

MONDAY APRIL 17, 1905.

The Senate met pursuant to adjournment.

The President in the chair.

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

Mr. President, Senators Adams, Alford, Bailey, Brown, Canova, Carter, Clark, Crane, Crews, Crill, Davis, Faulkner, Gillen, Harris, Hudson, Humphries, Jackson, McCreary, Massey, Neel, Newlan, Raney, Sams, Stockton, Scott, Wadsworth, West, Wilson, Zim.—30.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

The President announced that the Secretary of the Senate had received a letter from L. M. Terrell, superintendent of the Railway Mail Service, stating the necessary instructions had been given to the railway postal clerks under Senate Resolution No. 28.

The following communication was read and ordered spread on the Journal:

Jacksonville, Fla., April 14, 1905.

Hon. Park M. Trammell,

President of the Senate,

Tallahassee, Fla.

DEAR SIR—As State Organizer of the Good Roads Association of Florida, I have the honor, through you, to invite the honorable members of the Senate to attend the Good Roads Convention which will meet in Tallahassee at eight o'clock p. m., Tuesday, April the 25th.

It would be indeed a great pleasure if, in their own behalf and in the interest of their constituents, they should decide to attend as a body. Men of national reputation have been invited to address us, and at this time such advice as they may give us would no doubt prove of great value. Men of great experience of our own State will be present and suggest many needed changes in our road laws. This meeting has been called that the leading members of the Good Roads Association of the State may have an opportunity to lay before the different members of your honorable body their experience, and if possible procure the passage of suitable laws which will give to the people of the State the relief they seek. The leading

members of the Association will be pleased to have the suggestions and assistance of any and all members of your honorable body, in the draft of a bill to be presented for your consideration.

Respectfully yours,

A. S. MANN,

National and State Organizer.

Respectfully yours,

A. S. MANN,

National and State Organizer.

#### INTRODUCTION OF RESOLUTIONS.

Mr. Jackson introduced the following:

Senate Resolution No. 31:

Be it Resolved by the Senate, That the Senate Committee on Privileges and Election be and are hereby requested to give notice of the time and place for the further hearing and consideration of evidence and argument in the Baskin vs. Brown contest, to the end that all members of the Senate who so desire may be present and hear such evidence and argument.

Mr. Jackson moved the adoption of the resolution.

Which was agreed to.

#### INTRODUCTION OF BILLS.

By Mr. Hudson:

Senate Bill No. 91:

A bill to be entitled an act providing for the creation of St. Lucie county and for the organization and government thereof.

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

By Mr. Hudson:

Senate Bill No. 92:

A bill to be entitled an act to punish the sale, gift, barter or exchange of intoxicating drinks to Indians in this State, and providing penalties therefor.

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

By Mr. Massey:

## Senate Bill No. 93:

A bill to be entitled an act to amend Section 2441 of the Revised Statutes of 1892, relative to petit larceny.

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

By Mr. Wilson (request of Mr. Blount):

## Senate Bill No. 94:

A bill to be entitled an act to amend an act entitled an act to provide for the creation of the city of Pensacola, now known as the provisional municipality of Pensacola, and for the government of said city of Pensacola, and to provide for its officers and their term of office, and to provide for the support and maintenance of said government and improvement of said city, approved May 27, 1895.

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

By Mr. Harris:

## Senate Bill No. 95:

A bill to be entitled an act to provide for the appointment of a State Game Commissioner, and County Game Wardens, defining their duties and powers, and fixing their compensation; creating a State and County game fund, and repealing Chapter 4563, Laws of 1897, entitled, "An Act for the appointment of fish and game wardens, in the various counties of the State of Florida," approved June 5, 1897, and all amendatory acts thereof.

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

By Mr. Brown:

## Senate Bill No. 96:

A bill to be entitled an act authorizing and empowering the city of Ocala to make assessments upon real estate and personal property within its corporate limits, and prescribing the duties and powers of the city council in relation thereto, and providing for the enforcement of the collection of taxes.

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

By Mr. Brown:

## Senate Bill No. 97:

A bill to be entitled an act authorizing the city of Ocala, Marion County, Florida, to combine certain officers of the city of Ocala, and granting to said city the right

to fix the term of office of its officers, and defining the power of the city council in relation to the issuance of scrip and borrowing money.

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

By Mr. Gillen:

Senate Bill No. 98:

A bill to be entitled an act authorizing city or town clerks to appoint deputies.

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

By Mr. Gillen:

Senate Bill No. 99:

A bill to be entitled an act to require all meetings of city or town councils, or boards of aldermen, of the cities and towns of the State of Florida, to be held openly, and to provide that all records and books of any such city or town shall at all times be open to the inspection of the citizens thereof, and providing penalties for violation of this act.

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

#### CONSIDERATION OF RESOLUTIONS.

Senate Concurrent Resolution No. 10:

Relative to appointment of joint committee to visit Confederate Soldiers and Sailors Home at Jacksonville.

Was taken up and read a second time.

Mr. Gillen moved the adoption of the resolution.

Which was agreed to.

House Concurrent Resolution No. 15:

Relative to survey of Clearwater Harbor and Boca Ceiga Bay.

Was taken up and read a second time.

Mr. Crane moved the adoption of the resolution.

Which was agreed to.

#### MESSAGES FROM HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., April 17, 1905.

Hon. Park M. Trammell,

*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 Concurrent Resolution No. 17:

Be it resolved by the House of Representatives, the Senate concurring.

Whereas, by an official communication from the Governor we learn that, pursuant to action taken by the Congress of the United States, there have been returned to the State of Florida the flags once gallantly borne by troops of this State but which have been long resting in the custody of the National Government, and

Whereas, The Legislature of this State as representing the people thereof, and believing it expresses their feelings and sentiment in this regard, desires to express its cordial recognition and acknowledgment of this generous and patriotic act upon the part of our National Government; therefore

Be it resolved, That we, in common with all the people of this State are profoundly grateful for the return to our loving care and custody of these battle torn flags which in the years of a splendid if sorrowful past waved over the ranks of Florida's noblest sons, who under those banners suffered, fought and died for a cause they loved and which these flags symbolized.

Resolved farther, That as from time to time, the people of Florida shall look upon these war worn and tattered banners, filling their hearts and minds with memories of a heroism and a patriotic devotion not excelled in human history, they will remember "With charity for all, with malice toward none", this noble act of restoration by those who, once our foemen, have in this fraternal deed conquered our hearts and thus achieved the only real and true victory ever obtained by north over south.

Resolved, That the Governor is respectfully requested to communicate the resolutions or a copy thereof to the proper officials representative of the National Government at Washington.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,  
J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Concurrent Resolution No. 17, contained in the above message, was read the first time.

Mr. Massey moved that the rules be waived, and that House Concurrent Resolution No. 17 be read a second time.

Which was agreed to by a two-thirds vote.

And House Concurrent Resolution No. 17 was read a second time.

Mr. Massey moved the adoption of the resolution.

Which was agreed to.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., April 17, 1905.

Hon. Park M. Trammell,

*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. 134:

A bill to be entitled an act to amend Section 7, Article 10, of Chapter 5353 of the Laws of Florida, as regards the power of the city council of the city of Live Oak, Florida, to issue and collect licenses upon business, occupations, professions and privileges within the limits of said city.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,  
J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Bill No. 134, contained in the above message, was read the first time by its title.

Mr. Newlan moved that the rules be waived and that House Bill No. 134 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 134 was read a second time by its title.

Mr. Newlan moved that the rules be further waived and that House Bill No. 134 be read a third time and put upon its passage

Which was agreed to by a two-thirds vote.

And House Bill No. 134 was read a third time in full.

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

Mr. President	Crill	Massey
Adams	Davis	Meel
Alford	Faulkner	Newlan
Bailey	Gillen	Sams
Brown	Harris	Stockton
Canova	Hudson	Scott
Carter	Humphries	Wadsworth
Clark	Jackson	West
Crane	McCreary	Zim
Crews		

Yeas—28.

Nays—None.

So the bill passed, title as stated.

#### ORDERS OF THE DAY.

The motion of Mr. Sams, made Friday last, to reconsider the vote by which the Senate adopted House Concurrent Resolution No. 2,

Was taken up.

Mr. Sams moved that the vote by which House Concurrent Resolution No. 2 was adopted be reconsidered.

Which was agreed to.

Mr. Sams moved that House Concurrent Resolution No. 2 be indefinitely postponed.

Which was agreed to.

#### BILLS ON SECOND READING.

Senate Bill No. 7:

A bill to be entitled an act to repeal Sections 1 to 7 inclusive, Chapter 4972, Laws of Florida, approved April 25, 1901, entitled an act making incurable insanity a ground for divorce of husband and wife and regulating proceedings in such cases.

Was taken up and read a second time in full.

Mr. Adams offered the following substitute for Senate Bill No. 7:

A bill to be entitled an act making adultery the only cause or ground for which divorces may be granted in this State.

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

Section 1. That no divorce from the bonds of matrimony shall be granted by the courts of this State, except in cases where the defendant in the suit for divorce has been guilty of adultery. If it shall appear to the court that the adultery complained of was occasioned by collusion of the parties, and done with the intention to procure a divorce, or that both parties have been guilty of adultery, no divorce shall be decreed.

Provided, This act shall not in any way effect the rights of parties who have suits now pending in any of the courts of this State.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed and this act shall take effect on July 1st, 1905.

Mr. Adams moved the adoption of the substitute.

Mr. Harris moved to lay substitute to Senate Bill No. 17 on the table.

Which was not agreed to.

Upon the motion to adopt the substitute, the yeas and nays were demanded.

Upon call of the roll the vote was:

Adams	Gillen	Neel
Brown	Hambright	Newlan
Crews	McCreary	Sams
Davis		
Yeas—10.		
Mr. Chesnut	Smith	Stockton
Hard	Thompson	Stott
Bailey	Thomas	Wadsworth
Conner	Traylor	West
Conroy	Toddson	Wilson
Clark	Massey	Zim
Creare		

Nays—19.

So the substitute was not agreed to.

Mr. Scott moved that the rules be waived and that Senate Bill No. 7 be read a third time and put upon its passage.

Which was not agreed to.

Mr. Scott moved that Senate Bill No. 7 be engrossed, and made the special order for tomorrow at 11 a. m.

Which was agreed to.

Senate Bill No. 15:

A bill to be entitled an act imposing a penalty upon any State, county or municipal official other than a sheriff, who shall accept a free pass, free transportation or discrimination in passenger, telegraph or telephone rates from any person or corporation.

Was taken up and as amended, read in full.

Mr. Wilson offered the following amendment to Senate Bill No. 15:

Strike out the words "other than a sheriff" in the title of the bill.

Mr. Wilson moved the adoption of the amendment.

Which was agreed to.

And Senate Bill No. 15, as amended, was ordered referred to the Committee on Engrossed Bills.

Senate Bill No. 74:

A bill to be entitled an act to control, manage and maintain certain educational institutions in the State of Florida.

Was taken up.

Mr. McCreary moved that Senate Bill No. 74 be made a special order for 11 a. m., next Monday, April 24.

Mr. Stockton moved to substitute Wednesday, April 19, at 11 a. m.

Which was not agreed to.

Mr. Crill moved that Senate Bill No. 74 be made the special order for Monday, April 24, at 4:30 p. m.

Which was agreed to.

Mr. Stockton moved that 300 copies of Senate Bill No. 74 be printed.

Which was agreed to.

Senate Bill No. 61:

A bill to be entitled an act requiring any person, firm or corporation operating any railroad in this State to construct and maintain good and sufficient stock guards.

Was taken up and read a second time in full, together with the amendments of the Committee on Railroads.

The following committee amendment was read:

First—After the word “enclosure” in line 5, Section 2, insert the following: In the full amount of damage sustained by the owner of said crop. And in addition to the actual damage sustained the owner of said crop shall be awarded ten per cent. of said actual damage for attorney’s fee.

Mr. Clark moved the adoption of the committee amendment.

Which was agreed to.

The following committee amendment was read:

Second—Strike out the words “For damages equal to the proven value of such field or enclosure,” in last two lines of Section 2.

Mr. Clarke moved the adoption of the committee amendment.

Which was agreed to.

And Senate Bill No. 61, as amended, was ordered referred to the Committee on Engrossed Bills.

Senate Bill No. 73:

A bill to be entitled an act providing for the sale of certain property now or hereafter in the custody of the police department of the city of Jacksonville, and for the pension and relief of the members of the said department and their families.

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

The following committee amendment was read:

In Section 1, line 5, strike out the word “subscribed” and insert in lieu thereof the word “prescribed.”

Mr. Stockton moved the adoption of the committee amendment.

Which was agreed to.

And Senate Bill No. 73, as amended, was ordered referred to the Committee on Engrossed Bills.

Senate Bill No. 65:

A bill to be entitled an act to provide for the inspection and analysis of, and to regulate the sale of commercial feeding stuffs in this State; to prohibit the sale of fraudulent or adulterated commercial feeding stuffs; to define the term commercial feeding stuffs; to provide for guarantees of the ingredients of commercial feeding stuffs; for the affixing of labels and stamps to the packages

ages thereof, as evidence of the guarantee and inspection thereof; to provide for the collection of an inspection fee from the manufacturers of commercial feeding stuffs; to fix penalties for the violation of the provisions of this act; to authorize the appointment of an additional Assistant State Chemist, two inspectors of commercial feeding stuffs, to appropriate the necessary funds to enforce the provisions of this act, and to repeal all laws or parts of laws in conflict with this act.

Was taken up.

Pending the reading of which—

Mr. Adams moved that further consideration of Senate Bill No. 65 be dispensed with and 300 copies be printed.

Which was agreed to.

Senate Bill No. 64:

A bill to be entitled an act to provide for service by publication upon unknown parties in interest in property involved in certain chancery suits, and for decrees and other proceedings after such service.

Was taken up and read a second time in full.

And Senate Bill No. 64 was ordered referred to the Committee on Engrossed Bills.

Senate Bill No. 25:

A bill to be entitled an act to regulate the sale of all syrups and adulterations thereof within this State, and for other purposes

Was taken up.

Mr. Zim moved that Senate Bill No. 25 be placed on table subject to call.

Which was agreed to.

Senate Bill No. 31:

A bill to be entitled an act for the relief of estate of George L. King.

Was taken up and read a second time in full.

And Senate Bill No. 31 was ordered referred to the Committee on Engrossed Bills.

Mr. Massey requested that Mr. Lee be excused from attendance for today.

The request was granted.

Mr. Clarke moved that the Senate adjourn.

Which was agreed to.

Thereupon the Senate stood adjourned until tomorrow, Tuesday, April 16th, 1905, at 10 o'clock a. m.