

### MISCELLANEOUS BUSINESS.

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

Which was agreed to.

Whereupon the Senate stood adjourned to 10 o'clock a. m., Wednesday, May 12, 1909.

### CONFIRMATIONS.

The following are new confirmations by the Senate:

Horace C. Gordon, to be Judge of the Criminal Court of Record in and for the county of Hillsborough, Florida.

T. M. Weir, to be Harbor Master for the Port of Tampa.

To be Pilot Commissioners for the Port of Tampa—

H. L. Knight, L. L. Buchanan, W. H. Caldwell, George N. Benjamin and V. B. McIlvaine.

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### WEDNESDAY, MAY 12, 1909.

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The Senate met pursuant to adjournment.

The President in the Chair.

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

Present—Mr. President, Senators Adkins, Baker, Beard, Broome, Buckman, Cook, Cone, Davis, Dayton, Girardeau, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, McCreary, McLeod, McMullen, Sams, Sloan, Williams, Withers—22.

A quorum was present.

Prayer by the Chaplain.

By unanimous consent the reading of the Journal of May 11 was dispensed with.

The Journal of May 11 was corrected.

The Journal of May 11 was approved as corrected.

The Journal of May 10 was approved as corrected.

### REPORTS OF COMMITTEES.

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

Senate Chamber,  
Tallahassee, Fla., May 12, 1909.

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

*Sir:*

Your Committee on Engrossed Bills to whom was referred—

Committee Substitute Bill for Senate Bill No. 58:

A bill to be entitled an act defining the persons entitled to bring action for negligence, and providing for the survival of such action, and prescribing the time within which actions for negligence causing the death of another may be brought.

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

Very respectfully,

J. E. BROOME,  
Chairman of Committee.

And Substitute Bill for Senate Bill No. 58, as contained in the above report, was placed on the Calendar of Bills on the Third Reading.

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

Senate Chamber,  
Tallahassee, Fla., May 11, 1909.

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

*Sir:*

Your Committee on Judiciary A, to whom was referred—

Senate Bill No. 397:

A bill to be entitled an act for the organization, management and co-operation of agricultural (viticultural) and horticultural non-profit co-operative associations.

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

Very respectfully,

D. C. McMULLEN,  
Acting Chairman of Committee.

And Senate Bill No. 397, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. J. H. Williams, Chairman of the Committee on Game and Fisheries, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 10, 1909.

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

*Sir:*

Your Committee on Game and Fisheries, to whom was referred—

Senate Bill No. 178:

A bill to be entitled an act to encourage, protect, regulate and develop the oyster industry of the State of Florida, and to increase the revenues of the State therefrom by recognizing and declaring the ownership of the State in and to the bottoms or beds of the bodies or streams of water along the coast of the Gulf of Mexico and along the coast of the Atlantic Ocean, and the waters of the Gulf of Mexico and the Atlantic Ocean within the jurisdiction of the State of Florida not heretofore granted or conveyed, for the purpose of giving exclusive rights to plant oysters; by prohibiting other alienation of same in fee; by recognizing and declaring the ownership of the State in and to all reefs of oysters growing naturally thereon; by granting in fee simple the rights of the riparian proprietors to the oyster reefs above low water mark for the protection of those heretofore engaged in the growing of oysters; by creating the office of Oyster Commissioner of the State of Florida, and defining its powers and duties; by providing for the leasing of oyster lands belonging to the State; by providing for the licensing, registration and designation of vessels employed in the oyster industry; by levying a special assessment or privilege tax on oysters produced in said waters, and a police license on persons, firms, corporations and vessels engaged in the oyster industry; by providing for the manner of collecting, handling, depositing and disbursing the revenues derived from said industry, and the distribution of the surplus revenues; by providing for the protection of the natural oyster reefs of this State and for the creation of artificial reefs or beds; by providing such other regulations and provisions as are necessary to properly carry out the objects and purposes of this act; by providing penalties for the violation of this act; and by providing for the repeal of all

laws on the same subject matter and in conflict with the provisions of this act.

Have had the same under consideration and recommend as a substitute therefor the bill hereto attached and designated Committee Substitute for Senate Bill No. 178 (same title), and report the same without recommendation.

Very respectfully,

J. A. WILLIAMS,  
Chairman of Committee.

And Senate Bill No. 178 and the Committee substitute for Senate Bill No. 178, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Williams, Chairman of the Committee on Game and Fisheries, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 12, 1909.

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

*Sir:*

Your Committee on Game and Fisheries to whom was referred—

Senate Bill No. 336:

A bill to be entitled an act to make it unlawful for any persons hereafter to own, hold or have in their possession, any seine, gill net, stop net, fish trap, fish basket or other device used for fishing in any territory within this State where the use of the same is prohibited by law.

Have had the same under consideration and recommend that it do pass with the following Committee amendments, to-wit: In Section 3 strike out all after word "days."

Very respectfully,

J. A. WILLIAMS,  
Chairman of Committee.

And Senate Bill No. 336 with Committee amendments, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Williams, Chairman of the Committee on Game and Fisheries, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 12, 1909.

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

*Sir:*

Your Committee on Game and Fisheries, to whom was referred—

House Bill No. 485:

A bill to be entitled an act to protect food fishes in the rivers, creeks and bayous in Citrus County, State of Florida.

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

Very respectfully,

J. A. WILLIAMS,  
Chairman of Committee.

And House Bill No. 485, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. J. A. Williams, Chairman of the Committee on Game and Fisheries, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 12, 1909.

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

*Sir:*

Your Committee on Game and Fisheries, to whom was referred—

House Bill No. 484:

A bill to be entitled an act to amend Chapter 5778, Laws of Florida, relative to fishing in Ocean Pond, in Baker County, Florida.

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

Very respectfully,

J. A. WILLIAMS,  
Chairman of Committee.

And House Bill No. 484, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Henderson, Chairman of the Committee on Education, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 10, 1909.

*Hon. Frederick M. Hudson,*

*President of the Senate.*

*Sir:*

Your Committee on Education to whom was referred—  
House Bills Nos. 13 and 364 :

Committee on Education recommended the following amendment No. 1 to House Committee Substitute for House Bills Nos. 13 and 364.

Strike out all of Section 2 and insert in lieu thereof the following :

Section 2. The number of such stairways or fire escapes, and their location, material and construction shall be as designated and prescribed by the Board of Public Instruction of the county in which said school building or buildings shall be located."

Committee on Education also recommend the following amendment No. 2 to House Committee Substitute for House Bills No. 13 and 364.

Strike out all of Section 3.

Committee on Education also recommend the following amendment No. 3 to House Committee Substitute for House Bills Nos. 13 and 364.

Insert after October 1, 1909, wherever the same appears, the following : "or as soon thereafter as may be practicable."

Have had the same under consideration and recommend that it do pass, with Committee Amendments.

Very respectfully,

JOHN W. HENDERSON,

Chairman of Committee.

And Committee Substitutes for House Bills Nos. 13 and 364 with Committee Amendments thereto, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,  
Tallahassee, Fla., May 12, 1909.

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

Sir:

Your Committee on Judiciary A, to whom was referred—

Senate Bill No. 330:

A bill to be entitled an act relating to the liability of railroad companies having a Relief Department, to its employees.

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

Very respectfully, D. C. McMULLEN,  
Acting Chairman of Committee.

And Senate Bill No. 330, 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 12, 1909.

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

Sir:

Your Committee on Judiciary B, to whom was referred—

House Bill No. 225:

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 mortgages, and to require creditors to give to debtors receipts for money paid, and prescribing penalties for the violation of this act.

Have had the same under consideration and report same back to the House and request that 200 copies be printed, and that the bill be recommitted.

Very respectfully, F. P. CONE,  
Chairman of Committee.

Mr. Cone moved to adopt the report.  
Which was agreed to.

And House Bill No. 225 was recommitted and the order made for 200 copies of same to be printed.

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

Senate Chamber,  
Tallahassee, Fla., May 12, 1909.

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

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 390:

A bill to be entitled an act to create a State School Book Commission and to procure for use in the public schools in the State of Florida a uniform series of textbooks, and to define the duties and powers of said Commissioner, to make preparation for carrying into effect and providing penalties for violation of same.

Have had same under consideration and report without recommendation.

Very respectfully,

F. P. CONE,  
Chairman of Committee.

And Senate Bill No. 390, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Cone moved that Senate Bill No. 390 be made a special order for eleven o'clock on Monday, May 17, and that 200 copies of the bill be printed.

Which was agreed to.

Mr. McCreary moved to amend that the bill be recommitted to the Committee on Education.

Which was not agreed to.

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

Senate Chamber,  
Tallahassee, Fla., May 12, 1909.

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

Sir:

Your Joint Committee on Enrolled Bills to whom was referred—

House Concurrent Resolution No. 18:

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 per cent. as valorem import tax may be imposed "Whenever . . . . . sixty days from the passage of this Act, any article imported from . . . . . any other country."

Also—

House Concurrent Resolution No. 17:

Requesting the Congress of the United States to appropriate \$50,000 for the purpose of deepening Charlotte Harbor in front of the wharves at Punta Gorda, Florida.

Have examined the same and find them 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., May 12, 1909.

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

Sir:

Your Joint Committee on Enrolled Bills to whom was referred—

House Concurrent Resolution No. 18:

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 per cent. as valorem import tax may be imposed "Whenever . . . . . sixty days from the pas-

sage of this Act, any article imported from . . . . . any other country.”

Also—

House Concurrent Resolution No. 17:

Requesting the Congress of the United States to appropriate \$50,000 for the purpose of deepening Charlotte Harbor in front of the wharves at Punta Gorda, Florida.

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 Concurrent Resolution No. 18:

Whereas, the “Payne Tariff Bill,” now pending in the Congress of the United States, has included notash salts in the list liable to retaliatory or countervailing duties; by which a duty of 20 per cent. as valorem import tax may be imposed “Whenever . . . . . sixty days from the passage of this Act, any article imported from . . . . . any other country.”

Also—

House Concurrent Resolution No. 17:

Requesting the Congress of the United States to appropriate \$50,000 for the purpose of deepening Charlotte Harbor in front of the wharves at Punta Gorda, Florida.

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., May 12, 1909.

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

*Sir:*

Your Joint Committee on Enrolled Bills to whom was referred—

## House Concurrent Resolution No. 18:

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 per cent. as valorem import tax may be imposed "Whenever . . . . . sixty days from the passage of this Act, any article imported from . . . . . any other country."

Also—

## House Concurrent Resolution No. 17:

Requesting the Congress of the United States to appropriate \$50,000 for the purpose of deepening Charlotte Harbor in front of the wharves at Punta Gorda, Florida.

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

Very respectfully,

C. L. LEGGETT,

Chairman of Joint Committee.

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

Senate Chamber,

Tallahassee, Fla., May 12, 1909.

*Hon. F. M. Hudson,*

*President of the Senate.*

Sir:

Your Committee on Municipalities, to whom was referred—

## Senate Bill No. 389:

A bill to be entitled an act to legalize and confirm the incorporation of the town of St. Andrews, in Washington County, Florida, and to declare the same a legally incorporated town.

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

Very respectfully,

W. HUNT HARRIS,

Chairman of Committee.

And Senate Bill No. 389, 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 12, 1909.

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

*Sir:*

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 342:

A bill to be entitled an act to repeal Section 1949 of the General Statutes of the State of Florida, being an act entitled "An act to extend the powers of Courts of Chancery in this State," and Section 1950 of the General Statutes of the State of Florida, being an act entitled, "An act relating to bills in equity of, and removing clouds from, title to real estate," and to extend the powers of Courts of Chancery in this State, enlarge the jurisdiction thereof, to entertain suits by any person or corporation claiming any interest in the lands in this State, against any or all persons or corporations claiming any interest therein, and quiet the title of the complainant thereto, award injunctions to protect the complainant's interest therein and enjoin and avoid a multiplicity of suit, and declare the right and interests of the parties.

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

Very respectfully,

F. P. CONE,  
Chairman of Committee.

And Senate Bill No. 342, 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 12, 1909.

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

*Sir:*

Your Committee on Judiciary B, to whom was referred—

## Senate Bill No. 282:

A bill to be entitled an act to prohibit the operating of phosphate mines or plants, saw-mills, novelty works, and all other manufacturing plants on the Sabbath day; and providing a penalty for violation of the provisions thereof.

Recommended the following substitute to —

## Senate Bill No. 282:

A bill to be entitled an act to prohibit the operating of phosphate mines or plants, saw-mills, or novelty works on the Sabbath day, and providing a penalty for the violation of the provisions thereof.

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. 282 with Committee Substitute therefor, contained in the above report, was placed on the Calendar of Bills of Second Reading.

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

Senate Chamber,  
Tallahassee, Fla., May 12, 1909.

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

*Sir:*

Your Committee on Judiciary B, to whom was referred—

## House Bill No. 71:

A bill to be entitled an act to provide for the reinstatement on the docket of the Supreme Court of any case dismissed on account of defective certificate.

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

Very respectfully,

F. P. CONE,  
Chairman of Committee.

And House Bill No. 71, 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 12, 1909.

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

*Sir:*

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 343:

A bill to be entitled an act to prohibit tampering with witnesses, and providing a penalty for the violation thereof.

Recommend the following Substitute to—

Senate Bill No. 343:

A bill to be entitled an act to prohibit corruptly influencing of witnesses and providing a penalty for the violation thereof.

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. 343, together with the Committee Substitute, 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 12, 1909.

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

*Sir:*

Your Committee on Judiciary B to whom was referred—

Senate Bill No. 307:

A bill to be entitled an act disqualifying certain persons from sitting as jurors in the trial of certain causes, and prescribing a rule of evidence therein.

Recommend the following substitute to—

Senate Bill No. 307:

A bill to be entitled an act disqualifying certain persons from sitting as jurors in the trial of certain causes and prescribing a rule of evidence therein.

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. 307, together with the Committee Substitute, 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 12, 1909.

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

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 395:

A bill to be entitled an act to prohibit the running of freight trains, work trains, and all other trains on the Sabbath day, except regular passenger trains carrying the United States mail, and special freight trains for carrying fruit, vegetables, or fish.

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. 395, 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 12, 1909.

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

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 406:

A bill to be entitled an act to amend Section 2759, of the General Statutes of the State of Florida, providing for the issuance of certificates to insurance companies, and providing other prerequisites.

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

Very respectfully,

F. F. CONE,  
Chairman of Committee.

And Senate Bill No. 406, 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 12, 1909.

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

*Sir:*

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 407:

A bill to be entitled an act to amend Section 2674 of the General Statutes of the State of Florida, providing for the method of reduction of the capital stock of corporations for profit.

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

Very respectfully,

F. P. CONE,  
Chairman of Committee.

And Senate Bill No. 407, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Baker, Chairman of the Committee on County Organization, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 12, 1909.

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

*Sir:*

Your Committee on County Organization, to whom was referred—

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 trustees; imposing penalties for the violation of this act and for other purposes.

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

Very respectfully,

W. E. BAKER,

Chairman of Committee.

And House Bill No. 371, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Baker, Chairman of the Committee on County Organization, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 11, 1909.

*Hon. F. M. Hudson,*

*President of the Senate.*

*Sir:*

Your Committee on County Organization, to whom was referred—

House Bill No. 561:

A bill to be entitled an act granting to the Lake Eustis Pavilion Company, a corporation, the right to construct and maintain in the waters of Lake Eustis, below low water mark, a wharf, dock, pier and pavilion.

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

Very respectfully,

W. E. BAKER,

Chairman of Committee.

And House Bill No. 561, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,  
Tallahassee, Fla., May 12, 1909.

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

*Sir:*

Your Committee on Corporations, to whom was referred—

Senate Bill No. 292:

A bill to be entitled an act relating to payments to the State by corporations doing business in Florida other than banking, insurance, surety and public utility corporations.

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

Very respectfully,

W. M. GIRARDEAU,  
Chairman of Committee.

And Senate Bill No. 292, contained in the above report, was placed on the Calendar of Bills on Second Reading.

#### INTRODUCTION OF BILLS.

By Mr. Cook—

Senate Bill No. 411:

A bill to be entitled an act providing for the payment of a per diem to sheriffs for attendance upon Criminal Courts of Record, County Courts, County Judges' Courts, and Justice of the Peace Courts in this State.

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

By Mr. Cook—

Senate Bill No. 412:

A bill to be entitled an act providing for the payment of five hundred dollars to the estate of any peace officer violently killed in the discharge of an official duty.

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

By Mr. Hosford—

Senate Bill No. 413:

A bill to be entitled an act for the relief of W. B. Shuler.

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

By Mr. Hosford—

Senate Bill No. 414:

A bill to be entitled an act to amend Section 1293 of the General Statutes of the State of Florida, relating to the powers and duties of Pilot Commissioners.

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

By Mr. Withers—

Senate Bill No. 415—

A bill to be entitled an act declaring certain waters in this State a navigable stream.

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

By Mr. Sloan—

Senate Bill No. 416:

A bill to be entitled an act providing that insurance companies or associations or individuals doing an insurance business or sick, accident or funeral benefit business in this State, shall have their license and authority to do business withheld and revoked if they fail to pay any or all license or occupation tax required of them.

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

By Mr. Humphries—

Senate Bill No. 417:

A bill to be entitled an act to organize and establish a county court in and for the County of DeSoto; to prescribe the terms and powers; to provide for the appointment of a prosecuting attorney and for the compensation of the judge and prosecuting attorney.

Mr. Humphries moved that the rules be waived and that Senate Bill No. 417 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 417 was read the second time by its title.

By Mr. Sams—

Senate Bill No. 418:

A bill to be entitled an act to amend Section 20 of an act entitled "An act regulating the running of automobiles or motor vehicles on the public roads or highways in the State of Florida," approved May 11, 1905.

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

By Mr. Sams—

Senate Bill No. 419:

A bill to be entitled an act to require the payment of license taxes by citizens of this State before hunting for the purpose of shooting any wild game in this State, and requiring of license taxes by persons acting as hunters' guides, and prescribing the duties of hunters' guides.

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

#### MESSAGES FROM HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 11, 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. 600:

A bill to be entitled "An act to provide for the appointment of Acting Prosecuting Attorneys, and to provide for the compensation therefor.

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. 600, contained in the above message, was read the first time by its title.

Mr. Broome moved that the rules be waived and that House Bill No. 600 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 600 was read a second time by its title without reference.

Mr. Broome moved that the rules be further waived and that House Bill No. 600 be read a third time and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 600 was read a third time in full.

Upon the passage of House Bill No. 600 the roll was called, and the vote was:

Yeas—Mr. President, Senators, Adkins, Beard, Broome, Cook, Davis, Dayton, Girardeau, Harris, Hosford, Humphries, Johnson, Leggett, McCreary, McLeod, McMullen, Sams, Sloan, Williams, Withers—20.

Nays—Mr. Henderson—1.

So the bill passed, title as stated.

Mr. Broome moved to waive the rules and that the same be certified to the House of Representatives immediately.

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

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 10, 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. 242:

A bill to be entitled an act to repeal Chapter 5836, Acts of 1907, entitled "An act requiring the Recorder of the City of Pensacola, elected in the year One Thousand Nine Hundred and Nine, and thereafter, to be a practicing lawyer in 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. 242, contained in the above message, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 10, 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. 542:

A bill to be entitled an act to legalize the county government of Dunnellon, Florida, to fix the corporate limits and to provide for a common seal therefor, and to grant a charter to said municipality.

Also—

House Bill No. 583:

A bill to be entitled an act empowering the city of Kissimmee to impose certain license taxes.

Also—

House Bill No. 596:

A bill to be entitled an act to amend Sections 17 and 18, of the General Statutes of the State of Florida, relative to the boundary lines of Gadsden and Liberty Counties.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

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

And House Bill No. 542, contained in the above message, was read the first time by its title and referred to the Committee on Municipalities.

And House Bill No. 583, contained in the above message, was read the first time by its title and referred to the Committee on Municipalities.

And House Bill No. 596, contained in the above message, was read the first time by its title and referred to the Committee on County Organization.

## ORDERS OF THE DAY.

Mr. Davis asked permission to withdraw the motion to reconsider the vote by which Senate Bill No. 369 was indefinitely postponed.

Mr. Beard moved to reconsider the vote by which Senate Bill No. 369 was indefinitely postponed.

Which went over under the rule.

By consent Mr. Girardeau withdrew Senate Bill No. 193.

## BILLS ON SECOND READING.

## Senate Joint Resolution No. 171:

A joint resolution proposing amendment to Section 19, Article X, of the Constitution of the State of Florida.

Was taken up and read the second time in full.

There being no amendment Senate Joint Resolution No. 171 was, under the rule, placed on the Calendar of Bills on Third Reading without reference.

## Senate Joint Resolution No. 232:

Joint resolution proposing an amendment to Section 12 of Article IV of the Constitution of the State of Florida, as amended in 1896, relating to pardons.

Was taken up and read the second time.

There being no amendments, Senate Joint Resolution No. 232 was, under the rule, placed on the Calendar of Bills on the Third Reading without reference.

## Senate Joint Resolution No. 138:

A joint resolution proposing amendment to Article 10 of the Constitution of the State of Florida, relative to homestead and exemptions.

Was taken up.

Mr. Cook asked permission to withdraw Senate Joint Resolution No. 138.

Which was granted.

## Senate Joint Resolution No. 173:

A Joint Resolution proposing an amendment to Section 6, of Article VIII of the Constitution of the State of Florida, relating to County officers.

Was taken up and read the second time in full.

Mr. Beard, as Chairman of the Committee on Constitutional Amendments, as required by the rules, moved to indefinitely postpone Senate Joint Resolution No. 173.

Which was agreed to and,

Senate Joint Resolution No. 173 was indefinitely postponed.

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.

Was taken up, and passed informally.

By consent, Mr. Sloan called up Senate Bill No. 43, now on the table subject to call.

Senate Bill No. 43:

A bill to be entitled an act to prescribe a law governing pardon applications.

Was taken up and read the second time in full.

The Committee amendment, was read, as follows:

Amend by striking out Section 4 and making Section 5 Section 4.

Mr. Sloan offered the following amendment to the Committee amendment:

That the regular meetings of the Board of Pardons shall be held on the first Thursday of each month; provided, that the said Board shall have power to hold adjourned or special meetings as necessity may, in their judgment, require.

Mr. Sloan moved the adoption of the amendment to the Committee amendment.

Which was agreed to and the amendment to the committee amendment was adopted.

Mr. Sloan moved the adoption of the Committee amendment as amended.

Which was agreed to.

And the Committee amendment as amended was adopted.

And Senate Bill No. 43, as amended, was referred to the Committee on Engrossed Bills.

Senate Bill No. 146:

A bill to be entitled an act for the relief of B. H. Bridges, Assistant State Chemist, Food and Drug analyst.

Was taken up and read the second time in full.

There being no amendment, Senate Bill No. 146 was, under the rule, placed on the Calendar of Bills on the Third Reading.

Mr. Dayton moved to waive the rules and to take Senate Bill No. 67 from table subject to call.

Which was agreed to by a two-thirds vote.

And—

Senate Bill No. 67:

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

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

Mr. Henderson, of the Eighth District, offered the following amendment to Senate Bill No. 67:

Strike out the words "or personal" wherever the same appear in bill.

Mr. Henderson moved the adoption of the amendment.

Which was agreed to and adopted.

Mr. Cone, of the Fourteenth District, offered the following amendment to Senate Bill No. 67:

Strike out the word "majority" in Section 2, line 8 and 9 of printed bill, and insert in lieu thereof the following: "three-fourths."

Mr. Cone moved the adoption of the amendment.

Which was withdrawn.

Mr. Henderson offered the following amendment to Senate Bill No. 67:

Strike out the word "majority" in lines 8 and 9 of Section 2 of printed bill and insert in lieu thereof the following: "two-thirds."

Mr. Henderson moved the adoption of the amendment. Which was agreed to and adopted.

Mr. J. W. Williams offered the following amendment to Senate Bill No. 67:

Add to Section 4 "The Board of State Institutions may after such bonds have been issued and upon an investigation by them finding said bonds to have been legally issued, and that they are good and safe security, may buy all or any part of said bonds, provided said bonds bear not less than 5 per cent. interest per annum."

Mr. Williams moved the adoption of the amendment. Which was agreed to and adopted.

And Senate Bill No. 67, as amended, was referred to the Committee on Engrossed Bills.

## Senate Bill No. 200:

A bill to be entitled an 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.

Was taken up.

Mr. Buckman moved that Senate Bill No. 302 be substituted for Senate Bill No. 200, and that Senate Bill No. 200 be dropped to the foot of the Calendar.

Which was agreed to.

And—

## 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 banks, drawer, maker, guarantor, surety and endorser.

Was taken up and read the second time in full.

There being no amendment, Senate Bill No. 302 was, under the rule, placed on the Calendar of Bills on the Third Reading.

## 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.

Was taken up and was passed over informally.

## Senate Bill No. 167:

A bill to be entitled an act to prohibit the sale, gift or disposal of liquors on Sunday, and providing punishment therefor.

Was taken up and read the second time in full.

The Committee amendment was read, as follows:

Amend by striking out Section 4.

Mr. McMullen moved to adopt the Committee amendment.

Which was agreed to, and the Committee amendment was adopted.

Mr. Cook offered the following amendment to Senate Bill No. 167:

Strike out the words "not less than \$100 nor" in Section 2.

Mr. Cook moved the adoption of the amendment.

Which was agreed to and adopted.

Mr. Williams offered the following amendment to Senate Bill No. 167:

After the word "corporation," in line 3 of Section 1, insert "in the business of liquor dealers."

Mr. Williams moved the adoption of the amendment.

Which was agreed to, and adopted.

Mr. Humphries moved to indefinitely postpone the bill.

Upon which the yeas and nays were demanded.

Pending which,

Mr. Williams moved to reconsider the vote by which the amendment offered by him was adopted.

Mr. Leggett moved to amend the motion that the rules be waived, and that the vote by which the amendment offered by Mr. Williams was adopted, be now reconsidered.

Which was not agreed to.

The question recurred upon the motion of Mr. Williams to reconsider.

Which was not agreed to.

The question then recurred upon the indefinite postponement of the bill as amended.

The roll was called and the vote was:

Yeas—Senators Humphries, McMullen, Sloan, Withers.—4.

Nays—Mr. President, Senators Adkins, Broome, Buckman, Cook, Cone, Davis, Dayton, Girardeau, Harris, Henderson, Hosford, Johnson, Leggett, McCreary, McLeod, Sams, Williams.—18.

So the Senate refused to indefinitely postpone the bill as amended.

Mr. Williams moved that Senate Bill No. 167, as amended, be laid on the table subject to call.

Which was not agreed to.

Senate Bill No. 167, as amended, was referred to the Committee on Engrossed Bills.

Mr. Cone in the chair.

Senate Bill No. 126:

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

Was taken up and read the second time.

The committee amendments were read as follows:

"Strike out Section 2."

Mr. McMullen moved to adopt the committee amendment.

Which was agreed to and adopted.

Mr. Buckman, of the Fifteenth, offered the following amendment to Senate Bill No. 126:

Add after word "offense" in Section 1, the following: "Any person who shall become an habitual drunkard shall be examined for such, as in lunacy cases, and if so found to be a habitual drunkard shall be sent for cure and treatment to the Hospital for the Insane, to be confined until cured."

Mr. Buckman moved the adoption of the amendment.

Pending which,

Mr. Johnson moved that the bill and pending amendment lay on table subject to call.

Which was agreed to and so ordered.

Senate Bill No. 168:

A bill to be entitled an act to amend Section 7 of Chapter 5597, Laws of Florida. Approved June 1, 1907.

Was taken up and read the second time in full.

There being no amendment, Senate Bill No. 168 was placed on the Calendar of Bills on the Third Reading without reference.

Senate Bill No. 5:

A bill to be entitled an act to prohibit drinking of intoxicating liquors of any kind on railway passenger trains, coaches, or vestibules thereof, or the platforms connected therewith, while said train or coach or vestibules are in the service of passenger transportation within this State, and providing a penalty for the violation of the provisions of this act.

Was taken up and read the second time in full.

The following Committee amendment was read:

In Section 1, substitute the word "medicine" for the word "stimulant."

Mr. McMullen moved to adopt the Committee amendment.

Which was agreed to and the amendment was adopted.

The following Committee amendment was read:

Strike out Section 3.

Mr. McMullen moved to adopt the Committee amendment.

Which was agreed to and the Committee amendment was adopted.

And Senate Bill No. 5, as amended, was referred to the Committee on Engrossed Bills.

Senate Bill No. 231:

A bill to be entitled an act to define intoxicating liquors and beverages, and to fix the maximum percentage of alcohol in non-intoxicating liquors and beverages.

Was taken up and read the second time in full.

Mr. Humphries moved that Senate Bill No. 231 be made a special order for 10:30 o'clock to-morrow, and that 200 copies be printed.

Which was agreed to, and so ordered.

Senate Bill No. 225:

A bill to be entitled an act to protect and promote the fruit growing and horticultural interests of the State of Florida; to exterminate crop pests and to provide for the appointment of county inspectors.

Was taken up.

Mr. Humphries moved that further consideration of Senate Bill No. 225 be made a special order for Friday at 11 o'clock.

Which was agreed to, and so ordered.

Mr. Johnson moved to waive the rules and to take up Miscellaneous Business.

Which was agreed to by a two-thirds vote.

#### MISCELLANEOUS BUSINESS.

Mr. McMullen moved to waive the rules and to take up messages from the House of Representatives.

Which was agreed to by a two-thirds vote.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

.. House of Representatives,  
Tallahassee, Fla., May 11, 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. 454:

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

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. 454, contained in the above message was read the first time by its title and referred to the Committee on County Organization.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 11, 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. 38:

A bill to be entitled an act repealing Chapter 5776, of the Laws of Florida, enacted in 1907, "An act for the protection of deer, wild turkey, quail or partridge, doves and wild ducks, providing for a hunting season, providing for the appointment of game warden or wardens, prescribing his duties and powers in the county of Hernando, and prescribing penalty for the violation of the provisions of the same."

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. 38, contained in the above message, was read the first time by its title and referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 11, 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 herewith returns to the Senate, upon the request of the Senate—

House Bill No. 342:

A bill to be entitled an act to amend Section 9 of Chapter 4877 of the Laws of Florida, June 1, 1909, entitled "An act to establish the municipality of Dunedin, provide for its government, and prescribe its jurisdiction and powers."

Very respectfully,

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

And House Bill No. 342, contained in the above message, was read the first time by its title and referred to the Committee on Municipalities.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 11, 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 amendments to—

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.

Following are the amendments, to wit:

1. Strike out the words "ten" in section 1 and insert in lieu thereof the following, "twenty."

Also—

2. Strike out the word "ten" in the title and insert in lieu thereof the following, "twenty."

Also—

3. Insert in Sections 1 and 4, after the words "St. Lucie," the words "Palm Beach."

Also—

4. Insert in the title, after the words "St. Lucie," the words "Palm Beach."

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Bill No. 267, contained in the above message, was read the first time by its title and referred to the Committee on Enrolled Bills.

Mr. Johnson moved that the Senate do now revert to Miscellaneous business as previously ordered.

Mr. McMullen moved to reconsider the vote by which House Bill No. 342 passed the Senate.

Which was agreed to.

Mr. McMullen moved to waive the rules and to take up the motion to reconsider the vote by which House Bill No. 342 passed the Senate.

Which was agreed to by a two-thirds vote.

Mr. McMullen moved to reconsider the vote by which House Bill No. 342 passed the Senate.

Which was agreed to by a two-thirds vote.

And the vote by which House Bill No. 342 passed the Senate was reconsidered.

Mr. Leggett moved that all reports from departments be referred to Committee on Finance and Taxation.

Mr. Humphries moved to amend, that all reports from departments be referred to the Committee on Finance and Taxation and be spread on the Journal.

Mr. Johnson moved as an amendment to the amendment to make said reports a special order for 4 o'clock this afternoon.

The amendment to the amendment was agreed to, and it was so ordered.

Mr. Harris moved that the Senate do now adjourn until 3:30 o'clock this afternoon.

Which was agreed to.

Whereupon the Senate took a recess until 3:30 o'clock this afternoon.

#### AFTERNOON SESSION, 3:30 P. M.

The Senate resumed its session pursuant to recess order, the President in the chair.

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

Mr. President, Senators Adkins, Broome, Davis, Dayton, Girardeau, Hosford, Humphries, Johnson, McLeod, Sloan, Withers—12.

A quorum not present.

The Sergeant-at-Arms was directed to bring in absent members from the committee rooms.

Mr. Humphries moved to take a recess for five minutes. Which was agreed to.

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

Mr. President, Senators Adkins, Baker (20th District), Beard, Broome, Buckman, Cook, Davis, Dayton, Girardeau, Harris, Henderson, Hosford, Humphries, Leggett, McCreary, McLeod, McMullen, Sams, Sloan, Williams, Withers—22.

A quorum was present.

#### INTRODUCTION OF BILLS.

By Mr. Hudson—

Senate Bill No. 420:

A bill to be entitled an act to authorize the County Commissioners of Brevard County to transfer any surplus from the Fish and Game Warden Fund to the Road Fund of the county.

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

By Mr. Hudson—

Senate Bill No. 421:

A bill to be entitled an act regulating the presentation of claims and demands to common carriers.

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

By Mr. McLeod—

Senate Bill No. 422:

A bill to be entitled an act to provide that all land owners shall have the right of a road across the land of another, in the most direct way to reach the public road.

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

By Mr. Hudson—

Senate Bill No. 423:

A bill to be entitled an act to prevent the spread of Bermuda and Johnson grass.

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

By Mr. Hudson—

Senate Memorial No. 4:

A memorial to the Congress of the United States requesting an appropriation for Taylor's Creek.

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

By Mr. Beard—

Senate Bill No. 424:

A bill to be entitled an act to amend an act entitled "An act to provide for service by publication upon unknown parties in interest in property involved in certain Chancery court and for decrees and other proceedings after such service."

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

Mr. McCreary moved that the rules be waived and that the Senate now take up messages from the House of Representatives.

Which was agreed to by a two-thirds vote, and the Senate proceeded to consider—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 11, 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 amendments to—

House Bill No. 62:

A bill to be entitled an act to organize and establish a County Court in and for St. Lucie County, Florida, and to prescribe for the appointment of a Prosecuting Attorney, and prescribe the terms thereof.

Following are the Senate amendments, to-wit:

Strike out Section 2 and insert in lieu thereof the following:

Sec. 2. The terms of the court shall commence respectively on the second Monday in February, the second Monday in May, the second Monday in August, and the second Monday in November, but the first term of said court shall begin on the fourth Monday in May, 1909.

Very respectfully,

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

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 11, 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 amendments to—

House Bill No. 3:

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 Alachua.

Amendments as follows:

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

Section 1. From and after the passage and approval of this act it shall be unlawful for any person or persons to ship, sell or offer for sale, out of Alachua County, any fresh water fishes caught in any of the rivers, lakes, streams or ponds in said county.

Sec. 2. It shall be unlawful for any railroad, or any common carrier, to transport beyond the limits of Alachua County any fresh water fishes caught in any of the rivers, lakes, streams or ponds of said county.

Sec. 3. Any violation of this act shall be deemed a misdemeanor.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 11, 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 ordered—

Senate Bill No. 281:

A bill to be entitled an act for the protection and preservation of game birds and certain other birds and animals in Levy county, and to provide that all non-citizens of this State taking, hunting or killing game in said county shall obtain a permit therefor, and to prohibit the sale in said county or the shipment or carrying therefrom of any deer, deer hides, otter pelts or game—

Returned to the Senate for the reason that it has not been properly engrossed.

Also—

Senate Bill No. 197:

A bill to be entitled an act providing for the main-

tenance 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—

Returned to the Senate for the reason that it has not been properly engrossed.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

Mr. Humphries moved that Senate Bills Nos. 281 and 197 be referred to the Committee on Engrossed Bills.

Which was agreed to, and Senate Bills Nos. 281 and 197, as amended by the Senate, were referred to the Committee on Engrossed Bills.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 11, 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 with amendments—

Senate Bill No. 150:

A bill to be entitled an act to amend Section 3, Chapter 5565, of the Laws of Florida, the same being an act to organize and establish a County Court in and for Washington County, Florida; to provide for the appointment of a Prosecuting Attorney for said court; to fix and provide for the compensation of the Judge and Prosecuting Attorney of said court; to inhibit the Judge from practicing law; to prescribe the terms of said court; and to provide for the transfer of causes pending in other courts at the time this act goes into effect within the jurisdiction of the County Court; approved May 23, 1905.

Amendments as follows:

(1) Add "and 4" after the figure "3" in title of bill, and make "section" read "sections."

(2) That Section 4 be and the same is hereby amended to read as follows:

“Sec. 4. The Judge of the County Court shall receive for his services as such Judge the annual salary of five hundred dollars, payable quarterly by the county; provided, that the compensation shall exclude all fees or other compensation which the said Judge of the County Court, as such, might receive or be entitled to under or by virtue of any other laws, but that it shall not exclude or affect any fees, salary or other compensation which the County Judge, as such, may receive or be entitled to in matters in which he acts under the law as County Judge; provided further, that the Judge of the County Court shall be inhibited from practicing law during the time he holds such office.”

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 150, contained in the above message, together with amendments of the House of Representatives thereto, was placed before the Senate.

Mr. Cook moved that the Senate concur in the amendments of the House to Senate Bill No. 150.

Which was agreed to.

And Senate Bill No. 150, as amended by the House of Representatives and concurred in by the Senate, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 11, 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 Concurrent Resolution No. 21:

Relative to the building a ship canal across Florida,  
etc.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

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

And House Concurrent Resolution No. 21, contained in the above message, was read the first time and went over under the rule.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 11, 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 Bill No. 597:

A bill to be entitled an act to legalize the election held on the third day of November, A. D. 1908, in Putnam County, State of Florida, to determine whether or not bonds should be issued, sold, etc., as proposed and provided by a resolution voted upon and passed by the Board of County Commissioners of Putnam County, Florida, entitled "Resolutions adopted by the Board of County Commissioners of Putnam County, State of Florida, proposing a bond issue for said county," passed in open session by said Board of County Commissioners of Putnam County, Florida, on the ninth day of September, A. D. 1908, and to declare and render valid said resolutions, and to authorize the issuance of the bonds as provided by said resolutions.

Also—

House Bill No. 565:

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 trustees, imposing penalties for the violation of this act and for other purposes.

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. 565, contained in the above message, was read the first time by its title and was referred to the Committee on County Organization.

And House Bill No. 597, contained in the above message, was read the first time by its title and was referred to the Committee on County Organization.

Senate Bill No. 243:

A bill to be entitled an act for the relief of Inez Abernethy, instructor in art in the Florida Female College, at Tallahassee, Fla.

Was taken up and read the second time in full.

There being no amendment, Senate Bill No. 243 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 166:

A bill to be entitled an act to provide for paroling State prisoners.

Was taken up and read the second time in full.

There being no amendment, Senate Bill No. 166 was, under the rule, placed on the Calendar of Bills on the Third Reading.

#### SPECIAL ORDER FOR AFTERNOON.

By consent, Mr. Leggett withdrew his motion to make the reports of the departments under requirement of the Senate order therefor, a special order for this hour.

Mr. Johnson moved that a special committee of five be appointed by the chair, to whom the said reports shall be referred and that said committee inspect and act upon said reports at their earliest convenience.

Which was agreed to.

The President appointed as such committee Messrs. Johnson, Leggett, McMullen, Harris and Sloan.

Mr. Beard moved that the Senate do now go into executive session.

Which was not agreed to.

## Senate Bill No. 165 :

A bill to be entitled an act authorizing the Board of Commissioners of State Institutions to purchase lands for a prison farm, to erect buildings and equip said farm, and directing that certain prisoners be not leased for pay, and providing the means to defray the expense necessary to carry out the provisions of this act.

Was taken up and read the second time in full.

The committee amendment was read as follows :

## Committee Amendment to Senate Bill No. 165 :

Amend Section 6 by striking out all of said section after the words "for carrying out the provisions of this act," and inserting the following: "The sum of one hundred thousand dollars is hereby appropriated from the fund to be derived from the hire of State prisoners under the lease which goes into effect January 1, 1910, which appropriation shall be available in quarterly sums of ten thousand dollars until the full amount, or so much thereof as may be necessary, is paid. The Board of Commissioners of State Institutions shall make requisition on such appropriation from time to time as money is required for the purposes of this act, such requisitions to be signed by the Governor and Commissioner of Agriculture, and on such requisition the Comptroller shall issue his warrants on the State Treasurer, who shall pay the same out of such fund."

The committee amendment was adopted.

Mr. Harris moved to reconsider the vote by which the committee amendment was adopted.

Mr. Harris moved to waive the rules and that the reconsideration be now taken up.

Which was agreed to by a two-thirds vote.

Upon the question shall the vote by which the committee amendment to Senate Bill No. 165 was adopted be reconsidered.

It was agreed to by a two-thirds vote.

Mr. Dayton, of the Ninth, offered the following amendment to committee amendment to Senate Bill No. 165 :

Strike out the words "one hundred thousand dollars," and insert in lieu thereof the following, "twenty-five thousand dollars."

Which was withdrawn.

Mr. Williams offered the following amendment to the amendment to Senate Bill No. 165 :

Strike out the word "ten" in line six of committee amendment, and insert in lieu thereof the following, "five."

Also strike out the words "one hundred" on line three of committee substitute and insert in lieu thereof "twenty-five thousand."

Mr. Williams moved the adoption of the amendment.

Pending the consideration of which,

Mr. Cone moved that the further consideration of the bill and pending amendments be made a special order for 10:30 o'clock on Friday next, and that 100 copies of the same be printed.

Which was agreed to, and so ordered.

Senate Bill No. 174:

A bill to be entitled an act to amend Section 4109, of the General Statutes of the State of Florida, relating to labor of county convicts, as amended by Chapter 5705, Acts of 1907.

Was taken up and read the second time.

The Committee substitute (title as above) was taken up and read the first time by title.

The Committee substitute for Senate Bill No. 174 was read a second time in full.

Mr. Buckman moved to adopt the Committee substitute for Senate Bill No. 174.

Which was agreed to, and the Committee substitute for Senate Bill No. 174 was adopted in lieu of the original bill.

There being no amendment, Senate Committee substitute for Senate Bill No. 174 was placed on the Calendar of Bills on Third Reading.

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.

Was taken up and was passed informally.

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 to provide for the election of its municipal officers."

Was taken up and informally passed over.

Mr. Sams moved that the Senate now go into executive session.

Which was agreed to.

And the Senate closed its doors at 5:04 o'clock p. m.

The doors were opened at 5:15 o'clock p. m.

The Senate resumed its session.

The President in the chair.

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

Mr. President, Senators Adkins, Beard, Broome, Buckman, Cook, Cone, Davis, Dayton, Girardeau, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, McCreary, McLeod, McMullen, Sams, Sloan, Williams, Withers—23.

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

Senate Chamber,  
Tallahassee, Fla., May 12, 1909.

*Hon. F. M. Hudson,*

*President of the Senate.*

*Sir:*

Your Committee on Constitutional Amendments, to whom was referred—

Senate Joint Resolution No. 252:

Proposing an amendment to Section 1 of Article XVII of the Constitution of the State of Florida.

Also—

Senate Joint Resolution No. 253:

Proposing an amendment to Section 12 of Article VI of the Constitution of the State of Florida, as amended in 1896, relating to pardons.

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

Very respectfully,

JOHN S. BEARD,  
Chairman of Committee.

And Senate Joint Resolution No. 252 and Senate Joint Resolution No. 253, contained in the above report, were placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,  
Tallahassee, Fla., May 12, 1909.

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

*Sir:*

Your Committee on Constitutional Amendments, to whom was referred—

House Joint Resolution No. 487:

Proposing an amendment to Article V, of the Constitution of the State of Florida, relative to the Judiciary Department.

Also—

Senate Joint Resolution No. 244:

Proposing an amendment to Section 2 of Article 17 of the Constitution of Florida, relating to amendments.

Also—

Joint Resolution No. 205:

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

Also—

Senate Joint Resolution No. 289:

Proposing an amendment to Article 3 of the Constitution of the State of Florida, relating to the Legislative Department.

Also—

Senate Joint Resolution No. 286:

Proposing a revision of the Constitution of the State of Florida.

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

Very respectfully,

JOHN S. BEARD,  
Chairman of Committee.

And House Joint Resolution No. 487 and Senate Joint Resolutions Nos. 244, 205, 289 and 286, contained in the above report, were placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,  
Tallahassee, Fla., May 12, 1909.

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

*Sir:*

Your Committee on Constitutional Amendments to whom was referred—

Senate Joint Resolution No. 277:

With committee substitute as hereto attached.

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. 277, with committee substitute, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Johnson moved that the Senate do now adjourn.  
Which was agreed to.

Whereupon the Senate stood adjourned to 10 o'clock a. m., Thursday, May 13, 1909.

## THURSDAY, MAY 13, 1909.

The Senate met pursuant to adjournment.

The President in the Chair.

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

Mr. President, Senators Adkins, Baker (29th District), Broome, Cook, Cone, Davis, Girardeau, Henderson, Hosford, Humphries, McCreary, McLeod, Williams, Withers—15.

No quorum present.

The Sergeant-at arms was directed to bring in Senators from committee rooms.

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