

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.

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## 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.

## INTRODUCTION OF BILLS.

By Mr. McCreary—

Senate Bill No. 102:

A bill to be entitled an act for the relief of W. A. Snowden, of Micanopy, Alachua county, Florida.

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

By Mr. Humphries—

Senate Bill No. 103:

A bill to be entitled an act to amend Section 371 of the General Statutes of the State of Florida, relating to Life Certificate.

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

By Mr. Hosford—

Senate Bill No. 104:

A bill to be entitled an act creating a State Board of Pensions, defining who shall receive pensions, who shall not receive pensions, how applications shall be made, how pensions shall be paid, duty of County Commissioners in regard to pensions, providing for the levy of 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.

By Mr. Crill—

Senate Bill No. 105:

A bill to be entitled an act to prohibit the prostitution of females under the age of eighteen years and providing punishment therefor.

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

By Mr. Harris—

Senate Bill No. 106:

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

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

By Mr. Crill—

Senate Bill No. 107:

A bill to be entitled an act to amend Section 3533 of the General Statutes of the State of Florida relating to negro man and white woman or white man and negro woman occupying the same room.

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

By Mr. Crill—

Senate Bill No. 108:

A bill to be entitled an act to amend Sections Two, Seven, Ten, Eleven, Twelve and Fourteen of an act entitled "An act to prevent the adulteration, misbranding and imitation of foods for man or beast, of beverages, candies and condiments, of medicines, drugs and liquors, or the manufacture and sale thereof in the State of Florida; prescribing a penalty for the violation hereof; providing for the inspection and analysis of the articles described by the Florida State Department charging the State's Attorney with the enforcement hereof, and providing means therefor; providing for the appointment of additional Assistant State Chemists, or Expert Food Analysts, a Food and Drug Inspector; to appropriate the necessary funds to enforce the provisions of this act, and to repeal all laws or parts of laws in conflict with this act, approved June 3, 1907.

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

By Mr. Crill—

Senate Bill No. 109:

A bill to be entitled an act to amend Section 2523 of the General Statutes of the State of Florida relating to enticing away unmarried females for prostitution.

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

By Mr. Williams—

Senate Bill No. 110:

A bill to be entitled an act to regulate the killing and butchering of cattle.

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

By Mr. Johnson—

Senate Bill No. 111:

A bill to be entitled an act to authorize and empower the Board of County Commissioners of Suwannee County, Florida, to issue interest-bearing coupon warrants to take up and cancel all outstanding county warrants issued prior to January 1, 1909.

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

By Mr. Johnson—

Senate Bill No. 112:

A bill to be entitled an act to authorize and empower the Board of Public Instruction of Suwannee County, Florida, to issue interest-bearing coupon warrants to take up and cancel all outstanding county school warrants issued prior to July 1, 1909.

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

By Mr. Cone—

Senate Bill No. 113:

A bill to be entitled an act to make mandatory at least one high school in every county.

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

By Mr. Miller—

Senate Joint Resolution No. 114:

A Senate Joint Resolution to Congress of the United States asking for an appropriation for Yellow River, in Santa Rosa county, Florida.

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

By Mr. Massey—

Senate Bill No. 115:

A bill to be entitled an act to affirm the right of the City of Sanford to receive annually one-half of the amount realized from the road and bridge taxes of Orange county on property within the limits of that city.

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

By Mr. Harris—

Senate Bill No. 116:

A bill to be entitled an act to permit any street railway company now or hereafter incorporated under the Laws of Florida to sell, lease or otherwise transfer its property, franchises and assets to any other company authorized to acquire the same by purchase, lease or otherwise.

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

By Mr. McLeod—

Senate Bill No. 117:

A bill to be entitled an act providing for the recording of retain title notes and contracts.

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

### CONSIDERATION OF RESOLUTIONS.

Senate Concurrent Resolution No. 4 was taken up in its order and read the second time.

Mr. Harris moved to adopt the resolution, upon which the yeas and nays were called for, and the following was the vote:

Yeas—Mr. President, Senators Baker (20th Dist.), Baker (29th Dist.), Beard, Buckman, Cook, Cottrell, Davis, Dayton, Harris, Humphries, Johnson, McCreary, McMullen, Sams, West—16.

Nays—Senators Adkins, Crill, Cone, Girardeau, Henderson, Hosford, Leggett, Massey, McLeod, Miller, Sloan, Williams, Withers.—13.

So the motion to adopt the resolution prevailed.  
By consent, Senate Memorial No. 2 was withdrawn.

### REPORTS OF COMMITTEES.

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

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

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

*Sir:*

Your Committee on Judiciary B, to whom was referred Senate Bill No. 30, to-wit:

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.

Also—

Senate Bill No. 6, to-wit:

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

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. 6 and 30, contained in the above report, were 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 13, 1909.

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

*Sir:*

Your Committee on Judiciary B, to whom was referred Senate Bill No. 8, to-wit:

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.

Also—

Senate Bill No. 10, to-wit:

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.

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

Very respectfully,

F. P. CONE,

Chairman of Committee.

And Senate Bills Nos. 10 and 8, contained in the above report, were placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,

Tallahassee, Fla., April 13, 1909.

*Hon. F. M. Hudson,*

*President of the Senate:*

*Sir:*

Your Committee on Legislative Expenses, to whom was referred—

Senate Resolution No. 20:

Asking for authority to employ one clerk to serve the Committee on Appropriations, the Committee on Public Lands and Health and the Committee on Drainage.

Have considered same and recommend that the following five committees be authorized to employ one clerk to serve them jointly, to wit: Appropriations, Public Health, Public Lands and Drainage, Fish and Game and Corporations.

Very respectfully,

D. H. SLOAN,

Chairman of Committee.

Mr. Harris moved that the rules be waived and that Senate Resolution No. 20 be taken from its order and be now considered.

Which was agreed to by a two-thirds vote, and the Resolution was taken from its order and read.

Pending the consideration of Senate Resolution No. 20.

#### COMMUNICATIONS.

The following message from the Governor was read by unanimous consent:

State of Florida,  
Executive Office.

Tallahassee, April 12, 1909.

*Gentlemen of the Legislature:*

Your attention is invited to the following:

There is a clause in the Payne Tariff Bill to the effect that "the maximum and minimum principle be adopted by which retaliatory rates averaging about 20 per cent. may be levied upon the products of countries which do not grant to the commerce of the United States the most-favored nation treatment."

Germany is the country from which comes the supply of potash salts, so necessary for successful agriculture in the cotton States. Germany does not at present grant to the United States minimum rates on all products. Consequently, if the above becomes a law and Germany persists in not granting to the United States the "most-favored-nation" treatment, a retaliatory duty of 20 per cent. ad valorem will be levied on all potash salts imported.

There are some six hundred thousand tons of potash salts now annually imported from Germany into the United States. This is principally used for *fertilizers*. These salts are now quoted in New York at from \$8.50 for "Kainit" to \$43.60 for "Sulphate"—an average of \$25.00 per ton or \$15,000,000.00. Twenty per cent. of this amount (\$3,000,000) would be added to the annual cost of fertilizers, most of which is consumed in the cotton States. The average potash content of Florida fertilizers is 140 pounds per ton, representing 7 units. The cost of one of these units is \$1.10 or \$7.70 per ton. An increase of 20 per cent. in its cost would add an average of \$1.45 per ton to the fertilizers used in this State. As Florida uses 130,000 tons annually, this would increase the cost of fertilizers used in this State \$200,200. Georgia uses 800,000 tons. Other cotton States use large quantities of commercial fertilizers, one of the principal and most costly ingredients of which is potash.

The passage of a joint or concurrent resolution is recommended, advising the Senators and Representatives from this State in Congress of this threatened additional imposition upon the farmers and fruit growers of Florida and of the cotton producing States, and requesting them

to take such action as they may deem best to prevent such imposition.

Very respectfully,  
ALBERT W. GILCHRIST,  
Governor.

Mr. Harris moved that the message be received and spread upon the Journal.

Which was agreed to and so ordered.

And by unanimous consent the above message was referred to the Special Committee on the Biennial Message From the Governor.

Also the following message from the Governor was read, and the message was referred to the Committee on Constitutional Amendments.

State of Florida,  
Executive Office.  
Tallahassee, April 12, 1909.

*Gentlemen of the Legislature:*

Your attention is invited to the manner in which constitutional amendments are submitted to the qualified electors for ratification or rejection.

Section 1 of Article XVII of the Constitution provides for the publication of proposed amendments "for three months" "in one newspaper in each county where a newspaper is published."

Chapter 5405 of the General Statutes of 1906 provides for the County Commissioners printing the copy of the proposed amendments and having the same "conspicuously posted at each voting precinct in such county on the day of election."

Section 218 of the General Statutes provides that "the substance of each proposed amendment be indicated upon the ballot," and it "shall be twice in the same language indicated upon the ballot," being once for each of the two cross marks to be placed opposite "yes" or "no." The adoption of the proposed constitutional amendments represent the great principle of referendum. It enforces a change in the organic law of the State.

From the foregoing quotations, and the manner in which the proposed constitutional amendments are presented to the electors, it is absolutely impossible for any of them to determine the nature of the change in the proposed amendments. In order for anyone to vote intelligently it would be necessary for the voter to take

the proposed amendment and compare the same with the Constitution as it is. ut very few voters have a copy of the Constitution, and it is safe to say that in ninety per cent. of the rural precincts no one is in a position to form any opinion as to the advisability of approving or rejecting the proposed amendments. The result of it is that any designing person, having reason to reject any one of the proposed amendments, says, "Kill them all!"

For instance, in the election of 1906 one of the proposed constitutional amendments provided for the publication of these amendments "one month" instead of "three months." Notices of legal sales are advertised for only one month. The people at large had absolutely no way of determining the real merits of this case. The majority of the press takes a high stand on public issues, yet there were doubtless some who saw two-thirds of the revenue which they had derived from the publication of such amendments about to be swept away from them. Such papers advocated "Kill them all!" The force of such statements could be easily lessened by the passage of a law requiring the Governor, the Secretary of State and the Attorney General to have published the effect of the proposed change. For instance, there could have been printed, following the publication of that proposed constitutional amendment, heretofore referred to, the following: "The amendment proposes to change the publication of proposed amendments in the newspapers from *three* months to *one* month." If such a summary were placed on the ballot, on posters, and published in the papers, every voter in Florida would have the opportunity of knowing the exact nature of the proposed change. As it is now, whenever any proposed amendment meets with much opposition, the parties opposing the same fill the very air with cries: "Kill it!" and to make dead sure, they say, "Kill them all!" The result of it all is that the great principle of "Referendum" is an absolute farce in this State. On the other hand, should there be a proposed amendment in which some people are particularly interested, in order to insure its passage, they would fill the air with the idea of voting for all of them.

I therefore recommend that Chapter 5405 be amended so as to require the County Commissioners, in addition to printing the proposed amendment, to print beneath the same the effect of the proposed change; that Section

218 of the General Statutes be similarly amended; and that the Governor, the Secretary of State and the Attorney General be required to prepare the substance of the proposed change, and that the County Commissioners be required to print them.

In my message of April 6th, page 27, the following appears:

**CONSTITUTIONAL AMENDMENTS.**

Compiling the Amendments and Embodying the Same in the Constitution.

The passage of the following Constitutional Amendments is recommended: That a Board, consisting of the Governor, Attorney General and Secretary of State, be authorized to revise the present Constitution, by inserting in the body of the same the amendments which have already been passed, and which may pass at the next general election. These amendments to be substituted in the body of the Constitution, and to take the place of such sections or articles, as may be or may have been amended. This to be known as the "Constitution as amended in 1910," or to be designated in any other manner, as the Legislature may see proper.

It is further recommended that this proposed Constitutional Amendment embrace the proposition of having the Constitution thus revised by this Board every year in which the revised statutes are published, and that the Constitution be published with said statutes, being designated as the "Constitution as Amended to \_\_\_\_\_." (Here state the date.)

In considering this message, your attention is invited to that portion of my message of April 6th, relating to Constitutional Amendments, on pages 28 and 29 of same.

Very respectfully,

ALBERT W. GILCHRIST,

Mr. Cone moved that a communication from the Honorable Board of Control to the Senate be read.

Which motion prevailed and the following communication was read as follows:

Whereas, On July 7, 1905, a resolution was adopted by the State Board of Education and the Board of Control, in joint session, to the effect that the Board of Education would not claim or exercise any supervision over the Board of Control in the selection of Presidents of or

teachers in the institutions established by Chapter 5384, Laws of Florida, and

Whereas, The Board of Education, by resolution, on January 30, 1909, questioned the wisdom and validity of the first mentioned resolution, leaving the selection of Presidents of or teachers in State educational institutions of the discretion of the Board of Control, and

Whereas, The State Board of Education, by said resolution of January 30, 1909, has undertaken to supervise and direct the Board of Control in the selection of a President of the University of the State of Florida. Now, therefore, be it

Resolved by the Board of Control:

(1). That it is the opinion of the Board of Control that Section 19 of said Chapter 5384 confers upon it jurisdiction over, and complete management and control in the selection of a President of the University, and that the policy of allowing the Board of Control to be free in the exercise of that discretion heretofore allowed, and now, for the first time, denied, presents a matter that can only properly be determined by the Legislature.

(2). That the Board of Control has carefully considered the objections urged by the State Superintendent of Education against retaining Dr. Andrew Sledd as President of the University, and has come to the conclusion that there is no merit in his objections. That certain letters which have been produced to the Board of Control were written because of a letter from the said State Superintendent of Education, in which he stated that unless a change was made in the Presidency of the University, in his opinion, the Board of Commissioners of State Institutions would not willingly permit the Board of Control to erect the buildings at the University provided for by Act of the Legislature. That it is the firm conviction of the Board of Control that no such motive has, or would, or could, influence the Board of Commissioners of State Institutions of the State of Florida in deciding the sole question vested in said Board of whether funds would be available from legislative appropriations for the purpose of making improvements at the University

(3). Be it further Resolved, That the resignation of Dr. Sledd, as President of the University, has relieved us from considering the difference of opinion between the Board of Education and the Board of Control upon what it would otherwise be our duty to do, and that we, as a

Board, are gratified that we are able to select as President of the University in the person of Dr. A. A. Murphree, one who is so well qualified to be its President, and who, at the same time, is satisfactory to the State Board of Education. We select him voluntarily, and without solicitation. He has made no effort directly or indirectly to secure the position to which we have called him.

(4). Be it further Resolved, That we deny the newspaper claim that our University has been a failure. Only those who are superficially informed can make any such statement. The fact is, the University has continually progressed, but we have not considered it the part of honesty to undertake to mislead the people of the State by "padding" enrollment.

(5). That while the resignation of Dr. Sledd, and the election of Dr. Murphree has, for the time being, obviated the necessity of considering the respective powers and duties of the two boards, yet, there should be, in our opinion, a statute enacted, defining the respective powers and duties of the two boards, so clear in its terms that there can never again be any question of the meaning of the Legislature

We, as members of the Board of Control, have submitted to the present situation against our personal inclinations to refuse to submit to what appears to us to be a practical dictation by a majority of the Board of Education, and a reflection upon our management of the University, solely in the interest of the University and College, and because we feel that if we can render a service to the State in this important matter of education, we ought to lay aside all personal considerations. But, for the future, if the Legislature of Florida would have a University free from control in matters of detail by the Board of Education, the members of which are not, and cannot, in the nature of things, because of other duties, be familiar with the work and with the teachers employed, which we believe was the intention of said Chapter 5384, then it is incumbent upon it to so amend Chapter 5384 as that the Board of Control shall be supreme in the selection of Presidents and teachers, and in the detail management of the institutions of higher education established and supported by the State. Unless this be done, Florida will be practically alone in her attempt to confer upon one board, to wit: The Board of Control, the power to elect faculties, and then to deprive that board

of its power by conferring upon another board, to wit: The State Board of Education, the appellate and supervisory power to set aside any selection made by the Board of Control, and thereby practically to dictate the selection of a President or any teacher.

It is unreasonable to expect that a man suited to be President of the University would accept employment by the Board of Control subject to be discharged at any time by the Board of Education, the members of which, because of other duties, cannot become familiar with the man and his work.

(6). Be it further Resolved, That copies of the resolutions be forwarded to the Governor, President of the Senate and Speaker of the House of Representatives.

I hereby certify that the resolutions hereto attached is a true and exact copy of the resolutions adopted by the Board of Control in regular session, April 10th, 1909.  
(Seal of College.)

J. G. KELLUM,

Secretary of Board of Control.

Mr. Crill moved that the communication be received and spread upon the Journal.

Which was agreed to and was so ordered.

#### BILLS ON SECOND 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 in its order, and was read the second time.

And under the rule was placed, without reference, upon the Calendar of Bills on the Third Reading.

Senate Joint Resolution No. 18:

Proposing an amendment to Section 1, Article 6, of the Constitution of the State of Florida, relating to suffrage.

Was taken from the Calendar in its order and was read the second time.

Mr. Beard moved to make the bill a special order for Thursday, April 22, at 4 o'clock p. m.

Which motion prevailed, and it was so ordered.

Mr. Beard moved that the Senate take up the election of United States Senator at 12 o'clock today.

Mr. Crill moved as a substitute that the Senate take a recess for twenty minutes.

Which motion prevailed, and the Senate took a recess. 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, Williams, Withers—29.

A message was received from the Governor.

#### CONSIDERATION RESUMED.

The consideration of Senate Resolution No. 20 was resumed.

The committee amendment to Senate Resolution No. 20 was read as follows:

That Senate Resolution No. 20 be made to read as follows: Resolved by the Senate, That the Committee on Appropriations, Public Health, Public Lands and Drainage, Fish and Game and Corporations be allowed a clerk.

Mr. Sloan moved to adopt the committee amendment to the resolution.

The motion prevailed and the committee amendment was adopted.

Mr. Harris moved that Senate Resolution No. 20, as amended, be adopted.

Which was agreed to and the resolution as amended was adopted.

Mr. Beard moved that the further consideration of the motion that the Senate proceed to elect a United States Senator to-day shall go over until Tuesday, April 20.

Which motion prevailed.

The following message from the Governor was read:

State of Florida, Executive Office,  
Tallahassee, April 13, 1909.

*Gentlemen of the Legislature:*

Your attention is respectfully invited to the following:

Section 12, Article IV. of the Constitution, as amended, reads as follows:

“The Governor, Secretary of State, Comptroller, At-

torney General and Commissioner of Agriculture, or a major part of them, of whom the Governor shall be one, may, upon such conditions and with such limitations and restrictions as they may deem proper, remit fines and forfeitures, commute punishment, and grant pardon after conviction, in all cases except treason and impeachment, subject to such regulations as may be prescribed by law relative to the manner of applying for pardons."

It is recommended that this amendment be amended by striking out the words "Attorney General" and substituting therefor the words "State Treasurer."

As petitions for pardon are now presented to the Board of Pardons, the attorney for the petitioner sets up various reasons why the pardon should be granted. There is no one to present the reasons to the Board why the pardon should not be granted. The object of this proposed change is that a statute may in future be passed directing the Attorney General, under such rules and regulations as may be passed by said Board, or by the Legislature, to represent the State in all petitions for pardon. The State is now represented in every court except the Court of last resort, the Pardoning Board.

It appears, from reading the Constitution, that the Board has now sufficient power to "establish such conditions, with such limitations and restrictions as they may deem proper." It is, therefore, not deemed necessary to pass any law prescribing conditions, limitations and restrictions.

Very respectfully,

ALBERT W. GILCHRIST,

Governor.

Mr. Harris moved that the message be received and spread upon the Journal.

The motion prevailed, and it was so ordered.

Mr. Dayton moved that 200 copies of Senate Bill No. 85 be printed and distributed to the members of the Legislature and departments.

Which motion prevailed, and it was so ordered.

Mr. Massey asked that Mr. Zim be excused from attendance upon the Senate on account of illness.

The request was granted.

Mr. Harris moved that the Senate do now go into Executive Session.

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.