

WEDNESDAY, MAY 29, 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, Dismukes, Dunn, Hammond, Hardee, Hendry, Kirk, King, Pirrong, Randell, Rogers, Rosborough, Schumacher, Smith, Swearingen, Tuten, Wilkinson and Yancey—25.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

CONSIDERATION OF RESOLUTIONS.

The resolution relating to holding night sessions from and after the 28th inst., introduced by Mr. Parkhill, pending.

Mr. Dunn moved to lay the resolution upon the table.

Mr. Swearingen moved that the further consideration of the resolution be postponed on account of the absence of the introducer:

Which was agreed to,

And the further consideration of the resolution was postponed.

CONSIDERATION OF MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, Fla., May 28, 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 indefinitely postponed

Senate Bill No. 206:

A bill 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 their lines of railroads pass in this State,

Also that the House has passed—

House Bill No. 262:

A bill to be entitled an act to authorize John W. Dowling & Co. to construct a boom across the Suwannee river, And respectfully ask the Senate to agree thereto.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

House Bill No. 262:

To be entitled an act to authorize John W. Dowling and Company to construct a boom across the Suwannee river,

Was read the first time and referred to the Committee on Commerce and Navigation.

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

House Bill No. 268:

To be entitled an act to provide for the creation of a Board of Public Works for the city of Tampa, Florida, and prescribing its powers and duties,

Was read the second time by its title.

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

And House Bill No. 268 was read the third time and put upon its passage.

Upon the passage of House Bill No. 268,

The vote was:

Yeas—Mr. President, Messrs. Bailey of 22d District, Bielby, Brett, Bryant, Coulter, Crosby, Dismukes, Dunn, Hammond, Hardee, Hendry, Houston, King, Parkhill, Pirrong, Randell, Rogers, Rosborough, Schumacher, Smith, Swearingen, Wilkinson and Yancey—24.

Nays—None.

So House Bill No. 268 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.

A message was received from the House of Representatives.

Mr. Rogers moved that the Senate do not recede from its amendments to House Bill No. 74;

Which was agreed to, and the Senate did not recede from its amendments to House Bill No. 74.

The following message from the Governor was read:

STATE OF FLORIDA, EXECUTIVE OFFICE, }
TALLAHASSEE, Fla, May 29, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: I have carefully considered the bill 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," and herewith return the same to the Senate, in which it originated, with my objections thereto.

Fully appreciating the great benefits which would accrue to our State by the promotion of the industry which is expressed in the title of said bill, it is with great regret that it contains a provision which constrains me, in the discharge of my duty, to withhold my signature from the bill.

Section 9 of the bill is a repeal of chapter 791, Laws of Florida, "except in so far as it relates to lots and water fronts in incorporated towns and cities, or lots and water fronts upon which are located mills, manufactories, wharves or warehouses."

The law thus sought to be repealed, was a grant by the State of Florida in 1856, to riparian proprietors, of the State's right, title and interest to all lands covered by water lying in front of any tract of land owned by a citizen of the United States, or by the United States for public purposes, lying upon any navigable stream or bay of the sea, or harbor, as far as to the edge of the channel.

Such grant to the riparian owner greatly enhanced the value of his land so lying on a navigable stream, bay or harbor, and has ever since been considered a large item of value in connection therewith; and has entered largely into the consideration paid for the purchase of lands so situated; and at this time represents many millions of dollars in the State to such owners, even outside of the exceptions expressed in the repealing sections. Arbitrarily depriving many thousands of our citizens of such a vast amount of property by a repeal of the grant (if competent for the State to do so) would be an act of bad faith, which I cannot think would be justified by any compensatory benefits to other interests.

Section 16 of Article III of the Constitution provides: "Each law enacted in the Legislature shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title." The object of that provision is to prevent legislation which would not be indicated by the title to the bill in which it is embraced.

I do not think that there is anything in the title to the bill

under consideration which would indicate the repeal of chapter 791, which is entitled "an act to benefit commerce," and is a grant of great value made by the State of Florida to its citizens many years ago, without any reference whatever to the industry of oyster farming. Such repeal is not even briefly expressed in the title to the bill, and is, therefore, in violation of the said section of the Constitution.

Very respectfully,

FRANCIS P. FLEMING,

Governor.

On motion of Mr. Hammond it was laid over until to-morrow.

The following message from the House of Representatives was read :

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 29, 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—

House Concurrent Resolution No. 15 :

Relative to the time of final adjournment of this Legislature,

And respectfully ask the Senate to agree thereto.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

House Concurrent Resolution No. 15 :

Relative to the final adjournment of this Legislature,
Was read.

Mr. Swearingen moved that the Senate concur in the resolution ;

Which was agreed to,

And the Senate concurred in the resolution.

Mr. Dunn gave notice that he would move to reconsider the vote by which the Senate concurred in House Concurrent Resolution No. 15.

Assistant Janitor Lynch was excused for the day.

Also the following :

HOUSE OF REPRESENTATIVES, }
TALLAHASSEE, Fla., May 29, 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. 151:

A bill to be entitled an act for the incorporation of Banking Associations, and to prescribe their general powers and liabilities,

With certain amendments thereto,

And respectfully ask the Senate to agree thereto.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives

House amendments to Senate Bill No. 151 were read.

Mr. Bielby moved that the Senate concur in the amendments;

Which was agreed to.

So the Senate concurred in the House amendments to Senate Bill No. 151.

On motion of Mr. Schumacher, the rules were waived by a two-thirds vote, and the concurrence of the Senate was certified to the House of Representatives at once.

Also the following:

HOUSE OF REPRESENTATIVES, }
TALLAHASSEE, Fla., May 29, 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 by which it confines itself to the consideration of House and Senate Bills on their third (3d) reading, until the calendar of bills on third reading shall be exhausted,

And have instructed me to notify the Senate of this action.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

REPORTS OF COMMITTEES.

Mr. Bailey of 16th, Chairman of Committee on Enrolled Bills, made the following report:

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 28, 1889. }

HON. J. B. WALL,

President of the Senate:

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

Senate Bill No. 112:

An act to be entitled an act to legalize the incorporation of the town of Orange City, in the county of Volusia, and to declare the incorporation of the town of Orange City valid and of full force and effect;

Also,

Senate Bill No. 148:

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

Also,

Senate Bill No. 143:

Entitled an act making an appropriation for the Florida Normal School and Business Institute;

Also,

Senate Memorial to Congress:

Asking for the establishment of fish hatcheries on the coasts of Florida,

Beg leave to report that they have carefully examined the same and find them correctly enrolled.

Very respectfully,

J. S. BAILEY,

Chairman Committee.

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

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 29, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Joint Committee on Enrolled Bills beg leave to report that they have submitted to the Governor for his consideration the following bills:

An act to provide for removal of all obstructions to navigation in any of the navigable waters of this State, and to prevent such obstructions in future ;

Also,

An act prescribing the jurisdiction and duties of county judges ;

Also,

An act to be entitled an act in relation to the land grant of the Florida Coast Line Canal and Transportation Company and prescribing the duties of the Trustees of the Internal Improvement Fund of the State of Florida in relation thereto, the right of settlement thereon, and the specifications for the construction of its waterway and the time of its completion from St. Augustine to Biscayne Bay.

Very respectfully,

J. F. LATHAM,

Chairman of Joint Committee on Enrolled Bills.

Mr. Bailey, 16th District, Chairman of Committee on Enrolled Bills, submitted the following report :

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 29, 1889. }

HON. J. B. WALL,

President of the Senate :

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

Senate Bill No. 160 :

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

Also,

Senate Bill No. 28 :

An act to amend section 7 of chapter 140 of McClellan's Digest ;

Also,

Senate Bill No. 37 :

An act to provide for the revision and consolidation of the public statutes of this State ;

Also,

Senate Bill No. 188 :

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

Beg leave to report that they have carefully examined the same and find them correctly enrolled.

Very respectfully,

J. S. BAILEY,

Chairman Committee.

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

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 29, 1889. }

HON. J. B. WALL,

President of the Senate :

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

House Bill No. 227 :

A bill to be entitled an act to provide for the inspection and marketing of pork offered for sale in the markets of this State, Respectfully report said bill back without action.

Very Respectfully,

ROBT. F. ROGERS,

Chairman Committee.

A message was received from the House of Representatives.

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

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 28, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Joint Committee on Enrolled Bills have examined—

An act 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 under circumstances therein stated, and to provide provisional governments for the same, approved January 28, 1885, approved June, 1887,

And beg leave to report the same correctly enrolled.

Very respectfully,

J. F. LATHAM,

Chairman Joint Committee on Enrolled Bills.

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

SENATE CHAMBER,
TALLAHASSEE, Fla., May 29, 1889. }

HON. J. B. WALL,

President of the Senate :

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

House Substitute for House Bill No. 335 :

A bill to be entitled an act to amend sections 9, 22, 30, 36, 62 and 63 of an act entitled "an act for the assessment and collection of revenue," approved June 13, 1887, chapter 3681, Laws of Florida,

Beg leave to report the same favorably.

Very respectfully,

E. P. DISMUKES,
Chairman Committee.

Also the following :

SENATE CHAMBER,
TALLAHASSEE, Fla., May 29, 1889. }

HON. J. B. WALL,

President of the Senate :

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

House Bill No. 307 :

A bill to be entitled an act to enforce the payment of taxes by bankers and brokers,

Respectfully beg leave to report that they have duly considered the same and respectfully recommend, in view of the fact that the committee have grave doubts as to the constitutionality of the bill, that it be referred to the Judiciary Committee for their action and report.

Very respectfully,

E. P. DISMUKES,
Chairman Committee.

House Bill No. 307 was referred to Committee on Judiciary,
Also the following :

SENATE CHAMBER,
TALLAHASSEE, Fla., May 29, 1889. }

HON. J. B. WALL,

President of the Senate :

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

House Bill No. 154 :

A bill to be entitled an act to exempt certain benevolent and charitable associations from the operations of the life insurance laws of this State, and to exempt from seizure and execution the funds paid by them for the families of deceased members,

Respectfully beg leave to report that they have examined the same and recommend that it do not pass.

Very respectfully,

E. P. DISMUKES,
Chairman Committee.

Mr. Rosborough, Chairman of Committee on State Affairs, made the following report :

SENATE CHAMBER,
TALLAHASSEE, Fla., May 29, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Committee on State Affairs to whom was referred—

House Memorial No. 20 :

Asking for a mail route from Sneads in Jackson county via Dellwood in said county, to Greenwood,

We have considered the same, and report favorably.

Very respectfully,

J. A. ROSBOROUGH,
Acting Chairman Committee.

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

SENATE CHAMBER,
TALLAHASSEE, Fla., May 29, 1889. }

HON. J. B. WALL,

President of the Senate:

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

Senate Amendments to Substitute for House Bills Nos. 36, 40, 41 and 68;

Also,

Senate Amendments to House Bill No. 39,

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

Very respectfully,

JOHN WILKINSON,

Chairman of Committee.

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

SENATE CHAMBER,
TALLAHASSEE, Fla., May 29, 1889. }

HON. J. B. WALL,

President of the Senate:

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

House Bill No. 239:

Entitled an act to incorporate the Palatka and Apopka Air Line Railroad and Telegraph Company,

Beg leave to report that they have given the same their careful consideration, and recommend that it do pass with the accompanying amendment, as follows:

In section 10 insert after the word "time" the words "to time."

Very respectfully,

P. HOUSTON,

Chairman Committee.

The hour having arrived for the special consideration of—
House Bill No. 241:

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

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

Mr. Rogers offered the following amendment:

In line 5, section 1, strike out "within two miles of," and insert "by" before "any city;"

Which was read and adopted.

Mr. Rogers offered the following amendment:

In section 2, line 4, strike out "any," and insert "twenty responsible;"

Which was read.

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

Mr. Dunn moved that the further consideration of Senate Bill No. 241 be postponed until to-morrow at 10 o'clock A.M., and that 200 copies of the bill be printed.

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

The vote was:

Yeas—Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Bielby, Brett, Dismukes, Dunn, Hammond, Hardee, Hendry, Houston, King, Parkhill, Randell, Rogers, Schmache, Smith and Tuten—18.

Nays—Messrs. Bryant, Coulter, Crosby, Drake, Hind, Kirk, Pirrong, Swearingen, Wilkinson and Yancey—10.

So the further consideration was postponed until 10 A. M. to-morrow.

Mr. Dismukes moved that the vote by which Senate Bill No. 211 was lost be reconsidered:

Which was agreed to,

And the vote was reconsidered.

On motion of Mr. Kirk, House Bill No. 5 was made the special order for 5 o'clock this P. M.

Mr. Hammond moved that—

House Bill No. 59:

An act to repeal chapter 3827, entitled an act to authorize William Miller to stretch a boom across the Choctawhatchie river,

Be taken up for consideration;

Which was agreed to,

And House Bill No. 59 was read the second time.

Mr. Brett moved that the rules be waived and that House Bill No. 59 be read the third time;

Which was not agreed to.

So House Bill No. 59 was placed on the calendar for its third reading.

On motion of Mr. Hammond—

Committee Substitute for House Bill No. 60,

Was made the special order for 3:30 this afternoon.

Mr. Bielby was called to the chair.

On motion of Mr. Crosby—

House Bill No. 63:

An act to fix the compensation of jurors and witnesses, &c.,
Was called from the calendar under the rule and was read
the third time and put upon its passage.

Upon the passage of House Bill No. 63,

The vote was:

Yeas—Mr. President, Messrs. Bailey 22d District, Bailey
16th District, Bielby, Bryant, Coulter, Crosby, Dismukes,
Hardee, Houstoun, Kirk, Pirrong, Randell, Rogers, Rosbor-
ough, Schumacher, Smith, Swearingen and Yancey—19.

Nays—None.

So House Bill No. 63 passed, title as stated, and under a
suspension of rules by a two-thirds vote was certified to the
House of Representatives.

Mr. Swearingen moved that the Senate proceed with the reg-
ular order of business;

Which was agreed to.

By unanimous consent, Mr. King introduced the following
resolution:

Be it resolved by the Legislature of the State of Florida
That the State do take charge of and assume the full manage-
ment, control and direction of all the railroads and banks with-
in her borders.

Mr. Hendry moved that it be adopted.

Mr. Kirk moved to lay the resolution on the table;

Which was agreed to,

And the resolution was laid on the table.

By unanimous consent, Mr. Kirk, Chairman of Committee
to Inspect the Comptroller's Office, made the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 28, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your committee appointed under concurrent resolution
of April 3d, authorizing an investigation of the accounts and
vouchers of the Comptroller's and Treasurer's office, ask leave
to report that they have carefully performed the duties re-

quired of them, and find the accounts of the Comptroller and
Treasurer correct. The books are simply and neatly kept and
the vouchers are conveniently arranged, affording facilities for
reference that are at once easy and complete.

We submit the following balance sheet, showing the receipts
and expenditures for the years 1887 and 1888:

		Dr.	
1887.			
Jan. 1—	To balance on hand.....	\$	255,894 63
	General revenue receipts 1887.....		333,843 41
	Common school, principal, receipts 1887.....		16,413 65
	Common school, interest, receipts 1887.....		30,395 06
	Seminary fund, principal, receipts 1887.....		232 72
	Seminary fund, interest, receipts 1887		5,604 00
	Agricultural College fund, receipts 1887.....		13,183 00
	General school, one mill, receipts 1887.....		72,361 81
	Sinking fund, bonds of 1871, receipts 1887.....		5,166 00
	Sinking fund, bonds of 1873, receipts 1887.....		8,673 00
	General revenue, receipts 1888.....	\$	3,885,512 24
	Common school, principal, receipts 1888.....		24,642 34
	Common school, interest, receipts 1888.....		39,622 11
	Seminary fund, principal, receipts 1888.....		1,135 60
	Seminary fund, interest, receipts 1888		6,642 45
	Agricultural College fund, receipts 1888.....		12,817 94
	General school, one mill, receipts 1888.....		76,004 07
	Experimental station, receipts 1888..		18,750 00
	Sinking fund, bonds of 1871, receipts 1888.....		5,453 00
	Sinking fund, bonds of 1873, receipts 1888.....		9,018 00
			\$1,374,403 03

CREDITS.

By Disbursements as follows:		
By general revenue, 1887.....		534,466 00
Common school, principal, 1887.....		13,348 85
Common school, interest, 1887.....		34,555 30
Seminary fund, interest, 1887.....		5,604 00
Agricultural College fund, 1887.....		9,698 86
General school, one mill, 1887.....		72,342 65
Sinking fund, bonds of 1871, 1887.....		5,210 00
Sinking fund, bonds of 1873, 1887.....		6,004 20
General revenue, 1888.....		399,490 15
Common school, principal, 1888.....		32,874 65
Common school, interest.....		31,970 15
Seminary fund, principal.....		170 38
Seminary fund, interest.....		5,695 00
Agricultural College fund.....		12,976 25
General school, one mill.....		74,439 53
Building fund, deaf, dumb and blind.		270 00
Experimental station.....		8,742 32

Sinking fund, bonds of 1871.....	5,456 25
Sinking fund, bonds of 1873.....	11,385 00
Balance on hand Dec. 31, 1888.....	109,813 08

1889.
Jan, 1—To balance..... \$109,813 08

In the several funds as follows:

General revenue.....	33,053 59
Common school fund, principal.....	6,660 44
Common school fund, interest.....	20,393 78
Seminary fund, principal.....	1,763 83
Seminary fund, interest.....	947 45
Sinking fund, bonds of 1871.....	39 75
Sinking fund, bonds of 1873.....	544 68
Agricultural College Fund.....	3,349 77
General school, one mill.....	33,005 01
Building fund, deaf, dumb and blind.....	44 10
Experimental station.....	10,007 68

\$109,813 08

In addition to the foregoing we find bonds held by the State Treasurer belonging to the several funds as follows:

AGRICULTURAL COLLEGE FUND.

Consolidated Florida 6 per cent. bonds.....	131,900
Consolidated Florida 7 per cent. bonds.....	3 900
North Carolina 6 per cent. bonds....	10 000
North Carolina 4 per cent. bonds....	3 000
Note secured by mortgage.....	2 000— \$ 155,800 00

COMMON SCHOOL.

Consolidated Florida 6 per cent. bonds.....	288,600
Consolidated Florida 7 per cent. bonds.....	79 300 00
Florida 7 per cent. bonds.....	52 200 00
South Carolina 6 per cent. bonds....	28,884 25
North Carolina 4 per cent. bonds....	67 000 00
Alabama "B" bonds, 5 per cent....	30 000 00
Georgia bonds, 6 per cent.....	5 000 00
Florida 6 per cent. bonds.....	1 000 — \$551,984 25

SINKING FUND—BONDS OF 1871.

Florida 7 per cent. bonds.....	\$ 82 300
--------------------------------	-----------

SINKING FUND—BONDS OF 1873.

Florida 6 per cent. bonds.....	\$ 160,200
--------------------------------	------------

SEMINARY FUND.

Consolidated Florida 6 per cent. bonds.....	\$ 76 600
Consolidated Florida 7 per cent. bonds.....	14 400
Florida 7 per cent. bonds.....	1 300— \$ 92 300

We would respectfully call your attention to the necessity of more clerical aid in the Comptroller's office.

By the great increase of the work of the office it is impossible for the force of three clerks provided by the Legislature to perform in a satisfactory manner the duties of the office. The Comptroller has been forced to employ additional clerical aid in order to properly dispose of the immense volume of work. In this connection we call your attention to the report made at the session of 1887, which says:

"For years the Legislature has been placing new duties upon this office, and duties formerly required have become more difficult to perform on account of the rapid growth of our State, both in wealth and population, and no adequate provision has been made for additional clerical aid;"

Which we heartily endorse and recommend that one additional clerk be allowed.

In making our investigations every courtesy has been extended this committee by the Comptroller and Treasurer, as well as by the clerical aid in their respective departments.

All of which is most respectfully submitted.

B. F. KIRK, Chairman,
D. H. YANCEY,
G. L. BALTZELL,
J. F. STAPLER.

R. A. MEGINNISS,
R. Y. WALDEN,
Clerks.

Which was received and ordered to be spread on the Journal.

On motion of Mr. Randell—
House Bill No. 183:

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 and trains in this State,

Was called from the calendar under the order of business and read the second time, and was passed to its third reading on the calendar.

The hour having arrived for the special consideration of—
Substitute for House Bill No. 335:

An act to amend sections 9, 22, 30, 36, 62 and 63 of an act entitled an act for the assessment and collection of revenue, approved June 13, 1887, chapter 3681, Laws of Florida,

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

On motion of Mr. Dunn, the rules were waived by a two-

thirds vote, and Substitute for House Bill No. 335 was read the third time.

By unanimous consent, Mr. Dismukes was allowed to amend Substitute for House Bill No. 335 as follows :

In section 6, line 4, 2d page, strike out the word "two," between "next" and "thousand," and insert the word "ten."

In the section amending section 62, fill in the blank after the word "section," with the figures "43."

By unanimous consent Mr. Bielby was allowed to amend it as follows :

Amend House Bill No. 335 by striking out "two" and inserting "ten" in line 15 between the words "next" and "thousand," on the second page of section 7.

Upon the passage of House Substitute for House Bill No. 335,

The vote was :

Yeas—Messrs. Bailey of 22d District, Bielby, Crosby, Dismukes, Drake, Dunn, Hardee, Jenkins, Pirrong, Randell, Rogers, Rosborough, Schumacher, Smith, Swearingen, Tuten, Wilkinson and Yancey—18.

Nays—Messrs. Kirk and King—2.

So House Substitute for House Bill No. 231 passed, title as stated,

And under a further suspension of the rules by a two-thirds vote was certified to the House of Representatives, together with the Senate amendments.

A message was received from the House of Representatives.

By unanimous consent—

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

SENATE CHAMBER,
TALLAHASSEE, Fla., May 29, 1889. }

HON. J. B. WALL,

President of the Senate :

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

House Bill No. 252 :

A bill to be entitled an act to further protect the owners of live stock living near or adjoining the rights of way of railroad companies, and to provide for the speedy collection by such owners of live stock of all such amounts as have heretofore or may hereafter become due for all damages done by the engines or cars of any railroad company to any live stock caused by a

failure to erect or maintain fences or stock guards as provided by law,

Beg leave to report that they have carefully considered the same and recommend that it do pass, with the accompanying amendments, viz :

In section 2, after the word "fees," in fourth line from bottom of page 6, insert: "Provided, That no such writ of attachment shall issue until the defendant corporation shall have had at least ten days notice that the same would be applied for."

Also,

In section 2, after the word "thereof," strike out all down to the word "and," in seventh line from bottom of section 2.

Also,

In section 3, in last line, page 8, strike out all after the word "injured," down to the word "judge," in fifth line, on page 9.

Very respectfully,

P. HOUSTON,
Chairman Committee.

Which was read.

The committee amendments to House Bill No. 252 were read.

Mr. Dunn moved that the rules be waived, and that House Bill No. 252 :

Entitled an act to further protect the owners of live stock living near or adjoining the rights of way of railroad companies, and to provide for the speedy collection by such owners of live stock of all such amounts as have heretofore or may hereafter become due for all damages done by the engines or cars of any railroad company to any live stock caused by a failure to erect or maintain fences or stock guards as provided by law,

Be read the second time ;

Which was agreed to by a two-thirds vote, and House Bill No. 252,

Was read the second time.

A message was received from the House of Representatives.

Mr. Schumacher moved that 200 copies of House Bill No. 252 be printed and that it be made the special order for 10 o'clock A. M. to-morrow.

Mr. Randell moved to lay the motion on the table ;

Which was agreed to,

And the motion was laid on the table.

Mr. Yancey moved that the committee amendments to House Bill No. 152 be adopted.

Mr. King moved that the Senate adjourn ;
Which was not agreed to.
So the motion was lost.

Mr. Parkhill moved to take up messages from the House ;
Which was not agreed to.
So the motion was lost.

On motion of Mr. Rogers, Senate Bill No. 211 was made the special order for 5 o'clock this P. M.

Mr. Schumacher 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 Members of the Board of Education of the Seminary East of the Suwannee River, R. F. Taylor, J. D. Matheson, R. W. Davis, H. F. Dutton, J. C. Cooper, Wm. A. Hocker and H. T. Lykes.

To be Members of the Board of Education of the Seminary West of the Suwannee River, J. H. Ancrum, D. S. Walker, Jr., George Lewis, J. A. Henderson, W. D. Chipley, Thomas L. Clarke and J. W. Malone.

To be County Commissioners for Wakulla county, James J. Pearce, for District Two; James A. Ezell, for District Four.

To be County Commissioner for District Two, S. M. Sparkman of Hillsborough county.

To be County Commissioner for District Two for Franklin county, O. P. Durrant.

THREE O'CLOCK P. M.

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, Bryant, Coulter, Crosby, Dunn, Hammond, Hardee, Hendry, Kirk, King, Parkhill, Pirrong, Randell, Rog-

ers, Rosborough, Schumacher, Smith, Swearingen and Wilkinson—21.

A quorum present.
House Bill No. 252 pending.

Mr. Bielby moved that messages from the House of Representatives be taken up for consideration ;

Which was agreed to, and the following message was read :

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, Fla., May 29, 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 concurred in—

The request of the Senate for a Committee of Conference on House amendments to Senate Bill No. 45.

And the Speaker has appointed on the part of the House, Messrs. Rourke, Bitch of Marion, and Layne.
Bill returned herewith.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

Messrs. Bielby, Hammond and Bryant were appointed as a conference committee on the part of the Senate.

Also the following message from the House of Representatives was read :

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, Fla., May 28, 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. 158 :

A bill to be entitled an act to amend section twelve (12) of an act to incorporate the Eufaula and St. Andrews Bay Air Line Railroad Company and to grant certain lands to the same ;

Also,
Senate Bill No. 153 :

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

Also,

Senate Bill No. 197 :

A bill to be entitled an act to provide for appointment of recorders in and for provisional municipalities, and to define their jurisdiction and powers, with certain amendments thereto,

And respectfully ask the Senate to agree thereto.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

House Bill No. 158 :

A bill to be entitled an act to amend section twelve (12) of an act to incorporate the Eufaula and St. Andrews Bay Air Line Railroad Company, and to grant certain lands to the same,

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

House amendments to—

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,

Were read and concurred in by the Senate, and the bill was ordered to be enrolled.

Also the following :

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, Fla., May 29, 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 concurred in—

The request of the Senate to appoint a Committee of Conference on the Senate amendments to House Bill No. 74,

And has appointed on said committee, Messrs. Latham, Richard and Milton, Jr.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

Also the following :

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, Fla., May 29, 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. 221 :

A bill to be entitled an act to provide for a Board of Dental Examiners, and to regulate the practice of dentistry in the State of Florida ;

And respectfully ask the Senate to agree thereto.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

House Bill No. 221 :

An act to provide for a Board of Dental Examiners, and to regulate the practice of dentistry in the State of Florida,

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

Also the following :

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, Fla., May 28, 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. 239 :

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

With amendments thereto,

And ask Senate to agree thereto.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

Also the following :

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, FLA, May 29, 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. 240 :

A bill to be entitled an act to incorporate the Order of Saint Benedict in the State of Florida ;

Also,

Senate Bill No. 109 :

To be entitled an act to establish a municipal government for the city of Ocala, and to determine its boundaries and prescribe its corporate powers and jurisdiction, and to abolish its existing charter ;

Also,

House Bill No. 230 :

A bill to be entitled an act to amend sections 1 and 2 of chapter 3361, approved March 4, 1881 ;

Also,

House Bill No. 222 :

A bill to be entitled an act to repeal, abolish and expunge from the laws of this State the punishment by pillory or whipping ;

Also,

House Bill No. 233 :

A bill to be entitled an act to prescribe the compensation of executors, administrators and guardians,

And respectfully ask the Senate to agree thereto.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

Senate Bill No. 109 :

To be entitled act to establish a municipal government for the city of Ocala, and to determine its boundaries and prescribe its corporate powers and jurisdiction, and to abolish its existing charter,

Was ordered to be enrolled.

House Bill No. 240 :

A bill to be entitled an act to incorporate the order of Saint Benedict in the State of Florida,

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

House Bill No. 233 :

A bill to be entitled an act to prescribe the compensation of executors, administrators and guardians,

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

House Bill No. 222 :

A bill to be entitled an act to repeal, abolish and expunge from the laws of this State the punishment by whipping or pillory,

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

House Bill No. 230 :

A bill to be entitled an act to amend sections 1 and 2 of chapter 3361, approved March 4th, 1881,

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

By unanimous consent, Mr. Rogers introduced—

Senate Bill No. 251 :

A bill to be entitled an act granting a charter to Robert A. Ivey and Jesse A. Ivey and their associates to build and construct a drawbridge over the Suwannee river at or near Bradford, in Suwannee county, and construct approaches thereto, and charge reasonable toll for crossing thereon,

Was read the first time by its title.

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

And Senate Bill No. 251 was read the second time by its title.

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

Senate Bill No. 251 :

Was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 251,

The vote was :

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

Nays—None.

So Senate Bill No. 251 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.

Mr. Hammond moved that—

House Bill No. 5 :

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

Be made the special order for 10 o'clock to-morrow, and that 200 copies of the bill be printed.

Mr. Kirk moved to lay the motion on the table ;

Which was not agreed to,

So the motion was lost.

Upon the motion to postpone until to-morrow morning at 10 o'clock, the yeas and nays were called for, and

The vote was :

Yeas—Mr. President, Messrs. Bailey 22d District, Bailey 16th District, Bielby, Brett, Dismukes, Drake, Dunn, Hammond, Hardee, Hendry, King, Schumacher, Smith, Swearingen and Tuten—16.

Nays—Messrs. Bryant, Coulter, Crosby, Hind, Jenkins, Kirk, Pirrong, Randell, Rogers, Rosborough and Wilkinson—11.

So the motion to postpone prevailed.

Mr. Hind was excused from further attendance after to-day. On motion of Mr. Dunn, the consideration of Substitute for House Bill No. 60 was informally passed over for the consideration of—

House Bill No. 252 :

A bill to be entitled an act to further protect the owners of live stock living near or adjoining the rights of way of railroad companies, and to provide for the speedy collection by such owners of live stock of all such amounts as have heretofore or may hereafter become due for all damages done by the engines or cars of any railroad company to any live stock, caused by a failure to erect or maintain fences or stock guards, as provided by law ;

Which was called under the order for consideration.

The committee amendment was read and adopted.

Mr. Schumacher offered the following amendment :

Add to section 1 the following : "Provided, That any claim shall be presented in writing within 30 days after it accrues ;

Which was adopted.

And the amendments were ordered to be engrossed for third reading.

Substitute for House Bill No. 60 :

To be entitled an act making appropriations for the years 1889 and 1890 and for the first quarter of 1891,

Was called under the special order and was read the third time, together with the amendments.

By unanimous consent Mr. Bryant was allowed to amend the bill as follows ;

That the sum of \$3,000 or so much thereof as may be necessary, is hereby appropriated from the moneys not otherwise appropriated, to defray the expenses of the Commissioners of Fisheries.

Upon the passage of Substitute for House Bill No. 60,

The vote was :

Yeas—Mr. President, Messrs. Bailey, 22d District, Bailey 16th District, Bielby, Brett, Bryant, Coulter, Crosby, Dismukes, Drake, Dunn, Hardee, Hendry, Jenkins, Kirk, Pirrong, Randell, Rogers, Rosborough, Schumacher, Smith, Tuten and Wilkinson—23.

Nays—Messrs. King and Swearingen—2.

So Substitute for House Bill No. 60 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.

A message was received from the House of Representatives.

On motion of Mr. Kirk—

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 ;

Which had been made the special order for 3 o'clock P. M. and had been passed over informally, was called from the calendar and put upon its passage.

By unanimous consent Mr. Rogers was allowed to amend the bill as follows :

Amend section 5 by striking out lines 1, 2, 3, 4, and to "that," in line 5, and insert the following: "Any magistrate in such county or election district where sale of such liquors has been prohibited, before whom an affidavit shall be made by any person stating that affiant has reason to believe and does believe."

The amendment was ordered to be engrossed.

A message was received from the Governor.

By unanimous consent Mr. Bryant introduced the following petition :

To the Honorable, the Senate and House of Representatives, of the State of Florida :

We, the undersigned citizens of DeSoto county, most earnestly petition your honorable bodies not to repeal or weaken the provisions of Article XIX of the Constitution, but to enact laws for its better enforcement.

Signed in behalf of Methodist Church Conference of Charlotte Harbor :

G. W. SELLERS, Pastor.

R. S. SMITH, W. B. HARDEE, and DAVID E. YEOMAN, Sec's.
Signed in behalf of Ft. Ogden Council, United Friends of
Temperance :

G. SELLERS, W. P.

ALICE V. M. SELLERS, Rec. Scribe.

The above petition was, by a rising vote, unanimously endorsed by my church and congregation. A large majority of the citizens of this county endorse the petition.

(Signed)

T. J. SPARKMAN,

Pastor Wauchula and Charlotte Harbor Baptist Churches.

Which was read.

On motion of Mr. Bielby—

House Bill No. 113 :

To prevent the introduction of the cushion scale,

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

Upon the passage of House Bill No. 113,

The vote was :

Yeas—Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Bielby, Bryant, Coulter, Crosby, Dismukes, Drake, Dunn, Hardee, Hendry, Jenkins, Kirk, King, Pirrong, Randell, Rogers, Schumacher, Smith, Tuten and Wilkinson—22.

Nays—None.

So House Bill No. 113 passed, title as stated, and under a suspension of the rules by a two-thirds vote was certified to the House of Representatives at once.

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

Senate Bill No. 159 :

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

Was read the second time.

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

Senate Bill No. 159 was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 159,

The vote was :

Yeas—Messrs. Brett, Hendry, King, Rogers, Schumacher and Tuten—6.

Nays—Mr. President, Messrs. Bailey of 22d District, Bielby, Bryant, Crosby, Dismukes, Drake, Dunn, Hardee, Jenkins, Kirk, Pirrong, Randell, Rosborough, Smith and Wilkinson—16.

So Senate Bill No. 159 was lost.

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

House Bill No. 49 :

An act to provide for the levy of taxes for 1889 and 1890, Was called from the calendar and was read the second time. Mr. Bryant was called to the chair.

On motion of Mr. Bielby House Bill No. 49 was made the special order for 9:30 o'clock A. M. to-morrow, and two hundred copies were ordered to be printed.

Mr. Rogers moved that the report of the special committee appointed under Senate Resolution No. 9 to examine and report what quantity of land has been already conveyed to the several railroad and canal companies of this State under grants made previous to the payment by the Trustees of the Internal Improvement Fund of the debt creating the lien upon said lands, and how much more is still claimed by said corporation, which report was made on the 27th inst., and has been printed in the Journal, be adopted.

Which was agreed to,

And the report was adopted.

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

Substitute for House Bill No. 48 :

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

Was called from the calendar and read the second time.

Mr. Hind offered the following amendment :

Strike out section 5.

Mr. Dunn moved that House Bill No. 48 be made the special order for 3 o'clock P. M. to-morrow ;

Which was agreed to,

And it was so ordered.

A message was received from the House of Representatives.

By unanimous consent, Mr. Kirk introduced the following resolution :

Resolved, That the regular call of the roll by districts be proceeded with, and that any Senator who is absent when his name is called shall be debarred on his return from calling up a bill until his district is again reached in regular order.

Mr. Kirk moved that the resolution be adopted ;

Which was agreed to,

And the resolution was adopted.

On motion of Mr. Dunn, messages from the House of Representatives were taken up for consideration and the following message was read :

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, Fla., May 29, 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. 215:

A bill to be entitled an act to incorporate the Florida International and Semi-Tropical Exposition of Ocala, Florida, and to declare valid all acts done by said corporation, in pursuance of powers vested in them, as originally incorporated under the general incorporation laws of the State of Florida;

Also,

House Bill No. 148:

A bill to be entitled an act to require Clerks of the Circuit Court to furnish abstracts of titles, etc.;

Also that the House has concurred in—

Senate Amendments to House Bill No. 113.

Very respectfully,

B. R. MILAM,

Chief Clerk the House of Representatives.

House Bill No. 215:

To be entitled an act to incorporate the Florida International and Semi-Tropical Exposition of Ocala, Florida, and to declare valid all acts done by said corporation, in pursuance of powers vested in them as originally incorporated under the general incorporation laws of the State of Florida,

Was read the first time by its title.

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

House Bill No. 215 was read the second time by its title.

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

And House Bill No. 215 was read the third time and put upon its passage.

Upon the passage of House Bill No. 215,

The vote was:

Yeas—Messrs. Bailey of 22^d District, Bailey of 16th District, Bielby, Brett, Bryant, Coulter, Crosby, Dismukes, Dunn, Hammond, Hardee, Kirk, Pirrong, Randell, Rogers, Rosborough, Schumacher, Smith, Swearingen, Tuten and Wilkinson—21.

Nays—None.

So House Bill No. 215 passed, title as stated,

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

House Bill No. 148:

A bill to require the clerks of the Circuit Courts to furnish abstracts of title,

Was read the first time and was referred to Committee on Judiciary.

Mr. Rosborough, Chairman of House and Senate Committees, to inspect the records of the land office, made a report, which was ordered to be spread on the Journal of May 31st, and 500 copies of the same be printed in pamphlet form.

Mr. Hardee made the following majority report of the Committee on Public Lands, appointed under Senate Joint Resolution No. 21:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 29, 1889.

HON. J. B. WALL,

President of the Senate:

SIR: The majority of your Committee on Public Lands, to whom was referred—

Senate Joint Resolution No. 23:

Instructing our Governor and Senators, and requesting our Representatives in Congress, to cause an investigation to be made to ascertain as to the legality of selections of swamp and overflowed lands, and have such as have been legally selected patented to the State;

Also,

The message of the Governor vetoing said Joint Resolution, Have had the same under consideration, and respectfully suggest the following as reasons why the Senate should not pass the resolution over the Governor's veto:

Your committee has given the matter as thorough an investigation as the time allowed them would warrant. They have had before them gentlemen who were supposed to know all about these lands, and have, in some instances, subjected them to a very rigid examination. Whilst it has been shown that considerable high lands have been patented to the State as swamp and overflowed lands, at the same time we think it was clearly demonstrated that they were patented to the State legally under the confirmation act of 1857.

By the act of September 28, 1850, there was granted to the State of Florida the whole of the swamp and overflowed lands within her borders, made unfit thereby for cultivation. The second section of said act made it the duty of the Secretary of

the Interior to make accurate lines and plats as soon as practicable, of the lands described in the grant. The third section provided that in making out those lists and plats, all legal subdivisions, the greater part of which was wet and unfit for cultivation, should be included in said lists and plats.

As stated by Mr. Dolph in his report to the United States Senate, on September 26, 1888, "The State of Florida elected to select the swamp lands granted to her under said act by her own agents; but before selected lands are approved or patented to the State, they are thoroughly and carefully examined in the field by an agent of the Government, appointed by the Secretary of the Interior, and are not approved to the State unless his report shows them to be in fact swamp and overflowed lands."

The total number of acres of these lands selected as above and reported by the Surveyor-General of the United States Land Office to the Commissioner of the General Land Office up to June 1, 1888, was 20,259,323.59 acres, of which amount 11,630,271.51 acres were selected prior to March 3, 1857, and the remainder (8,629,052.08 acres) since that time.

In his veto message the Governor states that "the great bulk of the selections still unpatented—amounting, up to June 1, 1888, to 3,675,718.58 acres, and about 2,000,000 since that time—lie within the Everglades, and the country contiguous thereto, which is either constantly submerged or in that condition the greater part of the year." Of the unpatented lands it was shown that the Government had had for several months two special agents examining these unpatented lands, "for the purpose of taking action thereon with a view to approval and patenting such lands as come clearly under the swamp and overflowed act."

Your committee has also good reason to believe that at least one of these reports is now being prepared for submission to the Secretary of the Interior, and will be published by that officer as early as practicable. One member of your Committee, who is personally acquainted with one of these agents, is thoroughly convinced that all selections will have rigid scrutiny by him, and that he will expunge from the records all selections that do not clearly come within the terms of the swamp and overflowed land act.

Inasmuch as the United States Senate Committee on Public Lands has already made a very searching investigation into the method of selecting and patenting these lands under a resolution introduced in that honorable body by Hon. Wilkinson Call, our senior Senator, which committee reported on September 26, 1888, that "in view of the fact that by the terms of the grant of the swamp and overflowed lands to the States, the

Secretary of the Interior was empowered to pass upon and determine the question of the character of the lands; and of the fact that most of the lands have been conveyed by them," your Committee on Public Lands would recommend, as a matter of sound public policy, that it would be unwise to insist upon the passage of Senate Joint Resolution No. 23 over the Governor's veto.

G. S. HARDEE, Chairman,
JAMES M. SCHUMACHER,
JOHN BRETT.

Mr. Pirrong made the following minority report of the same committee :

SENATE CHAMBER,
TALLAHASSEE, Fla., May 28, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: The undersigned members of your Committee on Public Lands, to whom was referred—
Senate Joint Resolution No. 23 :

Instructing our Governor and Senators, and requesting our Representatives in Congress to cause an investigation to be made to ascertain as to the legality of selections of swamp and overflowed lands, and have such as have been legally selected patented to the State ;"

And also,

The message of the Governor, vetoing the same,

After due consideration, beg leave to make the following minority report :

Senate Joint Resolution,

Instructing our Governor and Senators, and requesting our Representatives in Congress to cause an investigation to be made to ascertain as to the legality of selections of swamp and overflowed lands, and have such as have been legally selected patented to the State.

WHEREAS, Several millions of acres of land have been selected under the act of Congress of 1850, granting swamp and overflowed lands to the State of Florida, and few if any of these lands so selected have been patented to the State for several years past ; and,

Whereas, If the land so selected are swamp and overflowed lands they should be patented to the State ; and,

Whereas, It is believed that the reason why said lands are not, is because portions of them are not swamp and overflowed lands ; and,

Whereas, It is proper that no obstacle should stand in the way of these lands being patented, provided they have been properly selected; therefore,

Be it resolved by the Legislature of the State of Florida, That our Governor and Senators be instructed, and our Representatives in Congress be requested, that so far as may be consistent with their duties in Congress, to cause an investigation to be made to ascertain as to whether the selections of lands in the State have been legally and properly made, and should it be found that said lands have been so selected, that they use their best endeavors to have them patented, and should they find that any of said lands have been improperly selected, and are such lands as should be held for settling; that they use their best endeavors to have the same released, in order that said lands may be opened for entry by actual settlers.

Resolved further, That the Secretary of State be requested to furnish to each of our Senators and Representatives in Congress a certified copy of this memorial.

The purpose of the above resolution is to ascertain whether or not the lands that have been selected to be patented are swamp and overflowed lands. Upon this question depends the right of the people to enter them from the government, or they are to go to the different railroads. If they are swamp and overflowed lands, the railroads are entitled to them, under grant from the State; but if they are not, they belong to the people for entry and settlement. The Senate and House of Representatives, by unanimous vote of each House, in passing the resolution, demanded that the investigation should be made. The Governor vetoed the resolution.

The veto message and resolution were referred by the Senate to the Committee on Public Lands. The question before the committee was to consider whether the veto should be sustained. In deciding that question the undersigned have sought in vain to find any reason set forth in the Governor's veto why the Senate should depart from the position assumed by it in passing the resolution.

But in order to treat with the greatest degree of consideration the veto message of the Governor, it had summoned before it several witnesses, whose statements are here respectfully submitted:

A meeting of the Senate Committee on Public Lands was held in the Senate Chamber on Monday evening, May 27, 1889.

Present—Senators Kirk, Pirrong, Hardee, Coulter and Brett.

Mr. P. O. Knight, Representative from Lee county, was present, by invitation. Senator Hardee requested him to state what he knew in regard to fraudulent transactions, if any, in connection with the patenting of swamp and overflowed lands.

Mr. Knight replied that he knew of nothing of his own personal knowledge; that he did have some knowledge of the Disston land; that there was in his county now two parties who were investigating this matter for the General Government; that it was customary to use a certain amount of discretion in selecting said swamp and overflowed lands, as, for instance, a forty-acre tract with a certain amount of water on it—half of it, say—although the balance might be high and dry, would be considered swamp and overflowed. Mr. Knight stated, in reply to question, that he had been offered \$100 to procure affidavits as to certain so-called swamp and overflowed lands.

Captain H. T. Blocker was called and requested to state all he knew about the selecting of swamp and overflowed lands—the methods of their selection, &c., which he did.

In response to the direct question by Senator Hardee: Do you know of your own knowledge of any high dry lands that have ever been selected as swamp and overflowed lands?

Captain Blocker replied: No, Sir. You would find, though, in the southern part of the State a large amount of land that would come under the swamp and overflowed land act that was now being cultivated.

A letter was handed to Captain Blocker by Senator Pirrong for him to read.

TALLAHASSEE, May 24, 1889.

Having recently traveled through the southern portion of Florida I find much of the land which has been pronounced as swamp and overflowed lands, and still not patented to the State by the United States Government, high and beautiful land which would soon become inhabited if it was allowed by the Commissioner of Lands at Washington. I find one island for which the Pensacola and Atlantic Railroad has certificates at least forty feet above the level of the Gulf. A valuable place.

(Signed)

H. T. BLOCKER.

In answer to a question by Senator Pirrong, Captain Blocker stated that the letter was correct in its statement, but he afterwards modified this.

Question by Senator Hardee: Did you ever select any land for the State that you did not consider swamp and overflowed lands?

Answer—No, Sir.

Question by Senator Pirrong—Do you not know of a great deal of land selected that was not swamp and overflowed?

Answer—Yes, sir.

By Senator Hardee—At what time were those lands selected?

Answer—I do not know, sir.

By Senator Hardee—Do you not believe that most of those lands have been patented?

Answer—I do not.

By Senator Hardee—About what proportion of the four million acres did you select?

Answer—About half.

By Senator Hardee—You never selected any lands yourself but what came under the swamp and overflowed act?

Answer—No, sir.

By Senator Coulter—All of what is known as the Henderson tract was selected by you?

Answer—Yes, sir.

By Senator Coulter—In what portion of the State were the principal portion of your selections?

Answer—All over. It reached from Middle to Southern Florida, and as far down as the Okeechobee.

By Senator Pirrong—Haven't you found, under the last patenting, lands that were high and dry? Could you not say whether they were swamp and overflowed lands?

Answer—I couldn't say without surveying.

By Senator Hardee—Did you depend, in your selections, on the chain or the eye?

Answer—On the chain and the section lines.

Representative Jones was called by Senator Pirrong—Do you know of lands—high and dry lands that have been selected as swamp and overflowed lands?

Answer—Yes, sir.

By Senator Pirrong—What was it Mr. Wombwell told you about these lands?

Answer—That they could be gotten when they were patented.

By Senator Kirk—Did Mr. Wombwell tell you who they belonged to?

Answer—Yes, sir; to the United States.

By Senator Kirk—Is there much of this land in your neighborhood or county?

Answer—Yes, sir; considerable.

By Senator Pirrong—At what price did Mr. Wombwell tell you the land could be gotten?

Answer—At one dollar per acre. That it was not patented yet, but after it was patented it could be procured at that price.

By Senator Pirrong—Do you think you misunderstood Mr. Wombwell?

Answer—No, sir.

* * * * *
Up to March 3, 1857, in the State of Florida alone, 11,630,271.61 acres of land had been selected as inuring to the State under the grant of 1850 and reported to this office, and 7,384,841.64 acres had been patented to the State. The act of that date confirmed to the State the remainder of the selections which then remained "vacant and unappropriated," etc., amounting to probably 2,500,000 acres. The selections reported from said State from 1850 to June 30 last cover 20,259,389.09 acres, and patents have issued to the State for 16,060,418.39 acres (including 56,306.50 acres patented under the indemnity acts before referred to.) It is well known to this office that a very large amount of the land selected in this State which was confirmed by the act of 1857 is not swamp or overflowed land within the meaning of the grant of 1850.

Many letters have reached this office from said State, in which the writers assert that they have settled on dry, arable lands, and upon attempting to file claims therefor in the local office they have been informed that the same are State swamp lands. In such cases this office can of course afford no relief. Where the selection has been made since 1857 and not approved the settler can make entry of the land subject to the State's claim and under office circular of December 13, 1886, (copy inclosed) the burden of proving the swampy character is placed on the State. The total area of Florida is estimated at 37,931,520 acres, of which, as before stated, over twenty and a quarter million acres are claimed under the swamp grant. An agent of this office was recently sent to examine lands claimed by said State under the swamp grant which had been reported swamp by a former agent, amounting to over 100,000 acres. He has not made formal report of his work, but has advised me orally that not more than one-fourth can possibly be classed as swamp land.

* * * * *
Question—Mr. Akers, do you know anything of lands in the possession of actual settlers that have either been patented or selected for approval by the Secretary of the Interior?

Answer—Yes, sir.

Question—Of the character of the land?

Answer—Yes, sir.

Question—In the State of Florida?

Answer—Yes, sir.

Question—Please state what you know in regard to any lands in the occupation of actual settlers, and claimed by

them; of the character of the lands, whether Government lands, and whether they come under the swamp and overflowed land act or not?

Answer—A good many settlers called to see me whilst I was sojourning in that country, and complained to me that lands which they had settled on for a number of years back had been claimed by the Disston Company, and that they had been ordered off. They said that the lands had been passed to them by the grant to the State; that the State had sold them to the Disston Company, and the Disston Company had sold them to other companies. They said they had made settlements on the lands and were building towns on the lands, etc., and had been ordered off; that they were not swamp lands but high rolling lands; and they asked me for certificates of that fact. I had confidence in most of the men and made an examination of the lands. I told the settlers that these lands were not of the character intended to be conveyed by the act of 1850 as swamp and overflowed lands.

Question—What sort of lands were they?

Answer—They were high and dry lands.

Question—Can you furnish the committee with lists of the names of those people and the lands they occupy?

Answer—Yes, sir. By referring to my field-notes, which are in my trunk here in Washington, I could prepare a list of the names and give the township, section and range of the land.

By Senator Paddock:

Question—Will all that information appear in your forthcoming report in detail?

Answer—Yes, sir. I am instructed by the Commissioner of the General Land Office, Mr. Stockslager, to make such a report.

Question—You will put in the names of all those parties?

Answer—Yes, sir.

By Senator Call:

Question—State whether or not those people are being turned out of their homes.

Answer—Yes, sir; they are being ordered off now, but some of them have notified the company that they do not intend to vacate until compelled by the courts.

Question—What class of people are they?

Answer—Poor people; mostly men of families. They have cleared off the land and are raising vegetables and orange trees upon them.

Question—Suits have been brought against some of them?

Answer—Yes, sir; and notices served upon others to get off.

Question—Is there a general feeling of distrust in that country, preventing the settlement of it?

Answer—Yes, sir; they wanted to know what remedy they had. I told them I did not know the remedy or did not know how they could get redress.

Question—What are the facts in regard to the homestead entries of these people. Were they selected prior to or since 1857?

Answer—Since; nearly all within the last twelve years.

Question—Is the land which they occupy dry or wet land?

Answer—Dry land.

Question—Was it possible for it to come within the designation swamp and overflowed?

Answer—No, sir; it could not possibly come within that designation.

Question—Was there any water about it?

Answer—No, sir.

By Senator Paddock:

Question—Was it remote from swamps?

Answer—Yes, sir.

By Senator Call:

Question—Who were these selections made by? Do you know?

Answer—I do not know who made the selections.

Question—Who made the approval? Who were the agents approving them on behalf of the Government? Do you know that?

Answer—Yes, sir.

Question—Do you know whether they made any actual examination of surveys?

Answer—No, sir. From all the information I could get from the settlers generally in the country, commencing at ——— and down the coast of the Gulf as far as ——— and the ten thousand islands, a number of people have settled in there in the last two years, and I had, during my stay in the country, a good deal of talk with those men in regard to the lands, and they wanted to know what they would have to do to hold their land. They had been ordered off.

Question—Do you know whether there ever was any survey of these lands made by anybody?

Answer—Township lines have been run, but no section lines. I had a surveyor with me and we followed the previous survey.

Question—You mean the township lines?

Answer—Yes, sir.

Question—There were no section lines?

Answer—No, sir.

Question—Do you know whether the agent who reported these lands as swamp and overflowed ever went upon them?

Answer—So far as I could learn he never did; and people who knew and saw him down there told me he never went on the land before.

By Senator Paddock:

Question—When were these selections made?

Answer—Some ten or twelve years ago.

Question—Not earlier than that?

Answer—No, sir.

Question—When were they approved?

Answer—They have not been approved yet.

Question—None of them?

Answer—No, sir, not the lands on my list; but these other lands have been already patented some years back.

Question—These lands are lands selected since 1857?

Answer—Yes, sir; there were no selections prior to March 3, 1857.

By Senator Call:

Question—Is there any foundation for the assertion by anybody that these lands were swamp and overflowed?

Answer—No, sir; they are high pine lands. We frequently had to dig ten feet for water.

Question—What is the growth on those lands?

Answer—Timber; pine and live oak; some cypress when we would strike a slough.

Question—Your evidence as I understand it is this, that a very considerable number of settlers on these lands who have come within your personal observation are claiming the right to homestead and preempt and enter them?

Answer—Yes, sir.

Question—And that they are and always have been high and dry pine lands?

Answer—Yes, sir.

Question—And not swamp and overflowed?

Answer—No, sir.

Question—And you are prepared to furnish a list of those as to that portion of the lands which you have examined?

Answer—Yes, sir; there are eleven townships that I have to report on.

Question—You have examined eleven townships?

Answer—Yes, sir; and I have general knowledge of all the country I have passed over in reaching those lands.

Upon the above testimony and the official matter herewith respectfully submitted, the minority of the committee are more convinced than ever that the investigation should be made. The Governor, in his message, said but little that was

not already known and considered by the Senate and House when the resolution was passed. It is but fair to presume that Senators and Representatives knew the law governing the selection and patenting of such lands.

Secretary Vilas, in his letter of August 22d, 1888, submitted in this report, Investigating Committee of the United States Senate, of which the following is an extract, says:

"The total area of Florida is estimated at 37,931,520 acres, of which over twenty millions, as claimed, were the swamp grants. An agent of the office was recently sent to examine the lands claimed by the State, under the swamp grant, which had been reported as swamp by a former agent, amounting to over 100,000 acres, and reports orally to the Secretary that *not over one-fourth* can possibly be classed as swamp lands. It will also be seen by an extract of the testimony of another Government agent that many settlers in Florida were living upon high and dry lands, who have been ordered off, the lands being claimed as swamp and overflowed. This agent says that he has examined eleven (11) townships, which are claimed as overflowed; that they are high and dry, and never were overflowed."

We call attention to the following letter regarding the subject:

The President *pro tempore*. The Senator from Florida asks the unanimous consent of the Senate to print in the Record certain letters to which he has referred. Is there objection? The Chair hears none, and that leave will be granted.

The letters are as follows:

ORLANDO, ORANGE COUNTY, Fla., November 16, 1885.

SIR: Some time last June I wrote your Department relative to applications pending to have certain United States lands selected under Congressional act of 1850 (swamp and overflowed) as State lands in townships as follows: 22 south, of ranges 30 and 31 east, comprising nearly 13,000 acres of land; also township 21 south, of ranges 30, 31, 32 and 33 east. I then inquired what measures were pending to ascertain how much of these lands could be properly classified as swamp and overflowed, informing your Department that some of them, from personal knowledge (perhaps one-quarter to one-third at least), were high, dry lands, and nearly one-half in township 22 south, of ranges 30 and 31 east, saying that I did not wish to contest the right to have them selected as State lands. I assumed then, as I assume now, that your Department will have competent and trustworthy agents to report upon them before they are approved as State selections. What I desire to know specially is the condition of the pending applications. How

soon will they probably be disposed of? And if any remain United States lands I desire to make selections therefrom. Some, if not all, of these applications were filed about last March; and my first correspondence with your Department, as I now recall it, was some time in June last. I have made several ineffectual requests through the department at Gainesville for full information, and especially to know by name the person or persons who filed the applications, whether as individuals, corporations, or State officials.

I understood that some of these lands are ready to be approved as State selections as soon as parties can be secured to purchase them from the State. Can it be possible that these lands are thus withdrawn and withheld from entry from the time of the filing of these applications to this date in the interest of speculators?

If your Department will promptly answer this letter, by advancing the correspondence to the head of the list, I may be able to give further and more specific information, should your Department deem it advisable to be further informed.

I now aver, as I did in June last, that these lands as one body should not be passed to the State and the opportunity taken away from those who desire to homestead them under the national laws before searching inquiry be had by your Department; and if any have already been approved as State selections an abrogating order should promptly issue, pending further inquiry.

Awaiting your early reply, I am, yours very respectfully,
A. B. LONGAKER.

HON. SECRETARY OF INTERIOR.

ORLANDO, November 23, 1885.

MY DEAR SIR: I regret that I did not meet you during your late stay in and visit at Orlando. I have lately been visiting and prospecting the lands in Polk, Manatee, Monroe, Hillsborough, Dade, Brevard, and have been thoroughly acquainted in Orange county, and quite familiar, heretofore, with the whole southern region of the counties south of this, and I can safely say there are several hundred thousand acres of United States lands which I understood is sought to be taken and selected as State land under the allegation that it is swamp and overflowed, and I can safely say from a personal knowledge of the county generally that there are at least 100,000 acres that in no sense can be claimed to be swamp and overflowed; and I understand that the United States land in Manatee and Monroe has been applied for as State land. This region I have

traveled over during the last six months, and find much of it high and dry, and which ought not to be permitted to be selected as State lands.

I therefore ask you to interest yourself to prevent these lands from getting away from homesteaders, who ought to be secured the exclusive right to homestead them; at all events, they should not be taken from the United States Government to get into railroad corporations and other monopolies.

Very truly yours,

A. G. ROBERTS.

HON. W. CALL.

DADE CITY, Fla., July 7, 1885.

Senator Call.

DEAR SIR—About February, 1882, I wrote a letter to A. T. Williams, railroad land commissioner of what was known as the "Eulee" railroad lands, making application for the east one-half of northeast one-fourth of section 15, T. 25 S., R. 21 E., and I received a circular stating that their lands lying in six miles of railroad line, which was mapped on the Washington line, would be sold to actual settlers at \$2.50 per acre, and rather than six miles at \$1.25 per acre. From this consideration I made improvement and settlement in March following; and have resided on it continuously ever since. Now my land is appraised at \$10 per acre and reserved as they, the railroad company, say for railroad purposes. I am a poor man with a large family, and am not able to pay so much, and would not have settled had I known I would have had to pay so much. I am not able to pay so much, and will have to leave my place if I can not get it for less. I write to you for your advice and see if you cannot induce the company to let me have it at Government price.

The way the railroad company have treated the people they are now, except the land speculators, who bought their lands much less than the actual settlers who have bought, are praying for Congress to declare the lands forfeited and subject them to homestead entry. But few settlers have paid up for their lands, and many have not paid any, because they are not able, and the speculator will get them if there is no redress.

Respectfully,

J. J. ROGERS.

P. S.—Please to write me as soon as possible.

SUMTER COUNTY, FLORIDA, October 19, 1885.

DEAR SIR: I respectfully lay before your honor my complaint concerning my land. I cannot get any satisfaction about it from Gainesville. I have been living on it ever since 1883.

My father owned it in the date of 1880. I lived with him and helped him cultivate and improve it until I married, and in the date of 1883 I bought it and built on it, and sent my proof of this by two others, besides my own oath. I sent my money, \$18, with my affidavit and application for the east half of the northwest quarter of section 11, and the east half of the southwest quarter of section 2, township 21 south of range 24 east, and they rejected it; and then I sent \$50 to enter the northeast quarter of the northwest quarter of section 11, township 21 south of range 24 east, and it was refused, and their excuse was that it was railroad reserved land. And now Mr. King claims that he has bought it from the railroad company, and I want you to instruct me how to manage to homestead or enter, or whether I can get it or not. If I can get it please instruct me; and if you want to see their letters all you have got to do is to let me know and I will send them to you at once. I can prove all of this if you want me to. Please send me full instructions how to do and what to do and all about it. I am entitled to a homestead and I want it. Where I am living my improvement is here. I am the only man that ever has lived on this land. I want you to do all that you can towards it, for I am a mighty poor man, and I don't want to lose it and have it took away by speculators. I have got about six acres of hummock land cleared and under a good fence, and a dwelling-house and corn-crib. If you can get it, all right; I will be more than glad.

Please let me hear from you soon. Direct to Exeter, Sumter county, Florida. Please let me hear from you at once.

Yours respectfully,
 JOHN REVELS.
 HON. WILKINSON CALL, Washington, D. C.

The next is from the Gainesville Land Office, March 23, 1885

DEAR SIR: In reply to yours of 15th instant, I would state that Alexander Johnson's homestead, No. 14116, conflicts with State selections. Should Mr. Johnson relinquish his homestead it could not be entered by any one while it conflicts with State selections.

Respectfully,
 L. A. BAENES,
 S. A. GILMORE, Esq., Register.
 Cedar Key.

As has been said before, the witnesses that have been examined, and the statement of Mr. Henderson before the committee, in which he says that "of the lands selected before his term of office he knows nothing," and that "such selections amount to about 400,000 acres," and the official extracts herewith submitted, instead of changing the conclusions already

arrived at, but strengthens them. Witnesses state that large bodies selected are such as should not be patented, but should belong to the people.

There is, then, no escape from the conclusion that if the lands selected are patented without investigation, the people will be deprived of what they are entitled to, and the railroads will receive what they are not entitled to.

We consider, therefore, that there is but one conclusion to arrive at, viz: That in order that justice may be done, the Governor's veto should not be sustained. The State of Florida is called upon to protect the rights of settlers against injustice and oppression. To say that the United States Government will protect them is no excuse for the State to say it will not protect them. The National Government can only protect them when aided by the State. It is the duty of the State, in every possible way, to bring to the attention of the United States Government the rights of citizens of the United States living within the State. If the State stands still and allows injury to be inflicted upon its people, they can look with but little hope for aid from elsewhere. Twenty million two hundred and fifty thousand acres of the State of Florida, out of a total of 37,931,520 acres, are claimed as swamp, leaving only 17,981,520 acres of dry land. This we believe to be an absurdity. Yet this must stand as a fact, and hundreds of people be deprived of their homes, unless the investigation is made.

Very respectfully,

J. D. PIRRONG,
 W. R. COULTER.

Which were read,
 And 500 copies of the reports were ordered to be printed in pamphlet form.

Mr. Tuten moved that the majority and minority reports of the Committee on Public Lands be embodied in the same pamphlet;

Which was agreed to,
 And the order was made.

The following message from the House of Representatives was read:

HOUSE OF REPRESENTATIVES, }
 TALLAHASSEE, Fla., May 29, 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—

House Bill No. 247 :

A bill to be entitled an act to authorize the Board of Directors of the Jacksonville and Atlantic Railroad Company to exercise police and sanitary jurisdiction at Pablo Beach, and to formulate and enforce reasonable rules and regulations concerning the same ;

Also,

House Bill No. 263 :

A bill to be entitled an act to prescribe the bonds to be given by certain county officers in Holmes county ;

Also,

House Bill No. 285 :

A bill to be entitled an act to amend section 3, chapter 79, McClellan's Digest, Laws of Florida, the same being section 19, sub-chapter 8, chapter 1637, act of 1868, approved August—, 1868 ;

Also,

House Bill No. 329 :

A bill to be entitled an act declaring Anclote river navigable,

And asks the Senate to agree thereto.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

House Bill No. 247 :

A bill to be entitled an act to authorize the Board of Directors of the Jacksonville and Atlantic Railroad Company to exercise police and sanitary jurisdiction at Pablo Beach, and to formulate and enforce reasonable rules and regulations concerning the same,

Was read the first time by its title.

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

And House Bill No. 247 was read the second time by its title.

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

House Bill No. 247 was read the third time and put upon its passage.

Upon the passage of House Bill No. 247,

The vote was :

Yeas—Messrs. Bailey of 22d District, Bailey of 16th District, Bielby, Brett, Bryant, Coulter, Crosby, Dismukes, Hardee,

Kirk, Parkhill, Pirrong, Randel, Rogers, Rosborough, Schumacher, Smith, Swearingen, Tuten and Wilkinson—20.

Nays—None.

So House Bill No. 247 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.

Mr. Parkhil moved that when the Senate adjourns this afternoon, it adjourn to meet at 8 o'clock P. M. ;

Which was agreed to.

House Bill No. 329 :

A bill to be entitled an act to declare Anclote river navigable,

Was read the first time by its title.

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

And House Bill No. 329 was read the second time by its title.

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

And House Bill No. 329 was read the third time and put upon its passage.

Upon the passage of House Bill No. 329,

The vote was :

Yeas—Messrs. Bailey of 22d District, Bailey 16th District, Bielby, Brett, Bryant, Coulter, Crosby, Dismukes, Kirk, Parkhill, Pirrong, Randell, Rogers, Rosborough, Smith, Swearingen, Tuten and Wilkinson—18.

Nays—None.

So House Bill No. 329 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.

House Bill No. 263 :

An act to prescribe the bonds to be given by certain county officers in Holmes county,

Was read the first time by its title.

On motion of Mr. Brett, the rules were waived by a two-thirds vote and House Bill No. 263 was read the second time by its title.

On motion of Mr. Brett the rules were further waived by a two-thirds vote and House Bill No. 263 was read the third time and put upon its passage.

Upon the passage of House Bill No. 263,

The vote was :

Yeas—Messrs. Bailey of 22d District, Bailey of 16th District, Brett, Bryant, Coulter, Crosby, Houstoun, Parkhill,

Pirrong, Randell, Rogers, Rosborough, Smith, Swearingen and Wilkinson—15.

Nays—Messrs. Bielby, Dismukes and Kirk—3.

So House Bill No. 263 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.

Substitute for House Bill No. 285 :

A bill to be entitled an act to amend section 3, chapter 79, McClellan's Digest, the same being section 17, sub-chapter 8, chapter 1637, Laws of Florida, approved August 18th, 1868,

Was read the first time, and referred to the Committee on Judiciary.

Also the following message from the House of Representatives was read :

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, Fla., May 29, 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 Memorial No. 21 :

To Congress asking for an appropriation and authorizing the placing of a beacon buoy upon the Choctawhatchie bar, at the entrance to the Choctawhatchie Bay at a point known as "The Head of the Narrows,"

And request the Senate to agree thereto.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

Also the following :

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, Fla., May 29, 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. 253 :

A bill to be entitled an act to incorporate the Ocklawaha Canal Co.;

Also,

A bill to be entitled an act to amend section one, chapter 156, Laws of Florida, approved 1847, as amended by chapter 370, Laws of Florida, approved 1851, the same now being section 7, chapter 46, McClellan's Digest, Laws of Florida, relating to County Commissioners;

Also,

House Memorial No. 22 :

To Congress asking that range lights be placed at the bulkhead in Apalachicola Bay,

And respectfully ask Senate to agree thereto ;

Also that the House has concurred in Senate amendments to House Substitute for House Bill 335.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

House Memorial No. 21 :

Asking for an appropriation and authorizing the placing of a beacon buoy upon the Choctawhatchie Bar at the entrance to the Choctawhatchie Bay at a point known as "the Head of the Narrows,"

Was read the first time by its title.

On motion of Mr. Tuten the rules were waived by a two-thirds vote, and House Memorial No. 21 was read the second time.

On motion of Mr. Bielby the rules were waived by a two-thirds vote and House Memorial No. 21 was read the third time and put upon its passage.

Upon the passage of House Memorial No 21,

The vote was :

Yeas—Messrs. Bailey of 22d District, Bailey of 16th District, Bielby, Brett, Bryant, Coulter, Crosby, Dismukes, Hardee, Houstoun, Kirk, Pirrong, Randell, Rogers, Rosborough, Smith, Swearingen, Tuten, Wilkinson and Yancey—20.

Nays—None.

So House Memorial No. 21 passed, title as stated.

House Memorial No. 22 :

To Congress, asking that range lights be placed at the bulkhead in Apalachicola Bay,

Was read the first time by its title under a suspension of the rules by a two-third vote,

And House Memorial No. 22 was read the second time.

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

House Memorial No. 22,

Was read the third time and put upon its passage.

Upon the passage of House Memorial No. 22,

The vote was:

Yeas—Messrs. Bailey of 22d District, Bailey 16th District, Bielby, Brett, Bryant, Coulter, Crosby, Dismukes, Hardee, Pirrong, Randell, Rogers, Schumacher, Smith, Swearingen, Tuten, Wilkinson and Yancey—18.

Nays—None.

So House Memorial No. 22 passed, title as stated.

Mr. Swearingen moved that the Senate go into Executive Session;

Which was agreed to,

And the Senate went into Executive Session.

The doors were closed.

The doors were opened.

Mr. Crosby moved that the Senate take a recess until 8 o'clock to-night;

Which was agreed to.

So the Senate took a recess.

EIGHT 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 of 22d District, Bailey of 16th District, Bielby, Brett, Bryant, Coulter, Crosby, Dunn, Hammond, Hendry, Jenkins, Kirk, King, Pirrong, Randell, Rogers, Rosborough, Schumacher, Smith, Swearingen and Yancey—22.

A quorum present.

Mr. Bielby gave notice that at 5 P. M. to-morrow he would move to reconsider the vote by which Senate Bill No. 159 was lost.

The President announced that he was about to sign the following bills:

An act for the prevention of cruelty to animals;

Also,

An act to incorporate the Fernandina Street Railway Company;

Also,

An act to legalize the incorporation of the town of Orange

City in the county of Volusia, and to declare the incorporation valid and of full force and effect;

Also,

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;

Also,

An act to define the legal time in the State of Florida;

Also,

An act to amend section 1 of chapter 1987 of the Laws of Florida, being an act entitled an act to provide a general law for the incorporation of railroads and canals;

Also,

An act to regulate the practice of pharmacy in cities and towns of more than 200 inhabitants, and the sale of poisons in the State of Florida, and to affix penalties;

Also,

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;

Also,

An act to legalize the incorporation of the town of Seville, in the County of Volusia, and to declare legal and binding the acts of its officers;

Also,

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

Also,

An act to amend section 8 of an act to create and establish the county of Lake from portions of Sumter and Orange counties;

Also,

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

Also,

An act to change and permanently establish the boundary line between Suwannee and Columbia counties;

Also,

An act to enlarge and extend the powers, rights and franchises of the Florida Ocean and Gulf Canal Company, and to enact that the canal and property of same company shall be exempt from taxation;

Also,

An act making an appropriation for the Florida Normal School and Business Institute;

Also,

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

Also,

Memorial to Congress of the United States of America, asking for the establishment of Fish Hatcheries on the coast of Florida ;

Also,

An act to incorporate the Southern Savings and Trust Company ;

Also,

An act 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, under circumstances therein stated and to provide provisional governments for the same, approved January 28th, 1885, approved June 7th, 1887 ;

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

Mr. Bielby was called to the Chair.

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

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 29, 1889. }

HON. J. B. WALL,

President of the Senate :

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

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, and to further provide for the proper enforcement of said Article XIX,

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

Very respectfully,

JOHN WILKINSON,
Chairman Committee.

Which was read.

Mr. Latham, chairman of joint committee on Enrolled Bills, made the following report :

SENATE CHAMBER,
TALLAHASSEE, Fla., May 29, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Joint Committee on Enrolled Bills have examined—

An act for the prevention of cruelty to animals.

Also,

An act to incorporate the Fernandina Street Suburban Railroad Company.

Also,

An act to legalize the incorporation of the town of Orange City, in the county of Volusia, and to declare the incorporation of the town of Orange City valid and of full force and effect.

Also,

An act making an appropriation for the Florida Normal School and Business Institute.

Also,

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

Also,

Memorial to Congress of the United States of America, asking for the establishment of fish hatcheries on the coasts of Florida.

Also,

An act to incorporate the Southern Savings and Trust Company.

Also,

An act to enlarge and extend the powers, rights and franchises of the Florida, Ocean and Gulf Canal Company, and to enact that the canal and property of same company shall be exempt from taxation.

Also,

An act to amend section 8 of an act to create and establish the county of Lake from portions of Sumter and Orange counties ;

Also,

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

Also,

An act to change and permanently establish the boundary line between Suwannee and Columbia counties ;

Also,

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

Also,

An act to legalize the incorporation of the town of Seville in the county of Volusia and to declare legal and binding the acts of its officers;

Also,

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;

Also,

An act to define the legal time in the State of Florida;

Also,

An act to amend section 1 of chapter 1987 of the Laws of Florida, being an act entitled an act to provide a general law for the incorporation of railroads and canals;

Also,

An act to regulate the practice of pharmacy in cities and towns of more than two hundred inhabitants, and the sale of poisons in the State of Florida, and to affix penalties;

Also,

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,

And beg leave to report them correctly enrolled.

Very respectfully,

J. F. LATHAM,

Chairman Joint Committee on Enrolled Bills.

Which was read.

A message was received from the House of Representatives which was read as follows:

HOUSE OF REPRESENTATIVES, }
TALLAHASSEE, Fla., May 29, 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 requested the return to the House of—

Senate Bill No. 206,

As the House has reconsidered its action in indefinitely postponing said bill.

Very respectfully,

B. R. MILAM.

Chief Clerk of the House of Representatives.

House Bill No. 289:

A bill to be entitled an act to amend section 1, chapter 156, Laws of Florida, approved 1847, as amended by chapter 46, McClellan's Digest, Laws of Florida, relating to County Commissioners,

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

House Bill No. 255:

An act relating to convicts employed at labor by County Commissioners,

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

On motion of Mr. Tuten, House Bill No. 206 was ordered to be returned to the House of Representatives.

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

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 29, 1889. }

HON. J. B. WALL,

President of the Senate:

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

House Bill No. 186:

A bill to be entitled an act to prohibit transportation companies from carrying freight on Sunday, or otherwise breaking the quiet and rest of that day,

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

Very respectfully,

P. HOUSTOUN,
Chairman Committee.

Also the following:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 29, 1889. }

HON. J. B. WALL,

President of the Senate:

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

House Bill No. 213:

Entitled an act to prevent transportation companies within this State from diverting freights from the line of other transportation companies over which they may be or have been consigned,

Beg leave to report that they have had the same under consideration, and recommend that it do not pass.

Very respectfully,

P. HOUSTON,
Chairman Committee.

Which was read.

Also the following:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 29, 1889. }

HON. J. B. WALL,

President of the Senate:

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

House Bill No. 243:

Entitled an act to extend and enlarge the powers and duties of the Railroad Commissioners of the State of Florida,

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

Very respectfully,

P. HOUSTON,
Chairman Committee.

Which was read.

The following message from the House of Representatives was read:

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, Fla., May 29, 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. 184:

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

Also,

Senate Bill No. 113:

To be entitled an act declaring the stream known as "Collins' Slough," in the State of Florida, navigable.

Also,

Senate Memorial No. 158:

Memorial to Congress asking for an appropriation to make navigable the water-way from the Apalachicola river four miles below Iola, Florida, through Lee's Slough, to the Chipola river, known as the "Cut off," and the Chipola river from Lee's Slough to the Apalachicola river.

Also,

Senate Bill No. 132:

To be entitled an act to enlarge and extend the franchises of the St. Cloud Sugar Belt Railway Company;

Also,

House Bill No. 255:

A bill to be entitled an act in relation to convicts employed at labor by county commissioners;

Also,

House Bill No. 204:

A bill to be entitled an act to amend section 8 of an act entitled an act to repeal an act entitled an act to amend 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, the same being chapter 3165 of the Laws of Florida.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

Which was read.

On motion of Mr. Coulter,

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,

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

And put upon its passage.

Upon the passage of—

Senate Bill No. 103,

The vote was :

Yeas—Messrs. Bailey of 22d District, Bailey of 16th District, Brett, Bryant, Coulter, Crosby, Dismukes, Dunn, Hammond, Hardee, Houstoun, Kirk, Pirrong, Randell, Rogers, Rosborough, Smith, Swearingen, Tuten and Yancey—20.

Nays—Mr. Bielby—1.

So Senate Bill No. 211 passed, title as stated, and under a suspension of the rules by a two-thirds vote was certified to the House of Representatives at once.

House Bill No. 253 :

Entitled an act to incorporate the Ocklawaha Canal Company,

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

House Bill No. 204 :

A bill entitled an act to amend section 8 of an act entitled an act to repeal an act entitled an act to amend an act entitled an act to provide for the creation of corporations, and to prescribe their general powers and liabilities, and to re-enact and amend the sections repealed by said act, the same being chapter 3165 of the Laws of Florida ;

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

On motion of Mr. Schumacher—

House Bill No. 212 :

A bill for the relief of Crawford Bass and George M. Ferrell,

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

On motion of Mr. Tuten the rules were waived by a two-thirds vote, and House Bill No. 212 was read the third time and put upon its passage.

Upon the passage of House Bill No. 212,

The vote was :

Yeas—Messrs. Bailey of 22d District, Bailey of 16th District, Bielby, Brett, Bryant, Dismukes, Dunn, Hammond, Hardee, Houstoun, Jenkins, Kirk, Pirrong, Randell, Rogers, Rosborough, Schumacher, Smith, Swearingen, Tuten and Yancey—21.

Nays—None.

So House Bill No. 212 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. 199 :

An act to punish false imprisonment,

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

On motion of Mr. Yancey, the rules were waived by a two-thirds vote, and Senate Bill No. 199 was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 199,

The vote was :

Yeas—Messrs. Bailey of 22d District, Bielby, Brett, Bryant, Coulter, Dismukes, Dunn, Hammond, Houstoun, Jenkins, Parkhill, Pirrong, Randell, Rogers, Rosborough, Schumacher, Smith, Tuten and Yancey—19.

Nays—Messrs. Bailey of 16th District, Crosby and Swearingen—3.

So Senate Bill No. 199 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.

Mr. Dunn moved that the vote by which House Concurrent Resolution, relating to adjournment of the Legislature, was adopted to be reconsidered ;

Which was agreed to,

And the bill was reconsidered.

On motion of Mr. Hardee,

House Bill No. 262 :

To be entitled an act to authorize John W. Dowling & Company to construct a boom across the Suwannee river,

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

Mr. Dismukes moved to indefinitely postpone the further consideration of House Bill No. 262.

Mr. Houstoun moved to lay the motion on the table ;

Which was not agreed to.

So the motion to table was lost.

The question recurred on the motion to indefinitely postpone ;

Which was not agreed to.

So the motion was lost.

Mr. Yancey offered the following amendment :

To be inserted after the word " years," in line 18, first page, " or until repealed by the Legislature ;"

Which was read.

Mr. Tuten moved to lay the amendment on the table;
Which was not agreed to.

So the motion to table was lost.

Pending the consideration of the amendment—

A message was received from the House of Representatives

Mr. Yancey's amendment was adopted.

Mr. Randell offered the following amendment:

After the word "rafts," insert "logs, and provided should any logs be caught or stopped in said boom they shall be let out free of costs to the owner or owners thereof;"

Which was read and adopted, and the amendment were ordered to be engrossed for its third reading.

On motion of Mr. Houston—

House Bill No. 183:

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 and trains in this State,

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

On motion of Mr. Houston, the rules were waived by a two-thirds vote, and House Bill No. 183 was read the third time and put upon its passage.

Upon the passage of House Bill No. 183,

The vote was:

Yeas—Messrs. Bailey, 22d District, Bailey 16th District, Bielby, Brett, Bryant, Coulter, Crosby, Dismukes, Dunn, Hardee, Houston, Jenkins, Kirk, Parkhill, Pirrong, Randell, Rosborough, Swearingen and Yancey—19.

Nays—Mr. Hammond—1.

So House Bill No. 183 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. Bryant—

House Bill No. 64:

A bill to be entitled an act to protect mechanics, artisans, laborers and material men, and to provide for the speedy collection of moneys due them for wages and materials furnished, and to provide for the collection of reasonable attorneys' fees in the enforcement of the liens thereunder,

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

Upon the passage of—

House Bill No. 64:

The vote was:

Yeas—Messrs. Bailey of 22d District, Bielby, Bryant, Cros-

by, Dismukes, Dunn, Hammond, Parkhill, Pirrong, Rogers, Schumacher, Smith and Yancey—13.

Nays—Messrs. Bailey of 16th District, Hardee, Kirk, Randell, Rosborough, Swearingen and Tuten—7.

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

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

A message was received from the House of Representatives.

Senate Bill No. 57:

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

Was called from the calendar under the rules,

And was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 59,

The vote was:

Yeas—Messrs. Brett, Bryant, Coulter, Crosby, Dunn, Houston, Jenkins, Kirk, Parkhill, Pirrong, Rogers, Rosborough, Swearingen and Yancey—14.

Nays—Messrs. Bailey of 22d District, Bailey, 16th District, Bielby, Dismukes, Hammond, Hardee, Randell, Schumacher, Smith and Tuten—10

So Senate Bill No. 57 passed, title as stated.

Mr. Dunn gave notice that he would move to-morrow at 3 o'clock to reconsider the vote by which Senate Bill No. 57 was passed.

A message was received from the House of Representatives.

A message was received from the House of Representatives.

A message was received from the House of Representatives.

Mr. Kirk moved that the rules be waived and that Senate Bill No. 57 be certified to the House of Representatives at once;

Which was not agreed to.

So the motion was lost.

Mr. Crosby moved that the Senate adjourn;

Which was agreed to.

The Senate stood so adjourned.