

Mr. Massey moved that the report be received and the requests be granted.

Which was agreed to.

Mr. Cone moved that the Senate adjourn until 4 o'clock Monday afternoon, April 12.

Pending which, Mr. Flournoy was excused from attendance upon the body until April 20.

The motion of Mr. Cone to adjourn was agreed to.

Thereupon the Senate stood adjourned until four o'clock Monday afternoon, April 12, 1909.

CONFIRMATIONS.

H. F. Atkinson, to be Judge of the Criminal Court of Record of Dade County.

James T. Sanders, to be Solicitor of the Criminal Court of Record of Dade County.

MONDAY, APRIL 12, 1909.

The Senate met pursuant to adjournment.

The President in the chair.

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

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

A quorum present.

Prayer by the Chaplain.

Senator Zim was excused from attendance on the body on account of illness.

On motion of Mr. Cone the reading of the Journal of April 9th was dispensed with.

The Journal of April 9 was corrected and approved.

INTRODUCTION OF RESOLUTIONS.

Mr. Miller offered the following memorial—

Senate Memorial No. 2:

A memorial to Congress of United States for survey and improving of Yellow River, Santa Rosa county, Florida.

Which went over under the rule.

Mr. Cone offered the following—

Senate Resolution No. 22:

Resolved by the Senate, That during the remainder of this session all reports by committees of their action upon bills and joint resolutions shall be noted in the Journal, and the bills and resolutions reported shall be placed upon the Calendar, but the report shall not be read in the Senate unless the chairman of the committee making the report shall so request.

Which was read.

Mr. Cone moved the adoption of the resolution.

Which was agreed to, and the resolution was adopted.

Mr. Broome offered the following—

Senate Resolution No. 23:

Resolved, That the chairman of the Committee on En-grossed Bills be allowed such clerical aid as is necessary to properly execute the work.

Which was read, and referred to Committee on Legislative Expenses.

Mr. Beard offered the following—

Senate Concurrent Resolution No. 4:

Whereas, Section 3, Article 7, of the Constitution of the State of Florida requires that the Legislature that shall meet in 1887 and those that shall meet every ten years thereafter shall apportion the representation in the Senate and the representation in the House of Representatives of the Legislature of the State of Florida; and

Whereas, The Legislature which convened in 1907, said year being the end of the decade in which the Legislature should have made such an apportionment; and

Whereas, The Legislature of 1907 failed to make such apportionment; therefore, be it

Resolved by the Senate of the State of Florida, the House of Representatives concurring:

Section 1. That a committee of five, consisting of two from the Senate and three from the House of Representatives, be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, to consider, prepare and report to the Legislature a bill apportioning the representation in the Senate and the representation in the House of Representatives, in accordance with said Section 3, Article 7, of the Constitution of the State of Florida.

Which was read and went over under the rule.

Mr. Baker (29th) offered the following—

Senate Concurrent Resolution No. 5:

Be it Resolved by the Senate of the State of Florida, the House of Representatives concurring:

That a committee of three, one on the part of the Senate and two on the part of the House, be appointed to visit the Institution for the Deaf, Dumb and Blind, at St. Augustine.

Which was read and went over under the rule.

INTRODUCTION OF BILLS.

By Mr. McMullen—

Senate Joint Resolution No. 68:

Joint resolution proposing an amendment to Article XIX of the Constitution of the State of Florida, relative to the manufacture and sale, or other disposal, of intoxicating liquors or beverages.

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

By Mr. Beard—

Senate Bill No. 69:

A bill to be entitled an act authorizing any party defendant to any condemnation proceeding, to file pleas or other appropriate pleadings, putting in issue the purpose for which the property is sought to be condemned, and also the necessity of condemning said property and requir-

ing a jury, as is now provided by law in condemnation proceedings, to try said issues.

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

By Mr. Miller—

Senate Joint Resolution No. 70:

A joint resolution proposing an amendment to Section 1 of Article X of the Constitution of the State of Florida relative to homestead and exemptions.

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

By Mr. Broome—

Senate Bill No. 71:

A bill to be entitled an act to amend Section 1586 of the General Statutes of the State of Florida, as amended by Chapter 5647, of the Acts of 1907, the same being relative to the pay of jurors.

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

By Mr. Beard—

Senate Bill No. 72:

A bill to be entitled an act for the relief of James R. Landrum, former Justice of the Peace, Second District, of Escambia County, State of Florida, for loss of fees during his suspension from said office.

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

By Mr. Beard—

Senate Bill No. 73:

A bill to be entitled on 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.

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

By Mr. Beard—

Senate Bill No. 74:

A bill to be entitled an act authorizing any party whose property has been condemned to have a judgment

entered in his favor against the corporation in whose favor the condemnation was had for the amount of damages assessed by the jury in said condemnation proceedings, together with his legal costs, and constituting said judgment a lien and authorizing its satisfaction in the same manner as other judgments recovered in the Circuit Court.

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

By Mr. Harris—

Senate Bill No. 75:

A bill to be entitled an act to validate and confirm all grants, privileges and permits heretofore made or given to individuals, firms and corporations by any of the cities or towns of this State, whether done by resolution, ordinance or otherwise, in all cases where the same have been acted upon by the granter or grantees, their successors or assigns, by the expenditure of money in good faith; and to give the force and effect of ordinances to resolutions heretofore passed by cities and towns in relation to grants, privileges and permits.

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

By Mr. Sams—

Senate Bill No. 76:

A bill to be entitled an act to provide for service by publication upon non-resident parties in interest in property involved in suits for specific performance of contracts to convey and for decrees and other proceedings after such service.

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

By Mr. Sams—

Senate Bill No. 77:

A bill to be entitled an act to prohibit fishing in the fresh water streams of Volusia county, Florida, with seines.

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

By Mr. Baker (29th)—

Senate Bill No. 78:

A bill to be entitled an act to amend Section 1, Chapter 5579, of the Laws of the State of Florida, for the protec-

tion and preservation of food fishes in the St. Johns river south of Jacksonville, in the State of Florida.

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

By Mr. Baker (29th)—

Senate Bill No. 79:

A bill to be entitled an act to make an additional appropriation to aid in the erection of a monument at the battlefield of Olustee, Fla.

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

By Mr. McMullen—

Senate Bill No. 80:

A bill to be entitled an act to amend Section 2130, of the General Statutes of the State of Florida, relative to the right to the writ of garnishment.

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

By Mr. McMullen—

Senate Bill No. 81:

A bill to be entitled an act to require the Boards of County Commissioners to advertise for bids for public work and furnishing supplies to the county in certain cases, and providing a penalty for failure to advertise for bids.

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

By Mr. McMullen—

Senate Bill No. 82:

A bill to be entitled an act to amend Section 650 of the General Statutes of the State of Florida, providing for the levy of a special tax for public roads and bridges.

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

By Mr. McMullen—

Senate Bill No. 83:

A bill to be entitled an act to amend Section 170 of the General Statutes of the State of Florida, prescribing the qualifications of voters in this State and the manner in which poll taxes shall be paid to qualify a voter, and prescribing a penalty for the violation thereof, and abolishing the present registration and providing for new registration.

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

By Mr. McMullen—

Senate Bill No. 84:

A bill to be entitled an act to authorize Boards of County Commissioners to transfer any surplus in the General Fund arising from the taxes levied and assessed for the year 1908 to the Road and Bridge Fund, and ratifying and confirming transfers already made.

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

By Mr. Dayton—

Senate Bill No. 85:

A bill to be entitled an act to re-district the eight judicial circuits of the State of Florida, to provide for the appointment of the Judges and State's Attorneys therefor, the terms of their office, and to provide that in civil and criminal cases no pleading or indictments shall abate, be quashed, dismissed or defeated in any of the circuits of this State, by reason of this re-districting of the State.

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

By Mr. Dayton—

Senate Bill No. 86:

A bill to be entitled an act to provide for the issuing of Teachers' First-Grade Certificates, also State Certificates, to persons holding a diploma from the University of the State of Florida, or from the Florida Female College.

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

By Mr. Dayton—

Senate Bill No. 87:

A bill to be entitled an act to create the position of jailer, provide for his appointment, duties and compensation in each county of the State of Florida.

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

By Mr. Dayton—

Senate Bill No. 88:

A bill to be entitled an act to provide for the temporary transfer of money from one county fund to another.

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

By Mr. Dayton—

Senate Bill No. 89.

A bill to be entitled an act to provide for clerical aid for the Judge of the Sixth Judicial Circuit; and fixing the pay for same.

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

By Mr. Massey—

Senate Bill No. 90:

A bill to be entitled an act to provide for a special road tax for cities and towns.

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

By Mr. Massey—

Senate Bill No. 91:

A bill to be entitled an act to validate the municipal election of the Town of Oakland, in Orange county, held on March 29, 1909, and to declare the persons elected at such election the duly constituted authorities of the town.

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

By Mr. Broome—

Senate Bill No. 92:

A bill to be entitled an act to amend Section 1268 of the General Statutes of the State of Florida, the same being relative to the fee to be paid by manufacturers, importers, agents and sellers of any commercial fertilizer, cottonseed meal, castor pomice, tobacco stems, tobacco dust or tobacco meal.

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

By Mr. Henderson—

Senate Bill No. 93:

A bill to be entitled an act to amend Section 3101, Chapter 3, of the General Statutes of the State of Florida, relating to the sale of collateral securities.

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

By Mr. Sloan—

Senate Bill No. 94:

A bill to be entitled an act defining and punishing gambling.

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

By Mr. Williams—
Senate Bill No. 95:

A bill to be entitled an act to amend Section 3148 of the General Statutes of the State of Florida relating to liabilities of railroad companies.

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

By Mr. Hudson—
Senate Bill No. 96:

A bill to be entitled an act to amend Section 313 of the General Statutes of the State of Florida relating to the age limit of attendants of the public schools.

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

By Mr. Hudson—
Senate Bill No. 97:

A bill to be entitled an act to amend Section 1896 of the General Statutes of the State of Florida relating to decrees in chancery.

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

By Mr. Hudson—
Senate Bill No. 98:

A bill to be entitled an act to amend Section 246 of the General Statutes of the State of Florida relating to lien of assessment.

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

By Mr. Hudson—
Senate Bill No. 99:

A bill to be entitled an act to amend Section 3549 of the General Statutes of the State of Florida, relating to punishment for drunkenness and to define prima facie evidence of voluntary drunkenness.

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

By Mr. Hudson—
Senate Bill No. 100:

A bill to be entitled an act to amend Section 1761 of the General Statutes of the State of Florida relating to decisions of the Supreme Court.

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

By Mr. Hudson—

Senate Bill No. 101:

A bill to be entitled an act to amend Section 1866 of the General Statutes of the State of Florida relating to constructive service.

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

REPORTS OF COMMITTEES.

Senate Chamber,
Tallahassee, Fla., April 12, 1909.

Hon. F. M. Hudson,
President of the Senate.

Sir:

Your Committee on Public Printing, to whom was referred "An act to amend Sections 654 and 655 of the General States of Florida, relating to public printing, beg leave to report that they have carefully considered the same, and recommend that the veto to said act be sustained.

Very respectfully,

J. H. HUMPHRIES,

Chairman of Committee.

Senate Chamber,
Tallahassee, Fla., April 11, 1909.

Hon. F. M. Hudson,
President of the Senate.

Sir:

Your committee on Municipalities, to whom was referred Senate Bill No. 12, a bill to be entitled "An act to authorize the City of Pensacola to permit the Pensacola Hotel Company to occupy and use a portion of cer-

tain streets in said city," have had the same under consideration, and recommend that it do pass.

Very respectfully,

W. HUNT HARRIS,
Chairman of Committee.

And Senate Bill No. 12, contained in the above report, was placed on the Calendar of Bills for second reading.

Mr. J. H. Humphries, chairman of the Committee on Public Printing, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 12, 1909.

Hon. F. M. Hudson,
President of the Senate.

Sir:

Your Committee on Public Printing to whom was referred Senate Resolution No. 8, relative to printing bound Journals of the Senate proceedings, have had the same under consideration and recommend that it do pass.

Very respectfully,

J. H. HUMPHRIES,
Chairman of Committee.

Mr. Humphries moved to waive the rules, and to take the resolution from its order for consideration.

Which was agreed to by a two-thirds vote.

So Senate Resolution No. 8 was taken up and read.

Mr. Humphries moved to adopt the resolution.

Which was agreed to and the resolution was adopted.

Mr. Beard, chairman of the Committee on Constitutional Amendment, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 12, 1909.

Hon. F. M. Hudson,
President of the Senate.

Sir:

Your Committee on Constitutional Amendments to whom was referred Senate Joint Resolution No. 18, proposing an amendment to Section one (1), Article six (6), of the Constitution of the State of Florida, relating to suf-

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

Very respectfully,

JOHN S. BEARD,
Chairman of Committee.

And Senate Joint Resolution No. 18 contained in the above report was placed on the Calendar of Bills on Second Reading.

Senate Chamber,
Tallahassee, Fla., April 12, 1909.

Hon. F. M. Hudson,
President of the Senate.

Sir:

Your Committee on Privileges and Elections, to whom was referred Senate Resolution No. 13, to-wit:

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.

Also—

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.

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

Very respectfully,

W. H. McLEOD,
Chairman of Committee.

Mr. McLeod moved that the rules be waived, and that Senate Resolution No. 12 be taken from its order and that the same be immediately considered.

Mr. Beard offered a substitute that Senate Resolution be made a Special Order for Friday, April 16, at 10 o'clock.

Upon which the yeas and nays were called, with the following vote:

Yeas—Mr. President, Senators Adkins, Beard, Buckman, Crill, Cook, Harris, Henderson, Humphries, Johnson, McCreary, Sams.—12.

Nays—Senators Baker (20th Dist.), Baker (29th Dist.), Broome, Cone, Girardeau, Hosford, Leggett, McLeod, McMullen, Miller, Sloan, West, Williams—13.

So the substitute did not prevail.

The question recurred upon the motion of Mr. McLeod.

The yeas and nays were called for, and the following was the vote:

Yeas—Mr. President, Senators Adkins, Baker (20th Dist.), Baker (29th Dist.), Broome, Crill, Cone, Cottrell, Dayton, Girardeau, Hosford, Leggett, McLeod, McMullen, Miller, Sloan, West, Williams—18.

Nays—Senators Beard, Buckman, Cook, Harris, Henderson, Humphries, McCreary, Sams—8.

So the motion was agreed to by a two-thirds vote.

Mr. McLeod moved to adopt the report of the committee.

Which was agreed to and the report was adopted.

Mr. Beard moved to adopt Senate Resolution No. 12.

Which was not agreed to.

Mr. McLeod moved to waive the rules and to take

Senate Resolution No. 13 from its order for consideration.

Mr. Beard moved as a substitute that the resolution be made a special order for Friday, April 16, at 10 o'clock.

Upon which the yeas and nays were called for, and the following was the vote:

Yeas—Senators Adkins, Beard, Buckman, Crill, Cook, Harris, Henderson, Humphries, Johnson, McCreary, Sams—11.

Nays—Mr. President, Baker (20th Dist.), Baker (29th Dist.), Broome, Cottrell, Dayton, Girardeau, Hosford, Leggett, McLeod, McMullen, Miller, Sloan, West, Williams, Withers—16.

So the motion did not prevail.

The question recurred upon the motion to take the motion from its order for consideration.

The yeas and nays were called for, and the following was the vote:

Yeas—Mr. President, Senators Adkins, Baker (20th Dist.), Baker (29th Dist.), Broome, Crill, Cook, Cone, Cottrell, Dayton, Girardeau, Hosford, Leggett, McLeod, McMullen, Miller, Sloan, West, Williams, Withers—20.

Nays—Senators Broome, Buckman, Harris, Henderson, Humphries, Johnson, McCreary, Sams—8.

So the motion prevailed by a two-thirds vote.

Mr. Cone, as a matter of formality, moved to adopt the resolution.

Mr. Harris moved as a substitute that the Railroad Commission and the Board of Internal Improvement be requested to furnish to the Senate a certified copy of their proceedings relative to the cases under consideration; also, that this request be made of the State Treasurer.

Upon which the yeas and nays were called, and the following was the vote:

Yeas—Senators Adkins, Beard, Buckman, Crill, Cook, Dayton, Harris, Henderson, Humphries, Johnson, McCreary, Sams—12.

Nays—Mr. President, Baker (20th Dist.), Baker (29th Dist.), Broome, Cone, Cottrell, Girardeau, Hosford, Leggett, McLeod, McMullen, Sloan, West, Williams, Withers—16.

The question recurred upon the adoption of the resolution.

The yeas and nays were called, and the following was the vote:

Yeas—Senators Adkins, Beard, Buckman, Harris, Humphries, Johnson, Sams—7.

Nays—Mr. President, Baker (20th Dist.), Baker (29th Dist.), Broome, Cook, Cone, Cottrell, Girardeau, Henderson, Hosford, Leggett, McCreary, McLeod, McMullen, Miller, Sloan, West, Williams, Withers—19.

So the motion to adopt did not prevail.

Mr. Harris moved that the Senate do now adjourn.

The motion prevailed.

Thereupon the Senate stood adjourned until 10 o'clock Tuesday, April 13.

TUESDAY, APRIL 13, 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 Adkins, Baker (20th Dist.), Baker (29th Dist.), Beard, Broome, Buckman, Crill, Cook, Cone, Cottrell, Davis, Dayton, Girardeau, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams, Withers—30.

A quorum present.

Prayer by the Chaplain.

Mr. McCreary moved that the reading of the Journal be dispensed with.

The motion prevailed.

The Journal was corrected and approved.

INTRODUCTION OF RESOLUTIONS.

Mr. Baker, of the 29th District, offered the following—Senate Resolution No. 24:

Resolved, That the Committees on County Organization and on Organized Labor be granted leave to employ a clerk.

Which was read and referred to the Committee on Legislative Expenses.