

THURSDAY, MAY 11, 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, Flournoy, Henderson, Hilburn, Hosford, Humphries, Johnson, L'Engle, Malone, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Williams, Wilson, Withers, Zim—29.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of May 10 was dispensed with.

The Journal of May 10 was corrected, and approved as corrected.

Mr. Flournoy asked that his absence from the Senate on Saturday, Monday and Tuesday and Wednesday last be noted on the Journal as being occasioned by his illness.

The following report from the Joint Committee to visit the phosphate mines of Polk and Hillsboro Counties was submitted and ordered to be spread on the Journal:

Senate Chamber,
Tallahassee, Fla., May 6, 1911.

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

Sir:

Your Committee appointed under Senate Concurrent Resolution No. 9, reading as follows:

“Resolved by the Senate, the House of Representatives concurring, that a committee of five members, two to be

appointed by the President of the Senate and three to be appointed by the Speaker of the House, be appointed to visit the phosphate mines of Polk and Hillsboro Counties, to inspect the situation as to damage being done to the rights and interests of citizens of said counties, and report their recommendations thereon to the Legislature, without unnecessary delay," which resolution was amended in the House by including Citrus County, beg leave to report that we have examined into the complaints made by citizens of the respective counties on account of the deposit of debris from the phosphate mines in the rivers and their tributaries flowing through these counties, and gave the people complaining and the owners of the phosphate mines an opportunity to be heard.

We examined the Alafia River, and found that in the past large quantities of debris from the phosphate mines have been deposited in or permitted to run into the river. We then went to the mines and made examination into their methods of handling the debris, and found that some of the mines had already adopted methods by which they prevent the escape of mud and debris, and were not depositing any debris in the river or its tributaries. Poly Creek, one of the tributaries of the Alafia River, indicated that the debris were still being turned into this stream by some of the mines.

We examined Peace River, and found slight evidence of the pollution of this stream in the vicinity of Fort Meade, where our examination was made; but we understand that conditions are worse further down the river.

We then went to Withlacoochee River, and found that the pollution of this stream was relatively small, and that the mines in the vicinity of Dunnellon were generally providing settling pools for their debris, so that none of it is escaping into the river.

We are of the opinion that it is possible for the debris to be deposited in settling pools until the solid matter has practically all settled, when the water can be pumped off. We reach this conclusion from the fact that some of the mines are doing this at the present time. It is probable that it would be impossible to prevent the debris from escaping in times of very heavy rains, but the continued deposit of this mud in these streams during the years to come, would be productive of damage, and we feel that it is desirable that some legislation be enacted that will re-

duce the damage to a minimum, and at the same time do no injustice to the mine owners, and we make recommendation to this effect.

D. C. McMULLEN,
D. H. SLOAN,
On Behalf of the Senate.
W. J. EPPERSON,
E. A. WILSON,
GLENN TERRELL,
On Behalf of the House.

The Committee on Agriculture and Forestry reported favorably, with a complete substitute therefor, on—
Senate Bill No. 373:

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

The committee substitute for the bill having the same title.

The Committee on Organized Labor reported favorably on—

Senate Bill No. 15:

A Bill to be entitled An Act providing for the establishment of a Bureau of Labor Statistics and the appointment of a commission.

The Committee on Engrossed Bills reported as properly engrossed—

Senate Joint Resolution No. 19:

A Joint Resolution proposing an amendment to Section 6 of Article VIII of the Constitution of the State of Florida, relative to county officers.

Also—

Senate Bill No. 226:

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

Also—

Senate Bill No. 150:

A Bill to be entitled An Act providing that all saloons

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

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

The Committee on Judiciary A reported favorably on—
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 the violation of this Act.

The Committee on Judiciary A reported unfavorably on—

Senate Bill No. 374:

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

The Committee on Judiciary A reported favorably on—
Senate Bill No. 252:

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

The Committee on Judiciary A reported favorably with amendments—

House Bill No. 121:

A Bill to be entitled An Act to provide for the admis-

sion of certain practicing attorneys from other states and territories to practice law in the courts of Florida.

Amended as follows:

In Section 1, at the end of line 5, add the following: "who shall furnish satisfactory evidence of good moral character and."

The Committee on Education reported unfavorably on—

House Bill No. 13:

A Bill to be entitled An Act to amend Section 378 of the General Statutes of the State of Florida, relating to pay of Grading Committee.

Also reported unfavorably on—

Senate Bill No. 62:

A Bill to be entitled An Act to provide for the formation and disbursement of a public school teachers' pension and retirement fund.

Also reported favorably on—

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 reported favorably on—

House Bill No. 85:

A Bill to be entitled An Act to amend Section 370 of the General Statutes of the State of Florida, relating to State certificates.

INTRODUCTION OF BILLS.

By Mr. Cone—

Senate Bill No. 397:

A Bill to be entitled An Act to provide for the reimbursement of the owners of goods, wares or merchandise, or any article or thing of value, which may hereafter be the subject-matter of any prosecution for embezzlement, larceny or grand larceny in the several courts of this State, upon the final conviction of the defendant in such cases, and to provide the method of paying same.

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

By Mr. Culpepper—
Senate Bill No. 398:

A Bill to be entitled An Act for the establishment of one agricultural school in each Congressional District of Florida, determining the point of location for such schools, providing a curriculum for such schools, providing for free scholarships in such schools and for carrying into effect the provisions of this Act.

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

By Mr. Carney—
Senate Bill No. 399:

A Bill to be entitled An Act to permit the registered voters who are taxpayers upon real or personal property of any election district in any county in the State of Florida, to define whether hogs and cattle shall be allowed to run at large in any of such election districts, and to make the result of the election effective in the election district.

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

By Mr. Culpepper—
Senate Bill No. 400:

A Bill to be entitled An Act providing for the building of hard roads in Taylor County, Florida, for the raising of money therefor, authorizing the issuing of interest-bearing warrants for such purposes, the payment of such warrants, and the levy of a tax for such payment, and the empowering the Board of County Commissioners of said Taylor County, Florida, to do all such things and acts as may be determined necessary or expedient to be done in connection with the building of said hard roads.

Which was read the first time by its title.

Mr. Culpepper moved to waive the rules and that Senate Bill No. 400 be not referred to a committee but be read the second time by its title only.

Which was agreed to.

And Senate Bill No. 400 was read the second time by its title, and was placed on the Local Calendar of Bills on the Third Reading.

By Mr. Baker—
Senate Bill No. 401:

A Bill to be entitled An Act to amend Section 1808 of the General Statutes fixing the regular term of the Circuit Court of the Fourth Judicial Circuit.

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

By Mr. Miller—

Senate Bill No. 402:

A Bill to be entitled An Act requiring certain counties executives or standing committee of any political party in the State in the several counties having two Representatives in the House of Representatives of the Legislature to divide their county in two Representative Districts and to provide that members of the House of Representatives shall be nominated by districts instead of by counties at large.

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

By Mr. Miller—

Senate Bill No. 403:

A Bill to be entitled An Act to amend Section 1209 (857), Chapter XV of the General Statutes of the State of Florida, relating to local elections concerning the sale of liquor.

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

By Mr. L'Engle—

Senate Bill No. 404:

A Bill to be entitled An Act to fix the time of performance of, or of tender to perform, any contract, bond, agreement or covenant, when the day of future performance or tender of performance shall fall on a Sunday or legal holiday.

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

By Mr. L'Engle (by request)—

Senate Joint Resolution No. 405:

A Joint Resolution proposing an amendment to Section 1 of Article III of the Constitution of the State of Florida.

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

By Mr. L'Engle (by request)—
Senate Bill No. 406:

A Bill to be entitled An Act to protect the proprietor in his or her house, home, office, place of business and premises against disorderly, disagreeable servants, guests and every other undesirable person or persons.

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

By Mr. L'Engle—
Senate Bill No. 407:

A Bill to be entitled An Act making an appropriation for and directing the payment of a certain voucher heretofore issued by the Board of Control.

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

By Mr. Culpepper—
Senate Bill No. 408:

A Bill to be entitled An Act to amend Section 2870 of the General Statutes of the State of Florida pertaining to fencing and keeping up and maintaining sufficient crossings, etc.

Which was read the first time by its title and referred to the Committee on Railroads, Canals and Telegraphs.

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was read:

State of Florida,
Executive Department,
Tallahassee, Fla., May 10, 1911.

Gentlemen of the Legislature:

I would invite your attention to Senate bill No. 311: A Bill to be entitled An Act to authorize and direct the State Board of Health to establish a hospital for the treatment of indigent crippled children, and providing an appropriation therefor.

The Committee on Judiciary A of the Senate has re-

ported the same unfavorably. The provisions of the bill are as follows:

Section 1. That the State Board of Health be, and is hereby authorized and directed, to establish at some suitable and convenient location in this State a hospital for the treatment of indigent crippled children of this State. In such hospital indigent crippled children of this State shall be received and treated free of charge.

Sec. 2. That for the purpose of Section 1 hereof the State Board of Health is hereby authorized to purchase a plot of ground and erect thereon a building suitable for this purpose, or to purchase a plot of ground with building already erected, in its discretion. For such purchase, and for the purchase of suitable instruments, apparatus, furniture, fixtures and other articles necessary for such an institution the sum of twenty thousand dollars, or so much thereof as may be found necessary, is hereby appropriated, payable from the State Board of Health Fund.

Sec. 3. That the purpose of maintaining the hospital herein provided for, and of employing such physicians and attendants as are requisite for the conduct of the hospital, the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated annually for the two years beginning July 1st, 1911, payable from the State Board of Health Fund.

Sec. 4. This Act shall take effect July 1, 1911.

In conversation with Dr. Joseph Y. Porter, State Health Officer, he suggested the following amendment:

At the end of Section 3 amend by inserting the following:

"Provided, That until the number of indigent crippled children, whose parent or parents or guardians, are citizens of the State of Florida, shall be sufficient in number to warrant the State Board of Health to erect and maintain an institution of this character and nature, that the State Board of Health is authorized to arrange with any sanitarium or hospital in Florida to care for and treat the indigent crippled and deformed children of the State, and to pay for such treatment out of the funds of the State Board of Health."

Dr. Porter stated that the State Board of Health owns a lot in the City of Jacksonville, which may ultimately be used for the purposes of the proposed law. There are

many crippled and deformed indigent children in Florida, who, if given the benefit of such a hospital, will be in a position to become eventually useful members of society. Without such treatment, they are liable to become paupers and criminals. There is more meat in the carcass of this little bill for the benefit of the poor people of this State than any measure which has recently been presented.

Such a hospital would serve as a nucleus of a future Johns Hopkins Institute of Florida. It would undoubtedly result in the establishment of a School of Surgery to be located in the City of Jacksonville, or in some other city of the State. There is no doubt in my mind but that some wealthy philanthropist would sooner or later endow the same. I know of no more philanthropic institute on which men of wealth could expend their surplus money than on such a hospital.

This does not call for any addition in taxation. It should pass, even if such additional taxation was necessitated thereby. This is mentioned incidentally. It is well known that all men do not place a valuation on a few dollars and cents superior to the calls of humanity.

Very respectfully,

ALBERT W. GILCHRIST,
Governor.

Also the following message from the Governor was read:

State of Florida,
Executive Department,
Tallahassee, Fla., May 8, 1911.

Gentlemen of the Legislature:

Your attention is invited to the following statement and resolution relative to certain needed repairs to the roof of the Capitol building which was adopted by the Board of Commissioners of State Institutions at a meeting held July 30, 1909:

"It was ordered that the following statement and resolution be adopted and spread upon the minutes:

"The general appropriation bill which passed both houses of the Legislature of 1909 contained an item of \$7,000 for the repair of the roof of the Capitol, for certain alterations in the interior of the building, and for the improvement of the Capitol grounds. It was estimated and

understood that about \$3,000 of this amount would be needed to put the roof in good repair. It has recently been and is now in bad repair.

"The said appropriation bill was left by the Legislature of 1909 to the last day of the session, and after the bill containing the said item of \$7,000 for Capitol repair and improvement was passed by both houses the one line carrying this particular item was left out of the enrolled bill, due doubtless to the great haste in which the Enrolling Secretary of the Senate had to do the work on the last night of the session.

"Meantime, during the recent continued rainy waether the condition of the Capitol roof has been getting worse and worse and giving more and more trouble on account of leaks. The danger of serious damage to the Capitol building and to the many valuable records there filed has become apparent, and it is necessary to do something to protect the State's property.

"This board recently informally discussed the matter and requested the Secretary of State, as custodian of the Capitol, to see what terms he could make for getting the roof thoroughly repaired. The Secretary of State now reports an offer from a responsible contractor to furnish and put in place 646 feet of 16-ounce copper eave gutter, 20 squares 12x24 slate and one box Conklin's old style tin for flashing and work around the tower, for \$1,752, which is \$1,248 cheaper than the legislative estimate and than the amount which the Legislature really appropriated, but which was left out of the appropriation act in the haste of enrolling.

"The board, therefore, resolves to authorize the Secretary of State to have this work done under said offer, and to submit to the next Legislature a statement of the facts with request that an appropriation be made to take up the cost of the work, and the Governor and Comptroller are requested to make an order on the Treasurer for the said amount upon presentation of a bill for such work by the Secretary of State."

It is recommended that an appropriation in the sum of one thousand seven hundred and fifty-two dollars (\$1,752) be made to pay the bill incurred in making aforesaid necessary repairs to the roof the Capitol building.

Your attention is also invited to the following statement and resolution with reference to the necessity of having

new ceilings placed in the Hall of the Senate and in the Hall of the House of Representatives and in the halls and lobby between the legislative chambers, which resolution was adopted by the Board of Commissioners of State Institutions at a meeting held January 17, 1911.

"It was ordered that the following statement be spread upon the minutes:

"Since the adjournment of the last session of the Florida Legislature, and especially during the last few months, it has become evident beyond question that the ceilings in the Senate Chamber, in the Hall of the House of Representatives, in the halls and lobby between said chambers, and in the dome of the Capitol have become greatly impaired by the weakening and consequent falling of the plaster ceilings now in such places. The next regular session of the Florida Legislature will convene in the Capitol in the said halls on April 4, 1911, eleven weeks from this date. In the judgment of the members of the Board of Commissioners of State Institutions the weakened and impaired condition of the ceilings in the said halls and legislative chambers would make it quite unsafe and dangerous to the lives of members of the Legislature and others attending their deliberations to occupy the said legislative chambers, unless the above mentioned ceilings are either thoroughly repaired or new ceilings constructed in such places.

"The Board of Commissioners of State Institutions has carefully considered this grave situation and deems it to be its duty to the members of the Legislature and to the people of Florida whom they represent, to take such steps as will remove the danger above set out, and place the above mentioned legislative chambers and halls in safe and proper condition for the use and occupancy of the Legislature when it convenes.

"To this end this Board has invited suggestions from contractors as to the best remedy for the conditions described, and is now in receipt, from the Edwards Manufacturing Company of Cincinnati, Ohio, of the following proposition:

"We propose to furnish and erect in first class workman-like manner metal ceilings in the Senate Chamber and the Legislative Room, a large hall and two small passages leading from the hall to the two chambers, using our design No. 2036, with appropriate moldings, and also

furnish the dome in the large hall with an appropriate design, all for the sum of \$2,850. This proposition includes one coat of paint before the material is erected and two coats of paint afterward, all to be furnished in a thorough workman-like manner. We also agree to furnish the two large assembly halls complete, and as much of the large hall as is possible before the first of April.

"Terms net cash on completion.

(Signed.) THE EDWARDS MFG. CO.

Cincinnati, O.

Per T. R. Chunn.

January 17, 1911.

"The board being now advised by a practical and reliable architect and contractor with whom it had consulted that the ceiling proposed in said proposition is the best that could be used, and that the price stated in the bid was very reasonable, it was, upon motion, resolved that it is the sense of the Board of Commissioners of State Institutions that the acceptance of the said proposition will be, in the long run at least, for the interests of economy and to the best interests of the State of Florida, and it, therefore, further resolved that this board authorize the Secretary of State to have the said work done under and in pursuance of said bid, and requests the Governor to submit to the Legislature of 1911 a statement of the facts herein set out with request that an appropriation be made to pay for the said work."

It is recommended that an appropriation be made in the sum of two thousand eight hundred and fifty dollars (\$2,850) to pay the bill incurred in having the new ceilings above referred to installed.

Very respectfully,

ALBERT W. GILCHRIST,

Governor.

The following message from the Governor was read:

State of Florida,
Executive Department,
Tallahassee, Fla., May 10, 1911.

Hon. F. P. Cone,

President of the Senate.

Sir:

I have the honor to inform you that I have approved

the following acts which originated in your honorable body:

An Act relating to judgments and decrees of the Court of Record in and for Escambia County.

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 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 3381 of the General Statutes of the State of Florida.

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

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 term 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 court shall be 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.

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

Very respectfully,

ALBERT W. GILCHRIST,
Governor.

Mr. Davis moved that the Governor's message be referred to the Committee on Appropriations.

Which was agreed to.

By permission, Mr. Sloan, Chairman of the Committee on Claims, submitted the following reports, and asked that they be read:

Senate Chamber,
Tallahassee, Fla., May 11, 1911.

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

Sir:

Your Committee on Claims, to whom was referred—
Senate Bill No. 43:

A Bill to be entitled An Act for the relief of the Newberry Stable Company.

Has had the same under consideration and returns same without recommendation.

Very respectfully,

D. H. SLOAN,
Chairman of Committee.

Also the following—

Senate Chamber,
Tallahassee, Fla., May 11, 1911.

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

Sir:

Your Committee on Claims, to whom was referred—
Senate Bill No. 364:

A Bill to be entitled An Act for the relief of M. A. Shuler.

Has had the same under consideration and recommends that it do pass.

Very respectfully,

D. H. SLOAN,
Chairman of Committee.

Also the following—

Senate Chamber,
Tallahassee, Fla., May 11, 1911.

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

Sir:

Your Committee on Claims, to whom was referred—
Senate Bill No. 106:

A Bill to be entitled An Act for the relief of C. B. McClenny.

Has considered the same and recommends that it pass with the following amendment:

Strike out "twenty-five hundred dollars" wherever same appears in bill, and insert in lieu thereof "one thousand dollars."

Very respectfully,

D. H. SLOAN,
Chairman of Committee.

Also the following—

Senate Chamber,
Tallahassee, Fla., May 11, 1911.

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

Sir:

Your Committee on Claims, to whom was referred—
Senate Bill No. 285:

A Bill to be entitled An Act for the relief of E. W. Scarborough.

Has had the same under consideration and recommends that it do not pass.

Very respectfully,

D. H. SLOAN,
Chairman of Committee.

Also the following—

Senate Chamber,
Tallahassee, Fla., May 11, 1911.

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

Sir:

Your Committee on Claims, to whom was referred—
House Bill No. 293:

A Bill to be entitled An Act to amend Section 1 of Chapter 5334, Laws of Florida, approved June 15, 1903, entitled An Act for the relief of S. I. Wailes and the estate of W. K. Beard, deceased, and in full settlement of any claim which the said S. I. Wailes and the estate of W. K. Beard, deceased, may have against the State of Florida.

Has had the same under consideration and recommends that it do not pass.

Very respectfully,

D. H. SLOAN,
Chairman of Committee.

ORDERS OF THE DAY.

Senate Bill No. 272:

A Bill to be entitled An Act for the creation, regulation and operation of co-operative fire insurance companies.

Was taken up by order, the Secretary having called attention to an inaccuracy in the vote upon its indefinite postponement on yesterday. The Journal of May 10 having been corrected so as to show that the bill was not indefinitely postponed it was placed on the Calendar of Bills on the Third Reading.

Senate Bill No. 8:

A Bill to be entitled An Act regulating the trial of minors not married in all courts including municipal courts of this State.

Was taken up and read the second time in full.

Together with the House of Representatives' amendments thereto to-wit:

House Amendment No. 1:

After the word "with" in the second line insert the words "any offense." At the end of Section 1 add: "In the event that the name of such parent or guardian is not known or made known to the court or executive officer or cannot be reasonably ascertained by him then such notice shall be given to any other relative or friend whom such minor may designate."

Mr. Flournoy moved that the Senate do concur in the House amendment to Senate Bill No. 8.

Which was agreed to.

Also the following House amendment to Senate Bill No. 8 was read:

House Amendment No. 2:

After the word "guardian" in the second line of Section 2 add: "Or other person provided in Section 1 of this Act."

Mr. Flournoy moved that the House amendment No. 2 be concurred in by the Senate.

Which was agreed to.

Also the following House amendment to Senate Bill No. 8 was read:

House Amendment No. 3—

After the word "guardian" in the fourth line of Section 2 add: "Or other person provided in Section 1 of this Act."

Mr. Flournoy moved that the Senate do concur in the above House amendment as read.

Which was agreed to.

And the bill as amended, was referred to the Committee on Enrolled Bills, and the concurrence of the Senate to the House amendments was ordered to be certified to the House of Representatives.

Senate Bill No. 5:

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

Was taken up together with the House of Representatives' amendments thereto.

The following House Amendment was read:

In Section 9, lines 1 and 2, strike out the words "two hundred thousand (\$200,000.00) dollars," and insert in lieu thereof the following: "One hundred thousand (\$100,000.00) dollars."

Mr. Flournoy moved that the Senate do concur in the House amendment as read.

Which was agreed to.

Also the following House amendment to Senate Bill No. 5 was read:

At the end of Section 5, insert the following: "In the event of such suitable lot or tract of land cannot be purchased at a reasonable price, the said Building Commission is hereby authorized to acquire the same by condemnation in the manner provided in Article VI, Chapter 2, Title 3, Second Division of the General Statutes of the State of Florida."

Mr. Flournoy moved that the Senate do concur in the House amendment as above read.

Which was agreed to.

And the concurrence of the Senate to the amendments made by the House was ordered to be certified to the House of Representatives.

Senate Bill No. 56:

A Bill to be entitled An Act to amend Section 2 of

Chapter 5885, Laws of the State of Florida, relating to pensions.

Was taken up and read again together, with the following amendment offered by Mr. McCreary, to-wit:

In Section 2, line 45, after the words "United States," insert the following: "Provided, further, That any person who enlisted from this State, and is a bona fide resident of this State at the date of application for pension, and whose service entitles him to a pension under the provisions of this Act, shall be entitled to the emoluments of this section."

The amendment to the amendment offered by Mr. Davis was also read as follows:

Strike out the words "at the date of application for a pension," and insert in lieu thereof the following: "upon this Act becoming a law."

Both the amendment and the amendment to the amendment pending when the bill was made the special order for today.

Mr. Davis moved to adopt the amendment to the amendment.

Which was agreed to.

The question recurred upon the adoption of the amendment of Mr. McCreary, as amended, and the Chair put the question of its adoption.

The amendment as amended was agreed to.

Mr. L'Engle offered the following amendment to Senate Bill No. 56:

Add Section 3: "Any applicant for a pension who enlisted from any other of the Confederate States than Florida and who served in conformity with the requirements of this law shall be paid the same pensions allowed to Florida soldiers by the State from which the applicant enlisted."

Which was withdrawn.

Mr. Zim offered the following amendment to Senate Bill No. 56:

In Section 2, line 17, add the following: "All such persons above the age of eighty years shall each receive one hundred and fifty dollars per annum in quarterly payments, and."

Mr. Zim moved the adoption of the amendment.

Upon which the yeas and nays were demanded.

The roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Broome, Carney,

Cook, Culpepper, Dayton, Finlayson, Hosford, Williams, Zim—11.

Nays—Senators Davis, Flournoy, Henderson, Hilburn, Humphries, Johnson, L'Engle, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Wilson, Withers—15.

So the amendment was not agreed to.

Mr. Dayton offered the following amendment to Senate Bill No. 56:

In Section 2, line 18, after the word "amounts" add "any widow of a soldier or sailor who was entitled to draw a pension during his life time in this State, shall be entitled to a widow's pension under the provisions of this Act, provided she make proof of legal marriage to said soldier or sailor three years before his death."

Mr. Dayton moved the adoption of the amendment.

Mr. Davis offered the following amendment to the amendments to Senate Bill No. 56:

Strike out the words "provided she make proof of her marriage to said soldier or sailor three years before his death," and insert in lieu thereof the following: "Provided her property valuation, both real and personal, does not exceed the sum of five thousand dollars, and provided further, that she be a bona fide resident of this State, and provided further, that it shall not be necessary for her to make proof of anything except her marriage to such pensioner and the death of such pensioner, and that she shall only draw pension from the date of her application."

Mr. Davis moved to adopt the amendment to the amendment.

Which was agreed to.

The question recurred upon the adoption of the amendment of Mr. Dayton as amended.

The amendment as amended was not agreed to.

There being no further amendment to the bill it was referred to the Committee on Engrossed Bills.

Mr. Dayton moved to reconsider the vote by which the amendment offered by him to Senate Bill No. 56, as amended, was not agreed to.

The motion to reconsider went over under the rules.

Senate Bill No. 311:

A Bill to be entitled An Act to authorize and direct the

State Board of Health to establish a hospital for the treatment of indigent crippled children, and providing an appropriation therefor.

Was taken up as a special consideration of this hour, and was read the second time in full.

Mr. Flournoy, Chairman of the Committee on Judiciary A, as required by the rule, moved to indefinitely postpone Senate Bill No. 311.

Which was not agreed to.

Mr. Malone offered the following amendment to—
Senate Bill No. 311:

At the end of Section 3, add the following: "Provided, that until the number of indigent crippled children, citizens of the State of Florida, shall be sufficient in number to warrant the State Board of Health to erect and maintain an institution of this character and nature, that the State Board of Health is authorized to arrange with any Sanitarium or Hospital in Florida to care for and treat the indigent crippled and deformed children of the State and to pay for such treatment out of the funds of the State Board of Health.

Which was agreed to.

Mr. Flournoy offered an amendment to the amendment to—

Senate Bill No. 311:

At the end of the amendment add the following: "Not in excess of the amount appropriated by this Act."

Mr. Flournoy moved to adopt the amendment.

Which was agreed to.

Mr. Williams offered the following amendment to—
Senate Bill No. 311:

Strike out the word "children" wherever it appears in the title of said bill and in said bill, and insert in lieu thereof the following: "Persons."

Mr. Williams moved to adopt the amendment.

Which was not agreed to.

The motion to indefinitely postpone the bill was not agreed to.

And—

Senate Bill No. 311, as amended, was referred to the Committee on Engrossed Bills.

Senate Bill No. 6:

A Bill to be entitled An Act providing for the co-edu-

cation of persons of the same race in all of the universities, colleges and schools of this State.

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

There being no amendment offered, Senate Bill No. 6 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 36:

A Bill to entitled An Act to prescribe the compensation of county officers, the manner in which they shall be paid; to require them to file statements of receipts and disbursements of funds, and to provide for the disposition to be made of the fees collected by such officers, in excess of their compensation, and to fix penalties for the violation of certain provisions of this Act.

Was taken up and read the second time.

The following committee amendment was read:

In Section 3, line 2, after the words "Clerk of Criminal Court of Record" insert "Solicitor of Criminal Court of Record."

Mr. McMullen moved to adopt the amendment.

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

Upon which a yea and nay vote was demanded.

The roll was called and the vote was:

Yeas—Senators Adkins, Calkins, Cook, Culpepper, Finlayson, Henderson, Hilburn, Humphries, L'Engle, McCreary, McLeod, Miller, Perkins, Wilson, Withers, Zim—16.

Nays—Mr. President, Senators Baker, Broome, Carney, Davis, Flournoy, Hosford, Johnson, Malone, McMullen, Sloan, Williams—12.

So the amendment, together with Senate Bill No. 36, was laid on the table.

By permission:

By Mr. Flournoy (by request)—

Senate Bill No. 409:

A Bill to be entitled An Act to amend Section 48 of Chapter 5596, Laws of the State of Florida, to prescribe the method of the collection of delinquent taxes upon railroads in the State of Florida.

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

Mr. L'Engle moved that the Senate do now go into executive session.

Which was agreed to.

The doors were closed at 12:35 o'clock and the Senate went into executive session.

The doors of the Senate were opened at 12:35 o'clock p. m., and the Senate resumed its session.

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

Mr. President, Senators Adkins, Baker, Calkins, Carney, Culpepper, Davis, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Humphries, Johnson, L'Engle, Malone, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Williams, Withers, Zim—25.

A quorum present.

Mr. Hilburn moved that the Senate do now take a recess until 4 o'clock p. m.

Which was agreed to.

Thereupon the Senate took a recess to 4 o'clock p. m. today.

CONFIRMATIONS.

L. D. Howell, of Jacksonville, to be County Solicitor in and for Duval County for a term of four years.

O. L. Dayton of Dade City, Florida, to be Prosecuting Attorney for the County Court of Pasco County, until the general election in 1912.

AFTERNOON SESSION, THURSDAY, 4 O'CLOCK, MAY 11, 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, Broome, Calkins, Carney, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Humphries, Johnson, Malone, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Williams, Wilson, Withers, Zim—26.

A quorum present.

By permission, Mr. Broome, Chairman of Committee on Engrossed Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 11, 1911.

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

Sir:

Your Committee on Engrossed Bills reported as properly engrossed—

Senate Bill No. 311:

To be entitled An Act to authorize and direct the State Board of Health to establish a hospital for the treatment of indigent crippled children, and providing an appropriation therefor.

Very respectfully,

J. E. BROOME,
Chairman of Committee.

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

Senate Chamber,
Tallahassee, Fla., May 11, 1911.

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

Sir:

Your Committee on Enrolled Bills, to whom was referred—

An Act regulating the trial of minors not married in all courts, including municipal courts, of this State.

Also—

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

Has carefully examined the same and finds them correctly enrolled.

Very respectfully,

C. T. CULPEPPER,
Chairman of Committee.

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

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

Senate Chamber,
Tallahassee, Fla., May 11, 1911.

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

Sir:

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

An Act regulating the trial of minors not married in all courts, including municipal courts, of this State.

Also—

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

Has carefully examined the same and finds them correctly enrolled.

Very respectfully,

C. T. CULPEPPER,
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 signatures of the Speaker and Chief Clerk thereof.

By consent, Mr. Dayton withdrew his motion to reconsider the vote by which the amendment to Senate Bill No. 56 was not agreed to.

Mr. Williams moved that Senate Bill No. 214 be made a Special Order for Wednesday, May 17, at 11 o'clock a. m. Which was agreed to.

Senate Bill No. 210:

A Bill to be entitled An Act to require that persons, firms or corporations cutting, boxing, girdling or causing or procuring to be cut, boxed or girdled any kind of timber on the land of another, without the consent of the owner thereof, or that shall remove or cause to be removed from the land of another, without his or her

consent, any timber or wood of any kind, shall be liable to the owner thereof in a sum equal to double the sum of the timber so cut, boxed or girdled, and timber or the wood so removed, and providing that if payment therefor is not made to the owner within a certain time the parties so trespassing shall also be liable for reasonable attorneys' fees and the expense of surveying the land in certain cases.

Was taken up with the pending committee amendment thereto.

The following committee amendment was read:

In Section 1 strike out the words "for reasonable attorneys' fees" and all words thereafter to the end of the section and insert in lieu thereof the following: "For double the value of the wood or timber as aforesaid with interest thereon from the date of the action, together with a reasonable attorney's fee and a reasonable surveyor's fee if the plaintiff has been obliged to employ a surveyor to establish his claim, both of which fees shall be fixed by the jury in evidence adduced at the trial and shall be levied as part of the costs. Provided that if the jury shall find that the value of the wood or timber as fixed by the plaintiff in the notice to the defendant was greater than the real value thereof, and that the defendant tendered to the plaintiff within the thirty days aforesaid double the real value thereof, which tender was refused, the plaintiff shall recover the double value so tendered only and without costs of suit."

Mr. Miller moved to adopt the committee amendment.

Which was agreed to.

The following committee amendment was read:

Strike out: "Section 2. Provided, That nothing in this Act shall be so construed as repealing any of the laws now in force for criminal trespass."

Mr. Miller moved to adopt the amendment.

Which was agreed to.

Senate Bill No. 210, as amended, was referred to the Committee on Engrossed Bills.

BILLS ON THIRD READING.

Senate Bill No. 4:

A Bill to be entitled An Act providing for taxation of and fixing the rate of taxation of inheritances, devises, be-

quests, legacies and gifts, and providing for the manner of payment as well as the manner of enforcing payment thereof, and penalty for violation of provisions of this Act.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 4 the vote was:

Yeas—Senators Adkins, Baker, Broome, Calkins, Carney, Culpepper, Flournoy, Hilburn, Hosford, Johnson, McCreary, McMullen, Miller, Perkins, Williams, Wilson, Withers, Zim—18.

Nays—Senators Dayton, Finlayson, Henderson, L'Engle, McLeod, Sloan—7.

Mr. Malone announced that he was paired with Mr. Cook on the passage of Senate Bill No. 4; that, were Mr. Cook present, he (Mr. Cook), would vote yea, and that he (Mr. Malone), should he vote, would vote nay.

Mr. Cone announced that he was paired on the passage of Senate Bill No. 4 with Mr. Davis; that were Mr. Davis present and voting he (Mr. Davis), would vote nay, and that he (Mr. Cone), should he vote, would vote yea.

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.

Mr. Malone asked to be excused until tomorrow morning.

Which was granted.

Mr. Culpepper moved to waive the rules and that the Senate do now take up such messages from the House of Representatives as pertain to the passage of Senate Bills that the enrolling force could have the necessary work now awaiting them.

Which was agreed to by a two thirds' vote.

MESSAGES FROM HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 11, 1911.

Hon. F. P. Cone,

President of the Senate.

Sir:

I am directed by the House of Representatives to in-

form the Senate that the House of Representatives has passed—

Senate Bill No. 13:

An Act to authorize the County Commissioners of Gadsden County, of this State, to use for any special county purposes the surplus money in the fund raised for general county purposes.

Also—

Senate Bill No. 65:

A Bill to be entitled An Act appropriating the sum of thirty thousand dollars for the purpose of carrying into effect the provisions of Chapter 5734 of the Laws of Florida, approved May 31, 1907, appropriating thirty thousand dollars to the Florida State Mid-Winter Association to pay premiums at fairs to be held in Tampa, Florida, commencing November 1, 1907, and November 1, 1908, respectively.

With the following amendment:

Add to Section 2: "Provided the sum herein appropriated shall only be used in payment of premiums or prizes as first advertised by the Florida Mid-Winter Fair Association, to be given as awarded."

Also—

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 giggering 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.

Also—

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.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 13, contained in the above message, was referred to the Committee on Enrolled Bills.

And Senate Bill No. 65, contained in the above message, was taken up and the following amendment offered by the House of Representatives was read:

Add to Section 2: "Provided the sum herein appropriated shall only be used in payment of premiums or prizes as first advertised by the Florida State Mid-Winter Fair Association to be given or awarded.

Mr. Johnson moved that the Senate do concur in the House amendment to Senate Bill No. 65.

Which was agreed to.

And the concurrence of the Senate thereto was ordered to be certified to the House of Representatives.

Senate Bill No. 65 as amended, was referred to the Committee on Enrolled Bills.

And Senate Bill No. 386, contained in the above message, was referred to the Committee on Enrolled Bills.

And Senate Bill No. 387, contained in the above message, was referred to the Committee on Enrolled Bills.

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

House of Representatives,
Tallahassee, Fla., May 11, 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—

Senate Bill No. 128:

A Bill to be entitled An Act to create the Florida State Board of Dental Examiners, to provide for the appointment of its members, to prescribe the duties and powers of the board and its members, to require the examination by said board and its members of applicants for certificates to practice dentistry and dental surgery, to regulate the manner of issuing such certificates, to specify the charges therefor, to regulate the practice of dentistry and dental surgery in this State, to declare the practicing of dentistry or dental surgery without first having obtained and recorded such certificate to be a violation of this Act, and provide the punishment therefor, and for the viola-

tion of this Act, to declare the filing or attempting to file with said board or its members, certain spurious documents as a basis for the issuing of such certificates to be a violation of this Act, and to provide for its punishment, to provide for the cancellation of certain certificates, and to repeal all laws in conflict herewith.

Also—

Senate Bill No. 87:

A Bill to be entitled An Act to prohibit the inducing, enticing or procuring women or girls for immoral purposes and prescribing a penalty therefor.

Also—

Senate Bill No. 90:

A Bill to be entitled An Act to amend Chapter 5429, An Act to require the payment of a license tax by aliens and non-residents taking oysters from natural oyster beds in this State and prescribing a penalty for their failure to pay such license tax or otherwise to comply with the provisions thereof, approved June 15, 1905.

Also with the following amendment:

On the 10th line for the last proviso substitute:

“Provided further, That the Tax Collector shall insert the name of the boat on the license issued to the individual, alien or non-resident, and that each boat engaged in taking oysters in the waters of the State shall have its name on the stern thereof in plainly written letters; and, Provided further, That this law shall be construed to require each individual, alien or non-resident of the State taking oysters from the natural oyster beds to pay said license.”

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 128, contained in the above message, was referred to the Committee on Enrolled Bills.

And Senate Bill No. 87, contained in the above message, was referred to the Committee on Enrolled Bills.

And Senate Bill No. 90, contained in the above message, was taken up.

And the House amendment thereto contained in the message was read.

Mr. Johnson moved to make the bill and the House amendment thereto a continuing order of the day.

Which was agreed to.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 11, 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 insists upon its amendments 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.

Which amendments are as follows:

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 candlepower which headlight."

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

Amend the title by striking out the word "electric" wherever it occurs in the title of the bill.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM.

Chief Clerk of the House of Representatives.

Mr. Hilburn moved to make Senate Bill No. 55, with the House amendment thereto, an order of the day for tomorrow.

Which was agreed to.

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

Which was agreed to.

Whereupon the Senate stood adjourned until 10 o'clock a. m., Friday, May 12, 1911.