

TUESDAY, MAY 2, 1899.

Senate met pursuant to adjournment.

The President in the chair.

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

Mr. President,	Denham,	McLin,
Messrs. Baker,	Dimick,	O'Brien,
Blitch,	Fuller,	Palmer of 14th,
Broome,	Gaillard,	Palmer of 11th,
Carson,	Harris,	Reeves,
Chaires,	Hendley,	Rogers,
Clark,	Hooker,	Wadsworth,
Crill,	McCaskill,	Williams,
Crosby,	McCreary,	Wilson,

Answering roll-call—27.

A quorum present.

Prayer by the Chaplain.

On motion the reading of the Journal was dispensed with.

The Journal was corrected and approved.

Mr. McCreary was excused from attendance on account of committee work.

INTRODUCTION OF BILLS.

By Mr. Clark:

Senate Bill No. 161:

A bill to be entitled an act for the relief of H. B. Gaskin, Clerk of the Circuit Court of Calhoun County, Florida.

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

By Mr. Adams:

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, State of Florida, and to declare the incorporation of the town of Jasper, Florida, valid and of full force and effect.

Which was read the first time by its title.

Mr. Adams moved that the rules be waived and that Senate Bill No. 162 be read a second time by its title.

Which was agreed to by a two-thirds vote.

And the bill was read a second time by its title.

Mr. Adams moved that the rules be further waived and the bill be read a third time and put upon its passage.

Which was agreed to by a two-thirds vote.

And the bill was read a third time in full.

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

The vote was:

Yeas--

Mr. President,	Crosby,	McCaskill,
Messrs. Baker,	Denham,	McLin,
Blich,	Dimick,	O'Brien,
Broome,	Fuller,	Palmer of 14th,
Carson,	Gaillard,	Palmer of 11th,
Chaires,	Harris,	Rogers,
Clark,	Hendley,	Wadsworth,
Crill,	Hooker,	Wilson—24.

Nays—None.

So the bill passed, title as stated.

A message was received from the Governor.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., April 29, 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. 170:

To be entitled an act to repeal all fence laws in Township No. 51, Range 25, and Townships Nos. 51 and 52, in Range 26 south and east, in the County of Lee, State of Florida.

And respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 170, contained in the above message, was read the first time by its title and referred to the Committee on City and County Organization.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., April 29, 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 Memorial No. 290:

A Memorial to the Senators and Representatives from the State of Florida, in the Congress of the United States:

Whereas, At an election held in Utah in November, 1893, B. H. Roberts was elected as a member of the Fifty-sixth Congress of the United States, and as the said B. H. Roberts is a polygamist, having three wives and living in wilful defiance of the sense of morality of the American people; therefore be it

Resolved by the House of Representatives of the State of Florida, That our Senators and Representatives in Congress advocate the passing of a law which will forever debar a polygamist from occupying a seat in the Senate or House of Representatives of the United States.

Resolved, second, That our Representatives in Congress be requested to use all the means in their power to prevent the seating of the said B. H. Roberts, member-elect from Utah.

Resolved, third, That the Secretary of State be, and is hereby directed, to send a copy of these resolutions immediately upon their passage, to the Senators and members of the House of Representatives in Congress from this State.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

And House Memorial Bill No. 290, contained in the above message, was read the first time in full.

Mr. Palmer of 11th moved that House Memorial No. 290 be indefinitely postponed.

Which was agreed to.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 1, 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 Memorial No. 106:

A memorial to the Congress of the United States requesting an appropriation for the construction of a lighthouse at or near Hillsborough Inlet, on the East Coast of Florida.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

And Senate Memorial No. 106, contained in the above message, was referred to the Committee on Enrolled Bills.

The following communication from the Governor was read:

State of Florida, Executive Department,
Tallahassee, Fla., May 1, 1899.

Sir—I have the honor to inform the Senate that I have today signed the following bills, originating in that body, and have filed the same with the Secretary of State:

“An act for the relief of John E. King, ex-Tax Collector of Citrus County, Fla.”

Also,

“An act to amend Sections 2 and 5, of Chapter 4557, of the Laws of the State of Florida, entitled an act to regulate the catching or taking of fish in the waters of the State of Florida, approved May 29th, 1897.”

Also,

“An act authorizing the construction of bridges for private use by persons or corporations across the Withlacoochee and Wekiva rivers.”

Also.

“An act to extend the time for completing the Carrabelle, Tallahassee and Georgia Railroad, and to preserve and continue the grant of lands heretofore made to aid in its construction.”

Very respectfully,

W. D. BLOXHAM,

Governor of Florida.

REPORTS OF COMMITTEES.

Mr. Dimick, Acting Chairman of the Committee on City and County Organization, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 2, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on City and County Organization to whom was referred—

Senate Bill No. 157:

A bill to be entitled an act to provide for the issue of bonds by the city of Fernandina for municipal purposes and to authorize said city to value property taxable within its limits for taxation and to assess and collect taxes levied thereon by said city.

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

Very respectfully,

E. N. DIMICK,

Acting Chairman of Committee.

And Senate Bill No. 157, contained in the above report, was placed on the Calendar of bills on second reading.

Mr. O'Brien, Chairman of the Committee on Commerce and Navigation, submitted the following report:

Senate Chamber
Tallahassee, Fla., May 2, 1899.

Hon. Frank Adams,

President of the Senate:

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

House Bill No. 79:

To be entitled an act to prohibit anyone from placing water hyacinths in any of the streams or waters of the State of Florida, and to prescribe a penalty therefor.

Beg leave to report that they have carefully examined and considered same and recommend that it do pass.

Very Respectfully,

J. ED. O'BRIEN,

Chairman of Committee.

And House Bill No. 79, contained in the above report, was placed on the Calendar of bills on second reading.

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

Senate Chamber,
Tallahassee, Fla., May 2, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on Claims, to whom was referred—
Senate Bill No. 89:

A bill 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..

Also,

Senate Bill No. 148:

A bill to be entitled an act for the relief of Burt G. Dyal:

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

Very respectfully,

J. N. HOOKER,

Chairman of Committee.

And Senate Bill Nos. 89 and 148, contained in the above report, were placed on the Calendar of bills on second reading.

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

Senate Chamber,
Tallahassee, Fla., May 2, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on Claims, to whom was referred—
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.

Beg leave to report that they have carefully considered the same and recommend that it do pass.

Very respectfully,

J. N. HOOKER,

Chairman of Committee:

And House Bill No. 157, contained in the above report, 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,
Tallahassee, Fla., May 2, 1899.

Hon. Frank Adams,

President of the Senate:

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

Senate Bill No. 110:

A bill to be entitled an act concerning annuities for disabled soldiers and sailors of the State of Florida.

Also,

Senate Bill No. 147:

A bill to be entitled an act to provide for an investigation of the tax sale certificates and certified lists of land now held by the State of Florida, making a list of the same by counties; also a separate list of those that are defective for any cause; making a summary and requiring a complete permanent record of the same.

Also,

Senate Bill No. 107:

A bill to be entitled an act to amend Section 2169, of the Revised Statutes of Florida, in relation to State Banks, regulating capital stock and par value of shares.

Also,

Senate Bill No. 126:

A bill to be entitled an act to amend Section 1658, Revised Statutes, relating to notice of institution of suit and service, and contents in cases of attachment and garnishment;

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

Very respectfully,

B. E. McLIN,

Chairman of Committee.

And Senate Bills Nos. 107, 110, 126 and 147, contained in the above report, were placed on the Calendar of bills on third reading.

A message was received from the House of Representatives.

Mr. Carson moved that the Senate take up House Bill No. 17, now on table subject to call.

Which was agreed to by a two-thirds vote.

And,

House Bill No. 17:

To be entitled an act to prohibit the manufacture, importation, sale or gift of cigarettes or cigarette paper in the State of Florida and to provide penalties for its violation.

Was taken up and read again in full, together with Senate amendments.

Mr. Carson offered the following amendment to House Bill No. 17:

After the word "sell" in Section 2, add the following: "Offer as a premium, give or offer to give as an inducement or encouragement to trade."

Mr. Carson moved the adoption of the amendment.

Which was agreed to.

Mr. Harris moved that House Bill No. 17 be indefinitely postponed.

Mr. Palmer of 11th, offered the following amendment to House Bill No. 17:

After the last word of Section 2 add the words, "provided that cigarettes, known as Cuban or Spanish cigarettes, when entirely filled with Cuban tobacco, may be manufactured in this state."

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

Mr. Palmer of 11th offered the following amendment to the amendment to House Bill No. 17:

Add to the amendment "not to be sold in this State."

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

Which was agreed to:

The amendment as amended was then adopted.

Mr. Harris withdrew the motion to indefinitely postpone.

Mr. Carson moved that the rules be waived and the bill as amended be read a third time and put upon its passage,

Which was agreed to by a two-thirds vote.

And House Bill No. 17 was read a third time in full together with the Senate amendments.

Mr. Fuller moved that House Bill No. 17, as amended, be placed back on second reading for further amendment.

Which was agreed to.

Mr. Fuller moved that the rules be waived and that House Bill No. 17, now on its second reading, be taken up and considered.

Which was agreed to by a two-thirds vote.

And

House Bill No. 17:

To be entitled an act to prohibit the manufacture, importation, sale or gift of cigarettes or cigarette paper in the State of Florida and to provide penalties for its violation.

Was taken up together with the Senate amendments.

Mr. Fuller offered the following amendment to House Bill No. 17:

In third line, Section 2, after the word "Florida," insert with the exception of the manufacture for shipment out of the State of cigarettes filled with Florida grown tobacco."

Mr. Fuller moved the adoption of the amendment.

Which was agreed to.

Mr. Carson moved that the rules be waived and that the bill, as amended, be read a third time and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 17 was read a third time in full, together with the Senate amendments.

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

The vote was:

Yeas—

Messrs. Baker,	Crosby,	McLin,
Blitch,	Denham,	O'Brien,
Broome,	Fuller,	Palmer of 14th,
Carson,	Hendley,	Reeves,
Clark,	Hooker,	Wadsworth—17.
Crill,	McCaskill,	

Nays—

Mr. President,	Gaillard,	Williams,
Messrs.	Harris,	Wilson—9.
Chaires,	Myers,	
Dumick,	Rogers,	

So the bill passed, title as stated.

Mr. Carson moved that the rules be waived and the action of the Senate on House Bill No. 17 be immediately certified to the House of Representatives.

Which was agreed to by a two-thirds vote.

And House Bill No. 17, as amended, was so certified.

By permission—

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

Senate Chamber,
Tallahassee, Fla., May 2, 1899.

Hon Frank Adams,

President of the Senate:

Sir—Your Committee on Judiciary to whom was referred—

Senate Bill No. 12:

A bill to be entitled an act to empower County Commissioners to employ or hire out county convicts, and to fix the territory in which such convicts may be worked.

Beg leave to report that they have carefully examined the same and would recommend the accompanying substitute therefor.

Very respectfully,

FRED T. MYERS,
Chairman of Committee.

And Senate Bill No. 12, contained in the above report, was placed on the Calendar of bills on second reading.

By permission—

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

Senate Chamber,
Tallahassee, Fla., May 2, 1899.

Hon Frank Adams,

President of the Senate:

Sir—Your Committee on Judiciary to whom was referred—
Senate Bill No. 99:

A bill to be entitled an act to repeal all fence laws in township fifty-one (51), range twenty-five (25), and township fifty-one (51) and fifty-two (52) in range twenty-six (26) south and east in the county of Lee, State of Florida.

Beg leave to report that they have carefully considered the same and would recommend that it do pass.

Very respectfully,

FRED T. MYERS,
Chairman of Committee.

And Senate Bill No. 99, contained in the above report, was placed on the Calendar of bills on second reading.

By permission—

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

Senate Chamber,
Tallahassee, Fla., May 2, 1899.

Hon. Frank Adams,

President of the Senate:

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

Senate Bill No. 144:

A bill to be entitled an act to regulate the examination of witnesses in all cases in the State of Florida.

Also,

Senate Bill No. 154:

A bill to be entitled an act to prevent persons from wearing badges, emblems or devices of secret organizations of which they are not members.

Also,

Senate Bill No. 158:

A bill to be entitled an act to amend Section 3 of Chapter 4324 (No. 3) of the Laws of Florida, approved April 20th, 1895, relating to the payment of witnesses in criminal cases.

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

Very respectfully,

FRED T. MYERS,

Chairman of Committee.

And Senate Bills Nos. 144, 154 and 158, contained in the above report, were placed on the Calendar of bills on second reading.

By permission—

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

Senate Chamber,
Tallahassee, Fla., May 2, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on Judiciary to whom was referred—

House Bill No. 151:

To be entitled an act to require mortgagees to cancel mortgages within thirty days after the payment of such mortgages.

Beg leave to report that they have carefully considered the same, and would recommend that it do not pass.

Very Respectfully,
 FRED T. MYERS,
 Chairman of Committee.

And House Bill No. 151, contained in the above report, was placed on the Calendar of bills on second reading.

BILLS ON SECOND READING.

Senate Bill No. 55:

A bill to be entitled an act to amend Section 1516 of the Revised Statutes of Florida, relating to trial of causes before Justices of the Peace and County Judges as ex-officio Justices of the Peace.

Was taken up and read the second time in full.

Mr. Reeves offered a substitute for Senate Bill No. 55.

The substitute was read in full.

Mr. Reeves moved the adoption of the substitute with the following title:

Substitute for—

Senate Bill No. 55:

A bill to be entitled an act to amend Section 1516 of the Revised Statutes of Florida, relating to transfer of causes in certain cases from courts of County Judges and Justices of the Peace.

Which was agreed to.

And substitute for Senate Bill No. 55 was ordered referred to Committee on Engrossed Bills.

Senate Bill No. 133:

A bill to be entitled an act to authorize the Southwestern Railroad Company to abandon its railroad, and to take up, remove and otherwise dispose of its rails and other property, and to revoke the unsatisfied land grants to the Green Cove Springs and Melrose Railroad Company, and the Western Railway Company of Florida.

Was taken up and read the second time in full.

And Senate Bill No. 133 was ordered referred to Committee on Engrossed Bills.

Mr. Dimick moved that Senate Bill No. 102, on table subject to call, be now taken up and considered.

Which was agreed to.

And

Senate Bill No. 102:

A bill to be entitled an act to amend Section 1473 of the Revised Statutes of the State of Florida, relating to residence required in order to obtain a divorce.

Was taken up and read a second time in full.

And Senate Bill No. 102 was ordered referred to the Committee on Engrossed Bills.

Mr. Harris moved that the rules be waived and that Senate Bill No. 103, now on the table, be taken up out of its order and considered.

Which was agreed to by a two-thirds vote.

Senate Bill No. 103:

A bill to be entitled an act to authorize the County Commissioners of the County of Lee to adopt rules and regulations for the use and preservation of wild game, birds of song and plumage, and wild animals, the skins of which are of commercial value;

Was taken up and read the third time in full.

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

The vote was:

Yeas—

Mr. President,	Denham,	Williams,
Messrs—	Harris,	Wilson—9.
Blich,	McCaskill,	
Chaires,	O'Brien,	

Nays—

Messrs. Baker,	Crosby,	McLin,
Broome,	Dimick,	Palmer of 14th,
Carson,	Fuller,	Reeves,
Crill,	Hooker,	Rogers—12.

So the bill did not pass.

By permission—

Mr. Baker (by request), introduced:

Senate Bill No. 163:

A bill to be entitled an act for the relief of Charles Rheinauer.

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

By permission—

Mr. Harris (by request) introduced:

Senate Bill No. 164:

A bill to be entitled an act for the appointment of official stenographers for the Circuit Courts of the State of Florida.

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

By permission—

Mr. Harris (by request) introduced:

Senate Bill No. 165:

A bill to be entitled an act to amend Section 218 of the Revised Statutes, relative to the appointment, term of office, powers, bond and oath of Notaries Public.

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

Consideration of bills on second reading was resumed.

Senate Bill No. 81:

A bill to be entitled an act requiring owners of fences crossing public highways to construct gates, and to grade the road approaching said gates, and providing a penalty for failure so to do.

Was taken up and read the second time in full.

Mr. Harris offered the following amendment to Senate Bill No. 81:

After Section 2, insert the following as Section 3:

“Section 3. Any person who opens and fails to close any such gate, or who leaves such gate open or who fails to fasten such gate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding fifty dollars or by imprisonment not exceeding sixty days.”

And that Section 3 of the bill become Section 4.

Mr. Harris moved the adoption of the amendment.

Pending which,

At 12:55 P. M.

Mr. Broome moved:

That the Senate go into executive session.

Which was agreed to.

And the doors were closed.

At 1:15 P. M. the doors were opened.

President in the chair.

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

Mr. President,	Crill,	McLin,
Messrs—	Crosby,	O'Brien,
Baker,	Denham,	Palmer of 14th,
Blitch,	Fuller,	Palmer of 11th,

Carson,	Gaillard,	Reeves,
Chaires,	Hooker,	Wadsworth,
Broome,	McCaskill,	Williams,
Clark,	McCreary,	Wilson,

Answering roll-call—23.

A quorum present.

By permission—

Mr. Palmer of 11th, Chairman of the Committee on Constitutional Amendments, submitted the following report:

Senate Chamber.
Tallahassee, Fla., May 2, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on Constitutional Amendments, to whom was referred:

Senate Joint Resolution No. 150:

A joint resolution proposing an amendment to Section one (1), Article ten (X) of the Constitution of the State of Florida, relating to homestead and exemptions.

Beg leave to report that we have carefully examined the same and recommend the same, with the following amendments, do pass.

Strike out all words in Section one after the word "improvements," in the thirteenth line of said section, and insert in lieu thereof the following: "so exempted shall not exceed one thousand dollars."

Very respectfully,

THOMAS PALMER,
Chairman of Committee.

And Senate Joint Resolution No. 150, contained in the above report, together with committee amendments, was placed on the Calendar of bills on second reading.

By permission—

Mr. Palmer of 11th, Chairman of the Committee on Constitutional Amendments, submitted the following report:

Senate Chamber.
Tallahassee, Fla., May 2, 1899.

Hon. Frank Adams:

President of the Senate:

Sir—Your Committee on Constitutional Amendments, to whom was referred—

Senate Joint Resolution No. 100:

A joint resolution proposing an amendment to Section 25, Article III of the Constitution of Florida.

Have carefully examined the same and recommend that the same do pass.

Very Respectfully,

THOMAS PALMER,

Chairman of Committee.

And Senate Joint Resolution No. 100, contained in the above report, was placed on the Calendar of bills on second reading.

By permission—

Mr. Palmer of 11th, Chairman of the Committee on Constitutional Amendments, submitted the following report:

Senate Chamber.

Tallahassee, Fla., May 3, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on Constitutional Amendments, to whom was referred—

Senate Joint Resolution No. 145:

Proposing an amendment to Section 6 of Article VIII of the Constitution of the State of Florida.

Beg leave to report that they have carefully examined the same and report the same without recommendation.

Very Respectfully,

THOMAS PALMER,

Chairman of Committee.

And Senate Joint Resolution No. 145, contained in the above report, was placed on the Calendar of bills on second reading.

By permission—

Mr. Palmer of 11th, introduced

Senate Bill No. 166:

A bill to be entitled an act in relation to the survey and sale of certain lands in the State of Florida, and to dispose of the proceeds arising from the sale of such lands.

Which was read the first time and referred to the Committee on Finance and Taxation.

Mr. Palmer of 14th, moved that the Senate adjourn until 10 o'clock to-morrow.

Which was agreed to.

Thereupon the Senate stood adjourned until Wednesday
at 10 o'clock A. M.

CONFIRMATIONS.

COUNTY COMMISSIONERS.

Washington County—

District No. 1—J. M. Simmons, Vernon, Fla.

District No. 2—W. T. Horn, Orange Hill, Fla.

District No. 3—C. C. Yonge, Caryville, Fla.

District No. 4—Simeon Strickland, Point Washington, Fla.

District No. 5—John R. Thompson, St. Andrews Bay, Fla.

Putnam County—

District No. 1—William D. Allen, Fruitland, Fla.

District No. 2—S. J. Hilburn, Palatka, Fla.

District No. 3—John Hancock, Bostwick, Fla.

District No. 4—John S. Strickland, Etoniah, Fla.

District No. 5—Samuel R. Jenkins, Hope, Fla.