

FRIDAY, April 17, 1891.

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. Baya, Borden, Bristol, Brett, Broome, Bryant, Calhoun, Coulter, Crosby, Drake, Farmer, Hammond, Hardee, King, Kirk, McKinne, Myers, Pirrong, Rogers, Rosborough, Smith of 30th, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wall, Wilkinson, Wolfe and Yancey—31.

A quorum present.

Prayer by the Chaplain.

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

The Journal was corrected and approved.

The President announced that Mr. Johnson was still ill and he was further excused.

#### INTRODUCTION OF BILLS.

By Mr. Coulter :

Senate Bill No. 78 :

To be entitled an act to prohibit trusts in the State of Florida, and to provide for the punishment of persons connected with them.

Mr. Coulter moved that the rules be waived and that Senate Bill No. 78 be read first time by its title only ;

Which was agreed to by a two-thirds vote, and Senate Bill No. 78 was read first time by its title and referred to the Committee on Agriculture.

By Mr. Hammond :

Senate Bill No. 79 :

To be entitled an act to revoke and abolish the present municipal government of the town of Sandford, Orange County, Florida, and to organize a city government for the same, pursuant to this act.

Mr. Hammond moved that the rules be waived, and that Senate Bill No. 79 be read by its title only ;

Which was agreed to by a two-thirds vote, and Senate Bill No. 79 was read first time by its title and referred to the Committee on City and County Organization.

By Mr. Wadsworth :

Senate Bill No. 80 :

To be entitled an act to prohibit the purchase of seed cotton from minors without written authority.

Mr. Wadsworth moved that the rules be waived, and that Senate Bill No. 80 be read first time by its title only ;

Which was agreed to by a two-thirds vote, and Senate Bill No. 80 was read first time by its title and referred to the Committee on Agriculture.

By Mr. Wolfe :

Senate Bill No. 81 :

To be entitled an act to amend section 15 of an act entitled an act to create and establish a State board of health, Chapter 3839, Laws of Florida, approved February 20, 1889.

Mr. Wolfe moved that the rules be waived and that Senate Bill No. 81 be read first time by its title only ;

Which was agreed to by a two-thirds vote, and Senate Bill No. 81 was read first time by its title and referred to the Committee on Public Health.

#### CONSIDERATION OF RESOLUTIONS.

Mr. Myers moved a reconsideration of the vote by which House concurrent resolution, relative to the investigation of the Bureau of Immigration, was adopted;

Which was agreed to and the vote by which the resolution was adopted was reconsidered.

Mr. Myers moved that the resolution be indefinitely postponed;

Which was agreed and so ordered.

Senate Concurrent Resolution No. 19 :

Relative to the adjournment of the Legislature,

Was read the second time.

Mr. Borden moved that the resolution be indefinitely postponed;

Upon which motion to indefinitely postpone, the yeas and nays were called.

The vote was :

Yeas—Messrs. Baya, Borden, Bristol, Brett, Coulter, Crosby, Drake, Farmer, Hammond, Kirk, Myers, Pirrong, Rogers, Rosborough, Smith of 30th, Smith of 31st, Summers, Thomas, Wadsworth, Wall, Wilkinson, Wolfe and Yancey—23.

Nays—Messrs. Broome, Bryant, Hardee, King, McKinne, Swearingen—6.

Senate Concurrent Resolution No. 19 was indefinitely postponed.

House Concurrent Resolution No. 23:  
Relative to the appointment of a committee to visit the East  
Florida Seminary,

Was read second time.

Mr. Swearingen moved that the resolution be passed informally;

Which was agreed to and so ordered.

By permission, Mr. Myers introduced—

Senate Bill No. 82:

To be entitled an act to establish a uniform system of record and file-keeping in probate offices in Florida.

Mr. Myers moved that the rules be waived, and that Senate Bill No. 82 be read first time by its title only;

Which was agreed to by a two-thirds vote, and Senate Bill No. 82 was read first time by its title and referred to the Committee on Judiciary.

Mr. Wilkinson, at his own request, was excused for the day.

#### REPORTS OF COMMITTEES.

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

SENATE CHAMBER, }  
TALLAHASSEE, FLA., April 16, 1889. }

HON. J. B. BROWNE,

*President of the Senate:*

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

Senate Bill No. 72:

“To be entitled an act to amend an act entitled an act to provide an annuity for disabled soldiers and sailors of the State of Florida.”

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

Very respectfully,

J. F. BAYA,

Chairman of Committee.

Also,

SENATE CHAMBER, }  
TALLAHASSEE, FLA., April 16, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

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

Senate Bill No. 37:

To be entitled an act to insure the assessment and aid in the collection of taxes upon all bonds, mortgages, notes, certificates of deposit or other evidences of indebtedness subject to taxation,

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

Very respectfully,

J. F. BAYA,

Chairman of Committee.

Also,

SENATE CHAMBER, }  
TALLAHASSEE, FLA., April 16, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

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

Senate Bill No. 47:

“To be entitled an act to protect the public money in the hands of county treasurers.”

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

Very respectfully,

J. F. BAYA,

Chairman of Committee.

Also,

SENATE CHAMBER, }  
TALLAHASSEE, FLA., April 16, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

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

Senate Bill No. 58:

To be entitled an act for the relief of the First National Bank of Gainesville,

Beg leave to report that they have had the same under consideration, and recommend that the following substitute for the same do pass.

Very respectfully,  
J. F. BAYA,  
Chairman of Committee.

Also,

SENATE CHAMBER, }  
TALLAHASSEE, FLA., April 16, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

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

Senate Bill No. 60 :

“To be entitled an act establishing a fixed rate of interest for the State of Florida.”

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

Very respectfully,  
J. F. BAYA,  
Chairman of Committee.

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

SENATE CHAMBER, }  
TALLAHASSEE, FLA., April 17, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

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

Senate Bill No. 44 :

“An act to amend an act entitled an act to change the term of the Circuit Court of the Second Judicial Circuit of the State of Florida.”

Also,

Senate Bill No. 22:

An act to authorize the sale of real estate belonging to foreign lunatics.”

Also,

Senate Bill No. 20:

“A bill to be entitled an act to amend an act entitled an act to protect the interest of farmers, planters, and others, chapter 3012, approved Feb. 17, 1887.”

Also,

Senate Bill No. 45 :

“A bill to be entitled an act to prohibit the destruction and taking away of the nests and eggs of birds in this State.”

Also,

Senate Bill No. 46 :

An act to fix the times of holding the terms of the Circuit Court in the Fourth Judicial Circuit.

Also,

Senate Bill No. 39:

A bill to be entitled an act to punish the larceny, killing, wounding or injuring of dogs and bitches.

Also,

Senate Bill No. 12 :

To be entitled an act regulating appeals from municipal and recorders' courts in this State.

Also,

Senate Bill No. 16 :

A bill to be entitled an act to continue the rights, privileges, powers, franchises and grants of the Suwannee and Gulf Railroad Company, and to extend the time for the completion of the same.

Also,

Senate Bill No. 52:

A bill to be entitled an act to continue the rights, privileges, powers, franchises and grants of the Carrabelle, Tallahassee and Georgia Railroad Company, formerly the Augusta, Tallahassee and Gulf Railroad Company, and formerly the Thomasville, Tallahassee and Gulf Railroad Company, and to extend the time for the completion of the same.

Also,

Senate Bill No. 30:

A bill to be entitled an act to provide for the incorporation of the farmers' county alliances.

Also,

Senate Bill No. 21:

An act to extend the time of the Palatka and Anclote Railroad.

Also,

Substitute for Senate Bill No. 41:

A bill to be entitled an act to protect telegrams and letters,  
 Beg leave to report that they have had the same under con-  
 sideration and found them correctly engrossed.

Very respectfully,  
 BENJ. F. KIRK,

Chairman of Committee.

Mr. Yancey, Chairman of the Committee on Judiciary, sub-  
 mitted the following report:

SENATE CHAMBER, }  
 TALLAHASSEE, FLA., April 17, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

SIR—Your Committee on Judiciary, to whom was re-  
 ferred—

Senate Bill No. 35: (With amendment),

To be entitled an act to amend an act entitled "An act to  
 prescribe the fees that the several sheriffs in this State shall  
 be allowed to charge and receive for services rendered in the  
 performance of the duties of their offices," being Chapter 3860,  
 of the Laws of Florida for the year 1889,

Have had the same under consideration, and report a sub-  
 stitute theretor:

To be entitled an act to amend an act entitled an act to pre-  
 scribe the fees that the several sheriffs in this State shall be  
 allowed to charge and receive for services rendered in the per-  
 formance of the duties of their offices, being Chapter 3868 of  
 the Laws of Florida for the year 1889.

Very respectfully,  
 D. H. YANCEY,  
 Chairman of Committee.

Also,

SENATE CHAMBER, }  
 TALLAHASSEE, FLA., April 17, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

SIR—Your Committee on Judiciary, to whom was referred—  
 Senate Bill No. 24:

An act to provide for an index to deeds, etc., in each county  
 of the State of Florida,

Have had the same under consideration, and recommend  
 that it do not pass.

Very respectfully,  
 D. H. YANCEY,  
 Chairman of Committee.

SENATE CHAMBER, }  
 TALLAHASSEE, FLA., April 17, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

SIR—Your Committee on Judiciary, to whom was re-  
 ferred—

Senate Joint Resolution No. 10:

A joint resolution proposing an amendment to the Constitu-  
 tion of the State of Florida,

Have had the same under consideration, and report it back  
 to the Senate without recommendation.

Very respectfully,

D. H. YANCEY,

Chairman of Committee.

Also,

SENATE CHAMBER, }  
 TALLAHASSEE, FLA., April 17, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

SIR—Your Committee on Judiciary, to whom was re-  
 ferred—

Senate Bill No. 48:

To be entitled an act to amend an act entitled an act to  
 prescribe a mode whereby counties may erect court houses and  
 other public buildings, approved February 28, 1883, Chapter  
 3421, Laws of Florida.

Also,

Senate Bill No. 56:

An act to amend section 31 of an act entitled an act to pro-  
 vide for the registration of legally qualified voters in the sev-  
 eral counties of this State, and to provide for elections generally  
 and for the returns of elections.

Also,

Senate Bill No. 70:

To be entitled an act to prescribe the times and places for  
 holding Circuit Courts in the Sixth Judicial Circuit,

Have had the same under consideration, and recommend  
 that they do pass.

Very respectfully,

D. H. YANCEY,

Chairman of Committee.

Mr. Hammond moved that the rules be waived, and that—  
Senate Bill No. 48 :

To be entitled an act to amend an act entitled an act to prescribe a mode whereby counties may erect court houses and other public buildings, approved February 28, 1883, Chapter 3421, Laws of Florida,

Be put upon its second reading ;

Which was agreed to by a two-thirds vote, and—

Senate Bill No. 48 :

To be entitled an act to amend an act entitled an act to prescribe a mode whereby counties may erect court houses and other public buildings, approved February 28, 1883, Chapter 3421, Laws of Florida,

Was read the second time.

Mr. Hammond moved that the rules be further waived, and—

Senate Bill No. 48 :

To be entitled an act to amend an act entitled an act to prescribe a mode whereby counties may erect court houses and other public buildings, approved February 28, 1883, Chapter 3421, Laws of Florida,

Be put upon its passage ;

Which was agreed to by a two-thirds vote and the rules were further waived and—

Senate Bill No. 48 :

To be entitled an act to amend an act entitled an act to prescribe a mode whereby counties may erect court houses and other public buildings, approved February 28, 1883, chapter 3421, Laws of Florida,

Was put upon its passage.

Upon passage of

Senate Bill No. 48 :

To be entitled an act to amend an act entitled an act to prescribe a mode whereby counties may erect court houses and other public buildings, approved February 28, 1883, chapter 3421, Laws of Florida,

The vote was :

Yeas—Messrs. Baya, Borden, Bristol, Brett, Broome, Bryant, Calhoun, Coulter, Crosby, Drake, Farmer, Hammond, Hardee, King, Kirk, McKinne, Myers, Pirrong, Rogers, Rosborough, Smith of 30th, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wall, Wolfe and Yancey—29.

Nays—None.

So the bill passed, title as stated.

Mr. Hammond moved that the rules be waived and that Senate Bill No. 48 be certified to the House;

Which was agreed to by a two-thirds vote and Senate Bill No. 48 was ordered certified to the House.

By permission, Mr. Hardee introduced—

Senate Bill No. 83 :

To be entitled an act to declare Eau Gallie River, formerly known as Elbow Creek in Brevard County, navigable within certain limits.

Mr. Hardee moved that the rules be waived and that Senate Bill No. 83 be read first time by its title only ;

Which was agreed to by a two-thirds vote, and Senate Bill No. 83 was read first time by its title and referred to the Committee on Agriculture.

#### CONSIDERATION OF BILLS ON SECOND READING.

Senate Bill No. 60 :

To be entitled an act to establish a fixed rate of interest for the State of Florida,

Was read second time in full.

Mr. Bryant moved that the bill be laid upon the table ;

Which was agreed to and so ordered.

Senate Bill No. 58 :

To be entitled an act for the relief of the First National Bank of Gainesville, Florida,

Was read second time in full together with the substitute offered by the committee.

Mr. Bryant moved that the substitute recommended by the committee be adopted in lieu of the original bill ;

Which was agreed to and so ordered.

The substitute bill was ordered engrossed for its third reading.

Senate Bill No. 47 :

To be entitled an act to protect the public money in the hands of the county treasurers,

Was read in full the second time.

Mr. Coulter moved that the bill be recommitted to the Committee on Finance and Taxation ;

Which was agreed to and so ordered.

Senate Bill No. 37 :

To be entitled an act to insure the assessment and aid in the collection of taxes upon all bonds, mortgages, notes, certificates of deposit and other evidences of indebtedness subject to taxation,

Was read second time in full.

Mr. Bryant moved that Senate Bill No. 37 be indefinitely postponed;

Pending the consideration of which,

Mr. Baya moved, as a substitute, that the bill be laid upon the table, and that 100 copies of the same be printed for the use of the Senate;

Which was agreed to and so ordered.

Senate Bill No. 72 :

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

Was read in full second time.

Mr. McKinne moved that the bill be laid upon the table, and that 100 copies of the same be printed for use of the Senate;

Which was agreed to, and so ordered.

Senate Bill No. 24 :

An act to provide for an index to deeds, etc., in each county in the State of Florida,

Was read second time in full.

Mr. Hardee moved that the bill remain on its second reading, and that 100 copies of the same be printed;

Which was agreed to, and so ordered.

Senate Bill No. 35 :

To be entitled an act to amend an act entitled an act to prescribe the fees that the several sheriffs in this State shall be allowed to charge and receive for services rendered in the performance of the duties of their offices, being Chapter 3860, of the Laws of Florida, for the year 1889.

Together with the amendments offered by the committee, was read second time in full.

Also,

The substitute offered therefor by the committee in lieu of the original bill was read.

Mr. Baya moved that the bill remain upon its second reading and that 100 copies of the bill and the substitute offered by the committee be printed;

Which was agreed to and so ordered.

Senate Joint Resolution No. 10 :

A joint resolution proposing an amendment to the Constitution of the State of Florida,

Was read the second time and the same ordered engrossed for its third reading.

Senate Bill No. 70 :

To be entitled an act to prescribe the times and places for holding Circuit Courts in the Sixth Judicial Circuit,

Was read the second time in full and ordered engrossed for its third reading.

Senate Bill No. 56 :

To be entitled an act to amend section 31 of an act to provide for the registration of legally qualified voters in the several counties of this State and to provide for elections generally and for the returns of elections,

Was read the second time in full.

Mr. Rogers moved that the bill be laid upon the table and that 100 copies of the bill be printed;

Which motion was withdrawn.

Senate Bill No. 56 was ordered engrossed for its third reading.

Senate Bill No. 53 :

To be entitled an act to fix the rate of interest,

Was read second time in full.

Mr. Borden offered the following amendment:

In section 1, line 7, after the word "received," strike out the word "for," and insert the word "for" after the word "contracted" in the same line;

Pending consideration of which—

Mr. Rogers moved that Senate Bill No. 53 be read by sections for amendment.

Which was agreed to and so ordered.

The amendment of Mr. Borden was adopted.

Mr. Borden offered the follow amendment:

In section 1, line 4 (of printed bill), after the word "than" strike out "ten (10)" and insert "eight (8)."

Which was withdrawn.

Mr. Myers offered the following amendment:

Strike out all after the enacting clause and insert the following:

Section 1. That from and after the passage of this act no person or persons, firm or corporation, shall, upon any future contract whatsoever, take or receive, directly or indirectly, for the loan of any money, or the advancing of any goods, merchandise or supplies, more than ten per centum per annum on the dollar, and any contract, which provides directly or indirectly for a larger rate of interest, shall be absolutely void as to the excess over six per cent. per annum. *Provided*, That this act shall not apply to discounts on loans payable within ninety days.

Sec. 2 That when no rate of interest is agreed upon the rate shall not exceed six per cent. per annum.

Sec. 3. That all laws and parts of laws in conflict with this act are hereby repealed.

Mr. Myers moved the adoption of the amendment.

Pending consideration of which, Mr. Hardee moved that the bill be made special order for 11 o'clock A. M. Wednesday, April 22, 1891;

Which was agreed to, and so ordered.

And, Senate Bill No. 53 was made special order for that day and hour.

Pending further consideration of bills upon their second reading,

By permission,

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

SENATE CHAMBER, }  
TALLAHASSEE, FLA., April 17, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

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

Senate Bill No. 11:

"A bill to be entitled an act to supply deficiencies in the appropriations for the years of 1889 and 1890,"

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

Very respectfully,  
FRED. T. MYERS,  
Chairman of Committee.

The President announced that he was about to sign—

Senate Bill No. 11:

To be entitled an act to supply deficiencies in the appropriations for the years 1889 and 1890.

The President and Secretary thereupon affixed their signatures to said bill.

Senate Bill No. 3:

To be entitled an act to amend section 1 of Chapter 3132 of the Laws of Florida, entitled "An act to amend section 1 of Chapter 3010 of the Laws of Florida, entitled an act to amend section 2, Chapter 1628, Laws of Florida, relating to jurors; and to repeal Chapter 2049, Laws of Florida," approved February 20, 1875,

Was read second time in full together with the amendments offered by the committee.

Mr. Smith of 31st moved that the bill remain upon its second reading and 100 copies of the bill and amendments be printed;

Which was agreed to and so ordered.

Senate Bill No. 55:

To be entitled an act making it unlawful to hunt deer in this State in the night time by firelight, and fixing a penalty therefor,

Was read second time in full, together with the amendment offered by the Committee on Judiciary.

Mr. Wolfe moved that the committee amendment be adopted.

Pending consideration of which,

Mr. Yancey offered the following amendment to the amendment offered by the Committee on Judiciary:

Amend by adding at the end of section 2 the following:

Provided that persons hunting opossums, coons, wildcats or other small game at night by the aid of a torch or lantern shall not be subject to the penalties prescribed by this act.

Strike out the word "deer" in line one of section 2;

Which was withdrawn.

The amendment offered by the Committee on Judiciary was thereupon adopted, and the bill, together with the amendment, was ordered engrossed for its third reading.

Mr. Wolfe asked and was granted unanimous consent to recall Senate Bill No. 13 from the Committee on Engrossed Bills, and have said bill put back on its second reading.

Mr. Hammond moved that the Senate adjourn until 10 o'clock Saturday morning, April 18, 1891;

Which motion was agreed to, and the Senate adjourned until that time.

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SATURDAY, April 18, 1891.

The Senate met pursuant to adjournment.

The President *pro tem.* Swearingen in the chair.

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

Messrs. Baya, Borden, Bristol, Brett, Broome, Bryant, Calhoun, Coulter, Crosby, Hammond, Hardee, King, Kirk, McKinne, Myers, Pirrong, Rogers, Rosborough, Smith of 30th, Smith of 31st, Swearingen, Thomas, Wadsworth, Wall, Wolfe and Yancey—26.

A quorum present.