

to a vote of the qualified electors of this State at a special election to be held throughout the State of Texas, on August 24, 1935, at which election all voters favoring said proposed amendment shall write or have printed on their ballots the words:

"For the amendment to the State Constitution permitting the sale of alcoholic beverages, and providing for local option."

"And those voters opposed to said proposed amendment shall write or have printed on their ballots the words:

"Against the amendment to the State Constitution permitting the sale of alcoholic beverages, and providing for local option."

"If it appears from the returns of said election that a majority of the votes cast are in favor of said amendment, the same shall become a part of the State Constitution.

"Sec. 3. The Governor shall issue the necessary proclamation for such election, and shall have the same published and such election held as provided by the Constitution and laws of this State.

"Sec. 4. The sum of six thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Treasury to pay for the expense of said publication and election."

Signed—Petsch, Jones of Wise, Moffett, Wood of Harrison, Gibson, Lindsey, Jones of Runnels, Cagle, Youngblood, Jones of Shelby, Tarwater, Roach of Angelina.

Question—Shall the amendment by Mr. Petsch be adopted?

INVITING HON. JAMES A. MOFFETT TO ADDRESS JOINT SESSION OF HOUSE AND SENATE

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

S. C. R. No. 23, Inviting Hon. James A. Moffett to address a Joint Session of House and Senate.

Whereas, The Administrator for the Federal Housing Administration, the Hon. James A. Moffett, will be in Texas and in Austin on Monday, the eighteenth of March, on matters pertaining to the administration of the Federal Housing Act; and

Whereas, Mr. Moffett is charged with executive responsibility for the successful operation of the Federal Housing Act, and he has been responsible largely for the success attained thus far; and

Whereas, This session of the Legislature has been concerned with the enactment of numerous bills, the purpose of which was to secure for Texas the benefits to be derived from the Federal Act; and

Whereas, Mr. Moffett, because of his peculiar experience with the administration of this Act, is considered an authority on the subject; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Hon. James A. Moffett be invited and requested to address the Forty-fourth Legislature in Joint Session assembled in the Hall of the House of Representatives on Monday, the eighteenth day of March, at 10 o'clock in the morning; be it further

Resolved, That the Secretary of the Senate be instructed to communicate this invitation to Mr. Moffett; be it further

Resolved, That a joint committee of five members, two to be appointed by the Lieutenant Governor and three to be appointed by the Speaker of the House, be named to make such arrangements as may be deemed necessary for the proper reception of Mr. Moffett.

The resolution was read second time, and was adopted.

MESSAGE FROM THE GOVERNOR

Mr. Edward Clark, secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,

Austin, Texas, March 8, 1935.

To the Forty-fourth Legislature:

I am vetoing and returning here-with House Bill No. 225 because I believe it is clearly unconstitutional. In connection with this veto, I make the following statement:

The bill attempts to authorize road districts composed of two or more counties to levy a tax in each county not to exceed 5 cents when said tax is first authorized by an election, the

proceeds of such tax to be used to secure rights of way and for the purpose of constructing and maintaining highways not maintained by the State Highway Department. This bill was introduced by request by the Representatives from the counties affected (Hudspeth and El Paso), and was intended to rectify certain conditions which arose under prior county administrations other than the one now in office.

The bill was not drawn either by the Representatives who introduced it or by the Attorney General's Department. In my judgment, there is no constitutional authority for road districts to levy a tax for the purposes set forth in the bill. Road districts derive their power to tax under the provisions of Section 52, of Article III, of the State Constitution, which only authorize, however, the issuance of bonds by authority of a vote of two-thirds of the resident property taxpayers and to levy a tax to pay the interest and provide a sinking fund for such bonds. This bill seeks to authorize the levy of a tax by a road district without the issuance of bonds.

Counties have the authority, under Section 9, of Article VIII, of the Constitution to levy a 15-cent tax for road and bridge purposes and an additional 15-cent tax for maintenance of public roads. No such authority, however, is given road districts; and in view of the decision of the Dallas Court of Civil Appeals in Commissioners Court of Navarro County vs. Pinkston et al., 295 S. W. 271, in which a writ of error was refused by the Supreme Court, I am of the opinion that this bill is so clearly unconstitutional that it is my duty to veto same.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

ADJOURNMENT

Mr. Westfall moved that the House recess to 2 o'clock p. m., today.

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

Mr. Hardin moved that the House adjourn until 10 o'clock a. m., next Monday.

Mr. Lotief moved that the House

adjourn until 10 o'clock a. m., Saturday, March 9.

Mr. McCalla moved that the House adjourn until 2 o'clock p. m., March 8.

The motion of Mr. Dwyer prevailed, and the House, accordingly, at 12:30 o'clock p. m., adjourned until 10:30 o'clock a. m., Monday, March 11.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Banks and Banking: House Bills Nos. 298 and 578.

Insurance: House Bills Nos. 522 and 626.

Revenue and Taxation: House Bill No. 483.

Constitutional Amendments: House Joint Resolution No. 15.

The Committee on Revenue and Taxation filed an adverse report, with a minority favorable report, on House Bill No. 245.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, March 7, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 474, "An Act relating to mining claims and rights, amending Article 5395, of Chapter 5, of Title 86, of the Revised Civil Statutes of Texas, 1925, relating to the time of payment of rentals on mining claims awarded under Article 5397, of Chapter 5, of Title 86, of the Revised Civil Statutes of Texas, 1925, and providing royalties to be paid the State from minerals produced upon such claims; and amending Article 5397, of Chapter 5, of Title 86, of the Revised Civil Statutes of Texas, 1925, providing for forfeiture of rights of locator or owner of mining claims by the Land Commissioner upon default of payment of any sum due within thirty (30) days after sum is due, or for making