

This was ordered to be spread on the Journal.

Mr. Cone moved to make the above communication a special order for consideration at 10:30 o'clock to-morrow morning.

Which was agreed to, and so ordered.

A communication from the Board of Trade of Marianna, Fla., was taken up.

Mr. West moved to have the communication read and spread upon the Journal.

Mr. Johnson moved as a substitute that it be laid on the table subject to call.

The substitute motion was agreed to and the communication was placed on the calendar subject to call.

A communication from Mr. Claude L'Engle was taken up, and on motion was referred to the Committee on Judiciary A.

Mr. Dayton moved that the Senate do now adjourn.

Mr. Johnson moved that the Senate do now adjourn to 10 o'clock A. M. to-morrow morning.

Which was agreed to.

Whereupon the Senate stood adjourned to 10 o'clock Friday, May 7, 1909.

FRIDAY, MAY 7, 1909.

The Senate met, pursuant to adjournment.

The President in the Chair.

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

Mr. President, Senators Adkins, Baker (20th Dist.), Baker (29th Dist.), Beard, Broome, Buckman, Crill, Cottrell, Dayton, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams, Withers—24.

A quorum present.

Prayer by the Chaplain.

By unanimous consent the reading of the Journal of May 6 was dispensed with.

The Journal of May 6 was corrected.

The Journal of May 5 was approved as corrected.

The Journal of May 6 was approved as corrected.
 Mr. Buckman presented the following communication, which was read, and upon motion of Mr. Buckman was ordered to be spread on the Journal: -

Jacksonville, Fla., May 5, 1909.

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

Sir:

My attention has been called to that part of the report made to the Legislature by the Joint Committee, appointed to investigate the acts and doings of the Trustees of the Internal Improvement Fund of Florida, found on page 115, Senate Journal April 20th, 1909—which reflects on me. Believing that no member of that Joint Committee would intentionally do an injustice to me or to anyone else, and feeling that they did not know the truth of the matter, I beg leave to state the truth, as it existed, and the facts as they are, in order that full justice may be done to all concerned. The report says:

On April 30th, 1907, during the session of the Legislature, Senator Frank Adams purchased from the Trustees some four or five thousand acres of land in the counties of Columbia and Alachua, at the low price of one dollar (\$1.00) per acre.

Now, your Honorable Committee did not intend to misrepresent the facts, they are simply honestly mistaken, for proof of this you are invited to investigate the minutes of the Board of Trustees and the public records of Columbia and Alachua counties. The Board of Trustees of the Internal Improvement Fund deeded to me:

June 24th, 1907, 583.18 acres swamp land in Alachua county.

June 24th, 1907, 2781.48 acres I. I. lands proper in Columbia and Alachua counties.

June 24th, 1907, 557.71 acres swamp land in Columbia county, making a total of 3922.37 acres. Of this amount I reconveyed to the Trustees on February 10th, 1908, 80 acres, leaving the actual purchase 3848.37 acres, instead of four or five thousand, as stated by the committee—see Public Records, Columbia and Alachua counties.

While still as honest in their views as I credited them

to begin with, they are even worse mistaken in the following, we read:

The only proof as to the value of the land, before the Trustees, was the statement of one Israel McCall, who has a contract to collect money due the Fund by trespassers, and who had made an effort to purchase the land for himself, and the statement of the purchaser himself, and the statement of I. N. Withers.

Since I purchased all the lands held by the Board of Trustees in the counties of Alachua and Columbia, either swamp or overflowed or Internal Improvement proper, it will, without doubt, present itself to the fair-minded that there was no necessity for my employing Israel McCall or anybody else to select these lands. Could any choice be made among them when I was buying them all, good, bad and indifferent? Besides, the truth is, weeks elapsed between the time that I personally appeared before the Board and made the offer and their acceptance. During this time I was informed by a member of the Board that they were awaiting the report from Hon. I. N. Withers, then and now as honorable a member as there is now or has been in the Florida State Senate, who was then employed by the Board to investigate in behalf of the State of Florida its landed holdings in order that the Board of Trustees might act intelligently on offers made for lands which they held. I believed then, and I believe now, that they acted wisely, as will be shown later.

Personally, I gave no testimony as to the value of lands because I had not seen them—Now I could truthfully testify that some of them are worthless, except to help hold the world together, and candor forces me to say that if I had have known the lands before purchase, as I now do, the Board of Trustees would never have received one dollar (\$1.00) per acre from me for them. Further along the report deals with the value of these lands, we read again:

“From the testimony we conclude the fallen timber upon these lands is alone worth the price paid for them—saying nothing of the standing timber and their value for farming purposes, and the great probability of valuable phosphate deposits upon that portion of the land lying near the Natural Bridge section—Santafee River.”

Referring specifically now to that part of the lands which lies in the County of Alachua, I have sold a part

of the lands purchased from the Board to a citizen of Alachua County, at one dollar and twenty-five cents (\$1.25) per acre, most of it on time, and for the first year I charged him no interest, after then he pays by the month, with the legal rate of interest per annum added. The balance of these Alachua and Columbia County lands that I still have on hand I shall be glad to sell at cost, one dollar (\$1.00) per acre, with interest on my money from the time I paid it to the State until the present, this will carry with it, "the fallen timber," "the standing timber," "the farming lands" and any "great probability" that may exist of "valuable phosphate deposits lying near the Natural Bridge or anywhere else." This offer applies to all lands held by me, purchased from the Board of Trustees, in the Counties of Alachua and Columbia, and is open to be accepted by the Board of Trustees of the Internal Improvement Fund, by the Joint Committee that makes this report, collectively, or individually, or to any citizen of the State of Florida or any other citizen. Nor is this a brand new proposition on my part. I made the same offer to the Board of Trustees on March 6, 1908 (See my letter addressed to the Hon. B. E. McLin, Commissioner of Agriculture, dated March 6, 1908), more than a year ago, as will be seen by reference to their files.

Now as to the Columbia County lands: Within six months after I had bought the above lands from the State of Florida, I bought eleven hundred (1,100) acres of land in Columbia County, adjacent to the purchase from the State. For the State lands I paid one dollar (\$1.00) per acre, for the lands purchased from the Consolidated Naval Stores Company and J. O. Evans I paid fifty cents (\$.50) per acre. The lands are adjacent and they are both low, flat wood lands. Recently there has been sold in the Counties of Hamilton and Columbia, to Western people, about 80,000 acres of land at one dollar (\$1.00) per acre. From the foregoing it would appear that the Board of Trustees in making their sale at one dollar (\$1.00) per acre for all of their scattered holdings in Alachua and Columbia, secured at least the market price.

The information that these lands were for sale reached me in the shape of a pamphlet published by the Board of Trustees containing a list of the lands held for sale

by the Board in the different counties of the State and mailed to any one desiring the information.

Now, I have stated to you the facts as they exist and no amount of sophistry nor insinuation can change them. During the fourteen years that it was my privilege to represent the people of Hamilton County on the floor of the Florida State Senate, I took no advantage in any instance of my official position to advance my personal interest.

Knowing from experience the fairness of the Florida Legislature and its presiding officers, I feel sure that this communication will be permitted to go into the Journal.

With great respect to you, sir, and through you to your Honorable Joint Committee and the Legislature of the State of Florida, I have the honor to be,

Obediently yours,

FRANK ADAMS.

REPORTS OF COMMITTEES.

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

Senate Chamber,
Tallahassee, Fla., May 7, 1909.

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

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 364:

A bill to be entitled an act to amend Section 1512 of the General Statutes of Florida, as amended by Chapter 5649, of the Laws of 1907, the same being relative to the pay of witnesses.

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

Very respectfully,

F. P. CONE,
Chairman of Committee.

And Senate Bill No. 364, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Withers, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 7, 1909.

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

Sir:

Your Committee on Appropriations, to whom was referred—

Senate Bill No. 347:

A bill to be entitled an act to appropriate the sum of sixty-five thousand dollars annually from the proceeds from the hire of State prisoners, and directing that twenty thousand dollars thereof shall annually be set apart as a sinking fund to pay and retire the outstanding bonds of the State and the remaining forty-five thousand dollars shall be applied annually as part of any amount appropriated for maintenance of lunatics.

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

Very respectfully,

I. N. WITHERS,
Chairman of Committee.

And Senate Bill No. 347, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Withers, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 6, 1909.

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

Sir:

Your Committee on Appropriations, to whom was referred —

Senate Bill No. 349:

A bill to be entitled an act making appropriations for deficiencies in the appropriations made by the Legislature of 1907 for jurors and witnesses, expenses, collection of revenue and expenses Florida State Troops for the two years ending June 30, 1909.

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

Very respectfully,

I. N. WITHERS,
Chairman of Committee.

And Senate Bill No. 349, 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., May 7, 1909.

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

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 317:

A bill to be entitled an act creating the office of Pardon Attorney; prescribing the duties of such Pardon Attorney and fixing his compensation; and providing that certain documents and notice of intention to apply for a pardon or commutation of sentence shall be filed with the Pardon Attorney at least thirty days before such application is presented to the State Board of Pardons for final action.

Have had the same under consideration and report without recommendation.

Very respectfully,

F. P. CONE,
Chairman of Committee.

And Senate Bill No. 317, 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., May 7, 1909.

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

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 324:

A bill to be entitled an act to repeal Chapter 47 and each section thereof of the Laws of Florida, and to provide a means of appointing the court reporters, prescribing their duties and fixing their salaries.

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

Very respectfully,

F. P. CONE,
Chairman of Committee.

And Senate Bill No. 324, 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., May 7, 1909.

Hon. F. M. Hudson,

President of the Senate.

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 367:

A bill to be entitled an act to cure certain informalities in the execution of deeds and other instruments conveying or transferring real or personal property or relinquishing dower made by married woman prior to the first day of May, A. D. 1909.

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

Very respectfully,

F. P. CONE,
Chairman of Committee.

And Senate Bill No. 367, 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., May 7, 1909.

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

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 329:

A bill to be entitled an act requiring the judges of the several courts of the State of Florida to state in writing, on ruling on a demurrer or motion, what grounds of the demurrer or motion are sustained as good law and what grounds of the demurrer or motion are overruled as bad law.

Recommend the following substitute for—

Senate Bill No. 329:

A bill to be entitled an act requiring the judges of the several courts of the State of Florida to state in writing, on ruling on a demurrer or motion, which grounds of the demurrer or motion are sustained as good law and which grounds of the demurrer or motion are overruled as bad law.

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. 329, together with the Committee substitute, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,
Tallahassee, Fla., May 7, 1909.

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

Sir:

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

Senate Bill No. 368:

A bill to be entitled an act to amend Section 874, Chap-

ter XI, of the General Statutes of the State of Florida, relating to the division of counties into road districts.

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

Very respectfully,

J. B. JOHNSON,

Chairman of Committee.

And Senate Bill No. 368, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,
Tallahassee, Fla., May 7, 1909.

Hon. F. M. Hudson,

President of the Senate.

Sir:

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

House Bill No. 108:

A bill to be entitled an act to regulate the speed of automobiles and motor cars on the public highways in the State of Florida, and to cause them to stop when signaled to, and to provide a penalty for the violation thereof.

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

Very respectfully,

J. B. JOHNSON,

Chairman of Committee.

And House Bill No. 108, 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., May 7, 1909.

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

Sir:

Your Committee on Judiciary B, to whom was referred—

House Bill No. 58:

A bill to be entitled an act to amend Section 3542 of the General Statutes of Florida, relating to open profanity.

And recommend the following amendments:

- (1) Strike out in the third line of Section 1 "profanely curses."
- (2) Strike out in the fourth line of Section 1 "or swears, or."
- (3) And insert in the fourth line of Section 1, after the word "uses," the word "profane."

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

Very respectfully,

F. P. CONE,
Chairman of Committee.

And House Bill No. 58, together with the committee amendments thereto, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,
Tallahassee, Fla., May 7, 1909.

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

Sir:

Your Committee on Judiciary B, to whom was referred—

House Bill No. 101:

A bill to be entitled an act to require that all State, county and municipal records shall at all times be open for public inspection.

Recommend the following amendment:

- (1) Strike out all of "Section 3."

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

Very respectfully,

F. P. CONE,

Chairman of Committee.

And House Bill No. 101, with the committee amendment, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,

Tallahassee, Fla., May 7, 1909.

Hon. F. M. Hudson,

President of the Senate.

Sir:

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

Senate Bill No. 354:

A bill to be entitled an act authorizing and providing for the construction and maintenance of trunk line highways through the State of Florida.

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

Very respectfully,

J. B. JOHNSON,

Chairman of Committee.

And Senate Bill No. 354, 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., May 7, 1909.

Hon. F. M. Hudson,

President of the Senate.

Sir:

Your Committee on Judiciary A, to whom was referred—

Senate Bill No. 259:

A bill to be entitled an act to provide for amendment of the charters of incorporated cities and towns of this State by ordinance of municipal council, submitted to the electors of such city or town.

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. 259, 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., May 7, 1909.

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

Sir:

Your Committee on Judiciary A, to whom was referred—

Senate Bill No. 250:

A bill to be entitled an act to define and prohibit usury and usurious contracts in this State, and to require that mortgages shall state separately and distinctly the principal, interest and fees secured by such mortgage and to require creditors to give to debtors receipts for money paid, and prescribing penalties for the violation of this act.

And also—

Senate Bill No. 279:

A bill to be entitled an act to provide for the admission of graduates of law departments of chartered universities and chartered law schools to practice law in the courts of Florida.

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

Very respectfully,

LOUIS C. MASSEY,
Chairman of Committee.

And Senate Bills Nos. 250 and 279, 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., May 7, 1909.

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

Sir:

Your Committee on Municipalities, to whom was referred—

Senate Bill No. 356:

A bill to be entitled an act to abolish the present municipal government of the town of Newberry, in the county of Alachua, State of Florida, and to establish, organize and constitute a municipality to be known and designated as the city of Newberry, to define its territorial boundaries, to provide for its jurisdiction, powers and privileges.

Also—

Senate Bill No. 332:

A bill to be entitled an act to repeal Chapter 5863 of the Laws of Florida, entitled "an act to incorporate the town of Vernon, in Washington county, Florida, and provide for the election of its municipal officers," approved May 21, 1907.

Also—

Senate Bill No. 350:

A bill to be entitled an act to give the city of Marianna a lien upon private property for work done by the city where necessary for public health or convenience.

Also—

House Bill No. 483:

A bill to be entitled an act to amend Chapter 5354, Laws of the State of Florida, entitled an act to legalize the incorporation of McClenny, Florida, and to bestow certain powers thereon.

Also—

House Bill No. 482:

A bill to be entitled an act to abolish the present muni-

cipal 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.

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

Very respectfully,

W. HUNT HARRIS,
Chairman of Committee.

And Senate Bills Nos. 356, 332 and 350 and House Bills Nos. 483 and 482, 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., May 7, 1909.

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

Sir:

Your Committee on Municipalities, to whom was referred—

House Bill No. 121:

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

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

Very respectfully, W. HUNT HARRIS,
Chairman of Committee.

And House Bill No. 121, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Miller, Chairman of the Committee on Railroads, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 6, 1909.

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

Sir:

Your Committee on Railroads, to whom was referred—

Senate Bill No. 326:

A bill to be entitled an act to regulate the manufacture and sale of duplicate switch lock keys.

Have had the same under consideration and recommend that it do pass, with the following committee amendments, to wit:

Strike out in Section one (1), line eleven (11), the words "two hundred," and insert in lieu thereof the words "five hundred."

Strike out in Section one (1), line twelve (12), the words "sixty days," and insert in lieu thereof the words "six months."

Strike out Section two (2).

Very respectfully, J. H. B. MILLER,
Chairman of Committee.

And Senate Bill No. 326, with committee amendments, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Hosford, Chairman of the Committee on Agriculture and Forestry, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 6, 1909.

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

Sir:

Your Committee on Agriculture and Forestry, to whom was referred—

Senate Bill No. 334:

A bill to be entitled an act to establish a State Forest Commission and to promote conservation of forest resources of the State.

Have had the same under consideration and report same back without recommendation.

Very respectfully,
R. F. HOSFORD,
Chairman of Committee.

And Senate Bill No. 334, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. McCreary, Chairman of the Committee on Mining and Mineral Resources, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 7, 1909.

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

Sir:

Your Committee on Mining and Mineral Resources, to whom was referred—

Senate Bill No. 348:

A bill to be entitled an act to authorize the Board of Commissioners of State Institutions to sell, lease or otherwise dispose of deposits of phosphate, or the right to mine phosphate, now lying in waters belonging to the State of Florida.

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

Very respectfully,

H. H. McCREARY,
Chairman of Committee.

And Senate Bill No. 348, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,
Tallahassee, Fla., May 7, 1909.

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

Sir:

Your Committee on Pensions, to whom was referred—
Committee Substitute for Senate Bill No. 104:

Have had the same under consideration and report that it do pass, with the following amendments:

Strike out the words "total disability as shown by affidavit of some reputable physician" in lines 24, 25 and 26, Section 2, printed bill, pages 2 and 3, and insert in lieu thereof the following, "for total disability where affidavit is shown by affidavit of a reputable physician to be in a helpless condition, physically or mentally."

Amendment No. 2: Strike out the words "or of this

State" in line 3, Section 3, page 3, printed bill.

Amendment No. 3: Add to Section 3, printed bill, page 4, line 25 the words: "Provided, such widow is otherwise eligible under the provisions of this act."

Very respectfully,

D. H. BAKER,
Chairman of Committee.

And Committee substitute for Senate Bill No. 104, 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., May 7, 1909.

Mr. F. M. Hudson.

President of the Senate.

Sir:

Your Committee on Engrossed Bills to whom was referred—

Senate Bill No. 357:

A bill to be entitled an act to exempt and relieve certain described territory in Lee County, Florida, from the operation and effect of Sections 1233 and 1234, of the General Statutes of the State of Florida, so far as said sections relate to hogs or swine.

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

Very respectfully,

J. E. BROOME,
Chairman of Committee.

And Senate Bill No. 357, contained in the above report, was placed on the Calendar of Bills on Third reading.

INTRODUCTION OF BILLS.

By Mr. Hudson—

Senate Bill No. 371:

A bill to be entitled an act to authorize the county of St. Lucie, State of Florida, to issue bonds for the purpose of building hard surface roads; for the election of bond