

TUESDAY, MAY 9, 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, Humphries, Jackson, Lee, McCreary, Newlan, Raney, Sams, Scott, Stockton, West, Wilson, Zim.—  
26.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

Mr. Crill asked that the Sergeant-at-Arms be excused for the day on account of sickness.

The request was granted.

#### INTRODUCTION OF BILLS.

By Mr. Faulkner:

Senate Joint Resolution No. 256:

A joint resolution proposing an amendment to Section nine (9) of Article sixteen (16) of the Constitution of the State of Florida, relating to criminal prosecution, as amended in 1894.

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

By Mr. Canova:

Senate Bill No. 257:

A bill to be entitled an act to require the return of the pro rata portion of license tax paid by any dealer in spirituous, vinous or malt liquors in any county or election district where an election is held under the provisions of Article nineteen of the Constitution of the State

of Florida, and the sale of such spirituous, vinous or malt liquors are prohibited, after the issue of such license.

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

#### REPORTS OF COMMITTEES.

Mr. West, Chairman of the Committee on Corporations, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,  
*President of the Senate.*

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

House Bill No. 151:

A bill to be entitled an act authorizing the city of Ocala, Marion County, Florida, to combine certain offices 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.

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

Very respectfully,  
T. F. WEST,

Chairman of Committee.

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

Mr. West, Chairman of the Committee on Corporations, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

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

House Bill No. 210:

A bill to be entitled an act to amend Section four (4), of Chapter 4657, Laws of Florida, being an act to incorporate the town of Williston, in the county of Levy, approved June 2, 1897.

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

Very respectfully,  
T. F. WEST,  
Chairman of Committee.

And House Bill No. 210, contained in the above report, was placed on the Calendar of Bills on second reading.

Mr. Gillen, Chairman of the Special Committee to visit the Soldiers' and Sailors' Home at Jacksonville submitted the following report:

Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

DEAR SIR—The Joint Committee of the Legislature appointed to visit the Confederate Old Soldiers' Home, located at the City of Jacksonville, Florida, beg leave to report as follows:

On the 1st of May, 1905, we visited the Home which is located on the St. Johns River in the suburbs of the City of Jacksonville. The house seemed to be in a good state of preservation. Eleven old soldiers were found to be partaking of the hospitality of the Home, and those seemed to be contented and happy. One of them, a Mr. Daniels, informed your committee that the tract of land on which the Home and a few houses are located comprises ten acres of land. The most difficult thing with which they have to contend, seemed to be, as cited by the gentleman referred to, the obtaining and cutting of wood. They keep a horse and wagon and have a good vegetable garden. We find several of the old veterans sick in bed.

We, your committee, think and recommend a thousand dollars be appropriated per annum for their support and a few necessary improvements, etc.

Respectfully submitted,  
GUY GILLEN,  
Committee on part of Senate.  
H. H. ALFORD,  
J. P. WALL,  
Committee on part of House.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate.*

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

An Act extending and enlarging the territorial limits and the powers of the city of Gainesville, a municipal corporation organized and existing in Alachua County, Florida, and providing for the exercise of those powers.

Also,

An act to protect sureties.

Have examined the same and find them correctly enrolled.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

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

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

Senate Bill No. 105:

A bill to be entitled an act for the relief of J. L. Horsey, M. D., and compensating him for services rendered as agent of the State Board of Health at the city of Fernandina, Nassau county, Florida.

Also,

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.

Also,

Senate Bill No. 251:

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

Also,

Senate Bill No. 255:

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

Also,

House Bill No. 130:

A bill to be entitled an act for the relief of Bradford County, Florida.

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

Very respectfully,

J. H. HUMPHRIES,

Chairman of Committee.

And Senate Bills Nos. 105, 239, 254, and 255, and House Bill No. 130, contained in the above report, were placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Mark M. Trammell,

*President of the Senate:*

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

Senate Bill No. 180:

A bill to be entitled an act for the relief of H. S. Mattox, B. G. McDonell and S. S. Mattox.

Have had the same under consideration and return same to the Senate herewith without recommendation.

Very respectfully,

J. H. HUMPHRIES,

Chairman of Committee.

And Senate Bill No. 180, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

House Bill No. 67 :

A bill to be entitled an act for the relief of John Y. Detwiler for services as fish commissioner.

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

Very respectfully,

J. H. HUMPHRIES,  
Chairman of Committee.

And House Bill No. 67, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate.*

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

An Act extending and enlarging the territorial limits and the powers of the city of Gainesville, a municipal corporation organized and existing in Alachua County, Florida, and providing for the exercise of those powers.

Also,

An act to protect sureties.

Have examined the same and find them correctly enrolled.

Very respectfully,

T. M. SCOTT,  
Chairman of Committee.

The acts contained in the above report were referred to the Joint Committee on Enrolled Bills, to be conveyed to the House of Representatives for the signature of the Speaker and Chief Clerk thereof.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

An act to amend Section 36 of Chapter 5106, Laws of Florida, being "An act imposing license and other taxes, providing for the payment thereof, and prescribing penalty for doing business without a license, or other failure to comply with the provisions thereof," approved June 9th, 1903.

Also,

An act to amend Section 87 of the Charter of the City of Pensacola relating to the Chief of Fire Department.

Also,

A memorial to the Congress of the United States asking for an appropriation for Black Water River, in Santa Rosa county, Florida.

Also,

A concurrent resolution requesting the Congress of the United States to appropriate money for deepening the water at the head of Charlotte Harbor and in front of Punta Gorda, and for deepening the mouth of Charlotte Harbor at Boca Grande.

Also,

An act regulating the running of automobiles or motor vehicles on the public roads or highways in the State of Florida.

Also,

An act extending and enlarging the powers of the City of Daytona, a municipal corporation organized and existing in Volusia county, Florida, and providing for the exercise of those powers.

Have examined the same and find them correctly enrolled.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

The acts contained in the above report were ordered referred to the Joint Committee on Enrolled Bills, to be conveyed to the House of Representatives for the signature of the Speaker and Chief Clerk thereof.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

House Bill No. 75:

A bill to be entitled an act to amend Chapter 4975, Laws of Florida, entitled an act to establish a standard of weights and measures of the State of Florida, approved May 30, 1901.

Beg leave to report that they have carefully considered the same and return it herewith, without recommendation.

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

And House Bill No. 75, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

Senate Bill No. 213:

A bill to be entitled an act to require certain wills to be recorded to be valid, and effectual, as against purchasers from the heirs of the deviser, for value and without notice.

Beg leave to report that they have carefully considered the same and recommend the adoption of the following amendment:

In Section one, line nine, after the word "deviser," insert the following:

"In all cases in which a deviser shall have died before the taking effect of this act, a record of the will made by

him shall be effective as against purchasers for value and without notice from the heirs if such record be made within one year from the taking effect of this act or before the right of such purchaser shall accrue."

And that the bill do pass as amended.

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

And Senate Bill No. 213, contained in the above report, together with the amendments, was placed on the Calendar of bills on second reading.

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

Senate Chamber,  
 Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

House Bill No. 113:

A bill to be entitled an act requiring notaries public to have their appointment entered in the clerk's office of the county in which they reside and prescribing a fee therefor, and requiring the county commissioners to furnish a book for that purpose.

Have examined the same and recommend that it do not pass.

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

And House Bill No. 113, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
 Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

## Senate Bill No. 214:

A bill to be entitled an act to require a statement of the time and place of the killing or injury of live stock, and the amount claimed therefor, and of the character of the stock killed or injured on the commencement of a railroad in this State, and regulating the practice in such cases.

Have examined the same and recommend that it do pass.

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

And Senate Bill No. 214, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

## House Bill No. 53:

A bill to be entitled an act to prescribe the compensation to be paid jurors and witnesses serving in the several circuit courts and criminal courts of record of the State of Florida.

Be' leave to report that they have examined the same and recommend that it do not pass.

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

And House Bill No. 53, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

## House Bill No. 61:

A bill to be entitled an act relating to binding witnesses over by justices of the peace and county judges when sitting as committing magistrates, to appear before the grand jury.

Be it leave to report that they have carefully considered the same and recommend the adoption of the following amendment:

In Section three, line one, strike out the word "habitual" and insert in lieu thereof the words "intentional or continued."

And that the bill do pass as amended.

Very respectfully,

W. HUNT HARRIS,

Chairman of Committee.

And House Bill No. 61, contained in the above report, together with the amendment, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,

Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

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.

Have examined the same and recommend that it do pass.

Very respectfully,

W. HUNT HARRIS,

Chairman of Committee.

And House Bill No. 252, contained in the above report, was placed on the calendar of bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

Senate Bill No. 203:

A bill to be entitled an act to fix and provide for the fees and compensation of county judges for taxing and reducing to writing, testimony in causes and matters in probate.

Have examined the same and recommend that it do not pass.

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

And Senate Bill No. 203, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

House Bill No. 54:

A bill to be entitled an act to provide for the payment of costs in cases of commitment trials before county judges and justices of the peace.

Have examined the same and recommend that it do not pass.

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

And House Bill No. 54, contained in the above report, was placed on the Calendar of bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

House Bill No. 207:

A bill to be entitled an act to amend Section three of Chapter 4225 Laws of Florida, being an act entitled an act to establish a criminal court of record in the county of Hillsborough, Approved April 10th, 1893.

Have examined the same and recommend that it do pass.

Very respectfully,

W. HUNT HARRIS,  
Chairman of Committee.

And House Bill No. 207, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

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.

Beg leave to report that they have carefully considered the same and recommend the adoption of the following amendment:

In Section one line two after the words "Bar-room" add the words, not connected with a hotel.

And that the bill do pass, as amended.

Very respectfully,

W. HUNT HARRIS,  
Chairman of Committee.

And Senate Bill No. 244, contained in the above report, together with the amendments, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

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.

Have examined the same and recommend that it do not pass.

Very respectfully,

W. HUNT HARRIS,  
Chairman of Committee.

And Senate Bill No. 234, contained in the above report, was placed on the Calendar of bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

Senate Bill No. 195:

A bill to be entitled an act to legalize the election held in the city of Arcadia on the 6th day of April, A. D. 1905, to determine by an affirmative vote of two-thirds of the electors voting at the said election, whether or not the bonds proposed by an ordinance, entitled "An Ordinance to provide for the issuing of bonds by the city of Arcadia, and for the expenditure and disbursing of funds received from the sale of bonds," passed by the council of said city on the 7th day of February, A. D. 1905, and approved by the mayor of said city on the 8th day of February, A. D. 1905, should be authorized and issued, and

to declare and render valid and legal said election and notice thereof, and the result as shown by the returns thereof and declare and render legal and valid said ordinance and to authorize the issue of bonds as provided by said ordinance.

Have examined the same and recommend that it do pass.

Very respectfully,

W. HUNT HARRIS,  
Chairman of Committee.

And Senate Bill No. 195, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate.*

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

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.

Have examined the same and recommend that it do not pass.

Very respectfully,

W. HUNT HARRIS,  
Chairman of Committee.

And Senate Bill No. 241, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate.*

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

House Bill No. 64:

A bill to be entitled an act to amend Section two, of Chapter 4147, as amended by Chapter 5139, of the Laws of Florida, relating to permits to carry firearms.

Have examined the same and recommend that it do not pass.

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

And House Bill No. 64, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
 Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

Senate Bill No. 212:

A bill to be entitled an act to fix the fees of sheriffs for removing prisoners to and from jail.

Have examined the same and recommend that it do pass.

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

And Senate Bill No. 212, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
 Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

Senate Bill No. 171:

A bill to be entitled an act to amend Section 2125 of the Revised Statutes of 1892, as amended by Chapter 4169 of the Laws of Florida, approved May 2, 1893, relative to the issue and delivery of letters patent incorporating corporations for profit.

Have examined the same and recommend that it do not pass.

Very Respectfully,

W. HUNT HARRIS,  
Chairman of Committee.

And Senate Bill No. 171, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

House Bill No. 11:

A bill to be entitled an act to require street car companies, and others in this State, to furnish separate cars or divisions for white and colored passengers, to require said companies and others, to keep white and colored passengers in their respective cars or divisions; to give conductors and employees of said companies police powers; and to provide penalties for the violation of this act.

Beg leave to report that they have carefully considered the same and recommend the adoption of the accompanying substitute in lieu thereof, with the following title.

A bill to be entitled an act to provide for the separation of white passengers on street cars from negro passengers thereon.

Very respectfully,

W. HUNT HARRIS,  
Chairman of Committee.

And House Bill No. 11, contained in the above report, together with the substitute, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

## House Bill No. 121:

A bill to be entitled an act to amend Section 3066 of the Revised Statutes of the State of Florida, relating to contractors giving bond and to validate certain bonds heretofore taken and approved by the Board of Commissioners of State Institutions in connection with leasing State prisoners.

Have examined the same and recommend that it do not pass.

Very respectfully,

W. HUNT HARRIS,  
Chairman of Committee.

And House Bill No. 121, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

## Senate Bill No. 204:

A bill to be entitled an act to enable any county in the State of Florida in which the records, or any material part thereof, concerning the title to property, have been destroyed by fire or other causes, so that a connected chain of title cannot be taken therefrom, to acquire by condemnation any abstracts, copies, minutes, extracts, maps or plats, made from such records, or copies thereof, for the public use as part of the public records.

Beg leave to return the same herewith, with the request that two hundred copies of the same be printed and the bill returned to this committee.

Very respectfully,

W. HUNT HARRIS,  
Chairman of Committee.

Mr. Harris moved that the report of the committee on Senate Bill No. 204 be adopted and that 200 copies of the bill be printed, and the bill be returned to the committee.

Which was agreed to.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate:*

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

House Bill No. 19:

A bill to be entitled an act to provide for the disposition by the several counties of the State of Florida, of the funds arising from and apportioned to the said several counties from the hire of State convicts.

Have had the same under consideration and recommend that it do pass, with the following amendments, to-wit:

Strike out all of section 1 and insert in lieu thereof the following:

Section 1. That the fund arising from the hire of State convicts, and appropriated to the several counties of this State, shall be credited by the Board of County Commissioners to the school fund, the fine and forfeiture fund, or to any other regular county fund, as may be deemed proper in the discretion of the Board of County Commissioners.

Very respectfully,

W. HUNT HARRIS.

Chairman of Committee.

And House Bill No. 19, contained in the above report, together with the amendment, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate.*

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

An Act extending and enlarging the territorial limits and the powers of the city of Gainesville, a municipal corporation organized and existing in Alachua County, Florida, and providing for the exercise of those powers.

Also,

An act to protect sureties.

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

Very respectfully,

T. M. SCOTT,  
Chairman of Committee.

**ENROLLED.**

The President announced that he was about to sign—  
An Act extending and enlarging the territorial limits and the powers of the city of Gainesville, a municipal corporation organized and existing in Alachua County, Florida, and providing for the exercise of those powers.

Also,

An act to protect sureties.

The acts were therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

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

Senate Chamber,

Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate.*

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

An act to amend Section 36 of Chapter 5166, Laws of Florida, being "An act imposing license and other taxes, providing for the payment thereof, and prescribing penalty for doing business without a license, or other failure to comply with the provisions thereof," approved June 9th, 1903.

Also,

An act to amend Section 87 of the Charter of the City of Pensacola relating to the Chief of Fire Department.

Also,

A memorial to the Congress of the United States asking for an appropriation for Black Water River, in Santa Rosa county, Florida.

Also,

A concurrent resolution requesting the Congress of the United States to appropriate money for deepening the water at the head of Charlotte Harbor and in front of Punta Gorda, and for deepening the mouth of Charlotte Harbor at Boca Grande.

Also,

An act regulating the running of automobiles or motor vehicles on the public roads or highways in the State of Florida.

Also,

An act extending and enlarging the powers of the City of Daytona, a municipal corporation organized and existing in Volusia county, Florida, and providing for the exercise of those powers.

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

Very respectfully,

T. M. SCOTT,  
Chairman of Committee.

### ENROLLED.

The President announced that he was about to sign—

An act to amend Section 36 of Chapter 5106, Laws of Florida, being "An act imposing license and other taxes, providing for the payment thereof, and prescribing penalty for doing business without a license, or other failure to comply with the provisions thereof," approved June 9th, 1903.

Also,

An act to amend Section 87 of the Charter of the City of Pensacola relating to the Chief of Fire Department.

Also,

A memorial to the Congress of the United States asking for an appropriation for Black Water River, in Santa Rosa county, Florida.

Also,

A concurrent resolution requesting the Congress of the United States to appropriate money for deepening the water at the head of Charlotte Harbor and in front of Punta Gorda, and for deepening the mouth of Charlotte Harbor at Boca Grande.

Also,

An act regulating the running of automobiles or motor vehicles on the public roads or highways in the State of Florida.

Also,

An act extending and enlarging the powers of the City of Daytona, a municipal corporation organized and existing in Volusia county, Florida, and providing for the exercise of those powers.

The acts were therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

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

Senate Chamber,

Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate.*

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

House Bill No. 136:

A bill to be entitled an act creating the office of Fish and Game Warden and prescribing its duties.

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

Very respectfully,

F. W. SAMS,

Chairman of Committee.

And House Bill No. 136, 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., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate.*

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

Senate Bill No. 177:

A bill to be entitled an act to amend Section 22 of Chapter 4322, of the Laws of Florida, the same being

"An Act for the assessment and collection of revenue," approved June 1, 1895.

Also,

Senate Bill No. 218:

A bill to be entitled an act to repeal Section 350 of the Revised Statutes and Chapter 5229 of the Laws of Florida, and to provide for the appointment of county enumerators for collecting agricultural, horticultural, manufacturing and industrial and other statistics, and to provide for their pay.

Also,

Senate Bill No. 229:

A bill to be entitled an act to require commission merchants, produce merchants, and other persons selling produce on commission in this State, to make out and mail to the shipper or consignor of produce certain reports within a certain time from the delivery and sale of such produce, and fixing a penalty for failure therein.

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

Very respectfully,

B. D. WADSWORTH,  
Chairman of Committee.

And Senate Bills Nos. 177, 218 and 229, contained in the above report, was placed on the Calendar of Bills on second reading.

Mr. Crill, Chairman of the Committee on Pensions, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate.*

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

House Memorial No. C:

A memorial to the Congress of the United States requesting that the pension laws of the United States be so amended as to permit and allow the widows of soldiers and sailors of the Mexican War of the United States to

draw a pension of \$12.00 per month in lieu of \$8.00 per month, as now provided by law."

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

Very respectfully,

G. M. LEE,

Chairman of Committee.

And House Memorial No. C, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber.

Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate.*

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

An Act extending and enlarging the territorial limits and the powers of the city of Gainesville, a municipal corporation organized and existing in Alachua County, Florida, and providing for the exercise of those powers.

Also,

An act to protect sureties.

Beg to report that the same has been presented to the Governor for his approval.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

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

Senate Chamber,

Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate.*

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

An act to amend Section 36 of Chapter 5106, Laws of Florida, being "An act imposing license and other taxes, providing for the payment thereof, and prescribing pen-

alty for doing business without a license, or other failure to comply with the provisions thereof," approved June 9th, 1903.

Also,

An act to amend Section 87 of the Charter of the City of Pensacola relating to the Chief of Fire Department.

Also,

A memorial to the Congress of the United States asking for an appropriation for Black Water River, in Santa Rosa county, Florida.

Also,

A concurrent resolution requesting the Congress of the United States to appropriate money for deepening the water at the head of Charlotte Harbor and in front of Punta Gorda, and for deepening the mouth of Charlotte Harbor at Boca Grande.

Also,

An act regulating the running of automobiles or motor vehicles on the public roads or highways in the State of Florida.

Also,

An act extending and enlarging the powers of the City of Daytona, a municipal corporation organized and existing in Volusia county, Florida, and providing for the exercise of those powers.

Beg to report that the same have been presented to the Governor for his approval.

Very respectfully,

T. M. SCOTT,  
Chairman of Committee.

#### 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 yesterday, with the following amendment of Mr. Raney pending:

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. Raney moved the adoption of the amendment.

The yeas and nays were demanded on the adoption of the amendment of Mr. Raney to Senate Bill No. 133.

Upon the call of the roll on the adoption of the amendment the vote was:

Adams	Gillen	Scott
Blount	Harris	Stockton
Clark	Raney	Wadsworth
Crane	Sams	Zim

Yeas—12.

Mr. President	Crews	Lee
Bailey	Crill	McCreary
Baskin	Faulkner	Newlan
Canova	Humphries	West
Carter	Jackson	Wilson

Nays—15.

So the amendment was not agreed to.

Mr. Adams offered the following amendment to Senate Bill No. 133:

After the words "foot ball," in line 4, add "or to run horse races."

Mr. Adams moved the adoption of the amendment.

Which was agreed to.

Mr. Adams offered the following amendment to Senate Bill No. 133:

After the last amendment, add, "or to hunt or to fish."

Mr. Adams moved the adoption of the amendment.

The yeas and nays were demanded on the adoption of amendment of Mr. Adams to Senate Bill No. 133.

Upon the call of the roll on the adoption of the amendment the vote was:

Mr. President	Gillen	Scott
Adams	Harris	Stockton
Bailey	McCreary	Wadsworth
Blount	Newlan	West
Clark	Raney	Wilson
Crane	Sams	Zim
Crill		

Yeas—19.

Baskin	Faulkner	Jackson
Canova	Hudson	Lee
Carter	Humphries	Neel
Crews		

Nays—10.

So the amendment was agreed to.

Mr. Clarke offered the following amendment to Senate Bill No. 133:

Add the words, "driving for pleasure on Sunday."

Mr. Clarke moved the adoption of the amendment.

The yeas and nays were demanded on the adoption of the amendment of Mr. Clarke to Senate Bill No. 133.

Upon call the of the roll on the adoption of the amendment, the vote was:

Yeas—Mr. Clarke—1.

Mr. President	Faulkner	Newlan
Adams	Gillen	Raney
Bailey	Harris	Sams
Baskin	Hudson	Scott
Blount	Eumphries	Stockton
Canov:	Jackson	Wadsworth
Carter	Lee	West
Crane	McCreary	Wilson
Crews	Neel	Zim
Crill		

Nays—28.

The amendment was not agreed to.

Mr. Blount offered the following amendment to Senate Bill No. 133:

Add as Section 5:

Section 5. The provisions of this act shall not apply to Escambia county."

Mr. Blount moved the adoption of the amendment.

Which was not agreed to.

Mr. Zim offered the following amendment to Senate Bill No. 133:

Amend by including "or go in surf-bathing."

Mr. Zim moved the adoption of the amendment.

Which was not agreed to.

Mr. Humphries offered the following amendment to Senate Bill No. 133:

In the title of the bill after the words "or foot ball," add "or horse-racing."

Mr. Humphries moved the adoption of the amendment.

Which was agreed to.

Mr. Harris offered the following amendment to Senate Bill No. 133:

Add the following after Section 4:

Section 5. This act shall go into effect on Jan. 1, 1906.

Mr. Harris moved the adoption of the amendment.

Which was agreed to.

Mr. Adams offered the following amendment to Senate Bill No. 133:

Add after the last amendment "or work."

Mr. Adams moved the adoption of the amendment.

Which was agreed to.

Mr. Humphries offered the following amendment to Senate Bill No. 133:

After the words "or horse racing," add to the title "or fishing or hunting, "or work."

Mr. Humphries moved the adoption of the amendment.

Which was agreed to.

And Senate Bill No. 133, as amended, was ordered referred to the Committee on Engrossed Bills.

#### SPECIAL ORDER.

Senate Bill No. 89:

A bill to be entitled an act providing that when fertilizer is not as represented by vendor, and the purchaser suffers damage by reason of the said fertilizer not containing the ingredients which the vendor thereof represents it to contain, the purchaser may recover from the vendor the damage so sustained.

Was taken up.

The hour of 10 o'clock a. m. the time set for its consideration, having arrived.

Mr. Trammell (Mr. West in the chair) offered the following substitute for Senate Bill No. 89:

#### A BILL

To be Entitled

An act providing that manufacturers or vendors of fertilizer shall in certain cases be liable to purchasers for damages when upon analysis by the State Chemist it appears that said fertilizer is adulterated or deficient in the constituent elements the seller represents it to contain, and providing that any vendor who is not the manufacturer may recover the amount of damage recovered against him by the purchaser, from the manufacturer or person

he purchased said fertilizer from and prescribing a rule of evidence in such cases.

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

Section 1. That any manufacturer, person or corporation who shall sell to any purchaser fertilizer which shall upon an analysis of the State Chemist in accordance with the provisions of Section 2 of this act prove to be adulterated or deficient in the constituent elements, either in quantity or quality which the manufacturer, person, or corporation selling the same represented it to contain, shall be liable in damages to the purchaser for any loss or damage he may have sustained in the way of loss of crops, inferior crops or shortage of crops by reason of said fertilizer being adulterated or deficient in the constituent elements either in quality or quantity; and said claim for damages may be recovered in the courts of this State the same as any other damage or be offered as a set off or recoupment. The said claim or damage to be established by the same rules of evidence governing any other claim or demand.

Section 2. That any person purchasing any fertilizer from any manufacturer or vendor in this State for his own use may submit fair samples of said fertilizer to the Commissioner of Agriculture for analysis. The person selecting the same shall do so in the presence of two or more disinterested persons, which samples shall be taken from one or more packages and bottled, corked and sealed in the presence of said witnesses, and this sample package or bottle placed in the hands of a disinterested person, who shall, forward the same, at the expense of the purchaser, to the Commissioner of Agriculture; said samples shall be taken from the package not more than thirty days after the purchase of said fertilizer or more than ten days before the application of said fertilizer and be immediately forwarded to the Commissioner of Agriculture; and upon the receipt by him of any sample package, the Commissioner of Agriculture is hereby authorized to require the State Chemist to analyze the same, and he shall return to such purchaser or purchasers a certificate or certificates of analysis. The certificates shall in all cases set forth the component parts of said fertilizers, with their respective qualities, date of analysis and name or names of persons submitting the samples, and to be signed by the

State Chemist, who is hereby required to keep an accurate account of the same, and the said certificate or record, when verified by the affidavit of the State Chemist, shall be competent evidence in any court of law or equity in this State.

Section 3. That when damage is recovered against any person other than the manufacturer under the provisions of Sections 1 and 2 of this act, the said amount recovered against the said person shall constitute a legal and valid claim against the manufacturer or vendor from whom the said fertilizer was purchased by the said person against whom judgment has been entered, and said claim may be enforced in the courts the same as any other claim or demand.

Section 4. This act shall not be construed to be in conflict with the law now regulating and controlling the manufacture, sale and purchase of fertilizer as provided in Chapter 4983 of the Laws of Florida, approved May 22, 1901.

Section 5. This act shall become operative and be of full force and effect on and after thirty days after its approval by the Governor.

Mr. Trammell moved the adoption of the substitute.

Mr. Adams moved that further consideration of substitute for Senate Bill No. 89 be dispensed with; that 200 copies be printed, and that it be made a special order for tomorrow at 11:30 o'clock a. m.

And that it be made a special order for tomorrow at 11:30 o'clock a. m.

Which was agreed to.

#### BILLS ON SECOND READING.

Senate Bill No. 120:

A bill to be entitled an act to amend Section 1 of Chapter 5139, Laws of Florida, the same being 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 2, 1893.

Was taken up, together with the amendments of the Committee on Judiciary.

The following committee amendment was read:  
Section 1, line 5, after the word "age" insert the words, "and of good moral character."

Mr. Crews moved the adoption of the committee amendment.

Which was agreed to.

And Senate Bill No. 120, as amended, was ordered referred to the Committee on Engrossed Bills.

Senate Bill No. 162:

A bill to be entitled an act making appropriations for the expenses of the State Government for six months of the year 1905, and for the year 1906, and for six months of the year 1907.

Was taken up.

Mr. Adams moved that Senate Bill No. 162 be made a special order for 4 p. m. Wednesday, May 10.

Which was agreed to.

House Bill No. 82:

A bill to be entitled an act for the relief of Marion County.

Was taken up and read a second time in full.

Mr. Clarke moved that House Bill No. 82 be indefinitely postponed.

Mr. Blount moved that Senate Bill No. 82 be laid on the table subject to call.

Which was agreed to.

Senate Bill No. 145:

A bill to be entitled an act to require record of instruments relied on as color of title.

Was taken up, together with the amendments of the Committee on Judiciary.

The following committee amendment was read:

"Section 2. This act shall not affect any rights heretofore vested, by virtue of color of title."

Mr. Blount moved the adoption of the committee amendment.

Which was agreed to.

And Senate Bill No. 145, as amended, was ordered referred to the Committee on Engrossed Bills.

Senate Bill No. 146:

A bill to be entitled an act to define the effect of the record of deeds or mortgages, unacknowledged or defectively acknowledged.

Was taken up, together with the amendments of the Committee on Judiciary.

The following committee amendment was read:

"Section 3. This act shall not apply to conveyances or mortgages by married women of their separate estate or relinquishment of dower."

Mr. Blount moved the adoption of the committee amendment.

Which was agreed to.

And Senate Bill No. 146, as amended, was ordered referred to the Committee on Engrossed Bills.

Senate Bill No. 144:

A bill to be entitled an act to provide for the appointment of assistant coroners in certain counties of this State; to define their duties and to fix their compensation.

Was taken up and read a second time in full.

Mr. Blount moved that the rules be waived and Senate Bill No. 144 be placed on the Calendar of bills on third reading without being engrossed.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 144 was placed on Calendar of bills on third reading.

Senate Bill No. 58:

A bill to be entitled an act for the relief of J. H. Drummond.

Was taken up.

Mr. Clark asked permission to withdraw Senate Bill 58. The request was granted.

And Senate Bill No. 58 was withdrawn.

Mr. Clarke moved that Senate Bill No. 54 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And,

Senate Bill No. 54:

A bill to be entitled an act to grant to riparian owners standing and growing trees between the lands of such owners and the channel of navigable streams and waters.

Was taken up and read a second time in full.

And Senate Bill No. 54 was ordered referred to the Committee on Engrossed Bills.

Senate Joint Resolution No. 57:

A joint resolution proposing an amendment of Section ten (10) of Article nine (9) of the Constitution of the State of Florida.

Was taken up and read a second time in full.

And Senate Joint Resolution No. 57 was ordered referred to the Committee on Engrossed Bills.

Senate Bill No. 134:

A bill to be entitled an act to require manufacturers of patent medicines to publish on label the per centum of alcohol contained, as necessary to permission to vend same within the State of Florida.

Was taken up.

Mr. Crews asked permission to withdraw Senate Bill No. 134.

Which was granted.

And Senate Bill No. 134 was withdrawn.

Senate Bill No. 33:

A bill to be entitled an act providing for and requiring the teaching of the elementary principles of agriculture, and the elements of civil government, in all the common schools of the State of Florida; to provide a penalty in case any county board of education fails to provide for the teaching of the same, and requiring all teachers to stand a satisfactory examination upon said subjects.

Was taken up and read a second time in full.

And Senate Bill No. 33 was ordered referred to the Committee on Engrossed Bills.

Senate Bill No. 115:

A bill to be entitled an act authorizing the payment of interest on school warrants.

Was taken up and read a second time in full.

And Senate Bill No. 115 was ordered referred to the Committee on Engrossed Bills.

A message was received from the House of Representatives.

Mr. Sams moved that House Bill No. 136 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And

House Bill No. 136:

A bill to be entitled an act creating the office of fish and game warden and prescribing its duties.

Was taken up.

Mr. Sams moved that the rules be waived and House Bill No. 136 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 136 was read a second time by its title only.

Mr. Sams moved that the rules be further waived and House Bill No. 136 be read a third time and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 136 was read a third time in full.

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

Mr. President	Crane	Lee
Adams	Crews	Newlan
Bailey	Crill	Raney
Baskin	Faulkner	Sams
Blount	Gillen	Scott
Canova	Harris	Stockton
Carter	Humphries	West
Clark	Jackson	Zim

Yeas—24.

Hudson

McCreary

Nays—2.

So the bill passed, title as stated.

By permission—

Mr. Clarke introduced—

Senate Resolution No. 43:

Resolved, That the Senate hereafter meet at 9 o'clock a. m. instead of 10 as heretofore; and meet at 3 o'clock p. m. instead of 4 as heretofore.

Mr. Harris moved that further consideration of the resolution be deferred until 4 o'clock this afternoon.

Which was agreed to.

Mr. Harris moved that the rules be waived and that the Senate take up House messages.

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—

House Bill No. 167:

A bill to be entitled an act to repeal Sections 457, 458, 459, 460, 461, 462, 463, 464, 465, 466 and 467 of the Revised Statutes of Florida, relating to the appointment, privileges, duties and compensation of Fish Commissioner.

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. 167, contained in the above message, was read the first time by its title and referred to the Committee on Fisheries.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 9, 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. 223:

A bill to be entitled an act to amend Section 19, Chapter 4338, Laws of Florida, entitled "An Act to provide for establishing, working and repairing and maintaining the public roads and bridges of the several counties of this State, and to provide penalties for failure thereof," approved May 29th, 1895.

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. 223, contained in the above message was read the first time by its title and referred to the Committee on Public Roads and Highways.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 9 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. 150:

A bill to be entitled an act to amend Section 4 of Chapter 4338, Laws of Florida, relating to establishing, working and repairing and maintaining public roads and bridges of the several counties.

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. 150, contained in the above message was read the first time by its title and referred to the Committee on Public Roads and Highways.

The following message from the House of Representatives was read:

House of Representatives,

Tallahassee, Fla., May 9, 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. 233:

A bill to be entitled an act to incorporate the town of Fort Myers and to define its territorial boundary, and to provide for its jurisdiction, powers and privileges, and to

abolish the present municipal government of the town of Fort Myers, and to repeal Chapter 5318 (No. 213) Laws of Florida, 1903.

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. 233, contained in the above message, was read the first time by its title.

Mr. Harris moved that the rules be waived and House Bill No. 233 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 233 was read a second time by its title only.

Mr. Harris moved that the rules be further waived, and that House Bill No. 233 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 233 was read a third time in full.

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

Mr. President	Crill	Neel
Adams	Faulkner	Newlan
Bailey	Gillen	Raney
Baskin	Harris	Sams
Blount	Hudson	Scott
Canova	Humbrycs	Stockton
Carter	Jackson	West
Crane	Lee	Zim
Crews	McCreary	

Yeas—26.

Nays—None.

So House Bill No. 233 was passed, title as stated.

Mr. Harris moved that the rules be waived and that House Bill No. 233 be immediately certified to the House of Representatives.

Which was agreed to by a two-thirds vote.

And House Bill No. 233 was so certified.

Pending for the reconsideration of House messages—

Mr. Canova moved that the Senate adjourn until 3 o'clock.

Which was agreed to.

Thereupon the Senate stood adjourned until 3 o'clock this afternoon.

AFTERNOON SESSION.

3 O'CLOCK.

The Senate met pursuant to adjournment.

The President in the chair.

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

Mr. President, Senators Adams, Bailey, Baskin, Blount, Canova, Carter, Crane, Crews, Crill, Faulkner, Gillen, Harris, Hudson, Humphries, Jackson, Lee, McCreary, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim.—28.

A quorum present.

The Senate resumed consideration of

MESSAGES FROM HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 9, 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. 224:

A bill to be entitled an act to legalize the incorporation of the town of Daytona Beach, in Volusia County, and to declare the incorporation of the town of Daytona Beach valid and of full force and effect.

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. 224, contained in the above message, was read the first time by its title.

Mr. Sams moved that the rules be waived and that House Bill No. 224 be read a second time by its title only. Which was agreed to by a two-thirds vote.

And House Bill No. 224 was read a second time by its title.

Mr. Sams moved that the rules be further waived and that House Bill No. 224 be read a third time and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 224 was read a third time in full.

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

Mr. President	Crill	Neel
Adams	Lavis	Newlan
Bailey	Fulkner	Raney
Baskin	Gilen	Sams
Blount	Farris	Scott
Canova	Hudson	Stockton
Carter	Humphries	Wadsworth
Clark	Jackson	West
Crane	Lee	Zim
Crews	McCreary	
Yeas—29.		
Nays—None.		

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 9, 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. 322:

A bill to be entitled an act to establish the municipality of Largo, to provide for its government and prescribe its powers and jurisdiction.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,  
J. G. KELUM,  
Chief Clerk of the House of Representatives.

And House Bill No. 322, contained in the above message, was read the first time by its title and referred to the Committee on City and County Organizations.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 9, 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. 340:

A bill to be entitled an act to declare Estero Creek, in Lee county, State of Florida, to be a navigable stream.

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. 340, contained in the above message, was read the first time by its title and referred to the Committee on Commerce and Navigation.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 9, 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—

Committee Substitute for—

House Bill No. 26:

A bill to be entitled an act to define the grades of instruction which shall be taught in the uniform system of public schools of Florida; to aid and encourage the establishment of public high school and rural graded schools; to prescribe the conditions and to make appropriations therefor.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. O. KELLOGG,

Chief Clerk of the House of Representatives.

And House Substitute for House Bill No. 126, contained in the above message, was read the first time by its title.

Mr. Gillen moved that the rules be waived and that House Committee Substitute for House Bill No. 126 be placed on Calendar of bills on second reading without reference to committee.

Which was agreed to by a two-thirds vote.

And Substitute for House Bill No. 126 was placed on Calendar of bills on second reading.

Mr. Gillen asked leave to substitute House Committee Substitute for House Bill No. 126 on calendar in place of Committee substitute for Senate Bill No. 76 as special order, for 10:30 a. m. to-morrow, and that he be allowed to withdraw Committee Substitute for Senate Bill No. 76.

The request was granted.

The following message from the House of Representatives was read:

House of Representatives,

Tallahassee, Fla., May 9, 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 Memorial No. F:

A memorial to the Congress of the United States asking that the soldiers serving in the Seminole Indian wars in the State of Florida in the years 1835 to 1842, and the Seminole Indian wars in the State of Florida during the years 1856 to 1858, and their widows, be granted a pension of \$12.00 per month in lieu of \$8.00 per month as now received by them.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,  
J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Memorial No. F, contained in the above message, was read the first time by its title and referred to the Committee on Pensions.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 9, 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. 34:

Whereas, There has not been anything presented to this Legislature to show how the large appropriations to the State Institutions of learning have been expended in detail; therefore,

Be it resolved by the House of Representatives, the Senate concurring, That a committee of three, two on the part of the House and one of the Senate, be appointed to investigate these expenditures, consult with the Comptroller as to all warrants issued by him and drawn upon said appropriations, and report to the Legislature as early as possible an itemized statement of all such expenditures, reporting a separate detailed statement for each institution. Resolved further, That the committee shall be allowed expert clerical aid to tabulate such statements in detail, such clerical aid to be under the direction of the committee. Provided further, That such clerical aid shall not be retained for more than three days, and as little of that time as is necessary.

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. 34, contained in the above message was read the first time and laid over under the rules.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 9, 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. 32:

Resolved by the House of Representatives, the Senate concurring, That the Legislature of the State of Florida adjourn sine die at 12 o'clock m. on June 2, 1905.

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. 32, contained in the above message, was read the first time and laid over under the rules.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 9, 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. 28:

Be it resolved by the House of Representatives, the Senate concurring, That as representing the people of Florida, who earnestly favor the movement for good roads, which has become a matter of national importance and interest, we do hereby request our Senators and Representatives in the Congress of the United States to do all they properly can do towards the enactment of the Latimer Bill, now before that body or some similar measure looking to aid

by the National Government to the State for and in behalf of the construction and maintenance of good roads. 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. 28, contained in the above message, was read the first time and laid over under the rules.

The following message from the House of Representatives was read:

House of Representatives,

Tallahassee, Fla., May 9, 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. 79:

A bill to be entitled an act to amend Sections 54, 55, 70 and 84, and to repeal Section 81 of Chapter 5337 of the Laws of Florida, entitled "An act to incorporate the city of Bradentown, and to provide for its government and to provide for and declare its jurisdiction and powers," approved May 19, 1903.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 79, 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 9, 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. 36:

A bill to be entitled an act to provide for the purchase, safe keeping and maintenance of bloodhounds for use in the pursuit of criminals.

With amendments as follows:

Strike out the words "and at all times has."

Strike out the word "shall," in line 2, Section 1.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 36, contained in the above message, together with amendments of the House of Representatives thereto, was placed before the Senate.

Mr. Crane moved that the Senate concur in the amendments of the House of Representatives to Senate Bill No. 36.

Which was agreed to.

And Senate Bill No. 36, as amended by the House of Representatives and concurred in by the Senate, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives.

Tallahassee, Fla., May 9, 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. 35:

A bill to be entitled an act to amend Sections 2434, 2435, 2436 and 2437 of the Revised Statutes of 1892, relating to breaking and entering a dwelling house, other building, ship, vessel, or railroad car, and entering without breaking a dwelling house, other building, ship or vessel.

With the following amendment:

In the tenth line of Section 4, opposite the printed figures "17," strike out the word "the" and insert in lieu thereof the word "such."

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 35, contained in the above message, together with amendment of the House of Representatives thereto, was placed before the Senate.

Mr. Crane moved that the Senate concur in the amendment of the House of Representatives to Senate Bill No. 35.

Which was agreed to.

And Senate Bill No. 35, as amended by the House of Representatives and concurred in by the Senate, was referred to the Committee on Enrolled Bills. \*

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 9, 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 committee substitute for—

Senate Bill No. 94:

A bill to be entitled an act to amend 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 terms of office and to provide for the support and maintenance of said government of said city, approved May 27, 1895, and to confer further powers upon 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 committee substitute for Senate Bill No. 94, contained in the above message, was placed before the Senate.

The substitute was read the first time by its title.

Mr. Blount moved that the rules be waived and House Committee substitute for Senate Bill No. 94 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Committee substitute for Senate Bill No. 94 was read a second time by its title only.

Mr. Blount moved that the rules be further waived, and that House Committee substitute for Senate Bill No. 94 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Committee substitute for Senate Bill No. 94 was read a third time in full.

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

Mr. President	Crill	Newlan
Adams	Faulkner	Raney
Bailey	Gillen	Sams
Baskin	Harris	Stockton
Blount	Hudson	Wadsworth
Canova	Humphries	West
Carter	Jackson	Wilson
Crane	Lee	
Crews	Neel	

Yeas—25.

Nays—none.

And House substitute for Senate Bill No. 35, concurred in by the Senate, was referred to the Committee on Enrolled Bills.

By Permission—

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate.*

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

An act designating who shall act in case of absence or disability of the police justice in and for the City of Key West, a municipality existing under the laws of the State of Florida.

Also.

An act to authorize the City of Pensacola to issue negotiable bonds for municipal purposes and provide for the payment thereof.

Also,

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

Have examined the same and find them correctly enrolled.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

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

By permission—

Mr. Raney introduced

Senate Bill No. 258:

A bill to be entitled an act to regulate appellate procedure and practice.

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

#### BILLS ON SECOND READING.

Senate Bill No. 131:

A bill to be entitled an act to provide a method of assistance to any elector applying to vote in the primary election in this State, who, by reason of blindness or the loss of a hand or hands, or who is from any cause whatsoever, unable to prepare his ballot by the inspectors of such election, and providing a penalty for any violation of this act.

Was taken up and read a second time in full.

Mr. Stockton offered the following amendment to Senate Bill No. 131:

Strike out the words "or who is from any cause whatsoever," in line 3, of Section 1.

Mr. Stockton moved the adoption of the amendment.

Which was not agreed to.

Mr. Carter moved that the rules be further waived, and that Senate Bill No. 131 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. 131 was read a third time in full.  
 Upon call of the roll on the passage of the bill the vote  
 was:

Mr. President	Paulkner	Newlan
Adams	Clilen	Raney
Bailey	Harris	Sams
Baskin	Judson	Scott
Blount	Humphrics	Wadsworth
Canova	Jackson	West
Carter	Lee	Wilson
Crews	McCreary	Zim
Crill	Neel	

Yeas—26.

Craue Stockton

Nays—2.

So the bill passed, title as stated.

Mr. Carter moved that the rules be waived and that Senate Bill No. 131 be immediately certified to the House of Representatives.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 131 was so certified.

A message was received from the Governor.

By Permission—

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

Senate Chamber,  
 Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate.*

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

An act designating who shall act in case of absence or disability of the police justice in and for the City of Key West, a municipality existing under the laws of the State of Florida.

Also,

An act to authorize the City of Pensacola to issue negotiable bonds for municipal purposes and provide for the payment thereof.

Also,

An act to repeal Sections 1 to 7 inclusive, Chapter 4972,

Laws of Florida, approved April 25th, 1901, entitled an act making incurable insanity a ground for divorce of husband and wife, and regulating proceedings in such cases.

Have examined the same and find them correctly enrolled.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

The acts contained in the above report were ordered referred to the Joint Committee on Enrolled Bills, to be conveyed to the House of Representatives for the signature of the Speaker and Chief Clerk thereof.

Mr. Baskin moved that House Bill No. 133 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And,

House Bill No. 133:

A bill to be entitled an act to declare legal the incorporation of the town of Reddick in the county of Marion, State of Florida, incorporated under the general laws for incorporating cities and towns and legalizing same.

Was taken up.

Mr. Baskin moved that the rules be waived and House Bill No. 133 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 133 was read a second time by its title only.

Mr. Baskin moved that the rules be further waived, and that House Bill No. 133 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 133 was read a third time in full.

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

Mr. President	Faulkner	Newlan
Adams	Gillen	Raney
Bailey	Harris	Sams
Baskin	Hudson	Scott
Blount	Humphries	Stockton
Canova	Jackson	Wadsworth

Carter	Lee	West
Crane	McCreary	Wilson
Crews	Neel	Zim
Crill		

Yeas—28.

Nays—None.

So House Bill No. 133 passed, title as stated.

By Permission—

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate.*

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

An act designating who shall act in case of absence or disability of the police justice in and for the City of Key West, a municipality existing under the laws of the State of Florida.

Also,

An act to authorize the City of Pensacola to issue negotiable bonds for municipal purposes and provide for the payment thereof.

Also,

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

Have examined the same and find them correctly enrolled.

Very respectfully,

T. M. SCOTT.

Chairman of Committee.

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

## ENROLLED

The President announced that he was about to sign—

An act designating who shall act in case of absence or disability of the police justice in and for the City of Key West, a municipality existing under the laws of the State of Florida.

Also,

An act to authorize the City of Pensacola to issue negotiable bonds for municipal purposes and provide for the payment thereof.

Also,

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

The acts were therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

Mr. McCreary moved that the rules be waived and that the Senate take up bills on third reading.

Which was agreed to by a two-thirds vote.

And the Senate proceeded to consider—

## BILLS ON THIRD READING.

House Memorial No. E:

A memorial to Congress asking for an appropriation for the Caloosahatchie River.

Was taken up and read the third time in full and put upon its passage.

Upon call of the roll on House Memorial No. E, the vote was:

Mr. President	Davis	Neel
Adams	Faulkner	Newman
Bailey	Gillen	Raney
Baskin	Harris	Sams

Canova	Hudson	Stockton
Carter	Humphries	Wadsworth
Crane	Jackson	West
Crews	Lee	Zim
Blount	Crill	McCreary

Yeas—27.

Nays—None.

So the memorial passed, title as stated.

Senate Bill No. 140:

A bill to be entitled an act to amend Section three of Chapter 5199, Laws of Florida, being an act "providing for the publication of the acts of the Legislature of a general and permanent nature in newspapers, prescribing the duties of the Secretary of State and the boards of county commissioners, and providing compensation for publishers," approved June 4, 1903.

Was taken up and read the third time in full and put upon its passage.

Upon call of the roll on Senate Bill No. 140, the vote was:

Mr. President	Crill	Neel
Adams	Davis	Newlan
Bailey	Faulkner	Sams
Baskin	Gillen	Scott
Blount	Harris	Stockton
Canova	Humphries	Wadsworth
Carter	Jackson	West
Crane	Lee	Zim
Crews	McCreary	

Yeas—26.

Nays—None.

So the bill passed, title as stated.

Committee Substitute for—

Senate Bill No. 16:

A bill to be entitled an act to make more perfect records of titles to real property in this State.

Was taken up and read the third time in full and put upon its passage.

Upon call of the roll on Committee Substitute for Senate Bill No. 16, the vote was:

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

Yeas—29.

Nays—None.

So the bill passed, title as stated.

Senate Bill No 83:

A bill to be entitled an act creating the office of Fish and Game Warden and prescribing its duties.

Was taken up.

Mr. Sams asked permission to withdraw Senate Bill No. 83.

The request was granted.

And Senate Bill No. 83 was withdrawn.

By Permission—

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

Senate Chamber,  
Tallahassee, Fla., May 9, 1905.

Hon. Park M. Trammell,

*President of the Senate.*

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

An act designating who shall act in case of absence or disability of the police justice in and for the City of Key West, a municipality existing under the laws of the State of Florida.

Also,

An act to authorize the City of Pensacola to issue negotiable bonds for municipal purposes and provide for the payment thereof.

Also,

An act to repeal Sections 1 to 7 inclusive, Chapter 4972, Laws of Florida, approved April 25th, 1901, entitled an act making incurable insanity a ground for divorce of

husband and wife, and regulating proceedings in such cases.

Beg to report that the same has been presented to the Governor, for his approval.

Very respectfully,  
T. M. SCOTT,  
Chairman of Committee.

### SPECIAL ORDER.

The hour of 4 p. m. having arrived, the Senate proceeded to the consideration of—

Senate Resolution No. 43:

Resolved, That the Senate hereafter meet at 9 o'clock a. m., instead of 10 as heretofore; and meet at 3 o'clock p. m., instead of 4 as heretofore.

Mr. Clarke moved the adoption of the resolution.

Which was not agreed to.

The Senate resumed consideration of—

### BILLS ON THIRD READING.

Senate Bill No. 42:

A bill to be entitled an act to prohibit the issuing by any one of checks or orders upon banks or other persons, when the makers of such orders or checks have not sufficient funds on deposit with the drawee to pay such orders; to prescribe a rule of evidence therein, and to provide punishment therefor.

Was taken up and read the third time in full and put upon its passage.

Upon call of the roll on Senate Bill No. 42 the vote was:

Yeas—Mr. President, Senators Adams, Bailey, Baskin, Blount, Canova, Carter, Clarke, Crane, Crews, Crill, Davis, Faulkner, Gillen, Harris, Hudson, Humphries, Jackson, Lee, McCreary, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim—30.

Nays—none.

So the bill passed, title as stated.

Senate Bill No. 40:

A bill to be entitled an act to regulate and control the practice of veterinary medicine and surgery, within the State of Florida.

Was taken up and read the third time in full and put upon its passage.

Upon call of the roll on Senate Bill No. 40 the vote was:  
Yeas—Senators Bailey, Baskin, Blount, Carter, Crane, Crews, Grill, Faulkner, Harris, Hudson, Humphries, Jackson, Lee, McCreary, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim—24.

Nays—Mr. President, Canova, Clarke, Gillen—4.

So the bill passed title as stated.

Senate Bill No. 67:

A bill to be entitled an act to define tenancies at will, and to prescribe the mode of terminating them, and to define the status of persons holding over under a written lease after the expiration of the term created thereby.

Was taken up.

Mr. Blount asked permission to withdraw Senate Bill No. 67.

Which was agreed to.

And Senate Bill No. 67 was withdrawn.

Mr. Blount moved that House Bill No. 105 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And

House Bill No. 105:

A bill to be entitled an act to define tenancies at will and to prescribe the mode of terminating them, and to define the status of persons holding over under a written lease after the expiration of the term created thereby.

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

Mr. Blount moved that the rules be waived and House Bill No. 105 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 105 was read a second time by its title only.

The following committee amendment was read:

In Section three, line three, after the word "than" strike out the word "six" and insert in lieu thereof the word "three."

Mr. Blount moved the adoption of the committee amendment.

Which was agreed to.

Mr. Blount moved that the rules be further waived, and

that House Bill No. 105, as amended, be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 105, as amended, was read a third time in full.

Upon call of the roll on the passage of the bill as amended, the vote was:

Yeas—Mr. President, Senators Adams, Bailey, Baskin, Blount, Canova, Carter, Clarke, Crane, Crews, Crill, Davis, Faulkner, Gillen, Hudson, Humphries, Jackson, Lee, McCreary, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Zim—28.

Nays—none.

So House Bill No. 105, as amended, passed, title as stated.

#### Senate Bill No. 88:

A bill to be entitled an act to authorize State Normal Schools to issue State Normal Certificates and to prescribe the conditions for the issuance thereof and for the acceptance thereof as teachers' certificates.

Was taken up and read the third time in full and put upon its passage.

Upon call of the roll on Senate Bill No. 88 the vote was:

Yeas—Senators Bailey, Baskin, Blount, Canova, Carter, Clarke, Crane, Crews, Crill, Faulkner, Gillen, Hudson, Humphries, Jackson, Lee, McCreary, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, Wilson, Zim—25.

Nays—Mr. President, Senators Adams, West—3.

So the bill passed, title as stated.

#### Senate Bill No. 128:

A bill to be entitled an act to prescribe the fees of sheriffs in lunacy proceedings.

Was taken up and read the third time in full and put upon its passage.

Upon call of the roll on Senate Bill No. 128 the vote was:

Yeas—Mr. President, Senators Adams, Bailey, Baskin, Blount, Canova, Carter, Clarke, Crane, Crews, Crill, Faulkner, Gillen, Hudson, Humphries, Jackson, Lee, McCreary, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim—28.

Nays—none.

So the bill passed, title as stated.

## House Bill No. 9.

A bill to be entitled an act to protect sureties.

Was taken up.

Mr. Blount moved that House Bill No. 9 be indefinitely postponed.

Which was agreed to.

## House Bill No. 86:

A bill to be entitled an act relating to the posting of lands.

Was taken up and read the third time in full and put upon its passage.

Upon call of the roll on House Bill No. 86 the vote was:

Yeas—Mr. President, Senators Adams, Bailey, Baskin, Blount, Canova, Carter, Clarke, Crane, Crews, Crill, Faulkner, Gillen, Hudson, Humphries, Jackson, Lee, McCreary, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim—28.

Nays—none.

So the Bill passed, title as stated.

## 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 the third time in full and put upon its passage.

Upon call of the roll on Senate Bill No. 31 the vote was:

Yeas—Senators Craue, Faulkner, Hudson, Jackson, McCreary, Neel, Sams—7.

Nays—Mr. President, Senators Adams, Baskin, Blount, Canova, Carter, Clarke, Crews, Crill, Humphries, Lee, Newlan, Raney, Scott, Stockton, Wadsworth, West, Wilson—18.

So the bill failed to pass.

## Senate Bill No. 137:

A bill to be entitled an act to amend Section 1508 of the Revised Statutes of the State of Florida, relating to the removal of disabilities of married women.

Was taken up and read the third time in full and put upon its passage.

Upon call of the roll on Senate Bill No. 137 the vote was:

Yeas—Mr. President, Senators Adams, Bailey, Baskin, Blount, Canova, Carter, Clarke, Crane, Crews, Crill, Faulkner, Gillen, Harris, Hudson, Humphries, Jackson,

Lee, McCreary, Neel, Newlan, Sams, Scott, Stockton, Wadsworth, West, Wilson—27.

Nays—none.

So the Bill passed, title as stated.

House Bill No. 62:

A bill to be entitled an act to require proposed Constitutional amendments to be displayed at voting precincts on election days.

Was taken up and read the third time in full as amended and put upon its passage.

Upon call of the roll on House Bill No. 62 as amended the vote was:

Yeas—Mr. President, Senators Adams, Bailey, Baskin, Blount, Carter, Clarke, Crane, Crews, Grill, Faulkner, Gillen, Harris, Hudson, Humphries, Jackson, Lee, McCreary, Neel, Newlan, Raney, Sams, Scott, Stockton, West, Wilson—26.

Nays—none.

So the bill passed as amended, title as stated.

Senate Joint Resolution No. 38:

A joint resolution proposing an amendment to Article V of the Constitution of the State of Florida, relative to the judiciary department.

Was taken up and read the third time in full and put upon its passage.

Upon call of the roll on Senate Joint Resolution No. 38, the vote was:

Yeas—Mr. President, Senators Adams, Bailey, Baskin, Blount, Canova, Clarke, Crane, Crews, Crill, Davis, Faulkner, Gillen, Harris, Hudson, Humphries Jackson, Lee, McCreary, Neel, Newlan, Raney, Sams, Scott, Stockton, West, Wilson, Zim.—28.

Nays—Mr. Carter.—1.

So Senate Joint Resolution No. 38, having received the Constitutional majority of three-fifths of all the members elected to the Senate, was passed, title as stated.

Senate Bill No. 151:

A bill to be entitled an act to amend Section 1, of Chapter 5235, of the Laws of Florida, relating to working and repairing and maintaining the public roads and bridges of the several counties of this State, and to provide penalties for the violation thereof.

Was taken up.

Mr. Harris moved to indefinitely postpone Senate Bill No. 151.

Which was agreed to.

Senate Bill No. 149:

A bill to be entitled an act to provide for the privileges of witnesses in investigations and prosecutions for the violation of the statutes against bribery, gaming and gambling, and for violation of the statutes against the illegal sale of spirituous, vinous or malt liquors.

Was taken up and read the third time in full and put upon its passage.

Upon call of the roll on Senate Bill No. 149, the vote was:

Yeas—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, Wadsworth, West, Wilson, Zim.—28.

Nays—None.

So the bill passed, title as stated.

Mr. Clake moved that Senate Bill No. 164 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And,

Senate Bill No. 164:

A bill to be entitled an act to regulate the holding of festivals for private gain in this State.

Was taken up.

Mr. Scott moved that Senate Bill No. 164 be recommended to the Committee on Finance and Taxation.

Which was agreed to.

Senate Bill No. 136:

A bill to be entitled an act to define and limit the time within which writs of error may be sued out in criminal cases.

Was taken up and read the third time in full and put upon its passage.

Upon call of the roll on Senate Bill No. 136, the vote was:

Mr. President, Senators Adams, Bailey, Baskin, Blount, Canova, Carter, Clarke, Crane, Crews, Crill, Faulkner,

Harris, Humphries, Jackson, Lee, McCreary, Neel, Sams, Scott, Stockton, Wadsworth, Zim.—23.

Nays—Raney, West, Wilson.—3.

So the bill passed, title as stated.

Senate Bill No. 24:

A bill to be entitled an act to provide liens for mechanics, artisans and laborers, and the manner in which such liens shall be acquired, and to provide a remedy for the enforcement of such liens.

Was taken up.

Mr. Zim moved that Senate Bill No. 24 be laid on the table subject to call.

Which was agreed to.

At 5:40 o'clock

Mr. Blount moved that the Senate go into executive session.

Which was agreed to.

And the doors were closed.

At 5:45 o'clock—

The doors were opened.

The President in the chair.

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

Mr. President, Senators Adams, Bailey, Baskin, Blount, Carter, Crane, Crews, Crill, Faulkner, Gillen, Hudson, Humphries, Jackson, Lee, McCreary, Raney, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim—24.

A quorum present.

By permission—

Mr. Crill introduced—

Senate Bill No. 259:

A bill to be entitled an act to authorize the city of Palatka to build lateral sewers from the main sewers that have been, or may hereafter be laid by said city along the streets of said city to the lots or pieces of land abutting thereon; to create liens in favor of said city against such lots or pieces of land to which same may be built; to provide for the payment thereof, and to provide a penalty for default in such payment.

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

By permission—

Mr. Humphries introduced

Senate Bill No. 260:

A bill to be entitled an act to amend and supplement the Charter of the town of Punta Gorda, Florida, designated as Chapter 5085, Laws of Florida of 1901.

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

By permission—

Mr. Humphries introduced—

Senate Bill No. 261:

A bill to be entitled an act making it a violation of law to assist in procuring or buying wines, beers or other intoxicating liquors in counties or precincts where local option exists, and prescribing a penalty therefor.

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

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

Which was agreed to.

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

#### CONFIRMATIONS.

Thomas J. Britson, to be custodian of lost timber in and for the port of Pensacola, Florida.