

MONDAY, MAY 8, 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, Bailey, Baskin, Blount, Canova, Carter, Clarke, Crane, Crews, Crill, Faulkner, Gillen, Harris, Hudson, Humphries, Jackson, Lee, McCreary, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim—29.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

A message was received from the House of Representatives.

A message was received from the Governor.

Mr. Adams asked that Mr. Davis be excused until Wednesday.

The request was granted.

Mr. Bailey rose to a question of personal privilege, and at the conclusion of his remarks—

Mr. Hudson moved that the Senate extend to Mr. Bailey a vote of thanks in regard to the investigation he had been concerned in, and express its confidence in him.

Which was agreed to.

Mr. Raney announced his inability to serve on the committee on revision of the Revised Statutes, and asked to be excused from service on said committee.

Mr. Raney was excused.

The following communication from the Governor was ordered spread on the Journal:

State of Florida,  
Executive Department,  
Tallahassee, Fla., May 5, 1905.

Hon. Park M. Trammell,

*President of the Senate.*

SIR—I have the honor to inform you that I have approved and signed the following act which originated in your honorable body:

An act to amend Section 19 of Chapter 4493, Acts of 1895, entitled an act supplementary to an act to establish the municipality of Key West, provide for its government and prescribe its jurisdiction and powers, approved May 16, 1889, and to extend the powers of said municipality.

I beg to further inform you that I have caused the said act to be filed in the office of the Secretary of State.

I have the honor to be,

Yours very truly,

N. B. BROWARD,  
Governor.

#### INTRODUCTION OF BILLS.

By Mr. Newlan (by request):

Senate Bill No. 233:

A bill to be entitled an act for the relief of the estate of John A. Pearce, late sheriff of Leon County, Florida.

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

By Mr. Crane (by request):

Senate Bill No. 234:

A bill to be entitled an act to amend an act giving to counties certain rights of eminent domain, being Chapter 5230, approved May 13, 1903.

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

By Mr. Crane:

Senate Bill No. 235:

A bill to be entitled an act relating to the powers of building and loan associations, and to provide for the regulation of their business.

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

By Mr. Crane:

**Senate Joint Resolution No. 236 :**

A joint resolution proposing an amendment to section 3 of Article 7 of the Constitution of the State of Florida.

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

By Mr. Crane :

**Senate Bill No. 237 :**

A bill to be entitled an act to amend Sections 814, 816, 823 and 2672 of the Revised Statutes of Florida, relating to the practice of pharmacy in cities and towns of more than two hundred inhabitants, and the sale of poison in the State of Florida, and to affix penalties.

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

By Mr. Crane :

**Senate Bill No. 238 :**

A bill to be entitled an act to provide for the appointment of detectives, to define their duties, and to provide for their compensation.

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

By Mr. McCreary :

**Senate Bill No. 239 :**

A bill to be entitled an act for the relief of Mrs. Mary Elizabeth Dickison, widow of the lamented General J. J. Dickison.

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

By Mr. Harris :

**Senate Bill No. 240 :**

A bill to be entitled an act providing for the extension of the corporate limits of cities and towns.

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

By Mr. Stockton :

**Senate Bill No. 241 :**

A bill to be entitled an act to regulate the transportation of live stock, and to provide penalties for the violation thereof.

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

By Mr. Stockton :

**Senate Bill No. 242 :**

A bill to be entitled an act to provide for the construc-

tion and maintenance of roads and bridges in Duval county, Florida.

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

By Mr. Humphries:

Senate Bill 243:

A bill to be entitled an act to prohibit the catching of food fish in the fresh water lakes of Manatee county, State of Florida, with any seine, net or set device; also to prohibit common carriers from transporting or receiving for transportation such fish within the limits of said county, and to prohibit persons from selling or offering for sale, shipping, or offering for shipment or transportation within the limits of said Manatee county, food fish caught or taken from the waters of such lakes otherwise than with a hook and line, and prescribing a penalty for violation thereof.

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

By Mr. Faulkner:

Senate Bill No. 244:

A bill to be entitled an act making it unlawful to employ females in any house or place where intoxicating liquors are sold.

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

By Mr. Wilson:

Senate Bill No. 245:

A bill to be entitled an act to amend Section 1329 of the Revised Statutes of Florida, in reference to decisions, reports and other papers and records of the Supreme Court, to be furnished to the Attorney-General.

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

By Mr. Raney:

Senate Bill No. 246:

A bill to be entitled an act authorizing the City of Tallahassee, in Leon county, State of Florida, to impose a license tax upon the business or occupation of keeping a livery, sale or feed stable, within the limits of said city, or of keeping or using horses or mules for the purpose of conveying passengers or carrying freight within the limits of said city, and to fix the amount of such license.

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

By Mr. Raney:

Senate Bill No. 247:

A bill to be entitled an act to amend Section 1859 of the Revised Statutes of the State of Florida, relating to preference in appointment of administrator.

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

By Mr. Clarke:

Senate Bill No. 248:

A bill to be entitled an act to organize and establish a county court in and for Washington county, Florida; to provide for the appointment of a prosecuting attorney for said court, to fix and provide for the compensation of the judge and prosecuting attorney of said court; to inhibit the judge from practicing law, to prescribe the terms of said court, and to provide for the transfer of causes pending in other courts at the time this act goes into effect within the jurisdiction of the county court.

Which was read the first time by its title.

Mr. Clarke moved that the rules be waived and Senate Bill No. 248 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 248 was read a second time by its title only.

Mr. Clarke moved that the rules be further waived, and that Senate Bill No. 248 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 248 was read a third time in full.

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

Mr. President	Crews	Neal
Adams	Crill	Newlan
Bailey	Faulkner	Raney
Baskin	Gillen	Scott
Blount	Harris	Stockton
Canova	Hudson	Wadsworth
Carter	Humphries	West
Clark	Jackson	Wilson
Crane	McCreary	Zim

Yeas—27.

Nays—None.

So the bill passed, title as stated.

Mr. Clarke moved that the rules be waived and that Senate Bill No. 248 be immediately certified to the House of Representatives.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 248 was so certified.

By Mr. Clarke:

Senate Bill No. 249:

A bill to be entitled an act to legalize and confirm the incorporation of the town of Blountstown, in Calhoun county, Florida, and to declare the same a legally incorporated town.

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

By Mr. Carter:

Senate Bill No. 250:

A bill to be entitled an act to amend Section 2880 of the Revised Statutes of Florida relating to "witnesses to be recognized."

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

By Mr. Carter:

Senate Bill No. 251:

A bill to be entitled an act to amend Section 2874 of the Revised Statutes of the State of Florida, relating to "examination before magistrates."

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

By Mr. Raney:

Senate Bill No. 252:

A bill to be entitled an act to amend Section 1 of an act entitled "An act to require railroad companies in the State of Florida to fence their tracks, to provide the time and manner in which fence shall be constructed, and to provide a penalty for failure so to do, and to provide the measure of damages for cattle killed or injured by trains or engines on railroads not fenced, and providing for the payment of attorneys' fees and double damages for the killing or injury to domestic live stock under certain conditions by the companies refusing or neglecting to fence their roads as required." approved June 5th, 1899, being Chapter 4706, Laws of Florida.

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

By Mr. Hudson:

Senate Joint Resolution No. 253:

A joint resolution proposing an amendment to Section 3 of Article VII. of the Constitution of the State of Florida, relative to the apportionment of representation in the Senate and House of Representatives.

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

By Mr. McCreary:

Senate Bill No. 254:

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

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

By Mr. Crane:

Senate Bill No. 255:

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

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

The following memorial, in reference to Senate Bill No. 239, was ordered spread on the Journal, at the request of Mr. McCreary:

#### MEMORIAL.

To the Senate and House of Representatives of the State of Florida.

GENTLEMEN—We, the Florida Division of the United Daughters of the Confederacy, do most earnestly memorialize your honorable body to grant a pension, in the sum of twenty-five dollars (\$25.00) per month, to our worthy and beloved sister, Mrs. J. J. Dickison, the widow of the late General Dickison, that noble and gallant soldier who so willingly gave his services for his State and his country. Mrs. Dickison, now advanced in years, without means of support and unable to provide for herself, is almost entirely dependent upon the kindness of friends for her maintenance.

We feel that our State owes, as a duty to the memory of the late General Dickison, to show this act of kindness to his beloved widow, who, by her sublime courage and heroic bearing, has proved herself a fit companion to the man whose glorious deeds of valor in behalf of the Confed-

eracy have been borne upon the trump of fame to the furthestmost parts of the world.

We proudly erect headstones and costly monuments in bronze and stone to perpetuate the noble deeds of our fallen heroes. Right and well! But let us not, amidst the soul stirring enthusiasm for our honored dead forget the needs and necessities of the living still among us, the helpless widows and orphans of the same revered heroes, who, if they could speak to us across the unbroken silence, we believe they would ask us to remember by practical manifestations of love and sympathy the loved ones whom they left behind.

Gentlemen of this honorable body, we come to you through no mawkish sentimentality, or because we wish to trespass into your legislative halls. We come as earnest suppliants in behalf of the needy and distressed. We come to appeal to your high sense of justice and State pride which protects the least as well as the greatest within her borders, to appeal to your chivalric devotion and reverence for the womanhood of our glorious southland, and last, but not least, to the love of the memory of that brave and gallant soldier whose widow, now broken in health and fortune, we bear to your upon our hearts today. Indeed, we ask most kindly and earnestly that you will hear and grant our modest request, and grateful women throughout our State, and yea, our Southland, will rise to praise and call you blessed.

MRS. M. C. DRYSDALE,  
Committee.

#### RESOLUTIONS ON SECOND READING.

##### House Concurrent Resolution No. 14:

Instructing the Trustees of the Improvement Fund to institute legal proceedings to compel a settlement of said indebtedness by railroads and canal companies.

And House Concurrent Resolution No. 14 was taken up and read a second time.

Mr. West moved that 200 copies of House Concurrent Resolution No. 14 be printed, and it be made a special order for Thursday, May '11, at 11 o'clock a. m.

Which was agreed to.

MESSAGES FROM HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 8, 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 respectfully requests that the Senate return to the House—  
House Bill No. 21:

A bill to be entitled an act for the regulation of the sales of stocks of goods in bulk, to prevent the fraudulent sale thereof, and to provide certain penalties in connection therewith.

Very respectfully,  
J. G. KELLUM,

Chief Clerk of the House of Representatives.

Mr. Harris moved that the request of the House of Representatives be granted, and House Bill No. 21 be returned to that body, and that the Senate Committee on Judiciary, to whom the bill was referred, be requested to return same to the Senate for the purpose of complying with the wishes of the House of Representatives.

Which was agreed to.

REPORTS OF COMMITTEES.

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

Senate Chamber,  
Tallahassee, Fla., May 8, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

Committee Substitute for—  
House Bill No. 21:

A bill to be entitled an act for the regulation of the sales of stocks of goods in bulk, to prevent the fraudulent sale thereof, and to provide certain penalties in connection therewith.

Return same to the Senate as per request.

Very respectfully,  
W. HUNT HARRIS,  
Chairman of Committee.

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

Senate Chamber,  
Tallahassee, Fla., May 8, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

Senate Bill No. 153:

A bill to be entitled an act to prevent children under the age of fourteen years from working in any factory, workshop or mine in the State of Florida, and affixing penalties for the violation thereof.

Have examined the same and find it correctly engrossed

Very respectfully,

S. W. CLARKE,

Chairman of Committee.

And Senate Bill No. 153, contained in the above report, was placed on the Calendar of Bills on third reading.

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

Senate Chamber,  
Tallahassee, Fla., May 8, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

Senate Bill No. 84:

A bill to be entitled an act to fix the fees of the clerks of the circuit court for recording any paper in the records kept by him as receiver of deeds, etc., specified in Section 1391 of the Revised Statutes of 1892, or in the judgment assignment and satisfaction record, the foreign judgment record, and the lis pendens docket, kept by him under the provisions of Section 1390 of the said Revised Statutes.

Have examined the same and find it correctly engrossed.

Very respectfully,

S. W. CLARKE,

Chairman of Committee.

And Senate Bill No. 84, contained in the above report, was placed on the Calendar of Bills on third reading.

Mr. Crews, Chairman of the Committee on Temperance, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 8, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

Senate Bill No. 209:

A bill to be entitled an act requiring county commissioners to offer a standing reward of one hundred dollars to sheriffs for the arrest and conviction of persons violating laws against the sale of intoxicating liquors.

Have had same under consideration and recommend that it pass with the following amendments:

1st. Strike out the words "authorized and empowered" in line 2, Section 1.

2nd. Strike out the words "the sheriffs of their respective counties" in line 3 of Section 1, and insert in lieu thereof the words "any one."

3rd. In the 4th line of Section 1 strike out the words "the arrest and conviction of" and insert in lieu thereof the words "evidence that will convict."

4th. In lines six and seven of Section 1 strike out the words "such reward to be paid from the fine and forfeiture fund of the county."

5th. Amend the title so as to read as follows: A bill to be entitled an act requiring county commissioners to offer a standing reward of one hundred dollars to any one for evidence that will convict any person violating laws against the sale of intoxicating liquors in the State of Florida.

Very respectfully,

J. B. CREWS,

Chairman of Committee.

And Senate Bill No. 209, contained in the above report, together with the amendments, was placed on the Calendar of Bills on second reading.

Mr. Crews, Chairman of the Committee on Temperance, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 8, 1905.

Hon. Park M. Trammell,

*President of the Senate.*

SIR—Your Committee on Temperance to whom was referred—

Senate Bill No. 193:

A bill to be entitled an act to amend Chapter 4932 of the Laws of the State of Florida, approved May 9th, A. D. 1901, the same being entitled "An Act to provide a penalty for selling liquors in counties or precincts voting against such sales," and to repeal Chapter 4746, of the Laws of Florida, approved June 2, A. D. 1899, the same being entitled "An Act to amend Section 2634 of Article 14, Chapter 7, of the Revised Statutes of the State of Florida, relating to the selling of liquors in counties or precincts voting against such sale."

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

Very respectfully,

J. B. CREWS,  
Chairman of Committee

And Senate Bill No. 193, contained in the above report, was placed on the Calendar of Bills on second reading.

#### ORDERS OF THE DAY.

Senate Bill No. 133:

A bill to be entitled an act making it unlawful to play base ball or foot ball on Sunday in this State.

Under consideration at adjournment on Friday last—  
Was taken up.

The pending question being the motion to adopt the following amendment offered by Mr. Raney:

Amend Section 1 by adding thereto:

"Provided, however, that this act shall not be of effect in any county having within its limits a city or town with a population of more than ten thousand inhabitants."

Mr. Stockton moved that further consideration of Senate Bill No. 133 be dispensed with and that it be recommitment to the Judiciary Committee.

The yeas and nays were demanded upon the motion of Mr. Stockton to recommit Senate Bill No. 133.

Upon the call of the roll on the passage of the motion, the vote was:

Adams	McCreary	Stockton
Blount	Raney	West
Clark	Sams	Wilson
Crane	Scott	Zim
Harris		

Yeas—13.

Mr. President	Crill	Jackson
Bailey	Faulkner	Lee
Baskin	Gillen	Neel
Canova	Hudson	Newlan
Carter	Humphries	Wadsworth
Crews		

Nays—16.

So the motion was not agreed to.

A message was received from the House of Representatives.

Mr. Zim offered the following substitute for Senate Bill No. 133:

#### A JOINT RESOLUTION.

Proposing an amendment to the Constitution of the State of Florida providing for the granting of local option to counties in this State which may desire to prohibit the playing of base ball or foot ball therein on Sunday.

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

That the following amendment to the Constitution of the State of Florida be and the same is hereby agreed to and shall be submitted to the electors of the State at the general election in 1906 for ratification or rejection:

Section 1. The Board of County Commissioners in each county in this State, not oftener than every two years, upon the application of one-fourth of the registered voters of any county shall call and provide for an election in the county in which such application is made, to decide whether the playing of base ball or foot ball shall be prohibited therein on Sunday, the question to be determined by a majority vote of those voting at an election called under this section, which election shall be conducted by

the manner prescribed by law for holding of general elections. Provided That the playing of base ball or foot ball shall be prohibited in any election district in which a majority vote was cast against the same at the said election. Elections under this section shall be held at the time of holding a general election.

Mr. Harris moved the adoption of the substitute.

Mr. Scott moved that the substitute for Senate Bill No. 133 be laid on the table.

Which was not agreed to.

The President ruled the substitute offered by Mr. Zim out of order.

Mr. McCreary moved further consideration of Senate Bill No. 133 be dispensed with and that messages from the House of Representatives be taken up.

Which was not agreed to.

At 5:10 o'clock Mr. Raney moved that the Senate go into executive session.

Which was agreed to.

And the doors were closed.

At 5:30 o'clock the doors were opened.

The President in the chair.

The following Senators answered to their names:

Mr. President, Senators Adams, Bailey, Baskin, Blount, Canova, Carter, Clarke, Crane, Crews, Crill, Faulkner, Gillen, Harris, Hudson, Humphries, Jackson, Lee, McCreary, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim.—29.

A quorum present.

Mr. McCreary moved that the rules be waived and that the Senate take up messages from the House of Representatives.

Which was agreed to.

And the Senate took up—

#### MESSAGES FROM HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 8, 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—

Senate Bill No. 108:

A bill to be entitled an act extending and enlarging the territorial limits and powers of the city of Gainesville, a municipal corporation organized and existing in Alachua county, Florida, and providing for the exercise of those powers.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 108, contained in the above message, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 8, 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 adopted—

House Concurrent Resolution No. 35:

A resolution authorizing the chairman of the joint committee appointed to examine the revision of the laws of Florida made by the commission appointed to make such revision to employ a clerk.

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. 35, contained in the above message, was read the first time.

Mr. Hudson moved that the rules be waived and that House Concurrent Resolution No. 35 be read a second time.

Which was agreed to by a two-thirds vote.

And House Concurrent Resolution No. 35 was read a second time.

Mr. Hudson moved the adoption of the resolution.

Which was agreed to.

38 S. B.

Mr. Scott moved that the Senate adjourn until 10 o'clock tomorrow.

Which was agreed to.

Thereupon the Senate stood adjourned until tomorrow Tuesday, May 9, 1905, at 10 o'clock a. m.

#### CONFIRMATIONS:

R. L. Ernest, to be Pilot Commissioner in and for the port of Punta Gorda, Florida.

E. E. Ingraham, to be Harbor Master in and for the port of Key West Florida.

James D. Beggs to be Judge of the Criminal Court of Record in and for Orange County, Florida.

J. F. Welborne to be County Solicitor of the Criminal Court of Record in and for Orange County, Florida.

E. D. Beggs to be Judge of the Criminal Court of Record in and for Escambia County, Florida.

Scott M. Loffin to be County Solicitor of the Criminal Court of Record in and for Escambia County, Florida.

J. Walter Kehoe to be State Attorney in and for the First Judicial Circuit.

Geo. W. Walker to be State Attorney in and for the Second Judicial Circuit.

Cary A. Hardee to be State Attorney in and for the Third Judicial Circuit.

Augustus G. Hartridge to be State Attorney in and for the Fourth Judicial Circuit.

John C. Jones to be State Attorney in and for the Seventh Judicial Circuit.