

Which motion prevailed, and the doors were closed at 11:50 o'clock a. m.

The doors were opened at 12 o'clock m.

The Senate resumed its session.

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.), Beard, Broome, Buckman, Crill, Cook, Cone, Cottrell, Davis, Dayton, Girardeau, Harris, Henderson, Hosford, Humphries, \*Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Withers—28.

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

Which motion prevailed.

Thereupon the Senate stood adjourned until 10 o'clock Wednesday morning, April 14, 1909.

#### CONFIRMATIONS.

John S. Maxwell, to be Brigadier General, Florida State Troops, for four years from the 27th day of July, 1907.

### WEDNESDAY, APRIL 14, 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 Dis.), Baker (29th Dis.), Beard, Broome, Buckman, Crill, Cook, Cone, Cottrell, Davis, Dayton, Girardeau, Harris, Henderson, Hosford, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams, Withers.—28.

A quorum present.

Prayer by the Chaplain.

On motion of Mr. McCreary the reading of the Journal of April 13 was dispensed with.

The Journal of April 13 was corrected and approved.

Mr. Humphries was excused on account of illness from attendance upon today's session.

Mr. Zim was excused from attendance upon today's session on account of illness.

### INTRODUCTION OF RESOLUTIONS.

Mr. Cone, of the 14th District, offered the following:

Senate Resolution No. 25:

Resolved by the Senate, That the rules of the Senate be amended by adding a rule to be designated as Rule 40, which shall read as follows:

Rule 40. The Senate shall observe the following

### ORDER OF BUSINESS.

1. Reading of the Journal.
2. Correction of Journal.
3. Reports of Committees.
4. Introduction of Resolutions.
5. Introduction of Bills.
6. Consideration of Resolutions.
7. Messages from the Governor.
8. Messages from the House of Representatives.
9. Orders of the Day.
10. Consideration of Bills upon their Second Reading.
11. Consideration of Bills upon their Third Reading.
12. Miscellaneous Business.
13. Executive Appointments and Suspensions.
14. Petitions and Memorials.

Which was read the first time. Mr. Cone moved the adoption of the resolution.

Which was agreed to, and the resolution was adopted.

### REPORTS OF COMMITTEES.

Mr. Baker, 29th Dist., Chairman of the Committee on County Organizations, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 13, 1909.

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

*Sir:*

Your Committee on County Organization to whom was referred—

Senate Bill No. 5:

A bill to be entitled an act providing for the creation of Palm Beach County in the State of Florida and for the organization and government thereof.

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

Very respectfully,

W. E. BAKER,  
Chairman of Committee.

And Senate Bill No. 5 contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., April 14, 1909.

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

*Sir:*

Your Committee on Judiciary, Division B, to whom was referred—

Senate Bill No. 14:

A bill to be entitled an act for the relief of George R. Carter, sheriff of Citrus county, Fla., for loss of fees during his suspension from said office.

Also—

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.

Also—

## 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.

Also—

## Senate Bill No. 54:

A bill to be entitled an act to amend Chapter 5690 of the Laws of Florida, relative to the sale of liquors in counties or precincts voting against such sale, and also relating to selling liquors without a license.

Also—

## Senate Bill No. 56:

A bill to be entitled an act giving the holder of a negotiable instrument the right to sue the makers and endorsers thereof jointly.

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

Very respectfully,

F. P. CONE,

Chairman of Committee.

And Senate Bills Nos. 14, 39, 42, 54 and 56, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,

Tallahassee, Fla., April 13, 1909.

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

Sir:

Your Committee on Corporations, to whom was referred—

## 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.

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

Very respectfully,

W. M. GIRARDEAU,

Chairman of Committee.

And Senate Bill No. 41 contained in the above report

was placed on the Calendar of Bills on Second Reading.  
Mr. Baker, 20th Dist., Chairman of the Committee on Pensions, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 14, 1909.

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

*Sir:*

Your Committee on Pensions, to whom was referred—

Senate Concurrent Resolution No. 2:

Asking that a committee be appointed to visit and inspect and to inquire into the needs of the Confederate Veterans' Home at Jacksonville, Fla., in pursuance with the recommendation of the Governor in his message.

Have had the same under consideration and recommend that be adopted.

Very respectfully,

D. H. BAKER,  
Chairman of Committee.

And Senate Concurrent Resolution No. 2 contained in the above report was placed on the Calendar of Resolutions on Second Reading.

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

Senate Chamber,  
Tallahassee, Fla., April 13, 1909.

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

*Sir:*

Your Committee on Public Health, to whom was referred—

Senate Bill No. 17:

A bill to be entitled an act requiring all persons, associations of persons, firms or corporations operating interurban and suburban, or either, electric cars as common carriers of passengers in this State to sweep clean and scrub such cars.

Have had the same under consideration and recommend that it do not pass, the same being covered by the provisions of Senate Bill No. 62.

Very respectfully,

THEOP. WEST,  
Chairman of Committee.

And Senate Bill No. 17 contained in the above report was placed on the Calendar of Bills on Second Reading.

Mr. Cottrell, Chairman of the Committee on Public Lands and Drainage, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 13, 1909.

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

*Sir:*

Your Committee on Public Lands and Drainage, to whom was referred—

Senate Concurrent Resolution No. 3:

Be it Resolved by the Senate, the House of Representatives concurring, That a committee of eight, consisting of three members of the Senate and five members of the House of Representatives, be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, to visit, inspect and report upon the progress and conditions of the work of reclaiming the Everglades at Fort Lauderdale and other points, now being carried on by the trustees of the Internal Improvement Fund of the State of Florida, and also to visit, inspect and report upon the conditions and progress of the extension of the Florida Coast Line Canal and Transportation Company's work of extending their canal from St. Augustine to St. Johns River.

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

Very respectfully,

E. L. COTTRELL,  
Chairman of Committee.

And Senate Concurrent Resolution No. 3 contained in the above report was placed on the Calendar of Resolutions on Second Reading.

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

Senate Chamber,  
Tallahassee, Fla., April 13, 1909.

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

*Sir:*

Your Committee on Public Health, to whom was referred—

## Senate Bill No. 20:

A bill to be entitled an act to punish spitting and smoking inside of cars propelled by electricity and operating as common carriers of passengers in this State; and prescribing the duties of the common carrier operating, and the conductor or other person in charge of such car, and providing a penalty for the failure of such common carrier operating, and of the conductor or other person in charge of such car, to comply with and enforce the provisions of this act.

Have had the same under consideration and recommend that it do not pass, the same being fully covered by the provisions of Senate Bill No. 62.

Very respectfully,

THEOP. WEST,  
Chairman of Committee.

And Senate Bill No. 20 contained in the above report was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,  
Tallahassee, Fla., April 13, 1909.

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

*Sir:*

Your Committee on Public Health, to whom was referred—

## 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.

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

Very respectfully,

THEOP. WEST,  
Chairman of Committee.

And Senate Bill No. 27 contained in the above report was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber.  
Tallahassee, Fla., April 13, 1909.

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

*Sir:*

Your Committee on Public Health, to whom was referred—

Senate Bill No. 64:

A bill to be entitled an act to authorize the State Board of Health of Florida to employ a sanitary engineer, whenever the said Board may consider the necessities of sanitation in and about the State may so require, and to provide for his compensation.

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

Very respectfully,  
THEOP. WEST,  
Chairman of Committee.

And Senate Bill No. 64, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber.  
Tallahassee, Fla., April 13, 1909.

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

*Sir:*

Your Committee on Public Health, to whom was referred—

Senate Bill No. 63:

A bill to be entitled an act to authorize the State Board of Health to acquire and maintain a sanatorium for the treatment of tuberculosis; to make and enforce rules regarding the administration of such sanatorium, and to provide methods for conducting the same.

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

Very respectfully,  
THEOP. WEST,  
Chairman of Committee.

And Senate Bill No. 63 contained in the above report

was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,  
Tallahassee, Fla., April 13, 1909.

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

*Sir:*

Your Committee on Public Health, to whom was referred—

Senate Bill No. 62:

A bill to be entitled an act to authorize the State Board of Health to adopt, promulgate and enforce rules and regulations for the betterment and protection of the public health of the State of Florida.

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

Very respectfully,  
THEOP. WEST,  
Chairman of Committee.

And Senate Bill No. 62, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., April 13, 1909.

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

*Sir:*

Your Committee on Judiciary A, to whom was referred—

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.

Amend by striking out Section Two.

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

Very respectfully,  
LOUIS C. MASSEY,  
Chairman of Committee.

And Senate Bill No. 31, together with the committee amendments thereto contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., April 14, 1909.

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

*Sir:*

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

A bill to be entitled an act to amend Sections 3267 and 3268 of the General Statutes of the State of Florida, creating a penalty for carrying certain firearms without first obtaining license.

Also—

Senate Bill No. 66:

A bill to be entitled an act to repeal an act, entitled an act to authorize and regulate the selling of pools in this State. Approved June 4th, 1891; and to repeal all acts amendatory thereof.

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

Very respectfully,

F. P. CONE,  
Chairman of Committee.

And Senate Bills Nos. 50 and 66 contained in the above report were placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,  
Tallahassee, Fla., April 14, 1909.

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

*Sir:*

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

A bill to be entitled an act to amend Section 3146 of the General Statutes of Florida and to limit the time and prescribe the conditions governing certain actions for negligence causing the death of another.

Also—

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.

Also—

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.

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

Very respectfully,

F. P. CONE,  
Chairman of Committee.

And Senate Bills Nos. 58, 101 and 25 contained in the above report were placed on the Calendar of Bills on Second Reading.

Mr. Cone, Chairman of the Committee on Judiciary, Division B, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 14, 1909.

*Hon. F. M. Hudson,*

*President of the Senate:*

*Sir:*

Your Committee on Judiciary, Division B, to whom was referred—

Senate Bill No. 67:

A bill to be entitled an act authorizing special tax school districts to erect and improve school buildings and to issue bonds therefor.

Have had the same under consideration and report without recommendation.

Very respectfully,

F. P. CONE,  
Chairman of Committee.

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

Mr. Cone, Chairman of the Committee on Judiciary, Division B, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 14, 1909.

Hon. F. M. Hudson,

*President of the Senate:*

Sir:

Your Committee on Judiciary, Division B, to whom was referred —

Senate Bill No. 19:

A bill to be entitled an act to punish persons using profane or obscene language on any car propelled by electricity and operated in this State as a common carrier of passengers, and authorizing and empowering conductor or other person in charge of such car, to prevent intoxicated persons entering such car, and authorizing conductor or other person in charge of such car to arrest and eject boisterous, intoxicated, profane or obscene persons from such car; and providing a penalty for the failure, refusal or neglect of the conductor or other person in charge of such car to carry out the provisions of this act.

Recommend the following amendments:

In Section 2, line 6, strike out the word "likely."

In Section 3, line 7, strike out the words "unpleasant or."

In Section 1, line 5, strike out the words "less than ten nor."

In Section 1, line 6, strike out the words "less than ten nor."

In Section 2, line 10, strike out the words "less than ten nor."

In Section 2, line 12, strike out the words "less than ten nor."

In Section 3, line 12, strike out the words "less than twenty-five nor."

In Section 3, line 13, strike out the words "less than thirty nor."

In Section 4, line 5, strike out the words "less than twenty-five nor."

In Section 5, line 9, strike out the words "less than twenty-five nor."

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

Very respectfully,

F. P. CONE,

Chairman of Committee.

And Senate Bill No. 19, together with the committee amendments thereto, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., April 14, 1909.

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

Sir:

Your Committee on Judiciary A, to whom was referred—

Senate Bill No. 24:

A bill to be entitled an act to prohibit the dismissal of suits in courts in certain instances, by clerks, and to provide for dismissal by the judges of the courts upon notice to the opposite party or his attorney.

Also—

Senate Bill No. 33:

A bill to be entitled an act to prohibit the attending of white persons gatherings by negroes, and the attending of negro gatherings by whites.

Also—

Senate Bill No. 36:

A bill to be entitled an act authorizing and directing the County Treasurers 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.

Also—

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.

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

Very respectfully,

LOUIS C. MASSEY,

Chairman of Committee.

And Senate Bills Nos. 24, 33, 36 and 71 contained in the above report were placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,  
Tallahassee, Fla., April 14, 1909.

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

*Sir:*

Your Committee on Judiciary A, to whom was referred—

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.

Also—

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.

Also—

Senate Bill No. 47:

A bill to be entitled an act to amend Section 358 of the General Statutes of the State of Florida relating to penalty for cheating.

Also—

Senate Bill No. 53:

A bill to be entitled an act to organize a County Court in and for the County of Gadsden; to prescribe the terms thereof, and to provide for the appointment of a Prosecuting Attorney and for his compensation and for that of the Judge of said court.

And also—

Senate Bill No. 55:

A bill to be entitled an act to organize a County Court in the County of Hillsborough; to prescribe its jurisdiction and power and to fix the compensation of its Judges.

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

Very respectfully,

LOUIS C. MASSEY,  
Chairman of Committee.

And Senate Bills Nos. 29, 44, 47, 53 and 55 contained in the above report were placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,  
Tallahassee, Fla., April 13, 1909.

*Hon. F. M. Hudson,*

*President of the Senate:*

*Sir:*

Your Committee on Judiciary A, to whom was referred—

Senate Bill No. 11:

A bill to be entitled an act requiring the Clerk of the Supreme Court of the State of Florida, in all cases in which the Supreme Court writes an opinion, to send to the Clerk of the Circuit Court of the county from which such case is appealed or writ of error taken a correct copy of such opinion and decision of the Supreme Court.

Recommended the following amendment thereto:

Amend by striking out words "and decision," in title, and also words "and decision" in Section One.

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

Very respectfully,

LOUIS C. MASSEY,

Chairman of Committee.

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

Mr. Massey, chairman of the Committee on Judiciary A, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 13, 1909.

*Hon. F. M. Hudson,*

*President of the Senate:*

*Sir:*

Your Committee on Judiciary A, to whom was referred—

Senate Bill No. 7:

A bill to be entitled an act requiring certain State officers and certain Departments of the State government to make detailed reports and providing a penalty for failure to comply with said requirements.

Recommend the following amendment thereto:

Amend by inserting in the first section, after the words

"Department of the State Government," the words "Board of State Institutions, Board of Control, State Board of Education, Trustees of the Internal Improvement Fund, Board of Drainage Commissioners, State Board of Pensions."

And also in Section Four strike out words "officer or officers having the authority so to do," and insert in place thereof the words "proper authority."

And also in the title by inserting the words "State Boards" after the words "State officers."

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

Very respectfully,  
 LOUIS C. MASSEY,  
 Chairman of Committee.

And Senate Bill No. 7, together with Committee amendments contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
 Tallahassee, Fla., April 13, 1909.

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

*Sir:*

Your Committee on Corporations, to whom was referred—

Senate Bill No. 69:

A bill to be entitled an act authorizing any party defendant to any condemnation proceedings, 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 requiring a jury, as is now provided by law in condemnation proceedings, to try said issues.

Recommend that the same be referred to Judiciary Committee.

Very respectfully,  
 W. M. GIRARDEAU,  
 Chairman of Committee.

And Senate Bill No. 69, contained in the above report,

was by the request of the Committee on Corporations referred to the Committee on Judiciary, Division A.

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

Senate Chamber,  
Tallahassee, Fla., April 13, 1909.

*Hon. F. M. Hudson,*

*President of the Senate:*

*Sir:*

Your Committee on Corporations, to whom was referred—

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.

Recommended that the same be referred to the Judiciary Committee.

Very respectfully,

W. M. GIRARDEAU,  
Chairman of Committee.

And Senate Bill No. 74, contained in the above report, was, by request of the Committee on Corporations, referred to the Committee on Judiciary A.

Mr. Sloan, Chairman of the Committee on Legislative Expenses, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 14, 1909.

*Hon. F. M. Hudson,*

*President of the Senate.*

*Sir:*

Your Committee on Legislative Expenses, to whom was referred—

Senate Resolution No. 23:

Beg to report the following substitute:

Resolved, That the Committee on Engrossed Bills be

authorized to employ one Clerk, services to begin today.

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

Very respectfully,

D. H. SLOAN,  
Chairman of Committee.

And Senate Resolution No. 23 contained in the above report was placed in its order among resolutions for consideration.

Mr. Crill, Chairman of the Committee on Banking, on behalf of the committee, requested that the committee be allowed further time for the consideration of Senate Bills Nos. 1, 13 and 22, which request was granted by unanimous vote.

#### INTRODUCTION OF BILLS.

By Mr. Cook—

Senate Joint Resolution No. 118:

A Joint Resolution proposing amendments to Article 7 of the Constitution of the State of Florida, relative to census and apportionment.

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

By Mr. Zim —

Senate Bill No. 119:

To provide for the licensing of plumbers and to supervise and inspect plumbing in the State of Florida, and to provide penalties for the violation thereof.

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

By Mr. Henderson—

Senate Bill No. 120:

A bill to be entitled an act to designate the State Inspectors of Foods and Drugs, of Commercial Feeding Stuff and Commercial Fertilizers.

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

By Mr. Henderson—

Senate Bill No. 121:

A bill to be entitled an act to fix the standard of cotton-

seed meal sold in this State; to prohibit the sale of inferior cottonseed meal without notice to the public; to prohibit the misbranding of cottonseed meal, and providing penalties for violations of this act.

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

By Mr. Baker (20th District), by request—

Senate Bill No. 122:

A bill to be entitled an act to protect the fresh water fishes in the fresh water lakes, ponds and other fresh water streams in the county of Marion.

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

By Mr. Baker (20th District)—

Senate Bill No. 123:

A bill to be entitled an act to amend Section 370 of the General Statutes of the State of Florida, relating to State Certificate.

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

By Mr. Baker (20th District), by request—

Senate Bill No. 124:

A bill to be entitled an act to repeal Chapter 5578 of the Laws of Florida, relating to the shooting of alligators and limpkins on the Ocklawaha River.

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

By Mr. McMullen—

Senate Bill No. 125:

A bill to be entitled an act to amend Section 2024 of the General Statutes of the State of Florida, relating to granting of rights of way.

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

By Mr. Sloan—

Senate Bill No. 126:

A bill to be entitled an act to amend Section 3549 of the General Statutes of Florida, the same relating to drunkenness and the penalty therefor.

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

By Mr. Johnson—

Senate Bill No. 127:

A bill to be entitled an act regulating the selling, pledging, mortgaging or disposing of personal property subject to retain title note or contract.

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

By Mr. Harris—

Senate Joint Resolution No. 128:

A Joint Resolution proposing an amendment to Section Thirty-five of Article Five of the Constitution of Florida, relating to establishment of courts.

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

By Mr. Williams—

Senate Bill No. 129:

A bill to be entitled an act to amend Chapter 5618 of the Laws of Florida, requiring common carriers to pay claims for lost or damaged freight or express, or other charges on freight or express within a certain time; and providing within the event a common carrier fails to pay said claim within said time, that such common carrier shall in certain cases be liable for interest on said claims at the rate of 50 per cent. per annum, and shall also be liable for a reasonable attorney's fee.

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

## CONSIDERATION OF RESOLUTIONS.

Senate Resolution No. 23:

Was taken up in its order, and was read as follows:

Resolved, That the Chairman of the Committee on Engrossed Bills be allowed such clerical aid as is necessary to properly execute the work.

Together with the substitute offered by the Committee on Legislative Expenses, to-wit:

Resolved, That the Committee on Engrossed Bills be authorized to employ one clerk. services to begin today.

Mr. Sloan moved to adopt the substitute of the committee in lieu of the original resolution.

Which was agreed to.

Mr. Sloan moved that the substitute for Senate Resolution No. 23 be adopted.

Which was agreed to, and Substitute Resolution No. 23 was adopted.

### BILLS ON SECOND READING.

#### Senate Bill No. 6:

A bill to be entitled an act providing that no judgment shall be reversed to an Appellate Court, except for reasons affecting the merits of the action.

Was taken up and read the second time in full.

Mr. Cone, chairman of the Committee on Judiciary B, as required by the rule, moved to indefinitely postpone Senate Bill No. 6.

Which was agreed to, and Senate Bill No. 26 was indefinitely postponed.

#### Senate Bill No. 8:

A bill to be entitled an act to require that public notice shall be given when any of the public lands of the State are to be sold in large tracts.

Was taken up and read the second time in full.

Mr. Harris moved to waive the rules and that Senate Bill No. 8 be placed on the Calendar of Bills for Third Reading, without reference to the Committee on Engrossed Bills.

Which was agreed to by a two-thirds vote, and so ordered.

Mr. Harris moved that the rules be further waived and that Senate Bill No. 8 be read the third time and put upon its passage.

Which was agreed to by a two-thirds vote.

And—

#### Senate Bill No. 8:

A bill to be entitled an act to require that public notice shall be given when any of the public lands of the State are to be sold in large tracts.

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

Upon the passage of the bill the vote was:

Yeas—Mr. President, Senators Adkins, Baker (20th Dist.), Baker (29th Dist.), Beard, Broome, Buckman, Grill, Cook, Cone, Cottrell, Davis, Dayton, Girardeau, Harris, Henderson, Hosford, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams.—28.

Nays—None.

So the bill passed, title as stated and was ordered to be certified to the House of Representatives, under the rule.

#### House Bill No. 10:

A bill to be entitled an act prohibiting fire insurance companies doing business in this State, in the absence of fraud, misrepresentation or deceit upon the party insuring, from setting up as a defense against the payment of a policy, lack of title in the party insuring.

Was taken up and read the second time in full.

The further consideration of the bill was informally passed:

#### 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.

Was taken up and read the second time in full.

Mr. Cone moved to indefinitely postpone the bill.

Mr. McCreary moved as amendment that Senate Bill No. 30 should be recommitted.

The amendment was agreed to, and Senate Bill No. 30 was recommitted to the Committee on Judiciary B.

The consideration of Senate Bill No. 10 was resumed:

Mr. Johnson offered the following amendment to Senate Bill No. 10:

At the end of the second line of the title of said Bill add the words "the part."

Which was agreed to, and Senate Bill No. 10, as amended, was referred to the Committee on Engrossed Bills.

## BILLS ON THIRD READING.

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 certain streets in said city.

Was taken up and read the third time in full.

Upon the passage of the bill, the vote was:

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

Nays—None.

So the bill passed, title as stated and was ordered to be certified to the House of Representatives under the rule.

## MISCELLANEOUS BUSINESS.

By consent.

Mr. McMullen introduced Senate Bill No. 130.

A bill to be entitled an act to amend Sections Three and Seven of Chapter 5364, of the Laws of Florida, entitled "An act to incorporate and establish a municipal government for the Town of Tarpon Springs, in Hillsborough county, Fla.; provide for its government, prescribe its jurisdiction and powers, and to abolish the present corporation of said town.

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

Mr. Cone, Chairman of the Senate Commission appointed by the last Legislature to investigate the acts and doings of the trustees of the Internal Improvement Fund, submitted their report:

Mr. Cone moved that the report be received and spread upon the Journal, to appear as Appendix later.

Which motion prevailed, and it was so ordered.

Mr. Cone moved that the Senate do now adjourn to 10 o'clock tomorrow morning.

Which was agreed to.

Whereupon the Senate stood adjourned until 10 o'clock a. m., Thursday, April 15, 1909.

## THURSDAY, APRIL 15, 1909.

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The Senate met, pursuant to adjournment.

The President in the chair.

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

Mr. President, Senators Adkins, Baker (20th Dis.), Baker (29th Dis.), Beard, Broome, Buckman, Crill, Cook, Cone, Cottrell, Davis, Dayton, Girardeau, Harris, Henderson, Hosford, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams, Withers, Zim.—30.

A quorum present.

Prayer by the Chaplain.

On motion of Mr. West the reading of the Journal of April 14 was dispensed with.

The Journal of April 14 was corrected.

The Journal of April 14 was approved as corrected.

Mr. McCreary asked that Mr. Humphries be excused from attendance on the Senate on account of illness, Which was granted.

Mr. Williams, Chairman of the Committee on Game and Fisheries, asked that the said committee be granted until April 22 for the consideration of Senate Bill No. 21.

Which was granted by a unanimous vote.

### REPORTS OF COMMITTEES.

Mr. Theop, West, Chairman of the Committee on Public Health, submitted the following report: