

## WEDNESDAY, MAY 3, 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, Hilburn, Hosford, Hudson, Humphries, Johnson, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Stokes, Wilson, Withers, Zim—29.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of May 2nd was dispensed with.

The Journal of May 2nd was corrected and approved as corrected.

The Committee on Judiciary B reported unfavorably—  
Senate Bill No. 296:

A Bill to be entitled An Act to amend Sections 3103, 3104 and 3105 of the General Statutes of the State of Florida, relating to interest and usurious contracts.

The Committee on Judiciary B reported favorably, with amendment, the following bills—

Senate Bill No. 283:

A Bill to be entitled An Act to amend Section 820 of the General Statutes of the State of Florida relative to the fees of County Treasurer of school fund.

With the following amendments:

1. Strike out the letter "d" from the word "received" in the 4th line from bottom of bill.
2. Strike out the words at end of bill, "or for receiving such funds."

Senate Bill No. 306:

A Bill to be entitled An Act to amend Section 2193

(1729) of the General Statutes, relating to liens for materials furnished.

With the following amendment:

In line 3 of the amended section add after the word "building" in said line the following: "Fence."

The Committee on Judiciary A reported—

Senate Bill No. 312:

A Bill to be entitled An Act to provide for an Inspector of Nursery Stock, prescribe his term of office and salary, and the employment of his deputies and assistants; to make it the duty of the Board of Control to make rules and regulations for the inspection, certification, sale, exchange, transportation and introduction of nursery stock infested with injurious insects, pests or diseases; to prevent the introduction, increase or dissemination of said insects, pests or diseases; to provide that said rules and regulations shall prescribe costs and charges for said inspection and certification; to make it unlawful to knowingly sell, exchange, give away or transport, or offer or attempt thereto, in the State of Florida any nursery stock, trees, shrubs, plants, vines, cuttings, scions, grafts, buds, seeds, pits, bulbs, roots or parts thereof, infested or infected with injurious insects, pests or diseases; to provide penalties for the violation of this Act and the rules and regulations thereof; to make an appropriation to carry out the provisions of this Act, and to repeal all laws or parts thereof inconsistent herewith.

The same favorably with the following amendments:

In Section 6, line 2, strike out the words "seven thousand dollars" and insert in lieu thereof the following: "three thousand dollars per annum, or as much thereof as is actually necessary."

Also—

In Section 1, line 6, strike out the words "subject to the approval of the Board of Control" and insert in lieu thereof after the word "employ," in line 7, of Section 1, the following: "subject to the approval of the Board of Control."

The Committee on Judiciary A reported unfavorably on—

Senate Bill No. 92:

A Bill to be entitled An Act regulating the soliciting

and placing of insurance in companies not holding a certificate of authority to transact the business of insurance in this State, and for the adjustment of losses under such contracts of insurance.

The Committee on Judiciary A returned without recommendation—

Senate Bill No. 342:

A Bill to be entitled An Act to provide for the appointment of a commission to formulate a complete system of pleading, practice and procedure for the courts of this State, both in their civil and criminal jurisdiction, and to provide for the payment of said commission and their incidental expenses.

The Committee on Judiciary A reported favorably with amendments—

Senate Bill No. 316:

A Bill to be entitled An Act to create and provide for the appointment of a commission to be known as the State Practice and Procedure Commission to examine into the laws of this State and other states and countries and to make report to the Governor thereupon, and to provide for the payment of the expenses of such commission.

Amendment as follows:

After the word "Florida," in line 4, of Section 1, add the following: "Who shall be attorneys at law."

The Committee on Fish and Game reported unfavorably on—

House Bill No. 77:

A Bill to be entitled An Act to prohibit the catching of fish in the waters of Santa Rosa and Escambia Counties, Florida, with seines, nets, traps, or set devices, or by shooting, gigging, or otherwise than by hook and line, and to prohibit the catching of fish in the waters of Santa Rosa and Escambia Counties with hook and line during the months of April and May of each year.

The Committee on Fish and Game reported favorably on—

House Bill No. 401:

A Bill to be entitled An Act to prohibit the dragging

or hauling of seines in the waters of Indian River and its tributaries.

### INTRODUCTION OF BILLS.

By Mr. McMullen—

Senate Bill No. 347:

A Bill to be entitled An Act authorizing the City of Tampa to issue bonds for the purpose of building and constructing a bridge across the Hillsboro River at Lafayette Street in the City of Tampa, Florida, and providing for the payment thereof.

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

By Mr. Miller—

Senate Bill No. 348:

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

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

By Mr. Malone—

Senate Bill No. 349:

A Bill to be entitled An Act to amend Section 1292 of the General Statutes of the State of Florida, in relation to the appointment and qualifications of Pilot Commissioners.

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

By Mr. Massey—

Senate Bill No. 350:

A Bill to be entitled An Act to make available an appropriation of fifteen thousand dollars, made by An Act approved May 27, 1907, entitled An Act to provide for a monument to be erected on the battlefield of Chickamauga in memory of the soldiers of Florida who took part in that battle.

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

By Mr. Cook—

Senate Bill No. 351:

A Bill to be entitled An Act to amend Section 4, Chapter 5565, Laws of Florida, the same being An Act to organize and establish a County Court in and for Washington County, Florida; to provide for the appointment of a Prosecuting Attorney for said court; to fix and provide for the compensation of the Judge and Prosecuting Attorney of said court; to inhibit the Judge from practicing law; to prescribe the terms of said court; and to provide for the transfer of causes pending in other courts at the time this Act goes into effect within the jurisdiction of the County Court; approved May 23, 1905, as amended by Chapter 6019.

Which was read the first time by its title.

Mr. Cook moved to waive the rules and that Senate Bill No. 351 be not referred 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 Calendar of Local Bills on the Second Reading.

By Mr. Flournoy—

Senate Bill No. 352:

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

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

#### MESSAGES FROM THE GOVERNOR.

The following message from the Governor was read:

State of Florida, Executive Department,  
Tallahassee, Fla., May 2, 1911.

Hon. F. P. Cone,

*President of the Senate.*

Sir:

I have the honor to inform you that I have approved and signed the following Acts which originated in your honorable body:

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

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.

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

Very respectfully,

A. W. GILCHRIST,  
Governor.

The motion of Mr. Johnson to reconsider the vote by which Senate Joint Resolution No. 18 failed to pass the Senate made by him on yesterday.

Was taken up for consideration.

The motion to reconsider the vote by which the Senate failed to pass the Joint Resolution was agreed to by a two thirds' vote.

Mr. Johnson moved to place the Joint Resolution on the Calendar of Bills on the Third Reading.

Which was agreed to, and Senate Joint Resolution No. 18 took its place on said Calendar of Bills.

The motion of Mr. Wilson to reconsider the vote by which House Bill No. 264 passed the Senate was taken up for consideration.

The motion to reconsider was withdrawn by Mr. Wilson.

Senate Bill No. 112:

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

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

Mr. Hilburn moved that the Senate do concur to the House amendments to the bill.

Which was agreed to, and Senate Bill No. 112, as amended, was referred to the Committee on Enrolled Bills.

#### ORDERS OF THE DAY.

Senate Committee Bill No. 209:

A Bill to be entitled An Act to amend Sections 1796 and 1797 of the General Statutes of the State of Florida, and repealing Sections 1798, 1799, 1800, 1801, 1802, 1803 and 1804 of the General Statutes of the State of Florida, relative to the number of judicial circuits in the State of Florida, and the counties composing the same.

Was taken up and read the second time in full.

Mr. Baker offered the following amendment to Senate Bill No. 209:

Strike out the word "Clay" in Section 2, line 19, and insert the word "Clay" before the word "and" in Section 2, line 13.

Mr. Baker moved the adoption of the amendment.

Which was agreed to.

Mr. Henderson offered the following amendment to Senate Bill No. 209:

In Section 2, line 8, add "Leon" at the beginning of said line.

Mr. Henderson moved the adoption of the amendment.

Which was agreed to.

Mr. Flournoy offered the following amendment to Senate Bill No. 309:

In Section 2, line 6, after the words "Santa Rosa," add "Holmes."

Mr. Flournoy moved the adoption of the amendment.

Pending the consideration of which the amendment was withdrawn.

Mr. Johnson offered a substitute to—

Senate Bill No. 209:

Which was ruled out of order as other amendments have precedence.

Mr. Johnson raised the point that a substitute to a bill takes precedence.

The Chair stated that all precedent of the Senate gives to friends of a bill the privilege of amending before a substitute is offered.

The Chair desirous of obtaining the sentiment of the Senate upon the ruling placed the question before the body.

The Senate sustained the chair.

There being no further amendment Mr. Johnson offered the following substitute to—

Senate Committee Bill No. 209 :

A Bill to be entitled An Act creating three additional judicial circuits in the State of Florida to be known and designated as Ninth, Tenth and Eleventh Judicial Circuits, and defining and fixing the territorial limits and the boundaries of such additional circuits, and defining and fixing the territorial limits and boundaries of the eight existing judicial circuits.

Mr. Johnson moved to adopt the substitute to Senate Committee Bill No. 209.

Pending the consideration of which.

Mr. Massey moved that 200 copies of the substitute be printed and that Senate Bill No. 209 and the substitute therefor take precedence on Orders of the Day for tomorrow.

Which was agreed to.

Substitute for 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 and read the second time in full.

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

In Section —, line 19, strike out the words "sixteen years," and insert in lieu thereof the following: "twelve years."

Mr. Stokes moved the adoption of the amendment.

Which was agreed to.

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

Strike out the words "sixteen years" wherever they appear in the bill, and insert in lieu thereof the following "eight years."

Mr. Dayton moved the adoption of the amendment.

Pending the consideration of which—

Mr. Calkins moved to lay the amendment on the table. Upon which the yeas and nays were demanded.

The roll was called and the vote was :

Yeas—Senators Adkins, Broome, Calkins, Cook, Dayton, Finlayson, Henderson, Hosford, Humphries, Johnson, McCreary, McLeod, Stokes, Wilson, Withers—15.

Nays—Mr. President, Senators Baker, Carney, Davis, Flournoy, Hilburn, Hudson, Malone, Massey, McMullen, Miller, Sloan, Zim—13.

The motion to lay on the the table was agreed to.

So the amendment, together with the bill, was laid on the table.

Senate Bill No. 100 :

A Bill to be entitled An Act prohibiting fire insurance companies doing business in this State in the absence of fraud, misrepresentation or deceit upon the party insured from setting up lack of title in the insured as a defense against the payment of any policy.

Was taken up.

Mr. Cook moved to substitute Senate Bill No. 120 for Senate Bill No. 100.

Pending which, by consent, Senate Bill No. 100 was again taken up and read the third time in full.

And Senate Bill No. 120 was taken up and read for information.

The motion of Mr. Cook to substitute Senate Bill No. 120 for Senate Bill No. 100 was not agreed to.

Upon the passage of Senate Bill No. 100 the roll was called and the vote was :

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Davis, Dayton, Finlayson, Flournoy, Hilburn, Hosford, Hudson, Humphries, Johnson, Malone, McCreary, McLeod, McMullen, Miller, Sloan, Stokes, Withers, Zim—24.

Nays—Senators Cook, Henderson, Wilson—3.

So the bill passed, title as stated.

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

Senate Bill No. 89 :

A Bill to be entitled An Act to prohibit pools, trusts, monopolies and conspiracies to control business and prices of articles ; to prevent the formation or operation of pools,

trusts, monopolies and combinations of charters of corporations that violate the terms of this Act and to authorize the institution of prosecutions of suits therefor.

Was taken up and read the second time in full.

Mr. Perkins offered the following amendment to—

Senate Bill No. 89:

In Section 2, line 3, of printed bill, strike out the words "skill or acts."

Mr. Perkins moved the adoption of the amendment.

Which was agreed to.

Mr. Perkins offered the following amendment to—

Senate Bill No. 89:

In Section 2, line 19, of printed bill strike out the word "skill."

Mr. Perkins moved the adoption of the amendment.

Which was agreed to.

Mr. Perkins offered the following amendment to Senate Bill No. 89:

Strike out Section 13.

Mr. Perkins moved the adoption of the amendment.

Which was agreed to.

Mr. Perkins offered the following amendment to Senate Bill No. 89:

Make Sections 14 and 15 read Sections 15 and 16.

And insert Section 14.

Section 14. This Act shall not be construed to apply to or to include labor unions or organizations of workmen, or agriculture or horticulture associations, societies or organizations.

Mr. Perkins moved the adoption of the amendment.

Which was agreed to.

Mr. Dayton offered the following amendment to Senate Bill No. 89:

Strike out the words "Be it enacted by the Legislature of the State of Florida."

Mr. Dayton moved the adoption of the amendment.

Which was not agreed to.

By unanimous consent, Mr. Massey offered the following—

Senate Concurrent Resolution No. 21:

A Memorial to the Congress of the United States, requesting the appropriation for the purpose of clearing out and making navigable the Wekiva River, in Orange County, Florida.

Resolved by the Legislature of the State of Florida, That our Senators and Representatives in Congress of the United States be and are hereby requested to use every honorable means to procure an appropriation of \$25,000 for the purpose of improving and making navigable the Wekiva River, in Orange County, Florida.

Which was read the first time.

Mr. Massey moved that the rules be waived, and that Senate Concurrent Resolution No. 29 be taken up and considered at once.

Which was agreed to by a two third's vote, and the resolution was read a second time.

Mr. Massey moved to adopt the resolution.

Which was agreed to, and the same was ordered to be certified to the House of Representatives.

By Mr. McCreary (by unanimous consent)—

Senate Bill No. 353:

A Bill to be entitled An Act to amend Section 2 of Chapter 5885, Laws of Florida, approved June 7, 1909, 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.

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

By Mr. Cone (by unanimous consent)—

Senate Bill No. 354:

A Bill to be entitled An Act prescribing the period of time within which an action arising on account of an act causing wrongful death shall be brought, and applying the same to certain actions heretofore commenced.

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

By Mr. Miller (by unanimous consent)—

Senate Bill No. 355:

A Bill to be entitled An Act repealing Chapter 5919,

Laws of Florida, being An Act to provide for clerical aid for the Judge of the Sixth Judicial Circuit, and fixing the pay of the same.

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

Senate Bill No. 120:

A Bill to be entitled An Act providing that in actions on insurance policies, a substantial compliance with the terms, conditions and warranties of such policies, shall be deemed sufficient, providing that actions may be maintained to recover on insurance policies against the company, or the sureties on the bond required by the laws of this State, within the period prescribed by law, for bringing actions on promises in writing, declaring any provision in any policy to the contrary void; providing that in actions upon policies of insurance, if the plaintiff shall suffer a non-suit, or if judgment be arrested or reversed, such plaintiff may commence a new action, any stipulation in the policy to the contrary notwithstanding; providing that no oral or written misrepresentation by assured or on his behalf shall be material or avoid the policy, unless such misrepresentation is made with intent to deceive and defraud, or unless the matter misrepresented increases the risk; defining insurable interest in property, in what such insurable interest may consist, the measure of such interest, and providing when such interest must exist, and providing that no policy of insurance issued by any fire insurance company doing business in this State shall be voided by foreclosure proceedings commenced or notice given of the sale of any property covered by such policy by virtue of any mortgage or trust deed.

Was taken up and read a third time in full.

Upon the passage of Senate Bill No. 120 the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Calkins, Carney, Cook, Dayton, Henderson, Hilburn, Hosford, Hudson, Humphries, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Stokes, Wilson, Withers, Zim—23.

Nays—Senators Davis, Finlayson—2.

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

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 and read in full.

Mr. Henderson moved to indefinitely postpone Senate Bill No. 79.

Which was not agreed to.

Mr. Hudson offered the following amendment to—  
Senate Bill No. 79 :

Strike out the words "and recorded" in lines 7 and 8 and insert in lieu thereof the following: "filed for record."

Mr. Hudson moved the adoption of the amendment.

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

Senate Bill No. 79 :

Strike out the word "recorded" and insert in lieu thereof the following: "filed with the Clerk" wherever it may appear in the bill or title.

Mr. Stokes moved the adoption of the amendment.

Pending the consideration of which—

Mr. Calkins moved that the Senate take a recess until 4 o'clock this afternoon.

Which was agreed to.

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

#### AFTERNOON SESSION.

Wednesday, 4 O'clock, May 3, 1911.

The Senate met pursuant to adjournment.

The President in the chair.

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

Mr. President, Senators Adkins, Broome, Calkins, Carney, Cook, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hudson, Humphries, Johnson, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Stokes, Wilson, Withers, Zim—27.

A quorum present.

## 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 together with the pending amendment of Mr. Stokes to the amendment of Mr. Hudson to Senate Bill No. 79.

Mr. Stokes withdrew the amendment to the amendment. The question recurred upon the amendment offered by Mr. Hudson, to-wit:

Strike out the words "and recorded" in lines 7 and 8 and insert in lieu thereof the following: "filed for record."

The amendment was adopted.

There being no further amendment the bill 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.

Was taken up.

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

Which was not agreed to.

Mr. Flournoy moved that the rules be waived and that Senate Bill No. 4 be read a second time by its title only.

Which was agreed to by a two thirds' vote.

And Senate Bill No. 4 was read a second time by its title only.

Mr. Flournoy offered the following amendment to—  
Senate Bill No. 4:

In Section 1, line 25, strike out the word "intent," and insert in lieu thereof the following: "Intended."

Mr. Flournoy moved the adoption of the amendment. Which was agreed to.

Mr. Flournoy offered the following amendment to—  
Senate Bill No. 4:

In Section 1, line 32, strike out the words "has," "contingency" and "transfer," and insert in lieu thereof, res-

pectively, the following: "Is," "contingent," "transferred."

Mr. Flournoy moved the adoption of the amendment.  
Which was agreed to.

Mr. Flournoy offered the following amendment to—  
Senate Bill No. 4:

In Section 1, line 57, strike out the word "transfer,"  
and insert in lieu thereof the following: "Failure."

Mr. Flournoy moved the adoption of the amendment.  
Which was agreed to.

Mr. Flournoy offered the following amendment to—  
Senate Bill No. 4:

In Section 1, line 61, strike out the word "and."

Mr. Flournoy moved the adoption of the amendment.  
Which was agreed to.

Mr. Flournoy offered the following amendment to—  
Senate Bill No. 4:

In Section 1, line 62, strike out the word "to," and  
insert in lieu thereof the following: "Of."

Mr. Flournoy moved the adoption of the amendment.  
Which was agreed to.

Mr. Flournoy offered the following amendment to—  
Senate Bill No. 4:

In Section 1, line 62, strike out the comma before the  
word "failing."

Mr. Flournoy moved the adoption of the amendment.  
Which was agreed to.

Mr. Flournoy offered the following amendment to—  
Senate Bill No. 4:

In Section 3, lines 8, 10, 12 and 14, strike out the word  
"over" in each line.

Mr. Flournoy moved the adoption of the amendment.  
Which was agreed to.

Mr. Humphries offered the following amendment to  
Senate Bill No. 4:

Strike out the words and figures "five thousand (\$5,  
000) dollars" in line five and insert in lieu thereof the  
following: "twenty-five thousand (\$25,000) dollars."

Mr. Humphries moved the adoption of the amendment.  
Which was not agreed to.

Mr. Dayton offered the following amendment to Senate  
Bill No. 4:

Strike out Section 3.

Mr. Dayton moved the adoption of the amendment.  
Which was not agreed to.

And Senate Bill No. 4, as amended was referred to the  
Committee on Engrossed Bills.

The following Act with the Governor's objection there-  
to:

An Act authorizing and providing for the issuance of  
county bonds for the laying out, opening, construction,  
repairing and maintaining of hard surface roads and  
bridges; and providing for and regulating the use of the  
proceeds of such bonds and providing for the payment of  
the principal and interest of such bonds, and granting  
to said Board of Trustees the right to condemn lands for  
the purpose of constructing hard surface roads and  
bridges.

Was taken up and read.

Upon the question shall the bill pass the objections of  
the Governor to the contrary notwithstanding, the roll  
was called and the vote was:

Yeas—None.

Nays—Mr. President, Senators Adkins, Baker, Broome,  
Calkins, Carney, Cook, Davis, Dayton, Finlayson, Flour-  
noy, Henderson, Hilburn, Humphries, Johnson, Malone,  
Massey, McCreary, McLeod, McMullen, Miller, Perkins,  
Sloan, Stokes, Wilson, Withers, Zim—26.

So the Governor's veto on the Act was sustained.

The following Act with the Governor's objection there-  
to:

An Act concerning obstructions to navigation by  
bridges or other structures, and remedies therefor.

Was taken up and read in full.

Mr. Hudson moved to make the Act with the Governor's  
objections the order of the day for tomorrow.

Which was agreed to.

#### 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 agree-  
ments between insurers, whereby rates of insurance are  
raised or fixed.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 75 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Dayton, Finlayson, Flournoy, Hilburn, Malone, McLeod, Perkins, Stokes, Zim—14.

Nays—Senators Carney, Davis, Henderson, Humphries, Johnson, McCreary, McMullen, Miller, Sloan, Wilson, Withers—11.

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

**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 and read the third time in full.

By unanimous consent Mr. Perkins offered the following substitute for Senate Bill No. 157, now on its third reading:

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.

*Be It Enacted By the Legislature of the State of Florida:*

Section 1. Section 3774 be and the same is hereby amended to read as follows:

Section 3774.—Closed Season for Mullet. It shall be unlawful to catch any mullet with seines or nets other than an ordinary cast net in any of the waters of this State between the 1st day of November and the 15th day of December of each year.

Mr. Carney offered the following amendment to the substitute offered by Mr. Perkins:

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.

*Be It Enacted By the Legislature of the State of Florida:*

Section 1. Section 3774 be and the same is hereby amended to read as follows:

“Section 3774.—Closed Season for Mullet. It shall be unlawful to catch any mullet with seines or nets in any of the waters of this State between the fifteenth day of

November and the thirty-first day of December of each year; *Provided*, That gill or cast nets may be used to catch mullet for *home use only*, at any season of the year."

Mr. Carney withdrew his amendment.

The substitute was disposed of by a ruling of the Senate asked for by the chair, objection having been made by Mr. Humphries to the substitute being offered.

The question recurred upon the passage the original bill, to-wit: Senate bill No. 157:

Upon the passage the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Calkins, Cook, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Humphries, Johnson, Malone, McCreary, McMullen, Perkins, Sloan, Wilson, Withers, Zim—18.

Nays—Senators Carney, Hudson, McLeod, Miller, Stokes—5.

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

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 third time in full.

Upon the passage of Senate Bill No. 183 the vote was:

Yeas,—Senators Adkins, Baker, Broome, Calkins, Cook, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hudson, Humphries, Johnson, Malone, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Stokes, Wilson, Withers, Zim—25.

Nays—None.

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

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

Senate Bill No. 13:

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

## 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 the third time in full.

Upon the passage of Senate Bill No. 133 the vote was:

Yeas—Senators Adkins, Baker, Calkins, Carney, Davis, Dayton, Flournoy, Hilburn, Hudson, Johnson, Malone, Massey, McLeod, McMullen, Miller, Perkins, Sloan, Zim—18.

Nays—Senators Finlayson, Henderson, McCreary, Stokes—4.

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

## Senate Bill No. 7:

A Bill to be entitled An Act relating to the liability of common carriers to their employes in certain cases.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 7 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Dayton, Flournoy, Hilburn, Hudson, Humphries, McCreary, McLeod, Miller, Perkins, Stokes, Zim—17.

Nays—Senators Henderson, Johnson, Malone, Sloan—4.

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

## Senate Bill No. 13:

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

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 13 the roll was called and the vote was.

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Dayton, Finlayson, Flournoy, Hilburn, Hudson, Humphries, Johnson, Malone, McLeod, Miller, Perkins, 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.

By Mr. Flournoy (by unanimous consent)—

Senate Bill No. 356:

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

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

Mr. Flournoy was excused until Friday morning May 5th.

By unanimous consent, the Committee on Municipalities reported without recommendation—

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.

By unanimous consent the Committee on Municipalities reported favorably on—

House Bill No. 445:

A Bill to be entitled An Act to abolish the present municipal government of the City of Tallahassee, in the County of Leon, in the State of Florida, and to create,

establish and organize a municipality to be known and designated as the City of Tallahassee and to define its territorial boundaries and to provide for its government, jurisdiction, powers, franchises and privileges.

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

Which was agreed to.

Whereupon the Senate stood adjourned to 10 o'clock a. m., Thursday, May 4, 1911.

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## THURSDAY, MAY 4, 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, Henderson, Hilburn, Hosford, Humphries, Johnson, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Stokes, Wilson, Withers, Zim—27.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of May 3rd was dispensed with.

The Journal of May 3rd was corrected, and approved as corrected.

Mr. Cook moved that inasmuch as the Secretary had called his attention to the fact that on page 25 of the Senate Journal of April 27 that Senate Bill No. 120 shows only a partial title that in the Journal of April 27, on page 25, the title of Senate Bill No. 120 be corrected so as to read as follows:

Senate Bill No. 120:

A Bill to be entitled An Act providing that in actions on insurance policies, a substantial compliance with the terms, conditions and warranties of such policies, shall be deemed sufficient, providing that actions may be maintained to recover on insurance policies against the company, or the sureties on the bond required by the laws of this State, within the period prescribed by law, for