

SATURDAY, May 16, 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, Drake, Johnson, King, Kirk McKinne, Myers, Pirrong, Rogers, Rosborough, Smith of 30th, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wall, Wilkinson, Wolfe and Yancey—27.

A quorum present.

Prayer by the Chaplain.

The Journal was approved.

CONSIDERATION OF RESOLUTIONS.

House Concurrent Resolution:

Relative to the appointment of a joint committee to visit the Insane Asylum at Chattahoochee,

Was read second time and adopted.

On motion of Mr. Farmer, the courtesy of the Senate was extended to Mr. C. A. Snowball, of Nassau county.

REPORTS OF COMMITTEES.

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

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

HON. J. B. BROWNE,

President of the Senate:

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

House bill No. 33:

Entitled an act to amend an act entitled an act to provide for the appointment of a board of examiners, and to regulate the practice of dentistry in the State of Florida, the same being Chapter 3711 of the Laws of Florida, approved June 7, 1887,

Beg to report that they have given the same consideration and recommend that it do pass.

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

Mr. Rogers, Chairman of the Committee on Agriculture, submitted the following report:

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

HON. J. B. BROWNE,

President of the Senate:

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

House bill No. 81:

To be entitled an act to prohibit the leaving open pits and holes outside of enclosures,

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

Very respectfully,

R. F. ROGERS,
Chairman of Committee.

Mr. Summers moved that the rules be waived and that bills on their third reading be taken up;

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

Mr. Summers asked and was granted unanimous consent to take up Senate bill 127 out of its order, so—

Substitute for Senate bill No. 127:

To be entitled an act to amend an act entitled an act to establish the municipality of Jacksonville, provide for its government and prescribe its jurisdiction and powers, approved May 31, 1887,

Was read third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Borden, Bristol, Broome, Bryant, Calhoun, Farmer, Johnson, King, Kirk, McKinne, Pirrong, Rogers, Smith of 30th, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wilkinson and Yancey—21.

Nays—None.

So the bill passed, title as stated.

Mr. Summers moved that the rules be waived and that substitute for Senate bill No. 127 be certified to the House at once;

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

On motion of Mr. Rogers, indefinite leave of absence was granted to Senator Hardee.

By permission, Mr. McKinne, Chairman of the Joint Committee on Roads and Highways, submitted the following report:

SENATE CHAMBER, }
TALLAHASSEE, FLA., May 15, 1891. }

HON. J. B. BROWNE,

President of the Senate:

SIR—Your Committee on Roads and Highways have carefully considered all bills referred to them, and herewith submit a bill in lieu thereof.

The framing of a general road law that would be acceptable to the various counties in this State is a difficult matter, some desiring the taxation system, while others prefer the roads maintained by labor. Your committee is of the unanimous opinion that the bill herewith submitted will satisfy both sides of this matter, and when put to the test of actual experience will prove a great benefit to the State.

Therefore recommend that said bill do pass.

Very respectfully,
J. H. MCKINNE,
Chairman of Committee.

Which was adopted.

Mr. McKinne moved that the rules be waived and that Senate bill No. 214 be read first time by its title only;

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

Senate bill No. 214:

To be entitled an act to provide for working, repairing and maintaining the public roads and bridges of the several counties in this State and provide penalties for the failure thereof;

Was read first time by its title only.

Mr. McKinne moved that the rules be further waived and that Senate bill No. 214 be read second time in full, that it remain on its second reading and that 100 copies be printed;

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

Senator Yancey called attention to the fact that the Journal of yesterday failed to show the attendance of Senator Wolfe and himself, and asked that the Journal of to-day show their presence, as committee work prevented their arriving in time to answer roll call.

Substitute for Senate bill No. 135:

A bill to be entitled an act to amend section 1 of an act entitled an act to amend an act entitled an act to abolish the corporations of the towns of Tampa and North Tampa, to provide a municipal government for the city of Tampa and to define the boundaries thereof, approved June 5, 1889.

Was read third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Borden, Bristol, Brett, Broome, Bry-

ant, Calhoun, Coulter, Drake, Farmer, Hammond, Johnson, King, Kirk, Myers, Pirrong, Rogers, Rosborough, Smith of 30th, Smith of 31st, Swearingen, Thomas, Wadsworth, Wall, Wilkinson and Yancey—26.

Nays—None.

Mr. Wall asked and was granted unanimous consent to correct the orthography of the word "municipal" in the title of the bill to read "municipal."

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Senate bill No. 155:

A bill to be entitled an act to grant lands to the Mexican Gulf, Pacific and Puget Sound Railroad Company,

Was read third time and put upon its passage.

Mr. Wolfe asked and was granted unanimous consent to insert the word "road" in section 2 after the word "rail."

Upon its passage the vote was:

Yeas—Messrs. Baya, Borden, Bristol, Brett, Bryant, Calhoun, Drake, Farmer, Hammond, Johnson, King, Kirk, McKinne, Myers, Pirrong, Rogers, Rosborough, Smith of 31st, Thomas, Wadsworth, Wilkinson, Wolfe and Yancey—23.

Nays—None.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

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

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

HON. J. B. BROWNE,

President of the Senate:

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

Senate bill No. 167:

To be entitled an act to prohibit all persons who are members of organizations or associations, or otherwise, from stopping or endeavoring to stop, or causing to be stopped, by any word, order, sign or other device, the laborers or employes of any shipping company, or other business company of any kind whatsoever, while employed in the discharge of their duties as such laborers or employes,

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

Very Respectfully,
D. H. YANCEY,
Chairman of the Committee.

Also the following :

HON. J. B. BROWNE, }
 SENATE CHAMBER,
 TALLAHASSEE, FLA., May 16, 1891. }

President of the Senate :

SIR—Your Committee on Judiciary, to whom was referred—
 Senate bill No. 200 :

To be entitled an act fixing and regulating the time for
 holding terms of the Circuit Court in and for the Third Judi-
 cial Circuit of the State of Florida,

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

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

Also the following :

HON. J. B. BROWNE, }
 SENATE CHAMBER,
 TALLAHASSEE, FLA., May 16, 1891. }

President of the Senate :

SIR—Your Committee on Judiciary, to whom was referred—
 Senate bill No. 191 :

To be entitled an act to establish a criminal court of
 record in the county of Volusia, Fla.,

Have had the same under consideration and report it back
 without recommendation for the following reason, to-wit :

There was no sufficient proof before the committee of any
 petition having been signed for the establishment of said
 court as required by law.

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

Also the following :

HON. J. B. BROWNE, }
 SENATE CHAMBER,
 TALLAHASSEE, FLA., May 16, 1891. }

President of the Senate :

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

Senate bill No. 196 :

To be entitled an act to create and establish a State bureau
 of vital statistics for the State of Florida, and to increase the
 efficiency of the State Board of Health,

Have had the same under consideration, and report the same

back to the Senate with the following recommendation, to-wit :
 That one hundred copies of the bill be printed, and the bill re-
 committed to the Judiciary Committee.

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

Also the following :

HON. J. B. BROWNE, }
 SENATE CHAMBER,
 TALLAHASSEE, FLA., May 16, 1891. }

President of the Senate :

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

Senate bill No. 139 :

To be entitled an act regulating the fees of the clerk of the
 Supreme Court,

Have had the same under consideration, and recommend
 that it do pass, with the following amendment, to-wit : Strike
 out all after the enacting clause and insert the following :

Section 1. "The clerk of the supreme court shall receive
 twelve dollars for each case docketed and decided; five dol-
 lars for each case docketed and dismissed by consent or for
 failure to perfect appeal; five dollars for each admission to
 the bar; and for copying and certifying records and papers,
 the same fees as are allowed clerks of the circuit courts; *Pro-
 vided*, The opinions of the Supreme Court shall not be recorded,
 but the original opinion as filed shall be preserved with the
 papers in each case. This act shall apply to cases now upon
 the docket of the Supreme Court."

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

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

HON. J. B. BROWNE, }
 SENATE CHAMBER,
 TALLAHASSEE, FLA., May 16, 1891. }

HON. J. B. BROWNE,

President of the Senate :

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

Senate bill No. 78 :

A bill to be entitled an act to prohibit trusts in the State of

Florida, and to provide for the punishment of persons connected with them.

Also,

Senate bill No. 114 :

A bill to be entitled an act to establish the fees of county treasurers of this State.

Also,

Senate bill No. 143 :

A bill to be entitled an act to amend section one (1) and to repeal section two (2) of an act entitled an act to provide for the proper enforcement of the provisions of Article 19 of the Constitution of 1885, being Chapter 3700 of the Laws of Florida.

Also,

Senate bill No. 154 :

A bill to be entitled an act defining the effect of internal improvement deeds and giving to deeds of anterior date priority.

Also,

Senate Joint Resolution No. 163 :

Proposing an amendment to section 19, Article 5, of the Constitution of the State of Florida,

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

Very respectfully,

BENJ. F. KIRK,
Chairman of Committee.

Mr. McKinne, at his own request, was excused until Monday.

SPECIAL ORDERS OF THE DAY.

The hour having arrived for the special consideration of—
Senate bill No. 98 :

To be entitled an act to provide for a board of phosphate commissioners and an inspector of phosphates and to define their duties and authority, to grant the right to mine phosphates in the beds of the navigable waters of the State of Florida upon certain conditions and to prohibit persons from unlawfully mining the same.

The same was read third time and put upon its passage.

Upon its passage the vote was :

Yeas—Messrs. Baya, Borden, Bristol, Bryant, Calhoun, Coulter, Drake, Hammond, Johnson, King, Myers, Pirrong, Rosborough, Smith of 30th, Smith of 31st, Swearingen, Wadsworth, Wall, Wolfe and Yancey—20.

Nays—Messrs. Kirk and Thomas—2.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Mr. Rosborough moved that the rules be waived and that Senate bill No. 138 be taken up on its third reading ;

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

so—

Senate bill No. 138 :

To be entitled an act making appropriations for East Florida Seminary,

Was read third time and put upon its passage.

Upon its passage the vote was :

Yeas—Messrs. Baya, Bristol, Calhoun, Drake, Hammond, Johnson, Kirk, Pirrong, Rosborough, Smith of 31st, Summers, Thomas, Wall, Wolfe and Yancey—15.

Nays—Messrs. Borden, Broome, Bryant, Coulter, King, Myers, Smith of 30th, Swearingen and Wadsworth—9.

So the bill passed, title as stated.

Mr. Rosborough moved that the rules be further waived and that Senate bill No. 138 be certified to the House at once ;

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

Mr. Kirk asked and was granted unanimous consent to take up Senate bill No. 205, so—

Senate bill No. 205 :

To be entitled an act to require all applicants for liquor license to procure a certificate of good character and providing that all such liquor license may be revoked,

Was taken up and read third time and placed upon its passage.

Pending consideration of which—

A committee from the House of Representatives appeared at the bar of the Senate and notified the Senate that the Senate 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.

TWELVE O'CLOCK M.

JOINT SESSION, May 16, 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, Bryant, Calhoun, Coulter, Drake, Farmer, Hammond, Johnson, King, Kirk, Myers, Pirrong, Rogers, Rosborough, Smith of 30th, Smith of 31st, Summers, Swearingen, Wadsworth, Wall, Wilkinson, Wolfe and Yancey—26.

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, Bethel, Beville, Blitch of Marion, Blitch of Levy, Bogue, Brown, Buford, Burford, Canty, Carleton, Carter, Clark, Coulter, Dimick, Dougherty, Haddock, Hicks, High, Hocker, Hollinger, Hutchinson, Johns, King, McRae, Monroe, Morgan, Morris, Newlan, Overstreet, Parker, Peacock, Pittman, Priest, Richbourg, Robertson, Rye, Saulsbury, Shine, Sparkman, Stapler, Summerlin, Trammell, Turnbull, Van, Whitehurst, Whitner, Wilson and Young—51.

A quorum present.

Mr. Wolfe moved that the reading of the Journals of the Senate and House in joint session, held May 15, 1891, be dispensed with;

Which was agreed to and so ordered.

There being no correction the Journal was declared approved.

Mr. Rogers 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 J. L. Gaskins—Mr. King—1.

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

For Mr. Mays—Messrs. Borden, Drake, Farmer, Hammond, Myers and Rogers—6.

For Dr. LaFar—Messrs. Baya, Johnson and Wilkinson—3.

For Dennis Burns—Mr. President—1.

For Mr. Calhoun—Messrs. Bristol, Summers and Wall—3.

Upon call of the roll Mr. Kirk stated he was paired with Mr. Thomas.

Mr. Rosborough stated that he was paired with Mr. Brett.

The vote of the House was:

For Mr. Vaughn—Mr. Berry—1.

For Mr. Call—Mr. Speaker, Messrs. Bates, Bethel, Blitch of Levy, Brown, Buford, Carleton, Haddock, Johns, King, Monroe, Morgan, Morris, Priest, Rye, Saulsbury, Stapler and Wilson—18.

For Mr. Mays—Messrs. Baker, Baltzell, Beville, Blitch of Marion, Dougherty, High, Hocker, Hollinger, Robertson, Shine, Turnbull, Whitner and Young—13.

For Dr. LaFar—Messrs. Canty, Clark, Newlan, Parker, Peacock, Trammell and Whitehurst—7.

For Mr. Calhoun—Mr. Bogue—1.

For G. P. Rainey—Messrs. Hicks and Hutchinson—2.

For Mr. Alexander—Messrs. Dimick, Overstreet and Sparkman—3.

For Mr. Hocker—Mr. Richbourg—1.

For Mr. Towle—Mr. Summerlin—1.

For F. P. Fleming—Mr. Vann—1.

Upon the call of the roll—

Mr. Coulter stated that he was paired with Mr. Goode.

Mr. McRae stated that he was paired with Mr. Lavender.

Mr. Pittman stated that he was paired with Mr. McSwain.

The Secretary announced that the total number of votes cast for United States Senator was 66,

Of which—

Mr. Call received 28 votes.

Mr. Mays received 19 votes.

Dr. LaFar received 10 votes.

Mr. Burns received 1 vote.

Mr. Calhoun received 4 votes.

Mr. Gaskins received 1 vote.

Mr. Raney received 2 votes.

Mr. Hocker received 1 vote.

Mr. Vaughn received 1 vote.

W. H. Towle received 1 vote.

F. P. Fleming received 1 vote.

Mr. Alexander received 3 votes.

The President declared there was no election.

Mr. Clark moved that the joint session adjourn until 12 o'clock Monday, May 18, 1891;

Which was agreed to.

Whereupon the Senate withdrew to its chamber.

• 12:20 O'CLOCK.

At 12:20 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. Baya, Borden, Broome, Bryant, Calhoun, Coulter, Drake, Farmer, Hammond, Johnson, Kirk, Myers, Pirrong, Rogers, Rosborough, Smith of 31st, Summers, Swearingen, Wadsworth, Wolfe and Yancey—22.

A quorum present.

Messrs. Calhoun and Borden, at their own request, were excused until Monday morning.

On motion of Mr. Calhoun, leave of absence was granted the Sergeant-at-Arms until Tuesday morning.

Consideration of Senate bill No. 205 was resumed.

Mr. Summers moved that further consideration of the bill be postponed until 11 o'clock Tuesday, May 19, 1891,

Which was agreed to and consideration of the bill was postponed until that time.

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

SENATE CHAMBER,)
TALLAHASSEE, FLA., May 15, 1891. }

HON. J. B. BROWNE,

President of the Senate:

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

Senate bill No. 69 (with Senate amendments):

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

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

Strike out section 4 of the bill and the amendment to the same adopted by the Senate and insert in lieu thereof the following:

Section 4. That the compensation of the stenographer in such civil cases as may be agreed by counsel for plaintiff and

defendant to be so reported, or, in case of disagreement, as aforesaid, in such cases as the presiding judge may direct to be reported, shall be at a rate not to exceed ten cents per hundred words, to be fixed by said judge, which fee shall be paid by the parties to the suit upon such terms as they may prescribe for themselves. And if no agreement is entered into as to the payment thereof, then in such manner as may be prescribed by the presiding judge. *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. And provided further, 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.

Make section 6 of the bill section 7.

Insert the following for section 6.

Section 6. That the stenographer shall be entitled to receive mileage at the rate of five cents per mile for the actual distance traveled by him in going to and returning from any term of the circuit court in the circuit for which he is appointed, which sum shall be paid by the county treasurer or other officer having charge of the county funds of the county wherein such term of court is held, on the certificate and order of the judge of said circuit as to the number of miles actually traveled.

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

By permission, Mr. Hammond introduced—
Senate bill No. 215:

To be entitled an act to amend sections 1 and 2 of an act approved June 2, 1887, entitled an act to amend sections 9 and 10 of an act entitled an act to incorporate the Florida Midland Railway Company, approved February 10, 1885.

Mr. Hammond moved that the rules be waived and that Senate bill No. 215 be read first time by its title;

Which was agreed to by a two-thirds vote and Senate bill No. 215 was read first time by its title and referred to the Committee on Railroads and Telegraphs.

By permission, Mr. Hammond introduced—

Senate bill No. 216:

To be entitled an act to legalize the incorporation of the

town of Oakland in the county of Orange, and to declare the incorporation of the town of Oakland valid and in full force and effect.

Mr. Hammond moved that the rules be waived and that Senate bill No. 216 be read first time by its title;

Which was agreed to by a two-thirds vote and Senate bill No. 216 read first time by its title and referred to the Committee on City and County Organization.

By permission, Mr. Summers introduced—

Senate bill No. 217:

To be entitled an act relating to the payment of commissions to State attorneys on forfeited bonds.

Mr. Summers moved that the rules be waived and that Senate bill No. 217 be read first time by its title;

Which was agreed to by a two-thirds vote and Senate bill No. 217 was read first time by its title and referred to the Committee on Judiciary.

The following message from the Governor, and accompanying document was read and ordered spread upon the Journal:

STATE OF FLORIDA, EXECUTIVE DEPARTMENT, }
TALLAHASSEE, May 8, 1891. }

Gentlemen of the Legislature:

I have the honor to transmit herewith for your consideration the report which has just come to me of the commissioners appointed under the act approved June 3, 1889, entitled "an act supplemental to an act for the examination and settlement of the claims against the State of Florida for services rendered during the last Seminole Indian War, approved March 11, 1879.

There is a vacancy on the board which has not yet been filled.

The board appointed in pursuance of the said act was for the purpose of completing the work of examination and settlement of the claims which was left unfinished by the board appointed under the act of March 11, 1879; a report of whose work is found in House Journals of 1881, commencing on page 291.

The report of the present board suggests the question as to whether or not the adoption of an ordinance, July 27, 1862, by the people in convention assembled, which in terms repealed the act of February 8, 1861, under which warrants were issued for such alleged claims against the State and suspended the payment thereof, could be set aside by the act of the Legislature of 1879 and the act of 1881 supplementary

thereto so as to authorize the payment of any of said warrants.

The said ordinance is in the following words:

"Be it ordained by the people of the State of Florida in convention assembled, that the act of the General Assembly, approved February 8, 1861, and entitled an act to provide for the payment of the Florida volunteers and others who have not been paid for services actually rendered the State of Florida in the last war with the Seminole Indians be and the same is hereby repealed, and the payment of all warrants issued by the Comptroller under the said act be suspended."

Such ordinance was declared to be permanent by the convention assembled. I am not aware of the repeal or abrogation of this ordinance by any subsequent convention of the people, and it appears to me that it has continued to be a part of the fundamental law of the State which could not be nullified by legislative action. I submit this question for your consideration in connection with the question as to the propriety of further legislation on the subject.

I would invite your attention to the report of the committee appointed under the act of 1879 heretofore referred to, which was made after much investigation.

If, after investigating the matter, you consider that claims based upon the warrants issued under the act of February 8, 1861, may still be paid, I invite your special attention to the defects of existing statutes as pointed out by the report herewith submitted, and recommend such further legislation as may be necessary to secure the same as suggested by the commissioners.

FRANCIS P. FLEMING.

To His Excellency, Francis P. Fleming, Governor of Florida:

DEAR SIR—The unsigned, who were appointed commissioners to complete the work of Messrs. Bullock, Beard and Brown, commissioners appointed under the act of 1879 to settle the Indian war claims allowed in Comptroller's warrants under the act of 1861, beg leave to communicate to your Excellency the following matters for consideration:

We find many difficulties in the way of properly serving the State and those interested in these claims. The act of 1879 in the first place proceeds upon the supposition that the original act of 1861 was still in force, and that the claims comprehended therein were still valid and subsisting against the State. And likewise does the act of 1889. Whereas an ordinance, No. 60 of the Constitutional Convention of 1861, repealed said act,

and suspended all payments of claims thereunder. During the same convention, to emphasize the said repealing ordinance, another ordinance, No. 63, was passed, which set forth what ordinances passed thereat should be temporary, and what should be permanent in their nature, and the said ordinance, No. 60, was put in the class of permanent legislation. When one has read all the contemporaneous law and history of these claims it is quite apparent that the convention of 1861 had come to the conclusion that to separate the just from the unjust claims allowed by Comptroller R. C. Williams, under the act of 1861, was even at that time, not so remote from the time when these claims originated, a work almost impossible of performance. Nearly twenty years afterwards the Legislature again provides for an investigation of these claims that it is obvious had been repudiated by the said Constitutional Convention. And here the serious question that may arise in the closing up of the settlements both by the State and the United States, that is, whether or not the Constitutional Convention's ordinance repudiating these claims was or could be set aside by the act of 1879, presents itself. Inasmuch, then, as a settlement of this question must be made some time, it appears to us wise that it should be settled now before the present commissioners newly appointed should proceed to complete the work in hand.

Your commissioners further represent that another question arises as to the validity of the Act of 1879. That statute embraces two distinct subjects of legislation, *i. e.* The appointment of commissioners to examine and report upon the Comptroller's warrants issued under the act of 1861, and the appointment of a commissioner to go to Washington to adjust the claims of the State of Florida against the United States. This, in the opinion of your commissioners, makes unconstitutional the Act of 1879.

Your commissioners further represent that even if the acts of 1879 and 1889 are valid that they nevertheless do not provide fully and clearly for the purposes of their enactment, and we mention the following particulars wherein we think they should be amended:

First. Act of 1879 limits no time in which claims should be filed with the commission, and in which the commissioners should finally report. We advise an amendment now giving six months time in which all claims under the statute shall be filed and that none shall be received after that time by the commission, and that the commission shall make its final report eighteen months after the date of such amendment.

Second. The statute of 1879 while clearly casting suspicion upon all the warrants of the Comptroller, does not set forth

for what cause any warrant shall be rejected. The inference therein that warrants should be rejected when holders fail to show the "validity of the original claim" should be in the shape of positive law, and not handicapped by other requirements at the hands of the holders which virtually destroy the requirements to show the validity of the original claim.

Third. The act of 1879 does not authorize the commission to administer oaths, to subpoena witnesses and require their presence, and the production of papers, without which the duties of the commissioners can be but imperfectly performed.

Fourth. The Legislature should declare what compensation the commissioners shall be entitled to in serving under said commission.

In connection with these matters we refer to the report of the first commissioners under said act of 1879, Messrs. Bullock, Beard and Brown, wherein they reject all warrants of a certain class pretended to have been issued under the act of 1861. We consider that with these warrants when identified, these commissioners have nothing to do. Those warrants are finally disposed of. It is only the warrants to the amount of \$18,000 that your commissioners will have to deal if the report just mentioned should be in line with further legislation disclosing what class of warrants shall be held fraudulent and not to be paid.

We think it advisable that the whole matter as it now stands should be brought to the attention of the Legislature now in session for such action in the premises as it may think is expedient.

We think it advisable that the commissioners should be authorized to obtain from the Department at Washington certain papers, muster rolls, etc., in connection with the subject-matter of their duties as they will need in setting these claims, and if need be that they can send one of their number to the city of Washington for that purpose.

Respectfully submitted,
GEO. W. WALKER,
Chairman.

JNO. G. REARDON.

Tallahassee, Fla., May 12, 1891.

The President announced the appointment of Senator Johnson on the committee on part of the Senate to visit the Insane Asylum.

On motion of Mr. Hammond, the Senate adjourned until 10 o'clock Monday morning, May 18, 1891.

CONFIRMATIONS.

County Commissioners for Orange county :
A. C. Martin, Chas. E. Smith, R. B. F. Roper, J. A. McDowell
and Robt. A. Mills.

County Commissioners for Taylor county :
Wm. Parker, A. J. Wright, M. A. Cockcroft, J. C. English
and W. W. Whiddon.

County Commissioners for Leon county :
W. R. Blake, J. A. Auders, J. T. Roberts, Hugh Black and
J. Diamond.

County Commissioners for Sumter county :
W. E. McKay, D. H. Baker, D. M. Fay, G. E. Lovell and
George F. Hays.

County Commissioners for Liberty county :
Noah Goodson, W. C. Durham, J. T. Prather, R. F. Hos-
ford and J. F. Chester.

County Commissioners for Santa Rosa county :
J. E. Creary, John J. Mints, Joel McDavid, L. M. Pyron
and J. M. Siegler.

To be County Commissioners for Lake County :
Geo. M. Lee for District No. 1 ; A. S. McGregor for District
No. 3 ; H. B. Paxton for District No. 4, and A. J. Smith for
District No. 5.

MONDAY, May 18, 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,
Calhoun, Coulter, Crosby, Drake, Farmer, Hammond, Johnson,
King, Kirk, Myers, Pirrong, Rosborough, Smith of 31st,
Summers, Swearingen, Thomas, Wilkinson, Wolfe and Yan-
cey—25.

A quorum present.

Prayer by the Rev. E. J. Holmes.

The Journal was corrected and approved.

Mr. Yancey moved that the rules be waived and the report

of the Committee on Judiciary recommending the adoption of
Senate bill No. 196 be adopted, and that 100 copies of the bill
be printed for the use of the Senate ;

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

On motion of Mr. Coulter the courtesy of the Senate was
extended to ex-Senator Lesley of Tampa, during his stay in
the city.

On motion of Mr. Kirk the courtesy of the Senate was ex-
tended to ex-Senator Lykes, of Brooksville.

INTRODUCTION OF RESOLUTIONS.

By Mr. Thomas :

Senate Joint Resolution No. 218 :

Joint Resolution of the Senate and House of Representa-
tives.

Mr. Thomas moved that the rules be waived and that Sen-
ate Joint Resolution No. 218 be read first time by its title ;

Which was agreed to by a two-thirds vote, and Senate
Joint Resolution No. 218 was read first time by its title and
referred to the Committee on Judiciary.

INTRODUCTION OF BILLS.

By Mr. Smith of 31st :

Senate bill No. 219 :

To be entitled an act to provide for a lien on monuments
and other gravestones.

Mr. Smith of 31st moved that the rules be waived and that
Senate bill No. 219 be read first time by its title ;

Which was agreed to by a two-thirds vote and Senate bill
No. 219 was read first time by its title and referred to the
Committee on Judiciary.

By Mr. Myers :

Senate bill No. 220 :

To be entitled an act to authorize the Commissioner of
Agriculture to purchase the township and other maps of the
"Forbes Purchase," and the field notes of the survey.

Mr. Myers moved that the rules be waived and that Senate
bill No. 220 be read first time by its title ;

Which was agreed to by a two-thirds vote and Senate bill
No. 220 was read first time by its title and referred to the
Committee on Public Lands.

On motion of Mr. Smith of 31st, the courtesy of the Senate
was extended to J. A. Enslow, Jr.

On motion of Mr. Farmer the courtesy of the Senate was
extended to Mr. Geo. R. Hubby, of Fernandina.