

## WEDNESDAY, JUNE 2, 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, Cone, Cottrell, Davis, Dayton, Flournoy, Girardeau, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams, Withers, Zim—30.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of June 1 was corrected.

The Journal of June 1 was approved as corrected.

### REPORTS OF COMMITTEES.

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

Senate Chamber,  
Tallahassee, Fla., June 1, 1909.

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

*Sir:*

Your Committee on Appropriations, to whom was referred—

Senate Resolution No. 55:

Whereas, It seems that different departments of the State government, or some of them, are asking for appropriations to cover deficits for expenses in said departments, which said expenses are in excess of the appropriations made for such departments, and

Whereas, There is now a bill pending asking for large appropriations to cover deficits in the appropriations made two years ago for "jurors and witnesses" and for the "assessment and collection of revenue," and

Whereas, An accurate statement of such expenditures have not been made to this Legislature, therefore, be it

Resolved, That the Comptroller, with all convenient dispatch, do furnish to the Senate an accurate statement of the expenditures of the amount appropriated in 1907 for the collection of revenue, such statement to or can be as follows:

Amounts furnished to or paid in each county may be included in one item, each county item being given under the name of each county.

All items not paid to or in counties shall be itemized.

Resolved, further, That the Comptroller do furnish to the Senate an accurate statement of the expenditures of the amount appropriated in 1907 for pay of "jurors and witnesses," giving in such statement amounts paid to each county, giving name of county, and itemizing all expenditures not made to counties.

Beg leave to report that they have procured from the office of the Comptroller the information called for by said Resolution, which said information is embodied in the accompanying statements and exhibits herewith submitted as part of this report.

Very respectfully,

I. N. WITHERS,  
Chairman of Committee.

Warrants issued from July 1, 1907, to May 27, 1909, account of jurors and witnesses, to the several counties, as follows:

Alachua .....	\$ 7,851.25
Baker .....	1,113.75
Bradford .....	1,893.25
Brevard .....	3,358.80
Calhoun .....	1,763.30
Citrus .....	3,279.95
Clay .....	1,144.55
Columbia .....	4,047.50
Dade .....	11,878.30
DeSoto .....	4,357.05
Duval .....	12,560.05
Escambia .....	7,010.60
Franklin .....	1,731.85
Gadsden .....	3,520.10
Hamilton .....	1,852.70
Hernando .....	3,004.35
Hillsborough .....	15,172.70
Holmes .....	3,132.65

Jackson	7,369.05
Jefferson	2,027.60
Lafayette	1,736.50
Lake	2,723.60
Lee	1,116.90
Leon	4,910.70
Levy	2,087.50
Liberty	1,309.65
Madison	3,002.95
Manatee	3,252.15
Marion	6,060.00
Monroe	2,792.00
Nassau	1,736.50
Orange	3,651.15
Osceola	3,713.15
Pasco	3,336.45
Polk	5,015.25
Putnam	3,198.05
Santa Rosa	3,603.15
St. Johns	3,258.74
St. Lucie	4,059.38
Sumter	1,503.05
Suwannee	3,598.40
Taylor	2,409.65
Volusia	4,444.20
Wakulla	2,081.80
Walton	5,907.90
Washington	3,362.15

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\$181,940.82

**EXPENSES COLLECTION OF REVENUE — WAR-  
RANTS ISSUED FROM JULY 1, 1907, to May 27, 1909.**

For commissions to Assessors and Collectors in each county as follows:

Alachua	\$ 4,430.62
Baker	2,586.34
Bradford	2,390.16
Brevard	2,978.94
Calhoun	2,867.62
Citrus	2,628.47
Clay	2,747.12
Columbia	2,569.53
Dade	8,308.43

1917

DeSoto .....	4,441.07
Duval .....	12,193.54
Escambia .....	6,860.31
Franklin .....	2,522.15
Gadsden .....	2,872.78
Hamilton .....	2,836.79
Hernando .....	2,353.64
Hillsborough .....	10,610.66
Holmes .....	2,685.59
Jackson .....	3,058.95
Jefferson .....	2,658.69
Lafayette .....	3,033.32
Lake .....	4,031.00
Lee .....	2,531.47
Leon .....	3,047.46
Levy .....	3,736.66
Liberty .....	1,773.73
Madison .....	3,247.44
Manatee .....	3,099.96
Marion .....	5,094.49
Monroe .....	3,976.95
Nassau .....	2,370.14
Orange .....	4,514.41
Osceola .....	2,870.04
Pasco .....	2,853.12
Polk .....	4,140.17
Putnam .....	3,117.66
Santa Rosa .....	3,305.80
St. Johns .....	3,825.30
St. Lucie .....	2,710.89
Suwanter .....	2,536.86
Suwannee .....	2,626.06
Taylor .....	2,848.55
Volusia .....	4,248.53
Wakulla .....	1,897.12
Walton .....	1,664.09
Washington .....	2,882.66
	\$166,585.28
For miscellaneous expenses—post- age, telegrams, etc., for Comp- troller's and Treasurer's offices.	4,006.22
For legal services as per detailed statement annexed .....	6,470.42
Total .....	<b>\$177,061.92</b>

LEGAL EXPENSES.

Jacksonville, Florida, May 22, 1907.  
 State of Florida, in account with W. S. Jennings, General  
 Counsel, Board of Drainage Commissioners of the State  
 of Florida.

Jan. 17, 1906.—To compensation for professional ser-  
 vices as Counsel and Solicitor for the Board of Drainage  
 Commissioners of the State of Florida during and for  
 the years 1906 and 1907, as indicated by the following  
 memoranda of services performed set forth in reports of  
 such services made to the Honorable Board of Drainage  
 Commissioners as of the date of December, 1906, in the  
 case in the United States Circuit Court in and for the  
 Southern District of Florida, instituted to enjoin the col-  
 lection of the acreage tax levied under the provision of  
 Chapter 5377, namely first; for years 1906-1907.

- (1) Southern States Land and Timber Co.
- (2) (a) Empire Land Company.  
 (b) Mississippi Valley Realty Co.  
 (c) Consolidated Land Co.  
 (d) Frank Q. Brown, Trustee.
- (3) Florida Cypress Company.
- (4) Florida East Coast Railway Company.
- (5) Model Land Company.
- (6) Boston and Florida Atlantic Coast Land Company,  
 claiming to own in the aggregate 3,335,460.51 acres, copies  
 of said report being attached hereto and made a part  
 hereof. .... \$5,000.00

In the Circuit Court of the United States, Southern  
 District of Florida.

The Southern States Land and Timber Company, the  
 Empire Land Company, the Florida Cypress Company,  
 the Model Land Company, the Florida East Coast Rail-  
 way Company, the Boston and Florida Atlantic Coast  
 Line Company, complainants, in separate suits, claiming  
 to own lands in the Drainage District of Florida, as shown  
 by the bills of complaint, aggregating three million, three  
 hundred and thirty-five thousand, four hundred and  
 sixty and 51-100 (3,335,460.51) acres, upon which an  
 acreage tax of five cents per acre has been assessed under  
 the provisions of Chapter 5377, Laws of Florida,

vs.

The Board of Drainage Commissioners of Florida, Defend-  
 ants.

State of Florida,  
Duval County.

Personally appeared before me the undersigned authority, Stephen E. Foster, who being duly sworn on oath says, that he is practicing attorney of the Jacksonville Bar, and an active practitioner in the Circuit Court of the United States for the Southern District of Florida; that he has examined copies of the pleadings in all of the above entitled causes in the several drainage suits above styled and referred to pending in the United States Circuit Court for the Southern District of Florida, and the testimony filed in said cause, the professional services rendered by W. S. Jennings, of counsel for defendants, in the suits above referred to, with a view of determining a reasonable fee or compensation for such professional services so rendered, and finds that the litigation has been of an important character, and that the work required almost constant attention, covered a period of a year and a half, beginning with January 17, 1906, and not being concluded until July, 1907, involving much research of both matters of fact and matters of law, both in the preparation of the pleadings and in the taking of testimony; that there has been many hearings and arguments in these various suits, at which counsel appeared and presented oral arguments, together with written briefs, all of which matters have been examined and carefully considered, and it is my opinion, based upon such examination, that seven thousand five hundred dollars would be a reasonable fee or compensation for the professional services rendered in all of the above entitled causes by W. S. Jennings of Counsel for the Board of Drainage Commissioners, defendants, in said suits.

STEPHEN E. FOSTER,

Sworn to and subscribed before me this 11th day of July,  
1907.

GEO. FOX, JR.,

Notary Public for State of Florida at Large.

(seal)

My Commission expires Feb. 14, 1910.

In the Circuit Court of the United States Southern  
District of Florida.

The Southern States Land and Timber Company, the  
Empire Land Company, the Florida Cypress Company, the  
Model Land Company, the Florida East Coast Railway  
Company, the Boston and Florida Atlantic Coast Line

Company, complainants, in separate suits, claiming to own lands in the Drainage District of Florida, as shown by the Bills of Complaint, aggregating three million, three hundred and thirty-five thousand four hundred and sixty and 51-100 (3,335,460.51) acres, upon which an acreage tax of five cents per acre has been assessed under the provisions of Chapter 5377, Laws of Florida,

vs.

The Board of Drainage Commissioners of Florida, defendants.

State of Florida,  
Duval County.

Personally appeared before me the undersigned authority Wm. H. Baker, who being sworn on oath says, that he is a practicing attorney of the Jacksonville Bar, and an active practitioner in the Circuit Court of the United States for the Southern District of Florida; that he has examined copies of the pleadings in all of the above entitled causes in the several drainage suits above styled and referred to pending in the United States Circuit Court for the Southern District of Florida, and the testimony filed in said cause, the professional service rendered by W. S. Jennings, of counsel for defendants, in the suits above referred to, with a view of determining a reasonable fee or compensation for such professional services so rendered, and finds that the litigation has been of an important character, and that the work required almost constant attention and covered a period of a year and a half, beginning with January 17, 1906, and not being concluded until July, 1907, involving much research of both matters of fact and matters of law, both in the preparation of the pleadings and in the taking of testimony; that there has been many hearings and arguments in these various suits, at which counsel appeared and presented oral arguments, together with written briefs, all of which matters have been examined and carefully considered, and it is my opinion based upon such examination, that seventy-five hundred dollars would be a reasonable fee or compensation for the professional services rendered in all of the above entitled causes by W. S. Jennings, of counsel for the Board of Drainage Commissioners, defendants in said suits.

WM. H. BAKER,

Sworn to and subscribed before me this 17th day of July, 1907.

GEO. FOX, JR.,  
Notary Public for State of Florida at Large.  
(seal) My commission expires Feb. 14, 1910.

In the Circuit Court of the United States, Southern  
District of Florida.

Report of the General Counsel to the Board of Drainage Commissioners in the Drainage Cases, showing the status of the suits; names of complainants, acreage claimed and the amount of acreage tax assessed thereon.

In the Circuit Court of the United States,  
Southern District of Florida.

**SUMMARY.**

Status Suits against the Board of Drainage Commissioners. Rule Day December, 1906.

1. Southern States Land and Timber Co.—Defendant's testimony not completed.
2. Empire Land Company et al.—General replication by Compt's.
3. Model Land Company—Appearance filed.
5. Fla. East Coast Ry.—Appearance filed.
6. Boston & Fla. At. C. L. Co.—Appearance filed.

**INJUNCTIONS.**

The Board of Drainage Commissioners was enjoined from enforcing collection of the acreage tax until the further order of the Court.

Summary of lands claimed by various complaints in suits against Drainage Commissioners in pending suits:

Southern States Land & Timber Co.....	1,070,257.20 acres
Miss. Valley Realty Co.....	187,201.02 acres
Empire Land Co.....	748,251.24 acres
Consolidated Land Co. ....	806,958.60 acres
Frank Q. Brown.....	102,933.15 acres
Florida Cypress Company. ....	83,840.00 acres
Model Land Company. ....	127,939.00 acres
Florida East Coast Railway.....	150,000.00 acres
Boston & Fla. A. C. L. Co.....	58,050.30 acres

Total. . . . .3,335,460.51 acres

1922

In the United States Circuit Court,  
Southern District of Florida.

Florida Cypress Company vs. Board of Drainage Commissioners, of Florida, et al.

Date.	Index to File.
March 29, 1906	(1) Bill filed.
March 29, 1906	(2) Injunction granted.
March 29, 1906	(3) Writ of injunction issued.
April 3, 1906	(4) Writ served.
May 7, 1906	(5) Defendants appeared.
June 4, 1906	(6) Defendants filed general demurrer.
August 6, 1906	(7) Defendants answered.
Sept. 3, 1906	(8) General replication filed by complainants.

In the United States Circuit Court,  
Southern District of Florida.

Empire Land Company, Mississippi Valley Land Co., Consolidated Land Company, Frank Q. Brown, Trustee, vs. Board of Drainage Commissioners of Florida, et al.

Date.	Index to File.
March 29, 1906	(1) Bill filed.
March 29, 1906	(2) Injunction granted.
March 29, 1906	(3) Writ of injunction issued.
April 3, 1906	(4) Writ served.
May 7, 1906	(5) Defendants appeared.
June 4, 1906	(6) Defendants filed general demurrer.
August 6, 1906	(7) Defendants answered.
Sept. 3, 1906	(8) General replication filed by complainants.

In the United States Circuit Court,  
Southern District of Florida.

The Boston & Florida Atlantic Coast Line Company vs. Board of Drainage Commissioners of Florida, et al.

Date.	Index to File.
May 4, 1906	(1) Bill filed.
May 4, 1906	(2) Subpoena issued.
May 31, 1906	(3) Motion for injunction argued.
June 4, 1906	(4) Appearance filed.
July 5, 1906	(5) Demurrer filed.
	(6) Answer filed.
	(7) Replication filed.
	(8) Motion to dissolve injunction filed.

In the United States Circuit Court,  
Southern District of Florida.  
The Model Land Company vs. Board of Drainage Com-  
missioners of Florida, et al.

Date.	Index to File.
April 25, 1906	(1) Bill filed.
April 25, 1906	(2) Subpoena issued.
May 31, 1906	(3) Motion for injunction argued.
June 4, 1906	(4) Appearance filed.
	(5) Demurrer filed.
	(6) Answer filed.
	(7) Replication filed.
	(8) Motion to dissolve injunction filed.

In the United States Circuit Court,  
Southern District of Florida.  
Florida East Coast Railway vs. Board of Drainage com-  
missioners of the State of Florida, et al.

Date.	Index to File.
April 25, 1906	(1) Bill filed.
April 25, 1906	(2) Subpoenas issued.
May 31, 1906	(3) Motion for injunction argued.
June 4, 1906	(4) Appearance filed.
	(5) Demurrer filed.
	(6) Answer filed.
	(7) Replication filed.
	(8) Motion to dissolve injunction filed.

ANNUAL REPORT OF GENERAL COUNSEL.

(Dated December 30th, 1906.)

The Board of Drainage Commissioners,  
Tallahassee, Florida.

*Gentlemen:*

I have the honor to submit the following report of services rendered as counsel for the Board of Drainage Commissioners since my engagement by you, January 17th, 1906, in the matters of the litigation to enjoin the collection of the acreage tax levied by your honorable Board for the year 1905, in which litigation Hon. W. H. Ellis, Attorney General, has rendered great service and able assistance.

SUITS.

SOUTHERN STATES LAND AND TIMBER COMPANY.

The Southern States Land and Timber Company insti-

tuted a suit in the Circuit Court of the United States in and for the Southern District of Florida, by bill in Chancery, filed January 11, 1906, alleging among other things, that the law, Chapter 5377, Acts of 1905, was unconstitutional, and that the acts and proceedings of the Board were ineffective and invalid; that the Board did not have the power to determine and fix the boundaries of the district and otherwise carry out the provisions of said law; that the complainant's lands were not swamp and overflowed lands; that the acts of the Board were arbitrary; that the assessment was illegal.

And praying, among other things, for an injunction, which was granted pending the hearing to show cause by the 2nd day of February, A. D. 1906, why said injunction should not be granted.

The many questions raised by the complainant's bill required a great deal of investigation, study and preparation, and the gathering up of data relating to the facts of the case, as well as briefing the many points raised by the complainant's bill touching the constitutionality and validity of the law, the acts and proceedings of the Board, the regularity of the assessment, etc., etc.

On the 2d day of February we appeared for the purpose of showing cause why the injunction should not be granted, which presentation and argument was postponed by the Court until the 8th day of February; at which time the presentation of affidavits and documentary evidence was submitted on behalf of the defendants; the complainant presenting many affidavits and other proof to sustain the allegation of its bill; which presentation and argument in said cause consumed four days' time.

On March 1 an order was made continuing the injunction until the further order of the court.

On March 5 I filed a general demurrer on behalf of the defendants and on March 17 and 18 the demurrer was argued at length.

On March 30 the Court overruled the demurrer by defendants, allowing them until the rule day in May to answer.

During this interval much time was devoted to the preparation of answers on behalf of the defendants, the Board of Drainage Commissioners, and on behalf of the four Tax Collectors, by both Attorney General Ellis and myself. These answers were duly prepared and filed on the rule day in May, 1906, being the 7th day thereof.

On the 7th day of May, 1906, we filed a motion on behalf of the defendants, as Tax Collectors aforesaid, to dissolve the injunction as to the collection of State and county taxes, which was duly presented and argued, and at which time it was suggested by the Court that it was not the intention of the Court to embrace State and county taxes in the injunction that had been granted, and under this suggestion the motion was not further pressed.

General replication was filed by the complainants to defendants' answer on the 4th day of June, 1906; thus concluding the pleadings and joining issues in said cause.

On July 30, 1906, Hon. C. S. Adams, having been appointed Examiner to take testimony in said cause, gave notice that he would begin taking testimony for complainant on August 14. Since which time the greater portion of my personal attention has been given to the question of testimony, and the examination of and research incident to the questions raised in this cause and the legal questions touching the competency, relevancy and admissibility of the testimony, and the law of the case.

The taking of testimony was begun in accordance with the notice of the Master, and has been continued from time to time, including the taking of testimony on behalf of the defendants, to the date hereof, that had not been concluded; the testimony taken approximating eight hundred pages of typewritten matter, while the exhibits involved, consisting of maps, profiles, engineer's reports, reports touching the topography, character and conditions of the country, rainfall, waterflow, and matters pertaining to the feasibility and practicability, cost, time required to drain and reclaim the swamp and overflowed lands in the district filed in the cause, covered many hundred pages.

The testimony having been practically concluded, as of the date hereof, it is presumed that the taking of testimony will be closed by the 15th day of January, 1907, and will doubtless be presented to the Court soon thereafter as the testimony can be typewritten by the stenographer under the direction of the Examiner and that will suit the convenience of the Court.

## 2. FLORIDA CYPRESS COMPANY.

On the 29th day of March, 1906, the Florida Cypress Company filed its bill in the United States Circuit Court,

in and for the Southern District of Florida, against the Board of Drainage Commissioners, claiming to own 83,840.00 acres in the Drainage District upon which the 5 cents an acre tax had been levied by the Board of Drainage Commissioners under the Act of 1905, Chapter 5377, alleging, in effect, the same matters as set forth in the bill of the complainant in the case of the Southern States Land and Timber Company above referred to, and praying for the same relief, in effect, and the injunction was granted by the Honorable Judge of the said Court, enjoining the collection of said acreage tax, on the lands of the complainant until the further order of the Court.

I prepared and filed a general demurrer on behalf of the defendants in said cause on June 14, 1906, which was argued at some length, and overruled by the Court. The defendants were allowed until the rule day in August to answer. During the interval Attorney General Ellis and myself prepared answers on behalf of the defendants, which were duly filed on August 6, 1906, in said cause.

On September 3, 1906 the complainant filed a general replication in said cause. Later an order was made referring the cause to Hon. C. S. Adams, Special Examiner, to take the testimony on the issues presented by the pleadings in said cause.

During the taking of testimony in the case of the Southern States Land and Timber Company counsel for complainants and defendants entered into a stipulation to the effect that the testimony taken in the Southern States Land and Timber Company should be used in this cause, so far as applicable, which covers the testimony in this suit.

### 3. EMPIRE LAND COMPANY, ET AL.

On March 29th, 1906, the Empire Land Company et al, claiming to own 748,251.24 acres—

The Mississippi Valley Realty Company, claiming to own 187,201.02 acres—

The Consolidated Land Company, claiming to own 806,958.60 acres—

Frank Q. Brown, Trustee, claiming to own 102,933.15 acres—filed their bills in said Court with allegations, in effect, the same as those in the suit of the Southern States Land and Timber Company and praying for similar relief. An injunction was granted enjoining the collection

of the five cents per acre acreage tax levied on the lands claimed under said law for the year 1905.

Appearance on behalf of the defendants was duly filed on May 7, 1906, and on June 4, 1906, I prepared and filed general demurrers on behalf of all of the defendants in said causes. Later these demurrers were argued and overruled, and the defendants allowed until the rule day in August to answer; during which interval several answers were prepared by Attorney General Ellis and myself and duly filed, as required by the order of said Court; to which replication was filed on behalf of complainants on September 3, 1906, and an order was made referring the causes to Hon. Chas. S. Adams, Special Examiner, to take testimony on the issues raised by the pleadings in said causes.

During the taking of testimony in the case of the Southern States Land and Timber Company, it was stipulated between the counsel for complainants and defendants to use the testimony taken in the case of the Southern States Land and Timber Company in these suits so far as applicable, which stipulation covers the testimony in these suits.

#### 4. THE BOSTON AND FLORIDA ATLANTIC COAST LAND COMPANY.

On May 4, 1906, the Boston & Florida Coast Land Company filed its bill in chancery in the United States Circuit Court, Southern District of Florida, on behalf of the above, claiming to own 58,050.30 acres within the drainage district; the allegations of said complainant's bill being in effect, the same as those presented in the bill of the Southern States Land & Timber Company against the Board of Drainage Commissioners, with some further allegations relating to the classification of the lands claimed to be owned by the complainant, praying, in effect, for the same relief as set forth in the prayer of complainant's bill in the suit above referred to.

On May 31st, 1906, the motion for the injunction in said cause was argued, and an injunction was granted by the court enjoining the collection of the five cents per acre acreage tax levied by the Board on the complainant's filed on behalf of defendants, which demurrer has not been lands for the year 1905, until the further order of the Court.

Appearance was duly filed on behalf of the defendants on June 4th, 1906.

On the rule day in July, 1906, general demurrer was filed on behalf of defendants, which demurred has not been called up by the complainant, nor presented to the Court, prior to the date hereof.

#### 5. THE MODEL LAND COMPANY.

On April 25, 1906, the Model Land Company, claiming to own 127,959 acres, filed its bill of complaint against the Board of Drainage Commissioners in the United States Circuit Court, Southern District of Florida, the allegations of said bill being similar in effect to those of the Southern States Land and Timber Company, heretofore referred to, praying for the same relief, in effect, as set forth in the prayer of the former suit referred to.

Motion for an injunction was argued on May 31st, 1906, and injunction was granted enjoining the collection of said five cents per acreage tax until the further order of the Court.

On June 4th, 1906, I filed appearance on behalf of all of the defendants in said cause. On the rule day in July, 1906, I filed a general demurrer on behalf of the defendants, which demurrer has not been called up by the Solicitor for the complainant, or presented to the Court, prior to the date hereof.

#### 6. FLORIDA EAST COAST RAILWAY.

On April 25, 1906, the Florida East Coast Railway, claiming to own 150,000 acres within said drainage district, filed its bill in the United States Circuit Court, in and for the Southern District of Florida, against the Board of Drainage Commissioners and certain tax collectors named therein, alleging, in effect, the same matters and things as were set forth in complainant's bill in the Southern States Land and Timber Company suit, and praying, in effect, for the same relief.

A motion for injunction was argued on May 31st, 1906, at which time an order was made enjoining the collection of the five cents per acre acreage tax levied by the Board of Drainage Commissioners on said lands until the further order of the Court.

Appearance was prepared and filed on behalf of the defendants in June 4th, 1906. At the July rule day I filed a general demurrer on behalf of the defendants in

said cause. The demurrer so filed has not been presented to the Court for its consideration.

### BRIEFS.

1. At the February hearing to show cause why the injunction should not be granted in the case of the United States Land and Timber Company I presented a brief, which was subsequently printed, covering some thirty pages, references and citations of authorities presented and submitted at said hearing.

2. At the further hearing of said cause on the demurrer filed on behalf of defendants, I presented a brief that was used in the presentation of the defendants' cause, embracing about forty printed pages of authorities and citations.

3. On the 11th of June I presented an additional brief at the argument of the demurrers in the cases of the Florida East Coast Railway Company and other cases, embracing fifteen printed pages of references, authorities and citations.

### TESTIMONY.

The time devoted to the question of testimony, the examination of historical and documentary evidence, the research incident to meeting the questions raised by the complainant's bill required several weeks of constant investigation and the preparation of questions to be used as a guide in the examination of witnesses.

W. S. JENNINGS.

Tallahassee, January 14, 1907.

*Hon. A. C. Croom, Comptroller.*

*Tallahassee, Fla.*

*Dear Sir:*

I am in receipt of your letter of recent date asking, if in my opinion bills accruing from the enforcement of the provisions of Chapter 5377 of the Acts of 1905 where suits were brought to restrain the collection of the tax levied by virtue of the statute, may be paid from the appropriation for "expenses of collection of revenue," and if all and each and every expense attendant upon the levy and collection of this tax should be paid from the appropriation above named. You also request me to advise you if the vouchers for such payment should have the approval

of the Board of Drainage Commissioners, and whether by the signature and attestation of the Chairman or by the signature of each individual member of the board.

Chapter 5377 of the Laws of 1905, is an act in relation to the Drainage and Reclamation of the Swamp and Overflowed Lands in Florida. It creates a Board of Drainage Commissioners, vests it with certain powers and prescribes certain duties. Among other things it directs the Board of Drainage Commissioners to lay out Drainage Districts in the State of Florida, and to levy on the alluvial or swamp and overflowed taxable lands within such drainage districts a tax not exceeding ten cents per acre per annum to be fixed by the Board of Drainage Commissioners.

The Act provides that the amount so levied shall be collected by the various tax collectors of the counties wherein such levies have been made as other taxes are collected in accordance with law.

That the fund provided for by that act is a public fund and created for a public purpose is in my judgment unquestionable. It has been held by the courts that the Legislature has the power to compel local improvements which in its judgment will promote the health of the people and advance the public good. The reclamation of vast bodies of swamp and overflowed lands, such as exist in this State is generally regarded as a public improvement of great magnitude and of the utmost importance to the country. Several States have treated the reclamation of swamp and overflowed lands as a public question and have enacted laws providing for the raising of revenue for that purpose. Chapter 5377 is a general act of the Legislature providing for the raising of a fund to be expended in the work of draining the swamp and overflowed lands of this State, and I therefore think that the money collected under this act constitutes a public fund within the meaning of the constitutional provision, which requires the Treasurer to receive and keep all funds, bonds and other securities, etc., Section 24 of Article IV of the Constitution.

The fund intended to be raised by the Chapter to which reference is above made is raised by the exercise of the taxing power of the State, and the fund so created is intended to be devoted to the accomplishment of a certain work which is of a general and public utility. I therefore,

1931

regard the expense incident to the collection of the tax as a proper charge against the appropriation for the expense of collecting revenue.

As to the matter of auditing and approving the bills which may be rendered for the expense incurred in collecting the tax provided for by the above named act, I think that the statutes make it the duty of the Comptroller of the State to examine, audit and settle all such accounts, claims and demands against the State.

I think that the Board of Drainage Commissioners have no power nor does the act seek to make it the duty of the Board to audit and approve bills which may be rendered for expenses incurred in the collection of the aforementioned tax, further than the expense incident to the preparation of the lists of the alluvial or swamp and overflowed taxable lands which may lie within the drainage districts which may be established.

Yours very truly, W. H. ELLIS,  
Attorney General.

Tallahassee, November 16, 1908.

Hon A. C. Croom.  
Comptroller,  
Tallahassee, Fla.

Dear Sir:

I have the honor to acknowledge receipt of your letter of the 9th instant returned (unpaid) account of J. L. Billingsley for \$9.75 approved by me for payment from the appropriation for "Expenses Collection of Revenue," which account is to cover the actual traveling expenses of Mr. Billingsley to Live Oak and return, to which place he went at my direction to look after the status of the former suit of Florida Railway vs. Croom, Comptroller, et al. and to secure in connection therewith certain papers to be used in the defense of a suit of more recent date between the same parties involving practically the same subject-matter.

This account is returned, and I also hand you herewith for payment a similar account of Mr. Billingsley's dated November 9, 1908, for \$10.25, covering his actual traveling expenses to Lake City and return, as set out in the account.

Under authority vested in me by Section 88 of the General Statutes I appointed Mr. Billingsley to perform this duty in my stead in these instances, and as both

accounts are to cover actual expenses incurred by this office incident and necessary to the proper defense of the suit of Florida Railway vs. A. C. Croom, Comptroller, et al, having to do with the collection of revenue, it is my opinion that such accounts are a proper charge against the appropriation for "Expenses Collection of Revenue," and should be paid from such fund.

Yours very truly, W. H. ELLIS,  
Attorney General.

DeFuniak Springs, Florida, March 20, 1908.

Hon. A. C. Croom,  
Tallahassee, Fla.

Dear Sir:

In re Hunt vs. Turner.

I have your letters of the 7th and 9th inst. relative to the above matter and beg to thank you for the complimentary remarks about the judgment in the case, its being of so much importance as a precedent in the matter of the right to collect taxes on intangible property.

I thank you also for the copy of your letter of the 9th to Mr. James A. McLean, the Clerk of the Circuit Court. Doubtless it will be the cause of having the county pay the bill promptly at the next meeting, and if you will send me your warrant in the meantime so that I can advise that the State has paid its part, I have no doubt but that they will issue the warrant for the county's part.

The statement which I rendered to you is as follows:  
1906—

May 24—To personal expenses in going before court at Bonifay and Pensacola, telegrams, etc.	\$ 15.32
July 9—Paid Sheriff Campbell .....	9.40
June 9—Paid W. C. McLean, Special Master.....	29.70
June 6—Paid Jas. A. McLean for certified copy of registration books .....	2.50
1907—	
July 15—Paid R. W. Storrs for printing brief....	47.00
July 15—Paid Miss Julia McKinnon for testimony. . . . .	5.26
July 15—To part attorney's fee.....	200.00

---

\$309.18

Deduct payable by County .....

---

\$208.70

---

\$100.48

(This latter amount is the proportion due by the State based on the taxation as levied for the year 1903.)

I notice that you request a bill for the State's proportion of the items of \$15.32 and \$200.00, stating that the other items should be taxed as cost. The items of \$9.40 and \$29.70 can be taxed as cost in the judgment, but the items of \$15.32, \$2.50, \$47.00, \$5.26 and \$200.00, in my opinion, are not proper items to be taxes in the immediate judgment, though they are proper items to be charged as cost in a suit against the complainant for damages sustained by reason of the improper issuance of the injunction. But as to that, I think the account should be paid to me as stated, and then when the judgment against Hunt and its costs are collected instead of paying the several items of cost to me they could be paid to the county and to the State. I have advanced the items of cost for the State and county in the first instance as a matter of courtesy and I do not think it is due to me that I should wait for the collection of any judgment before the costs are returned to me. I think, therefore, the costs should be paid and then, as above stated, when the judgment is collected the cost will be, of course, returned to the State and county. If suit on the bond of Hunt may be brought, then all of the items above stated, except the items of \$9.40 and \$28.70, which are now taxable in the immediate judgment, will be proper items of damages.

So then if the above explanation meets your views, kindly forward me State warrant for \$....., which is ..... % of \$309.18. I believe the State tax for 1903 was ..... mills.

I return you herewith my letter to you of the 7th of February which, doubtless by mistake, you inclosed with your letter to me.

With regards to you and your family, I remain,

Very respectfully WM. W. FLOURNOY,  
per M.

Tallahassee, April 23, 1908.

In re Florida Railway Company vs. A. C. Croom et al. Injunction.

State of Florida to J. L. Billingsley, Dr.

April 18, 19, 20, to expenses incident to trip to Live Oak and return, as follows:

April 18, to hack .....	\$ .25
April 18, to railroad fare .....	2.50

1934

April 18, to Pullman .....	.50
April 18, 19, 20, hotel bill .....	7.00
April 20, to railroad fare returning.....	2.50
April 20, to Pullman .....	.50
April 20, to hack .....	.25
	—\$ 13.50

Jacksonville, Fla.

State of Florida, to A. G. Hartridge, Dr.  
To ten per cent. on \$3,369.71.....\$336.97  
under Section 1794, General Statutes.

P. S.—The foregoing letter was written some time ago when I expected to get the money. The bondsmen have promised to pay the balance next week. I would appreciate a warrant for my commission as soon as possible as I have many calls on me now for money. With best wishes.

Very sincerely,      A. G. HARTRIDGE,  
State's Attorney.

Orlando, Fla., June 18, 1908.

*Hon. A. C. Croom, Compt.,  
Tallahassee, Fla.*

To W. L. Palmer, Attorney at Law, Dr.  
Nov. 1907—To legal services in H. W. Metcalf  
Comp. vs. W. E. Martin, Tax Collector, Orange  
County, Florida, in Orange County Circuit  
Court and appealed to Supreme Court of State \$125.00  
June, 1908—To legal services in case of H. W. Met-  
calf Co., vs. W. E. Martin, as Tax Col. Orange  
County, Florida, common law, tried in Circuit  
Court, Orange County, Florida.....\$125.00  
State of Florida to A. G. Hartridge, Dr.  
June 30, 1908, to ten per cent. commissions for  
collection of \$1,213.05. .... \$121.30  
One-half of expense three trips to Fernandina... 3.45  
.. ..  
\$124.75

Jacksonville, Fla., August 31, 1909.

*Hon. A. C. Croom,  
State Comptroller,  
Tallahassee, Fla.*

*Dear Sir:*

Your favor of the 29th inst. has come duly to hand and

1935

contents have been carefully noted. I thank you very much for the kind letter and assure you of my deep appreciation.

I shall write Mr. Geiger today and if he agrees with me we will at once file notice of appeal in the two suits against Mr. Holt by the Hillman-Sutherland Company and the DeLoach-Edwards Company. I shall also prepare and file demurrer in the suit of the Hillman Sutherland Company against Mr Griffis.

I desire to leave Jacksonville for a short vacation towards the end of the present week.

In regard to the compensation for my services, it seems to me that \$200 for retainer in the three suits now pending would be a very reasonable amount to ask, final fee to depend largely upon the success of our efforts upon the termination of the suits. If you consider this satisfactory I will be pleased to receive check for that amount.

With kindest regards, I am,

Yours sincerely,

W. H. BAKER,

State of Florida, to W. H. Baker, for payment on  
account legal services, as above set forth.....\$200.00

The Board of Drainage Commissioners, in account with  
W. S. Jennings, Counsel.  
1908.

April 13th to 17th, paid for extra stenographer's fees copying records, voucher attached. . . . .	\$24.50
May 17th, paid E. O. Locke, clerk U. S. Court for certified copy of opinion of the Court. . . . .	2.00
June 23rd, paid for extra stenographer's fees, 115 pages of work on demurrers in the drainage cases, voucher attached. . . . .	9.00
June 2nd, paid E. O. Locke, Clerk of Court for certified copies of orders and papers in the drainage cases against the Board, voucher attached. . . . .	10.50
Paid C. O. Swanson, Tax Collector, for notary's fees, expenses by him on demurrers in drainage cases, voucher attached. . . . .	2.00

1934

April 18, to Pullman .....	.50
April 18, 19, 20, hotel bill .....	7.00
April 20, to railroad fare returning.....	2.50
April 20, to Pullman .....	.50
April 20, to hack .....	.25
	—\$ 13.50

Jacksonville, Fla.

State of Florida, to A. G. Hartridge, Dr.

To ten per cent. on \$3,369.71.....\$336.97  
under Section 1794, General Statutes.

P. S.—The foregoing letter was written some time ago when I expected to get the money. The bondsmen have promised to pay the balance next week. I would appreciate a warrant for my commission as soon as possible as I have many calls on me now for money. With best wishes.

Very sincerely,     A. G. HARTRIDGE,  
State's Attorney.

Orlando, Fla., June 18, 1908.

*Hon. A. C. Croom, Compt.,  
Tallahassee, Fla.*

To W. L. Palmer, Attorney at Law, Dr.

Nov. 1907—To legal services in H. W. Metcalf Comp. vs. W. E. Martin, Tax Collector, Orange County, Florida, in Orange County Circuit Court and appealed to Supreme Court of State	\$125.00
June, 1908—To legal services in case of H. W. Met- calf Co., vs. W. E. Martin, as Tax Col. Orange County, Florida, common law, tried in Circuit Court, Orange County, Florida.....	\$125.00
State of Florida to A. G. Hartridge, Dr.	
June 30, 1908, to ten per cent. commissions for collection of \$1,213.05. ....	\$121.30
One-half of expense three trips to Fernandina...	3.45
	..
	<hr/>
	\$124.75

Jacksonville, Fla., August 31, 1909.

*Hon. A. C. Croom,  
State Comptroller,  
Tallahassee, Fla.*

Dear Sir:

Your favor of the 29th inst. has come duly to hand and

1935

contents have been carefully noted. I thank you very much for the kind letter and assure you of my deep appreciation.

I shall write Mr. Geiger today and if he agrees with me we will at once file notice of appeal in the two suits against Mr. Holt by the Hillman-Sutherland Company and the DeLoach-Edwards Company. I shall also prepare and file demurrer in the suit of the Hillman Sutherland Company against Mr. Grifis.

I desire to leave Jacksonville for a short vacation towards the end of the present week.

In regard to the compensation for my services, it seems to me that \$200 for retainer in the three suits now pending would be a very reasonable amount to ask, final fee to depend largely upon the success of our efforts upon the termination of the suits. If you consider this satisfactory I will be pleased to receive check for that amount.

With kindest regards, I am,

Yours sincerely,

W. H. BAKER,

State of Florida, to W. H. Baker, for payment on  
account legal services, as above set forth.....\$200.00

The Board of Drainage Commissioners, in account with  
W. S. Jennings, Counsel.  
1908.

April 13th to 17th, paid for extra stenographer's fees copying records, voucher attached. . . . .	\$21.50
May 17th, paid E. O. Locke, clerk U. S. Court for certified copy of opinion of the Court. . . . .	2.00
June 23rd, paid for extra stenographer's fees, 115 pages of work on demurrers in the drainage cases, voucher attached. . . . .	9.00
June 2nd, paid E. O. Locke, Clerk of Court for certified copies of orders and papers in the drainage cases against the Board, voucher attached. . . . .	10.50
Paid C. O. Swanson, Tax Collector, for notary's fees, expenses by him on demurrers in drainage cases, voucher attached. . . . .	2.00

June 27th, paid fees of E. O. Locke, Clerk, voucher attached. . . . .	4.65	
Paid for extra stenographer's fees, preparing orders on the demurrers in the drainage cases, voucher attached. . . . .	5.00	
July 1st. fees of E. O. Locke, Clerk, voucher attached. . . . .	4.50	
July 1st, paid for extra stenographic work on briefs in the drainage cases, on demurrers, relating to appeals, supercedeas orders, etc., voucher attached. . . . .	15.00	
May 13th, expense of trip to Tampa, for attendance on United States Court on application for injunctions in the drainage cases. . . . .	26.22	
		\$103.37

Pensacola, Fla., October 27, 1908.

State of Florida, to Blount & Blount & Carter, Dr.  
 To fee in matter of resistance of the application for injunction for the Trustee in bankruptcy of the Tyler Lbr. Co. against the Tax Collector of Alachua County, seeking to enjoin the collection of State and County taxes for the year 1908. . . . .

\$250.00

November 9, 1908.

State of Florida to J. L. Billingsley, Dr.

Nov, 7, 1908, to expenses trip to Lake City to attend hearing of application for temporary injunction in Florida Railway case against A. C. Croom, Comptroller, et al.

Hack. . . . .	\$ .25
Railroad fare Talla to Lake City. . . . .	2.95
Pullman. . . . .	.55
Breakfast at Live Oak. . . . .	.50
Hotel bill Lake City. . . . .	2.25
Railroad fare Lake City to Talla. . . . .	2.95
Pullman . . . . .	.55
Hack. . . . .	.25

\$ 10.25

Expenses in re suit of Florida Railway Company vs. A. C. Croom, Comptroller, et al.

1908.

Nov. 3—

To hack. . . . .	\$ .25
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1937

To railroad fare Talla to Live Oak...	2.30
To Pullman. . . . .	.45
To hotel bill Nov. 3-4.....	3.25
Nov. 4—	
To railroad fare Live Oak to Talla...	2.30
To Pullman. . . . .	.45
To two telegrams . . . . .	.50
To hack. . . . .	.25
	\$ 9.75

Tallahassee, November 16, 1908.

Hon. A. C. Croom,  
Comptroller,  
Tallahassee, Fla.

Dear Sir:

I have the honor to acknowledge receipt of your letter of the 9th instant returning (unpaid) account of J. L. Billingsley for \$9.75, approved by me for payment from the appropriation for "Expenses Collection of Revenue," which account is to cover the actual traveling expenses of Mr. Billingsley to Live Oak and return, to which place he went at my direction to look into the status of the former suit of Florida Railway vs. Croom, Comptroller, et al, and to secure in connection therewith certain papers to be used in the defense of a suit of more recent date between the same parties involving practically the same subject-matter.

This account is returned, and I also hand you herewith for payment a similar account of Mr. Billingsley's dated November 9, 1908, for \$10.75, covering his actual traveling expenses to Lake City and return, as set out in the account.

Under authority vested in me by Section 88 of the General Statutes I appointed Mr. Billingsley to perform this duty in my stead in these instances and as both accounts are to cover actual expenses incurred by this office incident and necessary to the proper defense of the suit of Florida Railway vs. A. C. Croom, Comptroller, et al, having to do with the collection of revenue, it is my opinion that such accounts are a proper charge against the appropriation for "Expenses Collection of Revenue" and should be paid from such fund.

Yours very truly,

W. H. ELLIS,  
Attorney General.

Tallahassee, Fla., Nov. 17, 1908.

State of Florida to W. H. Ellis, Dr.

Expenses Live Oak and return, Florida Railway Company, vs. Croom, Comptroller:

April—

Bus Tallahassee, 25 cents; R. R. fare, \$2.50; Pullman, 50c; dinner, 75c.....	\$4.00
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Bus Live Oak, 25c; supper, 75c; R. R. fare, \$2.50; bus Tallahassee, 25c.....	3.75
--	------

To expense Live Oak and return, Fla. Ry.

Co. vs. Croom, Comptroller:

Bus Tallahassee, 25c; R. R. fare \$5.00; Pullman, \$1.00.....	6.25
--	------

Dinner, 75; bus Live Oak, 50c; supper Live Oak, 75c.....	2.00
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Bus Tallahassee .....	.25
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October—

To expenses Quincy, Santa Rosa County,  
Croom, Comp., and Knott, Treasurer:

Bus Tallahassee, 50c; R. R. fare \$1.30; Pull- man, 50c.....	2.30
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Bus Quincy, 50c; hotel, \$2.00.....	\$2.50—\$21.05
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November 27, 1908.

State of Florida to J. L. Billingsley, Dr.

To traveling expenses to Lake City and return on  
November 18, 19, 1908, to present demurrer in case of  
Florida Railway Company vs. A. C. Croom, Comptroller,  
et al, upon an application to enjoin the collection of taxes  
for 1906-1907:

To Hack .....	\$ .25
Railroad fare Tallahassee to Live Oak..	2.30
Pullman Tallahassee to Live Oak.....	.45
Breakfast Live Oak .....	.50
Railroad fare Live Oak to Lake City...	1.00
Hotel bill Lake City .....	2.00
Hack Lake City .....	.25
Railroad fare Lake City to Tallahassee.	2.95
Pullman .....	.55
Dinner .....	.75
Hack .....	.25—\$11.25

Tallahassee, Florida, December 1, 1908.

State of Florida to C. D. Robertson, Dr.

To traveling expenses in re suit of Florida Railway  
Company vs. A. C. Croom, Comptroller et al.:

1939

Dec. 1, 1908—

To hack at Tallahassee.....	\$ .25
To railroad fare to Live Oak.....	2.30
To Pullman .....	.45
To supper .....	.75
To railroad fare from Live Oak to Tallahassee .....	2.30
To Pullman .....	.45
To hack at Live Oak.....	.25
To hack at Tallahassee.....	.25—\$ 7.00

March 18, 1909.

State of Florida, to Park Trammell, Attorney General,  
Dr.

To expenses trip to Lake City on March 11, 1909, to present demurrer in re Florida Railroad Company vs. A. C. Croom, Comptroller, tax case.

Transportation .....	\$3.30
Hotel bill .....	3.00
Carriage .....	.75—\$ 7.05

As I went on to Jacksonville for conference with Hon. W. S. Jennings in the Peters case, I have divided the expense of the trip, charging part of it to Trustees of the Internal Improvement Fund. The above is correct.

PARK TRAMMELL,  
Attorney General.

Tallahassee, Fla., April 27, 1909.

In re Condemnation of Land in Key West, by the United States Government.

The State of Florida, to Wm. H. Malone, Jr., Dr.  
To State's portion of attorney fee in the collection of unpaid taxes .....

of unpaid taxes .....	\$25.00
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April 23, 1909.

Hon. W. H. Malone, Jr.,  
Tallahassee, Fla.

Dear Sir:

In reply to your oral inquiry, as to whether your services as attorney may be paid out of the appropriation for the collection of revenue, where you represented the county of Monroe, and the State of Florida, in the collection of unpaid taxes in the recent condemnation pro-

1940

ceedings instituted by the United States Government. at the request of the Clerk of the Circuit Court and the County Commissioners of Monroe County, beg to advise that expenses incident to the collection of taxes are a proper charge against the appropriation for the expenses of collecting revenue.

In my opinion, the Comptroller would be authorized under the law to pay your claim out of this fund if he deems that the facts justify it.

Very truly yours,

PARK TRAMMELL,  
Attorney General.

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

Senate Chamber,  
Tallahassee, Fla., June 1, 1909.

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

*Sir:*

Your Committee on Appropriations, to whom was referred—

House Bill No. 90:

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

Have had the same under consideration and beg leave to submit said bill without recommendation.

Very respectfully,

I. N. WITHERS,  
Chairman of Committee.

And House Bill No. 90, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,  
Tallahassee, Fla., June 1, 1909.

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

*Sir:*

Your Committee on Municipalities, to whom was referred—

House Bill No. 250:

A bill to be entitled an act granting certain powers to the municipality of the city of St. Petersburg, Florida, not included in Chapter 5361 of the Laws of Florida, approved June 3, 1903, and providing for the passage of ordinances by the City Council and the submission of ordinances to the vote of the people in certain instances.

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

Very respectfully,

W. HUNT HARRIS,  
Chairman of Committee.

And House Bill No. 250, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Zim, Chairman of the Committee on Organized Labor, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., June 2, 1909.

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

*Sir:*

Your Committee on Organized Labor, to whom was referred—

House Bill No. 320

A bill to be entitled an act to regulate child labor in the State of Florida, and to make the provisions of such act effective, creating the office of State Labor Inspector and defining duties and compensation of such officer.

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

Very respectfully,

LOUIS W. ZIM,  
Chairman of Committee.

And House Bill No. 320, contained in the above report, was placed on the Calendar of Bills on Second Reading.

INTRODUCTION OF RESOLUTIONS.

Mr. West offered the following resolution:

Senate Resolution No. 60:

Resolved, by the Senate, That in view of the magnitude

of the operations involved in the drainage of the swamp and overflowed lands of the State and of the vast importance thereof, and of the great benefit to be derived therefrom, it is of vital interest to the people of the State that the drainage operations now being conducted by the Trustees of the Internal Improvement Fund should be prosecuted with vigor and economy, to the end that large areas of immensely valuable lands may be placed upon the market by the State to secure desirable immigrants and to encourage the development and use of the almost limitless natural resources of the State, thereby increasing the wealth of the State and leading to a corresponding reduction in tax burdens, it is earnestly recommended that the Trustees use every proper means in their power to facilitate the work of drainage and reclamation at the lowest possible cost, and that some one of the Trustees do make personal visits to and careful inspection of said drainage operations and all the details thereof at frequent intervals, in order that the Trustees and the public may be kept fully advised of the progress of the work.

Mr. West moved to adopt the resolution.

Which, by consent, was passed informally.

Mr. Harris offered the following resolution :

Senate Resolution No. 61:

Whereas, there are only three days left of the session of the Legislature, and the Calendar of the Senate, shows fifty pages of bills to be acted upon, and

Whereas, it is absolutely impossible to properly consider and pass these bills, and

Whereas it is necessary that the Senate take up, consider and pass the General Appropriation Bill and send the same to the House for the reason that no appropriation bill has been introduced in the House, Therefore be it

Resolved, That Committee Substitute for Senate Bill 467, a bill to be entitled an act making appropriation for the expenses of the State Government for six months of the year 1909, and for the year 1910 and for six months of the year 1911, be made a special order for 11 o'clock this morning.

Mr. Harris moved to adopt the resolution.

Upon which the yeas and nays were demanded.

The roll was called and the vote was:

Yeas—Senators Adkins, Beard, Buckman, Cook, Day-

ton, Harris, Henderson, Hosford, Humphries, Johnson, McCreary, Sams—12.

Nays—Mr. President, Senators Baker (20th Dist.), Broome, Cone, Cottrell, Davis, Flournoy, Girardeau, Leggett, Massey, McLeod, McMullen, Miller, Sloan, West, Williams, Withers, Zim—18.

So Senate Resolution No. 61 was not agreed to.

Mr. Henderson offered the following Resolution:

Senate Resolution No. 62:

Whereas, Joint Committee Bill No. 510, a bill to be entitled "An Act making appropriation for the support and maintenance of the State Institutions of Higher Education, created and required to be maintained by Chapter 5384 of the Laws of Florida," approved June 5, 1905, now known as the University of Florida, the State College for Women, the Florida School for the Deaf and the Blind, and the Florida Agricultural and Mechanical College for Negroes, is a measure of vital importance to the educational interests of the State, and should be taken up and considered in time to become a law before the close of the session of the Legislature; and

Whereas, This bill cannot be reached in the regular order of business in time to be considered and passed upon, as it should be, before the close of this session of the Florida Legislature; therefore, be it

Resolved, That Joint Committee Bill No. 510 be and the same is hereby made a special order for this afternoon, the 2nd of June, at four o'clock p. m., at which time it shall be taken up and considered by the Senate.

Mr. Henderson moved to adopt the Resolution.

Upon which a yea and nay vote was demanded.

The roll was called, and the vote was:

Yeas—Senators Adkins, Beard, Buckman, Cook, Dayton, Harris, Henderson, Hosford, Humphries, Johnson, McCreary, Sams.—12.

Nays—Mr. President, Senators Broome, Cone, Cottrell, Davis, Flournoy, Girardeau, Leggett, Massey, McLeod, McMullen, Miller, Sloan, West, Withers, Zim.—16.

So the Resolution was not agreed to.

#### SPECIAL ORDER OF THE DAY.

The hour of ten o'clock having arrived, the hour fixed for the special consideration of House Bill No. 645—

## House Bill No. 645:

A bill to be entitled an act to amend Section 46 of Chapter 5596 of the Laws of the State of Florida, relating to the assessment of the property of railroads, telegraph lines and sleeping or parlor car companies, and the officers of the State and their duties who shall make such assessment.

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

Mr. Flournoy, as Chairman of the Committee on Finance and Taxation, as required by the rule, moved to indefinitely postpone the bill.

Pending the consideration of which—

Mr. Flournoy offered the following amendment to House Bill No. 645:

Substitute for House Bill No. 645:

Strike out all after the enacting clause of House Bill No. 645, "A bill to be entitled an act to amend Section 46 of Chapter 5596 of the Laws of the State of Florida, relating to the assessment of the property of railroads, telegraph lines and sleeping and parlor car companies, and the officers of the State and their duties, who shall make such assessment," and insert in lieu thereof the following:

Section 1. That Section 46, Chapter 5596, Laws of Florida, be and the same is hereby amended to read as follows:

"Section 46. That a State Board of Assessors, for the purpose of assessing railroads, telegraph lines and sleeping or parlor car companies and properties connected therewith, is hereby created, and such Board of Assessors shall consist of five citizens of this State, who shall have resided in and shall have been citizens of this State for a period of ten years next preceding the date of their appointment; said members shall be appointed by the Governor, and confirmed by the Senate, and their term of office shall be for four years, except for the Board first appointed, two members of which shall be appointed for the term of two years, and the three members thereof shall be appointed for the term of four years, and thereafter every such appointment shall be for the term of four years and until their successors are duly appointed and qualified, except in case of an appointment to fill a vacancy, and in such case the appointment shall be for the unexpired term; the members of the first Board of

Assessors shall be appointed by the Governor on or before the first day of August next; members of the said Board of Assessors shall not, during their office, nor at any time within two years prior to their appointment, have been interested in or in the employment of any railroad, telegraph, sleeping or parlor car companies, or interested in any of the properties connected with or belonging thereto; each member of said Board of Assessors before entering upon his duties shall accept the appointment and subscribe to and file with the Secretary of State the following oath, to wit:

"I do solemnly swear (or affirm) that I will support, protect and defend the Constitution and government of the United States, and of the State of Florida; that I am duly qualified to hold office under the Constitution of this State; that I am not interested in any railroad, telegraph, sleeping or parlor car company, or any property connected with or belonging thereto; that I have not been at any time within two years prior to the date hereof interested in or employed by any railroad, telegraph, sleeping or parlor car company; that I will well and faithfully perform the duties of member of the State Board of Assessors on which I am now about to enter—So help me God."

The members of said Board of Assessors shall receive for their services while actually going to and from and performing the services and duties of their office, the sum of ten dollars per day, together with their actual traveling and hotel expenses, to be paid out of the appropriations made for the assessment and collection of revenue; three members of said Board shall constitute a quorum, and any official act shall be valid which has the sanction of a majority of the members present; they may employ a secretary, who shall receive such annual compensation as the Board of Assessors may determine, not to exceed the sum of fifteen hundred dollars per year, and who shall before entering upon the duties of his office subscribe to the oath hereinabove required of the members of said Board of Assessors; they shall have their office at the State Capitol and shall keep a record of their proceedings, which shall be open to public inspection under such rules and regulations as the said Board of Assessors shall prescribe; the said Board shall make annually a report to the State Comptroller on or before the first Monday in

May of every year, or as soon thereafter as possible, of the valuations fixed by them upon all properties reported to or assessed by them under the provisions of this act; that in order to ascertain the facts necessary for the discharge of their duties under the provisions of this act, the said Board of Assessors are hereby empowered, authorized and directed to use such lawful means as to them shall seem necessary; they may employ auditors, inspectors and surveyors, if they shall be dissatisfied with the information returned or given to them, or otherwise attainable; they are hereby empowered, authorized and directed to issue such notices or other process to compel the attendance of witnesses or other persons and the production of books and papers; and they may delegate such power to any member of their Board authorized by them as special examiner, or to make special investigation and report to them his findings; they may also use the returns made to them under the provisions of this Act by any railroad, telegraph, sleeping or parlor car company, but such returns shall not be conclusive, and if any of such returns shall not be made as required by this act, the said Board shall ascertain from the best information they can obtain, and in such manner as they may find convenient, requisite or necessary, using their personal knowledge and judgment; the said Assessors, or any one of them, shall have power to administer oaths and affirmations to any person to ascertain any facts which will enable them properly and fully to perform the duties of their office, and they may reduce to writing the statements of any person or persons sworn, and any person or persons shall make oath to any such statement when required so to do by said Board, or any member thereof; and said Board of Assessors, or any member thereof, may *ex parte* apply for and upon such application in writing shall obtain from any Justice of the Supreme Court of this State an order to compel any person or persons to submit to an examination in reference to such matters, at such time or times and at such place or places, as may be required, and such Justice of the Supreme Court may punish any person or persons as for a contempt of the Supreme Court in connection therewith; the said Board of Assessors may, when they deem it necessary, apply to the Attorney General of the State for his advice and assistance upon and connected with the duties of

said Board; the said Board of Assessors shall meet at Tallahassee, Florida, on the first Monday in March, A. D. 1910, and each succeeding year thereafter, and at such meeting they shall proceed to elect one of its members as Chairman for the ensuing year, and shall meet as often during the year and at such place or places as their duties may require, and shall proceed to ascertain the true cash value of all property used for railroad, telegraph, sleeping and parlor car purposes of each railroad, telegraph, sleeping and parlor car company within this State, and shall make an itemized statement of such value; at the meeting of said Board on the first Monday in March, A. D. 1910, or as soon thereafter as the same may be heard, and of each and every year thereafter, said Board shall give a hearing to all persons, or companies interested in said properties touching the valuation and assessment thereof; and they may adjourn from day to day and from time to time until such matters and hearings may be disposed of, and they may require all arguments and communications to be presented to them in writing under such rules and regulations as the said Board may prescribe; and this Statute shall be deemed sufficient notice to any and all persons interested of the time and place of the said meeting at which said Board of Assessors are by this act authorized and directed to hear complaints; Provided, That in the event said Board of Assessors shall not be satisfied with the provisions of this Act, and shall desire to increase the valuations thereof, then and in such event, they shall give to the person or persons interested at least ten days' notice of the time and place when said Board will meet to hear complaints.

The President and Secretary, or superintendent or manager of any railroad company or street railway company or sleeping or parlor car company, or the receiver thereof, whose car, track or roadbed, or any part thereof is in this State, shall annually, on or before the first Monday in March, return to the Board of State Assessors, at Tallahassee, Florida, under their oath, the total length of such railroad, the total length and value of such main track, branch, switch, and spur track, and side track, lots or parts of lots not leased or rented, and terminal facilities in this State, and the total length and value thereof in each county, city or incorporated town in this State as of the first day of January. They shall also

make return of the number and value of all locomotives, engines, passenger, sleeping, freight, parlor, platform, construction and other cars and appurtenances, and should any such company or its officers fail to make the returns required by this act on or before the first Monday in March, when such returns are made, or should any such returns not be made, or should the Board of State Assessors have reason to believe that any return so made does not give a complete and correct value of such property, it is hereby made the duty of the Board of State Assessors, after having given not less than ten days' notice to the person or persons making the return of the time and place of hearing, to assess the same from the best information they can obtain, specifying the value thereof in each county; and the value of the locomotives, engines, passenger, sleeping, parlor, freight, platform, construction and other cars and appurtenances shall be apportioned by the State Comptroller pro rata to each mile of main track, branch, switch, spur track and side track, and the State Comptroller shall notify the County Assessor of Taxes of each county through which said railroad runs of the mileage, apportionment of rolling stock, and other property of said railroad within such city or town, and the value thereof shall be assessed by such city or town as provided by law, and upon the value thus ascertained and apportioned, taxes shall be assessed the same as upon the property of individuals. That every telegraph line in this State shall be returned and assessed in the same manner as is provided by this act for the assessment of railroads, and in case of failure to pay the taxes assessed, the entire line of telegraphs of this State and all of its properties, rights and franchises, or any property belonging to the same company, person or persons, may be sold in the same manner as is provided for the sale of railroads or any of its property upon which any tax shall be due and unpaid.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Which was read.

Mr. Flournoy moved to adopt the amendment.

Upon which the yeas and nays were demanded.

The roll was called and the vote was:

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

District), Beard, Broome, Buckman, Crill, Cook, Cottrell, Davis, Dayton, Flournoy, Girardeau, Harris, Henderson, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, Miller, Sams, West, Williams, Withers, Zim—27.

Nays—Senator Cone—1.

So the amendment was adopted.

Mr. Flournoy offered the following amendment:

After the word "assessment" at the end of line 2 of the title, insert the following, "and collection of revenue, and which governs also the assessment."

Mr. Flournoy moved to adopt the amendment.

Which was agreed to.

And the amendment was adopted.

The Senate amendments to House Bill No. 645 were referred to the Committee on Engrossed Bills.

And House Bill No. 645, as amended, was placed on the Calendar of Bills on Third Reading.

#### CONSIDERATION OF RESOLUTIONS.

Senate Concurrent Resolution No. 15:

To petition Congress for an increased appropriation for the Bureau of Plant Industry.

Was taken up, and read the second time.

Upon the passage of Senate Concurrent Resolution No. 15, the same was agreed to and adopted.

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

Senate Concurrent Resolution No. 14:

For appointment of a Committee on expenditure of appropriation for repairs and refitting Capitol building.

Was taken up and read the second time.

Upon the passage of Senate Concurrent Resolution No. 14, it was agreed to and adopted.

And the same was ordered certified to the House of Representatives.

House Memorial No. 9:

A memorial to Congress of the United States requiring an appropriation for a government building in the city of Palatka, county of Putnam, State of Florida.

Was taken up and read the second time.

1950

Upon the passage of House Memorial No. 9, the same was adopted.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., June 2, 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 350:

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

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., June 1, 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. 243:

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

Very respectfully,

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

And Senate Bill No. 243, contained in the above mes-

1951

sage 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., June 1, 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. 320:

A bill to be entitled an act to regulate child labor in the State of Florida, and to make the provisions of such act effective; creating the office of State Labor Inspector and defining duties and compensation of such officer.

Also—

Committee Substitute for House Bill No. 325:

A bill to be entitled an act appropriating money for the benefit and maintenance of the Florida State Reform School.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Bill No. 320, contained in the above message, was read the first time by its title and was referred to the Committee on Organized Labor.

And Substitute for House No. 325, contained in the above message, was read the first time by its title and was referred to the Committee on Prisons and Convicts.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., June 1, 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—

1952

**House Bill No. 112:**

A bill to be entitled an act for the relief of R. K. Elliott, with the following amendment:

Amendments as follows:

Strike out Section 2.

Also—

The following amendment:

Insert after the word "pardon," in line 7, Section 1, the following: "Provided, the same shall first be approved by the County Commissioners of Lafayette County."

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., June 1, 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. 722:

A bill to be entitled an act for the protection and preservation of fish in the waters of Lake County, and waters subject to the jurisdiction of the courts of said county.

Which amendments are as follows:

Strike out all in line 3 and the word "county" in line 4, Section 1.

Also—

Strike out from title all after the words "Lake County."

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., June 1, 1909.

*Hon. F. M. Hudson,*

*President of the Senate.*

*Sir:*

I am directed by the House of Representatives to in-

form the Senate that the House of Representatives has concurred in Senate amendments to—

House Bill No. 542:

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

Which amendments to House Bill No. 542 are as follows:

Strike out the words "but an appeal bond shall be submitted to the mayor and when approved by him, such appeals shall act as a supersedeas." after the word "law," on line 7, page 4, of the typewritten bill in Section 9.

Also—

Strike out all of Sections 54 and 55.

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., June 1, 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. 710:

A bill to be entitled an act imposing license and other taxes, providing for the payment thereof, and prescribing penalties for doing business without a license or other failure to comply with the provisions 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. 710, contained in the above message, was read the first time by its title and referred to the Committee on Finance and Taxation.

1954

The following message from the House of Representatives was read:

House of Representatives.  
Tallahassee, Fla., June 1, 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. 745:

A bill to be entitled an act to fix the pay of members, officers and attaches of the Legislature of A. D. 1909 and certain expenses of the Legislature.

Very respectfully,

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

And Committee Substitute for House Bill No. 745, contained in the above message was read the first time by its title and referred to the Committee on Legislative Expenses.

The following message from the House of Representatives was read:

House of Representatives.  
Tallahassee, Fla., June 1, 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. 750:

A bill to be entitled an act to validate and confirm certain tax deeds regularly executed to lands in Washington County, Florida, prior to January 1, 1902.

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. 750, contained in the above mes-

1955

sage, was read the first time by its title and referred to the Committee on Finance and Taxation.

The following message from the House of Representatives was read:

House of Representatives.  
Tallahassee, Fla., June 2, 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. 94:

A bill to be entitled an act to prohibit bets or wagers upon the result of any trial or contest of skill, speed or power of endurance of man or beast, and to prohibit any person from receiving anything of value, bet or wagered upon any such result, and to prohibit any person from becoming the custodian or depository of any money or other thing bet or wagered upon any such result, and forbidding any person from aiding, assisting or abetting any such acts, and repealing Section 3581, of the General Statutes of the State of Florida.

With the following amendment:

Strike out Section 2 and insert in lieu thereof the following: "Section 2. This act shall not become operative nor go into effect until the first day of May, A. D. 1911."

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. 94, contained in the above message, together with amendments of the House of Representatives thereto, was placed before the Senate.

Mr. Sloan moved that the Senate do not concur in the amendments of the House to Senate Bill No. 94, and to request the House of Representatives to recede from said amendment.

Which was agreed to.

The following message from the House of Representatives was read:

1956

House of Representatives,  
Tallahassee, Fla., June 2, 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. 767:

A bill to be entitled an act to protect birds, squirrel, deer and wild turkey in the counties of Escambia and Santa Rosa, in this State; and to provide for a county game police and to fix his compensation; and to prohibit trespass on the lands of another by hunters and to provide penalties for the violation of this act.

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. 767, contained in the above message, was read the first time by its title and referred to the Committee on Game and Fisheries.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., June 2, 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, through the Speaker, appointed on the part of the House Messrs. Miller, Carn and McKenzie as committee under House Concurrent Resolution No. 24.

Very respectfully,

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

#### ORDERS OF THE DAY.

Mr. Leggett asked that the order of the day, being the Governor's disapproval of "An act making appropriation

for encouraging public schools in the State of Florida," be extended and be made an order of the day for to-morrow.

Which request was granted, and the order made.

### CONSIDERATION OF BILLS ON THE SECOND READING.

Senate Bill No. 237:

A bill to be entitled an act to amend Sections 2873 and 2875 of the General Statutes of the State of Florida, relating to fencing of railroad tracks.

Was taken up and read the second time in full.

The Committee Substitute for Senate Bill No. 237:

A bill to be entitled an act to amend Sections 2873 and 2875 of the General Statutes of the State of Florida, relating to fencing of railroad tracks.

Was taken up and was read in full.

Mr. Dayton moved that the substitute of the committee be adopted.

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

Which was agreed to, and so ordered.

Mr. Harris moved to waive the rules and to take up—

House Bill No. 736:

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

House Bill No. 736:

A bill to be entitled an act authorizing the County Commissioners of the County of Lee, State of Florida, to make and adopt rules and regulations for the protection and preservation of wild game, birds of song and of plumage, otters and alligators.

Was taken up.

Mr. Harris moved that the rules be waived and that House Bill No. 736 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 736 was read a second time by its title.

There being no amendment offered, House Bill No. 736 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 320:

A bill to be entitled an act prescribing the method of holding primary elections; prescribing the qualifications

of electors at such elections; providing for separate ballot-boxes for State and county ballots; prescribing the form of ballot to be used at such elections; providing that the votes cast at primary elections held for the purpose of nominating State and National officers shall be canvassed by the State Executive Committee of the political party by which such primary election may be held; providing that the votes cast at primary elections held for the purpose of nominating county officers shall be canvassed by the County Executive Committee of the political party by which such party election may be held; prescribing certain duties of the officers chosen at the polling places to return the ballot-boxes to the State and County Executive Committees and imposing certain penalties for violations thereof; repealing Sections 258, 262, 263 and 264 of the General Statutes of the State of Florida; and prescribing certain duties of the Secretary of State in connection with such primary elections.

Mr. McMullen moved to withdraw the bill and asked to spread the following reasons therefor on the Journal:

Being anxious to dispatch the business that is before the Senate and realizing that it is impossible for any Senate bill that has not already passed this body to pass the House of Representatives, I ask the privilege of withdrawing Senate Bill No. 320, and shall ask to withdraw all other Senate bills introduced by me and now on the calendar to avoid consuming time unnecessarily in having bills read.

Mr. Beard moved to waive the rules and to take up bills on the third reading.

Upon which the yeas and nays were demanded:

The roll was called and the vote was:

Yeas—Senators Adkins, Baker (20th Dist.), Beard, Broome, Crill, Cone, Cottrell, Davis, Flournoy, Girardeau, Massey, McLeod, McMullen, Miller, Sloan, West, Withers, Zim—18.

Nays—Buckman, Cook, Dayton, Harris, Henderson, Humphries, Johnson, Leggett, McCreary, Sams—10.

So the motion was lost.

Mr. Beard moved that House Bill No. 472 be taken from the table.

Which was agreed to.

House Bill No. 742:

A bill to be entitled "an act supplementary to an act

to provide for the creation of the city of Pensacola, now known as the provisional municipality of Pensacola, and for the government of said city of Pensacola, and to provide for the support and maintenance of said government and improvements of said city, and to extend the powers of the government of the city of Pensacola, and to legalize and validate certain ordinances and resolutions of said city."

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

Mr. Beard offered the following amendment to House Bill No. 742:

Strike out Section 2 of said bill.

Mr. Beard moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

And the amendment to House Bill No. 742 was referred to the Committee on Engrossed Bills.

And House Bill No. 742, as amended, was placed on the Calendar of Bills on Third Reading.

Mr. Sams moved to take up from the table House Bill No. 392.

Which was agreed to, and—

House Bill No. 392:

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

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

There being no amendment offered, House Bill No. 392 was, under the rule, placed on the Calendar of Bills on Third Reading.

Mr. Williams moved to take Senate Bill No. 278 from the table.

Which was agreed to, and—

Senate Bill No. 278:

A bill to be entitled an act to amend Section 1, Chapter 5433, of the General Statutes of the State of Florida, relating to the protection and preservation of fish in the State of Florida, and to prohibit the shipping of certain fish during certain months.

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

There being no amendment offered Senate Bill No. 278 was, under the rule, placed on the Calendar of Bills on Third Reading.

Mr. Buckman moved to take House Bill No. 751 from the table subject to call.

Which was agreed to, and—

House Bill No. 751:

A bill to be entitled an act affecting the government and extending and amplifying the jurisdiction, powers and duties of the city of South Jacksonville, a municipality, in Duval County, Florida.

Was taken up.

Mr. Buckman moved that the rules be waived, and that House Bill No. 751 be read a second time by its title only.

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

House Bill No. 751 was read a second time by its title.

And House Bill No. 751, under the rules, was placed on the Calendar of Bills on Third Reading.

Mr. Flournoy moved that House Bill No. 749 be taken up from the table subject to call.

Which was agreed to, and—

House Bill No. 749:

A bill to be entitled an act to amend Section 10 of Chapter 4631 (117), Laws of Florida, the same being an act to amend Sections 2, 3, 5, 6, 7, 8 and 10 of an act to incorporate the Florida Chautauqua Association, approved February 12, 1885.

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

There being no amendment offered, House Bill No. 749 was, under the rule, placed on the Calendar of Bills on Third Reading.

Mr. Flournoy, of Third District, offered the following amendment to House Bill No. 749:

Strike out of lines 6, 7, 8 and 9 of Section 1 the words "and all existing liabilities, mortgages, transactions and indebtedness of any kind heretofore contracted within the limit of the amount herein specified, are hereby legalized."

Mr. Flournoy moved the adoption of the amendment.

Which was agreed to, and adopted.

And the amendment to House Bill No. 749 was, under the rule, referred to the Committee on Engrossed Bills

And House Bill No. 749, under the rule, was placed on the Calendar of Bills on Third Reading.

Mr. Zim moved to take up Senate Bill No. 518 from the table subject to call.

Which was agreed to, and—

Senate Bill No. 518:

A bill to be entitled an act authorizing and empowering the City of St. Augustine to purchase a certain building and grounds in said city to be used for municipal purposes, and authorizing the City Council of said city to issue interest-bearing time warrants in payment for said building and grounds.

Was taken up.

Mr. Zim moved that the rules be waived and that Senate Bill No. 518 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 518 was read a second time by its title.

And Senate Bill No. 518, under the rules, was placed on the Calendar of Bills on Third Reading.

Mr. Beard moved to take up bills on the third reading for consideration.

Upon which the yeas and nays were called.

The roll was called and the vote was:

Yeas—Senators Baker (20th Dist.), Beard, Broome, Crill, Cone, Cottrell, Davis, Flournoy, Girardeau, Leggett, Massey, McLeod, McMullen, West, Withers, Zim—16.

Nays—Mr. President, Senators Adkins, Buckman, Harris, Henderson, Humphries, Johnson, McCreary, Sams, Williams—10.

So the motion was not agreed to.

Mr. Williams moved to call up from the table subject to call Senate Bill No. 387.

Which was agreed to.

Senate Bill No. 387:

A bill to be entitled an act creating liens upon any railroad, train, car, boat, vehicle and other personal or real property used in the business of common carrier, and upon the gross earnings of such common carrier for labor and materials, and for lost, damaged and delayed freight, baggage and express, for reciprocal damages, for killing or injuring of domestic animals, for injuries to persons and other property by the operation of said railroad, trains, cars, boat or other vehicle and for enforcement of said liens by claimants, the allowing of attorney's fees in certain cases and for payment of the same by receivers, trustees and other persons.

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

Mr. Cone, Chairman of the Committee on Judiciary B,

as required by the rule, moved to indefinitely postpone the bill.

Mr. Williams moved to amend the motion that the bill be laid on the table.

Which was agreed to.

And Senate Bill No. 387 was laid on the table.

Mr. Crill moved to take up House Bill No. 741 from the table subject to call.

Which was agreed to.

House Bill No. 741:

A bill to be entitled an act to confer further or additional powers or authority on the City Council of the City of Palatka, a municipal corporation of the State of Florida.

Was taken up.

Mr. Crill moved that the rules be waived and that House Bill No. 741 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 741 was read a second time by its title.

There being no amendment offered, House Bill No. 741 was, under the rule, placed on the Calendar of Bills on Third Reading.

Mr. Crill moved to take from the table subject to call, House Bill No. 757.

Which was agreed to.

House Bill No. 757:

A bill to be entitled an act relating to the drainage and reclamation of swamp and overflowed lands, and lands not sufficiently drained, within the district herein provided in Putnam County, Florida; to create a Board of Drainage Commissioners, prescribing its powers and duties, establishing a drainage system, the building, improving, cleaning out and maintaining canals and levees for the purpose of drainage; the collection of necessary funds by assessment and maintenance thereof, and for the exercise of the right of eminent domain, and providing for the assessment of lands within said drainage district and collection of taxes thereon for the purposes aforesaid.

Was taken up.

Mr. Crill moved that the rules be waived and that House Bill No. 757 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 757 was read a second time by its title.

There being no amendment offered, House Bill No. 757 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 341:

A bill to be entitled an act to prohibit the sale, barter or exchange for trade of spiritous, vinous, malt or other intoxicating liquors, drinks or beverages by whatever name called, between the hours of 6 o'clock in the evening and 6 o'clock in the morning.

Was taken up, and was withdrawn, by consent.

Senate Bill No. 385:

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

Was taken up, and was, by consent, withdrawn.

Senate Bill No. 381:

A bill to be entitled an act to authorize the Board of Commissioners of State institutions to sell the timber or to lease the right of cutting and removing timber found in waters belonging to the State of Florida.

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

There being no amendment offered, Senate Bill No. 381 was, under the rule, placed on the Calendar of Bills on Third Reading.

House Bill No. 662:

A bill to be entitled an act to amend Sections 37, 46, 47 and 65 of Chapter 5812, of the Acts of 1907, being an act entitled "An act to establish the municipality of Key West, provide for its government and prescribe its jurisdiction and powers."

Was taken up.

Mr. Harris moved that the rules be waived, and that House Bill No. 662 be read a second time by its title only.

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

House Bill No. 662 was read a second time by its title.

There being no amendment offered, House Bill No. 662 was, under the rule, placed on the Calendar of Bills on Third Reading.

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 was read the second time in full.

Mr. Humphries offered the following amendment to Senate Bill No. 168:

Insert in the title after the words "Laws of Florida" the words "entitled an act imposing licenses and other taxes, providing for the payment thereof and prescribing penalties for doing business without a license or other failure to comply with the provisions thereof."

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

Mr. Buckman offered the following amendment to Senate Bill No. 168:

Strike out the figures "\$500" wherever the same appear and insert in lieu thereof the following, "\$150."

Mr. Buckman moved the adoption of the amendment.

Mr. Cone moved to lay the amendment on the table.

Which was agreed to, and the amendment, together with Senate Bill No. 168, was laid on the table.

Bill No. 168, was laid on the table.

Mr. Flournoy moved that 200 copies of House Bill No. 710 be printed.

Which was agreed to, and so ordered.

Mr. McMullen moved that the Senate take a recess to 3 o'clock this afternoon.

Which was agreed to.

Whereupon the Senate took a recess to 3 o'clock p. m.

#### AFTERNOON SESSION—3 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, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams, Withers, Zim—31.

A quorum was present.

Mr. Withers moved to take up from the table subject to call House Bill No. 561.

Which was agreed to, and—

House Bill No. 561:

A bill to be entitled an act granting to the Lake Eustis Pavilion Company, a corporation, their right to construct

and maintain in the waters of Lake Eustis, below low water mark, a wharf, dock, pier and pavilion.

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

Mr. Withers offered the following amendment to House Bill No. 561:

Strike out after the words "on or near the east shore of said lake" and insert in lieu thereof the following, "on the ground specified in the permit from the United States government now in possession of said company and on that grant for an approach by the town council of Eustis as riparian owner."

Mr. Withers moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

The amendment to House Bill No. 561 was referred to the Committee on Engrossed Bills.

And House Bill No. 561, as amended, was placed on the Calendar of Bills on Third Reading.

Mr. Hosford moved to take from the table House Bill No. 758.

Which was agreed to, and—

House Bill No. 758:

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

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

There being no amendment offered, House Bill No. 758 was, under the rule, placed on the Calendar of Bills on Third Reading.

Mr. Cone in the Chair.

Senate Bill No. 440:

A bill to be entitled an act to amend Section 46, of Chapter 5596, of the Laws of Florida, relating to the assessment of the property of railroads, telegraph lines and sleeping or parlor car companies, and the officers of the State and their duties who shall make such assessment.

Mr. Beard was given permission to withdraw Senate Bill No. 440:

Senate Bill No. 404:

A bill to be entitled an act to amend Sections 17 and 18 of the General Statutes of the State of Florida, rela-

tive to the boundary lines of Gadsden and Liberty counties.

Was taken up.

Mr. Hosford moved to waive the rules, and that House Bill No. 758 be substituted for Senate Bill No. 404.

Which was not agreed to.

House Bill No. 666:

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 duties and to confer certain powers on the State Board of Health for such purposes.

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

There being no amendment offered, House Bill No. 666 was, under the rule, placed on the Calendar of Bills on Third Reading.

House Bill No. 705:

A bill to be entitled an act to require certain sworn statements of campaign expenses from candidates in primary elections; making certain requirements in the form of ballots used in primary elections; requiring certain duties of inspectors in properly identifying persons to whom ballots are given in primary elections; providing for the absenting of employees from their work on primary election days; prohibiting candidates from making donations of things of value; prohibiting persons from distributing certain writing against any candidate in the primary on primary day.

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

Mr. Harris offered the following amendment to House Bill No. 705:

Strike out the words "less" in line 4, Section 15, and insert in lieu thereof the following, "more."

Mr. Harris moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Mr. Dayton moved to indefinitely postpone the bill.

Which was withdrawn.

Mr. McMullen offered the following amendment to the bill:

At the end of Section 16, insert the following: "Provided, that where the payment of poll or capitation tax is necessary to qualify voters for participation in the primaries herein provided for, that such poll or capitation tax shall be paid not later than the second Saturday in

the month preceding the month in which such primary is held."

Mr. McMullen moved to adopt the amendment.

Which was agreed to, and the amendment was adopted.

Senate Bill No. 355:

A bill to be entitled an act to amend Section 2868 of the General Statutes of the State of Florida, relating to railroad fences.

Was taken up and read the second time in full.

Mr. Williams moved to lay the bill on the table.

Which was withdrawn.

There being no amendment offered Senate Bill No. 355 was, under the rule, placed on the Calendar of Bills on Third Reading.

Committee Substitute for—

House Bill No. 7:

A bill to be entitled an act to amend Sections 1 and 2, of Chapter 5690 of the Laws of Florida, relating to the sale of liquor in counties or precincts voting against such sale; and to amend Section 2448 of the General Statutes of the State of Florida relating to selling liquors without a license.

Was taken up and read the second time in full.

Mr. Humphries offered the following amendment to Committee substitute for House Bill No. 7:

Strike out the word "spiritual" in line 8, Section one, and insert in lieu thereof the following, "spirituous."

Mr. Humphries moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

The Committee Substitute for House Bill No. 7, as amended, under the rule, was placed on the Calendar of Bills on Third Reading.

Senate Bill No. 341:

A bill to be entitled an act to prohibit the sale, barter or exchange for trade of spirituous, vinous, malt or other intoxicating liquors, drinks or beverages by whatsoever name called, between the hours of six o'clock in the evening and six o'clock in the morning.

Was taken up, and was, by consent, withdrawn.

House Bill No. 762:

A bill to be entitled an act to regulate the hunting of

wild deer, turkey, quail, squirrel and other wild game in the county of Marion; prescribing the time when the same may be hunted therein or killed therein; and providing for license or permit to non-residents thereof; and prescribing the penalties for the violations thereof.

Was taken up.

Mr. Baker, 20th District, moved that the rule be waived and that House Bill No. 762 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 762 was read a second time by its title.

There being no amendment offered, House Bill No. 762 was, under the rule, placed on the Calendar of Bills on Third Reading.

Mr. Hudson moved that Senate Bill No. 517 be taken from the table for consideration.

Senate Bill No. 517:

A bill to be entitled an act to prohibit the shooting, killing or capturing of alligators, crocodiles, song birds, ducks, pelicans and other wild birds on or along Indian Creek, in Dade county, Florida.

Mr. Hudson moved that the rules be waived, and that the bill be read a second time by its title.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 517 was read a second time by its title.

There being no amendment offered, Senate Bill No. 517 was, under the rule, placed on the Calendar of Bills on Third Reading.

House Bill No. 670:

A bill to be entitled an act to permit the registered voters of Umatilla, Precinct No. Seven (7), of Lake county, Florida, to decide whether hogs shall be allowed to run at large in said precinct.

Mr. Withers moved that the rules be waived and that the bill be read a second time by its title.

Which was agreed to by a two-thirds vote.

And House Bill No. 670 was read a second time by its title.

There being no amendment offered, House Bill No. 670 was, under the rule, placed on the Calendar of Bills on Third Reading.

House Bill No. 717:

A bill to be entitled an act to incorporate the Merchants' and Marine Detective Association.

Was taken up.

Mr. McCreary moved to indefinitely postpone the bill.

Which was agreed to, and the bill was indefinitely postponed.

House Bill No. 634:

A bill to be entitled an act to establish the municipality of Jacksonville, provide for its government and prescribe its jurisdiction and powers.

Was taken up.

Mr. Buckman moved that the rules be waived and that the bill be read a second time by its title.

Which was agreed to by a two-thirds vote.

And House Bill No. 634 was read a second time by its title.

The following Committee amendment was read:

Strike out all of Section 3 and insert the following:

"Section 3. This act shall not interfere with the holding of the city election to be held in the city of Jacksonville on the third Tuesday in June, A. D. 1909, nor with the existence of the government of said city as constituted under its present charter, until the first day of January, A. D. 1910, but the Mayor and City Council of the City of Jacksonville, immediately after the election on the third Tuesday in June, 1909, shall provide for the printing of this act in easy reading form, in sufficient number of pamphlets, and shall have such pamphlets thoroughly distributed among the citizens of the city, so that they may have ample opportunity to study and fully understand the provisions of this act and be enabled to decide for themselves as to the relative advantages and disadvantages of the adoption or rejection of this act as the charter of the City of Jacksonville.

The Mayor and City Council shall, by ordinance, provide for and shall hold a special city election in each of the wards of the city on the third Tuesday in November, A. D. 1909, at which election shall be submitted to the qualified voters of the city of Jacksonville the question of whether or not this act shall be adopted by the voters of the city of Jacksonville as the charter of said city.

Such question shall be so submitted that each elector of the city can vote for or against the adoption of this act as the charter of the city of Jacksonville, and if a majority of the votes cast at such election so held on the third Tuesday in November, A. D. 1909, shall be cast for the adoption of this act as the charter of the city of Jacksonville, then and in that event this act shall become and be the charter of the city of Jacksonville, taking the place of the now existing charter and charter acts of the city of Jacksonville as of the first day of January, A. D. 1910, on which date the officers herein provided for shall take charge of the government of the city of Jacksonville, and the terms of office of all city officers of the city at that time holding office shall be hereby terminated, and they shall turn over all city property then in their possession, and all evidences of office, to their successors under this act.

If at said election on the third Tuesday in November, 1909, a majority of the votes cast by the electors shall not be cast for the adoption of this act as the charter of the city of Jacksonville, then and in that even this act shall not become or be the charter of the city of Jacksonville, and shall not take the place of the now existing charter and charter acts of the city of Jacksonville, and shall not in any way affect or change the charter or government of the city of Jacksonville.

Mr. Harris, Chairman of the Committee on Municipalities, moved the adoption of the amendment.

Upon which the yeas and nays were called.

The roll was called, and the vote was:

Yeas—Mr. President, Senators Baker (20th District), Cone, Cottrell, Davis, Girardeau, Leggett, Massey, McLeod, McMullen, Miller, Sloan, West, Williams, Withers, Zim.—16.

Nays—Senators Adkins, Beard, Broome, Buckman, Crill, Cook, Dayton, Flournoy, Harris, Henderson, Horsford, Humphries, Johnson, McCreary, Sams.—15.

So the amendment was agreed to and the amendment was adopted.

Mr. Williams explained his vote as follows:

In explaining my vote I wish to say, that the only regret I have for votes cast during this session is for those cast for local measures that have not contained a referendum

clause and it is my intention after this session has closed never to do so again where a ratification is practical.

There is also another reason for casting my vote in the affirmative and that is, in this enlightened age—the age of daily newspapers, magazines and of schools and colleges, when 93 per cent are qualified to exercise the right of franchise that all matters then can reasonably be submitted to them for their approval or rejection.

Another reason is that we are making history to-day. The sooner we follow the leadership of one man in these matters there is danger. It is true that so long as he is competent and honest there is but little danger, but if either incompetent or dishonest great injury results.

Further, in a metropolitan city like Jacksonville, with her 60,000 inhabitants it is possible that any one man, no matter how intelligent and sincere, can be mistaken.

Jacksonville being our metropolis and our pride, we all have an interest in her welfare and take pride in her prosperity. I contend that while I am elected from the 21st Senatorial District, I am State Senator and the interest of the entire State including the City of Jacksonville concerns me.

I think the referendum absolutely necessary as I've heard Duval's Representative in debate on the floor of the House of Representatives and Duval's Senator on the floor of the Senate in open debate, say the people would reject the charter. I therefor vote "aye."

The following Committee amendment was read:

Amend by striking out all of Section 4 and inserting in lieu thereof the following:

Sec. 4. If this act shall be adopted by a majority of the votes cast by the electors of the city of Jacksonville at the election to be held on the third Tuesday in November, 1909, then from and after January 1, 1910, the municipal officers of the city of Jacksonville shall be five Commissioners, who shall constitute and be known as the Board of Commissioners of the city of Jacksonville, and a City Council, composed of two members from each ward of the city elected by the electors of their wards.

The terms of office of the Commissioners for their first terms, except three of the Commissioners, shall run for four years from and after January 1, 1910, and succeeding terms thereafter, and the terms of office of City Councilmen shall run for two years from and after January 1, 1910, and succeeding terms thereafter. The City Council-

men elected in June, 1909, shall hold office until January 1, 1912, and the Mayor elected in June, 1909, shall become and be one of the Commissioners for the term of two years from and after January 1, 1910. At its first regular meeting in December, 1909, the City Council shall elect two Commissioners for the term of two years and two Commissioners for the term of four years from and after January 1, 1910.

On the third Tuesday in December, 1911, and biennially thereafter, there shall be a general city election, at which election shall be elected successors to all elective city officers whose terms of office are about to expire. The City Council shall fill by election any office becoming vacant otherwise than by expiration of terms, until the next general election, when the vacancies shall be filled.

Mr. Harris, Chairman of the Committee on Municipalities, moved to adopt the amendment.

Upon which the yeas and nays were demanded.

The roll was called and the vote was:

Yeas—Mr. President, Senators Baker (20th District), Cone, Cottrell, Davis, Girardeau, Leggett, Massey, McLeod, McMullen, Miller, Sloan, West, Williams, Withers, Zim—16.

Nays—Senators Adkins, Beard, Broome, Buckman, Crill, Cook, Dayton, Flournoy, Harris, Henderson, Hosford, Humphries, Johnson, McCreary, Sams—15.

So the amendment was agreed to and the amendment was adopted.

The following committee amendment was read:

Amend by striking out of all of Section 5 and insert in lieu thereof the following:

“Sec. 5. That the election now called and provided to be had and held in said city for and to to be held on the third Tuesday in June, 1909, for the election of a city council and the members thereof, shall be had, conducted and held as provided in and by the terms and provisions of the charter of the City of Jacksonville and ordinances passed in pursuance thereof abolished by this act, and the city council and the members thereof declared elected at said election shall and are hereby declared to be elected for the term of two years and until their successors are elected and qualified as provided in this act, and are hereby selected, nominated and declared to be the city council of said city, and the first city council under the terms and provisions of this act, subject to and clothed with

the powers, privileges and restrictions as provided herein as though elected under the terms and provisions of this act in all respects.

Mr. Harris, Chairman of the Committee on Municipalities, moved to adopt the amendment.

Upon which the yeas and nays were demanded.

The roll was called and the vote was:

Yeas—Mr. President, Senators Baker (20th Dist.), Cone, Cottrell, Davis, Girardeau, Leggett, Massey, McLeod, McMullen, Miller, Sloan, West, Williams, Withers, Zim—16.

Nays—Senators Adkins, Beard, Broome, Buckman, Crill, Cook, Dayton, Flournoy, Harris, Henderson, Hosford, Humphries, Johnson, McCreary, Sams—15.

So the motion was agreed to and the amendment was adopted.

The Senate amendments to the Committee on Engrossed Bills, and House Bill No. 634, as amended, was placed on the Calendar of Bills on the Third Reading.

#### REPORTS OF COMMITTEES

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

Senate Chamber,

Tallahassee, Fla., June 2, 1909.

*Hon. F. M. Hudson,*

*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 24:

Resolved, By the House of Representatives, the Senate concurring, That a committee of three from the House and two from the Senate be appointed to collect data from all the Southern States upon the subject and for the purpose of establishing a printing plant to print text-books and to do State printing, and to secure co-operation of the other States, or to secure the publishing of text-books for as many or all of the Southern States as are willing to participate in such enterprise.

Also—

House Joint Resolution No. 487:

A Joint Resolution proposing amendments to Article

V of the Constitution of the State of Florida, relative to the Judiciary department.

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., June 2, 1909.

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

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 24:

Resolved, By the House of Representatives, the Senate concurring, That a committee of three from the House and two from the Senate be appointed to collect data from all the Southern States upon the subject and for the purpose of establishing a printing plant to print text-books and to do State printing, and to secure co-operation of the other States, or to secure the publishing of text-books for as many or all of the Southern States as are willing to participate in such enterprise.

Also—

House Joint Resolution No. 487:

A Joint Resolution proposing amendments to Article V of the Constitution of the State of Florida, relative to the Judiciary department.

Beget 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. 24:

Resolved, By the House of Representatives, the Senate concurring, That a committee of three from the House and two from the Senate be appointed to collect data from all the Southern States upon the subject and for the purpose of establishing a printing plant to print text-books and to do State printing, and to secure co-operation of the other States, or to secure the publishing of text-books for as many or all of the Southern States as are willing to participate in such enterprise.

Also—

House Joint Resolution No. 487:

A Joint Resolution proposing amendments to Article V of the Constitution of the State of Florida, relative to the Judiciary department.

The Acts thereupon were 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., June 2, 1909.

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

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 24:

Resolved, By the House of Representatives, the Senate concurring, That a committee of three from the House and two from the Senate be appointed to collect data from all the Southern States upon the subject and for the purpose of establishing a printing plant to print text-books and to do State printing, and to secure co-operation of the other States, or to secure the publishing of text-books for as many or all of the Southern States as are willing to participate in such enterprise.

Also—

House Joint Resolution No. 487:

A Joint Resolution proposing amendments to Article

1976

V of the Constitution of the State of Florida, relative to the Judiciary department.

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

Senate Chamber,  
Tallahassee, Fla., June 2, 1909.

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

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Bill No. 583:

An act empowering the city of Kissimmee to impose certain license taxes.

Also—

House Bill No. 597:

An act to legalize the election held on the 3rd day of November, A. D. 1908, in Putnam county, State of Florida, to determine whether or not bonds should be issued, sold, etc., as provided by a resolution voted upon and passed by the Board of County Commissioners of Putnam county, Florida, entitled "Resolution 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 9th day of September, A. D. 1908, and to declare and render valid said resolution, and to authorize the issuance of the bonds as provided by said resolution.

Also—

House Bill No. 668:

An act to amend Sections three and seven of Chapter 5364 of the Laws of Florida, entitled "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 juris-

diction and powers, and to abolish the present corporation of said town."

Also—

House Bill No. 699:

An act to abolish the present municipal government of the town of Mayport, in Duval county, Florida; to legalize the ordinances of said town and official acts thereunder; to create and establish the municipality of the city of Mayport, in Duval county, Florida, and to provide its jurisdiction and powers and officers thereof.

Also—

House Bill No. 702:

An act to amend Sections three, four and five, Chapter 5781, Acts of 1907, to prohibit fishing in the waters of Sumter county, except with rod, hook and line, spinner or troll, gun or gig.

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., June 2, 1909.

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

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Bill No. 583:

An act empowering the city of Kissimmee to impose certain license taxes.

Also—

House Bill No. 597:

An act to legalize the election held on the 3rd day of November, A. D. 1908, in Putnam county, State of Florida, to determine whether or not bonds should be issued, sold, etc., as provided by a resolution voted upon and

passed by the Board of County Commissioners of Putnam county, Florida, entitled "Resolution 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 9th day of September, A. D. 1908, and to declare and render valid said resolution, and to authorize the issuance of the bonds as provided by said resolution.

Also—

House Bill No. 668:

An act to amend Sections three and seven of Chapter 5364 of the Laws of Florida, entitled "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. 699:

An act to abolish the present municipal government of the town of Mayport, in Duval county, Florida; to legalize the ordinances of said town and official acts thereunder; to create and establish the municipality of the city of Mayport, in Duval county, Florida, and to provide its jurisdiction and powers and officers thereof.

Also—

House Bill No. 702:

An act to amend Sections three, four and five, Chapter 5781, Acts of 1907, to prohibit fishing in the waters of Sumter county, except with rod, hook and line, spinner or troll, gun or gig.

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 Bill No. 583:**

An act empowering the city of Kissimmee to impose certain license taxes.

Also—

**House Bill No. 597:**

An act to legalize the election held on the 3rd day of November, A. D. 1908, in Putnam county, State of Florida, to determine whether or not bonds should be issued, sold, etc., as provided by a resolution voted upon and passed by the Board of County Commissioners of Putnam county, Florida, entitled "Resolution 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 9th day of September, A. D. 1908, and to declare and render valid said resolution, and to authorize the issuance of the bonds as provided by said resolution.

Also—

**House Bill No. 668:**

An act to amend Sections three and seven of Chapter 5364 of the Laws of Florida, entitled "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. 699:**

An act to abolish the present municipal government of the town of Mayport, in Duval county, Florida; to legalize the ordinances of said town and official acts thereunder; to create and establish the municipality of the city of Mayport, in Duval county, Florida, and to provide its jurisdiction and powers and officers thereof.

Also—

**House Bill No. 702:**

An act to amend sections three, four and five Chapter 5781, Acts of 1907, to prohibit fishing in the waters of Sumter county, except with rod, hook and line, spinner or troll, gun or gig.

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 Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., June 2, 1909.

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

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Bill No. 538:

An act empowering the city of Kissimmee to impose certain license taxes.

Also—

House Bill No. 597:

An act to legalize the election held on the 3rd day of November, A. D. 1908, in Putnam county, State of Florida, to determine whether or not bonds should be issued, sold, etc., as provided by a resolution voted upon and passed by the Board of County Commissioners of Putnam county, Florida, entitled "Resolution 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 9th day of September, A. D. 1908, and to declare and render valid said resolution, and to authorize the issuance of the bonds as provided by said resolution.

Also—

House Bill No. 668:

An act to amend Sections three and seven of Chapter 5364 of the Laws of Florida, entitled "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. 699:

An act to abolish the present municipal government of the town of Mayport, in Duval county, Florida; to legalize the ordinances of said town and official acts thereunder; to create and establish the municipality of the city of Mayport, in Duval county, Florida, and to provide its jurisdiction and powers and officers thereof.

Also—

House Bill No. 702:

An act to amend sections three, four and five Chapter 5781, Acts of 1907, to prohibit fishing in the waters of Sumter county, except with rod, hook and line, spinner or troll, gun or gig.

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

Very respectfully,  
 C. L. LEGGETT,  
 Chairman of Joint Committee.

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

Senate Chamber,  
 Tallahassee, Fla., June 2, 1909.

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

*Sir:*

Your Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 63:

An act to authorize the State Board of Health to acquire and maintain a sanatorium for the treatment of tuberculosis; to make and enforce rules regarding the administration of such sanatorium, and to provide methods for conducting the same.

Also—

Senate Bill No. 461:

An act to correctly define and establish the territorial limits of the town of Dania, in Dade county, State of Florida, and to legalize the acts of said municipality heretofore done within such territorial limits.

Also—

House Bill No. 472:

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 buildings, 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.

Also—

Senate Bill No. 478:

An act authorizing trustees of special tax school districts in Walton county, State of Florida, to issue bonds or other evidences of indebtedness to secure any outstanding indebtedness of said district and to secure any indebtedness incurred in purchase of any real estate or personal property for educational purposes, and the erection of buildings and maintaining the same for such purpose, and to provide an election to authorize such issuing of bonds.

Also—

Senate Bill No. 504:

An act to authorize and empower the Board of Public Instruction of Dade county, Florida, to issue Interest bearing coupon warrants, to take up and cancel all outstanding county school warrants issued prior to January 1, 1910, and to borrow money for the purpose of erecting public school buildings in the said county.

Also—

Senate Bill No. 507:

An act to establish a Criminal Court of Record in Walton county, State of Florida.

Have examined the same and find them correctly enrolled.

Very respectfully,

C. L. LEGGETT,  
Chairman of Committee.

And the acts contained therein were referred to the Joint Committee on Enrolled Bills.

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

Senate Chamber,  
Tallahassee, Fla., June 2, 1909.

*Hon. F. M. Hudson,*

*President of the Senate.*

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An act to authorize the State Board of Health to acquire and maintain a sanatorium for the treatment of

tuberculosis; to make and enforce rules regarding the administration of such sanatorium, and to provide methods for conducting the same.

Also—

Senate Bill No. 461:

An act to correctly define and establish the territorial limits of the town of Dania, in Dade county, State of Florida, and to legalize the acts of said municipality heretofore done within such territorial limits.

Also—

House Bill No. 472:

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 buildings, 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.

Also—

Senate Bill No. 478:

An act authorizing trustees of special tax school districts in Walton county, State of Florida, to issue bonds or other evidences of indebtedness to secure any outstanding indebtedness of said district and to secure any indebtedness incurred in purchase of any real estate or personal property for educational purposes, and the erection of buildings and maintaining the same for such purpose, and to provide an election to authorize such issuing of bonds.

Also—

Senate Bill No. 504:

An act to authorize and empower the Board of Public Instruction of Dade county, Florida, to issue interest bearing coupon warrants, to take up and cancel all outstanding county school warrants issued prior to January 1, 1910, and to borrow money for the purpose of erecting public school buildings in the said county.

Also—

**Senate Bill No. 507:**

An act to establish a Criminal Court of Record in Walton county, State of 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., June 2, 1909

*Hon. F. M. Hudson,*

*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 63:

An act to authorize the State Board of Health to acquire and maintain a sanatorium for the treatment of tuberculosis; to make and enforce rules regarding the administration of such sanatorium, and to provide methods for conducting the same.

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An act to correctly define and establish the territorial limits of the town of Dania, in Dade county, State of Florida, and to legalize the acts of said municipality heretofore done within such territorial limits.

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House Bill No. 472:

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 buildings, 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.

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Senate Bill No. 478:

An act authorizing trustees of special tax school districts in Walton county, State of Florida, to issue bonds or other evidences of indebtedness to secure any outstanding indebtedness of said district and to secure any indebtedness incurred in purchase of any real estate or personal property for educational purposes, and the erection of buildings and maintaining the same for such purpose, and to provide an election to authorize such issuing of bonds.

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Also—

Senate Bill No. 507:

An act to establish a Criminal Court of Record in Walton county, State of 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—  
Senate Bill No. 63:

An act to authorize the State Board of Health to acquire and maintain a sanatorium for the treatment of tuberculosis; to make and enforce rules regarding the

administration of such sanatorium, and to provide methods for conducting the same.

Also—

Senate Bill No. 461.

An act to correctly define and establish the territorial limits of the town of Dania, in Dade county, State of Florida, and to legalize the acts of said municipality heretofore done within such territorial limits.

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House Bill No. 472:

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 buildings, 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.

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An act authorizing trustees of special tax school districts in Walton county, State of Florida, to issue bonds or other evidences of indebtedness to secure any outstanding indebtedness of said district and to secure any indebtedness incurred in purchase of any real estate or personal property for educational purposes, and the erection of buildings and maintaining the same for such purpose, and to provide an election to authorize such issuing of bonds.

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An act to authorize and empower the Board of Public Instruction of Dade county, Florida, to issue Interest bearing coupon warrants, to take up and cancel all outstanding county school warrants issued prior to January 1, 1910, and to borrow money for the purpose of erecting public school buildings in the said county.

Also—

**Senate Bill No. 507:**

An act to establish a Criminal Court of Record in Walton county, State of 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 Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., June 2, 1909.

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

*Sir:*

Your Joint Committee on Enrolled Bills to whom was referred—

**Senate Bill No. 63:**

An act to authorize the State Board of Health to acquire and maintain a sanatorium for the treatment of tuberculosis; to make and enforce rules regarding the administration of such sanatorium, and to provide methods for conducting the same.

Also—

**Senate Bill No. 461:**

An act to correctly define and establish the territorial limits of the town of Dania, in Dade County, State of Florida, and to legalize the acts of said municipality heretofore done within such territorial limits.

Also—

**House Bill No. 472:**

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 buildings, 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.

Also—

## Senate Bill No. 478:

An act authorizing trustees of special tax school districts in Walton county, State of Florida, to issue bonds or other evidences of indebtedness to secure any outstanding indebtedness of said district and to secure any indebtedness incurred in purchase of any real estate or personal property for educational purposes, and the erection of buildings and maintaining the same for such purpose, and to provide an election to authorize such issuing of bonds.

Also—

## Senate Bill No. 504:

An act to authorize and empower the Board of Public Instruction of Dade county, Florida, to issue Interest bearing coupon warrants, to take up and cancel all outstanding county school warrants issued prior to January 1, 1910, and to borrow money for the purpose of erecting public school buildings in the said county.

Also—

## Senate Bill No. 507:

An act to establish a Criminal Court of Record in Walton county, State of Florida.

Beg to report that the same have 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., June 2, 1909.

*Hon. F. M. Hudson,*

*President of the Senate.*

*Sir:*

Your Committee on Municipalities to whom was referred—

## House Bill No. 764:

A bill to be entitled an act to abolish the present municipal government of the town of Williston, in the county of Levy, State of Florida, and to establish, organize and constitute a municipality to be known and designated as the town of Williston, etc.

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

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

And House Bill No. 764, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,  
Tallahassee, Fla., June 2, 1909.

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

*Sir:*

Your Committee on Enrolled Bills to whom was referred—

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.

Have examined the same and find them correctly enrolled.

Very respectfully,  
C. L. LEGGETT,  
Chairman of Committee.

And the Concurrent Resolution contained therein was referred to the Joint Committee on Enrolled Bills.

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

Senate Chamber,  
Tallahassee, Fla., June 2, 1909.

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

*Sir:*

Your Joint Committee on Enrolled Bills to whom was referred—

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.

Have examined the same and find it correctly enrolled.

Very respectfully,

C. L. LEGGETT,

Chairman of Joint Committee.

And the Concurrent Resolution contained in the above report was 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., June 2, 1909.

*Hon. F. M. Hudson,*

*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills to whom was referred—

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.

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—  
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.

The Concurrent Resolution was 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 Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., June 2, 1909.

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

*Sir:*

Your Joint Committee on Enrolled Bills to whom was referred—

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.

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

Senate Chamber,  
Tallahassee, Fla., June 2, 1909.

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

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Bill No. 46:

An Act to amend Section 1523 of the General Statutes of Florida, in reference to evidence given upon a former trial and use of former bills of exception.

Have examined the same and find it correctly enrolled.

Very respectfully,

C. L. LEGGETT,

Chairman of Joint Committee.

And the Act contained in the above report was 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., June 2, 1909.

*Hon. F. M. Hudson,*

*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Bill No. 46:

An Act to amend Section 1523 of the General Statutes of Florida, in reference to evidence given upon a former trial and use of former bills of exception.

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 Bill No. 46:

An Act to amend Section 1523 of the General Statutes of Florida, in reference to evidence given upon a former trial and use of former bills of exception.

The Act was 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 Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., June 2, 1909.

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

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Bill No. 46:

An Act to amend Section 1523 of the General Statutes of Florida, in reference to evidence given upon a former trial and use of former bills of exception.

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. Johnson moved that the remarks of Mr. Flournoy, on the veto message of Senate Bill No. 10, be spread on the Journal.

Which was agreed to, and so ordered.

The following are the remarks of Mr. Flournoy on the subject:

BY SENATOR FLOURNOY.

Mr. President:

The subject before us is the message from the Governor, in which he took the opportunity to veto Senate Bill No. 10, which is a companion bill to the law of 1899, and has for its purpose the destruction of a system of imposition on the part of insurance companies over the busy, honest, unsuspecting public who are seeking indemnity against loss by fire, and not against loss by or from defective title. The reason for the bill is not only based firmly in reason and justice, but also, is a public necessity, that designing agents and companies may not continue to practice such fraudulent action, which is so in effect if not in purpose and intent.

Mr. President, I take this view of the insurance measure. We will take the Senate Journal of the 21st, page 18. Listen, Sir, while I briefly analyze this veto bill. It is

said on the part of the insurance company that this, should it become a law, will open the door to fraud. It is said on the part of individuals that that cannot be founded upon the analysis of the law or on facts, and I will endeavor to sustain the latter's contention.

(Reading Governor's message) "No fire insurance company doing business in this State, in the absence of fraud, misrepresentation and deceit, or either, upon the part of the party insuring, shall be allowed to set up as a defense to avoid the payment of a policy, that title to the property insured was not in the party insured, but shall be held to pay such policy to and as the interest of parties might be at the time of the issuing of the policy. Provided this shall not apply where the title and ownership to the property has changed subsequent to the issuing of the policy, unless notice of such change of title and ownership shall be given to the company insuring, or its agent, before loss. Provided further, that this act does not prevent companies from cancelling their policies at any time before loss, upon refunding unearned premium."

Now, Mr. President, there is a provision in this proposed law that simply precludes the right of the insurance company to sit in its office quietly and serenely year after year and accept the premium of the policy from the non-suspecting individual because the latter presumed reasonably that he was taking chances only on fire, and nothing else, and after the fire occurs, some Atlanta adjuster examines the records and finds there is an absence of a witness or that there has been given a bond for title in which there is not unconditional ownership in the party insured. Just here, I want to call your attention to the charge given by Judge White. Judge White, in charging the jury, I am told, said: "Gentlemen of the Jury, I want you to inspect this policy, you will find written near the top in these lines, I will pay you \$1,000.00 in case of fire. That is written large type, don't forget that. But, gentlemen of the Jury, I want you to notice that after that there are written in very small type, 114 lines, don't forget that, that they won't pay this defendant one cent; therefore, I want to call your attention again, gentlemen of the jury, that this top is written in large type." We see that this policy is framed in the insurance company's office, by insurance company's lawyers, and it is

their privilege and duty, as construed by the Court, to put in that policy what they please, and make it what they please, and the great text writer, Mr. May, says the purpose and the whole purpose of that policy is to limit the scope and to defeat the purpose of the contract and that is exactly what is done in this contract with the insurance company. It is to defeat the purpose of the contract. What is the purpose of the contract? It ought to be of the insurance company, and they say it is, to pay the policy. The purpose I know, on the part of the insured, Mr. President, is to pay a premium and to secure indemnity. Yet that purpose is defeated, when the insured asks for a policy, and the insurance company, without question, and without representation on the part of the insured, issues the latter the policy, and often times it is never delivered to the insured, but is kept in the insurance agent's safe. Yet when a fire occurs, here comes the question of bond for title or a life estate at the date of the issuance of the policy. The insured says I have reserved that bond for title to avoid the expense of a foreclosure and to retain the legal title, but when the fire occurs the party finds, as it says in this fine type near the bottom, that this policy shall be for various reasons void, and one of these is upon the unconditional and sole ownership clause. Now, Mr. President, I ask, in all fairness, why is that provision put in this policy? This policy shall be void for a number of reasons expressed in the 114 lines, one of which is, if the interest of the insured is not that of a "sole and unconditional owner." I say, Mr. President, that the time to investigate title to property is when the insurance is taken, when the policy is taken out. If the title to the property is not in the party at the time of the acceptance of the premium the party ought to be prevented at the time of the issuance of the policy from issuing it and from taking the premium. If the policy is void at the time of the fire because there is notice in the insured, then at the time of the issuance it was void. If the insurance company accepted that without question or without representation, as I have said, and as the Supreme Court of Indiana says, it is nothing more or less than a false pretense, imposing upon the insured, imposing upon his confidence, and putting a clause in there that if he is not the "sole and unconditional owner," this policy shall be void.

Talk about fairness. Yesterday I voted on the railroad firm and corporation proposition. I am here for the purpose of being fair to railroad companies, to insurance companies and individuals, and as long as I am here, I expect to perform that duty. Yet, if there is anything worse than highway robbery, I term it the issuance of such policy under such conditions. I would rather, Mr. President, you would hold me up in the road, and take money away from me than to give me such a policy when I ask for indemnity, which contains numerous provisions in it to defeat that purpose, let us take an example from Jacksonville in the case of the Insurance Company of North America against the Citizens Insurance Company of Missouri (39 So. 495), and a number of others. "The following provisions in a policy of fire insurance is material valid, and binding on the parties to the contract: This entire policy, unless otherwise provided by agreement indorsed hereon or added hereto, shall be void. If the interest of the insured be other than unconditional and sole ownership. Now, Mr. President, I am not going to read this at length, but I am just going to state what this decision contains, handed down by Justice Taylor of this court. Here was a company in which \$1,000.00 had been paid as part of the purchase price, and a bond for title executed. That was the condition of the title at the time of the issuance of the policy and for sometime that condition existed. The premiums were accepted by the company without any representation on the part of the insured or any questions asked on the part of the insurer; yet when a fire occurs here comes the defense written out in a long plea that, "At the time of the issuance of the policy the insured was not the sole and undonditional owner." Who of you, Mr. President, and Gentlemen of the Senate, could say that in the slightest manner the execution of that bond for title had anything to do with the risk on the part of the insurer, or who can say that that condition of the title ever entered into the consideration of the parties at the time of the issuance of the contract, and all of you lawyers and others, know that no contract ought to be binding unless with the consent of the parties to every provision of that contract at the time of entering into it. This is one among the many examples, where like the poor fellow in Jacksonville lost his insurance, simply because he had given his bond for title and accepted \$1,000.00 of the purchase money. Every lawyer and everyone here would doubtless at first impres-

sion say that in the first instance, the proper man to issue the policy to and to let it remain in is the one who holds the bond for title and not the one to whom the title is given. But the Supreme Court has held, that the party to whom that policy should be issued, is the party to whom bond for title is given. As I say, that is one of many. I will read you one decision from the Supreme Court of Indiana. That Court says, no matter what may be the construction of other courts, we will not give our consent to it. As I said the other day, the Supreme Court of Indiana is not in harmony with this court or other courts of our sister States, but the Supreme Court of Indiana is in harmony with equity, justice and good conscience, whatever and wherever may be the position of other courts. (Northeastern Reporter, 79, Page 905.) "Where a standard fire policy was issued on an oral application, without any representation on the part of the assured as to the extent of his title, insurer thereby waived a clause providing for forfeiture in case insured's interest was other than unconditional and sole ownership in fee." Now, Mr. President, explaining that, if you issued a policy and did not ask insured anything about his title, he has a reasonable cause and right to presume either that you have other advice yourself or that you care nothing about the defects in the title. "Where defendant insured certain property in which the insured had only a life estate such life estate was the only interest covered by the policy, and the value of the property destroyed by fire, when tested by such interest was the measure of the insurer's liability." For brevity, I am going to skip this decision, except just a few pointed paragraphs. This insurance company, Mr. President, set up in this defense that the party though for years had carried the policy and paid the premium, was simply the owner of a life estate and not the owner in fee simple. Mr. President, how can anyone stand on the floor of this Senate and honestly ask this Senate to fail to pass this measure over the Governor's veto! To stand up and set up that kind of defense is at once playing the part of a thief except under the strict construction of the clause it is by some courts authorized. That the party insured was simply the owner of a life estate and was not the owner in fee simple, was not an element of the risk assumed by the insured, and nowhere is there an offer by the insured as required, in equity and good conscience, to return to the insured that money.

taken as premium year after year without consideration, because the condition was known only to the insurer who had imposed upon the confidence of the honest unsuspecting insured (this is a misnomer for, he is not insured but I will use it to refer to the one who is seeking and who thinks he is) by issuing a policy full of conditions that will limit the scope and absolutely defeat the purpose of the insured. You say it is right to prevent a railroad company from putting its clauses and condition in tickets and bills of lading to avoid liability, yet you will permit a worse thing and action by the insurance company by letting it hedge itself in by one hundred and fourteen lines of conditions which not only were not known to the insured, but which would have been waived if he had known them. Any company would have insured the building though held by life estate or when there was but one witness to the deed, as readily as for fee simple title. If it's wrong for the railroad company, it's worse for the insurance company. They knew that if he happened to read the policy they would waive the defect of title, while if he did not read it, and not one in a thousand do, in case of fire the clause—sneakingly like the thief and cunning—inserted would leave the payment of the policy to their discretion. This is at once Mr. President, an awful condition that permits millions of money to be stolen from the people of Florida.

In the determination whether—I am quoting from page 906, 79 Northeastern: “In determining whether there has been such a waiver, a court should not overlook the fact that insurance policies are prepared by the company for general use, without reference to particular cases, and contain divers and sundry provisions and stipulations concerning different subjects. The contract is not like ordinary contracts between individuals wherein every clause and stipulation is considered and agreed upon by the parties before the agreement is executed. A policy of insurance is prepared in the office of the company, and becomes binding on the insured because it is delivered to, and accepted by him. In accepting it he has a right to assume that the company does not intend to insist upon the printed clause therein relating to incumbrances on the property if it makes no inquiry of him concerning the matter and he has made no statement in reference thereto, and has not been

advised that the question was at all material." Again I say, Mr. President, that the proposed law says, "in the absence of fraud, misrepresentation or deceit." I will not ask any Senator on this floor to protect any one, whether individual or corporation, in any action in which he desires to perpetuate fraud, misrepresentation or deceit, still at the same time I am anxious and I want to protect and be impartial to everybody. I want to fix it so that that imposition can not be placed upon the people of this State by the insurance company, who desire to and have for their purpose the securing of indemnity in the proper manner from the insurance company. "The preparation and issuance of the policy is the act of the company, and if, in pursuance of a previous agreement, it issues and delivers a policy purporting to cover loss or damage by fire, and accepts and receives the money of the insured, without making any inquiry of the party as to the incumbrances, or without advising him of its effect on his contract of insurance, it is receiving and accepting his money under circumstances precisely like false pretenses; if the contract is void from the beginning and never, in fact, had any force or validity, because of a provision inserted therein by it without the knowledge of the assured, rendering it void if the property is encumbered. In such a case the company would not only wrongfully receive and accept the money of the insured, but would mislead him into the belief that his property was insured, when, in fact, it was not; thus deceiving a party honestly seeking and paying for insurance. Wood, in the section of his work above mentioned, states the rules as follows: "When a policy is issued upon a verbal application, without any representations in reference thereto, all information relative to the risk, except such as is usual and extraordinary, is waived, and the policy is valid, even though it contain a clause or stipulation that 'the insured covenants that the representations given in the application for this insurance contain a just, full and true exposition of all facts and circumstances in respect to the condition, situation, value and risk of the property insured,' and although the policy professes to be made on the faith or representations made by the insured, yet it is valid, when no representations whatever were made in reference to the risk, and the lack thereof is not a matter of defense. The insurer cannot

charge the assured with laches, induced by its own conduct. In 3 Cooley's Briefs on Law of Insurance, pages 2630 and 2631, the author says: 'If an insurance company issue a policy of insurance without any application, or without representations in regard to certain facts, the company is presumed to have written the policy on its own knowledge and cannot complain after loss that such facts were not correctly stated in the policy or disclosed by the insured. Analogous to the rule stated is another one to the effect that though the policy, by its terms, requires the disclosure of all material facts, yet if the insurer issues it on an oral request or application, and makes no inquiry in regard to matters covered by certain conditions in the policy, as, for instance, title or encumbrances, it will be assumed that the insurer waives knowledge as to such facts.'

Mr. President, there are a number of like cases, without reading from the books, I desire to refer to a case handed down by the Supreme Court of New York, which was a question between partners. Insurance was issued to a partnership, one partner sold to the other and moved his stock across the street, and the privilege of moving was endorsed on the policy. So far as the parties were concerned they had as soon endorse the policy for one as for the other. Yet, Mr. President, when the fire occurred they said, notwithstanding their consent to the moving after the sale, in setting up their defense, in that case, not that he had moved the stock, but that he was not the sole and unconditional owner of the property at the time the policy was issued. What could be more unjust or more reprehensible and vicious? I might continue to cite these references, but I believe it to be unnecessary. I believe in the mind of every Senator on this floor the question has been sufficiently delineated and explained. As is said in substance by Justice Field, of the Supreme Court of the United States, that the party who is seeking indemnity, and who has for his purpose the securing of honest indemnity, ought not to be defeated. And as to the clause relative to the mortgage, if the mortgage was on the record or existed when the policy was issued, then the insurance company having asked no questions and no representations being made, ought in fairness and justice be held to pay the policy. Mr. President, I am not talking about individual acts or individual insurance com-

panies of the State of Florida, or elsewhere. I am not talking so much about anything that actuates them in securing this premium as about the effects of it. If the company takes money and does not return it—and says he is not entitled to this policy because he was not the sole and unconditional owner of the property, under the conditions above cited such condition is only legalized false pretense. At the same time the company says, we are not obliged to return you the money, though we have accepted it under false pretenses, and without consideration. A mere volunteer with no title of course is not to be protected under this bill. Such act would be at once fraudulent and under the bill vitiates the policy. They have accepted your money and given you a policy without questions or representations, without fraud or deceit, and have held it and now set up a defense like that in a Court of Justice. Nothing could be more unfair or more unjust or more like highway robbery. Not only that, but also it is a breach of confidence reasonably imposed by the party seeking indemnity. I say, nothing to my mind could be more vicious or greater in a lack of harmony with equity, justice and good conscience, than such action by the insurer or to fail to pass this law as it has written.

One word further, Mr. President. The gentleman from the 17th, Senator Johnson, has carefully and well pointed out the lack of reasons for the veto but permit me just briefly to refer to that message and the stated reasons given for it. (Reads) "It will be observed that in the absence of fraud, etc., on the part of the party insuring that insurance companies shall be held to pay such policy to and as the interest of parties might be at the time of the issuing of the policy. Many persons borrow money on improved property, having the policy endorsed as security. If this bill became an act, no one lending money having such policy as first security would in many cases have an opportunity of knowing who were the parties having interest at the time of the issuing of the policy. (As the law is today, Mr. President only the Insurance Company has interest. If a deed has been made which was recorded, or if there were two chains of title to the property, it would in some cases be difficult to determine to whom the insurance would be paid in case of a loss." Mr. President, how illogical? Mr. President, if there is any Senator on

the floor who can explain that as being applicable to the record or the bill, I shall be very much delighted to have him explain it or analyze it, and if I am wrong, I will cheerfully extend him my right hand, and say so and give him my vote. But, Mr. President, they say it would be difficult to determine whom that policy should be paid to if it became a law. What does the law say? Suppose there is an unrecorded deed. What does the law say? That you must pay it to the party entitled to it. Suppose, Mr. President, there is a question as in the Wailes claim, between the parties. There is always in the courts what is known as the proceeding by interpleader. Suppose there is contention. Would not the interpleader settle alike the question on both sides. Was there any reason why this should not become a law because some parties interested in the funds of that policy might litigate over that fund? Assuredly not.

Now with all due deference to the Governor, and his position, I say that to my mind there is nothing not in the slightest to give any reason or foundation for any such suggestion as contained in the Governor's message. On the other hand, Mr. President, the very purpose of the act, the very language of the act, is for the purpose of definitely stating and definitely arranging both for the borrower, the insurer and the insured, who is entitled to that fund and to defeat the right of the insurance company to set up such sinister provisions in that contract which preclude the right of the insured at the time of fire of securing his indemnity, because there is a lack of one witness, or bond for title or a like condition, under the vicious cunning clause and contention, if you please, Gentlemen of the Senate, that the insured has not the sole and unconditional ownership.

(Reads veto message) "As to personal property, there are many times silent partners in mercantile firms and in the ownership of personal property. It would be difficult for any one lending money on such policy to determine to whom the loss would be paid. As to the insurance of personal property some think. (I wonder Mr. President, what the Governor thinks upon this point) that this bill would operate as a premium on dishonest insurers. In this event, it would operate as a menace to property situated in close proximity to property insured by dishonest insurer."

Now, Mr. President, in 1899, the Legislature passed an

act which precluded the company from setting up any defense that the buildings insured were not worth the amount stated in the policy to be the value. That was a wholesome provision. The Insurance Companies threatened then to leave the State if that became a law, but it did become a law, and was a great protection, and they still remain with us, and I am not surprised so long as they are permitted to conduct their business with all the changes in their favor. Here is a party with a building insured for \$10,000.00. Under the old law, Mr. President, they could go ahead, and take that premium year after year, and when the property burned, they could and would and did come in with architects and carpenters to prove that the building was not worth more than \$——. The time to settle the question of value is when they take the money. They then, before the passage of the law of 1899 would issue the policy for any amount and keep all the premium but by Atlanta or New York adjusters and carpenters endeavor to defeat the purpose of the insured by proving the building valueless. To be fair and to secure fairness, the law of 1899 was absolutely necessary. Of course the companies opposed the law of 1899, since it made their liability fixed by the value stated in the policy and upon which they receive a premium, and thereby prevented them from stealing from the people hundreds of thousands of dollars. Besides upon such condition they could and did force compromises similar and no less vicious than blackmail. This is a parallel to the condition sought to be avoided by this bill, viz., to prevent the taking of premiums, not upon excessive value as in that case but upon a policy that contained this "sole and unconditional ownership" and other clauses equally as reprehensible. I am not surprised at their objection supported by this strong lobby. That is both natural and consistent with their past history, but I can't understand this veto message. I am either blunt or the reasoning is too deep for my limited intelligence. Its reasoning is not understandable.

Before I leave this section of the Governor's veto and message, I want to ask if there is a Senator on this floor that can analyze that suggestion or assumed reason, if there is anything in the bill, any sentence, clause or syllable that would give a suggestion or reasonable cause for the Governor to make this sort of suggestion, then I ask the Senator to let us have the opportunity of hearing him on that subject and his solution of the question. The

Governor further says: "As to the insurance of personal property, some think it would operate as a premium on dishonest insurers." I ask you, gentlemen, with due deference to the Governor and to all, how in the name of common sense, justice, equity and good conscience, could it so operate on dishonest insurers? The bill provides clearly that if the title is not in the insured at the time of the issuance of the policy, you can set it up as a defense, provided you were guided by misrepresentation, fraud or deceit. It would be fraud if he insured without any title. It absolutely and clearly excludes the dishonest insurer. If the man had no title as distinguished from a mere defective title, it would of course be fraud to insure, and this defense would of course be available. No one will deny that. Of if the company asks the party insured, "Is the title in you?" if he asks that and he replies yes, when as a matter of fact it was not, then the bill does not protect any such condition of affairs. Again, Mr. President, I said, and I challenge any Senator on the floor of the Senate to show anywhere in this bill, a single expression, syllable or word to give the Governor the logical right to send any such veto message here.

Mr. President, I have taken up three-fourths more time than I expected to. I am a new member of the Senate, and I take pleasure in sitting in my chair and yielding, and listening to the older heads who have had more experience than I have had. That for two reasons, I am not in a position either with ability, capacity or experience to do the people of the State of Florida as much good as these Senators who are here with much more experience than I, however much interest I may have in the measure personally, or however much I may believe it may be for the good of the public interests of the State of Florida. Florida has prospered and lived for years without my membership in this chamber and it is not indispensable now. I am willing to let my proposed legislation take a back seat, if you please, and stay there until the "hold-overs" of the Senate have put into law that which they believe to be to the best interest of the State of Florida. That is both fair and just to those who have been here before the speaker and who may not have the like opportunity again. My desire is to do the best good for Florida, and when I say Florida, as the gentleman from the Seventeenth said the other day, I mean corporations, insurance companies and the people of the entire

State. I have no respect for or confidence in the man who will stand on the stump soliciting votes, or who will stand on the floor of this Senate crying against corporations for the purpose of securing some superficial recognition of the masses. I want to see the man before the people and on the floor of this Senate, seeking the votes of the people, to stand for whatever he believes to be right whatever may be the public sentiment. I want to hear him say, these are my ideas, if you want them, enact them into law, vote for them. I am as ironclad to public clamor or sentiment as a piece of steel. I want to listen to people who do their thinking in a spirit of fairness, justice and consideration, and when I do that, I feel that I have discharged my duty to myself, my country, and the State. It is for that reason I am devoting so much time to the consideration of the Governor's veto. I don't say that I have any feelings against the Governor. I am not directing my attention to the Governor, his intent or purpose, but the effect of the Governor's message. I ask you Senators on this floor to consider what I have said only if I have based the statements on logic, fairness and reason, and if I have said anything that might tend to reflect personally upon the fair Governor of Florida, then I ask that that expression be considered in the light in which it was given. Whatever may be my personal regard for the Governor as a man and as an individual, that is not proper to be discussed or to be expressed on this floor in parliamentary debate. Therefore, Mr. President, I have not in this subject, referred to a single view I might have had of the Governor individually. So far as that is concerned, my public acts and my connection with the Governor will explain that, and he understands its pleasant connection, but I want to call attention to this Senate to the *effect*, not the purpose or intent, of the Governor's message. Whatever may be our views personally, Mr. President, it is our duty when the Governor's message comes to the Senate to carefully analyze it, consider it with fairness and skill, and deliberate judgment and not on any personal consideration whatever, and I say, Mr. President, that any expression that I have made ought to be stricken from the minds of the Senators as well as from the record, if it might tend to so reflect on the Governor.

Let us pay due respect to that message, but let us reserve at the same time, the right to analyze it just the

same as he would analyze it if it were from the gentleman of the 9th or 7th or 28th or 22nd or any other Senator, and do it fairly and deliberately. We are sent here to discharge public duties; we are here to express our thoughts clearly and fairly and therefore I simply divest myself of personal consideration and exercise the right to give my honest construction of the Governor's message.

The veto message further states that "In this day of regulating insurance companies, and other corporations, it seems there has not arisen in any other States a necessity for any such law."

Whether or not this kind of legislation has been passed by our sister states is equally as puerile as is the other assumed reason. Mr. President, we ought to be guided by the experience of history. It is the unhappy ages of history that are the productive ones. When we enact a new measure, we ought to first know what our sister States have done relative thereto. If our sister states have done anything or enacted the law and it has proven satisfactory, we can be reasonably expected to do likewise. But suppose our sister states are asleep, and like Rip VanWinkle, they sleep twenty years more, without stopping the leak for the people's protection, are we to sit here and discuss local measures and leave this public necessity, this great law, which is one of the greatest, as I said the other day that has been or can be introduced in the Senate. Whatever may be the law of the other states, it is our duty to vote for a measure which will defeat the purpose of and effect of the action of the insurance company in this regard and avoid the injury to the insured, and permit and require that he be paid the amount for which he pays premium year after year. This bill ought to pass. If you think you can show why it ought not to pass, you owe it to yourself and the Governor, and you owe it to the people of the State of Florida to stand up and analyze it. I don't ask this Senate to vote for me, I don't want you to vote for me if what I have said is not logical and supported by all fairness. If, however, what I have said, was logical and based on reason and facts, then vote for the bill to pass over the veto. I ask you therefore, if you can explain the reason why the Governor's veto should be sustained, do so, if you cannot, be true to yourself and then necessarily true to the people and vote to pass the law.

## SENATOR H. H. BUCKMAN.

I don't agree with the gentleman from the Third for this reason. I can't understand how, if a man perpetrates fraud, directly or indirectly, he can be protected in that fraud. If a man therefore insures that which is not his, and gives a small premium in the hope of getting a large reward, and is then found out in it, I can't understand why the Legislature should protect him in that fraud, if it is a fraud in law, and that seems to me to be the whole proposition; let it be reminded that the idea that the contract was all in small type or in large type or had scallops on the side, or printed on bond paper and attractive in its shape, has nothing to do with the convictions of the individual, who if he chooses to accept it, and locks it in the safe, is not to be excused if he finds out there is not something in it that he thought there was. If we are governed by the wisdom of the ages, this bill will not pass. As a matter of fact, as the Governor reasons that no other State in the union has seen fit to pass this law, would be a very good reason to sustain the Governor's veto, we don't find any State has passed such a law as this. Now the proposition arises upon this one thing. If you are going to make contracts for the people, you are going to take away their individuality and freedom as I said yesterday. Now, I understand that proposition in this light, I sign this contract, what's the use to read it, never mind the provisions in it, the Legislature passed a law protecting me and not protecting the other fellow, it don't make no difference to me what I sign, I am going to be protected, no matter how wrong I am, I am going to be protected simply because the other man is an insurance company, the tendency of such legislation is vicious because it takes away individuality and makes a man careless of his business affairs and transactions. Is there any man that accepts an insurance policy that cannot read it if he wants to, unless he is blind or can't read There are a good many that cannot read, yet I have been told it would take a Philadelphia lawyer to understand the provisions of that contract. The fact that it would take a lawyer to understand the contract shows that we have not yet arrived at the age or wisdom of our mother country, England. Where ever a contract of any man in the world is first shown him, where it is executed and where it becomes a custom in this country, the situation in such a policy

would be just this; an insurance agent is simply a solicitor, he has nothing to do with that policy in any shape or form, except to deliver it to the man, and the man pays him so much money. It doesn't come into his department to exercise his brain or answer any question in regard to that policy binding upon the company, that is in the contract, as much as when you stick a nickel in a slot and get a life insurance policy for a few days, you pay for the chance, because life insurance is simply gambling, but you don't know what it is unless you read it, its like drawing a ticket on Havana lottery, if that policy comes out of the machine if it says, to pay \$25 or \$30 or whatever it may be you can get it, if it says you shouldn't pay anything you may not get it, and because you haven't read it to say to the Legislature, the company ought to pay it? That is the proposition. Now the Governor's message takes up a feature which I think the gentleman from the Third asked if it could be defended. I think it can be easily defended. There is no necessity to put those words in the statute "without fraud, deceit or misrepresentation," that is understood in the contract, whatever the contract may be, because that is a general law. There are two kinds of fraud known to the law, fraud which is intentional on the part of the person perpetrating it, because he didn't disclose matters within his knowledge and in every such transaction in life, no matter how innocent the person may be, it is making only actual fraud, therefore that word in the Statute makes it worse than if it was left out.

Now we come to the point where the solicitor who knows nothing about the law, whose purpose it is to get insurance for the company. He goes to A and says "do you want to insure your property?" A says "yes." Now A knows, because I don't believe there's any man in the United States but what knows he can't insure what don't belong to him; if, therefore, there is any doubt in his mind that what he wants to insure is not his, why don't he tell the solicitor, because it is within his knowledge and not the knowledge of the solicitor. The solicitor gives him this contract; he can't change a word in it; if he does it would be void. The party can't change a word in it, if he does it would be void. As agent of the company, he hands him this contract, says, "here, read it;" but ninety-nine men out of a hundred will throw it in the safe and never look at it. Then, when a fire occurs, he gets interested in the proposition in which he had no

interest before, but simply took it on trust without examining it or ascertaining whether there was any better company or not—I will say that about 99 per cent. of the people of the United States. Why should the Legislature prevent such a man against such carelessness—in order to make them more careless by passing such act? Now, who knows who owns that property? A or the soliciting agent? And who knew at the time? The question of title to property is frequently a question of mixed law and facts. The man himself may not know, as a legal proposition, as to whether he is the owner of the property or not, and the solicitor certainly wouldn't know, because he isn't a lawyer; that's not his business. Now are you going to make the insurance company pay. It's a gamble, a legalized gamble, upon the proposition. Suppose a man owns property with a brick building on it; he finds out there is a flaw in the title—there is no title in the United State that's perfect—they have certain flaws; I don't know one that's perfect; the best we can say is that they are good, defensible titles. Now, we come to the proposition of a man with a brick building; there's a flaw in that title and suit was brought in ejectment. If he didn't read it, he was careless, hasn't had it examined, and the solicitor who hands it to him isn't a lawyer, it isn't his business to know, it was not within his knowledge. Do you mean to tell me that it is right and just, because a man pays his premium and it turns out he hasn't any title to the property, even if he was honest in his idea that he had title, that the insurance company should pay it? Where is the justice of it? Where is the justice of the proposition? It must be balanced; it can't be one side or the other; it must be even as far as justice is concerned.

Now, under those conditions, you have a case where the knowledge of the title to the property rests in the party being insured; it is his province to know; if he has any doubt as to it, he should tell the insurance agent and if the insurance agent has any doubt, refer it to the company, and if the company then wants to take the risk, they take it with their eyes open. Under this, a man wouldn't get insurance unless the insurance company had satisfied themselves he had absolute title to the property; the insurance company is not going to take any more risk than possible. The applicant never has to sign any application for his policy, like in life insurance

policies. In a life insurance policy, a man has to answer one hundred questions, not only his conditions, mentally and physically, but that of his family and antecedents, because it is a long time proposition. While he may die tomorrow, the average life tables are against that. But in a fire insurance policy there is no such thing as a life table to property, because that may occur tomorrow. The insurance company says to the insured, we don't want you to sign any application at all; here's a contract; read it; but we are relying on your honesty; you must be the owner before you can have it insured; if you are in doubt, tell us, that we may investigate it. For this reason shall vote to sustain the Governor's veto.

Senator Flournoy—If the gentleman from the 18th will permit, I would like to ask a question.

Senator Buckman—Certainly.

Senator Flournoy—I understood you to say you knew of but one perfect title?

Senator Buckman—I didn't say I knew of any.

Senator Flournoy—Didn't I understand you to say it was hardly possible to be a perfect title.

Senator Buckman—Perfect title, in the legal term, yes.

Senator Flournoy—Then under that, doesn't that leave it in the discretion of the insurance company whether they should pay any risk?

Senator Buckman—Not at all.

Senator Flournoy—Doesn't it say if he isn't the sole and unconditional owner of the title, the policy shall be void? Doesn't that mean perfect?

Senator Buckman—Not at all; theres a difference between perfect and good.

Senator Flournoy—I understood you to say, did I not, that you wanted an even game of chance; Isn't it a fact that the purpose of the insured was to receive indemnity and the purpose of the insurer to give that indemnity, and is it possible to have a fair game of chance on that proposition when the question of title becomes a question of that game of chance?

Senator Buckman—I believe so. If I put five cents against a hundred dollars, I think I am standing a good chance.

Senator Flournoy—Quite correct, and the illustration is applicable, the insurance company putting in the five cents. But we are not playing a game of chance on the

question of fire in that policy and not on the question of whether or not there was perfect title to the property in the insured at the time of the issuance of the policy?

Senator Buckman—Yes, I am playing a game of chance on the question, but the company is taking the greater risk.

Senator Flournoy—How? When it put in only the five cents and the poor fellow the \$100.00? Did the insured have reason to believe the question of title was to have any part in this game of chance?

Senator Buckman—Yes, he knows if he is honest, he can't insure what he doesn't own.

Senator Flournoy—But we agree upon that. The question is entirely different when he does own it, though by an imperfect title. Do you think an honest, unsuspecting man would have so considered it

Senator Buckman—An honest man, yes.

Senator Flournoy—I understood you to say you wanted to be fair. Is it fair to permit insurance companies to issue that policy, when no questions are asked and no representations made, to accept the premium, year after year, with no chance to lose, because of the clause, and then defeat the right of the insured to recover without returning the premium on the ground there was no perfect title in the insured?

Senator Buckman—I don't see any reason why it isn't. He has had the same game of chance on the risk up to the time of the fire.

Senator Flournoy—But he did not know of the clause or suspect that the imperfect condition of the title was part of his risk. He was insured against fire, not title. Isn't it a fact parties ought to be bound by contracts only when they assent to the terms and conditions?

Senator Buckman—Unquestionably.

Senator Flournoy—What was the contract of the parties at the time of application for the policy?

Senator Buckman—What was stated in the policy.

Senator Flournoy—No, that is a kind of practice to answer questions by answering another in anticipation, but kindly answer them as I get to them. What was the terms of the contract at the time of the application for insurance?

Senator Buckman—I don't know how to answer that;

a man must be the owner of property and the terms are set out in the contract.

Senator Flournoy—Was that a part of the terms of the contract when no questions were asked and no representations made?

Senator Buckman—I think so, if I take it and pay my money, without reading it, it's my fault.

Senator Flournoy—But the application is for insurance, isn't it;

Senator Buckman—So I understand.

Senator Flournoy—And the reply is I will give it to you, is it not?

Senator Buckman—Yes, sir, the reply is I will give it to you in this shape.

Senator Flournoy—I know, I will get to that after a little. He writes some kind of a contract to suit himself, brings it over, gives it to the insured. Are these conditions in the contract a part of the original oral contract at that time?

Senator Buckman—I don't think I need say to the gentleman of the Third that when a contract has been reduced to writing and parties accept it, whatever has transpired before is not material.

Senator Flournoy—But I haven't gotten to the question of acceptance?

The President—The cross-examination of the Senator is out of order.

Senator Buckman—I could answer it.

The President—The examination is out of order.

Senator Flournoy—There is nothing I enjoy more than a cross-examination. Every lawyer on this floor understands the real issue is to be determined, the real truth is to be secured only by cross-examination. If it were not for the privilege of cross-examinations, the power of the courts would be limited and the courts and lawyers whose bounden duty is to establish the truth and secure administration of justice would be defeated—were it not for cross-examination. That privilege and that duty would often amount to nothing in establishing the rights of individuals to contracts. Mr. President, if at the time of the issuance of that policy this was the condition, there was an application on the part of Smith for indemnity, and a reply on the part of the agent, I will go to my office and write that policy, then there was no representa-

tions made at the time and no questions asked at the time. Is it, therefore reasonable for us to presume or assume that anything was a part of the condition of that contract except the application for indemnity and the expression on the part of the company, "I will give it to you." We can't assume or presume the party intended that a large number of conditions would be in the contract when he simply asked for indemnity. He had no reason to presume that they would "stick in," if you please, some additional terms. It's on the order of offering an amendment to a bill, the terms of which are read to the Senators on the floor, and then after that for one to "stick in" a few additional terms or clauses without asking leave to amend. The conditions of that policy ought to have been simply to have taken the game of chance, on account of fire. That was all that was in the mind of the man at the time. He is driving his ox, farming, engineer of a railroad engine—all in the world he had in his mind at the time was indemnity in case of fire. He isn't playing in a fair game of chance if you are going to permit 114 little small lines that would take a Philadelphia lawyer, in the language of the gentleman from the 18th, to find and understand. The contract ought to be clear. I will illustrate by a sample from Jacksonville. A party had \$7,000 insurance, had a premium for seven years making, for illustration, \$1,470.00. Within a short time before the fire, he sold the property, gave the bond for title with payments to be made by installments and yet, Mr. President, notwithstanding the insurance company had received \$1,470, and received it under false pretenses, the insurance company in this case in their plea defended, because he wasn't the sole and unconditional owner of the property. Can you stand on the floor of the Senate and ask us to do anything else but pass this law? Where is your sense of justice?

I am not caring about the intent of the insurance agent, or directing my attention to them. But if there is nothing else stated in the verbal contract, he ought not to be bound by anything unilaterally put there by the company in the printed forms. He had no right to suspect that any other condition would be there. The great text writer, May, has said, "It is for the purpose of limiting the scope of the contract and defeating the right of the party to indemnity."

Now, Mr. President, the Senator from the 18th has said that life insurance has its conditions and you are bound by them. That is true, but if the Senator had gone a little farther and stated these life insurance policies, though they contained conditions yet within one or two years or within a certain number of years they would have become incontestable, that would have also been true. I do not say or think that because the Senator does not agree with me he is not honest in his position. I have enjoyed his company here. The argument of the Senator has been pleasant, but it wasn't what I asked him for. I asked him to analyze the question but he gives me both conclusions and suppositions of conditions either not applicable or impossible. My purpose was if anybody could give any reason or logic or analysis of the veto message or why this should not become a law or why it should not be for the best interest of the insurance company as well as the insured. I wanted it analyzed. I did not ask for anything else. I asked for the analysis of the Governor's message, and I feel that the question has been evaded and has not been properly, fairly or honestly answered. But such answer is impossible. I hope, therefore, if you believe, Mr. President, my statement is fair and based upon logic and reason, then that you will vote for the bill over the Governor's veto. If, on the other hand, you believe with some, as stated by the Governor in his letter, that it will open the door to fraud, and you do not think it is based upon reason and logic, and analysis, then vote with your conceptions and convictions. My opinion as a lawyer is not worth any more than a farmer, unless it is supported, not only by logic and analysis, but upon the judgment of the courts of the sister States of this Union. Vote, therefore, not because of my opinion simply. I never ask that, but vote because my analysis of the question and the position taken is invulnerable and the logic irresistible.

Mr. McMullen moved to adjourn to 8:30 o'clock tonight. Which was agreed to.

Whereupon the Senate took a recess until 8:30 p. m.

#### EVENING SESSION—8:30 O'CLOCK 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:

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

A quorum present.

### BILLS ON THIRD READING.

Senate Joint Resolution No. 198:

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

Was taken up and read the third time in full.

Mr. Cone moved to lay the Resolution on the table.

Which was agreed to and Senate Joint Resolution No. 198 was laid on the table.

Senate Bill No. 288:

A bill to be entitled an act to prevent the manufacture, sale or use of automatic shotguns in the State of Florida, and providing a penalty thereof.

Was taken up and was on motion laid on the table subject to call.

Senate Bill No. 85:

A bill to be entitled an act to redistrict the eight judicial circuits of the State of Florida, to provide for appointment of the Judges and State's Attorneys therefor, the terms of their office, and to provide that in civil and criminal cases no pleading or indictments shall abate, be quashed, dismissed or defeated in any of the circuits of this State, by reason of this re-districting of the State.

Was taken up.

Mr. Cone moved to lay Senate Bill No. 85 on the table.

Which was agreed, to and so ordered.

Senate Bill No. 288:

A bill to be entitled an act to prevent the manufacture, sale or use of automatic shotguns in the State of Florida, and providing a penalty thereof.

Was taken up, and was on motion laid on the table, subject to call.

Senate Bill No. 204:

A bill to be entitled an act to regulate the taxation of costs in all civil cases now pending or hereafter brought to the Supreme Court of Florida.

Was taken up.

Mr. McMullen moved to lay the bill on the table.

Which was agreed to.

Senate Bill No. 119:

A bill to be entitled an act to provide for the licensing of plumbers, and to supervise and inspect plumbing in the State of Florida, and to provide penalties for the violation thereof.

Was taken up and read the third time in full.

Mr. Harris moved to indefinitely postpone the bill.

Upon which the yeas and nays were demanded.

The roll was called and the vote was:

Yeas—Senators Adkins, Buckman, Crill, Cook, Dayton, Harris, Henderson, Hosford, Humphries, McCreary, Sams—11.

Nays—Mr. President, Senators Broome, Cone, Cottrell, Davis, Johnson, Leggett, Massey, McLeod, McMullen, Miller, Sloan, West, Williams, Withers, Zim—16.

So the motion was not agreed to.

Senate Bill No. 421:

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

Was taken up, and was on motion laid on the table, subject to call.

Senate Bill No. 384:

A bill to be entitled an act requiring and authorizing the Comptroller to refund moneys collected as drainage tax created under authority of an act of the Legislature.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 384, the vote was:

Yeas—Mr. President, Senators Adkins, Baker (20th District), Broome, Buckman, Crill, Cook, Cone, Davis, Dayton, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, West, Williams, Withers, Zim—26.

Nays—None.

So the bill failed to pass.

## Senate Bill No. 404:

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.

Was taken up and was by consent withdrawn.

## House Bill No. 111:

A bill to be entitled an act relating to the recording of decrees and orders in Chancery in this State.

Was taken up and read the third time in full.

Upon the passage of House Bill No. 111, the vote was:

Yeas—Mr. President, Senators, Adkins, Baker, (20th District), Buckman, Crill, Cone, Davis, Dayton, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams, Withers, Zim—25.

Nays—None.

So the bill passed, title as stated.

And the passage of the bill was ordered to be certified to the House of Representatives.

## House Bill No. 515:

A bill to be entitled an act to regulate the publication in newspapers of articles, either as news matter or as editorials, for the publication of which money has been paid, and prescribing penalties for the violation thereof.

As amended by the Senate, was taken up and read the third time in full.

Upon the passage of House Bill No. 515, as amended by the Senate, the vote was:

Yeas—Mr. President, Senators Adkins, Beard, Broome, Cook, Cone, Cottrell, Davis, Flournoy, Leggett, Massey, McLeod, McMullen, Sloan, West, Williams, Zim—17.

Nays—Senators Baker (20th District), Buckman, Crill, Dayton, Harris, Henderson, Hosford, Humphries, Johnson, McCreary, Sams, Withers—12.

So the bill passed, title as stated.

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

## House Bill No. 52:

A bill to be entitled an act to provide for the sale of

lands that are now or may hereafter be vested in the trustees of the Internal Improvement Fund of the State of Florida, and the State Board of Education of the State of Florida.

Was taken up and read the third time in full.

Upon the passage of House Bill No. 52 the vote was:

Yeas—Senators Adkins, Baker (20th Dist.) Beard, Buckman, Crill, Dayton, Harris, Henderson, Humphries, Johnson, Leggett, McCreary, McLeod, McMullen, Sams, West—16.

Nays—Mr. President, Senators Cook, Cone, Davis, Hosford, Massey, Miller, Williams, Withers—9.

So the bill passed, title as stated.

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

Committee Substitute for House Bill No. 73:

A bill to be entitled an act requiring the Clerk of the Supreme Court of the State of Florida, in all cases in which the Supreme Court writes an opinion, to send the Clerk of the Circuit Court of the county from which such case is appealed, or writ of error taken, a correct copy of such opinion and decision of the Supreme Court.

Was taken up and read the third time in full.

Upon the passage of Committee Substitute for House Bill No. 73, the vote was:

Yeas—Mr. President, Senators Adkins, Baker (20th District), Beard, Buckman, Crill, Cook, Cone, Cottrell, Davis, Dayton, Flournoy, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, Miller, Sams, Sloan, West, Williams, Withers, Zim—28.

Nays—None.

So the bill passed title as stated.

And the passage of the bill was ordered to be certified to the House of Representatives.

House Bill No. 135:

A bill to be entitled an act to prevent pollution or contamination of the waters of the lakes, rivers, streams and ditches in the State of Florida, and prescribing a penalty for the violation thereof.

As amended by the Senate.

Was taken up and read the third time in full.

By unanimous consent Mr. Humphries offered the following amendment to House Bill No. 135:

Strike out the words "Provided, That nothing herein shall be construed to prevent the use of the waters of any lake, river or stream in this State by any city or town for sewerage purposes.

Mr. Humphries moved the adoption of the amendment.

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

Upon the passage of House Bill No. 135, as amended by the Senate, the vote was:

Yeas—Mr. President, Senators Adkins, Baker (20th District), Beard, Buckman, Crill, Cone, Cottrell, Davis, Dayton, Flournoy, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, West, Williams, Withers, Zim—26.

Nays—None.

So the bill passed, title as stated.

And the passage of the bill, as amended, was ordered to be certified to the House of Representatives.

Senate Bill No. 383:

A bill to be entitled an act concerning obstructions to navigation by bridges or other structures, and remedies therefor.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 383, the vote was:

Yeas—Mr. President, Senators Baker (20th Dist.), Beard, Broome, Cook, Cone, Cottrell, Davis, Flournoy, Hosford, Leggett, Massey, McLeod, McMullen, Miller, West, Williams, Withers, Zim—19.

Nays—Senators Adkins, Buckman, Crill, Dayton, Harris, Henderson, Humphries, Johnson, McCreary, Sams—10.

And the passage of the bill was ordered to be certified to the House of Representatives.

Committee on Judiciary Substitute for House Bill No. 224:

A bill to be entitled an act to authorize the payment of the balance due in the construction of a dormitory for the University of Florida, at Lake City.

Was taken up and read the third time in full.

Upon the passage of Committee on Judiciary Substitute for House Bill No. 224, the vote was:

Yeas—Mr. President, Senators Baker (20th District), Beard, Buckman, Crill, Cone, Cottrell, Davis, Flournoy,

Harris, Henderson, Hosford, Humphries, Massey, McCreary, McMullen, Miller, Sams, Williams, Withers, Zim—21.

Nays—Senators Adkins, Dayton, Leggett, McLeod, West—5.

And the passage of the bill was ordered to be certified to the House of Representatives.

Senate Bill No. 149:

A bill to be entitled an act for the relief of the Florida National Bank, of Jacksonville, and returning to it moneys loaned to the University of Florida to complete a dormitory.

Was taken up.

Mr. Buckman moved that Senate Bill No. 149 be withdrawn.

Which was agreed to and the bill was withdrawn.

House Bill No. 129:

A bill to be entitled an act to require the Boards of County Commissioners to advertise for bids for public work and furnishing supplies to the county in certain cases, and forbidding any contract for public work being let to any relative of any member of the Board of County Commissioners, and providing a penalty for failure to comply with the provisions of this act.

Was taken up and read the third time in full.

Mr. McMullen moved to indefinitely postpone House Bill No. 129.

Which was agreed to, and House Bill No. 129 was indefinitely postponed.

House Bill No. 151:

A bill to be entitled an act to amend Section 2295 of the General Statutes of the State of Florida, relating to rules of descent as to real estate.

As amended by the Senate.

Was taken up and read the third time in full.

Upon the passage of House Bill No. 151, as amended by the Senate, the vote was:

Yeas—Mr. President, Senators Adkins, Baker (20th District), Broome, Buckman, Crill, Cottrell, Davis, Dayton, Harris, Hosford, Humphries, Leggett, Massey, McCreary, McLeod, McMullen, Sams, Slaon, West, Williams, Withers, Zim.—23.

Nays—Senators Beard, Flournoy, Henderson.—3.  
So the bill passed, title as stated.

And the passage of the bill was ordered to be certified to the House of Representatives.

House Bill No. 161

A bill to be entitled an act to make it unlawful for any male person to have carnal intercourse with any unmarried female who is at the time an idiot, lunatic or otherwise mentally incapacitated, and to provide a penalty for the violation of this act.

Was taken up and read the third time in full.

Upon the passage of House Bill No. 161, the vote was:

Yeas—Mr. President, Senators Adkins, Baker (20th District), Beard, Broome, Buckman, Crill, Cone, Cottrell, Dayton, Flournoy, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams, Withers, Zim.—28.

Nays—None.

So the bill passed, title as stated.

And the passage of the bill was ordered to be certified to the House of Representatives.

House Bill No. 133:

A bill to be entitled an act to require members of Boards of County Commissioners and members of County Boards of Public Instruction each to give bond for the faithful and honest discharge of their duties, and to faithfully and properly account for all moneys or other property, real or personal, coming into their custody or control as such officials.

Was taken up and read the third time in full.

Upon the passage of House Bill No. 133, the vote was:

Yeas—Senators Adkins, Baker (20th District), Buckman, Crill, Cone, Davis, Flournoy, Massey, McMullen, Miller, Williams, Withers—12.

Nays—Mr. President, Senators, Broome, Cook, Cottrell, Dayton, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, McCreary, Sams, West, Zim—16.

So the bill passed, title as stated.

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

House Bill No. 114:

A bill to be entitled an act providing that in certain

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

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.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 353, the vote was:

Yeas—Mr. President, Senators Adkins, Beard, Broome, Buckman, Cook, Dayton, Harris, Henderson, Hosford, Johnson, Leggett, Massey, McCreary, Sams, West. Zim.—18.

Nays—Senators Baker (20th District), Crill, Cone, Cottrell, Humphries, McLeod, McMullen, Miller, Williams, Withers.—10.

So the bill passed, title as stated.

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

Senate Bill No. 466:

A bill to be entitled an act, relative to time of paying poll tax to be entitled to vote.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 466, the vote was.

Yeas—Mr. President, Senators Crill, Humphries, McMullen, Withers—5.

Nays—Senators Adkins, Baker (20th District), Beard, Buckman, Cook, Cone, Cottrell, Dayton, Flournoy, Harris, Henderson, Johnson, Leggett, McCreary, McLeod, Sams, West, Williams, Withers—21.

So the bill failed to pass.

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.

Was taken up and informally passed over.

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.

Was taken up and read the third time in full.

Upon the passage of House Bill No. 249, the vote was:

Yeas—Senators Adkins, Baker (20th District), Beard, Buckman, Crill, Cone, Cottrell, Dayton, Flournoy, Hosford, Johnson, Leggett, McLeod, McMullen, West, Williams, Zim—17.

Nays—Senators Cook, Humphries—2.

So the bill was passed, title as stated.

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

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.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 470, the vote was:

Yeas—Senators Adkins, Baker (20th District), Beard, Broome, Buckman, Crill, Cook, Cone, Cottrell, Dayton, Flournoy, Hosford, Humphries, Leggett, Massey, McCreary, McLeod, McMullen, Sams, Sloan, West, Williams, Withers, Zim—24.

Nays—Senator Harris—1.

So the bill was passed, title as stated.

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

Mr. Johnson moved that the Doorkeeper be excused.

Which was agreed to.

Mr. McMullen moved that the Senate do now adjourn to 9:30 o'clock to-morrow morning.

Which was agreed to.

Whereupon the Senate stood adjourned to 9:30 o'clock a. m., Thursday, June 3, 1909.

## THURSDAY, JUNE 3, 1909.

The Senate met pursuant to adjournment.  
The President in the Chair.