

Which was agreed to,
Thereupon the Senate stood adjourned until 10 o'clock
a. m. Saturday, April 27, 1907.

SATURDAY, APRIL 27, 1907.

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, Alford, Baker,
Beard, Broome, Buckman, Canova, Clark, Cottrell,
Crews, Girardeau, Henderson, Hudson, Humphries,
Jackson, McCreary, Massey, Sams, Trammell, Willis,
Withers, West (4th District), Zim.—24.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

INTRODUCTION OF RESOLUTIONS.

Mr. Clarke offered the following—

Senate Resolution No. 47:

Be it resolved by the Senate, That the President of the
Senate is hereby authorized to employ a secretary to per-
form such duties as he may require of him.

Which was read.

Mr. Clarke moved the adoption of the resolution.

Which was agreed to.

And Senate Resolution No. 47 was adopted.

Mr. Crews moved that the rules be waived and that
the House of Representatives be requested to return to
the Senate House Bill No. 27 for reconsideration.

Which was agreed to by a two-thirds vote and so or-
ered.

Mr. Crews gave notice that to-morrow he would move
on Monday next to reconsider the vote by which House
Bill No. 27 passed the Senate.

By consent Senators West of the First District, Cone
and Crill were excused from further attendance until
Monday.

CONSIDERATION OF RESOLUTIONS.

House Memorial No. 4:

Memorial to the Congress of the United States, asking that the homesteaders in the storm district of Dade County, Florida, be permitted to have and to use all the timber that was blown down on their respective homesteads by the storm that passed over that section of Florida on the 13th day of October, 1906.

Was taken up and read a second time.

Mr. Hudson moved the adoption of the memorial.

Which was agreed to.

And House Memorial No. 4 was adopted.

House Memorial No. 5:

A memorial to the Congress of the United States, asking that the military department of this State be furnished with copies of all rolls or records on file in the several departments at Washington, which show the service performed by Florida soldiers in the several wars in which they have engaged.

Was taken up and read a second time.

Mr. Adams moved the adoption of the memorial.

Which was agreed to.

And House Memorial No. 5 was adopted.

By Mr. Hudson—

Senate Bill No. 286:

A bill to be entitled an act to amend Section 2188 of the General Statutes of the State of Florida, relating to judgments in replevin.

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

By Mr. Clarke—

Senate Bill No. 287:

A bill to be entitled an act authorizing and empowering the County Commissioners of the respective counties of this State, to grant to persons, companies and corporations doing the business of a waterworks company, the right to occupy public highways, roads and alleys of the respective counties of this State, with its or their pipes and mains.

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

By Mr. Beard—

Senate Bill No. 288:

A bill to be entitled an act for the relief of Smith Bros. Company.

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

By Mr. Beard—

Senate Bill No. 289:

A bill to be entitled an act to require urban, suburban and interurban railway companies in this State to equip their cars with fenders and cushions or shields necessary to the safety of persons and property and fixing penalties for the violation thereof.

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

By Mr. Zim—

Senate Bill No. 290:

A bill to be entitled an act creating a Commissioner of a Bureau of Labor and Industrial Statistics, fixing his compensation, prescribing his powers and duties and providing for his obtaining statistics and information relative to labor, and fixing penalties for any owner, operator, manager or foreman of any factory or workshop impeding or preventing such Commissioner in the full and free performance of his duties as prescribed by law.

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

By Mr. Zim—

Senate Bill No. 291:

A bill to be entitled an act to amend Section 650 of the General Statutes of the State of Florida, relating to limit of oyster beds in front of public lands.

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

By Mr. Harris—

Senate Bill No. 292:

A bill to be entitled an act to amend Sections 1293 and 1295 of the General Statutes of the State of Florida, relating to the powers and duties of Pilot Commissioners.

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

By Mr. McCreary—

Senate Bill No. 293:

A bill to be entitled an act to abolish the present municipal government of the town of Alachua, in the county of Alachua, and the State of Florida, and to establish, organize and constitute a municipality to be known and designated as the City of Alachua, and to define its territorial boundaries, and to provide for its jurisdiction, powers and privileges, and for the exercise of same.

Mr. McCreary moved that the rules be waived and that Senate Bill No. 293 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 293 was read a second time by its title only.

Mr. McCreary moved that the rules be further waived and that Senate Bill No. 293 be read a third time and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 293 was read a third time in full.

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

Yeas—Mr. President, Senators Adams, Alford, Baker, Beard, Broome, Buckman, Canova, Clarke, Cottrell, Crews, Girardeau, Henderson, Hudson, Humphries, Jackson, McCreary, Sams, Trammell, Withers, West (4th District), Zim—22.

Nays—None.

So the bill passed, title as stated.

Mr. McCreary moved that the rules be waived and that Senate Bill No. 293 be immediately certified to the House of Representatives.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 293 was so certified.

By Mr. West of the 4th—
Senate Bill No. 294:

A bill to be entitled an act to provide scholarships in the University of Florida and in the Florida Female College, to prescribe conditions of entrance, and to make appropriation therefor.

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

Mr. McCreary moved that the following resolution from Alachua County be spread upon the Journal.

Which was agreed to and so ordered.

Whereas, The Town Council of the town of Alachua, after careful deliberations, have deemed it necessary to be incorporated by a special act of the Legislature of the State of Florida, creating and enlarging the duties and powers of said town, so as to be able to cope with the existing conditions and demands of said town, therefore

Be it Resolved, by the Town Council of the town of Alachua, That we respectfully request the Legislature of the State of Florida to incorporate the town of Alachua according to the charter hereto attached, said charter having been approved by the town council and a mass meeting of the citizens of the town of Alachua called for that purpose; and be it further

Resolved, That a copy of these resolutions be sent to the Hon. H. H. McCreary, Senator for the 32nd district of Florida, the Hon. Syd. L. Carter and Hon. T. A. Doke, Representatives of Alachua County, requesting them to introduce said act and do all in their power to secure passage of said act.

I. S. FUTCH,
Chairman Town Council.
H. BALDWIN,
Clerk Town of Alachua.

Alachua, Fla., April 22, 1907.
(Copy.)

MESSAGES FROM HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives.
Tallahassee, Fla., April 25, 1907.

Hon. W. Hunt Harris,
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. 229:

A bill to be entitled an act to increase the pensions of John R. Perry of Hamilton County, Florida, and providing the payment thereof.

Also—

House Bill No. 89:

A bill to be entitled an act requiring Teachers' Summer Training Schools and making appropriations therefor.

Also—

House Bill No. 116:

A bill to be entitled an act for the relief of J. R. Eaker, of Leesburg, Lake County, Florida, for the loss of horses and mules ordered killed by Chas. F. Dawson, Veterinarian of the University of Florida.

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

And House Bill No. 89, contained in the above message was read the first time by its title and referred to the Committee on Education.

And House Bill No. 116, contained in the above message was read the first time by its title and referred to the Committee on Public Health.

Also the following message was read:

House of Representatives,
Tallahassee, Fla., April 25, 1907.

Hon. W. Hunt Harris,
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. 266:

A bill to be entitled an act to ratify and legalize the action of the County Commissioners of St. John County in issuing county warrants in the sum of thirty-two thousand dollars for the completion of the construction of a county court house for said county, and for furnishing said court house, and providing for payment of interest on said warrants.

Also—

Senate Concurrent Resolution No. 12:

Proposing that the Committee on Roads and Highways in the House be directed to act as a joint committee on Roads and Highways; said joint committee shall take under consideration all bills introduced into the Senate and House on that subject and report by bill.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 266, contained in the above message, was read the first time by its title and referred to the Committee on Enrolled Bills.

And Senate Resolution No. 12, contained in the above message, was read the first time by its title and referred to the Committee on Resolutions.

Also the following message was read:

House of Representatives.
Tallahassee, Fla., April 24, 1907.

Hon. W. Hunt Harris,
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. 46:

A bill to be entitled an act authorizing the Railroad Commissioners of the State of Florida to employ special counsel.

Also—

House Bill No. 278:

A bill to be entitled an act to amend Sections 3267 and 3268 of the General Statutes of the State of Florida, relating to firearms and how to procure license to carry same.

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

And House Bill No. 278, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary.

REPORTS OF COMMITTEES.

Mr. John R. Willis, Chairman of the Committee on Game, submitted the following report:

Senate Chamber,

Hon. W. Hunt Harris,
President of the Senate.

Sir:

Your Committee on Game, to whom was referred—
Senate Bill No. 259:

A bill to be entitled an act for the protection of quail in Leon County, Florida.

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

Very respectfully,
JOHN R. WILLIS,
Chairman of Committee.

And Senate Bill No. 259, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. John R. Willis, Chairman of the Committee on Game, submitted the following report:

Senate Chamber,

Hon. W. Hunt Harris,
President of the Senate.

Sir:

Your Committee on Game, to whom was referred—
House Bill No. 49:

A bill to be entitled an act prohibiting the killing of any deer, turkey, quail, squirrels or other game in the County of Wakulla by non-taxpayers.

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

Very respectfully,

JOHN R. WILLIS,
Chairman of Committee.

And House Bill No. 49, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. John R. Willis, Chairman of the Committee on Game, submitted the following report:

Senate Chamber.

Hon. W. Hunt Harris,
President of the Senate:

Sir:

Your Committee on Game, to whom was referred—
House Bill No. 82:

A bill to be entitled an act to amend Chapter 5428 of the Laws of the State of Florida, the same being an act for the preservation of wild otter and beaver in the State of Florida.

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

Very respectfully,

JOHN R. WILLIS,
Chairman of Committee.

And House Bill No. 82, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,
Tallahassee, Fla., April 23, 1907.

Hon. W. Hunt Harris,
President of the Senate,

Sir:

Your Committee on Judiciary, to whom was referred—
Senate Bill No. 128:

(Session of 1905), Entitled an act to prescribe the fees of Sheriffs in lunacy proceedings, which act was vetoed by the Governor, beg to advise that they have examined into the same, and recommend that the veto of the Governor be sustained for the reason submitted by him, to wit: Because he had already signed a bill of which this bill is an exact copy.

Respectfully,

H. H. BUCKMAN, Chairman.

The act was taken up and read in full, together with the Governor's veto message. The question was then put: Shall the act pass, the veto of the Governor to the contrary notwithstanding?

Upon the call of the roll, the vote was:

Nays—Mr. President, Senators Adams, Alford, Baker, Beard, Broome, Buckman, Canova, Clark, Cottrell, Crews, Girardeau, Henderson, Hudson, Humphries, Jackson, McCreary, Massey, Sams, Trammell, Willis, Withers, West (4th District), Zim—23.

So the act failed to pass, and the Governor's veto was sustained.

REPORTS OF COMMITTEES.

Mr. Henderson, chairman of the Committee on Education, submitted the following report:

Senate Chamber.

Hon. W. Hunt Harris,
President of the Senate.

Sir:

Your Committee on Education, to whom was referred—
House Bill No. 70:

A bill to be entitled an act to amend Section 344 of the General Statutes of the State of Florida, the same being relative to the compensation of the members of the various school boards, beg leave to report that a similar bill has passed the Senate, and is now before the House, and for that reason your committee herewith returns the bill without recommendation.

Very respectfully,

JOHN W. HENDERSON,
Chairman of Committee.

Mr. Henderson, Chairman of the Committee on Education, submitted the following report:

Senate Chamber.

Hon. W. Hunt Harris,
President of the Senate.

Sir:

Your Committee on Education, to whom was referred—
Senate Bill No. 100:

A bill to be entitled an act to provide for State aid for public schools in this State and to prescribe conditions and to make appropriations therefor.

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

Strike out the words "ten days" in line four, Section 2, and insert in lieu thereof the following: "twenty days."

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

Very respectfully,

JOHN W. HENDERSON,
Chairman of Committee.

And Senate Bill No. 100, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Henderson, Chairman of the Committee on Education, submitted the following report:

Senate Chamber.

Hon. W. Hunt Harris,
President of the Senate.

Sir:

Your Committee on Education, to whom was referred—

Senate Bill No. 102:

A bill to be entitled an act to amend Section 324 of the General Statutes of the State of Florida, the same being Sections 1 and 2 of Chapter 4682, Acts of 1899, as revised by the Commissioners appointed under Chapter 5267 of the Statutes of Florida, authorizing the Board of Public Instruction of any county of the State of Florida to contract debts for the purchase of real estate to be used for educational purposes.

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

Very respectfully,

JOHN W. HENDERSON,
Chairman of Committee.

And Senate Bill No. 102, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Henderson, Chairman of the Committee on Education, submitted the following report:

Senate Chamber.

Hon. W. Hunt Harris,
President of the Senate.

Sir:

Your Committee on Education, to whom was referred—
Senate Bill No. 50:

A bill to be entitled an act providing that certain public schools in this State shall receive State aid, and making an appropriation therefor.

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

Very respectfully,

JOHN W. HENDERSON,
Chairman of Committee.

And Senate Bill No. 50, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Henderson, Chairman of the Committee on Education, submitted the following report:

Senate Chamber.

Hon. W. Hunt Harris,
President of the Senate.

Sir:

Your Committee on Education, to whom was referred—
 Senate Bill No. 33:

A bill to be entitled an act to provide for State aid to public schools in this State, to prescribe conditions and to make appropriations therefor.

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

Very respectfully,

JOHN W. HENDERSON,
 Chairman of Committee.

And Senate Bill No. 33, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Henderson, Chairman of the Committee on Education, submitted the following report:

Senate Chamber.

Hon. W. Hunt Harris,
President of the Senate.

Sir:

Your Committee on Education, to whom was referred—
 Senate Bill No. 96:

A bill to be entitled an act to provide for the establishment and maintenance of schools of agriculture and mechanic arts in the respective Congressional Districts of this State.

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

Very respectfully,

JOHN W. HENDERSON,
 Chairman of Committee.

And Senate Bill No. 96, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber.

Hon. W. Hunt Harris,
President of the Senate.

Sir:

Your Committee on Claims, to whom was referred—
 Senate Bill No. 283:

A bill to be entitled an act for the relief of W. A. McRae, H. H. Lewis, Minnie E. Kehoe, J. H. Carter, C. G. Butler, J. B. Justiss, Senie Horn, W. H. Hoskins, Jake Horn, J. H. Ranew, T. A. Jennings, J. W. Russ, C. G. Hartsfield, C. C. Owens, J. D. Watson, Fred Messer, John Young, Louis Messer, Wade Whiddon, J. R. Conely, Ellis F. Davis and F. G. Merritt, and making appropriation therefor, and providing for manner of payment of same.

Also—

Senate Bill No. 281:

A bill to be entitled an act for the relief of W. A. McRae, H. H. Lewis, Minnie E. Kehoe, W. H. Taylor, Calvin Baker, Frank L. Mayes, Percy Hayes, Emmanuel Spires, John Capehart, John Ruge, and Ellis Davis, and making appropriation therefor, and providing for manner of payment of same.

Also—

Senate Bill No. 282:

A bill to be entitled an act for the relief of W. A. McRae, H. H. Lewis, Minnie E. Kehoe, John D. Watson, C. G. Hartsfield, A. M. Lewis, Annanias Long, Jos. Cowan, M. A. Parrish, L. H. King, John H. Parker, C. J. Butler, S. M. Dunwoody, Dave Tyson, A. L. Gambling, M. R. May, Lum Whiddon, R. Wardlow, E. F. Davis, W. B. Pickett, J. C. VanPelt, J. L. Alexander, Charley Hopkins, H. E. Hickman, C. G. Allen, W. G. Love, W. R. Herriott, H. E. Wilson, Ed Wohlwender, W. Cecil Neill, and making appropriation therefor, and providing for manner of payment of same.

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

Very respectfully,

W. K. JACKSON,
 Chairman of Committee.

And Senate Bills Nos. 281, 282 and 283, contained in the above report, were placed on the Calendar of Bills on Second Reading.

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

Senate Chamber.

Hon. W. Hunt Harris,

President of the Senate.

Sir:

Your Committee on Claims, to whom was referred—
Senate Bill No. 159:

A bill to be entitled an act for the relief of the Census Enumerators of the several counties of the State of Florida appointed by the Commissioner of Agriculture and Secretary of State, who took the census for the year of 1905, according to the provisions of Chapter 5469 of the Laws of Florida, approved June 5th, 1905, and making appropriation therefor.

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

Very respectfully,

W. K. JACKSON,
Chairman of Committee.

And Senate Bill No. 159, contained in the above report, was placed on the Calendar of Bills on Second Reading.

F. W. Sams, Acting Chairman of the Committee on City and County Organization, submitted the following report:

Senate Chamber.

Hon. W. Hunt Harris,

President of the Senate.

Sir:

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

House Bill No. 225:

A bill to be entitled an act to provide for the issue of bonds by the town of DeFuniak Springs for the construction of a system of waterworks and sewerage and a public school building, and providing for the payment of the interest on and the principal of such bonds.

Have had the same under consideration and return the same without recommendation.

Very respectfully,

F. W. SAMS,
Chairman of Committee.

And House Bill No. 225, contained in the above report, was placed on the Calendar of Bills on Second Reading.

F. W. Sams, Acting Chairman of the Committee on City and County Organization, submitted the following report:

Senate Chamber.

Hon. W. Hunt Harris,
President of the Senate.

Sir:

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

House Bill No. 102:

A bill to be entitled an act authorizing the city of Tallahassee to acquire by the exercise of the right of eminent domain, the waterworks plant, franchises and other property of Tallahassee Waterworks Company and providing the manner of procedure therein.

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

Very respectfully,

F. W. SAMS,
Chairman of Committee.

And House Bill No. 102, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. F. W. Sams, acting Chairman of the Committee on City and County Organization, submitted the following report:

Senate Chamber,

Hon. W. Hunt Harris,
President of the Senate.

Sir:

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

House Bill No. 83:

A bill to be entitled an act to prescribe the time for holding the regular meetings of the Boards of County Commissioners in the State of Florida.

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

Very respectfully,

F. W. SAMS,
Acting Chairman of Committee.

And House Bill No. 83, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. F. W. Sams, acting Chairman of the Committee on City and County Organization, submitted the following report:

Senate Chamber.

Hon. W. Hunt Harris,
President of the Senate.

Sir.

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

House Bill No. 11:

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

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

Very respectfully,
F. W. SAMS,
Acting Chairman of Committee.

And House Bill No. 11, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,
Tallahassee, Fla., April 26, 1907.

Hon. W. Hunt Harris,
President of the Senate.

Sir:

Your Committee on Judiciary, to whom was referred—
Senate Bill No. 121:

A bill to be entitled an act to amend Section 1512 of the General Statutes of the State of Florida, relating to the pay of witnesses.

Also—
Senate Bill No. 161:

A bill to be entitled an act to amend Section 3102 of the General Statutes of the State of Florida, concerning legal holidays.

Also—

Senate Bill No. 157:

A bill to be entitled an act prohibiting the disturbance of religious and other lawful assemblies, and providing prosecutions and punishment thereof.

Also—

Senate Bill No. 174:

A bill to be entitled an act relative to receipts of bills of lading and the liability of common carriers for the property mentioned therein.

Also—

Senate Bill No. 178:

A bill to be entitled an act to prescribe a rule of evidence in certain suits upon overdue obligations.

Also—

Senate Bill No. 185:

A bill to be entitled an act defining what shall constitute due diligence on the part of a bank in the collection of checks, drafts, notes, or other negotiable instruments, and fixing the liability of bank, drawer, maker, guarantor, surety and indorser.

Beg to advise that they have carefully considered all of said bills and recommend that they do pass.

Respectfully,

H. H. BUCKMAN,
Chairman.

And Senate Bills Nos. 121, 161, 157, 174, 178 and 185, contained in the above report, were placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,
Tallahassee, Fla., April 26, 1907.

Hon. W. Hunt Harris,
President of the Senate.

Sir:

Your Committee on Judiciary, to whom was referred—

Senate Bill No. 54:

A bill to be entitled an act relating to the liability of persons, firms, corporations and associations owning or operating any machinery in the conduct of any business or enterprise in this State.

Also—

Senate Bill No. 74:

A bill to be entitled an act to make it illegal for any person to procure money, or other thing of value, on contract to perform services with intent to defraud, and prescribing a penalty therefor.

Also—

Senate Bill No. 98:

A bill to be entitled an act to amend Section 1512 of the General Statutes of Florida, relative to the compensation of witnesses in civil cases in courts of County Judges and Justices of the Peace.

Also—

Senate Bill No. 160:

A bill to be entitled an act for the reimbursement of the owners of property by the several counties of the State of Florida from the money derived from the hire of State and county prisoners covered into the fine and forfeiture fund, upon due proof of the larceny of such property, and upon conviction or convictions for such larceny in a court of competent jurisdiction.

Also—

Senate Bill No. 171:

A bill to be entitled an act to regulate the sale of stocks of goods, wares and merchandise in bulk, and to provide certain penalties therefor, and for other purposes.

Also—

Senate Bill No. 172:

A bill to be entitled an act for the repeal of Section 1866 of the General Statutes of the State of Florida, relating to the service of process on non-resident defendants, and to provide for the service of process in chancery causes on non-resident defendants, and other defendants in chancery causes who conceal themselves, or otherwise make it impossible to obtain personal service upon them.

And—

Senate Bill No. 219:

A bill to be entitled an act to amend Sections 3, 4, 5 and 12 of Chapter 3808 of the Laws of Florida, being an act entitled "An act to incorporate an institution of learning at DeLand, Florida, under the name of DeLand University," which became a law without the approval of the Governor, as amended by Chapter 3985 of the Laws of Florida, being an act entitled "An act to amend Section 1 of Chapter 3808 of the Laws of Florida, entitled 'An act to incorporate an institution of learning at DeLand, Florida, under the name of DeLand University' in such manner as to change the name of said university to John B. Stetson University," approved May 8, 1889.

Beg leave to advise that they have carefully considered all of said bills carefully and recommend that they do not pass.

Respectfully,
H. H. BUCKMAN,
Chairman.

And Senate Bills Nos. 54, 74, 98, 160, 171, 172 and 219, contained in the above report, were placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,
Tallahassee, Fla., April 26, 1907.

Hon. W. Hunt Harris,
President of the Senate.

Sir:

Your Committee on Judiciary beg to transmit herewith Judiciary Committee substitute for Senate Bills Nos. 108 and 120, the said substitute being—

A bill to be entitled an act to amend Section 1586 of the General Statutes of the State of Florida, relative to the pay of jurors.

And recommend that the same do pass.

Respectfully,
H. H. BUCKMAN,
Chairman.

And the Judiciary substitute for Senate Bills Nos. 108 and 120, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber.

Tallahassee, Fla., April 26, 1907.

Hon. W. Hunt Harris,

President of the Senate.

Sir:

Your Committee on Judiciary, to whom was referred—
Senate Bill No. 108:

A bill to be entitled an act to amend Section 1586 of the General Statutes of the State of Florida, relative to the pay of jurors:

Also—

Senate Bill No. 120:

A bill to be entitled an act to amend Section 1586 of the General Statutes of the State of Florida, relating to pay of jurors, beg to advise that they have carefully considered said bills and recommend that they do not pass, for the reason that this committee has submitted to the Senate and recommended the passage of a Judiciary Committee substitute for both of said bills.

Very respectfully,

H. H. BUCKMAN,
Chairman.

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

Senate Chamber,

Tallahassee, Fla., April 26, 1907.

Hon. W. Hunt Harris,

President of the Senate.

Sir:

Your Committee on Judiciary, to whom was referred—
Senate Bill No. 124:

A bill to be entitled an act to empower the State to engage in the life insurance business; to prescribe the

powers and duties of the Board of Commissioners of State Institutions in connection therewith; to provide for suits against the State upon insurance policies; and to provide for the payment thereof, and making appropriation to carry out the provisions of said act.

Beg to report the same without recommendation.

Very respectfully,

H. H. BUCKMAN,
Chairman.

And Senate Bill No. 124, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber.

Tallahassee, Fla., April 26, 1907.

Hon. W. Hunt Harris,

President of the Senate.

Sir:

Your Committee on Judiciary, to whom was referred—
House Bill No. 58:

A bill to be entitled an act to fix a penalty and other liabilities upon any telegraph company owning or operating a telegraph line or lines wholly or partly in this State engaged in the transmission of messages, for a consideration, for the refusal of such company, its agents or employees to receive any message tendered to it or to any of its agents or employees, together with the usual charges for the transmission of such messages at any office or place where such messages are usually received for transmission, during the usual hours in which messages are received at said office or place for transmission to the destination to which the message so refused is addressed, and to prescribe a rule of evidence in actions to recover same, beg to advise that they have carefully considered said bill, and recommend that it do pass with the following amendments:

Committee Amendment No. 1—In line 3 of the title of the bill strike out the word "of" and insert in lieu thereof the word "or."

Committee Amendment No. 2—In Section 1, line 9, after the word "addressed" and before the word "together"
S—38.

insert the words "provided such destination is a place to which messages are usually transmitted."

Committee Amendment No. 3—In Section 1, line 10, after the word "sender" and before the word "of" insert the words "and addressed."

Committee Amendment No. 4—In Section 1, beginning in line 14, strike out the words "including such damages as the jury, or the court in the event a jury shall be waived, may award for mental suffering."

Committee Amendment No. 5—Strike out all of Section 2.

Committee Amendment No. 6—Make Section 3 read "Section 2."

Very respectfully,

H. H. BUCKMAN,
Chairman.

And House Bill No. 58, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber.

Tallahassee, Fla., April 26, 1907.

Hon. W. Hunt Harris,
President of the Senate.

Sir:

Your Committee on Judiciary, to whom was referred—
Senate Bill No. 56:

A bill to be entitled an act to fix a penalty and other liabilities upon any telegraph company owning or operating a telegraph line or lines wholly or partly in this State engaged in the transmission of messages for a consideration, for the refusal of such company, its agents and employees to receive any message tendered to it or to any of its agents or employees, together with the usual charges for the transmission of such messages at any office or place where such messages are usually received for transmission, during the usual hours in which messages are received at said office or place for transmission to the destination to which the message so refused is addressed, and to prescribe a rule of evidence in actions to recover same.

Beg to recommend that same do not pass, for the reason that this committee has recommended the passage of House Bill No. 58, as amended, covering the same subject matter.

Very respectfully,

H. H. BUCKMAN,
Chairman.

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

Senate Chamber.

Tallahassee, Fla., April 26, 1907.

Hon. W. Hunt Harris,
President of the Senate.

Sir:

Your Committee on Judiciary, to whom was referred—
House Bill No. 56:

A bill to be entitled an act to fix a penalty and other liabilities upon any telegraph company owning or operating a telegraph line or lines wholly or partly in this State, and engaged in the transmission of messages, for a consideration, for the negligent failure immediately to transmit and deliver to the addressee any message received by it or by any of its agents or employees for transmission, and to fix a rule of evidence in actions to recover same.

Beg to advise that they have carefully considered said bill and recommend that it do pass with the following amendments:

Committee Amendment No. 1—Strike out the word “immediately” wherever it appears in the title and body of the bill, and insert in lieu thereof wherever so stricken out, the word “promptly.”

Committee Amendment No. 2—In Section 1, beginning in line 11, after the word “aforesaid” strike out the words “including such damages as the jury, or the court in the event a jury shall be waived, may award for mental suffering.”

Committee Amendment No. 3—Strike out all of Section 3 of said bill, and insert in lieu thereof the following: “Section 3. The provisions of this act, relative to the delivery of messages, shall apply only to deliveries in incorporated cities and towns.”

Very respectfully,

H. H. BUCKMAN,
Chairman.

And House Bill No. 56, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber.

Tallahassee, Fla., April 26, 1907.

Hon. W. Hunt Harris,

President of the Senate.

Sir:

Your Committee on Judiciary, to whom was referred—
Senate Bill No. 55:

A bill to be entitled an act to fix a penalty and other liabilities upon any telegraph company owning or operating a telegraph line or lines wholly or partly in this State and engaged in the transmission of messages, for a consideration, for the negligent failure immediately to transmit and deliver to the addressee any message received by it or by any of its agents or employees for transmission, and to fix a rule of evidence in actions to recover same.

Beg to recommend that said bill do not pass, for the reason that this committee has recommended the passage of House Bill No. 56, as amended, covering the same subject matter.

Very respectfully,

H. H. BUCKMAN,

Chairman.

And Senate Bill No. 55 was placed on the Calendar of Bills on Second Reading.

Mr. Neel, Chairman of the Committee on State Affairs, submitted the following report:

Hon. W. Hunt Harris,

President of the Senate.

Sir:

Your Committee on State Affairs, to whom was referred—

Senate Bill No. 166:

A bill to be entitled an act in aid and furtherance of the objects of the Florida Historical Society.

Have had the same under consideration and report same without recommendation.

Very respectfully,

JOHN NEEL,
Chairman of Committee.

And Senate Bill No. 166, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Neel, Chairman of the Committee on State Affairs, submitted the following report:

Senate Chamber,

Hon. W. Hunt Harris,

President of the Senate.

Sir:

Your Committee on State Affairs, to whom was referred—

Senate Bill No. 191:

A bill to be entitled an act to establish a Department of Archives and History for the State of Florida; to prescribe its functions and duties, and to provide for its maintenance.

Have had the same under consideration and report same without recommendation.

Very respectfully,

JOHN NEEL,
Chairman of Committee.

And Senate Bill No. 191, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,

Tallahassee, Fla., April 25, 1907.

Hon. W. Hunt Harris,

President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred:

Senate Bill No. 760:

A bill to be entitled an act to amend Section 1010 of

the General Statutes of the State of Florida, relative to qualification of electors in cities and towns.

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

Very respectfully,

FRANK ADAMS,
Chairman Committee on Engrossed Bills.

And Senate Bill No. 760, contained in the above report, was placed in its order on the Calendar of Bills on Third Reading.

Mr. Crews moved that House Bill No. 89 be taken up out of its order and be now considered.

Which was agreed to by a two-thirds vote.

And House Bill No. 89 was read the second time in full.

Mr. Crews moved that House Bill No. 89 be indefinitely postponed.

Which was agreed to.

And House Bill No. 89 was indefinitely postponed.

The President announced that Mr. Hudson was excused from serving on the committee to visit the Hospital for the Insane at Chattahoochee.

Senate Bill No. 112:

A bill to be entitled an act to amend Section 1571 of the General Statutes of the State of Florida, relating to the selection of jurors.

Was taken up and read the second time in full.

Under the rule the bill was advanced to the Calendar of Bills on Third Reading without being referred to the Engrossing Committee.

Mr. Willis moved that 200 copies of Senate Bill No. 46 be printed and made a special order for next Tuesday at 11 o'clock a. m.

Which was agreed to.

And so ordered.

Senate Bill No. 97:

A bill to be entitled an act to prescribe the terms and conditions upon which foreign corporations for profit may transact business, or acquire, hold, or dispose of property in this State.

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

The following committee amendment was read:

In the last line of Section 5 strike out the word "adequate" and insert in lieu thereof the word "additional."

Mr. Massey moved the adoption of the committee amendment.

Which was agreed to.

And the amendment was adopted.

The following committee amendment was read:

At the end of Section 5 add the words: "as well as to all other foreign corporations except those which are excepted by its terms from the operation of this act."

Mr. Massey moved the adoption of the committee amendment.

Which was agreed to.

And Senate Bill No. 97 as amended was ordered referred to the Committee on Engrossed Bills.

Mr. Humphries moved that Senate Bill No. 236 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 236:

A bill to be entitled an act to establish, organize and constitute a municipality in DeSoto County, Florida, to be known and designated as the town of Bowling Green, and to define the territorial boundary, and to provide for its jurisdiction, powers and privileges.

Was taken up.

Mr. Humphries moved that the rules be waived and that Senate Bill No. 236 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 236 was read a second time by its title only.

Mr. Humphries moved that the rules be further waived and that Senate Bill No. 236 be read a third time and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 236 was read a third time in full.

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

Yeas—Mr. President, Senators Adams, Alford, Baker, Beard, Buckman, Canova, Clark, Cottrell, Crews, Girardeau, Henderson, Hudson, Humphries, Jackson, McCreary,

Massey, Sams, Trammell, Willis, Withers, West (4th),
Zim—23.

Nays—None.

So the bill passed, the title as stated.

Senate Bill No. 137:

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

Was taken up.

Mr. Zim requested that Senate Bill No. 137 be recom-
mitted to the Committee on Judiciary.

By Mr. Alford—

Senate Bill No. 152:

A bill to be entitled an act to amend Chapter 5399,
Section 5, of the Laws of Florida, the same being an act
defining the duties of the several State Attorneys of this
State, and fixing their salaries.

Which was taken up.

Mr. Clark moved that Senate Bill No. 152 be indefinitely
postponed.

Upon the motion to indefinitely postpone Senate Bill
No. 152, the yea and nay vote was demanded.

Upon call of the roll the vote was:

Yeas—Senators Beard, Canova, Clarke, Humphries,
Sams, Willis, Withers—7.

Nays—Mr. President, Senators Adams, Alford, Cottrell,
Crews, Girardeau, Henderson, Hudson, Jackson, Mc-
Creary, Massey, West (4th), Zim—13.

So the motion to indefinitely postpone Senate Bill No.
152 did not prevail.

And the bill was advanced to its third reading.

Senate Bill No. 150:

A bill to be entitled an act to prohibit the sale, barter
or giving away of cigarettes or cigarette material in this
State, and prescribing penalties for the violation thereof.

Was taken up and read a second time in full.

Under the rule the bill was advanced to the Calendar of
Bills on Third Reading without being referred to the En-
grossing Committee.

A MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read,
ordered spread on the Journal, and referred to the Com-
mittee on Drainage and Reclamation.

Executive Office,
Tallahassee, Fla., April 27, 1907.

Hon. Eugene S. Mathews,

*Speaker of the House of Representatives,
Tallahassee, Florida.*

Dear Sir:

During the early days of the present session of the Legislature, I had the honor of transmitting a report of the Board of Drainage Commissioners, by special message, to your honorable body, which report contained much data relating to the proceedings of the Board of Drainage Commissioners in their efforts to carry into effect the provisions of Chapter 5373, Laws of Florida, enacted by the Legislature of 1905. The report also gave, in detail, the status of the suits filed in the Circuit Court of the United States by certain corporations, therein fully set forth, to enjoin the collection of the Acreage Tax levied in pursuance and by virtue of the provisions of Chapter 5377, Laws of Florida.

In the Special Message referred to, attention was called to the final hearing of the suit of The Southern States Land and Timber Company against the Board of Drainage Commissioners, and the other suits considered therewith under stipulation of counsel, adding that upon the determination of said cause the result thereof would be communicated to your honorable body.

It will be observed by the report of counsel for the Board of Drainage Commissioners, made a part of the Board's report transmitted herewith, that the cause was determined upon constitutional questions; that the court expressed the view, the soundness of which cannot be doubted, that the Legislature has absolute power over the subject of taxation; that the special assessment is within the taxing power of the Legislature, and that the Legislature has the power of enacting a law defining the Drainage District, levying the tax, determining the class of lands that shall be so assessed without notice to the land owners, or the public, if it so desires to do. If, on the other hand, the Legislature desires to delegate the power to establish districts, levy the tax, determine the lands upon which the tax will be levied, and the purpose to which the proceeds of the tax is to be applied, then, and in that event, the land owners to be

taxed or affected by such assessment, are entitled to notice, which notice should be affirmatively expressed in the law; otherwise, the "due process of law" provision of the Federal Constitution would be violated and the law held to be unconstitutional.

You will find a fuller discussion on this point in the report of counsel accompanying the report of the Board of Drainage Commissioners transmitted herewith.

My message submitted to the Legislature of 1905 on this subject is easily accessible to the Members of your honorable body.

The principles discussed therein are, in my opinion, still deserving of the most patriotic consideration. This is not a new subject, but one of the great questions considered by the foremost statesmen of the nation, and of Florida, more than a half century ago. It was through this superior statesmanship and unselfish patriotism that Senator Westcott and his associates procured the patenting to Florida of upwards of twenty million acres of our territory, which efforts began prior to the admission of this State into the Union. It does not appear that any one could question the purpose for which this large domain was granted to Florida.

The history of the grant is easily accessible and positive in expression. Senator Westcott embodied the patriotism and sentiment of the best thought of his day in his efforts on this subject. Many of them appear in the bills introduced in the Congress of the United States by him.

Senate Bill No. 242, reported by the Committee on Public Lands without amendment with recommendation that "it do pass," filed in the Senate of the United States on August 12th, 1848, provides, among other things, "that there be, and hereby is, granted to the State of Florida, and its assignees, all of the lands, lakes and water courses, with the appurtenances, situate in said State and south of a line running due east from the Gulf of Mexico to the Atlantic Ocean, being the line dividing townships 36 and 37 south in said State, upon the following conditions to be accepted by said State, by Act of the Legislature thereof, or this grant to be void. viz.:

"1st. The said State shall, on or before the 1st day of January, 1851, cause to be commenced, under the direction of a competent engineer, to be appointed under au-

thority of a law of said State, the construction of drains and canals, to be sufficient, if practicable, for draining the Everglades aforesaid, and for reclaiming the subaqueous land thereof, and for decreasing the waters of Lake Okeechobee, and draining and reclaiming the swamps and low lands contiguous thereto, within said boundaries; and drains and canals for draining and reclaiming the swamps and low lands between the Everglades, and between said Lake and the Atlantic and Gulf coasts and the coasts of the Straits of Florida, and so that, if practicable, a communication may be made by such canals, for vessels, between the Gulf and the Atlantic waters; and said State shall cause said works to be completed and finished within ten years from the time the same shall be commenced as aforesaid."

"2d. That said State shall not sell, alien, transfer, pledge or mortgage, or otherwise dispose of said lands, or any part thereof, or any of the rights or privileges derived from this grant, except to effect the full and faithful fulfilment of said condition above stated; and the entire avails and proceeds of any disposition thereof, or any part thereof, made by said State, shall be exclusively and sacredly appropriated to the completion of said work."

Thus it will be seen that Florida was among the first, if not the first, to invite the attention of the nation to the necessity of the drainage and reclamation of the swamp and overflowed lands then vested in the United States by virtue of the several treaties under which the title to lands was vested in the sovereignty of the Federal Government.

Later, in 1849, the first grant was made to the State of Louisiana under the title of "An Act to aid the State of Louisiana in draining the swamp lands therein," which was approved by the President March 2nd, 1849.

Later, Senate Bill No. 3, being entitled "An act to grant to the State of Arkansas the public lands remaining unsold on account of overflow in that State," was referred to the Committee on Public Lands of the Senate of the United States, which gave much scope to its investigations and considerations, which resulted in a report approving the principle and purpose of the Louisiana law, approved March 2nd, 1849, making the bills on this subject conform, not only in principle and substance,

but likewise in phraseology as far as applicable to the Act of Louisiana, and in that form recommended its passage.

The Committee submitted with its report a statement by land districts of the twelve States in which swamp and overflowed lands were found to be situated, viz., Ohio, Indiana, Illinois, Missouri, Alabama, Mississippi, Louisiana, Michigan, Arkansas, Wisconsin, Iowa and Florida.

Under the recommendation of this Committee it appears that the Arkansas act was amended and made applicable to all of the swamp lands, wet and unfit for cultivation, in these various States, at the passage of said act "subject to disposal of the Legislature thereof; provided, however, that the proceeds of said lands whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid." This act was accepted by the Legislature of the State of Florida with all of its conditions and provisions during the Session of the Legislature of 1851. The service rendered them by those burdened with the affairs of Government was of the greatest importance and the efforts of the loftiest patriotism. With what our State has done under this law, you are familiar. What remains to be done is a task of wonderful magnitude with possibilities immeasurable. The burden is upon you; the task is yours. Are you going to accept it, or shall the pages of history record your failure to solve this problem, and leave this vast territory, where no human being, civilized or savage, inhabits the secluded interior thereof, in its present condition?

I have suggested that the result of even partial success, with the hopes indulged in, would not only be beneficial to the lands lying in the immediate vicinity of Lake Okeechobee within the present drainage district, but that in my judgment it would be highly beneficial to the entire State of Florida, its future development, citizenship and prosperity.

Eminent statesmen and philosophers have, in estimating the service of individuals to the country, advanced the opinion that "he who causes two sheaves of wheat to grow where one only grew, better deserves the thanks of his race than the author, the legislator or the victorious

general." The degree of merit awarded by them to the particular act first specified may be extravagant, but no one of sound moral judgment will, it is presumed, deny that the increase of the agricultural resources and the promotion of the agricultural interests of the people already politically free is the very highest service that can be rendered them, and must be conducive to the preservation of their independence, prosperity and happiness. The citizen, whether in executive or legislative station, or without either, who succeeds in making fit for cultivation, even if but partially, a region equal in extent to either of the three smallest States of this Government, now as useless as the deserts of Africa, will earn a rich meed of praise from the people of Florida, and of the Union. The Everglades are now suitable only for the haunt of noxious vermin, or the resort of pestilent reptiles. The statesman whose exertions shall cause the millions of acres they contain, now worse than worthless, to teem with the products of agricultural industry; to be changed into a garden in which can be reared many and various exotics and flowers of most exquisite beauty; who thus adds to the resources and wealth and independence of his country, who contributes by such means to the comforts of his fellow men, will merit a high place in public favor, not only with his own generation, but with posterity. He will have created a State. Buckingham Smith, in his report on this subject, expresses this view, in which I share, that he felt to be connected with the inception of a measure which, if carried out properly, will probably produce such results; to be identified, even in a secondary position, with the commencement of an undertaking that must be so eminently beneficial to my country, is a privilege of no mean consideration.

You have been advised by the report of counsel for the Board that all of the acts and proceedings by said Board under Chapter 5377 have been regular and effective; that amendments to the present law, making the law more definite in two or three particulars, will cure the defects found by the court, making it a Constitutional law, under which the work of drainage and reclamation of the swamp and overflowed lands may be continued.

The Trustees of the I. I. Fund have two powerful

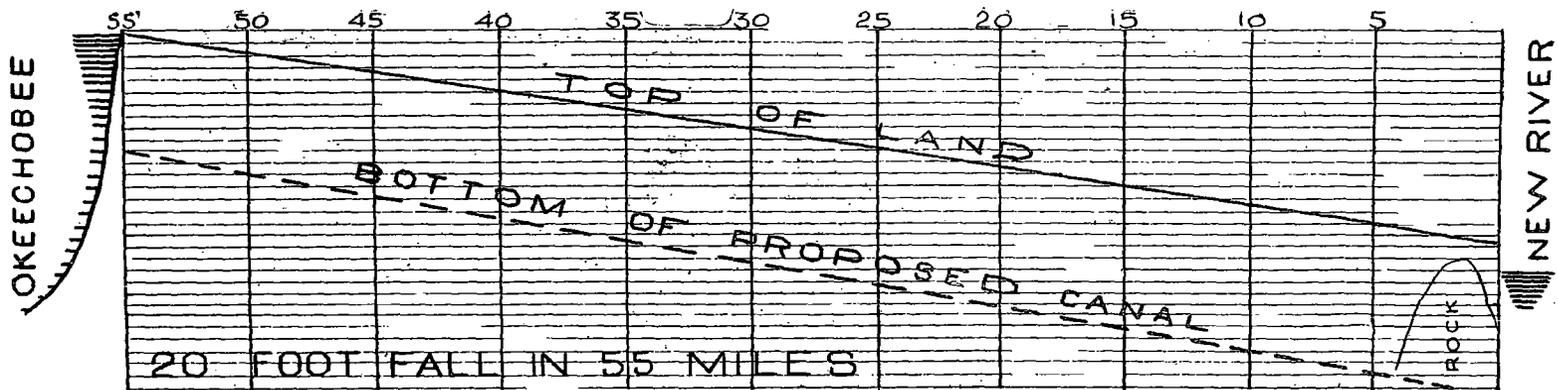
dredges digging a canal from New River to Lake Okeechobee, the course and levels of which are shown on profile No. 1, on opposite page.

But it is very important to a large proportion of the people living in Lee County, and in fact in the counties of Dade and DeSoto, that the canal leading out of the southwest corner of Lake Okeechobee be deepened to ten feet, with a gradual gradient on its bed intersecting the Caloosahatchee River at Ft. Thompson, and deepening that river to a point near Ft. Denaud, as per profile No. 2, on opposite page, showing profile and levels from the Gulf of Mexico via Caloosahatchee River and Lake Okeechobee to Lake Worth on the Atlantic Ocean.

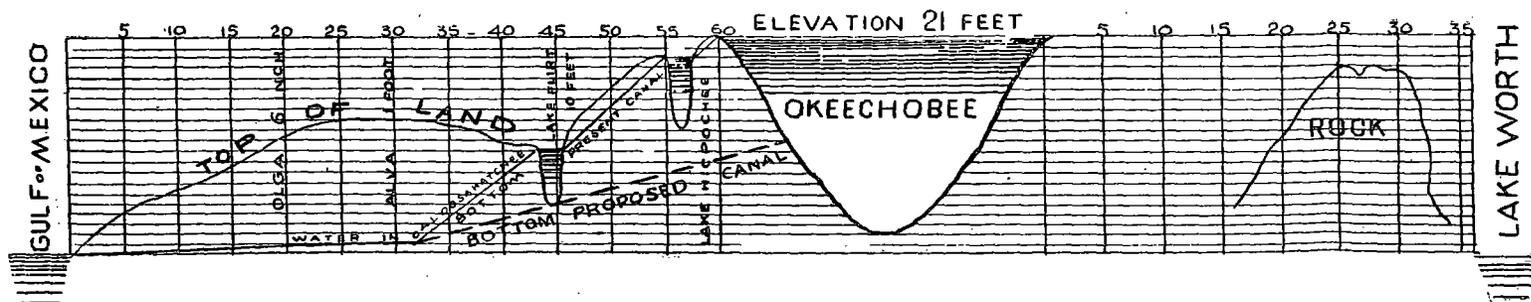
And I urge the Legislature to so amend the present drainage law as to make it practicable for the Board of Drainage Commissioners, created by the last Legislature, to get funds to construct two dredges, and immediately make the improvement suggested, from Ft. Denaud, on the Caloosahatchee River, to Lake Okeechobee, which, when completed, would immediately reclaim as much land as is now under cultivation in the entire State, besides saving the people in the three counties above referred to from a yearly damage of from \$300,000 to \$500,000. Especially is it important that this should be done; for at this time, when foreign corporations are procuring from the United States courts injunctions to prevent State officials from performing duties imposed upon them by acts of the Legislature, it is very desirable to have the validity and effect of such Legislative acts decided by our own State courts. But any proceeding that would require the Trustees of the Internal Improvement Fund to abandon any of the trusts imposed upon them, or that would require the State or the Trustees to disclaim any right or interest in the \$250,000 in money and the 2,638, 642.40 acres of land now in the fund, and to divide the money and the lands among the foreign corporations claiming all of such money and lands, cannot be in the interest of the people of the State.

Even if the claims under land grants, being asserted against the Trustees of the Internal Improvement Fund, for the swamp and overflowed lands and money now in the custody of the Trustees, are of any validity, they are subject to the express condition on which alone the lands were asked for and granted to the State; and by the sta-

Profile No. 1.



Profile No. 2.



tutes under which the claims are asserted the grants of lands are expressly made subordinate to the trusts impressed upon the lands by the statute that irrevocably vested the title to the lands in the Trustees of the Internal Improvement Fund for the uses and purposes stated in the act.

A review of the laws and of the decision of the Supreme Court of Florida relating to these swamp and overflowed lands, and the trusts impressed upon them by the act of Congress granting them and by the acts of the Legislature of Florida in disposing of them, will be useful in considering this subject.

By referring to the Records in the Office of the Secretary of State, you will find a letter dated December 11, 1845, written by Governor W. D. Mosely of this State, communicating to the President of the United States and our delegation in Congress and the Commissioner General of the Land Office, a resolution requesting the general Government to survey and drain the Florida Everglades. This resolution being Resolution No. 1, the first introduced into the Legislature of Florida after Florida became a State, which letter and resolution read as follows:

FLORIDA LEGISLATURE'S RESOLUTION SUBMITTED TO PRESIDENT POLK SIXTY YEARS AGO.

(Copy).

Executive Office,
Capitol, Tallahassee, December 11, 1845.

Sir:

Agreeably to a resolution adopted by the General Assembly of this State, at its present session, I have the honor to herewith transmit to you a certified copy of a preamble and resolution relative to the Everglades of Florida, to which your attention is earnestly solicited.

I have the honor to be, etc.,

W. D. MOSELY,
Governor of Florida.

His Excellency,
James K. Polk, President United States;
James D. Westcott, Senator United States;
David Levy, Senator United States, and
James Shields, Commissioner General Land Office.

Whereas, There is a vast and extensive region, commonly termed the Everglades, in the southern section of this State, embracing no inconsiderable portion of this entire peninsula, which has been hitherto regarded as wholly valueless in consequence of being covered by water at stated periods of the year, and the supposed impracticability of draining; and,

Whereas, Recent information, derived from the most respectable sources, has induced the belief, which is daily strengthening, that these opinions are without foundation, and, on the contrary, that at a comparatively small expense, the aforesaid region can be entirely reclaimed, thus opening to the habitation of man an immense and hitherto unexplored domain, perhaps not surpassed in fertility and every natural advantage by any other on the globe; and,

Whereas, It is no less the interest of the General Government than of Florida with its vast domain of unlocated land, to adopt some early and efficient measure to test the accuracy of these representations.

Be it therefore resolved by the Senate and House of Representatives of the State of Florida, in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested, to bring this important subject to the attention of Congress at the earliest day, and earnestly press upon its consideration the propriety and policy of forthwith appointing competent engineers to examine and survey the aforesaid region.

Resolved, That immediately upon their passage and approval His excellency, the Governor, be requested to transmit to the persons above named, to the Commissioner of the General Land Office, and to the President of the United States, certified copies of the foregoing preamble and resolution, and to communicate with the latter officer, and furnish him with all the information in his possession in reference to a subject of deep interest to the General Government as well as to our own.

(Adopted by Senate, December 2, 1845. Adopted by House of Representatives, December 4, 1845. Approved by the Governor, December 10, 1845.)

By referring to the Congressional Record of the United States of 1847, we find that Senator Breeze, of Iowa, Chair-

man on Public Lands of the United States Senate, reported that the Everglades of Florida were not susceptible of being surveyed and subdivided. Resolution No. 14, found in the Acts of 1847 and 1848 of Florida, employs the language of Senator Breeze in his report to the Senate of the United States, and shows that the action of our Legislature was taken as a consequence of the report of Senator Breeze.

Resolution No. 14 is as follows:

RESOLUTION IN RELATION TO DRAINING THE EVERGLADES.

(No. 14.)

Whereas, Large tracts of the public lands lying in the vicinity of Lake Okeechobee, and in that region south of said lake called "the Everglades," being covered with water, are incapable of being surveyed and sub-divided, and are therefore valueless to the United States; and

Whereas, It is believed that a large portion of said lands may be drained by canals, reclaimed, and made valuable for the cultivation of tropical fruits and plants; and

Whereas, It is believed that these lands, if reclaimed, would not only remunerate this State for the expense of such reclamations, but would yield a considerable surplus above such expense; therefore,

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly Convened, That Congress be requested to grant to this State all of said lands lying south of Caloosahatchee river and of the northern shore of Lake Okeechobee, and between the Gulf of Mexico and the Atlantic Ocean, on condition that the State will drain them and apply the proceeds of the sale thereof, after defraying the expense of draining, to purposes of education.

(Passed by the Senate December 30, 1847. Passed by the House of Representatives Jan. 6, 1848. Approved by the Governor Jan. 6, 1848.)

In August, following the adoption of this resolution by the Legislature of Florida, there was introduced in the United States Senate by Senator Westcott; Senate Bill 242, reported by the Committee on Public Lands and without amendment, with recommendation that "it do pass," which provided among other things, as follows: "That

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there be, and hereby is, granted to the State of Florida, and its assignees, all of the lands, lakes and water courses, with the appurtenances, situate in said State and south of a line running due east from the Gulf of Mexico to the Atlantic Ocean, being the line dividing townships 36 and 37 south in said State, upon the following conditions to be accepted by said State, by Act of the Legislature thereof, or this grant to be void, viz.:

“First. The said State shall, on or before the 1st day of January, 1851, cause to be commenced, under the direction of a competent engineer, to be appointed under authority of a law of said State, the construction of drains and canals, to be sufficient, if practicable, for draining the Everglades aforesaid, and for reclaiming the subaqueous land thereof, and for decreasing the waters of Lake Okeechobee, and draining and reclaiming the swamps and low lands contiguous thereto, within said boundaries; and drains and canals for draining and reclaiming the swamp and low lands between the Everglades and between said lake and the Atlantic and Gulf Coasts and the Coasts of the Straits of Florida, and so that, if practicable, a communication may be made by such canals, for vessels, between the Gulf and the Atlantic waters; and said State shall cause said works to be completed and finished within ten years from the time the same shall be commenced as aforesaid.

“Second. That said State shall not sell, alien, transfer, pledge or mortgage, or otherwise dispose of said lands, or any part thereof, or any of the rights or privileges derived from this grant, except to effect the full and faithful fulfillment of said condition above stated; and the entire avails and proceeds of any disposition thereof, or any part thereof, made by said State, shall be exclusively and sacredly appropriated to the completion of said work.” and providing in the bill the following condition: “On condition that the State will drain them and apply the proceeds of the sale thereof, after defraying the expense of draining, to purposes of education.”

By an act of Congress, approved September 28, 1850, it is provided: “That to enable the State * * * to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands, made unfit thereby for cul-

tivation, which shall remain unsold at the passage of this Act, shall be, and the same are hereby granted to said State." "That * * * a patent be issued to the State therefor; and on that patent, the fee simple to said lands shall vest in the said State * * * subject to the disposal of the Legislature thereof; Provided, however, That the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied, exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid."

Under this grant, the State has received 20,152,018.44 acres of land, the same being much more than one-half of the entire acreage of the State of Florida, the total area of the State being 37,931,530 acres, which includes both land and water surface. The report of the Commissioner of Agriculture of the State of Florida, dated January 1, 1907, shows that 20,152,018.44 acres of swamp and overflowed lands have been received by the State from the United States, and that only 2,638,642.40 acres are left to the State, while 17,513,376.04 have been disposed of.

The Legislature of Florida, by Chapter 610, Laws of Florida, approved January 6, 1855, enacted that "all the swamp land or lands subject to overflow, granted to this State by an Act of Congress, approved September 28, A. D. 1850, together with all the proceeds that have accrued or may hereafter accrue to the State from the sale of such lands, are set apart and declared a distinct and separate fund, called the Internal Improvement Fund of the State of Florida, and are to be strictly applied according to the provisions of this Chapter." "For the purpose of assuring a proper application of said fund for the purpose herein declared, said lands and all the funds arising from the sale thereof, after paying the necessary expenses of selection, management and sale, are irrevocably vested in five trustees, to-wit: In the Governor of the State, the Comptroller, the State Treasurer, the Attorney General and the Commissioner of Agriculture, and their successors in office, to hold the same in trust for the uses and purposes hereinafter provided, with the power to sell and transfer said lands." "The Trustees of the Internal Improvement Fund shall * * * make such arrangements for the drainage of the swamp or overflowed lands as in their judgment may be most advantageous to the Internal Improvement Fund, and the settlement and cul-

tivation of the land." These provisions have not been repealed, but they are to be found in Sections 428, 429 and 432 of the Revised Statutes of Florida of 1892 and in Sections 616, 617 and 620 of the General Statutes of the State of Florida of 1906.

The Supreme Court of Florida, in the case of Trustees vs. St. Johns Ry., 16 Fla., 531, defined the uses and purposes of the Act to be: (1) To aid in the construction of certain lines of railroad and canals mentioned in the Act; and (2) drainage of the swamp or overflowed lands.

The Supreme Court of Florida in the case of Trustees v. Gleason, 15 Fla., 384, also decided that "it is the duty of the Trustees of the Internal Improvement Fund to make such arrangements for the drainage of the swamp and overflowed lands as will be most advantageous to the fund."

Under the express provision of the Act of Congress granting the swamp and overflowed lands to the State, above quoted, "that the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied, exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid," and in obedience to the command of the Act of the Florida Legislature quoted above, creating the Internal Improvement Fund and imposing upon the Trustees the duty to "make such arrangements for the drainage of the swamp or overflowed lands as in their judgment may be most advantageous to the Internal Improvement Fund, and the settlement and cultivation of the land," the Trustees have from time to time made contracts with various persons and corporations for the drainage of such lands belonging to the fund as will be seen by reference to the printed Minutes of the Trustees, as follows: Vol....., pages; Vol....., pages; Vol....., pages

The last of these contracts was made June 29, 1898; and, though extended to December, 1902, nothing was accomplished by it. See printed Minutes, Vol. 5, page 32.

The validity of these drainage contracts has never been questioned, and several millions of acres of land have been conveyed under them.

The experience of the past has demonstrated the futility of drainage contracts to effect any practical results

beneficial to the fund or to the State. Approximately all the lands belonging to the fund are now overflowed and unfit for cultivation.

The statute above quoted, Section 620, General Statutes of 1906, requires the Trustees of the Internal Improvement Fund, under their oaths of office, to "make such arrangement for the drainage of swamp and overflowed lands, *as in their judgment may be most advantageous* to the Internal Improvement Fund, and the settlement and cultivation of the land." In obedience to this statute the Trustees sold some of the swamp and overflowed lands, and with the proceeds thereof good progress is being made with drainage operations, under the control of the Trustees.

The trust to drain the swamp and overflowed lands is a primary trust impressed upon the fund for the benefit of the State. Until all the trusts are concluded by performance or otherwise, the claims that are subordinate to the trusts must be postponed under the law.

The printed minutes of the Trustees, Vol. 5, pages 86, 249, show that a demand has been made for the payment by the Trustees of a large amount of bonds issued under the original Act of 1855. The Trustees have not recognized any obligation to pay the bonds.

Various railroad companies are claiming, under Legislative grants, about 7,000,000 acres of the swamp and overflowed lands.

In the case of *Wade v. Atlantic Lumber Co.*, taken to the Supreme Court of Florida, where the validity of the sale and conveyance of lands by the Trustees as against a Legislative land grant to a railroad company was litigated, counsel for the Trustees contended that the grant was void because the Act embraced more than one subject and matter properly connected therewith in violation of the Constitution of the State, and also contended that the Legislative grant, if valid, was subordinate to the trust to drain, which had not been performed. The Supreme Court held the land grant to be void, thus saving about a half-million acres of land to the fund. 51 Fla., 628, 4 South. Rep. 72.

All the other statutes making grants of lands to railroad companies involve the same and other serious and far-reaching constitutional and legal questions, which should be settled by our own courts. The railroad cor-

porations, however, have brought suits against the Trustees in the courts of the United States to construe the Statutes and Constitution of Florida, under which they are claiming several million acres of land that were granted to the State for drainage purposes.

Chapter 5245, Acts of 1903, provides that all moneys and lands in the Internal Improvement Fund, after payment of *all legal obligations against the said moneys and lands*, shall be placed to the credit of the several counties of the State for the purpose of constructing hard roads.

It is obvious that the counties can receive nothing under this act if the Legislative grants of lands to railroads, amounting to about 7,000,000 acres, are valid, as there are less than 3,000,000 acres of land in the fund. If the United States courts compel the Trustees to convey to the railroads the lands now in litigation, there will be no lands left for the performance of the primary trust to drain and reclaim the swamp and overflowed lands and the counties can get nothing for the construction of roads.

The Constitution of 1868, Section 4 of Article 8, and the Constitution of 1885, Section 4 of Article 12, provide that "twenty-five per cent of the sales of public lands which are now or may hereafter be owned by the State" shall go into the State School Fund. It does not appear that any part of the sales or other dispositions of the swamp and overflowed lands have ever been paid into or credited to the State School Fund, and the above quoted Constitutional provision may furnish a claim against the lands.

While the statute remains in force which expressly provides "that the Trustees of the Internal Improvement Fund shall * * * make such arrangements for the drainage of the swamp and overflowed lands, as *in their judgment* may be most advantageous to the Internal Improvement Fund, and the settlement and cultivation of the land," the Trustees can not avoid proceeding "as in their judgment may be" proper under the statute, without being guilty of a breach of official duty and of a violation of their oaths of office.

If the suits against the Trustees are to be defended, counsel must be employed to cope with the numerous and very able counsel employed by the corporations

bringing the suits. The costs of all expenses connected with the fund are paid from the moneys belonging to the fund. No money derived from taxation or any other source can be used or is being used by the Trustees in the discharge of the duties imposed upon them by law.

If the trusts and the suits are abandoned, the State will lose all control and benefit of an immense fund, given to her for improvements and education. The fund originally consisted of more than half the entire area of the State, but it is now practically all gone with little benefit to the people.

Respectfully submitted,

N. B. BROWARD,

Governor.

Executive Office,

Tallahassee, Florida, April 22, 1907.

Hon. Eugene S. Matthews,

Tallahassee, Florida.

Dear Sir:

The Board of Drainage Commissioners of the State of Florida have the honor to report to your honorable body that certain of the suits pending in the United States Circuit Court, in and for the Southern District of Florida, instituted on behalf of the Southern States Land and Timber Company, claiming to own 1,070,257.20 acres; the Empire Land Company, claiming to own 743,251.28 acres; the Mississippi Valley Realty Company, claiming to own 187,201.02 acres; the Consolidated Land Company, claiming to own 806,958.60 acres; Frank Q. Brown, Trustee, claiming 102,933.15 acres, and the Florida Cypress Company claiming 83,840 acres—in the aggregate approximating three million (3,000,000) acres—to enjoin the collection of the acreage tax levied under the provisions of Chapter 5377, Laws of Florida, were submitted for final hearing before the Hon. James W. Locke, Judge of said Court, at Jacksonville, on the 5th and 6th instant, testimony having been taken at great length in the case of the Southern States Land and Timber Company, which testimony was made applicable to the other cases herein referred to as far as practicable by stipulation of counsel for the respective parties; and on the 12th instant Judge Locke rendered a decision per-

petuating the injunction heretofore granted in said cause, perpetually enjoining the collection of any of the said acreage tax so levied upon the lands of the complainants above referred to.

Upon notice of the rendition of the said decree, counsel for the Board of Drainage Commissioners appeared in open court and made application for sixty days' time in which to present a petition for re-hearing, or file assignments in error, for the purpose of perfecting an appeal, which the court granted. Thus giving your honorable body sufficient time to consider the matter of amending the law in the particulars found by the Judge to be ineffectual on constitutional grounds under the "due process of law" provision of the Federal Constitution, which is referred to in the report of counsel for the board, together with other matters relating to the decision and expressed views of Judge Locke, the status of the cause as viewed by counsel, together with recommendations of counsel as to the amendments of the law essential under the ruling of the Court as to the constitutionality and validity of said act. A copy of which opinion is submitted herewith, to which your attention is invited.

All of which is respectfully submitted.

N. B. BROWARD,

President of the Board of Drainage Commissioners.

Jacksonville, Fla., April 17, 1907.

Hon. Board of Drainage Commissioners,

Tallahassee, Florida.

Gentlemen:

The Southern States Land and Timber Company case and the other cases considered with it under stipulation of counsel, so far as the testimony in the cases was concerned, against the Board of Drainage Commissioners and certain Tax Collectors, instituted in the Circuit Court of the United States, in and for the Southern District of Florida, to enjoin and cancel the acreage tax levied on certain lands therein particularly described under the provisions of Chapter 5377, Laws of Florida, was submitted on final hearing to Judge Locke by counsel for respective parties, the testimony having been concluded and filed during the 5th and 6th instant.

On the 12th instant Judge Locke rendered a decision perpetuating the injunction heretofore granted in said cause. He did not file an opinion. This, under the rules of practice, would entitle the defendants to an appeal to the Circuit Court of Appeals, under the law governing appeals from decrees granting, continuing, refusing to dissolve or to dissolve an injunction, and upon such an appeal, if the record before the appellate court is such that thereby the merits of the controversy are presented to the appellate court, then the appellate court may decide the controversy upon the merits and not limited to a consideration of the order made in issuing an injunction. (Shira's Equality Practice, page 120, Smith vs. Vulcan Iron Works, 165 U. S. 518.)

Judge Locke explained that he found it impossible to prepare an opinion in the case covering the merits on account of the pressure of term work, without delaying a decision unnecessarily, and for this reason, having arrived at a conclusion sufficient to base a decision upon covering the merits sufficient, in his judgment, to require the perpetuating of the injunction, and on account of the public importance of the matter, he thought it best to issue an order, as stated.

Upon notice of the rendition of this decree, I appeared in open court and asked for sufficient time to file a petition for re-hearing or to take an appeal in said cause and to permit the Legislature now in session to consider the question of amending the present law found to be defective by the Court, which was readily granted for sixty (60) days.

The effect of this order of the Court allowing sixty days in which to perfect an appeal or to file a petition for rehearing, is that this Court retains jurisdiction over the cause during this period of time and thus to enable the Court to pass upon any questions that may be presented in the petition for rehearing of said cause.

You will recall that many witnesses were examined in these cases and much testimony adduced, it having been submitted before an honorable special examiner, the testimony transcribed and approximately 800 pages of type-written matter adduced, in addition to many volumes and pages of printed matter, maps, profiles, etc., as seen by the many exhibits filed with the testimony.

It has been my contention from the first presentation

of the cause, even prior to the issuance of the injunction, that all matters of fact touching the subject of elevation, topography, character, value, cost and utility of the lands within the drainage district or the cost or feasibility of the drainage and reclamation of the swamp and overflowed lands, or the result or effect thereof, are matters solely within Legislative discretion in providing for the welfare of the State.

In presenting this cause during the argument on the objections which had been interposed to almost all questions on the above subject, Judge Locke announced his decision covering all these questions, sustaining fully the contentions of counsel in every particular, except possibly, the "CHARACTER" of the lands, and announced that it was not necessary to discuss these questions further, after which the character of the testimony was not discussed, save as an incident to the full discussion of the status, the legal and constitutional phases of the case. In other words, it is my understanding of the Court's expressed views publicly announced, accompanied by a statement that he was willing to be quoted on expressions to the effect that the Legislature had absolute power over the subject of taxation, that this special assessment is within the taxing power of the Legislature, and that the only question in his mind was whether or not the Legislature, in levying the acreage tax, defined the class of lands to be taxed and upon which benefits accrued, or whether the Legislature undertook to delegate that power to a Board of Drainage Commissioners to determine these questions. That it must be conceded that the power of taxation and the apportionate amounts each individual shall share as part of the burden, is vested unquestionably in the Legislature, unless this power is limited or restrained by some constitutional provision; the power of taxing and the power of apportioning taxation are identical and inseparable.

This power to tax involves the right to designate the property upon which it is to be levied and judicial offices can not interfere with the Legislative discretion, however erroneous it may be, provided, the Legislature in the exercise of this power acts directly and does not delegate the power to governmental agency or boards. That in cases where the Legislature does not clearly act itself and undertakes to delegate the power to lay out districts,

levy the tax and to determine the purpose for which the tax is to be applied, involves the constitutional requirement of notices to the owners of the land to be taxed and affected by such tax, otherwise, it would be taxing property without due process of law, which is in violation of the Constitution of the United States. This is the pivotal point in the case. The Judge was not satisfied that the law itself contains a direct exercise of the taxing power over the subject matter of the law, and finding that, in his opinion, the law undertook to delegate to a board certain powers, that the land owners were entitled to notices, which should have been provided for expressly in such law. Thus, it will be seen, from my understanding of the Judge's expressed views on the subject, that every act and proceeding of the Board of Drainage Commissioners, under the provisions of Chapter 5377, Laws of Florida, have been found regular and sufficient in every particular. That the decision is based entirely upon the ground of notices, under and by virtue of the due process of law provision of the Federal Constitution. Judge Locke expresses the opinion that the Legislature has the power to enact such a law without providing for any notice, but where it delegates power to a board, that the law must expressly provide for notice.

Therefore, in my opinion, this question should be submitted to the Legislature now in session for its decision and determination. Its predecessor, in 1905, enacted Chapter 5377, casting upon your board great responsibility and many difficult and intrigue duties. You have faithfully undertaken to discharge those duties in the light of responsibility accompanying them. So far as your acts and efforts are concerned they have all been sustained, as I find it, by this Court. The law under which you were directed to proceed, is alone at fault. Had the Legislature provided you with a valid and constitutional law, your every act, in my opinion, would have been fully sustained by this Court.

Therefore, it is now a question for the Legislature; the responsibility is found to rest upon it and not upon you. If it sees fit to assume the responsibility and repeal the present law and stop all efforts of drainage and reclamation of this vast territory with all of its wonderful hidden resources, and valuable and wonderful prospects, it has the unquestionable power to do so. If, on the other

hand, it desires to make some effort along the lines suggested by its predecessor, an amendment of Chapter 5377, making its provisions more definite, will, in my opinion, accomplish such purpose.

The amendment of the law that I would suggest would be to make more definite certain provisions of Chapter 5377, among them being:

1. That the Legislature establish the district by expressing the definite boundaries.
2. That the Legislature declare definitely the purposes and application of the proceeds of said tax.
3. That the Legislature define the character of the lands to be taxed by expressly referring to the swamp and overflowed lands patented to the State of Florida, under act of Congress, approved September 6, 1850, situate, lying and being within the drainage district.

I await your further advices.

Very truly yours,

(Signed) W. S. JENNINGS.

Senate Bill No. 42:

A bill to be entitled an act relative to the execution, construction and operation of wills.

Was taken up and read a second time in full.

Under the rule the bill was advanced to the Calendar of Bills on Third Reading without being referred to the Engrossing Committee.

Senate Bill No. 140:

A bill to be entitled an act to provide for the distribution of the Statutes of this State to the Judges and the County Solicitors of the several Criminal Courts of Record.

Was taken up and read a second time in full.

Under the rule the bill was advanced to the Calendar of Bills on Third Reading without being referred to the Engrossing Committee.

Senate Joint Resolution No. 77:

Memorializing the Congress of the United States, through our Senators and Representatives at Washing-

ton, to have a survey of the Suwannee River made, with a view to making it navigable.

Was taken up and read a second time in full.

Under the rule the bill was advanced to the Calendar of Bills on Third Reading without being referred to the Engrossing Committee.

Mr. Henderson was excused from further attendance for the remainder of day.

Senate Joint Resolution No. 89:

Memorial to Congress by Mr. Zim.

Memorial to Congress relative to improving the harbor of St. Augustine.

Was taken up and read a second time in full.

Under the rule the bill was advanced to the Calendar of Bills on Third Reading without being referred to the Engrossing Committee.

Senate Bill No. 18:

A bill to be entitled an act for the relief of Charles P. Bobe, former Constable, Second District of Escambia County, State of Florida, for loss of fees during his suspension from said office.

Was taken up and read a second time in full, together with amendments.

And Senate Bill No. 18 was ordered referred to the Committee on Engrossed Bills.

The following committee amendment was read:

Strike out the words, characters and figures "eleven hundred and twelve dollars and fifty cents (1,112.50)" wherever they appear in said bill, and insert in lieu thereof, wherever they are so stricken out, the words, characters and figures "nine hundred and fifty-seven dollars and five cents (\$957.05)."

Mr. Beard moved the adoption of the committee amendment,

Which was agreed to, and the committee amendment was adopted.

Mr. Buckman offered the following amendment to—

Senate Bill No. 18:

Strike out the words "and figures \$57.05, and insert in lieu thereof the following words and figures: "\$261.45."

Mr. Buckman moved the adoption of the amendment.

Which was not agreed to, and the amendment was not adopted.

Mr. Beard moved that the Senate now go into executive session.

Which was agreed to and the doors were closed at 11:35 o'clock a. m.

The doors were opened at 11:45 o'clock, and upon the call of the roll, the following Senators answered to their names:

Mr. President, Senators Adams, Alford, Baker, Beard, Broome, Buckman, Canova, Clark, Cottrell, Crews, Girardeau, Henderson, Hudson, Humphries, Jackson, McCreary, Massey, Sams, Trammell, Willis, Withers, West (4th District), Zim—24.

A quorum present.

Mr. Adams moved that House Bill No. 229 be taken up out of its order and be now considered.

Which was agreed to by a two-thirds vote.

And—

House Bill No. 229:

A bill to be entitled an act to increase the pension of John R. Perry of Hamilton County, Florida, and providing the payment thereof—

Was taken up.

Mr. Adams moved that the rules be waived and House Bill No. 229 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 229 was read a second time by its title only.

Mr. Adams moved that the rules be further waived, and that House Bill No. 229 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. 229 was read a third time in full.

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

Yeas—Mr. President, Senators Adams, Baker, Beard, Broome, Buckman, Canova, Cottrell, Crews, Girardeau, Henderson, Humphries, Jackson, McCreary, Sams, Withers, West (4th District), Zim—18.

Nays—Willis—1.

So House Bill No. 229 passed, title as stated.

A MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read:

State of Florida,
Executive Department.
Tallahassee, April 27, 1907.

File No. A 19.

Hon. W. Hunt Harris,
President of the Senate,
Tallahassee, Florida.

Sir:

I beg to inform your honorable body that I have approved and signed the following bills originating in the Senate, to wit:

An act to organize a municipal government for the town of Greenville and provide for its government.

An act to revise and amend the city charter of the City of West Tampa and to ratify and confirm certain acts and proceedings of said city.

An act to enable the City of Orlando to make special assessments on real estate specially benefited by certain municipal improvements.

Senate Concurrent Resolution providing for free distribution to certain public officials of the compiled acts regulating the public roads and duties of County Commissioners.

I beg to further inform your honorable body that I have caused these acts to be delivered to the Secretary of State.

Very respectfully,
N. B. BROWARD,
Governor.

Mr. Adams moved that the Senate adjourn until Monday at 3 o'clock p. m.

Mr. McCreary moved to amend to adjourn until 10 a. m. Monday.

The motion of Mr. Adams had precedence, under the rule, and on the question a yea and nay vote was demanded.

Upon call of the roll the vote was:

Yeas—Senators Adams, Alford, Broome, Buckman, Cottrell, Crews, Girardeau, Humphries, Jackson, Massey, Sams, Withers, Zim—13.

Nays—Mr. President, Senators Baker, Beard, Canova,

Clarke, Hudson, McCreary, Trammell, Willis, West (4th District)—10.

Thereupon the Senate stood adjourned until 3 o'clock p. m., April 29th, 1907.

CONFIRMATIONS.

J. Emmett Wolfe, Judge of the First Judicial Circuit; Herbert S. Phillips, State Attorney, Sixth Judicial Circuit; J. Vining Harris, Solicitor Criminal Court of Record, Monroe County.

MONDAY, APRIL 29, 1907.

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, Alford, Baker, Beard, Broome, Buckman, Canova, Clark, Cone, Cottrell, Crane, Crews, Crill, Girardeau, Henderson, Hudson, Humphries, Jackson, Leggett, McCreary, Massey, Sams, Trammell, Willis, Withers, West (1st District), West (4th District), Zim—28.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

INTRODUCTION OF RESOLUTIONS.

Mr. Massey offered the following—

Senate Concurrent Resolution No. 13:

Laid over under the rules.

By Mr. Massey—

Senate Concurrent Resolution No. 13:

Resolved by the Senate, the House of Representatives concurring, That a joint committee of five, consisting of two from the Senate and three from the House of Representatives, be appointed to take into consideration and investigate any improved method of engrossing and of enrolling bills, and to report their conclusions therein with an act or acts, if necessary, for the benefit of succeeding Legislatures.