

Mr. Rogers moved that the Senate adjourn until 9 o'clock to-morrow morning;
Which was agreed to,
The Senate stood so adjourned.

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SATURDAY, MAY 18, 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, Bielby, Brett, Bryant, Coulter, Crosby, Dismukes, Dunn, Hammond, Hardee, Hendry, Houston, Jenkins, Kirk, King, Pirrong, Randell, Rogers, Rosborough, Smith, Swearingen, Tuten, Wilkinson and Yancey—26.

A quorum present.

Prayer by the Chaplain.

The correction of the Journal was informally passed over.

INTRODUCTION OF RESOLUTIONS.

Mr. Rosborough introduced—
Senate Memorial No. 224:

A memorial of the Legislature of Florida to the Congress of the United States in reference to a ship canal and improvement of the harbors and entrance ways thereto from the Atlantic Ocean to the Gulf of Mexico, in the behalf of an interstate and international commerce;

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

INTRODUCTION OF BILLS.

By Mr. Rogers.
Senate bill No. 225,

To be entitled an act to establish a House of Refuge for juvenile offenders, and to provide for its government and maintenance.

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

The following message from the House of Representatives was read:

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, Fla., May 18, 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

House Bill No. 83:

A bill to be entitled an act to prescribe the fees that the several sheriffs in this State shall be allowed to charge and receive for services rendered in the performance of the duties of their offices,

And ask the concurrence of the Senate therein.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

House Bill No. 83:

To be entitled an act to prescribe the fees that the several Sheriffs in this State shall be allowed to charge and receive for services rendered in the performance of the duties of their offices;

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

REPORTS OF COMMITTEES.

Mr. Rogers, Chairman of Committee on Agriculture, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 17, 1889. }

HON. J. B. WALL,

President of the Senate:

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

Senate Bill No. 181:

To be entitled an act to establish and maintain a State prison and to provide for the employment of persons convicted of crime and sentenced to the State prison, and for the custody, maintenance and discipline of such persons, and for other things;

Respectfully report the said bill back with the accompanying amendment :

Add to section three, (3) "They shall have authority to lease or purchase a farm adjacent to the prison for the employment of such prisoners as may be profitably employed therein,

And recommend that the same do pass.

Very respectfully,

ROBT. F. ROGERS,
Chairman Committee.

Which was read and adopted.

Also the following :

SENATE CHAMBER,
TALLAHASSEE, Fla., May 18, 1889. }

HON. J. B. WALL,

President of the Senate :

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

Senate Bill No. 156 :

An act to provide a license tax for the sale of slaughtered meats brought into this State for sale,

Respectfully report the same back without action,

Very Respectfully,

ROBT. F. ROGERS,
Chairman Committee.

Which was read.

Also the following :

SENATE CHAMBER,
TALLAHASSEE, Fla., May 18, 1889. }

HON. J. B. WALL,

President of the Senate :

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

House Bill No. 177 :

A bill to be entitled an act for the prevention of cruelty to animals,

Respectfully report that Senate Bill No. 79, on the same subject, is preferable, as it contains provisions that said House Bill does not; would therefore recommend that Senate Bill

No. 79 be taken from the calendar and passed at once, instead of House Bill No. 177.

Very respectfully,

R. F. ROGERS,
Chairman Committee.

Which was read.

Mr. Rogers moved that this morning's session be devoted to the consideration of bills on their third reading ;

Which was agreed to.

House Bill No. 31 :

A bill to be entitled an act to regulate the practice of medicine, and to provide for the appointment of a Board of Medical Examiners in the State of Florida,

Which was passed over informally yesterday and made the special order for 5 o'clock Friday was again passed over informally.

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

Senate Committee Substitute for Senate Bill No. 53 :

A bill to be entitled an act to change the boundary lines between the counties of Polk and Lake, and define the same,

Recommended by the committee, was taken up for consideration and was read.

Mr. Bryant moved that the Committee Substitute be adopted in lieu of Senate Bill No. 53 ;

Which was agreed to and the Substitute was adopted.

The Substitute was read.

Mr. Bryant offered the following amendment :

And East of the line dividing Ranges 23 and 24 :

Which was adopted and the bill was ordered to be engrossed for its third reading.

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

Senate Bill No. 201 :

To be entitled an act making appropriation to the Seminary West of the Suwannee river,

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

Mr. Swearingen moved that 200 copies of Senate Bill No. 201 be printed,

And that it remain on its second reading ;

Which was agreed to,

And the order was made.

House Bill No. 31 :

A bill to be entitled an act to regulate the practice of medicine, and to provide for the appointment of a Board of Medical Examiners in the State of Florida,

Was called up for consideration and was read the second time.

Mr. Bielby offered the following amendment :

Amend section 1 by adding : *Provided*, That the Governor of the State of Florida shall, as soon as practicable, appoint one Board of Homœopathic Medical Examiners for the State at Large, which appointment shall be in writing under the seal of the State and delivered to such persons appointed.

Mr. Bielby moved that the amendment be adopted ;

Which was agreed to,

And the amendment was adopted.

Mr. Parkhill offered the following amendment :

Substitute for section 11, House Bill No. 31 so that section 11 should read :

Section 11. The Board shall be entitled to demand and receive from each applicant examined the sum of ten dollars whether a certificate be granted to such applicant or not.

Mr. Parkhill moved that the amendment be adopted.

Which was agreed to,

And the amendment was adopted.

Mr. Bielby offered the following amendment :

Amend section 2 by inserting after the word "ability" the words : " And who are graduates of some Medical College recognized by the American Medical Association ?"

Which was adopted.

Mr. Randell offered the following amendment :

In section 2, line 4, after the word "appointed" add : "*Provided*, No two of said Board shall be residents of the same town ;"

Which was lost.

Mr. Bielby offered the following amendment :

Amend section 2 by adding : "*Provided*, That said Board of Homœopathic Medical Examiners shall be composed of three practicing homœopathic physicians of known ability and who are graduates in good standing of some Medical College recognized by the American Institute of Homœopathy and who are residents of the State."

Mr. Bielby moved that it be adopted ;

Which was agreed to,

And the amendment was adopted.

Mr. Bielby offered the following amendment :

Amend section 5, by adding : "*Provided*, That the Board of Homœopathic Medical Examiners shall meet as hereinbefore provided in the city of Jacksonville, to conduct examinations and grant certificates as hereinafter provided, and they shall give at least one month's public notice of the time and place of their meeting by publication in at least one newspaper published in the State.

Mr. Bielby moved that it be adopted ;

Which was agreed to,

And the amendment was adopted.

Mr. Bielby offered the following amendment :

Amend Section 6 by adding :

Provided, That whenever a vacancy occurs in the Board of Homœopathic Medical Examiners, the same shall be filled by appointment by the Governor for the unexpired term in which such vacancy occurs ;

Which was read and adopted.

Mr. Bielby offered the following amendment :

Amend section 7, by adding :

" *Provided*, That it shall be the duty of the Board of Homœopathic Medical Examiners to examine thoroughly all applicants for certificates of qualification to practice medicine in any of its branches or departments upon the production of his diploma from a college recognized by the American Institute of Homœopathy, upon the following named subjects, to-wit : Anatomy, Physiology, Surgery, Gynaecology, Materia Medica, Therapeutics, Obstetrics and Chemistry, but no preference shall be given to any school of medicine."

Which was agreed to,

And the amendment was adopted.

Mr. Bielby offered the following amendment :

Amend section 12, by striking out the word "reputable," and inserting after the word "college," the word "recognized by the American Medical Association ;"

Which was read and adopted.

On motion of Mr. Houston, Col. Edgar was invited to a seat within the bar of the Senate.

On motion of Mr. Smith, Hon. F. B. Gunn, Judge M. R. Cooper, Dr. R. W. Hargis, Mr. E. G. Quina, Mr. B. R. Pitt and Capt. Geo. Slocum, of Pensacola, were invited to seats within the bar of the Senate.

Mr. Parkhill offered the following amendment :

Substitute for section 1, House Bill No. 31, so as to read as follows : "Section 1. The Governor of this State shall appoint

a Board of Medical Examiners in and for each Judicial District of this State."

Also, amend House Bill No. 31 by striking out words "presiding Judge, Judge of the District, and Judge," wherever they appear in said bill;

Which was adopted, and House Bill No. 31 was ordered to be engrossed for its third reading.

The following message was received from the Governor:

STATE OF FLORIDA,
EXECUTIVE OFFICE, TALLAHASSEE, May 17, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: After a careful examination of the bill entitled "An act entitled an act to expedite the decisions of appeals from certain interlocutory orders in chancery," I herewith return the same to the Senate in which it originated with my objections thereto.

Section one of the bill provides that "an appeal to the Supreme Court from any order of a Circuit Judge or Circuit Court in a chancery cause granting or refusing to grant, dissolving or refusing to dissolve a temporary injunction, or appointing or refusing to appoint a receiver, shall, if taken when the Supreme Court is not in session, be filed and entered in said Court as now provided by law, but if it be taken during a term of the said court, it may be filed and entered in said court at any such time as will admit of five day's notice to the appellee. And it shall be the duty of the Supreme Court to hear and decide said cause as soon as possible, and to hear or decide no other causes except cases of *habeas corpus* until the same shall have been decided."

Appeals to the Supreme Court, even from the interlocutory orders above mentioned, in many cases, require careful and laborious preparation; not infrequently occupying many days in examination of the law and the preparation of briefs, (five copies of which are necessary under the rules of Court) in order to properly represent the interest of a client, as to whom an adverse decision may mean absolute financial ruin. Yet under the terms of this appeal in whatever portion of the State such order may be made, the party against whom an adverse decision is rendered can hasten his adversary to the Supreme Court in five days, even though two days of that time may be spent in traveling, which would be the case if such appeal were taken from an order made in Key West or Ft. Myers, and perhaps three days if at the county site of Dade County.

Upon the docketing of such appeal in the Supreme Court, all other business of the Court is practically suspended, except *habeas corpus* cases, very few of which are heard by the Supreme Court. Nothing else could be heard or decided no matter what public or private interests might be involved.

Attorneys from the various parts of the State, in the regular order of their cases, or upon pre-arrangement, may be in court ready to present the cases of their clients, yet the docketing of such appeal ties their hands, and they can do nothing but wait, perhaps at great expense, until such time as a decision of the court may be had on the appeal from such interlocutory order. Nor could the court in the meantime deliver an opinion in any other case, even though it had been prepared and the decision ready to be made.

The party who was hurried up to the court on five days' notice might reasonably ask the indulgence of the court for a few days in which to examine the law and prepare briefs; yet the court could only grant such request at the expense, practically, of all other business before it.

The Supreme Court has the authority, in its discretion, to advance a case upon the docket, or take up and dispose of any case out of its order, and this frequently has been done where good reason existed therefor. Nor is there any reason to apprehend that the court would fail to exercise a sound discretion in that regard upon a meritorious showing.

I cannot think that the possible benefits which would result from such an enactment would compensate for the many hardships it would entail. For the above reasons I have withheld my signature from the same.

Very respectfully,

FRANCIS P. FLEMING,

Governor.

Which was read.

By permission, Mr. Hammond introduced—
Senate Bill No. 226:

To be entitled an act to define and confirm the incorporate boundaries of the city of Orlando;

Which was read the first time by its title.

On motion of Mr. Hammond, the rules were waived by a two-thirds vote, and Senate Bill No. 226 was read the second time and ordered to be engrossed for its third reading.

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

SENATE CHAMBER,
TALLAHASSEE, Fla., May 18, 1889. }

HON. J. B. WALL,

President of the Senate :

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

Senate Bill No. 196 :

Entitled an act to change the location of the University of Florida,

Have examined the same and recommend that the same do pass.

Very respectfully,

Z. KING,

Chairman Committee.

Which was read.

By permission, Mr. King, Chairman of Committee on City and County Organization, submitted the following report :

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 18, 1889. }

HON. J. B. WALL,

President of the Senate :

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

Senate Bill No. 35 :

Entitled an act to change the county line between the counties of Baker and Duval;

Also,

Senate Bill No. 208 :

Entitled an act to fix the boundary lines of the town of Jasper, and to legalize the town government of the same, and to provide for contracting or extending the limits of said town.

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

Very respectfully,

Z. KING,

Acting Chairman of Committee.

Which was read.

By permission, Mr. Houstoun, Chairman of Committee on Railroads and Telegraphs, submitted the following report :

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 18, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Committee on Railroads and Telegraphs, to whom was referred—

House Bill No. 155 :

An act entitled an act to provide for speedy sale of perishable property when levied upon under execution,

Beg leave to report favorably and recommend its passage.

Very respectfully,

P. HOUSTOUN,

Chairman Committee.

Which was read.

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

Senate Bill No. 208 :

To be entitled an act to fix the boundary lines of the town of Jasper and to legalize the town government of the same, and to provide for contracting or extending of said town,

Was read the second time by its title.

On motion of Mr. Tuten the rules were further waived by a two-thirds vote and Senate Bill No. 208 was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 208,

The vote was :

Yeas—Mr. President, Messrs. Bailey of 22d, Bailey of 16th, Bielby, Brett, Bryant, Crosby, Dismukes, Drake, Dunn, Hammond, Hardee, Hendry, Hind, Kirk, Parkhill, Pirrong, Randall, Rogers, Rosborough, Smith, Swearingen, Tuten and Yancey—24.

Nays—None.

So Senate Bill No. 208 passed, title as stated,

And under a further suspension of the rules it was certified to the House of Representatives at once.

By unanimous consent, Mr. Bielby, Chairman of Committee on Constitution, submitted the following report :

SENATE CHAMBER,
TALLAHASSEE, Fla., May 18, 1889.

HON. J. B. WALL,

President of the Senate:

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

Senate Joint Resolution No. 32:

Relating to an amendment to the Constitution;

Also,

Senate Joint Resolution No. 31:

In relation to an amendment to the Constitution;

Also,

House Joint Resolution No. 15,

Beg leave to report that they have examined the same and recommend that they do not pass.

Very respectfully,

C. F. A. BIELBY,
Chairman Committee.

Which was read.

Mr. Hammond was called to the chair.

A message was received from the House of Representatives.

CONSIDERATION OF BILLS ON THIRD READING.

The rules were waived by a two-thirds vote, and—

Senate Bill No. 163:

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

Was called from the calendar out of its regular order and was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 163,

The vote was:

Yeas—Messrs. Bailey, 22d District, Bielby, Bryant, Coulter, Crosby, Dismukes, Drake, Dunn, Hammond, Hardee, Hendry, Houston, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Rogers, Rosborough, Smith, Tuten, Wilkinson and Yancey—24.

Nays—Messrs. Bailey 16th, Hind and Swearingen—3.

So Senate Bill No. 163 passed, title as stated.

Mr. Kirk moved that the Senate proceed to consider bills on

their third reading in their regular order, as they appear on the calendar;

Which was agreed to, and

Substitute for Senate Bill No. 21:

To be entitled an act to provide for an amendment to the Constitution of the State of Florida,

Was read the third time and put upon its passage.

Upon the passage of substitute for Senate bill No. 21, the vote was:

Yeas—Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Bielby, Brett, Bryant, Coulter, Crosby, Dismukes, Drake, Dunn, Hardee, Hendry, Hind, Houston, Kirk, King, Parkhill, Pirrong, Randall, Rosborough, Smith, Swearingen, Tuten, Wilkinson and Yancey—26.

Nays—Messrs. Jenkins and Rogers—2.

So Substitute for Senate Bill No. 21 passed, title as stated, by a three-fifths vote.

Senate Bill No. 47:

To be entitled an act authorizing the employment of stenographers in the several Circuit Courts and Criminal Courts of the State,

Was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 47,

The vote was:

Yeas—Mr. President, Messrs. Bielby, Coulter, Dismukes, Drake, Dunn, Hardee, Parkhill, Pirrong, Smith and Yancey—11.

Nays—Messrs. Bailey of 22d District, Bailey of 16th District, Brett, Bryant, Crosby, Hendry, Hind, Houston, Jenkins, Kirk, King, Randell, Rogers, Rosborough, Swearingen, Tuten and Wilkinson—17.

So Senate Bill No. 47 was lost.

On motion of Mr. Bielby, the correction of the Journal, which had been informally passed over, was made, and the Journal was approved.

Senate Joint Resolution No. 26:

A joint resolution to amend the Constitution so as to provide for ten Circuit Judges, also to provide that the State shall be divided into ten Judicial Circuits,

Was read the third time and put upon its passage.

Upon the passage of Senate Joint Resolution No. 26,

The vote was:

Yeas—Mr. President, Messrs. Bailey 22d District, Bielby, Coulter, Dismukes, Drake, Dunn, Hammond, Hendry, Hind, Houstoun, Kirk, King, Parkhill, Smith, Tuten and Yancey—17.

Nays—Messrs. Bailey 16th District, Bryant, Crosby, Jenkins, Pirrong, Randell, Rogers, Rosborough, Swearingen and Wilkinson—10.

So Senate Joint Resolution No. 26 was lost, not receiving a three-fifths vote in the affirmative required by the Constitution.

At his request Mr. Brett was excused from voting on the passage of Senate Joint Resolution No. 26.

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

SENATE CHAMBER,
TALLAHASSEE, Fla., May 19, 1889. }

HON. J. B. WALL,

President of the Senate:

Sir—Your Committee on City and County Organization to whom was referred—

House Bill 26:

An act to incorporate the City of New Augustine,

Beg leave to report that they have had same under lengthy and careful consideration, and recommend it do pass with the following amendments, viz:

Article I, section 1, on second page, line 27, after the word "grant" insert the following:

"Thence to the west bank of the Sebastian River at mean low water mark, thence by and along said low water mark;"

Article III, section 6, page 2, between 19 and 20 insert the following words, viz:

"Provided, No law as to quarantine or sanitation shall violate any of the rules or orders of the State Board of Health;"

Article III, strike out all of section 7.

Article VI, section 4, in line 44, after the word "provided" strike out all to the word "void" in line 23.

Change Article IX "Miscellaneous" to Article VIII in lieu thereof.

Article VIII, section 2: Insert the following: "No sewer shall be constructed which shall empty into the St. Sebastian river, nor shall any garbage, excrement or filth of any kind be deposited in said river where the respective boundaries of the city of New Augustine and of the city of St. Augustine coincide in and along the St. Sebastian river.

Article VIII. Strike out section 2 and insert section 3 in lieu thereof.

Article VIII. Strike out section 3 and insert section 4 in lieu thereof.

Article VIII. Add the following: "Sec. 5. This act shall take effect immediately upon its approval by the Governor."

Very respectfully,

D. H. YANCEY,

Chairman of Committee.

Which was read and the committee amendments were adopted, and the bill, as amended, passed to second reading.

Also the following:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 18, 1889. }

HON. J. B. WALL,

President of the Senate:

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

Senate Bill No. 216:

Entitled an act to authorize the town of Gainesville to issue bonds and to borrow money, and to provide for the appointment and removal of Marshal and Policemen.

Beg leave to report that they have examined the same and recommend it do pass with the following amendment, viz:

In line 26, after the word "exceeding," strike out 10, and insert 6 in lieu thereof.

Very respectfully,

D. H. YANCEY,

Chairman Committee.

Which was read, and the committee amendments were adopted, and the bill as amended passed to second reading.

By unanimous consent Mr. Yancey introduced—

Senate Bill No. 226:

To be entitled an act to provide for proceedings and practice in divorce cases;

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

Mr. Hammond, Chairman of Committee on Judiciary, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 18, 1889. }

HON. J. B. WALL,

President of the Senate :

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

Senate Bill No. 214 :

An act to give power to judges in County Criminal Courts of Record to grant and hear writs of *habeas corpus*,

Have had the same under consideration, and recommend that it do pass, with the following amendment, to-wit :

Amend the title so as to read as follows :

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

Very respectfully,

E. M. HAMMOND,
Chairman Committee

Which was read,

And the committee amendments were adopted, and

Also the following :

SENATE CHAMBER,
TALLAHASSEE, Fla., May 18, 1889. }

HON. J. B. WALL,

President of the Senate :

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

Substitute for House Bills Nos. 52 and 112 :

A bill to be entitled "an act prescribing the jurisdiction and duties of County Judges ;"

Also,

House Bill No. 192 :

A bill to be entitled an act to define and establish the rules of practice and pleading in civil suits and proceedings in courts of County Judges in this State and to regulate their fees ;

Also,

House Bill No. 197 :

An act requiring County Commissioners to enlarge Justice of the Peace Districts in certain cases ;"

Also,

Senate Bill No. 199 :

"An act to punish false imprisonment ;

Have had the same under consideration and recommend that they do pass.

Very respectfully,

E. M. HAMMOND,
Chairman Committee.

Which was read.

Mr. Houstoun was called to the chair.

Mr. Drake, Chairman of the Committee on Public Printing, submitted the following report :

SENATE CHAMBER,
TALLAHASSEE, Fla., May 18, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Committee on Public Printing, to whom was referred—

House Bill No. 207,

Beg leave to report that they have examined same and recommend that it do pass, with the following amendments :

In line six of same section, after the word "reports," add "bound in full law sheep and labeled," and at the end of section 2 add, "the whole work to be completed within one year."

At the end of section 1 add, "That upon entering into the contract herein provided the contractor shall be and is hereby required to enter into a good and sufficient bond, to be approved by the Comptroller, payable to the Governor of this State, conditioned as follows 'That the contractor will faithfully fulfill the requirements of said contract, and that he will not print, issue or dispose of, or cause to be printed, issued or disposed of, any volume or volumes of the said reports, except the said volumes in this act authorized to be printed and delivered to the State Librarian.'"

Very respectfully,

W. A. DRAKE,
Chairman Committee.

Which was read, and the accompanying amendments adopted, and the bill, as amended, placed on its second reading.

By unanimous consent Mr. Bailey 22d introduced the following resolution :

WHEREAS, Several members of this honorable body have placed various estimates upon their services, ranging from \$4

to \$5 per diem, and while it is the opinion of the majority of this Senate that they have greatly under-estimated their valuable services; and

Whereas, Under a wise provision of the appropriation bill these patriots are allowed to have their will;

Resolved, That it is the sense of this Senate that those "noble patriots" above mentioned have obligated themselves to draw from the State Treasury only the amount they are on record as advocating, and further, that the said patriots have the same hearty thanks of the majority of this Senate, that it is believed will be due by "the dear people."

Resolved, That this does not apply to those worthy Senators who are fortunate enough to have their names on the latter half of the roll, (as alphabetically arranged,) as their patriotic natures might have been influenced by a previous knowledge of the fate of their amendment to the said appropriation bill;

Which was read and adopted.

Mr. Hind moved that the Senate adjourn;

Which was not agreed to.

So the motion was lost.

Mr. Kirk 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.

Messrs. Dismukes, Bielby and Tuten were excused for the balance of the day.

Mr. Kirk moved that the Senate take a recess until 3 o'clock P. M.;

Which was agreed to.

So the Senate took a recess.

CONFIRMATIONS.

To be County Commissioners for Baker county :

John Skeeles, for District One.

J. S. Blitch, for District Two.

D. H. Rowe, for District Three.

W. R. Connor, for District Four.

Charles H. Berry, for District Five.

To be County Commissioners for Washington county :

Robert Hightower, for District One.

E. S. Gaskin, for District Three.

William Miller, for District Four.

T. H. Harmon, for District Five.

To be County Commissioner for Orange county :

Robert A. Mills, for District Five.

THREE 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, Bailey of 16th District, Brett, Bryant, Coulter, Crosby, Drake, Dunn, Hind, King, Parkhill, Pirrong, Randell, Rogers, Rosborough, Smith, Wilkinson and Yancey—19.

A quorum present.

Mr. Drake moved that the rules be waived and that

Senate Bill No. 35 :

To be entitled an act to change the county line between the counties of Baker and Duval,

Be called from the calendar out of its regular and be read the second time by its title.

Mr. Yancey moved, as a substitute, that bills be taken up only in their regular order;

Which was not agreed to.

The question recurred upon the motion the waive the rules ;

Which was agreed to

By a two-thirds vote, and the rules were waived and Senate Bill No. 35 was read the second time by its title.

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

Senate Bill No. 35 was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 35,

The vote was :

Yeas—Mr. President, Messrs. Bailey 22d District, Bryant, Coulter, Crosby, Drake, Dunn, Hendry, King, Parkhill, Pirrong, Randell, Rogers, Rosborough, Tuten and Yancey—16.

Nays—Messrs. Hind, Smith and Wilkinson—3.

So Senate Bill No. 35 passed, title as stated.

At his request Mr. Bailey 16th District was excused from voting on the passage of Senate Bill No. 35. Mr. Jenkins was excused also.

Mr. Rogers gave notice that he would move on Monday next to reconsider the vote by which Senate Joint Resolution No. 26 was lost.

Mr. Yancey gave notice that on Monday afternoon he would move to reconsider the vote by which Senate Bill No. 35 was passed.

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

House Bill No. 192 :

A bill to be entitled an act to define and establish the rules of practice and pleading in civil suits and proceedings in courts of County Judges in this State and to regulate their fees,

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

On motion of Mr. Coulter, the rules were further waived by a two-thirds vote, and House Bill No. 192 was read the third time and put upon its passage.

Upon the passage of House Bill No. 192,

The vote was :

Yeas—Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Brett, Bryant, Coulter, Crosby, Drake, Dunn, Hardee, Hendry, Hind, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Rogers, Rosborough, Smith, Tuten and Yancey—23.
Nays—None.

So House Bill No. 192 passed, title as stated.

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

Senate Bill No. 55 :

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

Was called from the calendar out of its regular order and was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 55,

The vote was :

Yeas—Mr. President, Messrs. Bailey 22d District, Bailey 16th District, Brett, Bryant, Crosby, Dunn, Hammond, Hardee, Hendry, Hind, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Rogers, Rosborough, Smith, Tuten, Wilkinson and Yancey—23.
Nays—None.

So Senate Bill No. 55 passed, title as stated.

By unanimous consent Mr. Wall introduced—

Joint Resolution No. 227 :

To amend section 4, of Article VII, of the Constitution ;

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

Mr. Rogers moved that this afternoon session be devoted to the consideration of local bills on their second reading.

Mr. Yancey moved as a substitute that the Senate take up bills in their regular order on their second reading as they appear on the calendar ;

Which was agreed to, and the substitute prevailed.

Senate Bill No. 68 :

To be entitled an act to allow teachers of the public schools of this State to use Miller's arithmetic in connection with any other series of school books when desired by the patrons,

Was read the second time by its title, and was ordered to be engrossed and passed to its third reading.

Senate Bill No. 43 :

To be entitled an act to establish a County Court in the county of Leon, to provide for the salary of the Judge thereof and for the appointment of a prosecuting attorney,

Was informally passed over.

Senate Bill No. 80 :

A bill to be entitled an act for the prevention of cruelty to animals,

Was read the second time by its title and was ordered to be engrossed for third reading.

Senate Memorial to Congress for the protection of the cattle interest of the United States,

Was read the second time.

By unanimous consent Senate Memorial to Congress was read the third time.

Upon the passage of Senate Memorial,
The vote was :

Yeas—Mr. President, Messrs. Bailey 22d Dist, Bailey of 16th District, Brett, Bryant, Coulter, Crosby, Drake, Dunn, Hammond, Hardee, Hendry, Hind, Jenkins, Kirk, King, Parkhill, Pirrong, Pirrong, Randell, Rogers, Rosborough, Smith, Tuten, Wilkinson and Yancey—25.
Nays—None.

So Senate Memorial passed, title as stated,

Mr. Rosborough was excused.

Substitute for Senate Bill No. 140 :

An act for the relief of persons indefinitely imprisoned by the operation of law,

Was read and adopted in lieu of the original bill.

On motion of Mr. Yancey, the rules were waived by a two-thirds vote and Substitute for Senate Bill No. 140 was read the second time by its title.

On motion of Mr. Yancey the rules were waived by a two-thirds vote and Substitute for Senate Bill No. 140 was read the third time and put upon its passage.

Upon the passage of Substitute for Senate Bill No. 140,
The vote was:

Yeas—Mr. President, Messrs. Bailey 22d, Bailey 16th, Brett, Bryant, Coulter, Crosby, Drake, Dunn, Hammond, Hendry, Hind, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Rogers, Smith, Tuten, Wilkinson and Yancey—23.

Nays—None.

So Substitute for Senate Bill No. 140 passed, title as stated.
Senate Bill No. 93:

To be entitled an act to amend an act entitled an act to provide for and regulate the payment of costs and expenses in certain cases of criminal prosecutions by the State, approved June 7, 1887, chapter 3702, Laws of Florida,

Was read the second time together with the amendments;

Which were adopted,

And the bill was ordered to be engrossed.

Senate Bill No. 141:

An act to organize a County Court in and for Hamilton county,

Was read the second time by its title.

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

Senate Bill No 141,

Was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 141,

The vote was:

Yeas—Mr. President, Messrs. Bailey 22d District, Bailey 16th District, Brett, Coulter, Crosby, Drake, Dunn, Hammond, Hendry, Hind, Houston, Jenkins, Kirk, King, Pirrong, Randell, Rogers, Rosborough, Smith, Tuten, Wilkinson and Yancey—23.

Nays—None.

So Senate Bill No. 141 passed, title as stated.

Senate Bill No. 135:

An act to amend an act entitled "An act to prescribe a rule of evidence on the trial of suits against railroad companies for injuring or killing live stock by their engines, cars or trains in this State prior to the approval of this act, approved May 28th, 1887,"

Was read the second time by its title.

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

Senate Bill No. 135:

Was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 135;

The vote was:

Yeas—Mr. President, Messrs. Bailey 16th District, Brett, Coulter, Crosby, Drake, Dunn, Hammond, Hendry, Hind, Houston, Jenkins, Kirk, King, Pirrong, Randell, Rogers, Smith, Tuten and Yancey—20.

Nays—None.

So Senate Bill No. 135, passed titled as stated.

Senate Bill No. 133:

To be entitled an act in relation to mortgages and mortgaged property,

Was read the second time by its title and was ordered to be engrossed for its third reading.

Senate Bill No. 83:

To be entitled an act to regulate the practice of medicine,

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

Senate Bill No. 142:

An act to provide for the appointment and to prescribe the duties of a Public Examiner of the State of Florida,

Was passed over informally.

Senate Bill No. 60:

To be entitled an act for better regulating the record of deeds and making abstracts therefrom,

Was read the second time, and by unanimous consent was withdrawn by Mr. Smith.

Senate Bill No. 76:

To be entitled an act providing for a farm fence option law,
Was read the second time by its title, and by unanimous consent remained on its second reading.

Senate Bill No. 177:

To be entitled an act to amend section 2 of an act entitled an act to abolish the corporations of the towns of Tampa and North Tampa, to provide a municipal government for the city of Tampa and to define the boundaries thereof, approved June 2, 1887,

Was read the second time and remained on its second reading.

Senate Bill No. 187:

To be entitled an act to amend the eighth section of an act to repeal an act entitled an act to provide for the creation of

corporations, and to prescribe their general powers and liabilities, and to reenact and amend the sections repealed by said act, approved March 11, 1879,

Was read the second time by its title, together with the committee amendments.

The committee amendments were adopted and ordered to be engrossed.

Senate Bill No. 197 :

To be entitled an act to provide for the appointment of Recorder in and for provisional municipalities, and to define their jurisdiction and powers,

Was read the second time and passed over informally.

Senate Bill No. 174 :

An act to continue the rights, privileges, powers, franchises and grants of the Florida Midland and Georgia Railroad Company, and to extend the time for the completion of the same,

Was read the second time by its title.

On motion of Mr. Randell the rules were waived by a two-third vote and Senate Bill No. 174 was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 174,

The vote was .

Yeas—Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Coulter, Crosby, Drake, Dunn, Hammond, Hendry, Hind, Houston, Kirk, King, Pirrong, Randell, Rogers, Smith, Tuten and Yancey—19.

Nays—Mr. Jenkins—1.

So Senate Bill No. 174 passed, title as stated,

And under a further suspension of the rules was ordered certified to the House of Representatives.

Mr. Houston, Chairman of the Committee on Railroads and Telegraphs, submitted the following report :

SENATE CHAMBER,
TALLAHASSEE, Fla., May 18, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR : Your Committee on Railroads and Telegraphs, to whom was referred—

Senate Bill No. 218 :

A bill to be entitled an act to incorporate the Orlando Short Line Railroad Company,

Beg to report the same back to the Senate, with the recommendation that the same do pass.

Very respectfully,

P. HOUSTOUN,
Chairman Committee.

Senate Bill No. 218 :

A bill to be entitled an act to incorporate the Orlando Short Line Railroad Company,

Was read the second time by its title.

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

And Senate Bill No. 218 was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 218

The vote was :

Yeas—Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Crosby, Drake, Dunn, Hammond, Hendry, Hind, Houston, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Rogers, Smith, Tuten and Yancey—20.

Nays—None.

So Senate Bill No. 218 passed, title as stated.

By permission Mr. Tuten introduced—

Senate Bill No. 228 :

An act to enable John B. Graham, a minor, of Hamilton county, to procure license to practice law in the State of Florida ;

Which was read the first time by its title.

On motion of Mr. Tuten, the rules were waived by a two-thirds vote, and Senate Bill No. 228

Was read the second time by its title.

On motion of Mr. Tuten the rules were further waived by a two-thirds vote and Senate Bill No. 228 was read the the third time and put upon its passage.

Upon the passage of Senate Bill No. 228,

The vote was :

Yeas—Mr. President, Messrs. Bailey 22d District, Bailey 16th District, Crosby, Drake, Hammond, Hendry, Hind, Houston, Kirk, King, Parkhill, Pirrong, Rogers, Smith, Tuten and Yancey—17.

Nays—None.

So Senate Bill No. 228 passed, title as stated.

By permission, Mr. Dunn introduced—

Senate Bill No. 229 :

To be entitled an act authorizing the Librarian of the Supreme Court Library to transmit volumes of the Florida Supreme Court reports to the Librarian of Congress;

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

Senate Bill No. 197:

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

Which had been passed over informally, was called from the calendar and was read the second time.

Mr. Parkhill offered the following amendment:

In section 1, line 5, after the word "appointed," add the following: "*Provided, however,* That in case of the absence or inability of said Recorder, then the President or Acting President of said provisional municipality may hold said court and perform the duties of said Recorder;"

Which was adopted.

Mr. Parkhill offered the following amendment to Senate Bill No. 197:

In section 3, line 19, after the word "month," and before the word "as," insert "nor less than the sum of seventy-five dollars per month;"

Which was adopted.

Mr. Houston offered the following amendment to Senate Bill No. 197:

In section 1, line 1, after the word "Governor," and before the word "shall," insert the following:

"Whenever deemed necessary by and at the request of a majority of the members of the Municipal Board;

Which was adopted.

Mr. Parkhill offered the following amendment to Senate Bill No. 197:

In section 1, line 1, after the word "shall," insert "by and with the advice and consent of the Senate;"

Which was adopted,

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

Mr. Hendry was excused for the evening.

Mr. Kirk moved that the Senate reconsider the vote by which—

House Bill No. 12:

To compel railroads to build suitable warehouses,

Was indefinitely postponed yesterday.

The yeas and nays were called for, and

The vote was:

Yeas—Messrs. Coulter, Crosby, Hind, Kirk, Pirrong, Rogers and Yancey—7.

Nays—Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Drake, Dunn, Hardee, Houston, Jenkins, King, Parkhill, Randell, Smith and Tuten—13.

So the motion to reconsider was lost.

Mr. Kirk was called to the chair.

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

SENATE CHAMBER,
TALLAHASSEE, Fla., May 18, 1889. }

HON. J. B. WALL,

President of the Senate:

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

Senate Bill No. 184:

A bill to be entitled an act to incorporate the City of St. Augustine,

Beg leave to report that they have given the bill their careful and earnest study, and recommend that it do pass with the following amendments, viz:

Section 3, page 19, line 31: After the word "and" strike out the word "enforce," and insert "improve" in lieu thereof.

Page 2, in line 10: After the word "make" strike out the following words, viz: "Not to exceed nor one-third."

Page 22, line 3: After the word "exceptions" strike out the following words, viz: "Either party may on not less than three days' notice bring the findings and exceptions to a hearing before the said Circuit Court or the Judge thereof," and insert the following in lieu thereof: "The Judge of said court shall set a day for said hearing."

Page 35: Add to section 5 the following words, viz: "*Provided further,* The amount of bonds to be issued by said City Council, together with any outstanding bonds, shall not at any time exceed fifteen per cent. of the assessed value of the real estate of said city bear a rate of interest exceeding five per cent."

Article 17, page 50, line 10: After the word "compensation" insert the following word, viz: "Other."

Very respectfully,

D. H. YANCEY,
Chairman Committee.

Which was read and the committee amendments were adopted.

On motion of Mr. Rogers, the rules were waived by a two-thirds vote, and Senate Bill No. 184 was read the second time by its title.

Mr. Yancey moved that the Senate adjourn ;

Which was not agreed to.

So the motion was lost.

By unanimous consent, Mr. Rogers introduced—

Senate Bill No. 230 :

To be entitled an act to define the duties of the Adjutant General and to fix his compensation ;

Which was read the first time and referred to the Committee on Appropriations.

Mr. Hind moved that the Senate adjourn ;

Which was not agreed to.

So the motion was lost.

Mr. Rogers, Chairman of Committee on Agriculture, submitted the following report :

SENATE CHAMBER,
TALLAHASSEE, Fla., May 18, 1889. }

HON. J. B. WALL,

President of the Senate :

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

Senate Bill No. 225 :

To be entitled an act to establish a House of Refuge for juvenile offenders, and to provide for its government and maintenance,

Respectfully report the same back and recommend that the same do pass.

Very respectfully,

ROBT. F. ROGERS,
Chairman Committee.

Which was read.

Mr. Parkhill moved that the Senate reconsider the vote by which the resolution to consider bills in their regular order was passed ;

Which was agreed to,

The vote was reconsidered and the resolution was rescinded.

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

Senate Bill No. 138 :

An act to incorporate the Baylen Street Wharf Company, and to confer powers thereupon,

Was called from the calendar out of its regular order and was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 138,

The vote was :

Yeas—Messrs. Bailey of 22d District, Bailey of 16th District, Bryant, Coulter, Crosby, Drake, Hammond, Hardee, Hind, Hustoun, Jenkins, Kirk, Parkhill, Pirrong, Randell, Rogers, Smith, Tuten and Yancey—19.

Nays—None.

So Senate Bill No. 138 passed, title as stated.

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

Senate Bill No. 206 :

To be entitled an act to compel railroad companies to construct and keep in repair stock guards and crossings on cultivated farms and fruit groves through which lines of railroads pass in this State,

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

On motion of Mr. Tuten, the rules were further waived by a two-thirds vote and Senate Bill No. 206 was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 206,

The vote was :

Yeas—Messrs. Bailey of 22d, Bailey of 16th, Bryant, Coulter, Crosby, Drake, Hardee, Hind, Hustoun, Jenkins, Kirk, Parkhill, Pirrong, Randell, Rogers, Tuten and Yancey—17.

Nays—Messrs. Hammond and Smith—2.

So Senate Bill No. 206 passed, title as stated.

Mr. Bailey of 22d, moved that the Senate adjourn ;

Which was not agreed to.

So the motion was lost.

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 third time and put upon its passage.

Upon the passage of Senate Bill No. 49,

The vote was:

Yeas—Messrs. Bailey of 22d District, Bailey of 16th District, Bryant, Crosby, Drake, Hammond, Hardee, Houstoun, Jenkins, Kirk, Parkhill, Pirrong, Randell, Rogers and Yancey—15.

Nays—Messrs. Hind and Tuten—2.

So Senate Bill No. 49 passed, titled as stated.

Mr. Hammond gave notice that on Monday at 3 o'clock P. M. he would move to reconsider the vote by which Senate Bill No. 49 passed.

Mr. Parkhill moved that the Senate adjourn until 9 o'clock Monday morning next;

Which was agreed to.

The Senate stood so adjourned.

MONDAY, MAY 20th, 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, Bielby, Brett, Bryant, Coulter, Crosby, Dunn, Hammond, Hardee, Hendry, Houstoun, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Rosborough, Schumacher, Smith, Swearingen, Tuten, Wilkinson and Yancey—26.

A quorum present.

Prayer by the Chaplain.

On motion of Mr. Yancey the correction of the Journal was postponed until the afternoon session.

Dr. Crill was invited within the bar of the Senate.

On motion of Mr. Smith,
Senate Bill No. 184:

To be entitled an act to incorporate the city of St. Augustine,

Was made the special order for this afternoon at 3 o'clock.

The courtesies of the Senate Chamber were extended to Mr. Williamson of Palatka.

INTRODUCTION OF BILLS.

By Mr. Brett:
Senate Bill No. 231:

To be entitled an act to annex all of township four (4), north of range sixteen (16) west, that lies east of the Choctawhatchee river in Holmes county;

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

By Mr. Smith:
Senate Bill No. 232:

To be entitled an act to incorporate a charitable and educational institution in the counties of Duval and Nassau, in the State of Florida, known as St. Joseph's Convent;

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

The following message from the House of Representatives was read:

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, Fla., May 17, 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—

House Substitute for House Bill No. 60:

A bill to be entitled an act making appropriations for the years 1889 and 1890, and for the first quarter of 1891,
And respectfully ask the concurrence of the Senate therein.

Very respectfully,
B. R. MILAM,

Chief Clerk of the House of Representatives.

Substitute for House Bill No. 69:

To be entitled an act making appropriations for the years 1889 and 1890 and for the first quarter of 1891;
Which was read the first time by its title and referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. Hammond, Chairman of Committee on Judiciary, submitted the following report: