

THURSDAY, MAY 20, 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, Beard, Broome, Davis, Girardeau, Hosford, Johnson, Leggett, McLeod, Sams, West, Withers, Zim.—14.

Not a quorum present.

The Sergeant-at-Arms was instructed to bring absent members into the Senate Chamber from committee rooms.

It being learned that Senators were attending important committee meetings, Mr. Johnson moved that the Senate take a recess for a half hour.

Which was agreed to, and so ordered.

The Senate took a recess.

The Senate resumed its session.

The President in the Chair.

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

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

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of May 19 was corrected.

The Journal of May 19 was approved as corrected.

REPORTS OF COMMITTEES.

Mr. Cook, Chairman of the Committee on Claims, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 15, 1909.

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

Sir:

Your Committee on Claims, to whom was referred—

Senate Bill No. 375:

A bill to be entitled an act for the relief of W. J. Cook, of Jacksonville, Florida, for the loss of sixty-three horses, ordered killed by the State Health Officer of the State of Florida.

Have had the same under consideration and submit as a substitute therefor the bill hereto attached and designated—

Committee Substitute for Senate Bill No. 375:

A bill to be entitled an act for the relief of W. J. Cook, of Jacksonville, Florida, for the loss of sixty-three horses, killed in compliance with the laws of the State of Florida.

Also—

Senate Bill No. 408:

A bill to be entitled an act for the relief of E. S. Futch, of Lake City, Florida, for loss of one horse ordered killed by Thomas J. Mahaffey, Veterinarian to State Board of Health of the State of Florida.

Have had the same under consideration and submit as substitute therefore the bill hereto attached and designated—

Committee Substitute for Senate Bill No. 408:

A bill to be entitled an act for the relief of E. S. Futch, of Lake City, Florida, for the loss of one horse killed in compliance with the laws of the State of Florida.

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

Very respectfully,

BUELL COOK,
Chairman of Committee.

And Senate Bills Nos. 375, with Committee Substitute, and 408, with Committee Substitute, contained in the above report were placed on the Calendar of Bills on Second Reading.

Mr. Buckman, Chairman of the Committee on Prisons and Convicts, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 19, 1909.

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

Sir:

Your Committee on Prisons and Convicts, to whom was referred—

Senate Bill No. 353:

A bill to be entitled an act amending Section 976 of the General Statutes of Florida, regulating fees for feeding prisoners.

Also—

Senate Bill No. 352:

A bill to be entitled an act fixing the hire of guards and bailiffs employed by Sheriffs.

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

Very respectfully,

H. H. BUCKMAN,
Chairman of Committee.

And Senate Bills Nos. 352 and 353, contained in the above report, were placed on the Calendar of Bills on Second Reading.

Mr Cook, Chairman of the Committee on Claims, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 15, 1909.

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

Sir:

Your Committee on Claims, to whom was referred—

Senate Bill No. 409:

A bill to be entitled an act for the relief of D. J. Herin, of Lake City, Florida, for loss of one horse ordered killed by Thomas J. Mahaffey, Veterinarian of State Board of Health of the State of Florida.

Have had the same under consideration and submit as a substitute therefor the bill hereto attached and designated—

Committee Substitute for Senate Bill No. 409:

A bill to be entitled an act for the relief of D. J. Herring, of Lake City, Florida, for the loss of one horse killed in compliance with the laws of the State of Florida.

Also—

Senate Bill No. 410:

A bill to be entitled an act for the relief of J. T. Jones, of Lake City, Florida, for loss of ten horses ordered killed by Thomas J. Mahaffey, Veterinarian to State Board of Health of the State of Florida.

Have had the same under consideration and submit as a substitute therefor the bill hereto attached and designated—

Committee Substitute for Senate Bill No. 410:

A bill to be entitled an act for the relief of J. T. Jones, of Lake City, Florida, for loss of ten horses killed in compliance with the laws of the State of Florida.

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

Very respectfully,

BUELL COOK,

Chairman of Committee.

And Senate Bill No. 409, with Committee Substitute, and Senate Bill No. 410, with Committee Substitute for the same, contained in the above report were 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 19, 1909.

Hon. F. M. Hudson,

President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 382:

A bill to be entitled an act to provide for the prevention, suppression and control of dangerous contagious and infectious diseases in domestic animals and live stock and to impose certain powers on the State Board of Health for such purposes.

Beg to report, have examined said bill and return same correctly engrossed.

Very respectfully,
 JAMES E. BROOME,
 Chairman of Committee.

And Senate Bill No. 382, contained in the above report, was placed on the Calendar of Bills on Third Reading.

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

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

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

Sir:

Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 104:

A bill to be entitled an act creating a State Board of Pensions, defining who shall receive pensions, who shall not receive pensions; how applications shall be made; how pensions shall be paid; duty of County Commissioners in regard to pensions; providing for the levy of pension tax and authorizing the State Board of Pensions to make rules and regulations to carry into effect the provisions of this act.

Beg to report that they have examined said bill and return it herewith, correctly engrossed.

Very respectfully,
 JAMES E. BROOME,
 Chairman of Committee.

And Senate Bill No. 104, contained in the above report, was placed on the Calendar of Bills on Third Reading.

Mr. Cook, Chairman of the Committee on Claims, submitted the following report:

Senate Chamber,
 Tallahassee, Fla., May 18, 1909.

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

Sir:

Your Committee on Claims, to whom was referred—

Senate Bill No. 413:

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

Senate Bill No. 141:

A bill to be entitled an act for the relief of Sherwood & Pound.

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

Very respectfully,

BUELL COOK,
Chairman of Committee.

And Senate Bills Nos. 413 and 141, contained in the above report, were placed on the Calendar of Bills on Second Reading.

Mr. Cook, Chairman of the Committee on Claims, submitted the following report:

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

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

Sir:

Your Committee on Claims, to whom was referred—

Senate Bill No. 102:

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

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

Very respectfully,

BUELL COOK,
Chairman of Committee.

And Senate Bill No. 102, with the Committee Substitute therefor, contained in the above report, was placed on the Calendar of Bills on Second Reading.

INTRODUCTION OF BILLS.

By Mr. Girardeau—

Senate Bill No. 470:

A bill to be entitled an act to grant a pension to Joseph Gilmer, of Jefferson County, Florida, and providing for the payment thereof.

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

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was read:

State of Florida,
Executive Chamber,
Tallahassee, Fla., May 19, 1909.

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

Sir:

I have the honor to inform you that I have approved and signed the following acts, which originated in your honorable body:

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

An act to amend Section 8, Chapter 5731, Laws of Florida, 1907, being an act to permit the registered voters of Commissioner's District No. 1, of Lake county, Florida, to decide whether hogs shall be allowed to run at large in said district.

An act to Amend Section 1, Article 5, of an act entitled "An act to abolish the present municipal government of the city of Sanford, Orange county, Florida, and organize a city government for the same, and provide for its jurisdiction and powers; approved May 24, 1893."

An act to legalize and render valid and binding election held by the town of Manatee, in Manatee county, Florida, on the 4th day of May, A. D. 1909, in pursuance of a call for said election made by the mayor of said town of Manatee on the 19th day of March, A. D. 1909, and declaring and rendering valid the result of said election, as shown by the returns thereon, and to legalize and render valid an ordinance of said town of Manatee entitled "An ordinance to provide for the issuance and sale of \$15,000 coupon bonds of the town for street purposes," passed by the town council of the town of Manatee on the 11th day of May, A. D. 1909, and to authorize the issuance of bonds as proposed by said ordinance and to validate any of said bonds heretofore or hereafter issued and to cure all defects or omissions that may exist, either

in the calling and holding of said election, or declaring the result thereof, or the passing of said ordinance, or the issuance of said bonds.

An act to validate the incorporation of the town of Maitland, in Orange county, and to define the boundaries thereof.

And have caused the same to be filed in the office of the Secretary of State.

Very respectfully,

ALBERT W. GILCHRIST,
Governor.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 19, 1909.

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

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has agreed to a committee of conference to consider the amendments to—

House Bill No. 29:

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

Which amendment read as follows:

"Strike out all of Sections 3 and 4 and add in lieu thereof the following:

"Section 3. This act shall take effect on its passage and approval by the Governor, or on its becoming a law without his approval."

The Speaker has appointed as such committee Messrs. Chaires, Butler, Wells and Hull.

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 17, 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. 72:

A bill to be entitled an act for the relief of James R. Landrum, former Justice of the Peace, Second District, of Escambia County, State of Florida, for loss of fees during his suspension from said office.

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. 72, 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 18, 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. 363:

An act to be entitled an act relating to the liability of railroad companies having a relief department to its employees.

Also—

House Bill No. 654:

A bill to be entitled an act relating to the government and officers of the city of Pensacola, and repealing Sections six (6) and twenty-four (24) of Chapter 4513,

Laws of Florida of 1895, as the same were amended by Sections one (1) and two (2) of Chapter 5832, Laws of Florida of 1907.

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. 363, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary A.

And House Bill No. 654, contained in the above message, was read the first time by its title.

Mr. Beard moved to waive the rules and that House Bill No. 654 be placed on the Calendar on Second Reading.

The following message from the House of Representatives was read :

House of Representatives,
Tallahassee, Fla., May 19, 1909.

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

Sir:

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

Committee Substitute for House Bill No. 6 :

A bill to be entitled an act to provide for the investment by the State Board of Education of Florida of the State School Funds in certain obligations of counties within this State, and the mode of creating said obligations.

Also—

House Memorial No. 4 :

A memorial to the Congress of the United States requesting an appropriation for the Chattahoochee River as far up as Planter's Landing, in Jackson County, Florida.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Committee Substitute for House Bill No. 6, contained in the above message, was read the first time by its title and referred to the Committee on Education.

And House Memorial No. 4, contained in the above message, was read the first time by its title and was laid over under the rules.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 19, 1909.

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

Sir:

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

Senate Bill No. 27:

A bill to be entitled an act to regulate the practice of optometry, to provide for a Board of Examiners and for the examination of practitioners of optometry; for the registration of licensed practitioners and prescribing penalties for its violation.

With the following amendment to Senate Bill No. 27:

Strike out the words "less than twenty-five dollars nor."

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

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

And Senate Bill No. 27, contained in the above message, together with amendment of the House of Representatives thereto, was placed before the Senate.

Mr. Baker, of 20th District, moved that the Senate concur in the amendment of the House to Senate Bill No. 27.

Which was agreed to.

And Senate Bill No. 27, as amended by the House of Representatives and concurred in by the Senate, was referred to the Committee on Enrolled Bills.

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

Which was agreed to, and the doors were closed at 11:50 o'clock a. m.

The doors were opened at 12:26 o'clock p. m.

DOORS OPENED AT 12:26 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, Baker (20th Dist.), Beard, Broome, Buckman, Crill, Cone, Cottrell, Davis, Flournoy, Girardeau, Henderson, Hosford, Humphries, Johnson, Massey, McCreary, McLeod, McMullen, Sams, West, Williams, Withers, Zim—25.

A quorum was present.

Mr. Humphries moved that the rules be waived and that the Senate take up Senate Bill No. 165 in its special order, the hour for its consideration having passed.

Which was agreed to by a two-thirds vote, and—

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 the following committee amendment was read:

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."

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

Strike out the words or figures "one hundred thousand dollars," and insert in lieu thereof the following: "The words and figures fifty thousand dollars."

Mr. Henderson moved the adoption of the amendment to the amendment.

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

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

Strike out the word "ten," line 6, of committee amendment and insert in lieu thereof the following, "five."

Also strike out the words "one hundred," in line 3, of committee substitute and insert in lieu thereof "twenty-five thousand."

Which was withdrawn.

The question recurred upon the adoption of the committee amendment as amended.

Which was agreed to, and the committee amendment, as amended, was adopted.

And Senate Bill No. 165, as amended, was referred to the Committee on Engrossed Bills.

ORDERS OF THE DAY.

The motion by Mr. Johnson to reconsider the vote by which Senate Bill No. 88 failed to pass the Senate, was taken up and passed temporarily by request of Mr. Johnson.

Committee Substitute for 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 his 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, or 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 beds 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.

Was taken up.

Mr. Williams moved to waive the rules and that Senate Bill No. 178 be read a second time by its title only.

Which was agreed to by a two-thirds vote, and—

Senate Bill No. 178 was read a second time by its title.

The Committee Substitute to Senate Bill No. 178 was read by its title.

Mr. Johnson moved that Substitute for Senate Bill No. 178 be read a second time by sections.

Which was agreed to.

Section 1 of the Substitute for Senate Bill No. 178 was read:

Section 2 of the Substitute for Senate Bill No. 178 was read.

Mr. Cottrell offered the following amendment to Committee Substitute Senate Bill No. 178.

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

“That all grants prior to the passage of this act made in pursuance of Chapter 3393, Acts of 1881, are exempt from the operation of this act, Provided, That such grant does

not exceed the number of acres allowed under this act, and, Provided, further, That such grants do not contain any natural or maternal oyster reefs.

Mr. Cottrell moved the adoption of the amendment.

Pending the consideration of which, Mr. Johnson moved that the Senate adjourn.

Which was agreed to.

Thereupon the Senate took a recess until 4 o'clock this afternoon.

CONFIRMATIONS.

James R. Curry, to be Harbor Master for the Port of Key West.

To be Pilot Commissioners for the Port of Key West, Charles Curtis, Oscar Clifton, George L. Bartlum, Mason S. Moreno.

AFTERNOON SESSION, 4 O'CLOCK P. M.

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

A quorum was present.

REPORTS OF COMMITTEES.

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

Senate Chamber,
Tallahasee, Fla., May 20, 1909.

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

Sir:

Your Committee on Engrossed Bills, to whom was referred—

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.

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

Very respectfully,

JAMES E. BROOME,
Chairman of Committee.

And Senate Bill No. 165, contained in the above report, was placed on the Calendar of Bills on Third Reading.

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

Senate Chamber.

Tallahassee, Fla., May 20, 1909.

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

Sir:

Your Committee on Education, to whom was referred—
Senate Bill No. 385:

A bill to be entitled an act to provide for special primary certificates.

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

Very respectfully,

JOHN W. HENDERSON,
Chairman of Committee.

And Senate Bill No. 385, 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 20, 1909.

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

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 469:

A bill to be entitled an act to amend Sections 872 and 873 of the General Statutes of the State of Florida, relating to the division of counties into road districts.

Recommend the following amendments:

(1) In line 1, page 2, of bill strike out the words "the majority" and insert in lieu thereof the following: "Two-thirds."

(2) In line 24, page 2, of bill strike out the figures and word: "60 cents" and insert in lieu thereof the following: "12 mills."

(3) In line 25, page 2, of bill strike out the figures and word "40 cents" and insert in lieu thereof the following: "8 mills."

(4) In line 27, page 2, of bill strike out the figures and word "20 cents" and insert in lieu thereof the following: "6 mills."

(5) In line 27, page 2, of bill after the word "acre" add the following: "For one year."

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

Very respectfully,

F. P. CONE,
Chairman of Committee.

And Senate Bill No. 469 with amendments, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

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

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

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 468:

A bill to be entitled an act to amend Sections 2574 and 2576, of the General Statutes of the State of Florida, governing the issuance of marriage licenses, and the manner of and persons authorized to solemnize matrimony; pro-

viding for the certification and return of license, and providing penalty for violation thereof.

Recommend the following amendment:

Committee Amendment to Senate Bill No. 468:

At the end of Section 1 add the following: "And provided, that when both of the contracting parties to be married are over the age of twenty-one years, then in such event the license may be issued by any County Judge of this State."

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

Very respectfully,

F. P. CONE,

Chairman of Committee.

And Senate Bill No. 468, and the amendment 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 20, 1909.

Hon. F. M. Hudson,

President of the Senate.

Sir:

Your Committee on Judiciary B, to whom was referred—

House Bill No. 249:

A bill to be entitled an act to amend Section 3123, of the General Statutes of the State of Florida, relating to the duties of certain Inspectors of Marks and Brands.

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

Very respectfully,

F. P. CONE,

Chairman of Committee.

And House Bill No. 249, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Buckman, Chairman of the Committee on Prisons and Convicts, submitted the following report:

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

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

Sir:

Your Committee on Prisons and Convicts, to whom was referred—

Senate Bill No. 310:

A bill to be entitled an act to amend Sections 808 and 809 of the General Statutes of the State of Florida, relating to the erection of court houses and jails and the levying of taxes for such purposes, and to extend the effect of said sections so as to include public bridges, and to authorize the issuing of interest-bearing warrants.

Recommend that the same do not pass and offer the following substitute to Senate Bill No. 310:

Senate Bill No. 310:

A bill to be entitled an act to amend Sections 808 and 809 of the General Statutes of the State of Florida, relating to the erection of court houses and jails and the levying of taxes for such purposes, and to extend the effect of said sections so as to include public bridges, and to authorize the issuing of interest-bearing warrants.

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

Very respectfully,

H. H. BUCKMAN,
Chairman of Committee.

And Senate Bill No. 310 with the Committee substitute therefor, contained in the above report, was placed on the Calendar of Bills on Second Reading.

The consideration of—

Committee Substitute for 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 his 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 beds 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.

The amendment offered by Mr. Cottrell to the substitute for Senate Bill No. 178, pending.

Mr. Flournoy moved that the further consideration of the amendment be passed informally until all sections of the bill are read.

Which was agreed to.

Section 3 of the substitute for Senate Bill No. 178 was read.

Mr. Flournoy moved that Section 3 be temporarily passed for amendment.

Which was agreed to.

Section 4, of the Substitute for Senate Bill No. 178 was read:

Mr. Cottrell offered the following amendment to Committee Substitute to Senate Bill No. 178:

Strike out the words in line 2, Section 4, all after the

word "authority" down to the word "to" in line 5 in said section of printed bill.

Mr. Cottrell moved the adoption of the amendment.
Which was withdrawn.

Mr. Flournoy offered the following amendment to Committee Substitute to Senate Bill No. 178:

Strike out the words "hypothecate property, real, personal and mixed," in lines 3 and 4 of Section 4, and insert in lieu thereof the following: "Personal property,"

And also after the word "industry" in line 5 of Section 4 add the words "subject to the limitations of this act."

Also in line 15, Section 4 after the word "commissioner," and add the words "by and with the approval of the Governor."

And after the word "shall" in line 1, Section 4 add the words "by and with the approval of the Governor."

Mr. Flournoy moved to adopt the amendment.

Which was agreed to and the amendment was adopted.

Mr. Cook offered the following amendment to Committee Substitute to Senate Bill No. 178:

Insert the word "and" just after the word "hold" in line 3, Section 4.

Mr. Cook moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Section 5 of the Substitute for Senate Bill No. 178 was read.

Mr. Flournoy offered the following amendment to Committee Substitute to Senate Bill No. 178:

Strike out the words "Attorney General" in line 10, Section 5 and insert in lieu thereof the following: "Governor."

Mr. Flournoy moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Section 6 of the Substitute for Senate Bill No. 178 was read.

Section 7 of the substitute for Senate Bill No. 178 was read.

Mr. Cottrell offered the following amendment to Committee substitute for Senate Bill No. 178:

Strike out, in line 21 $\frac{1}{2}$, Section 1, all after the word "Commissioner;" and insert in lieu thereof the following, "shall annually expend any surplus in said fund in planting oyster bottoms and reviving depleted bars, none of

which shall ever be leased or otherwise conveyed to any person, firm or corporation."

Mr. Cottrell moved the adoption of the amendment.

Which was not agreed to.

Mr. Johnson offered the following amendment to Committee substitute for Senate Bill No. 178:

Strike out the words "public school fund," in line 28, Section 7, and insert in lieu thereof the following, "general revenue fund of the State."

Mr. Johnson moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Mr. Cottrell offered the following amendment to Committee substitute for Senate Bill No. 178:

Strike out all after the word "dollars," in line 33, down to the word "no," in line 36, Section 7.

Which was withdrawn.

Mr. Cottrell offered the following amendment to Committee substitute for Senate Bill No. 178:

Strike out all after the word "Commissioner," in line 56 $\frac{1}{2}$, down to the word "bonds," in line 63, Section 7.

Mr. Cottrell moved the adoption of the amendment.

Which was not agreed to.

Mr. Johnson offered the following amendment to Committee substitute for Senate Bill No. 178:

Strike out the words "school fund," in lines 35 and 36, Section 7, and insert "general revenue fund."

Mr. Johnson moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted. Section 8 of the substitute for Senate Bill No. 178 was read.

Mr. Cottrell offered the following amendment to Committee substitute for Senate Bill No. 178:

Strike out all after the word "purpose," in line 1, Section 5, down to the word "the," in line 11, Section 8, and insert the following in lieu thereof, "and shall have authority to arrest any person or persons violating any of the provisions of this act."

Mr. Cottrell moved the adoption of the amendment.

Mr. Harris offered the following substitute to the amendment to Committee substitute for House Bill No. 178:

Strike out the words "use such arms as may be necessary to."

Mr. Harris moved the adoption of the amendment.
Which was agreed to.

Pending the consideration of which—

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

Which was not agreed to.

Mr. Massey moved that the Senate do now adjourn until 9 o'clock to-morrow morning.

Mr. Johnson moved to adjourn until 9:30 o'clock to-morrow morning.

Which was not agreed to.

Mr. Sams moved to adjourn until 8 o'clock to-night.

Which was not agreed to.

Mr. Johnson moved to adjourn to 9:25 o'clock to-morrow morning.

Which was not agreed to.

The question recurred upon the motion of Mr. Massey, that the Senate do now adjourn until 9 o'clock to-morrow morning.

Which was agreed to.

Whereupon the Senate stood adjourned until 9 o'clock a. m. Friday, May 21, 1909.

FRIDAY, MAY 21, 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.), Beard, Broome, Buckman, Crill, Cook, Cone, Cottrell, Davis, Dayton, Flournoy, Girardeau, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams, Withers, Zim—31

A quorum present

Prayer by the Chaplain.