

ernoon it shall adjourn to 10 o'clock tomorrow morning.

Mr. Malone moved as a substitute to the amendment that the Senate do now adjourn until 4 o'clock Monday afternoon.

Upon which a yea and nay vote was demanded.

The roll was called and the following was the vote:

Yeas—Senators Adkins, Calkins, Cook, Dayton, Finlayson, Henderson, Hilburn, Hosford, Humphries, Johnson, L'Engle, Malone, McMullen, Wilson, Withers—15.

Nays—Mr. President, Senators Baker, Broome, Carney, Hudson, McCreary, McLeod, Miller, Sloan—9.

Whereupon the Senate stood adjourned to 4 o'clock p. m., Monday, May 8, 1911.

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## MONDAY, MAY 8, 1911.

FOUR O'CLOCK P. M.

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, Culpepper, Davis, Dayton, Finlayson, Henderson, Hilburn, Hosford, Hudson, Humphries, Malone, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Stokes, Wilson, Withers, Zim—25.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of May 5th was dispensed with.

The Journal of May 5th was corrected, and approved as corrected.

### REPORTS OF COMMITTEES.

Messrs. Withers and Dayton, committee on behalf of the Senate, submitted the following report:

*To the Honorables Fred P. Cone, President of the Senate, and T. Albert Jennings, Speaker of the House.*

Gentlemen:

Your Committee, appointed under Senate Concurrent

Resolution No. 8, to visit the lands purchased for the State Prison Farm in Bradford County, Florida, and the lands held by option for the State Prison Farm in the same county and to make report unto the Legislature and to make such recommendations as in the judgment of the committee the conditions warrant, hereby respectfully submit the following report:

We visited and inspected the lands already purchased by the State and the lands on which the State has an option. We examined the records of the same at Starke, in Bradford County, and had a meeting of the committee at the office of the Empire Lumber Company, at Jacksonville, Florida, at which were present the officers of the Empire Lumber Company, the Atlantic Lumber Company and T. F. McGarry. Your committee has held several meetings at the Capitol at Tallahassee and had before them the Governor, the Commissioner of Agriculture, the State Treasurer and several other persons.

Your committee has secured samples of the soils and clays on said land, the analysis of which is contained in the letter of the State Chemist which is hereto attached and submitted as a part of this report.

Your Committee finds that the lands owned by the State, and on which it holds an option, are among the best farming lands in the State and well adapted to the growth of potatoes, sugarcane, corn, tobacco and cotton, besides being good nursery land and land well adapted to the growing of strawberries. Said lands are also adapted to the growth of peach, pear, pecan and other fruit trees. The clay, which is easily accessible in this land and which underlies the land at a depth of from ten inches to two feet of Norfolk and Portsmouth sand loam, makes this land very desirable land for farming purposes, horticulture and floriculture. The clay can be made into brick, as we have had the State Chemist burn a small brick from the clay obtained from these lands in Section 3, Township 5, Range 21, and said clay, by the proper treatment and manipulation, can be converted and manufactured into a fine grade of vitrified brick good for pavements, etc. The land is mostly flat but susceptible of good drainage into New River, that runs diagonally across the Western part of the lands, and Water Oak Creek just south of said lands. The lands are practically free from scrub palmetto.

The most of Section 21 and all of Sections 22, 23 and 24, Township 5, Range 21, on the east side of New River, have been cut over. The cypress on the land is being removed by Mr. Elerbee, and there is very little cypress and of small value on said lands. The pine timber contracts, including turpentine privileges and sawmill privileges, and the right by T. F. McGarry to remove the down residue wood and stumps for two years after the same has been sawmilled, all have a final expiration in the year 1918. In Section 33, Township 4, Range 21, the land is to be turned over to the State free of all reservations by January 1, 1912; or at least sixty acres by January 1, 1912, and the balance of the Section within ninety days after January 1, 1912. The turpentine rights expire on the lands purchased by the State, about 3,000 acres January 1, 1912, and at the rate of 3,000 acres per year for two years thereafter. All turpentine rights and privileges expire not later than January 1, 1916. The sawmill timber is to be removed from the land as the turpentine privileges expire, and at the same rate all sawmill privileges expire during the year 1916. All the timber reservations, restrictions, privileges and rights expire in the year 1916. In this connection T. F. McGarry who owns one third of the right to remove the timber and stumps, and Mr. Meigs, who owns one third of the right, promised your committee to release all rights they held in the event that the State exercised its option on the lands and that Mr. Dowling should sell his timber rights to the State.

Your committee further finds from Mr. Meigs and Mr. Dexter Hunter and Son, of the Empire Lumber Company, and of Mr. Dowling, who owns sawmill privileges, that the Empire Lumber Company will sell to the State the lands described in the option at Five dollars per acre, and that Mr. Dowling will sell the sawmill privileges to the State for Two Dollars and Fifty Cents per thousand feet stumpage as agreed on between the joint estimators of the Empire Lumber Company and Mr. Dowling.

We find that the State has already purchased and paid for 8154½ acres, with the exception of 160 acres, on which the title is being perfected, and that the State is holding back \$1,000 of said purchase money in order that said title may be perfected. We find that the State holds an option on 7445½ acres contiguous to the lands already purchased by the State. We find that the estimate of the

timber on the lands, both in the option and at present owned by the State, amounts to about twenty-one million feet, and that it would require approximately the sum of \$87,725 to buy said timber and the additional lands in the option of 7445½ acres. Mr. Meigs, on behalf of the Empire Lumber Company, offered to sell the same to the State on the following terms: Land at five dollars per acre; timber at \$2.50 per thousand feet, payable \$20,000 cash, balance in equal payments of one, two and three years at 6 per cent interest.

### RECOMMENDATIONS.

Your committee recommends:

1. That the State exercise its right under the option to purchase the additional lands of 7445½ acres at \$5.00 per acre.
2. That the State buy the timber on said lands and on the lands it already owns.
3. That the buildings for the Prison Farm be erected near the station of Elerbe, in Bradford County, Florida.
4. That the State be authorized to sell outlying and detached tracts of land and to purchase or exchange land for lands lying wholly within the lands of the State so as to make a solid compact body for the lands of the State Prison Farm.
5. That the State build temporary wooden buildings for the protection and occupancy of the convicts until such time as the State can use the convicts to make the brick from the clay and materials on the State lands to replace the temporary buildings with substantial brick buildings.
6. That when the lands are turned over free of turpentine privileges to the State by Mr. Elerbe, Padgett and others, that the State have its convicts fill the boxes with dirt for the protection of the timber.
7. That in addition to the manufacture of brick for State buildings that the State manufacture brick for sale, and that the State Chemist be requested to see if it is practicable by proper fluxing, pugging and burning to make vitrified brick of the material on the State lands, and, if it is, that the State manufacture the same for use on the farm and for sale.

8. That the State remove the trees, logs and brush from New River to assist in the drainage of the lands on the farm, and that it open such ditches into said water course as may be necessary to complete the drainage of the lands as the same are needed for farming and other purposes.

9. We recommend that the State purchase option land and timber, as herein stated, on the following terms:

Twenty thousand dollars cash, balance in quarterly payments without interest, from hire of State convicts, and that the Attorney General pass on the title to lands and timber after payment and before second payment as herein stated.

All of which is respectfully submitted for the consideration of the Legislature.

R. F. ROGERS, Chairman.

P. T. KNIGHT,

W. M. IGOU,

Members of the House Joint Committee.

I. N. WITHERS,

GEO. W. DAYTON,

Members of the Senate Joint Committee.

State of Florida,  
Agricultural Dept., Division of Chemistry.  
Tallahassee, Fla., May 4, 1911.

*Hon. G. W. Dayton,*  
*Senate Chamber,*  
*The Capitol.*

*Sir:*

I beg to submit the following report, classifying the samples of soil, taken from the State Prison Farm in Bradford County.

No. 1. Clay sub-soil, SE-SE-S29-T5-R21.

This is the ordinary clay of the peninsular; aluminum silicate, colored with an oxide of iron, and mixed with sand (silica) in varying proportions. This material is plastic, and if properly pugged and manipulated will make good brick. It is identical to the clay beds near Jacksonville, now being used for brick making.

No. 2. Sec. 9-T5-R21.

This is identical in composition and structure with No. 1.

No. 3. Surface sample, Sec. 9-T5-R21.

This is a fair sample of Portsmouth Sandy Loam, containing considerable humus.

No. 4. Surface soil SE-NE-24-5-21 and No. 5. Surface soil SW-SW-4-5-21.

These are similar to No. 3, all excellent examples of Portsmouth Sandy Loam, containing abundant humus.

No. 6. SE-SE-S4-T5-R21. (11 inches clay.)

This is a Norfolk sand, containing little humus. It can not be classed a loam.

No. 7. Clay, 3 feet deep on line of S3 and S4-T5-R21.

This specimen has less sand than Nos. 1 and 2. Hence, it is more plastic, and better adapted to brick or pottery making.

No. 8. Clay from well and tree root, S22-T5-R21.

This clay has a larger proportion of sand than Nos. 1 and 2. Hence, it is not so well adapted to brick or tile making.

No. 9. Surface soil, Sec. 22-T5-R21.

This is Norfolk sand, the ordinary sand of the peninsular, comprising probably 85 per cent of the peninsular part of the State.

These soils are the ordinary Norfolk Sands, and Portsmouth Sandy Loams, of the coastal plain, and vary but slightly in composition, depending largely on the nearness of clay subsoil, to the surface and the amount of humus. These soils are what are known as "clay-bottomed flatwoods," which when properly drained, are among the most productive in the State, such as the Hastings lands and the Flatwoods of Bradford, Clay, Columbia and other counties. These lands generally require drainage, and the streams are convenient in all cases for surface drains. No better farms are found in the State than on similar lands.

There is nothing peculiar in the clays. Their sand content varies somewhat, though, this is usual. Properly handled, pugged, and fluxed; these clays will make good building brick. Purer clays (with less sand) will doubtless be found upon examination. Similar beds, in other counties, have unusually plastic material of which first class brick and tile are made. This material by proper fluxing, pugging and burning can be vitrified as are other clays.

From an agricultural standpoint, these lands are emi-

nently suited for the staple crops: corn, sugar cane, tobacco, cotton and potatoes. They are of practically the same composition as the best "Irish potato lands," in the State and are similar to the lands now being so successfully used as nurseries, by several of the best nurserymen of the State.

Very respectfully,

R. E. ROSE,  
State Chemist.

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

Mr. Adkins, Chairman of the Committee on Legislative Expenses, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 8, 1911.

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

*Sir:*

Your Committee on Legislative Expenses begs to report that they have considered—

Senate Resolution No. 33:

Resolved that the Committee on Enrolled Bills be authorized to employ two clerks when they deem it necessary, and recommends that said resolution be adopted.

Very respectfully,

A. Z. ADKINS,  
Chairman of Committee.

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

Mr. Hudson, Chairman of the Committee on Rules and Procedure, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 8, 1911.

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

*Sir:*

Your Committee on Rules and Procedure—

Recommends that in the regular order of business upon Consideration of Bills at the afternoon session on Tues-

day, April 9, the Special Calendar be taken up and disposed of.

Very respectfully,

F. M. HUDSON,  
Chairman of Committee.

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

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

Senate Chamber,  
Tallahassee, Fla., May 8, 1911.

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

*Sir:*

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

An Act for the preservation of turkey, deer, quail and other wild game and birds of Lee County, Florida.

Also—

An Act to prohibit the catching or taking of food fish in the waters of Homosassa River and its tributaries in the County of Citrus and State of Florida by the use of seines, gill nets, haul nets or by any other kind of nets or device except cast nets, hook and line, and prescribing that its violation shall be punished by general laws in such cases made and provided.

Also—

An Act to legalize the election held in the City of Jasper, Florida, on the 18th day of April, A. D. 1911, to determine by a two thirds' vote of the registered and legally qualified voters of said City of Jasper, who were owners of real estate within the corporate limits of the said city, and who had paid taxes thereon for the last year when said taxes were due, whether or not the bonds proposed by an ordinance entitled "An Ordinance providing for the issuing of bonds by the City of Jasper, etc.," should be authorized and issued.

Also—

An Act authorizing the municipality of the City of St. Augustine, in the State of Florida to fix the rate of

taxation on all taxable property of said city; prescribing the purposes for, and the manner in which the same may be levied, assessed and collected.

Begs to report that the same have 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,

C. T. CULPEPPER,  
Chairman of Committee.

The Committee on Organized Labor reported favorably with a substitute for—

Senate Bill No. 298:

A Bill to be entitled An Act to regulate the employment of persons operating engines and trains used as common carriers of freight or passengers in this State and to prescribe penalty for violation thereof.

The title of the substitute offered by the committee being the same as the original bill.

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

Senate Chamber,  
Tallahassee, Fla., May 8, 1911.

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

Sir:

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

An Act to change the boundaries of the City of Orlando, in Orange County.

Also—

An Act to regulate the election and terms of office of the Mayor, Clerk, Treasurer and Marshal of the City of Orlando.

Also—

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.

Also—

An Act permitting building and loan associations to increase their capital stock.

Also—

An Act relating to the maintenance and repair of ditches, drains and canals constructed under the provisions of Chapter XVI, Title 9, First Division of the General Statutes of the State of Florida, and providing a penalty for obstructing such ditch, drain or canal.

Also—

An Act to organize a County Court in the County of Pasco; to prescribe for the appointment of a Prosecuting Attorney for said court; to prescribe for the terms of said court, and to make said court a Court of Record; to provide for the transfer of all causes now pending in the Circuit Court and the Justice of the Peace Courts to said court for further consideration, which causes will be within the jurisdiction of said County Court; to provide for the drawing of the first jury; to provide how judgments in said courts shall become liens; to provide for the salaries and fees of the officers of said court, and to provide what officers shall be the officers of said court.

Begs to report that the same have 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,

C. T. CULPEPPER,  
Chairman of Committee.

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

Senate Chamber,  
Tallahassee, Fla., May 8, 1911.

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

*Sir:*

Your Committee on Enrolled Bills, to whom was referred—

An Act to organize a County Court in the County of Pasco; to prescribe for the appointment of a Prosecuting Attorney for said court; to prescribe for the terms of said court, and to make said court a Court of Record; to provide for the transfer of all causes now pending in the Circuit Court and the Justice of the Peace Courts to said court for further consideration, which causes will be within the jurisdiction of said court; to provide for the drawing of the first jury; to provide how judgments in said court shall become liens; to provide for the salaries and fees of the officers of said court, and to provide what officers shall be the officers of said court.

Also—

An Act relating to the maintenance and repair of ditches, drains and canals constructed under the provisions of Chapter XVI, Title 9, First Division of the General Statutes of the State of Florida, and providing a penalty for obstructing any such ditch, drain or canal.

Has carefully examined the same and finds them correctly enrolled.

Very respectfully,

A. Z. ADKINS,  
Acting Chairman of Committee.

And the Acts contained in the above reports were referred to the Joint Committee on Enrolled Bills.

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

Senate Chamber,  
Tallahassee, Fla., May 8, 1911.

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

*Sir:*

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

An Act to organize a County Court in the County of Pasco; to prescribe for the appointment of a Prosecuting Attorney for said court; to prescribe for the terms of said court; and to make said court a Court of Record; to provide for the transfer of all causes now pending in the Circuit Court and the Justice of the Peace Courts to said court for further consideration, which causes will be

within the jurisdiction of said court; to provide for the drawing of the first jury; to provide how judgments in said court shall become liens; to provide for the salaries and fees of the officers of said court, and to provide what officers shall be the officers of said court.

Also—

An Act relating to the maintenance and repair of ditches, drains and canals constructed under the provisions of Chapter XVI, Title 9, First Division of the General Statutes of the State of Florida, and providing a penalty for obstructing any such ditch, drain or canal.

Has carefully examined the same and finds them correctly enrolled.

Very respectfully,

A. Z. ADKINS,

Acting Chairman of Committee.

The Acts contained in the above report were 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. Broome, Chairman of the Committee on Engrossed Bills, reported as properly engrossed—

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 punishment for the violation of same.

Also as properly engrossed—

Senate Bill No. 312:

A Bill to be entitled An Act to provide for 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, increase or dissemination of said insects, pests or diseases; to provide that said rules and regulations shall prescribe cost and charges for said in-

spection 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.

The Committee on Finance and Taxation returned without consideration, by Senate recall—

Senate Bill No. 221:

A Bill to be entitled An Act to amend Sections 63 and 64 of Chapter 5596 of the Laws of Florida, Acts of 1907, relative to the commissions and compensation of County Assessors of Taxes and Tax Collectors.

The Committee on Game and Fisheries reported favorably on—

House Bill No. 21:

A Bill to be entitled An Act to repeal Chapter 5293 of the Acts of 1903, the same being An Act to regulate the hunting of deer, turkey and other wild game in Lafayette County.

Also favorably, with amendment, on—

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.

With amendment:

Section 1, line 8, strike out all after the word "points."

The Committee on Game and Fisheries reported favorably on—

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.

Also reported favorably on—

Senate Bill No. 366:

A Bill to be entitled An Act to establish a reservation for the protection and propagation of shad, mullet, sturgeon and other food fishes of all kinds in the waters of the St. Johns River and tributaries and adjacent waters between the north line of Township No. 12 South, Range No. 26 East, and the south line of Township No. 13 South, Range 26 East, establishing the boundaries of said reservation, and prescribing penalties for violation of the provisions thereof.

Also reported without recommendation—

Senate Bill No. 265:

A Bill to be entitled An Act to establish a reservation for the protection and propagation of food fishes in the waters of Mosquito Lagoon, Indian River, North Halifax River, and tributary and adjacent waters, between latitude 28 degrees and 40 minutes north, and latitude 29 degrees and 24 minutes north; establishing the boundaries of said reservation and prescribing penalties for violation of the provisions thereof.

The Committee on Judiciary B reported favorably on—

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 reported favorably on—

House Bill No. 203:

A Bill to be entitled An Act to amend Section 2774 of the General Statutes of the State of Florida, the same being relative to decrees and judgments against insurance companies and the allowance of solicitors or attorneys' fees against insurance companies.

Also reported unfavorably on—

House Bill No. 180:

A Bill to be entitled An Act to repeal Chapter 5923 of the Laws of the State of Florida, which provides for the stay of execution of sentence or fine in Justice of the Peace and County Judges' Courts.

Also reported unfavorably on—  
Senate Bill No. 326:

A Bill to be entitled An Act to amend Sections 400 and 406 of the General Statutes of the State of Florida, the same being relative to elections for the establishment of special tax school districts; the establishment of such districts; the election of trustees; the term for which said trustees are elected, and the fixing of the special tax for such special tax school district.

Also reported unfavorably on—  
Senate Bill No. 309:

A Bill to be entitled An Act relating to the regulation of life insurance companies doing business in the State of Florida, and prohibiting certain acts and things, also certain misrepresentations, distinctions between insured parties, contracts other than as expressed in the policy, or inducements to insurance, and providing punishments in relation thereto.

The Committee on Judiciary B reported unfavorably on—

House Bill No. 100:

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.

Also reported favorably, with amendments, on—  
House Bill No. 101:

A Bill to be entitled An Act to amend Section 1496 of the General Statutes of Florida relating to instructions and charges to juries by the Judges of the several courts of the State of Florida.

Senate Committee Amendment to House Bill No. 101, to-wit:

After the word "plaintiff" in line 12 of Section 1, add the following: "in any civil case."

The Joint Committee on Public Roads and Highways reported favorably on—

Senate Bill No. 369:

A Bill to be entitled An Act to authorize the counties of the State of Florida to create and constitute special

road and bridge districts within said counties, and to issue bonds and levy and collect a special road and bridge tax with which to pay for the construction, repair and maintenance of the roads and bridges within said special roads and bridge districts.

The Committee on Judiciary B reported favorably on—  
Senate Bill No. 361:

A Bill to be entitled An Act to require the County Commissioners of the several counties in the State of Florida to give bonds to secure a faithful discharge of their official duties.

Also reported favorably on—

Senate Bill No. 347:

A Bill to be entitled An Act authorizing the City of Tampa to issue bonds for the purpose of building and constructing a bridge across the Hillsboro River at Lafayette Street in the City of Tampa, Florida, and providing for the payment thereof.

Also reported favorably on—

House Bill No. 157:

A Bill to be entitled An Act to prevent the detention, by debt or otherwise, of female persons in houses of prostitution or other places where prostitution is practiced or allowed, and providing for the punishment thereof.

Also reported favorably on—

House Bill No. 168:

A Bill to be entitled An Act relating to and authorizing the sale of property by warehousemen, wharfingers and common carriers under specified circumstances, and providing for the disposition of the proceeds thereof, and to amend Sections 3127 and 3128 of the General Statutes of the State of Florida relating thereto.

The Committee on Judiciary A reported favorably with amendments on—

Senate Bill No. 354:

A Bill to be entitled An Act prescribing the period of time within which an action arising on account of An

Act causing wrongful death shall be brought, and applying the same to certain actions heretofore commenced.

Amendments to wit:

In Section 2, strike out all of lines 3, 4, 5 and 6 and insert in lieu thereof the following: "And have not become barred under existing laws."

The Committee on Judiciary A reported favorably with amendments on—

Senate Bill No. 178:

A Bill to be entitled An Act defining kidnapping and fixing a penalty for the violation of the provisions of this Act.

Amended as follows:

Strike out all of Section 2.

Section 2. Chapter 5907 of the Laws of Florida entitled An Act to prescribe the punishment for kidnapping a child under the age of fifteen years to be held for ransom, is hereby repealed.

The Committee on Judiciary A reported unfavorably on—

Senate Bill No. 224:

A Bill to be entitled An Act to provide for submitting to a vote of the qualified voters of the next general election the proposition as to whether or not the State Capitol shall be moved to some point east of the Suwannee River, and providing how the location shall be determined should the result of the election be favorable to the removal of the Capitol.

The Committee on Judiciary A reported favorably with amendment on—

Senate Bill No. 184:

A Bill to be entitled An Act to extend the powers of the Railroad Commissioners, so as to give them power and authority to regulate charges of telegraph companies for the transmission of messages by telegraph, to apply the powers given said Commissioners by law over railroad companies to all persons or companies owning or controlling or operating a line or lines of telegraph, and to make the penalties prescribed against the railroads for violating Commissioners' Rules apply to the companies and

persons herein named, whose line or lines is, or are wholly or in part in this State and for other purposes.

Amended as follows:

In line 1, at end of line strike out "or companies" and insert the following: "Firms or corporations."

At the beginning of line 7 of said Section 1, strike out "or companies" and insert the following: "Firm or corporation."

In line 8, strike out "company, person or persons" and insert the following: "Persons, firm or corporation."

In line 12, at the end of line and beginning line 13 of said Section 1, strike out "corporations, companies or persons," and insert the following: "Persons, firms or corporations."

At the end of line 16, and beginning of line 17 of said Section 1, strike out "corporation, company, person or persons" and insert the following: "Persons, firms or corporations."

After the word "charged" in line 6 of Section 1, insert the following: "And service to be rendered."

After the word "railroads" in line 11 of said Section 1, strike out the following: "Existing laws embraced in Chapter 4700, Laws of Florida," and insert, "and under the Laws of Florida."

In line 16 of said Section 1, strike out "Chapter 4700."

The Committee on Judiciary A reported unfavorably on—

Senate Bill No. 264:

A Bill to be entitled An Act to amend Section 1733, Second Division, Title 1, Chapter 28, Article II, of the General Statutes of the State of Florida, relating to security for costs in civil cases.

Also reported favorably on—

Senate Bill No. 328:

A Bill to be entitled An Act to amend Section 2130 (1666) of the General Statutes of the State of Florida, relating to rights of garnishment and who shall have a right to the same.

Also reported favorably on—

House Bill No. 64:

A Bill to be entitled An Act to amend Section 3146 of

the General Statutes of the State of Florida, as amended by Chapter 5648 of the Laws of the State of Florida, relative to and defining the persons entitled to bring action for negligence and providing for the survival of such actions.

Also reported favorably on—

Senate Bill No. 333:

A Bill to be entitled An Act to amend Section 2213 of the General Statutes of the State of Florida concerning enforcement of liens by persons not in privity with the owner.

Also favorably, with amendments, on—

House Bill No. 147:

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.

Amended as follows:

In Section 2, line 6, strike out the word "or."

Also reported unfavorably on—

Senate Bill No. 345:

A Bill to be entitled An Act prescribing the period of time within which an action arising on account of an act causing wrongful death shall be brought, and applying the same to certain actions heretofore commenced.

Also reported favorably on—

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.

Also reported favorably, with amendments, on—

Senate Bill No. 359:

A Bill to be entitled An Act relating to sales of real estate and the consummation thereof, had upon application of administrators and executors, without taking possession thereof as provided in Section 2414 of the General Statutes of the State of Florida of 1906, and validating such sales heretofore made.

Amendments to Senate Bill No. 359, to-wit:

Strike out all of the enacting clause and insert in lieu thereof the following: "No sale or conveyance of real es-

tate by any executor or administrator heretofore or hereafter made under the provisions of Section 2414 of the General Statutes of the State of Florida shall be deemed invalid for the sole reason or upon the sole ground that the executor or administrator failed to take possession of said real estate under order of the court for the payment of debts as required by said section."

The Committee on Judiciary A reported favorably on—  
Senate Bill No. 321:

A Bill to be entitled An Act to amend Section One (1) of Chapter 5907, Laws of Florida, providing for the punishment of persons convicted of kidnapping a minor, approved June 4, 1909.

The Committee on Judiciary A reported favorably on—  
Senate Bill No. 335:

A Bill to be entitled An Act providing for substitution of judges or reference to matters to another judge or change of venue in cases when a Judge of a Circuit Court is unable to hear or dispose of the same or of any matter therein on account of occupation with or press of other business.

The Committee on Judiciary A reported without recommendation on—

House Bill No. 385:

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

#### INTRODUCTION OF BILLS.

By Mr. Cone—

Senate Bill No. 372:

A Bill to be entitled An Act to require all persons operating and running automobiles to come to a full stop as they approach a railroad crossing with an automobile before crossing the same and prescribing a penalty for a violation of this Act.

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

By Mr. Cone—

Senate Bill No. 373:

A Bill to be entitled An Act to encourage the raising and growing of corn, sea island and upland cotton in the State of Florida, and making appropriations to carry out the provisions thereof.

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

By Mr. Dayton—

Senate Bill No. 374:

A Bill to be entitled An Act relating to certain informalities in the execution of deeds and other instruments conveying or transferring real or personal property, or relinquishing dower made by married women.

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

By Mr. Dayton—

Senate Bill No. 375:

A Bill to be entitled An Act providing for the issuance of injunctions in certain cases and the continuance in force of the same until the trial on the merits of cause, or until the title to the property in dispute is settled.

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

By Mr. McMullen—

Senate Bill No. 376:

A Bill to be entitled An Act authorizing the creating of a special tax school district within the corporate limits of the territory included in any municipality of over three thousand inhabitants.

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

By Mr. McMullen—

Senate Bill No. 377:

A Bill to be entitled An Act to preserve the purity of the waters of the State for the protection of the public health.

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

By Mr. Wilson—

Senate Bill No. 378:

A Bill to be entitled An Act authorizing the manager or proprietor of any hotel in this State to sell unclaimed articles left in the hotel of which he is manager or proprietor by any guest, and to apply the proceeds of such sale on any account that may be due such hotel by such guest.

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

By Mr. Wilson—

Senate Bill No. 379:

A Bill to be entitled An Act to amend Section 1231 of the General Statutes of Florida limiting the liability of the proprietor or manager of hotels for loss of money, jewelry or precious stones, and limiting the liability of the proprietor or manager of hotels for loss of other property.

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

By Mr. Wilson—

Senate Bill No. 380:

A Bill to be entitled An Act to make the obtaining of any food, lodging, entertainment or other accommodation, by fraud or misrepresentation, from any hotel, restaurant, rooming, boarding or eating house and the failure to pay therefor, a misdemeanor, and providing a penalty therefor.

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

By Mr. Wilson—

Senate Bill No. 381:

A Bill to be entitled An Act to make the removal of any baggage or any other personal property from any hotel in this State, by any boarder or lodger thereat, which said boarder or lodger may here therein, until all of his or their bills have been paid, unlawful, and providing a penalty therefor.

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

By Mr. Henderson—  
Senate Bill No. 382:

A Bill to be entitled An Act regulating the manner of catching fish in the fresh water lakes and streams of Leon County, and providing punishment for the violation of this Act.

Which was read the first time by its title and was placed on the Local Calendar of Bills on Second Reading.

By Committee on Governor's Message—  
Senate Bill No. 383:

A Bill to be entitled An Act relative to the right of homestead on certain lands belonging to the Trustees of the Internal Improvement Fund, and repealing Section 626 of the General Statutes of the State of Florida, relating to the right of pre-emption.

Which was read the first time by its title.

Mr. Calkins moved to waive the rules and that Senate Bill No. 383 be not referred to a committee, but be placed on the Calendar of Bills on the Second Reading.

Which was agreed to, and the bill was so placed.

By Mr. Hosford—  
Senate Bill No. 384:

A Bill to be entitled An Act to amend Paragraph Seven (7), Section 4 of Chapter 5576, Laws of Florida, relating to taxation.

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

By Mr. Hudson—  
Senate Bill No. 385:

A Bill to be entitled An Act to repeal Chapter 5980 of the Laws of Florida, the same being entitled "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."

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

By Mr. Sloan—

Senate Bill No. 386:

A Bill to be entitled An Act to prohibit the catching of fish in the lakes and streams of Polk County, State of Florida, with any seine, net, trap or set device, except bait, which may be caught with dip net, or by shooting or gigging or otherwise than with a hook and line, and to prohibit the transporting or the receiving for transportation, and to prohibit the selling or offering for sale, shipping or offering for shipment or transportation, within said county, of any fish taken from such lakes or streams otherwise than with a hook and line.

Which was read the first time by its title and was placed on the Local Calendar of Bills on the Second Reading.

By Mr. Humphries—

Senate Bill No. 387:

A Bill to be entitled An Act to authorize the Town of Palmetto, Florida, to issue bonds for municipal purposes, and to provide for the payment of interest thereon.

Which was read the first time by its title and was placed on the Local Calendar of Bills on the Second Reading.

By Mr. Zim—

Senate Bill No. 388:

A Bill to be entitled An Act to amend Section 1 of An Act entitled An Act to prohibit certain games and sports on Sunday, approved June 5, 1905.

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

By Mr. Perkins—

Senate Bill No. 389:

A Bill to be entitled An Act to provide for removing clouds from titles and adjudicating, quieting and establishing titles to, interest in and incumbrance on real estate, the title to or interest in which is claimed under grants or donations from the Spanish or English governments, and authorizing and providing for making defendants of all persons and corporations having or claiming to have an estate or interest in or incumbrance on any such real estate, whether known or unknown, and regard-

less of legal disabilities, and providing for the service of process on such persons and corporations by publication of notice and authorizing and providing for the adjudication, quieting and establishment by decree of the titles, estates and interests of all persons and corporations in any way interested in such real estate or incumbrances thereon, and authorizing and providing for the partition by sale or otherwise of such real estate.

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

### MESSAGES FROM THE GOVERNOR.

The following message from the Governor was read:

State of Florida, Executive Office,  
Tallahassee, Fla., May 5, 1911.

*Gentlemen of the Legislature:*

I recently wrote to the Governor of every State, from Virginia to Texas, inclusive, in relation to certain information regarding Circuit Courts. I herewith present a tabulated statement. This statement is prepared from the information received. Examining the same, it appears that Virginia has a Circuit Judge for a population of 66,500; North Carolina one for a population of 137,800; South Carolina one for a population of 126,300; Georgia one for a population of 90,000; Florida one for a population of 94,000; Alabama one for a population of 125,700; Mississippi one for a population of 105,700, and a Chancellor for a population of 179,700; Louisiana one for a population of 184,000. Texas has District Judges. As their system seems to be different from that of the other States, no reference to Texas will hereafter be made.

As to the compensation of the Judges: In Virginia these Judges are paid a salary each of \$2,500 per year, no allowance for clerical aid or for traveling expenses. One-half of the salary is paid by the State and the other half by counties and cities composing the circuit. In North Carolina they are paid a salary of \$4,000, no allowance for clerical aid or for traveling expenses; in South Carolina \$3,000, no allowance for clerical aid or traveling expenses; in Georgia \$3,000, no allowance for clerical aid

or traveling expenses. The court stenographers do the clerical work of the Judges. In Florida a salary of \$2,750; \$1,200 for clerical assistance in the Sixth Circuit, \$750 per year for each Judge of the other circuits, the actual traveling expenses for each, not to exceed \$750 per year; Alabama, a salary of \$3,000, no allowance for clerical aid or for traveling expenses; Mississippi, \$2,750, no allowance for clerical aid or traveling expenses; Louisiana, \$4,000, except in New Orleans, \$5,000, no allowance for clerical aid or for traveling expenses.

In the general election of 1900, Section 35 of Article V of the State Constitution was amended, authorizing the Legislature to create and establish "such additional judicial circuits as may, from time to time, become necessary." It has now become necessary to create and establish additional circuits.

Your attention is invited to the comparative population in the Judicial Circuits of these various Southern States. By adding up the population of each circuit, as shown, of these eight States, and dividing the same by eight, it appears that the average population in each circuit is 116,250. It will be observed that the average population for each circuit in Florida is now 94,000.

The First Judicial Circuit is now composed of the Counties of Santa Rosa, Escambia, Walton, Holmes, Washington and Jackson, the population of which is 127,167. Heretofore the Judge of that circuit has been keeping up fairly well with the business of the same. In the general election of 1910, an amendment was adopted to Article V of the State Constitution, which provided as follows: "The Criminal Court of Record in and for Escambia County shall be known as the Court of Record in and for said county, and in addition to their present jurisdiction the said court and the Judge thereof shall have, in Escambia County, concurrent with the Circuit Court of said county and the Judge thereof, the same original jurisdiction of all other cases and matters," etc.; "excepting capital cases and the power to summon and impanel a grand jury," etc. Escambia is well known to be the most populous and the wealthiest county of that circuit. The provisions of this constitutional amendment would undoubtedly relieve the Circuit Court of much civil business.

The Second Judicial Circuit is composed of the Counties of Liberty, Calhoun, Franklin, Gadsden, Jefferson,

Wakulla and Leon, the population of which is 81,003. I understand the business of this circuit is fairly well up.

The Third Judicial Court is composed of the counties of Madison, Taylor, Lafayette, Hamilton, Suwannee and Columbia, the population of which is 78,849. I understand that the business of this circuit is fairly well up.

The Fourth Judicial Circuit is composed of the Counties of Nassau, Duval, Clay and St. Johns, the population of which is 105,012. The most populous and the wealthiest county is Duval, the population being 75,163 out of the total. I understand that there is a proposed constitutional amendment to create and establish a Circuit Court for that county, the expenses of which are to be paid by that county. This county already has a Criminal Court of Record. The establishment of such a court would undoubtedly relieve the congested condition of the business in that circuit.

The Fifth Judicial Circuit is composed of the Counties of Marion, Citrus, Hernando, Sumter and Lake, the population of which is 54,874. I understand the business of this circuit is fairly well up.

The Sixth Judicial Circuit is composed of the Counties of DeSoto, Manatee, Pasco, Hillsboro, Lee and Monroe, the population of which is 161,631. The business of this circuit is in a congested condition. Relief is necessary. If the Criminal Court of Record of Hillsboro County, the same being the most populous and wealthiest of the circuit, was changed to a Court of Record, with powers similar to those conferred upon the Court of Record of Escambia County, this would largely relieve the congested condition of that circuit. Hillsboro has a population of 78,374 out of a total population of 161,631. If similar enlarged powers were conferred upon the Criminal Court of Record of Monroe County, this would also tend to lessen the congested condition of business in that circuit. Monroe County has a population of 21,563.

The Seventh Judicial Circuit is composed of the Counties of Volusia, Brevard, Orange, Dade, Palm Beach, St. Lucie and Osceola, the population of which is 67,426. If civil jurisdiction was conferred upon the Criminal Courts of Record of any of the counties of that circuit, the congestion of business would be diminished. However, it will probably be necessary to create and establish three circuits out of these two.

The Eighth Judicial Circuit is composed of the coun-

ties of Alachua, Bradford, Levy, Putnam and Baker, the population of which is 72,337. The business of this circuit is fairly well up. Your attention is invited to the fact that Alachua County has a population of 34,305.

The population of each of these circuits is condensed from the United States census for 1910.

As to salaries and emoluments of Judges of the Circuit Court: The Constitution of 1885, as adopted, provided in Section 9, of Article V that "the salary of each Circuit Judge shall be twenty-five hundred dollars a year."

At the general election in 1902 an amendment to the Constitution was adopted by the qualified electors in which was incorporated a provision that "the salary of each Circuit Judge shall be two thousand seven hundred and fifty dollars."

The Legislature of 1905 submitted to the qualified electors, to be voted in the general election of 1906 a Constitutional amendment providing that "the salary of each Circuit Judge shall be three thousand five hundred (\$3,500.00) dollars a year."

This amendment was rejected by the electors at the general election of 1906.

The salary of each Circuit Judge is therefore fixed by Constitutional provision at \$2,750.00 per annum.

Chapter 5919, Acts of 1909, provided \$1,200 per year for clerical aid for the Judge of the Sixth Circuit. The Act provided for the payment of this upon the requisition of the Judge. The Judge drew this amount. I have written to him, asking the name of the person to whom said amount was paid and the nature of the aid rendered. I have as yet received no answer.

I recommend the repeal of this Act.

The General Appropriation Act of 1909 provided, "Clerical assistance for each of the Judges of the Circuit Court \$750 per annum." I have written to all of the Judges asking for information as to whom this amount was paid and the nature of the services rendered.

One of the Judges paid \$50.00 per month to his wife as Clerk and Stenographer. He also purchased a type machine, paid for miscellaneous typewriting \$45.00, printing blank orders for reference to Masters, \$5.00; rent of office \$5.00 per month; \$40.00 estimated postage and stationery, \$67.50.

The Judge of another circuit paid the same to his daughter, who is his Clerk.

The Judge of another circuit stated that the full amount was paid to himself. This Judge stated, "The Circuit Judges felt that their salaries should be increased and they and their friends had made some futile efforts in that direction, and having failed, they appealed to the Legislature to pass some Act that would supplement their poor pay and render them some just compensation for the services they were rendering the State." "Had no clerical assistance, never had any, was not asking for any from the Legislature."

Another Judge paid it to a gentleman "who has done all of my stenographic and typewriting work, as well as kept the books in order, finding authorities for me at my request and when needed. He has been a very valuable man to me."

Another Judge "had no regular stenographer." "I kept no account of the payments." "I considered the same an allowance without regard to whom or in what amounts paid, nor did I pay the same in regard to the allowance or whether it was sufficient or more than sufficient for the purpose. Most of the time I did my own type writing for the allowance was not sufficient to justify the employment of a stenographer to take around the circuit." In a subsequent letter the same Judge wrote: "In dealing with the matter, from the start I treated it as an allowance and it was with each Judge for economical disposition and he was not bound to expend it wholly for clerical aid."

Another Judge paid the same to his son, who is his Clerk.

I have not as yet heard from the Judge of the Eighth Circuit.

Section 1 of Chapter 5643, Acts of 1907, provides as follows:

"Section 1. The actual traveling expenses of the Judges of the Circuit Courts of this State, incurred in traveling from their places of residence to the county sites of the counties in their respective circuits, when holding sessions of the court therein as prescribed by law, or when sitting at chambers, shall be paid by the State, but no such expenses for any one year shall exceed seven hundred and fifty dollars for any one Judge."

Such expenses have been drawn on itemized vouchers. Nothing like the full amount has been drawn by any one Judge.

I submit that it is clearly unconstitutional for any Judge to receive compensation for services over and above that provided for by the Constitution.

Very respectfully,

ALBERT W. GILCHRIST,

Governor.

TABULATED STATEMENT.

State.	Number Circuit Judges.	Salary.	For Clerical Assistance.	For Traveling Expenses.
Virginia .....	31	\$2,500.00	Nothing.	Allowed Mileage.
North Carolina .....	16	\$4,000.00	Nothing.	Nothing.
South Carolina .....	12	\$3,000.00	Nothing.	Nothing.
Georgia .....	29	\$3,000.00	Nothing.	Nothing.

REMARKS.

Virginia—One-half of salary is paid by State; other half by counties and cities composing circuit. One Circuit Judge to each 66,500 of population.  
 North Carolina.—Judges may get \$100 a week for holding special terms. One Circuit Judge for each 137,800 of population.  
 South Carolina.—One Circuit Judge for each 126,300 of population.  
 Georgia.—Court stenographers have to do Judges' clerical work. In counties of over 34,000 population, Judges may receive \$5,000 salary, but such county has to pay the additional \$2,000. One Circuit Judge to each 90,000 of population.

TABULATED STATEMENT. —Continued.

State.	Number Circuit Judges.	Salary.	For Clerical Assistance.	For Traveling Expenses.
Florida .....	8	\$2,750.00	\$1,200 for Sixth Circuit. \$750 for each other Circuit Judge.	Actual traveling expenses not over \$750 for each Judge.
Alabama .....	17	\$3,000.00	Nothing.	Nothing.
Mississippi .....	17	\$2,750.00	Nothing.	Nothing.
Louisiana .....	9	\$4,000.00 in Counties. \$5,000.00 in New Orleans.	Nothing.	Nothing.

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Florida.—All payments made from State General Revenue Fund. One Circuit Judge to each 94,000 of population.  
Alabama.—The two Judges in Birmingham each get \$4,500. One Circuit Judge for each 125,700 of population.  
Mississippi.—Has 17 Circuit Judges and 10 Chancellors. One Circuit Judge for each 105,700 of population. One Chancellor for each 179,700 of population.  
Louisiana.—One Judge for each 184,000 of population.  
Texas has District Judges instead of Circuit Judges; and as its system of courts is organized upon a different basis from that of other Southern States, a comparison with Texas is omitted.

## MESSAGES FROM THE HOUSE.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 5, 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. 247:

A Bill to be entitled An Act providing for the creation of Pinellas County in the State of Florida, and for the organization and government 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. 247, contained in the above message, was read the first time by its title and was referred to the Committee on County Organization.

Also the following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 5, 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 adopted—

House Concurrent Resolution No. 23:

A resolution relating to the Peabody funds and to the establishment of a State Normal School.

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. 23, contained in the above message, was read the first time by its title and went over under the rules.

#### ORDERS OF THE DAY.

The motion made by Mr. Stokes to reconsider the vote by which Senate Bill No. 143 failed to pass the Senate, and which, by action of the Senate, was made a continuing order of business.

Was taken up.

The motion to reconsider the vote by which the Senate failed to pass Senate Bill No. 143 was put by the chair.

Upon the question a yea and nay vote was demanded.

The roll was called and the vote was:

Yeas—Senators Baker, Broome, Calkins, Carney, Culpepper, Davis, Hilburn, Hudson, McLeod, McMullen, Miller, Perkins, Stokes, Withers, Zim—15.

Nays—Senators Adkins, Cook, Dayton, Finlayson, Hosford, Humphries, L'Engle, Malone, McCreary, Wilson—10.

So the vote by which the bill failed to pass was reconsidered.

The following was the explanation of Mr. Cook on the vote to reconsider Senate Bill No. 143:

Mr. President: I favor this bill with the amendment of the Senator from the 8th. I am against the bill without the amendment. The purpose of the motion to reconsider is to strike the amendment. I therefore vote no.

Mr. Henderson announced that he was paired with Mr. Cone on the motion to reconsider; that if Mr. Cone were present he would vote yea and that he (Mr. Henderson) would vote nay.

Mr. Stokes moved to waive the rules and place Senate Bill No. 143 back upon the second reading, for the purpose of amending the same.

Upon which a yea and nay vote was demanded.

The roll was called and the vote was:

Yeas—Senators Baker, Broome, Calkins, Carney, Culpepper, Davis, Hilburn, Hudson, McLeod, McMullen, Miller, Perkins, Stokes, Withers, Zim—15.

Nays—Senators Adkins, Cook, Dayton, Finlayson, Hosford, Humphries. L'Engle, Malone, McCreary, Wilson—10.

Mr. Henderson announced that he had paired on all questions upon Senate Bill No. 143 with Senator Cone, and that if Mr. Cone were present he (Mr. Cone) would vote yea and that he (Mr. Henderson) would vote nay.

So the motion was not agreed to.

By consent the further consideration of the bill was informally passed.

The amendments of the House of Representatives to—  
Senate Bill No. 55:

A Bill to be entitled An Act to require that all railroad locomotives operated and used for drawing passenger and freight trains shall be equipped with and use an electric headlight and providing a penalty for a violation of said Act.

Was taken up.

The following House amendment to Senate Bill No. 55 was read:

Strike out the word "electric" where it occurs in the title.

Mr. Hilburn moved that the Senate do not concur in the amendment.

Which was agreed to.

So the Senate refused to concur in the amendment.

The following House amendment was read:

In Section 1, line 10, strike out the words "an electric" and insert in lieu thereof the following: "a headlight."

Mr. Hilburn moved that the Senate do not concur in the House amendment.

Which was agreed to.

So the Senate refused to concur in the amendment.

The following House amendment was read:

In Section 1, line 4, strike out the words "electric headlights which electric," and insert in lieu thereof the following: "headlights of not less than one thousand candle-power which headlights."

Mr. Hilburn moved that the Senate do not concur in the amendment.

Which was agreed to.

And the Senate refused to concur in the House amendment.

Mr. Hilburn moved that the House of Representatives be requested to recede from their amendments to Senate Bill No. 55.

Which was agreed to.

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

#### BILLS ON THIRD READING.

##### Senate Bill No. 79:

A Bill to be entitled An Act to amend Section 1900 (1448) of the General Statutes of the State of Florida, relating to the signing and recording of decrees in equity. Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 79 the vote was:

Yeas—Senators Calkins, Carney, Cook, Culpepper, Davis, Dayton, Finlayson, Henderson, Hilburn, Hosford, Hudson, Humphries, L'Engle, Malone, McCreary, McLeod, McMullen, Miller, Sloan, Stokes, Wilson, Withers, Zim—23.

Nays—Senators Adkins, Baker—2.

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.

##### Senate Bill No. 122:

A Bill to be entitled An Act to repeal Sections 1222, 1223, 1224 and 1226 of Chapter 16 of the General Statutes of the State of Florida, relating to methods of obtaining permit to sell liquors, wines or beer in certain cases.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 122 the vote was:

Yeas—Senators Adkins, Baker, Broome, Carney, Cook, Culpepper, Davis, Dayton, Finlayson, Henderson, Hilburn, Hosford, Hudson, Humphries, Malone, McLeod, McMullen, Miller, Sloan, Stokes, Wilson, Withers, Zim—23.

Nays—Senators Calkins, L'Engle, McCreary—3.

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.

##### 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.

Was taken up and read the third time in full.

Mr. Davis moved to waive the rules and that the bill be temporarily passed.

Which was agreed to by a two thirds' vote.

Mr. Hudson and Mr. Stokes were excused for an indefinite period to attend to committee work assigned to them.

Mr. Wilson moved that the Senate do now adjourn to tomorrow morning at 10 o'clock.

Which was agreed to.

Thereupon the Senate stood adjourned until 10 o'clock a. m. Tuesday, May 9, 1911.

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## TUESDAY, MAY 9, 1911

TEN O'CLOCK A. M.

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, Culpepper, Davis, Dayton, Finlayson, Henderson, Hilburn, Humphries, Johnson, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Wilson, Withers, Zim—24.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of May 8 was dispensed with.

The Journal of May 8 was corrected, and approved as corrected.

### REPORTS OF COMMITTEES.

The Committee on Temperance reported as follows—

This committee unanimously endorsed the report of the Tampa District Conference, on "Public Morals" as communicated to the Senate by Mr. J. R. Cason, Chairman.