

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.

The reading of the Journal was dispensed with.
 The Journal of May 20 was corrected.
 The Journal of May 20 was approved as corrected.
 The Journal of Wednesday, May 19, was approved.

REPORTS OF COMMITTEES.

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

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

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

Sir:

Your Committee on Pensions, to whom was referred—
 Senate Bill No. 470:

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

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

Very respectfully,

D. H. BAKER, of 20th,
 Chairman of Committee.

And Senate Bill No. 470, contained in the above report, was placed on the Calendar of Bills on Second Reading.

INTRODUCTION OF RESOLUTIONS.

Mr. Massey offered the following Senate Concurrent Resolution.

Senate Concurrent Resolution No. 12:

Whereas, It is of great importance to the fruit and vegetable shippers of Florida that more complete information should be obtained during the shipping season of the movements of shipments to eastern and western territory daily in order that shipments to glutted markets may be avoided; and,

Whereas, Such information can be obtained only from the railroad companies carrying such shipments, and the said railroad companies, being requested the same by the Railroad Commissioners of this State at the instance of

the Florida Fruit and Vegetable Shippers' Protective Association, have failed so to do; and,

Whereas, The subject is one relating to interstate commerce and can be dealt with effectually only by the Congress of the United States or by the Interstate Commerce Commission; therefore, be it

Resolved by the Senate, the House of Representatives concurring:

1. That the Interstate Commerce Commission is hereby requested and urged to make a rule or regulation requiring all railroads and railroad companies transporting fruit and vegetables out of this State into other States, to publish during the shipping season of said products a daily bulletin showing the movement thereof to eastern territory and to western territory respectively. The term "eastern territory" in this resolution embraces Buffalo, Pittsburg and all markets east thereof supplied through the Potomac yards, and the term "western territory" includes all markets west of the eastern territory above indicated.

2. That if the Interstate Commerce Commission shall find that it is without power to require the railroads and railroad companies to furnish the information aforesaid, it is in that case requested and urged to memorialize the Congress to confer upon it powers sufficient to make such rule or regulation.

3. That the Secretary of State is hereby requested to send a copy of this Concurrent Resolution to the Chairman of the Interstate Commerce Commission under the great Seal of the State.

Which was read the first time.

And was laid over under the rule.

Mr. Sloan moved that the rules be waived and that Senate Bill No. 94 be made a special order for Saturday morning at 11 o'clock.

Upon which the yeas and nays were demanded.

The roll was called and the vote was:

Yeas—Mr. President, Senators, Adkins, Broome, Cone, Flournoy, Girardeau, Humphries, Leggett, Massey, McLeod, McMullen, Miller, Sloan, West, Williams—15.

Nays—Senators Dayton, Harris, Henderson, Hosford, Johnson, McCreary, Sams, Zim—8.

So the motion did not prevail.

INTRODUCTION OF BILLS.

By Mr. Flournoy—
Senate Bill No. 471:

A bill to be entitled an act to provide for the issue of bonds by the town of DeFuniak Springs, Florida, for the construction of additions to a system of waterworks and sewerage, providing for the payment of the interest on and the principal of said bonds, and for the further issue of bonds for the purpose of building, repairing and equipping public buildings, waterworks, sewerage, widening, creating or extending streets, alleys and parks, building and constructing sidewalks and street crossings, and for the purchasing or establishment of gas or electric light plants, and for any other municipal purpose, providing conditions of issuance and limiting amount of said bonds.

Which was read the first time by its title.

Mr. Flournoy moved that the rules be waived and that Senate Bill No. 471 be advanced to the Calendar of Bills on the Second Reading without reference.

Which was agreed to by a two-thirds vote and the bill was so placed.

By Mr. Flournoy.
Senate Bill No. 472:

A bill to be entitled an act to provide for the issue of bonds and for the further issue of bonds by the town of DeFuniak Springs, Florida, for the construction of additions to a system of waterworks and sewerage, providing for the payment of the interest on and the principal of said bonds, and for the further issue of bonds for the purpose of building, repairing and equipping public building, waterworks, sewerage, widening, creating or extending streets, alleys and parks, building and constructing sidewalks and street crossings and for the purchasing or establishing of gas or electric light plants, and for any other municipal purpose, providing conditions of issuance and limiting amount of said bond.

Which was read the first time by its title.

Mr. Flournoy moved to waive the rules and that Senate Bill No. 472 be advanced to the Calendar of Bills on Second Reading without reference.

Which was agreed to by a two-thirds vote, and the bill was so placed.

My Mr. McLeod—

Senate Bill No. 473:

A bill to be entitled an act to amend Chapter 5645 of the Acts of the Legislature of the State of Florida of 1907, relating to the time of holding the Circuit Court of the Third Judicial Circuit of the State of Florida

Which was read the first time by its title.

Mr. McLeod moved to waive the rules and that Senate Bill No. 473 be advanced to the Calendar of Bills on the Second Reading without reference.

Which was agreed to by a two-thirds vote and the bill was so placed.

By Mr. Humphries—

Senate Bill No. 474:

A bill to be entitled an act to incorporate the Punta Gorda and Palm Beach Railway Company.

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

By Mr. Flournoy—

Senate Bill No. 475:

A bill to be entitled an act to provide for the method and manner of opening and establishing, building, constructing and maintaining public roads and bridges in Walton, Holmes, Washington and Santa Rosa Counties, Florida; to provide a road and bridge fund for said counties and for the assessment and collection of the same.

Which was read the first time by its title and—

Mr. Flournoy moved to waive the rules and that Senate Bill No. 475 be advanced to the Calendar of Bills on Second Reading without reference.

Which was agreed to by a two-thirds vote, and the bill was so placed.

By Mr. Flournoy—

Senate Bill No. 476:

A bill to be entitled an act to provide for the assessment and collection of the taxes of the town of DeFuniak Springs and for the collection of the back taxes and taxes and tax sale certificates of said city.

Which was read the first time by its title and—

Mr. Flournoy moved that the rules be waived and that Senate Bill No. 476 be advanced to the Calendar of Bills on the Second Reading without reference.

Which was agreed to by a two-thirds vote, and the bill was so placed.

CONSIDERATION OF RESOLUTIONS.

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.

Was taken up in its order and read the second time.

Upon the question of its passage House Memorial No. 4 was adopted.

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

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was read:

State of Florida, Executive Chamber,
Tallahassee, Fla., May 20, 1909.

Hon. Frederick M. Hudson,

President of the Senate.

Sir:

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

An act to abolish the present municipal government of the Town of Newberry, in the County of Alachua, State of Florida, and to establish, organize and constitute a municipality to be known and designated as the City of Newberry, to define its territorial boundaries, to provide for its jurisdiction, power and privileges, and for the exercise of the same.

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

Your attention is invited to Section 1, Article 3, of the Constitution: "Section 1. The legislative authority of this State shall be vested in a Senate and House of Representatives."

Section 14 of this act is apparently based upon the provisions of Section 8 of Chapter 5497, Laws of Florida, approved May 9, 1905, being an act "Extending and enlarging the territorial limits and the powers of the City of Gainesville," etc. Section 8 of Chapter 5497 appears to have been patterned after Section 1 of Chapter 5347, Laws of Florida, approved June 6, 1903, being "An act amending the charter and affecting the government, powers, duties, jurisdiction, officers, boards and elections of the City of Jacksonville," etc.

Your attention is invited to the following excerpt from Section 1 of said Chapter 5347: "Section 1. The number, powers, duties, terms of office, and time and manner of election or appointment of any and all boards and officers of the City of Jacksonville, whether created by or recognized in the State Legislation or city ordinances, *excepting only legislative powers and duties of the city council*, may be amended and changed," etc. It will appear that the saving clause "except only legislative powers and duties of the city council," is omitted in Section 8 of the Gainesville charter, and in Section 14 of the Newberry charter.

It is recommended that said Section 14 be amended so as to embrace this saving clause. There is no doubt but that this act would be constitutional unless the provisions of the saving clause were violated. It would be well to have said section amended so as to embrace this clause.

Very respectfully,
ALBERT W. GILCHRIST,
Governor.

Mr. Harris moved that the message be spread upon the Journal, and that the message be referred to the Committee on the Governor's messages.

Which was agreed to, and the message was so referred.

MESSAGES FROM HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 20, 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. 606:

A bill to be entitled an act to amend Sections 2890, 2891, 2893, 2894, 2896, 2899, 2900, 2901, 2903, 2904, 2905, 2908, 2910, 2914, 2917, 2918 and 2924, of the General Statutes of this State, relating to the Railroad Commissioners and the regulation of common carriers.

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

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 20, 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 failed to pass—

Senate Joint Resolution No. 18:

Proposing an amendment to Section 1, Article VI, of the Constitution of the State of Florida, relating to suffrage.

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 20, 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 indefinitely postponed—

Senate Bill No. 441:

A bill to be entitled an act to legalize the assessments and levies of taxes for the years 1907 and 1908 by the city of Quincy, Florida.

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 20, 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 Memorial No. 2:

Asking for an appropriation for the improvement of the Upper Ocklawaha River.

Also—

Senate Bill No. 42:

A bill to be entitled an act providing for the confirmation by the Judge granting the order to sell real estate belonging to infants.

Also—

Senate Bill No. 393:

A bill to be entitled an act to amend Sections 5, 6, 15, 18, 23, 25, 26, 33, 36, 38, 40, 42, 43, 44, 45, 46, 47 and 48, Chapter 5823, Laws of Florida, being an act entitled "An act to abolish the present municipal government of the city of Miami, in the county of Dade, and State of Florida, and to organize and establish a city government for the same, to prescribe its jurisdiction and powers, and to authorize the imposition of penalties for the violation of its ordinances.

Also—

Senate Bill No. 436:

A bill to be entitled an act changing the name of the Florida Female College.

Also—

Senate Bill No. 438:

A bill to be entitled an act changing the name of the Institute for the Blind, Deaf and Dumb.

Also—

Senate Bill No. 442:

A bill to be entitled an act to establish the municipality of the town of Hastings, to provide for its government, fix its territorial limits, and to prescribe its jurisdiction and powers.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Memorial No. 2 and Senate Bills Nos. 42, 393, 436, 438 and 442, contained in the above message, were referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 20, 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. 437:

A bill to be entitled an act changing the name of the Colored Normal School.

Also—

Senate Bill No. 439:

A bill to be entitled an act changing the name of the University of the State of Florida.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bills Nos. 437 and 439, 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 20, 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. 455:

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. Approved May 17, A. D. 1909.

Also—

Senate Bill No. 46:

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

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bills Nos. 455 and 46, contained in the above message, were referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives.
Tallahassee, Fla., May 20, 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. 668:

A bill to be entitled an act to amend Sections 3 and 7, of Chapter 5364, of the Laws of Florida, entitled "An act to incorporate and establish a municipal government for the town of Tarpon Springs, in Hillsborough County, Florida; provide for its government, prescribe its jurisdiction and powers, and to abolish the present corporation of said town."

Also—

House Bill No. 671:

A bill to be entitled an act to legalize the election held on the 20th day of April, A. D. 1909, in the City of Bartow, to determine whether or not bonds should be issued and sold, as proposed and provided by an ordinance of said city, entitled "An ordinance to provide for the issuing of bonds of the City of Bartow, Polk County, Florida, for the purpose of securing funds for the establishment of a sewerage system in said city," which was passed in open Council by the City Council of the City of Bartow on the 12th day of February, A. D. 1909, and approved by the Mayor of said city on the 12th day of February, A. D. 1909, and to declare and render valid said ordinance and to authorize the issuance of bonds as provided in said ordinance.

Also—

House Bill No. 689:

A bill to be entitled an act to authorize the Town of Bonifay, Holmes County, Florida, to issue bonds to erect a school building; to provide and conduct and maintain