

FRIDAY, APRIL 30, 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 District), Baker (29th District), Beard, Broome, Buckman, Crill, Cook, Cottrell, Davis, Dayton, Flournoy, Girardeau, Harris, Henderson, Hosford, Humphries, Johnson, Leggett Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams, Withers—30.

A quorum was present.

Prayer by the Chaplain.

By unanimous consent the reading of the Journal of April 29 was dispensed with.

The Journal of April 29 was corrected.

REPORT OF COMMITTEES.

Mr. Baker (20th District), Chairman of the Committee on Pensions, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 29, 1909.

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

Sir:

Your Committee on Pensions, to whom was referred—
Senate Bill No. 104, by Mr. Hosford:

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.

Have had the same under consideration and recommend the following substitute therefor:

Committee substitute for 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.

Very respectfully,

D. H. BAKER,
Chairman of Committee.

And Senate Bill No. 104, together with the Committee Substitute therefor, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Baker moved that 200 copies of the Committee Substitute for Senate Bill No. 104 be printed, and to make it a special order for 11 o'clock on Tuesday next.

Which was agreed to.

Mr. Dayton moved that 200 copies of Senate Bill No. 225 be printed.

Which was agreed to.

Mr. Johnson Chairman of the Committee on Public Roads and Highways submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1909.

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

Sir:

Your Committee on Public Roads and Highways to whom was referred—

Senate Bill No. 256:

A bill to be entitled an act to amend Section 3676 of the General Statutes of the State of Florida, relating to the Committee on Public Roads and Highways.

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

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

Very respectfully,

J. B. JOHNSON,
Chairman of Committee.

And Senate Bill No. 256, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Dayton, Acting Chairman of the Committee on Governor's Message, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1909.

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

Sir:

Your Committee on Governor's Special Message to whom was referred the message asking for an appropriation to repair the capitol building, beg leave to advise that we have investigated the same and advise that the same be turned over to the Committee on Appropriations.

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

Very respectfully,
GEO. W. DAYTON,
Acting Chairman of Committee.

And the Governor's Message, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Buckman, Chairman of the Committee on Governor's Message, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1909.

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

Sir:

Your Committee on Governor's Message to whom was referred—

The Governor's Special Message:

Reporting the contracts late entered into by the Board of State Institutions in regard to the lease of State convicts, beg to report that they have examined the same and it appearing that said message and contract has already been printed in the Journal, and that there is nothing therein that requires any action on the part of your Committee, beg leave to report back the same.

Very respectfully,
H. H. BUCKMAN,
Chairman of Committee.

And the message contained in the above report, was placed on file.

Mr. Harris, Chairman of the Committee on Municipalities, submitted the following report:

Senate Chamber,
Tallahassee, Fla, April 30, 1909.

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

Sir:

Your Committee on Municipalities, to whom was referred—

Senate Bill No. 235:

A bill to be entitled an act to abolish the present municipal government of the Town of Dade City, in the County of Pasco, and State of Florida; and to establish, organize and constitute a municipality to be known and designated as the City of Dade City, and to define its territorial boundaries, to provide for its jurisdiction, powers and privileges.

Also

House Bill No. 330:

A bill to be entitled an act to abolish the present municipal government of the Town of Mulberry, in the County of Polk, and State of Florida, and to establish, organize and constitute a municipality known and designated as Mulberry, in the County of Polk, and State of Florida, and to define its territorial boundary, and to provide for its jurisdiction, powers and privileges.

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

Very respectfully,

W. HUNT HARRIS,
Chairman of Committee.

And Senate Bills Nos. 235 and 330, contained in the above report, were placed on the Calendar of Bills on Second Reading.

Mr. Harris, Chairman of the Committee on Municipalities, submitted the following report:

Senate Chamber,
Tallahassee, Fla, April 30, 1909.

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

Sir:

Your Committee on Municipalities, to whom was referred—

Senate Bill No. 236:

A bill to be entitled an act to repeal Chapter 5094 of the Laws of Florida, entitled "An act to incorporate the Town of Trilby, in Pasco County, Florida, and provide for the election of its municipal officers."

Also

Senate Bill No. 254:

A bill to be entitled an act to amend Section 4 of Chapter 4865, entitled "An act to amend Sections 2, 40 and 41 of an act entitled 'An act to abolish the present municipal government of the Town of Madison, Florida, and to provide a town government therefor, being Chapter 4133, Laws of Florida,' approved June 2, 1893, to abolish the office of Trustees of Waterworks' Bonds and to grant additional powers to said municipality."

Also

Senate Bill No. 260:

A bill entitled an act to authorize the Town Council of the Town of Leesburg, Florida, to contract by ordinance or otherwise with any person, firm or corporation for the construction and maintenance by such person, firm or corporation of a system of waterworks and electric light and power plant in the said town of Leesburg.

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

Very respectfully,

W. HUNT HARRIS,
Chairman of Committee.

And Senate Bills Nos. 236, 254 and 260, contained in the above report, were placed on the Calendar of Bills on Second Reading.

Mr. Harris, Chairman of the Committee on Municipalities, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1909.

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

Sir:

Your Committee on Municipalities, to whom was referred—

Senate Bill No. 202:

A bill to be entitled an act to amend Section 1, Article 5, of an act entitled "An act to abolish the present municipal government of the city of Sanford, Orange county, Florida, and organize the city government for the same and provide for its jurisdiction and powers," approved May 24, 1903.

Also—

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 the city.

Also—

Senate Bill No. 194:

A bill to be entitled an act to validate the incorporation of the town of Lake Maitland, in Orange county, and to define the boundaries thereof.

Also—

Senate Bill No. 245:

A bill to be entitled an act to amend Section Nine of Chapter 4877 of the Laws of Florida, approved June 1, 1899, entitled "An act to establish the municipality of Dunedin, provide for its government, and prescribe its jurisdiction and powers."

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

Very respectfully,

W. HUNT HARRIS,

Chairman of Committee.

And Senate Bills Nos. 202, 115, 194 and 245, contained in the above report, were placed on the Calendar of Bills on Second Reading.

Mr. Harris, Chairman of the Committee on Municipalities, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1909.

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

Sir:

Your Committee on Municipalities, to whom was referred—

Senate Bill No. 238:

A bill to be entitled an act to amend Section 37 of Chapter 5080, Laws of Florida, approved May 29, 1901.

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

Very respectfully,

W. HUNT HARRIS,
Chairman of Committee.

And Senate Bill No. 238, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Leggett, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1909.

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

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

House Bill No. 17:

An act providing for the creation of Palm Beach county in the State of Florida and for the organization and government thereof.

Also—

House Bill No. 177:

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.

Also—

House Bill No. 178:

An act to authorize and empower the Board of Public Instruction of Suwannee county, Florida, to issue interest bearing coupon warrants to take up all outstanding county school warrants issued prior to July 1, 1909.

Also—

House Bill No. 334:

An act making appropriation for deficiency in the appropriation for maintenance of indigent insane for the six months ending June 30th, 1909.

Also—

House Bill No. 361:

An act to fix the pay of certain committee clerks employed by the House of Representatives at the session of the Legislature of 1909, whose services were dispensed with, and to provide for the payment thereof.

Have examined the same and find correctly enrolled.

Very respectfully,

C. L. LEGGETT,
Chairman of Joint Committee.

And the acts contained in the above report were referred to the Joint Committee on Enrolled Bills, to convey to the House of Representatives for the signature of the Speaker of the House of Representatives and the Chief Clerk thereof.

Mr. Leggett, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1909.

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

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

House Bill No. 17:

An act providing for the creation of Palm Beach county in the State of Florida, and for the organization and government thereof.

Also—

House Bill No. 177:

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.

Also—

House Bill No. 178:

An act to authorize and empower the Board of Public Instruction of Suwannee county, Florida, to issue interest bearing coupon warrants to take up all outstanding county school warrants issued prior to July 1, 1909.

Also—

House Bill No. 334:

An act making appropriation for deficiency in the appropriation for maintenance of indigent insane for the six months ending June 30th, 1909.

Also—

House Bill No. 361:

An act to fix the pay of certain committee clerks employed by the House of Representatives at the session of the Legislature of 1909, whose services were dispensed with, and to provide for the payment thereof.

Beg to report that the same has been duly signed by the Speaker and Chief Clerk of the House of Representatives, and is herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,

C. L. LEGGETT,

Chairman of Joint Committee.

ENROLLED.

The President announced that he was about to sign—

House Bill No. 17:

An act providing for the creation of Palm Beach County, in the State of Florida, and for the organization and government thereof.

Also

House Bill No. 177:

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.

Also—

House Bill No. 178:

An act to authorize and empower the Board of Public Instruction of Suwannee County, Florida, to issue inter-

est bearing coupon warrants to take up all outstanding county school warrants issued prior to July 1, 1909.

Also—

House Bill No. 334:

An act making appropriation for deficiency in the appropriation for maintenance of indigent insane for the six months ending June 30, 1909.

Also—

House bill No. 361:

An act to fix the pay of certain committee clerks employed by the House of Representatives at the session of the Legislature of 1909, whose services were dispensed with, and to provide for the payment thereof.

The acts were thereupon duly signed by the President and Secretary of the Senate and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

Mr. Leggett, Chairman of the Committee on Enrolled Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla, April 30, 1909.

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

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

Hoseu Bill No. 17:

An act providing for the creation of Palm Beach County, in the State of Florida, and for the organization and government thereof.

Also—

House Bill No. 177:

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.

Also—

House Bill No. 178:

An act to authorize and empower the Board of Public Instruction of Suwannee County, Florida, to issue interest bearing coupon warrants to take up all outstanding county school warrants issued prior to July 1, 1909.

Also

House Bill No. 334:

An act making appropriation for deficiency in the appropriation for maintenance of indigent insane for the six months ending June 30, 1909.

Also—

House Bill No. 361:

An act to fix the pay of certain committee clerks employed by the House of Representatives at the session of the Legislature of 1909, whose services were dispensed with, and to provide for the payment thereof.

Beg to report that the same has been presented to the Governor for his approval.

Very respectfully,

C. L. LEGGETT,
Chairman of Joint Committee.

INTRODUCTION OF BILLS.

By Mr. Sloan—

Senate Bill No. 296:

A bill to be entitled an act to repeal Sections 2530 and 2531 of General Statutes of the State of Florida, relative to exemption of wages from garnishment.

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

By Mr. Sloan—

Senate Bill No. 297:

A bill to be entitled an act to amend Section 2076 of the General Statutes of the State of Florida, relative to summons in courts of Justices of the Peace.

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

By Mr. Sloan—

Senate Bill No. 298:

A bill to be entitled an act to amend Chapter 4869 of the Laws of the State of Florida, being an act entitled "An act to abolish the present municipal government of the city of Lakeland, in the County of Polk, and State of Florida, and to establish, organize and constitute a municipality to be known and designated as Lakeland, and to define its territorial boundary, and to provide for its jurisdiction, powers and privileges."

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

By Mr. Broome—

Senate Bill No. 299:

A bill to be entitled an act to legalize and validate the ordinance of the city of Quincy, Florida, entitled "An ordinance to provide for the issuing of bonds by the mayor and City Council of the city of Quincy, under the provisions of Chapter 5844, Laws of Florida, entitled 'An act to abolish the present municipal government of the town of Quincy, in the County of Gadsden, and the State of Florida, and to establish, organize and constitute a municipality to be known and designated as the city of Quincy, and to define its territorial boundaries, to provide for its jurisdiction, powers and privileges,'" approved May 9, 1907, and to provide for an election to determine whether such bonds shall be issued.

Passed by the Council of the city of Quincy on the 25th day of March, A. D. 1909, and approved by the mayor of the city of Quincy, on the 25th day of March, A. D. 1909, and to legalize and validate the special election held on the 27th day of April, A. D. 1909, by the qualified electors of the city of Quincy, Florida, under the provisions of the said ordinances, and to legalize and make valid any and all bonds issued by the city of Quincy, Florida, under said ordinance and to legalize and make valid all the proceedings and resolutions of the Council of the city of Quincy, Florida, under said ordinance.

Mr. Broome moved that the rules be waived and that Senate Bill No. 299 be read the second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 299 was read the second time by its title.

Mr. Broome moved that the rules be further waived and that Senate Bill No. 299 be read the third time and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill 299:

A bill to be entitled an act to legalize and validate the ordinance of the City of Quincy, Florida, entitled "An Ordinance to provide for the issuing of bonds by the

Mayor and City Council of the City of Quincy, under the provisions of Chapter 5844, Laws of Florida, entitled 'An Act to abolish the present municipal government of the town of Quincy, in the county of Gadsden, and the State of Florida, and to establish, organize and constitute a municipality to be known and designated as the City of Quincy, and to define its territorial boundaries, to provide for its jurisdiction, powers, and privileges,' approved May 9, 1907, and to provide for an election to determine whether such bonds shall be issued.

Passed by the Council of the City of Quincy, on the 25th day of March, A. D. 1909, and approved by the Mayor of the City of Quincy, on the 25th day of March, A. D. 1909, and to legalize and validate the special election held on the 27th day of April, A. D. 1909, by the qualified electors of the City of Quincy, Florida, under the provisions of the said ordinances, and to legalize and make valid any and all bonds issued by the City of Quincy, Florida, under said ordinance, and to legalize and make valid all the proceedings and resolutions of the Council of the City of Quincy, Florida, under said ordinance.

Was read the third time in full.

Upon the passage of Senate Bill No. 299 the vote was:

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

Nays—None.

So the bill passed, title as stated.

And the same ordered certified immediately.

By Mr. Crill—

Senate Bill No. 300:

A bill to be entitled an act to amend Sections 1173, 1174 and 1176 of the General Statutes of Florida, relating to the practice of pharmacy in Florida.

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

By Mr. Crill—

Senate Bill No. 301:

A bill to be entitled an act to provide against the evils

resulting from the traffic in certain narcotic drugs, and to regulate the sale thereof.

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

By Mr. Buckman—

Senate Bill No. 302:

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

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

By Mr. West—

Senate Bill No. 303:

A bill to be entitled an act to declare Chipola River, in the counties of Calhoun and Jackson, in the State of Florida, to be a navigable stream.

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

By Mr. Buckman—

Senate Bill No. 304:

A bill to be entitled an act to amend Sections 1845 and 1847 of the General Statutes of the State of Florida, in relation to official reporters of the Courts, their duties and compensation.

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

By Mr. Baker, of the 20th District—

Senate Bill No. 305:

A bill to be entitled an act to amend Sections 2008, 2011, 2013 and 2027, of Article 6, Chapter XI, Title 3, of the General Statutes of the State of Florida, relating to exercise of right of eminent domain.

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

By Mr. Flournoy—

Senate Bill No. 306:

A bill to be entitled an act to provide for the establishment and maintenance of the Department of Game and

Fish of the State of Florida; the appointment of a State Game and Fish Commissioner, County and Special Deputy Game and Fish Wardens; providing for their salaries and expenses, and prescribing their powers and duties; and providing for the protection and preservation of the birds, game and fish within the State of Florida, and providing penalties, fines and forfeitures for violation of the State Game and Fish Laws of the State.

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

CONSIDERATION OF RESOLUTIONS.

House Concurrent Resolution No. 14:

Resolved by the House of Representatives, the Senate concurring, That the Orange Blossom be and the same is hereby chosen and designated as the State flower in and for the State of Florida.

Was taken up and read the second time.

Upon the question of its adoption, House Concurrent Resolution No. 14 was agreed to.

And the same was ordered to be certified to the House of Representatives under the rule.

House Concurrent Resolution No. 12:

A resolution commendatory of the lecture of Hon. A. O. Wright, a veteran of the Confederate States Navy; subject of lecture, "The Confederate Navy."

Was taken up and read the second time.

Upon the question of its adoption, House Concurrent Resolution No. 12 was agreed to.

And the same was ordered to be certified to the House of Representatives under the rule.

House Memorial No. 10:

A memorial to the Congress of the United States in regard to the presentation and restoration of the old Spanish fort, located near Matanzas Inlet, St. Johns County, Florida,

Was taken up and read the second time.

Upon the question of its adoption, House Concurrent Resolution No. 10 was agreed to.

And the same was ordered to be certified to the House of Representatives under the rule.

House Memorial No. 11:

A memorial to the Congress of the United States in regard to legislation exempting the State of Florida from the stone and timber act of the homestead laws of the United States.

Was taken up and read the second time.

Upon the question of its adoption, House Concurrent Resolution No. 11 was agreed to.

And the same was ordered to be certified to the House of Representatives under the rule.

House Concurrent Resolution No. 13:

Be it Resolved by the House of Representatives, the Senate concurring, That a committee composed, two on the part of the House and one on the part of the Senate, be appointed to visit and inspect and report on the needs and conditions of the State Reform School, located at Marianna, Florida.

Was taken up and read the second time.

Upon the question of its adoption, House Concurrent Resolution No. 13 was agreed to.

And the same was ordered to be certified to the House of Representatives under the rule.

House Concurrent Resolution No. 15:

Whereas, The New York Educational Board have now an agent in this State to labor among our farmers in establishing farmers' co-operative demonstration work;

Was taken up and read the second time.

Upon the question of its adoption, House Resolution No. 15 was agreed to.

And the same was ordered to be certified to the House of Representatives under the rule.

House Concurrent Resolution No. 16:

Be it Resolved by the House of Representatives, the Senate concurring, That a committee, composed of two on the part of the House and one on the part of the Senate, be appointed to inspect and report on the condition of the Capitol Building, located at Tallahassee, Florida.

Was taken up and read the second time.

Upon the question of its adoption House Concurrent Resolution No. 16 was agreed to.

And the same was ordered to be certified to the House of Representatives under the rule.

SPECIAL ORDER OF THE DAY.

The hour of 10:30 o'clock, the time set for the consideration of Senate Joint Resolution No. 18, having arrived, the President ordered the Joint Resolution to be read:

And—

Senate Joint Resolution No. 18:

Proposing an amendment to Section 1, Article VI, of the Constitution of the State of Florida, relating to suffrage, as follows, to-wit:

Be it Resolved by the Legislature of the State of Florida, That the following amendment to the Constitution of the State of Florida be and the same is hereby agreed to and shall be submitted to the electors of the State at the general election to be held on the first Tuesday after the first Monday in November, A. D. 1910, for ratification or rejection:

Section 1 of Article Six (6) of the Constitution is hereby amended so as to read as follows, to-wit:

“Section 1. Every white male person of the age of twenty-one years and upwards who shall at the time of registration be a citizen of the United States, and who shall have resided and had his habitation and domicile, home, and place of permanent abode in Florida for one year and in the county for six months, shall in such county be deemed a qualified elector at all elections under this Constitution. Each naturalized citizen of the United States at the time of and before registration shall produce to the registration officers his certificate of naturalization or a duly certified copy thereof.”

Was taken up and read the third time in full.

Upon the passage of the Senate Joint Resolution No. 18, the vote was:

Yeas—Mr. President, Senators Adkins, Baker (20th District), Baker (29th District), Beard, Broome, Cook, Cone, Davis, Dayton, Flournoy, Girardeau, Leggett, Massey, Miller, Sams, Sloan, West, Williams, Withers—20.

Nays—Senators Buckman, Crill, Cottrell, Henderson, Hosford, Humphries, Johnson, McCreary, McLeod, McMullen—10.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives under the rule.

Mr. Leggett moved that the argument of Mr. Beard, in advocacy of the Joint Resolution be spread upon the Journal, and that 1,000 extra copies, in pamphlet form of same, be printed.

Which was agreed to, and so ordered.

The following was the argument of Mr. Beard in advocating the passage of Senate Joint Resolution No. 18.

Speech of John S. Beard in the Senate of the State of Florida, April 30, 1909, the Senate having under consideration Senate Joint Resolution No. 18, proposing an amendment to the State Constitution, limiting the franchise to the white males.

Mr. Beard said:

Mr. President, the provisions of this Resolution proposing an amendment to the Constitution of the State of Florida, limiting as they do, the elective franchise to the white males, are in direct conflict with the provisions of the Fifteenth Amendment of the Federal Constitution.

If this Resolution passes both Houses of the Legislature by the requisite constitutional majority, and is ratified by the people at the polls as a part of the State organic law, its validity as a part of the Constitution of the State will, of course, depend upon the invalidity of the so-called Fifteenth Amendment to the Federal Constitution, which will finally have to be determined by the Supreme Court of the United States.

At the session of the Legislature of 1907, I introduced a similar resolution, and in support of that resolution I, in detail and at length, gave my reasons for believing that the Supreme Court of the United States will hold that the Fifteenth so-called amendment is not a part of the Constitution of the United States; that it was neither constitutionally proposed nor constitutionally ratified as a part of the Federal organic law. I shall only hurriedly repeat the reasons and facts then given. Those who are interested can refer to the Senate Journal of 1907, where all that I then said upon this subject appears.

The suffrage or political power was not delegated to the Federal Government by the States in the Constitution which created the Union of the States and established the government of the Union. Not only was this power never delegated to the Federal Government, but its reservation by the States is rendered more emphatic by express provisions of the Federal Constitution which adopts the electorate created by the States as the electorate of the

elective Federal offices. This is illustrated by the constitutional fact that Representatives in Congress are elected by the electors of the most numerous branch of the State Legislatures. Each State prescribes the qualifications of the electors of the members of the most numerous branch of its Legislature, and by the same act and at the same time prescribes the qualifications of the electors of the members of Congress. Each State appoints electors for President and Vice-President as the State shall determine. Though these electors are now, I believe, in all of the States elected by popular vote, still it's perfectly competent for a State to say that Justice of the Peace, or any other designated officer or individual shall name these electors. Senators in Congress are elected by the Legislatures of the States, and the Legislatures are elected by constituencies created by the States. These are only elective Federal offices.

The Fifteenth Amendment does not change these express provisions of the Federal Constitution, but places a limitation upon the former absolute political power of the State by prohibiting the United States or any State from denying or abridging the right of citizens of the United States to vote on account of "race, color or previous condition of servitude."

If the Fifteenth Amendment is a part of the Federal Organic Law, clearly it is a limitation upon the former absolute political power of the State, and no State can deny or abridge the right to vote on account of "race, color or previous condition of servitude." But, if this Fifteenth Amendment, so-called, is not a part of the Federal Organic Law, then the States possess now, as they did at the time of the framing and adoption of the Constitution of the United States, the right, the unrestrained and unrestricted right, to prescribe the qualifications of all the electors, and the unrestricted right to deny to any of its citizens the elective franchise for any reason and upon any grounds which to the State may seem sufficient.

The validity of this so-called Fifteenth Amendment to the Constitution of the United States depends upon the historic truth of its proposal and of its ratification; in other words, whether it was proposed and ratified as required by the Constitution of the United States. The Constitution of the United States declares that,

"The Congress, whenever two-thirds of both Houses

shall deem it necessary, shall propose amendments to the Constitution,"

Which shall be valid as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States. As this method of amendment was the method adopted, it is unnecessary to call attention to the other method of amendment.

Now, the question which presents itself is, "Did this so-called Fifteenth Amendment receive the votes of two-thirds of both Houses of Congress; and if so, was it ratified by the Legislatures of three-fourths of the State?"

The Supreme Court of the United States has held that the highest evidence of what transpires in either House of Congress is the record kept by that House. Not only is this record the highest evidence, but it is conclusive evidence. No evidence can be received to controvert what is transcribed in that Record as having transpired in that House.

There were in February 1869, 223 Members of the House of Representatives of the Congress of the United States. The "Congressional Globe" (as the "Congressional Record" was called in those days) of the 25th day of February, 1869, shows that of those 223 Members of the House of Representatives only 144 voted for the Resolution proposing the Fifteenth Amendment to the Constitution of the United States. Now, it is a short and simple arithmetical calculation to show that 144 are not, but that 149 are two-thirds of 223; so according to the "Congressional Globe," which the Supreme Court of the United States holds to be not only the highest but conclusive evidence of what transpires in the House of Representatives, the Resolution proposing the Fifteenth Amendment received in the House of Representatives five votes less than the requisite two-thirds majority. Not only that, but in February 1869, there were thirty-seven States in the Union. Each State having two Senators, would make the membership of the Senate 74, but Texas, Virginia and Mississippi were arbitrarily held as military districts; and Georgia, though she had fully complied with the Reconstruction Acts, and her Representatives had been admitted to the House and had there voted on the Amendment, was excluded from the Senate over the protests of even such a bitter and unscrupulous partisan as Senator John Sherman, of Ohio. So there were four Southern States which were not accorded even the misrepresentation which was accorded to the

other seven Southern States. This left thirty-three States represented in the Senate, with a total membership of sixty-six. The "Congressional Globe" of the 26th day of February, 1869, shows that of the sixty-six Senators only thirty-nine voted for the Resolution proposing the Fifteenth Amendment to the Constitution of the United States.

Now, it is another very short and simple calculation for us to see that 44 and not 39 are two-thirds of 66. So the Resolution, according to the "Congressional Globe," this conclusive evidence of what occurs in the Senate, received five votes in the Senate less than the requisite two-thirds majority; and Senator Garritt Davis, of Kentucky, and Senator Hendricks, of Indiana, immediately challenged the announcement of Ben F. Wade, President Pro Tem of the Senate, that two-thirds had voted for the amendment. Senator Davis, of Kentucky, said:

"Sir—Your amendments to the Constitution are all void. They have no effect; they are proposed by a mutilated Congress; they are proposed by a mutilated House of Representatives and Senate."

But Benjamin F. Wade, with characteristic dishonesty and mendacity, persisted in holding that 39 are two-thirds of a Senate of 66, and he was sustained by a radical and conscienceless majority.

The so-called ratification of this amendment by the Legislatures of some of the States, and the declaration that it had been ratified by three-fourths of the States, was, if possible, even more infamous and scandalous than its proposal. I shall not now in detail go through the shameful and scandalous proceedings of the Legislatures of some of the States acting upon this amendment. I shall call attention to only a few.

The vote upon this amendment was in fact taken in the Senate before day of the morning of Saturday, the 27th of February, though it is recorded in the "Congressional Globe" of Friday, the 26th day of February.

Sidney Clark, a Representative in Congress from Kansas; Stewart, a Senator from Nevada, and Henderson, a Senator from Missouri, telegraphed the amendment to the Legislatures of their respective States. The ordinary, the customary proceeding, would have been for it to have been certified by the Congress to the Secretary of State of the United States, and by him certified to the several States for their action; but the Legislatures of the three

States named were upon the eve of adjournment, and the radical members of Congress were anxious for this amendment to be ratified before the adjournment of these Legislatures, because they knew that if it was submitted to the Legislatures to be elected in the future, when the people would have an opportunity to instruct the members of the Legislatures, that it would never be ratified, and for this reason these gentlemen telegraphed the amendment to the Legislatures of their respective States and urged ratification before adjournment. And before the following Tuesday morning the amendment was ratified, or was said to have been ratified by the Legislatures of these three States, though at the time of ratification no member had seen the proposed amendment other than the telegraphic copy, which afterwards proved to be materially incorrect—a mistake occurring in its transmission—but the Secretary of State of the United States held that these ratifications were sufficient, as the Legislatures of these States intended to ratify the amendment that was said to have passed the Congress.

The Legislature of New York ratified the amendment, and the ratification was certified to the Secretary of State of the United States. The Legislature subsequently reconsidered the vote by which the amendment had been ratified, and rejected it, and the rejection was certified to the Secretary of State of the United States; but the Secretary of State held a ratification to be irrevocable.

The Legislature of Ohio, at the same time, rejected the amendment, and the rejection was certified to the Secretary of State of the United States. The Legislature of that State subsequently reconsidered the vote and ratified the amendment, and the Secretary of State held that a rejection could always be recalled and a ratification filed in the place of it.

Six States—California, Delaware, Kentucky, Maryland, Oregon and Tennessee—rejected the amendment; and surely either New York or Ohio should have been counted against the amendment. If New York was allowed to withdraw her ratification, Ohio should have been allowed to withdraw her rejection; if Ohio was not allowed to withdraw her rejection, New York should not have been allowed to withdraw her ratification.

But in Indiana the proceedings were without parallel in the political history of this or any other country. When the news arrived of the passage by Congress of the Fif-

teenth Amendment, the radicals, who had a majority in both houses of the Indiana Legislature, attempted to rush through a ratification, as had been done in Kansas, Nevada, Missouri and some other States. The Democrats protested and insisted that time should be taken to hear from the people on the question, but all in vain. Under the then Constitution of Indiana, a two-thirds majority in each house of the Legislature was necessary to constitute a quorum to do business. More than a third of each House was Democratic. The two United States Senators then from the State of Indiana were Oliver P. Morton, Republican, and Thos. A. Hendricks, Democrat. The Democrats, of course, were accepting and acting upon the advice of Hendricks, while the Republicans were following Morton. The Republicans having a majority, but less than two-thirds, insisted upon ratification; the Democrats, with a minority, but more than a third, insisted that they should wait and hear from the people before taking so important a step.

Seeing that the Republicans were intent upon ratification, the Democratic Senators and Representatives resigned; thus breaking the quorum. It was urged by some that the remnant of both Houses proceed to ratify and not let their Journals show the lack of a quorum, but the Governor of the State would not agree to the fraud. He therefore ordered a special election to fill the vacancies and called an extra session of the Legislature. All of the resigned members, except one, were returned to the extra session; and in this and other ways the people made their opposition to the amendment manifest; but the radical majority in both Houses again insisted upon ratification. The Democratic members of the Senate refused to vote, but those not voting were counted as present to make a quorum.

The next day the ratification resolution was taken up by the House. In order to prevent being counted as present, as was done in the Senate, more than a third of the House again resigned; thus reducing the membership to less than two-thirds requisite to constitute a quorum to do business. But the Speaker showed himself equal to the occasion by ruling that while the Constitution of the State of Indiana did specify two-thirds, as necessary, to constitute a quorum for ordinary business, that it did not follow that two-thirds was necessary for the transaction of such extraordinary business as the ratification of an amendment to the Constitution of the United States. He

therefore announced the amendment ratified, and the name of Indiana was added to the list of ratifying States.

So, according to the Journals of the Legislature of Indiana, Indiana has never constitutionally ratified this amendment to the Federal Constitution.

In the Southern States the amendment was ratified by Legislatures elected by false and unconstitutional constituencies—constituencies created by Congress in open, flagrant and avowed violation of the Constitution of the United States and supported by the bayonet of the United States soldiers. It will scarcely be contended even by the most partisan and unscrupulous radical that in any one of the Southern States, in a Legislature chosen by the true Constitutional electorate of the State, a single vote would have been cast for ratification. This, then, leaves only 19 States which could by any possibility be counted fairly for ratification—nine less than the three-fourths necessary for ratification. There were then, as I have said, 37 States in the Union. Three-fourths of 37 are 27 and a fraction, and we always take the next highest number, which would be 28. Therefore, it was necessary that the Legislatures of 28 States should ratify this amendment, even had it been Constitutionally proposed by Congress, in order to make it a part of the Federal Organic Law.

When I say that only nineteen States could fairly and honestly be counted as ratifying the so-called Fifteenth Amendment, I do not take account of the remarkable proceedings in Kansas, Nevada and Missouri. Thorpe, one of the greatest writers upon the history of the Constitution, says that it is a matter of grave and serious doubt if there was an honest ratification in a single State outside of the six New England States.

With these facts established by the "Congressional Globe," which, as I have said, the Supreme Court of the United States has held to be conclusive evidence of what transpires in Congress, and by the Journals of the several States, which the Supreme Court of each State has held to be conclusive evidence of what transpires in the Legislature of that State, we can safely affirm that the Fifteenth Amendment is not a part of the Constitution of the United States, because it was neither constitutionally proposed nor constitutionally ratified, and that each State possesses now, as it did at the time of the framing of the Constitution, the absolute political power to pre-

scribe the qualifications of its own electors, unlimited, unrestrained and untrammelled by the provisions of the Fifteenth so-called Amendment to the Federal Constitution.

The Resolution now under consideration passed the Senate two years ago by a vote of twenty-three to five, four Senators being absent, but was defeated in the House of Representatives because, as I believe, of the fact that it was not thoroughly understood, and prominent gentlemen, who were not members of the Legislature, and who had not given sufficient consideration and investigation to the question, and some newspaper men, who were incapable alike of investigating and understanding the question involved, assumed to advise and direct the disposition of this great and important question. I shall now take up the various objections which were then urged against the passage of this Resolution.

First, the New York "World," the Washington "Post," and other Northern papers, called the action of the Florida Senate in passing this resolution, nullification, and some of the Florida papers, and some prominent gentlemen who were not members of the Legislature were quick to adopt the slogan.

Now, nullification has a scary sound. It is suggestive of Federal troops, military rule and reconstruction methods; but those who understand the purpose of this resolution, and the political meaning and import of nullification, will know that they are not only dissimilar, but absolutely the converse and the reverse each of the other. Nullification is the act of a State when she assumes, in the last resort, to decide upon the constitutionality of an act of the Federal government, and declares that the act shall not be executed within the borders of the State, whatever the Federal government may hold as to the constitutionality of the act. In other words, it is a defiance of the Federal government by the State. This resolution, upon the contrary, proposes to make out an orderly case at law for the decision of the Supreme Court of the United States, and not to defy, but to accept the decision of the Supreme Court of the United States as the final determination of the question. So you will see that, so far from being nullification, it is the very antithesis of nullification.

Again, it was urged in 1907 by some prominent gentlemen, not members of the Legislature, that this question

had already been determined by the Supreme Court of the United States, and they cited a long list of decisions by the Supreme Court of the United States, not one of which had the slightest bearing upon the question involved. As a matter of fact, there have been but five decisions of the Supreme Court of the United States under the Fifteenth Amendment, but not in one of those cases was the issue ever made or the question ever decided as to validity of the Fifteenth Amendment to the Federal Constitution.

Now, all who are at all familiar with judicial proceedings know that no court will reach out and grasp jurisdiction. In order to get a determination of any question by a court, it is necessary that an issue be made of that question, and in not one single case has the issue of the validity of the Fifteenth Amendment been made, and in not one single case has the Supreme Court of the United States ever passed upon the validity of the Fifteenth Amendment; and I challenge any and every man to point out one single case where the issue of the validity of the Fifteenth Amendment has been made, or where the Supreme Court of the United States has passed upon the question of the validity of this Fifteenth Amendment.

Another objection raised was that long acquiescence in the Fifteenth Amendment rendered it valid, if not valid at first. In other words, that the statute of limitations bars any question of its validity. To that I answer that no time runs against a sovereign State. There is no political or judicial principle better settled and more universally accepted in our country than that the statute of limitations at no time runs against a State; and this Fifteenth Amendment, so-called, was intended to be, and if valid is, a limitation upon States.

In 1820 Congress passed what was popularly known as the Missouri Compromise Act. New States were admitted to the Union under this act; but in 1857, thirty-seven years after the passage of the act, the Supreme Court of the United States held the act to be unconstitutional, null and void. It affected sovereign States, and no time runs against sovereign States.

Next, it is urged that if we adopt this resolution, and it is ratified by the people as a part of the Constitution of the State, we will lose our representation in Congress;

that all elections held under it will be null and void. Now, let us see how logical is this objection.

Suppose this resolution is passed by the requisite three-fifths vote of both Houses of this Legislature. It cannot become a part of the Constitution of the State until ratified by the people at the general election in 1910, which election will be held under the present Constitution. In that same election in which we ratify this proposed amendment, we will elect our Representatives in Congress and the Members of the Legislature, which will elect the United States Senator in 1911. That Senator and those Representatives cannot be touched, because they will be elected under the present approved system. Then the first general election which can be held under the amended Constitution will be the election of 1912, and in the two years intervening between its ratification in 1910, and the first election under it in 1912, we can get up a test case in some municipal election and secure a decision of the Supreme Court of the United States. If the Supreme Court of the United States holds the so-called Fifteenth Amendment to be invalid; in other words, upholds the amended Constitution of Florida, clearly our Representatives elected in 1912 cannot be touched because we are within our constitutional rights and upheld by the highest court in the land. If, upon the contrary, the Supreme Court of the United States holds the Fifteenth Amendment to be a valid part of the Federal Constitution, then this Amendment to the Constitution of the State of Florida simply falls to the ground as null and void, and we hold the election of 1912 under the present Constitution.

So, it will be seen that in neither instance is it possible for us to lose our representation in Congress. It is not intended by any one that we shall do other than abide by the decision of the Supreme Court of the United States.

Again, it is objected that we cannot accomplish it, and that it is useless to try. No people have ever yet maintained their rights and asserted their liberties by saying "We cannot accomplish it."

When the Convention which framed the present Constitution of Mississippi met, and it was proposed to incorporate what is known as the "grandfather clause" in that Constitution, there were those in Mississippi who objected to the incorporation of that clause upon the ground that it would never be sustained by the Supreme

Court of the United States; that Mississippi would again be subjected to military government and would lose her representation in Congress. But that grand old statesman, Senator George, had sufficient influence and power to induce the Convention to incorporate the grandfather clause as a part of the Constitution of Mississippi. Mississippi did not lose her representation, was not again subjected to military government, and the Supreme Court of the United States, in the case of *Williams vs. Mississippi*, did uphold the Mississippi Constitution.

To me that decision is pregnant with great hope and promise. We all know that the purpose and intent of the Fifteenth Amendment, so-called, is to secure to the negro the privilege of voting. We all know that the purpose and intent of the Mississippi Constitution is to withhold from him this privilege. How easily the Supreme Court of the United States could have held, and what man could have criticised it for holding, that while the Mississippi Constitution did not in terms conflict with the provisions of the Fifteenth so-called Amendment to the Federal Constitution, yet it was a fraud upon that amendment, in that it was intended to defeat the very ends of the amendment. But the court did not so hold, and in my opinion did not so hold for the very simple reason that there is no valid Fifteenth Amendment for the Mississippi Constitution to be a fraud upon.

The Supreme Court of the United States has upheld the Southern States in every step they have taken to regulate the elective franchise. In not a single instance has it held the action of a Southern State upon the suffrage question to be violative of the Fifteenth Amendment. This seems to me to be almost a standing invitation by that court for some State to make the direct issue of the validity of that amendment.

Again, it was objected that this proposed amendment to our State Constitution is unnecessary, for the reason that under our present system the negro is already eliminated. This is true so long, but only so long, as the white people are united, but should any issue arise of sufficient magnitude to divide the white people, the negro will hold the balance of power, and each contending faction, division or party of the white people will bid for the negro vote. Concessions will have to be made in order to secure that vote. Each faction or division will make concessions to secure that vote. We will then

have established in our midst political equality, and where there is political equality a certain amount of social equality is inevitable.

I do not mean to say, of course, that the negro will sit in our drawing-rooms and at our dining-tables, but I do mean to say that holding as he will the balance of power, he will demand of that faction which he has helped to place in power, and which is dependent upon him for continuance in power, certain concessions.

For instance, he will demand and secure a repeal of the laws requiring a separation of the races upon the railroads and other common carriers, and eventually, perhaps, demand and secure a repeal of the laws requiring separate schools for the education of the children of the two races. I do not think that this is overdrawn, and the result of a heated imagination. We all know the weakness of human nature and the extent to which men will go to secure and maintain power. We have but to recall the wet and dry elections in several counties in our State, where the white people were pretty evenly divided. Both the wets and the dries, one as blameable as the other, made open bids for the negro vote, and in several of the counties he, holding the balance, determined the elections in those counties. What is true in a local election will be true in a State election, whenever the issue is of sufficient magnitude to divide the white people in the whole State, and with far more disastrous results than in simply a local election.

Some say, "Let us wait until that time comes, and then we can take this step." To this I reply, it is then too late. We are united now and can easily ratify this proposed amendment to the Constitution. If, however, we wait until dissensions arise and division occurs among ourselves, it will be impossible to secure the ratification of such an amendment, for the simple reason that the faction or division depending upon the negro vote to secure and maintain power will assist him in defeating any amendment to the Constitution which, while depriving him of the right to vote, would eliminate that factor which maintains the white faction in power.

Let us revert to the period when the so-called Fifteenth Amendment was under consideration by Congress. When this amendment was under consideration in the Senate of the United States, one of the Western Senators raised the objection that it protected all citizens of the United States

in the right to vote. He said that there was no objection to the amendment, in so far as it protected the negro in the right to vote, for that did not affect the West at all, but that the Mongolian was immigrating in large numbers to the Pacific States, which did not want them to participate in political affairs; and these men who wanted to thrust the newly liberated slaves into the body politic of the South, paused and reflected when this objection to the amendment was raised, until Mr. Stewart, of Nevada, called attention to the fact that the proposed Fifteenth Amendment protected only citizens of the United States in the privilege of voting; and that the Japanese and Chinese could be excluded from voting by manipulating the naturalization laws, and immediately the naturalization laws were so amended as to apply only to the white and negro races, and later extended to the Indians of the Indian Territory, who had severed their tribal relations. Oliver P. Morton, Fessenden, Stewart, Sumner and others, who had but a short time before made high-sounding speeches about the "Fatherhood of God," and the "Brotherhood and Equality of Man," denied this fatherhood, this brotherhood and this equality to the Mongolian, the second race in civilization, because it affected them, and extended the fatherhood, the brotherhood and the equality to the negro, the lowest race in the scale of civilization, because it affected the South but not them. And today the Japanese and the Chinese, the second race in the scale of civilization, are denied the right to vote in some of the States of the Pacific slope on account of race, and in other of the Pacific States on account of color; the provisions of the Fifteenth Amendment not protecting them in the right to vote because by reason of this manipulation of the naturalization laws, they are not citizens of the United States.

Now, I am not one of those who would deny to the negro any of his natural, inherent rights, which are the right to life, liberty, to the acquisition of property, and to the fair and impartial protection in the quiet and peaceable enjoyment of property when acquired. I would protect him in these natural, inherent rights, with the same impartiality that I would protect my white neighbor; but the elective franchise is not a natural right; it is not an inherent right; it is not a right of any kind; it is a privilege; it is a trust, extended and reposed by government in those who are morally and intellectually fitted to ex-

ercise that great trust for the protection of society and for the betterment of government.

I know that it is a customary thing for a man to say, "My vote is my own." But no man's vote belongs to him; it belongs to government, and he is entrusted with it by government in the belief that he will exercise judiciously, honestly and intelligently for the protection of society and for the betterment of government. If a man's vote was his own, he could sell it, barter it, or exchange it, as he does his horse, his ox or his goat. It is true that some men do, but when they do they betray one of the most sacred trusts ever reposed in the citizen.

Surely, if the Mongolian, the second race in the scale of civilization, is unfitted to participate in the government of the white race, the first in the scale of civilization, much more unfit is the negro, the fifth and last in the scale of civilization, morally and intellectually, to participate in the government of the white man; and I sincerely believe that if we adopt this resolution and ratify it as a part of the Constitution of the State, that the Supreme Court of the United States will uphold our action, and we will again, without hindrance, without limitation, have the absolute political power to regulate the elective franchise and to extend it to those only who are fitted morally and intellectually to exercise this great trust, this inestimable privilege, for the protection of society and for the betterment of government. By taking this step we have everything to gain and nothing to lose. It only requires a little nerve to take it; and like all dangers, it is greater when seen at a distance than when we approach and brave it. There is literally no danger of any kind in taking this needed step. The danger lies in neglecting to assert our rights.

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was read:

State of Florida,
Executive Chamber.
Tallahassee, April 29, 1909.

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

Sir:

I have the honor to inform you that I have approved

and signed the following act, which originated in your honorable body.

An act to provide for the deficiency in appropriations for general printing and advertising for the period beginning January 1, 1909, and ending June 30, 1909; and to provide for the deficiency in the appropriation for printing the Agricultural Bulletin for the period beginning January 1, 1908, and ending December 31, 1908; and to pay certain claims against such funds that may be properly presented and approved by the disbursing officers of the State.

I also have the honor to inform you that I have received and caused to be placed on file in the office of the Secretary of State the following memorial:

"A memorial instructing our Senators and requesting our Representatives in Congress to secure a revocation of the order discontinuing the Pensacola Navy Yard."

Very respectfully,

ALBERT W. GILCHRIST,

Governor.

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

Which was agreed to.

MESSAGES FROM HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., April 29, 1909.

Hon. F. M. Hudson,

President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—
Senate Bill No. 255:

A bill to be entitled an act defining the boundary line between the counties of Clay and Putnam in the corporate limits of the town of Melrose.

Also—

Senate Bill No. 220:

A bill to be entitled an act to incorporate the City of Bradentown, in Manatee county, Florida, and to pro-

vide for its government and prescribe its jurisdiction and powers and to abolish the present corporation of said city.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 255, contained in the above message, was read the first time by its title and referred to the Committee on Enrolled Bills.

And Senate Bill No. 220, contained in the above message was read the first time by its title and referred to the Committee on Enrolled Bills.

Also—

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., April 30, 1909.

Hon. F. M. Hudson,

President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 405:

A bill to be entitled an act making it unlawful for any person owning hogs to permit them to run at large on Merritt's Island, in Brevard county, Florida, and providing a penalty for the violation of this act.

House Bill No. 404:

A bill to be entitled an act to regulate the killing of wild ducks in the county of Brevard, State of Florida.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Bill No. 405 contained in the above message was read the first time by its title and referred to the Committee on County Organization.

And House Bill No. 404 contained in the above message was read the first time by its title and referred to the Committee on Game and Fisheries.

Also—

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla, April 30, 1909.

Hon. F. M. Hudson,

President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 93:

A bill to be entitled an act to amend the Charter of the Town of Crystal River, Fla., created under the General Laws of the State and of record in the Circuit Court Clerk's office at Inverness, Fla., to confirm said charter and all acts done under it, and to empower the town to assess its property, fix rate of taxation and license on occupation tax, independently of the General Laws of the State.

Also —

House Bill No. 152:

A bill to be entitled an act declaring the town of Winter Garden, in the county of Orange, State of Florida, to be a legally incorporated town.

Also—

House Bill No. 412:

A bill to be entitled an act to permit the registered voters of Election District No. 8, of Marion County, Florida, to decide whether hogs shall be allowed to run at large in said district.

Also—

House Bill No. 410:

A bill to be entitled an act to provide for the erection of sign posts with sign boards thereon at all important forks and crossings of public roads in Lake County, Florida, and mile posts along said roads by the County Commissioners of said county. And to prescribe penalties for failure so to do by Commissioners of said county, and also providing penalties, defacing, altering, or otherwise injuring the same.

And respectfully requests the concurrence of the Senate thereto.

J. G. KELLUM,
Chief Clerk of the House of Representatives.

And House Bill No. 93, contained in the above message was read the first time by its title and referred to the Committee on Municipalities.

And House Bill No. 152, contained in the above message was read the first time by its title and referred to the Committee on Municipalities.

And House Bill No. 412, contained in the above message was read the first time by its title and referred to the Committee on County Organization.

And House Bill No. 410, contained in the above message was read the first time by its title and referred to the Committee on County Organization.

Also, the following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., April 30, 1909.

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

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has concurred in Senate amendment to—

House Bill No. 17:

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.

Amendment as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

Section 1. That the county of Palm Beach be and the same is hereby created and established to exist as a county of the State of Florida from and after the first day of July, 1909. Such county shall comprise and include all that territory of the county of Dade as heretofore existing, which lies north of the following boundary line: Beginning at a point on the eastern boundary of the State of Florida where the south line of Section 18, township 49, south of range 43 east, if produced would intersect the same, and from the said point of intersection on the said eastern boundary of the said State, run

west on the southern boundary of section 18, township 49 south of range 43 east, and thence continuing west on the south boundaries of Sections Thirteen, Fourteen, Fifteen, Sixteen, Seventeen and Eighteen of township 49 south of range 42 east, and then following the said line produced, west to the western boundary line of the county of Dade as heretofore existing.

Sec. 2. The said county shall be a part of the Second Congressional District, a part of the Thirteenth Senatorial District, and a part of the Seventh Judicial Circuit, and the said county shall have one member in the House of Representatives of the State of Florida.

Sec. 3. The town of West Palm Beach shall be the temporary county seat of said county.

Sec. 4. The Governor of the State shall, on or before the first day of July, 1909, appoint all the officers to which said county may be entitled under the Constitution and laws of the State of Florida.

Sec. 5. It shall be the duty of the Board of County Commissioners of Palm Beach County to hold their first meeting on the first Monday in July, 1909, and at said meeting they shall make arrangements for temporarily carrying on the county government, and shall perform such other duties as may be required of them by law.

Sec. 6. It shall be the duty of the Board of Public Instruction of Palm Beach county to hold their first meeting on the first Tuesday in July, 1909.

Sec. 7. The courts of Palm Beach county shall have civil and criminal jurisdiction, throughout said county, over causes of action which shall have accrued, and over crimes and misdemeanors which shall have been committed within the territory embraced in said county as hereby constituted, prior to the first day of July, 1909, in the same manner and to the same extent as if said county had been in existence when such causes of action accrued, or such crimes or misdemeanors were committed.

Sec. 8. All actions and prosecutions, and all proceedings in guardianship or administration, and any and all other actions, prosecutions or proceedings that may be pending in Dade county in the Circuit Court or the County Court or any other court, or before any officer or board of said county on the first day of July, 1909, whereof any court, officer or board of Palm Beach county would have jurisdiction if said county had been in existence when such action or proceeding was instituted, shall

be transferred to the officer or board of Palm Beach county having jurisdiction of such matters, and all pleadings, papers and documents in any way pertaining to any such action, prosecution or proceeding shall be delivered by the Clerk or other officer of Dade county having custody thereof, to the proper officer of Palm Beach county.

Sec. 9. The Clerk of the Circuit Court of Palm Beach county, or his authorized agent or deputy, shall procure from the records in the office of the Clerk of the Circuit Court of Dade county a transcript of all such deeds, transfers, mortgages or other conveyances of real or personal estate, and of all judgments, orders and decrees, and any and all other matters of record, and any and all papers or documents in the custody of the Clerk of the Circuit Court of Dade county that may in any wise affect the interests of Palm Beach county as the County Commissioners may from time to time direct, and the Clerk of the Circuit Court of Dade county shall, without charges or fees, allow the Clerk of the Circuit Court of Palm Beach county free access to all books and papers on file in his office that would in any wise facilitate the procuring of such transcription. The Clerk of the Circuit Court of Palm Beach county shall certify to the correctness of such transcription and thereupon such certified copies of the records, documents and other matters so transcribed and certified shall be of the same force and effect as the original records.

Sec. 10. As compensation for the services required of him in Section 9 of this act, the Clerk of the Circuit Court of Palm Beach county shall be paid by said county a sum to be fixed by the County Commissioners, not to exceed one hundred dollars (\$100.00) per month for each man for such time as he shall actually engage in such work.

Sec. 11. The county Judge of Palm Beach county shall procure from the records in the office of the county Judge of Dade County a transcript of all papers, files, documents and records in the custody of the County Judge of Dade county that may in any wise affect the interests of Palm Beach county, as the County Commissioners may from time to time direct, and the County Judge of Dade county shall, without charges or fees, allow to the County Judge of Palm Beach County free access to all books and papers and files in his office that may in any wise facilitate the procuring of such tran-

scription. The County Judge of Palm Beach County shall certify to the correctness of such transcription, and thereupon such certified copies of the papers, files, documents and records so transcribed and certified shall be of the same force and effect as the original records.

Sec. 12. As compensation for the services required of him in Section 11 of this act, the County Judge of Palm Beach county shall be paid by said county a sum to be fixed by the County Commissioners, not to exceed one hundred dollars per month for each man for such time as he shall actually be engaged in such work.

Sec. 13. The assessor of taxes for Dade county shall continue to perform the duties of his office in relation to all property and persons within the territory of Palm Beach county as hereby created, until the first day of July, 1909, and shall complete the assessment roll for Dade county as heretofore existing. Upon completion of said assessment roll as provided by law, he shall deliver to the assessor of taxes for Palm Beach county a transcript of so much of such assessment roll as applies to property and persons within the limits of Palm Beach county as hereby created, and thereafter the assessor of taxes of Palm Beach county shall perform all the duties of his office as now provided by law.

Sec. 14. The Assessor of Taxes for Dade County shall be paid as provided by law for assessing the taxes of Palm Beach County for the year 1909, and the County Commissioners of Palm Beach County shall provide for reasonable compensation to be paid to said Assessor for preparing a transcript of his assessment roll as herein provided, and for any and all other extraordinary services which said Assessor may be required to perform.

Sec. 15. The Assessor of Taxes of Palm Beach County shall receive no compensation from the State for the assessment of taxes of said county for the year 1909, but he shall receive for such services as he may perform after the first day of January, 1910, such compensation as is provided by law, and the County Commissioners of Palm Beach County shall pay to him such reasonable compensation for the services rendered by him from the first day of July, 1909, to the first day of January, 1910, as they may deem proper.

And the Tax Assessor and the Clerk of the Circuit Court of Dade County shall without charges or fees, allow the Assessor of Palm Beach County free access to

all books, maps and papers and files in their office that would in any wise facilitate the performance of his duties.

Sec. 16. The Collector of Taxes of Dade County shall be allowed credit in his settlement for the amount of all the taxes due on property or from persons within said County of Palm Beach as hereby created, for the year 1909.

Sec. 17. The Collector of Taxes of Dade County shall proceed to collect the taxes which shall on the first day of July, 1909, be unpaid and past due on lands lying in the territory of Palm Beach County as hereby created, and to enforce the payment thereof by sale of delinquent lands in the same manner and with the same effect as if the County of Palm Beach had not been created, and all sales made in pursuance of the provisions of this Section shall be as valid as if the territory of Palm Beach County had remained a part of Dade County, but all tax certificates covering sales of lands lying in Palm Beach County which shall be made on or after the first day of July, 1909, shall be delivered to the Clerk of the Circuit Court of Palm Beach County, and all redemptions of any such land shall be made through the said Clerk.

Sec. 18. All redemptions of lands lying in Palm Beach County which shall have been certified or sold for taxes prior to the first day of July, 1909, whether certified or sold to the State or individuals, shall be made through the Clerk of the Circuit Court of Dade County.

Sec. 19. It shall be the duty of the Board of County Commissioners of Palm Beach County, at as early a date as may be possible, to hold a conference with the County Commissioners of Dade County and agree with said Board upon a plan or plans for the assumption by Palm Beach County of its pro rata share of the indebtedness of Dade County in accordance with the provisions of the Constitution of the State of Florida, and also upon an equitable division of the surplus funds, and personal or movable property that Dade County may have on hand or that may be owing to Dade County on the first day of July, 1909.

Sec. 20. It shall be the duty of the Board of Public Instruction of Palm Beach County at as early a date as may be possible, to hold a conference with the Board of Public Instruction of Dade County and agree with such Board upon a plan for the assumption by Palm Beach

County of its pro rata share of the indebtedness of the Board of Public Instruction of Dade County, and also upon an equitable division of the surplus funds that said Board may have on hand or that may be owing to said Board on the first day of July, 1909.

Sec. 21. The Spring term of the Circuit Court of Palm Beach County shall be held on the first Tuesday in June, and the Fall term of the Circuit Court of said county shall be held on the first Tuesday in January in each year.

Sec. 22. This act shall take effect and be in force as soon as it becomes a law.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

Mr. Flournoy moved that 200 copies of Senate Bill No. 239 be printed as recommended by the committee.

Which was agreed to.

Mr. Buckman moved that the rules be waived and that the Senate take up miscellaneous business.

Which was agreed to by a two-thirds vote.

BILLS ON THE SECOND READING.

Senate Bill No. 117:

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

Was read the second time in full.

The substitute offered by the Committee on Judiciary B to Senate Bill No. 117:

A bill to be entitled an act providing for the recording of retained title notes and contracts, and providing for their cancellation upon payment, and prescribing a penalty for a failure to cancel.

Was read.

Mr. Cone moved to adopt the substitute offered by the committee for Senate Bill No. 117.

Which was agreed to.

And substitute for Senate Bill No. 117 was placed on the Calendar of Bills on the Third Reading under the rule.

Mr. Dayton moved that Senate Bill No. 46 be called from the Calendar of Bills subject to call and be now considered.

Which was agreed to.

And—

Senate Bill No. 46:

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

Was taken up and again read for information.

Mr. Dayton offered the following amendment to Senate Bill No. 46:

After the word, "teachers," in the 7th line of Section 1, add:

"Also the sum of one thousand dollars for the year 1909, and the sum of one thousand dollars for the year 1910, or so much thereof as may be necessary, be and the same is hereby appropriated for the purpose of helping to maintain a summer training school at Dade City, Florida, a school for the purpose of training teachers for the State of Florida: Provided, That the curriculum taught at Dade City shall embrace all of the studies taught in this State for the uniform first grade certificates of this State.

Mr. Dayton moved to adopt the amendment.

Which was not agreed to and the amendment was lost.

Mr. Flournoy was excused from attendance upon the Senate until Wednesday morning.

Mr. Cone offered the following amendment to Senate Bill No. 46:

Strike out the words in Section One, provided impartially for teachers of both races, and also the words and at the location of the Colored Normal School for colored teachers.

Mr. Cone moved the adoption of the amendment.

Upon which the yeas and nays were demanded. Upon the call of the roll the vote was:

Yeas—Senators Adkins, Baker (29th Dist.), Beard, Broome, Cook, Cone, Girardeau, Hosford, Leggett, Miller, West, Williams, Withers—13.

Nays—Mr. President, Senators Baker (20th Dist.), Buckman, Crill, Dayton, Harris, Henderson, Humphries, Johnson, Massey, McCreary, McLeod, Sloan.—13.

So the amendment was not agreed to.

There being no amendment, Senate Bill No. 46 was placed on the Calendar of Bills on the Third Reading.

MISECELLANEOUS BUSINESS.

Mr. Buckman presented the following communication :

To Hon. F. M. Hudson, President, and the Members of the Florida State Senate.

Jacksonville Board of Trade, Jacksonville, Fla., April, 1909.

Whereas, There is now in course of construction at the United States Navy Yard, in New York, the finest battleship of the American fleet, which is to be christened the "Florida;" and,

Whereas, It is customary for States after whom battleships are named, to furnish a silver service for use on such ship, and,

Whereas, The Jacksonville Board of Trade has been in communication with the commercial organizations of the State, asking them to co-operate with us in raising public subscriptions for this purpose, to which very satisfactory responses have been received; and,

Whereas, The Jacksonville Board of Trade feels that the Legislature now in session, should also make public recognition of this naming of the finest battleship in the navy, by appropriating Five Thousand (\$5,000) Dollars towards the silver service; and, therefore, be it

Resolved, That we respectfully memorialize the Legislature to appropriate the sum of Five Thousand (\$5,000) Dollars, in addition to public subscriptions, towards purchasing a suitable silver service for the battleship "Florida." Be it further

Resolved, That the Florida Legislature take favorable action on the above, and the Jacksonville Board of Trade will use its influence to have public subscriptions raised throughout the State, towards a fund of Five Thousand (\$5,000) Dollars, for the above purpose.

The above resolutions were unanimously adopted at the meeting of this organization on April 14th, 1909.

SECRETARY.

Mr. Buckman moved that the communication, as read, be spread on the Journal.

Which was agreed to.

Mr. Cone moved to adjourn to ten o'clock tomorrow morning.

Which was withdrawn.

Mr. McMullen, by request, moved that the rules be waived and that House Bill No. 28 be taken up from its order on the Calendar and be read the second time by its title only.

Which was agreed to by a two-thirds vote.

House Bill No. 28 was called from its order and read the second time by its title.

Mr. McMullen moved that the rules be further waived and that House Bill No. 28 be read the third time and put upon its passage.

Which was agreed to by a two-thirds vote.

And—

House Bill No. 28:

A bill to be entitled an act to organize a County Court in the county of Hillsborough; to prescribe its jurisdiction and powers, and to fix the compensation of its judge.

Was read the third time in full.

Upon the passage of House Bill No. 28 the vote was:

Yeas—Mr. President, Senators Adkins, Baker (20th Dist.), Baker (29th Dist.), Beard, Broome, Buckman, Crill, Cook, Cone, Davis, Dayton, Girardeau, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, McLeod, McMullen, Miller, Sloan, West, Withers—26.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives under the rule.

Mr. Buckman offered the following resolution:

Senate Resolution No. 41:

Be it Resolved by the Senate of the State of Florida, That at its setting on Saturday, May 1, only bills and matters of a purely local nature shall be considered.

Mr. Buckman moved to adopt the resolution.

Which was agreed to.

Messrs. Cone and West were excused until Tuesday morning.

Mr. Buckman was excused until Monday morning.

The Reading Clerk was excused until Tuesday morning.

Mr. Johnson moved to adjourn until 10 o'clock tomorrow morning.

Which was agreed to.

Whereupon the Senate stood adjourned until 10 o'clock a. m., Saturday, May 1, 1909.