

12:25 O'CLOCK.

The Senate met.

The President in the chair.

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

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

A quorum present.

The consideration of bills on their second reading was resumed.

Mr. Borden moved that Senate bill No. 94 be passed informally.

House bill No. 8:

To be an act defining the liabilities of railroad companies in certain cases,

Was read second time in full and passed to its third reading.

House bill No. 133:

To be entitled an act relating to the issuing of subpoenas and other process in causes where the State of Florida is a party,  
Was read second time in full, and passed to its third reading.

Senate bill No. 26:

To be entitled an act for the relief of persons confined in insane asylums in the State of Florida by placing the inmates of insane asylums under the protection of the laws by securing to them certain postal rights,

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

Mr. Wolfe moved that the amendments of the committee be adopted;

Which was agreed to, and the amendments to the bill were adopted, and the bill with the amendments was ordered engrossed for its third reading.

Senate bill No. 99:

To be entitled an act to amend an act to protect females of immature age and judgment from licentiousness,

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

Senate Bill No. 31:

To be entitled an act to amend sections 1 and 2 of an act entitled an act relating to jurors, approved August 1, 1868.

Mr. McKinne moved that the bill be passed informally;

Which was agreed to, and so ordered.

Substitute for Senate bill No. 9:

To be entitled an act to prohibit the sale or giving, or furnishing or providing to minors cigarettes, cigarette tobacco, cigarette paper, or any substitute therefor, and to provide penalties for a violation of the same,

Was read second in full, together with the amendments offered by the Committee on Temperance.

Mr. Coulter moved that the amendments of the committee be adopted;

Which was agreed to, and the amendments to the bill were adopted.

Mr. Summers moved that the bill remain on its second reading and be passed informally;

Which was agreed to, and so ordered.

Mr. Kirk moved that the Senate adjourn until 10 o'clock Thursday morning, April 23, 1891;

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

—o—  
THURSDAY, April 23, 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, Farmer, Hammond, Hardee, Johnson, King, Kirk, McKinne, Myers, Pirrong, Rogers, Rosborough, Smith of 30th, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wall, Wilkinson, Wolfe and Yancey—30.

A quorum present.

Prayer by the Chaplain.

The Journal was approved.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }  
TALLAHASSEE, FLA., April 18, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

Senate Concurrent Resolution No. 18:

Relative to a Joint Committee on Roads and Highways,

And have appointed Messrs. Mann of Hernando, Johns of Bradford, Bates of Gadsden and Mays of Jefferson such committee on part of the House.

Very respectfully,

WM. FORSYTH BYNUM,  
Chief Clerk of the House of Representatives.

#### INTRODUCTION OF BILLS.

By Mr. Coulter:

Senate bill No. 109:

To be entitled an act for the better prevention of riots, mobs and tumults, and providing for checking and suppressing the same.

Mr. Coulter moved that the rules be waived, and that Senate bill No. 109 be read first time by its title;

Which was agreed to by a two-thirds vote, and Senate bill No. 109 was read first time by its title and referred to the Committee on Judiciary.

#### REPORTS OF COMMITTEES.

Mr. Yancey, Chairman of the Committee on Judiciary, submitted the following report:

SENATE CHAMBER, }  
TALLAHASSEE, FLA., April 23, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

SIR—Your Committee on Judiciary, to whom was referred—

House Bill No. 38:

To be entitled an act to amend section 2 of and

act entitled an act to prescribe a mode whereby counties may erect court houses and other buildings.

Also,

Senate bill No. 85:

To be entitled an act to provide for the speedy settlement and distribution of estates which are not indebted.

Also,

Senate bill No. 103:

To be entitled an act to define the fees of sheriffs in and for the service of writs of habeas corpus and to provide for their payment.

Also,

Senate bill No. 104:

To be entitled an act to provide for the payment of fees of officers of court in cases of estreated bonds,

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

Very respectfully,

D. H. YANCEY,  
Chairman of Committee.

Also the following:

SENATE CHAMBER, }  
TALLAHASSEE, FLA., April 23, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

SIR—Your Committee on Judiciary, to whom was referred—

Senate bill No. 102:

To be entitled an act to provide for the payment of agents of this State sent into other States for the purpose of securing fugitives from the justice of the State of Florida,

Have had the same under consideration, and recommend that it do pass, with the following amendment, to-wit:

In line 3, section 1, strike out the words "the same fees and mileage," and insert in lieu thereof "five cents per mile for himself, and the same for each prisoner under arrest, and such other costs.

Very respectfully,

D. H. YANCEY,  
Chairman of Committee.

Also the following:

SENATE CHAMBER,  
TALLAHASSEE, FLA., April 23, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

SIR—Your Committee on Judiciary, to whom was referred—  
Senate bill No. 32:

An act to be entitled an act for the preservation of wild deer, birds and other game,

Have had the same under consideration, and recommend that it do pass, with the following amendments, to-wit:

In line 2, section 1, strike out the words "May, June, July, August and September," and insert in lieu thereof, "November, December, January and February."

In line 6, section 1, strike out the words "May, June, July, August and September," and insert in lieu thereof, "November, December, January and February."

Very respectfully,

D. H. YANCEY,  
Chairman of Committee.

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

SENATE CHAMBER,  
TALLAHASSEE, FLA., April 23, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

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

Substitute for Senate bill No. 61:

"An act to be entitled an act to protect public bridges from injury by floating logs and drifts."

Also,

Senate bill No. 73:

"A bill to be entitled an act to make husband and wife competent witnesses."

Also,

Senate bill No. 51:

"Entitled an act for the relief of Wm. H. Trimmer, supervisor of registration for Escambia county."

Also,

Senate bill No. 38:

"An act to be entitled an act to amend section 4 and section 8 of an act entitled an act to incorporate the West Florida and Alabama Railroad Company, approved May 30, 1889."

Also,

Senate bill No. 99:

"A bill to be entitled an act to amend an act to protect females of immature age and judgment from licentiousness."

Also,

Senate bill No. 82:

"A bill to be entitled an act to establish a uniform system of record and file keeping in probate offices in Florida,"

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

Very respectfully,

B. F. KIRK,

Chairman of Committee.

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

SENATE CHAMBER,  
TALLAHASSEE, FLA., April 22, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

SIR—The Joint Committee on Enrolled Bills, to whom was referred—

Senate bill No. 11:

To be an act 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 found it correctly enrolled, and would most respectfully ask your signature thereto.

Very respectfully,

W. J. BORDEN,

Chairman of Joint Committee.

Mr. Calhoun asked leave to be absent an hour;

Which was granted.

#### CONSIDERATION OF BILLS ON SECOND READING.

Substitute for Senate bill No. 9:

To be entitled an act to prohibit the sale and disposing of cigarettes to persons under eighteen years of age, and to prohibit persons under eighteen years of age from smoking cigarettes.

Mr. Summers moved that the bill lay on the table subject to call;

Which was agreed to and so ordered.

Senate bill No. 94:

To be entitled an act to amend section 1 of an act entitled an act to provide a punishment for carrying concealed weapons, and for the trial of such offense, giving the Circuit Court jurisdiction of the same, Chapter 3620, Laws of Florida, approved February 12, 1885,

Was read second time in full, together with the following amendment, offered by Mr. Wall;

Which was pending on adjournment yesterday:

Amend by striking out the proviso in section 1.

Mr. Wall moved that the amendment be adopted;

Which was agreed to, and the amendment was adopted.

Mr. McKinne offered the following amendment:

In section 1, line 17, after the word year insert "or by fine not to exceed five hundred dollars."

Mr. McKinne moved that the amendment be adopted.

Upon which the yeas and nays were called.

The vote was as follows:

Yeas—Messrs. Baya, Borden, Bryant, Drake, Hardee, King, Kirk, McKinne, Myers, Pirrong, Rogers, Swearingen, Thomas and Wadsworth—14.

Nays—Mr. President, Messrs. Bristol, Broome, Calhoun, Coulter, Crosby, Farmer, Johnson, Rosborough, Smith of 31st, Summers, Wall, Wilkinson, Wolfe and Yancey—15.

So the amendment was not agreed to.

Pending further consideration of which—

A message was received from the Governor.

Mr. McKinne offered the following amendment to Senate bill No. 94:

In section 1, line 17, after word "year" insert "or by fine not less than ten dollars or more than five hundred dollars in the discretion of the court."

Mr. Broome moved the following amendment to the amendment:

In section 1, line 17, after the word "year" strike out "ten" and insert "twenty-five."

So the amendment to the amendment was not agreed to.

Mr. McKinne moved the adoption of the amendment offered by himself.

On the motion to adopt the amendment offered by Mr. McKinne, the yeas and nays were called.

The vote was as follows:

Yeas—Messrs. Baya, Broome, Bryant, Drake, Hardee, King, Kirk, McKinne, Myers, Pirrong, Rogers, Smith of 30th, Swearingen, Thomas, Wadsworth, Wall and Wilkinson—17.

Nays—Messrs. Bristol, Coulter, Crosby, Johnson, Rosborough, Smith of 31st, Summers, Wolfe and Yancey—9.

So the amendment was adopted.

Mr. Summers moved that the bill with the amendment be indefinitely postponed.

On the motion to indefinitely postpone the yeas and nays were called.

The vote was as follows:

Yeas—Messrs. Borden, Bristol, Calhoun, Coulter, Crosby, Farmer, Hammond, Johnson, King, Myers, Rogers, Rosborough, Summers, Wolfe and Yancey—16.

Nays—Messrs. Baya, Broome, Bryant, Drake, Hardee, Kirk, McKinne, Pirrong, Smith of 30th, Smith of 31st, Swearingen, Thomas, Wadsworth, Wall and Wilkinson—15.

So the motion to indefinitely postpone was agreed to, and Senate bill No. 94 was indefinitely postponed.

Senate bill No. 31:

To be entitled an act to amend sections 1 and 2 of an act entitled an act relating to jurors, approved August 1, 1868.

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

Mr. Wall moved that the amendments of the committee be adopted;

Which was agreed to and the amendments to the bill were adopted.

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

Which was agreed to and so ordered.

Pending further consideration of which—

On motion of Mr. Calhoun, Mr. Joseph Hall, of Macon, Ga., was invited to a seat upon the floor of the Senate.

#### SPECIAL ORDERS OF THE DAY.

The hour having arrived for the special consideration of—  
Senate bill No. 53:

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

The same was read second time, together with the amendments.

The following amendment, offered by Mr. Myers, which was pending when the bill was made the special order for today, was again read.

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. Rogers offered the following amendment to the amendment:

Strike out the proviso in lines 6 and 7 in the amendment.

Pending the further consideration of which—

A committee from the House of Representatives appeared at the bar of the Senate and notified the Senate that the House was ready to receive them in joint session.

The committee thereupon retired.

The President announced that the hour of 12 M. had arrived and the Senate would now proceed to the House of Representatives' hall.

The Senate thereupon marched in a body to the hall of the House of Representatives and was received by the House.

## TWELVE O'CLOCK M.

JOINT SESSION, April 23, 1891.

At 12 o'clock the Senate entered the hall of the House of Representatives and was received by the House.

President Browne in the chair.

The President ordered the Secretary of the Senate to call the roll of the Senate.

Upon call of the roll the following Senators answered to their names:

Mr. President, Messrs. Baya, Borden, Bristol, Brett, Broome, Bryant, Calhoun, Coulter, Crosby, Drake, Farmer, Hammond, Hardee, Johnson, King, Kirk, McKinne, Myers, Pirrong, Rogers, Rosborough, Smith of 30th, Smith of 31st, Summers,

Swearingen, Thomas, Wadsworth, Wall, Wilkinson, Wolfe and Yancey—32.

A quorum present.

By request of the President, the Speaker of the House ordered the roll of the House called.

Upon call of the roll the following members answered to their names:

Mr. Speaker, Messrs. Atkinson, Baker, Baltzell, Bates, Berry, Bethel, Beville, Blich of Marion, Blich of Levy, Bogue, Brown, Buford, Burford, Cauty, Carleton, Carter, Carson, Clark, Coulter, Dimick, Dougherty, Dykes, Goode, Haddock, Hicks, High, Hocker, Hollinger, Hutchinson, Jenkins, Johns, King, Langford, Lavender, Mann of Baker, Mann of Hernando, Mays, McCaskill, McRae, McSwain, Monroe, Morgan, Morris, Newlan, Overstreet, Parker, Peacock, Pittman, Priest, Richbourg, Robertson, Rye, Saulsbury, Shine, Sparkman, Stapler, Summerlin, Thompson, Trammell, Turnbull, Usina, Vann, Vaughn, Whitehurst, Whitner, Wilson and Young—67.

A quorum present.

The Journals of the Senate and House, of the joint session, held April 22, 1891, were read and approved.

Mr. Wall moved that the joint session proceed to vote for a United States Senator;

Which was agreed to, and so ordered.

The vote of the Senate was:

For Mr. Call—Messrs. Bryant, Calhoun, Coulter, Crosby, Smith of 30th, Swearingen, Thomas, Wadsworth and Yancey—9.

For Mr. Speer—Messrs. Borden, Bristol, Johnson, Kirk and Rogers—5.

For Mr. Costa—Mr. President and Mr. Wilkinson—2

For Mr. Ellis—Mr. Baya—1.

For Blank—Mr. Smith of 31st—1.

For Mr. Herring—Mr. Brett—1.

For Mr. Snooks—Mr. Broome—1.

For Mr. Appleyard—Mr. Hammond—1.

For Mr. Minor S. Jones—Messrs. Drake, Hardee, Myers and Rosborough—4.

For Mr. Knight—Mr. King—1.

For Mr. Legget—Mr. Farmer—1.

For Mr. Wall—Mr. McKinne—1.

For Mr. John K. Jones—Mr. Pirrong—1.

For Mr. Hartridge—Mr. Summers—1.

For Mr. McKinne—Mr. Wall—1.

For Mr. LaFar—Mr. Wolfe—1.

For Wilkinson Call—9.

J. G. Speer—5.

Tom Costa—2.

G. B. Ellis—1.

J. R. Herring—1.

Peter Snooks—1.

T. J. Appleyard—1.

Minor S. Jones—4.

Peter O. Knight—1.

C. H. Legget—1.

J. B. Wall—1.

John K. Jones—1.

J. E. Hartridge—1.

J. H. McKimne—1.

T. A. LaFar—1.

Blank—1.

Total—32.

The vote of the House was:

For Dr. LaFar—Mr. Usina—1.

For Mr. A. S. Mann—Mr. Rye—1.

For Mr. Wall—Messrs. Hicks and Trammell—2.

For Mr. Murphey—Mr. Dimick—1.

For Mr. Barco—Messrs. Clark, Dougherty, Haddock, High, Hutchinson, King, Lavender and Mann of Hernando—8.

For Mr. Hopkins—Messrs. Bogue, McSwain, Newlan, Parker, Saulsbury and Sparkman—6.

For Mr. Smith—Messrs. Blitch of Levy, Buford, Burford, Cauty, Carleton, Carter, Mays and Morris—8.

For Mr. Jones—Mr. Atkinson—1.

For Mr. Call—Mr. Speaker. Messrs. Bates, Berry, Brown, Carson, Coulter, Dykes, Jenkins, Johns, Langford, Mann of Baker, Mc-Caskill, Monroe, Morgan, Overstreet, Peacock, Pittman Priest, Stapler, Summerlin, Thompson, Vann and Young—23.

For Mr. Speer—Messrs. Baker, Beville, Blitch of Marion, Hocker, McRea, Richbourg, Shine and Whitner—8.

For Mr. DaCosta—Mr. Baltzell—1.

For Mr. Dougherty—Mr. Bethel—1.

For Mr. Alexander—Mr. Goode—1.

For Mr. Norwood—Mr. Robertson—1.

For John Doe—Messrs. Turnbull, Vaughn, Whitehurst and Wilson—4.

The Secretary announced that the total number of votes cast for United States Senator was 99.

Of which—

Mr. Call received 32 votes.

Mr. Speer received 13 votes.

Mr. Nick. Barco received 8 votes.

Mr. Ben. Hopkins received 6 votes.

Mr. Bill Smith received 8 votes.

Mr. J. B. Wall received 3 votes.

Mr. John Doe received 4 votes.

Mr. Minor S. Jones received 4 votes.

Mr. Tom Costa received 2 votes.

Mr. G. B. Ellis received 1 vote.

Mr. J. R. Herring received 1 vote.

Mr. Peter Snooks received 1 vote.

Mr. T. J. Appleyard received 1 vote.

Mr. Peter O. Knight received 1 vote.

Mr. John K. Jones received 1 vote.

Mr. J. E. Hartridge received 1 vote.

Mr. Bill Norwood received 1 vote.

Mr. Jim Alexander received 1 vote.

Mr. Chas. Dougherty received 1 vote.

Mr. C. W. DaCosta received 1 vote.

Mr. Loton M. Jones received one vote.

Mr. Pat. Murphy received 1 vote.

Mr. A. S. Mann received 1 vote.

Mr. T. A. LaFar received 2 votes.

Blank—1.

The President declared there was no election.

Mr. Bryant moved that the joint session adjourn until 12 o'clock to-morrow;

Which was agreed to.

Whereupon the Senate withdrew to its chamber.

At 12:32 P. M. the Senate resumed its session.

12:32 O'CLOCK.

The Senate met.

The President in the chair.

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

Mr. President, Messrs. Baya, Borden, Bristol, Broome, Calhoun, Coulter, Crosby, Farmer, Hardee, Johnson, King, Kirk, McKinne, Myers, Pirrong, Rogers, Rosborough, Smith of 30th, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wilkinson, Wolfe and Yancey—27.

A quorum present.

Consideration of the special order of the day was resumed.  
Mr. Myers moved that Senate bill No. 53 remain on its second reading and be passed informally;

Which was agreed to, and so ordered.

By permission, Mr. McKinne introduced Senate bill No. 110:

To be entitled an act in relation to landlord and other liens.

Mr. McKinne moved that the rules be waived, and that Senate bill No. 110 be read first time by its title, and that 100 copies of the same be printed;

Which was agreed to by a two-thirds vote and so ordered.

Mr. Rogers moved that the Senate adjourn until 10 o'clock Friday morning, April 24, 1891;

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

—o—  
FRIDAY, April 24, 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, Johnson, King, Kirk, McKinne, Myers, Pirrong, Rogers, Rosborough, Smith of 30th, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wall, Wilkinson, Wolfe and Yancey—32.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

On motion of Mr. Hardee, Capt. Jos. Smith of Titusville, was invited to a seat on the floor of the Senate.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. Calhoun:

Senate Concurrent Resolution No. 20:

Relative to the investigation of the Indian war claims,

Was read the first time as follows:

*Be it Resolved by the Senate, the House concurring, That the special committee appointed to investigate the origin and*

condition of the Indian war claims of the State of Florida and the action of the Congress and our Representatives and Senators therein, and be empowered to employ such clerical and stenographic aid in making this investigation as they may from time to time deem necessary.

Mr. Calhoun moved that the rules be waived and that the resolution be read second time and adopted;

Which was agreed to by a two-thirds vote and the resolution was read second time and adopted.

Mr. Calhoun moved that the rules be further waived and that the resolution be immediately certified to the House;

Which was agreed to by a two-thirds vote and Senate Concurrent Resolution No. 20 ordered certified to the House at once.

#### INTRODUCTION OF BILLS.

By Mr. Coulter:

Senate bill No. 111:

To be entitled an act to make it a misdemeanor to handle fire arms in certain ways, and for the better protection of human life.

Mr. Coulter moved that the rules be waived, and that Senate bill No. 111 be read first time by its title;

Which was agreed to by a two-thirds vote, and Senate bill No. 111 was read first time by its title and referred to the Committee on Judiciary.

By Mr. King:

Senate bill No. 112:

To be entitled an act to prevent the catching of fish by means of poisons or by use of explosive substances;

Which was read first time in full and referred to the Committee on Judiciary.

Mr. King moved that the rules be waived, and that Senate bill No. 112 be read second time;

Which was agreed to by a two-thirds vote, and Senate bill No. 112 was read second time in full.

Mr. Coulter moved that section 4 of the bill be stricken out; Which was agreed to, and section 4 of Senate bill No. 112 was stricken out.

The bill was ordered engrossed for its third reading.

By Mr. McKinne:

Senate bill No. 113:

To be entitled an act to prevent the enticing from their employers any minors or other persons under contract in this State.