

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

executives or standing committees 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.

The Committee on Judiciary B reported unfavorably on—

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.

The Committee on Judiciary B reported unfavorably on—

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.

The Committee on Constitutional Amendments reported favorably on—

Senate Joint Resolution No. 315:

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

The Committee on Engrossed Bills reported as properly engrossed—

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.

Mr. Perkins moved to waive the rules and that the following communication and resolutions be read and be spread on the Journal.

Which was agreed to by a two thirds' vote.

DeLand, Fla., April 20, 1911.

Washington Camp No. 15, P. O. S. of A., being in hearty accord with Hon. James W. Perkins, Senator from the Twenty-eighth Senatorial District, in regard to the placing of our flag on every public school house in the State, at their regular meeting, held in DeLand, on this date, appointed a committee to draft appropriate resolutions, expressing their approval thereof.

RESOLUTIONS.

Whereas, One of the prime objects of our order is the advancement of our public schools, thus endeavoring to raise the standard of our citizenship, both State and National; and,

Whereas, We believe that respect and honor for our flag are of the most essential elements in the make-up of a good citizen; and,

Whereas, Our National Constitution makes the negro a citizen, thus making it necessary that he should be taught to respect the flag the same as the white citizen; and,

Whereas, This makes it necessary that someone teach him respect for and loyalty to our flag; and,

Whereas, We believe that that duty devolves upon those among whom he lives; and,

Whereas, Believing that the fact that it would have to be placed over the negro as well as the white schools, is no excuse for us to neglect our duty as true American citizens, to inculcate in our children loyal and patriotic love of their country and flag; and,

Whereas, Believing that our public schools are the most appropriate places for the dissemination of these patriotic principles; and,

Whereas, We believe that the presence of the flag is essential to the proper imparting of these principles; therefore, be it resolved,

First, That we heartily indorse the patriotic spirit ex-

emplified by the Honorable Senator from Volusia County, in his endeavor to have the flag float over every public school house in the State, and urge him to persist in the stand he has taken until he succeeds, pledging him our humble support in every way possible.

Second, That we condemn the action of all those opposing him as antagonistic to loyalty to our flag and simply prompted by prejudice against the negro race.

Third, That our members in attendance at the State Camp next month present this matter to that body and use their utmost endeavors to have said camp take action thereon.

Fourth, That our camp send a copy of these resolutions to every camp in the State and urge them to take the matter up at once with their Senators and Representatives and endeavor to impress upon them the importance of disseminating loyalty to and respect for the flag that means—or should mean—so much to every citizen of this great country of ours.

Fifth, That a copy of these resolutions be, at once, forwarded to Senator Perkins, with the request that he have them read in both Houses of the Legislature.

N. W. McLELLAN, Chm.,

HIRAM J. BIRD,

M. G. ROWE,

(Seal.)

Committee.

Mr. Johnson moved to make the consideration of the communication a special order for June 5.

Mr. Calkins moved to amend the motion and to lay the communication on the table.

Which amendment was agreed to.

Mr. Dayton offered the following resolution—

Senate Resolution No. 45:

Whereas, The session of the Legislature is fast approaching the close; and,

Whereas, There are a large number of bills on our Calendar with unfavorable reports; therefore, be it

Resolved by the Senate, That from and after the adoption of this resolution, that when a bill is reached on the Calendar with an unfavorable report (if the author of the

bill is present), said bill shall be withdrawn, or substituted by some other bill or otherwise disposed of when the same is called.

Mr. Dayton moved the adoption of the resolution.

Mr. Calkins offered the following amendment to—

Senate Resolution No. 45:

Add to resolution the following: "Provided, that this resolution shall not go into effect until May 15, 1911.

Mr. Calkins moved the adoption of the amendment to the resolution.

Which was agreed to.

And the resolution, as amended, was agreed to.

Mr. Dayton offered the following resolution—

Senate Resolution No. 46:

Whereas, At the last session of the Legislature, the General Appropriation Bill did not come up for consideration until the last two or three days of the session; and,

Whereas, There were many appropriations in that bill that Senators did not have time to investigate, and that in the opinion of many of the Senators should not have been paid in any event; therefore, be it

Resolved by the Senate of the State of Florida: First, That the Committee on Appropriations be requested to present to the Senate for consideration the General Appropriation Bill by Wednesday of next week, as nearly perfected as the same can be at that time, and that the same be made a Special Order of the Day for 4 o'clock of Wednesday of next week.

Mr. Dayton moved the adoption of the resolution.

Mr. Henderson offered the following amendment to—

Senate Resolution No. 46:

Strike out the preamble.

Mr. Henderson moved the adoption of the amendment.

Which was agreed to.

Senate Resolution No. 46, as amended, was adopted.

INTRODUCTION OF BILLS.

By Mr. Zim (by request)—

Senate Bill No. 417:

A Bill to be entitled An Act to amend Section 8 of Chap-

ter 5947 of the Laws of Florida, Acts of 1909, relating to the practice of optometry.

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

By Mr. L'Engle—

Senate Bill No. 418:

A Bill to be entitled An Act regulating writs of garnishment by providing for the payment of costs of garnishee before answering, the manner of depositing such costs, and prescribing the form of the writ relating thereto.

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

By Mr. Hilburn—

Senate Bill No. 419:

A Bill to be entitled An Act to authorize the County Commissioners of Putnam County, Florida, and their successors in office, to charge tolls on draw bridges in said county, and to provide for the disposition and use of such tolls.

Which was read the first time by its title.

Mr. Hilburn moved that the rules be waived and that Senate Bill No. 419 be read a second time.

Which was agreed to by a two thirds' vote.

And Senate Bill No. 419 was read a second time by its title.

Mr. Hilburn moved that the rules be further waived and that Senate Bill No. 419 be read a third time and put upon its passage.

Which was agreed to by a two thirds' vote.

And Senate Bill No. 419 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Culpepper, Davis, Dayton, Finlayson, Flournoy, Hilburn, Humphries, L'Engle, Malone, McCreary, McMullen, Sloan, Withers, Zim—20.

Nays—None.

So the bill passed, title as stated.

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

MESSAGES FROM HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 12, 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. 378:

A Bill to be entitled An Act to prescribe what shall constitute farmers' institute trains and to provide for free transportation and handling of such trains, persons, property and equipment connected therewith in the State of Florida.

Also—

House Bill No. 313:

A Bill to be entitled An Act directing that a statue of Dr. John Gorrie be placed in the National Statuary Hall in the Capitol of the United States at Washington, in the District of Columbia, and directing the Governor to appoint a commission to take the necessary steps to that end and making an appropriation therefor.

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. 378, contained in the above message, was read the first time by its title and was referred to the Committee on Agriculture and Forestry.

And House Bill No. 313, contained in the above message, was read the first time by its title and was referred to the Committee on Appropriations.

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

House of Representatives,
Tallahassee, Fla., May 13, 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. 586:

A Bill to be entitled An Act to authorize the Board of Public Instruction of Leon County, Florida, to borrow not exceeding fifteen thousand (\$15,000.00) dollars for the purpose of paying certain indebtedness incurred in the erection of a High School building in Tallahassee, Sub-school District No. 1, of said county, and to furnish and equip said building, and to issue interest-bearing warrants for such loan.

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

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

House of Representatives,
Tallahassee, Fla., May 12, 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. 560:

A Bill to be entitled An Act making appropriations to cover the cost of certain repairs to the Capitol building.

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. 560, contained in the above message, was read the first time by its title and was referred to the Committee on Appropriations.

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

House of Representatives,
Tallahassee, Fla., May 13, 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. 140:

A Bill to be entitled An Act to amend Section 3774 of the General Statutes of Florida and Sections 1 and 2 of Chapter 5433 of the Laws of Florida, relating to the protection and preservation of fish in the State of Florida, and prohibiting the catching and shipping of certain fish during certain months.

Also—

House Bill No. 144:

A Bill to be entitled An Act to authorize incorporated towns and cities to establish and maintain free public libraries and reading rooms.

Also—

House Bill No. 132:

A Bill to be entitled An Act to protect the secret work of fraternal orders and to punish the publication, selling or circulation of any work pertaining to be the secret work of any fraternal order, or which is claimed or represented to be such work.

Also—

House Bill No. 283:

A Bill to be entitled An Act to amend Chapter 5651, Laws of Florida, the same being An Act to amend Section 4072 of the General Statutes of the State of Florida, relating to payment of costs in cases before Justices of the Peace.

Also—

House Bill No. 288:

A Bill to be entitled An Act to amend Section 1, Chapter 5921 (No. 52), Laws of Florida, being An Act to amend Section 3542 of the General Statutes of the State of Florida relating to profanity.

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

And House Bill No. 144, contained in the above message, was read the first time by its title and referred to the Committee on Municipalities.

And House Bill No. 132, 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. 283, 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. 288, 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 13, 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 Memorial No. 8:

A Memorial to the Congress of the United States requesting that an appropriation of one hundred thousand dollars be made for the purpose of purchasing by the government of the United States the territory known as

Dades Battle Ground in Sumter County, Florida; turning said territory into a national park and marking the site of the said battle with an appropriate monument.

Also—

House Bill No. 572:

A Bill to be entitled An Act legalizing the general election held in the City of Live Oak, Florida, on the second day of May, A. D. 1911, and declaring the city officers elected thereat to be duly elected officers of said city.

Also—

House Bill No. 573:

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 purpose, the payment of such warrants; and a levy of a tax for such payment, and 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.

Also—

House Bill No. 574:

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

Also—

House Bill No. 575:

A Bill to be entitled An Act to repeal Chapter 3973 of the Laws of Florida, entitled An Act to incorporate the City of New Augustine, approved June 7, 1889.

Also—

House Bill No. 576:

A Bill to be entitled An Act to declare legal the incorporation of the Town of Hampton, in the County of Bradford; incorporated under the general law for incorporating cities and towns, and to provide for the issuing of bonds by said town for the purpose of establishing a sys-

tem of water works and for illuminating purposes, and to create a Board of Public Works for said town.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Memorial No. 8, contained in the above message, was read the first time by its title and went over under the rules.

And House Bill No. 572, contained in the above message, was read the first time by its title and was placed on the Local Calendar of Bills on the Second Reading.

And House Bill No. 573, contained in the above message, was read the first time by its title and was placed on the Local Calendar of Bills on the Second Reading.

And House Bill No. 574, contained in the above message, was read the first time by its title and was placed on the Local Calendar of Bills on the Second Reading.

And House Bill No. 575, contained in the above message, was read the first time by its title and was placed on the Local Calendar of Bills on the Second Reading.

And House Bill No. 576, contained in the above message, was read the first time by its title and was placed on the Local Calendar of Bills on the Second Reading.

ORDERS OF THE DAY.

Mr. Perkins moved that House Bill No. 293 be recommitted to the Committee on Judiciary A.

Which was agreed to.

Mr. Flournoy moved that Senate Bill No. 413 be recommitted to the Committee on Judiciary A.

Which was agreed to.

Senate Bill No. 55:

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

Was taken up.

The House amendments to Senate Bill No. 55 were read, 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 candle-power 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.

Mr. Hilburn offered the following amendment to House Amendment No. 3 to Senate Bill No. 55:

Strike out the word "thousand" where same appears in said amendment and insert in lieu thereof the following: "Two thousand and five hundred."

Mr. Hilburn moved to adopt the amendment.

Which was agreed to.

And Senate Amendment to House Amendment No. 3 was adopted.

And the action of the Senate was ordered to be certified to the House of Representatives immediately.

Mr. Dayton moved to waive the rules and that House Bill No. 378 be substituted for Senate Bill No. 303.

Which was agreed to.

By consent, Mr. Dayton withdrew Senate Bill No. 303.

Mr. Dayton moved to waive the rules and that House Bill No. 378 be withdrawn from the committee and take the place on Calendar of Senate Bill No. 303.

Which was agreed to by a two thirds' vote.

BILLS ON THIRD READING.

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.

Was again taken up for consideration.

Mr. Calkins moved to indefinitely postpone Senate Bill No. 150.

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

Which was withdrawn.

Upon the question to indefinitely postpone the bill, a yea and nay vote was demanded.

The roll was called and the vote was:

Yeas—Senators Calkins, Johnson, L'Engle, McCreary—4.

Nays—Senators Adkins, Baker, Broome, Carney, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Humphries, Malone, McMullen, Sloan, Withers, Zim—15.

So the motion to indefinitely postpone the bill did not prevail.

So Senate Bill No. 150 was read the third time in full.

Upon the passage of Senate Bill No. 150 the vote was:

Yeas—Senators Adkins, Baker, Broome, Carney, Culpepper, Davis, Dayton, Flournoy, Henderson, Hilburn, Humphries, Malone, McCreary, McMullen, Sloan, Withers, Zim—17.

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

So the bill passed, title as stated.

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

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 and read the third time in full.

Upon the passage of Senate Bill No. 272 the vote was:

Yeas—Senators Baker, Broome, Carney, Culpepper, Dayton, Humphries, McMullen, Perkins, Sloan, Withers—10.

Nays—Mr. President, Senators Adkins, Calkins, Davis, Henderson, Johnson, L'Engle, Malone, McCreary, Miller—12.

So the bill failed to pass.

By unanimous consent Mr. Cone introduced—
Senate Bill No. 420:

A Bill to be entitled An Act amending Section 58, and repealing Sections 59, 61, 62 and 63 of An Act en-

titled An Act to abolish the present municipal government of the Town of Lake City, in the County of Columbia, and State of Florida, and to establish, organize and constitute a municipality to be known and designated as the City of Lake City, and to define its territorial boundaries and to provide for its jurisdiction, powers and privileges, approved on the 22nd day of May, 1901, known as Chapter 5091, Laws of Florida, and further supplementing said Act, and to create the office of City Attorney and City Marshal and Tax Assessor and to provide for their election, powers, duties and compensation.

Which was read the first time by its title.

Mr. Cone moved to waive the rules and that Senate Bill No. 420 be not referred, but be placed on the Calendar of Bills on the Second Reading.

Which was agreed to by a two thirds' vote.

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 and read the third time in full.

Upon the passage of Senate Bill No. 210 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Culpepper, Dayton, Henderson, Hilburn, Humphries, Johnson, L'Engle, McCreary, McMullen, Miller, Sloan, Withers, Zim—19.

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. 56:

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

Mr. Hilburn moved to waive the rules and refer Senate Bill No. 56 back to the Committee on Engrossed Bills, to be properly engrossed, and that it retain its place on the Calendar of Bills on the Third Reading.

Which was agreed to by a two thirds' vote.

Mr. Davis moved that the Senate do now adjourn to Monday, 10 o'clock a. m.

Mr. McCreary moved to amend that the Senate do now adjourn to 4 o'clock p. m., Monday, May 15.

Upon which a yea and nay vote was demanded.

The roll was called and the vote was:

Yeas—Senators Adkins, Calkins, Culpepper, Davis, Dayton, Flournoy, Henderson, L'Engle, McCreary, McMullen, Miller, Perkins—12.

Nays—Mr. President, Senators Baker, Broome, Carney, Hilburn, Humphries, Johnson, Malone, Sloan, Withers, Zim—11.

The amendment prevailed, and the Senate stood adjourned until 4 o'clock p. m., Monday, May 15.

MONDAY, MAY 15, 1911.

FOUR O'CLOCK P. M.

The Senate met pursuant to adjournment.

The President in the chair.

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

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