bonds of guardians heretofore given in this State by companies organized under the laws of other States,"

Have carefully examined said bill and find the same correctly enrolled, and I have this day, at 11:35 o'clock a.m., presented the same to the Governor.

COLLINS, Chairman.

Committee Room.
Austin, Texas, May 15, 1890.

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

Sir: Your Committee on Enrolled Bills, to whom was referred House bill No. 334, A bill to be entitled "An Act to authorize admission to record and evidence in the courts of this State of duly certified copies of all deeds and other instruments of conveyances of land, which have been registered or recorded in other States, or in the Republic of Mexico, but which the laws of such States or of the Republic of Mexico require to be retained in the deed or notarial archives of such States, or of said Republic of Mexico, and to give such instruments like effect, as notice and proof, as is given by deeds executed in this State; and declaring an emergency," have carefully examined said bill and find the same correctly enrolled, and I have this day, at 11:35 o'clock a.m., presented the same to the Governor.

COLLINS, Chairman.

ONE HUNDRED AND SIXTH DAY.

Hall of the House of Representatives.
Austin, Texas.
Thursday, May 18, 1890.

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—112.

Adams.
Allen of Colorado.
Allen of Hopkins.
Ayres.
Bailey.
Barbee.
Barrett.
Beaty.
Bennett.
Blount.
Bolin.
Bridgers.
Brown.
Caldwell.
Calvin.
Chambers.
Childers.
Childs.

Gill.
Goodlett.
Goodman.
Gordon.
Greenwood.
Grogan.
Grubbs.
Hamilton.
Henderson, Brazos.
Henderson, Lamar.
Howard.
Hurley.
Jones.
Kennedy.
Kittrell.
Lake.
Lillard.
Little.
Livsey.
Looney.
Loyd.
Masterson.
Maxwell.
McAnally.
McClellan.
McDowell.
McKamy.
McKellar.
McKellar.
Mercer.
Monroe.
Morris.
Morrow.
Murphy.
Murdie.
Neff.
Oliver.
Palmer.
Parish.

Peery.
Pfeiffer.
Phillips, Lampasas.
Phillips of Camp.
Pits.
Poole.
Roberson, Harrison.
Robertson of Bell.

Rogers.
Russell.
Sansom.
Savage.
Schulter.
Sheiburne.
Shropshire.
Smith of Grayson.
Smith of Collin.
Staples.
Stewart.
Stripling.
Sutherland.
Tarkington.
Tarver.

Tate.
Teagle.
Terrell.
Thomas of Wise.
Thomas of Fannin.
Toberi.
Tompkins.
Tucker.
Vaughan.
Walton.
Wells.
Wheelless.
Willacy.
Willrodt.
Wooten.

A quorum was announced present.
Prayer by Rev. W. J. Gatlin, Chaplain.
Pending reading of the Journal of yesterday.

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

GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Ratchiff until next Friday, on motion of Mr. Ratchiff.
Mr. Loyd for absence on yesterday, on motion of Mr. Palmer.
Mr. Scarry until next Monday, on motion of Mr. Dean.
On account of sickness in his family:
Mr. Graham indefinitely, on motion of Mr. Poole.
Mr. Marsh until next Monday, on motion of Mr. Dean.
Mr. Shannon for today, on motion of Mr. Robertson of Bell.

**SPEAKER’S TABLE.**

The Speaker laid before the House, as pending business, on its second reading and passage to a third reading,
Senate bill No. 203, A bill to be entitled "An Act to authorize the several counties in this State to invest the permanent school fund belonging to such counties in their own bonds, and to use the proceeds thereof for general county purposes, and to make the county liable for such investment."

Mr. Henderson of Lamar called up Substitute House bill No. 111, the general appropriation bill, reported from the Senate with amendments.

The bill was laid before the House, and Mr. Henderson of Lamar moved that the House non-concur in the Senate amendments, and that a Free Conference Committee be requested to adjust the differences between the houses on said bill.

Mr. Childers moved that a Conference Committee be requested in lieu of a Free Conference Committee.

The motion of Mr. Childers was lost, The motion of Mr. Henderson of Lamar prevailed, and the Speaker stated that he would later during the day announce the committee on part of the House.

Senate bill No. 203 was then read second time.

(Mr. Shelburne in the chair.)

Mr. Kennedy offered the following amendment:
"Add after the word 'inclusive,' in line 31, page 1, 'and all other laws regulating the issuance of bonds by counties.'"

(Speaker in the chair.)

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

The amendment by Mr. Kennedy was lost.

Mr. Adams offered the following amendment:
"Amend page 2, by striking out all after the word 'bond,' line 3, down to Section 4."

Lost.

Mr. Monroe offered the following amendment:
"Amend by adding after the word 'court,' line 26, the words: 'The interest arising from such bonds to be used as a part of the available school fund of such county, as now provided by law.'"

After consideration by the House, Mr. Tarver moved the previous question, and the motion was not seconded.

The amendment was adopted.

On passage of the bill to a third reading, yeas and nays were demanded by Mr. Kennedy, Mr. Howard and Mr. Goodman.

Mr. Kennedy moved to postpone indefinitely further consideration of the bill.

On motion of Mr. Savage, the motion to postpone was tabled.

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

Mr. Grubbs offered the following amendment:
"Amend by striking out everything from the beginning of line 19 to line 27, page 1."

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

Question first recurring on the amendment by Mr. Grubbs, yeas and nays were demanded by Mr. Kennedy, Mr. Dies and Mr. Howard.

The amendment was lost by the following vote:

**Yea's—45.**

Adams.  
Allen of Colorado.  
McKamy.  
Ayer.  
Meltzen.  
Bennett.  
Morrow.  
Caldwell.  
Peery.  
Chambers.  
Phillips of Camp.  
Childers.  
Potts.  
Cocke.  
Poole.  
Cross.  
Shelburne.  
Dies.  
Shropshire.  
Ellis.  
Smith of Grayson.  
Frost.  
Smith of Collin.  
Gill.  
Stewart.  
Goodman.  
Tarkington.  
Grogan.  
Teagle.  
Grubbs.  
Terrell.  
Henderson, Brazos.  
Thomas of Fannin.  
Howard.  
Henderson, Brazos.  
Tolbert.  
Hurley.  
Howard.  
Kennedy.  
Tompkins.  
Loyd.  
Teague.  
Maxwell.  
Wells.  
McDowell.  

**Nay's—59.**

Allen of Hopkins.  
Crawford.  
Bailey.  
Culp.  
Barrett.  
Dean.  
Beaty.  
Decker.  
Blount.  
Derden.  
Bolin.  
Eckols.  
Bridgers.  
Garner.  
Brown.  
Goodlett.  
Brown.  
Gordon.  
Calvin.  
Greenwood.  
Clements.  
Hamilton.  
Cole.  
Henderson, Lamar.  
Collins.  
Jones.  
Conoly.
Mr. Kittrell offered the following amendment: "Amend body of bill by adding after
Section 1, a section to be known as Section 1a, to read as follows:

"Section 1a. Where any deed or other instrument of conveyance of land in this State has been executed for fifty years or more before being offered in evidence or for record, but the same has not been acknowledged, the same may be proved for record or for admission in evidence by proving the signatures of ten or more of the subscribing witnesses thereto; provided, that the provisions of this act shall not apply to pending litigation."

Mr. Dies offered the following substitute for the amendment:

"Amend the bill by striking out the enacting clause."

(Mr. Shelburne in the chair.)

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

Question first recurred on the amendment by Mr. Dies, upon which yeas and nays were demanded by Mr. Dies, Mr. Caldwell and Mr. Childers.

The amendment was adopted by the following vote, which killed the bill:

Yeas—76.

Ayers. McKamy.
Bailey. McKellar.
Bennett. Meitzen.
Bolm. Monroe.
Bridgers. Neff.
Caldwell. Nolan.
Calvin. Oliver.
Childers. Phillips of Camp.
Colp. Pitts.
Crawford. Poole.
Cross. Robertson, Harrison.
Culp. Robertson of Bell.
Dean. Bochelle.
Decker. Rogers.
Deren. Russell.
Dies. Sansom.
Eckols. Savage.
Ellis. Shropshire.
Frost. Smith of Collin.
Gill. Staples.
Gordon. Stewart.
Grogan. Sutherland.
Grubbs. Tarkington.
Hamilton. Teagle.
Henderson, Brazos. Terrell.
Howard. Thomas of Fannin.
Hurdley. Tolbert.
Kennedy. Tompkins.
Lake. Tucker.
Lane. Walton.
Lillard. Wells.
Lively. Wheelless.
Loyd. Willacy.

Nays—22.

Allen of Hopkins. Little.
Barrett. Maxwell.
Beaty. McClellan.
Browne. McDowell.
Coecke. Morrow.
Collins. Murray.
Conoly. Peery.
Garner. Peefuer.
Greenwood. Tate.
Jones. Vaught.
Kittrell. Willrodt.

Absent.

Barbee. Mercer.
Childs. Morris.
Clements. Murphy.
Goodlett. Smith of Grayson.
Goodman. Stripling.
Looney. Tarver.
Masterson. Wooten.
McFarland. Wright.

Absent—Excused.

Bean. Powell.
Dorroh. Prince.
Evans. Rateiff.
Garrett. Seury.
Graham. Shannon.
Marsh.

Mr. Dies moved to reconsider the vote by which the bill was killed and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Nolan, pending business was suspended to take up, and place on its second reading and passage to a third reading.

Senate bill No. 81, A bill to be entitled "An Act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies, and to legalize dissections by authorized persons."

The bill was laid before the House.

BILLS INTRODUCED.

By Mr. Grogan:

House bill No. 844, A bill to be entitled "An Act to amend Article 386c, Title XVIII, Chapter 1, Revised Civil Statutes of the State of Texas, 1895, relating to validating certain incorporations of cities and towns."

(The bill provides that all cities and towns in this State whose charters may be void by reason of a failure to properly define their limits, or that may have included in such limits more territory than is provided for in said Article 386a, that shall, within one hundred days from the
May 18, 1899

Mr. Nolan moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 81 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yea— 87.

Mr. Nolan moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 81 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yea— 87.

Adams. McCann.
Allen of Colorado. McDowell.
Allen of Hopkins. McKamy.
Ayers. McKellar.
Bailey. Meitzen.
Barrett. Monroe.
Beaty. Morris.
Blount. Morrow.
Bolin. Murray.
Brown. Neff.
Caldwell. Nolan.
Calvin. Oliver.
Chambers. Palmer.
Clements. Parish.
Cocke. Pfeuffer.
Collins. Pitts.
Comoly. Poole.
Crawford. Robertson, Harrison.
Cross. Robertson of Bell.
Culp. Rochelle.
Dean. Russell.
Decker. Savage.
Deren. Schluter.
Dies. Shelburne.
Eckols. Shropshire.
Frost. Smith of Grayson.
Garner. Smith of Collin.
Goodman. Staples.
Gordon. Stewart.
Greenwood. Striping.
Grogan. Sutherland.
Grubbs. Tate.
Henderson, Lamar. Terrell.
Hurst. Thomas of Fannin.
Jones. Tolbert.
Kittrell. Tompkins.
Lake. Tucker.
Lane. Vaughan.
Lillard. Whedon.
Little. Willacy.
Livesey. Willrodt.
Loyd. Wooten.
Maxwell. ...

Nay— 9.

Childers. Tarkington.
Ellis. Thomas of Wise.
Howard. Walton.
McClellan. Wells.
Phillips of Camp.

Absent.

Barbee. Hamilton.
Bennett. Henderson, Brazos.
Bridgers. Kennedy.
Childs. Looney.
Gill. Masterson.
Goodlett. McFarland.
Senate bill No. 81 laid before the House, on its third reading and final passage.

Read third time, and

Mr. Savage offered the following amendment:

"Amend the Shropshire amendment by adding the following, 'provided, that when the sick in hospitals or elsewhere are dangerously ill, that physicians of such institution shall so inform them, and ask them to express their desire as to their disposal of their bodies, and that said physician shall reduce their request to writing and keep the same on record for future reference.'"

On motion of Mr. Chambers, the amendment was tabled.

The bill was passed.

Mr. Nolan moved to reconsider the vote by which Senate bill No. 81 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, Senate bill No. 187, A bill to be entitled "An Act declaring and making all mortgages, deeds of trust, contracts and other obligations in writing whereby land or real property situated in the State of Texas is made security for the payment of debts, to be land or real property for the purpose of assessment and taxation; to provide for the assessment thereof for taxation, and to provide for the sale thereof for such taxes."

Read third time, and

Mr. Schlueter offered the following amendment:

"Amend by striking out all of lines 16, 17, 18, 20 and 21, page 1, and insert in lieu thereof the following: 'An Act to require tax assessors to assess for taxation all liens, mortgages, bonds, notes and other evidences of debt secured by deed of trust, lien or mortgage, and to list the same for taxation, and to provide the manner of assessing and collection of taxes thereon.'"

Adopted.

The bill was passed.

Mr. Schlueter moved to reconsider the vote by which Senate bill No. 187 was passed, and to table the motion to reconsider.

The motion to table prevailed.

FREE CONFERENCE COMMITTEE ANNOUNCED.

(Substitute House bill No. 111.)

The Speaker announced the following
Free Conference Committee on part of the House on Substitute House bill No. 111; Messrs. Henderson of Lamar, Stewart, Shropshire, Collins and Willacy.

On motion of Mr. Thomas of Wise, pending business was suspended to take up, and place on its second reading and passage to a third reading.

Senate bill No. 14. A bill to be entitled "An Act to amend Subdivisions 1 and 2, Chapter 2, Title XV, Article 1093, of the Code of Criminal Procedure of the State of Texas, relating to attached witnesses, and providing fees for same."

The bill was laid before the House, and was read second time, together with a favorable committee report recommending amendments.

The committee report was adopted.

Mr. Thomas of Wise offered the following amendment:

"Amend by striking out line 30, page 4."

Adopted.

Mr. Phillips of Lampasas offered the following amendment:

"Amend by adding after the word 'residing,' the following: 'In or,' in line 26, page 1."

Tabled on motion of Mr. Ayers.

Mr. Lane offered the following amendment:

"Amend by striking out in line 4, page 2, the following words: 'Necessarily absent from home,' and insert in lieu thereof the word 'detained.'"

Adopted.

Mr. McDowell offered the following amendment:

"Amend by striking out the enacting clause."

The amendment was adopted, and the bill was killed.

"I vote 'aye' on Senate bill No. 14, to pay witnesses summoned to appear before a grand jury, etc., because no man should be compelled to leave his business or work and serve the State without pay, even though it should bankrupt the State. The United States pay this character of witness, and I think the State of Texas should do likewise."

"PHILLIPS of Lampasas."

On motion of Mr. Wells, pending business was suspended to take up, and place on its second reading and passage to a third reading.

Senate bill No. 290. A bill to be entitled "An Act to amend Article 4988 (4584), Title XII, Chapter 4, of the Revised Statutes of 1809, relating to estrays."

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

Pending consideration of the bill, the House received the following:

86-House
The motion was lost by the following vote (not receiving the necessary constitutional four-fifths majority): :

| Yeas-76 |
|---|---|
| Adams | Mckellar |
| Allen of Colorado | Meitzen |
| Allen of Hopkins | Mercer |
| Ayers | Monroe |
| Bailey | Morris |
| Barrett | Morrow |
| Beaty | Murray |
| Blount | Neff |
| Bolin | Nolan |
| Caldwell | Oliver |
| Calvin | Palmer |
| Childers | Pfeiffer |
| Clements | Phillips, Lampasas |
| Collins | Phillips of Camp |
| Conolly | Robertson of Bell |
| Crawford | Rochelle |
| Dean | Sansom |
| Decker | Savage |
| Garner | Schluter |
| Gill | Shelburne |
| Goodlett | Smith of Grayson |
| Goodman | Smith of Collin |
| Gordon | Stewart |
| Greenwood | Stripling |
| Grogan | Sutherland |
| Grubbs | Tarver |
| Hamilton | Tate |
| Henderson, Lamar | Terrell |
| Howard | Thomas of Wise |
| Jones | Tolbert |
| Kennedy | Tucker |
| Kittrell | Vaughan |
| Lake | Walton |
| Lane | Wells |
| Lillard | Woolsey |
| Little | Willacy |
| Loyd | Willrodt |
| McDowell | Wooten |

| Nays-21 |
|---|---|
| Barbee | McClellan |
| Bennett | Morrow |
| Browne | Palmer |
| Childers | Parish |
| Cross | Peery |
| Derden | Poole |
| Eckols | Russell |
| Frost | Shropshire |
| Hurley | Tarkington |
| Kennedy | Teague |
| McAnally | Absent |

| Absent-Excused |
|---|---|
| Bean | Powell |
| Dorroh | Prince |
| Evans | Ratliff |
| Garrett | Scourry |
| Graham | Shannon |
| Marshall | Absent |

Mr. Wells moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 290 be put on its third reading and final passage.
On motion of Mr. Bolin, pending business was suspended to take up and place on its second reading and passage to a third reading.

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, 1896, and to provide for the disposition of the proceeds, and to declare an emergency.

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

Pending consideration, the House received the following:

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 18, 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 grants the request of the House for a Free Conference Committee on Substitute House bill No. 111, and that Senators Dibrell, Patterson, James, Turney and Atlee have been appointed on said committee on part of Senate.

Also Senate refuses to concur in House amendments to Senate bill No. 187, and asks for a Free Conference Committee, and that Senators Davidson, Patterson, Grinnan, Terrell and Yett have been appointed on part of the Senate.

Also Senate has adopted report of Free Conference Committee on House bill No. 447.

J. P. Pool,
Secretary of the Senate.

Mr. Frost offered the following amendment to the pending bill, same being Senate bill No. 344:

"Amend by adding after the word 'purchaser,' in line 32, page 1, the following, 'provided, that where the purchase money has only been tendered said purchase money shall be paid in full before the issuance of said patent.'"

Adopted.

Yeas—194.

Allen of Colorado.
Allen of Hopkins.
Bailey.
Barbee.
Barrett.
Beaty.
Bennett.
Bolin.
Bridgers.
Browne.
Caldwell.
Calvin.
Childers.
Clements.
Cole.
Collins.
Conoly.
Crawford.
Culp.
Dean.
Decker.
Derden.
Dies.
Eckols.
Ellis.
Frost.
Garner.
Gill.
Goodlett.
Goodman.
Gordon.
Greenwood.
Grogan.
Grubbs.
Henderson, Brazos.
Howard.
Harley.
Jones.
Kittrell.
Lake.
Lane.
Lillard.
Little.
Livsey.
Loyd.
McClellan.
Menefee.
Minear.
Mitchell.
Mize.
Nayles.
Nolan.
Nolte.
Oates.
Ogden.
Oliver.
Palmer.
Palmer.
Parish.
Peery.
Pfeiffer.
Phillips.
Phillips, Lampasas.
Phillips, Camp.
Pitts.
Poole.
Robertson, Harrison
Robertson of Bell.
Robiche.
Russell.
Sanborn.
Savage.
Schluter.
Sheburne.
Shropshire.
Smith of Grayson.
Smith.
Staples.
Stewart.
Sutherland.
Tarkington.
Tate.
Teagle.
Terrell.
Thomas of Wise.
Thomas of Fannin.
Tolbert.
Tomkins.
Tucker.
Walton.
Wells.
Whelss.
Wiley.
Willrodt.
Wooten.
Yeas—6.

Adams.
Cross.
Hamilton.
Henderson, Lamar.
McAnally.
Smith of Collin.
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<td>Senate bill No.</td>
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<td>Read third time, and passed by the following vote:</td>
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<td>(Speaker in the chair.)</td>
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<td>Yeas—91.</td>
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Jones.  roode.
Kittrell.  Robertson, Harrison.
Lake.  Robertson, Bell.
Lane.  Rochele.
Lillard.  Russell.
Little.  Sansom.
Loyd.  Schultzer.
Maxwell.  Sheiburne.
McAnally.  Smith of Grayson.
McClellan.  Staples.
McDowell.  Stewart.
McKamy.  Striping.
McKellar.  Sutherland.
Meizten.  Tarkington.
Mercer.  Tate.
Monroe.  Telage.
Morrow.  Terrell.
Murray.  Thomas of Wise.
Neff.  Thomas of Fannin.
Nolan.  Tolbert.
Oliver.  Tompkins.
Palmer.  Tucker.
Parish.  Vaughan.
Peery.  Walton.
Pfeuffer.  Wells.
Phillips of Camp.  Willacy.
Pitts.  Williford.

Nays—3.

Childers.  Henderson, Brazos.
Grogan.  Henderson.

Absent.

Bennett.  Morris.
Blount.  Murphy.
Bolin.  Rogers.
Chambers.  Savage.
Childs.  Shropshire.
Kennedy.  Smith of Collin.
Lisvey.  Tarver.
Looney.  Wooten.
Masterson.  Wright.
McFarland.  Wills.

Absent—Excused.

Bean.  Powell.
Dorrough.  Prince.
Evans.  Ratcliff.
Garrett.  Scarry.
Graham.  Shannon.
Marsh.  Shanks.

Mr. Schluter called up the communication from the Senate requesting a Free Conference Committee to adjust the differences between the two houses on Senate bill No. 187.

The request was laid before the House, and Mr. Schluter moved that it be granted.

The motion prevailed.

In accordance with above action, the Speaker announced the following committee on part of the House: Messrs. Sutherland, Schultzer, Allen of Hopkins, Palmer and Lillard.

On motion of Mr. Willacy, pending business was suspended to take up and place on its second reading and passage to a third reading.

Senate bill No. 348. A bill to be entitled "An Act to amend Articles 2500, 2511, 2514, 2516, 2517, 2518c, 2518h, 2518k, 2518l, 2518n, 2518s, 2518v, of Chapter 4, Title XLVIII, of the Revised Civil Code of the State of Texas of 1895, and adding thereo-to Articles 2518q, 2518r, 2518s, 2518t, to Chapter 4, Title XLVIII, of the Revised Civil Code of the State of Texas of 1895, relating to fish, oysters, etc., and repealing all laws in conflict herewith."

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

Mr. Kittrell offered the following amendment:

"Amend by striking out the word 'six' and insert 'twelve'; line 25, page 4."

Adopted.

Mr. Willacy offered the following amendments:

(1) "Amend on page 3, line 23, by inserting the word 'deputy' between the words 'or' and 'fish,' and on page 4, line 8, by inserting the word 'deputy' between the words 'or' and 'fish.'"

Adopted.

(2) "Amend on page 4 by adding to Article 2518c, page 4, line 6, as follows, 'all certificates issued by the Fish and Oyster Commissioner for the location of private oyster beds under the laws of 1895, passed by the Twenty-fifth Legislature, are hereby validated, and the Fish and Oyster Commissioner is hereby authorized to call in all certificates of location previously issued which are not annulled by forfeiture under the law of 1895, and to issue new certificates in lieu thereof.'"

Adopted.

The bill was passed to a third reading.

Mr. Willacy moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 348 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—97.

Adams.  Childers.
Allen of Colorado.  Clemens.
Allen of Hopkins.  Cocke.
Barbee.  Collins.
Beavy.  Culp.
Bolin.  Dean.
Bridgers.  Decker.
Brown.  Denen.
Calwell.  Dix.
Calvin.  Ekols.
Chambers.  Ellis.
|-------|---------|------|-----------|----------|---------|-----------|------|--------|-----------|---------|-------|---------|----------|------|------|--------|--------|------|------------|------------|--------|--------|------------|----------------|--------|-------|--------|--------|--------|--------|--------|--------|--------|--------|----------|-------------|----------------|--------|-------|--------|--------|--------|--------|--------|--------|--------|--------|----------|-------------|----------------|--------|-------|--------|--------|--------|--------|--------|--------|--------|--------|

**BILLS SIGNED BY THE SPEAKER.**

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

- Senate bill No. 350. "An Act to provide for the purchase of one hundred acres of land known as the Magnus T. Habermehl homestead, in the Arthur McCormick league, in order that the State of Texas may own and preserve the San Jacinto battle grounds."
- Senate bill No. 93, "An Act to provide for perfecting appeals in criminal cases from convictions had in justice courts, or other inferior courts, to the county court."
- Senate bill No. 297, "An Act to amend Article 496, of Chapter 2, Title XIII, of the Penal Code of the State of Texas, relating to irrigation canals, wells, reservoirs, etc., and the protection thereof."
- Senate bill No. 76, "An Act to prevent the sale of cigarettes and tobacco to persons under the age of sixteen years, and to prescribe a penalty for the violation of the same."
- Senate bill No. 348 laid before the House, on its third reading and final passage.

Read third time, and passed by the following vote:

- Yeas—94.
  - Adams.
  - Allen of Colorado.
  - Allen of Hopkins.
  - Ammons.
  - Bailey.
  - Barbee.
  - Barrett.
  - Beatty.
  - Bolin.
  - Browne.
  - Caldwell.
  - Calvin.
  - Chambers.
  - Childers.
  - Clements.
  - Cocke.
  - Cole.
  - Collins.
  - Conoly.
  - Crawford.
  - Cross.
  - Culp.
  - Dean.
  - Deckcr.
  - Derden.
  - Eckols.
  - Ellis.
  - Frost.
  - Garner.
  - Gill.
  - Goodlett.
  - Goodman.
  - Gordon.
  - Grogan.
  - Grubbs.
  - Hamilton.
  - Henderson, Lamar.
  - Howard.
  - Hurley.
  - Jones.
  - Kittrell.
  - Lake.
  - Lane.
  - Lillard.
  - Little.
  - Loyd.
  - McAnally.
  - McClellan.
  - McDowell.
  - McFarland.
  - McKamy.
  - Meitzen.
  - Mercer.
  - Monroe.
  - Murray.
  - Nolan.
  - Oliver.
  - Palmer.
  - Parish.
  - Peery.
  - Phillips, Lampasas.
  - Pitts.
  - Poole.
  - Robertson, Harrison.
  - Robertson of Bell.
  - Rochelle.
  - Russell.
  - Sansom.
  - Savage.
  - Schlueter.
  - Shelburne.
  - Smith of Grayson.
  - Smith of Collin.
  - Staples.
  - Stewart.
  - Stripling.
  - Tate.
  - Teague.
  - Terrell.
  - Thomas of Wise.
  - Thomas of Fannin.

Absent—Excused:

- Bean.
- Borrough.
- Blount.
- Childs.
- Conoly.
- Crawford.
- Henderson, Brazos.
- Henderson, Lamar.
- Hurley.
- Looney.
- Peery.
- Pfeuffer.
- Phillips, Lampasas.
- Pitts.
- Poole.
- Robertson, Harrison.
- Robertson of Bell.
- Rochelle.
- Russell.
- Sansom.
- Savage.
- Schlueter.
- Shelburne.
- Smith of Grayson.
- Smith of Collin.
- Staples.
- Stewart.
- Stripling.
- Tate.
- Teague.
- Terrell.
- Thomas of Wise.
- Thomas of Fannin.
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Tolbert. Walton.
Tompkins. Wells.
Tucker. Willacy.
Vaughan. Willrodt.

Absent.
Bennett. Maxwell.
Blount. Morris.
Bridgers. Murphy.
Childs. Phillips of Camp.
Dies. Rogers.
Greenwood. Shropshire.
Henderson, Brazos. Tarkington.
Kennedy. Tarver.
Livsey. Weless.
Looney. Wooten.
Masterson. Wright.

Absent—Excused.
Bean. Powell.
Dorroh. Prince.
Evans. Ratliff.
Garrett. Scurry.
Graham. Shannon.
Marsh.

Mr. Willacy moved to reconsider the vote by which Senate bill No. 348 was passed, and to table the motion to reconsider.
The motion to table prevailed.

On motion of Mr. Shelburne, pending business was suspended to take up and place on its second reading and passage to a third reading Senate bill No. 278, A bill to be entitled "An Act for the better preservation of all the personal property belonging to the State of Texas, or 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 this 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 the violation of any of its provisions."
The bill was laid before the House, read second time, and was passed to a third reading.

Mr. Shelburne moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 278 be put on its third reading and final passage.
The motion prevailed by the following vote:

Yeas—90.
Adams. McDowell.
Allen of Hopkins. McKamy.
Ayers. McLellan.
Bailey. Meitzen.
Beatty. Mercer.
Bolm. Monroe.
Browne. Morrow.
Caldwell. Murray.
Calvin. Nell.
Chambers. Nolan.
Childs. Oliver.
Clements. Palmer.
Cole. Parish.
Collins. Peery.
Conolly. Pfeiffer.
Pitts. Poole.
Dean. Robertson, Harrison.
Decker. Robertson of Bell.
Deren. Rochelle.
Dies. Russell.
Eckols. Sansom.
Frost. Savage.
Garner. Schuler.
Gill. Shelburne.
Goodlett. Smith of Grayson.
Goodman. Smith of Collin.
Gordon. Stewart.
Greenwood. Stripling.
Grogan. Sutherland.
Grubbs. Tate.
Hamilton. Teagle.
Henderson, Lamar. Terrell.
Howard. Thomas of Wise.
Hurley. Thomas of Fannin.
Jones. Tolbert.
Kittrell. Tucker.
Lake. Vaughtan.
Lillard. Walton.
Little. Wells.
Livsey. Wheetless.
Loyd. Willacy.
McAnally. Willrodt.
McClellan. Wright.

Absent.
Bean. Graham.
Dorroh. Marsh.
Evans. Powell.
Garrett. Prince.

Barbee. Masterson.
Barrett. Maxwell.
Bennett. Morris.
Blount. Murphy.
Childs. Pitts.
Cocke. Rogers.
Crawford. Shropshire.
Culp. Staples.
Ellis. Tarkington.
Henderson, Brazos. Tarver.
Lane. Tompkins.
Looney. Wooten.

Absent—Excused.
Bean. Graham.
Dorroh. Marsh.
Evans. Powell.
Garrett. Prince.
Ratcliff. | Shannon.  
---|---  
Senate bill No. 278 laid before the House, on its third reading and final passage.  
Read third time, and passed by the following vote:  
Yeas—94:  
Allen of Colorado. | McClellan.  
Allen of Hopkins. | McDowell.  
Bailey. | McKamy.  
Barrett. | McKellar.  
Beaty. | Meitzen.  
Browne. | Mercer.  
Caldwell. | Monroe.  
Calvin. | Morrow.  
Chambers. | Murray.  
Childers. | Neff.  
Clements. | Nolan.  
Cole. | Oliver.  
Collins. | Peery.  
Conoly. | Crawford.  
Culp. | Lampasas.  
Dean. | Pitts.  
Decker. | Poole.  
Derden. | Robertson.  
Dews. | Harrison.  
Eckols. | Robertson of Bell.  
Ellis. | Rochelle.  
Frost. | Sansom.  
Garner. | Savage.  
Gill. | Schluter.  
Goodlett. | Shelburne.  
Goodman. | Smith of Grayson.  
Gordon. | Smith of Collin.  
Greenwood. | Steward.  
Grogan. | Stripling.  
Grubbs. | Sutherland.  
Henderson, Brazos. | Tate.  
Henderson, Lamar. | Teagle.  
Howard. | Terrell.  
Hurley. | Roberts.  
Jones. | Thomas of Wise.  
Kittrell. | Thomas of Fannin.  
Lake. | Tolbert.  
Lane. | Tompkins.  
Lillard. | Tucker.  
Little. | Vaughan.  
Livey. | Walton.  
Loyd. | Wells.  
Maxwell. | Willacy.  
McAnally. | Willrodt.  

Absent:  
Adams.  
Barbee.  
Bennett.  
Blount.  
Bolin.  
Bridgers.  
Childs.  
Parish. | Tarkington.  
Rogers. | Tarver.  
Shropshire. | Wooten.  
Staples. | Wright.  

The motion to table prevailed.  
Mr. Pfeuffer moved to suspend pending business to take up Senate bill No. 165, 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." The bill was laid before the House, whereupon, 
Mr. Childers moved to adjourn until 9 a. m. tomorrow, and Mr. Adams until 9:30 a. m. tomorrow.  
Mr. Smith of Grayson, by unanimous consent, moved that the report of the Free Conference Committee on Senate bill No. 322, the anti-trust bill, be printed in the Record of today, and the motion prevailed.  
Mr. Robertson of Harrison moved to adjourn until next Monday 9:30 a. m., and the motion was lost.  
At 6:00 p. m., on motion of Mr. Adams, the House adjourned until 9:30 o'clock a. m. tomorrow.
COMMITTEE REPORTS.

Committee Room, Austin, Texas, May 18, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

SIR: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 335, A bill to be entitled "An Act to amend Article 1544, Chapter 2, Title XXXII, of the Revised Civil Statutes of Texas, and to repeal all laws and parts of laws in conflict herewith."

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

WOOTEN, Chairman.

Committee Room, Austin, Texas, May 18, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

SIR: Your Judiciary Committee No. 1, to whom was referred 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."

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

WOOTEN, Chairman.

Committee Room, Austin, Texas, May 18, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

SIR: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 207, A bill to be entitled "An Act to amend Articles 2354, 2355, 2537, 2538, 2539 and 2540, of Title XLIX, of the Revised Civil Statutes of Texas, relating to forcible entry and detainer."

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

WOOTEN, Chairman.

Committee Room, Austin, Texas, May 18, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 845, A bill to be entitled "An Act to amend Article 5318, of the State of Texas, prescribing penalties against trusts and conspiracies against trade."

Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass, and that it be not printed.

WOOTEN, Chairman.

Committee Room, Austin, Texas, May 18, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

SIR: Your Committee on Education, to whom was referred Senate bill No. 189, A bill to be entitled "An Act to give the Board of Regents of the University of Texas the absolute and exclusive management and control of the mineral lands of the University."

Have had the same under consideration, 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 18, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

SIR: Your Committee on Towns and City Corporations, to whom was referred House bill No. 844, A bill to be entitled "An Act to amend Article 386c, Title XVIII, Chapter 1, of the Revised Civil Statutes of the State of Texas, of 1895, relating to validating certain incorporations of cities and towns."

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

McKAMY, Chairman.


APPENDIX.

REPORT OF FREE CONFERENCE COMMITTEE ON SENATE BILL NO. 323—"ANTI-TRUST BILL."

Committee Room, Austin, Texas, May 18, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives, and Hon. Jno. W. Browning, President of the Senate.

SIRS: We, your Free Conference Committee, to whom was referred the differences between the House and Senate on the matter of the House amendments to Senate bill No. 323, being 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 and operation of pools, trusts, monopolies and combinations of charters of corporations that violate the terms of this act, and to authorize the institution of prosecutions and suits therefor,” have had the same under consideration, and respectfully report that we recommend as follows:

1st. That the Senate do concur in House amendment No. 1, which is the insertion in the bill of a new section to be called “Section 1a,” defining a “monopoly,” with an amendment thereto, adding at the end thereof the following words and language:

“And a monopoly as defined in this section is hereby declared to be unlawful and against public policy, and any and all persons, firms, corporations or association of persons engaged therein shall be deemed and adjudged guilty of a conspiracy to defraud, and shall be subject to the penalties prescribed in this act.”

2nd. That the Senate do concur in House amendment No. 5, which is as follows:

“Amend lines 20 and 22, page 2 of the original bill, by striking out in both of said lines the word “bankrupting” and insert in lieu thereof the words “or of financial injury.”

3rd. That the Senate do concur in House amendment No. 6, which is an amendment adding between sections two and three of the original bill a new section, to be known as “Section 2a,” and which extends the operation of Section 2 of the original bill so as to include offenses in regard to articles of commerce and consumption, produced, manufactured or mined outside of the State.

4th. That the Senate do concur in House amendment No. 7, which is an amendment inserting after Section 3 of the original bill another new section to be known as “Section 3a,” referring to the control, limiting, refusal, boycotting or threatening for the purpose of destroying competition or limiting the sale of the various articles and commodities referred to in the bill, and that said new section be amended, by adding thereto, at the end thereof, the following words and language:

“And any person, firm, corporation or association of persons committing such violation shall be deemed subject to the penalties prescribed in this act.”

5th. That Section 5, line 32, page 3 of the original bill be amended so as to insert after the word “years” and before the word “to” in said line 32, page 3, the following words: “and at such other times as he shall deem necessary.”

6th. That House amendment No. 9 be amended, by substituting therefor the following, to-wit:

“Amend by inserting on page 5, line 18 of the original bill, after the word ‘been,’ the following words: ‘since January 31st, 1900.’”

7th. Amend Section 6 of the original bill, by striking out in lines 14 to 19, on page 7, the following language: “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”; and further amend said Section 6, as thus amended, by adding thereto, at the end thereof, House amendment No. 8, instead of adding said amendment at the end of Section 7, said amendment being as follows:

“Provided, the fees allowed the 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.”

And that the Senate do concur in said House amendment as thus amended.

8th. Amend Section 7 of the original bill, by striking out all from the word “in” in line 21, page 7, to the word “manner” in line 28, page 7, inclusive; and further amend by striking out all from the word “and” in line 31, page 7, to the word “wages” in line 3, page 3, inclusive, which will leave Section 7 to read as follows:

“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.”

9th. Substitute for House amendment No. 4, which reads as follows:

“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 any thing 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,’” the following:

“Section 9. The sale, delivery or disposition of any of the articles, commodities or things hereinbefore mentioned by any individual, company or corporation
transacting business contrary to the provisions of this act, within this State or elsewhere, is hereby declared to be unlawful and contrary to public policy; and the purchaser of any article, commodity or thing from any such offending individual, company or corporation shall not be liable for the price or payment thereof, and may plead this act as a defense to any suit for price or payment, whether the purchase was made directly from the individual, company or corporation so unlawfully transacting business, or indirectly from one who acted for such individual, company or corporation as agent, representative, solicitor or canvasser; and provided further, that where any money or other thing of value is paid to such individual, company or corporation so unlawfully transacting business, its agent, representative, solicitor or canvasser, the person so paying the same may recover back the amount of the money or the value of the thing so paid.”

10th. That the Senate do concur in House amendment No. 2, which is an amendment to Section 11 of the original bill, making the act take effect from and after January 31st, A.D. 1900.

11th. Substitute for Section 11 of the original bill the following:

“Section 11. The provisions of the foregoing sections, and the pains and penalties provided for for violations of this act shall be held and be construed to be cumulative of all laws now in force in this State. And provided, that the provisions of this act shall not exempt from punishment or forfeiture any person, firm, association of persons or corporation, who may have violated or offended against any law now in existence that may be, or may be construed to be repealed by this act or in conflict herewith. And provided further, that nothing in this act shall be deemed or construed to effect any suits or prosecutions now pending, or hereafter to be instituted upon any cause of action, forfeiture or penalty accruing or to accrue prior to the date of the taking effect of this act; but all such rights to maintain, institute or prosecute all such causes of action are hereby reserved to the State, in the same manner and with the same effect as if this law had not been passed; provided further, that this act shall take effect from and after January 31, A.D. 1900.”

12th. We further recommend, in order to avoid any conflict or confusion between existing laws and the proposed act on the subject of penalties and forfeitures after this act shall take effect, that Article 3318 of the Revised Civil Statutes be amended so as to conform the penalties prescribed by the present statute against trusts to those prescribed in this act, making said amendment take effect at the same date this act shall take effect; and for that purpose we herewith report a bill prepared by the committee amendatory of said Article 3318, and recommend that the same be enacted into law, to wit, Senate bill No. 339.

13th. To enable both houses to understand the exact relation and effect of the foregoing changes and amendments in the original bill, we herewith report the original bill revised so as to include the several additions and amendments above reported, placing said amendments and their additions at their proper places in the bill, and designating the same by numerals in parenthesis to correspond with the above numbered paragraphs of this report, and recommend that said revised bill, as well as the new bill amendatory said Article 3318, be considered as a part of this report and be printed in the Journals herewith.

14th. We recommend that the several sections of the bill be renumbered so as to avoid lettering the sections as above mentioned, and in the revised bill herewith reported we have re-numbered the sections consecutively to correspond with this recommendation.

We accordingly ask the adoption of this report by the House.

Respectfully submitted,

WOOTEN,
SMITH of Grayson,
SCHLUTER,
GARNER,
MURRAY,
On part of the House.

DAVIDSON,
ATLEE,
DIBRELL,
TURNER,
YANTIS,
On part of the Senate.

The bill as agreed upon by the committee:

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 operation of pools, trusts, monopolies and combinations of charters of corporations that violates the terms of this act, and to authorize the institution of prosecutions and suits therefor.”

Be it enacted by the Legislature of the State of Texas:
Section 1. Any corporation organized under the laws of this or any other State or country, and transacting or conducting any kind of business in this State or any partnership, or individual, or other association of persons whatsoever, who shall create, enter into, become a member of, or a party to any pool, trust, agreement, combination, federation or understanding with any other corporation, partnership, individual or any other person or association of persons, to regulate or fix the price of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, any product of mining, or any article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage by fire, lightning or storm, or to maintain said price when so regulated or fixed, or shall enter into, become a member of, or a party to any pool, agreement, combination, contract, association or confederation to fix or limit the amount or quantity of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, any product of mining, or 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 any corporation, partnership, individual, or association of persons aforesaid, shall be deemed and adjudged guilty of a conspiracy to defraud, and to be subject to the penalties as provided by this act.

Sec. 2. A "monopoly" is any union or combination or consolidation or affiliation of capital, credit, property, a-se’s, 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 or objects 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 especially 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; (1) and a "monopoly," as defined in this section is hereby declared to be unlawful and against public policy, and any and all persons, firms, corporations or association of persons engaged therein shall be deemed and adjudged guilty of a conspiracy to defraud, and shall be subject to the penalties prescribed in this act.

Sec. 3. If any person, persons, company, partnership, association, or corporation, engaged in the manufacture of any article of commerce or consumption from the raw material produced or mined in this State, shall with the intent or purpose of driving out competition, or for the purpose of (2) financially injuring competitors, sell at less than the cost of manufacture, or give away their manufactured products, for the purpose of driving out competition or (2) financially injuring competitors engaged in the manufacture and refining of raw materials in this State, said person, persons, company, partnership, association or corporation resorted to the method of securing a monopoly in the manufacture, refining and sale of the finished product produced or mined in this State, shall be deemed guilty of a conspiracy to form or secure a trust or monopoly in restraint of trade and on conviction shall be subject to the penalties of this act.

(3) Sec. 4. 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 for the purpose of financially injuring competitors, sell within this State at less than the cost of manufacture or production, or sell in such a 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 resort-
ing to this method of securing a monop-
oly within this State in such business,
shall be deemed guilty of a conspiracy
to form or secure a trust or monopoly
in restraint of trade, and on conviction
thereof shall be subject to the penalties
of this act.

Sec. 5. Any person, partnership, firm
or association, or any representative or
agent thereof, or any corporation or com-
pany, or any officer, representative or
agent thereof, violating any of the pro-
visions of this act shall forfeit not less
than two hundred dollars nor more than
five thousand dollars for every such of-
fense, and each day such person, corpora-
tion, partnership or association shall
continue to do so shall be a separate of-
fense, the penalties in such cases to be
recovered by an action in the name of
the State at the relation of the Attorney-
General or the district or county attor-
ney; the moneys thus collected to go into
the State treasury, and to become a part
of the general fund, except as hereinafter
provided.

(4) Sec. 6. If any two or more per-
sons or corporations who are engaged in
buying or selling any article of com-
merce, manufacture, mechanism, mer-
chandise, commodity, convenience, repair,
any product of mining or any article or
thing whatsoever, shall enter into any
pool, trust, agreement, combination, con-
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 cor-
poration is not a member of or a party
to such pool, trust, agreement, combina-
tion, federation, association or under-
standing; or shall boycott or threaten
any person or corporation for buying
from or selling to any other person or
corporation who it not a member of or
a party to such pool, trust, agreement,
combination, federation, association or
understanding any such article or thing
aforesaid, shall be a violation of this
act: (4) and any person, firm, corpora-
tion or association of persons committing
such violation shall be deemed and ad-
djudged guilty of a conspiracy to defraud,
and shall be subject to the penalties pre-
scribed in this act.

Sec. 7. Any corporation created or or-
ganized by or under the laws of this
State, which shall violate any of the pro-
visions of the preceding sections of this
act, shall thereby forfeit its corporate
rights and franchises; and its corporate
existence shall, upon proper proof being
made thereof in any court of competent
jurisdiction in the State, 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 law 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 busi-
ness in this State, and upon proper proof
being made thereof in any court of com-
petent jurisdiction in the State, its rights
and privileges to do business in this
State shall be declared forfeited; and in
all proceedings to have such forfeiture
declared, proof that any person who has
been acting as agent of such foreign cor-
poration in transacting its business in
this State, has been, while acting as such
agent, and in the name, behalf, or inter-
est of such foreign corporation, violating
any provisions of the preceding sections
of this act, shall be received as prima
facie proof of the act of the corporation
itself; and it shall be the duty of the
clerk of said court 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 of the State, who shall take
notice and be governed thereby as to the
corporate powers and rights of said cor-
poration.

Sec. 8. It shall be the duty of the Sec-
retary of State on or about the first day
of July of each year (5) and at such
other times as he shall deem necessary,
to address to the president, secretary or
treasurer of each incorporated company
doing business in this State, a letter of
inquiry as to whether the said corpo-
ration has all or any part of its business
or interest in or with any trust, combina-
tion or association of persons or stock-
holders, as named in the preceding pro-
visions 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 of inquiry, as
follows:

AFFIDAVIT.

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

1, ................., do solemnly
swear that I am the .................
(president, secretary, treasurer or direc-
tor) of the corporation, known and styl-
ed ................., duly incorporated under
the laws of ................., on the .................
...... of .........., 18........., and now
transacting or conducting business in the
State of Texas, and that I am duly au-
thorized 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 ........., nor 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, or association of persons, to regulate or fix the price of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, any product of mining, or 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 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 of supply or guaranty of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, or any product of mining or 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 certificates, and has not, for any corporation or any agent, officer, or employe thereof, or for the directors or stockholders thereof, entered into, and is not now in any combination, contract or agreement with any person or persons, corporation or corporations, or with the stockholders, directors or any officer, agent or employee of any corporation or corporations, the purpose and effect of which combination, contract or agreement would be a conspiracy to defraud, as defined is Section 1 of this act, or to create a monopoly, as defined in Sections 2, 5, 6, 10 and 11 of this act, ..............

(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, such failure shall be prima facie evidence of the fact that such corporation is transacting business in the State of Texas, and has violated the provisions of this act, every day after the expiration of thirty days from the mailing of said letter of inquiry, 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 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, 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 right to do business in this State; and provided, that whatever 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 may be adjudged against said corporation or individual. It is provided, however, that all parties making the affidavit provided
for in this section, shall be exempt from criminal prosecution for any violation of law that may be disclosed by such affidavit. It is further provided, that the Secretary of State shall, from time to time, when he may have reason to believe that individuals or partnerships are doing business in this State in violation of this act, address the letter of inquiry herein provided for to such individuals or partnerships and require of them the same answers under oath prescribed in this section for the officers of corporations, the affidavit to which must be made by the individual addressed or some member of the partnership addressed; the form of affidavit herein prescribed, with such changes as may be necessary to make it applicable to individuals and partnerships shall be inclosed in said letter of inquiry.

Sec. 9. 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 Court. The prosecuting attorney shall receive for his compensation one-fourth of the penalty collected: (7) provided, the fees allowed the prosecuting attorney representing the State, provided for in this section, shall be over and above those allowed him by the general fee bill now in force.

Sec. 10. (8) * * * * * (8)

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 defendant are in jail. (8) * * * * * (8).

Sec. 11. Each corporation, co-partnership, firm or individual who may be the owner or lessee of a patent to any machinery, intended, used or designed for manufacturing any raw materials or preparing the same for market by any wrapping, bailing or other process, who shall lease, rent or operate the same in their own name and refuse or fail to put the same on the market for sale, shall be adjudged a monopoly, and be subject to all the pains and penalties provided in this act.

Sec. 12. (9) The sale, delivery or disposition of any of the articles, commodities or things hereinbefore mentioned by any individual, company or corporation transacting business contrary to the provisions of this act, within this State or elsewhere, is hereby declared to be unlawful and contrary to public policy, and the purchaser of any article or commodity from any such offending individual, company or corporation shall not be liable for the price or payment thereof, and may plead this act as a defense to any suit for the price or payment thereof, whether the purchase was made directly from the individual, company or corporation so unlawfully transacting business, or indirectly from one who acted for such individual company or corporation as agent, representative, solicitor or conveyer; and provided further, that where any money or other thing of value is paid to such individual, company or corporation so unlawfully transacting business, its agent, representative, solicitor or conveyer, the person so paying the same may recover back the amount of the money or the value of the thing so paid.

Sec. 13. The following corporations, co-partnerships, firms or individuals are also adjudged a monopoly and subject to all the pains and penalties provided in this act:

Every corporation, co-partnership, firm or individual which may gather items of news or press dispatches for sale to newspapers and which shall refuse to sell said items of news or press dispatches to more than one newspaper to a stated number of inhabitants in any city, town or subdivision of the State of Texas or within a certain radius of territory.

Every association of newspapers formed for the purpose of exchanging items of news and press dispatches which may require of its members under pain of forfeiting their membership, that they do not sell to or exchange with newspapers not members of said association any items of news or press dispatches.

Section 14. (11) The provisions of the foregoing sections, and the pains and penalties provided for for violations of this act shall be held and construed to be cumulative to all laws now in force in this State. And provided, that the provisions of this act shall not exempt from punishment or forfeiture any person, firm, association of persons or corporation, who may have violated or offended against any law now in existence that may be, or may be construed to be repealed by this act or in conflict herewith. And provided further, that nothing in this act shall be deemed or construed to affect any suits or prosecutions now pending or hereafter to be instituted upon any cause of action, forfeiture or penalty accruing or to accrue prior to the date of the taking effect of this act, but all such rights to maintain, institute or prosecute all such causes of action are

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hereby reserved to the State, in the same manner and with the same effect as if this law had not been passed. Provided further, that this act shall take effect from and after January 31, A. D. 1899.

Sec. 15. The near approach of the end of the session, and the fact that we now have no adequate anti-trust law upon the statutes and the importance of such legislation, create an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

ONE HUNDRED AND SEVENTH DAY.

Hall of the House of Representatives, 
Austin, Texas, 
Friday, May 19, 1899.

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—110.

Adams. Hamilton.
Allen of Colorado. Henderson, Brazos.
Ayers. Howard.
Barbee. Jones.
Barrett. Kittle.
Beaty. Lake.
Bennett. Lane.
Blount. Lillard.
Bolin. Little.
Bridgers. Livsey.
Browne. Looney.
Caldwell. Loyd.
Calvin. Maxwell.
Chambers. McAnally.
Childers. McClellan.
Clements. McDowell.
Cocke. McKamy.
Collins. Meitzen.
Conoly. Mercer.
Crawford. Monroe.
Cross. Morris.
Culp. Morrow.
Dean. Murray.
Decker. Neff.
Derden. Nolan.
Dies. Oliver.
Eckols. Palmer.
Ellis. Parish.
Frost. Peery.
Garner. Pfeiffer.
Gordon. Pitts.
Greenwood. Pool.
Grogan. Ratcliff.
Grubbs. Robertson, Harrison.

Robertson of Bell. Tarver.
Rochelle. Tate.
Rogers. Teagle.
Russell. Terrell.
Sansom. Thomas of Fannin.
Savage. Tolbert.
Schluter. Tompkins.
Sheburne. Tucker.
Shropshire. Vaughn.
Smith of Grayson. Walton.
Smith of Collin. Wells.
Staples. Willacy.
Stewart. Wilkerson.
Stripling. Willrodt.
Sutherland. Wooten.

Absent.

Childs. McFarland.
Garrett. Murphy.
Gill. Shannon.
Kennedy. Wright.
Masterson. 

Absent—Excused.

Bean. Marsh.
Dorroh. Powell.
Evans. Prince.
Graham. Scurry.

A quorum was announced present.

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

Pending reading of the Journal of yesterday.

Mr. Phillips of Lampasas moved that further reading be dispensed with.

The motion was lost.

The Clerk then proceeded to read the Journal, and Mr. Caldwell moved that further reading be dispensed with.

The motion was lost.

The Clerk then proceeded with the reading, pending which, on motion of Mr. Dies, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

On account of important business:

Mr. Childs, for today, on motion of Mr. Allen of Hopkins.
Assistant Reading Clerk Roberts, for today, on motion of Mr. Blount.
Mr. Kennedy, for today, on motion of Mr. Ellis.
Mr. Prince, for today, on motion of Mr. Caldwell.
Mr. Murphy, for today and for absence on yesterday, on motion of Mr. Mercer.
Mr. Wright, for today and for absence on yesterday, on motion of Mr. Monroe.
Mr. Masterson, for today, on motion of Mr. Bolin.

On account of sickness in his family:

Mr. Shannon, for today, on motion of Mr. Robertson of Bell.