

Senate Bill No. 56:

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

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

Which was agreed to by a two thirds' vote.

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

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

Upon which a yea and nay vote was demanded.

The roll was called and the vote was:

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

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

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

MONDAY, MAY 15, 1911.

FOUR O'CLOCK P. M.

The Senate met pursuant to adjournment.

The President in the chair.

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

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

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of May 13 was dispensed with.

The Journal of May 13 was corrected, and approved as corrected.

REPORTS OF COMMITTEES.

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

Senate Chamber,
Tallahassee, Fla., May 15, 1911.

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

Sir:

Your Committee on Enrolled Bills, to whom was referred—

An Act to authorize the Town of Palmetto, Florida, to issue bonds for municipal purposes, and to provide for the payment of interest thereon.

Also—

An Act to create the Florida State Board of Dental Examiners, etc.

Also—

An Act to appropriate the sum of thirty thousand dollars for the purpose of carrying into effect the provisions of Chapter 5734 of the Laws of Florida, approved May 31, 1907, appropriating thirty thousand dollars to the Florida Mid-Winter Fair Association, to pay premiums at fairs to be held at Tampa, Florida, commencing November 1st, 1907, and November 1st, 1908, respectively.

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.

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

Senate Chamber,
Tallahassee, Fla., May 15, 1911.

Hon. F. P. Cone.

President of the Senate.

Sir:

Your Committee on Engrossed Bills reports as properly engrossed—

Senate Bill No. 56 for re-engrossment:

Entitled An Act to amend Section 2, Chapter 5885, Laws of Florida, relating to pensions.

Very respectfully,

J. E. BROOME,
Chairman of Committee.

The Joint Committee Relative to the State Reformatory at Marianna, Florida, submitted the following report—

Hon. F. P. Cone,

President of the Senate.

Sir:

Your Joint Committee under House Concurrent Resolution No. 5, relative to the State Reformatory at Marianna, Florida, begs leave to report that we have visited said school and found the buildings and lands to be in the condition reported to the Governor by Honorable W. H. Milton, President of the Board of Managers of said institution, under date of March 11th, 1911; also, that the number of children was about the same as stated therein.

Your committee inspected the buildings and grounds of both the white and colored schools and interrogated indiscriminately local members of said Board of Managers, Superintendents, Matrons, Guards and inmates as to the management and conduct of said institution, and as a result of our labors we report the following conclusions:

The white school seems to have been neatly kept and, at present, there is ample room for eating and sleeping quarters for the inmates thereof, and they appear to be comfortably clad, and, as a rule, seem to be happy. We are satisfied that under the present management of Mr. John Milton, Superintendent of said institution, the inmates are humanely treated. We learned with regret, however, that under the management of Mr. Milton's

predecessor the inmates were at times unnecessarily and brutally punished, the instrument of punishment being a leather strap securely fastened to a wooden handle; but we were assured by the President of the Board of Managers that when such treatment of the inmates came to the knowledge of the Board the services of this man were dispensed with and we are happy to report that the present Superintendent has what your committee deems to be a correct conception of the duties that devolve upon him and realizes fully the benevolent purposes for which the school was established. The inmates of this school are required to devote about three hours a day, during certain periods of the year, in the school room, and the rest of the day is devoted to light farm and garden work. We found a total lack of library facilities, and that the inmates have no opportunity for recreation and play except on Saturday afternoons. There is no adequate place to care for those who may become sick, nor can the present quarters be arranged to care for girl inmates except it be to the detriment of the entire school.

The negro school impressed your committee as being more in the nature of a convict camp than anything else we can think of. It is taxed to its utmost capacity. In fact, your committee could not see how they can accommodate the inmates now in said school. In this school there are but two sleeping rooms; in one of which there are nineteen cots with upper and lower berths, and in the other thirteen. These cots are just far enough apart to enable the inmates to go between them and are arranged in rows with a very narrow isle between the rows, and the inmates have to sleep on these cots without mattresses. The sleeping quarters are very poorly ventilated, and, crowded as they are, must necessarily be injurious to the health of the inmates. These negro children are, as a rule, kept at work during the entire day. A few of them, however, are supposed to be in the school room during the day for a short period of the year. Complaints among them were general to the effect that they did not get a sufficient quantity of food, and, while we were not at first disposed to pay much attention to these complaints, we afterwards modified our views and are now constrained to believe that the complaints had some foundation in fact. The following is a fair example, as we were informed, of the edibles they consumed during one day, to wit:

Breakfast—Meal, 16 pounds; meat, 14 pounds.

Dinner—Irish potatoes, 3 pecks; meal, 14 pounds; meat, 16 pounds.

Supper—Meal, 18 pounds; bread, loaves, 35; syrup, 3 gallons.

We are also of the opinion that the inmates of this school were not comfortably clad during the winter months.

We found that there is a brick plant now upon the place which is out of commission because of the crippled condition of a part of the machinery. This plant could be put in order by the expenditure of a very small sum of money to make good the defects in the machinery, and this should be done. There is at present no barn upon the place, the one that was there having been destroyed during the past year.

There are enough able-bodied boys in this Reform School to cultivate all the land owned by the school if the State will furnish means to purchase live stock and farming implements sufficient to work the same, and we recommend that this be done.

We also recommend that an appropriation be made sufficient to purchase cattle in order that a dairy may be run in connection with this school.

We also recommend that the management devote more attention to the raising of hogs and the cultivation of food products such as onions, potatoes and sugar cane, the overplus of which, if any, could easily be disposed of.

We also recommend the putting out from time to time of fine varieties of pecan trees, inasmuch as this is becoming a most profitable industry in this section of the State.

We recommend that more time be given to the inmates for recreation and play, and that more of the comforts of home life be supplied to the inmates than they at present have.

We recommend that the Board of Managers have periodical meetings, oftener than once a year, and that the members thereof endeavor to come into closer touch with the institution and thus be in better position than they have heretofore been to become familiar with their necessities.

We recommend the building of a house for the Superintendent to live in with quarters therein for sick wards and for girl inmates.

We recommend that some provision be made by the Board of Managers of the institution that will enable the inmates to attend regularly church services and Sunday school.

We would recommend that a more systematic system of bookkeeping be adopted by the institution and that the Superintendent be required to keep accurate accounts of the disbursements and receipts from whatsoever sources they may come; and that the Superintendent also keep an accurate account of all produce that is raised upon the farm.

We would recommend an appropriation of \$15,000.00 for buildings and \$17,500.00 per annum for maintaining said institution.

Your committee was firmly impressed with the idea that the possibilities of good to be derived from this institution are quite beyond the conception of the average man, and that it is impossible to go there and come in contact with the unfortunate boys and girls that tenant it without being struck with the penurious treatment that it has received at the hands of the State. The great majority of the wayward children that are there are capable of being so trained as to become peaceable and law-abiding citizens. We do not believe the management to have been in all things what it should have been, but we are disposed to condone any fault along this line because of the gross lack of facilities and the insufficiency of the moneys appropriated by the State for this institution. We would submit, however, that the managers have not given it the attention that it should have received at their hands, for, from the information that has come to us, we are of the opinion that the Board seldom or ever has a full meeting and that some members have not been on the grounds for a period of two years or longer, and that the management of the institution is left almost entirely with the superintendent and his subordinates.

FRED FEE,
R. R. TOMLIN,
JOHN HIGH,

On the Part of the House of Representatives.

CHAS. E. DAVIS,
W. E. BAKER,

On the Part of the Senate.

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

Senate Chamber,
Tallahassee, Fla., May 15, 1911.

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

Sir:

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

An Act to authorize the Town of Palmetto, Florida, to issue bonds for municipal purposes, and to provide for the payment of interest thereon.

Also—

An Act to create the Florida State Board of Dental Examiners, etc.

Also—

An Act to appropriate the sum of thirty thousand dollars for the purpose of carrying into effect the provisions of Chapter 5734 of the Laws of Florida, approved May 31, 1907, appropriating thirty thousand dollars to the Florida Mid-Winter Fair Association, to pay premiums at fairs to be held at Tampa, Florida, commencing November 1, 1907, and November 1, 1908, respectively.

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.

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

Senate Chamber
Tallahassee Fla., May 15 1911.

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

Sir:

Your Joint Committee on Enrolled Bills to whom was referred—

An Act regulating the trial of minors, not married in all courts, including municipal courts in the State.

Also—

An Act to provide for the acquisition of a site and the erection, building and furnishing of a building thereon for the use of the Supreme Court of the State of Florida, the Railroad Commission of the State of Florida, and for a library and making appropriations for the same, and other purposes appertaining thereto.

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

Very respectfully,

C. T. CULPEPPER
Chairman of Committee.

The Committee on Finance and Taxation returned without due consideration—

Senate Bill No. 228:

A Bill to be entitled "An Act creating a State Tax Commission, designating its duties, providing for its compensation and for carrying into effect the provisions of this Act."

The Committee on Finance and Taxation returned without due consideration—

Senate Bill No. 273:

A Bill to be entitled "An Act to provide that tax sale certificates issued prior to 1898 shall be surrendered upon the payment of the taxes and cost stated in the certificate, with Clerk's cost."

The Committee on Judiciary A reported unfavorably on—

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.

The Committee on Judiciary A reported unfavorably on—

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, waterworks, and waterworks systems within its corporate limits.

The Committee on Finance and Taxation returned without due consideration—

Senate Bill No. 274 :

A Bill to be entitled "An Act to require the Clerk of the Circuit Court to report the redemption and sale of tax certificates to the Comptroller; to require him to remit to the County Treasurer the amount due the county upon tax certificates sold or redeemed, and to remit to the Comptroller the amount due the State upon such sales and redemptions and prescribing certain duties for the Comptroller in connection herewith."

The Committee on Judiciary A reported unfavorably on—

Senate Bill No. 411:

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

The Committee on Finance and Taxation returns without consideration—

Senate Bill No. 409:

A Bill to be entitled An Act to amend Section 48 of Chapter 5596, Laws of the State of Florida, to prescribe the method of the collection of delinquent taxes upon railroads in the State of Florida.

The Committee on Judiciary A reported unfavorably on—

Senate Bill No. 233:

A Bill to be entitled An Act to amend Section 1845 of the General Statutes of Florida, relating to the duties of the official reporters of the Circuit Courts of the State of Florida.

The Committee on Judiciary A reported unfavorably on—

House Bill No. 126:

A Bill to be entitled An Act to provide that tax sale certificates issued prior to 1898 shall be surrendered upon the payment of the taxes and cost stated in the certificate, with clerk's cost.

The Committee on Judiciary A reported unfavorably on—

Senate Bill No. 406:

A Bill to be entitled An Act to protect a proprietor in his or her house, home, office, place of business and premises against disorderly, disagreeable servants, guests and every other undesirable person or persons.

INTRODUCTION OF BILLS.

By Mr. McMullen—

Senate Bill No. 421:

A Bill to be entitled An Act to define the quality of condensed milk and prevent the sale or exchange of impure or skimmed milk, and provide a penalty therefor.

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

By Mr. Flournoy—

Senate Bill No. 422:

A Bill to be entitled An Act curing errors, irregularities and defects in judicial proceedings, and regulating the practice in both trial and Appellate Courts relative thereto.

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

By Mr. Flournoy—

Senate Bill No. 423:

A Bill to be entitled An Act requiring all persons, firms or corporations running or operating merry-go-rounds and other amusement equipments or stands of like character to furnish separate accommodations for the

separation of the white and colored riders or passengers, and providing a penalty for the violation thereof.

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

By Mr. Dayton—

Senate Bill No. 424:

A Bill to be entitled An Act to protect the game of the State of Florida, and to define what birds and animals shall be classed as game, and to regulate the taking of the same, and to provide closed seasons for the taking of the same, and to provide for deriving a revenue therefrom, and to provide for license to hunt the same, and to provide who shall be Game Commissioner and Deputy Game Commissioners, and to provide for their compensation, and to provide for rewards for capturing or killing certain wild animals, and to fix license fees, and to provide for the protection of game birds and game animals during certain seasons in certain localities, and to regulate the introduction of foreign game and animals and for the protection of the same, and to provide for the establishing of private game reserves, and to provide for the protection of private game reserves, and to provide for the protection of game and State lands and State preserves, and to provide for the protection of certain game birds introduced into this State, and to provide for the punishment of violations of this Act.

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

By Mr. Dayton—

Senate Memorial No. 5:

A Memorial to Congress of the United States, asking that the proceeds of any income tax received and collected under the proposed Sixteenth Amendment to the Constitution of the United States be paid the several States of the Union.

Which was read the first time by its title and was laid over under the rules.

CONSIDERATION OF RESOLUTIONS.

House Memorial No. 8:

A Memorial to the Congress of the United States re-

questing that an appropriation of one hundred thousand dollars be made for the purpose of purchasing by the government of the United States the territory known as Dade's Battle Ground in Sumter County, Florida; turning said territory into a national park and marking the site of the said battle with an appropriate monument.

Was read the second time in full.

Upon the question of the adoption of the Memorial, it was agreed to and adopted.

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

The Chaplain was excused for the week.

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was read:

State of Florida, Executive Department,
Tallahassee, Fla., May 15, 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 an appropriation for the relief of Jim Henry.

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

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

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

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

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

Very respectfully,
ALBERT W. GILCHRIST,
 Governor.

Also the following message from the Governor was read:

State of Florida, Executive Department,
 Tallahassee, Fla., May 15, 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 to repeal Chapter 5771 of the Laws of Florida, Acts of 1907, and to abolish the Criminal Court of Record in Suwannee County, State of Florida, and to provide for the disposition of all cases therein pending.

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

An Act to amend Sections 2, 3, 4, 20, 21 and 23 of Chapter 5859 of the Laws of Florida, approved May 27, 1907, also to amend Sections 15, 22, 41, 42, 43, 44, 48 and 49 of Chapter 5363 of the Laws of Florida, approved June 18, 1903, and also to amend Chapter 6109 of the Laws of Florida, approved May 29, 1909, amending Section 28 of Chapter 4883 of the Laws of Florida, all of said Acts relating to the City Charter of the City of Tampa, and providing for its government, jurisdiction and duties, and relating to the same; to abolish the municipal government of the Town of East Tampa, and to extend and define the corporate limits of the City of Tampa.

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

Very respectfully,
ALBERT W. GILCHRIST,
 Governor.

ORDERS OF THE DAY.

Senate Bill No. 90:

A Bill to be entitled An Act to amend Chapter 5429, An Act to require the payment of a license tax by aliens and non-residents taking oysters from natural oyster beds in this State, and prescribing a penalty for their failure to pay such license tax or otherwise to comply with the provisions thereof, approved June 15, 1905.

Was taken up with the House amendment thereto and was read as follows:

On the 10th line for the last proviso substitute:

Provided further, that the Tax Collector shall insert the name of the boat on the license issued to the individual, alien or non-resident, and that each boat engaged in taking oysters in the waters of the State shall have its name on the stern thereof in plainly written letters; and, provided further, that this law shall be construed to require each individual, alien or non-resident of the State taking oysters from the natural oyster beds to pay said license.

Mr. Stokes moved to lay the amendment on the table.

Which was agreed to.

So the bill, as amended by the House, was laid on the table.

CONSIDERATION OF BILLS ON THIRD READING.

Mr. Perkins moved to waive the rules and that Senate Bill No. 251 be substituted for Senate Bill No. 50.

Which was agreed to by a two thirds' vote.

By consent Mr. Perkins withdrew Senate Bill No. 50.

And—

Senate Bill No. 251:

A Bill to be entitled An Act to amend Section 1, Chapter 5920, Laws of Florida, entitled An Act prescribing punishment of misdemeanors in this State when not otherwise provided by the statutes.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 251 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Carney, Culpepper, Dayton, Flournoy, Henderson, Hos-

ford, Humphries, Johnson, Malone, McCreary, McMullen, Miller, Perkins, Sloan, Stokes, Wilson, Withers, Zim—22.
Nays—None.

So the bill passed, title as stated.

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

Mr. Perkins moved that that portion of the Journal of Saturday, May 13, which refers to the communication and resolutions of Washington Camp No. 15, Patriotic Order Sons of America, DeLand, Florida, be expunged from the Journal, and that the same be withdrawn.

Which was agreed to.

Senate Bill No. 189 :

A Bill to be entitled An Act for the relief of Lee Daniel.
Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 189 the vote was :

Yeas—Mr. President, Senators Broome, Carney, Culpepper, Dayton, Finlayson, Flournoy, Henderson, Hosford, Humphries, Malone, McCreary, Perkins, Stokes, Wilson, Withers, Zim—17.

Nays—Senators Adkins, Baker, Johnson, McLeod, Sloan—5.

So the bill passed, title as stated.

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

Senate Bill No. 89 :

An Act to prohibit pools, trusts, monopolies and conspiracies to control business and prices of articles; to prevent the formation or operations of pools, trusts, monopolies and combinations of charters of corporations that violate the terms of this Act and to authorize the institution of prosecution and suits therefor.

Was taken up and read the third time in full.

Mr. McCreary moved that Senate Bill No. 89 be indefinitely postponed.

Which was agreed to.

Senate Bill No. 268 :

A Bill to be entitled An Act requiring the names and addresses of all Deputy Sheriffs to be registered with the

Clerks of the Circuit Court, and giving to the Boards of County Commissioners certain powers over same.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 268 the vote was:

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

Nays—None.

So the bill passed, title as stated.

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

Senate Bill No. 56:

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

Was taken up and read the third time in full.

By unanimous consent, Mr. Hilburn offered the following amendment to Senate Bill No. 56, now on its third reading:

Strike out the second paragraph of Section 2 on page 2 of the bill, and insert in lieu thereof the following:

“Provided, That no soldier, sailor or their widows, who may be on the pension roll at the time this Act becomes a law, shall be required to make other or further proof, if eligible under this Act.

Mr. Hilburn moved the adoption of the amendment.

Which was unanimously agreed to.

Senate Bill No. 56, as amended on its third reading, was referred to the Committee on Engrossed Bills.

House Bill No. 24:

A Bill to be entitled An Act to amend Section 1586 of the General Statutes of the State of Florida as amended by Chapter 5647 of the Acts of 1907, and as further amended by the Acts of 1909, the same being relative to the pay of jurors.

Was taken up and read the third time in full.

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

Upon which the yeas and nays were demanded.

The roll was called and the vote was:

Yeas—Senators Adkins, Dayton, Flournoy, Henderson, Humphries, Johnson, L'Engle, Miller—8.

Nays—Senators Broome, Calkins, Carney, Culpepper, Davis, Finlayson, Hilburn, Hosford, Malone, McCreary, McLeod, Perkins, Sloan, Stokes, Wilson, Withers, Zim—17.

Mr. Baker announced that he was paired with Mr. Cook on all questions pertaining to the bill and that if Mr. Cook were present and voting he (Mr. Cook) would vote aye and that should he himself vote he would vote Nay.

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

Upon the passage of House Bill No. 24 the vote was.

Yeas—Senators Broome, Calkins, Carney, Culpepper, Davis, Finlayson, Hilburn, Hosford, Malone, McCreary, McLeod, Perkins, Sloan, Stokes, Wilson, Withers, Zim—17.

Nays—Senators Adkins, Dayton, Flournoy, Henderson, Humphries, Johnson—7.

So the bill passed, title as stated.

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

Senate Bill No. 194:

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

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 194 the vote was:

Yeas—Senators Adkins, Baker, Carney, Davis, Dayton, Finlayson, Flournoy, Henderson, Hosford, Johnson, Malone, Perkins, Sloan, Stokes, Wilson—15.

Nays—Mr. President, Senators Broome, Culpepper, Humphries, McCreary, McLeod, Miller, Withers, Zim—9.

So the bill passed, title as stated.

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

Mr. Culpepper moved to waive the rules and that the Senate now take up and consider Messages from the House of Representatives.

Which was agreed to by a two thirds' vote.

So the Senate proceeded to take up and consider the messages from the House.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 15, 1911.

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

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed with amendments—

Senate Bill No. 113:

A Bill to be entitled An Act to create a State School Book Commission and to procure for use in the public schools of the State of Florida a uniform series of text books, and to define the duties and powers of said Commission; to make preparations for carrying this Act into effect, and providing penalties for violation of same.

Which amendments are as follows:

In Section 9, line 25 and 26, strike out the words "under like conditions as those prevailing in this State and under this Act."

In Section 3 after the word "sub-commission," in line 2, strike out all of said section down to word "provided," in line 5, and insert in lieu thereof the following:

"Of not less than nine members to be composed of four County Superintendents of known reputation and standing and five teachers of known reputation and standing, said teachers to hold not less than a first-grade certificate and none of said sub-commission shall be related in any way to any member of the Board of State Institutions, nor be in the employ of any member of said board "

Add to Section 9 the following:

"After the first adoption of books by said Text Book Commission there shall not be any greater change in books than would be equal or equivalent to 10 per cent per annum of the whole number of books adopted, provided that the publishers of the books not changed shall agree to furnish said books for the next period of adoption at as low prices as previously.

At the end of Section 3 add the following:

"The term of office of said Sub-commissioners shall be for four years or until their successors are elected and qualified. It shall be a pre-requisite qualification for appointment for each member of said sub-commission that before accepting such appointment he shall file with the Secretary of State an affidavit substantially as follows: That he is not, so far as he knows, related in any way to any member of the Board of State Institutions nor has he for the five years next preceding his appointment been employed by any text book publishing company, and that he will not receive, during his term of service on said sub-commission any emolument from the text book publishers or their agents intended to in any manner bias his judgment in the selection of text books to be adopted for use in this State."

Strike out lines 17, 18, 19, 20, 21, 22, 23 and 24, Section 14, Engrossed Bill, and insert in lieu thereof the following:

The adoption of books made under the provisions of this Act shall continue for five years; Provided, That any county which now has an existing contract may carry out said contract in good faith, but no new contract shall be made after the passage of this Act by any County Board of Education in this State, but County Boards of Education may, at any time after the Text Book Commission has selected and adopted a uniform series of books, change their contracts now in existence to the adoptions made by the Text Book Commission. Nothing in this Act shall be construed to prevent County Boards of Education to adopt and use high school books not mentioned in this Act.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

Mr. Cone moved that the Senate do concur in the first House amendment to Senate Bill No. 113, contained in the foregoing message.

Which was agreed to.

Mr. Cone moved that the Senate do concur in the second House Amendment to Senate Bill No. 113, contained in the foregoing message.

Which was agreed to.

Mr. Cone moved that the Senate do concur in the third House amendment to Senate Bill No. 113, contained in the foregoing message.

Which was agreed to.

Mr. Cone moved that the Senate do concur in the fourth House amendment to Senate Bill No. 113, contained in the foregoing message.

Which was agreed to.

Mr. Cone moved that the Senate do concur in the fifth House amendment to Senate Bill No. 113, contained in the foregoing message.

Which was agreed to.

The action of the Senate agreeing to the House amendments to Senate Bill No. 114 was ordered to be certified to the House of Representatives and the bill, as amended, was referred to the Committee on Enrolled Bills.

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

House of Representatives,
Tallahassee, Fla., May 13, 1911.

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

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 295:

A Bill to be entitled An Act making legal and valid the present municipal corporation of the Town of Branford in Suwannee County, Florida.

Also—

Senate Bill No. 367:

A Bill to be entitled An Act authorizing the Board of County Commissioners of Alachua County, Florida, to issue interest-bearing time warrants for the purpose of constructing and building certain designated hard surfaced roads within said county.

Also—

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.

Also—

Senate Bill No. 394:

A Bill to be entitled An Act relating to transferring any surplus or balance appearing in any one fund to other funds, and authorizing the County Commissioners of Taylor County to cause the County Treasurer of said county to make such transfer.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 295, contained in the above message, was read the first time by its title and was referred to the Committee on Enrolled Bills.

And Senate Bill No. 367, contained in the above message, was read the first time by its title and was referred to the Committee on Enrolled Bills.

And Senate Bill No. 327, contained in the above message, was read the first time by its title and was referred to the Committee on Enrolled Bills.

And Senate Bill No. 394, contained in the above message, was read the first time by its title and was referred to the Committee on Enrolled Bills.

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

House of Representatives,
Tallahassee, Fla., May 13, 1911.

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

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 577:

A Bill to be entitled An Act to legalize the incorporation of the Town of Raiford, in Bradford County; to declare the incorporation and ordinances of said town of full force and effect.

Also—

House Bill No. 237:

A Bill to be entitled An Act to prescribe the time for shooting wild ducks in the waters of Indian River and Indian River North, in Brevard County, and adjoining counties, and regulating the number and time of day of killing wild ducks, prohibiting the sale of the same, and fixing a penalty for the violation of this Act.

Also—

House Bill No. 578:

A Bill to be entitled An Act providing for the working of county convicts of Columbia County on the public roads in said county.

Also—

House Bill No. 579:

A Bill to be entitled An Act to make it unlawful for the Board of County Commissioners of Gadsden County, in the State of Florida, to erect or contract for the erection of any court house in said county without first obtaining the approval of a majority of the electors of said county voting at a special election, ordered for the purpose of determining the necessity of erecting a court house in said county.

And respectively requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,
Chief Clerk of the House of Representatives.

And House Bill No. 577, contained in the above message, was read the first time by its title and placed on the Local Calendar of Bills on Second Reading.

And House Bill No. 237, contained in the above message, was read the first time by its title and placed on the Local Calendar of Bills on Second Reading.

And House Bill No. 578, contained in the above message, was read the first time by its title and placed on the Local Calendar of Bills on Second Reading.

And House Bill No. 579, contained in the above message, was read the first time by its title and placed on the Local Calendar of Bills on Second Reading.

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

House of Representatives,
Tallahassee, Fla., May 15, 1911.

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

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed with amendment—

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.

Which amendment is as follows:

Add the following: Section 6. This Act shall take effect October 1, 1911.

And respectively requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,
Chief Clerk of the House of Representatives.

Mr. McLeod moved that the Senate do concur in the House amendment to Senate Bill No. 148 as contained in the message.

Which was agreed to.

And the bill as amended was referred to the Committee on Enrolled Bills.

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

House of Representatives,
Tallahassee, Fla., May 15, 1911.

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

Sir :

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 395 :

A Bill to be entitled An Act to make legal certain county warrants (county script) issued and to be issued by the County Commissioners of Taylor County, Florida, and to cure all defects and irregularities of the same, and to secure county warrants (or county script) to the amount of twelve thousand dollars heretofore issued or that may hereafter be issued for the purpose of building a county jail at Perry, in Taylor County, Florida, and to make the same a binding and legal obligation of said County of Taylor, and to secure and make valid the agreement and contract of Taylor County, Florida, to pay interest on said script or county warrants to the amount of six per cent per annum.

Also—

House Bill No. 80 :

A Bill to be entitled An Act to extend the powers of the Railroad Commissioners so as to give them power and authority to regulate charges of telegraph companies for the transmission of messages by telegraph; to apply the powers given to said commissioners by law over railroad companies to all persons or companies owning, controlling or operating a line or lines of telegraph, and to make the penalties prescribed against railroads for violating commissioners' rules apply to the companies and persons herein named, whose line or lines is, or are wholly or in part in this State, and for other purposes.

Also—

House Bill No. 125 :

A Bill to be entitled An Act to confer upon the Railroad Commissioners of the State of Florida jurisdiction

to regulate the service and the charges of telegraph companies and of telephone companies operating in this State.

Also—

House Bill No. 324:

A Bill to be entitled An Act to make an appropriation to aid in the endowment of the Florida Room of the Confederate Museum, and to provide for the payment of such appropriation.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 395, contained in the above message, was read the first time by its title and referred to the Committee on Enrolled Bills.

And House Bill No. 80, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary A.

And House Bill No. 125, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary A.

And House Bill No. 324, contained in the above message, was read the first time by its title.

Mr. McCreary moved to waive the rules and that House Bill No. 324 be placed on the Calendar of Bills on Second Reading.

Which was agreed to by a two thirds' vote.

And the bill was so placed.

Messrs. Dayton and Withers (by permission)—

Senate Bill No. 425:

A Bill to be entitled An Act making an appropriation for the Board of Commissioners of State Institutions to purchase lands, timber, building material and other equipment to establish a State Prison Farm, and to authorize the Board of Commissioners of State Institutions to sell detached parcels of land and to buy land, timber and building material necessary to the said State Prison Farm.

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

By Mr. Perkins (by permission)—

Senate Bill No. 426:

A Bill to be entitled An Act to establish a reservation for the protection and propagation of food fishes in the waters of Mosquito Lagoon, Indian River, North, Halifax River and tributary and adjacent waters, in Volusia County, and establishing the boundaries of said reservation.

Which was read the first time by its title.

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

By consent Mr. Malone offered the following resolution—

Senate Resolution No. 47:

Be it resolved, That the local bills be made a special order for Tuesday, May 16; at 4 p. m., and that the Secretary be instructed to prepare a Calendar of Local Bills for the above hour.

Mr. Malone moved to adopt the resolution

Which was agreed to.

Mr. Flournoy moved that the rules be waived and that the Senate do now return to the regular order of business.

Which was agreed to.

The Senate resumed consideration of bills on the Second Reading.

Senate Joint Resolution No. 107:

A Bill to be entitled An Act: A Joint Resolution proposing to amend Section 10 of Article XII of the Constitution relative to education.

Mr. Davis, Chairman of the Committee on Constitutional Amendments, moved to indefinitely postpone the resolution.

Which was agreed to.

CONSIDERATION OF BILLS ON THE SECOND READING.

Senate Bill No. 109:

A Bill to be entitled An Act prescribing the hours during which spirituous, vinous or malt liquors must not

be sold; providing a requisite of all licenses to sell the same; prescribing rules of evidence in cases of violation thereof, and providing a penalty for such violation.

Was taken up and was read the second time in full.

The following committee amendment to Senate Bill No. 109 was read:

In Section 1, line 4, strike out the words "six p. m.," and insert in lieu thereof the following: "eight p. m.," and wherever in said bill the words "six p. m." occur, strike out and insert in lieu thereof "eight p. m."

Mr. Dayton moved the adoption of the amendment.

Mr. Calkins moved to lay the amendment on the table.

Upon which a yea and nay vote was demanded.

The roll was called and the vote was:

Yeas—Senators Calkins, L'Engle, McCreary, Stokes, Wilson—5.

Nays—Senators Adkins, Broome, Carney, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Humphries, Johnson, Malone, McLeod, McMullen, Perkins, Sloan, Withers, Zim—20.

So the motion to lay on the table was not agreed to.

Mr. Calkins offered the following amendment to Senate Bill No. 109:

Strike out the words "eight p. m." wherever the same appears in the amendment, and insert in lieu thereof the following: "ten p. m."

Mr. Calkins moved the adoption of the amendment.

Which was not agreed to.

The following committee amendment to Senate Bill No. 109 was read:

In Section 2, line 7, after the word "holidays," add the words "or election or primary election days."

Mr. Dayton moved the adoption of the amendment.

Which was agreed to.

The following committee amendment to Senate Bill No. 109 was read:

In Section 1, at the end of the second proviso, add the words "any general election, any special election, any primary election, State, county or municipal and."

Mr. Dayton moved the adoption of the amendment.

Which was agreed to.

And Senate Bill No. 109, as amended, was referred to the Committee on Engrossed Bills.

Senate Bill No. 139:

A Bill to be entitled An Act to prevent the harboring, employment or frequenting of minors and female persons in or about saloons or places where intoxicating liquors, wines, or beer are sold and provide a penalty therefor.

Was taken up and read the second time in full.

Mr. Johnson moved to indefinitely postpone Senate Bill No. 139.

Which was agreed to.

ENROLLED.

The President announced that he was about to sign—
An Act regulating the trial of minors, not married, in all courts, including Municipal Courts, in the State.

Also—

An Act to provide for the acquisition of a site and the erection, building and furnishing of a building thereon for the use of the Supreme Court of the State of Florida, the Railroad Commission of the State of Florida, and for a library, and making appropriations for the same, and other purposes appertaining thereto.

The Acts were therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

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

Senate Chamber,
Tallahassee, Fla., May 15, 1911.

Hon. F. P. Cone,

President of the Senate.

Sir:

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

An Act regulating the trial of minors, not married, in all courts, including Municipal Courts, in the State.

Also—

An Act to provide for the acquisition of a site and the erection, building and furnishing of a building thereon for the use of the Supreme Court of the State of Florida, the Railroad Commission of the State of Florida, and for a library, and making appropriations for the same, and other purposes appertaining thereto.

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

Very respectfully,

C. T. CULPEPPER,
Chairman of Committee.

House Joint Resolution No. 76:

A Joint Resolution proposing an amendment to Article XII of the Constitution of the State of Florida, relative to education, to be known as Section 17 of said Article. Providing for the issuance of bonds by incorporated cities and towns, regular school districts and special tax school districts, for the exclusive use of public free schools within such city, town or school district, and authorizing the levy of a tax to create a sinking fund for the payment of the interest and redemption of such bonds.

Was taken up and was read the second time in full.

The following amendment of the Committee on Constitutional Amendments was read, as follows:

In line 13, page 1, after the word "by," insert the word "Counties," and strike out the following in lines 15 and 17, "regular school districts, and special tax school districts."

Mr. Davis moved to adopt the amendment.

Which was agreed to.

Also the following committee amendment was read.

After the word "such" in line 19, page 1, insert the word "county," and in line 21, same page, strike out the words "or school district," and insert after the word "city," same line, the word "or."

Mr. Davis moved the adoption of the amendment.

Which was agreed to.

Also the following committee amendment was read:

Insert in line 25, page 2, after the word "for," the word "counties."

Mr. Davis moved to adopt the amendment.

Which was agreed to.

The following committee amendment was read:

In lines 27 and 28, page 2, strike out the following: "Regular school districts and special tax school districts."

Mr. Davis moved to adopt the amendment.

Which was agreed to.

The following committee amendment was read:

In lines 3, 5 and 7, page 3, strike out the following: "City, town, regular school district, or special tax school district," and insert in lieu thereof the following: "County, city or town."

Mr. Davis moved to adopt the amendment.

Which was agreed to.

The following committee amendment was read:

In line 13, page 3, after the word "property" insert the following: "Voting at such election."

Mr. Davis moved to adopt the amendment.

Which was agreed to.

The following committee amendment was read:

Strike out the word "district" in line 27, page 3, and insert in lieu thereof the following: "County, city or town."

Mr. Davis moved to adopt the amendment.

Which was agreed to.

The following committee amendment was read:

After the word "such," in line 17, page 3, insert the word "county," and after the word "city," same line, insert the word "or," and in same line strike out the words "or school district."

Mr. Davis moved to adopt the amendment.

Which was agreed to.

There being no further amendments House Joint Resolution No. 79 was placed on the Calendar of Bills on Third Reading.

Mr. Sloan moved that the rules be waived and that House Bill No. 64 be substituted for Senate Bill No. 169.

Which was agreed to.

By consent Mr. Sloan withdrew Senate Bill No. 169.

And—

Committee Substitute for—

House Bill No. 64:

A Bill to be entitled An Act to amend Section 3146 of the General Statutes of the State of Florida, as amended by Chapter 5648 of the Laws of the State of Florida, relative to and defining the persons entitled to bring action for negligence and providing for the survival of such actions.

Was taken up and informally passed on the Calendar.

Mr. Sloan moved to waive the rules and to substitute Senate Bill No. 178 for Senate Bill No. 170.

Which was agreed to.

Senate Bill No. 170 was withdrawn and Senate Bill No. 178 was informally passed on the Calendar.

Senate Bill No. 26:

A Bill to be entitled An Act to provide for attorney's fee in certain cases on appeal or writ of error.

Was taken up and read the second time.

Mr. Withers, by request of Senator Williams, offered the following substitute for—

Senate Bill No. 26:

A Bill to be entitled An Act to provide for attorney's fee in certain cases on appeal or writ of error.

Which was read in full.

Mr. Malone moved that the bill be referred to the Committee on Judiciary B.

Which was agreed to.

And the bill was so referred.

Senate Bill No. 262:

A Bill to be entitled An Act defining what shall constitute a day's labor for mechanics and laborers employed by or on behalf of the State of Florida, and any county or city or town in said State, and by any contractor with the State or any county, city or town therein, and to prescribe penalties for the violation of this Act.

Was taken up and was read the second time in full.

There being no amendment offered, Senate Bill No. 262, was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 175:

A Bill to be entitled An Act to establish, maintain and operate a hog cholera serum plant, to authorize the Board of Control to make rules for the production and distribution of said serum, and to make appropriations therefor.

Was taken up and read the second time in full.

The following committee substitute for Senate Bill No. 175 was read:

Substitute for Senate Bill No. 175:

A Bill to be entitled An Act to establish, maintain and

operate a hog cholera serum plant, to authorize the Board of Health to make rules for the production and distribution of said serum, and to make appropriations therefor.

Mr. Malone moved to adopt the substitute for Senate Bill No. 175.

Which was agreed to.

Mr. Hilburn moved that the rules be waived, and that Senate Bill No. 175 be read the third time and put upon its passage.

Which was agreed to by a two thirds' vote.

And Substitute for Senate Bill No. 175 was read the third time in full.

Upon the passage of Senate Bill No. 175 the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Broome, Calkins, Carney, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Humphries, Johnson, L'Engle, Malone, McCreary, McLeod, Perkins, Stokes, Wilson, Withers, Zim—24.

Nays—None.

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

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

Which was agreed to.

Whereupon the Senate stood adjourned until Tuesday, May 16, at 10 o'clock a. m.