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back to the House with the recommendation that it do not pass.

ROBERTSON of Bell, Chairman.

Committee Room,
Austin, Texas, March 30, 1899.

Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on County Government and County Finances, to whom was referred Senate bill No. 170, A bill to be entitled "An Act relating to county, city and town lands; to provide for refunding, paying and exchanging the same; to issue new bonds for such purposes, and to regulate the sale and exchange thereof."

Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

ROBERTSON of Bell, Chairman.

Mr. Kittrell moved to take up House bill No. 641, defining what constitutes a gaming house, etc., and House bill No. 681, making it unlawful to keep a gaming house, and providing certain penalties therefor, etc.,

For the purpose of making said bills a special order, on second reading, for Tuesday, April 11th.

The motion was lost.

Mr. Powell moved to adjourn until 9 a.m. next Monday.

Mr. Savage moved to adjourn until 9:30 a.m. next Monday.

Question recurring on the longest time, the motion prevailed, and the House adjourned accordingly.

SEVENTY-FIRST DAY.

Hall of the House of Representatives, Austin, Texas, Monday, April 3, 1899.

The House met at 9:30 o'clock a.m., pursuant to adjournment.

In the absence of Speaker Sherrill, who has been called home on account of important business, Chief Clerk Lee J. Rountree called the House to order.

Roll called, and the following members present:

Present—102:

Adams.                Rea.  
Allen of Colorado.    Bennett.  
Allen of Hopkins.     Blount.  
Ayers.                Bolin.  
Bailey.               Bridgers.  
Barbee.               Caldwell.  
Barrett.              Calvin.  
Bean.                 Chambers.  

Childers.             Mercer.  
Childs.               Monroe.  
Clements.             Morrow.  
Coke.                 Murray.  
Cole.                 Neff.  
Collins.              Nolan.  
Cross.                Oliver.  
Culp.                 Parish.  
Dean.                 Peery.  
Dorroh.               Pool.  
Eckols.               Powell.  
Ellis.                 Prince.  
Evans.                Ratcliff.  
Frost.                Robertson, Harrison.  
Gill.                 Robertson of Bell.  
Goodman.              Russell.  
Gordon.               Savage.  
Graham.               Schueter.  
Greenwood.            Scurry.  
Grogan.               Shannon.  
Grubbs.               Shelburne.  
Hamilton.             Smith of Grayson.  
Henderson, Lamar.     Staples.  
Howard.               Stewart.  
Hurley.               Stripling.  
Jones.                Sutherland.  
Kennedy.              Tarkington.  
Kittrell.              Terrell.  
Lillard.               Tate.  
Little.               Teagle.  
Looney.                Thomas of Wise.  
Loyd.                 Tompkins.  
Marsh.                 Vaughan.  
Maxwell.               Walton.  
McAnally.             Wells.  
McClellan.            Wheel.  
McDowell.             Willacy.  
McFarland.            Willrodt.  
McKellar.             Wooten.  

Absent:

Browne.               Murphy.  
Conoly.                Palmer.  
Garner.               Pfeffer.  
Garrett.              Pitts.  
Henderson, Brazos.    Rogers.  
Lake.                  Sams.  
Masterson.            Thomas of Fannin.  
McKamy.               Tucker.  
Morris.               Wright.  

Absent—Excused:

Crawford.             Meitzen.  
Goodlett.             Rochelle.  
Lane.                 Shiropshire.  

A quorum was announced present.

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

The Chief Clerk, whose duty it is to preside temporarily (see Rule 5) when the Speaker is absent at a time to which the House has adjourned, announced that Speaker Sherrill was absent on account of
important business, and that nominations for Speaker pro tem. were in order.

Mr. Bailey, rising to a question of personal privilege, stated that as there was some question among the members of the House as to the tenure of office of a Speaker pro tem. of this House, to remove all embarrassments on that question, he thereby tendered his resignation to the House as Speaker pro tem., for it would be impossible for him to serve on account of his physical condition.

On motion of Mr. Shelburne, the resignation of Mr. Bailey was accepted.

ELECTION OF SPEAKER PRO TEM.

Mr. Staples nominated Hon. R. E. Prince of Navarro county.

The nomination of Mr. Prince was seconded by Mr. Childs, Mr. Dies, Mr. Derr, Mr. Bridgers, Mr. Wooten, Mr. Cross and Mr. Tompkins.

Mr. Blount moved that nominations be closed, and that the House proceed to ballot.

The motion prevailed.

The Chair announced the following tellers:

To take up the ballots—Messrs. Evans, Teagle, Allen of Colorado, and Beaty.

To count the ballots—Messrs. Barrett, Frost and Vaughan.

The ballot resulted as follows: Mr. Prince received 93 votes; Mr. Tarver received one vote, Mr. Oliver received one vote.

The Chair then announced that Hon. R. E. Prince having received a majority of all the votes cast, he was declared duly and constitutionally elected Speaker pro tem. of the House of Representatives, to serve in the enforced absence of Speaker Sherrill.

The Chair then appointed Messrs. Staples, Grogan and Wells a committee to escort the Speaker Pro Tem.-elect to the Speaker's stand.

That duty being performed, the oath of office was administered to Mr. Prince by the Chief Clerk.

Chief Clerk Lee J. Rountree then introduced Mr. Prince to the House as Speaker Pro Tem., who, in a few appropriate words, thanked the House for the honor conferred, and declared the House ready for business.

Pending reading of the Journal of last Saturday.

On motion of Mr. Vaughan, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

On account of important business:

Mr. McKamy for today, on motion of Mr. Wooten.

Mr. Browne for Saturday and today, on motion of Mr. Peery.

Speaker Sherrill until Thursday, on motion of Mr. Henderson of Lamar.

Mr. Sansom for today, on motion of Mr. Teagle.

Mr. Palmer until Wednesday, on motion of Mr. McDowell.

Mr. Morris for today, on motion of Mr. McDowell.

Mr. Wright until Friday, on motion of Mr. Willacy.

Mr. Pfeuffer for today, on motion of Mr. Greenwood.

Mr. Rochelle for today, on motion of Mr. Shannon.

Mr. Conoly for today, on motion of Mr. Beaty.

Mr. Thomas of Fannin for today, on motion of Mr. Phillips of Lampasas.

Mr. Henderson of Brazos for today, on motion of Mr. Vaughan.

Mr. Masterson for today, on motion of Mr. Shelburne.

Mr. Murphy for today, on motion of Mr. Mercer.

On account of sickness:

Mr. Livey for today, on motion of Mr. Clements.

Mr. Garner indefinitely, on motion of Mr. Jones.

On account of sickness in his family:

Mr. Tucker indefinitely, on motion of Mr. Walton.

Mr. Lake for today, on motion of Mr. Grogan.

Mr. Jones, Sergeant-at-Arms, until Wednesday, on motion of Mr. Vaughan.

Mr. Childs, by unanimous consent, offered the following resolution:

Resolved, That he be invited to a seat in the House of Representatives and given the courtesies of the House.

[Signed CHILDS, GROGAN.]

The resolution was read second time, and Mr. Shelburne moved that it be adopted by a rising vote.

The motion prevailed, and the resolution was adopted unanimously.

SPECIAL ORDER FIXED.

Senate Substitute bill No. 68, to prevent hunting with firearms or dogs on the inclosed lands of another without regard to size of inclosure, for next Wednesday, April 5, at 10 o'clock a.m.
The Speaker laid before the House, as pending business, House bill No. 181, known as the round bale bill, on engrossment, with motion of Mr. Conoly to postpone indefinitely further consideration of the bill pending.

On motion of Mr Schluter, pending business was suspended to take up and place on its second reading, House bill No. 300, A bill to be entitled "An Act to quiet titles to lands located and surveyed by virtue of land certificates granted under the act of the Legislature of the State of Texas, entitled 'An Act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State or the Confederate States, a land certificate for twelve hundred and eighty acres of land,' approved April 9, 1881, and to validate such location and surveys."

The bill was laid before the House, and was read second time.

Mr. Henderson of Lamar offered the following amendment:

"Amend Section 1, line 25, by adding after the word 'fund' the following: 'Provided, that said certificates now belong to the original owner, or his heirs.'"

Mr. Adams moved the previous question on the bill, and the motion was not seconded.

Mr. Thomas of Wise moved the previous question on the amendment, and the motion was not seconded.

After further consideration by the House, the amendment was adopted.

Mr. Greenwood offered the following amendment:

"Amend by striking out after the word 'valid11.ted,' on page 1, lines 20 and 21, the words 'although such locations are within the limits of the territory hereto­fore reserved from location.'"

Mr. Goodman moved to table the amendment, upon which motion yeas and nays were demanded by Mr. Childers, Mr. Morrow and Mr. McAnally.

Tabled by the following vote:

Yeas—64.

Absents—Excused.

Mr. Morrow offered the following amendment:

"Amend by adding to Section 1 the following: 'Provided, that nothing in this act shall be construed to validate any certificate or the location thereof, where either the certificate or the location was procured by fraud.'"

Mr. McClellan moved the previous question, and the motion was not seconded.
After further consideration, Mr. Adams moved the previous question, and the main question was ordered. The amendment was adopted, and the bill was ordered engrossed.

The House returned to consideration of the pending question, same being House bill No. 181, known as the round bale bill, on engrossment, with motion of Mr. Conoly to postpone indefinitely further consideration of the bill.

Mr. Lillard moved to suspend pending business further to take up.

Senate Concurrent Resolution No. 17, inviting Dr. C. M. Woodward of Washington University, to address the Legislature on the subject of Industrial Education, and the motion was lost.

Mr. Kittrell moved to suspend pending business further to take up.

House bill No. 334, relating to authorizing admission to record and evidence in the courts of this State, duly certified copies of certain instruments. The motion to suspend was lost. The House then resumed consideration of House bill No. 181, known as the round bale bill, on engrossment, with motion of Mr. Conoly to postpone indefinitely further consideration, pending. Pending consideration, Mr. Bailey, by unanimous consent, offered the following resolution:

Resolved, That the thanks of the House are hereby extended to Mrs. Benedette B. Tobin, Mrs. Mary Alsworth and Mrs. L. T. Dashiell for their untiring and successful efforts in providing the music and in draping and decorating the Hall of Representatives; and also to the pupils of the Blind Institute and all others assisting in rendering said music upon the occasion of the Memorial Services relative to the life and public services of the late Hon. Simpson Parker Evans.

Resolved further, That the Chief Clerk of the House furnish to each of above named parties a copy of these resolutions. The resolution was read second time, and Mr. Smith of Collin moved that it be adopted by a rising vote. The motion prevailed, and the resolution was adopted unanimously.

Mr. Vaughan moved to take a recess until 2:30 p. m. today.

PETITIONS AND MEMORIALS.

(By unanimous consent.)

By Mr. Frost:

Petition of eight citizens of Santo, Texas, praying that an occupation tax be placed on peddlers.

Read, and referred to Committee on Revenue and Taxation.

By Mr. Teagle:

Petition from fifty citizens of Orange county, praying that the Governor's veto of the railway consolidation bills be sustained.

Read, and placed on the Speaker's table.

By Mr. Dies and Mr. Teagle:

Petition of 500 citizens of Hardin county, praying for the passage of the Gulf, Beaumont & Kansas City Railway consolidation bill over the Governor's veto.

Read, and placed on the Speaker's table with the bill.

BILLS INTRODUCED.

(By unanimous consent.)

By Mr. Grogan:

House bill No. 775, A bill to be entitled "An Act to change and fix the times of holding courts in the Thirty-ninth Judicial District of the State of Texas, and to repeal all laws and parts of laws in conflict herewith."

(The object of the bill is to give one more week's time to the courts in Fisher and Scurry counties.)

Read first time, and referred to Committee on Judicial Districts.

By Mr. Gill:

House bill No. 776, A bill to be entitled "An Act to amend Sections 10 and 12, Chapter 5, of the General Laws of Texas, Twenty-fifth Legislature, relating to the fees of district, county and precinct officers."

(The object of the bill is to increase the fees of constables, and it reduces the salaries of deputy constables.)

Read first time, and referred to Judiciary Committee No. 1.

COMMITTEE REPORT.

Committee Room, Austin, Texas, March 31, 1899.

Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred Senate bill No. 248, A bill to be entitled "An Act to reorganize the Forty-first Judicial District; to prescribe the times of holding the district courts therein; to make the terms of the Thirty-fourth Judicial District in El Paso county to conform thereto, and to provide for a clerk of the district court of the Forty-first Judicial District, in said El Paso county, and empowering the district court of the
Thirty-fourth Judicial District to empanel the grand jury for said county, and giving authority to the judges of either of said two courts in said El Paso county to transfer causes from their respective courts to the other of said courts; and to repeal all laws and parts of laws in conflict therewith.

Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

DIES, Chairman.

At 12:34 p.m., on motion of Mr. Vaughan, the House took a recess until 2:30 p.m. today.

AFTERNOON SESSION.

The House met at expiration of recess, and was called to order by Speaker Pro Tem. Prince.

Pending question—House bill No. 181, known as the round bale bill, on engrossment, with motion of Mr. Conoly to postpone indefinitely further consideration of the bill.

Mr. Morrow moved to suspend pending business to take up, on its second reading, House bill No. 277, providing for assessment and collection of an income tax, and the motion was lost.

After lengthy consideration by the House, Mr. Decker moved the previous question on the motion to postpone indefinitely, and the main question was ordered.

Yeas and nays were demanded by Mr. Wells, Mr. Smith of Collin and Mr. Decker.

The motion was lost by the following vote:

Yeas—30.

Nays—66.

Mr. Cole offered the following amendment to the bill:

"Amend the bill by striking out all..."
after line 10, and substitute in lieu thereof the following:

"Section 1. That from every person, firm, corporation or association of persons engaged in the business of leasing or renting, in this State, cotton presses, compresses or gin machinery of any kind, there shall be levied and collected, annually on the first day of March of each year, for the use of the State, an occupation tax of forty per cent. upon the gross earnings or royalty accruing to such person, firm, corporation or association of persons, from the leasing or renting such machinery. Said tax shall be paid to the tax collectors of the counties in which such machinery may be operated, the said gross earnings or royalty shall be returned under oath by the lessee, his agent or manager, to the tax collector of the county in which such cotton press or presses, compress or compresses, or gin machinery of any kind is operated, on the first day of February of each year, or as soon thereafter as practical, and any lessee, his agent or manager, who shall fail or refuse to make such return to such tax collector within said time prescribed shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine in any sum not less than five dollars nor more than twenty-five dollars, and each day such report shall remain unrendered after the time prescribed shall constitute a separate offense.'

[Signed "AYERS, "COLE."]

Mr. Sutherland moved to adjourn until 9:30 a.m. tomorrow.

Mr. Jones moved to adjourn until 9 a.m. tomorrow.

Mr. Wooten asked unanimous consent of the House, and it was granted, to have the following communications printed in the Journal:

CORRESPONDENCE BETWEEN THE GOVERNOR AND THE ATTORNEY-GENERAL IN REGARD TO CONSOLIDATION OF CORPORATIONS.

ATTORNEY-GENERAL'S OFFICE,
STATE OF TEXAS.
Austin, April 3, 1899.
Hon. Joseph D. Sayers, Governor of Texas, Austin, Texas.

DEAR SIR: It has been brought to my attention that one of the most dangerous attempts at the formation of a trust, has been consummated in the city of San Antonio, by a combination and consolidation of four corporations organized and created under the laws of Texas, to wit: A gas company, an electric light company and two street railroad companies, all of which corporations furnish the city of San Antonio and its inhabitants with lights and electric power, and the transportation of passengers. That these four corporations consolidated and combined for the purpose of destroying all competition among themselves, and for the purpose of regulating and controlling the price of gas, electric lights and electric power, and price for transportation of passengers. That they had passed by the city council an ordinance granting them an extension of all their corporate rights and franchises for the period of forty years; passing the ordinance at a called session, and suspending the rules to do so. That the ordinance then contracted with each of said corporations for furnishing light so that said corporations were relieved from all competition with each other. It also provided that all of said corporations might transfer their franchises to one common assignee, who should have all the rights, privileges and powers of all four of said corporations. That they have one president in common. These companies represent all or nearly all the street car lines in the city of San Antonio, and all the companies who furnish light and electric power in the said city. The ordinance in question recognizes and promotes this consolidation, and confers upon said corporations most extraordinary powers. I view with alarm the tendency upon the part of large corporations everywhere, to consolidate and combine themselves into gigantic trusts, thus giving themselves by means of vast aggregated wealth, and the number of employees under their command and dictation, a control in both governmental and financial affairs, that constitutes today, the greatest menace to our free institutions, and absolutely subjects the citizens to the demands and exactions of these monopolies. This tendency upon the part of great corporations toward consolidation and combination, is not confined to railroads, although there is unusual activity in that line at present, not only in Texas but elsewhere, but it embraces every department of human industry, and if the process of consolidation is permitted to continue, it will be but a few years, when not only the great arteries of commerce will be under one management, but all the necessities of life will be controlled by stupendous trusts composed of combined and consolidated corporations. I believe the attempted combination and consolidation of the four corporations at San Antonio is a plain and palpable violation of the trust law of this State, the enforcement of which is expressly enjoined upon me
by its provisions, and if said consolidation is suffered to exist, the citizens of San Antonio will be at the mercy of said corporations, as by said consolidation all control is removed, and absolute control of prices given the consolidated concern for the period of forty years. I, therefore, on the first day of April, instituted a suit, four in all, against each of said corporations, in the District Court of Bexar county, Texas, for the forfeiture of their respective charters, and for the appointment of receivers, as required by Title CVIII, of the Revised Statutes. As the Constitution makes it your duty to see that the laws are faithfully executed, I have deemed it proper to report to you my action in the premises. I am, Very respectfully yours,

(Signed) T. S. SMITH,
Attorney-General.

EXECUTIVE OFFICE,
STATE OF TEXAS,
Austin, April 3, 1899.

The Honorable, the Attorney-General.

DEAR SIR: I have just received yours of this date in reference to the suits instituted by you against certain incorporated companies at San Antonio, and beg to assure you that your action in the premises has my hearty approval.

You will have in this and in all kindred matters not only the sympathy, but the earnest support of the Executive.

Yours truly,
(Signed) JOSEPH D. SAYERS,
Governor.

NOTICE.

Mr. Schluter gave notice that he would tomorrow morning, at 10 o'clock, call up a motion by Mr. Decker to reconsider the vote by which Section 1, of Substitute House bill No. 136, etc., the general occupation tax bill, was so amended as to make the annual occupation taxes therein provided for payable quarterly, which motion was spread on the Journal of February 24th.

Mr. Cocke moved to take up Senate bill No. 290, establishing a normal school at San Marcos, for the purpose of making it a special order for next Thursday, at 10 o'clock a. m.

The motion was lost.

Both motions to adjourn were lost.

Mr. Powell moved the previous question on the amendment by Mr. Cole to House bill No. 181, and the main question was ordered.

The amendment was adopted.

Mr. Cole offered the following amendment:

"Amend the caption of the bill by striking out lines 7, 8 and 9, and substitute in lieu thereof the following:

"An Act to levy an occupation tax upon the gross earnings or royalty accruing to persons, firms, corporations or associations of persons engaged in the business of leasing or renting, in this State, cotton presses, compresses or gin machinery of any kind, and to require lessees, their agents or managers, to make returns of said gross earnings or royalty to the county tax collectors, and to prescribe penalties for failure to do same."

(Signed) "AYERS, "COLE."

Mr. Powell moved the previous question on the amendment and the bill, and the main question was ordered.

Question first recurred on the amendment, and it was adopted.

On engrossment of the bill, yeas and nays were demanded by Mr. Barbee, Mr. Phillips of Lampasas and Mr. Kennedy.

The bill was ordered engrossed by the following vote:

Yeas—62.


Nays—33.

I vote 'aye' on this bill for the reason if the American Cotton Company is not checked, it will only be a few years before the cotton farmers will be at the tender mercies of the worst trust that ever afflicted the farmers of any country, and as I am opposed to trusts of any kind, I take great pleasure in helping to pass this bill.

"SMITH of Collin."

"I vote 'nay' on House bill No. 181, known as the 'round bale bill,' for the following reasons:

1. It has been stated upon the floor of this House by the author of said bill and others, that the 'round bale system' as operated today is a gigantic combination and trust.

2. If this be so, then I am not in favor of allowing them to exist and making the State a party to said combination and trust by exacting and taking forty per cent. of their gross earnings, as provided in said bill.

"PHILLIPS of Lampasas."

"I vote 'aye,' because it is aimed at trusts and may be the cause of a proper law against trusts, but the bill itself is not sufficient to effect much good nor will it prevent the trust complained of.

"POWELL."

Mr. Livsey moved to adjourn until 9:30 o'clock a. m. tomorrow, and Mr. Calvin until 9 a. m. tomorrow.

Question recurring on the longest time first, the motion prevailed, and the House, at 5:35 p. m., adjourned until 9:30 o'clock a. m. tomorrow.

COMMITTEE REPORTS.

(Submitted this afternoon.)

Committee Room,
Austin, Texas, April 3, 1899.

Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred House bill No. 775, A bill to be entitled "An Act to change and fix the times of holding court in the Thirty-ninth Judicial District of the State of Texas, and to repeal all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

DIES, Chairman.

Committee Room,
Austin, Texas, April 3, 1899.

Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred Substitute Senate bill No. 133, A bill to be entitled "An Act to prescribe the time for holding the terms of the district court of the Thirty-sixth Judicial District of the State of Texas, and to repeal all laws and parts of laws in conflict with this act."

Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

DIES, Chairman.