

SATURDAY, MAY 27, 1899.

The Senate met pursuant to adjournment.

The President in the chair.

The roll being called the following Senators answered to their names:

Mr President,	Crosby,	Myers,
Messrs. —	Denham,	O'Brien,
Baker,	Dimick,	Palmer of 11th,
Barber,	Fuller,	Reeves,
Blicht,	Gaillard,	Rogers,
Broome,	Harris,	Sams,
Bynum,	Hooker,	Wadsworth,
Carson,	McCaskill,	Williams,
Clark,	McCreary,	Wilson,
Crill,	McLin,	

Answering roll-call--28.

On account of an accident in the office of the State printer the reading of Thursday's Journal was dispensed with and action thereon deferred.

The following veto message from the Governor was read:

State of Florida, Executive Department,

Tallahassee, Fla., May 26, 1899.

Hon. Frank Adams,

President of the Senate:

I have the honor to return herewith, without my approval, "An act to repeal Section 4217 of the Laws of Florida, entitled: An act to organize and establish a County Court in and for Alachua County, and to provide for the appointment of a prosecuting attorney for such County Court, approved May 24th, A. D., 1893."

The objects sought to be attained by said act have already been secured by the passage and approval of Senate Bill No.

253, bearing the same title as the present bill returned, and which, under the circumstances, is unnecessary.

I have the honor to remain,

Very respectfully,

W. D. BLOXHAM,

Governor.

On the question shall the bill pass, the veto of the Governor to the contrary notwithstanding.

The vote was:

Nays—	Crosby,	O'Brien,
Mr. President,	Dimick,	Palmer of 11th,
Messrs—	Fuller,	Reeves,
Baker,	Gaillard,	Rogers,
Barber,	Harris,	Sams,
Blicht,	Hendley,	Wadsworth,
Broome,	Hooker,	Williams,
Bynum,	McCaskill,	Wilson—28.
Carson,	McCreary,	
Clark,	McLin,	
Crill,	Myers,	

Yeas—None.

So the veto of the Governor was sustained.

### INTRODUCTION OF BILLS.

By Mr. Harris:

Senate Bill No. 267:

A bill to be entitled an act to authorize the municipalities of Key West to issue bonds to pay certain judgment indebtedness.

Which was read the first time by its title and referred to the Committee on Judiciary.

Mr. Bynum asked to be excused from further attendance until Tuesday next.

Mr. Bynum was excused.

Mr. McCaskill asked that Mr. Roberts be excused on account of sickness.

Mr. Roberts was excused.

Messrs. McLin and Hooker were excused on account of committee work.

## SPECIAL ORDERS.

Senate Bill No. 186:

A bill to be entitled an act to authorize the issuance of county school bonds for certain purposes and providing for guaranteeing of interest thereon by the State Board of Education, and the redemption of such bonds.

Was taken up at 10:15 o'clock A. M., being deferred to that hour.

Mr. O'Brien moved that Senate Bill No. 186 be laid on the table subject to call.

Mr. Crill introduced the following resolution:

Senate Resolution No. 17:

Resolved, That the Secretary of State is requested to furnish the Senate with the title of all laws filed in his office during this session of the Legislature.

Mr. Crill moved the adoption of the resolution,  
Which was agreed to.

Mr. Rogers presented the following petition:

Woman's Christian Temperance Union,  
Cor. Adams and Laura Sts.,  
Jacksonville, Fla.

To the State Legislature, now in session at Tallahassee, Fla.:

We, the undersigned citizens, both ladies and gentlemen, earnestly enter a protest against the seating of Senator Roberts of Utah. We heartily agree with the action taken against Robert's admission, and in the name of, and for the sake of our beloved homes and Christian women, you reconsider the memorial to Congress before you adjourn:

Mrs. E. J. Blinn, President W. C. T. U.; Mrs. E. H. Nooney, Vice-President W. C. T. U.; Mrs. S. R. Race, Secretary W. C. T. U.; Mrs. C. G. McCormick, Treasurer W. C. T. U.; Mrs. J. E. Arnout, Corresponding Secretary W. C. T. U.; Mrs. Mary L. Grover, W. C. T. U.; Mrs. Dora H. Cook, W. C. T. U.; Sarah G. Pellerin, W. C. T. U.; V. G. Keller, W. C. T. U.;

Mrs. Mattair, W. C. T. U.; Mrs. H. R. Smith, Flora G. LeBourveau, Jacksonville W. C. T. U.; Mrs. J. H. Leadley, C. E. Hoyle and Sons, Rev. John H. Miller, Mrs. S. K. Follett, A. H. Johnson, J. H. Dobbins, T. Griffith, Mrs. E. K. Griffith, M. E. Smith, Helen M. Cooke, Mrs. S. L. Jacques, Mrs. John H. Miller, Miss L. M. Kirby, Miss M. Weatherford, J. J. Parsons, A. R. Gaddis, Mrs. S. B. Gregg, Wm. H. Anderson, Fannie Law, Wm. Law, Mrs. G. P. Glenn, Miss Rosa Houswirth,

Mr. F. T. Baxter Albert B. Wrenn, Mrs. Albert Wrenn, Kate P. Carter, C. M. Fuller, J. H. Crowley, Ralph Payne, Mrs. M. Maloney, Miss A. M. Lamb, E. B. VanDeman, C. W. Smith, Jr., J. B. Greiner, T. J. Golding, Miss Florence Maloney, A. Uedemann, C. D. Emir, A. S. Uedemann, W. F. Hall, H. E. Burke, H. H. Braudhorst, H. C. Campbell, H. G. Clifton, Thos. H. Baxter, George Hughes, Roe Uedemann, A. R. Reynolds, C. Chas. Robinson, Thos. R. Jones, Chas. H. Johnson, M. Haughton, E. T. Uedeman, R. R. Davis, J. Warrington, Mrs. O. L. Keene, O. L. Keene, A. Ritzewoller, W. B. Drew, J. E. Cohen, W. T. Simmons C. H. Oak, J. D. Horn, D. H. Cooke, M. H. Hatter, S. T. Philips, Thos. Cahill, Louis I. Stephens, Sam A. Burkheim, S. A. Henry, O. T. Jones, George Mike, M. F. Gately, W. A. Ivers, J. R. Rorhe, W. D. Howard, Mrs. W. C. Cooper, Mrs. E. S. Richardson, Mrs. John A. Mayer, E. L. Stevenson, W. B. Leake, H. Berger, P. H. Boyer, Geo. W. Parkhill, C. E. Pepperday, Jas. B. Bours, C. H. Williams, Chas. P. Bram, W. H. Einig, H. E. Clark, Chas. Munro, Leopold Furchgott, Chas. A. Nooney, George Hughes, S. M. Daniel, Mrs. Wm. James, P. C. Warrock, H. Rivers, Jas. E. Kirk, J. H. Suydam, W. W. Swaim, T. M. Burns, W. Baker, J. A. Huan, R. P. Daniel, M. D., Mrs. R. P. Daniel, Mabel F. Christopher, F. S. Tyler, W. P. Gifford, R. B. Archibald, J. D. Grether, R. D. Grether, Frank S. Gray, S. B. Hubbard, Jr., Arthur F. Perry, S. B. Hubbard, B. F. Dillon, Thomas Clarke, B. F. Manier, Jr., Fred A. Race.

Mr. Harris offered the following resolution:

Senate Resolution No. 18:

Resolved, That the Sergeant-at-Arms be ordered to keep Senate Chamber open every night until 10 P. M., excepting Sunday.

Mr. Harris moved the adoption of the resolution.

Which was agreed to.

### CONSIDERATION OF RESOLUTIONS.

Senate Concurrent Resolution No. 23:

Relative to appointing a committee to hear testimony from W. N. Camp in reference to report of Committee to Visit Convict Camp.

Was taken up and read a second time in full.

Mr. Hendley moved that Senate Concurrent Resolution No. 23 be laid on the table subject to call.

Which was agreed to.

A message was received from the House of Representatives.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 26, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that, by request of the Senate the House returns to the Senate House Bill No. 205.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

Mr. Carson moved, inasmuch as the Journal of May 23 showed only 16 Senators voting on Senate Bill No. 205, contained in the above message, although the Secretary's copy to the printer made the vote "yeas 16, nays 1," thus clearly demonstrating a quorum present and voting, that Senate Bill No. 205 be again read a third time and put upon its passage.

Which was agreed to.

And Senate Bill No. 205 was again read in full.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas--	Crill,	O'Brien,
Mr. President,	Denham,	Palmer of 11th,
Messrs—	Fuller,	Rogers,
Baker,	Harris,	Sams,
Barber,	Hendley,	Williams—17.
Britch,	McCaskill	
Carson,	McCreary,	
Nays—Messrs.—	Clark,	Wilson—6.
Broome.	Crosby,	
Bynum,	Wadsworth,	

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

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 26, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 71:

A bill to be entitled an act to amend the charter of the Alafia, Manatee and Gulf Coast Railway Company.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

And House Bill No. 71, contained in the above message, was read the first time by its title and referred to the Committee on Railroads.

The following message from the House of Representatives was read:

House of Representatives.  
Tallahassee, Fla., May 26, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 421:

A bill to be entitled an act relating to the authority of surety companies to transact surety business in the State of Florida, to provide for deposits by said companies with the State of Florida, and to provide when surety companies may become surety on the official bonds of any officer, State, county or municipal, of this State, and for the payment of liabilities of such companies and the sale of bonds deposited by such companies.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

And House Bill No. 421, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 26, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 88:

A bill to be entitled an act for the relief of D. C. Hall, clerk of the circuit court for Sumter County, Florida.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

And Senate Bill No. 88, contained in the above message, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 26, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 126:

A bill to be entitled an act to amend Section 1658 of the Revised Statutes, relative to notice of suit and service and contents in cases of attachment.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

And Senate Bill No. 126, contained in the above message, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 27, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed:

Senate Bill No. 162:

A bill to be entitled an act to legalize the incorporation of the town of Jasper, Florida, in the County of Hamilton, and to declare the incorporation of the town of Jasper, Florida, valid and of full force and effect.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

And Senate Bill No. 162, contained in the above message, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 26, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has indefinitely postponed—

Senate Bill No. 12:

A bill to be entitled an act to regulate the working, leasing and hiring of county convicts by the several counties in this State

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 27, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

## Senate Bill No. 237:

A bill to be entitled an act affecting the government, jurisdiction, powers and duties of the municipality of Jacksonville.

With the following amendments thereto:

Amend Section 1. Strike out in 7th line the words: "of the departments under its control or management."

Amend Section 1. In line 8, after the words "police force," insert: "Provided that officers properly belonging to the department of the Board of Public Works shall be elected by the Board of Public Works."

Amend Section 2. In line 1, after the word "shall," insert: "have charge, management and control of the electric light plant in addition to their present powers and duties and."

Amend Section 6. Strike out all of Section 6, and insert the following: "All laws and parts of laws in conflict are hereby repealed."

Amend Section 2. In line 14 strike out word "first," and substitute "tenth."

Amend Section 2. Add after word "year," at end of section, the following: "for the quarter ending on the last of the months next preceding said months."

And respectfully requests the concurrence of the Senate therein.

Very respectfully,  
WM. FORSYTH BYNUM,  
Chief Clerk House of Representatives.

Mr. Rogers moved that the Senate concur in House amendments to Senate Bill No. 237.

Which was agreed to.

And Senate Bill No. 237, as amended, was referred to the Committee on Enrolled Bills.

## REPORTS OF COMMITTEES.

Mr. Reeves, acting chairman of the Committee on Education, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 27, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on Education, to whom was referred—

House Substitute for—

House Bill No. 253:

A bill to be entitled an act to amend Section 10 of Chapter

4331, Laws of Florida, approved June 3, 1895, entitled "An act to amend Sections 5, 6, 7, 8, 9, 12, 16, 17 and 19 of Chapter 4192 of the Laws of Florida, the same being an act entitled an act to prescribe rules and regulations for licensing teachers, to provide for uniform examinations, to secure fairness in examinations and in issuing teachers' certificates and for other purposes."

Also,

Senate Bill No. 241:

A bill to be entitled an act to provide for county adoptions of uniformity of Text Books in the public free schools of this State.

Also,

Senate Bill No. 231:

A bill to be entitled an act to create a State Text Book Commission, and to procure for use in the public free schools in this State a uniform series of text-books; to define the duties and powers of said commissioners and other officers; to make an appropriation for the carrying into effect this act, and to provide punishment and penalties for the violation of the same.

Have carefully examined the same and recommend that they do not pass.

Very respectfully,

L. J. REEVES,

Acting Chairman of Committee.

And House Substitute for House Bill No. 253 and Senate Bills Nos. 241 and 231, contained in the above report, were placed on the Calendar of bills on second reading.

Mr. Reeves, Acting Chairman of the Committee on Education, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 27, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on Education, to whom was referred—

House Bill No. 26:

Herewith submit the following amendments:

In line 30, Section 2, after the word "prescribed," add the words "except that the three persons receiving the highest

vote at such election shall be declared school trustees of said district."

Also,

Strike out the words "County Superintendent" from line 19, Section 13, and insert in lieu thereof the following: "Board of Public Instruction of the county;"

Also,

Strike out the words "for proper cause" from lines 27 and 29, Section 10.

And that as amended, it do pass.

Very respectfully,

L. J. REEVES,

Acting Chairman of Committee.

And House Bill No. 26, contained in the above report, together with committee amendments, was placed on the calendar of bills on second reading.

Mr. Broome, Chairman of the Committee on Railroads, submitted the following report:

Senate Chamber.

Tallahassee, Fla., May 28, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on Railroads, to whom was referred—

House Bill No. 358:

To be entitled an act to forbid unauthorized persons to board moving railway trains, and to provide a penalty for the violation thereof.

Have carefully considered same and recommend that it do not pass.

Very respectfully,

JAS. E. BROOME,

Chairman of Committee.

And House Bill No. 358, contained in the above report, was placed on the Calendar of bills on second reading.

Mr. Sams, Chairman of the Committee on Game, submitted the following report:

Senate Chamber.

Tallahassee, Fla., May 26, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on Game, to whom was referred—

House Bill No. 50:

To be entitled an act to regulate the shooting of ducks in the State of Florida.

Beg leave to report that they have examined the same and recommend that it do pass with the following amendment:

Strike out in Section 1 the word "November" and insert the word "October."

Very respectfully,

FRANK W. SAMS,

Chairman of Committee.

And House Bill No. 50, contained in the above report, together with committee amendment, was placed on the Calendar of bills on second reading.

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

Senate Chamber,

Tallahassée, Fla., May 26, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on Engrossed Bills to whom was referred—

Senate Bill No. 220:

A bill to be entitled an act for the relief of F. J. Pons.

Have examined the same and find it correctly engrossed.

And have also examined:

Senate Bill No. 257:

A bill to be entitled an act to enable owners of swamp, low, or overflowed lands, to drain or reclaim the same;

And find it correctly engrossed.

Very respectfully,

B. E. McLIN,

Chairman of Committee.

And Senate Bills Nos. 257 and 220, contained in the above report, were placed on the Calendar of bills on third reading.

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

Senate Chamber,

Tallahassee, Fla., May 27, 1899.

Hon Frank Adams,

President of the Senate:

Sir—Your Committee on Judiciary to whom was referred—

Senate Bill No. 2:

A bill to be entitled an act to regulate proceedings on appeals from County Judges' Courts and Courts of Justices of the Peace.

Also,

Senate Bill No. 111:

A bill to be entitled an act to abolish the use of writs of error and scire facias in and to provide for, simplify and regulate appeals from Justices of the Peace and County Judges' Courts to the Circuit Court, in civil matters.

Also,

Senate Bill No. 155:

A bill to be entitled an act to regulate the collection of appeal bonds in civil causes arising within the courts of the State of Florida.

Also,

Senate Bill No. 217:

To be entitled an act to refund to certain persons appointed or elected to fill vacancies or unexpired terms in office, moneys paid by them as taxes and fees upon their commissions in excess of the tax justly due upon one commission.

Beg leave to report that they have carefully examined the same and recommend that they do not pass.

Very respectfully,

FRED T. MYERS,

Chairman of Committee.

And Senate Bills Nos. 2, 111, 155 and 217, contained in the above report, were placed on the Calendar of bills on second reading.

#### ORDERS OF THE DAY.

Mr. McCreary's motion to reconsider the vote by which House Bill No. 316 failed to pass.

Was taken up.

Mr. McCreary moved to defer further consideration of the above until Monday next.

Which was agreed to.

The motion of Mr. Palmer of 11th to reconsider the vote by which Senate Bill No. 254 passed.

Was taken up.

Mr. Palmer of 11th moved to defer further consideration of the above until Tuesday next at 11 o'clock a. m.

Which was agreed to.

The motion of Mr. Harris to reconsider the vote by which House amendments to Senate Bill No. 118 was agreed to.

Was taken up.

Mr. Harris moved to reconsider the vote by which House Amendments to Senate Bill No. 118 was agreed to yesterday.

Which was agreed to.

Mr. Harris moved that the Senate refuse to concur in House amendments to Senate Bill No. 118:

Which was agreed to.

Mr. Harris moved that the House of Representatives be requested to recede from its amendments to Senate Bill No. 118.

Which was agreed to.

Mr. O'Brien moved that the rules be waived and the Senate take up bills on third reading.

Which was agreed to by a two-thirds vote.

Mr. O'Brien moved that the rules be waived and Senate Bill No. 244 be taken up out of order and considered.

Which was agreed to by a two-thirds vote.

And,

Senate Bill No. 244:

A bill to be entitled an act providing for the disposition of estates when the heirs or legatees or their residence are unknown, or there are contests between persons claiming to be heirs or legatees.

Was taken up and read a third time in full.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—	Crosby,	O'Brien,
Mr. President,	Denham,	Palmer of 11th.
Messrs.—	Dinick,	Rogers,
Baker,	Fuller,	Sams.
Barber,	Harris.	Wadsworth.
Blitch,	Hendley,	Williams,
Bynum,	Hooker,	Wilson—25.
Carson,	McCaskill	
Clark,	McCreary,	
Crill,	McLin,	

Nays—None.

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

Mr. Fuller called up out of its order—

Senate Bill No. 357:

A bill to be entitled an act to enable owners of swamp, low, or overflowed lands, to drain or reclaim the same.

Which was taken up and read a third time in full.  
 Upon call of the roll on the passage of the bill,  
 The vote was:

Yeas—	Clark,	Hooker,
Messrs—	Dimick,	McCaskill,
Barber,	Fuller,	McCreary,
Blitch,	Hendley,	McLin,
Bynum,	Harris,	Rogers,
Carson,	Hendley,	Sams—16.
Nays--	Crill,	Reeves,
Mr. President,	Crosby,	Williams,
Messrs—	Denham,	Wilson—7.

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

Senate Bill No. 246:

A bill to be entitled an act relating to the collection of and accounting for poll taxes collected in this State.

Was taken up and read a third time in full.

Upon call of the roll on the passage of the bill,  
 The vote was:

Yeas--		
Messrs—	Clark,	McLin,
Baker,	Crosby,	Reeves,
Barber,	Fuller,	Sams,
Blitch,	Harris,	Williams,
Bynum,	Hooker,	Wilson—15.
Carson,	McCaskill,	
Nays --		
Mr. President,		
Messrs.—	Crill,	Denham—3.

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

House Bill No. 339:

A bill to be entitled an act to appropriate funds for a Seminole Industrial School, providing for its management, and appointing financial trustees,

Was taken up and read a third time in full.

Upon call of the roll on the passage of the bill,  
 The vote was:

Yeas--		
Messrs. Baker,	Crosby,	McLin,
Barber,	Denham,	Reeves,

Blitch,  
Carson,  
Clark,

Fuller,  
Hooker,  
McCaskill,

Sams—13.

Nays—

Mr. President,  
Messrs.—

Crill,  
McCreary,

Williams,  
Wilson—5.

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

Mr. Blitch moved that the calendar of bills on table subject to call be sounded for the purpose of clearing the calendar.

Which was agreed to.

Mr. Blitch called up—  
House Bill No. 27:

To be entitled an act to amend Section 1 of Chapter 4382, Laws of Florida, being an act to increase the criminal jurisdiction of Justices of the Peace in counties where County Courts have not been established.

Mr. Blitch moved that House Bill No. 27 be indefinitely postponed.

Which was agreed to.

Mr. Blitch called up—  
Senate Bill No. 48:

A bill to be entitled an act to regulate the carrying of firearms and other weapons.

Mr. Blitch moved that Senate Bill No. 48 be indefinitely postponed.

Which was agreed to.

Mr. Wilson called up—  
Senate Bill No. 3:

A bill to be entitled an act to prohibit the carrying of concealed weapons, and the manufacture and sale of slung shots and metallic knuckles, providing a penalty therefor, and to repeal Chapter 4124, Acts of 1893, relating to the carrying of concealed weapons.

Mr. Wilson was permitted to withdraw Senate Bill No. 3.

Mr. Harris called up.  
House Bill No. 199:

To be entitled an act to protect and prescribe the manner of taking food fish from certain waters of Lee County.

Mr. Harris moved that House Bill No. 199 be indefinitely postponed.

Which was agreed to.

Mr. Blicht called up—  
 Committee substituted for—  
 Senate Bill No. 65:

A bill to be entitled an act for the preservation of wild de  
 and wild turkey.

Mr. Blicht moved that Committee Substitute for Senat  
 Bill No. 65 be indefinitely postponed:

Which was agreed to.

Mr. Wilson called up—  
 Senate Bill No. 10:

A bill to be entitled an act to make imprisonment in the  
 State prison a sufficient ground for divorce.

Which was taken up and read a third time in full.

Upon call of the roll on the passage of the bill,  
 The vote was:

Yeas—

Messrs.—	Harris,	Palmer of 11th,
Barber,	Hooker,	Rogers,
Crill,	McCaskill,	Sams,
Denham,	McCreary,	Williams,
Dimick,	O'Brien,	Wilson—14.
Nays—	Broome,	McLin—6
Messrs.—	Carson,	
Blicht,	Crosby,	

So the bill passed, title as stated, and was immediately cer-  
 tified to the House of Representatives.

Mr. Sams called up—  
 Senate Bill No. 92:

A bill to be entitled an act to amend Section 982, Chapter  
 6, Article 1, of the Revised Statutes of the State of Florida,  
 relating to infants, lunatics, etc.

Mr. Sams asked permission to withdraw Senate Bill No. 92.  
 Which was granted.

Mr. McCaskill called up—  
 Senate Joint Resolution No. 56:

Proposing an amendment to Section 15, Article 5, of the  
 Constitution of the State of Florida, relating to the election  
 of State's Attorneys by direct vote of the people.

Mr. McCaskill moved that Senate Joint Resolution No. 56  
 be postponed until Tuesday next to come up immediately  
 after the disposition of Senate Joint Resolution No. 151.

Which was agreed to:

Mr. O'Brien called up—

Senate Bill No. 30:

A bill to be entitled an act to amend Section 676 of the Revised Statutes of the State of Florida, relating to streets, pavements and sidewalks, and to fix the liabilities of persons failing to construct or repair sidewalks.

Mr. O'Brien was permitted to withdraw Senate Bill No. 30.

Mr. Baker called up—

House Bill No. 157:

To be entitled an act for the relief of John R. Scott, ex-Treasurer of Sumter County, Florida, and for the relief of his bondsmen.

Mr. Baker moved that House Bill No. 157 be indefinitely postponed.

Which was agreed to.

Mr. Rogers called up

Senate Bill No. 177:

A bill to be entitled an act to authorize the Board of Public Instruction of any county of the State of Florida to contract debts and to borrow money for educational purposes, and to provide for the payment thereof.

Mr. Rogers moved to indefinitely postpone Senate Bill No. 177.

Which was agreed to.

Mr. Rogers called up

Senate Bill No. 178:

A bill to be entitled an act to amend Section 2644 of the Revised Statutes of Florida.

Mr. Rogers moved to indefinitely postpone Senate Bill No. 178.

Which was agreed to.

Mr. Barber called up—

House Bill No. 266:

To be entitled an act in relation to obtaining money on other personal property under false promises, or for violation of contract, providing penalties therefor, where the amount involved in such charges does not exceed twenty dollars, supplementary to Chapter 4032, Laws of Florida.

Which was taken up and read a third time in full.

Mr. Palmer of 11th moved that House Bill No. 266 be indefinitely postponed.

Which was agreed to.

Mr. Carson called up—

Senate Bill No. 149:

A bill to be entitled an act to amend and re-

vise an act entitled "An act to provide for the regulation of railroad schedules, freights, express, sleeping car and passenger tariffs, and building of freight and passenger depots in this State; to prevent unjust discrimination in the rates charged for the transportation of passengers and freight, and to prohibit railroad companies, corporations, persons, and all common carriers in this State from charging other than just and reasonable rates, and to enforce the same and to prescribe a mode of procedure and rules of evidence in relation thereto, and to provide for the appointment and election of commissioners and to prescribe their duties and powers.

Together with House amendment thereto.

The following House amendment was read:

A bill to be entitled "an act to revise and amend an act entitled an act to provide for the regulation of railroad schedules, freights, express, sleeping car and passenger tariffs, and building of freight and passenger depots in this State; to prevent unjust discrimination in the rates charged for the transportation of passengers and freights, and to prohibit railroad companies, corporations, persons and all common carriers in this State from charging other than just and reasonable rates, and to enforce the same, and to prescribe a mode of procedure and rules of evidence in relation thereto, and to provide for the appointment and election of Commissioners and to prescribe their duties and powers," and to authorize said Commissioners to regulate, supervise and control the use and the charges for the use of and the admission to passenger terminals and union depots, and to vest said Commissioners with judicial powers.

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

That an act entitled "an act to provide for the regulation of railroad schedules, freights, express, sleeping car and passenger tariffs, and building of freight and passenger depots in this State, to prevent unjust discrimination in the rates charged for the transportation of passengers and freight and to prohibit railroad companies, corporations, persons and all common carriers in this State from charging other than just and reasonable rates, and to enforce the same, and to prescribe a mode of procedure and rules of evidence in relation thereto and to provide for the appointment and election of Commissioners and to prescribe their duties and powers," the same being Chapter 49 of the Laws of Florida, be, and the same is hereby revised and amended so as to read as follows:

"An act to revise and amend an act entitled an act to provide for the regulation of railroad schedules, freights, express, sleeping car and passenger tariffs, and building of freight and passenger depots in this State; to prevent unjust discrimination in the rates charged for the transportation of passengers and freight, and to prohibit railroad companies, corporations, persons and all common carriers in this State from charging other than just and reasonable rates, and to enforce the same, and to prescribe a mode of procedure and rules of evidence in relation thereto, and to provide for the appointment and election of Commissioners and to prescribe their duties and powers" and to authorize said Commissioners to regulate, supervise and control the use and the charges for the use of and the admission to passenger terminals and union depots, and to vest said Commissioners with judicial powers.

Mr. Carson moved that the Senate concur in the House amendment.

Which was agreed to.

The following House amendment was read:

In Section 2, line 1, strike out the words "Secretary" and "or."

Mr. Carson moved that the Senate concur in the House amendment.

Which was agreed to.

The following House amendment was read:

Amend Section 6 by adding to the end of said section the following:

"Said Commissioners shall have full power and authority to require any railroad, railroad company or common carrier to properly operate its railroad or transportation line and to furnish all the necessary facilities for the convenient and prompt handling, transportation and delivery of all freights offered along its line for transportation, and shall provide and prescribe all such rules and regulations as may be necessary to secure such operation and the furnishing of such facilities and the prompt handling, transportation and delivery of all freights offered, and shall have full power and authority to regulate, require and provide for prompt delivery and transfer by any such company or common carrier to any other such company or common carrier within this State of any and all freights consigned or offered for transportation from any point in Florida to any other point in Florida, whenever such transfer and delivery will afford a shorter or otherwise more available route of transportation than can be given by the company or

common carrier first receiving the freight, and shall provide and prescribe and enforce observance of all such rules and regulations as to such prompt delivery and transfer as they may deem necessary to regulate, require and provide for the delivery of such freight by the shortest or most available route; and no such company or common carrier shall charge more compensation for the transportation of freight or passengers over an unnecessarily long route than would be a just and reasonable charge for the transportation by the nearest available route, whether the nearest available route be over one railroad or line of transportation or over more than one."

Mr. Carson moved that the Senate concur in the House amendment:

Which was agreed to.

The following House amendment was read:

In Section 6, line 44, after the word "cars," insert "refrigerator fruit boxes."

Mr. Carson moved that the Senate concur in the House amendment.

Which was agreed to.

The following House amendment was read:

Strike out all of Section 7 after the word "commission" in line 19, and insert "and he may employ special counsel to assist him whenever he and the Commissioners may deem it necessary and at such compensation as he and the Commissioners may agree on."

Mr. Carson moved that the Senate nay concur in the House amendment.

Which was agreed to.

The following House amendment was read:

Amend Section 8 by inserting after the word "schedule" in line 6 of printed bill the following—"certified by the Chairman of the Commissioners shall be admitted in evidence without necessity for other proof and."

Mr. Carson moved that the Senate non-concur in the House amendment.

Which was agreed to.

The following House amendment was read:

In Section 12 after the word "Commissioners," in line 35, add the words "and Attorney General."

Mr. Carson moved that the Senate non-concur in the House amendment.

Which was agreed to.

The following House amendment was read:

In line 37, Section 12, after the word "Commissioners" add the words "and the Attorney General."

Mr. Carson moved that the Senate non-concur in the House amendment.

Which was agreed to.

The following House amendment was read:

Amend Section 13 by inserting after the words, "Commissioners," in line 5, and "to" the following: "if requested by such injured person."

Mr. Carson moved that the Senate concur in the House amendment.

Which was agreed to.

The following House amendment was read:

In line 7, Section 17, after the word "law," insert "in the Circuit Court."

Mr. Carson moved that the Senate concur in the House amendment.

Which was agreed to.

The following House amendment was read:

Amend Section 17 by striking from lines 41 and 42 the words "secretary and."

Mr. Carson moved that the Senate concur in the House amendment.

Which was agreed to.

The following House amendment was read:

By striking out from line 42 of said section the words "the latter," and insert in lieu thereof the word "them."

Mr. Carson moved that the Senate concur in the House amendment.

Which was agreed to.

The following House amendment was read:

Amend Section 21 by substituting the word "assistant" for "special" in line 3.

Mr. Carson moved that the Senate non-concur in the House amendment.

Which was agreed to.

The following House amendment was read:

Amend Section 23 by adding after the word "appeals," in line 8 of said section, the following: "except habeas corpus proceedings."

Mr. Carson moved that the Senate concur in the House amendment.

Which was agreed to.

The following House amendment was read:

Amend Section 23 by substituting for the word "or" where it first occurs in line 20, the words "as to."

Mr. Carson moved that the Senate non-concur in the House amendment.

Which was agreed to.

The following House amendment was read:

Sec. 24. If any railroad company or other common carrier shall feel aggrieved by any freight or passenger rate, or any schedule of such rates, or with any rule or regulation prescribed at any time by the Commission, and shall intend not to put the same in operation or comply therewith, then it shall be the duty of such company or other common carrier to file with the Secretary of the Commission at its principal office a written statement, to be signed by its President, General Manager or other general officer, stating its refusal to comply, and such written refusal shall be so filed within five days after notice shall have been given by the Commissioners of the adoption of such rate, schedule, rule or regulation and its taking effect; and the Commissioners shall immediately thereupon, unless they see fit to change the rate, or abolish or modify the rule or regulation, in writing notify the Attorney General thereof, and request him to institute proceedings in the proper court to compel the observance of such rate, schedule, rule or regulation, and like action shall be taken by the Commissioners in case of any violation of any rate, schedule, rule or regulation by any railroad company or other common carrier. The Attorney General, on receiving any such request from the Commissioners, shall at once proceed to take proper proceeding in the Supreme or Circuit Court to enforce the observance of such rate, schedule, rule or regulation.

The writ of injunction shall lie and obtain in all cases of the violation of any freight and passenger rate, or of any schedule of freight or passenger rates, or of any schedule of either, or of any failure or refusal to conform to or enforce, or put and keep the same, or any or either in operation, by any railroad company or other common carrier, to prevent the violation of any such rate or schedule, and to compel any such railroad or common carrier to observe and put and keep in operation the same, and in case any issue shall arise upon the trial of any suit wherein such an injunction may be applied for as shall entitle either of the parties to a jury to try the same, then it shall be the duty of the Judge upon the application for an injunction coming on to be heard, or being noticed for a hearing, to cause a sufficient number of jurors to be

drawn from the jury box in his presence in the manner now prescribed by law, and to be subpoenaed to attend the hearing provided, however, that any party desiring a jury hereunder shall file his demand for the same in writing at or before the hearing shall be entered upon, or shall be deemed to have waived a jury. Such jury shall be drawn and trial take place in the county where the cause is pending.

Mr. Carson moved that the Senate non-concur in the House amendment.

Which was agreed to.

The following House amendment was read:

Amend by striking out Section 25 and insert therefor the following as Section 25:

"Section 25. That all laws and parts of laws in conflict with this act are hereby repealed."

Mr. Carson moved that the Senate non-concur in the House amendment.

Which was agreed to.

The following House amendment was read:

Add the following as Section 26:

"Section 26. This act shall go into effect immediately upon its passage and approval by the Governor."

Mr. Carson moved that the Senate non-concur in the House amendment.

Which was agreed to.

The following House amendment was read:

Amend, by adding to the title the following: "and provide remedies for the enforcement of the provisions of this act."

Mr. Carson moved that the Senate concur in the House amendment.

Which was agreed to.

Mr. Carson moved that the House of Representatives be requested to recede from the amendments non-concurred in by the Senate.

Which was agreed to.

By permission—

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

Senate Chamber,  
Tallahassee, Fla., May 27, 1899.

Hon. Frank Adams,

President of the Senate:

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

pality of Key West, provide for its government and prescribe an act supplementary to "An act to establish the municipality jurisdiction and powers," approved May 16, 1889, and granting further powers to said municipality to provide for the funding of its judgment indebtedness.

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

Very respectfully,

E. N. DIMICK,  
Chairman of Committee.

The acts contained in the above report, were ordered referred to the Joint Committee on Enrolled Bills to be conveyed to the House of Representatives for the signatures of the Speaker and Chief Clerk thereof.

By permission—

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

Senate Chamber,  
Tallahassee, Fla., May 27, 1899.

Hon. Frank Adams,

President of the Senate:

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

An act supplementary to "An act to establish the municipality of Key West, provide for its government and prescribe its jurisdiction and powers," approved May 16, 1889, granting further powers to said municipality to provide for the funding of its judgment indebtedness.

Beg to report that the same has been presented to the House of Representatives for the signatures of the Speaker and Chief Clerk thereof.

Very respectfully,

E. N. DIMICK,  
Chairman of Committee.

By permission—

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

Senate Chamber,  
Tallahassee, Fla., May 27, 1899.

Hon. Frank Adams,

President of the Senate:

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

An act supplementary to "An act to establish the municipality of Key West, provide for its government and prescribe its jurisdiction and powers," approved May 16, 1889, and granting further powers to said municipality to provide for the funding of its judgment indebtedness.

Beg leave to report that the same has been duly signed by the Speaker and Chief Clerk of the House of Representatives, and is presented to the Senate for the signature of the President and Secretary thereof.

Very Respectfully,  
E. N. DIMICK,  
Chairman of Committee.

ENROLLED.

The President announced that he was about to sign—

An act supplementary to "An act to establish the municipality of Key West, provide for its government and prescribe its jurisdiction and powers," approved May 16, 1889, and granting further powers to said municipality to provide for the funding of its judgment indebtedness.

The acts were therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

By permission—

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

Senate Chamber.  
Tallahassee, Fla., May 27, 1899.

Hon. Frank Adams,

President of the Senate:

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

An act supplementary to "An act to establish the municipality of Key West, provide for its government and prescribe its jurisdiction and powers," approved May 16, 1889, and granting further powers to said municipality to provide for the funding of its judgment indebtedness.

Beg to report that the same has been presented to the Governor for his approval.

Very respectfully,  
E. N. DIMICK,  
Chairman of Committee.

## SPECIAL ORDER.

Senate Bill No. 265:

A bill to be entitled an act to grant the water front of the City of Pensacola.

Was taken up, having been temporarily laid aside.

And read a third time in full.

Mr. Reeves asked unanimous consent to amend Senate Bill No. 265.

Which was granted.

Mr. Reeves offered the following amendment to Senate Bill No. 265:

In line 21, Section 4, immediately after the word "Section," add the following: "unless said wharves or piers are artificially filled up with stone or earth above high water mark."

Mr. Reeves moved the adoption of the amendment.

Which was agreed to unanimously.

Mr. Reeves offered the following amendment to Senate Bill No. 265:

In line 20, Section 4, immediately after the word "piers," insert the words "when such wharves or piers are."

Mr. Reeves moved the adoption of the amendment.

Which was agreed to unanimously.

And Senate Bill No. 265 was ordered re-engrossed and not to lose its place on the Calendar.

Mr. Crill moved that the Senate take up bills on second reading.

Which was agreed to.

House Bill No. 322:

To be entitled an act to incorporate the town of Vernon in Washington County, Florida, and to provide for the election of municipal officers.

Was taken up.

Mr. Clark moved that the rules be waived and that House Bill No. 322 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 322 was read a second time by its title.

Mr. Clark moved that the rules be further waived and that House Bill No. 322 be read a third time and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 322 was read a third time in full.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—	Crill,	McCaskill
Mr. President,	Denham,	McLin,
Messrs. Baker,	Dimick,	Palmer of 11th,
Barber,	Fuller,	Rogers,
Blitch,	Harris,	Sams,
Carson,	Hendley,	Wadsworth,
Clark,	Hooker,	Wilson—20.

Nays—None.

So the bill passed, title as stated.

Mr. Reeves moved that Senate Bill No. 265 be recalled from the Committee on Engrossed Bills.

Which was agreed to.

And Senate Bill No. 265 was returned to the Senate.

Mr. Reeves moved that Senate Bill No. 265 be taken up and considered.

Which was agreed to.

Mr. Reeves moved that the vote by which the following amendments to Senate Bill No. 265 was agreed to be reconsidered: In line 21, Section 4, immediately after the word "section" add the following: "unless said wharves or piers are artificially filled up with stone or earth above high water mark."

In line 20, Section 4, immediately after the word "piers," insert the word "when such wharves or piers are."

Which was agreed to.

Mr. Reeves withdrew the amendments.

And Senate Bill No. 265, having previously been read a third time in full, was put upon its passage.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—		
Messrs—	Hendley,	Palmer of 11th,
Blitch,	Hooker,	Reeves,
Carson,	McCaskill,	Rogers,
Clark,	McCreary,	Sams,
Fuller,	McLin,	Wadsworth—16.
Harris,	Myers,	
Nays—	Baker,	Dimick,
Mr. President,	Crill,	Wilson—6.
Messrs—	Denham,	

So the bill passed, title as stated.

Mr. Reeves moved that the rules be waived and all bills

passed by the Senate this morning be immediately certified the House of Representatives.

Which was agreed to by a two-thirds vote.

And they were so certified.

Senate Bill No. 263:

A bill to be entitled an act regulating the manufacture and sale of food products.

Was taken up and read a second time in full.

Mr. Crill moved that the rules be waived and that Senate Bill No. 263 be read a third time and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 263 was read a third time in full.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—	Dimick,	McLin,
Messrs—	Fuller,	Myers,
Baker,	Harris,	Palmer of 11th,
Blitch,	Hendley,	Rogers,
Crill,	Hooker,	Wadsworth,
Crosby,	McCaskill	Wilson—18.
Denham,	McCreary,	
Nays—	Mr. President,	Carson—2.

So the bill passed, title as stated.

House Bill No. 279:

To be entitled an act to confirm and convey to the grantees and assigns of the several railroad companies of the lands granted to the State of Florida for railroad purposes by Act of Congress, approved May 17, 1856, and to confirm the titles of said lands to the said grantees and their assigns.

Was taken up.

Mr. Palmer of 11th moved that the rules be waived and House Bill No. 279 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 279 was read a second time by its title.

Mr. Palmer of 11th moved that the rules be further waived and that House Bill No. 279 be read a third time and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 279 was read a third time in full.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—	Crill,	McLin,
Messrs—	Crosby,	Myers,
Baker,	Denham,	Palmer of 11th,
Barber,	Dinnick,	Rogers,
Blitch,	Gaillard,	Sams,
Broome,	Harris,	Wilson—20.
Carson,	Hendley,	
Clark,	Hooker,	

Nays--None.

So the bill passed, title as stated.

House Bill No. 385:

To be entitled an act to legalize the notarial acts of notaries public performed by them, after the expiration of their old commission and previous to the date of their new commission.

Was taken up and read a second time in full.

And House Bill No. 385 was placed on Calendar of bills on third reading.

House Bill No. 112:

To be entitled an act to provide for the working of the public roads of the State and the working of convicts thereon.

Was taken up and read a second time in full, together with the amendments prepared by the Committee on City and County Organization.

Mr. Palmer of 11th moved that the rules be waived and that House Bill No. 112 be read a second time by its title.

Which was agreed to by a two-thirds vote.

And House Bill No. 112 was read a second time by its title.

The following committee amendment was read:

Section 4. That all persons confined or who may hereafter be confined in the county jail under sentence of a court for crime, or imprisonment for the non-payment of costs and fines, and all persons who have been sentenced or may hereafter be sentenced in such county to the county jail for a term of one year or less, shall be worked on the roads of the county, Provided, That in any case the number of such persons in any county jail at any time be less than five, the County Commissioners of any other county may arrange with the County Commissioners of any other county or counties for such an exchange of prisoners as will enable each county to thereby increase the number of prisoners at work on its public roads at any given time. Provided, nothing in this act shall be construed to require convicts to be worked upon the public roads when there is no contract between counties to this effect, and the number of such convicts in any county, if in the opinion of the County

Commissioner, insufficient to justify the employment of guards to work them.

Mr. Carson moved the adoption of the committee amendment.

Which was agreed to.

The following committee amendment was read:

Section 5. When the County Commissioners of any county shall have made provisions for the expenses of supporting and guarding while at work on the public roads a larger number of prisoners than can be supplied from than county upon the application of the County Commissioners of such county, the County Commissioners of any other county which has not otherwise provided for the working of their convicts or otherwise disposed of their convicts or may hereafter dispose of their convicts, shall deliver to said county or counties applying for same in the order of their application such convicts as may be confined in the county jail or hereafter be sentenced to such county jail, Provided, That the costs of guarding and maintaining such prisoners shall be paid by the county applying for and receiving the same, Provided, That any and all such prisoners from such other counties may at any time be returned to the Sheriff of such other counties at the expense of the county having received and used them; Provided, further, That no convicts shall be sent out of the county in which they have been convicted and sentenced to work to any other county unless a contract for that purpose shall have been entered into by the Boards of County Commissioners of the respective counties, and arrangements made for their safe keeping, proper care and safe return by the employing counties to the county or counties from which such prisoners were sentenced.

Mr. Carson moved the adoption of the committee amendment.

Which was agreed to.

The following committee amendment was read:

Section 6. For the purpose of carrying out the provisions of this act, the Road Superintendent with the approval of the County Commissioners, is hereby authorized to enter upon any uncultivated lands or improved lands, unencumbered by crops near to and adjoining such roads, to cut and carry away timber, except trees or groves of improved lands planted or left for profit, ornament or shade, to dig or cause to be dug and carried away any dirt, sand, stone, gravel or material which may be necessary to protect, improve or repair such roads, and to enter on any lands adjoining or lying near the

road in order to make such drains or ditches through the same, as he may deem necessary for the betterment of the road, doing as little injury to such lands and the timber and improvements thereon as the nature of the case and the public good will permit. If the owner of any lands or the agent of such owner having in charge such lands from which timber, sand, stone or any other material is desired to be taken or whose lands are sought to be drained or ditched under the provisions of this act shall object to the same, and shall make known such objection to the county road superintendent, it shall be the duty of the said superintendent to notify the chairman of the Board of County Commissioners of such refusal and if the Board of County Commissioners and such owner or agent fail to agree upon the damages to be paid by reason of the contemplated action of said county road superintendent it shall be the duty of the chairman of the Board of County Commissioners to issue his writ ad quod damnum directed to the sheriff or constable, as the case may be, ordering him to summon a jury of twelve men, registered voters, householders in the vicinity of such road and proceed to the ground through which said objection had been made to the passage of said road and upon actual view and upon oath to inquire and certify to said county commissioners what damages, if any, and how much in their opinion accrued to the owner or owners of such ground by the passage of the road through the same or for the use of any timber, stone, gravel, or other material taken therefrom, and the sheriff or other officer shall return the inquisition by him so made, signed by all the jury to the next meeting of the county commissioners to order the damages so assessed to be paid out of the county treasury, provided they decide to use the property in question; Provided said county commissioners shall not be required to pay for the use of roadway through unimproved lands.

Mr. Carson moved the adoption of the committee amendment

Which was not agreed to.

And House Bill No. 112, as amended, was placed on calendar of bills on third reading.

Mr. Fuller called up—

House Bill No. 47:

To be entitled an act to authorize County Commissioners of the County of Lee to adopt rules and regulations for the use and preservation of wild game, birds of song and plum-

age, wild animals, the skins of which are of commercial value and food fish.

Which was read a second time in full.

Mr. Fuller offered the following amendment to House Bill No. 47:

At the end of Section 1 add the following: "and further provide that the County Commissioners shall not adopt any rules and regulations authorizing any one to kill or catch in any way any kind of wild game, birds of song and plumage, or wild animals, contrary to any law or laws now existing."

Mr. Fuller moved the adoption of the amendment.

Which was agreed to.

Mr. Fuller offered the following amendment to House Bill No. 47:

Strike out all of Sections 3 and 4.

Mr. Fuller moved the adoption of the amendment.

Which was agreed to.

Mr. Fuller moved that the rules be waived and that House Bill No. 47 be read a third time as amended, and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 47, as amended, was read a third time in full.

Upon call of the roll on the passage of the bill as amended the vote was:

Yeas—

Mr. President,	Clark,	Hooker,
Messrs.—	Denham,	McCaskill,
Barber,	Fuller,	McLin,
Blicht,	Gaillard,	Regers—13.
Carson,	Harris,	
Nays—	Crosby,	Sams,
Messrs—	Hendley,	Williams,
Baker,	McCreary,	Wilson—9.
Crill,	Palmer of 11th,	

So the bill passed, title as stated.

Mr. Barber asked to be excused until Tuesday next.

Mr. Barber was excused.

Mr. Palmer of 11th moved that the Senate adjourn until 4 o'clock P. M.

Mr. Sams moved to adjourn until 9 o'clock A. M. Monday.

Mr. Sams withdrew the motion.

The motion of Mr. Palmer of 11th was not agreed to.

The Senate recurred to bills on third reading.

Senate Bill No. 239:

A bill to be entitled an act for the relief of E. E. Skipper.

Was taken up.

Mr. Hooker moved that Senate Bill No. 239 be laid on table subject to call.

Which was agreed to.

Senate Bill No. 219:

A bill to be entitled an act for the relief of D. W. Brown.

Was taken up and read a third time in full.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—	Carson,	McLin,
Mr. President,	Clark,	Rogers.
Messrs.—	Dimick,	Sams—11.
Barber,	Hooker,	
Bynum,	McCreary,	
Nays—Messrs—	Crosby,	McCaskill
Baker,	Denham,	Myers,
Blitch,	Fuller,	Palmer of 11th,
Broome,	Gaillard,	Williams,
Crill,	Harris,	Wilson—14.

So the bill failed to pass.

Mr. Crill moved that when the Senate adjourn to-day it adjourn until 9 o'clock A. M. Monday.

Which was agreed to.

Mr. Hooker called up—

Senate Bill No. 239:

A bill to be entitled an act for the relief of E. E. Skipper.

Pending the reading of the bill—

Mr. Palmer moved to indefinitely postpone Senate Bill No. 239.

Which was agreed to.

Mr. Sams moved to adjourn.

Which was agreed to.

Thereupon the Senate stood adjourned until Monday at 9 o'clock A. M.