

MONDAY, MAY 6th, 1889.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called, and the following Senators answered to their names:

Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Brett, Bryant, Coulter, Crosby, Dismukes, Drake, Dunn, Hammond, Hind, Houstoun, King, Pirrong, Randell, Rosborough, Schumacher, Smith, Stapleton, Swearingen, Tuten, Wilkinson and Yancey—24.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

INTRODUCTION OF RESOLUTIONS.

Mr. Yancey introduced—

Senate Memorial No. 157:

Memorial to Congress for an appropriation for a survey of a ship canal across the Peninsular of Florida;

Which was read the first time by its title and referred to the Committee on Canals.

Mr. Pirrong introduced—

Senate Memorial No. 158:

Memorial to Congress asking for an appropriation to make navigable the waterway from the Apalachicola River four miles below Iola, Florida, through Lee's Slough, to the Chipola River, known as the "Cut off," and the Chipola River from Lee's Slough to the Apalachicola River;

Which was read the first time by its title and referred to the Committee on Commerce and Navigation.

Mr. Bryant introduced the following petition and resolution from shippers and fruit growers:

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 3, 1889. }

HON. J. B. WALL,

President of the Senate:

I respectfully submit the attached report of a Committee on Transportation appointed by the "Shippers' and Growers' Union," of Polk county, and ask that it be spread on the

journals of the Senate, and that it also be referred to the Committee on Railroads.

Very respectfully,

J. W. BRYANT.

COMMISSION LAW AMENDMENTS—REPORT OF THE COMMITTEE ON TRANSPORTATION APPOINTED BY THE SHIPPERS AND GROWERS UNION.

To the Hon. J. W. Bryant, Senator, and Hons. Trammell and Clark, Representatives:

We, the undersigned, a Committee on Transportation appointed by one hundred members of the Shippers and Growers Union of Polk county, do hereby most respectfully offer the following for the consideration of our representatives at Tallahassee, in the hope that they will be thereby induced to append the accompanying amendments to the Railroad Commission law.

These amendments are asked for the following reasons, briefly stated:

1. The people were additionally taxed to pay an expense of \$30,000 per annum for a Railroad Commission, in order that these same people might have their freights lightened and adjusted. Instead of this, we, the people of South Florida, are now compelled to pay 25 to 35 per cent. more for the same classes than before this \$30,000 was paid to impose this extra burthen on us.

2. We do not feel that the best interests of the people can be subserved if any member of a railroad commission is even indirectly connected with any railroad company.

3. The rates of freight countenanced by the present commission have militated directly, and apparently intentionally, against this section, and are disproportionate to the rates of other near points.

4. In estimating the cost of constructing and equipping railroads and basing schedules of freight, etc., upon the results of such computations, we have positive reasons for believing that the commission has failed to consider the amounts given to said companies in the shape of donations by individuals, State and United States, and which are unfairly considered as a part of the net cost to said companies of building and equipping said roads. We believe this matter to be of paramount import in making schedule of rates.

5. Companies receiving freight to be transferred or delivered to other lines, have so repeatedly attempted to shirk the responsibility for damages, etc., and compel the shipper to make

claims to distant and unknown connecting lines, thereby causing great annoyance, delay and costs to shippers, that we believe it imperative for your honorable body to make stringent laws, holding the original receiving transportation company wholly and entirely responsible to the shipper.

6. Much trouble has been caused, and many consignees have been robbed by connecting railroads, charging extra for the first ten miles. This should only be permitted by the original receiving carrier.

7. We believe it is time for a keen, searching investigation, in the hands of an expert committee, to be made of the "inner wheel" of the railroad companies. Supernumeraries by the hundreds are being paid out of the "running expenses" of these roads. So called "land agents," and employes for lobby and other similar "diplomatic" work, are paid out of the treasury that is supplied and created *only* by the *travelers and shippers*.

8. It is believed that the latter part of section 4 of the Commission Law nullifies the balance of the law; hence it ought to be repealed.

An act to amend an act entitled "An act to provide for the regulation of railroad freight and passenger tariffs in this State, to prevent unjust discrimination in the rates charged for transportation of passengers and freights, and to prohibit railroad companies, corporations and lessees in this State from charging other than just and reasonable rates, and to punish the same, and prescribe a mode of procedure and rules of evidence in relation thereto, and to appoint Commissioners and prescribe their powers and duties in relation to the same."

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

SECTION 1. That no person shall be eligible to the office of Railroad Commissioner who is by affinity or consanguinity related to any of the general officers of any railroad company in this State, or who is a stockholder, agent or employe in any capacity of any such railroad company.

Sec. 2. That thereafter in the appointment of Railroad Commissioners the Governor of the State shall only nominate persons who come within the following provisions, to-wit: That is to say that said Commission shall consist of one practical railroad man not connected with any railroad company, one member who is well versed in law and not connected with any railroad company, and one member who is an actual shipper.

Sec. 3. It shall be the duty of said Commission in making schedules for freight and passenger traffic, to take into consid-

eration only the actual net cost of railroads and their equipment and operating expenses, and to fix their several tariffs upon that basis not allowing for supernumerary officers, employes, or unnecessary expenses.

And to this end the Commissioners shall collate statistics of costs and operating expenses of all railroads in the State and adjoining States.

Sec. 4. All railroad companies in this State who receive freight for transportation over their own and connecting railroad lines to points beyond the State, shall be primarily liable for all damages for loss, injury or delay of any freights so received by them.

Sec. 5. It shall be the duty of the Railroad Commission to make regulations requiring all railroad companies to furnish suitable and sufficient cars for the transportation of all freights offered, and also for expediting schedules for perishable freight, and any company failing to comply with such regulation shall be held liable for all damages accruing from such neglect.

Sec. 6. The Commissioners shall only allow the receiving company the benefit of the ten-mile haul, and no connecting company shall charge for the extra ten miles.

Sec. 7. That all of section 4 of chapter 3756 after the word "provided" be, and the same is hereby repealed.

Respectfully submitted,

GEO. A. K. STEVENS,
IRVING KECK,
C. E. REED,
B. F. HOLLAND,
WM. LYLE,
L. S. OPPENHEIMER,
J. S. WADE,
T. J. WILLIAMS,

Committee.

Which was read the first time by its title and referred to the Committee on Railroads.

INTRODUCTION OF BILLS.

By Mr. King:
Senate Bill No. 159:

To be entitled an act to repeal Chapter 3746 of the Laws of Florida, approved June 7th, 1887;

Which was read the first time by its title and referred to the Committee on Judiciary.

By Mr. Pirrong:
Senate Bill No. 160:

To be entitled an act to define the duties of Inspectors of Timber in the State of Florida, and to declare a standard rule of inspection, and to impose penalties for willful failure to make statement of amount of timber inspected and for selling or buying timber by any other than by said standard rule;

Which was read the first time by its title and referred to Committee on Agriculture.

By Mr. Rogers:

Senate Bill No. 161:

To be entitled an act for the relief of J. W. Newman, of Suwannee county;

Which was read the first time by its title and referred to Committee on City and County Organization.

Also,

Senate Bill No. 162:

To be entitled an act to change and permanently establish the boundary line between Suwannee and Columbia counties from Suwannee river to Ichetucknee Spring;

Which was read the first time by its title and referred to the Committee on City and County Organization.

Also,

Senate Bill No. 163:

To be entitled an act for the relief of Dr. J. E. Perry, of Suwannee county;

Which was read the first time by its title and referred to the Committee on Claims.

By Mr. Stapleton:

Senate Bill No. 164:

To be entitled an act to define the compensation of State attorneys;

Which was read the first time by its title and referred to Committee on Judiciary.

The following message from the House of Representatives was read:

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, Fla., May 3, 1889. }

HON. J. B. WALL,

President of the Senate.

SIR: I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Concurrent Resolution,

Relative to the appointment of a Joint Committee to investigate the affairs of the P. & A. Railroad.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

Mr. Brett, Chairman of the Committee on Immigration, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 6, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Immigration, to whom was referred—

Senate Bill No. 126:

An act to provide a fund for immigration purposes,

Be leave to report that they have had same under consideration and recommend that it do pass.

Very respectfully,

JOHN BRETT,

Chairman Committee.

Mr. Pirrong moved that Senate Bill No. 108 be recommitted to the Judiciary Committee;

Which was agreed to, and the bill was recommitted.

The Senate resumed the consideration of House Bill No. 4.

Mr. Parkhill's amendment to section 3, in line 3, to strike out, after the word "members," "appointed by the Governor," and insert "elected by the registered voters of said city,"

Pending.

A message was received from the Governor.

On motion of Mr. Bailey, 22d District, Mr. Parkhill was excused from attendance, and Mr. Bailey excused from voting on Mr. Parkhill's amendment to section 3, line 3, having agreed with Senator Parkhill to pair on said bill until his return.

On motion, Mr. Tompkins was excused from attendance until Wednesday morning.

The yeas and nays were called for upon the adoption of Mr. Parkhill's amendment to section 3, and the vote was:

Yeas—Mr. President, Messrs. Coulter, Drake, Hammond, Hind, Schumacher, Smith and Tuten—8.

Nays—Messrs. Bailey 16th District, Brett, Bryant, Crosby, Dismukes, Dunn, Hendry, Houston, Jenkins, Kirk, King, Pirrong, Randell, Rogers, Rosborough, Stapleton, Swearingen, Wilkinson and Yancey—19.

So the amendment was lost.

Mr. Yancey moved that section 3 be adopted as read.

The yeas and nays were called for and the vote was:

Yeas—Messrs. Bailey 16th District, Brett, Bryant, Crosby, Dismukes, Dunn, Hendry, Houston, Jenkins, Kirk, King, Pirrong, Randell, Rogers, Rosborough, Stapleton, Swearingen, Wilkinson and Yancey—19.

Nays—Mr. President, Messrs. Coulter, Drake, Hammond, Hind, Schumacher, Smith and Tuten—8.

The section was adopted as read.

Section 4 was read.

Mr. Dunn offered the following amendment:

Amend sub-section 1, of section 4, by adding after the word "city," in the fifth line, the following words:

"*Provided, however,* That before said bonds shall be issued, or otherwise provided for, the issuance of said bonds shall be approved by a majority of the votes cast by the registered voters of the election districts comprising said city, at an election held for that purpose at a time and in a manner to be prescribed by the mayor and city council of said city."

Mr. Dunn moved that the amendment be adopted;

Which was agreed to,

And the amendment was adopted.

Mr. Schumacher offered the following amendment:

To section 4, line 15, after the word "purchase," insert "or condemnation as provided by law."

Mr. Yancey moved that the amendment be adopted;

Which was agreed to,

And the amendment was adopted.

Mr. Stapleton offered the following amendment to sub-section 5 of section 4;

Which was withdrawn by Mr. Stapleton:

In line 7, after "bonds" of section 5, amend by adding, "That said trustees shall be required to give good and sufficient bonds for the faithful performance of duty."

Mr. Stapleton offered the following amendment:

Amend section 4 by adding after the word "bonds," in line 36, sub-section 6, the following words: "and to require of the disbursing agents handling the moneys hereby provided for

such official bonds for the faithful performance of their duties as they may determine."

Mr. Yancey moved that the amendment be adopted;

Which was agreed to and the amendment was adopted.

Mr. Dismukes offered the following amendment:

Amend section 4; strike out all after the word "city," in line 17, printed bill, and add the words "no property in the territory added to the city of Jacksonville by the act approved May 31, 1887, shall be held liable for any of the bonds used in refunding the indebtedness of the city of Jacksonville incurred anterior to the approval of said act;"

Which was withdrawn by Mr. Dismukes.

Mr. Schumacher offered the following amendment:

Sub-section 5. In line 19, after word "trustees," strike out the words "no two of whom shall be residents of the same election district as at present districted."

Mr. Schumacher moved that the amendment be adopted;

Which was not agreed to.

So the amendment was lost.

Mr. Yancey moved that section 4, as amended be adopted; Which was agreed to, and section 4, as amended, was adopted.

Section 5 was read.

Mr. Swearingen offered the following amendment:

In section 5, fourth line, strike out May and insert June; also in eight line, strike out May and insert June.

Mr. Bryant moved its adoption;

Which was agreed to, and the amendment was adopted.

Mr. Yancey moved that section 5, as amended, be adopted; Which was agreed to, and section 5, as amended, was adopted.

Section 6 was read.

Mr. Yancey offered the following amendment:

Amend section 6 by striking out in the fourth line the word "May" and substituting therefor the word "June;"

Which was adopted.

Mr. Stapleton moved that section 6, as amended, be adopted;

Which was agreed to, and section 6 was adopted as amended.

Section 7 was read.

Section 7 was adopted as read.

Section 8 was read.

Section 8 was adopted as read.

Mr. Yancey moved that House Bill No. 4, as amended, be engrossed.

Mr. Hammond offered a substitute to House Bill No. 4 ;

Pending the consideration of which—

A message was received from the House of Representatives.

Mr. Hammond moved that Substitute for House Bill No. 4 be adopted.

Mr. Hammond withdrew the motion to adopt the Substitute, and moved that the Senate go into committee of the whole for the consideration of Substitute for House Bill No. 4.

Mr. Crosby moved to table the motion to go into Committee of the Whole ;

Which was agreed to,

And Mr. Hammond's motion was laid on the table.

Mr. Rogers moved that the further consideration of Substitute for House Bill No. 4 be made the special order for 10 o'clock to-morrow, and that 100 copies of the substitute be printed ;

Which was withdrawn by Mr. Rogers.

Mr. Hind asked that the Substitute for House Bill No. 4 be read.

Mr. Yancey objected to its being read.

The Chair ruled that the substitute must be read, and cited Cushing's Manual as authority for the ruling.

Mr. Yancey moved that the substitute be not read.

The Chair declined to put the motion to the Senate, ruling that any member had the right to call for the reading of any matter before the body.

Mr. Kirk raised the point of order that any objection to the reading would require a vote.

The Chair overruled the point.

Mr. Swearingin moved that reading of Substitute for House Bill No. 4 be postponed until Monday next, the 13th inst ;

Which was not agreed to,

And the substitute was read.

Mr. Hammond moved that Substitute for House Bill No. 4 be adopted.

The yeas and nays were called for, and the vote was :

Yeas—Mr. President, Messrs. Drake, Hammond, Hind, Schumacher, Smith and Tuten—7.

Nays—Messrs. Bailey 22d District, Bailey 16th District, Brett, Bryant, Crosby, Dismukes, Dunn, Hendry, Houstoun,

Jenkins, Kirk, King, Pirrong, Randell, Rogers, Rosborough, Stapleton, Swearingin, Wilkinson and Yancey—20.

So the substitute was not adopted.

House Bill No. 4 was ordered to be engrossed for its third reading.

The following message from the Governor was received and read :

STATE OF FLORIDA, EXECUTIVE OFFICE, }
TALLAHASSEE, Fla., May 6, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: I have carefully considered the bill entitled "an act to establish a Criminal Court of Record in the county of Lake," and herewith return the same to the Senate, in which it originated, with my objection thereto.

Section 9 of the bill, among other things, provides that "no writ of attachment or summons for witnesses shall, at any time, be issued from said court, except after the written order of the County Solicitor filed with the Clerk."

This clause would, by its terms, deprive one accused of crime of the right to the process of the court to compel the attendance of witnesses in his favor, and place him in a position to be dependent upon the will of the County Solicitor, who prosecutes him, for such process, and leave it discretionary with the Prosecuting Solicitor, who receives a fee for convictions, as to what witnesses, or how many, the accused may be permitted to summon for his defense. Even though the Solicitor might be disposed to grant orders for process for witnesses whenever applied to for that purpose, he might not be accessible to make the order at a time when process should issue in order to procure the attendance of witnesses upon the convening of the court.

In my opinion the said clause is in violation of the Constitution, section 11 of the "Declaration of Rights," which provides that in all criminal prosecutions the accused shall have * * * compulsory process for the attendance of witnesses in his favor.

I have the honor to be,

Very respectfully,

FRANCIS P. FLEMING,
Governor.

By permission Mr. Yancey introduced—
Senate Bill No. 165 :

To be entitled an act to establish a Criminal Court of Record in the County of Lake ;

Which was read the first time by its title and referred to Committee on Judiciary.

By permission Mr. Hind introduced—
Senate Bill No. 166 :

To be entitled an act to provide for the sale, redemption, cancellation and settlement of tax sale certificates of lands sold to the State for taxes, and authorizing the Comptroller to refund the amount paid for the certificates upon lands when the assessment was double or taxes paid ;

Which was read the first time by its title and referred to the Committee on Finance and Taxation.

Mr. Houstoun moved that—
House Bill No. 58 :

To be entitled an act making it unlawful for live stock to run at large in Leon County,

Be called from the calendar for consideration ;

Which was agreed to and House Bill No. 58 was taken up. The second amendment offered by the committee was read.

Mr. Bailey, 22d moved that the further consideration of House Bill No. 58 be postponed until 11 o'clock to-morrow, and that 100 copies of the bill be printed ;

Which was agreed to and the order made.

By unanimous consent Senate Bill No. 134 was made the special order for 4 o'clock, P. M., to-day.

Mr. Hendry moved that the Senate take a recess until 4 o'clock, P. M. ;

Which was agreed to.

So the Senate took a recess.

FOUR O'CLOCK P. M.

The Senate resumed its session.

The President in the chair.

The roll was called and the following Senators answered to their names :

Mr. President, Messrs. Bailey 16th District, Brett, Bryant, Crosby, Drake, Hammond, Hendry, Hind, Jenkins, Park-

hill, Pirrong, Randell, Rogers, Rosborough, Schumacher-Smith, Stapleton and Yancey—19.

A quorum present.

Special order for 4 o'clock :

Senate Bill No. 134 :

To be entitled an act to establish a Criminal Court of Record in the County of Putnam,
Was read the second time.

Mr. Hind moved that the rules be waived and that Senate Bill No. 134 be read the third time and put upon its passage ;

Which was agreed to by a two-third vote, and the bill was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 134 the vote was :

Yeas—Mr. President, Messrs. Bailey 22d District, Bailey 16th District, Brett, Bryant, Crosby, Dismukes, Drake, Dunn, Hammond, Hendry, Hind, Houstoun, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Rogers, Rosborough, Schumacher, Smith, Stapleton, Swearingen, Wilkinson and Yancey—27.

Nays—None.

So Senate Bill No. 134 passed, title as stated.

Mr. Hind moved that the rules be waived, and that Senate Bill No. 134 be certified to the House of Representatives at once ;

Which was agreed to by a two-third vote,

And it was so certified.

Mr. Dismukes, Chairman Committee on Finance and Taxation, submitted the following report :

SENATE CHAMBER,
TALLAHASSEE, Fla., May 3, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Committee on Taxation and Finance, to whom was referred—

Senate Bill No. 151 :

Entitled a bill to be entitled " an act for the incorporation of banking associations, and to prescribe their general powers and liabilities,

Beg leave to report that they have considered the same and recommend that it do pass with accompanying amendments to sections 7 and 49.

Very respectfully,

E. P. DISMUKES,
Chairman Committee.

Mr. Dismukes moved that the rules be waived, and that Senate Bill No. 151; with the amendments proposed by the committee, remain on its second reading, and that 200 copies of the same be printed for the use of the Senate and House;

Which was agreed to by a two-third vote, and the order made.

Mr. Hammond moved that the rules be further waived and that Senate Bill No. 37 be taken from its regular order and read the third time and be put upon its passage;

Which was agreed to by a two-thirds vote.

Senate Bill No. 37:

To be entitled an act to provide for the revision and consolidation of the public statutes of this State,

Was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 37, the vote was:

Yeas—Mr. President, Messrs. Bailey of 22d, Bailey of 16th, Brett, Bryant, Crosby, Dismukes, Dunn, Hammond, Hendry, Houstoun, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Rogers, Rosborough, Schumacher, Smith, Wilkinson and Yancey—23.

Nays—Messrs. Stapleton, Swearingen and Tuten—3.

So Senate Bill No. 37 passed, title as stated.

A message was received from the Governor.

By unanimous consent, Mr. Latham, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla, May 6, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Joint Committee on Enrolled Bills have examined—

Senate Joint Resolution No. 28:

Memorializing Congress for a continuation of the geological survey of the State of Florida;

Also,

Senate Memorial to the Postmaster-General,

Asking for the establishment of a mail route from St. Marks to Teresa;

Also,

Senate Bill No. 95:

A bill to be entitled an act to amend section 1, of chapter 3808, of the Laws of Florida, entitled "An act to incorporate an institution of learning at DeLand, Florida, under the name of DeLand University, in such a manner as to change the name of said University to John B. Stetson University;"

Also,

Senate Memorial to Congress:

A Memorial to Congress to have an appropriation made to make Orange Creek navigable from its mouth to Hendry farm, a distance not more than ten miles;

Also,

Senate Bill No. 88:

A bill entitled an act to declare Orange creek, in Lee county, a navigable stream;

Also,

House Memorial to Congress asking for a tri-weekly steam-boat mail between Fort Myers and Alma, in Lee county;

Also,

House Bill No. 13:

An act relating to the payment of taxes by persons holding mortgages or other liens against real estate;

Also,

An act to amend an act to incorporate the St. Johns River Conference College, approved June 7, 1887;

Also,

An act to protect the sponge fisheries on the coast of Florida, and to punish the gathering or catching of sponge by diving, either with or without diving suits or armor;

Also,

An act to legalize the incorporation and municipal government of the town of Lakeland, in the county of Polk;

Also,

Joint Resolution and Memorial to Congress of the United States asking for a mail route from Portland, in Walton county, to Boggy Bayou, in the same county;

Also,

House Bill No. 50:

An act to empower the Governor, Treasurer and Comptroller to borrow money for State purposes,

And report them correctly enrolled.

Very respectfully,

J. F. LATHAM,
Chairman Joint Committee on Enrolled Bills.

The President announced that he was about to sign—

Senate Joint Resolution No. 28 :

Memorializing Congress for a continuation of the geological survey of the State of Florida ;

Also,

Senate Memorial to the Postmaster-General, asking for the establishment of a mail route from St. Marks to Tarsa ;

Also,

Senate Bill No. 95 :

An act to amend section 1 of chapter 3808, of the Laws of Florida, entitled an act to incorporate an institution of learning at DeLand, Florida, under the name of DeLand University, in such a manner as to change the name of said University to John B. Stetson University ;

Also,

Senate Memorial to Congress to have an appropriation made to make Orange Creek navigable from its mouth to the Hendry Farm, a distance not more than ten miles ;

Also,

Senate Bill No. 88 :

To be entitled an act to declare Orange Creek in Lee county a navigable stream ;

Also ;

House Memorial to Congress :

Asking for a tri-weekly steamboat mail between Fort Myers and Alma, in Lee county.

Also,

House Bill No. 13 :

An act relating to the payment of taxes by persons holding mortgages or other liens against real estate ;

Also,

An act to amend an act to incorporate the St. Johns River Conference College, approved June 7th, 1887 ;

Also,

An act to protect the Sponge Fisheries on the coast of Florida and to punish the gathering or catching of sponge by diving, either with or without suits or armor ;

Also,

An act to legalize the incorporation and municipal government of the town of Lakeland in the county of Polk ;

Also,

Joint resolution and memorial to Congress of the United

States asking for a mail route from Portland in Walton county to Boggy Bayou in same county ;

Also,

House Bill No. 50 :

An act to empower the Governor, Treasurer and Comptroller to borrow money for State purposes ;

Which were signed by the President and Secretary of the Senate.

Mr. Dunn moved that the rules be waived and that Senate Bill No. 107 be called up out of its regular order and be read the third time and put upon its passage ;

Which was agreed to by a two-third vote, and—

Senate Bill No. 107 :

To be entitled an act prescribing the mode of procedure for the exercise of the powers of the eminent domain by cities and towns,

Was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 107, the vote was :

Yeas—Mr. President, Messrs. Bailey 16th District, Brett, Bryant, Crosby, Dismukes, Drake, Dunn, Hammond, Hendry, Houstoun, Jenkins, Kirk, Parkhill, Pirrong, Randell, Rosborough, Schumacher, Smith, Swearingen, Tuten, Wilkinson and Yancey—23.

Nays—None.

So Senate Bill No. 107 passed, title as stated.

Mr. Dunn moved that the rules be waived and that Senate Bills Nos. 37 and 107 be certified to the House of Representatives at once ;

Which was agreed to by a two-third vote and the bills were so certified.

Mr. Randell moved that the rules be waived and that—

Senate Bill No. 111 :

To be entitled an act to amend section 24, chapter 69, of the Laws of Florida,

Be taken up for consideration ;

Which was agreed to by a two-thirds vote, and

Senate Bill No. 111,

Was read the second time, with the amendments of the committee, and on motion of Mr. Randell—

Senate Bill No. 111,

Remained on its second reading.

By permission Mr. Rosborough introduced

Senate Bill No. 167 :

To be entitled an act to appropriate a certain amount of money for the benefit of East Florida Seminary;

Which was read the first time by its title and referred to the Committee on Education.

On motion of Mr. Parkhill, the rules were waived by a two-thirds vote, and

Senate Bill No. 105 :

A bill to be entitled an act fixing the fees and compensation of the clerks of certain courts in this State for certain services,

Was read second time and placed on calendar for its third reading.

On motion of Mr. Parkhill, the rules were waived by a two-thirds vote, and

Senate Bill No. 125 :

To be entitled an act to amend section 51 of an act concerning wills, letters testamentary and letters of administration, and the duties of executors, administrators and guardians, approved November 28, 1828,

Was called from the calendar out of its regular order and read the second time and placed on the calendar for its third reading.

Mr. Bailey of 16th District moved that the rules be waived and that—

House Bill No. 130 :

A bill to be entitled an act to amend an act entitled an act providing for the reorganization of the city of Fernandina,

Be taken from its regular order on the calendar and read the third time and put upon its passage;

Which was agreed to by a two-thirds vote, and

House Bill No. 130 :

Was read the third time and put upon its passage.

Upon the passage of—

House Bill No. 130 :

The vote was :

Yeas—Mr. President, Messrs. Bailey of 16th District, Brett, Bryant, Crosby, Dismukes, Drake, Hendry, Houston, Kirk, King, Parkhill, Pirrong, Randell, Rogers, Smith, Stapleton, Swearingen, Tuten, Wilkinson and Yancey—22.

Nays—None.

So House Bill No. 130 passed, title as stated, and was ordered to be certified to the House of Representatives at once.

Mr. Rogers moved that the rules be waived and that—

Committee Substitute for House Bill No. 33 :

To be entitled an act to amend section 47, of chapter 3681, of the laws,

Be read the second time;

Which was agreed to by a two-thirds vote, and Committee Substitute for House Bill No. 33,

Was read the second time and passed to its third reading.

Mr. Hendry moved that the rules be waived and that—

Senate Bill No. 51 :

To be entitled an act to amend section 6, chapter 3769, Laws of Florida, and to add a new section to said act,

Be called out of its regular order on the calendar and be read the third time and put upon its passage;

Which was agreed to by a two-thirds vote, and Senate Bill No. 51 was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 51,

The vote was :

Yeas—Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Brett, Bryant, Crosby, Dismukes, Drake, Hendry, Houston, Jenkins, King, Parkhill, Pirrong, Randell, Rogers, Rosborough, Smith, Stapleton Swearingen, Tuten, Wilkinson and Yancey—23.

Nays—None.

So Senate Bill No. 51 passed, title as stated.

Mr. Tuten moved that the rules be waived, and that

Senate Bill No. 89 :

A bill to be entitled an act to amend section 1 of an act entitled an act to amend sections 2, 3, 4, 5 and 6 of an act to amend sections 2, 6, 7, 8, 9 and 10 of an act entitled an act to fix and regulate the fees and per diem of certain officers herein designated, appointed February 14, 1874, approved March 2, 1877; approved March 7, 1879,

Be read the second time;

Which was agreed to by a two-third vote, and

Senate Bill No. 89 was read the second time, together with the committee amendments.

Mr. Hendry moved that 200 copies of the bill be printed, and that it remain on its second reading;

Which was not agreed to, and the motion was lost.

Mr. Tuten moved that the committee amendments be adopted;

Which was withdrawn by Mr. Tuten.

Mr. Stapleton moved that the further consideration of Senate Bill No. 89 be indefinitely postponed;

Which was withdrawn by Mr. Stapleton, and Senate Bill No. 89 remained on its second reading by unanimous consent.

By permission Mr. Dunn introduced—

Senate Bill No. 168:

To be entitled an act to allow the sales of domestic wines made in the State of Florida;

Which was read the first time by its title and referred to Committee on Agriculture.

Mr. Wilkinson, Chairman of the Committee on Engrossed Bills, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 6, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 61:

An act in relation to mortgages;

Also,

Senate Amendment to House Bill No. 73;

Also,

Senate Amendments to House Bill No. 4,

Beg leave to report that they have examined the same and find them to be correctly engrossed.

Very respectfully,

JOHN WILKINSON,
Chairman Committee.

Mr. Bryant moved that the Senate go into executive session;

Which was agreed to and the Senate went into executive session.

The doors were closed.

The doors were opened.

Mr. Bryant moved that the rules be waived, and that—

House Bill No. 73:

To be entitled an act to establish the municipality of Key West, provide for its government, etc.,

Be made the special order for 10:30 o'clock to-morrow morning;

Which was agreed to by a two-thirds vote, and House Bill No. 73 was made the special order for that hour.

Mr. Hendry moved that the Senate adjourn until 10 o'clock to-morrow morning;

Which was agreed to, and the Senate stood so adjourned.

CONFIRMATIONS.

To be County Commissioners for Lafayette county:

J. T. Cates for District One.

Wiley W. Crawford for District Two.

L. J. Bell for District Three.

J. J. Johnson for District Four.

G. S. Goodbread for District Five.

To be County Commissioners for Suwannee county:

Geo. W. Goff for District Two.

John O. Ross for District Three.

Robt. A. Ried for District Four.

James English for District Five.

To be County Commissioners for Holmes county:

Stephen J. Parish for District One.

J. A. Huggins for District Two.

J. W. Howell for District Three.

John Perkins for District Four.

James Hairrell for District Five.

To be County Commissioners for Walton county:

A. J. McKinnon, for District One.

G. J. Scott, for District Two.

J. T. Stubbs, for District Three.

J. H. Richbourg, for District Four.

A. C. Monroe, for District Five.

To be County Commissioners for Taylor county:

J. A. Jackson, for District One.

A. J. Wright, for District Two.

J. W. Faulkner, for District Three.

W. B. Tedder, for District Four.

W. W. Whiddon, for District Five.

To be County Commissioners for Wakulla county:

W. B. Hill, for District One.

Wm. H. Walker, for District Three.

John P. Roberts, for District Five.