

JOURNAL OF THE SENATE.

TUESDAY, FEBRUARY 5TH, 1889.

In pursuance of the proclamation of Francis P. Fleming, Governor of the State of Florida, the Senate met, in extra session, at 12 o'clock M., and was called to order by the former Secretary of the Senate, Charles A. Finley, who, after reading the proclamation of the Governor, proceeded to call the roll of Senators from the certified copy, furnished by the Secretary of State, and the following Senators answered to their names :

Messrs. Bailey of 16th District, Bielby, Bryant, Coulter, Dismukes, Drake, Dunn, Hammond, Hind, Jenkins, Kirk, King, Parkhill, Pierrong, Randell, Rogers, Roseborough, Schumacher, Smith, Stapleton, Swearingen, Tompkins, Tuten, Wall, Wilkinson and Yancey—26.

A quorum present.

Chief Justice Raney then appeared on the Senate floor and administered the oath of office to the Senators-elect.

The Secretary announced that the Senate was now ready to proceed to organization.

Mr. Wall, in an eloquent address, placed in nomination Patrick Hustoun, of Leon county, for President of the Senate.

The nomination was seconded by Messrs. Bielby and Parkhill.

On motion of Mr. Bielby, the election was made unanimous by acclamation, and the Secretary so announced, and appointed Messrs. Wall, Bielby and Parkhill as a committee of three to wait upon the President-elect and conduct him to the chair.

Mr. Hustoun took the stand, and in a few chosen remarks, accepted the honor conferred, and declared the Senate ready for business.

The election of Secretary being first in order,

Mr. Hammond nominated C. A. Finley.

On motion of Hr. Hind, the election was made unanimous.
Mr Hammond nominated Mr. J. P. Cobb for Assistant Secretary.

On motion of Mr. Wall his election was made unanimous.

Mr. Britt was then sworn in as Senator from the Third District.

Mr Wall moved that the election of the other attaches of Senate be made unanimous ;

Which was agreed to.

Mr. Hammond then nominated the following officers of the Senate :

J. B. Whitfield, Engrossing Secretary.

G. A. Baltzell, Recording Secretary.

L. E. Robinson, Enrolling Secretary.

J. J. Thompson, Sergeant-at-Arms.

Tom Costa, Messenger.

F. E. Richardson, Doorkeeper.

Willie Coulter and Archie Lovelace, Pages.

Eugene Hawkins, Janitor.

Rev. Mr. Woodbury, Chaplain ;

Which were elected by acclamation, and so declared by the President.

On motion of Mr. Yancey, Mr. Woodbury, the Chaplain elect, was invited to open the present deliberations with prayer.

Mr. Hind moved that a committee of three be appointed from the Senate to inform the Governor that the Senate had organized and was now ready to proceed to business ;

Which was agreed to.

Mr. Rogers moved a similar committee to wait upon the House and inform the House that the Senate had organized and was ready for business ;

Which was agreed to.

On motion of Mr. Hammond, the attaches of the Senate were then sworn in by Chief Justice Raney.

Mr. Bielby moved that the rules of the Senate of the session of 1887, be declared in force for the present for the government of this body, and that 100 copies of same be printed ;

Which was agreed to.

The President appointed Messrs. Hind, Kirk and Parkhill to wait upon the Governor, and Messrs. Rogers, Stapleton and Swearingen a committee to wait upon the House to notify them of the readiness of the Senate to proceed to business.

On motion of Mr. Dismukes, the Senate took a recess until 3 o'clock P. M.

THREE O'CLOCK P. M.

The Senate resumed its session.

The President in the chair.

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

Mr. President, Bailey of 16th District, Bielby, Britt, Bryant, Coulter, Crosby, Dismukes, Hendry, Hind, Kirk, King, Parkhill, Pierrong, Rogers, Rosebrough, Schumacher, Smith, Stapleton, Swearingen, Tompkins, Tuten, Wall, Wilkinson and Yancey—22.

A quorum present.

Mr. Hind, chairman of the committee appointed to wait on the Governor, reported that the committee had discharged the duty assigned them and asked to be discharged.

So ordered.

Mr. Rogers, chairman of the committee to wait on the House, reported that the committee had discharged the duty assigned them and asked to be discharged.

So ordered.

A Message from the Governor was received.

A committee from the House reported to the Senate that the House had organized and was ready for business.

The following Message from the Governor was then read :

GOVERNOR'S MESSAGE.

—o—
EXECUTIVE OFFICE,
TALLAHASSEE, FLA., February 5th, 1889. }

*Gentlemen of the Senate and House of Representatives of the
State of Florida :*

It appeared to the framers of the Constitution that the public interests would be best subserved by regular biennial sessions of the Legislature, which they provided should be held "commencing on the first Tuesday after the first Monday in April, A. D. 1887, and on the corresponding day every second year thereafter." Realizing, however, that extraordinary occasions might arise when the best interests of the State would require the convening of the Legislature in extra session, such emergency was provided for in the following language, Article IV, Section 8: "The Governor may, on extraordinary occasions, convene the Legislature by proclamation, and shall, in his proclamation, state the purpose for which it is to be convened, and the Legislature when organized shall transact no legislative business other than that for which it is especially convened, or such other legislative business as the Governor may call to its attention while in session, except by a two-thirds vote of each House."

The authority thus vested in the Governor should not be exercised except in case of urgent necessity, or, in the language of the Constitution, "on extraordinary occasions," when the public interests would seem to demand the labors of the legislative department of the government in the interregnum between the regular sessions.

Article XV of the Constitution, under the caption of "Pub-

lic Health," provides as follows: "Section 1. The Legislature shall establish a State Board of Health, and also County Boards of Health in all counties where it may be necessary.

"Sec. 2. The State Board of Health shall have supervision of all matters relating to public health, with such duties, powers and responsibilities as may be prescribed by law.

"Sec. 3. The County Boards of Health shall have such powers and be under the supervision of the State Board of Health to such extent as the Legislature may prescribe."

The wisdom of the framers of the Constitution, which contains this article, was sustained by a large majority of the popular vote; and the Constitution thus ratified at the general election of A. D. 1886, became the fundamental law of the State. The establishment of a State Board of Health is, therefore, no longer a debatable question of policy, but a requirement of the Constitution, which, up to this time, has not been complied with.

In May, of 1887, yellow fever was brought to our State from Havana, making its appearance in Key West, where it soon became epidemic. Later in the season, about the time that it was happily suppressed in Key West, it was brought to Tampa, becoming epidemic in October, and soon after made its appearance in Manatee and Plant City. The mildness of the winter of 1887-8 disappointed the hope and expectation that the cold season would eradicate the disease from the limits of the State, and during last spring it became apparent that it still lingered in Plant City, cropping out also during the summer in Tampa and Manatee. About the first of August of the past year a case of yellow fever was discovered in Jacksonville, and on the eighth of that month the Duval County Board of Health announced several other cases, and expressed the fear that the fever would become epidemic. Their fears were unfortunately realized, and by the latter part of that month the fever prevailed in almost every part of the city, continuing through the fall months, and until the early part of December, on the 15th of which month, several frosts having intervened, the County Board of Health considered it safe, and permitted refugees to return to the city.

Soon after the outbreak of the fever in Jacksonville it became epidemic in MacClenny, and some six weeks later in Sanderson. It also prevailed during the fall in Fernandina, Gainesville and Enterprise. In Live Oak, late in the fall, there were five cases and one death; and in Green Cove Springs, fifteen cases, but no deaths.

It will thus be seen that during the summer and fall, of the past year, the yellow fever prevailed as an epidemic in the most populous city of the State, and in a number of smaller places in East and South Florida; though vast areas, including many cities and villages in those sections of the State were absolutely free from the disease, and enjoyed the blessing of perfect healthfulness.

The failure of the Legislature to comply with the mandate of the Constitution, Article XV, above quoted, left us without any general State organization for the preservation of the public health, with powers and authority sufficient to grapple with the silent and insidious foe which had fastened upon the vitals of various portions of the State. And the only means of protection on which our people could rely in this emergency, so far as the State authority extended, were the County Boards of Health, whose jurisdiction was limited by the boundaries of their respective counties.

The object of the County Board was to protect the people of its own county, and to this end it established quarantine rules and regulations without the power to enforce them beyond their county precincts. The county line was, therefore, usually adopted as the quarantine line. There was, in many instances, an entire want of harmony or uniformity of action among the different counties as to quarantine regulations, the length of the quarantine period varying from ten to twenty days. Some counties quarantined only against infected places, or counties in which the fever prevailed; others against vast sections of the State, making no discrimination between infected and non-infected localities; and still others against all the world outside of their county limits.

The consequent confusion in the quarantine restrictions

throughout the State, and the impeding of travel and business beyond what was necessary for the public safety, can readily be appreciated. But while the County Boards, in many instances, have been harshly criticised, we must realize that without the protection to be afforded by a State Board, having adequate powers and jurisdiction co-extensive with the limits of the State, each county, acting upon the principle of self-preservation, with restricted authority, was obliged to resort to means which would not have been necessary, or justifiable, if there had been such State Board to which they could have looked for protection.

The introduction of contagious or infectious disease into any county is a menace to the whole State, and even though it should be confined to the one county, the prosperity of the whole State is seriously affected. The whole State is, therefore, interested in guarding every portion of it, and should, by proper legislation, be provided with the authority to adopt such measures of precaution as may be necessary to preserve the public health. And this, it seems to me, could best be accomplished by the establishment of a Board of Health so selected from the State at large that no locality or section should have a controlling influence upon it. Such an organization, given the necessary powers and authority, in case of epidemic disease in the State, could establish a quarantine where it would be most effective in guarding our people from the danger of infection and spread of the disease, and this, it seems to me, could be best accomplished by an efficient quarantine of the infected place, securely guarding escape therefrom, except through a well arranged probationary station, somewhat on the plan of Camp Perry, in the late epidemic of Jacksonville.

Such a system would insure the greatest safety with comparatively little interruption of travel and trade, or business relations between non-infected localities; and at a cost to the people of the State far less than the aggregate expense of the county quarantines which prevailed under the present system.

I have endeavored to present to you some reasons for the establishment of a State Board of Health, as, in my opinion, giving our people not only the best protection against the in-

roduction of infectious or contagious disease within our borders, but the most efficient and economical means of dealing with it, in the unhappy event of its introduction or outbreak in the State in the future. I cannot doubt that you will realize the great importance of carrying into effect the constitutional provisions of Article XV.

Being impressed with the importance of such legislation as will more effectually guard the public health, the question presented itself to me whether the enactment of such laws at the next regular session of the Legislature would be in time to insure us the necessary protection for the present year. After giving this question my most careful and mature consideration, I could see no reasonable hope, if legislation were deferred to the regular session, convening the early part of April, of the organization of a State Board of Health and its successful operation before the first of June, sometime after the commencement of our heated term.

While from the best source of information that I can obtain, I am satisfied that no case of yellow fever exists within the State at this time, and that the careful system of the destruction of infected bedding, clothing and other articles, and the fumigation of infected buildings, with the several freezes in the State, during the present winter, extending to all localities where the fever existed during the past year, we have every reason to hope and believe that all fever germs have been destroyed. Yet with the experience of the past, I could but be impressed that it is of such importance that a State Board of Health be organized, with well considered rules and regulations for the preservation of the public health, formulated and in force before the summer is upon us, as to require me in the discharge of duty to use all means in my power, in the reasonable hope of the accomplishment of that end. It seems to me, therefore, that this is an "extraordinary occasion" when it becomes the duty of the Executive to convene the Legislature in extra session. Responding to that duty, I issued the proclamation which has assembled you here to-day.

In the language of the proclamation you are convened "for the purpose of establishing a State Board of Health, and also

County Boards of Health, in all counties where it may be necessary; prescribing the duties, powers and responsibilities of such Boards of Health, and providing the means, making such appropriations and enacting such laws as may be necessary for the preservation of the public health."

This language is comprehensive and needs no interpretation to render it more explicit.

During the past year a great shadow rested upon our State. Various communities within her borders were stricken with yellow fever. While the rate of mortality was exceedingly small, being about eight and a half per cent. of the number of cases, death claimed among its victims some of the most highly esteemed and useful of our citizens, whose loss will be sorely felt for many years to come. Grief and affliction have overwhelmed many of our people. Business was seriously interrupted throughout the State, and in places entirely prostrated and destroyed. Our people have sustained pecuniary losses which cannot be estimated. But with the heroism which has ever characterized them, turning their backs upon the ashes of the past, with an energy strengthened by reverses, they are pushing forward to a renewed prosperity, which we may well hope will soon obliterate the tracks of misfortune through which we have passed, save in loving memory of those who fell in the contest.

The people of Florida look to you, their chosen representatives, to give them such laws as will best promote their interest and the prosperity of the State. You have been convened for a special purpose. The responsibility rests upon you to provide such further laws as will best carry into effect the policy set forth in the Constitution for the preservation of the public health.

I deem it only necessary to add, as a recommendation to what I have already submitted, not only the establishment of a State Board of Health with plenary powers, but to provide for such reasonable expenditure of money, with a sufficient appropriation, to enable such Board to use such means as may be necessary to preserve the public health. I further recom-

mend the enactment of severe criminal penalties for the violation of the quarantine and other health laws. He who waylays his victim may take the life of a single individual, but he who violates the laws of quarantine, may carry death, sorrow and ruin to vast numbers of his fellowmen.

The retrospect reveals a silver lining to the dark cloud which overshadowed us, and we realize that it requires a time of trial and adversity to most fully develop that true heroism and Christian charity which present the noblest phase of human character. Well was this illustrated by the labors of heroic men and women—clergymen, physicians and laymen—facing pestilence and death in the late epidemic. Let their names be added to those of the bright galaxy of heroes which adorn the history of our State. The general government, through the Marine Hospital Service, extended to us munificent aid in the expenditure of large sums of money in establishing and maintaining camps of refuge, and the payment to our people for infected property destroyed, or the replacement of the same, as well as in the services of her skilled medical officers. Private contributions, aggregating a vast sum, from generous hearts in all parts of the country, flowed into our stricken cities, and greatly mitigated the sufferings of the sick and destitute. The hearts of our people respond in gratitude to those who contributed to their relief. Let us hope that this giving and receiving is an additional assurance of a country and people united in heart, as well as by political ties.

I shall be pleased, gentlemen, to extend to you my hearty support and co-operation in the discharge of the duties which devolve upon you, with the earnest hope that your labors will advance the welfare of our people and the prosperity of our State.

FRANCIS P. FLEMING,
Governor.

On motion of Mr. Bielby, the Message was received, and 200 copies ordered printed.

Mr. Dunn offered the following concurrent resolution :

Be it Resolved by the Senate, the House of Representatives concurring, That a select committee of five members of the Senate, and ten members of the House, be appointed and constituted a Joint Conference Committee of both Houses, to whom shall be referred all bills presented in either House, relating to a State Board of Health, whose duty it shall be to prepare and submit to their respective bodies suitable bills creating said State Board of Health, with such recommendations as they may deem proper ;

Which was read and adopted.

Mr. Hind moved that the roll be called for the introduction of bills ;

Which was agreed to.

The Secretary proceeded to call the roll—

On motion of Mr. Wall, Hon. John H. McKiune was invited to a seat within the bar of the Senate.

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

Which was agreed to.

The Senate stood so adjourned.

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WEDNESDAY, February 6th, 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, Pierrong, Randell, Rogers, Rosborough, Schumacher, Smith, Stapleton, Swearingen, Tompkins, Tuten, Wall, Wilkinson and Yancey—32.

A quorum present.

Prayer by the Chaplain.

The Secretary proceeded to read the Journal of the preceding day.

On motion of Mr. Hind, the further reading of the journal was dispensed with.

On motion of Mr. Hammond, Hon. J. F. Welborn was invited to a seat within the bar of the Senate.

INTRODUCTION OF RESOLUTIONS.

The following Joint Resolution was offered by Mr. Coulter :
Senate Resolution No. 2 :

WHEREAS, The Governor has, by the authority vested in him by virtue of the Constitution of the State, convened the Legislature in extra session, for the purpose of establishing a State Board of Health, and County Boards of Health in all counties where it may be necessary ; and

WHEREAS, The calling of this extra session will necessarily incur a heavy expense to the tax payers of Florida ; and

WHEREAS, It is in the interest of economy that this extra session go to work judiciously, wisely and expeditiously and work faithfully, diligently and industriously to accomplish the purposes set forth in the Governor's proclamation ; therefore, to accomplish the purposes for which this extra session was called, as speedily as practicable, be it

Resolved, by the Senate, the House of Representatives concurring, That a joint committee of five from the Senate and ten from the House of Representatives be appointed, to whom shall be referred all the bills introduced at this session.

Resolved, further, That the joint committee herein provided for shall be continued during the extra session and shall report to the Senate and the House of Representatives from day to day, and from time to time, the results of their joint deliberations ;

Which was read and laid over under the rules.

INTRODUCTION OF BILLS.

On motion of Mr. Bielby, the rules were waived and all bills introduced were read by their title only, on their first reading.

The following bills were introduced :

By Mr. Coulter—

Senate Bill No. 1 :

An Act entitled an act to provide State and County Boards of Health ;

Which was read the first time by its title.

By Mr. Hardee :

Senate Bill No. 2 :

An Act to create and establish a State Board of Health in the State of Florida ;

Which was read first time by its title.