

Was read third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Borden, Bristol, Broome, Bryant, Calhoun, Coulter, Crosby, Farmer, Hardee, Johnson, King, Kirk, Myers, Pirring, Rosborough, Smith of 30th, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wilkinson, Wolfe and Yancey—25.

Nays—None.

So the bill passed, title as stated, and the rules were waived and House bill No. 133 was ordered certified to the House of Representatives immediately.

Mr. Myers moved that—

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,

Be put back on its second reading from its position on calendar on third reading;

Which was agreed to, and so ordered.

Mr. Calhoun moved that Senate bill No. 35 be recommitted to the Committee on Judiciary;

Which was agreed to, and the bill was so recommitted.

Mr. Summers moved that the Senate adjourn until 10 o'clock Saturday morning, April 25, 1891;

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

#### CONFIRMATIONS.

E. W. Menefee, to be Commissioner, District No. 15.

J. M. Pfeifer, to be Commissioner, District No. 13.

Ed Gale Quina, to be Commissioner, District No. 13.

David Tobin, to be Commissioner, District No. 14, for the provisional Municipality of Pensacola, Florida.

J. Fred. Lohman, to be Harbor Master.

Thos. Kydd, to be Pilot Commissioner.

I. A. Mode, to be Pilot Commissioner for the Port of Fernandina, Nassau county, Florida.

SATURDAY, April 25, 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, Broome, Bryant, Coulter, Crosby, Drake, Farmer, Hammond, Hardee, Johnson, King, Kirk, Pirrong, Rogers, Smith of 30th, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wilkinson, Wolfe and Yancey—25.

A quorum present.

Prayer by the Chaplain.

The Journal was approved.

On motion of Mr. Smith, Senator Myers was excused from roll call.

On motion of Mr. Yancey, Senator Calhoun was excused for the day on account of sickness in his family.

#### INTRODUCTION OF BILLS.

By Mr. Wolfe:

Senate bill No. 120:

To be entitled an act to regulate sailor boarding house keepers and the shipping of sailors.

Mr. Wolfe moved that the rules be waived and that Senate bill No. 120 be read first time by its title;

Which was agreed to by a two-thirds vote and Senate bill 120 was read first time by its title and referred to the Committee on Commerce and Navigation.

By Mr. Wilkinson:

Senate bill No. 121:

To be entitled an act making appropriations to carry into effect the provisions of section 5, Chapter 3855, Laws of Florida.

Mr. Wilkinson moved that the rules be waived and that Senate bill No. 121 be read first time by its title;

Which was agreed to by a two-thirds vote, and Senate bill 121 was read first time by its title and referred to the Committee on Appropriations.

By Mr. Pirrong:

Senate bill No. 122:

To be entitled an act to enforce the payment of taxes by bankers and brokers.

Mr. Pirrong moved that the rules be waived and that Senate bill No. 122 be read first time by its title;

Which was agreed to by a two-thirds vote and Senate bill No. 122 was read the first time by its title and referred to the Committee on Finance and Taxation.

By Mr. Bristol:

Senate bill No. 123:

To be entitled an act to amend section 186 of Chapter 3800, Laws of Florida, entitled an act to incorporate the Georgia, Florida and Key West Railway Company.

Mr. Bristol moved that the rule be waived and that Senate bill No. 123 be read first time by its title;

Which was agreed to by a two-thirds vote and Senate bill No. 123 was read first time by its title and referred to the Committee on Railroads and Telegraphs.

By Mr. Bristol:

Senate bill No. 124:

To be entitled an act to amend section 1, Chapter 15, Laws of Florida, entitled an act concerning seamen in the merchant service, approved September 18, 1822.

Mr. Bristol moved that the rules be waived and that Senate bill No. 124 be read first time by its title;

Which was agreed to by a two-thirds vote and Senate bill No. 124 was read first time by its title and referred to the Committee on Judiciary.

By Mr. Bristol:

Senate bill No. 125:

To be entitled an act to provide for the payment of attorneys' fees in suits in garnishment before justices of the peace and county judges.

Mr. Bristol moved that the rules be waived and that Senate bill No. 125 be read first time by its title;

Which was agreed to by a two-thirds vote and Senate bill No. 125 was read first time by its title and referred to the Committee on Judiciary.

By Mr. Thomas:

Senate bill No. 126:

To be entitled an act to declare the anniversary of the birth of Jefferson Davis a legal holiday.

Mr. Thomas moved that the rule be waived, and that Senate bill No. 126 be read first time by its title;

Which was agreed to by a two-thirds vote, and Senate bill No. 126 was read first time by its title and referred to the Committee on State Affairs.

By Mr. Summers:

Senate bill No. 127:

To be entitled an act to provide for the assessment, levy and collection of taxes by the City of Jacksonville.

Mr. Summers moved that the rules be waived, and that Senate bill No. 127 be read first time by its title;

Which was agreed to by a two-thirds vote, and Senate bill No. 127 was read first time by its title and referred to the Committee on City and County Organization.

By Mr. Summers:

Senate bill No. 128:

To be entitled an act to legalize the assessments and levies of taxes for the years 1887, 1888, 1889 and 1890 by the city of Jacksonville.

Mr. Summers moved that the rules be waived and that Senate bill No. 128 be read first time by its title;

Which was agreed to by a two-thirds vote, and Senate bill No. 128 was read first time by its title and referred to the Committee on City and County Organization.

#### REPORTS OF COMMITTEES.

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

SENATE CHAMBER,  
TALLAHASSEE, FLA., April 25, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

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

Senate bill No. 26:

A bill 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 their postal rights.

Also,

Substitute for Senate bill No. 66:

A bill to be entitled an act to regulate steam ferries, the trips of the same and tolls charged,

Beg leave to report them correctly engrossed.

Very respectfully,

BENJ. F. KIRK,  
Chairman of Committee.

Mr. Wolfe, Chairman of the Committee on Public Health, submitted the following report:

SENATE CHAMBER,  
TALLAHASSEE, FLA., April 18, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

SIR—Your Committee on Public Health, to whom was referred—

Senate bill No. 81:

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,

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

Very respectfully,

J. EMMET WOLFE,  
Chairman of Committee.

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

SENATE CHAMBER,  
TALLAHASSEE, FLA., April 25, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

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

Enrolled Senate bill No. 11:

An act to supply deficiencies in appropriations for the years 1889 and 1891:

Beg leave to report that they have presented the same to the Governor and requested his signature thereto.

Very respectfully,

W. J. BORDEN,  
Chairman of Committee.

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

SENATE CHAMBER,  
TALLAHASSEE, FLA., April 24, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

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

Senate Bill No. 84:

A bill to be entitled an act to require public officials receiving and disbursing public moneys to publish their reports,

Beg leave to report that they have had the same under con-

sideration, and respectfully recommend that it do not pass.

Very respectfully,

J. F. BAYA,

Chairman of Committee.

Mr. Bristol, Chairman of the Committee on Claims, submitted the following report:

SENATE CHAMBER,  
TALLAHASSEE, FLA., April 25, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

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

Senate bill No. 33:

Being a bill for the relief of William H. Higham, sheriff of Levy county,

Have had the same under consideration and beg leave to submit the following report:

Section 1 of said bill asking that the Board of Public Instruction of Levy county be authorized and empowered to settle the claims of said sheriff, we believe to be just and equitable, involving no liability on the part of the State.

Section 2 of said bill releasing the securities of said sheriff from all liability on account of said sheriff, we believe to be a matter which the Legislature should not grant, and we therefore report the bill favorably, with the following amendment:

Strike out all of section 2 in said bill.

Very respectfully,

W. H. BRISTOL,

Chairman of Committee.

Pending further consideration of reports of committees a message was received from the Governor.

#### CONSIDERATION OF BILLS ON SECOND READING.

Senate bill No. 88:

To be entitled an act to provide for the publication of the general laws, passed by this and subsequent legislatures,

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

Mr. Smith of 31st, moved that the amendments of the committee be adopted;

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

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

Which was agreed to and so ordered.

Senate bill 69:

To be entitled an act to empower the Judges of the Circuit Courts of this State to appoint or employ a reporter or stenographer in their courts; to define the duties of such stenographer, fix his fees, and for other purposes.

Was read second time in full.

Mr. Wolfe offered the following amendment:

In section 3 line 7, after the word "employed" add "*Provided*, That no greater sum than ten dollars shall be allowed said stenographer for any one day's work even though he may report more than one case daily."

In section 4, line 8, after the word "judge" add "*Provided*, That it shall be the duty of such stenographer to file in the office of the clerk of the Circuit Court within forty-eight hours after the conclusion of any civil or criminal case which he may report, a complete long hand or type written copy of his notes in such case, if he is directed so to do by the judge of said court. *Provided*, That the judge of said court may grant said stenographer additional time for the preparation of such long hand or type written transcript when the same may be necessary."

Mr. Wolfe moved that the first section of the amendment be adopted;

Which was agreed to, and the first section of the amendment was adopted.

Mr. Wolfe moved that the second section of the amendment be adopted;

Which was agreed to, and the second section of the amendment was adopted.

On motion of Mr. Rogers the bill together with the amendments was referred to the Committee on Judiciary.

Senate bill No. 102:

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

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

Mr. Rogers 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. 104:

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

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

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,

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

Senate bill No. 85:

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

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

House bill No. 38:

To be entitled an act to amend section 2 of an act entitled an act to prescribe a mode whereby counties may erect court houses and other buildings,

Was read second time in full.

Mr. Hammond moved that the rules be waived and that the bill be put upon its third reading;

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

House bill No. 38:

To be entitled an act to amend section 2 of an act entitled an act to prescribe a mode whereby counties may erect court houses and other public buildings,

Was read third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Borden, Bristol, Broome, Crosby, Drake, Hammond, Hardee, Johnson, Kirk, Pirrong, Smith of 30th, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wolfe and Yancey—19.

Nays—None.

So the bill passed, title as stated.

Mr. Hammond moved that the rules be waived and that House bill No. 38 be certified to the House of Representatives at once;

Which was agreed to by a two-thirds vote and House bill No. 38 was ordered to be so certified.

Senate bill No. 32:

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

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

Mr. Summers 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. 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. Summers offered the following amendment to the amendment offered by the committee:

Strike out all after the words "to be entitled" in the enacting clause, and insert the following in lieu thereof:

An act to prohibit the sale and disposing of cigarettes, smokettes, cigarette paper and cigarette tobacco, to persons under eighteen years of age.

*Be it Enacted by the Legislature of the State of Florida:*

Section 1. That from and after the passage of this act it shall be unlawful for any storekeeper, saloonkeeper, merchant or any other person or persons, their agents, clerks, managers or assigns to sell to, buy for, give to or in any other manner dispose of, to any person or persons under the age of eighteen years cigarettes, smokettes, cigarette paper or cigarette tobacco, when prepared for the purpose of making cigarettes of any kind or description whatsoever; any person or persons who shall violate the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail not to exceed thirty days, or by fine not to exceed one hundred dollars.

Sec. 2. It shall be the duty of the sheriff, his deputies, constables and police officers, who shall receive one-half of the fine imposed, to arrest the person or persons violating the provisions of this act, without warrant, and take them before the proper officer to be dealt with in accordance with law.

Pending which—

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

Which was agreed to, and so ordered.

Senate bill No. 101:

To be entitled an act to incorporate the Manatee River Telephone and Telegraph Company,

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

Senate bill No. 79;

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

Mr. Summers moved that the bill be passed informally;

Which was agreed to and so ordered.

Senate bill No. 100:

To be entitled an act to regulate the catching of terrapin in the waters of the State of Florida,

Was read second time in full.

Mr. Swearingen moved that the bill remain on its second reading;

Which was agreed to, and so ordered.

Senate bill No. 84:

To be entitled an act to require public officials receiving and disbursing public moneys, to publish their reports,

Was read second time in full.

Mr. Baya moved that the bill be indefinitely postponed;

Which was withdrawn.

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

Which was agreed to and so ordered.

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,

Was read second time in full.

Mr. Summers moved that the bill remain upon its second reading and that 100 copies of the same be printed;

Which was agreed to, and so ordered.

Senate bill No. 33:

To be entitled an act for the relief of Wm. H. Bigham, sheriff in and for Levy county, Florida,

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

Mr. Coulter 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.

Mr. Farmer moved that the vote by which Senate bill No. 100 was ordered to remain on its second reading be reconsidered.

Which went over the rules until Monday.

Mr. Hardee asked and was granted leave of absence until May 5, 1891.

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

The committee thereupon retired.

Mr. Summers moved that the Senate take up—  
Substitute for Senate bill No. 9:

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

Which was agreed to, and the substitute for Senate bill No. 9 was taken up.

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 25, 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, Broome, Bryant, Coulter, Crosby, Drake, Farmer, Hammond, Hardee, Johnson, King, Kirk, Pirrong, Smith of 30th, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wilkinson, Wolfe and Yancey—25.

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. Baker, Baltzell, Bates, Berry, Beville, Blitch of Marion, Bogue, Canty, Carleton, Carter, Carson, Clark, Coulter, Dimick, Dykes, Haddock, Hicks, High, Hocker, Hutchinson, Jenkins, Johns, King, Lavender, Mays, McCaskill, McRae, McSwain, Monroe, Morgan, Morris, Newlan, Overstreet, Parker, Peacock, Priest, Richbourg, Robertson, Rye, Saulsbury, Shine, Sparkman, Stapler, Turnbull, Usina, Vaughn, Whitehurst, Whitner, Wilson and Young—51.

A quorum present.

Mr. Summerlin moved that the reading of the Journals of the Senate and House in joint session, held April 24, 1891, be dispensed with;

Which was agreed to, and so ordered.

Mr. Wolfe 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, Coulter, Crosby, Smith of 30th, Swearingen, Thomas and Wadsworth—7.

For Mr. Speer—Messrs. Borden, Bristol and Johnson—3.

For Ziba King—Mr. President, Messrs. Farmer, Hammond and Hardee—4.

For James E. Broome—Mr. Baya—1.

For J. F. Baya—Mr. Broome—1.

For Fred T. Myers—Mr. Drake—1.

For S. J. Turnbull—Mr. King—1.

For Patrick Houstoun—Mr. Kirk—1.

For John K. Jones—Mr. Pirrong—1.

For B. C. Rude—Mr. Smith of 31st—1.

For Dr. T. A. LaFar—Messrs. Brett and Summers—2.

For O. J. H. Summers—Mr. Wilkinson—1.

For S. R. Mallory—Mr. Wolfe—1.

Summers—4.

Shine—1.

Priest—1.

Nick Barco—1.

Wilson—1.

Underwood Sims—1.

Bill Smith—1.

King—1.

Tunno—1.

Ben Hopkins—2.

Tom Sawyer—1.

Dougherty—1.

Turnbull—4.

Gaskins—1.

Willie—1.

Hocker—1.

Rogers—1.

Porter—1.

Hammond—1.

Calhoun—1.

The vote of the House was:

Blank—Messrs. McSwain and Newland—2.

For Mr. Call—Mr. Speaker, Messrs. Bates, Carson, Dykes, Hicks, Johns, Morgan, Morris, Peacock, Pittman, Priest, Rye, Stapler and Young—12.

For Mr. Speer—Messrs. Baker, Beville, Blitch of Marion, Jenkins and McRae—5.

For Mr. LaFar—Messrs. Carlton, Lavender, Shine and Usina—4.

For M. J. Rogers—Baltzell—1.

O. J. H. Summers—Messrs. Bogue, Cauty, Dimick, Dougherty and Thompson—5.

T. V. Porter—Messrs. Carter and King—2.

For Thomas Shine—Overstreet—1.

For J. E. Broome—Coulter—1.

For Chas. Priest—Haddock—1.

For Nick Barco—High—1.

For E. A. Wilson—Hocker—1.

For Underwood Sims—Hutchinson—1.

For Bill Smith—1.

For Wm. M. Tunno—Monroe—1.

For Ben Hopkins—Messrs. Parker and Sparkman—2.

For E. M. Hammond—Richbourg—1.

For Tom Sawyer—Robertson—1.

For Mr. Calhoun—Saulsbury—1.

For Chas. F. Dougherty—Summerlin—1.

For S. J. Turnbull—Messrs. Clark, Mays, Trammell and Wilson—4.

For J. L. Gaskins—Turnbull—1.

For J. J. Willie—Vaughn—1.

W. A. Hocker—Whitner—1.

On call of roll Mr. Yancey stated that he was paired with Mr. Rogers, but that if Mr. Rogers was present that gentleman would vote for Mr. Speer and he, Mr. Yancey, would vote for Mr. Call.

The Secretary announced that the total number of votes cast for United States Senator was 74.

Of which—

Mr. Call received 19 votes.

Mr. Speer received 8 votes.

Mr. Nick Barco received 1 vote.

Mr. Ben. Hopkins received 2 votes.

Mr. Bill Smith received 1 vote.

Mr. Chas. Dougherty received 1 vote.

Mr. T. A. LaFar received 6 votes.

Mr. Ziba King received 4 votes.

Mr. James E. Broome received 2 votes.

Mr. J. F. Baya received 1 vote.

Mr. Fred. T. Myers received 1 vote.

Mr. S. J. Turnbull received 5 votes.

Mr. Patrick Houston received 1 vote.

Mr. John K. Jones received 1 vote.

Mr. B. C. Rude received 1 vote.

Mr. O. J. H. Summers received 5 votes.

Mr. S. R. Mallory received 1 vote.

Mr. M. J. Rogers received 1 vote.

Mr. T. V. Porter received 1 vote.

Mr. T. W. Shine received 1 vote.

Mr. Chas. Priest received 1 vote.

Mr. Tom Sawyer received 1 vote.

Dr. J. L. Gaskins received 1 vote.

J. J. Willie received 1 vote.

W. A. Hocker received 1 vote.

E. A. Wilson received 1 vote.

Underwood Sims received 1 vote.

Wm. M. Tunno received 1 vote.

E. M. Hammond received 1 vote.

Mr. Calhoun received 1 vote.

The President declared there was no election.

Mr. Summers moved that the joint session adjourn until 12 o'clock Monday, April 27, 1891.

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, Bryant, Coulter, Crosby, Drake, Farmer, Hammond, Hardee, Johnson, King, Kirk, Pirrong, Smith of 30th, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wilkinson, Wolfe and Yancey—25.

A quorum present.

Consideration of the substitute for Senate bill No. 9 was resumed.

Mr. Swearingen moved that the substitute for Senator bill No. 9 be recommitted to the Committee on Temperance;

Which was agreed to and so ordered.

Mr. Wolfe moved that the Senate adjourn until 10 o'clock Monday morning, April 27, 1891;

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