

THURSDAY, MAY 23, 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, Dunn, Hammond, Hardee, Hendry, Hind, Houstoun, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Rogers, Rosborough, Schumacher, Smith, Swearingen, Tuten and Yancey—27.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

A message was received from the House of Representatives.

Page Willie Coulter and Assistant Sergeant-at-Arms Ed. Dunham were excused on account of sickness.

INTRODUCTION OF RESOLUTIONS.

Mr. Bryant offered the following:

*Resolved*, That R. Y. Walden, Committee Clerk, on the part of the Senate, to examine the Comptroller's and Treasurer's offices, be indefinitely excused on account of sickness;

Which was adopted.

Mr. Bryant offered the following resolution:

WHEREAS, As the session of the Legislature is nearing its close, and there is a great deal of important business pending; therefore, be it

*Resolved*, That for the purpose of disposing of such business as is of greatest importance, the time of meeting and adjournment shall be as follows, viz: 9 o'clock A. M., and adjourn at 1 o'clock P. M.; at 3 o'clock P. M. and adjourn at 5 o'clock P. M.; at 8 o'clock P. M., and adjourn at 10 o'clock P. M., unless otherwise ordered by unanimous consent.

Mr. Bryant moved that it be adopted;

Upon the adoption of the resolution, the yeas and nays were called for, and

The vote was:

Yeas—Mr. President, Messrs. Bielby, Bryant, Crosby, Jenkins, King, Randell, Rogers, Schumacher and Swearingen—10.

Yeas—Messrs. Bailey of 22d District, Bailey of 16th District, Brett, Dismukes, Dunn, Hammond, Hardee, Hind, Houstoun,

Kirk, Pirrong, Rosborough, Smith, Tuten, Wilkinson and Yancey—16.

So the resolution was lost.

CONSIDERATION OF MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

HOUSE OF REPRESENTATIVES, }  
TALLAHASSEE, Fla., May 23, 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 Concurrent Resolution No. 30:

Relative to pay of Clerk for Joint Committee on Roads and Highways,

And respectfully ask the Senate to concur therein.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

Also the following:

HOUSE OF REPRESENTATIVES, }  
TALLAHASSEE, Fla., May 22, 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 Joint Resolution No. 4:

Proposing an amendment to the Constitution of the State of Florida,

And respectfully ask the concurrence of the Senate therein.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

Substitute for House Joint Resolution No. 4 was read the first time by its title and referred to Committee on Constitution.

House Joint Resolution No. 30 :

WHEREAS, By resolution of the Senate, in which the House concurred, a Joint Committee on Roads and Highways was appointed ; and

Whereas, In consideration of the numerous bills before this committee and in the work consequent in forming a satisfactory substitute, it was necessary to employ a clerk ; therefore, be it

Resolved, The Senate concurring, that the said clerk be entitled to pay for the period of three days, during which time he was actually engaged in serving the committee, the Chairman of said Joint Committee to certify to such service,

Was read, and under a suspension of the rules by a two-thirds vote was adopted.

Also the following :

HOUSE OF REPRESENTATIVES, }  
TALLAHASSEE, Fla., May 22, 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. 48 :

A bill to be entitled an act to provide for the appointment of a State Chemist and Inspector of Fertilizers,

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. 48 :

To be entitled an act to provide for the appointment of a State Chemist and Inspector of Fertilizers,

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

Ex-Senator Jones was invited within the bar of the Senate.

Also the following :

HOUSE OF REPRESENTATIVES, }  
TALLAHASSEE, Fla., May 21, 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 Bill No. 100 :

To be entitled an act to promote and encourage the culture of oysters, and the industry of oyster farming and to protect persons engaged in the same.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

Which was read.

Senate Bill No. 100 was ordered enrolled.

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

SENATE CHAMBER, }  
TALLAHASSEE, Fla., May 23, 1889. }

HON. J. B. WALL,

*President of the Senate :*

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

Senate Bill No. 219 :

An act to legalize the incorporation of the town of Live Oak, in the county of Suwannee, and to declare the incorporation of the town of Live Oak valid and of full force and effect ;

Also,

House Bill No. 164 :

An act to amend section 7 of chapter 3768, Laws of Florida, same being an act to establish a new county from portions of the counties of Orange and Brevard,

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

Very respectfully,

D. H. YANCEY,

Chairman Committee.

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

SENATE CHAMBER,  
TALLAHASSEE, Fla., May 23, 1889. }

HON. J. B. WALL,

*President of the Senate:*

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

House Joint Resolution No. 32:  
Relative to an amendment to the Constitution ;

Also,  
Substitute for Senate Bill No. 63:

An act to require railroad corporations to construct passenger depots on their lines of roads ;

Also,  
Senate Bill No. 145 ;

An act to authorize the several Judges of the several Judicial Districts of the State of Florida to remove the disabilities of minors ;

Also,  
Senate Bill No. 179 :

An act to amend an act entitled an act in relation to issuing marriage licenses and the record thereof, approved May 27th, 1887 ;

Also,  
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,

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

Very respectfully,

JOHN WILKINSON,  
Chairman Committee.

Which was read.

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

SENATE CHAMBER,  
TALLAHASSEE, Fla., May 23, 1889. }

HON. J. B. WALL,

*President of the Senate:*

SIR: Your Joint Committee on Enrolled Bills have examined—

An act for the relief of Ira W. Pinholster, of Bradford county ;

Also,

An act fixing the time for holding the Circuit Court in the counties of Hamilton, Suwannee, Columbia and Lafayette in the Third Judicial Circuit ;

Also,

Memorial to Congress asking for the improvement of Mosquito Inlet and to declare New Smyrna, Florida, a port of entry ;

Also,

Memorial to Congress asking for an appropriation of \$100,000 for dredging the bar and deepening the channel at the mouth of Manatee river, Fla. ;

Also,

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

Also,

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

Also,

An act entitled an act to incorporate the Ladies' Village Improvement Association of Green Cove Springs, Florida ;

Also,

Memorial to Congress asking for the establishment of a mail route from Blue Springs, Marion county, via Parkersburg, Marion county, to Black Dirt, Levy county ;

Also,

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,

Memorial to Congress asking for the placing of a beacon light on the bar at the mouth of the Manatee River ;

Also,

An act to change the time of municipal elections in the incorporated town of Leesburg, Lake county ;

Also,

An act to limit the time within which action may be brought upon foreign judgments ;

Also,

An act to provide for the payment of a capitation or poll tax as a prerequisite for voting, and prescribing the duties of Tax Collectors and Supervisors of Registration in relation thereto;

Also,

An act to amend section 2 of an act entitled an act for the incorporation of Building and Loan Associations, approved May 31, 1887;

Also,

An act to make it unlawful for live stock to run at large in certain election districts of Leon county, and to provide for the impounding and sale of stock so unlawfully running at large,

And beg leave to report them correctly enrolled.

Very respectfully,

J. F. LATHAM,

Chairman Joint Committee on Enrolled Bills.

Which was read.

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

SENATE CHAMBER,  
TALLAHASSEE, Fla., May 23, 1889. }

HON. J. B. WALL,

*President of the Senate:*

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

Senate Bill No. 170:

A bill to be entitled an act to amend section 57 of an act for the assessment and collection of revenue, approved June 13, 1887, being chapter 3681, Laws of Florida;

Also,

Senate Bill No. 172:

A bill to be entitled an act to repeal sub-section 4 of section 9 of an act entitled an act for the assessment and collection of revenue, being chapter 3681, Laws of Florida, approved June 13, 1887;

Also,

House Bill No. 49:

A bill to be entitled an act to provide for the levy of taxes for the years 1889 and 1890,

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

Very respectfully,

E. P. DISMUKES,  
Chairman Committee.

Which was read.

Mr. Randell, Chairman *pro tem.* of the Senate Special Committee, submitted the following report:

SENATE CHAMBER,  
TALLAHASSEE, Fla., May 23, 1889. }

HON. J. B. WALL,

*President of the Senate:*

SIR: Your Committee appointed to select bills of importance for the immediate consideration of the Senate,

Beg leave to report that they have examined the calendar and recommend that the following bills (now on their second and third readings) shall have preference, viz.:

House Bill No. 177, Senate Bill No. 171 and Senate Bill No. 202.

Very respectfully,

THEODORE RANDELL,  
Chairman *pro tem.* Committee.

Which was read.

Mr. Houstoun, Chairman of the Committee on Railroads and Telegraphs, made the following report:

SENATE CHAMBER,  
TALLAHASSEE, Fla., May 23, 1889. }

HON. J. B. WALL,

*President of the Senate:*

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

Senate Bill No. 2:

Entitled an act to provide for the forfeiture of certain lands heretofore granted by the State of Florida for the purpose of aiding in the construction of railroads and cutting canals,

Beg to report that they have carefully considered the same

and recommend that the Senate do concur in the amendments made to the bill by the House of Representatives.

Very respectfully,

P. HOUSTON,  
Chairman Committee.

Which was read.

House amendments to Senate Bill No. 2 were read and were concurred in by the Senate, and ordered enrolled.

Also the following:

SENATE CHAMBER,  
TALLAHASSEE, Fla., May 23, 1889.

HON. J. B. WALL,

President of the Senate:

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

House Bill No. 140:

To be entitled an act to amend chapter 3746, of the Laws of Florida, creating a Railroad Commission, and defining its duties and powers,

beg to report that they have carefully considered the same, and recommend that it do pass, with the following amendments:

In section 3, at the end of said section, add: "*Provided*, That no rates of tolls for service in the transportation of freight and passengers or cars over any railroad shall be held or considered to be unjust or unreasonable, if the gross earnings or income of such road from all sources would not amount annually to more than a fair and just return on the actual cost of such railroad and equipments and the keeping in repair and operating of the same, such earnings, cost and expenses of operating said roads to be determined by the Railroad Commissioners, or such other tribunal as may be authorized by law before whom such question may arise."

Amend section 5 by striking out the word "make" in lines 8 and 9 of the printed copy of said section and inserting in lieu thereof the words "cause to be made."

Amend section 6 by striking out said section and substituting therefor the following:

SEC. 6. "That the said Railroad Commissioners shall require each railroad doing business in this State to make, as soon as practicable, a schedule of just and reasonable rates of charges for the transportation of freights, passengers and cars on its railroad, and for all roads under its control and management, which schedules, before being acted upon or put in operation by said railroads, shall be submitted to said Commissioners for their revision and adoption, and thereupon the said Commissioners shall carefully investigate said schedules and shall confer with said railroads or their representatives as to the justness or reasonableness of the same; and said Commissioners shall thereupon revise said schedules in such particulars as they may deem necessary so as to make all of said rates and charges just, fair and reasonable, and such schedules as revised and adopted by said Commissioners shall be the tariff of rates for freight and passengers and cars, by which such roads shall be governed, respectively, and said schedules as revised and adopted by said Commissioners shall, in all suits brought against any such railroad corporation, wherein is involved the charges of any such railroad corporation for the transportation of any passengers or freight or cars, or unjust discriminations in relation thereto, be deemed and taken in all courts of the State as *prima facie* evidence that the rates fixed therein are just and reasonable. And the said Commissioners shall, from time to time, and as often as circumstances may require, change and revise any schedule or schedules, but if it shall be made to appear to said Commissioners at any time that any rate or schedules, as revised and allowed or adopted by them has ceased to be just, fair and reasonable, they may, at any time, allow or require said railroads to make a different rate or schedule that shall be just, fair and reasonable. When any schedule has been made or revised as aforesaid it shall be the duty of said Commissioners to cause publication thereof to be made once a week for two successive weeks, in some public newspaper published in each of the cities of Tallahassee and Jacksonville, and if, in the judgment of said Commissioners, the public interests or the interests of any railroad at any time should require more extended notice, they may cause similar publication to be made in such other newspaper or newspapers as they may designate, at a rate not exceeding that allowed by law for advertising legal notices in this State; *Provided*, That when any rate or charge is made by the Commissioners that affects only one or more roads in a particular locality, the insertions need only be made

in the newspapers published in one or more of the cities or towns nearest to where the rate or charge is made, and after the same shall be so published it shall be the duty of all such railroad companies to post at all stations on their lines of road where freights are received, in a conspicuous place, a copy of said schedule or schedules for the protection of the people; *Provided further*, That the schedules thus prepared shall not be taken as evidence as herein provided until the same shall have been revised, allowed, and adopted and certified to by the Commissioners, and published as aforesaid for all the railroad companies now organized under the laws of this State or that may be organized at the time of said publication; *Provided further*, That said Commissioners in revising, fixing or adopting any schedule of rates for freights or cars shall not discriminate unreasonably or unjustly in favor of one class of freights to the detriment of other classes of freights. All schedules purporting to be printed, certified and published as aforesaid, shall be received and held in all suits as *prima facie* the schedules of said Commissioners without further proof than the production of the schedules desired to be used as evidence with a certificate of the said Commissioners that the same is a true copy of the schedules as revised, allowed and adopted by them for the railroad companies or corporations therein named, and that the same has been duly published as required by law, stating the name of the paper or papers in which the same was published, together with the dates of publication. All the rules and regulations made and prescribed by said Commissioners pursuant to this act, and to said act to which this is an amendment, for the government of the transportation of persons and property on the railroads subject to the provisions of this act, or to prevent unjust discriminations or other abuses by them, shall be published in like manner as the schedules aforesaid, and shall be deemed and held to be *prima facie*, reasonable and just, and be made *prima facie* evidence in the same manner that said schedules are made *prima facie* evidence. The said Commissioners, before revising, fixing, allowing or adopting any such schedules, or prescribing any such rules or regulations, may, if they deem it advisable, give public notice of their intended action, and in that event shall designate the newspaper or newspapers in which the same shall be published, not to exceed four, and the time of publication, not to exceed two weeks, in each newspaper. And when any schedule shall have been made, changed, revised and adopted, or any rule or regulation prescribed as aforesaid, the Commissioners shall, in every instance, give the dates on which the same shall go into effect. That in the event any railroad company shall fail, neg-

lect or refuse, for a period of thirty days, to make and submit to said Commissioners any schedule of rates for freights, passengers or cars, after being required so to do by said Commissioners, then the said Commissioners shall make and fix for any such defaulting railroad, a schedule of just and reasonable rates of charges for the transportation of freights, passengers and cars over such road, which schedules thus made and fixed shall be certified and published, and copies thereof posted at all stations where freights are received, as provided in this section and such schedules of rates so made and fixed by said Commissioners shall be binding upon said railroad company until changed, modified or revised by said Commissioners.

Amend section seven by striking out the words "made and fixed" in lines 2 and 3 of the printed copy of said bill and insert after the word "have" in said line the words "revised, adopted and allowed." Amend section eleven by striking out all of said section after word "State Attorney" in line 17 of the printed copy of said bill.

Amend section twelve by striking out the words "except that in cases of willful violation of law such railroad companies shall be liable to exemplary damages," in lines 6, 7 and 8 of the printed copy of said bill.

Amend section seventeen by adding to said section after the word "Governor" the following;

*Provided*, That should any common carrier or any officer, agent or employee of such common carrier swear falsely to any matters in the reports provided in this section they shall be deemed guilty of a felony and upon conviction thereof shall be fined in a sum not less than five hundred dollars or imprisonment in the state penitentiary not less than one year, or by both fine and imprisonment.

Amend section 18 by striking out all after the word "duty" in line 6 of the printed copy of said bill and insert in lieu thereof the following: "To compel compliance with the provisions of this section."

Amend Section 21 by striking out all after the word "appeal" in line 16 of the printed copy of said bill and insert in lieu thereof the following:

"Unless the judge in whose court any such bill is filed shall.

order that such suits shall operate as a supersedeas and when any such order shall be made the railroad company which shall have filed such bill shall not be required to comply with the rule or regulation or rate of toll on compensation complained of, until after the suit shall be determined, but any such company so granted a supersedeas shall keep a strict account of all its earnings according to the rule or regulation or rate of toll or compensation complained of, the same as if such rules were in full force, in order that at any time said company may be able to make a statement showing how much it has received in payment for freight and passenger charges in excess of the rules, regulations or rate of toll or compensation complained of, and from whom such excess has been received or collected, and when the suit brought by any such bill shall be finally decided, either by the Circuit Court when no appeal is taken, or by the Supreme Court when an appeal is taken, and the decision shall sustain the rule or regulation or rate of toll or compensation as fixed by said Railroad Commissioners, an order shall be made requiring the corporation filing the bill to deposit into the registry of the Circuit Court all money received by it in violation or in excess of the rule or regulation or rate of toll or compensation complained of, together with a list showing the names of the persons who paid said moneys, crediting each person with the amount paid by him. And any person entitled to any of said money may get the same upon applying to the Clerk of said court therefor. Should any corporation refuse to obey any such order or make a false statement in pretending to obey said order, such corporation so offending shall be deemed and held in contempt of court, and the Circuit Judge or Supreme Court Judge making such order shall inflict such pains and penalties and imprisonment upon the officers of said corporation as shall be necessary to enforce obedience to such order."

Very respectfully,

P. HOUSTON,

Chairman Committee.

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

SENATE CHAMBER,  
TALLAHASSEE, Fla., May 23, 1889.

HON. J. B. WALL,

*President of the Senate:*

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

Senate Bills Nos. 168, 5, 3, 25 and 127,  
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 23, 1889.

HON. J. B. WALL,

*President of the Senate:*

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

Senate Bill No. 191,

And also,

House Bill No. 39:

Bills to be entitled an act to provide an annuity for disabled soldiers and sailors of the State of Florida,

Respectfully report that they have had said bills under consideration and recommend the following amendments to be added to House Bill No. 39, to be designated sections four (4) and five (5) of said bill:

Sec. 4. That the benefits of this act shall accrue to the widow of any soldier or sailor who, being at the time of enlistment a resident of this State, died or was killed in line of duty while in such service during said war, and has not since remarried.

Sec. 5. That the pension laws approved February 16, 1885, and designated as chapter 3570 (No. 15), and June 7, 1887, and designated as chapter 3698 (No. 18), be and the same are hereby repealed.

And that section four (4) of said House Bill No. 39 be made section 6 of the bill.

We recommend that said bill, with the amendments, do pass.

Very respectfully,

ROBT. F. ROGERS,  
Chairman Committee.

Which was read.

The amendments to House Bill No. 39 were read.

The committee amendments were adopted.

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

SENATE CHAMBER.  
TALLAHASSEE, Fla., May 23, 1889.

HON. J. B. WALL,  
President of the Senate:

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

House Bill No. 59:

An act to repeal chapter 3827 of the Laws of Florida, entitled an act to authorize William Miller to stretch a boom across Choctawhatchee river, approved June 7, 1887,

Have had the same under consideration and respectfully report the same back without recommendation.

Very Respectfully,

E. M. HAMMOND,  
Chairman Committee.

Which was read.

Mr. Kirk presented following petition:

HON. J. B. WALL,  
President of the Senate:

Sir: We, the undersigned citizens of Crystal River and vicinity, do hereby petition your honorable body for protection in our fisheries. That no fishing be done with gill-nets or seines, except from the first of September till the first of December, and that by citizens or parties holding license for the same:

J B Porter,  
R S Willis,  
G W Carter,  
C J Sperry,

J L Miller,  
E W Perry,  
S P Helvenston,  
R Theodore Willis,

Florence E Pellicere,  
E W Leffler,  
W S Hartman,  
Lewis Oliver,  
Gerry Robertson,  
M P Willis,  
W A Tuckett,  
G T Willis,  
Richard Gill,  
J W Davis,  
J E Martin,  
Willie Winn,  
F C Edwards,  
C V Edwards,  
William C Priest,  
W M Everet,  
E W Priest,  
J R Priest,

G C Willis,  
C C Willis,  
William Gray,  
J W Willis,  
J J Priest,  
R S Layfort,  
T S Winn,  
W B Edwards,  
J A Evritt,  
W C Berture,  
Wm S Beck,  
J L Winn,  
R L Farmer,  
James J J Beek,  
A R Edwards,  
M P Edwards,  
F H Rogers,  
S Y Priest.

And asked that it be spread on the Journal and referred to Committee on Fisheries.

Mr. Rogers offered the following resolution:

WHEREAS, Senate Bill No. 1, introduced by Mr. Coulter on the second day of the session, seems to have been lost with the committee; therefore.

Resolved, That said Senate Bill No. 1, as amended and recommended by the Judiciary Committee in the early days of the session be placed upon the calendar to be considered in regular order;

Which was read and adopted,  
And ordered to be spread on the Journal.

Mr. Rogers offered a substitute for Senate Bill No. 1;

Which was adopted.

Mr. Bailey of 22d District, offered a substitute for Senate Bill No. 1,

And 200 copies of the substitute and substitute for substitute for Senate Bill were ordered printed, and it was made the special order for to morrow at 11 o'clock.

Mr. Hammond moved to reconsider the vote by which Senate Bill No. 203 passed yesterday, and that the bill be placed on its second reading:

Which was agreed to,

And the vote was reconsidered and the bill placed on its second reading on the calendar.

House Bill No. 177:

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

Was read the second time as amended.

On motion of Mr. Randell the rules were waived by a two-thirds vote, and House Bill No. 177 was read the third time and put upon its passage.

Upon the passage of House Bill No. 177,  
The vote was :

Yeas—Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Brett, Bryant, Coulter, Crosby, Dismukes, Dunn, Hammond, Hardee, Houston, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Rogers, Rosborough, Schumacher, Smith, Swearingen, Tuten, Wilkinson and Yancey—26.

Nays—None.

So House Bill No. 177 passed, title as stated.

On motion of Mr. Hammond,

Senate Bill No. 210 :

To be entitled an act amending the law relating to garnishments,

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. 210 :

Was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 210,

The vote was :

Yeas—Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Brett, Bryant, Coulter, Crosby, Dismukes, Dunn, Hammond, Houston, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Schumacher, Smith, Swearingen, Tuten, Wilkinson and Yancey—23.

Nays—None.

So Senate Bill No. 210 passed, title as stated,

And under a further suspension of the rules by a two-thirds vote Senate Bill No. 210 was certified to the House of Representatives.

On motion of Mr. Yancey

Senate Bill No. 93 :

A bill 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 called from the calendar under the rule and was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 93, the vote was :

Yeas—Mr. President, Messrs. Bailey 22d District, Bailey 16th District, Bielby, Brett, Bryant, Coulter, Crosby, Dismukes, Dunn, Hammond, Houston, Jenkins, Kirk, King, Pirrong, Randell, Rosborough, Schumacher, Smith, Swearingen, Tuten, Wilkinson and Yancey—24.

Nays—None.

So Senate Bill No. 93 passed, title as stated,

And under a suspension of the rules by a two-thirds vote was ordered certified to the House of Representatives.

At his request, Mr. Hind was excused from voting on the passage of Senate Bill No. 93.

By unanimous consent, Mr. Dunn introduced—

Senate Bill No. 240 :

Entitled an act to vacate certain offices of Notaries Public and to fix the terms of office of Notaries Public ;

Which was read the first time by its title.

Mr. Dunn moved that the rules be waived and that the bill be read the second time without reference ;

Which was agreed to by a two-thirds vote,

And Senate Bill No. 240 was read the second time and passed to its third reading.

On motion of Mr. Dunn—

Senate Bill No. 126 :

To be entitled an act to provide a fund for immigration purposes,

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

Upon the passage of Senate Bill No. 126,

The vote was :

Yeas—Mr. President, Messrs. Bailey 22d District, Bailey 16th District, Bielby, Dunn, Hind, Houston, Pirrong, Schumacher and Yancey—10.

Nays—Messrs. Bryant, Coulter, Crosby, Dismukes, Kirk, King, Swearingen and Tuten—8.

So Senate Bill No. 126 passed, titled as stated,

And under a further suspension of the rules by a two-thirds vote was certified to the House of Representatives at once.

On motion of Mr. Coulter,

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,

Was called from the calendar under the rule and was read the second time.

Mr. Bailey, of 22d District, offered a substitute for Senate Bill No. 1;

Which was read.

Mr. Hind moved that 200 copies of the Substitute be printed, and that it be made the special order for 11 o'clock tomorrow.

200 copies of Senate Bill No. 1 were also ordered.

By permission—

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

SENATE CHAMBER,  
TALLAHASSEE, Fla., May 23, 1889. }

HON. J. B. WALL,

*President of the Senate:*

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

Senate Bill No. 239:

Entitled an act to grant lands to the Gainesville, Tallahassee and Western Railway Company,

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

Very respectfully,

JOHN WILKINSON,  
Chairman Committee.

Mr. Bryant, Chairman of the Committee on Appropriations, made the following report:

SENATE CHAMBER,  
TALLAHASSEE, Fla., May 23, 1889. }

HON. J. B. WALL,

*President of the Senate:*

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

Senate Bill No. 230:

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

Have examined the same and recommend that it do pass.

Very respectfully,

J. W. BRYANT,  
Chairman Committee.

Which was read.

On motion of Mr. Houstoun—

Senate Bill No. 239:

To be entitled an act to grant lands to the Gainesville, Tallahassee and Western Railway Company,

Was called from the calendar, under the rules, and read the third time,

And put upon its passage.

Upon the passage of—

Senate Bill No. 239,

The vote was:

Yeas—Mr. President, Messrs. Bailey of 22d, Bailey of 16th, Bryant, Crosby, Dismukes, Dunn, Hardee, Hind, Houstoun, Kirk, King, Pirrong, Randell, Rosborough, Smith, Swearingen, Tuten, Wilkinson and Yancey—20.

Nays—None.

So Senate Bill No. 239 passed, title as stated,

And, under a further suspension of the rules by a two-thirds vote,

Was certified to the House of Representatives at once.

On motion of Mr. Yancey,

Senate Bill No. 64:

To be entitled an act in relation to legal sales under process.

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

Upon the passage of Senate Bill No. 64,

The vote was:

Yeas—Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Bielby, Bryant, Coulter, Crosby, Dismukes, Dunn, Hammond, Hardee, Hind, Houstoun, King, Pirrong, Randell, Rosborough, Smith, Tuten and Yancey—20.

Nays—None.

So Senate Bill No. 64 passed, title as stated,

And under a further suspension of the rules Senate Bill No. 64 was certified to the House of Representatives at once.

A message was received from the House of Representatives.

On motion of Mr. Pirrong,

Substitute for House Bills Nos. 52 and 112:

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

Was called from the calendar under the rules and read the second time.

On motion of Mr. Pirrong the rules were waived by a two-thirds vote, and Substitute for House Bills Nos. 52 and 112, Was read the third time.

By unanimous consent, Mr. Yancy offered the following amendment:

Amend section 3, after the word "court" in line 5, strike out all down to the word "and" in line 15;  
Which was unanimously adopted.

Upon the passage of Substitute for House Bills Nos. 52 and 112,

The vote was:

Yeas—Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Bielby, Bryant, Coulter, Crosby, Dismukes, Dunn, Hammond, Hardee, Hind, Jenkins, Kirk, King, Pirrong, Randell, Rosborough, Schumacher, Smith, Swearingen, Tuten, Wilkinson and Yancey—24.

Nays—None.

So Senate Substitute for House Bills Nos. 52 and 112 passed as amended, title as stated.

The following message from the House of Representatives was read:

HOUSE OF REPRESENTATIVES,  
TALLAHASSEE, Fla., May 23, 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. 250:

A bill to be entitled an act to provide for the registration of legally qualified voters in the several counties of this State, and to provide for elections generally, and for the returns of elections;

And respectfully ask the concurrence of the Senate therein.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

House Bill No. 250:

To be entitled an act to provide for the registration of legally qualified voters in the several counties of this State and to provide for elections generally and for the returns of elections,

Was read the first time by its title,

And was, on motion of Mr. Dunn, made the special order for 3 o'clock P. M. to-morrow, and 200 copies of the bill were ordered to be printed.

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.

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, Bielby, Brett, Bryant, Coulter, Crosby, Hendry, Hind, Kirk, King, Parkhill, Pirrong, Randell, Rogers, Rosborough, Smith, Wilkinson and Yancey—20.

A quorum present.

By unanimous consent, Mr. Bryant, Chairman of Committee on Appropriations, submitted the following report:

SENATE CHAMBER,  
TALLAHASSEE, Fla., May 23, 1889. }

HON. J. B. WALL,

*President of the Senate:*

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

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,

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

Amend section 1, page 2, by inserting between the 25th and 27th lines, the following:

For salary of a clerk to the Supreme Court Judges, twelve hundred dollars (\$1,200.00).

Amend section 1, page 4, by inserting between lines 17 and 19: "For salary of the Adjutant-General, fifteen hundred dollars (\$1,500.00)."

Amend section 1, page 6, lines 16 to 20, by striking out: "For assistant auditing clerk in Comptroller's office, one thousand dollars."

Amend section 1, page 7, line 3, by striking out "one thousand dollars (\$1,000.00)" and inserting "twelve hundred dollars (\$1,200.00)."

Amend section 2, page 10, by inserting between lines 27 and 29: "For salary of the Adjutant-General, fifteen hundred dollars (\$1,500.00)."

Amend section 2, page 9, by inserting between lines one and two: "For salary of a Clerk to the Supreme Court Judges, twelve hundred dollars (\$1,200.)."

Amend section 2, page 11, by striking out lines 29 and 31: "For assistant auditing clerk in Comptroller's office, one thousand dollars (\$1,000.)."

Amend section 2, page 12, line 11, by striking out "one thousand dollars (\$1,000.00)," and inserting "twelve hundred dollars (\$1,200.)."

Amend section 3, page 14, by inserting between lines 11 and 13: "For salary of clerk to the Supreme Court Judges, three hundred dollars (\$300.)."

Amend section 3, page 16, by inserting between lines 17 and 19: "For salary of the Adjutant-General, three hundred and seventy-five dollars (\$375.)."

Amend section 3, page 17, by striking out lines 29 and 31, and also line 1, on page 18: "For assistant auditing clerk in Comptroller's office, two hundred and fifty dollars (\$250.)."

Amend section 3, page 18, line 15, by striking out, "two hundred and fifty dollars (\$250)" and inserting "three hundred dollars (\$300.)."

Very respectfully,

J. W. BRYANT,  
Chairman Committee.

Which was read.

Mr. Hind moved that the committee amendments be considered with  
Senate Bill No. 60:

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

When it comes up on its second reading, and that 200 copies of the bill be printed;

Which was agreed to and the order was made.

Senate Bill No. 211:

An act to amend chapter 3700 of the Laws of Florida, acts of 1887, entitled an act to provide for the proper enforcement of the provisions of Article XIX of the Constitution of 1885, Being the special order for 3 o'clock P. M., was informally passed over.

House Bill No. 39:

An act to provide an annuity for disabled soldiers and sailors of the State of Florida,

Was called from the calendar under the rule and read the second time.

Mr. Parkhill offered the following amendment:

In section 3, lines 27 to 31, after the word "wife," strike out "owns property to value of one thousand dollars."

Mr. Parkhill moved that the amendment be adopted.

Pending its consideration a message was received from the House of Representatives.

Senate Bill No. 200:

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

Being the special order for 4 o'clock, was by unanimous consent passed over informally.

The yeas and nays were called for upon the adoption of Mr. Parkhill's amendment, and

The vote was:

Yeas—Mr. President, Messrs. Coulter, Drake, Dunn, Hammond, Parkhill, Pirrong, Rosborough, Schumacher, Smith, Tuten and Yancey—12.

Nays—Messrs. Bailey of 22d District, Bailey of 16th District, Bielby, Bryant, Crosby, Hardee, Hendry, Hind, Houstoun, Jenkins, Kirk, King, Randell, Rogers, Swearingen and Wilkinson—16.

So the amendment was lost.

On motion of Mr. Kirk House Bill No. 39 was informally passed over and made the special order for 5:30 o'clock this P. M.

By unanimous consent, Mr. Hammond introduced Senate Joint Resolution No. 241;

Which was read the first time.

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

Senate Joint Resolution No. 241,

Was read the second time.

On motion of Mr. Hammond, the rules were further waived by a two-third vote, and Senate Joint Resolution 21 was read the third time as follows :

Joint Resolution to amend section 15, of Article XVI, of the Constitution of Florida.

*Be it resolved by the Legislature of the State of Florida :*

That section 15, of Article XVI, of the Constitution of the State of Florida, be amended so as to read as follows :

SEC. 15. No person exercising the functions of any office under any foreign government under the government of the United States, or under any other State, shall hold any office of honor or profit under the government of this State, and no person shall hold or perform the functions of more than one office under the government of this State at the same time; *Provided*, Notaries Public, militia officers and Commissioners of Deeds may be elected or appointed to fill any legislative, executive or judicial office,

And put upon its passage.

Upon the passage of Senate Joint Resolution No. 241,

The vote was :

Yeas—Mr. President, Messrs. Bailey of 16th District, Coulter, Drake, Dunn, Hammond, Hendry, Houston, Kirk, King, Schumacher, Smith and Tuten—13.

Nays—Messrs. Bailey of 22d District, Bielby, Bryant, Crosby, Hind, Jenkins, Pirrong, Randell, Swearingen, Wilkinson and Yancey—11.

So Senate Joint Resolution No. 241 was lost.

Mr. Bielby gave notice that he would move to-morrow morning to reconsider the vote by which Senate Joint Resolution was lost.

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

SENATE CHAMBER,  
TALLAHASSEE, Fla., May 23, 1889. }

HON. J. B. WALL,

*President of the Senate :*

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

House Bill No. 166 :

Entitled an act to define the position of the State as to its liability in case of excessive land grants to railroads and canals,

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

Very respectfully,

P. HOUSTON,

Chairman Committee.

Which was read.

Also the following :

SENATE CHAMBER,  
TALLAHASSEE, Fla., May 23, 1889. }

HON. J. B. WALL,

*President of the Senate :*

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

Senate Bill No. 213 :

Entitled an act to continue the rights, privileges, powers, franchises and grants of the Santa Fe and St. Johns Railway Company, and to extend the time for the completion of the same,

Beg leave to report that they have had the bill under consideration and recommend that it do pass.

Very respectfully,

P. HOUSTON,

Chairman Committee.

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

SENATE CHAMBER,  
TALLAHASSEE, Fla., May 23, 1889. }

HON. J. B. WALL,

*President of the Senate :*

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

Senate Bill No. 200 :

A bill 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,

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

Very respectfully,

JOHN WILKINSON,  
Chairman of Committee.

Which was read.

Mr. Hendry was called to the chair.

Mr. Houston moved that the amendments to House Bill No. 140 be not read and 200 copies of the amendments be printed.

Mr. Dunn moved to amend by making it the special order for 10 o'clock to-morrow.

Mr. Hind moved that it be made the special order for 10 o'clock Saturday;

Which was agreed to.

Mr. Bielby moved that 200 copies of the amendments be printed;

Which was agreed to,

And the order was made.

Mr. Kirk moved that Senate Bills Nos. 211 and 209 be passed over for the consideration of House Bill No. 39;

Which was agreed to,

And they were informally passed over.

House Bill No. 39:

An act to provide an annuity for disabled soldiers and sailors of the State of Florida,

Was called for consideration.

Mr. Kirk offered the following amendment:

Mr. Kirk offers the following amendment to House Bill No. 39, in section 1: Strike out all after "to-wit," in line 9 of printed bill, and insert in lieu thereof the following: For total loss of sight, \$225; for total loss of one eye, \$45; for total loss of hearing, \$45; for loss of a foot or loss of a leg, \$150; for loss of all of a hand or loss of arm, \$150; for loss of both hands or both arms, \$225; for loss of both feet or both legs, \$225; for loss of one hand or foot and one arm or leg by same person, \$225; for permanent injuries from wounds whereby a leg is rendered substantially and essentially useless, \$75; for permanent injuries from wounds whereby an arm is rendered substantially and essentially useless, \$75; for other permanent injuries from wounds or diseases contracted during the service and while in line of duty as a soldier, whereby the person injured or diseased has been rendered practically incompetent to perform ordinary manual avocations of life, \$75.

The yeas and nays were called for upon the amendment:

The vote was:

Yeas—Messrs. Bailey of 22d District, Coulter, Drake, Hammond, King, Parkhill, Smith, Swearingen, Tuten and Yancey—10.

Nays—Messrs. Bailey of 16th District, Bielby, Bryant, Crosby, Dunn, Hardee, Hendry, Hind, Houston, Kirk, Randall, Rogers, Rosborough, and Schumacher,—14.

So the amendment was lost.

Mr. Kirk changed his vote from aye to no, and gave notice that to-morrow at 10:30 he would move to reconsider the vote by which the amendment was lost.

Mr. Hammond moved that the Senate adjourn;

Which was not agreed to,

So the motion was lost.

Mr. Swearingen offered the following amendment:

In section 5, after the word "repealed" add: "Provided, That any claims now pending before the Pension Board shall not be affected by any of the provisions of this act."

Mr. Kirk moved to make 10:30 o'clock to-morrow morning the special hour for the consideration of House Bill No. 39;

Which was withdrawn by Mr. Kirk.

Mr. Swearingen moved that the amendment be adopted.

Pending its consideration a message was received from the House of Representatives.

Mr. Parkhill moved that the further consideration of House Bill No. 39 be postponed until 10 o'clock to-morrow;

Which was agreed to,

House Bill No. 39 was postponed until 10 o'clock to-morrow morning, with Senator Swearingen's amendment pending.

Mr. Rogers moved that 200 copies of the bill, with the pending amendment, be printed;

Which was agreed to,

And the order was made.

Mr. Bailey 22d moved to reconsider the vote by which House Bill No. 140 be reconsidered;

Which was agreed to,

And the vote was reconsidered.

Mr. Bryant moved that House Bill No. 140 be made the special order for 3 o'clock P. M., Monday next;

Which was agreed to,

And House Bill No. 140 was made the special order for 3 o'clock P. M., Monday next.

Mr. Schumacher moved that Senate Bill No. 200 be made the special order for 9:30 o'clock A. M. to-morrow ;

Which was agreed to,

And the order was made.

Mr. Rogers moved that Senate Bill No. 211 be made the special order for 11:30 o'clock A. M. to-morrow ;

Which was agreed to,

And the order was made.

Mr. Dunn gave notice that to-morrow morning he would move to reconsider the vote by which House Bill No. 140 was made the special order for 3 o'clock Monday next

CONSIDERATION OF MESSAGES.

The following message was read :

HOUSE OF REPRESENTATIVES, }  
TALLAHASSEE, Fla., May 23, 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 adopted—

A resolution relative to action of Senate in refusing to concur in House Resolution relative to pay of members of Joint Visiting Committees of this Legislature, and requesting the Senate to reconsider its action thereon.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

Mr. Yancey moved that House Resolution contained in the above message be referred to a committee of five ;

Which was agreed to,

And Messrs. Yancey, Schumacher, Rogers, Swearingen and Kirk were appointed as said committee.

Also the following :

HOUSE OF REPRESENTATIVES, }  
TALLAHASSEE, Fla., May 23, 1889. }

HON. J. B. WALL,

*President of the Senate :*

SIR: I am directed by the House of Representatives to in-

form the Senate that the House of Representatives has passed—

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, 1886, approved June, 1887 ;

Also,

Senate Bill No. 136 :

An act to amend an act entitled an act to incorporate the St. Johns River, Lake Weir and Gulf Railroad Company, being chapter 3803, Laws of Florida, approved June 7, 1887.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

Senate Bills Nos. 190 and 136 were ordered to be enrolled.

Mr. Kirk moved that the Senate adjourn ;

Which was agreed to.

The Senate stood so adjourned.

—o—

FRIDAY, MAY 24, 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, Drake, Dunn, Hammond, Hendry, Hind, Jenkins, King, Pirrong, Randell, Rogers, Rosborough, Schumacher, Smith, Swearingen, Tutten and Wilkinson—24.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

Assistant Messenger Stringer was excused from the morning session.