

WEDNESDAY, FEBRUARY 13th, 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, Britt, Bryant, Coulter, Crosby, Dismukes, Drake, Dunn, Hammond, Hardee, Hendry, Hind, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Rogers, Rosborough, Schumacher, Smith, Stapleton, Swearingen, Tompkins, Tuten, Wilkinson and Yancey—31.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

Mr. Bielby moved that the Secretary be requested to have Senate Resolution No. 7 returned from the House;

Which was agreed to.

Mr. Dunn moved that Mr. Wall be excused from further attendance on account of sickness;

Which was agreed to.

BILLS UPON SECOND READING.

Senate Bill No. 3:

To be entitled an act to provide for the appointment of Boards of Health in and for certain counties of the State of Florida, and to define their powers.

Mr. Parkhill moved that Senate Bill No. 3 remain upon its second reading;

Which was agreed to.

Senate Bill No. 5:

To be entitled an act to create a State Board of Health,  
Was taken up in its regular order.

Mr. Yancey moved that the Senate resolve itself into a Committee of the Whole for the consideration of

Senate Bill No. 5:

To be entitled an act to create a State Board of Health;  
Which was agreed to.

And the Senate went into Committee of the Whole.

Senator Swearingen in the Chair.

The committee arose and the Senate resumed its session.

A message was received from the House of Representatives.

Mr. Hammond moved that the Senate resolve itself again into Committee of the Whole for the consideration of

Senate Bill No. 5:

To be entitled an act to create a State Board of Health;  
Which was agreed to.

And the Senate resolved itself into Committee of the Whole.

The Committee of the Whole arose and reported progress, having considered thirteen sections of Senate Bill No. 5.

Mr. Parkhill moved that Senator Schumaker be added to Committee on Towns and Cities;

Which was agreed to.

Mr. Drake moved that 500 additional copies of Senate Bill No. 5 be printed;

Which was agreed to.

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

Which was agreed to.

So the Senate took a recess.

FOUR O'CLOCK P. M.

The Senate resumed its session.

The President in the chair.

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

Mr. President, Messrs. Bailey 22d District, Bailey 16th District, Bielby, Britt, Bryant, Coulter, Crosby, Dismukes, Drake, Dunn, Hammond, Hardee, Hendry, Hind, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Rogers, Rosborough, Schumacher, Smith, Stapleton, Swearingen, Tompkins, Tuten, Wall, Wilkinson and Yancey—32.

A quorum present.

By permission, Mr. Parkhill introduced a memorial from provisional municipality of Pensacola.

The following memorial was read:

PENSACOLA, Fla., Feb. 11th, 1889.

*To the Senate and House of Representatives, State of Florida.*

GENTLEMEN: The municipality of Pensacola, exercising its right of petition, do, through undersigned committee appointed by the municipal board of Commissioners, respectfully urge upon your honorable body not to enact any law which

will prevent the enforcement, by Escambia county, of the non-intercourse policy with infected ports during summer, which, from actual experience, is believed by a large majority of our citizens to be the only safeguard against yellow fever.

Recognizing the vast area of our State, and its diversified interests, we desire to speak for ourselves only, without intending in any manner to conflict with the interests of other sections; nor do we desire to say one word which may influence you in considering the interests of other portions of the State. We beg that you consider the peculiar location of Escambia county, in determining this question.

It is situated in the extreme western portion of the State, having no portion of Florida north of it, south of it, or west of it. What we may submit to your honorable body will not be theories, but facts gathered from experience, some of which has been bitter, and all of it reliable and not to be controverted.

That yellow fever never originates in Florida, cannot be denied.

That yellow fever follows commerce with infected sections, is indisputable.

That Pensacola's ocean going tonnage each year is greater than all the balance of Florida combined, cannot be questioned. These facts have given to our city an experience which we are unwilling to forget or to surrender to theories which our observation and common sense refute.

We cannot be misled by suggestions of safety through "acclimated persons." We have known persons born and residing in our community to have yellow fever once, and then have it again.

Our apprehensions are not quieted by talk of fumigation. We have seen a vessel sent from our quarantine station to the Government station, and there detained, cleansed and fumigated, and then returned to our local quarantine station, and while going through detention fever was developed again. If we admit, for the sake of argument, that fumigation is effective, then arises the question, "How are we to provide the means for building a plant similar to that used at New Orleans, which cost not less than \$40,000.00?" Louisiana has one sea port.

If Florida should give Pensacola such a plant, then St. Andrews, Apalachicola, Cedar Keys, Tampa, Charlotte Harbor, Key West, St. Augustine, Jacksonville and Fernandina would each

demand the same protection, involving an outlay of \$360,000.00.

Our reason is sustained by experience, when we protest against allowing vessels to come to our local quarantine to be disinfected and purified and then be sent to our city. We remember that one of the most disastrous epidemics commenced from a vessel which went to our local quarantine healthy, and was infected while there by a vessel not known to be infected at the time.

By non-intercourse we do not intend to close our magnificent harbor. On the other hand we mean to give to our people perfect security, that increased commerce may flow to us from healthy ports, when it is known to the world that we have cut off all traffic from infected sections during the summer months.

Our experience has been that whenever we temporized in the enforcement of our quarantine regulations we were devastated by an epidemic. Every time it has come its origin can be traced to neglect. It is always at our door waiting to slip in. When it enters it brings death and suffering, and destroys our commerce and inflicts distress and damage, which leave their impress for years.

Whenever non-intercourse has been enforced we have always escaped the affliction of an epidemic, and our commerce has increased each summer, until the business of the summers of 1887 and 1888 aggregated the largest ever known. But should another epidemic come it would be utterly suspended for years, if not destroyed.

In explanation of this assertion we will give briefly some facts not generally considered by persons residing off of the sea coast.

Fully eight-tenths of the merchant marine will refuse business to ports liable to infection during the summer.

The other two-tenths, regardless of the lives of the crew who work the vessels, accept this business and receive two or three prices.

After discharging their cargoes they look about for a new charter, and naturally seek the nearest ports which lie on the gulf. Having gone into infected ports for gain, they knock at our door and plead for admission, caring nothing for the danger to the ports which they enter, growing out of their infection.

We refuse these vessels, and their pleading of hardship is not warranted, as Escambia's Board of Health announces early in May each year, that these vessels will not be admitted, and knowing that they will not be, they should not come.

After a few years they will cease to come.

As soon as it is demonstrated that we will not admit these vessels, healthy vessels come in and build up our summer business.

The suggestion of lost commerce, as a result of non-intercourse, does not alarm us. Humanity demands that we should protect the lives of our people. This being conceded, the balance is a mere question of dollars and cents.

With non-intercourse yellow fever is impossible within the limits of Florida.

With intercourse with infected sections, it is a matter of management, and a menace is always over us. It is but a question of time when the insidious disease will slip in.

Who will deny that last summer's experience will cost Florida, in dollars and cents, (without considering the loss of life,) more than the commerce with infected ports will repay in a century? What is this commerce during the summer months?

What is the portion of it that cannot be handled in winter?

A mere bagatelle, not worth the life of one of Florida's citizens.

Suppose, for example, that these infected ports should send to Florida a great flood of trade during the summer, and that with it should come fever. In fact, suppose such intercourse is permitted and for a time we escape the fever, yet every healthy section of the South would be closed against us and our commerce would be profitless.

We say that the existing law is satisfactory, and we trust in your wisdom that you will leave the County Boards with existing powers.

If other counties want intercourse, let them have it, but do not deprive Escambia of its right to pursue the policy experience teaches to be the best.

We recognize the necessity under the Constitution for a State Board, but we petition your honorable body that its authority be concurrent with the County Boards.

Our law is the outcome of experience, and has stood the test of courts, and satisfies, without exception, our merchants, who are shippers, who are most heavily concerned.

It may be suggested that the County Boards may repeat the cruel quarantines of last summer. What these boards did then was under the law.

Without the law, who doubts that the same thing, under the same circumstances, would be repeated regardless of

the law under the inherent rights of self-preservation, and the deplorable sight would be witnessed of the shot gun quarantine supplanting law.

We know from experience that any intercourse with infected places, at home or abroad, would cause Alabama to shut her doors against us and suppress all communication west of us.

It is well known that Escambia county exerted every effort to open an avenue of escape from Jacksonville through its limits, in locked cars, which was prevented by the quarantines of Alabama and other States.

While our deepest sympathies went out to our fellow-citizens in the stricken city, yet it must be admitted, when the matter of county quarantines are considered, that it would not be any aid to infected sections of our State for other portions of Florida to open its doors to refugees. All being liable alike, it would only spread the disease and increase the general woe, without benefiting any one.

In conclusion, we again respectfully urge upon your honorable body, speaking for ourselves alone, that such action may be taken as will in no manner interfere with the quarantine regulations of Escambia county, as enforced under the existing law.

Respectfully,

W. D. CHIPLEY,  
J. M. HILLIARD,  
R. M. McDAVID,  
A. V. CLUBBS,  
Committee.

Mr. Swearingen moved that the messages from the House be taken up for consideration;

Which was agreed to.

The following message was read:

HOUSE OF REPRESENTATIVES, }  
TALLAHASSEE, Fla., Feb. 13, 1889. }

HON. PATRICK HOUSTON,

*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. 11:

A bill to be entitled an act to continue the rights, privileges, powers, franchises and grants of the Augusta, Tallahassee and

Gulf Railroad Company, formerly the Thomasville, Tallahassee and Gulf Railroad Company, and to extend the time for the completion of the same.

Very respectfully,

W. H. REYNOLDS,

Chief Clerk of the House of Representatives.

Also the following:

HOUSE OF REPRESENTATIVES, }  
TALLAHASSEE, Fla., Feb. 13, 1889. }

HON. PATRICK HOUSTOUN,

*President of the Senate :*

SIR: I am directed by the House of Representatives to inform the Senate that the House of Representatives has ordered the return to the Senate of Senate Resolution relative to the appointment of a committee to investigate the Florida Coast Line Transportation and Canal Company, as requested by the Senate.

Very Respectfully,

W. H. REYNOLDS,

Chief Clerk of the House of Representatives.

Senate Bill No. 11 :

To be entitled an act to continue the rights, privileges, powers, franchises and grants of the Augusta, Tallahassee and Gulf Railroad Co., formerly the Thomasville, Tallahassee and Gulf R. R., and to extend the time of completion of same,  
Was ordered to be enrolled.

Mr. Hammond moved that the Senate resolve itself into a Committee of the Whole to consider

Senate Bill No. 5 :

To be entitled an act to create and establish a State Board of Health ;

Which was agreed to.

So the Senate went into a Committee of the Whole to consider Senate bill No. 5.

The committee arose and reported progress.

A message was received from the Governor.

Mr. Parkhill moved that the Senate again resolve itself into a Committee of the Whole to consider Senate Bill No. 5 ;

Which was agreed to.

So the Senate went into a Committee of the Whole.

Mr. Swearingen in the chair.

The Committee of the Whole arose and made the following report to the President :

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

HON. PATRICK HOUSTOUN,

*President of the Senate :*

SIR: Your Committee of the Whole have had Senate substitute Bill No. 5 under consideration, and respectfully recommend that it do pass with the following amendments :

In line 7, section 13, strike out all after the word "published" to word "and" in line 9, and insert in lieu thereof "in each and every county in this State where there is a newspaper published."

Section 14, line 5, strike out monied.

In line 2, section 16, strike out "by the Treasurer" and "order of," and add after "upon" the words "his requisition approved by."

In line 1, section 17, strike out "appointed" and insert "designated and employed."

In line 1, section 18, amend so as to read after the word "shall" "take before some person competent to administer oaths, an oath to faithfully perform the duties of his office and"

In section 19 strike out all down to "all" in line 3, and "such" between the word "all" and "expenditures," and insert after "expenditures" the words "of the Board of Health."

Add after word "practice," in line 4, section 4, the words "such telegram to be paid for out of the funds to be provided for the expenses of said Board of Health."

Insert between the words "provided" and "shall," in line 4, section 6 of printed bill, the words "or any telegraph operator who shall reveal the contents of any such telegram."

In line 10, section 11 printed bill, add "officers" after the word "passengers."

In line 15, section 11 printed bill, strike out "direct" after the word "hailing."

In line 14, section 11 printed bill, strike out "as."

In line 5, section 12 of printed bill, after the word "year" add "and oftener if deemed necessary by the Board."

Very respectfully,

T. F. SWEARINGEN,  
Chairman Committee of the Whole.

Mr. Hind moved that the rules be waived and Senate Bill No. 5 be read by its title the second time ;

Which was agreed to.

So Senate Bill No. 5 :

To be entitled an act to create and establish a State Board of Health,

Was read second time.

Mr. Hammond moved that Senate Bill No. 5 be engrossed and passed to its third reading ;

Which was agreed to.

Senate Bill No. 5 was read the second time by title.

Mr. Schumacher moved to reconsider the vote by which

Senate Bill No. 5 :

To be entitled an act to create and establish a State Board of Health,

Was read second time and ordered to be engrossed ;

Which was agreed to and the vote reconsidered.

Mr. Hardee moved that Senate Resolution No. 7 be spread on to-day's Journal ;

Which was agreed to.

Senate Resolution No. 7 :

WHEREAS, About 98,000 acres of land has already been conveyed by the Trustees of the Internal Improvement Fund to the Florida Coast Line Canal and Transportation Company, and over one million acres of land has been withdrawn from sale by said Trustees for said company ;

And Whereas, It is the opinion of many people, who are competent judges in such matters, that no benefit has accrued to the said Internal Improvement Fund or the State of Florida ;

And Whereas, The route of said canal, so far as transportation and navigation are concerned, has been more injured than improved by the work done on said route ;

And Whereas, Great injury has been done to the improvement and development of the country adjacent to the route of said canal by the withholding of said land from purchase by actual settlers ; therefore, be it

*Resolved*, That a committee of three be appointed, whose duty it shall be to ascertain the amount of land conveyed and the amount of land held in reserve for the Florida Coast Line Canal and Transportation Company, and to make a thorough

investigation of the work done on said course, and whether such work has improved navigation or injured the natural channels of the rivers, bays and lagoons through which the work claims to have been done, and that said committee report in full its findings under this resolution to the Senate as soon as practicable after the convening of the Legislature in April next.

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

Which was agreed to.

The Senate stood so adjourned.

—o

THURSDAY, FEBRUARY 14TH, 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, Britt, Bryant, Coulter, Crosby, Dismukes, Drake, Dunn, Hammond, Hardee, Hendry, Hind, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Rogers, Rosborough, Schumacher, Smith, Stapleton, Swearingen, Tompkins, Tuten, Wall, Wilkinson and Yancey—32.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

A message was received from the House of Representatives.

The following message from the House of Representatives was read :

HOUSE OF REPRESENTATIVES, }  
TALLAHASSEE, Fla, Feb. 14, 1889. }

HON. PATRICK HOUSTON,

*President of the Senate.*

SIR : I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by a two-thirds majority vote of all the members elected to the House of Representatives :

House Bill No. 7 :