

WEDNESDAY, APRIL 21, 1909.

Senate met, pursuant to adjournment.

The President in the chair.

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

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

By unanimous consent the reading of the Journal of April 20 was dispensed with.

The Journal of April 20 was corrected.

The Journal of April 20 was approved as corrected.

REPORTS OF COMMITTEES.

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

Senate Chamber,
Tallahassee, Fla., April 21, 1909.

Hon. F. M. Hudson,

President of the Senate:

Sir:

Your Committee on Judiciary B, to whom was recommended—

Senate Bill No. 14:

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

Recommend the following amendment to same:

Strike out the words "one hundred and seventy-three" wherever they occur in the bill, and insert in lieu thereof the following: "And eighty-seven."

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

Very respectfully,

F. P. CONE,
Chairman of Committee.

And Senate Bill No. 14, together with the committee amendments contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,
Tallahassee, Fla., April 21, 1909.

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

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 127:

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

Recommend the following substitute—

Senate Bill No. 127:

A bill to be entitled an act prescribing a penalty for the selling, pledging, mortgaging, disposing of removing beyond the limits of the county of any personal property subject to retain title notes or contracts.

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

Very respectfully,

F. P. CONE,
Chairman of Committee.

And Senate Bill No. 127, together with the committee substitute for the same contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,
Tallahassee, Fla., April 21, 1909.

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

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 117:

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

And recommend the following substitute for same—

Senate Bill No. 117:

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

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

Very respectfully,

F. P. CONE,
Chairman of Committee.

And Senate Bill No. 117, together with the committee substitute for same contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,
Tallahassee, Fla., April 21, 1909.

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

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 95:

A bill to be entitled an act to amend Section 3148 of

the General Statutes of the State of Florida, relating to liabilities of railroad companies.

Recommend the following substitute—

Senate Bill No. 95:

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

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

Very respectfully,

F. P. CONE,
Chairman of Committee.

And Senate Bill No. 95, together with the committee substitute for same contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,
Tallahassee, Fla., April 21, 1909.

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

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 136:

A bill to be entitled an act in relation to the entry of judgments and decrees on supersedeas and appeal bonds against principals and sureties, and the issuance of execution therein.

Also—

Senate Bill No. 143:

A bill to be entitled an act fixing the salary of the Attorney General.

Also—

Senate Bill No. 150:

A bill to be entitled an act to amend Section 3, Chapter 5565 of the laws of Florida.

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

Very respectfully,

F. P. CONE
Chairman of Committee.

And Senate Bills. Nos. 136 and 143 and 150, 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 21, 1909.

Hon. F. M. Hudson,

President of the Senate:

Sir:

Your Committee on Judiciary B, to whom was referred—

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. 153:

A bill to be entitled an act to protect landlords against injury and ruin of their property by tenants.

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. 30 and 153, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,
Tallahassee, Fla., April 21, 1909.

Hon. F. M. Hudson,

President of the Senate:

Sir:

Your Committee on Judiciary A, to whom was recommended—

Senate Bill No. 71:

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

Recommend the following amendment, to wit: In Section 1 strike out the word "Provided" and all thereafter down to and including the words "actually detained in attendance upon the court."

And also to whom was referred—

Senate Bill No. 148:

A bill to be entitled an act to amend an act entitled "An act to prescribe and regulate the procedure for the admission of attorneys to practice law in the courts of Florida, approved May 27th, 1907."

Recommend the following amendments, to wit:

1. In Section 4, strike out words "all applicants" and substitute therefor the words "every applicant."
2. In Section 6, strike out the figure 5 and substitute therefor the figure 3.

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

Very respectfully,

LOUIS C. MASSEY.

Chairman of Committee.

And Senate Bills Nos. 71 and 148, with the committee amendments thereto contained in the above report, were placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,
Tallahassee, Fla., April 21, 1909.

Hon. F. M. Hudson,

President of the Senate:

Sir:

Your Committee on Judiciary A, to whom was referred—

Senate Bill No. 132:

A bill to be entitled an act to prevent the sale or giving away or furnishing to minors under the age of sixteen, any weapon.

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

Very respectfully,

LOUIS C. MASSEY,

Chairman of Committee.

And Senate Bill No. 132, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,

Tallahassee, Fla., April 21, 1909.

Hon. F. M. Hudson,

President of the Senate.

Sir:

Your Committee on Judiciary A, to whom was referred—

Senate Bill No. 145.

A bill to be entitled an act to amend Section 658 of the General Statutes of the State of Florida, relating to the number of copies of statutes and disposition thereof.

And also—

Senate Bill No. 158:

A bill to be entitled an act concerning the transfer of stock of corporations for profit in certain cases.

And also—

Senate Bill No. 163 :

A bill to be entitled an act to amend Section 624 of the General Statutes of the State of Florida, the same being relative to the right of homestead.

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

Very respectfully,

LOUIS C. MASSEY,

Chairman of Committee.

And Senate Bills Nos. 145, 158 and 163, contained in the above report, were placed on the Calendar of Bills on Second Reading.

Mr. T. S. Davis, Chairman of the Committee on Commerce and Navigation, submitted the following report:

Senate Chamber,

Tallahassee, Fla., April 21, 1909.

Hon. F. M. Hudson,

President of the Senate.

Sir:

Your Committee on Commerce and Navigation, to whom was referred—

Senate Joint Resolution No. 114 :

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

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

Very respectfully,

T. S. DAVIS,

Chairman of Committee.

And Senate Joint Resolution No. 114, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Broome, Chairman of the Committee on Engrossed Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 20, 1909.

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

Sir:

Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 122.

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

Also—

Senate Bill No. 133:

A bill to be entitled an act for the protection of doves and providing penalties for the violation of the provisions of this act.

Also—

Senate Bill No. 89:

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

Beg leave to report that, having carefully examined said bills, return same herewith, correctly engrossed.

Very respectfully,

JAMES E. BROOME,

Chairman of Committee.

And Senate Bills Nos. 122, 133 and 89, contained in the above report, were placed on the Calendar of Bills on Third Reading.

Mr. J. S. Beard, Chairman of the Committee on Constitutional Amendments, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 21, 1909.

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

Sir:

Your Committee on Constitutional Amendments, to whom was referred—

Senate Joint Resolution No. 128.

Joint resolution proposing an amendment to Section 35 of Article 5 of the Constitution of Florida, relating to establishment of courts.

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

Very respectfully,

JOHN S. BEARD,
Chairman of Committee.

And Senate Joint Resolution No. 128, contained in the above report, was placed on the Calendar of Bills on Second Reading.

INTRODUCTION OF BILLS.

By Mr. Hudson—

Senate Bill No. 191:

A bill to be entitled an act to regulate the use of vehicles upon public hard surface roads in Dade county.

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

By Mr. West—

Senate Bill No. 192:

A bill to be entitled an act to prohibit and to provide punishment for the sale or purchase of short staple seed cotton during the months of August, September, October or November, and to repeal all laws in conflict with the law.

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

By Mr. Girardeau—

Senate Bill No. 193:

A bill to be entitled an act to declare legal the incorporation of the Town of Monticello in the county of Jefferson, State of Florida, to define the territorial boundaries of said town and to validate and confirm all acts and ordinances of said town.

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

By Mr. Massey—

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.

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

By Mr. Massey—

Senate Joint Resolution No. 195:

A joint resolution proposing amendment to Section 9 of Article V of the Constitution of Florida, relating to judicial salaries.

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

By Mr. Miller—

Senate Bill No. 196:

A bill to be entitled an act to amend Section 3426 of the General Statutes of the State of Florida.

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

By Mr. Humphries—

Senate Bill No. 197:

A bill to be entitled an act providing for the maintenance and repair of public drains and ditches in the several counties of this State; defining and prescribing the duties of the Boards of County Commissioners relative thereto and providing for the assessment and collection of additional taxes on property benefited by such maintenance and repair.

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

By Mr. Cook—

Senate Joint Resolution No. 198:

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

Which was read the first time by its title.

Mr. Cook moved to waive the rules and to read the bill the second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 198 was read the second time by its title.

Mr. Cook offered the following amendment to Senate Joint Resolution No. 198:

Make "1903" read "1913."

Mr. Cook moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Mr. Harris moved that 200 copies of the bill as amended be printed.

Which was agreed to, and so ordered.

Senate Joint Resolution No. 168, together with the amendment, was referred to the Committee on Engrossed Bills.

CONSIDERATION OF RESOLUTIONS.

Senate Concurrent Resolution No. 3:

Appointing a committee to visit, inspect and report upon the progress and conditions of the work of reclaiming the Everglades.

Was taken up and passed over informally.

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was read.

State of Florida,
Executive Chamber.
Tallahassee, April 20, 1909.

Gentlemen of the Legislature:

For your information I transmit herewith verified copy of a report transmitted to me by the Secretary of Agriculture of the United States, covering a review of forestry conditions and needs in this State made by an

expert of the Forestry Service of the United States during the present year.

Very respectfully,
ALBERT W. GILCHRIST,
 Governor.

Mr. Cone moved that the message of transmittal be spread upon the Journal and that the subject matter with the accompanying document be referred to the Committee on Agriculture and Forestry.

Which was agreed to and it was so referred.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,
 Tallahassee, Fla., April 19, 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. 267:

A bill to be entitled an act to prohibit the catching and taking of fish with haul seines or drag nets, and to prohibit the use of haul seines or drag nets in all of the salt and fresh waters of the counties of Brevard, St. Lucie and Dade, situated within ten miles west of the Atlantic coast, and north of the waters of Biscayne Bay, and to fix the penalty for the violation thereof, and to provide for the seizure and destruction of all haul seines and drag nets used in violation of this act.

Also—

House Bill No. 252:

A bill to be entitled an act to amend Sections 1 and 12 of Chapter 5511, of the Laws of Florida, entitled an act

to establish the municipality of Largo, to provide for its government and prescribe its powers and jurisdiction.

Also—

House Bill No. 265:

A bill to be entitled an act to prohibit hunting, shooting, wounding or killing certain game, wild birds and wild animals within one-half mile of the boundary line of the City of Palatka.

Also—

House Bill No. 266:

A bill to be entitled an act to legalize, ratify and confirm the incorporation of the town of Interlachen, in Putnam county, Florida, and all its acts, ordinances, resolutions and proceedings.

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

And House Bill No. 252 was read the first time by its title and was referred to the Committee on Municipalities.

And House Bill No. 265 was read the first time by its title and was referred to the Committee on Game and Fisheries.

And House Bill No. 266 was read the first time by its title and referred to the Committee on Municipalities.

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

House of Representatives,
Tallahassee, Fla., April 19, 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 adopted—

House Memorial No. 7:

Whereas, The needs and conditions require a lock and dam on the Kissimmee River, on the canal from Southport to Lake Cypress, and from Lake Cypress to Lake Hotchinega, and at the head of Lake Kissimmee; therefore, be it

Resolved, That our Senators and Representatives in the Congress of the United States are hereby requested and instructed to ask for an appropriation of \$75,000 for such purpose.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Memorial No. 7 was read the first time and went over under the rule.

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

House of Representatives,
Tallahassee, Fla., April 19, 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. 4:

A bill to be entitled an act to prescribe the time for holding the terms of the Circuit Court in and for the Eighth Judicial Circuit of the State of Florida, and to repeal Chapter 5642, Acts of 1907; approved May 27, 1907; and Section 1812 of the General Statutes of the State of Florida, relative to the time of holding terms of the Circuit Court in the Eighth Judicial Circuit.

Also—

House Bill No. 5:

A bill to be entitled on act to fix a penalty for the larceny of hogs.

Also—

House Bill No. 19:

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

Also—

House Bill No. 29:

A bill to be entitled an act to repeal Chapter 5767 of the Laws of Florida, entitled "An act to organize a County Court in and for the County of Lafayette, to prescribe the terms thereof, and to provide for the appointment of a Prosecuting Attorney, and for his compensation, and for that of the Judge of said Court."

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Bill No. 4, contained in the above message, was read the first time by its title and was referred to the Committee on Judiciary A.

And House Bill No. 5, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary B.

And House Bill No. 19, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary A.

And House Bill No. 29, contained in the above message, was read the first time by its title and was referred to the Committee on Judiciary A.

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

House of Representatives,

Tallahassee, Fla., April 19, 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. 38:

A bill to be entitled an act to provide a municipal government for the town of Lee, in Madison county, 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. 38, contained in the above message, was read the first time by its title and was referred to the Committee on Municipalities.

ORDERS OF THE DAY.

The motion made yesterday for the reconsideration of the vote by which—

Senate Bill No. 58:

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

Passed the Senate, was taken up.

Mr. Dayton moved that the vote by which Senate Bill No. 58 passed the Senate, be reconsidered.

Which was agreed to by a two-third vote, and the vote was reconsidered, and Senate Bill No. 58 was restored to its third reading.

BILLS ON SECOND READING.

Senate Bill No. 125:

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

Was taken up and read the second time in full.

The following committee amendment thereto was read:

Committee amendment to Senate Bill No. 125:

Amend Section 1, 4th line, by striking out the words "Section 1" and inserting in lieu thereof the following: "2024, Right of way in incorporated city or town."

Mr. Massey moved to adopt the committee amendment.

Which was agreed to and the committee amendment was adopted.

And Senate Bill No. 125, as amended, was referred to the Committee on Engrossed Bills.

Senate Bill No. 134:

A bill to be entitled an act to create the Florida State Board of Dental Examiners, to prescribe their duties, to regulate the manner of issuing certificates to practice dentistry and dental surgery in the State of Florida, to regulate the practice of dentistry and dental surgery and to repeal an act herein named.

Was taken up and was read the second time in full.

Mr. Cone offered the following amendment to Senate Bill No. 134:

Insert at the end of Section 4, the following: "Provided that nothing in this act shall prevent any person from extracting teeth.

Which was withdrawn.

There being no amendment offered, Senate Bill No. 134 was, under the rule, placed on the Calendar of Bills on Third Reading.

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.

Was taken up and passed over informally.

Senate Bill No. 124:

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

Was taken up, and passed over informally.

Senate Bill No. 54:

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

Was taken up and read the second time in full.

Mr. Adkins, of the 15th Dist., offered the following amendment to Senate Bill No. 54:

Strike out the words "six months" in last line of Section 2, and insert in lieu thereof the following: "Twelve months."

Mr. Adkins moved the adoption of the amendment.

Which was agreed to.

And Senate Bill No. 54, as amended, was referred to the Committee on Engrossed Bills.

Senate Bill No. 121:

A bill to be entitled an act to fix the standard of cottonseed meal sold in this State; to prohibit the sale of inferior cottonseed meal without notice to the public; to prohibit the misbranding of cottonseed meal, and providing penalties for violations of this act.

Was taken up and passed over informally.

By unanimous consent, Mr. Harris offered the following resolution:

By Mr. Harris—

Senate Resolution No. 31:

Resolved, That the President appoint a committee of three Senators to notify the House of Representatives that the Senate will be ready to meet with the House in joint assembly, in compliance with law, at 12 o'clock, in the chamber of the House of Representatives, for the purpose of confirming the vote of each House on the election of a United States Senator.

Which was agreed to.

And the President appointed Messrs. Harris, Beard and Humphries.

Senate Bill No. 154:

A bill to be entitled an act prohibiting the use of log carts or lever carts upon any of the public roads within the State of Florida, with certain exceptions thereto.

Was taken up and read a second time in full.

Mr. Johnson, Chairman of the Committee on Public Roads, as required by the rule, moved to indefinitely postpone the bill.

Which was not agreed to.

There being no amendment offered, Senate Bill No. 154 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 137:

A bill to be entitled an act to amend Sections Seventeen and Eighteen of the General Statutes of this State, relative to the boundary lines of Gadsden and Liberty counties.

Was taken up.

Mr. Hosford moved that the bill be laid on the table, subject to call.

Which was agreed to, and so ordered.

Senate Bill No. 155:

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.

Was taken up.

Mr. Massey moved to waive the rules and to read the bill the second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 155 was read the second time by title only.

There being no amendment, Senate Bill No. 155 was passed to the Calendar of Bills on the Third Reading.

Senate Bill No. 79:

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

Was taken up.

Mr. Hosford moved that Senate Bill No. 79 be laid on the table, subject to call.

Which was agreed to, and so ordered.

BILLS ON THIRD READING.

Senate Bill No. 58:

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

Recalled to the Calendar of Bills on the Third Reading, was, by consent, taken up and read the third time in full.

By unanimous consent, Mr. Dayton offered the following amendment to—

Senate Bill No. 58:

Section 3. That any persons to whom a right of action may survive under the provisions of this act shall recover such damages as by law such person or persons are entitled in their own right to recover, irrespective of the damages recoverable by the person or persons whom he or they may succeed.

Section 4. This act shall take effect from and after its passage and approval by the Governor, or upon its becoming a law without the approval of the Governor.

Mr. Dayton moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Mr. Williams moved to recommit the bill as amended.

Which was agreed to, and Senate Bill No. 58 was recommitted to the Committee on Judiciary B.

Senate Bill No. 55:

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

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 55, the vote was:

Yeas—Mr. President, Senators Adkins, Baker (20th Dist.), Baker (29th Dist.), Broome, Crill, Cook, Cone, Cottrell, Davis, Dayton, Girardeau, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, West, Williams, Withers.—27.

Nays—None.

So the bill passed, title as stated.

And the passage of the bill was ordered to be certified to the House of Representatives under the rule, immediately.

A committee from the House of Representatives, consisting of Messrs. MacWilliams, Alexander and Clark, appeared at the Bar of the Senate and announced that the House of Representatives would be ready to receive the Senate in Joint Session at 12 o'clock, meridian, for the purpose of electing a United States Senator for the State of Florida.

Senate Bill No. 41:

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

Was taken up and read the third time in full.

Pending the consideration of which, the Senate proceeded in a body to the House of Representatives for the purpose of holding a joint session with that body to elect a Senator from Florida to the Congress of the United States.

JOINT SESSION, APRIL 21, 1909.

At 12 o'clock the Senate entered the hall of the House of Representatives, and was received by the House.

President Hudson assumed the chair.

The President ordered the Secretary of the Senate to call the roll of the Senate.

On the call of the roll the following Senators answered to their names:

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 of the Senate present.

By request of the President, the Speaker of the House of Representatives ordered the roll of the House called.

Upon call of the roll, the following members of the House of Representatives answered to their names:

Mr. Speaker, Messrs. Acree, Alexander, Blanton, Brown, Butler, Bynum, Carter, Carn, Cash, Chaires, Chase, Clark, Conway, Davis, Dempsey, Doke, DuPont, Durrance, Epperson, Godfrey, Grace, Hardee, Hatcher, Hilburn, Hodges, Hull, Kelley, King, Knight, Knowles, Light, Littell, MacWilliams, Mahaffey, McCaskill, McKenzie (Putnam), McKenzie (Washington), Miller, Moore, Neeley, Newton, Ogilvie, Pattishall, Peaden, Register, Richbourg, Roberson, Smith, Sheppard, Stewart, Stokes, Stringer,

Taylor, Terrell, Thaggard, Thornton, Tidwell, Trammell, Wall, Watford, Wells, Wiggins, Wilson.—64.

A quorum of the House of Representatives present.

The Journals of the Senate, in relation to the ballot taken for United States Senator on yesterday, was read by the Secretary of the Senate.

The Journal of the House of Representatives in relation to the ballot taken for United States Senator in the House of Representatives on yesterday was read by the Chief Clerk of the House.

The Secretary of the Senate announced that the total number of votes cast for United States Senator in each house of the Legislature was as follows:

In the Senate the vote was:

For Duncan U. Fletcher, 29 votes.

In the House of Representatives, the vote was:

For Duncan U. Fletcher, 65 votes.

Total for Duncan U. Fletcher, 94 votes.

The President announced that Hon. Duncan U. Fletcher having received a majority of the votes cast in each House voting separately on yesterday, and consolidated in joint assembly today, was elected a Senator from the State of Florida to the United States Senate, for the term of six years, beginning March 4th, 1909.

Mr. MacWilliams moved that the President appoint a committee of three to wait upon the Governor and inform him of the election of Hon. Duncan U. Fletcher as United States Senator.

Which was agreed to.

And the President appointed the following committee:

Messrs. MacWilliams, Crill and Henderson.

Which committee retired to perform that duty.

After a short absence the committee returned and reported that they had notified the Governor, performed their duty and asked to be discharged.

Mr. Alexander moved that the President appoint a committee of three to wire Hon. Duncan U. Fletcher, notify him of his election.

Which was agreed to, and—

The President appointed as such committee Messrs. Alexander, West and Knight.

The committee retired and, after a short absence, returned and announced that they had wired the Senator elect as follows:

House of Representatives,
State of Florida,
Tallahassee, April 21, 1909.

Hon. D. U. Fletcher, United States Senator,
Washington, D. C.:

You were unanimously elected United States Senator today from Florida, for the term of six years, commencing March 4th, 1909. We were appointed a committee to notify you of the same.

THEOP. WEST, Senator.

D. E. KNIGHT.

J. E. ALEXANDER.

The committee was discharged.

Mr. Buckman read the following letter of acceptance of Hon. Duncan U. Fletcher to the office of United States Senator from Florida:

UNITED STATES SENATE.
WASHINGTON, D. C.

To the Legislature of the State of Florida:

In response to the will of the people expressed in the primaries, and in compliance with your pledges, and in obedience to your consciences, you have just conferred upon me, one of your citizens, a very great honor. With that distinction go large responsibilities and laborious duties. By service, rather than by words, should due appreciation be shown and expressed. I repeat to you the promises made to the people. There is no barrier between me and them; no conflicting spectre stalks between the interests of the people and the objects of my service. There is no call which has a clearer, dearer sound to my ears than the voice of the people. There is no influence which attracts and binds whatever energies and powers I can command like the needs and wishes of the people at large. My heart is with the people of my State and country, and whatever makes for their good will have my support, and whatever works for their harm I shall combat; whatever tends to promote their happiness and welfare, it shall be my endeavor to accomplish; whatever uplifts and upbuilds I shall encourage; whatever moves toward advancement and better conditions I shall feel bound to urge.

In saying this, and in this work, I do not conceive it necessary to array class against class; to decry industrial development; to assail wealth because it is wealth; to attack capital because it is capital, and invoke against its safe and profitable investment; to strangle enterprise or assume there is no wisdom in progress; to dwell upon woes and ailments and oppression, fancied or otherwise, as if there was no hope in the land, no good in the Government, no future for the country. The people as a whole are patriotic, public-spirited, and are moving onward and upward. We have a great country, a splendid State; our Governments, State and National, are in the main being administered as the constitutions and laws provide, and for the public weal. Our public officials are generally conscientious and capable. There is no occasion for harrowing gloom or for the agonizing iconoclast. Our eyes should turn to the front; our movement should be forward, and our courage and hope should rally for humanity's march toward the goal. Conscientious striving is the demand and the reward. We will do if we dare—not otherwise. With good will in our hearts, unselfish determination in our minds, faith in our institutions, self-reliance and depth of principle, let us press on.

The progress the world has made has not simply happened; it has been wrought by the persevering labors of man, co-operating with Divine Providence. Science and sacrifice; vigilance and valor; hope and high purposes; good will and good cheer, make ever for peace and prosperity. We have the resources, the industries, the opportunities; nature has done her best in supplying our climate and conditions of growth—it is for us to strike out for our possibilities. Grasping the conditions as they exist, aiming to better them if we can, with a broad, generous and cheerful spirit, let us set about studying and solving the problems of the present and future, confident that Divine Economy has not in vain, or to useless purpose, provided this climate, this soil, these resources, these noble men and women.

While no government is perfect, the experience and wisdom of the ages have not devised a superior to ours; while no real paradise may be found on the earth, no country surpasses ours in variety of scenery, fertility of soil, salubrity of climate and conditions for comfort and wholesome enjoyment; and no State in this

great Union of States in these respects excels our incomparable Florida. While people are not perfect anywhere, the American people, including the accessions to our citizenship from the best of foreign countries, afford the most promising material for highest civilization and happiness. Our plain duty is to bend our energies toward the development of our possibilities, the unfolding of our opportunities, realizing that true progress means the general good, the advancement of all.

Anticipating your action, I am here in Washington, where the duties of the high office of United States Senator are such as make me feel I ought not take the time required to be with you in Tallahassee, to meet you personally and thank you, however delightful that would be. I beg you will consider me present in spirit, and accept this, my grateful acknowledgments and sincere assurances.

Cordially yours,

DUNCAN U. FLETCHER.

The Journal of the Joint Assembly was then read and approved.

Mr. Harris moved that the Joint Assembly, having accomplished the purpose for which it met, do now adjourn sine die.

Which was agreed to.

Thereupon the Joint Assembly stood adjourned without day.

At 12:35 o'clock p. m. the Senate returned to its Chamber and resumed its session.

The President in the chair.

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

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

By unanimous consent the Senate reverted to the introduction of bills, and the following bills were introduced:

By Mr. Massey—

Senate Bill No. 199:

A bill to be entitled an act to extend to Orange county

the provisions of Chapter 11, Title 9, First Division of the General Statutes, embracing Sections 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883 and 884 thereof, relating to division of counties with road districts.

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

By Mr. Buckman—

Senate Bill No. 200:

A bill to be entitled and act concerning notaries public who are stockholders, directors, officers or employees of banks or other corporations and the doing of certain official acts by such notaries.

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

By Mr. Buckman—

Senate Bill No. 201:

A bill to be entitled an act concerning the payment of deposits made in banks or trust companies in the name of two or more persons.

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

By Mr. Massey—

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.

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

By Mr. Massey—

Senate Bill No. 203:

To amend Section 1, Article 2, of an act entitled "An act to abolish the present municipal government of the City of Sanford, Orange county, Florida, and organize a city government for the same, and to provide its jurisdiction and powers." Approved May 24, 1893.

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

Mr. Buckman asked unanimous consent to call from its order in the unread messages from the House of Representatives that portion of the messages, together with the bill, that related to House Bill No. 296.

Which request was granted.

And the following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., April 21, 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. 296:

A bill to be entitled an act making appropriation for Legislative expenses, session 1909.

And respectfully request the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And—

House Bill No. 296:

A bill to be entitled an act making appropriation for Legislative expenses, session 1909.

Was taken from the messages from the House of Representatives, out of its order and read the first time by its title.

Mr. Buckman moved that the rules be waived and that House Bill No. 296 be read the second time by its title only.

Which was agreed to by a two-third vote.

And—

House Bill No. 296 was read the second time by its title.

Mr. Buckman moved to further waive the rules and to

read House Bill No. 296 the third time in full and put it upon its passage.

Which was agreed to by a two-third vote, and

House Bill No. 296:

A bill to be entitled an act making appropriation for Legislative expenses, session 1909.

Was read the third time in full.

By unanimous consent, Mr. Buckman offered the following amendment to the title of the bill:

Mr. Buckman offered the following amendment to—

House Bill No. 296:

In title, after word "making" add word "partial."

Mr. Buckman moved the adoption of the amendment.

Which was agreed to.

And the title of the bill was amended.

Upon the passage of House Bill No. 296 the vote was:

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

Nays—Senator Williams—1.

So the bill passed, title as amended by the Senate.

Mr. Harris moved that the rules be waived and that House Bill No. 296 be certified to the House of Representatives immediately.

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

By unanimous consent, Mr. Hosford offered the following concurrent resolution:

Senate Concurrent Resolution No. 8:

Whereas, The Payne Tariff Bill, now pending in the Congress of the United States, has included potash salts in the list liable to retaliatory or countervailing duties, by which a duty of 20% advalorem import tax may be imposed "Whenever * * * sixty days from the passage of this act, any country fails to admit on terms as favorable as those allowed to any article imported from * * * any other country."

Whereas, Germany does not now grant to the United States the "most favored nation treatment," but does discriminate against certain importations from the United States; a 20% advalorem duty will therefore be imposed on potash salts imported from Germany;

Whereas, A duty of two-tenths of one per cent. per pound, or four dollars per ton, is proposed by the bill of the Senate Committee on imported sulphate of ammonia;

Whereas, An increase of 20% in the cost of potash salts would increase the cost of fertilizers in Florida \$1.54 per ton, or \$200,200 for the 130,000 tons used in this State; while the increase in cost of sulphate of ammonia, the ammoniate most commonly used by the fruit and vegetable growers of Florida, would be \$4.00 per ton;

Whereas, The six hundred thousand tons of potash salts, and the large amounts of sulphate of ammonia, now imported from Germany into the United States are mostly used by the farmers of the United States and particularly by those of the cotton growing States; therefore, be it

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

Section 1. That the threatened removal from the free list of any articles used for fertilizer or manure will impose an unjust burden upon the farmers of America and particularly those of the State of Florida and the cotton growing States of the Union.

Sec. 2. That our Representatives in the Congress of the United States be requested to use all honorable means to defeat this threatened injustice to the agricultural interests of the nation and have placed on the Unconditional Free List all fertilizers or manures and all materials used in the manufacture of fertilizers.

Which was read the first time and went over under the rule.

Mr. Crill called up for consideration—

House Concurrent Resolution No. 10:

Resolved by the House of Representatives, the Senate concurring, That the House Committee on Banks and

Loans, and the Senate Committee on Banking shall constitute a joint committee of the Legislature for the purpose of considering all bills pertaining to banks and banking.

Which was on the table subject to call.

House Concurrent Resolution No. 10 was taken up and read the second time.

Mr. Crill moved to adopt the resolution.

Which was agreed to.

And House Concurrent Resolution No. 10 was adopted and ordered to be certified to the House of Representatives under the rule.

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

Which was agreed to.

Whereupon, the Senate stood adjourned to 10 o'clock a. m. Thursday, April 22, 1909.

THURSDAY, APRIL 22, 1909.

Senate met, pursuant to adjournment.

The President in the Chair.

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

Mr. President, Senators Adkins, Baker (20th District), Baker (29th District), Beard, Broome, Buckman, Crill, Cook, Cone, Cottrell, Davis, Dayton, Flournoy, Girardeau, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams, Withers, Zim—31.

A quorum present.

Prayer by the Chaplain.

By unanimous consent the reading of the Journal of April 21 was dispensed with.

The Journal of April 21 was corrected.

The Journal of April 21 was approved as corrected.