

# JOURNAL OF THE SENATE.

THURSDAY, APRIL 8, 1909.

The Senate met pursuant to adjournment.

The president in the chair.

The roll was called and the following Senators answered to their names:

Present—Mr. President, Senators Adkin, Baker, (20th Dist.), Beard, Broome, Buckman, Crill, Cook, Cone, Cottrell, Davis, Dayton, Flournoy, Girardeau, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams, Withers, Zim—31.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was informally passed.

## INTRODUCTION OF RESOLUTIONS.

Mr. Humphries offered the following Resolution:  
Senate Resolution No. 10 A.

Whereas, The present system of enrolling bills in long hand on large sheets of paper is antiquated, tedious, slow, and expensive, and

Whereas, it is desirable that a more expeditious and economical method of presenting the record of all laws enacted be revised; and

Whereas, copying the bills as enacted into law on legal size, soft woven paper in indelible ink on the typewriter will accomplish all these desirable ends, and

Whereas, this method of preserving original copies of bills enacted into law will result in the saving of several hundred dollars during the session, and make them easier to preserve, and to refer to; and

Whereas, There is no good reason why bills should be engrossed in long hand after they have been amended and have passed second reading, because amendments can be attached to them in the form of typewritten slips, and

Whereas, The duties of the Secretary and the Assistant Secretary are exacting and burdensome, and the business of the Senate would be expedited by relieving the Secretaries of the obligation to read and correct the daily Journal, and by thus dividing this work and responsibility assuring greater accuracy and correctness. Therefore, be it

Resolved, By the Senate of the State of Florida, That the name of Engrossing Secretary of this Senate be changed to that of Record Secretary, whose duty shall be, under the supervision of the Engrossing Committee, and the Secretary of this Senate to properly prepare the amendments to all bills, and to correct the same after they have passed second reading and to attach all the amendments that have been adopted therein in type-written form and to carefully read, correct and see that the corrections are made in the permanent Journals of this Senate each day, and to file with the Secretary of each Senate such engrossed bills and two copies of such corrected Journals as permanent records of the proceedings of this Senate session of 1909, be preserved by the Secretary of State, after having been bound in leather or in any other permanent form for their preservation in the discretion of the Secretary of the State as the official records of the State, being archives of the State; and, be it further

Resolved by the Senate of the State of Florida. That the Enrolling Secretary of this Senate is hereby instructed to properly enroll all bills that have passed both Houses on soft woven paper, in legal cap size, and in indelible ink, written on the typewriter, and to deliver said numbered bills to the Chairman of the Enrolling Committee of this Senate in the form described and provided in this resolution, instead of in the form as hereinbefore provided for delivery to the Secretary of State, as the original and permanent record of bills that have been enacted into law during this session, and be it further

Resolved by the Senate of the State of Florida, That the position of the Recording Secretary is hereby abolished, and be it further

Resolved by the Senate of the State of Florida, That the Enrolling Secretary and the Record Secretary provided for in this resolution be allowed such clerical assistance as in the judgment of the Engrossing and the Enrolling Committees and the Secretary of the Senate as

may be necessary to do the work required under the provisions of this resolution.

Which was read.

Mr. Humphries moved that Senate Resolution No. 10 A be referred to the Judiciary Committee.

Which was agreed to, and the resolution was referred to the Committee on Judiciary, Division A.

Mr. Massey offered the following resolution—

Senate Resolution No. 11:

Resolved, That Rule 35 of the Senate be amended by striking out the figure 3 and inserting the figure 4 in lieu thereof.

Mr. Massey moved to adopt the resolution.

Which was agreed to, and the Senate Resolution No. 11 was adopted.

Mr. Cone moved that the Senate do now go into executive session.

Which was agreed to.

The doors of the Senate were closed at 10:20 o'clock a. m.

The doors of the Senate were opened at 10:30 o'clock a. m.

The Senate resumed its session.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Adkins, Baker (20th District), Beard, Broome, Buckman, Crill, Cook, Cone, Cottrell, Davis, Dayton, Flournoy, Girardeau, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams, Withers, Zim—31.

Mr. Harris moved that the Senate revert to the Introduction of Bills in the order of business.

Which was unanimously agreed to.

### INTRODUCTION OF BILLS.

By Mr. Johnson—

Senate Bill No. 25:

A bill to be entitled an Act requiring parties in all civil actions in the Circuit Courts of this State to file for the use of the opposite party duplicate copies of all their pleadings and proceedings.

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

By Mr. Harris—

Senate Bill No. 26:

A Bill to be entitled an Act creating a State Board of Pensions, defining who shall receive pensions; who shall not receive pensions; how application shall be made; how pensions shall be paid; duties of County Commissioners in regard to pensions; providing for the levy of a pension tax and authorizing the State Board of Pensions to make rules and regulations to carry into effect the provisions of this act.

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

Mr. Harris moved that 250 copies of the bill be printed.

Which was agreed to, and so ordered.

By Mr. Baker, 20th District—

Senate Bill No. 27:

A Bill to be entitled an Act to regulate the practice of optometry; to provide for a Board of Examiners and for the examination of practitioners of optometry; for the registration of licensed practitioners, and prescribing penalty for its violation.

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

Mr. Baker moved that 250 copies of the bill be printed.

Which was agreed to, and so ordered.

By Mr. Leggett—

Senate Bill No. 28:

A Bill to be entitled an Act for the relief of the Board of Public Instruction of the following counties of the State of Florida: Alachua, Baker, Bradford, Brevard, Calhoun, Citrus, Clay, Columbia, Dade, DeSoto, Duval, Escambia, Franklin, Gadsden, Hamilton, Hernando, Hillsboro, Holmes, Jackson, Jefferson, Lake, Levy, Liberty, Lee, Leon, Madison, Marion, Monroe, Manatee, Nassau, Orange, Osceola, Pasco, Polk, Putnam, St. Johns, St. Lucie, Santa Rosa, Sumter, Suwannee, Taylor, Volusia, Wakulla, Walton, Washington.

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

By Mr. Henderson—

Senate Bill No. 29:

A Bill to be entitled an Act to amend Section 1577, Chapter 16, of the General Statutes of the State of Florida relating to the drawing of juries for the second and succeeding weeks of Circuit Courts.

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

By Mr. McCreary—  
Senate Bill No. 30:

A Bill to be entitled an Act to amend Section 3404, Article 12, General Statutes of the State of Florida, relating to entry on enclosure to hunt or fish.

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

By Mr. McCreary—  
Senate Bill No. 31:

A Bill to be entitled an Act to punish any person who intimidates or attempts to intimidate any person who has been served with process to appear as a witness in any court in this State.

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

By Mr. Williams—  
Senate Bill No. 32:

A Bill to be entitled an Act disqualifying certain persons from holding offices or appointments, or acting as jurors.

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

By Mr. Williams—  
Senate Bill No. 33:

A Bill to be entitled an Act to prohibit the attending of white persons at gatherings by negroes, and the attending of negro gatherings by whites.

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

By Mr. Williams—  
Senate Bill No. 34:

A Bill to be entitled an Act to repeal Section 3650 of the General Statutes of the State of Florida, relating to the six preceding sections, being applicable to all railroads.

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

By Mr. Williams—  
Senate Bill No. 35:

A Bill to be entitled an Act to regulate secret society meetings, the issuing of license for the same, and providing penalties for the holding of secret meetings by members of secret societies without first having obtained license.

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

By Mr. Dayton—

Senate Bill No. 36:

A Bill to be entitled an Act authorizing and directing the County Treasurer to transfer the surplus funds of the Fine and Forfeiture Fund to the School Fund of the respective counties, and that the same be used for school purposes.

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

By Mr. Dayton—

Senate Bill No. 37:

A Bill to be entitled an Act to prohibit the catching or taking of food fish from the waters of Crystal River and its tributaries, in the County of Citrus, and State of Florida, by the use of seines, gill nets, drag nets, haul nets, or any other kind of nets or device except hook and line, and prescribing a penalty for violation thereof.

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

By Mr. Dayton—

Senate Bill No. 38:

A Bill to be entitled an Act repealing Chapter 5776 of the Laws of Florida, enacted in 1907.

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

By Mr. McMullen—

Senate Bill No. 39:

A Bill to be entitled an Act legalizing and confirming all grants, licenses and permits heretofore made and given by County Commissioners in relation to the occupation and use of highways, roads and streets by surface street railways, which licenses, grants or permits have been acted upon by the grantee or grantees, their successors or assignees, by the expenditure of money in good faith.

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

By Mr. McMullen—

Senate Bill No. 40:

A Bill to be entitled an Act to confer upon electric railway companies in this State all the rights, power and privileges of eminent domain now exercised and enjoyed by railroad and canal companies in this State, as to and

concerning the condemnation of private and public property for right of way.

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

By Mr. McMullen—

Senate Bill No. 41:

A Bill to be entitled an Act to exempt insurance companies organized under the Laws of Florida from the payment to the State Treasurer of 2 per cent. of the gross amount of receipts of premiums from policy holders in this State.

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

By Mr. McMullen—

Senate Bill No. 42:

A Bill to be entitled an Act providing for the confirmation by the Judge granting the order to sell real estate belonging to infants.

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

By Mr. Sloan—

Senate Bill No. 43:

A Bill to be entitled an Act to prescribe a law governing pardon applications.

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

By Mr. Johnson—

Senate Bill No. 44:

A Bill to be entitled an Act to amend Section 2677 of the General Statutes of Florida relative to the issuing of executions against stockholders of corporations.

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

On motion of Mr. Harris the Senate took a recess of twenty minutes.

The Senate resumed its session, the President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Adkins, Baker (20th District), Beard, Broome, Buckman, Crill, Cone, Cottrell, Davis, Dayton, Flournoy, Girardeau, Henderson, Hosford, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams, Withers, Zim—29.

Mr. Baker, of the 29th District, was excused from further attendance on the body today on account of sickness.

The President announced the following appointment of committees:

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## COMMITTEE APPOINTMENTS.

### JUDICIARY A.

Louis C. Massey, of the 19th Dist., Chairman.  
 Donald C. McMullen, of the 11th Dist.  
 H. H. Buckman, of the 18th Dist.  
 John S. Beard, of the 2d Dist.  
 A. Zenas Adkins, of the 15th Dist.  
 John W. Henderson, of the 8th Dist.  
 D. H. Baker, of the 20th Dist.  
 Jas. E. Broome, of the 6th Dist.  
 W. M. Girardeau, of the 22d Dist.

### JUDICIARY B.

F. P. Cone, of the 14th Dist., Chairman.  
 Wm. W. Flournoy, of the 3d Dist.  
 W. Hunt Harris, of the 24th Dist.  
 J. A. Williams, of the 21st Dist.  
 J. B. Johnson, of the 17th Dist.  
 Geo. W. Dayton, of the 9th Dist.  
 Buell Cook, of the 25th Dist.  
 D. H. Sloan, of the 7th Dist.  
 Lewis W. Zim, of the 31st Dist.

### EDUCATION.

John W. Henderson, of the 8th Dist., Chairman.  
 Theop. West, of the 4th Dist.  
 H. H. Buckman, of the 18th Dist.  
 Donald C. McMullen, of the 11th Dist.  
 F. P. Cone, of the 14th Dist.

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## FINANCE AND TAXATION.

Wm. W. Flournoy, of the 3d Dist., Chairman.  
 E. S. Crill, of the 26th Dist.  
 D. H. Sloan, of the 7th Dist.  
 H. H. Buckman, of the 18th Dist.  
 J. H. B. Miller, of the 1st Dist.

## CLAIMS.

Buell Cook, of the 25th Dist., Chairman.  
 W. Hunt Harris, of the 24th Dist.  
 Wm. W. Flournoy, of the 3d Dist.  
 W. E. Baker, of the 29th Dist.  
 Thos. S. Davis, of the 16th Dist.

## CORPORATIONS.

W. M. Girardeau, of the 22nd Dist., Chairman  
 John S. Beard, of the 2d Dist.  
 Jos. H. Humphreys, of the 27th Dist.  
 W. H. H. McLeod, of the 30th Dist.  
 Louis C. Massey, of the 19th Dist.

## COUNTY ORGANIZATION.

W. E. Baker, of the 29th Dist., Chairman.  
 H. H. McCreary, of the 32d Dist.  
 Louis C. Massey, of the 19th Dist.  
 E. L. Cottrell, of the 12th Dist.  
 C. L. Leggett, of the 10th Dist.

## MUNICIPALITIES.

W. Hunt Harris, of the 24th Dist., Chairman.  
 Frank W. Sams, of the 28th Dist.  
 I. N. Withers, of the 23d Dist.  
 Lewis W. Zim, of the 31st Dist.  
 Thos. S. Davis, of the 16th Dist.

## MILITIA.

Frank W. Sams, of the 28th Dist., Chairman.  
 Wm. W. Flournoy, of the 3d Dist.  
 W. Hunt Harris, of the 24th Dist.  
 W. M. Girardeau, of the 22d Dist.  
 Thos. S. Davis, of the 16th Dist.

## LEGISLATIVE EXPENSES.

D. H. Sloan, of the 7th Dist., Chairman.  
 Louis C. Massey, of the 19th Dist.  
 W. Hunt Harris, of the 24th Dist.  
 Jas. E. Broome, of the 6th Dist.  
 Jos. H. Humphreys, of the 27th Dist.

## AGRICULTURE AND FORESTRY.

R. F. Hosford, of the 5th Dist., Chairman.  
 W. H. H. McLeod, of the 30th Dist..  
 J. H. B. Miller, of the 1st Dist.  
 W. E. Baker, of the 29th Dist.  
 D. H. Baker, of the 20th Dist.

## PUBLIC PRINTING.

Jos. H. Humphreys, of the 27th Dist., Chairman.  
 John S. Beard, of the 2d Dist.  
 Lewis W. Zim, of the 31st Dist.  
 D. H. Baker, of the 30th Dist.  
 E. L. Cottrell, of the 12th Dist.

## BANKING.

E. S. Crill, of the 26th Dist., Chairman.  
 Donald C. McMullen, of the 11th Dist.  
 John S. Beard, of the 2d Dist.  
 F. P. Cone, of the 14th Dist.  
 J. A. Williams, of the 21st Dist.

## RAILROADS.

J. H. B. Miller, of the 1st Dist., Chairman.  
 J. A. Williams, of the 21st Dist.  
 Frank W. Sams, of the 28th Dist.  
 Louis C. Massey, of the 19th Dist.  
 Buell Cook, of the 25th Dist.

## PUBLIC LANDS AND DRAINAGE.

E. L. Cottrell, of the 12th Dist., Chairman.  
 Donald C. McMullen, of the 11th Dist.  
 Theop. West, of the 4th Dist.  
 W. Hunt Harris, of the 24th Dist.  
 Lewis W. Zim, of the 31st Dist.

## PRIVILEGES AND ELECTIONS.

W. H. H. McLeod, of the 30th Dist., Chairman.  
 Wm. W. Flournoy, of the 3d Dist.  
 C. L. Leggett, of the 10th Dist.  
 R. F. Hosford, of the 5th Dist.  
 F. P. Cone, of the 14th Dist.

## APPROPRIATIONS.

I. N. Withers, of the 23d Dist., Chairman.  
 E. S. Crill, of the 26th Dist.  
 W. H. H. McLeod, of the 30th Dist.  
 Frank W. Sams, of the 28th Dist.  
 Louis C. Massey, of the 19th Dist.

## INDIAN AFFAIRS.

Geo. W. Dayton, of the 9th Dist., Chairman.  
 J. B. Johnson, of the 17th Dist.  
 H. H. McCreary, of the 32d Dist.  
 R. F. Hosford, of the 5th Dist.  
 I. N. Withers, of the 23d Dist.

## COMMERCE AND NAVIGATION.

Thos. S. Davis, of the 16th Dist., Chairman.  
 John S. Beard, of the 2d Dist.  
 W. Hunt Harris, of the 24th Dist.  
 Donald C. McMullen, of the 11th Dist.  
 Lewis W. Zim, of the 31st Dist.

## IMMIGRATION.

Geo. W. Dayton, of the 9th Dist., Chairman.  
 Theop. West, of the 4th Dist.  
 D. H. Sloan, of the 7th Dist.  
 R. F. Hosford, of the 5th Dist.  
 A. Zenas Adkins, of the 15th Dist.

## CANALS AND TELEGRAPHS..

A. Zenas Adkins, of the 15th Dist., Chairman.  
 J. B. Johnson, of the 17th Dist.  
 C. L. Leggett, of the 10th Dist.  
 F. P. Cone, of the 14th Dist.  
 Frank W. Sams, of the 28th Dist.

## PUBLIC HEALTH.

Theop. West, of the 4th Dist., Chairman.  
 W. Hunt Harris, of the 24th Dist.  
 H. H. McCreary, of the 32d Dist.  
 H. H. Buckman, of the 18th Dist.  
 J. B. Johnson, of the 17th Dist.

## CONSTITUTIONAL AMENDMENTS.

John S. Beard, of the 2d Dist., Chairman.  
 Donald C. McMullen, of the 11th Dist.  
 Frank W. Sams, of the 28th Dist.  
 J. A. Williams, of the 21st Dist.  
 Buell Cook, of the 25th Dist.

## TEMPERANCE.

Donald C. McMullen, of the 11th Dist., Chairman.  
 Jos. H. Humphreys, of the 27th Dist.  
 D. H. Sloan, of the 7th Dist.  
 Lewis W. Zim, of the 31st Dist.  
 E. S. Crill, of the 26th Dist.

## MINING AND MINERAL RESOURCES.

H. H. McCreary, of the 32d Dist., Chairman.  
 A. Zenas Adkins, of the 15th Dist.  
 Geo. W. Dayton, of the 9th Dist.  
 I. N. Withers, of the 23d Dist.  
 D. H. Baker, of the 20th Dist.

## GAME AND FISHERIES.

J. A. Williams, of the 21st Dist., Chairman.  
 E. L. Cottrell, of the 12th Dist.  
 J. B. Johnson, of the 17th Dist.  
 Frank W. Sams, of the 28th Dist.  
 Wm. W. Flournoy, of the 3d Dist.

## ORGANIZED LABOR.

Lewis W. Zim, of the 31st Dist., Chairman.  
 F. P. Cone, of the 14th Dist.  
 E. L. Cottrell, of the 12th Dist.  
 W. Hunt Harris, of the 24th Dist.  
 D. H. Baker, of the 20th Dist..

## PUBLIC ROADS AND HIGHWAYS.

J. B. Johnson, of the 17th Dist., Chairman.  
 J. H. B. Miller, of the 1st Dist.  
 H. H. Buckman, of the 18th Dist.  
 John W. Henderson, of the 8th Dist.  
 C. L. Leggett, of the 10th Dist.

## PRISONS AND CONVICTS.

H. H. Buckman, of the 18th Dist., Chairman.  
 A. Zenas Adkins, of the 15th Dist.  
 Geo. W. Dayton, of the 9th Dist.  
 W. M. Girardeau, of the 22d Dist.  
 R. F. Hosford, of the 5th Dist.

## PENSIONS.

D. H. Baker, of the 20th Dist., Chairman.  
 W. H. H. McLeod, of the 30th Dist.  
 R. F. Hosford, of the 5th Dist.  
 Jas. E. Broome, of the 6th Dist.  
 Jos. H. Humphreys, of the 27th Dist.

## ENROLLED BILLS.

Chas. L. Leggett, of the 10th Dist., Chairman.  
 Theop. West, of the 4th Dist.  
 I. N. Withers, of the 23d Dist.  
 Jos. H. Humphreys, of the 27th Dist.  
 J. H. B. Miller, of the 1st Dist.

## ENGROSSED BILLS.

James E. Broome, of the 6th Dist., Chairman.  
 J. H. B. Miller, of the 1st Dist.  
 John W. Henderson, of the 8th Dist.  
 W. M. Girardeau, of the 22d Dist.  
 J. A. Williams, of the 21st Dist.

By consent, Mr. Beard offered the following resolution—  
 Senate Resolution No. 12:

Whereas, Article 3, Section 7, of the Constitution of the State of Florida, declares "No person holding a lucrative office or appointment under the United States or this State shall be eligible to a seat in the Legislature of this State;" and,

Whereas, Honorable I. N. Withers, Senator from the Twenty-third District of the State of Florida, holds the appointment as Land Agent of the Trustees of the Internal Improvement Fund of the State of Florida; and

Whereas, Said appointment is a lucrative appointment; therefore,

*Be it Resolved by the Senate of the State of Florida:*

That the Honorable I. N. Withers, Senator from the Twenty-third District of the State of Florida, is ineligible to a seat in this body.

Which was read, and referred to the Committee on Privileges and Elections.

By consent, Mr. Beard offered the following resolution—  
 Senate Resolution No. 13:

Whereas, Article 3, Section 7, of the Constitution of the State of Florida, declares, "No person holding a lucrative office or appointment under the United States or this State shall be eligible to a seat in the Legislature of this State;" and

Whereas, Honorable Louis C. Massey, Senator from the Nineteenth District of the State of Florida, holds the appointment as attorney for the Railroad Commission of the State of Florida; and

Whereas, Said appointment is a lucrative appointment; therefore,

*Be it Resolved by the Senate of the State of Florida:*

That the Honorable Louis C. Massey, Senator from the Nineteenth District of the State of Florida, is ineligible under the Constitution of the State of Florida to a seat in this body.

Which was referred to the Committee on Privileges and Elections.

By consent, Mr. Cone offered the following resolution—  
Senate Resolution No. 14:

Resolved, That the two Committees on Judiciary be allowed to employ a clerk for each committee.

Which was referred to the Committee on Legislative Expenses.

Mr. Humphries moved that 200 copies of Senate Resolution No. 11 be printed.

Which was agreed to, and so ordered.

Mr. Harris announced the appointment of Messrs. Edwin Reese and L. C. Algee as official stenographers of the Senate under Senate Resolution No. 3.

Mr. Harris moved that the Senate do now adjourn until 10 o'clock tomorrow morning.

Which was agreed to.

Whereupon the Senate stood adjourned to 10 o'clock a. m., Friday, April 8, 1909.

#### CONFIRMATIONS.

J. Ed. Abercrombie, to be Harbormaster for the Port of Pensacola.

E. D. Beggs, to be Judge of the Criminal Court of Record of Escambia county.

Scott M. Lofton, to be Solicitor of the Criminal Court of Record of Escambia county.

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FRIDAY, APRIL 9, 1909.

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The Senate met pursuant to adjournment.  
The President in the chair.

#### PRESENT:

The roll was called and the following Senators answered to their names:

Mr. President, Senators Adkins, Baker (20th); Baker,