

Wednesday, April 16, 1913

The Senate met pursuant to adjournment.

The President in the Chair.

The roll being called the following Senators answered to their names:

Mr. President, Senators Adkins, Blich, Brown, Calkins, Carney, Cone, Cooper, Culpepper, Davis, Donegan, Finlayson, Himes, Igou, Johnson, Lindsey, McCreary, McGeachy, McLellan, McLeod, Roddenberry, Stringer, Stokes, Wall, Watson, Wells, Wilson, Zim—28.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of April 14th was corrected.

The Journal of April 14th was approved as corrected.

#### REPORTS OF COMMITTEES.

Mr. Brown, Chairman of Committee on County Organization, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 16, 1913.

Hon. H. J. Drane,  
President of the Senate.

Sir:

Your Committee on County Organization to whom was referred—

Senate Bill No. 40 :

A Bill to be entitled An Act to amend Chapter 6240 of the laws of 1911 of the Laws of Florida, being, "An Act to amend Chapter 5695 of the laws of 1907 of the Laws of Florida," being An Act amending Section 775 of the General Statutes of the State of Florida in relation to the compensation of County Commissioners.

Also—

Senate Bill No. 23:

A Bill to be entitled An Act providing for the creation

of Bay County, in the State of Florida, and for the organization and government thereof.

Also—

Senate Bill No. 27:

A Bill to be entitled An Act providing for the creation of Trabue County in the State of Florida, and for the organization and government thereof.

Have had the same under consideration and recommend that they do pass.

Very respectfully,

MAX M. BROWN,  
Chairman of Committee.

Senate Bills Nos. 40, 23 and 27, contained in the above report, were placed on Calendar of Bills on second reading.

Mr. A. Z. Adkins, Chairman of Committee on Judiciary A, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 15, 1913.

President of the Senate.

Hon. H. J. Drane,

Sir:

Your Committee on Judiciary A to whom was referred—

Senate Bill No. 112:

A Bill to be entitled An Act relating to admission of attorneys to practice law in courts of this State.

Have had the same under consideration and recommend that it do pass, with amendments as follows:

Committee Amendment No. 1—Strike out the last seven words of line 6 of section 2 and all of lines 7, 8, 9 and 10 of same Section.

Committee No. 2—Strike out all of Section 3 after the word "oath" in line 7 of said Section.

Very respectfully,

A. Z. ADKINS,  
Chairman of Committee.

Senate Bill No. 112, with amendments thereto, contained in the above report, was placed on Calendar of Bills on Second Reading.

Mr. A. Z. Adkins, Chairman of Committee on Judiciary A, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 15, 1913.

Hon. H. J. Drane,  
President of the Senate.

Sir:

Your Committee on Judiciary A to whom was referred—

Senate Bill No. 100:

A Bill to be entitled An Act requiring that the court in the trial of murder cases shall instruct the jury as to effect a recommendation of mercy will have upon the sentence in conviction of murder in first degree.

Have had the same under consideration and recommend that it do pass.

Very respectfully,

A. Z. ADKINS,  
Chairman of Committee.

Senate Bill No. 100, contained in the above report, was placed on Calendar of Bills on Second Reading.

Mr. A. Z. Adkins, Chairman of Committee on Judiciary A, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 15, 1913.

Hon. H. J. Drane,  
President of the Senate.

Sir:

Your Committee on Judiciary A to whom was referred—

Senate Bill No. 58:

A Bill to be entitled An Act to amend Section 2306 of the General Statutes of the State of Florida, providing for a widow's dower in the lands, tenements and hereditaments of her husband, and to repeal Section 2461 of the General Statutes of Florida relating to the release of a married woman's right of dower in real property.

Have had the same under consideration and recommend that it do not pass.

Very respectfully,

A. Z. ADKINS,  
Chairman of Committee.

Senate Bill No. 58, contained in the above report, was placed on Calendar of Bills on Second Reading.

Mr. A. Z. Adkins, Chairman of Committee on Judiciary A, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 15, 1913.

Hon. H. J. Drane,  
President of the Senate.

Sir:

Your Committee on Judiciary A to whom was referred—

Senate Bill No. 90:

A Bill to be entitled An Act to provide for the punishment of desertion of wife, or wife and children.

Have had the same under consideration and recommend that it do pass.

Very respectfully,

A. Z. ADKINS,  
Chairman of Committee.

Senate Bill No. 90, contained in the above report, was placed on Calendar of Bills on Second Reading.

Mr. A. Z. Adkins, Chairman of Committee on Judiciary A, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 15, 1913.

Hon. H. J. Drane,  
President of the Senate.

Sir:

Your Committee on Judiciary A to whom was referred—

Senate Bill No. 22:

A Bill to be entitled An Act to cure all informalities in the execution of deeds and other instruments conveying

real property or any interest therein made prior to the first day of April, A. D. 1913.

Have had the same under consideration and recommend that it do not pass.

Very respectfully,  
A. Z. ADKINS,  
Chairman of Committee.

Senate Bill No. 22, contained in the above report, was placed on Calendar of Bills on Second Reading.

Mr. A. Z. Adkins, Chairman of Committee on Judiciary A, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 15, 1913.

Hon. H. J. Drane,  
President of the Senate.

Sir:

Your Committee on Judiciary A to whom was referred—

Senate Bill No. 50:

A Bill to be entitled An Act to regulate the practice of Appellate Courts in reversing judgment on writs of error.

Have had the same under consideration and recommend that it do pass.

Very respectfully,  
A. Z. ADKINS,  
Chairman of Committee.

Senate Bill No. 50, contained in the above report, was placed on Calendar of Bills on Second Reading.

Mr. A. Z. Adkins, Chairman of Committee on Judiciary A, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 15, 1913.

Hon. H. J. Drane,  
President of the Senate.

Sir:

Your Committee on Judiciary A to whom was referred—

Senate Bill No. 107:

A Bill to be entitled An Act to provide for the hearing of controversies in certain cases without action.

Have had the same under consideration and recommend that it do not pass.

Very respectfully,  
A. Z. ADKINS,  
Chairman of Committee.

Senate Bill No. 107, contained in the above report, was placed on Calendar of Bills on second reading.

Mr. Adkins, Chairman of Committee on Judiciary A, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 16, 1913.

Hon. H. J. Drane,  
President of the Senate.

Sir:

Your Committee on Judiciary A to whom was referred—

Senate Bill No. 75:

A Bill to be entitled An Act to repeal Sections 3267 and 3268 of the General Statutes, relative to carrying pistols or repeating rifles without first obtaining a license.

Have had the same under consideration and offer the committee's substitute for same and recommend that it do pass.

Very respectfully,  
A. Z. ADKINS,  
Chairman of Committee.

Mr. Himes, Chairman of Committee on Finance and Taxation, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 16, 1913.

Hon. H. J. Drane,  
President of the Senate.

Sir:

Your Committee on Finance and Taxation to whom was referred—

Senate Bill No. 26:

Have had same under consideration and recommend that the Committee Bill hereto attached be substituted therefor and that such substitute do pass.

Very respectfully,

W. F. HIMES,  
Chairman of Committee.

Mr. Davis, Chairman of Committee on Judiciary B, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 16, 1913.

Hon. H. J. Drane,  
President of the Senate.

Sir:

Your Committee on Judiciary B to whom was referred—

Senate Bill No. 36:

A Bill to be entitled An Act to permit and provide for the recording of certified copies of deeds, mortgages and other instruments in the public records of other counties and to prescribe the effect thereof.

Have had the same under consideration and recommend that it do pass.

Very respectfully,

CHAS. E. DAVIS,  
Chairman of Committee.

Senate Bill No. 36, contained in the above report, was placed on Calendar of Bills on Second Reading.

Mr. Davis, Chairman of Committee on Judiciary B, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 16, 1913

Hon. H. J. Drane,  
President of the Senate.

Sir:

Your Committee on Judiciary B to whom was referred—

Senate Bill No. 24:

A Bill to be entitled An Act to amend Sections 1660, 1661 and 1662 of the General Statutes of the State of Florida, relating to the powers and duties of and procedure before referees.

Have had the same under consideration and recommend that it do pass.

Very respectfully,  
CHAS. E. DAVIS,  
Chairman of Committee.

Senate Bill No. 24, contained in the above report, was placed on Calendar of Bills on Second Reading.

Mr. Davis, Chairman of Committee on Judiciary B, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 16, 1913.

Hon. H. J. Drane,  
President of the Senate.

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 25:

A Bill to be entitled An Act to amend Section 3356 of the General Statutes of the State of Florida, relating to the disposition of personal property under a lien.

With Amendment.

Committee Amendment: Strike out the last two words of Section One, and insert in lieu thereof the following: "A lien prior in dignity to other liens whether statutory or written."

Have had the same under consideration and recommend that it do pass, with amendment.

Very respectfully,

CHAS. E. DAVIS,  
Chairman of Committee.

Senate Bill No. 25, contained in the above report, was placed on Calendar of Bills on second reading.

Mr. Davis, Chairman of Committee on Judiciary B, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 16th, 1913.

Hon. H. J. Drane,  
President of the Senate.

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 28:

A Bill to be entitled An Act to authorize suits for the recovery of damages for the death of minors caused by the wrongful act, negligence, carelessness or default of individuals, private associations of persons or corporations.

Have had the same under consideration and recommend that it do pass.

Very respectfully,  
CHAS. E. DAVIS,  
Chairman of Committee.

Senate Bill No. 28, contained in the above report, was placed on Calendar of Bills on second reading.

Mr. Davis, Chairman of Committee on Judiciary B, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 16, 1913.

Hon. H. J. Drane,  
President of the Senate.

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 33:

A Bill to be entitled An Act relating to the City of Pensacola, to create a Commission form of Government, for said city; to provide for the election of Commissioners, their terms of office, and the selection of one Commissioner as Mayor; to fix the powers, duties and compensation of such Commissioners; to punish improper conduct in connection with elections and petitions here-

under; to abolish all existing offices and boards, including the Council of the City of Pensacola, and to enlarge and extend the powers and jurisdiction of said city, and provide for the support and maintenance of its government.

Have had the same under consideration and recommend that it do pass.

Very respectfully,  
CHAS. E. DAVIS,  
Chairman of Committee.

Senate Bill No. 33, contained in the above report, was placed on Calendar of Bills on second reading.

Mr. McGeachy, Chairman of Committee on Privileges and Elections, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 15, 1913.

Hon. H. J. Drane,  
President of the Senate.

Sir:

Your Committee on Privileges and Elections, to whom was referred—

Senate Bill No. 20:

A Bill to be entitled An Act dividing the State of Florida into four Congressional Districts and prescribing and setting forth the territorial limits and boundaries of each district.

Have had the same under consideration and recommend that it do pass.

Very respectfully,  
R. A. McGEACHY,  
Chairman of Committee.

Senate Bill No. 20, contained in the above report, was placed on Calendar of Bills on second reading.

Mr. Blitch offered the following Resolution:

Senate Resolution No. 20:

Resolved, That a blackboard be hung in the Senate Chamber, and all Committee meetings and places of meeting shall be written thereon by the Sergeant-at-Arms.

All Chairman of Committees shall furnish the daily information to the Sergeant-at-Arms.

Mr. Blich moved that the Resolution be adopted.

Which was agreed to.

Mr. Stokes offered the following—  
Senate Resolution No. 21:

Be it Resolved by the Senate, That the Sergeant-at-Arms be and he is hereby instructed to procure Copies of House Calendar daily, and place a copy on the desk of each Senator every morning before convening of the Senate.

Mr. Stokes moved that the Resolution be adopted.

Which was agreed to.

#### INTRODUCTION OF BILLS.

By Mr. Igou—  
Senate Bill No. 115:

A Bill to be entitled An Act for the relief of H. E. Murrhee for loss of fees during his suspension from the office of Sheriff of Lake County.

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

By Mr. Calkins—  
Senate Bill No. 116:

A Bill to be entitled An Act to aid the Florida Division of Confederate Veterans in erecting in this State a monument or memorial in honor of the Women of the Southern Confederacy, in memory of their heroism, devotion and self-sacrifice during the Civil War, 1861-1865, and making an appropriation therefor.

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

By Mr. Igou—  
Senate Bill No. 117:

A Bill to be entitled An Act to provide for and regulate Primary Elections.

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

By Mr. Brown—  
Senate Bill No. 118:

A Bill to be entitled An Act to amend Chapter 5697 of the Acts of 1907, Laws of Florida, the same being an Act to amend Section 270 of the General Statutes of the State of Florida, relating to the nomination of members of Boards of County Commissioners and members of Boards of Public Instructions of the several counties of this State.

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

By Mr. Johnson—  
Senate Bill No. 119:

A Bill to be entitled An Act relating to the election of United States Senators and to the appointment of such Senators when vacancies happen in the representation of this State in the Senate of the Congress of the United States.

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

By Mr. Blich—  
Senate Bill No. 120:

A Bill to be entitled An Act to amend Paragraphs Two and Six of Section 347 of the Laws of Florida, and to provide for the location of school houses and limit the age of persons who teach in the public schools of Florida.

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

By Mr. Blich—  
Senate Bill No. 121:

A Bill to be entitled An Act to amend Section 2 of Chapter 5943 of the 1909 Laws of Florida relative to the sales of lands vested in the Trustees of the Internal Improvement Fund and the State Board of Education and the publication of notices when certain sales are contemplated.

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

By Mr. Blitch—  
Senate Bill No. 122:

A Bill to be entitled An Act requiring that the State Board of Education have printed and circulated the minutes of the transaction of said Board.

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

By Mr. Blitch—  
Senate Bill No. 123:

A Bill to be entitled An Act to designate and to name a certain day as "Mothers' Day," which said day shall be observed in the public schools of this State.

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

By Mr. Watson—  
Senate Bill No. 124:

A Bill to be entitled An Act prohibiting the unauthorized wearing or using of badges, insignia or uniform of certain orders, and societies, and to prescribe penalties therefore.

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

By Mr. Carney—  
Senate Bill No. 125:

A Bill to be entitled An Act to regulate the practice in County Judges Courts and Courts of Justice of the Peace of this State in certain cases.

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

By Mr. Adkins—  
Senate Bill No. 126:

A Bill to be entitled An Act to make seduction a felony, to provide a punishment therefor, and for other purposes.

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

By Mr. Cone (by request)—  
Senate Bill No. 127:

A Bill to be entitled An Act amending Section 3309 of the General Statutes relating to the sale of intoxicating liquor within four miles of school houses.

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

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives.  
Tallahassee, Fla., April 15, 1913.

*Hon. H. J. Drane,*  
*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. 163:

A Bill to be entitled An Act defining lobbying, declaring same against public policy and unlawful; regulating same, and prescribing penalties for the violation of this Act.

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. 163, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary B.

#### BILLS ON THIRD READING.

Senate Bill No. 15:

A Bill to be entitled An Act to provide a penalty to be imposed upon any person in this State who shall, with the intent to injure and defraud, obtain or procure money or other thing of value on a contract to perform labor or service.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 15, the vote was:

Yeas—Mr. President, Senators Adkins, Blitch, Brown, Calkins, Carney, Cone, Cooper, Culpepper, Davis, Donegan, Finlayson, Himes, Hudson, Igou, Johnson, Lindsey, McCreary, McGeachy, McLellan, McLeod, Roddenberry, Stringer, Wells, Wilson, Zim—26.

Nays—Senators Wall, Watson—2.

Mr. Watson offered the following explanation of his vote on the bill:

"I am in favor of the principles of the bill, but feel that same is not constitutional and therefore will have to vote against the bill."

So the Bill passed, title as stated.

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

Senate Bill No. 61:

A Bill to be entitled An Act to authorize the Trustees of the Internal Improvement Fund to borrow money for the purpose of draining swamp and overflowed lands, held in the Internal Improvement Fund, and to issue their promissory notes, or other written obligations for the repayment of such loans and to endorse and transfer bills, notes or other obligations that they may now hold or may hereafter acquire and to provide for the enforcement of such payments and to make loans to the Board of Drainage Commissioners.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 61, the vote was:

Yeas—Mr. President, Senators Adkins, Blitch, Calkins, Carney, Cone, Cooper, Culpepper, Donegan, Finlayson, Hudson, Lindsey, McCreary, McGeachy, McLellan, Stokes, Wall, Watson, Wells, Wilson, Zim—21.

Nays—Senators Brown, Igou, Johnson, McLeod, Roddenberry, Stringer—6.

So the Bill passed, title as stated.

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

Senate Bill No. 62:

A Bill to be entitled An Act to authorize the Board of Drainage Commissioners to borrow money and apply the drainage tax assessed upon lands in the drainage dis-

trict to the repayment of the said loans, and to provide for suits against the Drainage Commissioners in certain cases.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 62, the vote was:

Yeas—Mr. President, Senators Adkins, Blitch, Brown, Calkins, Carney, Cone, Cooper, Culpepper, Davis, Donegan, Hudson, Lindsey, McCreary, McGeachy, McLellan, Stokes, Wall, Watson, Wells, Wilson, Zim—22.

Nays—Senators Himes, Igou, Johnson, McLeod, Roddenberry, Stringer—6.

So the Bill passed, title as stated.

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

Senate Bill No. 63:

A Bill to be entitled An Act to repeal Section 622 of the General Statutes of Florida, relative to the grant of certain swamp and overflow lands to railroads and canal companies.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 63, the vote was:

Yeas—Mr. President, Senators Adkins, Blitch, Calkins, Carney, Cone, Cooper, Culpepper, Davis, Donegan, Himes, Hudson, Igou, Johnson, Lindsey, McCreary, McGeachy, McLellan, McLeod, Roddenberry, Stringer, Stokes, Wall, Watson, Wells, Wilson, Zim—27.

So the Bill passed, title as stated.

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

Senate Bill No. 64:

A Bill to be entitled An Act providing for and authorizing the Trustees of the Internal Improvement Fund to establish one or more experimental farms upon the lands owned by the State in the Everglades, said farms to be supported by the Internal Improvement Fund.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 64, the vote was:

Yeas—Mr. President, Senators Adkins, Blitch, Calkins, Carney, Cone, Cooper, Culpepper, Donegan, Himes, Hudson, Roddenberry, Stringer, Stokes, Wall, Watson, Zim—17.

Nays—Senators Brown, Davis, Igou, Johnson, Lindsey, McCreary, McGeachy, McLeod, Wells, Wilson—10.

So the Bill passed, title as stated.

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

Senate Bill No. 66:

A Bill to be entitled An Act to authorize the rebuilding or replacing of any buildings or property owned by the State out of the proceeds of the insurance thereon, when such buildings or property is destroyed by fire.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 66, the vote was:

Yeas—Mr. President, Senators Adkins, Blich, Brown, Calkins, Carney, Cone, Cooper, Culpepper, Davis, Donegan, Himes, Hudson, Igou, Johnson, Lindsey, McGeachy, McLellan, McLeod, Roddenberry, Stringer, Stokes, Wall, Watson, Wells, Wilson, Zim—27.

So the Bill passed, title as stated.

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

CONSIDERATION OF BILLS ON THE SECOND READING.

Senate Bill No. 95:

A Bill to be entitled An Act to abolish the present municipal government of the Town of Eustis, Lake County, Florida, and to organize a Town Government for the same and to provide a jurisdiction and powers; to erect the same into an independent Road District of Lake County.

Was taken up.

Mr. Igou moved that the rules be waived and that Senate Bill No. 95 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 95 was read a second time by its title.

Mr. Igou moved that the rules be further waived and that Senate Bill No. 95 be read a third time and put upon its passage, which was agreed to by a two-thirds vote.

And Senate Bill No. 95 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adkins, Blich, Brown,

Carney, Cone, Cooper, Culpepper, Davis, Donegan, Hudson, Igou, Johnson, Lindsey, McLellan, Roddenberry, Wall, Wilson, Zim—19.

So the Bill passed, title as stated.

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

By unanimous consent—

Mr. Davis offered the following—

Senate Resolution No. 22:

Which was read the first time.

Resolved, That Judiciary Committee B, be and is hereby authorized to employ a clerk to serve said committee, and also, when not engaged in such duties, to perform such other clerical services as the Committee on Legislative Expenses may direct.

And Senate Resolution No. 22 was referred to the Committee on Legislative Expense.

By unanimous consent—

Mr. Cone introduced—

Senate Bill No. 128:

A Bill to be entitled An Act to provide for the improvement of the State Prison Farm, to make preparation for the working of State convicts thereon, to provide for the maintenance and care of State convicts thereat, to provide for the disposition of certain convicts not to be leased, to prescribe the manner and time for which other convicts may be leased, and to make appropriation for the purpose of carrying out the provisions of this Act.

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

Mr. Wall moved that the Sergeant-at-Arms be instructed to have placards made with the number of the District of each Senator on each side of the placard and place upon the back of each desk raised above the same.

Which was not agreed to.

Mr. Watson was excused from attendance upon the session of the body on tomorrow.

Mr. Wells moved that the Senate do now adjourn until ten o'clock tomorrow morning.

Which was agreed to.

Thereupon the Senate stood adjourned until ten o'clock A. M. Thursday, April 17, 1913.