

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.

The President stated that the report of the Committee to draft resolutions commemorative of the lives and works of L. I. Fleming, J. J. Daniel and Henry A. L'Engle was the special order for 4 o'clock.

The hour having arrived Mr. Parkhill, Chairman of the Special Joint Committee appointed to draft resolutions commemorative of their lives and services, submitted the following report :

WHEREAS, During the late yellow fever epidemic in Jacksonville, Colonel L. I. Fleming, Colonel J. J. Daniel and Hon. Henry A. L'Engle, three of our noblest, most useful, most renowned and most beloved fellow citizens, died the death of heroes, patriots and Christian gentlemen, while bravely standing at their posts of duty fighting courageously the battle of humanity ;

And whereas, the purity of their well-spent lives, their eminent abilities, their distinguished services to their country and the great admiration and esteem of their fellow-citizens, as well as the glorious manner in which they met their deaths, demand unlimited praise from all men, and require the expression thereof from the peoples' Representatives and Senators in Legislature assembled ; therefore, be it

Resolved by the Senate and House of Representatives of the Legislature of the State of Florida :

1st. That by the deaths of Colonel L. I. Fleming, Colonel J. J. Daniel, and Hon. Henry A. L'Engle, our State has lost three of her most deserving and best loved citizens.

2d. That their names will ever call to mind all that is pure and noble in life, and all that is heroic and glorious in death.

3d. That this preamble and these resolutions be spread on the Journals of the Senate and House of Representatives.

4th. That the Governor is requested to send copies hereof,

under the Great Seal of the State, to the families of the deceased.

S. J. TURNBULL,
W. H. MILTON, JR.
P. O. KNIGHT,
Committee of House.
C. B. PARKHILL,
R. F. ROGERS,
J. M. SCHUMACHER,
Committee of Senate.

Mr. Parkhill moved the adoption of the resolutions in eloquent and impressive remarks.

Mr. Wall seconded the motion to adopt in a feeling address.

Mr. Dunn seconded the motion in a forcible address, and moved that they be adopted by a rising vote.

Which, being appropriately and feelingly seconded by Messrs. Hind, Dismukes, Schumacher, E. B. Bailey and Kirk, was agreed to and the resolutions adopted by a rising vote.

Mr. Schumacher moved that the Senate adjourn until tomorrow morning at 10 o'clock ;

Which was agreed to.

The Senate stood so adjourned.

—o—

TUESDAY, FEBRUARY 12TH, 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.

INTRODUCTION OF RESOLUTIONS.

Senator Hardee introduced—

Senate Joint Resolution No. 7 ;

A resolution for the appointment of a committee to investigate Florida Coast Line Transportation Company, and to report their findings to the Legislature at its convening in April.

Mr. Tuten introduced a resolution calling upon Comptroller for report of taxable property of State, including railroad, steamboat and telegraph companies.

INTRODUCTION OF BILLS.

By Mr. Swearingen—

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

Which was read the first time ;

And by request of Mr. Swearingen, remained on the calendar, subject to call at any time.

By Mr. Yancey—

Senate Bill No. 12 :

To be entitled an act to amend Section 6 of "An act to prescribe the bonds to be given by certain county officers," Chapter 3724, Laws of Florida.

Mr. Wall moved that Hon. S. B. Conover, Ex-Gov. D. S. Walker, Col. R. W. Davis and Hon. E. K. Foster be invited to seats within the bar of the Senate ;

Which was agreed to.

Mr. Rogers made point of order that it is necessary for the House to concur with the Senate by a two-thirds vote before a bill extraneous to call can be introduced.

Mr. Dunn raised point of order that question of two-thirds vote is not before the Senate.

The President ruled that a two-thirds vote is necessary to take up and consider the bill introduced by Senator Yancey.

Upon this question to consider the bill, the yeas and nays were called for by Messrs. Tompkins, Wall, Dunn and Bielby.

Pending the announcement of the vote, the President reversed his decision and ruled that only a majority vote was necessary to take up Mr. Yancey's bill.

The roll being called, the vote was :

Yeas—Messrs. Bailey of 22d District, Bielby, Bryant, Dunn, Hardee, Hendry, Kirk, King, Smith, Swearingen, Tompkins, Tuten, Wall, Wilkinson and Yancey—15.

Nays—Messrs. Bailey of 16th District, Britt, Coulter, Crosby, Dismukes, Hind, Jenkins, Pirrong, Rogers, Rosborough and Stapleton—11.

So the Senate agreed to consider the bill.

Mr. Rogers moved that Senator Yancey's bill, Senate Bill No. 12, be made first on the calendar ;

Which was agreed to.

Senate Bill No. 12 :

To be entitled an act to amend section 6 of an act to prescribe the bonds to be given by certain county officers, Chapter 3724, Laws of Florida,

Was read the first time.

Mr. Wall, by permission, introduced—

Senate Bill No 13 :

A bill to be entitled an act to fix the pay of the members, officers and attaches of the Extra Session of the Legislature, convened February 5, 1889 ;

Which was read the first time.

Upon the motion to read Senate Bill No. 12, Mr. Bielby raised point of order, that under Rule 22 no bill could be passed to second reading without having been referred to committee.

Mr. Stapleton moved that all bills be referred to their appropriate committees upon this motion.

A division of the Senate was called, and the motion was lost.

Mr. Yancey moved that the rules be waived and Senate Bill No. 12, entitled an act to amend section six of an act to prescribe the bonds to be given by certain county officers, chapter 3724, Laws of Florida, be read second time.

Mr. Yancey withdrew the motion to waive the rules.

CONSIDERATION OF RESOLUTIONS.

The following concurrent resolution of Mr. Bielby was read :

Be it resolved by the Legislature of the State of Florida, That we desire to place upon record an expression of our confidence in Surgeon-General Hamilton, of the U. S. Marine Corps, and to extend to him the thanks of the people of Florida for

his timely, intelligent and efficient labors in their behalf during the past year; and be it

Further resolved, That the secretaries of the Senate and House of Representatives be instructed to forward an enrolled copy of these resolutions to Surgeon-General Hamilton, at Washington, D. C.

Mr. Bielby moved that the above concurrent resolution be adopted.

Mr. Dunn seconded the motion, and moved that the resolution be adopted unanimously;

Which was agreed to.

The resolution was then unanimously adopted.

Senate Joint Resolution No. 7, for the appointment of a committee to investigate Florida Coast Line Canal and Transportation Company, and to report their findings to the Legislature at its convening in April next,

Was read first time.

Mr. Bielby moved that the rules be waived and the resolution be again read;

Which was agreed to, and the resolution was again read.

A message from the House was received.

The President announced that the hour had arrived for taking up Senate bill No. 3, 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. Bryant moved that the special order be passed informally until the resolution under consideration be disposed of;

Which was agreed to.

The resolution was adopted.

Senator Yancey moved that the order of business recur to the introduction of bills;

Which was agreed to.

Mr. Rogers moved that further consideration of 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, be postponed till Thursday at 4 o'clock P. M.

Mr. Bielby moved to amend by striking out "until Thursday at 4 P. M."

Mr. Rogers withdrew the motion.

Mr. Hammond, Chairman of Senate Joint Committee on Public Health, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., Feb. 12, 1889. }

HON. PATRICK HOUSTON,

President of the Senate:

SIR: The Joint Committee on Public Health, to whom was referred

Senate Bills Nos. 1, 2, 4, 5, 6, 7, 8, 9 and 10,

Respectfully beg leave to report to your honorable body that they have carefully considered the same, and report back said Bills Nos. 1, 2, 4, 6, 7, 8, 9 and 10, and respectfully recommend that the same do not pass.

Your committee beg leave further to report back to your honorable body

Senate Bill No. 5:

Entitled an act making it the duty of the Governor to appoint a Health Officer for the State of Florida, and to define the duties, powers and responsibilities of the same,

And that they have amended the same in title and body, and respectfully recommend that the same do pass as amended.

Very respectfully,

EDWARD M. HAMMOND,

Chairman Joint Committee and Chairman Senate Conference Committee on Public Health.

Mr. Schumacher, Senate member of the committee, dissented from Section 11.

Which was read.

Mr. Swearingen moved that the bill be read the first time;

Which was agreed to and so ordered.

Pending the reading of the bill a message was received from the House.

Senate Bill No. 5:

Entitled an act to create and establish a State Board of Health,

Was read second time.

Mr. Hind moved that one thousand copies be printed.

Mr. Wall moved to amend by substituting 500 for 1000.

The amendment was adopted.

Mr. Parkhill, Chairman of Committee on Commerce and Navigation, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, FLA., Feb. 12, 1889. }

HON. PATRICK HOUSTOUN,

President of the Senate ;

SIR: Your Committee on Commerce and Navigation, to whom was referred the inquiry as to how many ports in the State of Florida will be affected by, or will be included in, the provisions of Senate Bill No. 3, beg leave to report that from such information as can be obtained it is believed by the committee that said bill will apply to the port of Pensacola alone.

Very respectfully,

C. B. PARKHILL,
Chairman Committee.

CONSIDERATION OF BILLS ON SECOND READING..

Senate Bill No. 3 :

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

Mr. Parkhill offered the following amendments :

Amend section 1 by adding words, "*from foreign ports,*" after words "*upwards*" in line 2.

In line 4, section 10, word "*board*" should be changed to "*port.*"

Section "9" should be changed to section "10."

Strike out in section 13, in line 5, the words "*any violation,*" and all of lines six and seven.

Pending which a committee from the House appeared at the bar of the Senate, requesting a copy of Senate Bill No. 5, as reported by the Joint Committee on Public Health, as soon as possible for the use of the House.

Mr. Rogers moved that Senate Bill No. 3 be deferred until Senate Bill No. 5 shall have been acted upon ;

Which motion was withdrawn.

Mr. Parkhill moved that Senate Bill No. 3 be postponed until action upon Senate Bill No. 5, and that it remain on its second reading ;

Which was agreed to.

Mr. Yancey moved that the rules be waived, and Senate Bill No. 12 be passed to its second reading ;

Which was agreed to.

Senate Bill No. 12 :

To be entitled an act to amend section six of "An act to prescribe the bonds to be given by certain county officers, chapter 3724, Laws of Florida,"

Was read the second time.

Mr. Yancey moved that the rules be further waived, and the bill be read the third time and put upon its passage.

Pending which Mr. Rogers offered the following amendment :

After word "fund" in 12th line, section 1, add "or any other special taxes,"

And moved its adoption.

By permission of the Senate, the amendment was accepted by Mr. Yancey, the author of the bill.

Mr. Randell offered the following amendment :

Amend section 1 so as to read : "The County Treasurers shall give bond in a sum of not more than a sum double the amount of public moneys, nor less than one half the amount of public moneys received by the treasurers the previous year."

Mr. Stapleton moved that the amendment be laid upon the table.

Which was agreed to and the amendment was laid on the table,

Mr. Yancey renewed the motion to waive the rules, and that the bill be read the third time and put upon its passage ;

Which was agreed to.

Senate Bill No. 12 :

Entitled an act to prescribe the bonds of county officers,

Was read the third time and put upon its passage.

The vote was :

Yeas—Messrs. Bailey of 22d District, Bailey of 16th District, Bielby, Britt, Bryant, Coulter, Crosby, Dismukes, Drake, Dunn, Hardee, Hendry, Hind, Jenkins, Kirk, Parkhill, Pirrong, Randell, Rogers, Rosborough, Schumacher, Smith, Stapleton, Swearingen, Tompkins, Tuten, Wilkinson and Yancey—28.

Nays—None.

So the bill passed, and ordered to be certified to the House.

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

Which was agreed to.

So the Senate took a recess.

EXECUTIVE SESSION.

The Senate consented to the removal of the following officers by the Governor :

George F. Carlisle, John Sauls, H. J. Long, G. M. Wallace and H. F. Quackenboss, members of the Board of Health in and for Volusia county.

J. A. Ellerman, Sheriff in and for Nassau county, suspended September 10th, 1888.

THREE O'CLOCK P. M.

The Senate resumed its session.

The President in the chair.

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

Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Bielby, Britt, Bryant, Coulter, Crosby, Dismukes, Dunn, Hardee, Hendry, Hind, Jenkins, Kirk, Pirrong, Randell, Rosborough, Schumacher, Smith, Stapleton, Swearingen, Tompkins, Tuten, Wall, Wilkinson and Yancey—27.

A quorum present.

Mr. Tuten moved that his resolution asking Comptroller for report of taxable property in the State be taken up for consideration ;

Which was agreed to, and the resolution was read as follows :

WHEREAS, It is evident that this Legislature will have to provide for a State Board of Health, and that consequently it is necessary to have matters relative to finance and taxation before it; therefore, be it

Resolved, That the Comptroller be requested to furnish this body with the full amount of the taxable property in the State of Florida, including railroad, steamboat and telegraph companies.

Mr. Tuten moved its adoption ;

Which was agreed to.

So the resolution was adopted.

Mr. Hind moved that the rules be waived and the messages from the House be taken up ;

Which was agreed to.

The following messages from the House were read :

HOUSE OF REPRESENTATIVES, }
TALLAHASSEE, Fla., Feb. 9, 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 had under consideration the Senate concurrent resolution providing for the appointment of a committee of the Senate and House, to invite Surgeon-General Hamilton, of the U. S. Marine Hospital Service, to appear before this Legislature, and that the House has refused to concur therein.

Very respectfully.

W. H. REYNOLDS,

Chief Clerk of the House of Representatives.

Also the following :

HOUSE OF REPRESENTATIVES, }
TALLAHASSEE, Fla., Feb. 12th, 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 had under consideration the Senate Joint Resolution No. 3, relative to the entertaining by this Legislature of a bill to be entitled an act to amend section 6 of an act to prescribe the bonds to be given by certain county officers, Chapter 3724, Laws of Florida, and that the House of Representatives has passed the same by a two-thirds majority vote.

Very respectfully,

W. H. REYNOLDS,

Chief Clerk of the House of Representatives.

Also the following :

HOUSE OF REPRESENTATIVES, }
TALLAHASSEE, Fla., Feb. 12th, 1889. }

HON. PATRICK HOUSTOUN,

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 a House Memorial to the Congress of the United States in reference to the establishment and maintenance of a Coast Guard, and respectfully ask the concurrence of the Senate therein.

Very respectfully,

W. H. REYNOLDS,

Chief Clerk of the House of Representatives.

Mr. Hind moved that the Senate concur ;
Which was agreed to.

Mr. Hind moved that House Memorial to Congress be read first time by its title ;
Which was agreed to.

So the memorial was read the first time.

Mr. Hind moved that the rules be waived, and the memorial read second time ;
Which was agreed to.

So the memorial was read second time.

Mr. Hind moved that the rules be waived, and memorial read third time and put upon its passage ;

Which was agreed to, and the memorial was read the third time.

Upon the passage of the memorial the vote was :

Yeas—Messrs. Bailey of 22d District, Bailey of 16th District, Bielby, Britt, Bryant, Coulter, Crosby, Dismukes, Drake, Dunn, Hardee, Hendry, Hind, Jenkins, Kirk, Parkhill, Pirrong, Randell, Rosborough, Schumacher, Smith, Stapleton, Swearingen, Tompkins, Tuten, Wall, Wilkinson and Yancey—28.

Nays—None.

So the memorial passed.

Ordered that the same be certified to the House of Representatives.

The following message from the House of Representatives was read :

HOUSE OF REPRESENTATIVES, }
TALLAHASSEE, Fla., February 12, 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 had under consideration—

Senate Joint Resolution No. 6,

Relative to considering a bill to be entitled an act to continue the rights, 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,

And that the House has passed the same by a two-thirds majority vote.

Very respectfully,

W. H. REYNOLDS,

Chief Clerk of the House of Representatives.

Mr. Swearingen moved that the rules be waived, and Senate Bill No. 11 be taken up and read the second time ;

Which was agreed to.

Senate Bill No. 11 was read second time.

Mr. Swearingen moved that rules be further waived and Senate Bill No. 11 be read third time and put upon its passage ;

Which was agreed to.

Senate Bill No. 11 was read the third time.

Upon the passage of the bill the vote was :

Yeas—Messrs. Bailey of 22d Dist., Bailey of 16th Dist., Bielby, Bryant, Crosby, Dismukes, Drake, Dunn, Hardee, Hendry, Hind, Jenkins, Kirk, Parkhill, Randell, Rosborough, Schmacher, Smith, Swearingen, Tompkins, Tuten, Wall, Wilkinson and Yancey—24.

Nays—Messrs. Britt, Pirrong and Stapleton—3.

So the bill passed, title as stated.

Mr. Swearingen asked that the bill be certified to the House at once.

It was so ordered.

Mr. Parkhill moved to reconsider the vote by which

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,

Was postponed until Thursday ;

Which was agreed to.

So the vote was reconsidered.

Mr. Parkhill moved that—

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,

Be taken up by sections and put upon its second reading;

Which was agreed to.

Section 1 was read.

Mr. Hind offered the following amendment:

After upwards, third line, add "from foreign ports."

The amendment was accepted by Mr. Parkhill.

Mr. Parkhill moved that section 1 as amended be adopted;

Which was agreed to.

So section 1 as amended was adopted.

Section two was read.

Mr. Parkhill moved its adoption;

Which was agreed to.

So section 2 was adopted.

So section 3 was read.

Mr. Randell moved its adoption;

Which was agreed to.

So section 3 was adopted.

So section 4 was read.

Mr. Tuten moved its adoption;

Which was agreed to.

So section 4 was adopted.

Section 5 was read.

Mr. Yancey offered the following amendment:

To amend section 5 by striking out all after the word "health" in line 4 of printed bill;

Which was adopted.

Mr. Parkhill moved the adoption of section 5 as amended;

Which was agreed to.

So section 5, as amended, was adopted.

Section 6 was read.

Senator Yancey offered the following amendment:

Amend section 6 so as to read: "The County Commissioners of each county in which a Board of Health may be created under the provisions of this act, may assess or levy, or cause to be assessed or levied, a tax not to exceed in any year one mill on the dollar, at the request of such Board of Health, to defray the expenses of the Board not otherwise defrayed;"

Which was accepted.

Mr. Dunn moved the adoption of section 6, as amended;

Which was agreed to.

So section 6, as amended, was adopted.

Section 7 was read.

Mr. Stapleton offered the following amendment:

Amend by striking out "whether in its own county or not," and by adding "in its own county" in third line of printed bill.

Mr. Parkhill offered the following amendment:

"The Boards of Health created by this act."

Mr. Stapleton withdrew his amendment.

Mr. Parkhill withdrew his amendment.

On motion of Senator Yancey section 7 was adopted.

Section 8 was read.

On motion of Senator Bielby section 8 was adopted.

Mr. Parkhill moved to change section 9 of bill to section 10, and section 10 to section 9;

Which was agreed to.

Section 9 was read.

Mr. Parkhill offered the following amendment:

Make section 10, in line 4, "board into port;" in line 5 write "any person violating," &c., of printed bill;

Which was adopted.

Mr. Dismukes offered the following amendment:

Amend section 10 by striking out in line 5 the word "felony" and inserting the words "a misdemeanor," and striking out in line 7 the words "State Penitentiary" and inserting the words "county jail;"

Which was accepted.

Mr. Dunn offered the following amendment:

Amend section 9 by adding the word "wilfully," between the words "person" and "violating," on 5th line in printed bill.

Upon the question of Mr. Dunn's amendment, Senators Bielby, Tompkins and Parkhill called for the yeas and nays:

The vote was:

Yeas—Messrs. Bailey of 16th District, Bielby, Britt, Bryant, Dunn, Kirk, Pirrong, Rogers, Smith, Stapleton, Wall and Yancey—12.

Nays—Messrs. Bailey of 22d District, Coulter, Crosby, Dismukes, Hammond, Hardee, Hendry, Hind, Jenkins, Parkhill, Randell, Rosborough, Schumacher, Swearingen, Tompkins, Tuten and Wilkinson—17.

So the amendment was lost.

Mr. Parkhill moved the adoption of section 9 as amended;

Which was agreed to.

So section 9 as amended was adopted.

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

Which was agreed to.

The Senate stood so adjourned.