

## FRIDAY, APRIL 28, 1911.

The Senate met pursuant to adjournment.

The President in the chair.

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

Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hudson, Humphries, Johnson, Malone, Massey, McCreary, McLeod, Miller, Perkins, Sloan, Stokes, Wilson, Withers, Zim—28.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of April 27 was dispensed with.

The Journal of April 27 was corrected, and approved as corrected.

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

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

*Hon. F. P. Conc,*

*President of the Senate.*

*Sir:*

Your Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 31:

A Bill to be entitled An Act to amend Sections 1293 and 1295 of the General Statutes of the State of Florida, realting to the powers and duties of Pilot Commissioners.

Also—

Senate Concurrent Resolution No. 13:

A Memorial to the Congress of the United States, requesting an appropriation for Taylor's Creek.

Also—

Senate Memorial No. 5:

A Memorial to the Congress of the United States, asking an appropriation to improve the navigation of the St. Mary's River between King's Ferry, Florida, and the Cumberland Sound.

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.

The Committee on Railroads, Canals and Telegraphs reported favorably on—

House Bill No. 106:

A Bill to be entitled An Act authorizing all common carriers, including railroad companies, to grant free passage or tickets to the immediate families of their physicians, surgeons and salaried attorneys-at-law, and to exchange free passes with other carriers for families of their physicians, surgeons and salaried attorneys-at-law.

Also reported favorably on—

House Bill No. 20:

A Bill to be entitled An Act requiring railroad companies, corporations, firm or individuals owning or operating a railroad for any purpose in the State of Florida to build, construct, maintain and keep in good passable condition highways and street crossings and providing for having the same done in case of failure to do so by the owner or operator of such railroad; creating a lien therefor and providing for its enforcement.

Also reported favorably on—

House Bill No. 131:

A Bill to be entitled An Act to amend Section 2 of Chapter 5595, Acts of 1905, relating to the construction of a line of railway from the mainland of Florida to Key West.

The Committee on Judiciary A reported favorably on—  
Senate Bill No. 275:

A Bill to be entitled An Act to amend Section 8 of Chapter 5459 of the Laws of Florida approved June 5, 1908, amended as follows: Add to the title "An Act to define sick and funeral benefits insurance limit, the amount of risk to be taken and to prescribe the terms on which sick and funeral benefit companies or corporations and life insurance companies or corporations may engage in the business of sick and funeral benefit insurance, to provide penalties for the violations thereof, and to repeal Chapter 5222, Acts of 1903, Laws of Florida."

The Committee on Judiciary A reported favorably with amendment—

Senate Bill No. 267:

A Bill to be entitled An Act relating to county finances and providing for the preparation and filing of reports thereof by the County Commissioners and Clerk of the Circuit Court and to authorize the Comptroller to prescribe forms for and rules relating to such reports.

Amended as follows:

In Section 8, line 1, strike out the words "or inconsistent."

The Committee on Judiciary A reported favorably with amendment—

Senate Bill No. 277:

A Bill to be entitled An Act to amend Section 4 of Chapter 5459 of the Laws of Florida, approved June 5th, 1908.

Amended as follows:

In Section 1, last line, strike out the words "Supreme Court of Florida" and insert in lieu thereof the following: "Any court of competent jurisdiction."

Also—

Add to title "An Act to define sick and funeral benefit insurance, limit the amount of risk to be taken, and to prescribe the terms on which sick and funeral benefit companies or corporations and life insurance companies or corporations may engage in the business of sick and funeral benefit insurance in this State; to prescribe penalties for the violation thereof, and to repeal Chapter 5222, Acts of 1903, Laws of Florida.

The Committee on Constitutional Amendments reported unfavorably on—

Senate Joint Resolution No. 216:

A Joint Resolution proposing amendments to Sections 1, 16 and 17 of Article II of the Constitution of the State of Florida, relating to the legislative authority of the State of Florida.

The Committee on Judiciary A reported on—

Senate Bill No. 266:

A Bill to be entitled An Act to authorize the Board of County Commissioners of Marion County, Florida, to refund certain county warrants or script issued and to be issued by the County Commissioners of Marion County, Florida, and to validate the same and to provide for the payment of interest thereon.

By request of Senator Carney Senate Bill No. 266 was withdrawn without consideration by consent of the committee.

The Committee on Engrossed Bills reported as properly engrossed—

Senate Bill No. 146:

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

Also—

Senate Bill No. 84:

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

Also—

Senate Bill No. 120:

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

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

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

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

*Sir:*

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

Senate Bill No. 31:

An Act to amend Sections 1293 and 1295 of the General Statutes of the State of Florida relating to the powers and duties of Pilot Commissioners.

Also—

Senate Concurrent Resolution No. 13:

A Memorial to the Congress of the United States requesting an appropriation for Taylor's Creek.

Also—

Senate Memorial No. 5:

A Memorial to the Congress of the United States asking an appropriation to improve the navigation of the St. Mary's River between King's Ferry, Florida, and the Cumberland Sound.

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 signature of the Speaker and Chief Clerk thereof.

#### INTRODUCTION OF BILLS.

By Mr. Adkins—

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 the Tax Assessors of several coun-

ties 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 appraisement or valuation of his property by the Board of Appraisers shall have the right of appeal to the Board of 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.

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

By Mr. Cook—

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.

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

#### CONSIDERATION OF RESOLUTIONS.

House Concurrent Resolution No. 22:

Memorializing Congress to build good roads.

Was taken up and read the second time.

Upon the question of its passage House Concurrent Resolution No. 22 was adopted.

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

#### ORDERS OF THE DAY.

Senate Bill No. 68:

A Bill to be entitled An Act to regulate child labor in the State of Florida, and to make provision of such Act effective, creating the office of State Labor Inspector and defining duties and compensation of such officer.

Was taken up.

Mr. Hudson moved that the rules be waived and that

Senate Bill No. 68 be read the second time by its title only.

Which was agreed to by a two thirds' vote.

And Senate Bill No. 68 was read the second time by its title only.

Mr. Hudson offered the following amendment to Senate Bill No. 68:

Strike out all after the enacting clause, and insert in lieu thereof the following:

Section 1. No child under 12 years of age shall be employed, permitted or suffered to work in, or in connection with, any mercantile establishment, store, business office, telegraph office, or in the distribution or transmission of merchandise or messages. No child under 14 years of age shall be employed, permitted or suffered to work in, or in connection with, any factory, cannery, workshop, mine, restaurant, hotel or apartment house. It shall be unlawful for any person, firm or corporation to employ any child under 14 years of age in any business or service whatever, except agriculture or domestic service during the hours when the public schools of the district in which the child resides are in session. No male child under 10, and no female child under 16 years of age shall sell, expose or offer for sale newspapers, magazines, periodicals or other merchandise in any street or public place. No child shall work as any bootblack in any street or public place under 10 years of age. No child under 16 years of age shall work as a bootblack, sell or expose or offer for sale any newspapers, magazines, periodicals or other merchandise in any street or public place after 8 o'clock in the evening or before 6 o'clock in the morning.

Sec. 2. No child under 16 years of age shall be employed, permitted or suffered to work in any place or establishment named in Section One (1) unless the person, firm or corporation employing him procures and keeps on file and accessible to the judicial and police officers of the town or city, and to the State Labor Inspector, an employment certificate as hereinafter prescribed, and on termination of the employment of the child so registered, and whose certificate is so filed, such certificate shall forthwith be surrendered by the employer to the child or its parent or guardian or custodian. The State Labor Inspector may make demand on an employer in

whose establishment a child apparently under the age of 16 years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this Act, that such employer shall either furnish him within ten days evidence satisfactory to him that such child is in fact over 16 years of age, or shall cease to employ, or permit or suffer such child to work therein. In case such employer shall fail to produce and deliver to the Inspector within ten days after such demand such evidence of age herein required of him, and thereafter continues to employ such child, or permit or suffer such child to work in such establishment, proof of the giving of such notice, and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for violation of the provision that such child is under 16 years of age and is unlawfully employed.

Sec. 3. An employment certificate shall be approved only by the County Superintendent of Schools or by a person authorized by him in writing, or, where there is no Superintendent of Schools, by a person authorized by the School Board, provided that no member of a School Board or other person authorized, as aforesaid, shall have authority to approve such certificate for any child then in or about to enter his own employment, or the employment of a firm or corporation of which he is a member, officer or employe.

Sec. 4. Such employment certificate shall not be issued until such child has personally appeared before and been examined by the officer issuing the certificates, and until such officer shall, after making examination, file and sign in his office a statement that in his opinion the child is 12 years of age or upward, and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do, which work shall be specified. In doubtful cases such physical fitness shall be determined by a medical officer of the Board or Department of Health, or by the County Physician. Every employment certificate shall state the date and place of birth of the child, that the child named in such certificate has appeared before the officer signing the certificate and has been examined.

Sec. 5. The local Board of Education or the School

Board of a city, town or district, as the case may be, shall transmit between the first and tenth of each month, to the office of the Labor Inspector, a list of the names of the children to whom certificates have been issued during the previous month.

Sec. 6. In cities of not less than ten thousand inhabitants no person under the age of 18 years shall be employed or permitted to work as a messenger for a telegraph or messenger company in the distribution, transmission or delivery of goods or messages before 5 o'clock in the morning or after 10 o'clock in the evening of any day. No person under the age of 16 years shall be employed or suffered or permitted to work at any gainful occupation other than domestic services or work on a farm, more than sixty hours in any one week, nor more than ten hours in any one day, or before the hour of 7 o'clock in the morning or after the hour of 8 o'clock in the evening, provided that in mercantile establishments children between 14 and 16 years of age may be employed one night in each week not later than 10 o'clock.

Sec. 7. Whoever employs a child under 16 years of age, and whoever having under his control a child under such age, permits such child to be employed in violation of Sections 1, 2 or 6 of this Act, shall, for such offense, be fined not more than \$50, and whoever continues to employ any child in violation of either of said sections of this Act after being notified by a Labor Inspector or other officer thereof, shall for every day thereafter that such employment continues, be fined not less than \$5 nor more than \$20. A failure to produce to any officer or Labor Inspector any employment certificate or list required by this Act shall be prima facie evidence of the illegal employment of any person whose employment certificate is not produced or whose name is not so listed. Any corporation or employer retaining employment certificate in violation of Section 2 of this Act shall be fined \$10. Every person authorized to sign the certificate prescribed by Section 4 of this Act who knowingly certifies to any materially false statement therein shall be fined not more than \$50 nor less than \$10.

Sec. 8. County or city, judicial or police officers may visit the factories, workshops, mines and mercantile establishments in their several towns and cities and ascer-

tain whether any minors are employed therein contrary to the provisions of this Act, and they shall report any cases of such illegal employment to the Superintendent of Schools and to the Labor Inspector. Labor Inspectors or any city or town school officials may require that the employment certificates and lists provided for in this Act of minors employed in such factories, workshops, mines or mercantile establishments shall be produced for their inspection. Complaints for offenses under this Act shall be brought by the Labor Inspector or other person in the same manner as provided by law for other offenses.

Sec. 9. No child under the age of 16 years shall be employed at sewing belts or to assist in sewing belts, in any capacity whatever, nor shall any child adjust any belt to any machinery; they shall not oil or assist in oiling, wiping or cleaning machinery; they shall not operate or assist in operating circular or band saws, wood shapers, wood joiners, planers, sandpaper or wood polishing machinery, emery or polishing wheels used for polishing sheet metal, wood turning or boring machinery, stamping machines in washer and nut factories, operating corrugating rolls, such as are used in roofing factories, nor shall they be employed in operating any steam boiler, steam machinery or other steam machinery or other steam generating apparatus, or as pin boys in any bowling alley; they shall not operate nor assist in operating dough brakes or cracker machinery of any description, wire or iron straightening machinery, nor shall they operate or assist in operating rolling mill machinery, punches or shears, washing or grinding or mixing mills or calendar rolls in rubber manufacturing, nor shall they operate or assist in operating laundry machinery, nor shall such children be employed in any capacity in preparing composition in which dangerous or poisonous acids are used, nor in the manufacture of paints, colors or white lead, nor in operating or assisting to operate any passenger or freight elevator, nor in any theater, concert hall, or place of amusement wherein intoxicating liquors are sold, nor shall females under 18 years of age be employed in any capacity where such employment compels them to remain standing constantly. Nor shall any child under 16 years of age be employed at any occupation dangerous or in-

jurious to health or morals or to life or limb and as to these matters, the decision of the County Physician or City Health Officer, as the case may be shall be final.

Sec. 10. Suitable and proper washrooms and water closets shall be provided in each manufacturing establishment where any person under 16 years of age is employed, and such water closets shall be properly screened and ventilated and be kept at all times in a clean condition; and if girls under 16 years of age be employed in any such establishment, the water closet shall have separate approaches and be kept separate and apart from those used by men.

All closets shall be kept free from obscene writing and marking. A dressing-room shall be provided for such girls when the nature of their work is such as to require any change of clothing.

Sec. 11. The walls and ceilings of each room in every manufacturing establishment where any person under 16 years of age is employed shall be lime-washed or painted, when, in the opinion of the Labor Inspector, it shall be conducive to the health or cleanliness of the persons working therein.

Sec. 12. Grand Juries and County Solicitors of Criminal Courts of Record, where such courts exist shall have inquisitorial powers to investigate violations of this Act; also, County Judges and Circuit Judges and Judges of the Circuit Courts of the State shall specially charge the Grand Jury at the beginning of each term of the court to investigate violations of this Act.

Sec. 13. A copy of this Act shall be conspicuously posted and kept in every manufacturing establishment, mill, mine, workshop, mercantile or printing establishment, theater, bowling alley, telegraph, telephone or public messenger company or laundry in this Commonwealth.

Sec. 14. Any adult person who violates any of the provisions of this Act shall be deemed guilty of a misdemeanor, and on conviction, unless otherwise herein expressly provided, shall be punished by a fine of not more than \$50 and not less than \$25 for the first offense, and for each subsequent offense by imprisonment for not more than 90 days, or by a fine of not less than \$50 nor more than \$200, or both by fine and imprisonment.

Sec. 15. For the purpose of carrying out the provis-

ions of this Act, or other Acts relating to labor and to compile and arrange from time to time industrial statistics in this State, the office of State Labor Inspector is hereby created, such office to be filled by any capable person, male or female, by appointment by the Governor, for a term of four years, such term to begin from and after such appointment. The said State Labor Inspector, in addition to the duties hereinabove prescribed shall make annual reports of conditions of employment in this State, hours, wages and number of persons, male and female, employed in mines, mills, workshops, mercantile establishments, etc., together with such other information as he or she may deem proper, such annual reports to be filed with the Commissioner of Agriculture and by him preserved as a part of the records of his office and made a part of his reports to the Legislature of Florida.

Sec. 16. The said State Labor Inspector shall receive an annual salary of fifteen hundred (\$1,500) dollars, payable monthly out of any moneys not otherwise appropriated, as other salaries of State employes, together with such necessary traveling expenses as may be incurred by him or her in making such trips of inspection as may be directed by the Commissioner of Agriculture,

Sec. 17. The provisions of this Act shall become effective on and after September 1, 1911.

Sec. 18. This Act shall operate and be construed as a repeal of An Act entitled "An Act prohibiting the employment of minors under a certain age in factories, workshops, bowling alleys, bar rooms, beer gardens, places of amusement where intoxicating liquors are sold, and in or about any mine or quarry; providing for and fixing the duties of parents and guardians with reference to the employment of children under their control and fixing a penalty for violations of same; providing and prescribing the duties of and restrictions upon persons, firms, corporations, their agents or managers employing minors, and fixing penalties for violation thereof; prescribing certain restrictions and conditions upon the employment of minors for hire or wages, under a certain age or condition, and at certain times; prescribing certain penalties for the violation of its provisions, and providing for the enforcement of the same;" and all other laws and

parts of laws in conflict with the provisions of this Act are hereby repealed.

Mr. Hudson moved to adopt the amendment.

Pending the consideration of which—

Mr. Hudson moved that the consideration of Senate Bill No. 68 with the pending amendment thereto be deferred and made an order of the day for Wednesday next.

Which was agreed to.

Senate Bill No. 111:

A Bill to be entitled An Act to regulate the instruction of juries in jury trials.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 111 the roll was called and the vote was:

Yeas—Mr. President, Senators Baker, Broome, Calkins, Carney, Cook, Culpepper, Davis, Dayton, Henderson, Hudson, Humphries, Johnson, Malone, McCreary, McLeod, Miller, Perkins, Sloan, Stokes, Wilson, Withers, Zim—24.

Nays—Senators Adkins, Finlayson, Flournoy—3.

So the bill passed, title as stated.

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

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 violation 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.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 128 the roll was called and the vote was:

Yeas—Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hudson, Johnson, Malone, McLeod, Miller, Perkins, Sloan, Stokes, Wilson, Withers, Zim—24.

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

Senate Bill No. 143:

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

Was taken up on its third reading.

Mr. Zim moved that Senate Bill No. 143 be placed back on its second reading for amendment.

Which was unanimously agreed to.

Mr. Zim moved that the bill be made a special order for 4:30 o'clock this afternoon.

Mr. Calkins moved to amend that the bill be made order for Monday next.

Which was withdrawn.

Mr. Flournoy offered as a substitute that Senate Bill No. 143 be made a special order for 10:30 o'clock tomorrow.

Which was agreed to.

Senate Bill No. 155:

A Bill to be entitled An Act to amend Section 3768 of the General Statutes of the State of Florida, relating to hauling seines or nets in fresh waters, rivers, creeks, etc., and providing a penalty for the violation thereof, and to repeal Section 3769 of the General Statutes of the State of Florida, relating to hauling seines and nets in fresh waters, rivers, creeks, etc.

Was taken up.

Mr. Perkins moved that the bill be placed back upon the Calendar of Bills on Second Reading for amendment.

Which was agreed to.

Senate Bill No. 98:

A Bill to be entitled An Act providing for an annual tax to be paid on all dogs, prescribing the manner in

which said tax shall be paid and prescribing a penalty for any violation of this Act.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 98 the roll was called and the vote was:

Yeas—Senators Adkins, Baker, Broome, Carney, Cook, Culpepper, Henderson, Hilburn, Humphries, Johnson, L'Engle, Malone, Perkins, Sloan, Wilson, Zim—17.

Nays—Mr. President, Senators Calkins, Davis, Finlayson, McCreary, McLeod, Stokes, Withers—8.

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

Senator Hosford was excused from attendance on the body until Monday next.

#### Senate Bill No. 101:

A Bill to be entitled An Act to regulate the publication in newspapers of articles either as news matter or as editorials for the publication of which money has been paid, and prescribing penalties for the violation thereof.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 101 the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Calkins, Carney, Cook, Culpepper, Davis, Dayton, Finlayson, Henderson, Hudson, L'Engle, Malone, Massey, McLeod, Miller, Perkins, Wilson, Withers, Zim—21.

Nays—Senators Broome, McCreary—2.

So the bill passed, title as stated.

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

#### Senate Bill No. 82:

A Bill to be entitled An Act to amend Section 3299 of the General Statutes of the State of Florida relating to horse and cattle stealing.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 82 the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Culpepper, Davis, Finlayson, Hilburn, Hudson, Humphries, Johnson, Malone, Massey, McCreary, McLeod, Perkins, Stokes, Wilson, Withers, Zim—22.

Nays—Senators Dayton, Henderson, L'Engle, Miller—4.  
So the bill passed, title as stated.

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

Senate Bill No. 85:

A Bill to be entitled An Act making an appropriation for the relief of Jim Henry.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 85 the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Broome, Calkins, Carney, Cook, Culpepper, Davis, Dayton, Finlayson, Henderson, Hilburn, Hudson, Humphries, Johnson, L'Engle, Malone, Massey, McCreary, McLeod, Perkins, Sloan, Stokes, Wilson, Withers, Zim—28.

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

Substitute for—

Senate Bill No. 141:

A Bill to be entitled An Act to amend Section 2192 (1728) of the General Statutes relating to liens for labor on farms, etc.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 141 the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Calkins, Carney, Cook, Culpepper, Davis, Dayton, Finlayson, Henderson, Hilburn, Hudson, Humphries, Johnson, L'Engle, Malone, Massey, McCreary, Perkins, Sloan, Stokes, Wilson, Withers, Zim—25.

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

Senate Bill No. 149:

A Bill to be entitled An Act to extend and enlarge the powers of the Railroad Commissioners of the State of Florida so as to give them the exclusive power and authority within the State of Florida to regulate charges of all persons, firms or corporations carrying on a telephone business within the State of Florida, and for other purposes.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 149 the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Culpepper, Dayton, Finlayson, Henderson, Hilburn, Hudson, Humphries, Johnson, L'Engle, Malone, Massey, McCreary, McLeod, Miller, Perkins, Sloan, Stokes, Withers, Zim—26.

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

Mr. Stokes gave the following explanation of his vote on Senate Bill No. 149:

I favor the Railroad Commission, and am desirous of increasing its powers. I therefore vote yea.

Senate Bill No. 133:

A Bill to be entitled An Act defining commission merchants, requiring such merchants to give bond, imposing a penalty for pursuing the occupation of a commission merchant when bond has not been made; providing a suit may be brought for such bonds; fixing the venue of such suits; repealing all laws in conflict, and declaring an emergency.

Was taken up and read.

Mr. Baker asked for and obtained unanimous consent to amend the bill on its third reading as follows:

In Section 2, line 16, strike out the words "County Clerk," and insert in lieu thereof the following: "Clerk of the Circuit Court."

Mr. Baker moved the adoption of the amendment.

Which was unanimously agreed to.

Mr. Wilson moved that when Senate do adjourn today it shall adjourn to 10 o'clock on Monday morning next.

Mr. Stokes offered as a substitute that when the Senate do adjourn it shall adjourn to 10 o'clock tomorrow morning.

Which was withdrawn.

The question on the motion of Mr. Wilson to adjourn to Monday morning did not prevail.

Mr. Henderson moved that when the Senate do adjourn today it shall adjourn to 10 o'clock tomorrow morning.

Mr. Cone offered as a substitute that when the Senate do adjourn today it shall adjourn to take a recess until 4 o'clock p. m. today.

The motion of Mr. Henderson did not prevail.

The motion of Mr. Cone to take a recess until 4 o'clock today prevailed.

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

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AFTERNOON SESSION, 4 O'CLOCK P. M., FRIDAY,  
APRIL 28, 1911.

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, Davis, Dayton, Finlayson, Flournoy, Henderson, Hudson, Humphries, Johnson, Malone, Massey, McCreary, McLeod, Perkins, Sloan, Stokes, Withers, Zim—23.

A quorum present.

CONSIDERATION OF BILLS ON SECOND READING.

Senate Bill No. 134:

A Bill to be entitled An Act providing for the payment to family or members of same, of any person convicted of crime, for whose confinement the State or County shall receive any remuneration, either in work or cash, for hire of such person, a part of the earnings of such convict.

Was taken up.

Mr. Sloan moved that Senate Bill No. 134 be re-committed to the Committee on Judiciary B.

Which was agreed to.

Senate Bill No. 179:

A Bill to be entitled An Act to make it a misdemeanor for any person, or persons, to operate in any hotel, boarding house, or restaurant within this State without keeping all doors, windows, and other similar openings in dining room, kitchen and passage way between same screened, and fixing a penalty for failure to comply with the provisions of this Act.

Was taken up and read the second time in full.

The following committee amendment was read:

In Section 1, line 5, after the word "rooms" insert the following: "bedrooms."

Mr. Flournoy moved the adoption of the amendment.

Which was not agreed to.

And Senate Bill No. 179 being interlined was referred to the Committee on Engrossed Bills.

Senate Bill No. 83:

A Bill to be entitled An Act creating a State Board of Pensions, defining who shall receive pensions, who shall not receive pensions, who shall be retained as pensioners, how applications shall be made, how pensions shall be paid, duty of County Commissioners in regard to pensions, providing for the levy of a pension tax and authorizing the State Board of Pensions to make regulations to carry into effect the provisions of this Act.

Was taken up and read the second time in full.

Mr. Adkins offered the following amendment:

In Section 2, line 5, strike out all after the word "served" down to and including the word "pension," in line 6, and insert in lieu thereof the following: "and who has been a bona fide citizen of this State since A. D. 1895."

The amendment was withdrawn.

Mr. Stokes moved to indefinitely postpone the bill.

Which was withdrawn.

Mr. Adkins offered the following amendment:

In Section 3, line 8, strike out all after the word or down to and including the word "application," in line 10 and insert in lieu thereof the following: "sailor at the time of his death."

Mr. Adkins moved to adopt the amendment.

Which was agreed to.

Mr. Adkins offered the following amendment:

At the end of Section 6 add the following: "The transcript from the muster rolls from the Adjutant General's office in Washington to establish the service claimed."

Mr. Adkins moved to adopt the amendment.

Which was agreed to.

Mr. Zim offered the following amendment:

In Section 2, line 11, after the word "payment" insert the following: "and all over the age of eighty years shall receive one hundred and fifty dollars per annum in quarterly payments."

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

Mr. Flournoy offered the following amendment:  
In Section 3, line 16, of printed bill, after the word "marriage," add the following "proof that she was lawfully married to such deceased three years prior to his death."

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

Mr. Davis moved that the further consideration of the bill be deferred and that it be made the order of the day for Tuesday morning, May 2.

Which was agreed to.

By Senate Committee on Governor's Message—

Senate Bill No. 200:

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

Was taken up and read the second time.

There being no amendments Senate Bill No. 200 was placed on the Calendar of Bills on the Third Reading.

Senate Committee Bill No. 201:

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

Was taken up and read the second time.

There being no amendments Senate Committee Bill No. 201 was placed on the Calendar of Bills on the Third Reading.

Senate Committee Joint Resolution No. 202:

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

Was taken up and read the second time in full.

There being no amendment, Senate Committee Joint Resolution No. 202 was placed on the Calendar of Bills on Third Reading.

Senate Committee Bill No. 204:

A Bill to be entitled An Act to restrict the conduct

of the business of banking in this State and provide penalties for violations thereof.

Was taken up.

Mr. Calkins moved that the bill be recommitted to the Committee on the Governors Message.

Which was agreed to.

**Senate Committee Bill No. 205:**

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

Was taken up and read the second time in full.

There being no amendments, Senate Committee Bill No. 205 was placed on the Calendar of Bills on Third Reading.

**Senate Bill No. 206:**

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

Was taken up and read the second time in full.

There being no amendments, Senate Bill No. 206 was placed on the Calendar of Bills on the Third Reading.

**Senate Committee Bill No. 207:**

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

Was taken up and read the second time in full.

There being no amendment Senate Committee Bill No. 207 was placed on the Calendar of Bills on the Third Reading.

**Senate Bill No. 162:**

A Bill to be entitled An Act to amend Chapter 5609 of the Laws of Florida, entitled "An Act to provide for

the enumeration of agricultural, horticultural, live stock, manufacturing, industrial and other statistics; for the appointment of County Examiners; to define their duties; to provide for their compensation, and to define the duties of the Boards of County Commissioners in connection therewith.

Was taken up and read the second time in full.

There being no amendments Senate Bill No. 162 was placed on the Calendar of Bills on the Third Reading.

Senate Bill No. 183:

A Bill to be entitled An Act to prevent the collection of tolls or compensation by any canal company failing to maintain its canals.

Was taken up and read the second time in full.

There being no amendments Senate Bill No. 183 was placed on the Calendar of Bills on Third Reading.

Senate Bill No. 187:

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

Was taken up and read a second time in full.

Mr. Flournoy, Chairman of the Committee on Judiciary A, as required by the rules, moved to indefinitely postpone the bill.

Pending which—

Mr. Johnson moved to re-commit the bill to the Committee on Judiciary A.

Which was agreed to.

Senate Bill No. 11:

A Bill to be entitled An Act disqualifying certain persons from sitting as jurors in trial of certain cases, and prescribing a rule of evidence therein.

Was taken up.

Mr. Flournoy, Chairman of the Committee on Judiciary A, as required by the rules, moved to indefinitely postpone Senate Bill No. 11.

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

Senate Bill No. 192:

A Bill to be entitled An Act providing that a juror shall not be excused for cause upon the ground that he

has previously formed an opinion, if such juror under oath says he will try the case and render his verdict according to the law and evidence introduced, regardless of his opinion.

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 Senate Bill No. 192.

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

Senate Bill No. 79:

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

Was taken up.

Mr. Flournoy, Chairman of the Committee on Judiciary A, as required by the rules, moved to indefinitely postpone Senate Bill No. 79.

Pending the consideration of which—

Mr. Calkins moved that Senate Bill No. 79 be made an order of the day for Tuesday, May 2.

Which was agreed to.

Mr. Dayton gave notice that he would on tomorrow move to reconsider the vote by which Senate Bill No. 197 was recommitted.

Senate Bill No. 191:

A Bill to be entitled An Act relative to tax assessments and redemption of lands from tax sales.

Was taken up and read the second time in full.

There being no amendments, Senate Bill No. 191 was placed on the Calendar of Bills on Third Reading.

Mr. Hudson moved to waive the rules and that the Senate now reconsider the vote by which Senate Bill No. 187 was recommitted.

Which was agreed to by a two thirds' vote.

Senate Bill No. 148:

A Bill to be entitled An Act imposing license on cotton seed oil mills and to provide for the payment thereof;

prescribing penalties for operating oil mills without first procuring license.

Was taken up and read the second time in full.

There being no amendments, Seante Bill No. 148 was placed on the Calendar of Bills on Third Reading.

Senate Bill No. 152:

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

Was taken up and read the second time in full.

The following committee amendment was read:

Amend Section 2 by striking out the words "affidavit of the complainant, his agent or solicitor annexed to the bill," and insert in lieu thereof: "direct allegation of the bill."

Mr. Massey moved to adopt the amendment.

Which was agreed to.

Also the following committee amendment was read:

Also by adding to the said section the words: "All bills filed under this Act shall be verified by the oath of the complainant, his agent or solicitor."

Mr. Massey moved to adopt the amendment.

Which was agreed to.

And Senate Bill No. 152, as amended, was referred to the Committee on Engrossed Bills.

Senate Bill No. 4:

A Bill to be entitled An Act providing for taxation of and fixing the rate of taxation on inheritances, devises, bequests, legacies and gifts, and providing for the manner of payment as well as the manner of enforcing payment thereof.

Mr. Massey, Chairman of the Committee on Finance and Taxation, as required by the rule, moved to indefinitely postpone Senate Bill No. 4.

Pending the consideration of which—

Mr. Flournoy moved that the bill be made an order of the day for Wednesday, May 3.

Which was agreed to.

Senate Bill No. 125:

A Bill to be entitled An Act to define and regulate the treatment and control of dependent and delinquent children; to provide for the disposition, care, education, protection, support, maintenance and punishment of delin-

quent or dependent children, and for their guardianship and adoption; to prescribe the power and duties of County Judges with respect thereto.

Was taken up and read the second time in full.

Committee Substitute for—

Senate Bill No. 125:

A Bill to be entitled An Act to provide for the treatment, control of dependent and delinquent children, to provide for the disposition, care, education, protection, support, maintenance and punishment of delinquent or dependent children, and for their guardianship and adoption, to prescribe the power and duties of County Judges with respect thereto.

Was read the first time by its title.

Mr. Hudson moved to waive the rules and that the Committee Substitute for Senate Bill No. 125 be read the second time in full.

Which was agreed to by a two thirds' vote.

Committee Substitute for Senate Bill No. 125 was read the second time in full.

Mr. Hudson moved to adopt the Committee Substitute for Senate Bill No. 125 in lieu of the original bill.

Which was agreed to.

There being no amendment the bill was placed on the Calendar of Bills on the Third Reading.

Senate Bill No. 160:

A Bill to be entitled An Act defining the right of action for libel by publication in newspapers, magazines or periodicals, and prescribing a rule of evidence in such cases.

Was taken up and read the second time in full.

The following committee amendment was read:

In Section 1, line 4, strike out the words "within ten days."

Mr. Flournoy moved to adopt the amendment.

Which was agreed to.

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

Senate Bill No. 189:

A Bill to be entitled An Act for the relief of Lee Daniel.

Was taken up and read the second time in full.

There being no amendments Senate Bill No. 189 was passed on the Calendar of Bills on the Third Reading.

Mr. McLeod was excused from attendance on the body until Monday morning.

Mr. Davis, Chairman of the Committee on Constitutional Amendments, by consent, withdrew the report of the committee on Senate Joint Resolution No 130, and substituted the following report therefor:

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

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

*Sir:*

Your Committee on Constitutional Amendments, to whom was referred—

Senate Joint Resolution No. 130:

Proposing an amendment to Article XII of the Constitution of the State of Florida, relative to education, to be known as Section 16 of said article, providing for the levy of a special tax for the support and maintenance of the rural graded and high schools, and the State institutions of higher learning.

Begs leave to report that they have had the same under consideration, and recommends that it do pass, with the following amendment:

Strike out Section 16 as far as the word "amount," inclusive, and substitute the following: "Section 16. The Legislature is hereby authorized to levy annually a special tax not exceeding one mill on the dollar, and one-half of the amount so levied."

Very respectfully,

CHAS. E. DAVIS,  
Chairman of Committee.

Mr. Flournoy moved to make Senate Bill No. 4 order of the day for Tuesday, May 2.

Which was agreed to.

Mr. Henderson moved that the Senate do now adjourn.

Mr. Massey moved to amend that the Senate do adjourn to 9:30 tomorrow morning.

Mr. Hudson moved as a substitute that the Senate do now adjourn to 10:00 o'clock tomorrow morning.

The substitute to adjourn to 10:00 o'clock tomorrow morning was agreed to.

Thereupon the Senate stood adjourned to 10:00 o'clock a. m., Saturday, April 29, 1911.