

FRIDAY, APRIL 21, 1911.

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 Baker, Broome, Calkins, Carney, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Hudson, Humphries, Johnson, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Stokes, Williams, Wilson, Withers, Zim—27.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of April 20 was dispensed with.

The Journal of April 20 was corrected and approved as corrected.

REPORTS OF COMMITTEES.

Mr. McCreary, Chairman of the Committee on County Organization, submitted the following report and obtained consent to have same read:

Senate Chamber,
Tallahassee, Fla., April 21, 1911.

Hon. F. P. Cone,

President of the Senate.

Sir:

Your Committee on County Organization, to whom was referred—

Senate Bill No. 217:

A Bill to be entitled An Act to authorize the County Commissioners of Taylor County, State of Florida, to issue interest-bearing, long-time warrants, to be known and designated, hard road warrants, for the purpose of building a system of hard roads in said county, and to provide for the manner of payment.

Has had the same under consideration and recommends that it be referred to the Judiciary Committee.

Very respectfully,

H. H. McCREARY,

Chairman of Committee.

Mr. McCreary moved that the report be adopted.
Which was agreed to.

Also the following report from Mr. Sloan, Acting Chairman of the Committee on Legislative Expenses, who obtained consent to have the following report read :

Senate Chamber,
Tallahassee, Fla., April 21, 1911.

Hon. F. P. Cone,
President of the Senate.

Sir :

Your Committee on Legislative Expenses, to whom was referred—

Senate Resolution No. 19 :

Begs to recommend that the Committee on Enrolled Bills be authorized to employ one clerk.

Very respectfully,

D. H. SLOAN,
Acting Chairman of Committee.

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

The Committee on Judiciary B reported favorably on—
Senate Bill No. 154 :

A Bill to be entitled An Act to amend Sections 2890, 2891, 1893, 2894, 2896, 2899, 2900, 2901, 2903, 2904, 2905, 2908, 2910, 2914, 2917, 2918, 2924 of the General Statutes of this State relating to the Railroad Commissioners and the regulation of common carriers.

The Committee on County Organization returned without recommendation—

Senate Bill No. 165 :

A Bill to be entitled An Act to amend Section 834 of the General Statutes of the State of Florida, in relation to the elections for county sites and providing for a second election in certain cases.

The Committee on Game and Fisheries reported favorably on—

Senate Bill No. 214 :

A Bill to be entitled An Act to encourage, protect and develop the oyster industry of the State of Florida, and

to increase the revenues of the State therefrom, by recognizing and declaring the ownership of the State in and to the bottoms of beds of the bodies of streams of water along the coast of the Gulf of Mexico and along the coast of the Atlantic Ocean within the jurisdiction of the State of Florida not heretofore granted, for the purpose of giving exclusive rights to plant oysters; by prohibiting other alienations of same in fee; by recognizing and declaring the ownership of the State in and to all reefs of oysters growing naturally thereon; for the protection of those heretofore engaged in the growing of oysters; by creating the office of Oyster Commissioner of the State of Florida, and defining his powers and duties; by providing for the leasing of oyster lands belonging to the State; by providing for the licensing, registration and designation of vessels employed in the oyster industry; by levying a special assessment or privilege tax on oysters produced in said waters; and a police license on persons, firms, corporations and vessels engaged in the oyster industry; by providing for the manner of collecting, handling, depositing and disbursing the revenues derived from said industry, and the distribution of the surplus revenues; by providing for the protection and enlargement of the natural oyster reefs in this State and for the creating of artificial reefs or beds; by providing such other regulations and provisions as are necessary to properly carry out the objects and purposes of this Act; by providing penalties for the violation of this Act; and by repealing and superceding all laws on the same subject matter and in conflict with the provisions of this Act.

The Committee on Judiciary B reported favorably on—
Senate Bill No. 208:

A Bill to be entitled An Act prescribing extra territorial jurisdiction of Circuit Courts and Circuit Judges in chancery cases.

The Committee on Appropriations reported favorably on—

Senate Bill No. 166:

A Bill to be entitled An Act to aid the Florida division of Confederate Veterans to erect in this State a monument or memorial in honor of the women of Florida and of the South in memory of their heroism, devotion and

self-sacrifice during the Civil War in 1861-1865, and to appropriate five thousand dollars therefor.

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

Senate Chamber,
Tallahassee, Fla., April 21, 1911.

Hon. Fred P. Cone,
President of the Senate.

Sir:

Your Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 3:

A Bill to be entitled An Act to amend Section four (4) of Chapter 5984 of the Laws of Florida, Acts of 1909, being entitled "An Act to organize a County Court in and for the County of Gadsden; to prescribe the terms thereof and to provide for the appointment of a Prosecuting Attorney and for his compensation and for that of the Judge of the said court."

Has carefully examined the same and finds it correctly enrolled.

Very respectfully,

C. T. CULPEPPER,
Chairman of Committee.

And the act, contained in the above report, was referred to the Joint Committee on Enrolled Bills.

INTRODUCTION OF BILLS.

By Mr. Hilburn—

Senate Bill No. 232:

A Bill to be entitled An Act to amend Chapter 5404 of the Laws of Florida, Acts of 1905, the same being An Act to prohibit the issuing by anyone of drafts, checks or orders upon banks or other persons when the makers of such checks, drafts or orders have not sufficient funds on deposit with the drawee to pay such draft, check or order, and to prescribe a rule of evidence therein, and provide punishment therefor.

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

By Mr. Adkins—

Senate Bill No. 233:

A Bill to be entitled An Act to amend Section 1845 of the General Statutes of Florida, relating to the duties of the official reporters of the Circuit Courts of the State of Florida.

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

By Mr. Cone—

Senate Bill No. 234:

A Bill to be entitled An Act validating and to declare valid a certain ordinance of the City of Lake City, Florida, known and designated as Ordinance No. 199, heretofore passed by the City Council of Lake City, Florida, regulating the rate of interest on certain deferred payments of assessments for street improvement in said city, entered in the street improvement lien book.

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

By Mr. Cone—

Senate Bill No. 235:

A Bill to be entitled An Act to amend Section 3262 of the General Statutes of the State of Florida, relating to carrying concealed weapons.

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

By Mr. Cone—

Senate Bill No. 236:

A Bill to be entitled An Act to amend Section 3569 of the General Statutes of the State of Florida, relating to desertion of husband or father of his wife and children or child, or wife where there are no children or child, and prescribing a punishment therefor.

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

By Mr. Cone—

Senate Bill No. 237:

A Bill to be entitled An Act to amend Section 3570 of

the General Statutes of the State of Florida relating to vagrancy.

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

By Mr. Williams (by request)—

Senate Bill No. 238 :

A Bill to be entitled An Act to regulate continuances and to speed the trial of civil causes in the several courts of this State, and to prescribe punishment for false swearing in applications for the continuances of such causes.

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

By Mr. Dayton—

Senate Bill No. 239 :

A Bill to be entitled An Act to make it the duty of the Board of Control to make rules and regulations for the inspection, certification, sale, exchange, transportation and introduction of nursery stock, infested or infected or suspected of being infested or infected with injurious insects, pests or diseases ; to appoint an Inspector of Nursery Stock and necessary assistants, prescribing their duties and fixing their salaries ; to prescribe costs and charges for said inspections and certifications ; to fix penalties for the violations of this Act and the rules and regulations thereof ; to make an appropriation to carry out the provisions of this Act

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

By Mr. Humphries—

Senate Joint Resolution No. 240 :

A Joint Resolution proposing an amendment to Sections 1, 2 and 5 of Article 10 of the Constitution of the State of Florida relative to homesteads and exemptions.

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

By Mr. McMullen (by request)—

Senate Bill No. 241 :

A Bill to be entitled An Act to create, provide for and establish the Board of Pharmacy for the State of Florida ; to provide for the appointment of its members ;

to prescribe the terms and number of members of said board, and for the regulation and organization of the board prescribing the duties and powers of said board and its members; regulating the practice of pharmacy in the State of Florida; the manner of issuing certificates of registration; providing for the examination of applicants for registration; prescribing fees, prescribing fines, penalties and punishment for the violations of the provisions of this Act; regulating the sale of poisons and narcotics, and prescribing the penalties for the violation of the same; defining the standard of strength, quality and purity of drugs, medicines, substances or preparations that may be manufactured or sold in the State of Florida and prescribing the penalties for the violations thereof, and to repeal all laws in conflict with the provisions of this Act.

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

By Mr. McMullen (by request)—

Senate Bill No. 242:

A Bill to be entitled An Act to amend Section 443 of the General Statutes of the State of Florida, imposing a license tax upon itinerant vendors of drugs, nostrums, ointments or appliances sold for the cure of disease, injuries or deformities.

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

By Mr. Humphries—

Senate Bill No. 243:

A Bill to be entitled An Act to regulate the writing of prescriptions by physicians, surgeons, dentists or veterinarians, and prescribing the penalties for violations thereof.

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

By Mr. Williams—

Senate Bill No. 244:

A Bill to be entitled An Act to regulate secret societies' meeting, the issuing of permit for the same, and providing penalties for the holding of secret meetings of mem-

bers of secret societies, without first having obtained a permit.

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

By Mr. Williams—

Senate Bill No. 245:

A Bill to be entitled An Act to prescribe the qualifications of County Judges in counties where County Courts have been established or shall hereafter be established.

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

By Mr. Carney (by request)—

Senate Bill No. 246:

A Bill to be entitled An Act to prohibit the use of live pigeon, fowl or other bird for the purpose of a target, or to be shot for amusement, and to impose proper fines and punishments for the violation of same.

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

By Mr. McCreary—

Senate Bill No. 247:

A Bill to be entitled An Act to prohibit the catching of fish known as black bass, jackfish, speckled perch, bream and chub of a certain size; prohibiting persons from having such fish in their possession, and prescribing a penalty for a violation of said Act.

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

By Mr. McCreary—

Senate Bill No. 248:

A Bill to be entitled An Act to make an appropriation to aid the endowment of the Florida Room of the Confederate Museum, and to provide for the payment of such appropriation.

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

By Mr. Broome—

Senate Bill No. 249:

A Bill to be entitled An Act to authorize the Board of County Commissioners of Gadsden County, Florida, to appropriate money from the General Revenue Fund of said county for advertising the resources of said county, and to offer prizes for county fair purposes.

Which was read the first time by its title.

Mr. Broome moved to waive the rules and that Senate Bill No. 249 be not referred to a committee, but be placed on the Calendar of Bills on the Second Reading

Which was agreed to by a two thirds' vote.

And Senate Bill No. 249 was so placed.

By Mr. Perkins—

Senate Bill No. 250:

A Bill to be entitled An Act for the relief of Harriet M. Wright and Lizzie B. McCarty.

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

By Mr. Perkins—

Senate Bill No. 251:

A Bill to be entitled An Act to amend Section 1 of Chapter 5920, Laws of Florida, entitled "An Act prescribing punishment of misdemeanors in this State, when not otherwise provided by statute."

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

By Mr. Perkins—

Senate Bill No. 252:

A Bill to be entitled An Act relating to the filing of annual statements by insurance companies, publication of abstract of same, and the issuance and renewal of certificates of authority.

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

By Mr. Calkins—

Senate Bill No. 253:

A Bill to be entitled An Act taxing attorneys fees against defendants in all suits brought on open account.

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

By Mr. Calkins—

Senate Bill No. 254:

A Bill to be entitled An Act to define the meaning of the words "stealing" and "larceny" when used in an indictment, information or complaint; to define the offense of larceny, and to regulate the prosecution and to prescribe the punishment therefor, and to provide that a person charged with the commission of said offenses may have a bill of particulars of the nature and grounds of the crime charged against him.

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

By Mr. Hilburn—

Senate Bill No. 255:

A Bill to be entitled An Act to repeal Chapter 5912, Laws of Florida, relating to orders of Judges on demurrers and motions.

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

By Mr. Sloan—

Senate Bill No. 256:

A Bill to be entitled An Act to incorporate the City of Lakeland, in Polk County, Florida, and to provide for its government and prescribe its jurisdiction and powers and to abolish the present corporation of said city.

Which was read the first time by its title.

Mr. Sloan moved to waive the rules and that Senate Bill No. 256 be not referred to a committee, but be placed on the Calendar of Bills on the Second Reading.

Which was agreed to by a two thirds' vote.

And the bill was so placed.

By Mr. Perkins—

Senate Memorial No. 3:

A Memorial to the Congress of the United States, asking an appropriation for the deepening and improvement of the bar at New Smyrna inlet, and the deepening of the waters of the North Indian and Halifax Rivers.

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

By Mr. Perkins—

Senate Memorial No. 4:

A Memorial to the Congress of the United States requesting a survey and appropriation for the purpose of opening a canal joining the navigable waters of Haw Creek, in Volusia County, Florida, to either Smith's Creek or the Tomoka River, and from thence into the East Coast Canal on the East Coast of Florida.

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

By Mr. Calkins—

Senate Memorial No. 5:

A Memorial to the Congress of the United States asking an appropriation to improve the navigation of the St. Marys River between Kings Ferry, Florida, and the Cumberland Sound.

Which was read the first time by its title.

CONSIDERATION OF RESOLUTIONS.

House Concurrent Resolution No. 18:

Relating to the taxes for 1911 on the tract of land purchased for use as a State Prison.

Was taken up and read and was passed informally on the Calendar.

Senate Concurrent Resolution No. 15:

Resolved by the Senate, the House of Representatives concurring, That a Joint Committee be appointed, consisting of five on the part of the Senate and seven on the part of the House, to whom should be referred all bills providing for the creation of new circuits in this State, and with direction to report a joint bill for the creation of new circuits, to the Senate and House of Representatives, respectively.

Which was taken up and read the second time.

Mr. Perkins moved to adopt Senate Concurrent Resolution No. 15.

Which was not agreed to.

Senate Concurrent Resolution No. 16:

Whereas, We now have residing in the State of Florida in a district known as the Everglades a tribe of Seminole Indians; and,

Whereas, It appears there is only a very small area of land grant reserved for the said Seminole Indians, and that the said reservation is so located that it is impractical for the said Indians to inhabit same; and,

Whereas, There is now being cut and opened up many canals which are liable to interfere with the property and happiness of the said Indians; and,

Whereas, Another reservation should be allotted and granted to the said Indians by the State of Florida in the said Everglade district in a more isolated territory where trespass will not be so frequent by the white man, and that said Indians may enjoy their famous hunting grounds; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That a committee consisting of one member on the part of the Senate and two on the part of the House be appointed by the respective presiding officers of each party to visit the said Everglade district and make a thorough and complete investigation of the affairs of the Seminole Indians, and the reservation now allotted them, and also other territory which would be more suitable for the reservation or grant for the said Indians, and to make its report to the Legislature within ten days.

Was taken up and read the second time.

Mr. Perkins moved to adopt Senate Concurrent Resolution No. 16.

Which was not agreed to.

The motion to reconsider the vote by which Senate Bill No. 5 passed the Senate.

Was taken up.

Mr. Davis moved to reconsider the vote by which—

Senate Bill No. 5:

To be entitled An Act to provide for the acquisition of a site and the erection, bulding and furnishing of a building thereon for the use of the Supreme Court of the State of Florida, the Railroad Commission of the State of Florida, and for a library, and making appropriations for the same, and other purposes appertaining thereto.

Passed the Senate on April 19, 1911.

Upon which a ye and nay vote was demanded.

Thereupon the roll was called and the vote was:

Yeas—Mr. President, Senators Carney, Davis, Humphries, Johnson, Massey, McLeod, McMullen, Sloan, Withers—10.

Nays—Senators Baker, Culpepper, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Hudson, L'Engle, McCreary, Miller, Perkins, Stokes, Williams, Wilson, Zim—17.

So the motion to reconsider did not prevail.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., April 20, 1911.

Hon. Fred P. Cone,
President of the Senate.

Sir:

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

House Concurrent Resolution No. 20:

Resolved by the House of Representatives, the Senate concurring, That the Senate and House Standing Committees on Public Roads and Highways be, and they are hereby constituted a Joint Committee of the Senate and House of Representatives on Good Roads.

Resolved, further, That said Joint Committee be directed to report to the Senate and House of Representatives a Joint Bill covering said subject.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Concurrent Resolution No. 20, contained in the above message, was read the first time by its title and went over under the rules.

Also the following message was read:

House of Representatives,
Tallahassee, Fla., April 20, 1911.

Hon. Fred P. Cone,
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. 350:

A Bill to be entitled An Act to legalize and validate Ordinance No. 65, adopted and passed by the City Council of the City of South Jacksonville on the 18th day of March, A. D. 1911, and approved by the Mayor of said city on the 20th day of March, A. D. 1911; and Ordinance No. 66, adopted and passed by the City Council of said city on the 22nd day of March, A. D. 1911, and approved by the Mayor of said city on the 24th day of March, A. D. 1911, providing for the calling and holding of election to determine whether the said city shall issue and sell its bonds for fifty thousand dollars for a waterworks plant and system, and sewer system, and shall issue and sell its bonds for ten thousand dollars for an electric light plant; and to declare regular and valid that certain election held in and by said city under and in pursuance of said ordinance on the 6th day of April, A. D. 1911; and to declare legal and valid all proceedings had or to be had under and in accordance with said City Ordinances; and to authorize and legalize the issuance and sale of said bonds by said city in the manner and for the purposes in said ordinances provided; and to authorize and empower said city to build and operate a waterworks plant and system and sewer system, and an electric light plant as provided and set forth in and by said ordinances, and to authorize and empower said city to levy and collect a special tax to pay the interest on said bonds and provide a sinking fund for the redemption of the principal 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. 350, contained in the above message was read the first time by its title.

And was placed on the Calendar of Local Bills on the Second Reading.

Also the following message was read :

House of Representatives,
Tallahassee, Fla., April 20, 1911.

Hon. Fred P. Cone,
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. 24:

A Bill to be entitled An Act to amend Section 1586 of the General Statutes of the State of Florida, as amended by Chapter 5647 of the Acts of 1907, and as further amended by Chapter 5900 of the Acts of 1909, the same being relative to the pay of jurors.

Also—

House Bill No. 20:

A Bill to be entitled An Act requiring railroad companies, corporations, firms or individuals owning or operating a railroad for any purpose in the State of Florida to build, construct, maintain and keep in good passable condition, highways and street crossings and providing for having the same done in case of failure to do so by the owner or operator of such railroad; creating a lien therefor and providing for its enforcement.

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

And House Bill No. 20, contained in the above message, was read the first time by its title and was referred to the Committee on Railroads, Canals and Telegraphs.

Also the following message was read :

House of Representatives,
Tallahassee, Fla., April 20, 1911.

Hon. F. P. Cone,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House of Representatives has appointed the following committees:

Under Concurrent Resolution to visit Hospital for the Insane: Messrs. MacWilliams, Warren, Middleton, Littell.

Under Concurrent Resolution to visit phosphate plants: Messrs. Wilson, Terrell, Epperson.

Under Concurrent Resolution to visit Everglades: Messrs. Ward, Robinson, Cade.

Under Concurrent Resolution to visit East Coast Canal: Messrs. Harper, McClellan (Calhoun), Jennings (Hamilton.)

Under Concurrent Resolution to visit public institutions at Gainesville, Tallahassee, St. Augustine and Black Point: Messrs. Singletary, Hendry, McLeod.

Very respectfully,

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

Also the following message was read:

House of Representatives,
Tallahassee, Fla., April 20, 1911.

Hon. F. P. Cone,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by a three fifths' vote—

House Joint Resolution No. 3:

A Joint Resolution proposing to amend Section 10 of Article XII of the Constitution, relative to education.

Be it resolved by the Legislature of the State of Florida, That Section Ten (10) of Article XII of the Constitution of the State of Florida be and the same is hereby amended so as to read as follows, viz:

Section 10. The Legislature may provide for the division of any county or counties into convenient school

districts; and for the election every four years of three school trustees, who shall hold their office four years, and who shall have the supervision of all the schools within the district; and for the levying and collection of a district school tax, for the exclusive use of public free schools within the districts whenever a majority of the qualified electors thereof that pay a tax on real and personal property, voting at such election, shall vote in favor of such levy; Provided, That any tax authorized by this section shall not exceed five (5) mills on the dollar in any one year on the taxable property of the district.

That the foregoing amendment to Section 10 of Article XII of the Constitution is hereby agreed to and the same shall be submitted to the electors of the State for approval or rejection at the next general election, to be held on the first Tuesday after the first Monday in November, A. D. 1912.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Joint Resolution No. 3, contained in the above message, was read the first time by its title and was referred to the Committee on Constitutional Amendments.

Also the following message was read:

House of Representatives,
Tallahassee, Fla., April 20, 1911.

Hon. F. P. Cone,

President of the Senate.

Sir:

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

Senate Concurrent Resolution No. 3:

Be it resolved by the Senate, the House of Representatives concurring, That a committee of five, to be composed of two from the Senate and three from the House of Representatives be appointed to visit and examine into the condition and administration of the Florida Hos-

pital for the Insane, at Chattahoochee, and report their findings thereon to the Legislature.

Also—

Senate Concurrent Resolution No. 1:

A resolution providing for the appointment of a committee to prepare suitable resolutions on the death of ex-Governors Broward and Bloxham.

Also—

Senate Concurrent Resolution No. 4:

A resolution in reference to the prevention of polygamy.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

By permission—

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

Senate Chamber,
Tallahassee, Fla., April 21, 1911.

Hon. F. P. Conc,

President of the Senate.

Sir:

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

Senate Bill No. 3:

An Act to amend Section four (4) of Chapter 5984 of the Laws of Florida, Acts of 1909, being entitled "An Act to organize a County Court in and for the County of Gadsden; to prescribe the terms thereof and to provide for the appointment of a prosecuting attorney and for his compensation and for that of the judge of the said court.

Has carefully examined the same and finds it correctly enrolled.

Very respectfully,

C. T. CULPEPPER,
Chairman of Committee.

The Act contained in the above report was ordered referred to the Joint Committee on Enrolled Bills, to be conveyed to the House of Representatives for the signature of the Speaker and Chief Clerk thereof.

CONSIDERATION OF BILLS ON THE THIRD
READING.

Senate Bill No. 100:

A Bill to be entitled An Act prohibiting fire insurance companies doing business in this State in the absence of fraud, misrepresentation or deceit upon the party insured from setting up lack of title in the insured as a defense against the payment of any policy.

Was taken up.

Senate Bill No. 100 was passed informally on the Calendar.

Senate Bill No. 81:

A Bill to be entitled An Act to amend Chapter 5695 of the Laws of 1907 of the State of Florida, being An Act amending Section 775 of the General Statutes of the State of Florida, in relation to compensation of County Commissioners.

Was taken up.

Senate Bill No. 81 was passed informally on the Calendar.

Senate Bill No. 110:

A Bill to be entitled An Act to amend Section 546 of the General Statutes of the State of Florida relating to lien of assessment.

Was taken up.

Mr. Hudson moved to waive the rules and to place Senate Bill No. 110 back on the Calendar of Bills on the Second Reading for the purpose of amendment.

Which was unanimously agreed to.

Senate Bill No. 12:

To be entitled An Act to validate the acts of the Board of County Commissioners of Gadsden County, of this State, in drawing warrants on the General Revenue Fund of the county, in payment for expenses incurred for road or bridge purposes, and of validating such warrants.

Was taken up and referred to the Local Calendar of Bills on Third Reading.

Senate Bill No. 114:

To be entitled An Act defining and prohibiting breaches of the peace and providing a penalty therefor.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 114 the roll was called and the vote was:

Yeas—Senators Baker, Carney, Dayton, Hilburn, McCreary, Perkins—6.

Nays—Mr. Speaker, Senators Broome, Calkins, Culpepper, Davis, Finlayson, Flournoy, Henderson, Hosford, Johnson, Massey, McLeod, Miller, Stokes, Williams, Wilson, Withers, Zim—18.

So the bill failed to pass.

Senate Bill No. 41:

A Bill to be entitled An Act to secure better attendance upon the public schools of the counties of this State.

Was taken up and read the third time in full.

Mr. Flournoy moved to waive the rules and place the bill back on its second reading for amendment.

Which was not agreed to.

Mr. McLeod moved to lay Senate Bill No. 41 on the table.

Which was agreed to.

The bill was laid on the table.

Senate Bill No. 74:

A Bill to be entitled An Act prohibiting the use of log carts, lever, upon any of the public roads within the State of Florida, with certain exceptions thereto, and providing penalties for violation thereof.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 74 the roll was called and the vote was:

Yeas—Senators Baker, Calkins, Carney, Culpepper, Davis, Dayton, Flournoy, Henderson, Hosford, Hudson, Humphries, Johnson, Massey, McCreary, McLeod, McMullen, Miller, Stokes, Williams, Wilson, Withers, Zim—22.

So the bill passed, title as stated, and the same was ordered to be certified to the House of Representatives.

The President announced the following committee appointments:

To visit the Everglades' drainage operations—Senators Williams, Wilson.

To visit land bought for convict farm—Senators Dayton, Withers.

Mr. Sloan was excused from attendance on the Senate until the return to the Capitol of the visiting committee of which he is a member.

Senate Bill No. 44:

A Bill to be entitled An Act prescribing the method of serving process upon non-resident co-partners having an office or conducting business in the State of Florida.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 44 the roll was called and the vote was:

Yeas—Senators Baker, Broome, Calkins, Carney, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Hudson, Johnson, Massey, McCreary, McLeod, McMullen, Perkins, Stokes, Williams, Wilson, Withers, Zim—24.

So the Bill passed, title as stated and the same was ordered to be certified to the House of Representatives.

Senate Bill No. 60:

A Bill to be entitled An Act to authorize any person not the agent or representative of the lender to charge compensation for negotiating a loan of money and the doing of act incident thereto, in certain cases, and to limit such compensation in certain cases, 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 Senate Bill No. 60 the roll was called and the vote was:

Yeas—Senators Baker, Broome, Calkins, Carney, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Hudson, Humphries, Johnson, Massey, McCreary, McLeod, McMullen, Perkins, Stokes, Williams, Wilson, Withers, Zim—25.

So the bill passed, title as stated.

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

CONSIDERATION OF BILLS ON SECOND READING.

Senate Bill No. 33:

A Bill to be entitled An Act to prevent the pollution of the streams and natural bodies of water of the State of Florida, and to prevent making any deposit of any substance therein which shall be destructive to the life of fish, or which shall effect the depth or navigability thereof.

Was taken up and informally passed on the Calendar.

Senate Bill No. 35:

A Bill to be entitled An Act to repeal Section 187 of the General Statutes of the State of Florida, pertaining to the publication of list of the qualified voters preceding general elections.

Was taken up.

Mr. McMullen, Acting Chairman of the Committee on Privileges and Elections, under the rules, moved to indefinitely postpone Senate Bill No. 35.

Mr. Hilburn moved to lay the motion to indefinitely postpone on the table.

Which was withdrawn.

The motion to indefinitely postpone the bill was agreed to.

Mr. McMullen having voted aye on the motion to indefinitely postpone the bill moved to reconsider the vote by which the bill was indefinitely postponed.

Which went over under the rules.

Mr. Massey moved to adjourn to 4 o'clock this afternoon.

Mr. Flournoy offered as a substitute for the motion that the Senate adjourn to 10 o'clock tomorrow.

The substitute was not agreed to.

The question recurred upon the motion of Mr. Massey to adjourn to 4 o'clock this afternoon.

Which was agreed to.

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

AFTERNOON SESSION, 4 O'CLOCK P. M.

The President in the chair.

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

Mr. President, Senators Baker, Broome, Calkins, Carney, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Hudson, Humphries, Johnson, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Stokes, Williams, Wilson, Withers, Zim—28.

A quorum present.

CONSIDERATION OF BILLS ON SECOND READING.

Senate Bill No. 34 :

A Bill to be entitled An Act to prescribe certain duties of registration officers.

Was taken up and read the second time in full.

Mr. McMullen moved to indefinitely postpone Senate Bill No. 34.

Which was agreed to.

Senate Bill No. 25 :

A Bill to be entitled An Act to require common carriers of passengers to provide individual drinking cups.

Was taken up.

And the same was informally passed on the Calendar.

Substitute for—

Senate Bill No. 54 :

A Bill to be entitled An Act to amend Sections 3267 and 3668 of the General Statutes of the State of Florida, relating to licenses for carrying fire arms.

Was taken up and read the second time in full, for information of the Senate.

The amendments to the bill were also read.

The amendment of Mr. Williams to—

Senate Bill No. 54 :

In Section 1, lines 5 and 6, strike out the words " or shot gun, or fire arms of any nature whatsoever."

Which was pending.

Was also read.

Mr. Calkins moved to indefinitely postpone Senate Bill No. 54.

Which was agreed to.

And the bill was indefinitely postponed.

Senate Bill No. 82 :

A Bill to be entitled An Act to amend Section 3299

of the General Statutes of the State of Florida, relative to horse and cattle stealing.

Was taken up and informally passed on the Calendar.

Senate Bill No. 89 :

A Bill to be entitled An Act to prohibit pools, trusts, monopolies and conspiracies to control business and prices of articles; to prevent the formation or operation of pools, trusts, monopolies and combinations of charters of corporations that violate the terms of this Act and to authorize the institution of prosecutions of suits therefor.

Was taken up.

Mr. Hudson moved to make Senate Bill No. 89 an order of the day for next Wednesday, April 26, 1911.

Which was agreed to.

Senate Bill No. 75 :

A Bill to be entitled An Act to more effectively protect the people against combinations, conspiracies and agreements between insurers, whereby rates of insurance are raised or fixed.

Was taken up and read the second time in full.

There being no amendment to the bill it was placed on the Calendar of Bills on the Third Reading.

Senate Bill No. 58 :

A Bill to be entitled An Act requiring teachers' summer training schools and making appropriations therefor.

Was taken up and read again the second time, together with the amendment of Mr. Henderson, to-wit:

Strike out "five thousand" wherever the same appears in said Senate Bill No. 58 and insert "four thousand."

Which was pending when the further consideration of the bill was deferred on April 13.

Upon the question of the adoption of the amendment, it was adopted.

Mr. Henderson offered the following amendment to Senate Bill No. 58:

In Section 1, lines 9 and 10, strike out the words "State Superintendent of Public Instruction," and insert in lieu thereof the following: "State Board of Education of Florida." Also strike out the word "he" in said line 10 and insert the words "the Board."

Mr. Henderson moved the adoption of the amendment.
Which was agreed to.
And Senate Bill No. 58 as amended was referred to the
Committee on Engrossed Bills.

Senate Bill No. 23:

A Bill to be entitled An Act to repeal Section 3320 of
the General Statutes of the State of Florida, relating to
obtaining money or property upon false promises to per-
form labor.

Was taken up and read the second time in full.

There being no amendments, Senate Bill No. 23 was
placed on the Calendar of Bills on Third Reading.

Senate Bill No. 73:

A Bill to be entitled An Act requiring butchers of
beeves and hogs to submit the same for inspection.

Was taken up and read the second time in full.

By consent, Mr. McCreary withdrew Senate Bill No. 73,
and substituted in lieu thereof Senate Bill No. 149.

Senate Bill No. 149:

A Bill to be entitled An Act to extend and enlarge the
powers of the Railroad Commissioners of the State of
Florida so as to give them the exclusive power and author-
ity within the State of Florida to regulate charges of all
persons, firms or corporations carrying on a telephone
business within the State of Florida, and for other pur-
poses.

Was taken up and read the second time in full.

Mr. Perkins moved that the bill be informally passed,
and that 200 copies of the same be printed.

Which was agreed to.

Senate Bill No. 62:

A Bill to be entitled An Act to provide for the forma-
tion and disbursement of a public school teachers' pen-
sion and retirement fund.

Was taken up and was informally passed on the Cal-
endar.

Senate Bill No. 66:

A Bill to be entitled An Act to provide for the issuing
of teachers' first grade certificates, also State certificates,
to persons holding a diploma from the normal department

of the University of Florida, or from the normal department of the Florida State College for Women, and other chartered institutions of Florida.

Was taken up and was informally passed on the Calendar.

Senate Bill No. 107:

A Bill to be entitled An Act: A Joint Resolution proposing to amend Section 10 of Article XII of the Constitution relative to education.

Was taken up and informally passed on the Calendar.

Senate Bill No. 113:

A Bill to be entitled An Act to create a State School Book Commission and to procure for use in the public schools of the State of Florida a uniform series of text books and to define the duties and powers of said Commission; to make preparations for carrying this Act into effect, and providing penalties for violation of same.

Was taken up.

Mr. Hilburn moved that the bill be passed informally. Which was withdrawn.

Mr. Cone moved that both Senate Bill No. 113 and Senate Bill No. 105 be made an order of the day for Monday next.

Which was agreed to.

Senate Bill No. 47:

A Bill to be entitled An Act permitting building and loan associations to increase their capital stock.

Was taken up and read the second time in full.

There being no amendments Senate Bill No. 47 was placed on the Calendar of Bills on Third Reading.

Senate Bill No. 108:

A Bill to be entitled An Act to authorize the State Board of Health of Florida to employ a Sanitary Engineer whenever the said board may consider the necessities of sanitation in and about the State may so require, and to further provide for his compensation.

Was taken up and was informally passed on the Calendar.

Senate Bill No. 90:

A Bill to be entitled An Act to amend Chapter 5429,

An Act to require the payment of a license tax by aliens and non-residents taking oysters from natural oyster beds in this State and prescribing a penalty for their failure to pay such license tax or otherwise comply with the provisions thereof, approved June 15, 1905.

Was taken up and read the second time in full.

There being no amendments Senate Bill No. 90 was placed on the Calendar of Bills on Third Reading.

Senate Bill No. 123 :

A Bill to be entitled An Act to amend Section 351 of the General Statutes of the State of Florida relating to the duties of County Superintendents.

Was taken up and read the second time in full.

Mr. Williams, as Chairman of the Committee on Education, under the rules, moved to indefinitely postpone Senate Bill No. 123.

Which was agreed to.

And the bill was indefinitely postponed.

Senate Bill No. 102 :

A Bill to be entitled An Act to amend Section 3676 of the General Statutes of the State of Florida, relating to the construction of county and settlement roads.

Was taken up and read the second time in full.

The following committee amendment was read:

The Committee on Public Roads and Highways offered the following amendment to Senate Bill No. 102:

In title, line one, strike out the word "Act," and insert in lieu thereof the following: "Bill."

Mr. Perkins moved the adoption of the amendment.

Which was agreed to.

And Senate Bill No. 102 as amended was referred to the Committee on Engrossed Bills.

Senate Bill No. 14 :

A Bill to be entitled An Act to regulate the sale or furnishing of intoxicating liquors, wines or beer and prescribing a penalty for the violation of certain of its provisions.

Was taken up and read the second time.

The following committee amendment was read:

In Section 10, line 4, add after words "One thousand

dollars," "nor less than five hundred dollars." Also add at the end of line 5: "nor less than six months."

Mr. Dayton moved the adoption of the amendment. Which was not agreed to.

Also the following committee amendment was read: In Section 5, line 3, strike out the words "nine p. m." and insert in lieu thereof the following: "eight p. m."

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

Also the following committee amendment was read: In Section 2, line 4, insert the words "any one" after the word "of."

Mr. Dayton moved the adoption of the amendment. Which was not agreed to.

Also the following committee amendment was read:

In Section 2, line 4, insert the word "or" after the word "him."

Mr. Dayton moved the adoption of the amendment. Which was not agreed to.

Also the following committee amendment was read:

In Section 6, add at end of section words "holidays, general, special or primary election days, either State, county or municipal."

Mr. Dayton moved the adoption of the amendment.

The consideration of the amendment was informally passed.

Also the following committee amendment was read:

Strike out Sections 1 and 7, and rearrange the numbers of sections.

Mr Dayton moved the adoption of the amendment.

Pending the consideration of which—

Mr. Broome moved to waive the rules and to make the bill with the pending amendment the unfinished business of the next day's session.

Mr. Calkins moved to amend that 100 copies of the bill be printed and that it be made a special order for Wednesday next.

Which was agreed to.

Mr. McMullen moved that the rules be waived and that the motion be made this morning to reconsider the vote by which Senate Bill No. 35 was indefinitely postponed be now considered.

Which was agreed to by a two thirds' vote.

Upon the question of reconsideration the motion of Mr. McMullen was agreed to.

Mr. McMullen moved that Senate Bill No. 35 be placed back on the second reading for amendment.

Which was agreed to.

Mr. McMullen offered the following amendment to Senate Bill No. 35:

In Section 1, strike out all after the number of the section and insert in lieu thereof the following: "Section 187 of the General Statutes of the State of Florida be and the same is hereby amended so as to read as follows: 'The Supervisor of Registration of the several counties of this State shall have published within fourteen days after the second Saturday in the month preceding the day in which any general election is held, a certified list of the registered and qualified electors of each election district wherein such election shall be held provided, however, that not more than two hundred and fifty dollars shall be paid for any such publication.'"

Mr. McMullen moved to adopt the amendment.

Which was agreed to.

Mr. McMullen offered the following amendment to Senate Bill No. 35:

In the title strike out the word "repeal" and insert in lieu thereof the following: "Amend."

Mr. McMullen moved the adoption of the amendment.

Which was not agreed to.

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

Senate Chamber,
Tallahassee, Fla., April 21, 1911.

Hon. F. P. Cone,

President of the Senate.

Sir:

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

Senate Bill No. 3:

A Bill to be entitled An Act to amend Section four (4) of Chapter 5984 of the Laws of Florida, Acts of 1909, being entitled An Act to organize a County Court in and for the County of Gadsden; to prescribe the terms thereof and to provide for the Appointment of a Prose-

cuting Attorney and for his compensation and for that of the Judge of the said court.

Begs 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. T. CULPEPPER,
Chairman of Committee.

ENROLLED.

The President announced that he was about to sign—
Senate Bill No. 3:

An Act to amend Section four (4) of Chapter 5984 of the Laws of Florida, Acts of 1909, being entitled An Act to organize a County Court in and for the County of Gadsden; to prescribe the terms thereof and to provide for the appointment of a Prosecuting Attorney and for his compensation and for that of the Judge of the said court.

The Act was therefore 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. Culpepper, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 20, 1911.

Hon. F. P. Cone,
President of the Senate.

Sir:

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

Senate Bill No. 3:

An Act to amend Section four (4) of Chapter 5984 of the Laws of Florida, Acts of 1909, entitled An Act to organize a County Court in and for the County of Gadsden; to prescribe the terms thereof and to provide for the appointment of a Prosecuting Attorney and for his compensation and for that of the Judge of the said court.

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

Very respectfully,

C. T. CULPEPPER,
Chairman of Committee.

REPORTS OF COMMITTEES BY CONSENT.

The Committee on Pensions returns without recommendation—

Senate Bill No. 56:

A Bill to be entitled An Act to amend Section 2 of Chapter 5885, Laws of the State of Florida, relating to pensions.

The Committee on Temperance reported favorably with amendments—

Senate Bill No. 150:

A Bill to be entitled An Act providing that all saloons or other places of business where intoxicating liquors are sold be kept entirely open to view, that no screens, blinds, shutters, curtains, painted or stained glass doors or windows shall be used in or about said places; that no music tables shall be kept or used therein, and providing a penalty for the violation of the provisions thereof.

The Committee on Temperance offered the following amendment to Senate Bill No. 150:

Strike out Section 4.

The Committee on Temperance reported unfavorably on—

Senate Bill No. 169:

A Bill to be entitled An Act to limit the number of licenses which may be issued for the sale at retail of spirituous, vinous or malt liquors within cities of a certain size, and to provide a penalty for the violation thereof, and that such licenses in excess of such population shall be void.

The Committee on Temperance reported favorably with amendments on—

Senate Bill No. 195:

A Bill to be entitled An Act to require County Solici-

tors and State's Attorneys to procure certain prima facie evidence of dealing in spirituous, vinous or malt liquors; to require prosecution by County Solicitors for certain offenses upon acquisition of certain prima facie evidence of dealing in spirituous, vinous or malt liquors; to require State's Attorneys to present the grand juries certain prima facie evidence of dealing in spirituous, vinous or malt liquors to constitute a failure to do so as malfeasance of office and ground for removal of such officer.

The Committee on Temperance offered the following amendment to Senate Bill No. 195:

In Section 2, line 3, strike out the word "may," and insert in lieu thereof the following: "shall."

The Committee on Temperance reported favorably with amendment on—

Senate Bill No. 170:

A Bill to be entitled An Act to prohibit the license of the sale of spirituous, vinous or malt liquors within five hundred feet of any steam railway, passenger station, except by druggist and providing a penalty for the sale of such liquors within such prescribed distance.

The Committee on Temperance offered the following amendment to Senate Bill No. 170:

Strike out Section 4, and insert in lieu thereof the following: "Section 4. This Act shall go into effect on the 1st day of October, 1911."

The Committee on Game and Fisheries reported favorably—

Senate Bill No. 226:

A Bill to be entitled An Act to provide for the selection and securing of a site for a Government Biological Station on the Gulf Coast of Florida.

Reported the same favorably with the following amendments:

After the figures "\$2,000" in line 1 of Section 4 insert "or so much thereof as may be necessary."

The Committee on Game and Fisheries reported unfavorably on—

Senate Bill No. 161:

A Bill to be entitled An Act to amend Sections 3790 and 3791 of the General Statutes of the State of Florida

prescribing when oysters may be taken and where they shall be culled.

The Committee on Education reported favorably on—
Senate Bill No. 158:

An Act to create scholarships for the State University at Gainesville, Florida, and for the State College for Women at Tallahassee, Florida; providing for the selection of persons for such scholarships and for the payment thereof.

The Committee on Education reported on—
Senate Bill No. 105:

A Bill to be entitled An Act to secure to the people of Florida school text books at reduced prices; to provide special editions of said books at low prices; to provide for the exchange of books without cost to children who move from county to county; to provide for the filing of contracts; to provide for the State Superintendent of Public Instruction to supply information to County Superintendents; to authorize County Boards of Public Instruction to make contracts with publishers; to provide for a penalty for any dealer, clerk or agent who may sell school text books at greater prices than contract prices; to empower the removal of members of County Boards of Public Instruction refusing to comply with the requirements of this Act, and for other purposes.

And returns the same without recommendation and recommends the same to be considered in conjunction with Senate Bill No. 113.

The Committee on Municipalities reported favorably on—

Senate Bill No. 163:

A Bill to be entitled An Act to validate the incorporation of the Town of St. Cloud, in Osceola County, and to define the boundaries thereof.

The Committee on Municipalities reported favorably on—

Senate Bill No. 138:

A Bill to be entitled An Act to validate and confirm Ordinance No. 217 of the City of St. Petersburg, Florida, being entitled "An Ordinance vacating Second Avenue

North, between the west line of Fifth Street and the east line of Lake Street."

The Committee on Municipalities reported favorably on—

House Bill No. 205:

A Bill to be entitled An Act to amend Sections 40, 41, 42 and 45 of An Act entitled "An Act to abolish the present municipal government of the Town of Titusville in the County of Brevard and State of Florida, and to establish, organize and constitute a municipality to be known and designated as the City of Titusville, and to define its territorial boundaries and to provide for its jurisdiction, powers and privileges."

Messrs. McMullen and Sloan were excused until end of next week, being members of a committee to visit phosphate mines.

Mr. Withers was indefinitely excused as a member of a visiting committee.

Mr. Stokes moved that the Senate do now adjourn to 10:00 o'clock tomorrow morning.

Mr. Flournoy moved to adjourn to 3:00 o'clock Monday afternoon.

Upon the motion to adjourn to 3:00 o'clock Monday afternoon, the yeas and nays were demanded.

The roll was called and the following was the vote:

Yeas—Mr. President, Senators Culpepper, Davis, Dayton, Fiulayson, Flournoy, Henderson, Humphries, Johnson, Massey, McMullen, Miller, Withers—13.

Nays—Senators Baker, Broome, Calkins, Carney, Hudson, McCreary, McLeod, Perkins, Stokes, Williams, Wilson, Zim—12.

Whereupon the Senate stood adjourned until three o'clock p. m. Monday, April 24, 1911.