

MONDAY, APRIL 13, 1903.

Senate met pursuant to adjournment.

The President in the chair.

The roll being called, 31 Senators answered to their names, showing a quorum present—Senator Williams being absent.

Prayer by Rev. Mr. Cramer, of the Baptist Church.

Mr. Wilson of 4th moved that the reading of the Journal be dispensed with.

Which was agreed to.

Mr. Butler moved that the Journal of yesterday be corrected to read as follows, instead of publishing the list of those present:

"The roll being called 29 Senators answered to their names, showing a quorum present. Senators Miller, Palmer and Williams being absent."

And that this form be adopted in future.

The motion was agreed to.

The President presented the following communication to the Senate:

Tallahassee, April 10th, 1903,

Hon. Frank Adams, President of the Senate, Senate Chamber.

DEAR SIR—I am too sick to attend the session of the Senate; I therefore respectfully ask a week's leave of absence.

Yours Truly,

E. H. RENNOLDS,

Chaplain.

Mr. Carson moved that the chaplain be excused, as requested.

Which was agreed to.

The President announced that

Senate Bill No. 13:

A bill to be entitled an act authorizing the Board of Commissioners of the State Institutions of the State of Florida to purchase and equip penitentiary farms and plantations, and to employ the State convicts thereon, and to provide for the conduct and management of the same.

Having been printed, in accordance with the instruction of the Senate, would be ordered referred to the committee on State Prisons and Convicts.

INTRODUCTION OF RESOLUTIONS.

Mr. Blitch offered the following:

Senate Resolution, No. 22:

Resolved, That hereafter for the remainder of the Session, that the Chairman of the respective committees file their reports with Secretary of the Senate, and that they be spread upon the Journal without being read, except where recommendations are contained therein, and that the bills so reported be placed on the callendar of bills on second and third reading respectively.

Mr. Blitch moved the adoption of the resolution.

Which was agreed to.

Mr. Crill introduced the following petition:

Tallahassee, Florida, April 13, 1903,

To the Honorable Members of the Senate of the State of Florida

GENTLEMEN:—

Your petitioners, S. I. Wailes and Mrs. L. G. Beard (for the estate of W. K. Beard), beg leave to present this their petition to your Honorable Body for such relief as they are entitled to receive under the S. I. Wailes contract for commissions due on the money recently paid by the United States to the State of Florida in the settlement of the Indian War Claims of this State; and they respectfully ask that payment for services rendered in the interest of said claim may be authorized by Bill or otherwise. Attached to this petition is a statement of facts showing work done and monies expended as provided for in said contract, the original of which will be submitted to any committee to which your honorable body refers this petition.

And your petitioners will ever pray,

WAILES & BEARD,

By S. S. Wailes.

The petition was read.

Mr. Harris offered the following:

Resolved that the petition of S. I. Wailes and the estate of W. K. Beard for payment for services rendered to the State of Florida in relation to the Indian War Claim be referred to the Judiciary Committee; that said committee be and they are hereby ordered and empowered to make a thorough investigation of the facts in the case and report their findings. That if it be found that the State of Florida is indebted to the petitioners that said commit-

tee present to this Senate a Bill providing for an appropriation to pay for the same.

The said Judiciary Committee be and they are hereby empowered to send for persons and papers, and employ such clerical aid as may be found to be necessary.

Mr. Carson moved that the petition and motion of Mr. Harris be laid on table subject to call.

Which was agreed to.

INTRODUCTION OF BILLS.

By Mr. Mac Williams:

Senate Memorial No. 57:

A Memorial to Congress of the United States asking the passage of what is known as the "Brownlow Bill," or such other similar measure having for its purpose the aiding in the building and construction of Hard Surfaced roads in the several states and Territories.

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

By Mr. Mac Williams:

Senate Bill No. 58:

A Bill to be entitled an Act to provide for the purchase of a site, and for the erection thereon of a residence for the use of the Governor of the State, and for an appropriation for that purpose.

Which was read the first time by its title and referred to the committee on State Affairs.

By Mr. Mac Williams:

Senate Bill No. 59:

A bill to be entitled an act relating to the publication of Libels in Newspapers, Magazines and other Periodicals in this State.

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

By Mr. Butler:

Senate Bill No. 60:

A bill to be entitled an act to reorganize the military forces of the State; to adopt and make of force a military

code, and to provide penalties for the violation thereof; to repeal all laws referring to the military forces not herein re-enacted; and for other purposes.

Which was read the first time by its title and referred to the committee on Militia.

By Mr. Dimick:

Senate Bill No. 61:

A bill to be entitled an act for the relief of R. J. Chilingworth.

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

By Mr. Dimick:

Senate Bill No. 62:

A bill to be entitled an act to regulate the taking of food fish in the salt and fresh waters of Brevard county.

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

By Mr. Dimick:

Senate Bill No. 63:

A bill to be entitled an Act to fix the time for holding the terms of the circuit court of the Seventh Judicial Circuit.

Which was read the first time by its title and laid on the table subject to reference.

By Mr. Wilson of 4th:

Senate Bill No. 64:

A bill to be entitled an act to provide for free school books in the counties of this State, and to authorize the levy of a special tax in each county for that purpose.

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

By Mr. Wilson of 4th:

Senate Bill No. 65:

A bill to be entitled an act to provide annuities for the widows of deceased Confederate Soldiers and Sailors of the State of Florida, now receiving pensions, or whose husbands would be entitled to receive pensions under the laws of Florida if now living.

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

By Mr. Raney:

Senate Bill No. 66:

A bill to be entitled an act to amend Section 1310, Revised Statutes, so as to prescribe regulations for calling

circuit judges into the Supreme Court to hear and determine matters pending before the court, in the place of justices thereof, who shall be disqualified or disabled from interest, sickness, or other cause; and to define the cases wherein circuit judges shall or may be called into the Supreme Court to hear and determine matters therein pending.

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

By Mr. Raney:

Senate Bill No. 67:

A bill to be entitled an act to amend an act entitled "an act to amend Section 2347 of the Revised Statutes of the State of Florida, relating to the disposition of proceeds of life insurance," approved June 4th, 1897, being Chapter 4555, Laws of Florida.

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

By Mr. Scott:

Senate Bill No. 68:

A bill to be entitled an act for the relief of W. H. Moseley, of Quincy, Gadsden county, Florida.

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

By Mr. Scott:

Senate Bill No. 69:

A bill to be entitled an act to prescribe the manner of selling or otherwise dispensing cocaine, to provide a penalty for a violation of the provisions of this act, and for other purposes.

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

By Mr. Scott:

Senate Bill No. 70:

A bill to be entitled an act to amend Section 9, Chapter 4322, of the Laws of Florida, being an act for the assessment and collection of revenue, so as to include a license tax on every company of travelling Gypsies engaged in trading in this State.

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

By Mr. McCreary:

Senate Bill No. 71:

A bill to be entitled an act to amend Section 2 and to

repeal Section 3 of Chapter 4021, Acts of A. D. 1891, Laws of Florida, relating to appeals from municipal or recorders' courts.

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

By Mr. Brown:

Senate Bill No. 72:

A bill to be entitled an act to incorporate the Most Worshipful Union Grand Lodge of the Most Ancient and Honorable Fraternity of Free and Accepted Masons, colored, of Florida.

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

By Mr. Law:

Senate Bill No. 73:

A bill to be entitled an act to appropriate fifty thousand dollars to defray the expenses of and maintain an exhibit at the St. Louis Fair, at St. Louis, Missouri.

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

By Mr. Peacock:

Senate Bill No. 74:

A bill to be entitled an act to prescribe the method of indexing all instruments relative to real estate, filed for record with the clerks of circuit court, and to prescribe the clerk's compensation therefor, and to repeal Chapter 4140, Laws of 1893, approved June 5, 1893.

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

By Mr. Peacock:

Senate Bill No. 75:

A bill to be entitled an act to provide annuities for widows of deceased soldiers and sailors of the State of Florida.

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

By Mr. Law:

Senate Bill No. 76:

A bill to be entitled an act for the erection, building and furnishing of a mansion for the governor of the State of Florida, to purchase a site for same, and making an appropriation for such purpose.

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

By Mr. Crill:

Senate Bill No. 77:

A bill to be entitled an act establishing a Geological Survey for the State of Florida, to provide for the appointment of a State Geologist, and to define his duties; also, to provide for the maintenance of the survey.

Which was read the first time by its title and referred to the committee on Mineral Resources of Florida.

By Mr. Wilson of 7th:

Senate Bill No. 78:

A bill to be entitled an act to amend Section 2 of Chapter 4147 of the Laws of Florida, entitled, "An act to regulate the carrying of fire arms, approved June the 2d, 1893.

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

By Mr. Wilson of 7th:

Senate Bill No. 79:

A bill to be entitled an act to provide for the surrender and cancellation of certain tax certificates now held by the State of Florida, which were sold prior to the year 1898.

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

By Mr. Harris:

Senate Bill No. 80:

A bill to be entitled an act to amend Chapter 5040, Laws of Florida, being an act to prescribe what shall be deemed a lawful fence in part of townships 43 and 44, ranges 26 and 28, in Lee county, Florida, and to exempt said territory from the provisions of Sections 875, 876 and 878, of the Revised Statutes of Florida.

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

By Mr. Harris:

Senate Bill No. 81:

A bill to be entitled an act requiring the judges of courts in this State, in the trial of civil and criminal causes, to charge the jury before argument of counsel.

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

By Mr. Harris:

Senate Bill No. 82:

A bill to be entitled an act to amend Section 1, of Chap-

ter 4791, Laws of Florida, entitled an act to prohibit and prescribe the manner of taking food fish from certain waters in Lee county.

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

By Mr. Law:

Senate Bill No. 83:

A bill to be entitled an act to divide the State of Florida into eight judicial circuits, and for the appointment of judges and State attorneys therefor.

Which was read the first time by its title and laid on table subject to reference.

A message from the Secretary of State was received.

CONSIDERATION OF RESOLUTIONS.

Senate Concurrent Resolution No. 11:

Be it resolved by the Senate, the House of Representatives concurring, That a committee of five, composed of two on the part of the Senate, and three on the part of the House—be appointed to inspect and report on the condition of the Florida Hospital for the Insane.

Was taken up and read a second time.

Mr. Scott moved the adoption of the resolution.

Which was agreed to.

The following communication from the Secretary of State was read:

Office of Secretary of State.

Tallahassee, Fla., April 13, 1903.

Hon. Frank Adams,

President of the Senate:

DEAR SIR—I return herewith, for the consideration of the Senate, the following vetoed acts, with the Governor's reasons for not signing same written thereon, as stated in my communication written under date of April 10th.

"An act to create a prison commission for the State of Florida, to define their duties, powers and compensation; to provide for the purchase of certain lands and for the erection thereon of a penitentiary in which to keep and maintain certain State convicts; to provide for the utilization of convict labor thereon; to place the State Reform School under the charge and control of said com-

mission; to provide for the hiring of certain convicts; to provide for an appropriation to carry out the purposes of this act; and for other purposes."

Also,

"An act to amend Section 671 of the Revised Statutes of the State of Florida relating to the power of city and town council to regulate registrations and elections; and to fill vacancies."

Also,

"An act regulating the manufacture and sale of food products."

Very Respectfully,

H. CLAY CRAWFORD,

Secretary of State.

The title of the following act was read:

"An act regulating the manufacture and sale of food products."

The veto of the Governor, written on the act, was as follows:

"SIR—In accordance with Section 28, Article 3 of the Constitution, I transmit this act to "Regulate the manufacture of food products," to be filed in office of Secretary of State without approval, for the reason that I am of the opinion that Section 8 of said Article destroys the provisions thereof; that said law could not be made effective or enforced; and therefore I deem it my duty to withhold my approval.

"W. S. JENNINGS, Governor."

June 6, 1901.

Mr. Crill moved that the act and message be referred to the Committee on Judiciary.

Which was agreed to.

The title of the following act was read:

"An act to create a prison commission for the State of Florida, to define their duties, powers and compensation; to provide for the purchase of certain lands and for the erection thereon of a penitentiary in which to keep and maintain certain State convicts; to provide for the utilization of convict labor thereon; to place the State Reform School under the charge and control of said commission; to provide for the hiring of certain convicts; to provide for an appropriation to carry out the purposes of this act; and for other purposes."

The veto of the Governor, written on the act, was read as follows:

"SIR—In accordance with Section 28, Article 3, of the Constitution, I transmit this act, "To create a prison commission," etc., to be filed in the office of the Secretary of State, without approval, for the following reasons: 1st, In my opinion, the said act is in violation of Section 26, Article 4, which provides that the Commissioner of Agriculture "shall have supervision of State prison," and is also in violation of Section 17, Article 4, Constitution, which provides that the board of commissioners of State institutions shall have supervision of all matters connected with such institutions. Therefore, notwithstanding this act would not go into effect during this administration, being of the opinion that this act is unconstitutional, I deem it my duty to withhold my approval.

"W. S. JENNINGS, Governor.

"June 6, 1901.

"To Hon. John L. Crawford,
"Secretary of State."

Mr. Crill moved that the act and message be referred to the Committee on Judiciary.

Which was agreed to.

The title of the following act was read:

"An act to amend Section 671 of the Revised Statutes of the State of Florida relating to the power of city and town council to regulate registrations and elections; and to fill vacancies."

The veto of the Governor written on the act, was as follows:

"SIR—In accordance with Section 28, Article 3, of the Constitution, I transmit this act, to amend Section 721, Revised Statutes, without approval, for the reason that it assumes to place the power to regulate registration and election in cities and towns in the power of the council of such city or town. In my judgment, such power should be vested in and remain in control of the sovereign people; and, therefore, I deem it my duty to withhold my approval of the bill.

"W. S. JENNINGS, Governor.

"May 31, 1901.

"To Hon. John L. Crawford,
"Secretary of State."

Mr. Crill moved that the act and message be referred to the committee on judiciary.

Which was agreed to.

REPORTS OF COMMITTEES.

Mr. Kirk, chairman of the committee on Claims submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 13, 1903.

Hon. Frank Adams,

President of the Senate:

SIR—Your Committee on Claims to whom was referred Senate Bill No. 7:

A bill to be entitled an act for the relief of Levy county.

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

Very respectfully,

B. F. KIRK,

Chairman of Committee.

And Senate Bill No. 7, contained in the above report, was placed on the calendar of bills on second reading.

Mr. McCaskill, Chairman of the Committee on Public Roads and Highways, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 13, 1903.

Hon. Frank Adams,

President of the Senate:

SIR:—Your committee on Public Roads and Highways to whom was referred

Senate Bill No. 46.

A bill to be entitled an act to repeal Chapter 4237 of the Laws of Florida, being an act to establish and keep in good repair the public roads and highways in the counties of Walton and Holmes, in this State.

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

Very respectfully,

E. V. McCASKILL,

Chairman of Committee.

And Senate Bill No. 46, contained in the above report was placed on the Calendar of bills on second reading.

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

Senate Chamber.
Tallahassee, Fla., April 10th 1903.

Hon. Frank Adams,
President of the Senate:

SIR:—Your committee on Agriculture to whom was referred.

Senate Bill No. 3:

A bill to be entitled an act to amend Sections one and two of Chapter 4045, Laws of Florida, approved June 2, 1891, the same being an act to amend an act entitled an act to protect the interests of farmers, planters and others, Chapter 3012, approved Feb. 17, 1877.

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

Very respectfully,
B. D. WADSWORTH,
Chairman of Committee.

And Senate Bill No. 3, contained in the above report, was placed on the Calendar of bills on second reading.

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

Senate Chamber,
Tallahassee, Fla., April 10th 1903.

Hon. Frank Adams,
President of the Senate:

SIR:—Your committee on Agriculture to whom was referred.

Senate Bill No. 14:

A bill to be entitled an act to amend Section 875, and to repeal Section 877 of the Revised Statutes of the State of Florida, relative to fences.

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

Very respectfully,
B. D. WADSWORTH,
Chairman of Committee.

And Senate Bill No. 14, contained in the above report, was placed on the Calendar of bills on second reading.

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

Senate Chamber,
Tallahassee, Fla., April 13, 1903.

Hon. Frank Adams,

President of the Senate:

SIR:—Your Committee on Fisheries to whom was referred

Senate Bill No. 9:

A bill to be entitled an act to prohibit the catching and taking of fish from the fresh water lakes of Clay county, Florida, in the months of March, April and May of each year.

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

Very respectfully,
FRANK W. SAMS,
Chairman of Committee.

And Senate Bill No. 9, contained in the above report, was placed on the callendar of bills on secondreading.

BILLS ON SECOND READING.

Senate Bill No. 22:

A bill to be entitled an act to legalize the election held on the 7th day of January, A. D. 1902, in the city of Palatka, to determine whether or not the bonds should be issued, sold, etc., as proposed and provided by an ordinance of said city, entitled "an Ordinance to provide for the issue of bonds and the payment therefor," passed in open council by the city council of the city of Palatka, on the 19th day of November, 1901, and approved by the mayor of said city on the 20th day of November, 1901, and to declare and render valid said ordinance, and to authorize the issuance of the bonds as provided by said ordinance.

Was taken up.

Mr. Palmer moved that the rules be waived and Senate Bill No. 22 be read a second time by its title only.

Which was agreed to by a two-thirds vote,

And,

Senate Bill No. 22 was read the second time by its title only.

Mr. Crill moved that Senate Bill No. 22 be passed to callendar of bills on third reading without being engrossed.

Which was agreed to by a two-thirds vote.

Senate Bill No. 23:

A bill to be entitled an act to ratify and legalize the action of the county commissioners of St. Johns county, for, on, and in behalf of the county of St. Johns, in taking up from the First National Bank of St. Augustine, the warrants of the board of public instruction of said county amounting to the sum of seven thousand dollars (\$7,000.00), bearing eight (8) per cent interest and substituting therefor county warrants in a like sum bearing five (5) per cent interest.

Was taken up.

Mr. Mac Williams moved that the rules be waived and Senate Bill No. 23 be read a second time by its title only.

Which was agreed to by a two-third vote.

And Senate Bill No. 23 was read a second time by its title.

Mr. Mac Williams moved that the rules be waived and that Senate Bill No. 23 be placed on calendar of bills on third reading without being engrossed.

Which was agreed to by a two-thirds vote,

Senate Bill No. 20:

A bill to be entitled an act to amend Sections one, two, three, four and six of Chapter 4635 of the Laws of Florida, entitled an act to provide for the municipal officers of the city of Key West, a municipal corporation existing in the county of Monroe, Florida, to prescribe their terms of office, provide for their election and appointment and regulate their compensation, and to repeal Sections two, and three, of Chapter 3966, Laws of Florida, and amendments thereto.

Was taken up.

Mr. Harris moved that the rules be waived and Senate Bill No. 20 be read a second time by its title only.

Which was agreed to by a two-thirds vote,

And Senate Bill No. 20 was read a second time by its title.

Senate Bill No. 20 was ordered referred to the committee on engrossed bills.

Senate Bill No. 18:

A bill to be entitled an act to authorize the county of Monroe to bond itself in the sum of ten thousand dollars

for the purpose of constructing a public highway within said county.

Was taken up.

Mr. Harris moved that the rules be waived and Senate Bill No. 18 be read a second time by its title only.

Which was agreed to by a two-thirds vote,

And Senate bill No. 18 was read a second time by its title.

Mr. Harris moved that the rules be waived and that Senate Bill No. 18 be placed on the Calendar of bills on third reading without being engrossed.

Which was agreed to by a two-thirds vote,

Senate Bill No. 16:

A bill to be entitled an act to repeal Chapter 4972 of the Laws of Florida, entitled an act making incurable insanity a ground for divorce of husband and wife, and regulating proceedings in such cases, approved April 25, 1901.

Was taken up.

Mr. Wadsworth moved that Senate Bill No. 16 be laid on table subject to call.

Which was agreed to.

And Senate Bill No. 16, was laid on table subject to call.

Senate Bill No. 29:

A bill to be entitled an act to amend Section 1, Chapter 4683, Laws of Florida, approved June 2nd, 1899, being an act to prohibit the sale of intoxicating liquors within four miles distance of public or private school buildings and houses of worship, and to provide penalties therefor.

Was taken up and read a second time in full, together with the amendment of the committee on temperance.

The following committee amendment was read:

"Strike out all after the word "inhabitants" in line 22, Section 1."

Mr. Peacock moved the adoption of the committee amendment.

Pending consideration of which Mr. Mac Williams moved that the Senate adjourn until 10 o'clock a. m. tomorrow.

Which was agreed to.

Thereupon the Senate stood adjourned until 10 o'clock a. m. Tuesday April 14.