

**FRIDAY, MAY 12, 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, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Humphries, Johnson, Malone, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Withers, Zim—23.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of May 11 was dispensed with.

The Journal of May 11 was corrected, and approved as corrected.

**REPORTS OF COMMITTEES.**

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

Senate Chamber,  
Tallahassee, Fla., May 12, 1911.

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

*Sir:*

Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 56:

A bill to be entitled An Act to amend Section (2) two of Chapter 5885, Laws of Florida, relating to pensions.

Reports the same as properly engrossed.

Very respectfully,

**J. E. BROOME,**  
Chairman of Committee.

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

Senate Chamber,  
Tallahassee, Fla., May 12, 1911.

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

*Sir:*

Your Committee on Engrossed Bills, to whom was referred—

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.

Reports the same as properly engrossed.

Very respectfully,

J. E. BROOME,  
Chairman of Committee.

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

Senate Chamber,  
Tallahassee, Fla., May 12, 1911.

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

*Sir:*

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

Senate Concurrent Resolution No. 20:

Memorializing Congress to make an appropriation for improving the entrance to the harbor at St. Augustine.

Also—

An Act requiring teachers' training schools and making appropriations therefor.

Also—

An Act to provide permanently for reprinting the Reports of the Supreme Court.

Also—

An Act to repeal Chapter 5771 of the Laws of Florida, Acts of 1907, and to abolish the Criminal Court of Record in Suwannee County, State of Florida, and to provide for the disposition of all cases therein pending.

Also—

An Act to prescribe the criminal jurisdiction of Justices of the Peace in counties having County Courts.

Also—

An Act to prohibit the dragging, hauling or setting of seines, nets, traps, baskets or other devices in Bayou Chico or Bayou Texar, in Escambia County, Florida, and making it a misdemeanor to violate the provisions thereof.

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

Senate Chamber,  
Tallahassee, Fla., May 12, 1911.

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

*Sir:*

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

An Act to amend Sections 2, 3, 4, 20, 21 and 23 of Chapter 5859 of the Laws of Florida, approved May 27th, 1907; also to amend Sections 15, 22, 41, 42, 43, 44, 48 and 49 of Chapter 5363 of the Laws of Florida, approved June 8, 1903; and also to amend Chapter 6109 of the Laws of Florida, approved May 29, 1909, amending Section 28 of Chapter 5883 of the Laws of Florida, all of said acts re-

lating to the city charter of the City of Tampa, and providing for its government, jurisdiction and duties, and relating to the same, and to abolish the municipal government of the Town of East Tampa, and to extend and define the corporate limits of the City of Tampa.

Also—

An Act making appropriation for the relief of Jim Henry.

Also—

An Act authorizing and empowering the Board of County Commissioners of St. Johns County to issue county warrants or script in the aggregate sum of thirty thousand dollars, to take up certain promissory notes, which were given for the purpose of building hard surfaced roads in St. Johns County.

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 Judiciary A reported favorably on—  
Senate Bill No. 352:

A Bill to be entitled An Act to make uniform the law of warehouse receipts.

Also reported favorably on—

Senate Bill No. 357:

A Bill to be entitled An Act to make uniform the law relating to the sale of goods.

The Committee on Education reported without recommendation on—

Senate Bill No. 132:

A Bill to be entitled An Act to amend Section 371 of the General Statutes of the State of Florida, relating to life certificates.

The Committee on Education reported unfavorably on—

Senate Bill No. 66:

A Bill to be entitled An Act to provide for the issuing

of teachers' first-grade certificates, also State certificates, to persons holding a diploma from the normal department of the University of Florida, or from the normal department of the Florida State College for Women, and other chartered institutions of Florida.

The Committee on Finance and Taxation reported favorably on—

Senate Bill No. 384:

A Bill to be entitled An Act to amend paragraph 7, Section 4, Chapter 5596, Laws of Florida, relating to taxation.

The Committee on Finance and Taxation reported favorably on—

Senate Bill No. 356:

A Bill to be entitled An Act to create and to provide for the appointment of a commission to be known as the Florida Special Tax Commission, to enquire into the subject of taxation for both State and local purposes, to examine into the laws of this State and other States and countries; the expediency of revising and amending the laws of this State relative to taxation; to make report to the Governor thereupon and to provide for the payment of the expenses of such commission.

The Committee on Finance and Taxation reported unfavorably on—

Senate Bill No. 368:

A Bill to be entitled An Act exempting blacksmiths in certain cases from payment of a license tax.

The Committee on Finance and Taxation reported without consideration, by request of the introducer of the bill—

Senate Bill No. 310:

A Bill to be entitled An Act prescribing the manner of assessing taxes against real and personal property; dividing each county of the State into five tax districts co-extensive with the County Commissioners' districts; providing for a Board of Appraisers in each tax district; prescribing the duties and powers of the Board of Appraisers; providing that Tax Assessors of the several counties

shall meet with the Board of Appraisers for each district on certain specified days, for the purpose of assessing taxes in such district; providing that all persons owning property in each tax district shall meet with the Tax Assessor and the Board of Appraisers on certain days, for the purpose of making return of such property for taxation; providing that any person who may be dissatisfied with the appraisal or valuation of his property by the Board of Appraisers shall have the right of appeal to the Board of County Commissioners at a meeting to be held for the purpose of hearing such complaints; repealing Sections 510, 515, 516 and 523 of the General Statutes of Florida, and Chapter 5605, Laws of Florida, and amending Section 522, General Statutes of Florida.

The Committee on Pensions reported favorably on—  
Senate Bill No. 260:

A Bill to be entitled An Act granting to John H. Jowers of Suwannee County, Florida, a pension.

The Committee on Judiciary A reported favorably on—  
House Bill No. 28:

A Bill to be entitled An Act to prescribe the time within which suits or actions may be begun to enforce the collection of a policy of insurance; to provide for the bringing of a second action, and to forbid any impairment of the right by contract.

The Committee on Judiciary A, to whom was referred—  
Senate Bill No. 365:

A Bill to be entitled An Act for the relief of A. M. McMillan and J. R. Stewart.

Returns the same and asks that it be referred to the Committee on Claims.

The Committee on Judiciary A reported favorably on—  
Senate Bill No. 404:

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

The Committee on Judiciary A reported favorably on—  
Joint Resolution No. 405:

Proposing an amendment to Section 1 of Article III of  
the Constitution of Florida.

Returns same and asks that it be referred to the Com-  
mittee on Constitutional Amendments.

The Committee on Judiciary A reported favorably on—  
Senate Bill No. 390:

A Bill to be entitled An Act to create a Board of  
Commissioners on Constitutional Amendments, prescrib-  
ing their duties, to provide for the publication of a state-  
ment showing wherein proposed amendments to the Con-  
stitution, order or amend the Constitution, and to pro-  
vide for the printing of the same on the ballots as re-  
quired by Chapter 5405, Laws of Florida.

The Committee on Judiciary A reported unfavorably  
on—

Senate Bill No. 397:

A Bill to be entitled An Act to provide for the reim-  
bursement of the owners of goods, wares or merchandise,  
or any articles or things of value, which may hereafter  
be the subject matter of any proposition 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 a method of paying same.

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

Senate Chamber,  
Tallahassee, Fla., May 12, 1911.

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

Sir:

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

An Act to establish the municipality of the town of  
Malone, to provide for its government, fix its territorial  
limits, and to prescribe its jurisdiction and powers.

Also—

An Act to continue the municipal corporation of the

Town of Plant City, Florida, under the corporate name of the City of Plant City, Florida; to prescribe the territorial boundaries, jurisdiction, powers, immunities, privileges and duties of the City of Plant City, Florida; to validate certain indebtedness of the Town of Plant City, Florida, and to make the same legal and binding on the City of Plant City, Florida; to make all bonded indebtedness of the Town of Plant City, Florida, legal and binding upon the City of Plant City, Florida, and to create the City of Plant City, Florida, as the legal successor of the Town of Plant City, Florida, in all respects, and for other purposes.

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

Very respectfully,

C. T. CULPEPPER,  
Chairman of Committee.

#### INTRODUCTION OF BILLS.

By Mr. McMullen (by request)—  
Senate Bill No. 410:

A Bill to be entitled An Act to establish the municipality of Pass-a-Grille, to authorize its issuance of bonds; to provide for its government; to fix its territorial limits, and to prescribe its jurisdiction and powers.

Which was read the first time by its title.

Mr. McMullen moved to waive the rules and that the bill be not referred but be placed on the Local Calendar of Bills on the Second Reading.

Which was agreed to by a two thirds' vote.

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

By Mr. L'Engle—  
Senate Bill No. 411:

A Bill to be entitled An Act relating to writs of garnishment; to fix the time at which the same shall be returnable and answered, and prescribing that bond shall be filed by the person issuing same in certain events, and to prescribe rules for the dismissal of such writs for default thereon, and scire facias thereon.

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

By Mr. L'Engle—

Senate Bill No. 412:

A Bill to be entitled An Act to prohibit the blowing of steam whistles, and to prescribe a penalty therefor.

Which was read the first time by its title.

Mr. L'Engle moved to waive the rules and that Senate Bill No. 412 be not referred but be placed on the Local Calendar of Bills on the Second Reading.

Which was agreed to by a two thirds' vote.

The bill was so placed.

By Mr. Carney (by request)—

Senate Bill No. 413:

A Bill to be entitled An Act to repeal Chapter 5888 of the Laws of Florida, approved June 8, 1909, entitled An Act prohibiting fire insurance companies from combining as to what rate of commission shall be paid by any other company to an agent.

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

By Mr. Flournoy—

Senate Bill No. 414:

A Bill to be entitled An Act authorizing and granting to certain employes of the State of Florida the right to receive from the State of Florida compensation for injuries sustained in the course of their employment, and to provide a means of settlement and payment thereof.

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 received and read:

State of Florida,  
Executive Department,  
Tallahassee, Fla., May 11, 1911.

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

Sir:

I have the honor to inform you that I have approved

and signed the following Acts which originated in your honorable body:

An Act relating to the drainage and reclamation of certain lands in Putnam County, Florida; establishing a drainage district; creating a Board of Drainage Commissioners, and prescribing its powers and duties; establishing a drainage system by the cutting of canals and constructing and maintaining canals and levees for the purpose of drainage; levying a drainage tax, relating to the assessment of lands to be drained and benefited; the collection of necessary funds by assessment of benefit and taxation of lands within said drainage district for the drainage and improvement of said lands, and for the exercise of the right of Eminent Domain.

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.

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

Very respectfully,  
ALBERT W. GILCHRIST,  
Governor.

#### MESSAGES FROM HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was taken up and 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—

House Bill No. 97:

A Bill to be entitled An Act requiring all railroad companies operating in the State of Florida to report wrecks to the Railroad Commissioners, and prescribing a penalty for failure so to do.

Also—

House Bill No. 126:

A Bill to be entitled An Act to provide that tax sale

certificates issued prior to 1898 shall be surrendered upon the payment of the taxes and cost stated in the certificate, with Clerk's cost.

Also—

House Bill No. 129:

A Bill to be entitled An Act to amend Section 371 of the General Statutes of the State of Florida relating to life certificates.

Also—

House Bill No. 136:

A Bill to be entitled An Act to amend Section 821 of the General Statutes of the State of Florida, entitled "Fees."

Also—

House Bill No. 256:

A Bill to be entitled An Act to amend Section 1866 of the General Statutes of the State of Florida, concerning constructive service of process.

Also—

House Bill No. 257:

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—

House Bill No. 271:

A Bill to be entitled An Act to amend Section 3484 of the General Statutes of the State of Florida, entitled "Refusing to make abstract."

Also—

House Bill No. 274:

A Bill to be entitled An Act to require a license tax from persons or corporations selling or offering for sale stocks of Oriental or imported or fancy manufactured goods, wares, or merchandise; regulating the sale of such goods, wares, or merchandise at auction; prescribing the duties of those selling such articles at auction, and prescribing and fixing penalties for violations of this Act.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives,

And House Bill No. 97, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary B.

And House Bill No. 126, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary A.

And House Bill No. 129, contained in the above message, was read the first time by its title and referred to the Committee on Education.

And House Bill No. 136, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary A.

And House Bill No. 256, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary B.

And House Bill No. 257, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary B.

And House Bill No. 271, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary B.

And House Bill No. 274, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary B.

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—

House Bill No. 541:

A Bill to be entitled An Act to amend Section Two (2) of Chapter 5812 of the Acts of 1907, being An Act entitled "An Act to establish the municipality of Key West; provide for its government, and prescribe its jurisdiction and powers."

Also—

House Bill No. 542:

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

Chapter 6065 of the Laws of Florida, entitled An Act to amend Sections 37, 46, 47 and 65 of Chapter 5812 of the Acts of 1907, being An Act entitled An Act to establish the municipality of Key West; provide for its government and prescribe its jurisdiction and powers.

Also—

House Bill No. 543:

A Bill to be entitled An Act to incorporate the Town of Auburndale, in Polk County, Florida, and to provide for its government and prescribe its jurisdiction and powers.

Also—

House Bill No. 544:

A Bill to be entitled An Act to prohibit the catching or taking of food fish from the waters of Aucilla River in Jefferson, Madison and Taylor Counties, except with a hook and line, and fixing a penalty.

Also—

House Bill No. 545:

A Bill to be entitled An Act conferring certain powers on the City of Jacksonville, relating to its supply of water from artesian wells, waterworks and waterworks systems within its corporate limits.

Also—

House Bill No. 547:

A Bill to be entitled An Act to amend Section 2 of Chapter 5805, Acts of the Legislature of the State of Florida of 1907, the said act being An Act entitled An Act to abolish the present municipal government of the Town of Fort Pierce, in the County of St. Lucie, and State of Florida, and to establish, organize and constitute a municipality to be known and designated as the City of Fort Pierce, and to define its territorial boundaries, and to provide for its jurisdiction, powers and privileges.

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. 541, contained in the above message, was read the first time by its title and was placed on the Local Calendar of Bills on Second Reading.

And House Bill No. 542, contained in the above mes-

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

And House Bill No. 543, contained in the above message, was read the first time by its title and was placed on the Local Calendar of Bills on Second Reading.

And House Bill No. 544, contained in the above message, was read the first time by its title and was placed on the Local Calendar of Bills on Second Reading.

And House Bill No. 545, contained in the above message, was read the first time by its title and was placed on the Local Calendar of Bills on Second Reading.

And House Bill No. 547, contained in the above message, was read the first time by its title and was placed on the Local Calendar of Bills on Second Reading.

#### BILLS ON THIRD READING.

##### Senate Bill No. 222:

A Bill to be entitled An Act to amend Section 5 of Chapter 5399 of the Acts of the Legislature of 1905, said Chapter 5399 being An Act entitled An Act defining the duties of the several State's Attorneys of this State and fixing their salaries.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 222 the vote was:

Yeas—Senators Baker, Broome, Carney, Culpepper, Davis, Finlayson, Flournoy, Henderson, Hosford, Humphries, Johnson, Malone, McCreary, McMullen, Miller, Sloan, Zim—17.

Nays—Mr. President, Senators Adkins, Calkins, Withers—4.

Mr. McLeod announced that he was paired with Mr. L'Engle on this bill and that if Mr. L'Engle were present and voting he would vote nay and that if he (Mr. McLeod) should vote he 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 rules.

##### Substitute for Senate Bill No. 140:

A Bill to be entitled An Act to prohibit certain dispositions of citrus fruits, which are immature or otherwise

unfit for consumption, and the misbranding of citrus fruits.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 140 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Humphries, Johnson, L'Engle, Malone, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Withers, Zim—26.

Nays—None.

So the bill passed, title as stated.

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

Senate Bill No. 220:

A Bill to be entitled An Act to amend Section 845 of the General Statutes of the State of Florida, relating to persons subject to road duty and prescribing certain duties of Road Overseers.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 220 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Carney, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Johnson, L'Engle, Malone, McCreary, McLeod, McMullen, Miller, Perkins, Zim—21.

Nays—None.

So the bill passed, title as stated.

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

House Bill No. 78:

A Bill to be entitled An Act to require persons, firms and corporations maintaining and operating public bath houses, bathing pavilions and other similar places at seaside resorts to maintain life lines and life rafts for protection of bathers.

Was taken up and read the third time in full.

Upon the passage of House Bill No. 78 the vote was:

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

Nays—None.

So the bill passed, title as stated.

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

House Bill No. 31:

A Bill to be entitled An Act to prohibit the printing and publication of the name or identity of any female raped or upon whom an assault may be made with intent to commit rape in this State, and providing a penalty for the violation thereof.

Was taken up and read the third time in full.

Upon the passage of House Bill No. 31 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Culpepper, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Humphries, Johnson, L'Engle, Malone, McCreary, McLeod, McMullen, Miller, Withers, Zim—23.

Nays—None.

So the bill passed, title as stated.

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

By Mr. Cone (by permission)—

Senate Bill No. 415:

A Bill to be entitled An Act authorizing the Board of County Commissioners of Columbia County, Florida, to issue interest-bearing time warrants for the purpose of raising funds with which to open, lay out, establish, grade, repair, improve, pave and construct public roads and highways within said Columbia County, and validating all outstanding unpaid warrants drawn on the road fund.

Which was read the first time by its title.

Mr. Cone moved to waive the rules and that Senate Bill No. 415 be not referred to a committee, but be placed on the Calendar, of Local Bills on Second Reading.

Which was agreed to by a two thirds' vote.

The bill was so placed.

By Mr. Malone (by permission)—

Senate Bill No. 416:

A Bill to be entitled An Act for relief of Albury Mimms.  
Which was read the first time by its title and referred to the Committee on Claims.

## House Joint Resolution No. 10:

Joint Resolution of the Legislature of the State of Florida ratifying and approving the proposed amendment to the Constitution of the United States relative to the income tax.

Was taken up on its third reading.

Mr. Calkins moved that the Joint Resolution be made an order of the day for Friday, May 19.

Which was withdrawn.

Mr. Humphries moved to make the Joint Resolution a special order for 11 o'clock Thursday, May 18.

Which was agreed to.

## Senate Bill No. 253:

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

Was taken up and read the third time in full.

By unanimous consent, Mr. Calkins offered the following amendment to Senate Bill No. 253, now on its third reading:

In Section 1, line 5, strike out the words "a reasonable attorneys' fee for plaintiffs' attorney shall likewise be taxed as part of the costs in such case against the defendant" and insert in lieu thereof the following: "an attorney's fee, not exceeding ten per cent of the amount assessed by the jury as damages, shall likewise be taxed as part of the costs in such case against the defendant; provided, however, that the amount of such fee taxed shall not be less than five dollars in any case."

Mr. Calkins moved to adopt the amendment.

Mr. Davis offered the following amendment to the amendment to Senate Bill No. 253:

"And provided further, that at least ten days' notice shall be given to the debtor before suit shall be instituted on such account."

Mr. Davis moved to adopt the amendment.

Mr. Dayton arose and objected to both the amendment and the amendment to the amendment being considered.

By consent, Mr. Calkins moved to place the bill back on its second reading.

Which was agreed to by a two thirds' vote.

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

## Senate Bill No. 261 :

A Bill to be entitled An Act to amend Section 1369 of the General Statutes of the State of Florida, relative to the rights and liabilities and sureties and accommodation signers on bonds, notes, drafts and bills of exchange and providing for contribution between such persons.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 261 the vote was :

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Dayton, Flournoy, Henderson, Hilburn, Hosford, Humphries, Johnson, L'Engle, Malone, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Withers, Zim—24.

Nays—Senators Culpepper, Davis, Finlayson—3.

So the bill passed, title as stated.

And the passage of the bill was ordered to be certified to the Houses of Representatives 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 and read the third time in full.

Upon the passage of Senate Bill No. 311, the vote was :

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

Nays—None.

So the bill passed, title as stated.

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

## BILLS ON SECOND READING.

## Senate Bill No. 33 :

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

Was taken up.

Mr. McMullen moved to make the bill an order of the day for Monday, May 15.

Which was agreed to.

The bill was so placed.

Senate Bill No. 30:

A Bill to be entitled An Act to amend Section 1 of Chapter 5900 of the Laws of Florida, 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, the same being relative to the pay of jurors. Approved May 18, 1909.

Was taken up.

Mr. Hosford moved to waive the rules and to substitute House Bill No. 24 for Senate Bill No. 30.

Which was agreed to by a two thirds' vote.

And—

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 of jurors.

Was taken up and read the second time in full.

Mr. Flournoy, Chairman of the Committee on Judiciary A, as required by the rules, moved to indefinitely postpone House Bill No. 24.

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

Mr. Malone offered the following amendment to House Bill No. 24:

Add after the word "jurors," in the bill, "and bailiffs."

Mr. Malone moved to adopt the amendment.

Mr. Dayton 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, Cook, Dayton, Flournoy, Henderson, Humphries, Johnson, McMullen, Miller—9.

Nays—Mr. President, Senators Baker, Broome, Calkins, Carney, Culpepper, Davis, Finlayson, Hilburn, Hosford, L'Engle, Malone, McCreary, McLeod, Perkins, Sloan, Withers, Zim—18.

So the motion to lay the amendment on the table did not prevail.

The question recurred upon the adoption of the amendment offered by Mr. Malone.

The amendment was not agreed to.

Mr. Cook offered the following amendment to House Bill No. 24:

Add after the word "jurors" the words "and witnesses" wherever it appears in the bill or title.

Mr. Cook moved the adoption of the amendment.

Which was not agreed to.

Mr. Johnson offered the following amendment to House Bill No. 24:

In Section 1 strike out the words "Criminal Courts of Record and County Courts" wherever they appear in the bill.

Mr. Johnson moved the adoption of the amendment.

Upon which a yea and nay vote was demanded.

The roll was called and the vote was:

Yeas—Senators Adkins, Cook, Dayton, Flournoy, Humphries, Johnson, McCreary, McMullen, Miller, Perkins, Withers, Zim—12.

Nays—Mr. President, Senators Baker, Broome, Carney, Culpepper, Finlayson, Henderson, Hilburn, Hosford, L'Engle, Malone, McLeod, Sloan—13.

So the amendment was not agreed to.

Mr. Adkins moved that the Senate do now adjourn to this afternoon at 4:00 o'clock.

Upon which a yea and nay vote was demanded.

The roll was called and the vote was:

Yeas—Senators Adkins, Calkins, Cook, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Humphries, Johnson, McCreary, McMullen, Miller, Perkins, Withers—16.

Nays—Mr. President, Senators Baker, Broome, Carney, Culpepper, Hosford, Malone, McLeod, Sloan, Zim—10.

Whereupon the Senate took a recess until 4:00 o'clock p. m. today.

#### AFTERNOON SESSION, FRIDAY, 4 O'CLOCK,

MAY 12, 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, Humphries, Johnson, Malone, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Withers, Zim—21.

A quorum present.

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 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 a dip net, or by shooting or gigging or otherwise than with a hook and line, and to prohibit the transporting or 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—

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—

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

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 the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 12, 1911.

*Hon. F. P. Cone,*

*President of the Senate.*

*Sir:*

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

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 a dip net, or by shooting or gigging or otherwise than with a hook and line, and to prohibit the transporting or 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—

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—

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

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.

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 of jurors.

Under consideration at adjournment.

Was taken up.

Mr. Flournoy offered the following amendment to—

House Bill No. 24:

Strike out the words "three dollars" wherever they occur and insert in lieu thereof the following: "four dollars."

Mr. Flournoy moved the adoption of the amendment.

Mr. Miller offered the following amendment to the amendment to—

House Bill No. 24:

Strike out the words "four dollars" in the amendment wherever they occur and insert in lieu thereof the following: "two dollars."

Mr. Miller moved the adoption of the amendment.

Which was not agreed to.

The question recurred upon the adoption of the amendment offered by Mr. Flournoy.

The amendment was not agreed to.

The question then recurred upon the motion to indefinitely postpone the bill.

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

And House Bill No. 24 was placed on the Calendar of Bills on the Third Reading.

Mr. McCreary moved to waive the rules and that House Joint Resolution No. 76 be substituted for Senate Joint Resolution No. 42 in its order for consideration.

Which was agreed to by a two thirds' vote.

By consent, Mr. McCreary withdrew Senate Joint Resolution No. 42.

By request, House Joint Resolution No. 76 was informally passed on the Calendar.

Senate Bill No. 158:

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

Was taken up and was read the second time in full.  
The following amendment of the Committee on Education was read as follows:

In Section 3, line 6, strike out the letter "a" and insert in lieu thereof the following: "Their personal bond."

Mr. Flournoy moved to adopt the amendment.  
Which was agreed to.

Also the following committee amendment was read:

In Section 6 strike out lines 2, 3 and 4 and insert in lieu thereof the following: "The sum of twenty-five thousand dollars for the scholastic year of 1911-12, and the sum of twenty-five thousand dollars for the scholastic year of 1912-13, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated."

Mr. Flournoy moved to adopt the amendment.  
Which was not agreed to.

Mr. Humphries offered the following amendment to Senate Bill No. 158:

Strike out all after the enacting clause.

Mr. Humphries moved to adopt the amendment.  
Which was temporarily withdrawn.

Mr. Flournoy offered the following amendment to Senate Bill No. 158:

In Section 3, line 11, strike out the word "shall."

Mr. Flournoy moved to adopt the amendment.  
Which was agreed to.

Mr. Flournoy offered the following amendment to Senate Bill No. 158:

In Section 3, line 11, after the word "be" add the following: "Will teach in the public schools of this State for at least two years next succeeding his or her graduation and will."

Mr. Flournoy moved to adopt the amendment.  
Which was agreed to.

Mr. Humphries again offered the following amendment to Senate Bill No. 158:

Strike out all after the enacting clause.

Mr. Humphries moved to adopt the amendment.

Mr. Hilburn moved to lay the amendment on the table.  
Which was withdrawn.

The question recurred upon the adoption of the amendment offered by Mr. Humphries.

Mr. Cone moved to defer the further consideration of the bill and make the bill an order of the day for Tuesday, May 16.

Which was agreed to, the amendment offered by Mr. Humphries pending.

Mr. Dayton moved to waive the rules and to take up Senate Bill No. 194.

Which was agreed to by a two thirds' vote.

And—

Senate Bill No. 194:

A Bill to be entitled An Act to provide for the change and establishment of county sites, calling elections for and prescribing the regulations under which such elections shall be held, and providing a penalty for the use of money, goods or chattels, to secure votes or influence for any place as county site in such election, and specifying who shall be qualified to vote in the said election.

Was taken up on its second reading and with the amendments thereto was referred to the Committee on Engrossed Bills.

Mr. Cook moved to recall Senate Bill No. 132 from the Committee on Education and that it take its order on the Calendar of Bills on the Second Reading.

Which was agreed to.

The Committee on Appropriations reported favorably on—

House Bill No. 242:

A Bill to be entitled An Act making an appropriation for the purchase of a silver service for the Battleship Florida.

The Joint Committee on Public Roads and Highways reported with a Joint Committee substitute on—

Senate Bill No. 314:

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

## House Bill No. 142:

A Bill to be entitled An Act creating a State Highway Department and establishing a State Highway Commission and the office of State Highway Engineer, prescribing the duties of each, and making an appropriation for the purposes of this Act.

## House Bill No. 455:

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

The following is the substitute for the three bills, to wit:

A Bill to be entitled An Act creating and establishing a State Highway Commission and prescribing its duties and powers and making an appropriation for the purposes of this Act.

## ENROLLED.

The President announced that he was a bout to sign—

An Act to establish the municipality of the Town of Malone, to provide for its government, fix its territorial limits, and to prescribe its jurisdiction and powers.

Also—

An Act to continue the municipal corporation of the Town of Plant City, Florida, under the corporate name of the City of Plant City, Florida; to prescribe the territorial boundaries, jurisdiction, powers, immunities, privileges and duties of the City of Plant City, Florida; to validate certain indebtedness of the Town of Plant City, Florida, and to make the same legal and binding on the City of Plant City, Florida; to make all bonded indebtedness of the Town of Plant City, Florida, legal and binding on the City of Plant City, Florida, and to create the City of Plant City, Florida, as the legal successor of the Town of Plant City, Florida, in all respects, and for other purposes.

Also—

An Act to amend Sections 2, 3, 4, 20, 21 and 23 of Chapter 5859 of the Laws of Florida, approved May 27, 1907,

also to amend Sections 15, 22, 41, 42, 43, 44, 48 and 49 of Chapter 5363 of the Laws of Florida, approved June 8, 1903, and also to amend Chapter 6109 of the Laws of Florida, approved May 29, 1909, amending Section 28 of Chapter 4883 of the Laws of Florida, all of said Acts relating to the city charter of the City of Tampa, and providing for its government, jurisdiction and duties, and relating to the same, and to abolish the municipal government of the Town of East Tampa, and to extend and define the corporate limits of the City of Tampa.

Also—

An Act making appropriation for the relief of Jim Henry.

Also—

An Act authorizing and empowering the Board of County Commissioners of St. Johns County to issue county warrants or script in the aggregate sum of thirty thousand dollars, to take up certain promissory notes, which were given for the purpose of building hard surfaced roads in St. Johns County.

Also—

Senate Concurrent Resolution No. 20:

Memorializing Congress to make appropriation for improving the entrance to the harbor at St. Augustine.

Also—

An Act requiring teachers' training schools and making appropriations therefor.

Also—

An Act to provide permanently for reprinting the reports of the Supreme Court.

Also—

An Act to repeal Chapter 5771 of the Laws of Florida, Acts of 1907, and to abolish the Criminal Court of Record in Suwannee County, State of Florida, and to provide for the disposition of all cases therein pending.

Also—

An Act to prescribe the criminal jurisdiction of Justices of the Peace in counties having County Courts.

Also—

An Act to prohibit the dragging, hauling or setting of seines, nets, traps, baskets or other devices in Bayou Chico or Bayou Texar, in Escambia County, Florida, and making it a misdemeanor to violate the provisions hereof.

The Acts were therefore duly signed by the President

and Secretary of the Senate and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

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

Senate Chamber,  
Tallahassee, Fla., May 12, 1911.

*Hon. F. P. Cone,*

*President of the Senate.*

*Sir:*

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

An Act to amend Sections 2, 3, 4, 20, 21 and 23 of Chapter 5859 of the Laws of Florida, approved May 27, 1907, also to amend Sections 15, 22, 41, 42, 43, 44, 48 and 49 of Chapter 5363 of the Laws of Florida, approved June 8, 1903; and also to amend Chapter 6109 of the Laws of Florida, approved May 29, 1909, amending Section 28 of Chapter 4883 of the Laws of Florida, all of said acts relating to the city charter of the City of Tampa, and providing for its government, jurisdiction and duties, and relating to the same, and to abolish the municipal government of the Town of East Tampa, and to extend and define the corporate limits of the City of Tampa.

Also—

An Act making an appropriation for the relief of Jim Henry.

Also—

An Act authorizing and empowering the Board of County Commissioners of St. Johns County to issue county warrants or script in the aggregate sum of thirty thousand dollars, to take up certain promissory notes, which were given for the purpose of building hard surfaced roads in St. Johns County.

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

Very respectfully,

C. T. CULPEPPER,  
Chairman of Committee.

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

Senate Chamber,  
Tallahassee, Fla., May 12, 1911.

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

*Sir:*

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

An Act to establish the municipality of the Town of Malone, to provide for its government, fix its territorial limits, and to prescribe its jurisdiction and powers.

Also—

An Act to continue the municipal corporation of the Town of Plant City, Florida, under the corporate name of the City of Plant City, Florida; to prescribe the territorial boundaries, jurisdiction, powers, immunities, privileges and duties of the City of Plant City, Florida; to validate certain indebtedness of the Town of Plant City, Florida, and to make the same legal and binding on the City of Plant City, Florida; to make all bonded indebtedness of the Town of Plant City, Florida, legal and binding on the City of Plant City, Florida, and to create the City of Plant City, Florida, as the legal successor to the Town of Plant City, Florida, in all respects, and for other purposes.

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

Very respectfully,

C. T. CULPEPPER,  
Chairman of Committee.

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

Senate Chamber,  
Tallahassee, Fla., May 12, 1911.

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

*Sir:*

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

A Resolution memorializing Congress to make an appropriation for improving the entrance to the harbor at St. Augustine.

Also—

An Act requiring teachers' training schools and making appropriations therefor.

Also—

An Act to provide permanently for reprinting the reports of the Supreme Court.

Also—

An Act to repeal Chapter 5771 of the Laws of Florida, Acts of 1907, and to abolish the Criminal Court of Record in Suwannee County, State of Florida, and to provide for the disposition of all cases therein pending.

Also—

An Act to prescribe the criminal jurisdiction of Justices of the Peace in counties having County Courts.

Also—

An Act to prohibit the dragging, hauling or setting of seines, nets, traps, baskets or other devices in Bayou Chico or Bayou Texar, in Escambia County, Florida, and making it a misdemeanor to violate the provisions hereof.

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

Very respectfully,

C. T. CULPEPPER,  
Chairman of Committee.

By permission, the Committee on Public Roads and Highways reported favorably on—

Senate Bill No. 305:

A Bill to be entitled An Act to provide for the working of all convicts sentenced for a period of five years or less on the public roads, highways and bridges of the State; defining the duties of all the courts and the Boards of County Commissioners relative thereto.

The Committee on Judiciary A reported unfavorably on—

Senate Bill No. 413:

A Bill to be entitled An Act to repeal Chapter 5888 of the Laws of Florida, approved June 8, 1909, entitled An Act prohibiting fire insurance companies combining as to what rate of commission shall be paid by any other company to an agent.

The Committee on Appropriations reported favorably on—

Senate Bill No. 371:

A Bill to be entitled "An Act appropriating the sum of four thousand dollars for the purpose of carrying into effect the provisions of Chapter 5733 of the Laws of Florida, approved May 31, 1907, appropriating four thousand dollars to the West Florida Fair Association to pay premiums at fairs to be held at DeFuniak Springs, Florida, in the falls of 1907 and 1908, respectively."

The Committee on Judiciary A reported unfavorably on—

House Bill No. 136:

A Bill to be entitled An Act to amend Section 821 of the General Statutes of the State of Florida, entitled "Fees."

The Committee on Appropriations reported favorably on—

Senate Bill No. 363:

A Bill to be entitled An Act to fix the salary of the Comptroller of this State.

The Committee on Judiciary A reported favorably on—

Senate Bill No. 414:

A Bill to be entitled An Act authorizing and granting to certain employes of the State of Florida, the right to receive from the State of Florida compensation for injuries sustained in the course of their employment, and to provide a means of settlement, and payment thereof.

The Committee on Judiciary A reported unfavorably on—

House Bill No. 228:

A Bill to be entitled An Act prescribing when suits may be maintained against cities and towns in the State of Florida, for failure to keep in proper condition any sidewalk, pavement, viaduct, bridge, street or other public place; prescribing the measure of damage in such suits, and prescribing the duty of the Mayor and City Council in the matter of the investigation and settlement of any claim for damages against said cities and towns growing

out of its failure to keep in proper condition any sidewalk, pavement, viaduct, bridge, street or other public place.

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

Which was agreed to.

Whereupon the Senate stood adjourned until 10 o'clock a. m. Saturday, May 13, 1911.

## SATURDAY, MAY 13, 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, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Humphries, Johnson, Malone, McCreary, McMullen, Miller, Sloan, Withers, Zim—21.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of May 12 was dispensed with.

The Journal of May 12 was corrected, and approved as corrected.

Mr. McLeod was excused from attendance on the session for today.

Mr. Cook was excused from further attendance on the body for an indefinite period.

Mr. Hosford was excused from further attendance on the body for today.

The Committee on Judiciary B reported unfavorably on—

Senate Bill No. 402:

A Bill to be entitled An Act requiring certain counties