

TUESDAY, MAY 14, 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, Bielby, Brett, Bryant, Crosby, Dunn, Hardee, Hendry, Hind, Jenkins, Kirk, King, Pirrong, Randell, Rogers, Rosborough, Smith, Swearingen, Wilkinson and Yancey—21.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

INTRODUCTION OF RESOLUTIONS.

By Mr. Coulter:

Senate Resolution No. 41, asking for action on—
Senate Bill No. 1:

To be entitled an act to provide for the working and maintaining of the public roads and bridges in this State, and for creating of the office of Superintendent of Public Roads.

Resolution in reference to—

Senate Bill No. 1:

Entitled "An act to provide for the working and maintaining of the public roads and bridges in this State, and for creating the office of Superintendent of Public Roads."

WHEREAS, The present session of the Legislature is rapidly coming to a close; and

Whereas, The working and maintaining of the public roads of the State is a matter of paramount importance and affects the interests of all the people and of every section of the State; and

Whereas, Senate Bill No. 1, providing for the working and maintaining of public roads, etc., was introduced on the second day of the present session and referred to the Judiciary Committee; and

Whereas, The Judiciary Committee of the Senate reported the said bill on the 9th day of April and recommended its passage; and

Whereas, The said bill was recommitted to the Joint Committee on Roads and Bridges; and

Whereas, The said committee has had the said bill under consideration for more than thirty days and has not reported thereon; therefore,

Be it Resolved by the Senate, That it is the sense of this body that thirty days is sufficient time to consider said bill, and the said Joint Committee should return the same for the action of the Senate, either with or without recommendation, as the committee may deem best, to the end that the Senate may take definite action on this important matter which so materially affects the public welfare,

Was read.

Mr. Kirk moved that the resolution be adopted;
Which was not agreed to.

So the resolution was lost.

By unanimous consent the Engrossing Clerk was ordered to perfect the enacting clause of
Senate Bill No. 55:

A bill to be entitled an act to incorporate the Banana Creek Improvement Canal and Transit Company.

Mr. Coulter, Chairman of the Committee on Fisheries, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 14, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Fisheries, to whom was referred—
House Joint Resolution No. 20:

Memorializing Congress to protect our fishermen from foreign competition,

Beg leave to report that they have carefully considered the same and recommend that it do pass.

Very respectfully,

W. R. COULTER,
Chairman Committee.

Mr. Bryant, Acting Chairman of the Committee on Enrolled Bills, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 14, 1889. }

HON. J. B. WALL,

President of the Senate:

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

Senate Bill No. 48:

Entitled an act to punish persons for breaking and entering railroad cars;

Also,

Senate Bill No. 87:

Entitled an act to expedite the decisions of appeals from certain interlocutory orders in chancery,

Have carefully examined the same and find them correctly enrolled.

Very respectfully,

J. W. BRYANT,

Acting Chairman Committee.

Mr. King, Chairman of Committee on Education, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 13, 1889. }

HON. J. B. WALL,

President of the Senate:

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

Senate Bill No. 167:

Entitled an act to appropriate a certain amount of money for the benefit of East Florida Seminary,

Beg leave to report that they have carefully examined the same and recommend that it do pass.

Very respectfully,

Z. KING,

Chairman Committee.

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

SENATE CHAMBER,
TALLAHASSEE, Fla., May 14, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Joint Committee on Enrolled Bills have examined the following acts:

An act entitled an act to provide for levies upon and sale of stock in corporations;

Also,

An act to amend an act entitled an act to establish the municipality of Jacksonville, to provide for its government and prescribe its jurisdiction and powers, approved May 31, 1887;

Also,

An act to establish the municipality of Key West, provide for its government and prescribe its jurisdiction and powers, And beg leave to report them correctly enrolled.

Very respectfully,

J. F. LATHAM,

Chairman Joint Committee on Enrolled Bills.

Mr. Yancey, Chairman of the Committee on City and County Organization, made the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 14, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on City and County Organization, to whom was referred—

Senate Bill No. 53:

Have had the same under consideration and beg leave to report the accompanying substitute for said bill, and recommend that the substitute do pass:

SUBSTITUTE.

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

SECTION 1. That all the territory lying south of the township line dividing townships 24 and 25, now forming part of Sumter county, be and the same is hereby declared to be a part of Polk county.

SEC. 2. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall take effect upon its approval by the Governor.

Very respectfully,

D. H. YANCEY,

Chairman of Committee.

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

SENATE CHAMBER,
TALLAHASSEE, Fla., May 14, 1889. }

HON. J. B. WALL,

President of the Senate:

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

Senate Bill No. 130:

An act relating to court commissioners;

Also,

Senate Bill No. 163:

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

Also,

Senate Bill No. 155:

An act to incorporate the West Florida and Alabama Railroad Company;

Also,

Senate Bill No. 98:

An act to incorporate the city of St. Andrews,
Beg leave to report that they have examined the same and find them to be correctly engrossed.

Very respectfully,

JOHN WILKINSON,

Chairman Committee.

CONSIDERATION OF BILLS ON SECOND READING.

Senate Bill No. 74:

To be entitled an act to reward persons who shall kill certain beasts of prey,

Was read the second time.

Mr. Bryant moved that Senate Bill No. 74 be indefinitely postponed;

Which was agreed to,

And Senate Bill No. 74 was indefinitely postponed.

Mr. Bielby was called to the chair.

Mr. Randell moved to reconsider the vote by which Senate Bill No. 75:

A bill to be entitled an act for the beter protection of animals running at large,

Passed yesterday;

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

On motion of Mr. Bryant, Senate Bill No. 75 was recommitted to Judiciary Committee.

By unanimous consent, Mr. Dunn introduced—

Senate Bill No. 198:

Entitled an act to amend section 14, chapter 3707, Laws of Florida, approved June 8th, 1887, entitled an act to provide for and encourage the organization of a corps of volunteer militia and enforce their discipline;

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

Senate Bill No. 73:

To be entitled an act in relation to deeds, mortgages and other instruments in writing.

Was read the second time, together with the committee amendments.

On motion of Mr. Hind the committee amendments were adopted, and the bill was ordered to be engrossed, as amended, for its third reading.

The President resumed the chair.

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

Senate Bill No. 167:

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

Was called from the calendar out of its regular order and read the second time.

Mr. Hind offered the following amendment:

Sec. 1. "And \$750 00 for the year 1890;"

Which was not agreed to,

And the amendment was lost.

Mr. Hind offered the following amendment:

Sec. 2. Strike out "and \$1000.00 for the year 1890;"

Which was lost,

And the bill was ordered to be engrossed and passed to its third reading.

Senate Bill No. 78:

To be entitled an act to repeal chapter 3721, Laws of Florida.

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

The hour having arrived for the special consideration of—

Senate Bill No. 148:

An act to prohibit the purchase and sale of upland cotton in the seed within the county of Jefferson.

It was called from the calendar and was read the second time.

Mr. Bailey moved that the rules be waived and that Senate Bill No. 148 be read the third time and put upon its passage;

Which was agreed to by a two-third vote and Senate Bill No. 148 was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 148,

The vote was:

Yeas—Mr. President, Messrs. Bailey of 22d District, Bryant, Coulter, Crosby, Drake, Hardee, Hendry, Hustoun, Kirk, King, Parkhill, Pirrong, Randell, Rogers, Rosborough and Swearingen—17.

Nays—Messrs. Bielby, Dismukes, Jenkins and Smith—4.

So Senate Bill No. 148 passed, title as stated, and under further suspension of the rules, was ordered to be certified to the House of Representatives at once.

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

House Bill No. 57:

An act to prohibit the wilful running down or removal of stakes, buoys, &c.,

Was called from the calendar out of its regular order and read the second time.

Mr. Bielby offered the amendment:

Amend House Bill No. 57 by adding to section 2, "Provided, That any person or persons who shall, within ten days after such removal or running down, securely restore in proper place such stakes, buoys or other marks, shall be exempt from the provisions of section 2 of this act. If not so restored, the willful removal or running down shall be taken for granted."

Mr. Bielby moved that the amendment be adopted;

Which was agreed to and the amendment was adopted, and House Bill No. 57 was ordered to be engrossed and passed to its third reading.

Mr. Parkhill moved that the rules be waived and that—
Senate Bill No. 190:

To be entitled an act to amend section 1 of an act entitled an act to amend section 5 of an act entitled an act to dissolve municipal corporations therein, and to provide provisional governments for the same, approved January 28, 1885, approved June, 1887,

Be read the second time;

Which was agreed to by a two-third vote, and the rules were waived and Senate Bill No. 190 was read the second time.

Mr. Hustoun moved that 200 copies of Senate Bill No. 190 be printed;

Which was agreed to, and the order was made.

Mr. Yancey moved that Senate Bill No. 190 remain on its second reading;

Which was not agreed to.

So the motion was lost, and Senate Bill No. 190 was ordered to be engrossed and passed to its third reading.

By unanimous consent Mr. Yancey introduced—
Senate Bill No. 199:

To be entitled an act to punish false imprisonment;

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

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

Senate Bill No. 76:

To be entitled an act providing for a farm fence option law,
Was called from the calendar out of its regular order and read the second time.

Mr. Bryant moved that Senate Bill No. 76 be indefinitely postponed.

Mr. Smith moved that Senate Bill No. 76 be made the special order for 11 o'clock to-morrow;

Which was agreed to, and the order was made.

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

Which was agreed to.

So the Senate took a recess.

CONFIRMATIONS.

J. B. Gaines, to be Judge of the Criminal Court of Record of Lake County.

Alfred St. Clair Abrams, to be County Solicitor of the Criminal Court of Record of Lake County.

George A. Butler, to be Clerk of the Criminal Court of Record of Lake County.

To be Commissioners of Pilotage of Escambia County.
Dennis Burns, John Mooney and William Bazzell.

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 22d District, Bielby, Brett, Bryant, Coulter, Crosby, Dismukes, Drake, Dunn, Hardee, Hendry, Houstoun, Jenkins, Kirk, King, Parkhill, Pirrong, Rogers, Rosborough, Smith, Wilkinson and Yancey—23.
A quorum present.

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

SENATE CHAMBER,
TALLAHASSEE, Fla., May 14, 1889. }

HON. J. B. WALL,

President of the Senate:

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

Senate Bill No. 192:

A bill to be entitled an act to legalize the action of certain counties in the State of Florida, and to authorize a special tax,

Beg leave to report they have examined said bill and recommend that it pass with the following amendment:

In line 5, section 3, strike out word "school," and insert words "general revenue."

Very respectfully,

E. P. DISMUKES,
Chairman Committee.

The hour having arrived for the special consideration of—
House Bill No. 5:

Relating to the redemption of real estate sold under executions, etc.

It was called from the calendar and was read the second time.

Mr. Rogers moved that House Bill No. 5 remain on its second reading and that 200 copies of the bill be printed;

Which was agreed to and the order was made.

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

Senate Bill No. 192:

To be entitled an act to legalize the action of certain counties in the State of Florida, and to authorize a special tax,

Was taken from the calendar out of its regular order and was read the second time together with the committee amendments.

Mr. Smith moved that the committee amendments be adopted;

Which was agreed to, and the committee amendments were adopted and Senate Bill No. 192 was ordered to be engrossed as amended and passed to its third reading.

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

Substitute for Senate Bill No. 119;

To be entitled an act to legalize conveyances of real estate in the State of Florida, heretofore or hereafter executed in other States and Territories of the United States, in accordance with the laws of such other States and Territories,

Was called from the calendar and was read the third time and put upon its passage.

Upon the passage of Substitute for Senate Bill No. 119,
The vote was:

Yeas—Mr. President, Messrs. Bailey of 22d District, Bielby, Brett, Bryant, Crosby, Drake, Dunn, Hendry, Hind, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Smith, Wilkinson and Yancey—19.

Nays—Messrs. Dismukes and Houstoun—2.

So Substitute for Senate Bill No. 119 passed, title as stated.

And under the further suspension of the rules, Senate Bill No. 119 was ordered to be certified to the House.

The President announced that he was about to sign—
Senate Bill No. 92:

A bill to be entitled an act to provide for the appointment of Recorders in and for provisional municipalities, and to define their jurisdiction and powers;

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

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

Senate Bill No. 110:

To be entitled an act to provide the methods by which counties may issue bonds for public improvements,

Was called from the calendar out of its regular order, and was read the second time.

Mr. Bielby moved that 200 copies of Senate Bill No. 110 be printed, and that it remain on its second reading;

Which was agreed to,

And the order was made.

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

Senate Bill No. 49 :

To be entitled an act to establish a Bureau of Immigration for the State of Florida,

Was called from the calendar out of its regular order and was read the second time and was ordered to be engrossed and passed to its third reading.

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

Senate Bill No. 153 :

A bill to be entitled an act to provide for the recovery of lost timber and lumber, to provide for the appointment of a public custodian of the same, and to prescribe his powers, duties and compensation,

Was called from the calendar out of its regular order and was read the second time, together with the committee amendments.

On motion of Mr. Parkhill the committee amendments were adopted, and Senate Bill No. 153 was ordered to be engrossed, as amended, and passed to its third reading.

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

House Bill No. 113 :

To prevent the introduction of the cushion scale,

Was called from the calendar out of its regular order and was read the second time.

Mr. Bielby offered the following amendment :

Amend House Bill No. 113 by striking out "cottoony" and inserting "cttony" wherever it occurs in the bill ;

Which was adopted,

And 200 copies of the bill, as amended, were ordered to be printed, and the bill to remain on its second reading.

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

SENATE CHAMBER,
TALLAHASSEE, Fla., May 14, 1889. }

HON. J. B. WALL,

President of the Senate :

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

Senate Bill No. 55 :

A bill entitled an act to incorporate the Banana Creek Improvement Canal and Transit Company ;

Also,

Senate Bill No. 167 :

An act to appropriate a certain amount of money for the benefit of East Florida Seminary ;

Also,

Senate Bill No. 73 :

An act in relation to the record of deeds, mortgages and other instruments in writing ;

Also,

Senate Bill No. 104 :

To be entitled an act to punish employes of common carriers for the injury or destruction of baggage and freight ;

Also,

Senate Amendment to House Bill No. 57,

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

Very respectfully,

JOHN WILKINSON,
Chairman Committee.

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

Senate Bill No. 188 :

An act to include part of township 20, in range 27, in Lake County,

Was read the second time by its title.

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

Senate Bill No. 188 :

Was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 188,

The vote was :

Yeas—Mr. President, Messrs. Bailey of 22d District, Bielby, Brett, Bryant, Crosby, Dismukes, Drake, Dunn, Hardee, Hendry, Hind, Houstoun, Jenkins, Kirk, King, Pirrong, Randell, Rogers, Rosborough, Smith, Swearingen and Yancey—23.

So Senate Bill No. 188,

Passed, title as stated, and under a further suspension of the rules was certified to the House of Representatives at once.

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

Senate Bill No. 160 :

A bill to be entitled an act to define the duty of inspectors of timber in the State of Florida, and to declare a standard rule of inspection and to impose penalties for wilful failure to make correct statement of amount of timber inspected and for selling or buying timber by any other than by said standard rule,

Was called from the calendar out of its regular order, and was read the second time and ordered to be engrossed and passed to its third reading.

The courtesies of the Senate Chamber were extended to Dr. Johnson and Col. Carroll of Jefferson county.

The hour having arrived for the special consideration of Senate Bill No. 57:

To be entitled an act to fix the legal rate of interest in the State of Florida, to define usury and to provide for forfeiture on notes and contracts for extortionate interest,

It was called from the calendar and was read the second time.

Mr. Kirk offered the following amendment:

Amend by striking out 12 per cent. and insert 10 per cent. wherever it occurs.

Mr. Kirk moved that the amendment be adopted;
Which was not agreed to.

So the amendment was lost.

Mr. Bielby was called to the chair.

Mr. Dunn moved that—

Senate Bill No. 57 be indefinitely postponed.

Mr. Kirk moved to lay the motion to indefinitely postpone upon the table.

The yeas and nays were called and the vote was:

Yeas—Messrs. Bryant, Crosby, Hardee, Hind, Houston, Jenkins, Kirk, Parkhill, Pirrong, Randell, Rogers, Rosborough, Swearingen, Wilkinson and Yancey—15.

Nays—Messrs. Bailey 22d District, Bielby, Dismukes, Dunn, Hendry, King and Smith—7.

So the motion to table prevailed.

On motion of Mr. Yancey, Secretary Finley was excused from attendance to-morrow.

By permission Mr. Pirrong introduced—

Senate Bill No. 200:

To be entitled an act to amend an act to provide for and encourage the organization of a corps of volunteer militia, and enforce their discipline, approved June 8, 1887, and designated as chapter 3707, Laws of Florida;

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

By permission Mr. Dismukes introduced—

Senate Bill No. 201:

To be entitled an act making appropriations to the Seminary West of the Suwannee River;

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

By permission

By Mr. Rogers:

Senate Bill No. 202:

To be entitled an act to prescribe the jurisdiction of County Judges to try criminal cases;

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

Also,

Senate Bill No. 203:

To be entitled an act to repeal Chapter 3623, of the Laws of Florida.

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

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

Which was agreed to.

The Senate stood so adjourned.

WEDNESDAY, MAY 15th, 1889.

The Senate met pursuant to adjournment.

The President in the chair.