...herewith, while said train or coach or ...are in passenger service in this State. ...however, That nothing in this Act shall ...strued as to prevent the use of liquors ...medicine in case of actual sickness.

...any person violating the provisions of ...of this Act shall be deemed guilty of a ...nor, and upon conviction thereof shall ...in a sum not exceeding one hunded dol... ...by imprisonment in the county jail not ...than six months.

...oved June 7, 1909.

CHAPTER 5897—(NO. 28).

...CT to Amend Section 1523, of the General ...tes of Florida, in Reference to Evidence ...Upon a Former Trial and Use of Former ...of Exceptions.

...nacted by the Legislature of the State of ...rida:

...n 1. That Section 1523, of the General ...es of Florida, in reference to use of former ...exceptions be, and the same is amended ...read as follows, to-wit:

...—**Use of Former Bills of Exceptions.**—In ...y judgment at law rendered by any court ...State of Florida shall be reversed and a new ...warded, and it be made to appear to the sat...ion of the Court that any evidence used at ...mer trial, whether oral or written, and in...ded in the bill of exceptions, can not be ...en the bill of exceptions taken at the pre...trial may be used as evidence upon any sub...trail of the case, as to any matter in issue ...former trial; Provided, That no evidence ...upon a former trial of any case pending in ...the courts of the State of Florida shall be ...evidence upon the trial of any cause in any ...courts in the State of Florida, except as ...provided.

...2. This Act shall take effect from the date ...approval by the Governor.

...oved June 3, 1909.

CHAPTER 5898—(NO. 29).

...CT to Provide for the Reinstatement on the ...ket of the Supreme Court of Any Case Dis...ed on Account of a Defective Certificate.

...Enacted by the Legislature of the State of ...rida:

...n 1. That whenever any case has been ...to the Supreme Court of the State of Florida ...by appeal in chancery or writ of error, and ...e is dismissed from the docket of said ...e Court on account of a defective certifi... ...the Clerk of the Circuit Court to the trans... ...of the record, the same shall be reinstated ...the said docket upon motion, if made within ...days from date of notice of such dismissal, ...panied by a proper certificate to be affixed ...transcript of the record.

...2. All laws and parts of laws in conflict ...the provisions of Section 1 of this Act are ...repealed.

...3. This Act shall take effect immediately ...approval by the Governor.

...oved June 7, 1909.

CHAPTER 5899—(NO. 30).

...CT Requiring the Clerk of the Supreme ...rt of the State of Florida, in All Cases in the ...eme Court Where the Judgment or Decree ...ll be Reversed or Modified, and in Which ...Supreme Court Writes an Opinion, to Send ...the Clerk of the Circuit Court of the County ...Which Such Cases are Appealed or Writ of ...or Taken, a Correct Copy of Such Opinion of ...Supreme Court.

...Enacted by the Legislature of the State of ...rida:

...n 1. It shall be the duty of the Clerk of ...eme Court of the State of Florida, in all ...in the Supreme Court wherein the judgment ...ee of the lower court shall be reversed or ...ed, and in which the Judges of the Supreme ...shall write an opinion, to send down ...with the mandate of the Supreme ...to the Clerk of the Circuit Court ...the county from which such case is ...led or writ of error taken, a correct ...of the opinion of said Supreme Court. It ...be the duty of the Clerk of the Circuit Court ...such copy in the records and files of the case, ...to become a part thereof.

...2. This Act shall take effect immediately ...its approval by the Governor.

...oved June 8, 1909.

CHAPTER 5900—(NO. 31).

...CT to Amend Section 1586 of the General ...utes of the State of Florida, as Amended by ...pter 5647, of the Acts of 1907, the Same ...g Relative to the Pay of Jurors.

...Enacted by the Legislature of the State of ...rida:

...n 1. That Section 1586, of the General ...es of Florida, as amended by the Acts of the ...ature of 1907 be, and the same is hereby, ...ded so as to read as follows:

...n 1586—**Pay of Jurors.**—Grand and petit ...of the regular panel and jurors summoned ...plete a jury after the regular panel is ex...d, in the Circuit Courts, Criminal Courts of ...d and County Courts, of this State, shall re... ...for each day of active attendance upon the ...two dollars ($2.00). Jurors summoned to ...urts aforesaid to complete a jury after the ...panel is exhausted and who are not ac...d and not required to serve on the jury shall ...compensation of two dollars ($2.00) per ...and all fractional parts of a day shall be ...d as a day; jurors in the courts of County ...and Justices of the Peace, and jurors sum...upon inquest of the dead shall be paid one ($1.00) per day for each day they serve on ...y. In addition to the compensation above ...d all jurors shall receive five (5) cents per ...every mile necessarily traveled in going to ...turning from Court by the nearest practi...route. Jurors who attend on any of the ...the term when the Presiding Judge is ...or being present, does not hold the session ...Court, shall be entitled to receive the same ...ation as if the Court were in session.

...3. That all laws or parts of laws in conflict ...provisions of this Act be, and the same ...by repealed.

...This Act shall become operative upon ...e and approval by the Governor.

...ved May 18, 1909.

CHAPTER 5901—(NO. 32).

...to Amend Section 1577, Chapter 16, of ...eral Statutes of the State of Florida, ...g to the Drawing of Juries for the Second ...ceeding Weeks of Circuit Courts.

...cted by the Legislature of the State of ...rida:

...1. That Section 1577, Chapter 16, of the ...Statutes of the State of Florida, relating ...awing of juries for the second and suc...weeks of Circuit Courts be, and the same ..., amended so as to read as follows;

...(1577)—**Jury for Second and Succeeding** ...In any counties where the Circuit Court ...ed and held for more than one week, the ...of may each week draw, in the manner ...in Section 1575, the names of eighteen ...s to serve as petit jurors for the suc...eks as long as the said Court shall re...sion. The Judge shall have power to ...juror over beyond the end of the week ...he was drawn, if such juror is engaged ...of a case in which no verdict has been ...No person shall be drawn to serve on a ...more than once during the same calen...

...All laws and parts of laws in conflict ...Act are hereby repealed.

...This Act shall take effect immediately ...age and approval by the Governor.

...d May 29, 1909.

CHAPTER 5902—(NO. 33).

...Amend Section 1492, of the General ...of the State of Florida, Relating to the ...of Jurors.

...ed by the Legislature of the State of ...:

...1. That Section 1492, of the General ...the State of Florida be amended so as ...follows:

...1492. **Challenge of Jurors.**—Sec. 1. ...—On the trial of any civil cause in ...ch party shall be entitled to three per...allenges of jurors empaneled in said ...

...cause.—The Court shall, on motion ...ty in any suit, examine on oath any ...called as a juror therein to know ...related to either party, or to the at...party within the third degree or ...in the cause, or has expressed or ...ption, or is sensible of any bias or ...; or is an employee or has been ...either party to the cause of action ...days previous to the trial thereof, ...objecting to the juror may intro...competent evidence in support of ...the objection; and if it shall appear to the Court that the juror does not stand indifferent to the cause, or is otherwise incompetent, another shall be called in his stead for the trial of that cause. It shall be grounds of challenge for cause if any person called as a juror has served as a juror at any other term within one year, and when the nature of any case, civil or criminal, requires a knowledge of reading, writing and arithmetic, or either, to enable a juror to understand the evidence to be offered on the trial, it shall be cause of challenge if he does not possess such qualifications, to be determined by the Judge presiding at the trial.

Sec. 3. This Act shall take effect upon its passage and approval by the Governor.

Approved June 8, 1909.

CHAPTER 5903—(NO. 34).

AN ACT to Provide for the Appointment of Acting Prosecuting Attorneys, and to Provide for the Compensation Thereof.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That from and after the passage of this Act, when any Prosecuting Attorney of any County Court in the State of Florida is sick and unable to perform the duties of such Prosecuting Attorney, or is disqualified to perform such duties by reason of being formerly employed in the defense of any person charged with a violation of the law within the jurisdiction of such court, or is absent from the county wherein such County Court is or may be established, the Judge of the County Court shall appoint a competent attorney, admitted to practice in such court, to be Acting Prosecuting Attorney of such court during the absense or the disability of the Prosecuting Attorney. Such Acting Prosecuting Attorney shall have and exercise all the duties and powers of the Prosecuting Attorney during such appointment. The powers and duties of an Acting Prosecuting Attorney shall cease as soon as the disability of the Prosecuting Attorney ceases or as soon as the Prosecuting Attorney returns to the county of which he is Prosecuting Attorney.

Sec. 2. Acting Prosecuting Attorneys appointed under the provisions of Section 1 of this Act shall receive the same compensation for the service and time of performing the duties of the Prosecuting Attorney as is paid to Prosecuting Attorneys, and Prosecuting Attorneys shall receive no compensation for service or time in which the duties of the office are performed by Acting Prosecuting Attorneys. Acting Prosecuting Attorneys shall sign all papers as "Acting Prosecuting Attorney."

Sec. 3. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved May 19, 1909.

CHAPTER 5904—(NO. 35).

AN ACT Providing for the Confirmation by the Judge Granting the Order to Sell Real Estate Belonging to Infants.

Be it Enacted by the Legislature of the State of Florida:

Section 1 That from and after the passage of this Act, in all cases where orders have heretofore been made or shall hereafter be made by any court in this State authorizing guardians to sell the real estate of their infants wards, where the sale has not yet been made, a report of such sale shall be made to the court granting the order of sale, for confirmation, and if the same shall be confirmed by the Court, the sale shall be binding, but if not confirmed the sale shall be of no effect.

Sec. 2. All Acts or parts of Acts in conflict with this Act be, and the same are hereby, repealed.

Approved May 22, 1909.

CHAPTER 5905—(NO. 36).

AN ACT to Amend Section 3101, Chapter 3, of the General Statutes of the State of Florida, Relating to the Sale of Collateral Securities.

Be it Enacted by the Legislature of the State of Florida:

Section 1 That Section 3101, Chapter 3, of the General Statutes of the State of Florida, relating to the sale of collateral securities, be and the same is hereby amended so as to read as follows:

(3101)—**Sale of Collateral Securities.**—In all cases in which any stock in a corporation, contract, obligation, security or evidence of indebtedness, shall be pledged or deposited as security for the payment of any indebtedness, the person or corporation to whom the same may be pledged, hypothecated or transferred, and their assigns, shall have the power to sell the same in such manner and on such terms as may be agreed upon in writing by the parties at the time of making the pledge, and such sale shall vest in the purchaser or purchasers the title in and to said pledges, collaterals or securities, Provided, Ten days notice of said sale be given to the party pledging the same.

Sec. 2. This Act shall go into effect when passed and approved by the Governor.

Approved May 29, 1909.

CHAPTER 5906—(NO. 37).

AN ACT to Amend Section 2150, of the General Statutes of the State of Florida, Relating to the Release of Garnishee Upon Application of Defendant.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 2150, of the General Statutes of the State of Florida, relating to the release of garnishee upon application of the defendant, be, and the same is hereby, amended so as to read as follows:

2150—**Release of Garnishee Upon Application of Defendant.**—If the defendant, after the filing of affidavit for garnishment by the plaintiff, shall execute and file in the court a bond to be approved by the Clerk or by the Court if it has no Clerk, payable to the plaintiff in the sum double the amount which the plaintiff states in his affidavit for garnishment that he expects to recover in said suit, with two good and sufficient sureties conditioned to pay to the plaintiff such sum, with interest and cost, as he may recover in the suit, the Court shall enter an order discharging the garnishee. Or if the garnishee shall admit indebtedness to the defendant in excess of a sum sufficient to satisfy plaintiff's claim, the Court shall, on motion of defendant and notice to the plaintiff, release the garnishee from responsibility to the plaintiff for any indebtedness to the defendant in excess of a sum deemed by the Court sufficient to satisfy the plaintiff's claim, with interest and cost.

Approved June 4, 1909.

CHAPTER 5907—(NO. 38).

AN ACT to Prescribe the Punishment for Kidnapping a Child Under the Age of Fifteen Years, to be Held for a Ransom.

Be it Enacted by the Legislature of the State of Florida:

Section 1. Whoever without lawful authority forcibly or secretly confines, imprisons, inveigles or kidnaps any child under the age of fifteen years, with intent to hold such child for a ransom to be paid for the release of such child, or any person or persons who aids, abets or in any manner assists such person or persons in such imprisoning, confining, inveigling or kidnapping such child under the age of fifteen years, shall be deemed guilty of kidnapping a child under the age of fifteen years and shall be punished by imprisonment in the State Prison for life.

Sec. 2. All laws or parts of laws in conflict with Section 1, of this Act, are hereby repealed.

Approved June 4, 1909.

CHAPTER 5908—(NO. 39).

AN ACT to Amend Section 624 of the General Statutes of the State of Florida, the Same Being Relative to the Right of Homestead.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 624 of the General Statutes of the State of Florida be amended so as to read as follows:

Section 624—Homestead.—Any person being the head of a family or twenty-one years of age, and a citizen of this State, shall be entitled to purchase eighty acres or less quantity of any land of the Internal Improvement Fund donated to the State by the Act of Congress of September 28th, 1850, for the price of twenty-five cents per acre, as provided in the two sections next following; Provided, however, That the provisions of this Section shall not apply to any lands in the Drainage district now created, or which may hereafter be created.

Sec. 2. That this Act shall become operative immediately upon its passage and approval by the Governor.

Approved June 5, 1909.

CHAPTER 5909—(NO. 40).

AN ACT to Make it Unlawful for any Male Person to Have Carnal Intercourse With Any Unmarried Female, Who is at the Time, an Idiot, Lunatic or Imbecile; and to Provide a Penalty for the Violation of This Act.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That any male person who has carnal intercourse with an unmarried female, with or without her consent, who is at the time an idiot, lunatic or imbecile, shall be deemed guilty of a felony, and, on conviction, shall be punished by imprisonment in the State prison, at hard labor, for not exceeding ten years, in the discretion of the Court.

Approved June 7, 1909.

CHAPTER 5910—(NO. 41).

AN ACT Providing That in Certain Suits Non-Resident Infants Who are Proper Parties Defendant May be Served with Process by Publication.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That in any suit for partition of real property situate in this State and in any other suit concerning the title to, possession of, or any interest in any real property situate in this State, in which suit any non-resident infant may have such an interest as to make him a proper party, service of process in such suit may be perfected upon such non-resident infant by publication in the same manner provided by law for perfecting service upon other non-resident defendants to such suits, and upon proof of such service upon such non-resident infant the Court having jurisdiction of the subject matter of the suit may appoint a guardian ad litem for such non-resident infant, in the same manner provided by law in cases where there has been personal service.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall take effect immediately upon approval by the Governor.

Approved June 8, 1909.

CHAPTER 5911—(NO. 42).

AN ACT to Amend Section 2295 of the General Statutes of the State of Florida, Relating to Rules of Descent as to Real Estate and Personal Estate.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 2295, of the General Statutes of the State of Florida be amended to read as follows:

Whenever any person having title to real estate of inheritance shall die intestate as to such estate, it shall descend in parcenary to the male and female kindred, in the following course, that is to say:

To the children or their descendants and the husband, if the decedent be a married woman and the husband survive her.

If there be no children or their descendants, and the decedent be a married woman and her husband survive her, all the property, real and personal, shall go to the husband; and if there be no children or their descendants and the decedent be a married man and his wife survive him, all his property, real and personal, shall go to the wife.

If there be no children and no husband or wife, then to the father and mother or the survivor in equal parts.

If there be no father and mother, then to the brothers and sisters, and their descendants, or such of them as may be.

If there be no brother nor sister, nor their descendants, the inheritance shall be divided into moieties, one of which shall go to the paternal and the other maternal kindred in the following course, viz.:

First to the grandfather.

If there be no grandfather, then to the grandmother, uncles and aunts on the same side or their descendants, or such of them as there may be.

If there be no grandmother, uncle or aunt, nor their descendants, then to the great-grandfathers or great-grandfather, if there be but one.

If there be no great-grandfather, then to the great-grandmothers or great-grandmother, if there be but one, and the brothers and sisters of the grandfathers and grandmothers and their descendants, or such of them as there be.

And so in other cases without end, passing to the nearest lineal male ancestors, and for the want of them to the lineal female ancestors, in the same degree and the descendants of such male and female ancestors, or to such of them as there may be.

Approved June 7, 1909.

CHAPTER 5912 (NO. 43).

AN ACT Requiring the Judges of the Several Courts of the State of Florida, to State in Writing, on Ruling on a Demurrer or Motion, Which Grounds of the Demurrer or Motion Are Sustained as Good Law and Which Grounds of the Demurrer or Motion are Overruled.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the Judges of the several courts of the State of Florida, before whom are argued demurrers and motions on any pleading in their several courts, shall briefly state in writing which grounds of the demurrer or motion are sustained and which grounds of the demurrer or motion are overruled.

Sec. 2. This Act shall go into effect on the first day of July, 1909, after its passage.

Approved June 8, 1909.

CHAPTER 5913—(NO. 44).

AN ACT to Provide for Service by Publication Upon Non-Resident Parties in Interest in Property Involved in Suits for Specific Performance of Contracts to Convey and for Decrees and Other Proceedings After Such Service.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That in all cases brought in the chancery side of the courts of this State, for the specific performance of contracts to convey or exchange real estate, the complainant or complainants, may, where the defendant or defendants are non-residents of the State of Florida, obtain service on such non-resident defendant or defendants, by publication, as is provided for in other chancery causes.

Sec. 2. That decrees **pro confesso** can be entered as in other cases of service by publication. Final decrees entered upon decrees **pro confesso** when there has been no appearance by such non-resident defendant or defendants in interest shall be conclusive on such parties and persons deriving through them from the date of rendition unless appealed from in due course of law, and for the purpose of carrying out final decrees when such decrees shall provide for the making and executing of deeds and other conveyances, the Court shall, in its decree, appoint a special master to make, execute and deliver such deeds and conveyances as are provided for by said decree.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall take effect immediately upon its becoming a law.

Approved June 8, 1909.

CHAPTER 5914—(NO. 45).

AN ACT Relating to the Recording of Decrees and Orders in Chancery in This State.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That wherever any order or decree in chancery required to be signed by the Judge of the Circuit Court shall have been heretofore entered in the Chancery Order Book instead of upon the minutes of the Court, every such order and decree shall be, and is hereby declared to be, of the same force and effect, from the date of entry in such Chancery Order Book, as if the same had been at such time entered in the minutes of the Court: Provided, however, That nothing herein shall effect creditors or subsequent purchasers for value without notice.

Approved June 8, 1909.

CHAPTER 5915—(NO. 46).

AN ACT Amending Sections 2, 3, 5 and 8, of Chapter 5388, Acts of 1905, entitled "An Act Defining the Manner and Causes of Commitment of Minors to the Florida State Reform School, at Marianna; Defining Who Shall be Committed, and for What Time, and Upon What Conditions; Regulating the Discipline, Providing for Proper Management of Said Reform School, and Appropriating Money for Said Institution," Approved June 5, 1905.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 2 of an Act defining the manner and causes of commitment of minors to the Florida Reform School, at Marianna; defining who shall be committed and for what time and upon what conditions; regulating the discipline, providing for the proper management of said Reform School, and appropriating money for the benefit of said institution, approved June 5, 1905, be amended to read as follows:

Sec. 2. When any child under the age of eighteen years shall be sentenced by any court of competent jurisdiction to imprisonment in any county jail, or to the State's prison, it shall be lawful for the Pardoning Board, upon the application of such child, his parents or guardian, or other persons, to commute the punishment by substituting therefor the commitment of such child to the Reform School, during such time as the Pardoning Board may deem proper, unless sooner discharged by the Board of Managers.

But if such child, after being sent to such institution, shall persist in a depraved course, or escape therefrom, it shall be in the power of the Pardoning Board to revoke said commutation, and to remand him to the State's prison or jail whence he came, to serve out his unexpired term.

Sec. 2. That Section 3 of said Act be amended to read as follows:

Sec. 3. Every child convicted and sent to said Reform School shall there be kept, disciplined, instructed, employed and governed, under the direction of the Board of Managers, during the time for which he is committed, unless he is sooner discharged as reformed, or remanded to prison under the sentence of the court as incorrigible upon information of the Board of Managers as hereinafter provided.

Sec. 3. That Section 5 be amended to read as follows:

Sec. 5. All commitment of children shall be during the time named in the alternative sentence, unless sooner discharged by the Board of Managers as herein provided, and when a child is discharged therefrom at the expiration of his term, it shall be a full and complete release from all penalties and disabilities created by his sentence.

Sec. 4. That Section 8 of said Act be amended to read as follows:

Sec. 8. A Judge committing a child to the Reform School shall make out and sign a commitment substantially in the following form, which shall be certified by the Clerk under the seal of the Court:

State of Florida, ...County, ss:

Be it Remembered that on the.....day of .....A. D. 19..... a resident of said county, was on the complaint of ..... brought before me, the undersigned Judge of the ..... Court, and upon due proof, I do find that said..... ..... is a suitable person to be committed to the Florida Reform School.

Wherefore, it is hereby ordered that the said ..... be, and he is hereby, committed to said institution for the period of ..... or until he is legally discharged.

The alternative sentence is.....

Said ..... was charged with .....; he was born ...., his father's name is .... and he resides at .....; that his near relatives and their residences are as follows:

.....

.....

Witness my hand this ..... day of .....A. D. 19 .....

Provided, That no commitments shall be void for failure to comply with this provision.

Approved June 8, 1909

CHAPTER 5916—(NO. 47).

AN ACT to Prescribe the Time for Holding the Terms of the Circuit Court in and for the Eighth Judicial Circuit of the State of Florida, and to repeal Chapter 5642, Acts of 1907, Approved May 27th, 1907, and Section 1812, of the General Statutes of the State of Florida, Relative to the Time of Holding Terms of the Circuit Court in the Eighth Judicial Circuit.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the time for the holding of the terms of the Circuit Court in and for the Eighth Judicial Circuit shall be as hereinafter fixed. There shall be two regular terms of the said Court held in each county of said Eighth Circuit each year, to be known as the Spring Term and Fall Term.

Sec. 2. The Spring Term of the Circuit Court for the Eighth Judicial Circuit shall commence in the County of Levy on the third Monday in March; in the County of Baker on the first Monday in April; in the County of Putnam on the second Monday in April; in the County of Bradford on the fourth Monday in April, and in the County of Alachua on the second Monday in May.

The Fall Term of said Court shall commence in the County of Levy on the third Monday in September; in the County of Baker on the first Monday in October; in the County of Putnam on the second Monday in October; in the County of Bradford on the fourth Monday in October, and in the County of Alachua on the second Monday in November.

Sec. 3. That Chapter 5642, Acts of 1907, Laws of Florida approved May 27th, 1907, and Section 1812, of the General Statutes of the State of Florida, relative to the time of holding the Spring and Fall Terms of the Circuit Court in and for the Eighth Judicial Circuit of the State of Florida, insofar as the same are in conflict with the provisions of this Act, be and the same are hereby repealed.

Approved May 17, 1909.

CHAPTER 5917—(NO. 48).

AN ACT to Prescribe the Time for Holding the Terms of the Circuit Court in and for the Fifth Judicial Circuit of the State of Florida.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That from and after the passage of this Act the time for holding the terms of the Circuit Court in and for the Fifth Judicial Circuit shall be as hereinafter fixed. There shall be two regular terms of said court held in each county of said circuit each year; to be known as the Spring Term and the Fall Term.

Sec. 2. The Spring Term of said Court shall commence in the county of Lake on the second Monday in March; in the County of Sumter on the fourth Monday in March; in the County of Citrus on the second Monday in April; in the County of Hernando on the fourth Monday in April; and in the County of Marion on the second Monday in May.

The Fall Term of said Court shall commence in the County of Lake on the second Monday in October; in the County of Sumter on the fourth Monday in October; in the County of Citrus on the second Monday in November; in the County of Hernando on the fourth Monday in November; and in the County of Marion on the second Monday in December.

Sec. 3. All laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Sec. 4 This Act shall become a law immediately on its final passage and approval by the Governor.

Approved June 8, 1909.

CHAPTER 5918—(NO. 49).

AN ACT to Amend Chapter 5645 of the Acts of the Legislature of the State of Florida of 1907, Relating to the Time of Holding the Circuit Court of the Third Judicial Circuit of the State of Florida.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 1, of Chapter 5645 of the Acts of the Legislature of 1907 be, and the same is hereby amended to read as follows:

1. Third Judicial Circuit.—

SPRING TERM.

Hamilton, fourth Monday in January.
Taylor, fourth Monday in March.
Madison, second Monday in April.
Columbia, fourth Monday in April.
Suwannee, second Monday in May.
Lafayette, Tuesday after fourth Monday in May

FALL TERM

Hamilton, fourth Monday in July.
Taylor, fourth Monday in September.
Madison, second Monday in October.
Columbia, fourth Monday in October.
Suwannee, second Monday in November.
Lafayette, first Tuesday after fourth Monday in November.

Sec. 2. All laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Sec. 3. This Act shall take effect upon its passage and approval by the Governor.

Approved June 8, 1909.

CHAPTER 5919—(NO. 50).

AN ACT to Provide for Clerical Aid for the Judge of the Sixth Judicial Circuit, and Fixing the Pay for Same.

Whereas, By reason of the great increase of population in the counties composing the Sixth Judicial Circuit, and the consequent increase of litigation, the Judge of said Circuit is doing work which should be divided between at least two Judges; and

Whereas, Owing to the increased cost of living, the Judge cannot afford to pay for clerical work out of his salary; and the employment of clerical aid would not only relieve him of a large part of his burden, but would enable him to accomplish much more work in the same length of time; therefore,

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the Judge of the Sixth Judicial Circuit be allowed the sum of one hundred dollars per month for the purpose of employing clerical aid in the discharge of his duties; said sum to be paid quarterly by the Comptroller upon the requisition of the Judge.

Sec. 2. That there is hereby appropriated a sufficient amount out of any funds in the Treasury to pay said sums.

Sec. 3. That this Act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law without his approval.

Sec. 4. That this Act shall continue in force until the salary of said Circuit Judge shall be increased by Constitutional amendment, or otherwise.

Approved June 7, 1909.

CHAPTER 5920—(NO. 51).

AN ACT Prescribing Punshiment for the Commission of Misdemeanors in this State, when not Otherwise Provided by Statute.

Be it Enacted by the Legislature of the State of Florida:

Section 1. The punishment for commission of misdemeanors in this State, when not otherwise provided by Statute, shall be a fine not exceeding two hundred dollars or imprisonment not exceeding ninety days, or both, at the discretion of the Court.

Sec. 2. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved June 4, 1909.

CHAPTER 5921—(NO. 52).

AN ACT to Amend Section 3542 of the General Statutes, State of Florida, Relating to Open Profanity.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 3542 (2622) of the General Statutes of the State of Florida be, and the same is hereby amended to read as follows:

Sec. 3542—Offensive Speech.—Whoever, having arrived at the age of discretion, or uses profane, vulgar and indecent language, in any public place; or upon the private premises of another, or so near thereto as to be heard by another, shall be punished by fine not exceeding twenty-five dollars, or by imprisonment not exceeding sixty days; but no prosecution for any such offense shall be commenced after twenty days from the commission thereof.

Sec. 2. All laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved June 7, 1909.

CHAPTER 5922 (NO. 53).

AN ACT to Prescribe Rules of Practice in Civil Cases in the Justice of Peace Courts in the State of Florida.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That from and after the passage of this Act the first Monday and the third Monday in each month shall be rule days in the several Justice of the Peace Courts in the State of Florida.

Sec. 2. That in all civil actions of which Justice of the Peace Courts have jurisdiction, where the claim of plaintiff is for goods sold, work and material, money lent, money paid, money received, accounts stated and for the hire of goods or property, such action shall be commenced by the claimant filing, with the Justice of the Peace having jurisdiction of the matter in controversy, an itemized statement in writing of his claim against the defendant, verified by affidavit.

Sec. 3. That upon filing such itemized statement the Justice of the Peace shall issue summons **ad respondendum** to the defendant, returnable as like process is returnable under the laws governing the practice in other courts.

Sec. 4. The defendant shall file his appearance in person or by attorney upon the rule day named in the summons should service of the same have been made ten days prior to said rule day; otherwise, the defendant shall have until next rule day thereafter in which to file his appearance; and should the defendant not file his appearance in the said court on or before the rule day succeeding the rule day to which the summons **ad respondendum** is made returnable and after such summons has been duly served, then in that event, judgment shall, upon the day succeeding the second rule day after the service of the summons, be entered against the defendant for the amount claimed by plaintiff, together with the costs which may have accrued in such case.

Sec. 5. When the defendant has filed his appearance, as provided for in Section 4, he shall have until the succeeding rule day after the filing of such appearance in which to file his denial of the cause of action, under oath, and should the defendant not file a written denial under oath of plaintiff's claim, prior to said rule day, then judgment shall be entered against him for the amount claimed by the plaintiff, with the costs which have accrued in such case. And the defendant shall deposit into the Court such amount as he avers that he owes the claimant.

Sec. 6. The defendant's denial of plaintiff's claim shall be in the following form, to wit:

Personally appeared before me..... the Justice of the Peace in and for the..... Justice District of .....County, Florida,... ....., Who being duly sworn, deposes and says that he has read the itemized sworn statement of ..... filed against him in this Court on the ....day of ..... A. D. ....., and he is not indebted to the plaintiff in the sum alleged, but is indebted to the plaintiff in the sum of ..... dollars

Sworn to and subscribed before me this the.... day of .....A. D. .....

.....

.....

Justice of the Peace.

Sec. 7. The sworn statement of the account as aforesaid, and the denial of the obligation as aforesaid, shall constitute all the necessary pleadings, and the case shall thereupon be considered at issue and the next trial term day after the filing of said denial shall be the trial day for said cause, and all such trials may be had before the Justice of the Peace without a jury, unless one of the parties to the action demands a jury trial in which event the party demanding the jury trial shall deposit sufficient costs to pay the jury, and a jury of six good and lawful men shall be summoned from the body of the county, returnable instanter, to try the issue between the parties.

Sec. 8. Should the defendant aver in his denial that he owes the plaintiff a sum of money less than the sum claimed by plaintiff and deposits the same in court, and the verdict upon the trial of said cause should be that the defendant is indebted to plaintiff in the sum in which the defendant avers that he is indebted to plaintiff or a less amount, then in that event plaintiff shall have judgment against the defendant for the amount found in the verdict, but the costs which have accrued in said cause shall be taxed against the plaintiff, and should defendant deny in full plaintiff's claim, and the verdict be for the defendant, then the costs shall be taxed against the plaintiff; otherwise, the judgment shall be for the amount named in the verdict in favor of the plaintiff against the defendant, together with the costs which have accrued in said cause.

Sec. 9. Upon a trial in Justice of the Peace Court upon papers filed and hereinbefore mentioned, any matter or thing going to the merits of the contention between the parties which would be admissible in evidence under any other rules of pleadings, under the laws of Florida, shall be admitted in evidence.

Sec. 10. Upon judgment being entered in any cause, execution shall thereupon be issued against the party against whom judgment is rendered, for the amount of such judgment and costs, and such execution shall be served by the executive officer of the Court issuing the same.

Sec. 11. In all other suits in Justice of the Peace Courts based upon causes of action not enumerated in Section 2, the rules of pleadings and practice governing the Circuit Courts of the State of Florida shall prevail and be enforced, except that there shall be two rule days in each month, as is provided in Section 1 of this Act.

Sec. 12. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 13. This Act shall go into effect immediately upon its passage and approval by the Governor.

Approved June 8, 1909.

CHAPTER 5923—(NO. 54).

AN ACT to Provide for Stay of Execution of Sentence to Fine in Justice of the Peace Courts and County Judge's Courts.

Be it Enacted by the Legislature of the State of Florida:

Section 1. Persons convicted of crime in the Justice of the Peace Courts or the County Judge's Court, who shall have a pecuniary fine or sum of money assessed or adjudged against them as punishment, shall have the right on being taken into custody by the proper officer of the court, or prior to such arrest, any time within five days from the time he is sentenced to pay the said fine and cost or give the bail for the payment of such fine and cost of prosecution, as provided in Section 4018 of the General Statutes of the State of Florida, and such persons convicted in the Justice or County Judge's Court, shall not be transferred or turned over to the Convict lesses or other persons working the County prisoners until the expiration of five days from the day such person was sentenced by the court.

Sec. 2. That this Act shall become operative upon its passage and approval by the Governor.

Approved June 8, 1909.