ONE HUNDRED AND FIRST DAY.

Hall of the House of Representatives, Austin, Texas, Friday, May 12, 1899.

The House met at 9 o'clock a.m., pursuant to adjournment.
Speaker Sherrill in the chair.
Roll called, and the following members present:

Present—117.

Allen of Hopkins. Marsh.
Ayers. Maxwell.
Bailey. McAnally.
Barbee. McClellan.
Barrett. McDowell.
Bean. McFarland.
Beaty. McKamy.
Bennett. McKellar.
Blount. Meitzen.
Bolin. Mercer.
Bridgers. Monroe.
Browne. Morris.
Caldwell. Morrow.
Calvin. Murphy.
Chambers. Murray.
Childers. Neff.
Childs. Nolan.
Clements. Oliver.
Cole. Parish.
Collins. Peery.
Conoly. Pfeuffer.
Culp. Pitts.
Dean. Poole.
Decker. Powell.
Eckols. Prince.
Ellis. Rheiff.
Evans. Robertson, Harrison.
Garner. Robertson of Bell.
Garrett. Rochelle.
Gill. Rogers.
Goodlett. Russell.
Goodman. Sansom.
Gordon. Savage.
Graham. Schluter.
Greenwood. Seurry.
Grogan. Shannon.
Grubbs. Shelburne.
Hamilton. Shropshire.
Henderson, Brazos. Smith of Grayson.
Howard. Staples.
Hurley. Stewart.
Jones. Sutherland.
Kennedy. Tarkington.
Kittrell. Tarver.
Lake. Tate.
Lane. Terrell.
Lilard. Thomas of Wise.
Little. Thomas of Fannin.
Livsey. Tolbert.
Looney. Tompkins.
Loyd. Tucker.

Vaughan. Willacy.
Walton. Willrodt.
Wells. Wooden.
Whelless. Absent.
Adams. Derden.
Allen of Colorado. Masterson.

Dyes. Stripling.
Dorrol. Teagle.
Frost. Wright.

A quorum was announced present.
Prayer by Rev. W. J. Garlin, Chaplain.
Pending reading of the Journal of yesterday,
On motion of Mr. Sansom, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Derden until next Monday, on motion of Mr. Shropshire.
Mr. Allen of Colorado until next Monday, on motion of Mr. Monroe.
Mr. Wright until next Monday, on motion of Mr. Monroe.

On account of sickness in his family:
Mr. Savage for today, on motion of Mr. Sutherland.

SPEAKER'S TABLE.

The Speaker laid before the House, on its third reading and final passage.
House Joint Resolution No. 4, To amend Section 9, Article 8, of the Constitution of the State of Texas, relating to the rate of taxation and providing for the extermination of prairie dogs.
Whereupon, Mr. Childs offered the following

RESOLUTION.

Whereas, The session of the Twenty-sixth Legislature is now rapidly drawing to a close, and we yet have no anti-trust bill; therefore, be it
Resolved, That we take up the anti-trust bill now, and continue its consideration from day to day until it is finally disposed of.


The resolution was read second time.
Mr. Lane rose to a point of order, and said:
"MR. SPEAKER: I make this point of order: That by a resolution adopted by this House, Wednesday and Thursday evenings of each week was set aside for the consideration of Senate bills, and the
remaining time for the consideration of House bills. Section 54 of the Rules of the House provides that no standing rules or order of the House shall be rescinded or changed without one day's notice being given of the motion thereof."

The Chair held the point of order not well taken.

The resolution was adopted.

The Speaker then laid before the House, as special order, on its passage to a third reading, Senate bill No. 323, A bill to be entitled "An Act to prohibit pools, trusts, monopolies and conspiracies to control business and prices of articles; to prevent the formation or operations of pools, trusts, monopolies and combinations of charters of corporations that violate the terms of this act, and to authorize the institution of prosecution and suits therefor," with amendment by Mr. Thomas of Fannin and substitute for the amendment by Mr. Sutherland pending.

Mr. Sutherland, by consent, withdrew his substitute and put in lieu thereof the following:

"Amend the bill by inserting the following, on page 2, Section 2: After the word 'corporation,' in line 17, insert the word 'agent;' after the word 'State,' in line 18, insert the following, 'or any other State, Territory or country, or the sale of any commodity within this State;' after the word 'State,' in line 23, insert, 'or the sale of any commodity within this State;' after the word 'State,' in line 26, insert, 'or any other State, Territory or country, or the sale of any commodity within this State.'"

(Mr. Bailey in the chair.)

Mr. Kennedy moved the previous question on the pending amendments, and the motion was not seconded.

After further consideration by the House, Mr. Thomas of Fannin, by consent, withdrew his amendment, and the substitute was also withdrawn.

Mr. Jones offered the following amendment:

"Amend the bill as follows: By adding at the end of Section 1 the following, 'provided, however, that no corporation, company, person or association of persons shall be liable to the penalties prescribed in this act unless such corporation, company, person or association of persons actually violates or attempts to violate some provision or provisions thereof in this State.'"

Mr. Decker moved to table the amendment, upon which motion yeas and nays were demanded by Mr. Jones, Mr. Tarver and Mr. Russell.

Tabled by the following vote:

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Message from the Senate.

Senate Chamber,
Austin, Texas, May 12, 1899.

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

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

Senate Concurrent Resolution No. 21, providing for sine die adjournment of the Twenty-sixth Legislature on Tuesday, May 23, 1899, at 12 o'clock, noon.

Also Senate has concurred in House amendments to Senate bill No. 5.

Also has passed Senate bill No. 125, "An Act to amend Article 617b, Chapter 12, Title XVIII, Revised Civil Statutes of Texas, relating to the abolishment of municipal corporations."

(Speaker in the chair.)

Bill signed by the Speaker.

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following bill:

Senate bill No. 125, "An Act to amend Article 617b, Chapter 12, Title XVIII, Revised Civil Statutes of Texas, relating to the abolishment of municipal corporations."

(Mr. Bailey in the chair.)

Resuming consideration of the pending bill, with amendment pending.

Mr. Smith of Grayson offered the following substitute for the amendment:

"Amend after 'Sec. 9,' on page 8, by inserting the following: 'All individuals, companies or corporations transacting business contrary to the provisions of this act, within this State or elsewhere, are hereby prohibited from instituting and maintaining any character of suit in any court in this State.'"

(Mr. Cross in the chair.)

Resuming consideration of the pending bill, with amendment pending.

The substitute was adopted, and the amendment as substituted was adopted.

Mr. Wooten offered the following amendment:

"Amend Section 9 of the bill by adding thereto at the end thereof the following, 'provided, that in all cases where a sale has been made in violation of the provisions of this act, when any money or other thing of value has been paid thereon, the person paying the same may, by an action of debt, instituted in any court of competent jurisdiction within two years after such payment, recover from the individual, firm, company or corporation receiving the same, double the amount or value of the money or other valuable thing so paid or received.'"
MESSAGE FROM THE SENATE.

Senate Chamber,
Austín, Texas, May 12, 1899.

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

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed the following bills, to wit:

House bill No. 447, A bill to be entitled "An Act to amend an act of the Twenty-fifth Legislature, approved March 29, 1897, entitled 'An Act to amend Article 867, Chapter 1, Title XXV, of the Revised Civil Statutes, relating to county finances,' with amendments.

House bill No. 495, A bill to be entitled "An Act to validate and quiet titles to public free school, university and asylum lands sold prior to January 1, 1899; to provide for patents, and to prescribe limitation for bringing suits for the recovery of such land."

Senate bill No. 197, A bill to be entitled "An Act to appropriate $15,000 (fifteen thousand dollars) to build and maintain an orphans' home for colored children at Corsicana, Texas, and for the purchase of one hundred acres of land; to provide for the appointment of a board of managers, superintendent and matron for said home, and to define their duties."

Senate bill No. 392, A bill to be entitled "An Act to amend Article 4513, Title XCIV, Chapter 10, of the Revised Civil Statutes of 1895, relating to exemptions from the operation of the separate coach law of the State of Texas."

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," with amendments.

J. P. Pool,
Secretary of the Senate.

Mr. Prince offered the following substitute for the pending amendment by Mr. Wooten to the pending bill:

"Strike out Section 9, and insert in lieu thereof the following:

"Section 9. The sale of any article or commodity manufactured or controlled by a trust or monopoly is hereby declared illegal and void, and against public policy, and shall not be enforceable at law or in equity, and the consideration for such sale shall never be collectible; and when cash or anything of value is paid as the consideration of said sale, such cash or thing of value is hereby declared paid in violation of law, and may be recovered back.'"

Mr. Wooten accepted the substitute.

Mr. Prince yielding the floor,
Mr. Jones moved to take a recess until 2 p. m. today.

Mr. Conoly, by consent, called up House Concurrent Resolution No. 56, granting Hon. Sam R. Scott, judge of the Fifty-fourth Judicial District, thirty days leave of absence from the State.

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

Mr. Wooten, by consent, offered the following:

RESOLUTION.

House Concurrent Resolution No. 58:
Whereas, The States and Territories formed out of the original territory known as the "Louisiana Purchase," acquired by the United States under the administration of Mr. Jefferson, in 1803, have organized and are prosecuting a movement to hold a great Exposition and World's Fair at the city of St. Louis, to commemorate the centennial of that historic event; and

Whereas, The relations sustained by Texas towards the "Louisiana Purchase" were so intimate as to lead many historians and statesmen to confidently assert that the region lying between the Red River and the Rio Grande was actually and rightfully included in that purchase and became thereby a part of the American Union; and

Whereas, Our people are geographically and commercially closely identified and materially interested in the development of the States and Territories engaged in the preparation of said Exposition and World's Fair, and will be largely benefited by the success of the enterprise; therefore, be it

Resolved by the House of Representatives, the Senate concurring, that the Legislature, in behalf of the people of Texas, hereby extends to the promoters of said exposition our cordial approval and encouragement, with the assurance that, as far as practicable and permisible under our Constitution and laws, this State will co-operate with the purposes of said enterprise.

The resolution was read second time, and adopted.

INVITATION.

The Chair laid the following communication before the House:
May 12, 1899  

HOUSE JOURNAL.

St. Edward’s College,  
Austin, Texas, May 12, 1899.

To Hon. J. S. Sherrill, Speaker of the House, and Hon. Jas. N. Browning, President of the Senate.

GENTLEMEN: The members of the Legislature are cordially invited to attend an entertainment to be given at Saint Edward’s College, on the evening of Sunday, May 14, 1899, complimentary to the members of both houses of the Twenty-sixth Legislature.

Respectfully,

REV. P. P. KLEIN,  
President.

On motion of Mr. McKamy the invitation was accepted.

SENATE BILLS ON FIRST READING.

The following bills, received from the Senate today, were read first time, and referred to appropriate committees, viz.: Senate bill No. 292, to Judiciary Committee No. 2.

Senate bill No. 197, to the Committee on Finance.

Senate bill No. 349, to the Committee on Education.

Mr. Jones moved to take a recess until 2 p. m. today, Mr. Maxwell until 3 p. m. today, and Mr. Sutherland until 2:30 p. m. today.

Question recurring on the longest time first, the motion was lost, and the House, at 12:14 p. m., took a recess until 2:30 p. m. today.

AFTERNOON SESSION.

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

SPEAKER’S TABLE.

Pending question—Senate bill No. 323, the anti-trust bill, on its passage to a third reading, with amendment by Mr. Prince pending.

On motion of Mr. Bailey pending business was suspended that he might offer the following resolution:

House Concurrent Resolution No. 59: Requesting the Governor to return to the House, House bill No. 710, and that the Enrolling Clerk of the House be and he is hereby directed to erase the words “2942, 2943, 2944 and 2950, of Chapter 3, Title LXXIX, in Section 3, Article 2949, of said bill, and to insert in lieu of the words so erased the words “2942, 2943, 2944, 2947 and 2950, Title LIV.”

Resolved by the House of Representatives, the Senate concurring, that the Governor be and he is hereby requested to return to the House, House bill No. 710, and that the Enrolling Clerk of the House be and he is hereby directed to erase the words “2942, 2943, 2944 and 2950, of Chapter 3, Title LXXIX,” in Section 3, Article 2949, of said bill, and to insert in lieu of the words so erased the words “2942, 2943, 2944, 2947 and 2950, Title LIV,” and to return the bill, when so corrected, to the Governor.

The resolution was read second time, and adopted.

On motion of Mr. Pitts pending business was suspended to take up, on its second reading.

House Concurrent Resolution No. 44, relating to memorializing Congress for legislative relief from the existing evils of market gambling.

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

On motion of Mr. Terrell pending business was suspended to take up, on its second reading.

House Concurrent Resolution No. 29, relative to a University for the colored race.

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

On motion of Mr. Caldwell pending business was suspended to take up, on its second reading.

House Concurrent Resolution No. 35, relating to the lease of certain properties about the city of Austin, which was referred to the Committee on Public Buildings and Grounds, and reported favorably with amendment.

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

The committee report was adopted.

The resolution as amended was adopted.

Mr. Caldwell moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, May 12, 1899.

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

MR. SPEAKER: I am directed by the Senate to request the House to return to the Senate Senate bill No. 282.

J. P. POOL,  
Secretary of the Senate.

On motion of Mr. Wooten the above request of the Senate for return of Senate bill No. 282 was granted.

On motion of Mr. Shelburne, pending business was suspended that he might offer the following
RESOLUTION.

Whereas, The session of the Twenty-sixth Legislature is nearing a close, and bills of most importance should be first considered and disposed of; and

Whereas, The Democratic party in State convention assembled at Fort Worth in 1896, pledged to the people of the State that the State should be re-districted, and the number of the judicial districts lessened, thereby lessening the expense to the tax-payers of the State; and

Whereas, By reason of the fact that under the present system the business of the courts is increasing in the great cities of the State and lessening in the rural districts, thereby increasing the burden upon the tax-payers; therefore, be it

Resolved, That the re-districting of the State and the lessening of the number of the courts can only be accomplished by distributing the business of the courts in an equitable and just manner, and believing that the solution of this question is in a change of the law, in regard to the venue of suits; therefore, be it further

Resolved, That Senate bill No. 93, upon this subject, be made a special order for Monday, the 15th day of May, 1899, at 10 o'clock a.m., and that said bill be continued from day to day until disposed of.

[Signed—Shelburne, Decker, Staples, Savage, McNally, Little, Shannon, Russell, Barrett, McFarland, Phillips of Camp, Adams, Poole, Childers, Pitts, Acker, Carr, Shropshire, McDonald, Phillips of Lampasas, Beaty, Culp, Bennett, Smith of Collin, Peery, Goodman, Morris, Marsh, Henderson of Brazos, Grogan, Dean, Kittrell, Kennedy, Ellis, Thomas of Fannin, Lane, Thomas of Wise, Ratcliff, Sutherland, Cocke, Oliver, Robertson of Harrison, Tucker, Garner, Scurry, Lake, Palmer, Teagle, Jones, Tarkington, Hurley, Hamilton, Eckols, Vaughan, McKellar, Clements, Willacy, Garrett, Poole, Childers, Lillard, Rochelle, Wells, Bean, Greenwood, Grubbs, Adams (provided, it does not conflict with the anti-trust bill).]

The resolution was read second time, and was lost, the Speaker holding that it was in the nature of a motion to suspend pending business, and would require a two-thirds majority to prevail.

Mr. Tarver called up Senate Concurrent Resolution No. 27, relating to sine die adjournment May 23.

The resolution was laid before the House, and, on motion of Mr. Jones, was tabled subject to call.

On motion of Mr. Powell, pending bus-
Mr. Grubbs moved to suspend pending business to take up, on its third reading and final passage.

Senate bill No. 293, known as the rebate bill.

The motion to suspend was lost.

The House then resumed consideration of the pending question, same being Senate bill No. 323, on its passage to a third reading, with amendment by Mr. Prince pending.

MESSAGE FROM THE SENATE.

Pending consideration, the House received the following message from the Senate:

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed the following bill, to wit:

Senate bill No. 278, A bill to be entitled “An Act for the better preservation of all of the personal property belonging to the State of Texas, in which it has an interest; or of any of the departments, or of any of the institutions, asylums, schools, penitentiaries, farms or personal property of whatsoever description or wherever situated, belonging to this State, or in which it has an interest; and to provide for the making of lists and inventories of all said property and the copying of the same and the registration thereof; and to prescribe the duties of officers and persons having said property under their control, and to fix the liability of such officers and persons; and to provide a penalty for the failure to comply with this act, and to fix the venue for suits and prosecutions for a violation of any of its provisions.”

Also Senate Substitute for House bill No. 432, “An Act to appropriate and set apart to the public free school fund of the State of Texas all the unappropriated public domain of the State of Texas, including the lands reserved and appropriated by the Act of July 14, 1879, and to provide for the survey, lease, sale and classification thereof, and the patenting of homesteads; and to declare an emergency.”

House Concurrent Resolution No. 59.
providing for recalling from the Governor of House bill No. 749.
Senate bill No. 341, A bill to be entitled
"An Act making a supplementary appropriation for the per diem pay of members, officers and employees of the Regular Session of the Twenty-sixth Legislature of the State of Texas."
Senate bill No. 335, A bill to be entitled
"An Act to amend Article 1544, of Chapter 2, Title XXXII. of the Revised Civil Statutes of the State of Texas of 1895, and to repeal all laws in conflict therewith."
Senate bill No. 253, A bill to be entitled
"An Act to ascertain what, if any, unpaid balance of salary is due Will S. Gabriel as stenographer of the Supreme Court of the State of Texas, and making an appropriation therefor."
Senate bill No. 322, A bill to be entitled
"An Act to prescribe the times of holding the terms of the District Court in the Twenty-eighth Judicial District."

J. P. Pool, Secretary of the Senate.

After consideration by the House, Mr. Kennedy moved the previous question on the Prince amendment to the pending bill, and the main question was ordered. Yeas and nays were demanded by Mr. McAnally, Mr. Childs and Mr. Morrow.

The amendment was adopted by the following vote:

Yeas—83.


Nays—26.


Absent.


Absent—Excused.

"I vote 'no' on the Prince amendment to anti-trust bill for the following reasons, to wit:

"First. It may defeat the bill at this session of the Legislature, and if passed I think there will be a demand for the repeal of the law inside of two years, for the reason that if his amendment does what he says it will, allow a retail merchant to plead that his wholesale merchant sold him goods manufactured or controlled by a trust; that said retail merchant could avoid payment for said goods under the provisions of this amendment, and that any party who should buy goods from a retail merchant that any such person could refuse to pay for such articles, if proven to have been manufactured or controlled by a trust, and the merchant could only recover pay in our courts under the provisions of the Prince amendment; therefore, the people of all classes would soon clamor for a repeal of the law, and it would be repealed, and leave us without an adequate trust law, and that is just what the enemies want, not only in this House, but all..."
May 12, 1899

Houses Journal.

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over this Union. I hoped for awhile that the House would pass a good trust bill, but when I found that there was a disposition to postpone, sidetrack and befuddle the minds of the members of this House, I lost faith in the success of an honest, practicable trust bill. Now, if I have any interest in this bill at all, I offer said interest for sale for twenty-five cents, for I honestly believe that the bill is now practically killed, though the funeral may not take place in less than two years.

"BEATY."

"I vote 'no' on the Prince amendment, because I believe the bill as printed is good enough, with the exception that the amendment offered by myself this morning should have been adopted, then the bill would have been perfect. My said amendment being as follows: Add to Section 1, the following: 'Provided, the words combination, confederation or understanding are declared to include any and all persons who shall or may advocate the free and unlimited coinage of silver at the ratio of 16 to 1, it being declared that such person or persons are a combination to regulate the price of silver which is a product of mining, it being further declared that the adopting of any such a measure would increase the price of silver 100 per cent. to the almost incalculable advantage of the mine owner, and to the great detriment of the people, and all such persons shall be subject to all the penalties provided in this act.'

The Acting Speaker being a free silver democrat ruled my amendment out of order, because, I suppose, he did not want his party to be put on record on the matter. Democracy always, in my opinion, being opposed to legislation that would tend to show up its true intent and methods to hold party ascendancy.

"TOMPkins."

Mr. Kittrell offered the following amendment:

"Amend lines 20 and 22, page 2, by striking out in both of said lines the word 'bankrupting' and inserting in lieu thereof the words 'or of financially injuring.'"

(Mr. Smith of Grayson in the chair.)

The amendment by Mr. Kittrell was adopted.

Mr. Wooten offered the following amendment:

"Amend by inserting between Sections 1 and 2, a new section to be called 'Section 1a,' as follows:

"Section 1a. A 'monopoly' is any union or combination or consolidation or affiliation of capital, credit, propery, assets, trade, custom, skill or acts, or of any other valuable thing or possession, by or between persons, firms or corporations, or associations of persons, firms or corporations, whereby any one of the purposes mentioned in 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 herein 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 union under the legal form of a corporation or an incorporated body resulting from the union of one or more distinct firms or corporations, or by the purchase, acquisition or control of shares or certificates of stock or bonds, or other corporate property or franchises, and all corporations or partnerships that have been or may be created by the consolidation or amalgamation of the separate capital, stock, bonds, assets, credit, properties, custom, trade or corporate or firm belongings of two or more firms or corporations or companies are specifically declared to constitute monopolies within the meaning of this act, if so created or entered into for any one or more of the purposes named in this act.'"

Adopted.

Mr. Thomas of Fannin offered the following amendment:

"Amend by adding Section 2a, to read as follows:"

"Section 2a. If any person, persons, company, partnership, association, corporation or agent engaged in the manufacture or sale of any article of commerce or consumption produced, manufactured or mined in this State or elsewhere, shall, with the intent or purpose of driving out competition or for the purpose of financially injuring competitors, sell within this State at less than cost of manufacture or production or sell in such way, or give away within this State their products for the purpose of driving out competition or financially injuring competitors engaged in similar business, said person, persons, company, partnership, association, corporation or agent resorting to this method to securing a monopoly within this State in such business, shall be deemed guilty of a conspiracy to
Po copies of papers in its office, except such as are furnished at no charge.

Mr. Murphy offered the following substitute for the amendment:

"Amend Section 2, page 2, as follows: In line 17, insert after the word 'manufacture' the words 'or sale in the State of Texas.' Strike out all in line 18, after the word 'consumption.' Insert in line 20, after the word 'than' the words 'cost or.' In line 23 strike out the words 'the raw materials,' and insert in same line, after the word 'manufacture,' the word 'sale,' and after the word 'of' insert 'any article of commerce or consumption.' Strike out in line 28, the words 'the finished product produced or mined in this State,' and insert in lieu thereof the following: 'Any article of commerce or consumption.' Pending consideration, the House received the following:

MESSAGE FROM THE SENATE.

Senate Chamber, Austin, Texas, May 12, 1899.

To J. S. Sherill, Speaker of the House of Representatives.

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed the following bills, to wit:

Senate bill No. 344, A bill to be entitled "An Act to authorize the issuance of patents to lands, which under the ruling of the Land Office and the decisions of the courts, belong to the public school fund of the State, and which may have been applied for and purchased as public domain under the provisions of Title LXXXVII, Chapter 11, of the Revised Civil Statutes of the State of Texas of 1895, prior to May 23, 1898; and to provide for the disposition of the proceeds, and to declare an emergency."

House bill No. 624, A bill to be entitled "An Act to amend Chapter 34, of the Acts of the Twenty-fifth Legislature, the same being an act entitled 'An Act to amend Article 2601, Chapter 6, Title LXXXVII of the Revised Civil Statutes of the State of Texas, relating to bonds of guardians and sureties thereon,' so as to authorize the giving of such bonds by companies organized in other States, and authorized to do business in this State, and to validate bonds of guardians heretofore given in this State by companies organized under the laws of other States."

Senate bill No. 198, A bill to be entitled "An Act to authorize the Railroad Commission of Texas to charge fees for all copies of papers in its office, except such as may be furnished to some department of the State government, and to prescribe the amount of such fees."

J. P. Pool, Secretary of the Senate.

Mr. Livsey moved the previous question on the pending amendments to the pending bill, and the main question was ordered.

Question first recurred on the substitute by Mr. Murphy for the amendment by Mr. Thomas of Fannin.

The substitute was lost.

The amendment by Mr. Thomas of Fannin was adopted.

Mr. Greenwood moved the previous question, and the motion was not seconded.

Mr. Kennedy offered the following amendment:

"Amend by inserting between lines 15 and 16, page 2, the following, and number sections of the bill to conform:

'Section ... All corporations, firms or associations of individuals engaged in the manufacture, barter, sale or exchange of any article or thing of common use or necessity, having an authorized capital of, or where the authorized capital and surplus of said corporation, firm or association of individuals is one million dollars or more; and any corporation which, from and after the passage of this act, buys, absorbs, co-operates or consolidates with any other person, firm, association or corporation engaged in the manufacture, barter, sale or exchange of any article or thing of a similar kind or character shall be adjudged a monopoly, and subject to all the pains and penalties provided in this act.'"

[Signed—"Kennedy, Prince, Ellis, Grogan, Childs, Staples.""

Mr. Rochelle moved the previous question on the amendment, and the motion was not seconded.

The amendment was lost.

Mr. Grogan offered the following amendment:

"Amend by inserting after Section 3:

'Section 3a. If any two or more persons or corporations who are engaged in buying or selling any article of commerce, manufacture, mechanism, merchandise, commodity, convenience, repair, any product of mining or any article or thing whatsoever, shall enter into any pool, trust, agreement, combination, federation, association or understanding to control or limit the trade in any such article or thing; or to limit competition in such trade by refusing to buy from or sell to any other person or corporation any such article or thing aforesaid, for the reason that such other person or corporation is not a member of or party to
such pool, trust, agreement, combination, confederation, association or understanding; or shall boycott or threaten any person or corporation for buying from or selling to any other person or corporation who is not a member of or party to such pool, trust, agreement, combination, confederation, association or understanding any such article or thing aforesaid, it shall be a violation of this act."

[Signed—"Grogan, Kennedy, Childs, Staples, Henderson of Lamar, Kittrell, Ellis, Ayers, Beaty, Tompkins, Phillips of Camp, Prince, Childers, Culp."]

Adopted.

Mr. Vaughan offered the following amendment:

"Amend the bill by adding to Section 7, page 8, line 3, after the word 'wages,' the following, 'provided, the fees allowed prosecuting attorney representing the State provided for in this section shall be over and above the fees allowed him by the general fee bill now in force.'"

Mr. Chambers moved the previous question, and the main question was ordered.

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

On the passage of the bill a third reading was demanded by Mr. Pitts, Mr. Grogan and Mr. Lillard.

Senate bill No. 323 was passed to a third reading by the following vote:

Yea—100.

Allen of Hopkins. Greenwood.
Bailey. Grogan.
Barrett. Grubbs.
Bean. Hamilton.
Beaty. Henderson, Brazos.
Bennett. Henderson, Lamar.
Bolin. Howard.
Bridgers. Hurley.
Calvin. Kennedy.
Calvin. Kittrell.
Chambers. Lake.
Childers. Lillard.
Children. Little.
Cole. Livsey.
Collins. Looney.
Conoly. Loyd.
Crawford. Marsh.
Cross. Maxwell.
Culp. McAnally.
Dean. McClellan.
Decker. McDowell.
Eckols. McKamy.
Ellis. McKellar.
Evans. Meiten.
Garner. Mercer.
Garrett. Monroe.
Goodlett. Morrow.
Goodman. Murphy.
Gordon. Neff.
Graham. Nolan.

Oliver. Shelburne.
Palmer. Shropshire.
Parish. Smith of Collin.
Peery. Staples.
Phillips. Lampasas.
Phillips of Camp. Sutherland.
Pitts. Tarkington.
Poole. Tate.
Powell. Terrell.
Prince. Thomas of Wise.
Rateiff. Thomas of Fannin.
Robertson, Harrison. Tolbert.
Robertson of Bell. Tompkins.
Rochelle. Tucker.
Sansom. Vaughan.
Savage. Wells.
Schluter. William.
Seurry. Wooten.
Shannon. Wooten.

Nays—3.

Absent.

Ayers. Morris.
Barbee. Murray.
Blount. Pfeuffer.
Cocke. Rogers.
Gill. Tarver.
Masterson. White.
McFarland. Willacy.

Absent—Excused.

Allen of Colorado. Dies.
Frost. Teagle.
Stripling. Wright.

PAIRED.

Mr. Lane (present) who would vote nay, with Mr. Adams (absent) who would vote yea.

"I vote against the anti-trust bill because there is more of politics in the matter than of any other element of relief. I think the Democratic party, as usual, is preparing to do, as General Grant phrased it, "the fool thing at the right time." As to the real reforms which the bill purports to bring about, the measure carries in it a series of remedies which will prove far worse than the disease which it seeks to cure.

"WALTON."

"It is with some misgivings that I vote 'aye' on the passage of Senate bill No. 323, known as the anti-trust bill. When I come to consider some of its far reaching and drastic provisions, I almost shrink from the effect it will have, for a time, in my opinion, have on the business interests of this State, but realizing that desperate diseases require desperate remedies, and believing that the ultimate effect of the bill will be beneficial, I am
constrained to vote for its passage. I do so believing that it can have no extra
territorial effect, notwithstanding an
amendment offered by myself providing,
in effect, that it should not have that
effect, was defeated by a large majority.
If I knew that the bill would be construed
by the courts as having such effect, I
would vote against its passage.

"JONES."

"I vote 'no' on the bill known as the
trust bill:

"1st. Because Section 9 of the bill
provides that no recovery can be had in
the courts of this State for debts due
persons who violate the provisions of this
bill, whether in this State or out of it,
which provision I think is calculated to
encourage rascality and frauds, and can
not be enforced. The Federal courts will
not permit the citizens of one
State
to
rob citizens of another State without re-
course to a court of law or equity.

"2nd. Because Section 10 makes any
corporation, firm or individual which
may gather news items for sale to
newspapers, and who shall refuse to sell such
items to more than one paper a monopoly

"3rd. Because said news-gatherers
can sell such news a day after it has been
furnished to the papers for which it was
gathered and not violate this section,
and therefore do no good, but bring
about useless litigation.

"LANE."

"I vote 'aye' on passage of the anti-
trust bill to a third reading with the
faint hope that the House will recede
from its amendments, but with the firm
belief that the Senate will not adopt
such amendments. The amendments
adopted in the House so far, in my opin-
ion, have the result, if not the latent ob-
ject, to so burden the bill as to defeat
the original purposes, if not to kill the
bill. The bill as amended in the Senate
is not worded as I should like but
I
think it the best we can hope
to
get at
this session.

"POWELL."

Mr. Bailey moved to suspend the consti-
tutional rule requiring bills to be read
on three several days in each house, and
that Senate bill No. 323 be put upon its
third reading and final passage.
The motion prevailed by the following
vote:

Yeas—96.


Nays—4.


Absent.

Henderson, Brazos.  Stephen.  Willac.</n>
May 12, 1889

Read third time.
Mr. Powell offered the following amendment:
"Amend by adding between lines 7 and 8, on page 3, the following:
"Section 3a. All foreign corporations belonging to pools, trusts or combines in any State or country whatever are prohibited from transacting business in Texas."

Mr. Pitts moved to table the amendment, upon which yeas and nays were demanded by Mr. Powell, Mr. Staples and Mr. Savage.

Tabled by the following vote:

Yeas—51.
Bailey. Lane.
Barrett. Little.
Bean. Lively.
Bolin. Looney.
Bridgers. Marsh.
Childs. Maxwell.
Clements. McAnally.
Cole. McKamy.
Conoly. Meitzen.
Crawford. Mercer.
Culp. Parish.
Dean. Peery.
Eckols. Phillips.
Ellis. Lampasas.
Garner. Robertson of Bell.
Garrett. Rochelle.
Goodman. Russell.
Gordon. Scurry.
Greenwood. Shannon.
Grogan. Shelburne.
Grubbs. Stewart.
Hamilton. Tarkington.
Hurley. Thomas of Wise.
Jones. Wooten.
Kennedy.

Nays—48.
Beaty. Neff.
Browne. Nolan.
Caldwell. Oliver.
Calvin. Phillips of Camp.
Chambers. Poole.
Childers. Powell.
Cocke. Prince.
Collins. Ratcliff.
Cross. Robertson, Harrison.
Decker. Sansom.
Evans. Schulte.
Goodlett. Savage.
Henderson, Brazos. Shropshire.
Howard. Staples.
Lake. Sutherland.
Lillard. Tate.
Lloyd. Terrell.
McClellan. Thomas of Fannin.
McDowell. Toler.
McKellar. Templekins.
Morrow. Tucker.
Vaughan. Walton.
Wells. Willrodt.
Adams. Absent.
Ayers. Absent.
Barbee. Absent.
Bennett. Absent.
Blount. Absent.
Gill. Absent.
Graham. Absent.
Masterson. Absent.
McFarland. Absent.
Monroe. Absent—Excused.

Allen of Colorado. Frost.
Derden. Stripling.
Dies. Teagle.
Doroh. Wright.

"I vote 'aye' on the motion to table the amendment offered by Mr. Powell for the reason that I am not in favor of preventing insurance companies from doing business in this State if such companies will comply with the provisions of this bill, and enter into a competitive business in this State."

BRIDGERS.

Mr. Robertson of Bell offered the following amendment:
"Amend by inserting on page 5, line 18, after the word 'been,' the following words 'since the passage of this act.'"

Mr. Chambers moved the previous question, and the main question was ordered. Question first recurred on the amendment, and it was adopted. The bill was passed.

Mr. Bailey moved to reconsider the vote by which Senate bill No. 323 was passed, and to table the motion to reconsider.

The motion to table prevailed.
The Speaker laid before the House, on its third reading and final passage,
House Joint Resolution No. 4, to amend Section 9, Article 8, of the Constitution of the State of Texas, relating to the rate of taxation and providing for the extermination of prairie dogs,
Whereupon, Mr. Jones moved to take a recess until 8:30 p.m. today.

SENATE BILLS ON FIRST READING.
The following bills reported from the Senate today were read first time, and referred to appropriate committees, viz.:
Senate bill No. 344, to the Committee on Public Lands and Land Office.
Senate bill No. 278, to the Committee on State Affairs.
Senate bill No. 341, to the Committee on Finance.
Senate bills Nos. 335 and 198, to Judicial Committee No. 1.
Senate bill No. 322, to the Committee on Judicial Districts.
Senate bill No. 253, to the Committee on Claims and Accounts.

BILLS AND RESOLUTIONS.

By Mr. Smith of Grayson:
House bill No. 341, A bill to be entitled "An Act to amend an act entitled 'An Act to incorporate as an independent school district No. fourteen (14) of the County of Jefferson, and State of Texas, to define its boundaries and powers,' proved February 19, 1899, and to incorporate as an independent school district for free school purposes only, to be known as the Port Arthur Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for school purposes only, and I am instructed to report it back to the House with the recommendation that it do pass.

COLE, Chairman.

Committee Room,
Austin, Texas, May 12, 1899.

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

Sir: Your Committee on Enrolled Bills, to whom was referred
House bill No. 358, A bill to be entitled "An Act to amend an act entitled 'An Act to incorporate the city of Waco, and to define its boundaries and powers,' approved February 19, 1899.

Have carefully examined said bill and find the same correctly enrolled, and I have this day, at 10:20 o'clock a.m., presented the same to the Governor.

COLLINS, Chairman.

Committee Room,
Austin, Texas, May 12, 1899.

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

Sir: Your Committee on Enrolled Bills, to whom was referred
House bill No. 720, A bill to be entitled "An Act to amend Article 4002, Chapter 15, Title LXXXVI, of the Revised Civil Statutes, 1895, with reference to the collection of taxes in independent school districts incorporated for free school purposes only,"

Have carefully examined said bill and find the same correctly enrolled, and I have this day, at 10:20 o'clock a.m., presented the same to the Governor.

COLLINS, Chairman.

Committee Room,
Austin, Texas, May 12, 1899.

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

Sir: Your Committee on Enrolled Bills, to whom was referred
House bill No. 808, A bill to be entitled "An Act to amend Section 1 of 'An Act granting permission to B. F. Gohlson and J. W. Benson, or their assigns, to bring suit against the State of Texas in the District Court of Lampasas county to ascertain the amount, if any, due them for services rendered the State of Texas as rangers or soldiers,' passed on the 13th day of March, 1899, and became a law on the 24th day of March, 1899."

Have carefully examined said bill and find the same correctly enrolled, and I have this day, at 10:20 o'clock a.m., presented the same to the Governor.

COLLINS, Chairman.
Committee Room,  
Austin, Texas, May 12, 1899.  
Hon. J. S. Sherrill, Speaker of the House of Representatives.  

Sir: Your Committee on Enrolled Bills, to whom was referred Substitute House bill Nos. 160, 501 and 574, A bill to be entitled "An Act to carry into effect the amendment to the Constitution of the State of Texas, providing that aid may be granted to disabled and dependent Confederate solders, sailors and their widows, under certain conditions, and to make an appropriation therefor,"

Have carefully examined said bill and find the same correctly enrolled, and have this day, at 10:20 o'clock a. m., presented the same to the Governor.

COLLINS, Chairman.

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

ONE HUNDRED AND SECOND DAY.  

Hall of the House of Representatives,  
Austin, Texas, Saturday, May 13, 1899.  
The House met at 9 o'clock a. m., pursuant to adjournment.  
Speaker Sherrill in the chair.

Roll called, and the following members present:  
Present—97.

Allen of Hopkins.  
Ayers.  
Bailey.  
Barrett.  
Bean.  
Beaty.  
Bennett.  
Blount.  
Bolin.  
Bridgers.  
Calvin.  
Chambers.  
Childers.  
Childs.  
Clements.  
Cozene.  
Cole.  
Collins.  
Conoly.  
Crawford.  
Cross.  
Culp.  
Dean.  
Decker.  
Eckols.  
Ellis.  
Evans.  

Abscent—Excused.

Allen of Colorado.  
Teagle.  
Derden.  
Wright.  
Dorroh.

A quorum was announced present.
Prayer by Rev. W. J. Gatlin, Chaplain.
Pending reading of the Journal of yester-day.
On motion of Mr. Poole, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

Mr. Browne for today, on motion of Mr. Peery.
Mr. Morris until next Monday, on motion of Mr. McDowell.
Mr. Pfeuffer until next Monday, on motion of Mr. Greenwood.
Mr. Garrett until next Friday, on motion of Mr. Culp.
Mr. Adams until next Tuesday, on motion of Mr. McChillian.
Mr. Willacy until next Monday, on motion of Mr. Rochelle.
Mr. Allen of Colorado until next Monday, on motion of Mr. Dean.
Mr. Gill until next Monday on motion of Mr. McKamy.