

SATURDAY, APRIL 29, 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 Adkins, Baker, Broome, Calkins, Carney, Cook, Davis, Dayton, Finlayson, Flournoy, Henderson, Hudson, Humphries, Johnson, Malone, Massey, McCreary, Perkins, Sloan, Stokes, Wilson, Withers, Zim—24.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of April 28 was dispensed with.

The Journal of April 28 was corrected and approved as corrected.

The Committee on Engrossed Bills reported as properly engrossed—

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.

The Committee on Engrossed Bills reported as properly engrossed—

Senate Bill No. 152:

A Bill to be entitled An Act to provide for quieting the title to real estate sold for State and county taxes.

The Committee on Engrossed Bills reported as properly engrossed—

Senate Bill No. 179:

A Bill to be entitled An Act to make it a misdemeanor for any person, or persons, to operate in any hotel, board-

ing house, or restaurant within this State without keeping all doors, windows, and other similar openings in dining room, kitchen and passage way between same screened, and fixing a penalty for failure to comply with the provisions of this Act.

The Committee on Engrossed Bills reported as properly engrossed—

Senate Bill No. 7:

A Bill to be entitled An Act relating to the liability of common carriers to their employes in certain cases.

The Committee on Judiciary A reported favorably, with amendment, on—

House Bill No. 182:

A Bill to be entitled An Act to amend Section 2111 of the General Statutes of 1906 of Florida.

With the following amendment, to wit:

In Section 1, line 9, strike out the word "after" and insert in lieu thereof the following: "Before." And in same line, after "proceed" add the word "as."

The Committee on Judiciary A reported unfavorably on—

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 Acts of 1909, the same being relative to the pay of jurors.

The Committee on Judiciary A reported favorably on—

Senate Bill No. 304:

A Bill to be entitled An Act to amend Chapter 5392, Laws of Florida, 1905, defining legal holidays in the State of Florida.

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

Senate Chamber,
Tallahassee, Fla., April 29, 1911.

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

Sir:

Your Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 225:

An Act making partial appropriation for legislative expenses, session of 1911.

Has carefully examined the same and finds it correctly enrolled.

Very respectfully,

WM. W. FLOURNOY,
Acting Chairman of Committee.

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

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

Senate Chamber,
Tallahassee, Fla., April 29, 1911.

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

Sir:

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

Senate Bill No. 225:

An Act making partial appropriation for legislative expenses, session of 1911.

Has carefully examined the same and finds it correctly enrolled.

Very respectfully,

WM. W. FLOURNOY,
Acting 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.

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

Senate Chamber,
Tallahassee, Fla., April 28, 1911.

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

Sir:

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

Senate Memorial No. 1:

A Memorial to Congress of the United States asking for an appropriation for Yellow River in Santa Rosa County, Florida.

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.

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

Senate Chamber,
Tallahassee, Fla., April 28, 1911.

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

Sir:

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

House Bill No. 199:

An Act to prohibit gigging or spearing fish in the fresh waters of Wakulla County, Florida.

Also—

House Bill No. 275:

An Act to repeal 6014 of the Laws of Florida, entitled "An Act to organize and establish a County Court in and for St. Lucie County, Florida, and to prescribe for the appointment of a Prosecuting Attorney, and prescribe the terms thereon."

Also—

House Bill No. 268:

An Act to provide a municipal government for the Town of Pinetta in the County of Madison, State of Florida.

Also—

House Bill No. 54:

An Act relating to the liability of persons, association of persons or corporations having a relief department for its employes, and to persons, association of persons or corporations that contribute money or other thing of value to any relief society or association for the benefit of employes.

Begs to report that the same has been duly signed by the Speaker and Chief Clerk of the House of Representatives, and are herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,

WM. W. FLOURNOY,

Acting Chairman of Committee.

INTRODUCTION OF RESOLUTIONS.

Mr. Calkins offered the following—

Senate Resolution No. 40:

Be it resolved by the Senate, That where any bill or resolution is made a special order or an order of the day, that the day of the month as well as the day of the week, such bill or resolution is set for a special order or an order of the day shall be placed upon the calendar, and when a bill or resolution is made a special order, the hour set to consider the same shall also appear upon the calendar.

Mr. Calkins moved to adopt the resolution.

Which was agreed to.

INTRODUCTION OF BILLS.

By Mr. Baker (by request)—

Senate Bill No. 312:

A Bill to be entitled An Act to provide for the appointment of an Inspector of Nursery Stock, prescribe his term of office and salary, and the employment of his deputies and assistants; 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 with injurious insects, pests or diseases to prevent the introduction, in-

crease or dissemination of said insects, pests or diseases; to provide that said rules and regulations shall prescribe costs and charges for said inspection and certification; to make it unlawful to knowingly sell, exchange, give away, or transport, or offer or attempt thereto, in the State of Florida, any Nursery Stock, trees, shrubs, plants, vines, cuttings, scions, grafts, buds, seeds, pits, bulbs, roots, or parts thereof, infested or infected with injurious insects, pests or diseases; to provide penalties for the violation of this Act and the rules and regulations thereof; to make an appropriation to carry out the provisions of this Act, and to repeal all laws or parts thereof inconsistent herewith.

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

By Mr. Stokes—

Senate Bill No. 313:

A Bill to be entitled An Act to amend Section 2821 of the General Statutes of the State of Florida, relating to powers of Eminent Domain by telegraph or telephone companies.

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

By Mr. Stokes—

Senate Bill No. 314:

A Bill to be entitled An Act relating to the establishment of a system of highways; the creation of a Board of State Road Commissioners; providing for the appointment and employment of a State Highway Commissioner and prescribing his qualifications, duties and compensation, and making an appropriation for the purpose of carrying out the provisions of this Act.

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

By Mr. Flournoy—

Senate Joint Resolution No. 315:

A Joint Resolution proposing an amendment to Section nine (9) of Article five (5) of the Constitution of Florida relating to judicial salaries.

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

By Mr. Flournoy—

Senate Bill No. 316:

A Bill to be entitled An Act to create and provide for the appointment of a commission to be known as "The State Practice and Procedure Commission," to examine into the laws of this State and other States and countries and to make report to the Governor thereupon, and to provide for the payment of the expenses of such commission.

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

By Mr. Perkins—

Senate Bill No. 317:

A Bill to be entitled An Act to amend Section 8 of Chapter 5947, Laws of Florida, 1909, being An Act to regulate the practice of optometry; to provide for a Board of Examiners and for the examinations of practitioners of optometry; for the registration of licensed practitioners, and prescribing penalty for its violation.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message was read:

House of Representatives,
Tallahassee, Fla., April 28, 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—

House Bill No. 7:

A Bill to be entitled An Act to repeal Section 622 in Chapter (1) One of the first division of the General Statutes of Florida, relative to granting lands to railroad companies.

Also—

House Bill No. 22:

A Bill to be entitled An Act to amend Section 24 of

the General Statutes of the State of Florida relating to the boundaries of Lafayette County.

Also—

House Bill No. 26:

A Bill to be entitled An Act amending Section 3767 of the General Statutes of the State of Florida, said section relating to the stopping of rivers, creeks, etc., with nets for the purpose of catching food fish.

Also—

House Bill No. 27:

A Bill to be entitled An Act to cure certain informalities in the execution of deeds and other instruments conveying, or transferring real or personal property, or in the relinquishment of dower by married women prior to the first day of April, A. D. 1911.

Also—

House Bill No. 50:

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

Also—

House Bill No. 56:

A Bill to be entitled An Act to amend Section 1475 of the General Statutes of the State of Florida, relating to the change of venue from one jurisdiction to that of another.

Also—

House Bill No. 98:

A Bill to be entitled An Act authorizing all Committing Magistrates, Sheriffs, Judges and other officers having authority to accept bonds, to accept cash bonds in criminal cases.

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

And House Bill No. 22, contained in the above message, was read the first time by its title and was placed on the Local Calendar of Bills on Second Reading.

And House Bill No. 26, contained in the above message, was read the first time by its title and was referred to the Committee on Game and Fisheries.

And House Bill No. 27, contained in the above message, was read the first time by its title.

Mr. Dayton moved that House Bill No. 27 be not referred and that it be substituted for Senate Bill No. 151, and that it take the position of Senate Bill No 151 on the Calendar.

Which was agreed to.

And House Bill No. 50, contained in the above message, was read the first time by its title and was referred to the Committee on Education.

And House Bill No. 56, contained in the above message, was read the first time by its title and was referred to the Committee on Judiciary B.

And House Bill No. 98, contained in the above message, was read the first time by its title.

Mr. Dayton moved that House Bill No. 98 be substituted for Senate Bill No. 137, and that House Bill No. 98 take the place of Senate Bill No. 137 on the Calendar.

Which was agreed to.

The following message was read:

House of Representatives,
Tallahassee, Fla., April 28, 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—

House Bill No. 259:

A Bill to be entitled An Act to prohibit any person or persons from unlawfully obtaining possession of or giving possession to another of any questions or question sheets or information pertaining thereto, used in the uniform examination for teachers; to prohibit cheating therein and to prescribe penalties for the violation of the provisions of this Act.

Also—

House Bill No. 454:

A Bill to be entitled An Act authorizing the Board of County Commissioners of Suwannee County, Florida, to issue interest-bearing time warrants, or county script, for the purpose of raising funds with which to open, lay out, establish, grade, pave, repair, improve and construct public roads and highways within said county and to purchase all necessary teams, wagons, tools, implements, machinery, supplies and appliances for such purposes, providing for the re-issuance of said warrants under certain circumstances and for the levy of a special tax to redeem certain warrants or script.

Also—

Senate Bill No. 225:

A Bill to be entitled An Act making partial appropriation for legislative expenses, session of 1911.

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

And House Bill No. 454, contained in the above message, was read the first time by its title and was placed on the Local Calendar of Bills on the Second Reading, under the rules.

And Senate Bill No. 225, contained in the above message, was read the first time by its title and was referred to the Committee on Enrolled Bills.

ENROLLED.

The President announced that he was about to sign—
Senate Memorial No. 1:

A Memorial to Congress of the United States asking for an appropriation for Yellow River in Santa Rosa County, Florida.

The Act was therefore duly signed by the President and Secretary of the Senate and ordered returned to the Chair.

man of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

The President announced that he was about to sign—
House Bill No. 199:

An Act to prohibit gigging or spearing fish in the fresh waters of Wakulla County, Florida.

Also—

House Bill No. 275:

An Act to repeal 6014 of the Laws of Florida, entitled "An Act to organize and establish a County Court in and for St. Lucie County, Florida, and to prescribe for the appointment of a prosecuting attorney, and prescribe the terms thereof."

Also—

House Bill No. 268:

An Act to provide a municipal government for the town of Pinetta in the County of Madison, State of Florida.

Also—

House Bill No. 54:

An Act relating to the liability of persons, association of persons, or corporations having a relief department for its employes, and to persons, association of persons or corporations that contribute money, or other thing of value to any relief society or association for the benefit of employes.

The Acts were 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.

The President announced that he was about to sign—
Senate Concurrent Resolution No. 2:

That a committee be appointed, two from the Senate and three from the House to investigate the work of draining the Everglades, and report same to the Legislature.

Also—

Senate Concurrent Resolution No. 7:

That a committee be appointed, one from the Senate and two from the House, to confer with the Governor and

his Cabinet, inspect the Capitol grounds and buildings and make report to the Legislature, with such recommendations as is deemed necessary.

Also—

Senate Concurrent Resolution No. 14:

That a committee be appointed, two from the Senate and three from the House, to investigate the primary laws of this and other States, to make full investigation thereof and to report to the Legislature, with recommendations, as expeditiously as possible.

The Acts were 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.

ORDER OF THE DAY.

The motion of Mr. Hudson to reconsider the motion by which Senate Bill No. 187 was re-committed to the Committee on Judiciary A.

Was taken up.

Upon the question to reconsider the vote by which Senate Bill No. 187 was re-committed, the motion was agreed to.

Mr. Hudson moved that Senate Bill No. 187 be placed among the Orders of the Day to be considered later.

Which was agreed to.

The hour having arrived for the special consideration of—

Senate Bill No. 143:

A Bill to be entitled An Act to amend the law relating to the liability of employers for injuries to their employes.

Was taken up and read the second time.

Mr. Johnson offered the following amendment:

In Section 1, line 1, strike out the word "commencement" and insert in lieu thereof the following: "passage."

Mr. Johnson moved to adopt the amendment.

Which was agreed to.

Mr. Henderson offered the following amendment:

At the end of Section 1 strike out the following: "All questions of negligence and contributory negligence and assumption of risk shall be for the jury" and

insert in lieu thereof the following: "That in all actions instituted under the provisions of this Act to recover damages for injury to, or death, of any employe the burden of proof shall be upon the employer to make it appear to the satisfaction of the jury that said employer, his agents and servants, have exercised all due and reasonable care, skill and diligence, the presumption in all cases being against the employer, and that all questions of negligence, and contributory negligence, and assumption of risks, and assumption shall be for the jury."

Mr. Henderson moved the adoption of the amendment.

Upon which a yea and nay vote was demanded. The roll was called and the vote was:

Yeas—Senators Baker, Broome, Carney, Cook, Davis, Dayton, Finlayson, Flournoy, Henderson, Hudson, Humphries, Johnson, L'Engle, Malone, McCreary, Sloan, Stokes, Wilson, Withers, Zim—20.

Nays—Senators Adkins, Calkins—2.

So the amendment was adopted.

Mr. Zim offered the following amendment to—

Senate Bill No. 143:

Strike out of the printed bill all of lines 9 to 23, both inclusive, on page 3, and insert in lieu thereof the following: "That in any action brought against any employer such employer may set off therein any sum the employer has paid subsequent to the injury, to the injured employe, or to the person entitled thereto, on account of the injury or death for which such action was brought; provided, that no set off shall be considered or allowed for any amount which may have been paid to the injured employe, or to the person entitled thereto, from any insurance, relief benefit, or indemnity fund created for the benefit of such injured employe, or person entitled thereto and upon which the injured employe, or other person in his behalf, has paid the premium.

Mr. Zim moved the adoption of the amendment.

Which was agreed to.

Mr. Zim offered the following amendment:

Wherever in the bill the word employe appears add the letter "e."

Mr. Zim moved to adopt the amendment.

Which was agreed to.

And Senate Bill No. 143, as amended, was referred to the Committee on Engrossed Bills.

Senate Bill No. 187:

A Bill to be entitled An Act to punish indecent assaults on female persons.

Was taken up.

The amendment pending to wit:

In line 2 of section 1, after the word "State" add "without her consent."

Was read.

Mr. Johnson moved the adoption of the amendment.

Which was not agreed to.

The question recurred on the motion to indefinitely postpone the bill.

Which was not agreed to.

There being an interlineation in the bill it was referred to the Committee on Engrossed Bills.

CONSIDERATION OF BILLS ON THIRD READING.

Senate Bill No. 84:

A Bill to be entitled An Act to provide permanently for reprinting the reports of the Supreme Court.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 84 the roll was called and the vote was:

Yeas—Senators Adkins, Baker, Broome, Cook, Davis, Dayton, Finlayson, Flournoy, Henderson, Hudson, Humphries, L'Engle, Malone, Massey, McCreary, Sloan, Stokes, Wilson, Withers, Zim—20.

Nays—None.

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

Senate Bill No. 120:

A Bill to be entitled An Act to provide that in action on insurance policies, a substantial compliance with the terms, conditions and warranties of such policies shall be deemed sufficient, etc.

Was taken up.

Pending the third reading of which—

Mr. Johnson moved that Senate No. 120 and Senate Bill 103 be made an order of the day for next Thursday, May 4.

Mr. Flournoy moved to substitute the motion to make the bills an order of the day for next Tuesday, May 2.

Which was agreed to.

Senate Bill No. 146:

A Bill to be entitled An Act to prescribe the criminal jurisdiction of Justices of the Peace in counties having County Courts or Criminal Courts of Record.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 146 the roll was called and the vote was:

Yeas—Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Davis, Dayton, Finlayson, Flournoy, Henderson, Hudson, Humphries, Johnson, L'Engle, Malone, Massey, McCreary, Stokes, Wilson, Withers, Zim—23.

Nays—None.

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

Senate Committee Bill No. 200:

A Bill to be entitled An Act to secure the prompt payment of funds collected for the State and county, and providing penalties for the omission.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 200 the roll was called and the vote was:

Yeas—Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Davis, Dayton, Finlayson, Flournoy, Henderson, Hudson, Humphries, Johnson, Malone, Massey, McCreary, Sloan, Stokes, Wilson, Withers, Zim—22.

Nays—None.

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

Senate Committee Bill No. 201:

A Bill to be entitled An Act to amend Section 816 of the General Statutes of the State of Florida relating to the duties of County Treasurers.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 201 the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Dayton, Finlayson, Flournoy, Henderson, Hudson, Humphries, Johnson, L'Engle, Massey, McCreary, Sloan, Stokes, Wilson, Withers, Zim—20.

Nay—Senator Malone—1.

So the bill passed, title as stated, and the same was

ordered to be certified to the House of Representatives.
Senate Committee Joint Resolution No. 202:

A Joint Resolution proposing an amendment to Section 35 of Article V of the Constitution of Florida relating to the establishment of courts.

Was taken up.

Mr. Calkins moved to waive the rules and to place Senate Committee Joint Resolution No. 202 back upon the Calendar of Bills on the Second Reading.

Which was agreed to by a two thirds' vote.

And the bill took its place on the Calendar of Bills on the Second Reading.

Senate Committee Bill No. 205:

A Bill to be entitled An Act to require banking institutions in this State to furnish information concerning public funds and prescribing penalty for refusal to do so.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 205 the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Davis, Dayton, Finlayson, Flournoy, Henderson, Hudson, Humphries, Johnson, L'Engle, Malone, Massey, McCreary, Sloan, Stokes, Wilson, Withers, Zim—24.

Nays—None.

So the bill passed, title as stated.

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

Senate Committee Bill No. 206:

A Bill to be entitled An Act to create a Board of Commissioners on Constitutional Amendments, prescribing their duties; to provide for the publication of the effect of each proposed Constitutional amendment and to provide for the printing of the same on the ballots as required by Chapter 5405, Laws of Florida.

Was taken up and read the third time in full.

Mr. Flournoy asked unanimous consent to offer an amendment to the bill on its third reading.

The request was objected to.

Mr. Calkins moved to waive the rules and place the

bill back on the Calendar of Bills on the Second Reading for amendment.

Which was not agreed to.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Senators Calkins, Cook, Finlayson, McCreary, Stokes, Wilson—6.

Nays—Mr. President, Senators Adkins, Baker, Broome, Carney, Davis, Dayton, Flournoy, Henderson, Hudson, Humphries, Johnson, L'Engle, Malone, Massey, Sloan, Withers, Zim—18.

So the bill failed to pass.

Senate Committee Bill No. 207:

A Bill to be entitled An Act reserving to the Trustees of the Internal Improvement Fund of the State of Florida and their successors and to the State Board of Education of the State of Florida and their successors in certain interest in and to phosphate and other minerals and petroleum, which may be in, on or under the land sold by same, with the privilege and right to mine and develop said land.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 207 the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Davis, Dayton, Finlayson, Hudson, McCreary, Sloan, Stokes, Wilson—16.

Nays—Senators Flournoy, Henderson, Humphries, Johnson, L'Engle, Malone, Massey, Withers, Zim—9.

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

Senate Bill No. 162:

A Bill to be entitled An Act to amend Chapter 5609 of the Laws of Florida, entitled "An Act to provide for the enumeration of agricultural, horticultural, live stock, manufacturing, industrial and other statistics; for the appointment of County Enumerators; to define their duties; to provide for their compensation, and to define the duties of the Boards of County Commissioners in connection therewith.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 162 the roll was called and the vote was:

Yeas—Senators Adkins, Baker, Calkins, Carney, Davis, Dayton, Finlayson, Flournoy, Henderson, Hudson, Humphries, Malone, Massey, McCreary, Sloan, Stokes, Wilson, Withers, Zim—19.

Nays—Mr. President, Senators Broome, Cook, Johnson, L'Engle—5.

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

Mr. Calkins moved that Senate now take up for consideration—

Senate Committee Joint Resolution No. 202:

A Joint Resolution proposing an amendment to Section 35 of Article V of the Constitution of Florida relating to the establishment of courts.

Which was agreed to.

Mr. Calkins offered the following amendment:

In line 9 of Section 35, after the word "officer," strike out the following: "and may clothe any Railroad Commission with judicial powers in all matters connected with the functions of their office."

Mr. Calkins moved to adopt the amendment.

Which was agreed to.

And the joint resolution as amended was referred to the Committee on Engrossed Bills.

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

Senate Chamber,
Tallahassee, Fla., April 29, 1911.

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

Sir:

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

Senate Memorial No. 1:

A Memorial to Congress of the United States asking for an appropriation for Yellow River in Santa Rosa County, Florida.

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

Very respectfully.

C. T. CULPEPPER,
Chairman of Committee.

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

Senate Chamber,
Tallahassee, Fla., April 29, 1911.

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

Sir:

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

House Bill No. 199:

An Act to prohibit gigging or spearing fish in the fresh waters of Wakulla County, Florida.

Also—

House Bill No. 275:

An Act to repeal Chapter 6014 of the Laws of Florida entitled "An Act to organize and establish a County Court in and for St. Lucie County, Florida, and to prescribe for the appointment of a prosecuting attorney, and prescribe the terms thereof."

Also—

House Bill No. 268:

An Act to provide a municipal government for the town of Pinetta in the County of Madison, State of Florida.

Also—

House Bill No. 54:

An Act relating to the liability of persons, association of persons, or corporations having a relief department for its employes, and to persons, association of persons or corporations that contribute money, or other thing of value to any relief society or association for the benefit of employes.

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

Very respectfully,

WM. W. FLOURNOY,
Acting Chairman of Committee.

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

Senate Chamber,
Tallahassee, Fla., April 29, 1911.

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

Sir:

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

Senate Concurrent Resolution No. 2:

That a committee be appointed, two from the Senate and three from the House, to investigate the work of draining the Everglades, and report same to the Legislature.

Also—

Senate Concurrent Resolution No. 7:

That a committee be appointed, one from the Senate and two from the House, to confer with the Governor and his Cabinet, inspect the Capitol grounds and buildings and make report to the Legislature, with such recommendations as is deemed necessary.

Also—

Senate Concurrent Resolution No. 14:

That a committee be appointed, two from the Senate and three from the House, to investigate the primary laws of this and other States, to make full investigation thereof and to report to the Legislature, with recommendations, as expeditiously as possible.

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

Very respectfully,

C. T. CULPEPPER,

Chairman of Committee.

Mr. Johnson moved to adjourn to 4 o'clock Monday,
p. m.

Upon which the yeas and nays were demanded.

The roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Calkins, Cook, Davis, Dayton, Finlayson, Flournoy, Henderson, Humphries, Johnson, L'Engle, Malone, McCreary, Wilson, Withers—16.

Nays—Senators Baker, Broome, Carney, Hudson, Massey, Sloan, Stokes, Zim—8.

So the motion prevailed.

Whereupon the Senate stood adjourned to 4 o'clock p. m. Monday, May 1, 1911.