

MONDAY P. M., MAY 1, 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, Davis, Dayton, Finlayson, Flournoy, Henderson, Hosford, Hudson, Humphries, Johnson, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Stokes, Wilson, Withers, Zim—28.

A quorum present.

Prayer by the Chaplain.

The reading the Journal of April 29 was dispensed with.

The Journal of the 29th was corrected and approved as corrected.

REPORTS OF COMMITTEES.

Mr. Broome, Chairman of the Committee on Engrossed Bills, reported as properly engrossed—

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.

Also—

Senate Joint Resolution No. 202:

Proposing an amendment to Section 35 of Article V of the Constitution of Florida relating to the establishment of courts.

Also—

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.

Also—

Senate Bill No. 187:

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

The Committee on Municipalities reported unfavorably on—

Senate Bill No. 70:

A Bill to be entitled An Act to provide for the extension of the territorial limits of incorporated cities and towns in the State of Florida.

The Committee on Judiciary A returned without recommendation—

Senate Bill No. 300:

A Bill to be entitled An Act to require the City or Town Council of all cities and towns of this State to divide their respective cities and towns into wards.

The Committee on Judiciary A reported favorably on—

Senate Bill No. 301:

A Bill to be entitled An Act to empower Circuit Courts to authorize curators, administrators and executors to continue business of deceased persons in certain cases.

The Committee on Judiciary A reported favorably on—

Senate Bill No. 303:

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

INTRODUCTION OF RESOLUTIONS.

Mr. Broome offered the following resolution—

Senate Resolution No. 41:

Be it resolved by the Senate, That Tuesday afternoon, May 2, be appropriated to the consideration of local bills.

Mr. Broome moved to adopt the resolution.

Which was agreed to.

INTRODUCTION OF BILLS.

By Mr. Stokes—

Senate Bill No. 318:

A Bill to be entitled An Act to repeal Sections 2804

and 2805 of the General Statutes of the State of Florida authorizing railroad and canal companies to condemn land and water rights for terminal facilities.

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

By Mr. Carney—

Senate Joint Resolution No. 319:

A Joint Resolution proposing an amendment to Section 1 of Article VI of the Constitution of Florida, as amended by Joint Resolution No. 2, Acts of 1893, relating to suffrage and eligibility.

Which was read the first time by its title.

Mr. Carney moved to waive the rules and that Senate Bill No. 319 be not referred to a committee, but that it be placed on the Calendar of Bills on the Second Reading.

Which was not agreed to.

And Senate Bill No. 319 was referred to the Committee on Constitutional Amendments.

By Mr. Miller—

Senate Bill No. 320:

A Bill to be entitled An Act to amend Section 2821 of the General Statutes of the State of Florida relating to powers of Eminent Domain by telegraph or telephone companies.

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

By Mr. L'Engle—

Senate Bill No. 321:

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

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

By Mr. McCreary—

Senate Bill No. 322:

A Bill to be entitled An Act to require all able-bodied men over the age of twenty-one and under the age of forty-five years who do not pay road taxes to render labor on

the public roads or streets of towns and cities for a certain number of days annually or pay a certain sum of money in lieu thereof; providing for the enforcement of said Act, and prescribing the duties of road overseers, and sheriffs in connection therewith.

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

By Mr. L'Engle—

Senate Bill No. 323:

A Bill to be entitled An Act to amend Section 796 and 799 of Article II, Chapter 2, Title 9 of the First Division of the General Statutes of the State of Florida, relating to the disposition of the proceeds of county bonds, and to provide for the appointment and election of trustees of county bonds, and to prescribe their powers and duties, and also relating to county bonds heretofore issued and to trustees of such county bonds heretofore appointed, and to extend the provisions of this Act to the same, and to repeal all Acts in conflict herewith.

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

By Mr. L'Engle—

Senate Bill No. 324:

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

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

By Mr. Perkins—

Senate Bill No. 325:

A Bill to be entitled An Act to amend Section 2319 of the General Statutes of the State of Florida relating to the method of assigning a widow's dower by the heir at law or representative of any estate of a deceased married man.

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

By Mr. Sloan—

Senate Bill No. 326:

A Bill to be entitled An Act to amend Sections 400 and

406 of the General Statutes of the State of Florida, the same being relative to elections for the establishment of special tax school districts; the establishment of such districts; the election of trustees; the term for which said trustees are elected, and the fixing of the special tax for such special tax school district.

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

By Mr. Baker—

Senate Bill No. 327:

A Bill to be entitled An Act to amend Section 29 of the General Statutes of the State of Florida, relating to the boundary lines of Baker County.

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

Mr. Baker moved to waive the rules and not refer the bill to a committee but that it 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 place on the Local Calendar of Bills on the Second Reading.

By Mr. Henderson—

Senate Bill No. 328:

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

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

By Committee on Governor's Message—

Senate Committee Bill No. 329:

A Bill to be entitled An Act relating to the duties and authority of the Food and Drug Inspector, of the Inspector of Commercial Feeding Stuffs and of the Inspectors of Fertilizers.

Which was read the first time by its title.

Mr. Calkins moved to waive the rules and that the bill be not referred to a committee, 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 was so placed.

By Committee on Governor's Message—

Senate Committee Bill No. 330:

A Bill to be entitled An Act to amend Section 655 of the General Statutes of the State of Florida relating to contracts for the public printing.

Which was read the first time by its title.

Mr. Calkins moved to waive the rules and that Senate Committee Bill No. 330 be not referred to a committee but it be placed on the Calendar of Bills on the Second Reading.

Which was agreed to by a two thirds' vote.

And the bill was so placed.

By the Committee on Governor's Message—

Senate Committee Bill No. 331:

A Bill to be entitled An Act making appropriations for the improvement and maintenance of the State Prison Farm.

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

By Mr. Hudson—

Senate Bill No. 332:

A Bill to be entitled An Act to abolish the present municipal government of the Town of Fort Lauderdale in the County of Dade, and the State of Florida, and to establish, organize and constitute a municipality to be known and designated as the Town of Fort Lauderdale, and to define its territorial boundaries, and to provide for its jurisdiction, powers and privileges.

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

By Mr. Hudson—

Senate Bill No. 333:

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

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

By Mr. Hudson—

Senate Bill No. 334:

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.

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

By Mr. Hudson—

Senate Bill No. 335:

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

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

By Messrs. Massey and Hudson—

Senate Bill No. 336:

A Bill to be entitled An Act to require railroad companies to provide facilities and equipment for handling express matter and to provide for the enforcement thereof.

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

By Mr. Dayton—

Senate Bill No. 337:

A Bill to be entitled An Act locating the Railroad Commission of the State of Florida in the City of Jacksonville, Florida, and making an appropriation for a building for said commission.

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

By Mr. Miller—

Senate Bill No. 338:

A Bill to be entitled An Act to amend Section 3 of Chapter 5885, Laws of the State of Florida, relating to pensions.

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

By Mr. Humphries—
Senate Bill No. 339:

A Bill to be entitled An Act fixing the salaries of Judges of the County Courts of the State of Florida.

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

By Mr. Adkins—
Senate Bill No. 340:

A Bill to be entitled An Act to amend Section 3262 of the General Statutes of the State of Florida, relating to carrying concealed weapons.

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

MESSAGES FROM THE GOVERNOR.

The following communication from the Governor was read:

State of Florida,
Executive Department,
Tallahassee, Fla., May 1, 1911.

Gentlemen of the Legislature

I have the honor to transmit herewith a report this day received by me from the State Auditor upon an examination made by him of the books and records of certain State officers.

Very respectfully,

ALBERT W. GILCHRIST,
Governor.

Mr. Calkins moved to spread the message on the Journal.
Mr. Hudson moved as a substitute that it be referred to the appropriate committee.

Mr. Hudson withdrew his motion to substitute.

Mr. Calkins withdrew his motion.

Mr. Calkins moved to spread the letter of transmittal on the Journal.

Which was agreed to.

Mr. Hudson moved that the accompanying document be referred to the Committee on Appropriations.

Which was agreed to.

The following message from the Governor was read:

State of Florida,
Executive Department,
Tallahassee, May 1, 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 Act which originated in your honorable body:

An Act to amend Section four (4) of Chapter 5984 of the Laws of Florida, Acts of 1909, being entitled "An Act to organize a County Court in and for the County of Gadsden; to prescribe the terms thereof and to provide for the appointment of a Prosecuting Attorney and for his compensation and for that of the Judge of the said Court."

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

Very respectfully,

ALBERT W. GILCHRIST,
Governor.

CONSIDERATION OF BILLS ON THIRD READING.

Senate Bill No. 75:

A Bill to be entitled An Act to more effectively protect the people against combinations, conspiracies and agreements between insurers, whereby rates of insurance are raised or fixed.

Was taken up.

There being an interlineation in the bill Mr. Perkins moved to waive the rules and to refer the bill to the Committee on Engrossed Bills.

Which was agreed to by a two thirds' vote.

And the bill was so referred.

Senate Bill No. 50:

A Bill to be entitled An Act to prescribe and regulate rates for the transmission of telegrams and providing a penalty for violation of said regulations.

Was taken up.

Mr. Malone moved to waive the rules and to re-commit the bill to the Committee on Judiciary A, and that it retain its place on the Calendar.

Which was agreed to by a two thirds' vote.

The bill was re-committed to the Committee on Judiciary A.

Senate Bill No. 157:

A Bill to be entitled An Act to amend Section 3774 of the General Statutes of the State of Florida, relating to closed season for mullet.

Was taken up.

Mr. Perkins asked for and obtained unanimous consent to offer an amendment to the bill on the third reading.

The bill was temporarily passed to give time to prepare the amendment.

Senate Joint Resolution No. 18:

A Joint Resolution proposing an amendment to Sections 9 and 10 of Article XVIII of the Constitution of the State of Florida, relative to the holding of general elections and the election of county officers.

Was taken up and read the third time in full.

Upon the passage of Senate Joint Resolution No. 18 the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Carney, Cook, Davis, Hudson, Humphries, Massey, McCreary, McMullen, Miller, Sloan, Withers, Zim—16.

Nays—Senators Calkins, Dayton, Finlayson, Flournoy, Henderson, Hosford, Johnson, L'Engle, Malone, McLeod, Perkins, Stokes, Wilson—13.

So the Joint Resolution, not having received the necessary three fifths' vote, failed to pass.

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

Senate Chamber,
Tallahassee, Fla., May 1, 1911.

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

Sir:

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

Senate Bill No. 225:

An Act making partial appropriation for legislative expenses, session of 1911.

Also—

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 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.

Also—

Senate Concurrent Resolution No. 13:

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

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,

WM. W. FLOURNOY,
Acting Chairman of Committee.

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 third time in full.

Upon the passage of Senate Bill No. 148 the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Davis, Dayton, Finlayson, Flournoy, Henderson, Hosford, Hudson, Humphries, Johnson, L'Engle, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Stokes, Wilson, Withers, Zim—29.

Nays—None.

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

ENROLLED.

The President announced that he was about to sign—
Senate Bill No. 225:

An Act making partial appropriation for Legislative expenses, session of 1911.

Also—

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 Memorial No. 5:

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

Also—

Senate Concurrent Resolution No. 13:

A Memorial to the Congress of the United States, requesting an appropriation for Taylors Creek.

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.

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 taken up and read the third time in full.

Mr. Hudson asked for unanimous consent to have Secretary correct typographical error so as to change the figures Section 16 to Section 10 so as that it shall read Section 10.

Which was granted, and the change was made in open Senate.

Mr. Henderson asked that the bill be informally passed until tomorrow morning and that it retains its position on the Calendar.

Which was unanimously granted.

Mr. L'Engle was excused from attendance for Tuesday and Wednesday of this week.

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

Senate Chamber,
Tallahassee, Fla., May 1, 1911.

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

Sir:

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

Senate Bill No. 225:

An Act making partial appropriation for legislative expenses, session of 1911.

Also—

Senate Bill No. 31:

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

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.

Also—

Senate Concurrent Resolution No. 131:

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

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

Very respectfully,
WM. W. FLOURNOY,
Acting Chairman of Committee.

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

Which was agreed to.

Whereupon the Senate stood adjourned until Tuesday, 10 o'clock a. m., May 2, 1911.

TUESDAY, MAY 2, 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, Davis, Dayton, Finlayson, Flournoy, Henderson, Hudson, Humphries, Johnson, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Stokes, Wilson, Withers, Zim—23.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of May 1st was dispensed with.

The Journal of May 1st was corrected and approved as corrected.

REPORTS OF COMMITTEES.

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

Senate Chamber,
Tallahassee, Fla., May 2, 1911.

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

Sir:

Your Committee on Rules and Procedure, to whom was referred—

Senate Committee Bill No. 209:

Recommend that Senate Committee Bill No. 209, relative to the number of Judicial Circuits in the State of