

## TUESDAY, MAY 23, 1911

NINE O'CLOCK A. M.

The Senate met pursuant to adjournment.

The President in the chair.

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

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

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of May 22 was dispensed with.

The Journal of May 22 was corrected and approved as corrected.

### REPORTS OF COMMITTEES.

Mr. Dayton submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 23, 1911.

*Hon. F. P. Cone,*

*President of the Senate.*

*Sir:*

Your committee appointed to investigate the question as to whether or not the present Legislature is qualified to vote on the income tax amendment submitted by the National Congress to the several States, requests that it be given further time to investigate the same, and suggests that it be allowed until 8:30 o'clock p. m., Tuesday May 30, 1911.

Very respectfully,

GEO. W. DAYTON,  
Chairman Special Committee.

Mr. Malone moved that the time be granted.  
Which was agreed to.

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

Senate Chamber,  
Tallahassee, Fla., May 23, 1911.

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

*Sir:*

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

An Act conferring certain powers on the City of Jacksonville relating to the supply of water from artesian wells, waterworks and waterworks systems within the corporate limits.

Also—

An Act providing for the creation of Pinellas County, in the State of Florida, and for the organization and government thereof.

Also—

An Act to prohibit the catching or taking of food fish from the waters of Aucilla River in Jefferson, Madison and Taylor Counties, except with a hook and line, and fixing a penalty.

Also—

An Act to amend Section 2 of Chapter 5805 of the Acts of the Legislature of the State of Florida of 1907, the said Act being An Act entitled An Act to abolish the present municipal government of the Town of Fort Pierce, in the County of St. Lucie and State of Florida, and to establish, organize and constitute a municipality to be known and designated as the City of Fort Pierce, and to define its territorial boundaries and to provide for its jurisdiction, powers and privileges.

Also—

An Act to amend Section 6 and Section 9 of An Act entitled "An Act to establish the municipality of Dune-din and provide for its government, and prescribe its jurisdiction and powers," the same being Chapter 4877 of the Laws of Florida.

Also—

An Act to increase the amount of taxes that may be levied and collected by the Town of Tavares.

Also—

An Act to amend Section 2 of Chapter 5812 of the Acts of 1907, being An Act entitled "An Act to establish the municipality of Key West, provide for its government, and prescribe its jurisdiction and powers."

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,

C. T. CULPEPPER,  
Chairman of Committee.

#### INTRODUCTION OF RESOLUTIONS.

Mr. Dayton offered the following—

Senate Concurrent Resolution No. 31:

Resolved by the Senate, the House of Representatives concurring, That the following be adopted as a Joint Rule:

Either House when in session may receive any message from the other House whether the latter be in session or not.

Which was read the first time.

Mr. Dayton moved that the rules be awived, and that Senate Concurrent Resolution No. 31 be taken up and considered at once.

Which was agreed to by a two thirds' vote.

The Resolution was read the second time.

Mr. Dayton moved to adopt the Resolution.

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

Mr. McMullen offered the following—

Senate Concurrent Resolution No. 32:

Resolved by the Senate, the House of Representatives concurring, That the session of the Legislature of the State of Florida for 1911, stand adjourned sine die at 12 o'clock noon, Friday, June 2, 1911.

Which went over under the rules.

Mr. Johnson offered the following—

Senate Resolution No. 53:

Resolved, That hereafter each Senator shall be limited in debate to five minutes on each question and no Senator

shall be permitted to use the time of another Senator, and there shall be no extension of time except by unanimous consent. Provided, that the author of any bill or joint resolution shall be allowed ten minutes' time in which to explain the merits of such bill or resolution when same shall be under consideration for amendment, indefinite postponement or final passage.

Mr. Johnson moved to adopt the resolution.

Which was agreed to.

#### INTRODUCTION OF BILLS.

By Mr. Henderson—

Senate Bill No. 476:

A Bill to be entitled An Act authorizing and directing the Governor of the State of Florida to offer a reward for the detection and apprehension of the murderers of six (6) negro prisoners, taken from the county jail of Columbia County on the morning of May 21st, 1911, and making an appropriation therefor.

Which was read the first time by its title.

Mr. Henderson arose to a question of privilege and asked unanimous consent to have the bill not referred to a committee, but that the rules be waived and that Senate Bill No. 476 be read the second time.

Which was unanimously agreed to.

And Senate Bill No. 476 was read the second time in full.

Mr. Adkins offered the following amendment to—

Senate Bill No. 476:

Strike out "five thousand" and insert in lieu thereof "one thousand."

Mr. Adkins moved to adopt the amendment.

Mr. Hudson moved to postpone the further consideration of the bill with the pending amendment, the same to be unfinished business in tomorrow's Order of the Day.

By Mr. Perkins—

Senate Bill No. 477:

A Bill to be entitled An Act to prohibit the hauling and dragging of seines in the fresh water rivers, lakes, streams, creeks and bayous, etc., in Volusia and Lake Counties, State of Florida; to define what shall be deemed fresh

water rivers, creeks and streams, and to prohibit the shipping of fish caught in the said fresh waters of Volusia and Lake Counties, State of Florida, beyond the limits of said counties, and prohibiting common carriers from receiving the same for shipment beyond the limits of such counties.

Which was read the first time by its title.

Mr. Perkins moved to waive the rules and that Senate Bill No. 470 be not referred but be placed on the Local Calendar of Bills on the Second Reading.

Which was agreed to by a two thirds' vote.

The bill was so placed.

By Mr. L'Engle—

Senate Bill No. 478:

A Bill to be entitled An Act relating to charters granted under the general incorporation laws of Florida.

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

Mr. Broome moved to recommit House Bill No. 579 to the Committee on Judiciary A.

Which was agreed to.

#### MESSAGES FROM THE GOVERNOR.

Mr. Flournoy arose to a question of high personal privilege and said:

*Mr. President:*

I arise to the question of personal privilege now, as we are considering the subject of resolutions. I am advised that some of my fellow Senators will offer a resolution condemning the front page news story in the Tampa Morning Tribune issue of May 18, entitled "Governor's Attempt to Save State Money Attacked By a Self-Important Legislator," which said news story contains certain statements relative to myself, and quoted the Governor's message of the 16th, which was spread upon the Journal without objection, and also condemning the then correspondents of the Tampa Morning Tribune, and the writer of the said story, because of its libelous matter.

While I appreciate the propriety of such a resolution, not only as regards myself officially, and the Senate it-

self, but also because of its general necessity and effect, still, I have just received an explanation from Mr. T. J. Appleyard, who advises me that nothing which he or Miss Alice Appleyard wired justified or warranted the statements made in the said article in the Tampa Morning Tribune, and Mr. Appleyard, in making the explanation, handed me the following telegram:

"Tampa, Fla., May 22, 1911.

"Miss Alice Appleyard,  
"Tallahassee, Fla.:

"You can conclusively prove that you were entirely blameless in sending Flournoy story criticized in resolution in Senate today by producing copy of your telegram wired us on May 17 from Western Union files. Two messages were mixed in this office, subsequent editorial comments were based on message which Flournoy attacked. You may use this as you see fit.

"THE TRIBUNE."

Mr. Appleyard further stated to me a few moments ago that he would communicate further with the Tampa Morning Tribune.

In view of these facts, I respectfully request and hope that the Senators will delay action and not introduce a resolution condemning either the Tampa Morning Tribune or the then correspondent, or the writer of the said story, although the matter is libelous in the extreme, until, at least, they have been given the opportunity to explain and retract the untrue statements in said story.

Further, Mr. President, I wish to say, that every statement in the said news story, relative to myself and the action of the Senate, is not only false, but without foundation in fact. The story in the manner in which it is used, and the language used, makes it viciously false. I have not, either in personal conversation anywhere, or upon the floor of this Senate, officially or otherwise, referred to the Governor personally, but have confined my discussion solely to the official conduct and to the objectionable part of the message which he sent to the Senate, upon the pretext that I, as a member of a co-ordinate branch of government, must insist that undue encroachments or reflections upon another co-ordinate branch, should not be

tolerated by either officials or citizens of a Republican form of government.

The editorial of the Tampa Morning Tribune of the 19th as referred to me was proper, if the information upon which it was based had been true. The editorial is precisely in line with the principles which I have adhered to, and which caused me to object to the Governor's message; but I feel quite certain that the editor of this paper, when he finds his error, will promptly retract his statements.

The press, Mr. President, is the most important element in our system of government and civilization. I wish that we had around our press table, reporters from every paper in the State who were moved and instigated by the exalted purpose of sending out the truth, segregated from selfish or sordid motives. I am not, and this Senate is not, afraid of the truth, nor do we want any curtailment of or secrecy in our proceedings, yet, Mr. President, the objectionable thing is that some one, either as reporter or otherwise, sends out statements which are so utterly untrue, as to bear palpably the inference that it is vicious and moved by a base purpose to deceive the public and to injure certain individuals. Such action degrades the vocation of the reporter and perverts and pollutes the indispensable office of the press.

Mr. President, we do not desire to do anyone an injustice, but at the same time, we are desirous and expect to have ourselves fairly and correctly reported. We do not object to editorial comment, but rather to misquotations and deceptive statements.

Further, in this connection, I appreciate the position of the Senate, and of the members of the Senate, and trust that we may both individually and collectively be conscious of our obligations and maintain our dignity. I do not ask that you participate in any personal question between Governor Gilchrist and myself. That we can and should take care of. That both of us, I am sure, will permit to be governed and controlled by caution and wisdom. But officially, so long as God shall permit me to live, I shall fearlessly do my part to preserve our form of government and to keep its co-ordinate branches separate and free from improper encroachments.

The message from the Governor dated May 22, which, on motion of Mr. Flournoy, was made a special order for consideration today was taken up.

And read to the Senate.

Mr. Flournoy moved to waive the rules to introduce a resolution relating to the message.

Which was agreed to by a two thirds' vote.

Mr. Flournoy offered the following—

Senate Resolution No. 54:

Be it resolved by the Senate, That the message just read, dated May 16, 1911, regarding the creation of a commission to examine into the system of pleading and practice in this State, is a restatement in part of the Governor's Message, dated May 16, 1911, referring to the same subject, but which was considered objectionable by the Senate, in that it unduly reflected upon two co-ordinate branches of government, viz: the Supreme Court and the Senate, as appears by the record on page 5 of the Senate Journal of May 17, 1911; that the present message is verbatim with the former message, except the last page of the former message is excluded from the present message; that the present message includes also in the latter part the message of the Governor of May 16, referring to the Supreme Court, in which he recommended the passage of the bill to reduce the number of justices thereof, and which latter message was spread upon the Journal without objection, as appears by the record on page 4, Senate Journal of May 17, 1911; and inasmuch as it appears by House Journal on page 2 of May 18, 1911, that the former message of the Governor of the 16th instant was upon application of the Governor allowed to be withdrawn from the House of Representatives, and therefore, it is the sense of the Senate that the present message is but a restatement of the two former messages, with an attempt to exclude the supposed objectionable part of one of them, and that the present message was written not earlier than the 13th instant, notwithstanding it is dated May 16, 1911, and that, therefore, in order that the Senate Journal may not be misleading, the Senate respectfully returns the present message to the Governor, with the request that he date the same the date upon which he prepared or caused the same to be prepared.

Mr. Flournoy moved to adopt the resolution.

Mr. Davis moved to indefinitely postpone the resolution.

Mr. Calkins moved that the Governor's message, with Senate Resolution No. 54, pertaining thereto, be referred to the Committee on Judiciary A.

Which was agreed to, and the message, with the resolution, was so referred.

The following message from the Governor was received and read:

State of Florida,  
Executive Department,  
Tallahassee, May 19, 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 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 (county script) to the amount of twelve thousand dollars hereafter 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—

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 transfers.

Also—

An Act imposing license on cotton seed oil mills, and to provide for the payment thereof, prescribing penalty for operating oil mills without first procuring license.

Also—

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 surface roads within said county.

Also—

An Act to amend Section 25 of the General Statutes of Florida, relating to the boundary lines of Baker County.

Also—

An Act making legal and valid the present municipal government of the Town of Branford in Suwannee County, Florida.

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

Very respectfully,

ALBERT W. GILCHRIST,

Governor.

Mr. Dayton moved that the action of the Senate ordering the passage of—

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 boundaries of such additional circuits, and defining and fixing the territorial limits and boundaries of the eight existing Judicial Circuits.

By the Senate over the Governor's veto be reconsidered.

Mr. Dayton moved to waive the rules and that the motion to reconsider be taken up at once.

Which was agreed to by a two thirds' vote.

The Senate reconsidered the vote by which the same was ordered to be certified to the House of Representatives.

Mr. Dayton moved that further action on the certification to the House be postponed until further order by the Senate.

Which was agreed to.

## ENROLLED.

The President announced that he was about to sign—

An Act conferring certain powers on the City of Jacksonville relating to the supply of water from artesian wells, waterworks and waterworks systems within the corporate limits.

Also—

An Act providing for the creation of Pinellas County in the State of Florida, and for the organization and government thereof.

Also—

An Act to prohibit the catching or taking of food fish from the waters of Aucilla River in Jefferson, Madison and Taylor Counties, except with a hook and line, and fixing a penalty.

Also—

An Act to amend Section 2 of Chapter 5805 of the Acts of the Legislature of the State of Florida of 1907, the said Act being An Act entitled An Act to abolish the present municipal government of the Town of Fort Pierce, in the County of St. Lucie and State of Florida, and to establish, organize and constitute a municipality to be known and designated as the City of Fort Pierce, and to define its territorial boundaries and to provide for its jurisdiction, powers and privileges.

Also—

An Act to amend Section 6 and Section 9 of An Act entitled "An Act to establish the municipality of Dunedin and provide for its government, and prescribe its jurisdiction and powers," the same being Chapter 4877 of the Laws of Florida.

Also—

An Act to increase the amount of taxes that may be levied and collected by the Town of Tavares.

Also—

An Act to amend Section Two (2) of Chapter 5812 of the Acts of 1907, being An Act entitled An Act to establish the municipality of Key West, provide for its government, and prescribe its jurisdiction and powers.

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.

## ORDERS OF THE DAY.

Senate Bill No. 154:

A Bill to be entitled An Act to amend Sections 2890, 2891, 2893, 2894, 2896, 2899, 2900, 2901, 2903, 2904, 2905, 2908, 2910, 2914, 2917, 2918, 2924 of the General Statutes of this State relating to the Railroad Commissioners and the regulation of common carriers.

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

Mr. Johnson offered the following amendment to Senate Bill No. 154:

Add at end of Section 6 the following: "That all rules, regulations, schedules and schedule of rates and rate sheets required by the Commissioners to be kept for public inspection when so kept shall be binding upon the public and all shippers and passengers charged with notice thereof."

Mr. Johnson moved to adopt the amendment.

Which was not agreed to.

Mr. Cone moved that the Senate suspend all business for ten minutes.

Which was agreed to.

Mr. Davis moved that the rules be waived and that Senate Bill No. 154 be read the third time and put upon its final passage.

Which was agreed to by a two thirds' vote.

And—

Senate Bill No. 154:

A Bill to be entitled An Act to amend Sections 2890, 2891, 2893, 2894, 2896, 2899, 2900, 2901, 2903, 2904, 2905, 2908, 2910, 2914, 2917, 2918, 2924 of the General Statutes of this State relating to the Railroad Commissioners and the regulation of common carriers.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 154 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Carney, Culpepper, Davis, Finlayson, Flournoy, Henderson, Hudson, Johnson, L'Engle, Malone, Massey, McCrea-ry, McLeod, McMullen, Miller, Stokes, Williams, Wilson, Withers, Zim—24.

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 immediately.

House Bill No. 435:

A Bill to be entitled An Act to fix the salary of the Comptroller of this State.

Was taken up and read the second time in full.

Mr. Johnson offered the following amendment to—  
House Bill No. 435:

In Section 1, lines 2 and 3, strike out "thirty-five hundred dollars (\$3500.00)" and insert in lieu thereof the following: "three thousand dollars (\$3,000.00)."

Mr. Johnson moved to adopt the amendment.

Upon which a yea and nay vote was demanded.

The roll was called and the vote was:

Yeas—Senators Adkins, Baker, Broome, Carney, Culpepper, Davis, Henderson, Humphries, Johnson, McLeod, Miller, Williams—12.

Nays—Mr. President, Senators Calkins, Dayton, Finlayson, Flournoy, Hudson, L'Engle, Malone, Massey, McCreary, McMullen, Perkins, Stokes, Wilson, Withers, Zim—16.

So the amendment was not agreed to.

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

House Bill No. 435:

Strike out the words "three thousand" in the amendment and insert in lieu thereof the following: "thirty-five hundred."

Mr. Flournoy moved to adopt the amendment to the amendment.

Which was not agreed to.

Mr. Williams offered the following amendment to—

House Bill No. 435:

Making Section 1 read as follows:

Section 1. From and after the passage of this Act the salary of the Comptroller of this State, the Superintendent of Public Instruction, the Commissioner of Agriculture, the Treasurer, The Attorney General and the Secretary of State shall each receive a salary of \$3,000 per annum, and all fees or perquisites received by such officials shall be paid into the treasury of the State of Florida, and that the amount to pay said salaries be and the same is hereby appropriated out of any money in the treasury of the State of Florida not otherwise appropriated.

Mr. Williams moved to adopt the amendment.

Upon which a yea and nay vote was demanded.

The roll was called and the vote was:

Yeas—Senators Adkins, Baker, Broome, Culpepper, Davis, Flournoy, Humphries, Johnson, McCreary, McLeod, McMullen, Miller, Williams, Zim—14.

Nays—Mr. President, Senators Calkins, Carney, Dayton, Finlayson, Henderson, Hudson, L'Engle, Malone, Massey, Perkins, Stokes, Wilson, Withers—14.

So the amendment was not agreed to.

Mr. Carney offered the following amendment to House Bill No. 435:

At the end of Section 1 add the following: "Provided that an account of all fees and perquisites coming into the Comptroller's office shall be kept and same shall be paid into the State Treasury."

Which was withdrawn.

Mr. Cone moved to waive the rules and to read House Bill No. 435 the third time and put it on its passage.

Which was agreed to by a two thirds' vote.

And—

House Bill No. 435:

A Bill to be entitled An Act to fix the salary of the Comptroller of this State.

Was taken up and read the third time in full.

Upon the passage of House Bill No. 435 the vote was:

Yeas—Mr. President, Senators Calkins, Carney, Dayton, Finlayson, Flournoy, Henderson, Hudson, L'Engle, Malone, Massey, McCreary, McMullen, Perkins, Stokes, Wilson, Withers, Zim—18.

Nays—Senators Adkins, Baker, Broome, Culpepper, Davis, Johnson, McLeod, Miller, Williams—9.

So the bill passed, title as stated.

Mr. Cone moved to waive the rules and that the action of the Senate be certified to the House of Representatives at once.

Which was agreed to by a two thirds' vote.

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

By unanimous consent, Mr. Massey, Chairman of the Committee on Finance and Taxation, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 23, 1911.

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

Sir:

Your Committee on Finance and Taxation, to whom  
was refererd—

Senate Bill No. 292:

A Bill to be entitled An Act to provide for the levy of  
taxes for the years 1911 and 1912, and relating to the as-  
sessment, collection and distribution of taxes upon lands  
and other property in this State.

Has had the same under consideration and recommends  
that it do pass.

Very respectfully,  
LEWIS C. MASSEY,  
Chairman of Committee.

By unanimous consent, Mr. Massey, Chairman of the  
Committee on Finance and Taxation, submitted the fol-  
lowing report:

Senate Chamber,  
Tallahassee, Fla., May 23, 1911.

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

Sir:

Your Committee on Finance and Taxation, to whom  
was refererd—

Senate Bill No. 293:

A Bill to be entitled An Act imposing licenses and  
other taxes, providing for the payment thereof, prescrib-  
ing penalties for doing business without a license or other  
failure to comply with the provisions thereof and provid-  
ing for the collection thereof when there is a default in  
payment.

Also—

Senate Bill No. 219:

A Bill to be entitled An Act imposing licenses and  
other taxes, providing for the payment thereof, and pre-  
scribing penalties for doing business without a license,  
or other failure to comply with the provisions thereof.

Has had the same under consideration and reports here-  
with a committee substitute for said bills.

Very respectfully,

LEWIS C. MASSEY,  
Chairman of Committee.

The substitute for Senate Bill No. 293 was read the  
first time by its title.

And the substitute was placed on the Calendar of Bills  
on the Second Reading under the rules.

Substitute for Senate Bill No. 219 was read the first  
time by its title.

And substitute for Senate Bill No. 219 was placed on  
the Calendar of Bills on the Second Reading under the  
rules.

Mr. Dayton moved that the action of the Senate in  
passing over the Governor's veto—

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 boundaries of such addi-  
tional circuits, and defining and fixing the territorial lim-  
its and boundaries of the eight existing Judicial Circuits.

Be certified to the House of Representatives immedi-  
ately.

Which was agreed to.

Mr. Zim submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 23, 1911.

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

Sir:

Your committee appointed to confer with a similar  
committee on the part of the House to arrange for Memo-  
rial Day exercises in respect to the memories of the late  
Governors William B. Bloxham and Napoleon B. Brow-  
ard, begs leave to report that, inasmuch as circumstances  
conspired to delay the carrying out of the program ar-  
ranged for Sunday last, that Sunday next, May 28, be

fixed upon as the occasion of the memorial exercises in question.

Very respectfully,

LOUIS W. ZIM,  
JOHN W. HENDERSON,  
Senate Committee.

Mr. Hudson moved to adopt the report.  
Which was agreed to.

By permission, Mr. Humphries introduced—  
Senate Bill No. 479:

A Bill to be entitled An Act to amend Sections 1, 3, 5, 6, 7 and 8 of Chapter 5537 of the Laws of Florida, entitled An Act to amend and supplement the charter of the Town of Punta Gorda, Florida, designated as Chapter 5085, Laws of Florida, 1901; and also to amend Sections 33, 47, 49 and 50 of Chapter 5085 of the Laws of Florida, entitled An Act to incorporate and establish a municipal government for the Town of Punta Gorda, De Soto County, Florida; providing for its government, prescribing its jurisdiction and powers, and to abolish the present corporation of said town, approved May 27, 1901.

Which was read the first time by its title.

Mr. Humphries moved that Senate Bill No. 476 be not referred to a committee, but that 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.

Mr. McMullen moved that the Senate do now adjourn.  
Which was agreed to.

Whereupon the Senate took a recess until 3 o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate resumed its session pursuant to recess order.

The President in the chair.

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

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

A quorum present.

Mr. Massey moved that 200 copies of Senate Bill No. 292 be printed.

Which was agreed to.

Mr. Davis (by unanimous consent) introduced—  
Senate Bill No. 480:

A Bill to be entitled An Act authorizing the Board of County Commissioners of Madison County, Florida, to issue interest-bearing time warrants; or county script, for the purpose of raising funds with which to open, lay out, establish, grade, pave, repair, improve and construct public roads and highways within said county and to purchase all necessary teams, wagons, tools, implements, machinery, supplies and appliances for such purposes; providing for the re-issuance of said warrants under certain circumstances and for the levy of a special tax to redeem said warrants or script.

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

Mr. McMullen (by unanimous consent) introduced—  
Senate Bill No. 481:

A Bill to be entitled An Act to amend Sections 3 and 5 of An Act entitled An Act to establish the Municipality of Largo, to provide for its government, and prescribe its powers and jurisdiction.

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

## BILLS ON THIRD READING.

Senate Bill No. 191:

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

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 191 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Carney, Culpepper, Dayton, Finlayson, Flournoy, Henderson, Hudson, Humphries, Johnson, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Stokes, Williams, Wilson, Withers—23.

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. Malone moved that the rules be waived and that the Senate now take up and consider House messages.

Which was agreed to by a two thirds' vote.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 23, 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. 93:

A Bill to be entitled An Act to regulate the granting of new trials and the setting aside and reversals of judgments.

Which amendment is as follows:

Amend Section 1, line 11, by striking out the word "affirmatively."

Requests the concurrence of the Senate thereto.

Very respectfully,

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

And Senate Bill No. 93, as amended by the House, was taken up.

Mr. Williams moved that the Senate do concur in the House amendment thereto, as contained in the above message.

Which was agreed to.

And Senate Bill No. 93, as amended by the House, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 23, 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 indefinitely postponed—

Senate Bill No. 14:

A Bill to be entitled An Act to regulate the sale or furnishing of intoxicating liquors, wines or beer and prescribing a penalty for the violation of certain of its provisions.

Also—

Senate Bill No. 21:

A Bill to be entitled An Act prescribing a penalty for the sale of intoxicating liquors in counties and precincts voting against the sale of same, and to repeal Section 1 of Chapter 5690 of the Laws of Florida, Acts of 1907.

Very respectfully,

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

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 23, 1911.

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

*Sir:*

I am directed by the House of Representatives to in-

form the Senate that the House of Representatives has passed—

House Bill No. 94:

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 license to sell the same; prescribing rules of evidence in cases of violation thereof, and providing a penalty for such violation.

Also—

House Bill No. 173:

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 to provide a penalty therefor.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Bill No. 94, contained in the above message, was read the first time by its title and was placed on the Calendar of Bills on the Second Reading.

And House Bill No. 173, contained in the above message, was read the first time by its title and was placed on the Calendar of Bills on the Second Reading.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 23, 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. 344:

A Bill to be entitled An Act to amend Section 1209 (857) Chapter XV of the General Statutes of the State of Florida, relating to local elections concerning the sale of liquor.

And respectfully requests the concurrence of the Senate thereto.

Has also adopted—

Senate Concurrent Resolution No. 31:

Resolved by the Senate, the House of Representatives concurring, That the following be adopted as a Joint Rule:

Either House when in session may receive any message from the other House whether the latter be in session or not.

Very respectfully,

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

And House Bill No. 344, contained in the above message, was read the first time by its title and was placed on the Calendar of Bills on the Second Reading.

And Senate Concurrent Resolution No. 31, contained in the above message, was read the first time by its title, and referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 23, 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. 128:

A Bill to be entitled An Act to provide for the deposit in banks the funds of the several counties in the State of Florida, and for obtaining interest thereon, and prohibiting the deposit of said funds beyond the limits of the State of Florida.

Also—

House Bill No. 305:

A Bill to be entitled An Act to amend Chapter 5690 of the Laws of the State of Florida, entitled An Act to amend Section 3556 of the General Statutes of the State

of Florida, relative to the sale of liquors in counties or precincts voting against such sale, and to amend Section 3448 of the General Statutes of the State of Florida, relating to selling liquors without a license.

Also—

House Bill No. 343:

A Bill to be entitled An Act to require County Solicitors and State's Attorneys to procure certain prima facie evidence in dealing in spirituous, vinous or malt liquors; to require prosecution by County Solicitors for certain offenses upon acquisitions of certain prima facie evidence of dealing in spirituous, vinous or malt liquors; to require State's Attorneys to present to grand juries certain prima facie evidence of dealing in spirituous, vinous or malt liquors; to constitute a failure to do so as malfeasance of office and ground for the removal of such officer.

Also—

House Bill No. 298:

A Bill to be entitled An Act to amend Sections 240 and 3813 of the General Statutes relating to the closing of saloons on days of elections.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Bill No. 128, contained in the above message, was read the first time by its title and placed on the Calendar of Bills on Second Reading.

And House Bill No. 305, contained in the above message, was read the first time by its title and placed on the Calendar of Bills on Second Reading.

And House Bill No. 343, contained in the above message, was read the first time by its title and placed on the Calendar of Bills on Second Reading.

And House Bill No. 298, contained in the above message, was read the first time by its title and placed on the Calendar of Bills on Second Reading.

Mr. Johnson moved to waive the rules and that the Senate now resume the regular order of business.

Which was agreed to by a two thirds' vote.

## 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 vote was:

Yeas—Mr. President, Senators Adkins, Baker, Carney, Davis, Hudson, Humphries, Johnson, Massey, McCreary, McMullen, Miller, Williams, Withers, Zim—15.

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

So the resolution failed to pass.

## Committee Substitute for—

## Senate Bill No. 184:

A Bill to be entitled An Act to amend Section 2812 of the General Statutes of the State of Florida relating to consolidation, lease and purchase by railroads and canal companies, and to fix a penalty for violation thereof.

Was taken up and read the third time in full.

Upon the passage of Committee Substitute for Senate Bill No. 184 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Calkins, Carney, Culpepper, Davis, Finlayson, Flournoy, Henderson, Hosford, Hudson, Humphries, Johnson, Malone, Massey, McCreary, McLeod, McMullen, Miller, Stokes, Williams, 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 rules.

## Substitute for Senate Bill No. 110:

A Bill to be entitled An Act to prescribe the time whenever the assessment of taxes shall become a lien upon the property assessed.

Was taken up and read the third time in full.

Upon the passage of Substitute for Senate Bill No. 110 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Culpep-

per, Hosford, Hudson, L'Engle, Massey, McMullen, Miller, Williams, Withers, Zim—13.

Nays—Senators Calkins, Carney, Davis, Finlayson, Flournoy, Henderson, Johnson, Malone, McCreary, McLeod, Perkins, Stokes, Wilson—13.

So the bill failed to pass.

Senate Bill No. 24:

A Bill to be entitled An Act to repeal Section 2238 of the General Statutes of the State of Florida relating to exemptions from liens for rent.

Was taken up and read the third time in full.

Mr. Stokes moved to indefinitely postpone Senate Bill No. 24.

Upon which a yea and nay vote was demanded.

The roll was called and the vote was:

Yeas—Mr. President, Senators Davis, Flournoy, Hosford, L'Engle, Malone, McCreary, Stokes, Wilson—10.

Nays—Senators Adkins, Baker, Calkins, Carney, Culpepper, Henderson, Hudson, Johnson, Massey, McMullen, Miller, Perkins, Williams, Withers, Zim—15.

So the motion to indefinitely postpone was not sustained.

The question recurred upon the passage of the bill.

Upon the passage of Senate Bill No. 24 the vote was:

Yeas—Senators Adkins, Baker, Calkins, Carney, Culpepper, Henderson, Hudson, Johnson, Massey, McMullen, Miller, Perkins, Williams, Withers, Zim—15.

Nays—Mr. President, Senators Davis, Finlayson, Flournoy, Hosford, L'Engle, Malone, McCreary, Stokes, Wilson—10.

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.

Senate Bill No. 226:

A Bill to be entitled An Act to provide for the selection and securing of a site for the Government Biological Station on the Gulf Coast of Florida.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 226 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Calkins, Carney, Culpepper, Davis, Finlayson, Flournoy, Hosford,

Hudson, Johnson, Malone, Massey, McCreary, McMullen, Miller, Perkins, Stokes, Williams, Wilson, Withers, Zim—23.

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.

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 read the third time in full.

Upon the passage of House Joint Resolution No. 76 the vote was:

Yeas—Senators Adkins, Baker, Broome, Calkins, Culpepper, Finlayson, Flournoy, Hudson, Humphries, Malone, McCreary, McMullen, Miller, Stokes, Williams, Zim—16.

Nays—Senators Carney, Henderson, Hosford, Johnson, L'Engle, McLeod, Perkins, Wilson, Withers—9.

Mr. Williams, in explanation of his vote, said:

I vote "yea" because it is leaving the question to the people to decide. Their wish should always be law.

So the resolution having failed to receive the constitutional three fifths' vote of the members elected to the Senate failed to pass.

Mr. McMullen moved that House Bill No. 94 be substituted for Senate Bill No. 109.

Which was agreed to.

Mr. McMullen withdrew Senate Bill No. 109.

And—

House Bill No. 94:

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 license to sell the same; prescribing rules of evidence in cases of violation thereof, and providing a penalty for such violation.

Was taken up and read the second time in full.

And House Bill No. 94 was placed on the Calendar of Bills on the Third Reading in position of Senate Bill No. 109.

Senate Bill No. 447:

A Bill to be entitled An Act providing for a reduction in the number of the Justices of the Supreme Court of Florida.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 447 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Culpepper, Davis, Finlayson, Flournoy, Henderson, Hosford, Hudson, Humphries, Johnson, Malone, Massey, McLeod, Miller, Perkins, Williams, Wilson, Withers, Zim—24.

Nays—Senators L'Engle, McCreary, McMullen—3.

So the bill passed, title as stated.

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

Senate Bill No. 214:

A Bill to be entitled An Act to encourage, protect and develop the oyster industry of the State of Florida, and to increase the revenues of the State therefrom, by recognizing and declaring the ownership of the State in and to the bottoms of beds of the bodies of streams of water along the coast of the Gulf of Mexico, and along the coast of the Atlantic Ocean within the jurisdiction of the State of Florida not heretofore granted, for the purpose of giving exclusive rights to plant oysters; by prohibiting other alienations of same in fee; by recognizing and declaring the ownership of the State in and to all reefs of oysters growing naturally thereon; for the protection of those heretofore engaged in the growing of oysters; by creating the office of Oyster Commissioner of the State of Florida, and defining his powers and duties; by providing for the leasing of oyster lands belonging to the State; by providing for the licensing, registration and designation of vessels employed in the oyster industry; by levying a special assessment or privilege tax on oysters produced in said waters; and a police license on persons, firms, corporations and vessels engaged in the oyster industry; by

providing for the manner of collecting, handling, depositing and disbursing the revenues derived from said industry and the distribution of the surplus revenues; by providing for the protection and enlargement of the natural oyster reefs in this State and for the creating of artificial reefs or beds; by providing such other regulations and provisions as are necessary to properly carry out the objects and purposes of this Act; by providing penalties for the violation of this Act; and by repealing and superceding all laws on the same subject matter and in conflict with the provisions of this Act.

Was taken up and read the third time in full.

Mr. Hosford moved to lay Senate Bill No. 214 on the table.

Which was not agreed to.

Upon the passage of Senate Bill No. 214 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Carney, Culpepper, Davis, Dayton, Flournoy, Hudson, Johnson, Malone, Massey, McCreary, McLeod, McMullen, Miller, Williams, Wilson, Withers, Zim—21.

Nays—Senators Calkins, Finlayson, Henderson, Hosford, Humphries, L'Engle, Stokes—7.

Mr. Baker, in explanation of his vote, said: I do not know anything about the oyster industry, but, knowing the author of this bill to be a studious and able gentleman, and having implicit confidence in him, I vote for the bill.

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.

Mr. Carney gave notice that he would on tomorrow move to reconsider the vote by which House Bill No. 435 passed the Senate.

Mr. Humphries moved to adjourn.

Which was withdrawn.

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

Senate Chamber,  
Tallahassee, Fla., May 23, 1911.

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

Sir:

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

An Act to incorporate the Town of Auburndale, in Polk County, Florida, and to provide for its government and prescribe its jurisdiction and powers.

Also—

An Act to create and establish a Recorder's Court in and for the City of Ocala, in Marion County, Florida; to define the jurisdiction of said court; to provide for the election of a Recorder and an Assistant Recorder; to prescribe the qualifications of such Recorder; fixing the salary and compensation of such Recorder, and prescribing the duties and powers of such Recorder and Assistant Recorder, and abolishing the Mayor's Court of the said City of Ocala.

Also—

An Act to abolish the present municipal government of the Town of Leesburg; to legalize the ordinances of said town and all official acts thereunder; to create and establish the municipality of the City of Leesburg, in Lake County, Florida, and to provide its jurisdiction and powers and officers thereof.

Also—

An Act to validate and legalize all contracts for the construction of hard-surfaced or other county roads, or for the construction of bridges, buildings or other public works, or for the purchase of any property, either real or personal, to be used for county purposes, heretofore made and entered into by the County of Hillsboro through its Board of County Commissioners, and to legalize and validate all time warrants which have heretofore been or may hereafter be issued by the Board of County Commissioners in pursuance of such contracts.

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,

C. T. CULPEPPER,  
Chairman of Committee.

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

Senate Chamber,  
Tallahassee, Fla., May 23, 1911.

*Hon. F. P. Cone,*

*President of the Senate.*

*Sir:*

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

An Act to amend Section 2 of Chapter 6065 of the Laws of Florida, entitled An Act to amend Sections 37, 46, 47 and 65 of Chapter 5812 of the Acts of 1907, being An Act entitled An Act to establish the Municipality of Key West, provide for its government and prescribe its jurisdiction and powers.

Also—

An Act to declare legal the incorporation of the Town of Hampton, in the County of Bradford, incorporated under the general law for incorporating cities and towns, and to provide for the issuing of bonds by said town, for the purpose of establishing a system of waterworks, and for illuminating purposes and to create a Board of Public Work for said town.

Also—

An Act to amend Section Eighteen (18) of Chapter 6050, of the Laws of the State of Florida, being entitled An Act to legalize the town government of Dunnellon, Florida, to fix the corporate limits and to provide a common seal therefor, and to grant a charter to said municipality.

Also—

An Act to authorize the Board of Public Instruction of Leon County, Florida, to borrow not exceeding fifteen thousand dollars (\$15,000) for the purpose of paying certain indebtedness incurred in the erection of a High School Building in Tallahassee Sub-school District No. 1, of said county, and to furnish and equip said building, and to issue interest-bearing warrants for such loan.

Also—

An Act for the protection of certain birds in Gadsden County commonly known as mourning doves, turtle doves,

quails, mocking birds, wood sparrows, bullbats, brown thrashers, Joe Rees, redbirds; for the protection of wild turkey and deer in said county; providing for the appointment of Game Warden for said county, prescribing their duties and prescribing a penalty for violation of the provisions of this Act.

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,

C. T. CULPEPPER,  
Chairman of Committee.

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

Senate Chamber,  
Tallahassee, Fla., May 23, 1911.

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

Sir:

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

An Act regulating the manner of catching fish in the fresh water lakes and streams of Leon County, and providing punishment for the violation of this Act.

Also—

An Act to amend Section 4 of Chapter 6057 of the Laws of Florida, being entitled An Act to incorporate the Town of Gretna, in Gadsden County, Florida; to establish a municipal government for said town; to provide for its government and to prescribe its jurisdiction and powers.

Also—

An Act to prevent the hunting, chasing, trapping, shooting or killing of deer, turkey and quail and squirrels in the counties of Taylor and Lafayette for the term of five years.

Begs to report that the same have been duly signed by the Speaker and Chief Clerk of the House of Represent-

tatives 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 following message from the Governor was received:

State of Florida, Executive Department,  
Tallahassee, Fla., May 23, 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 require all railroad locomotives operated and used for drawing passenger and freight trains shall be equipped with and use a headlight, and providing a penalty for a violation of said Act.

Also—

An Act to amend Chapter 5609 of the Laws of Florida, entitled An Act to provide for the enumeration of agricultural, horticultural, live stock, manufacturing, industrial and other statistics; for the appointment of County Enumerators; to define their duties; to provide for their compensation and to define the duties of the Boards of County Commissioners in connection therewith.

Also—

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.

Also—

An Act to provide for the appointment of 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 rules and regulations thereof; to make an appropriation to carry out the provisions of this Act and to repeal all laws or parts of laws inconsistent herewith.

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

Yours respectfully,  
**ALBERT W. GILCHRIST,**  
 Governor.

#### CONSIDERATION OF BILLS ON SECOND READING.

##### Senate Bill No. 33:

A Bill to be entitled An Act to prevent the pollution of the streams and natural bodies of water of the State of Florida, and to prevent making any deposit of any substance therein which shall be destructive to the life of fish, or which shall effect the depth or navigability thereof.

Was taken up and read the second time in full.

Mr. McMullen offered the following substitute to—

##### Senate Bill No. 33:

A Bill to be entitled An Act requiring persons, firms or corporations engaged in mining operations in this State to use due diligence to prevent the escape of waste and debris, and discharge of the same into the streams and rivers of this State, and to provide a method enjoining the same where due diligence is not used, and defining the venue where such suits shall be brought.

Which was read the first time by its title.

Mr. McMullen moved to waive the rules and that the substitute for Senate Bill No. 33 be read the second time.

Which was agreed to by a two thirds' vote.

Substitute to Senate Bill No. 33 was read the second time in full.

Mr. McMullen moved to adopt the substitute in lieu of the original bill.

Which was agreed to.

Mr. McMullen moved that the rules be further waived and that the substitute for Senate Bill No. 33 be read the third time in full and put upon its final passage.

Which was agreed to by a two thirds' vote.

And substitute to Senate Bill No. 33 was taken up and read the third time in full and put upon its final passage.

Upon the passage of substitute for Senate Bill No. 33 the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Carney, Culpepper, Davis, Dayton, Flournoy, Hosford, Hudson, Humphries, Johnson, Malone, Massey, McCreary, McMullen, Miller, Williams, Wilson, Withers, Zim—21.

Nays—Senator Henderson—1.

So the substitute for Senate Bill No. 33 passed, title as stated.

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

#### ENROLLED.

The President announced that he was about to sign—

An Act to incorporate the Town of Auburndale, in Polk County, Florida, and to provide for its government and prescribe its jurisdiction and powers.

Also—

An Act to create and establish a Recorder's Court in and for the City of Ocala in Marion County, Florida; to define the jurisdiction of said Court; to provide for the election of a Recorder and an Assistant Recorder; to prescribe the qualifications of such Recorder; fixing the salary and compensation of such Recorder and prescribing the duties and powers of such Recorder and Assistant Recorder and abolishing the Mayor's Court of the said City of Ocala.

Also—

An Act to abolish the present municipal government of the Town of Leesburg; to legalize the ordinances of said town and all official acts thereunder; to create and

establish the municipality of the City of Leesburg in Lake County, Florida, and to provide its jurisdiction and powers and officers thereof.

Also—

An Act to validate and legalize all contracts for the construction of hard surfaced or other county roads, or for the construction of bridges, buildings or other public works, or for the purchase of any property, either real or personal, to be used for county purposes, heretofore made and entered into by the County of Hillsboro through its Board of County Commissioners, and to legalize and validate all time warrants which have heretofore been or may hereafter be issued by the Board of County Commissioners in pursuance of such contracts.

Also—

An Act to amend Section 2 of Chapter 6065 of the Laws of Florida, entitled An Act to amend Sections 37, 46, 47 and 65 of Chapter 5812 of the Acts of 1907, being An Act entitled An Act to establish the municipality of Key West, provide for its government and prescribe its jurisdiction and powers.

Also—

An Act to declare legal the incorporation of the Town of Hampton, in the County of Bradford, incorporated under the General Law for Incorporating Cities and Towns, and to provide for the issuing of bonds by said town, for the purpose of establishing a system of water works, and for illuminating purposes and to create a Board of Public Works for said town.

Also—

An Act to amend Section Eighteen (18) of Chapter 6050, of the Laws of the State of Florida, being entitled An Act to legalize the town government of Dunnellon, Florida; to fix the corporate limits and to provide a common seal therefor, and to grant a charter to said municipality.

Also—

An Act to authorize the Board of Public Instruction of Leon County, Florida; to borrow not exceeding fifteen thousand dollars (\$15,000.00) for the purpose of paying certain indebtedness incurred in the erection of a High School building in Tallahassee Sub-school District No. 1,

of said County, and to furnish and equip said building; and to issue interest-bearing warrants for such loan.

Also—

An Act for the protection of certain birds in Gadsden County commonly known as mourning doves, turtle doves, quails, mocking birds, wood sparrows, bull bats, brown thrashers, Joe Rees, red birds; for the protection of wild turkey and deer in said county; providing for the appointment of Game Warden for said county; prescribing their duties and prescribing a penalty for violation of the provisions of this Act.

Also—

An Act regulating the manner of catching fish in the fresh water lakes and streams of Leon County, and providing punishment for the violation of this Act.

Also—

An Act to amend Section 4 of Chapter 6057 of the Laws of Florida, being entitled An Act to incorporate the Town of Gretna in Gadsden County, Florida; to establish a municipal government for said town; to provide for its government and to prescribe its jurisdiction and powers.

Also—

An Act to prevent the hunting, chasing, trapping, shooting or killing of deer, turkey and quail and squirrels in the Counties of Taylor and Lafayette for the term of five years.

The Acts were therefore duly siged 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.

The Committee on Municipalities reported unfavorably on—

House Bill No. 420:

A Bill to be entitled An Act to provide and create commission form of government and to permit the adoption of same in all cities in the State of Florida which now have or which may hereafter have a population of more than two thousand (2,000) people according to the last Federal census or municipal census which may hereafter be taken; to regulate the selection and election of Commissioners and their terms of office and retention in

and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish Mayors, Councilmen, Aldermen and certain other city officials and otherwise to provide for the creation and maintenance of said commission form of government.

The Committee on Appropriations reported unfavorably on—

Senate Bill No. 449:

A Bill to be entitled An Act to provide for the appointment of a Commissioner for the State of Florida to act in concert with the Pennsylvania Fiftieth Anniversary of the Battle of Gettysburg Commission in all arrangements for having the State of Florida adequately represented at said anniversary celebration; to define the duties of said Commissioner, and to fix his compensation for the performance of said duties.

The Committee on Appropriations reported unfavorably on—

House Bill No. 477:

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.

The Committee on Appropriations reported favorably with amendment on—

Senate Bill No. 451:

A Bill to be entitled An Act to appropriate fifty thousand dollars to make an exhibition of the history, progress, development and resources of the State of Florida at the National Historical Exposition to be held at St. Augustine in the year 1913.

Amendment, to-wit:

In Section 2, line 7, at the end thereof, insert the following: "Provided that no money shall be available under the provisions of this Act until satisfactory proof is made to the Commission provided for in Section 3 of this Act, that the Ponce de Leon Association has raised not

less than \$200,000 independently of the provisions of this Act, for the purpose of holding said National Historical Exposition."

The Committee on Appropriations reported favorably on—

Senate Bill No. 456:

A Bill to be entitled An Act making an appropriation for the purpose of enabling the Railroad Commissioners to audit, investigate and examine into the books and accounts of the express and railroad companies subject to their jurisdiction.

The Committee on Appropriations reported favorably on—

House Bill No. 453:

A Bill to be entitled An Act making appropriation for and directing the payment of certain vouchers heretofore issued by the Board of Control.

The Committee on Appropriations reported favorably on—

House Bill No. 522:

A Bill to be entitled "An Act appropriating the sum of four thousand dollars for the purpose of carrying into effect the provisions of Chapter 5735 of the Laws of Florida, approved May 1, 1907, appropriating four thousand dollars to the West Florida Fair Association to pay premiums at fairs to be held at DeFuniak Springs, Florida, in the falls of 1907 and 1908, respectively."

The Committee on Appropriations reported favorably on—

House Bill No. 321:

A Bill to be entitled "An Act to authorize the Governor to complete the historical archives of the State of Florida, to collect and catalogue historical records, and making appropriations therefor."

The Committee on Appropriations reported favorably on—

Senate Bill No. 427:

A Bill to be entitled "An Act making an appropriation to pay the Tampa Tribune Publishing Company for extra

volumes of Florida Supreme Court reports, reprinted under contract of said company with the Board of Commissioners of State Institutions."

The Committee on Appropriations reported favorably on—

House Bill No. 120:

A Bill to be entitled "An Act appropriating money for the benefit and maintenance of the Florida State Reform School."

Mr. Williams moved that the substitute for House Bill No. 140 be substituted for Senate Bill No. 25.

Which was agreed to.

By permission, Mr. Williams withdrew Senate Bill No. 25.

And—

Substitute for—

House Bill No. 140:

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

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

Mr. Perkins offered the following amendment to Substitute for House Bill No. 140:

After the word "nets" add "except an ordinary cast-net."

Mr. Finlayson moved to adopt the amendment.

Which was agreed to.

Mr. Williams moved that the rules be waived and that Substitute for House Bill No. 140, as amended, be read a third time in full and put upon its passage.

Which was agreed to.

And—

Substitute for—

House Bill No. 140:

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

and prohibiting the catching and shipping of certain fish during certain months.

Was taken up and read the third time in full.

Upon the passage of Substitute for House Bill No. 140 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Culpepper, Dayton, Finlayson, Henderson, Hudson, Humphries, Johnson, Malone, Massey, McCreary, McMullen, Miller, Perkins, Williams, Wilson, Withers, Zim—21.

Nays—Senators Carney, Hosford, McLeod—3.

So the bill passed, title as stated.

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

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

Senate Chamber,  
Tallahassee, Fla., May 23, 1911.

*Hon. F. P. Cone,*

*President of the Senate.*

*Sir:*

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

An Act conferring certain powers on the City of Jacksonville, relating to the supply of water from artesian wells, waterworks and waterworks systems within the corporate limits.

Also—

An Act providing for the creation of Pinellas County, in the State of Florida, and for the organization and government thereof.

Also—

An Act to prohibit the catching or taking of food fish from the waters of Aucilla River in Jefferson, Madison and Taylor Counties, except with a hook and line, and fixing a penalty.

Also—

An Act to amend Section 2 of Chapter 5805 of the Acts of the Legislature of the State of Florida of 1907, the said Act being An Act entitled "An Act to abolish the present municipal government of the Town of Fort Pierce, in the County of St. Lucie and State of Florida, and to establish, organize and constitute a municipality to be known

and designated as the City of Fort Pierce, and to define its territorial boundaries and to provide for its jurisdiction, powers and privileges.

Also—

An Act to amend Section 6 and Section 9 of An Act entitled "An Act to establish the Municipality of Dunedin and provide for its government, and prescribe its jurisdiction and powers," the same being Chapter 4877 of the Laws of Florida.

Also—

An Act to increase the amount of taxes that may be levied and collected by the Town of Tavares.

Also—

An Act to amend Section Two (2) of Chapter 5812 of the Acts of 1907, being An Act entitled "An Act to establish the municipality of Key West; provide for its government, and prescribe its jurisdiction and powers.

Also—

An Act to incorporate the Town of Auburndale, in Polk County, Florida, and to provide for its government, and prescribe its jurisdiction and powers.

Also—

An Act to create and establish a Recorder's Court in and for the City of Ocala, in Marion County, Florida; to define the jurisdiction of said court; to provide for the election of a Recorder and an Assistant Recorder; to prescribe the qualifications of such Recorder; fixing the salary and compensation of such Recorder, and prescribing the duties and powers of such Recorder and Assistant Recorder, and abolishing the Mayor's Court of the said City of Ocala.

Also—

An Act to abolish the present municipal government of the Town of Leesburg; to legalize the ordinances of said town and all official acts thereunder; to create and establish the municipality of the City of Leesburg, in Lake County, Florida, and to provide its jurisdiction and powers and officers thereof.

Also—

An Act to validate and legalize all contracts for the construction of hard-surfaced or other county roads, or for the construction of bridges, buildings or other public

works, or for the purchase of any property, either real or personal, to be used for county purposes, heretofore made and entered into by the County of Hillsboro through its Board of County Commissioners, and to legalize and validate all time warrants which have heretofore been or may hereafter be issued by the Board of County Commissioners in pursuance of such contracts.

Also—

An Act to amend Section 2 of Chapter 6065 of the Laws of Florida, entitled An Act to amend Sections 37, 46, 47 and 65 of Chapter 5812 of the Acts of 1907, being an Act entitled An Act to establish the municipality of Key West, provide for its government and prescribe its jurisdiction and powers.

Also—

An Act to declare legal the incorporation of the Town of Hampton, in the County of Bradford, incorporated under the general laws for incorporating cities and towns, and to provide for the issuing of bonds by said town, for the purpose of establishing a system of waterworks, and for illuminating purposes, and to create a Board of Public Works for said town.

Also—

An Act to amend Section Eighteen (18) of Chapter 6050 of the Laws of the State of Florida, being entitled An Act to legalize the town government of Dunellon, Florida, to fix the corporate limits and to provide a common seal therefor, and to grant a charter to said municipality.

Also—

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

Also—

An Act for the protection of certain birds in Gadsden County, commonly known as mourning doves, turtle doves, quails, mocking birds, wood sparrows, bull bats, brown thrushes, Joe Rees, redbirds; for the protection of wild turkeys and deer in said county; providing for the ap-

pointment of Game Warden for said county; prescribing his duties and prescribing a penalty for violation of the provisions of this Act.

Also—

An Act regulating the manner of catching fish in the fresh water lakes and streams of Leon County, and providing punishment for the violation of this Act.

Also—

An Act to amend Section 4 of Chapter 6057 of the Laws of Florida, being entitled An Act to incorporate the Town of Gretna in Gadsden County, Florida; to establish a municipal government for said town, to provide for its government and to prescribe its jurisdiction and powers.

Also—

An Act to prevent the hunting, chasing, trapping, shooting or killing of deer, turkey and quail and squirrels in the Counties of Taylor and Lafayette for the term of five years.

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

Very respectfully,

C. T. CULPEPPER,  
Chairman of Committee.

Mr. Williams moved that House Bill No. 126 be substituted for Senate Bill No. 145.

Which was agreed to.

Senate Bill No. 145 was withdrawn by Mr. Williams.

And—

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.

Was taken up and read the second time in full.

Mr. Adkins moved to indefinitely postpone House Bill No. 126.

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

Mr. Flournoy moved to reconsider the vote by which

Senate Bill No. 158 with amendment pending was laid on the table.

Which went over under the rules.

Mr. Johnson moved that the Senate do now adjourn until tomorrow morning, 9 o'clock.

Which was agreed to.

Whereupon the Senate stood adjourned until 9 o'clock a. m., Wednesday, May 24, 1911.

## WEDNESDAY, MAY 24, 1911.

### NINE O'CLOCK A. M.

The Senate met pursuant to adjournment.

The President in the chair.

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

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

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of May 23 was dispensed with.

The Journal of May 23 was corrected, and approved as corrected.

### REPORTS OF COMMITTEES.

The Committee on Judiciary B reported without recommendation on—

House Bill No. 271:

A Bill to be entitled An Act to amend Section 3484 of the General Statutes of the State of Florida, entitled "Refusing to make abstract."

The Committee on Judiciary B reported without recommendation on—