according to the 1940 census; fixing maximum and minimum salaries to be paid, in addition to compensation for transcripts, statements of fact and other fees, providing the time, method and manner of payment; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency.

H. B. No. 650, An Act authorizing the Commissioners Court of Nueces County to pay the District Judge of the 7th Judicial District compensation in addition to the compensation paid by the State; making other provisions relating thereto; providing a severability clause; and declaring an emergency.

S. C. R. No. 83, Requesting the Texas Employment Commission to prepare a classification plan for positions in the State Government.

S. C. R. No. 82, Requesting return of Senate Bill 94 from the Governor.

H. B. No. 587, An Act authorizing Webb County to supplement the salary of the District Attorney of the 4th Judicial District for additional services performed in Webb County, authorizing the appointment of an Assistant District Attorney, Special Investigators for the District Attorney, and a Stenographer-Secretary for the District Attorney of the 4th Judicial District to not in Webb County; fixing the salary of said Assistant District Attorney, Special Investigators and Stenographer-Secretary to be paid by Webb County; repealing Chapter 268, Acts of the Fifty-second Legislature, and all other laws in conflict herewith; and declaring an emergency.

TEXT OF SENATE AMENDMENT TO HOUSE BILL NO. 518

Concurred in by The House on April 9, 1947

Senate Amendment to H. B. No. 518

Amend House Bill 518, by striking out all below the enacting clause.
and inserting in lieu thereof the following:

Section 1. Any drainage district in this State hereinafter or hereafter organized under the provisions of Section 52, Article III, Constitution of Texas, which district has herefo-

re or shall hereafter be converted into a conservation and reclamation district under Section 59, Article XVI, Constitution of Texas, and which district lies wholly within one

(1) county, may have defined areas of territory lying wholly within the same county added to said district (whether such territory is contiguous to said district or not) in the follow-

ing manner:

(1) A petition praying for the annexation of such territory shall be filed with the Commissioners Court of said county, which petition shall describe the territory by metes and

bounds, and which petition shall be signed by fifty (50) or a majority of those qualified resident voters of said territory who own taxable property within said territory and who have duly rendered the same for tax-

ation.

(2) If the Commissioners Court finds that such petition meets the requirements set forth in (1) above, said Court shall order a hearing upon such petition, setting the time and

place thereof, which hearing shall be held within thirty (30) days after the date of such order. Notice of said hearing shall consist of a substantial copy of the order calling the

same, and said notice shall be published in a newspaper giving gen-

eral circulation within the district and within the territory proposed to

be annexed at least one (1) time not less than ten (10) or more than

twenty (20) days before the date set for said hearing.

(3) All persons whose land or other property might be affected by the proposed annexation, and all oth-

er interested persons, may appear at the hearing and offer testimony or evidence either for or against said annexation, and said hearing may be adjourned from day to day.

If the Commissioners Court shall at the conclusion of said hearing determine that both the district and the terri-

tory proposed to be annexed would be benefited by the same, it shall order an election upon the proposi-

tion of whether said Court shall annex such territory. Provision shall be made in the order calling said election for a voting place or places both in the district and in the terri-

tory proposed to be annexed, and only duly qualified resident electors of the district or of the territory proposed to be annexed, as the case may be, who own taxable property

within said territory and who have duly rendered the same for tax-

ation, shall be qualified to vote at said election. If the district has outstand-

ing bonds payable in whole or in part from taxes, the proposition shall also include the assumption of such

bonds. The ballots shall have written thereon: “For Annexation” and “Against Annexation,” or if the

district has outstanding tax bonds, “For Annexation and Assumption of

Bonds” and “Against Annexation and Assumption of Bonds.” Notice of said election shall be given in the same

manner as the notice of hearing, as

above provided. Except as provided herein, said election shall be called and held in accordance with the

General Election Laws of this State.

The Commissioners Court shall pass an order canvassing the return cast at said election, and if a majority of those voting at said election within said district and if a majority of

those voting at said election within the territory proposed to be annexed shall vote in favor of the proposition, said Commissioners Court shall pass an order declaring the annexation

of said territory, and, in the case that there are outstanding district tax

bonds, the assumption of said bonds by the district as enlarged by the annex-

ation.

(4) If said election results favorably to the annexation of said terri-

tory, the Commissioners Court shall adopt an order defining the bound-

daries of the district as enlarged by

the annexation, and a copy of such order shall be filed and recorded in the deed records of the county.

(5) Any such district shall have the right, in the accomplishment of the purposes for which the District

was organized, created or established to enter into contracts for the construction of the improvements

with the Government of the United States of America or any agency or instrumentality thereof, including

but not limited to the Bureau of Reclamation of the Department of In-

terior. The governing body must

approve the project, the plans and
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specifications and the methods of construction or reconstruction, and may then execute a contract for a specified number of years or until such plans or programs of the Drainage District shall have been completed, and make payment of the obligation incurred thereunder by the issuance of bonds by the District approved by the voters of such District in the manner provided by general law for the issuance of bonds by a Drainage District and not otherwise, and deliver same to the Government of the United States, or any agency or instrumentality thereof entering into such contract with said District.

Section 2. The provisions of this Act shall be cumulative of all other laws pertaining to such conservation and reclamation districts.

Section 3. The fact that the drainage districts in this State should be given express statutory authority to enter into contracts with State or Federal Governments or agencies thereof in order to accomplish the purpose for which such drainage districts were created, and the further fact that such districts should be empowered to deliver the bonds in payment for the contract work if performed by the United States Government, its agents or instrumentalities or by a political subdivision or agency of the State of Texas, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended and said rule is hereby suspended.

There was no objection offered and it was so ordered.

HOUSE BILL ON FIRST READING

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

By Mr. Burkett:

H. B. No. 906. A bill to be entitled: An Act concerning the trial and commitment to a State Mental Hospital of insane persons where insanity is raised as a defense or as a bar in a prosecution for a criminal offense; providing for treatment in a mental hospital of mentally ill prisoners; clarifying the status of mentally ill persons not charged with a criminal offense; providing for crediting of time in a mental hospital to the sentence of a prisoner; amending Article 34 of the Texas Penal Code; repealing certain statutes and laws; and declaring an emergency.

Referred to the Committee on State Hospitals and Special Schools.

ADJOURNMENT

Mr. Sadler moved that the House adjourn until 10:30 o'clock a. m. next Monday.

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

"Our Father, sometimes Thou dost seem so far away, as if thou art a God in hiding. Yet we know that Thou art more willing to be found than we are to seek. Thou hast promised that if we seek, we shall find. And Thou hast promised to be with us all the way. Help every one in this presence to be conscious of Thy presence, as we are of our personal friends in this Hall. Help us to recognize Thy voice as we do the voice of our friends in this presence. May we be convinced that before we reach up to Thee Thou art reaching down to us. These blessings we ask in the strong name of Jesus Christ our Lord.—Amen."
The motion to adjourn prevailed.

The House accordingly, at 12:05 o'clock p. m., adjourned until 10:30 o'clock a. m., next Monday.

REASON FOR VOTE

I voted "no" on the motion to adjourn until Monday, April 15, 1957, at 10:30 a. m., because the House Calendar is extremely crowded with bills and resolutions to be considered by the House as a whole. It will be impossible for the House of Representatives to adequately consider all the pending legislation before it, much of it being very important, within the 120 day regular legislative session. Personally, I feel constrained to spend as much of each working day considering the pending legislation as possible, in Committee or in session of the Whole House, particularly since the legislative session is nearing an end. In my humble opinion each State Representative is obligated to place the duties of his office before personal pleasure or convenience.

SUTTON

APPENDIX

STANDING COMMITTEE REPORTS

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

Rules: H. C. R. No. 73, H. C. R. No. 77, H. C. R. No. 86, H. C. R. No. 239.


The Committee on State Affairs filed an adverse report on S. B. No. 267.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 16, 1957

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

SIR: Your Committee on Engrossed Bills to whom was referred

H. B. No. 179. A bill to be entitled

"An Act to facilitate the construction, maintenance and operation of State Highways, and defining terms including controlled access highways; to amend Title 116, Chapter 1, Revised Civil Statutes of Texas, 1925, as amended, by adding thereto a new Article, declaring the Legislature's mandate that more and better State Highways, particularly of the controlled access type, be laid out and constructed, and to provide necessary powers therefor as specified herein; empowering the State Highway Commission to lay out, construct, maintain and operate State Highways wherever located, whether within or without the limits of any incorporated city, town or village; providing for local public hearings at certain times and under conditions provided herein, granting to the State Highway Commission the power to designate, locate, construct, operate and maintain controlled access highways wherever located in the State, subject to the conditions and limitations contained herein; authorizing the State Highway Commission to close any public or private way, including highways, county roads, and city streets, wherever located, at intersections with controlled access highways, authorizing the State Highway Commission to deny and control access to or from any State Highway designated as a controlled access highway; providing for the right of compensation under certain conditions: prohibiting the condemning of land used for cemetery purposes; providing that any order entered pursuant to such authority shall be superior to any conflicting rule, regulation, or ordinance of any other public body; denying the injunctive power to prevent the denial of access to any designated controlled access highways except upon suit of an owner or lessee of real property actually physically abutting that part of a State Highway to which access is denied whose access rights have not been previously acquired or their acquisition commenced as provided herein; declaring that no access rights exist in favor of lands abutting upon controlled access State Highways laid out upon new locations except under certain circumstances as specified herein; clarifying and further authorizing, where necessary, the comptroller of public accounts to expeditiously handle the
payment for property acquired by
the State Highway Department;
authorizing the State Highway De-
partment to purchase land, property
rights and materials in fee or such
lesser estate or interest deemed nec-
essary or convenient for the purposes
enumerated herein for any State
Highway, regardless of the location
of said property whether within or
without the limits of any incorporat-
ed city, town or village, and to con-
demn materials and easements for
right-of-way purposes including con-
rol of access; providing for the
Attorney General or, at his direc-
tion, any District, Criminal District
or County Attorney to institute con-
demnation suits at the request of
the State Highway Commission; de-
claring the venue and prescribing the
procedures to be used in such con-
demnation suits; authorizing the use
of State and other public lands, sub-
ject to the conditions and limita-
tions contained herein; authorizing
the purchase or condemnation of
public lands; authorizing cities, tow-
eas, villages, political subdivisions
and agencies of the State to convey
property for highway purposes; pro-
viding for reimbursement to utilities,
publicly, privately, and cooperatively
owned, of the cost of relocation of
facilities necessitated by the im-
provement of any Federal Aid High-
way; to enact other provisions relat-
ed to the subject of this legislation;
to provide for the precedence of this
Act in the event of conflict with any
other law; to provide that the powers
and authorities granted under this
Act shall be additional powers and
that the procedures prescribed herein shall be alternative and addi-
tional to others; to provide that upon compliance with conditions con-
tained herein no consent or agree-
ment by counties, cities, towns or
villages need be obtained by the
State Highway Commission in exer-
cising powers within corporate limits
and qualifying the exclusive domin-
ton of counties, incorporated cities,
towns and villages within certain
limits, to declare the provisions of
this Act to be severable; and de-
claring an emergency.

Has carefully compared same and
finds it correctly engrossed.

HERMAN YEZAK, Chairman.
Government of the United States for such payments; providing that the payments for such medical care shall be in addition to the direct assistance to such recipients; providing that the amounts paid out of State funds shall never exceed the payments out of Federal funds for such purposes; providing for the necessary election, form of ballot, proclamation, and publication.

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Tex., April 10, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. J. R. No. 35, proposing an amendment to Article VIII of the Constitution of the State of Texas; exempting motor vehicles from ad valorem taxes; authorizing the Legislature to fix the rates for motor vehicle registration fees and to allocate the fees between the State and the counties, cities and school districts of the State; prescribing certain limitations on allocation and use of such fees; and providing an interim rate.

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.
In Memory of

John M. Thurman

Mr. Ballman offered the following resolution:

H. S. R. No. 361, In Memory of Mr. John M. Thurman.

Whereas, On March 29, 1957, the City of Borger and the State of Texas lost an esteemed citizen in the passing of John M. Thurman; and

Whereas, He was a member of the First Baptist Church, the Rotary Club, the Chamber of Commerce, and he was vice president of the Panhandle chapter of the Associated General Contractors of America; and

Whereas, He is survived by his widow, Jean; one daughter, Lola Thurman of Tulsa; two sons, John A., Borger; O. A. Chelsea, Oklahoma; three sisters, Osa Thurman and Helen Thurman, both of Pawhuska, Oklahoma; Mrs. J. B. Fowler of Odessa; two brothers, Virgil of Borger; Charles of Topeka, Kansas; and four grandchildren; and

Whereas, In the Book of Saint John in the Holy Bible is the comforting promise, "In my Father's house are many mansions: if it were not so, I would have told you."); now, therefore, be it

Resolved, That the Texas House of Representatives adjourns this day in memory of John M. Thurman and that a page in the House Journal be set aside as a tribute to him.

The resolution was unanimously adopted by a rising vote.
In Memory of

Thomas Harris McDonald

Mr. Dewey offered the following resolution:

H. S. R. No. 362, In Memory of Mr. Thomas Harris McDonald.

Whereas, On March 7, 1957, the City of College Station and the State of Texas lost an esteemed citizen in the passing of Thomas Harris McDonald; and

Whereas, He was a distinguished research engineer for the Texas A&M System and formerly served for thirty-four years as the chief of the U. S. Bureau of Public Roads. He received the Medal of Merit from President Harry Truman for his road-building activities during World War Two. He was a member of the executive committee of the American Association of State Highway Officials. He was widely known as the "father of the good road movement"; and

Whereas, He is survived by his widow, Mrs. Caroline McDonald, College Station; one daughter, Mrs. Margaret Weidinger of Staunton, Virginia; one son, Thomas H. Jr. of Washington, D. C.; two sisters, Mrs. Jean Wade, Montezuma, Iowa and Mrs. Florence Van Feltus, Clearwater, Florida; one brother, Ross McDonald of Montezuma, Iowa; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-fifth Legislature pays tribute to the worthy life of Thomas Harris McDonald; that a page in the House Journal be set aside in his memory; and that when the House adjourns this day it do so in loving respect to him.

The resolution was read.

The resolution was unanimously adopted by a rising vote.
In Memory of

Miss Willie Mae Christopher

Mr. Green offered the following resolution:

H. S. R. No. 364, In Memory of Miss Willie Mae Christopher.

Whereas, on April 6, 1957, Miss Willie Mae Christopher reached the end of a long and useful life; and

Whereas, Miss Christopher was an outstanding educator and leader of young people. She had been a faculty member at McMurry College in Abilene since 1926 and during that period served as sponsor of many of the outstanding student organizations; and

Whereas, Miss Christopher also served as a church leader, teaching a Sunday school class for the past eighteen years, and participated in many civic organizations. She was an active member of the Central Presbyterian Church in Abilene and had served as president, secretary and parliamentarian of the Abilene Chapter of American Association of University Women. She had also been State Recording Secretary for that organization. In 1954, Miss Christopher was given a state achievement award at the convention of Delta Kappa Gamma, women teachers organization. At the time of her death, she was serving a three-year term as a member of the governing council of the Texas Conference of College Teachers; and

Whereas, Miss Christopher before joining the McMurry college faculty, was a teacher in the Taylor county schools. She taught at Bradshaw and Ovato and in the Abilene public schools. As a teacher of English in Abilene High School for nine years, she organized the girls pep squad and served as a class sponsor. The 1921 edition of the "Flashlight", Abilene high school annual, was dedicated to her; and

Whereas, Miss Christopher was born on July 6, 1893, in Abilene, Texas. She received her preparatory education in the Abilene public schools and received her B. A. degree from Simmons College (now Hardin-Simmons University) in 1914. She obtained her M. A. Degree at the University of Texas in 1928 and had done graduate study at the University of Colorado; and

Whereas, Hundreds of students at McMurry College and throughout the State of Texas are grieved at her sudden passing, and are aware of
the great contributions that she made to her college, her city and her state; therefore, be it

Resolved, That the Texas House of Representatives recognize Miss Christopher's useful and productive life and that a page be set aside in the House Journal in her memory, and be it further

Resolved, That copies of this enrolled resolution be forwarded to a sister, Mrs. R. M. Medley of Georgetown, two nephews, Willie G. Christopher of Abilene, and Harold David Medley of Corpus Christi, and a niece, Mrs. Jack R. Rawley of Corpus Christi, and be it further

Resolved, That when the House adjourns on this date that it do so in grateful memory of Miss Willie Mae Christopher.

GREEN, LATIMER, EHRLE.

The resolution was unanimously adopted by a rising vote.