Mr. Goodlett moved to reconsider the vote by which Senate bill No. 337 was passed, and to table the motion to reconsider.

The motion to table prevailed.

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

Speaker Sherrill in the chair.

Roll called, and the following members present:

Present—115.
Mr. Ratcliff offered the following substitute for the amendment:

"Amend by adding between lines 6 and 7, page 11, the following: 'To supplement the available fund in support and maintenance of the Main University from the general revenue, 1899-1900, $40,000; 1900-1901, $40,000.'"

Mr. McAnally offered the following substitute for the amendment:

"Amend by adding between lines 6 and 7, page 11, the following: 'To supplement the available fund in support of the Main University from the general revenue. 1899-1900, $75,132.76; 1900-1901, $75,132.76.'"

And the same are now pending.

Mr. Ratcliff called up for consideration the report of the Free Conference Committee on Senate bill No. 444.

Mr. Dies moved that consideration of said report be postponed until 9:30 o'clock a.m. next Wednesday, May 3, and the motion prevailed.

(Mr. Smith of Grayson in the chair.)

Mr. Tarver, by consent, offered the following resolution:

Resolved, That all old Confederate soldiers now visiting the capital be and are hereby cordially invited to seats within the bar of the House.

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

The motion prevailed, and the resolution was unanimously adopted.

The House resumed consideration of the pending question, same being

Substitute House bill No. 111, the general appropriation bill, on its passage to engrossment, the items pertaining to the University of Texas, on pages 10 and 11, being that part of the bill under consideration, with amendment by Mr. Dies and substitute by Mr. McAnally for the amendment pending.

After consideration by the House, Mr. Dies moved the previous question on the pending amendments, and the main question was ordered.

Question first recurred on the substitute by Mr. McAnally, upon which yeas and nays were demanded by Mr. Henderson of Lamar, Mr. Bean and Mr. Evans.

The substitute was lost by the following vote:

Yea--41.

Nay--36.

Caldwell. Cocke. Lake. Little.
May 1, 1899

Monroe.
Murphy.
Neff.
Nolan.
Parish.
Pitts.
Prince.
Russell.
Sansom.
Adams.
Allen of Hopkins.
Ayers.
Barbee.
Bean.
Beaty.
Bolin.
Barbee.
Crawford.
Childers.
Calvin.
Childers.
Caldwell.
Chambers.
Cocke.
Cole.
Collins.
Cross.

Yeas-50.
Allen of Colorado.
Bailey.
Barrett.
Bridgers.
Caldwell.

Nays—65.

“I vote ‘no’ because, 1st. In round numbers, the University has an endowment fund of about $84,000.

2nd. There are only 800 pupils attending the University.

3rd. The appropriation made by the State for the common schools in only about $4.00 per capita, therefore, the present endowment gives 800 pupils in the University as much money as the State gives to 21,000 pupils in the common schools, and if this substitute of $75,000 is adopted each pupil in the University will receive from the endowment fund supplemented by this appropriation as much money as 500 pupils in the common schools.

4th. Should I vote ‘yes’ I could not go home and look an honest constituency in the face, and tell them that my official acts, as their representative, had been in favor of the poor man and the common schools.

“I vote ‘no,’ because the language used and argument made on the floor it is clear that the $75,000 appropriation is intended to go to the University, when under the Constitution all the appropriations by the State of Texas should go to the permanent fund in order to build up an endowment fund large enough that properly invested will yield sufficient interest to support and maintain this institution. (See State Constitution, Article 3, Section 48; Article 7, Sections 10, 11, 13, 14, 15.)

“I should not oppose a reasonable appropriation to go to the permanent fund, and which might continue from year to year until enough to make a perpetual permanent and sufficient fund, the interest thereon to sustain and build up this institution.

“POWELL.”

Question next recurred on the amendment by Mr. Dies, upon which yeas and nays were demanded by Mr. Maxwell, Mr. McAnally and Mr. Morrow.

The amendment was lost by the following vote:

Nays—65.

Nays—65.
I vote "no" on both the amendment and the substitute appropriating $40,000 and $75,000 respectively, for each year for the support of the University, for the reason that the University has an estimated amount of $83,500, to be used as directed by the Board of Regents, for each year.

"In my opinion this appropriation cannot be made without a violation of the Constitution, but the friends of the measure tell me that the appropriation can be made for the support and maintenance of the University, and use it for the erection of new buildings, thus doing a thing indirectly that you can not do directly under the Constitution and laws of this State.

"I am not unfriendly to the University, but am in favor of it doing like the citizen, that is, it must use economy and live within its means; it does seem to me that the $83,500, together with the matriculation fee of $30 for each student, ought to be sufficient to support that institution without the appropriation of any money out of the general revenues of this State, however, if it is a fact that such amount is insufficient, I will be willing to supply such deficiency as would reasonably come within the meaning of its support and maintenance.

"CRAWFORD."

"I vote 'no.' because the Senate has in its bill $75,000, which is double, in my opinion, the amount that ought to be given, and between the House and Senate bills there is plenty of room for a liberal appropriation to be made by the Conference Committee.

"PEERY."

"I vote 'no,' because I think $40,000 for each year is too much.

"THOMAS pf Wise."

"I vote 'no' on the $40,000 proposition because I think $30,000 enough, and will vote for that amount.

"ADAMS."

At 1 o'clock p. m., on motion of Mr. Vaughan, the House took a recess until 3 o'clock p. m. today.

AFTERNOON SESSION.

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

(Mr. Bailey in the chair.)

SPEAKER'S TABLE.

The Chair laid before the House, as special order for the hour, on its second reading,

House bill No. 804. A bill to be entitled

"An Act providing the punishment of pools, trusts and conspiracies to control
prices, and as to evidence and prosecution in such cases."

Mr. Dies moved to postpone consideration of the bill until the University items in the general appropriation bill shall have been disposed of.

The motion was lost.

Mr. Dies then moved to postpone consideration of the bill until next Monday, May 8, 3 p.m.

The motion was lost.

The bill was then read second time, together with a favorable majority report with amendments, a favorable minority report (1) with amendment, and adverse minority report (2) on the bill.

Mr. Staples moved to adopt the favorable minority report (1).

Mr. Masterson moved to substitute the adverse minority report (2) for the favorable minority report (1).

The motion to substitute was lost.

Question then recurred on the motion of Mr. Staples to adopt the minority favorable report (1), upon which yeas and nays were demanded by Mr. Tarver, Mr. Chambers and Mr. Cross.

The motion prevailed by the following vote:

Yea:—91.


Nays:—14.


Absent:—Excused.

Beatty, Bolin, Bridges, Brown, Dean, Goodman, Nays—14.

By accident.


Mays—14.


Absent:—Excused.


The motion prevailed by the following vote:

Yea:—91.


Nays:—14.


Absent:—Excused.


Mr. McClennan sent up to the Clerk's desk, and had read, the following memorial from ninety-five citizens of Coleman county, which was read and referred to the Judiciary Committee No. 1.

To the Honorable Legislature of the State of Texas.

In view of the fact that the insurance companies, through their agents, are actively engaged in seeking to impress you with the idea that the people of Texas are opposed to "anti-trust" legislation in so far as it affects the said companies; now, therefore, the undersigned, believing that a vast majority of the citizens of this State favor such legislation, and especially the proposed law now pending before you, modeled after the Arkansas anti-trust law, we take this method of expressing our convictions on the subject and urge its passage.

Done at Coleman, Texas, April 30, A.D. 1899.

Mr. Kennedy offered the following amendment to the bill:

Amend by striking out all after the enacting clause and insert the following in lieu thereof:

Section 1. A trust is: 1. Any agreement, combination, or understanding between two or more persons, partnerships or corporations to fix or regulate the price of any article or thing; or to fix or
regulate the price or premium to be paid for life insurance or for insuring property against loss or damage by fire, lightning, storm, cyclone, tornado, or other causes; or to limit the quantity or supply of any article or thing, or to maintain any price or prices or regulations.

2. Any corporation which owns or controls, and which has any officer or officers, agent or agents, employee or employees, stockholder or stockholders, controlling, directly or indirectly, all or any part of the capital stock, all or any part of any issue of bonds or other obligations of any other corporation, firm or person engaged in the manufacture or sale of any articles or things of the same or similar kind or character.

3. Any corporation owning or controlling as much as one-fourth of the entire output of any one article or thing within the State of Texas or the United States in any one year; or which owns or controls one-fourth of the existing supply of any one article or thing in the State of Texas or United States, or any corporation which has since January 1, 1899, bought, absorbed or consolidated with any other corporation or firm engaged in the manufacture or sale of any article or thing of a similar kind or character.

4. Any person, firm or corporation which shall refuse to sell any article or thing which it manufactures, keeps or offers for sale, to any citizen of, or any person engaged in business in the State of Texas, at as low a price as the same quantity and quality of said article or thing is offered for sale, barter or exchange, to any other citizen of Texas, or of any other State or country, or to any transient person; or shall refuse to offer for sale, barter or exchange, all the qualities and grades of any article or thing to any citizen of, or person doing business in Texas, which it offers for sale, barter or exchange, or sells, barter or exchanges to any other citizen of Texas, or of any other State or country or any transient person.

Sec. 2. No trust shall be permitted to transact any kind of business, nor shall any article or thing made, manufactured or sold by any trust be bartered, sold or exchanged, or offered for barter, sale or exchange in this State.

Sec. 3. The words “article or thing,” wherever used in this act, are intended to mean and include every kind and character of corporeal personal property.

Sec. 4. Any person, natural or artificial, or any partnership, or any representative or agent of such person or partnership violating any of the provisions of this act; or any person, natural or artificial, or partnership, who shall become a party to any violations of the provisions of this act, or who shall become a member of or a party to any trust, shall forfeit not less than five hundred dollars, nor more than five thousand dollars for every such offense, and each and every day such trust or person, natural or artificial, or partnership, shall continue to be a trust or a party thereto, shall be a separate offense, the penalty in all cases to be recovered by an action in the name of the State of Texas at the relation of the Attorney-General, or the district or county attorney. The moneys thus collected to go into the State treasury and become a part of the general fund, except as hereinafter provided.

Sec. 5. Any corporation created or organized by or under the laws of the State, which shall violate any of the provisions of the preceding sections of this act shall thereby forfeit its corporate rights and franchises; and its corporate existence shall be by the court declared forfeited, void and of no effect, and shall thereupon cease and determine, and any corporation created or organized by or under the laws of any other State or country, which shall violate any of the provisions of the preceding sections of this act shall thereby forfeit its right and privilege thereafter to do any business in this State, and its right and privilege to do business in this State shall be declared forfeited; and in all proceedings to have such forfeiture declared, proof that any person acting as the agent of such foreign corporation in transacting its business in this State has been violating any provision of the preceding sections of this act, shall be prima facie proof of the act of the corporation itself; and it shall be the duty of any county or district attorney who believes or has reason to believe that any person, natural or artificial, or any partnership is a trust or a member of any trust or a party to the violation of any of the provisions of this act, to request of such person, natural or artificial, or any agent or representative of such person or partnership the privilege of examining all its books and records, and if such request is refused, the said county or district attorney shall certify to the fact of said refusal, which shall be accepted as prima facie evidence that such person, natural or artificial, or partnerships is a trust or a party to the violations of the provisions of this act. It shall be the duty of the clerk of any court in which an action or prosecution under this act is instituted to certify the
decree thereof to the Secretary of State, and if it be an insurance company, to the Commissioner of Insurance, Statistics and History, who shall take notice and be governed thereby as to the corporate powers and rights of said corporation.

Sec. 6. It shall be the duty of the Secretary of State, on or about the first day of July of each year to mail to the president, secretary, or treasurer of each incorporated company doing business in this State, a letter of inquiry as to whether the said corporation has all or any part of its business or interests in or with any trust as defined in the preceding provisions of this act, and to require an answer, under oath, of the president, secretary, or treasurer, or any director of said company; a form of affidavit shall be enclosed in said letter as follows:

AFFIDAVIT.

STATE OF TEXAS,  
COUNTY OF.............

I, .............. , do solemnly swear that I am the.............. (president, secretary, treasurer, or director), of the corporation known and styled, .........., duly incorporated under the laws of .............., on the........ day of .............., 18........, and now transacting or conducting business in the State of Texas, and that I am duly authorized to represent said corporation in making this affidavit. And I do further solemnly swear that the said .............., known and styled as aforesaid, has not since the........ day of .......... (naming the day upon which this act takes effect), created, entered into or become a member of, or a party to, and was not on the........ day of .......... not at any day since that date, and is not now, a member of, or a party to any pool, trust, agreement, combination, confederation, or understanding, with any other corporation, partnership, individual, or any other person, to regulate or fix the price of any article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage by fire, lightning, storm, cyclone, tornado, or any other kind of policy issued by the parties aforesaid; and that has not entered into or become a member of, or a party to, any pool, trust, agreement, contract, combination, or confederation, to fix or limit the amount or supply or quantity of any article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage by fire, lightning, storm, cyclone, tornado, or any other kind of policy issued by the parties aforesaid, and that it has not issued, and does not own any trust certificate, and for any corporation, agent or officer or employe, or for the directors or stockholders of any corporation, has not entered into, and is not now within a combination, contract, or agreement with any person or persons, corporation or corporations, or with any stockholder of director thereof, the purpose and effect of which said combination, contract or agreement would be to place the management and control of such combination or combinations, or the manufactured product thereof in the hands of any trustee or trustees, with the intent to limit or fix the price or lessen the sale or production of any article or thing whatsoever, or to prevent, restrain or diminish the manufacture of any such article. And I do further solemnly swear that .......... (giving name and style of corporation), nor any of its stockholders, directors or officers, agents or employees own or control all or any part of the stock or any issue of bonds or other obligations of any other firm or corporation engaged in the manufacture or sale of any article of a similar kind or character. That the said .............. has not since the first day of January, 1899, bought, absorbed or consolidated with any other firm or corporation or individual engaged in the manufacture or sale of any article or thing of a similar kind or character to that manufactured or sold by us.

............... (President, Secretary, Treasurer, or Director).

Subscribed and sworn to before me, a .............., within and for the county of .............., this ........ day of .............., 18........ (Seal.)

And on refusal to make oath, in answer to said inquiry, or on failure to do so within thirty days from the mailing thereof, the Secretary of State shall certify to the prosecuting attorney of the district or county wherein said corporation is located, and it shall be the duty of the such prosecuting attorney, at his earliest practicable moment, in the name of the State, and at the relation of said prosecuting attorney, to proceed against such corporation, and if a domestic corporation, for the recovery of the money forfeited provided for in this act, and also for the forfeiture of its charter or certificate of incorporation. If a foreign corporation, to proceed against such corporation for the recovery of the money forfeited provided for in this act, and to forfeit its rights to do business in this
State; and provided, that whenever money, bonds, or other securities may be on deposit in this State, shall remain subject to the decision of said court to secure whatever penalties or costs that may be adjudged against said corporation or individual.

Sec. 7. It shall be the duty of the Attorney-General, and the prosecuting attorney of each district or county respectively to enforce the provisions of this act. The Attorney-General and the prosecuting attorney shall institute and conduct all suits begun in the district courts, and upon appeal the Attorney-General shall prosecute said suits in the Courts of Civil Appeals and Supreme Courts. As compensation for his services in this behalf the district or county attorney representing the State shall be entitled to his actual expenses incurred in the prosecution of such suits, to be paid by the defendant or defendants when judgment is rendered for the State, to be taxed as costs by the court hearing the cause. The prosecuting attorney shall receive for his compensation one-fourth of the penalty collected.

Sec. 8. In all suits instituted to forfeit the charter of corporations, or to forfeit the right of a corporation to do business in this State, where a judgment or forfeiture is obtained, the district court rendering such judgment shall allow the prosecuting attorney a fee of not less than $25 nor more than $250, to be paid out of the assets of said corporation; and when the Attorney-General takes part in said prosecution he shall be entitled to his actual expenses, to be paid in like manner. All actions authorized and brought under this act shall have precedence, on motion of the prosecuting attorney or Attorney-General, of all other business, civil and criminal, except criminal cases where the defendants are in jail.

Sec. 9. Provided that the eight foregoing sections of this act shall be construed to be cumulative to all laws now in force in this State.

Sec. 10. The near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended, but this act shall not take effect or be in force until the first day of January, 1900.

[Signed KENNEKO. GROGAN.]

Mr. Wooten offered the following substitute for the amendment:

Strike out all after the word 'act,' in line 7, page 1 of the bill, and insert in lieu thereof the following:

To define, prohibit and punish trusts and monopolies: to provide for forfeiting the permits, licenses and charters of persons, firms or corporations engaged therein: to prohibit the sale of all articles manufactured or handled by them: to declare void all contracts made by them or for their benefit, and prohibit suits in the courts of this State for the enforcement of such contracts or debts founded thereon: to prohibit the ownership in this State of all real property by them, and to provide for the forfeiture and escheat thereof; to prescribe penalties therefor, and to establish methods of prosecution and forfeiture, and the rules of evidence in all such cases.

Be it enacted by the Legislature of the State of Texas:

Section 1. That a "trust" is any combination, confederation, agreement, affiliation, understanding or consolidation by and between two or more persons, firms, corporations or associations of persons, or either two or more of them for the use, benefit or behoof of the others or for any of the others, for either or any of the following purposes, or which produces or tends to produce any or all of the following purposes:

(1) To create or carry out restrictions in trade or commerce or aids to commerce, or to create or carry out restrictions in the full and free pursuit of any business authorized or permitted by the laws of this State.

(2) To increase or reduce or to fix, maintain or regulate the price of any article of manufacture, mechanism, merchandise, commodity, convenience, utility, value or repair, or any product of mining, discovery or invention, or any article or thing whatsoever that is the product of human labor, service, ingenuity or skill.

(3) To maintain such prices when so fixed, regulated or raised or reduced, by restrictions upon the amount of such articles as are above mentioned, or upon the quantity furnished the trade, or by any manner, or by any device, agreement or arrangement controlling the market for such articles or engrossing the output or purchasing or otherwise securing the exclusive or controlling share in the manufacture or sale of the same, or by limiting the areas within which the same may be sold or handled at certain fixed or scheduled prices, or by any other means or device altering or destroying the free and normal laws of competition, trade and commerce in reference thereto.

(4) To prevent or limit competition
in manufacture, making, transportation, sale or purchase of any of the articles above mentioned, or to prevent or limit competition in any of the aids and means of commerce or credit.

(5) To fix or maintain higher or lower prices and rates for any of said articles at one or more places or localities of sale or purchase than are fixed and maintained at other places or localities under the same or similar conditions as to transportation, cost of production and other elements fairly entering into the normal and free market for such articles if sold or handled without such regulations or restrictions as to rates or prices.

(6) To fix at any standard or figure, whether in any manner controlled or established, any of the articles or things above mentioned.

(7) To create, make, enter into or become a party to or to carry out or execute any contract, combination, confederation, affiliation, agreement, contract or obligation of any kind or description, by which they shall bind or have bound themselves or any of them not to sell, dispose of or transport any of the articles or things hereinbefore mentioned below a common figure or standard, or by which they agree or have agreed in any manner or by any device whatsoever to establish or settle the price of any of said articles and things between themselves or between them and the public, and to preclude a free and unrestricted competition among themselves and others or in the trade at large in the handling, production, sale or transportation of any of said articles, commodities or things above mentioned, or by which they shall agree or have agreed to pool, combine, unite or affiliate any interest they or any of them may have in connection with the production, manufacture, sale or transportation of any of said articles or commodities, so as to in any manner or to any extent, directly or indirectly, affect the price of the same.

(8) To fix or regulate or maintain at a fixed or graded standard the rates or prices for insurance upon life or property of every description, against every or any kind of risk, and whether against total or partial loss.

Sec. 2. Under the various forms of combination, confederation, affiliation, contract, agreement, association or understanding mentioned in the preceding section, and which are therein defined and declared to constitute "trusts," are included such unions or pooling of the several kinds described as result in the combination for the purposes named therein, of capital, skill, acts, credit, assets, properties of every kind, custom, patronage, trade or any other valuable thing or possession belonging to the persons, firms, or corporations engaging therein.

Sec. 3. A "Monopoly" is any union or combination or consolidation or affiliation of capital, credit, property, assets, trade, custom, skill or acts, or of any other valuable thing or possession, by or between persons, firms or corporations, whereby any one of the purposes or objects mentioned in Section 1 of this act is accomplished or sought to be accomplished, or whereby any one or more of said purposes are promoted or attempted to be executed or carried out, or whereby the several results described in Section 1 are reasonably calculated to be produced; and a "monopoly" as thus defined and contemplated includes not merely such combinations by and between two or more persons, firms or corporations acting for themselves, but is especially defined and intended to include all aggregations, amalgamations, affiliations, consolidations or incorporations of capital, skill, credit, assets, property, custom, trade or other valuable thing or possession, whether effected by the ordinary methods of partnership or by actual or corporate or firm belongings of two or more firms or corporations, and all corporations or partnerships that have been or may be created by the consolidation or amalgamation of the separate capital, assets, credit, properties, customs, trade or corporate or firm belongings of two or more firms or corporations or companies which are specifically declared to constitute monopolies within the meaning of this act, if so created or entered into for any or more of the purposes named in Section 1.

Sec. 3a. No trust or monopoly, as the same are above defined, shall own, acquire or hold title to land or real estate in this State, or to any interest in, lien on, or right in any character of real estate, nor shall any trust or monopoly enforce any right, title, lien or interest in and to any lands in this State by suit or other legal or equitable proceedings in the courts of this State. In all cases where any trust or monopoly shall assert or acquire or attempt to claim or enforce any right, title, lien or interest in any lands in this State, it shall be the duty of the Attorney-General or of the county...
or district attorney of the county in which the same is situated, to institute proceedings to escheat the same to the State, in which cases the proceedings shall be governed by the same rules, as far as applicable, that are prescribed for the escheat of lands of aliens, in Title III, of the Revised Civil Statutes of the State of Texas. Throughout this act, all of its provisions shall apply and be in force against the various firms, corporations, associations and companies and against their assignees, trustees, receivers or other legal successors or representatives, in all matters pertaining to forfeitures hereinafter declared. Any corporation holding a charter under the laws of the State of Texas which shall violate any of the provisions of this act shall thereby forfeit its charter and franchise, and its corporate existence shall cease and determine, without the right of renewal or reincorporation. Any foreign company or corporation, or any person, firm or association of persons not resident in this State, violating any of the provisions of this act shall at once forfeit the permit, license or authority to do or to solicit business in this State, and any and all contracts, obligations or evidences of debt made, contracted or entered into by any such corporation, person, firm or association during or after the time of such unlawful conduct shall be void, and no suit, at law or in equity, shall ever be maintained or entertained in any of the courts of this State to enforce any such contract or to collect any such debt, but it shall be a complete and valid defense thereto that the person, firm, corporation or association has violated the provisions of this act.

Sec. 5. It shall be the duty of the Attorney-General or of any district or county attorney, or either of them, upon his own motion and without leave or order of any court or judge, to at once institute suit or quo warranto proceedings in Travis county, at Austin, or at the county seat of any county in the State where such corporation has an office or agency for the transaction of business, or where its domicile may be, for the forfeiture of the charter of any domestic corporation violating the provisions of this act, and in case of a foreign corporation doing business in this State, the license, permit or authority to do or to solicit business in this State shall be at once canceled or withdrawn by the officer or authority issuing the same, or the same may be canceled or declared no longer effective by injunction or other proper proceedings in courts of competent jurisdiction, at the instance of the Attorney-General or of the district or county attorney of any county in the State where such corporation, company, association or person is doing or soliciting business.

Sec. 6. Every corporation, firm or individual, their agents, representatives, salesmen, officers or any person acting for them in this State, who shall violate the provisions of this act, shall be deemed guilty of a conspiracy to defraud, and upon conviction thereof shall be fined not less than fifty dollars for each day such violation is shown to have been committed in case of an individual, and in case of a corporation shall for each and every day that it is shown to have violated the provisions of this act, the agents, representatives, salesmen and officers of corporations being deemed individuals within the meaning of this section as to fines and punishment where they have been instrumental in carrying out the unlawful purpose of the corporation.

In all such prosecutions or suits for forfeiture or a penalty the prosecuting officer conducting the same shall receive one-fourth of the fines or penalties adjudged or imposed by the judgment of the court, and in all suits to forfeit charters under this act, he shall be paid a reasonable fee to be fixed by the court trying the cause, not less than twenty-five dollars nor more than two hundred and fifty dollars in each case, said fees to be taxed as costs against the corporation against whom the forfeiture is adjudged, and collected by execution or out of any bond it may have filed under the laws of this State or any funds deposited in accordance with law.

Sec. 7. In all suits and prosecutions for violations of this act the rules of evidence and the methods of procedure now existing under the Statutes of this State with reference to quo warranto, trusts and conspiracies against trade, and all other provisions of existing laws shall be deemed to remain in full force and effect so far as applicable, and to be cum-
ultative of the provisions of this act. In
all suits for forfeitures of charters or
cancellation of permits or licenses under
this act, or for penalties and fines, proof
that any person who has been acting as
the agent, solicitor, salesman or represen-
tative of any corporation, firm or asso-
ciation in transacting its business in
this State, or in soliciting orders or sell-
ing goods, wares, merchandise or any of
the commodities contemplated herein, has
been, while acting in that capacity, violat-
ing any of the provisions of this act,
shall be received and deemed prima facie
proof of the act of the corporation, firm
or association itself; and in all such
suits and prosecutions proof of the gen-
eral effect and results of the methods
of business and trade of any corporation,
firm or association producing or tending
to produce the several purposes and ob-
jects herein declared and prohibited,
shall be received and deemed competent
to establish a prima facie case of viola-
tion of the provisions of this act, duly
 subscribed to.
Sec. 8. It shall be unlawful for any
person, firm, corporation, association or
business concern of any description to
handle, transport, sell, keep, offer for
sale, solicit orders for, or in any man-
ner be connected with or engaged in
transacting business for the disposition
or delivery of any of the articles or com-
modities mentioned in Section 1 of this
act, or in any extent, directly or in-
directly, owned, handled, made, manu-
factured, transported or placed on the
market by any trust or monopoly as the
same is defined in the preceding sections
of this act; and any person, firm, corpo-
ration, association or business concern
or establishment that shall so handle,
transport, sell, keep, offer for sale, solicit
orders for, or in any manner be con-
ected with or engaged in transacting
business for the disposition or delivery
of such articles or commodities for a
trust or monopoly as the same is herein
defined and contemplated, shall forfeit
any and all license, permit, authority or
charter of incorporation to do business
of any kind in Texas, which forfeiture
shall be declared and enforced as pro-
vided in the preceding sections of this
act, and shall be subject to a penalty of
not less than $50, nor more than $5000
for each and every day in which it shall
be shown that such violation of this sec-
tion was committed. All contracts, obli-
gations and indebtedness of every de-
scription made, entered into or con-
tracted in the handling, sale, transporta-
tion, keeping, soliciting, disposition and
delivery of such prohibited articles or
commodities, shall be absolutely void and
not enforceable in the courts of this
State either at law or in equity.
Sec. 9. Before any charter or articles
of incorporation are granted to any cor-
poration under the laws of this State,
and before any license, permit or author-
ity to do or to solicit business in this
State is issued to any foreign or non-
resident corporation, firm or association
of persons, and regularly every six
months thereafter, it shall be the duty
of every such firm, corporation or asso-
ciation of persons seeking or holding such
permit or charter, to file with the Secre-
tary of State, an affidavit in writing,
duly sworn to by some person author-
ized and empowered so to do by the firm,
corporation or association interested,
substantially as follows:

STATE OF TEXAS,
County of...........

I, ............... , do solemnly swear
that I am the (president, secretary, trea-
surer, or duly authorized agent, as the case may be), of the firm,
corporation or association known and
called ............... (or if it be an
application for the charter of a corpo-
ration under the laws of this State, give
the name, purpose, location, etc.), which has this day
filed its application for a charter under
the laws of the State of Texas (or if
it be a foreign corporation, state has
this day filed application for permit
with copy of its charter; or if it be af-
davit subsequent to original charter or
permit, state that the same is now doing
or transacting business in Texas under
charter or permit as the case may be),
and that I am duly authorized to repre-
sent the same in the making of this af-
davit; and I do further solemnly swear
that the said ............... (president, secretary,
treasurer, or duly authorized agent of
said company, as the case may be), is now
incorporated under the laws of this
State, or if it be a foreign corporation,
give its intended corporate name, is now
and has not been since date of taking effect of this
act; or if it be a new domestic of foreign
corporation in Texas, state is not now
and will not become at any time, in
any manner, by any device, nor to any
extent, directly or indirectly engaged in
connection with, controlled by, confed-
erated, affiliated, consolidated or in any
manner amalgamated with any species or
method of trust or monopoly as the same
are more particularly defined and pro-
hibited by the Statutes of the State of
Texas, which statutes I have carefully
read and examined and make this oath

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with full understanding of the same and of all the prohibited matters and things therein set forth in connection with trusts, monopolies and conspiracies against trade and to defraud, and I make oath to this denial with reference to said statutes as fully and specifically as if the several provisions therein were here repeated and severally sworn to by me; and I further solemnly swear that said ............... has not in any way agreed or contracted in any manner or to any extent to transact its business subject to any of the methods or for any of the purposes declared by the laws of the State of Texas to constitute a trust or monopoly, and will not so do at any time or in any manner during the period it shall seek or offer to transact or to solicit business in this State.

(Give capacity of affiant, as an officer, agent, etc.)

Sworn to and subscribed before me, a ............... within and for the county of ............... State of Texas, this ............... day of ............... .

(Sign)

The aforesaid affidavit shall be filed in all cases where charters are sought by corporations under the laws of this State, and by all foreign corporations asking permits to do business in this State, and unless so filed and found to be satisfactory, no charter or permit shall be issued to any corporation, firm or association in this State. If any corporation, firm or association, whether organized under the laws of Texas or elsewhere but authorized to do business in Texas, shall fail or refuse to file the foregoing affidavit at periods of six months regularly after its incorporation or authorization to do business in this State, as may be requested by the Secretary of State whose duty it is made to require such affidavit as herein specified, he shall at once notify the Attorney-General of the county or district attorney of the county or district wherein such firm, corporation or association is located or doing business, of such failure or refusal, and said officer shall immediately proceed to forfeit the charter or permit of such defaulting firm, corporation or association, and to enforce the penalties and fines against the same, as is provided in this act for violations of the other provisions of this act. The falsity of any affidavit made under this section shall constitute perjury and be subject to all the pains and penalties of that offense under the laws of this State.

Sec. 10. All suits, proceedings and prosecutions under the provisions of this act, on motion of the Attorney-General or the county or district attorney representing the State, shall have precedence in all the courts of the State over any and all other suits and cases, civil or criminal, except criminal cases where the defendants are in jail.

It is made the special duty of the several grand juries, county and district attorneys and the Attorney-General to vigilantly and diligently inquire into all violations or suspected violations of the provisions of this act, and to prosecute the same with all vigor and dispatch, and the same shall be given specially in charge to the grand juries at each term of the various districts and criminal courts of the State. This act shall be cumulative of other laws on the same subject, and shall not be construed to repeal the same unless clearly inconsistent therewith.

Sec. 11. In order to enable all persons, firms and corporations affected or to be affected by this act, to adjust themselves and their business to the provisions of the act, it is hereby declared and provided that the penalties and forfeitures herein provided and denounced shall not become operative until January 1, 1900, but the prohibition as to granting of charters or the issuing of permits to trusts and monopolies as herein defined shall be in effect from and after the passage of this act.

(Signed WOOTEN, SMITH of Grayson, Garner.)

Mr. Wooten moved that further consideration of House bill No. 804 be postponed until tomorrow, 4 p. m., and that the bill be made a special order for that hour.

Mr. Wright moved as a substitute for above motion that further consideration of the bill be postponed until next Friday, May 5, 3 o'clock p. m., and that House bill No. 804, on its passage to engrossment, with pending amendments, be made a special order for that hour.

The substitute was adopted, and the former motion as substituted was adopted.

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

House Joint Resolution No. 28, To amend Section 1, of Article 6, of the Constitution of the State of Texas, relating to suffrage, and making the payment of a poll tax a prerequisite to the exercise of the right of suffrage.
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Which was pending last Friday when the House adjourned.

Mr. Neff resuming the floor.

Mr. Decker offered the following amendment:

"Amend by inserting on page 1, line 21, after the word 'poll' the following words, viz.: 'Or ad valorem or occupation'; also strike out 'year,' in line 22, and insert therefor these words, viz.: 'Two years next either year.'"

[Signed "DECKER, "POWELL."]

Mr. Terrell offered the following substitute for the amendment:

"Amend by striking out all between lines 19 and 26, and insert the following: 'All persons who being subject to the payment of State and county poll taxes under the Constitution and laws of this State, and who have not paid their poll taxes for the previous year, at least six months before any general election at which such delinquent persons shall offer to vote.'"

After consideration by the House, Mr. Robertson of Harrison moved the previous question, and the main question was ordered. Question first recurred on the substitute by Mr. Terrell, and it was lost. The amendment was lost.

On engrossment of the resolution, yeas and nays were demanded by Mr. Smith of Collin, Mr. Bolin and Mr. Goodman. The resolution was lost by the following vote:

Yeas—50.

Adams.
Allen of Colorado.
Ayers.
Bailey.
Caldwell.
Calvin.
Chambers.
Childers.
Clementa.
Cole.
Collins.
Cross.
Dean.
Dorroh.
Evans.
Garner.
Garrett.
Gill.
Goodlett.
Goodman.
Henderson, Brazos.
Jones.
Kittrell.
Livsey.

Nays—50.

Allen of Hopkins.
Barbee.
Barrett.
Beaty.
Blount.
Bolin.
Childs.
Cocke.
Crawford.
Decker.
Dies.
Eckolls.
Ella.
Ezell.
Frost.
Gordon.
Graham.
Henderson, Lamar.
Howard.
Hurley.
Kennedy.
Lake.
Lillard.
Little.
McAnally.

Bridgers.
Brown.
Culp.
Derdan.
Hamilton.
Lanee.
Looney.
Masterson.
McFarland.

Absent.

Bennett.
Conoly.
Greenwood.
Grubbs.
Freusher.

Absen—Excused.

Allen of Hopkins.
Barbee.
Barrett.
Beaty.
Blount.
Bolin.
Childs.
Cocke.
Crawford.
Decker.
Dies.
Eckolls.
Ella.
Ezell.
Frost.
Gordon.
Graham.
Henderson, Lamar.
Howard.
Hurley.
Kennedy.
Lake.
Lillard.
Little.
McAnally.

Bridgers.
Brown.
Culp.
Derdan.
Hamilton.
Lanee.
Looney.
Masterson.
McFarland.

Absent—Excused.

Bennett.
Conoly.
Greenwood.
Grubbs.
Freusher.

"Generally, I am opposed to the submission of constitutional amendments as a matter of economy, especially in this instance of principle. The suffrage of the people should not be curtailed. The masses check the classes, a balance wheel, equilibrium in political adjustment. A precedent, though evil admittedly exists, being established, there is no limit to which this policy could not be extended, until the government would be confined to the control of the favored and wealthy few.

"Allen of Hopkins."

"I vote 'no' on the poll tax amendment; first, that it is a step toward property qualification. If the amendment had carried it would have been but a few years until a bill would have been passed disfranchising a voter unless he paid taxes on $500 worth of property—that is the law in several states now. The prin-
Mr. Kennedy moved to reconsider the vote by which House Joint Resolution No. 28 was lost, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Beaty moved that twenty extra copies of today's Journal be ordered printed for each member, and the motion was lost.

On motion of Mr. Walton pending business was suspended to take up, and place on its second reading:

House bill No. 647, A bill to be entitled "An Act to amend Article 873, Title XXV, of the Revised Civil Statutes of the State of Texas, relating to the pay of committees to examine into the finances of counties."

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

Mr. Walton offered the following amendment:

"Amend by adding after the word 'days,' in line 10, the following: 'Provided, that if it be made to appear to the satisfaction of the district judge in any county wherein the population exceeds thirty thousand, that the examination and report cannot be made in the period of ten days, the judge may in his discretion extend the time so as not to exceed in all twenty days, but in counties where such time is extended beyond ten days the examination provided for in Article (870) shall be made not oftener than once in twelve months; and provided further, that the said committee may be discharged at any time in the discretion of the presiding judge.' And amend further by adding to caption of bill: 'And to repeal all laws and parts of laws in conflict therewith.'"

Mr. Morrow offered the following substitute for the amendment:

"Amend by adding after the word 'served,' in line 13, the following: 'Provided, that in counties with less than 30,000 inhabitants said committee shall not receive pay for more than five days.'"

Lost.

The amendment by Mr. Walton was adopted, and the bill was ordered engrossed.

The Chair laid before the House, on its passage to engrossment:

House Joint Resolution No. 4, To amend Section 9, Article 8, of the Constitution of the State of Texas, relative to the rate of taxation, and relating to extermination of prairie dogs, which was read second time, and amended April 11.

Whereupon, Mr. Dies moved to take a recess until 8:30 p.m. today.

On motion of Mr. Little, the House, at 6:04 p.m., adjourned until 9:30 o'clock a.m. tomorrow.