

THURSDAY, May 6, 1897.

The Senate met pursuant to adjournment.

The President in the chair.

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

Mr. President, Messrs. Adams, Blich of 20th, Blich of 21st, Broome, Bynum, Carson, Clark, Daniel, Darby, Dimick, Fuller, Hartridge, Hooker, Myers, McLin, Palmer of 14th, Peacock, Phipps, Roberts, Thomas, Wadsworth and Williams—23.

A quorum present.

Prayer by the Chaplain.

On motion the reading of the Journal was dispensed with.

The Journal was approved.

Mr. Dougherty was excused for the day on account of sickness.

Mr. Gaillard was excused from attendance on account of committee business.

### Introduction of Bills.

By Mr. Adams:

Senate Memorial No. 202:

A memorial to the Representatives of the State of Florida in the Senate of the United States, requesting their efforts to secure the ratification of the arbitration treaty now pending between the government of the United States and the kingdom of Great Britain;

Which was read the first time by its title.

Mr. Adams moved that the rules be waived, and that Senate Memorial No. 202 be read the second time;

Which was agreed to by a two-thirds vote.

And Senate Memorial No. 202 was read the second time in full.

Mr. Adams moved that the rules be further waived, and that Senate Memorial No. 202 be read the third time in full.

Mr. Carson moved that Senate Memorial No. 202 remain on its second reading subject to amendment until to-morrow;

Which was agreed to.

By Mr. Adams:

Senate Bill No. 203:

A bill to be entitled an act to punish the practice of hypnotism in this State;

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

By Mr. Fuller:

Senate Bill No. 204:

A bill to be entitled an act to legalize the incorporation of the town of Palmetto, in the county of Manatee, State of Florida, and to declare the incorporation of the town of Palmetto valid and in full force and effect;

Which was read the first time by its title and referred to the Committee on City and County Organization.

By Mr. Reeves:

Senate Bill No. 205:

A bill to be entitled an act to declare navigable West Patman creek in Holmes county, and to fix a penalty for obstructing the same;

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

## Reports of Committees.

Mr. Gaillard, Chairman of the Committee on Commerce and Navigation, submitted the following report:

SENATE CHAMBER, }  
TALLAHASSEE, FLA., May 6, 1897. }

HON. CHAS. J. PERRENOT,

President of the Senate:

SIR—Your Committee on Commerce and Navigation, to whom was referred—

Senate Bill No. 162:

A bill to be entitled an act to amend section 939 of the Revised Statutes of Florida, relating to examination and licensing of pilots by Pilot Commissioners.

Beg leave to report that they have carefully examined the same, and recommend that it be amended as follows:

In line 14, section 1, strike out the words "five for the port of Fernandina," and substitute therefor the words "four for the port of Fernandina and Nassau Inlet."

And that, as amended, the same do pass.

Very respectfully,

H. GAILLARD,

Chairman Committee on Commerce and Navigation.

And Senate Bill No. 162, contained in the above report, together with the amendment offered by the committee, was placed on the calendar of bills on second reading.

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

SENATE CHAMBER, }  
TALLAHASSEE, FLA., May 6, 1897. }

HON. CHAS. J. PERRENOT,

President of the Senate:

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

Senate Bill No. 177:

A bill to be entitled an act to prescribe the mode of issuing temporary certificates of qualification by the Boards of Medical Examiners, defining the duties of the members and secretaries of the same, and prescribing a punishment for a breach thereof.

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

Very respectfully,

J. M. PHIPPS,

Chairman Committee on Public Health.

And Senate Bill No. 177, contained in the above report, was placed on the calendar of bills on second reading.

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

SENATE CHAMBER, }  
TALLAHASSEE, FLA., May 6, 1897. }

HON. CHAS. J. PERRENOT,

President of the Senate:

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

Senate Bill No. 120:

A bill to be entitled an act for the benefit of creditors of insolvent traders.

And,

Senate Bill No. 170:

A bill to be entitled an act to provide for service upon non-resident defendants in certain chancery cases.

Beg leave to report that they have carefully examined the same, and recommend that they do pass.

Very respectfully,

FRED. T. MYERS,

Chairman Judiciary Committee.

And Senate Bills Nos. 120 and 170, contained in the above report, were placed on the calendar of bills on second reading.

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

SENATE CHAMBER, }  
TALLAHASSEE, FLA., May 6, 1897. }

HON. CHAS. J. PERRENOT,

President of the Senate:

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

Senate Bill No. 109:

A bill to be entitled an act concerning libel in civil and criminal cases.

Also,

House Bill No. 105:

A bill to be entitled an act declaring it a misdemeanor on the part of the employers to require as a condition of employment the surrender of any right of citizenship.

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

Very respectfully,

FRED T. MYERS,

Chairman Committee on Judiciary.

And Senate Bill No. 109, and House Bill No. 105, contained in the above report, were placed on the calendar of bills on second reading.

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

SENATE CHAMBER, }  
TALLAHASSEE, FLA., May 6, 1897. }

HON. CHAS. J. PERRENOT,

President of the Senate:

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

## Senate Bill No. 156:

A bill to be entitled an act providing for the collection of a succession or collateral inheritance tax, or tax on transfer of real and personal property under certain conditions.

Reg leave to report that they have had the same under consideration, and return it herewith with the recommendation that the same be referred to Committee on Finance and Taxation.

Very respectfully,

FRED. T. MYERS,

Chairman Judiciary Committee.

And Senate Bill No. 156, contained in the above report, was referred to the Committee on Finance and Taxation.

Mr. Carson, Chairman of the Committee on Mining and Phosphate, submitted the following report:

SENATE CHAMBER, }  
TALLAHASSEE, FLA., May 6, 1897. }

HON. CHAS. J. FERRENOT,

President of the Senate:

SIR—Your Committee on Mining and Phosphate, to whom was referred—

House Bill No. 80:

A bill to be entitled an act providing for the appointment of official samplers of phosphate at the several ports where phosphate is shipped in the State of Florida, defining the duties of such official samplers of the railroad terminal and other companies and persons, fixing the fees and the manner of collection and payment thereof, forbidding sampling of phosphate at ports of other persons, empowering the appointment of deputies, and prescribing penalties for a violation of the provisions of this act.

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

Very respectfully,

C. A. CARSON,

Chairman Committee on Mining and Phosphate.

And House Bill No. 80, contained in the above report, was placed on the calendar of bills on second reading.

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

SENATE CHAMBER, }  
TALLAHASSEE, FLA., May 6, 1897. }

HON. CHAS. J. PERRENOT,

President of the Senate:

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

An act abrogating citations on appeals in chancery causes from the Circuit to the Supreme Court, and making the record of the entry of such appeals notice in such causes.

Also,

An act to abrogate the writ of Scire Facias ad Audiendum Errores in appellate proceedings to the Supreme Court, and to provide a substitute therefor in civil causes.

Also,

An act to amend an act entitled an act to abolish the present municipal government of the city of Sanford, Orange county, Florida, and organize a city government for the same, and provide its jurisdiction and powers.

Beg leave to report that they have carefully examined the same, and find them correctly enrolled.

Very respectfully,

J. N. HOOKER,

Chairman Committee on Enrolled Bills.

And the acts contained in the above report were referred to the Joint Committee on Enrolled Bills.

Mr. Blich of 21st was permitted to call up Senate Joint Resolution No. 49 from the table.

And,

Senate Joint Resolution No. 49:

Joint Resolution proposing an amendment to section thirteen (13) of article (16) of the Constitution of the State of Florida, relating to sureties upon official bonds,

Was taken up together with the amendments offered by the Committee on Constitutional Amendments.

Mr. Hartridge moved the adoption of the first amendment offered by the Committee on Constitutional Amendments;

Which was agreed to.

Mr. Blich of 21st moved that the second amendment

offered by the Committee on Constitutional Amendments be adopted;

Which was agreed to.

And Senate Joint Resolution No. 49, as amended, was referred to the Committee on Engrossed Bills.

Mr. Blitch of 20th moved to take up from the table—

House Concurrent Resolution No. 27:

Providing for a committee to visit the Florida Agricultural College;

Which was agreed to.

Mr. Blitch of 20th moved to indefinitely postpone the resolution inasmuch as a similar resolution has been acted on by both houses;

Which was agreed to.

Mr. Fuller moved that Senate Bill No. 87 be taken up and considered;

Which was agreed to.

And,

Senate Bill No. 87:

A bill to be entitled an act to regulate the catching or taking of fish in the waters of the State of Florida,

Was taken up, together with the original bill and substitute and amendments thereto.

Mr. Palmer of 11th was permitted to withdraw the substitute for Senate Bill No. 87.

Mr. Fuller withdrew his amendment to substitute for Senate Bill No. 87.

Mr. Fuller offered the following amendment to Senate Bill No. 87:

Strike out all of sections 2, 3, 4, 5 and 6, and insert in lieu thereof the following:

Sec. 2. It shall be unlawful for any haul-nets or seines longer than 350 yards, or for any haul-nets or seines to be attached together in any manner, making a length of more than 350 yards, or for any haul-nets or seines to be fastened by stakes, or otherwise, with ends nearer to each other than 100 yards, for the purpose of making a stretch or length of more than 350 yards, to be used for the purpose of catching or taking fish from the rivers, creeks, bays, bayous, or any other waters on the coast of the State of Florida; Provided, however, That gill-nets of a length of more than 350 yards may be used in the regular gill-net fishing.

Sec. 3. It shall be unlawful for any person or persons to catch any fish in any of the waters of the State of Florida with any seine or net, bait and cast-nets excepted, the meshes of which shall be less than one and one-half inches.

Sec. 4. That from and after the passage of this act it shall be unlawful for any person or persons to catch with any seines or nets any fish in the waters of this State, or to use or employ any seines or nets in the catching any fish in the waters of this State between the fifteenth day of June and the fifteenth day of August of each year, or to catch any mullet in said waters between the fifteenth day of November and the thirty-first day of December in each year; Provided, That this law shall not be construed to prohibit the catching of fish in cast-nets, or by hook and line.

SEC. 5. Any person or persons violating any of the provisions of this act, shall, upon conviction, be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, in the discretion of the court.

SEC. 6. All laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

SEC. 7. This act shall take effect upon its passage and approval by the Governor.

Mr. Fuller moved the adoption of the amendment.

Mr. Palmer of 11th offered the following amendment to the amendment to Senate Bill No. 87:

In line 4, section 3, strike out the words "one and one-half inches," and substitute therefor the words "one and three-quarter inches."

Mr. Palmer of 11th moved the adoption of the amendment to the amendment;

Which was not agreed to.

Mr. Palmer of 11th offered the following amendment to the amendment to Senate Bill No. 87:

In line 100, section 2, strike out all the words after the word "Florida" down to the end of said section.

Mr. Palmer of 11th moved the adoption of the amendment to the amendment;

Which was not agreed to.

Mr. Palmer of 11th offered the following amendment to the amendment to Senate Bill No. 87:

In lines 2, 4 and 7, section 2, strike out the figures "350" in each of said lines, and substitute therefor the figures "1000."

Mr. Palmer of 11th moved the adoption of the amendment,

Pending which—

A committee from the House of Representatives announced that the House was ready to receive the Senate in joint session, and to proceed to the election of a United States Senator in joint session.

The hour of 12 o'clock having arrived, the Senate proceeded in a body to the hall of the House of Representatives.

12 O'CLOCK M.

JOINT SESSION, May 6, 1897.

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

President Perrenot 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. Adams, Bailey, Barber, Blitch of 20th, Blitch of 21st, Broome, Bynum, Carson, Chipley, Clark, Crosby, Daniel, Darby, Dimick, Dougherty, Fuller, Gaillard, Hartridge, Hooker, Myers, McLin, Palmer of 11th, Palmer of 14th, Peacock, Phipps, Reeves, Roberts, Thomas, Wadsworth and Williams—31.

A quorum present.

The President ordered the roll of the House called.

Upon call of the roll, the following Members answered to their names:

Mr. Speaker, Messrs. Ayer, Baggett, Baker, Ballentine, Bethel, Blanton, Bunch, Burnsed, Canty, Carlisle, Carter, Chaires, Christie, Cobb, Cox, Crumpton, Dees, Dupree, Dyal, Ellis, Frisbee, Fielding, Fulton, Harris, Hendry of Taylor, Hyer, Lamar, Lewis, Linton, McCall, McCreary, Mobley, Morgan of Hamilton, Morgan of Putnam, Owens, Pelot, Pedrick, Pope, Potter, Rawls, Register, Rice, Richbourg, Robertson, Rouse, Shepard of Liberty, Shepard of Orange, Sloan, Spencer, Stanford, Stockton, Street, Thayer, Turner, Wall of Bradford, Wall of Putnam, Ward, Watson, Whitner, Williams, Wilson, Wolf, Young and Zewadski—65.

A quorum present.

The Journal of yesterday was approved.

Mr. Wall of Putnam offered the following resolution:

Whereas, It is eminently necessary that there should be no mistake made in the selection of a United States Senator in regard to his position on the financial subject,

Therefore be it resolved, That this joint legislature vote for no man for United States Senator unless he can produce satisfactory evidence that he was in favor of the free coinage

of silver by the United States of America at the legal ratio of 16 to 1, prior to the meeting of the Democratic convention at Chicago in 1896, such evidence to be given to the Secretary and read to-morrow.

Mr. Dimick moved to lay the resolution on the table;

Which was agreed to.

Mr. Wilson moved to reconsider the vote by which the resolution of Mr. Wall of Putnam was laid on the table, which motion went over under the rules until to-morrow.

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

Which was agreed to.

And the joint session proceeded to vote for United States Senator.

The roll of the Senate was called, and the vote was:

For Call—Messrs. Adams, Blicht of 21st, Broome, Crosby, Palmer of 14th, Roberts and Thomas—7.

For Chipley—Mr. President, Messrs. Barber, Bynum, Clark, Dougherty, Fuller, Gaillard, Hartridge, Hooker, Palmer of 11th, Peacock and Reeves—12.

For Raney—Messrs. Bailey, Carson, Daniel, Darby, Dimick, Myers, Phipps, Wadsworth and Williams—9.

For Hocker—Mr. McLin—1.

For Burford—Mr. Blicht of 20th—1.

Total number of votes cast, 30.

Mr. Chipley announced that he was no longer paired with Mr. Hendley, and requested that his name be passed.

The roll of the House of Representatives was called, and the vote was:

For Call—Messrs. Ayer, Baker, Bethel, Blanton, Burch, Burnsed, Canty, Carlisle, Carter, Crumpton, Dyal, Frisbee, Hendry of Taylor, Lewis, Linton, McCreary, Mobley, Morgan of Hamilton, Pelot, Pope, Ravis, Rouse, Shepard of Liberty, Stockton, Wall of Bradford, Wall of Putnam, Ward and Wilson—28.

For Chipley—Mr. Speaker, Messrs. Baggett, Ballentine, Cobb, Dees, Dupree, Ellis, Harris, Hyer, McCall, Morgan of Putnam, Owens, Pedrick, Richbourg, Robertson, Shepard of Orange, Spencer, Stanford, Street, Thayer, Turner, Watson, Williams and Young—24.

For Raney—Messrs. Chaires, Christie, Cox, Fielding, Fulton, Lamar, Register, Rice, Whitner and Wolf—10.

For Hocker—Messrs. Sloan and Zewadski—2.

Total number of votes cast, 64.

Mr. Potter announced that he was paired with Mr. Bates; that if Mr. Bates were present he would vote for Mr. Call, and he would vote for Mr. Chipley.

The Secretary announced that thirty (30) votes in the Senate, and sixty-four (64) in the House, making a total of ninety-four (94) votes, had been cast.

The President announced that the following gentlemen had received the number of votes opposite their respective names:

Wilkinson Call, 35;  
W. D. Chipley, 36;  
G. P. Raney, 19;  
W. A. Hocker, 3;  
R. A. Burford, 1;

And that no one having received the majority of votes cast as required by law, that there was no election of United States Senator.

Mr. Dougherty moved that the joint session do now adjourn. The yeas and nays were demanded.

Upon call of the roll of the Senate, the vote was:

Yeas—Messrs. Bailey, Barber, Blich of 20th, Blich of 21st, Broome, Carson, Crosby, Daniel, Darby, Myers, Palmer of 14th, Phipps, Roberts, Thomas, Wadsworth and Williams—16.

Nays—Mr. President, Messrs. Adams, Bynum, Chipley, Clark, Dimick, Dougherty, Fuller, Gaillard, Hartridge, Hooker, McLin, Palmer of 11th, Peacock and Reeves—15.

Upon call of the roll of the House the vote was:

Yeas—Messrs. Ayer, Baker, Bethel, Blanton, Bunch, Burnsed, Canty, Carlisle, Carter, Chaires, Christie, Cox, Crumpton, Dyal, Frisbee, Fielding, Fulton, Hendry of Taylor, Lamar, Lewis, Linton, McCreary, Mobley, Morgan of Hamilton, Morgan of Putnam, Pelot, Pope, Potter, Rawls, Register, Rice, Rouse, Shepard of Liberty, Sloan, Stanford, Stockton, Wall of Bradford, Wall of Putnam, Ward, Whitner, Wilson, Wolff and Zewadski—43.

Nays—Mr. Speaker, Messrs. Bagget, Ballentine, Cobb, Dees, Dupree, Ellis, Harris, Hyer, McCall, Owens, Pedrick, Richbourg, Robertson, Shepard of Orange, Spencer, Street, Thayer, Turner, Watson, Williams and Young—22.

Total yeas in Senate, 16; total yeas in House, 43; total, 59.

Total nays, in Senate, 15; totals nays in House, 22; total, 37.

So the motion to adjourn prevailed.

Thereupon the joint session stood adjourned until 12 o'clock to-morrow.

12:40 O'CLOCK.

At 12:40 p. m. the Senate resumed its session.

The President in the chair.

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

Mr. President, Messrs. Barber, Blich of 20th, Blich of 21st, Broome, Bynum, Carson, Chipley, Clark, Crosby, Daniel, Darby, Dimick, Fuller, Gaillard, Hartridge, Hooker, Myers, McLin, Palmer of 11th, Palmer of 14th, Peacock, Phipps, Roberts, Thomas, Wadsworth and Williams—28.

A quorum present.

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

SENATE CHAMBER, }  
TALLAHASSEE, FLA., May 6, 1897. }

HON. CHAS. J. PERRENOT,

President of the Senate:

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

An act abrogating citations on appeals in chancery causes from the Circuit to the Supreme Court, and making the record of the entry of such appeals notice in such causes.

Also,

An act to abrogate the writ of Scire Facias ad Audiendum Errores and appellate proceedings to the Supreme Court, and to provide a substitute therefor in civil causes.

Also,

An act to amend an act entitled an act to abolish the present municipal government of the city of Sanford, Orange county, Florida, and organize a city government for the same, and provide its jurisdiction and powers.

Beg leave to report that we have examined the same, and find them correctly enrolled.

Very respectfully,

J. N. HOOKER,

Chairman Joint Committee on Enrolled Bills.

And the act contained in the above report was referred to the Joint Committee on Enrolled Bills to be conveyed to the House of Representatives for signature of Speaker and Chief Clerk thereof.

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

SENATE CHAMBER, }  
TALLAHASSEE, FLA., May 6, 1897. }

HON. CHAS. J. PERRENOT,

President of the Senate:

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

An act abrogating citations on appeals in chancery causes from the Circuit to the Supreme Court, and making the record of the entry of such appeals notice in such causes.

And,

An act to abrogate the writ of Scire Facias ad Audiendum Errores in appellate proceedings to the Supreme Court, and to provide a substitute therefor in civil causes.

And,

An act to amend an act entitled an act to abolish the present municipal government of the city of Sanford, Orange county, Florida, and organize a city government for the same, and provide its jurisdiction and powers.

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

Very respectfully,

J. N. HOOKER,

Chairman Joint Committee on Enrolled Bills.

Enrolled.

The President announced that he was about to sign—

An act abrogating citations on appeals in chancery causes from the Circuit to the Supreme Court, and making the record of the entry of such appeals notice in such causes.

Also,

An act to abrogate the writ of Scire Facias ad Audiendum Errores in appellate proceedings to the Supreme Court, and to provide a substitute therefor in civil causes.

Also,

An act to amend an act entitled an act to abolish the present municipal government of the city of Sanford, Orange

county, Florida, and organize a city government for the same, and provide its jurisdiction and powers.

The act was 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. Palmer of 11th introduced:

Senate Bill No. 206:

A bill to be entitled an act to amend section 31 of chapter 4496 of the Laws of Florida, entitled an act to amend the city charter of the city of Tampa.

Which was read the first time by its title and referred to the Committee on City and County Organization.

By permission—

Mr. Palmer of 11th introduced:

Senate Bill No. 207:

A bill to be entitled an act to amend section 3 of chapter 4497 the Laws of Florida, entitled an act to incorporate the city of West Tampa in Hillsborough county;

Which was read the first time by its title and referred to the Committee on City and County Organization.

By permission—

Mr. Palmer of 11th introduced:

Senate Bill No. 208:

A bill to be entitled an act to provide for showing and proving the expectancy of life in certain cases;

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

Mr. Broome moved that the rules be waived, and that the executive session go over until to-morrow;

Which was agreed to by a two-thirds vote.

Mr. Broome moved that the Senate take a recess until 4 o'clock this afternoon.

Mr. Palmer of 11th moved that the Senate do now adjourn until 10 o'clock to-morrow morning.

The motion of Mr. Palmer of 11th to adjourn until 10 o'clock to-morrow morning prevailed.

Thereupon the Senate stood adjourned until 10 o'clock to-morrow morning.