

MESSAGES FROM HOUSE OF REPRESENTATIVES:

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., April 3, 1917.

Hon. John B. Johnson,
President of the Senate.

Sir—

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

Senate Concurrent Resolution No. 1:

Pledging the support of the State to the United States Government at this trying time.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

R. A. GREEN,
Chief Clerk, House of Representatives.

And Senate Concurrent Resolution No. 1 contained in the above message was referred to the Committee on Enrolled Bills.

Mr. Alexander announced the death of Hon. J. B. Conrad, of 28th District, and moved that the Senate do now adjourn as a tribute to his memory.

Which was agreed to.

Thereupon the Senate adjourned until 10 o'clock A. M. Wednesday, April 4, 1917.

Wednesday, April 4, 1917.

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 Alexander, Andrews, Baker, Calkins,, Carlton, Crawford, Davis, Eaton, Farris, Fo-

garty, Gornto, Greene, Hughlett, Igou, Jones, King, Mathis, McEachern, McLeod, MacWilliams, Middleton, Moore, Oliver, Plympton, Roland, Sheppard, Terrell, Turner, Wells, Willis, Wilson—32.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of April 3, 1917 was corrected.

The Journal of April 3, 1917 as corrected, was approved.

INTRODUCTION OF RESOLUTIONS AND CONSIDERATION OF RESOLUTIONS.

Mr. Baker offered the following Resolution:

Senate Concurrent Resolution No. 2:

Be It Resolved by the Senate, the House concurring, That a committee of three, one from the Senate and two from the House, be appointed to visit and inspect the Institute for the Deaf, Dumb and Blind at St. Augustine, Fla., and to report its needs and their findings to this Legislature.

Which was read the first time and was laid over under the rule.

INTRODUCTION OF BILLS.

By Mr. Wells—

Senate Bill No. 1:

A Bill to be entitled An Act prohibiting the receipt of intoxicating liquors, wines or beer from a common or other carrier, prohibiting the possession of such liquors hereafter received from a common or other carrier, and prohibiting the shipment and personal transportation of such liquors into counties or election precincts in this State which have or may hereafter vote against the sale of such liquors, wines or beer from outside this State or between points in this State; with certain exceptions; whether intended for personal use or otherwise, and authorizing the seizure and destruction of such liquors, wines or beer, providing for fees for officers in such cases, and making certificate of Clerk of Circuit Court best evidence of certain facts in certain cases.

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

By Mr. Andrews—

Senate Bill No. 2:

A Bill to be entitled An Act to provide for the payment by the State of Florida of the traveling expenses of the State Attorneys of the State when attending sessions of Court in their respective Circuits or while in the performance of the duties of their office as prescribed by statute.

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

By Mr. Andrews—

Senate Bill No. 3:

A Bill to be entitled An Act to restore to the tax books of Bradford County certain lands withdrawn from the list of taxable property of said County by reason of the purchase by the State of lands in said County, known as the State Prison Farm, and to provide for the assessment and collection and payment of taxes thereon for County purposes; prescribing certain duties in relation thereto of the Board of Commissioners of State Institutions, and for other purposes incidental thereto.

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

By Mr. McEachern—

Senate Resolution No. 4:

A joint Resolution to amend Article XIX, of the Constitution of the State of Florida.

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

By Mr. Terrell—

Senate Bill No. 5:

A Bill entitled An Act to amend An Act entitled An Act to provide for the organization and management of Mutual Fire Insurance Associations, approved June 1, 1915.

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

By Mr. Terrell—

Senate Bill No. 6:

A Bill to be entitled An Act to amend An Act entitled

"An Act Imposing Licenses and Other Taxes, Providing for the Payment Thereof and Prescribing Penalties for Doing Business Without a License, or Other Failure to Comply with the Provisions Thereof."

Approved June 5, 1915.

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

By Mr. McLeod—

Senate Bill No. 7:

A Bill to be entitled An Act to amend Section Forty-six (46) of Chapter 5596 of the Acts of 1907, Laws of Florida, Entitled "An Act Relating to Tax Assessments and Collections of Revenue," said section relating to the assessment of certain properties of railroad companies and sleeping or parlor car companies.

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

By Mr. McLeod—

Senate Bill No. 8:

A Bill to be entitled An Act to authorize the "Trustees of the Internal Improvement Fund of the State of Florida, all guardians, administrators and executors, and all others occupying a fiduciary relation having funds in its or their possession for investment to invest same in Farm Loan Bonds in case security for same has been approved by the Federal Farm Loan Board under the Act of Congress approved July 17, 1916, known as the Federal Farm Loan Act."

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

By Mr. Johnson—

Senate Bill No. 9:

A Bill to be entitled An Act relating to warehousemen and warehouse receipts.

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

By Mr. Wilson—
Senate Bill No. 10:

A Bill to be entitled An Act creating a commission for the purpose of investigating as to the advisability and reporting to the Legislature a plan for the establishment, the ownership and operation by the State of a fertilizer plant or plants in the State of Florida.

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

By Mr. Wilson—
Senate Bill No. 11:

A Bill to be entitled An Act to amend Chapter 6932, Acts of 1915, Laws of Florida, relating to the creation and establishment of County Depositories and County School Depositories.

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

By Mr. Wilson—
Senate Bill No. 12:

A Bill to be entitled An Act to protect game birds and animals in the several counties of the State.

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

By Mr. Terrell—
Senate Bill No. 13:

A Bill to be entitled An Act to amend Chapter 6883 of the Acts of the Legislature of 1915, the same being entitled: "An Act providing for the creation of a State Road Department; providing for the appointment of the members of such Department; prescribing their duties and powers; providing for the employment of a State Road Commissioner, and creating a fund for the maintenance thereof."

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

By Mr. Terrell—
Senate Bill No. 14:

A Bill to be entitled An Act assenting to and accepting the provisions of An Act of Congress, approved July 11, A. D. 1916, the same being entitled: "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," and all acts supplementary thereto; and making appropriations to meet the conditions of the Federal Aid Road Act, and providing an assessment of a half-mill on all of the taxable property in this State to meet the same.

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

By Mr. Baker—
Senate Bill No. 15:

A Bill to be entitled An Act to make illegal any charge for placing or switching a car by the carrier having the line haul and receiving the compensation therefor.

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

By Mr. McEachern—
Senate Bill No. 16:

A Bill to be entitled An Act prohibiting the manufacture of alcoholic, spiritous, vinous, malt and intoxicating liquors and beverages, and certain non-intoxicating liquors and beverages, traffic therein and keeping on hand in public places or for illegal sale in counties or election precincts that have or may hereafter vote against the sale of liquor.

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

By Mr. Alexander—
Senate Bill No. 17:

A Bill to be entitled An Act to amend Chapter 6944 of the Laws of Florida, 1915, and the title thereof, the same being An Act entitled "An Act to provide for the examination, licensing and registration of persons engaged or engaging in the business or work of installing plumbing and

drainage in cities or towns of this State having a population of ten thousand inhabitants or more, according to the Federal census of 1910 or any subsequent Federal census, and parts of counties of this State, and imposing penalties for violation of this Act."

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

By Mr. Alexander—
Senate Bill No. 18:

A Bill to be entitled An Act to prohibit the Board of County Commissioners School Board, Municipal Corporations, and like public bodies, from employing attorneys of railroads and other public service corporations in the transaction of business within the jurisdiction of such bodies.

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

By Mr. Alexander—
Senate Bill No. 19:

A Bill to be entitled An Act providing for and setting aside certain lands to the Seminole Indians as a reservation, providing for trustees in whom the title to said lands shall be vested for the use and benefit of said Indians.

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

By Mr. Alexander—
Senate Bill No. 20:

A Bill to be entitled An Act to prevent misappropriation of public funds by public officials, and to provide remedies therefor.

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

By Mr. Alexander—
Senate Bill No. 21:

A Bill to be entitled An Act prohibiting the fixing of prices by trusts and combines of goods, wares, and mer-

chandise, sold or to be sold, in this State, and to provide a penalty therefor.

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

By Mr. Alexander—
Senate Bill No. 22:

A Bill to be entitled An Act providing for the creation and establishment of a Florida State Board of Engineering Examiners, granting certain powers to and prescribing the duties of said Board; providing for the examination and registration of professional engineers, regulating the practice of engineering in the State of Florida, and providing penalties for the violation of this Act.

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

By Mr. Alexander—
Senate Bill No. 23:

A Bill to be entitled An Act to promote the prevention of industrial accident, to cause provision to be made for adequate medical and surgical care for injured employes; to establish rates of compensation for personal injuries or death sustained by employes in the course of employment; to provide methods for insuring the payment of such compensation; to create an industrial board for the administration of the Act and to prescribe the powers, duties and compensation of such board.

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

By Mr. Carlton—
Senate Bill No. 24:

A Bill to be entitled An Act to authorize the Board of County Commissioners of any County in the State of Florida, with the approval of the Comptroller of the State, to compromise and settle any and all judgment, claims and demands in favor of said county against defaulting collectors of revenue, sheriffs and other officers, and the sureties on their bonds, on such terms as they may deem equitable and proper.

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

By Mr. Carlton—
Senate Bill No. 25:

A Bill to be entitled An Act to amend paragraph 2 of Section 1715 of the General Statutes of the State of Florida providing for the extension of the time of limitations within which suits may be brought in certain cases against the executor or administrator of a deceased person.

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

By Mr. Carlton—
Senate Bill No. 26:

A Bill to be entitled An Act to amend Chapter 5892 of the Laws of 1909 relative to issuing execution against stockholders of corporations.

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

By Mr. Carlton—
Senate Bill No. 27:

A Bill to be entitled An Act "Providing for two stenographers for the Supreme Court of the State of Florida."

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

By Mr. Carlton—
Senate Bill No. 28:

A Bill to be entitled An Act "Prohibiting the issuing of writs of garnishment before judgment against a defendant in certain causes of action."

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

By Mr. Carlton—
Senate Bill No. 29:

A Bill to be entitled An Act providing for the dissolution of writs of garnishment and regulating the procedure thereon.

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

By Mr. Carlton—
Senate Bill No. 30:

A Bill to be entitled An Act regulating the appearance of the defendants in all suits brought in the Circuit Courts of the State of Florida in Chancery, whether defendants are served personally or by publication, and providing for the entry of decrees pro confesso upon failure of the defendant to appear.

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

By Mr. Carlton—
Senate Bill No. 31:

A Bill to be entitled An Act to regulate the procedure in appeals in chancery causes from the Circuit Courts of the State of Florida to the Supreme Court of Florida.

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

By Mr. Hughlett—
Senate Bill No. 32:

A Bill to be entitled An Act relating to the right to practice medicine and surgery in the State of Florida; and providing for a State Medical Board; and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for the revocation and suspension of licenses by said board; and providing penalties for violations; and repealing all Acts or parts of Acts inconsistent therewith.

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

By Mr. Gornto—
Senate Bill No. 33:

A Bill to be entitled An Act to authorize the Board of County Commissioners of the several counties in the State of Florida, in their discretion, to employ an attorney at law to prosecute those charged with the commission of crime and offenses against the laws of the State, before the County Judge's Court, and to fix and prescribe the compensation of such attorney.

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

By Mr. Gornto—
Senate Bill No. 34:

A Bill to be entitled An Act "To Repeal Chapter 6469, Laws of 1913, the same being 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. MacWilliams—
Senate Bill No. 35:

A Bill to be entitled An Act creating an additional Judicial Circuit in the State of Florida, to be designated as the Twelfth Judicial Circuit, and to be composed of the counties of St. Johns, Clay and Putnam, and providing for the appointment of a Circuit Judge and State Attorney therefor, and prescribing when said Circuit Court shall take jurisdiction and effect on pending cases.

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

By Mr. Middleton—
Senate Bill No. 36:—

A Bill to be entitled An Act requiring emigrant agents doing business in this State to procure a county license, fixing the amount thereof and prescribing a penalty for doing business without such license.

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

By Mr. Carlton—
Senate Bill No. 37:

A Bill to be entitled An Act to relieve the Florida National Guardsmen who had active service on the Mexican border, and who served continuously until mustered out of Federal service.

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

By Mr. MacWilliams—
Senate Bill No. 38:

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

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

Mr. Wells moved that 200 copies of Senate Bill No. 1 be printed for the use of the Senate.

Which was agreed to.

MISCELLANEOUS.

The following communication from the Attorney General was read and on motion of Mr. MacWilliams was ordered to be spread on the Journal.

State of Florida,
Office of Attorney General,
April 4, 1917.

To the Legislature of the State of Florida:—

Under the provisions of Section 13 of Article V of the Constitution it is made the duty of the Judges of the Circuit Courts of this State to report to the Attorney General, at least thirty days before each session of the Legislature, such defects in the laws as may have been brought to their attention and to suggest such amendments or additional legislation as may be deemed necessary.

In compliance with this constitutional provision the Judges of two circuits in the State have made reports to this office, copies of which I am transmitting herewith in order that the suggestions made may have the attention of the Legislature.

Respectfully submitted,

THOMAS F. WEST,

Attorney General.

Clearwater, Fla., February 21, 1917.

Hon. T. F. West,

Attorney General,

Tallahassee, Fla.

Dear Sir:

It is made the duty of the Judges of the Circuit Court by Sec. 13 of Art. V of the Constitution of Florida, to report to the Attorney General at least thirty days before each session of the Legislature "such defects in the laws as may have been brought to their attention, and to suggest such amendments or additional legislation as may be deemed necessary." I therefore beg to report, and to suggest, the following:

First—Section 3966 of the General Statutes relating to embezzlement, after providing that a general allegation of the embezzlement in the indictment shall be sufficient, and that the particulars of such embezzlement need not be stated, says: "On the trial, evidence may be given of such embezzlement committed within six months after the time stated in the indictment."

I have seen two good State attorneys, one aided by private counsel, who, in drawing indictments, charged the offense as having been committed on the day the shortage was discovered. Naturally this date was subsequent to the last act of embezzlement. At the trial (and in neither case was the error discovered until the trial) the proof being confined to within six months after the time stated in the indictment, the defendants were necessarily acquitted. It is natural that State attorneys drop into this error, unless they have had experience with this particular statute because in other cases the proof may cover a range of two years before finding of the indictment. I see no good reason for restricting the evidence in embezzlement cases within so narrow a limit; and it certainly operates to turn loose many defendants upon "a technicality." I therefore recommend that this statute be so amended as to permit the proof of acts of embezzlement at any time within two years before the indictment is found, thereby conforming to the Statute of Limitations applying to other crimes.

Second—Circuit Judges should be authorized to act in matters pending in their circuits at any place in the State. In other words, whether the judge is in or out of his own circuit, there is no reason why he should not have authority to act on matters in his circuit. If out of his circuit, however, I think the power should be concurrent with and not exclusive of the judge of any other circuit acting in the absence of the judge of the particular circuit. I have seen a number of instances where this power would have been, and might have been, a great convenience.

Third—I believe the effectiveness of the Criminal laws of Florida is greatly lessened by the power of the Board of Pardons as now exercised. The chief benefit society derives from the punishment of crime is the deterring influence punishment has upon others criminally inclined. Therefore, to make the Criminal laws effective,

we should strive for the highest degree of certainty of punishment. Under Section 12, Article IV, on the Constitution as amended in 1897, the Board of Pardons, "may upon such conditions, and with such limitations and restrictions as they may deem proper—grant pardons after conviction;" Subject only "to such regulations as may be prescribed by law relative to the manner of applying for pardons." I believe this section of the Constitution should be so amended as to deny the Board of Pardons power to grant a pardon until a proper proportion of the term of sentence has been served, (say one-half of the sentence: or in case of sentence for life, a definite term of perhaps ten years) except, of course, upon the ground of newly discovered evidence. If this were done it would immensely strengthen the belief in the public mind that if men commit crime they will be punished; and would thereby deter crime. It would also save the Pardoning Board constant and ever recurring appeals to their human sympathy to which they are now subjected, and would at the same time protect the man who might be erroneously convicted if subsequent disclosures should show him innocent. Doubtless a well worded statute would substantially accomplish the desired end. While the statute might be unconstitutional, it might also be sustained as a valid regulation "relative to the manner of applying for pardons," but the Board would likely observe the statute rather than insist upon an adjudication of the point suggested.

Yours very truly,

O. K. REAVES,

Circuit Judge 6th Circuit.

Jacksonville, Fla., March 20, 1917.

Honorable T. F. West,

Attorney General,

Tallahassee, Florida.

My Dear Sir:

In compliance with Section 13 of Article 5 of the Constitution of this State, Judge Simmons and I respectfully report to you the following defects in the laws which have been brought to our attention, and suggest to you, as we have heretofore, the following amendments and additional legislation:

1. We suggest that a law be passed permitting the opening of the registration books before special and local

option elections. Section 183 provides for the time of registration; Section 1210 provides, as you know, that the electors at local option elections may be registered as provided in the general law for registration for special elections. We are unable to find any law with reference to registration for special elections in the statutes; and, apparently, you have also been unable to find any such law, for we note on page 267 of your Bi-ennial Report for 1913-1914 your opinion that there is no statutory authority for opening the registration books before a local option election is held in a county. As it is essential that an elector shall be registered before he is admitted to vote in either a local option or special election, the law, as it is now framed, deprives a number from voting who should have the right and be afforded an opportunity to vote in such elections.

2. We call your attention to Section 837 of the General Statutes and suggest that the same be amended so as to permit the establishment, change or discontinuance of a public road, or certainly the establishment thereof, not only in the manner prescribed by statute, but also in other ways.

3. Section 1523 of the General Statutes, as amended by Chapter 5897 of the Acts of 1909, should be further amended so as to permit the use in both civil and criminal prosecutions of evidence given on a former trial, provided; (1) such evidence has at such former trial been reported stenographically or reduced to writing in the presence of the court; (2) that the party against whom the evidence is offered, or his privy, was a party on the former trial; (3) that the issue is substantially the same in both cases; (4) that a sufficient reason is shown why the original witness is not produced, and (5) that the court is satisfied that the report of such evidence taken at such former trial is a correct report. You will recall the case of Putnal vs. State, 56 Fla., 86, decided by our Supreme Court just prior to the amendment of this Section; and then you will recall the case of Coley vs. State, 67 Fla., 178. We think that the law as it now stands is likely to work great injustice in both civil and criminal cases where under it a party might be deprived of material testimony, and possibly essential testimony to a recovery or a defense, when there is no question but that

the absent witness who testified at the former trial testified to the facts which are sought to be introduced at a subsequent trial.

4. We suggest that Section 1587 of the General Statutes be amended so as to omit therefrom any time limit during which jurors must sit before the sheriff may provide for them meals to be paid for by the State. We also think that the amount to be paid for such meals should be within the discretion of the court. We have found that there are times where it is impracticable for the sheriff to properly furnish meals at the amount allowed by the statute; and quite often criminal cases have arisen in which the jury has not sat for twelve hours, but during which trial it has been necessary for them to be kept together and given their meals.

5. We suggest that Section 1808, as amended by Section 5 of Chapter 6173 in the Laws of 1911, regarding the terms of court in the Fourth Judicial Circuit, be amended so that the counties of Clay and Nassau may have the same length of time for the fall and spring terms as the county of St. Johns, that is, two weeks. By commencing, in each instance, the spring and fall term two weeks earlier than is now provided by statute, this end could be accomplished. We believe that such an increase in time would result in a saving of money to the State and to the counties named. As it is, with only one week, a grand jury seldom reports before the second or third day of the term. It therefore results at times in a continuance of the case for the term, which means, if the defendant cannot give bail, that he remains in jail at the cost of the county until the next term of the court, some five or six months hence. If the term were of two weeks' duration, it is possible that the defendant would be able to secure his witnesses and go to trial in the second week and so his case could be disposed of at that term. Again, the business is sometimes so great, as it was in Clay county at the fall term, 1914, that it could not be disposed of within the week and a special term had to be called to complete the business of the regular term. Had we had another week in Clay county, all the business could have been disposed of without the necessity of calling a special term. If the court can finish its regular term in a week, or less, of course it will do so, but it is

simply to give the additional week in the event that it is needed. The time of the court is occupied almost exclusively in criminal cases in these counties, but if the civil business increases it will be a very difficult and perhaps impossible matter to finish both civil and criminal business within one week.

6. We recommend that the law with reference to court reporters be so amended as to make the court reporter subject to the order of the trial judge in civil cases the same as is now provided in criminal case; that his fees be taxed as costs in the case, where the reporter is assigned to take it by the trial judge; and that such costs be paid by the county. Then, that these costs be taxed as other costs against the losing party in a case, and, when collected in the cause, that the same be paid over to the County Treasurer to reimburse the county for the payment of reporters. Under the present law, unless one or the other of the parties to a cause requests the reporter in writing, in a civil case, there is no stenographic report of the testimony. In courts with a large number of cases to try, it is physically impossible for the judge to so charge his mind with all the evidence in any case, and with all the rulings that may be made thereon, so as to be able to reproduce such evidence, his rulings and exceptions taken; so that the case may be fairly reviewed by an appellate court on the bill of exceptions. Our view was shared by our predecessor on the bench, Judge R. M. Call.

7. We suggest that Section 1880 of the General Statutes regarding evidence in chancery be so amended as to allow testimony to be taken directly before the court and not make it essential for such testimony to be taken down in writing and filed in the cause, unless by order of the court or by request of one or the other of the parties to the cause. We believe that a great saving in time and expense would be had if these chancery cases could, under appropriate rules by the Supreme Court, be heard, as common law cases, directly before the Court.

8. We suggest that Section 1937 relating to attachment and garnishment of amounts due public officers in suits for alimony and divorce be so amended as to strike

the first word of the section, to-wit, the word "all," and to substitute therefor the words "So much as the court in its discretion may order of the." And that the statute be so amended as to prevent the retention of any more of such salary than is provided for in the order of the court. We have known of cases where the issuance of such a writ has worked great hardship. For example, in a divorce proceeding there may be a number of children involved and the court may provide as to the custody of these children that a part shall be in the custody of the husband and a part in the custody of the wife. Now, if the husband be employed by the State, county or city, and derives his sole income from such employment, the garnishment of his money, if his only income is his salary, deprives him of all means of supporting himself and the children whose custody has been granted him by the court. He is unable to obtain his salary, or any part of it, and he cannot support himself and continue his work. And, even if there are no children, to absolutely tie up all of the husband's earnings would probably mean that he must give up his public position in order that he may earn, if he can, in another position, an amount sufficient to support himself and which will not be liable to such a writ of attachment or garnishment. The State, county or city may thus be deprived of the services of an officer, or employee, and the public service may be seriously handicapped. To leave the matter of the amount to be garnished, or attached, within the discretion of the court, it seems to us, would prevent the injustice now possible under this statute.

9. We suggest that capital punishment, except for murder committed in endeavoring to escape from legal custody, be abolished.

10. We suggest that Section 3221 of the General Statutes be amended by adding to the penalty prescribed therein these words, "or for such term of years in the State Prison as the court may direct." We make this suggestion as there are sometimes cases in which the life penalty is unjust. We speak particularly with reference to those cases in which only negroes are involved. While the offender is guilty according to the statute, still there

are such extenuating circumstances as to make life sentence unjust.

11. We suggest that Section 3285 be so amended as to add the words, after the word "breaks" in the first line of the statute, "and enters." The old statute 2436 Revised Statutes, used the words "breaks and enters." and sections 3281, 3282 and 3284 all use the words "breaks and enters." The title of 3285 is "breaking and entering." It seems to us to have been a clerical omission in Section 4 of Chapter 4405 of the Acts of 1895. If it was the intent of the Legislature to also punish a breaking without entering, there could also be added after the words "or enters without breaking." the words "or breaks without entering," but it does not seem to us that this was their intent.

12. We suggest that Section 3969 be so amended as to add, after the words "and shall allow him counsel to assist him in his trial if he desires it," the words "and the judge shall allow such counsel in all capital cases where the defendant is insolvent such compensation as he may deem reasonable, which sum so allowed shall be paid by the county in which the case is tried." We feel that when counsel are called upon to assist the court in the trial of an insolvent defendant in a case of such gravity that he should be reasonably compensated for his services. It might be that it would be well to put a maximum sum which the court should not exceed in fixing such compensation and that the words "not to exceed (here the amount is inserted) dollars" should be placed after the words "which said judge shall deem reasonable."

13. We suggest that the State Attorney be allowed the process of the Circuit Court to summons witnesses before him in or out of term time, just as a county solicitor is now allowed the process of the Criminal Court of Record in accordance with Section 3883 of the General Statutes. We feel that such power given the State Attorney would materially aid him in the prosecution of the criminal cases before the Circuit Court.

Yours respectfully,

GEORGE COUPER GIBBS,

Judge.

DANIEL A. SIMMONS,

Judge.

Various petitions were read.

Mr. Davis moved that all petitions be censored by the President of the Senate.

Which was agreed to.

Mr. Wells moved to waive the rules and that the Senate now proceed to the consideration of messages from the House of Representatives.

Which was agreed to by a two-thirds vote.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla, April 4, 1917.

Hon. John B. Johnson,

President of the Senate.

Sir—

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

House Concurrent Resolution No. 2:

Relative to inviting the Hon. William Jennings Bryan to address the Legislature of Florida.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

R. A. GREEN,

Chief Clerk, House of Representatives.

The Resolution was read the first time in full.

Mr. Wells moved to waive the rules and that the Senate now proceed to consider the Resolution.

Which was agreed to by a two-third vote, and

House Concurrent Resolution No. 2 was read the second time.

Mr. Wells moved to adopt the Resolution.

Which was agreed to.

Mr. Wells moved to waive the rules and to certify the adoption of the Resolution to the House of Representatives immediately.

Which was agreed to by a two-third vote.

And it was so ordered.

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

Which was agreed to.
Thereupon the Senate adjourned until 10 o'clock A.
M. Thursday, April 5, 1917.

Thursday, April 5, 1917.

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 Alexander, Andrews, Baker, Calkins, Carlton, Crawford, Davis, Eaton, Farris, Fogarty, Gornto, Greene, Hughlett, Igou, Jones, King, Mathis, McEachern, McLeod, MacWilliams, Middleton, Moore, Oliver, Plympton, Roland, Sheppard, Terrell, Turner, Wells, Willis, Wilson—32.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of April 4, 1917, was corrected.

The Journal of April 4, 1917, as corrected, was approved.

REPORTS OF COMMITTEES.

Mr. Eachern, Chairman of the Committee on Temperance, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 4, 1917.

Hon. J. B. Johnson,
President of the Senate.

Sir:

Your Committee on Temperance to whom was referred—

State Joint Resolution No. 4:

A Joint Resolution to amend Article 19, of the Constitution of the State of Florida.

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

Very respectfully,

J. R. McEACHERN,
Chairman of Committee.

And Senate Joint Resolution Bill No. 4, contained in the above report, was placed on Calendar of Bills on Second Reading.

Mr. Davis, Chairman of the Committee on Judiciary "A," submitted the following report.

Senate Chamber,
Tallahassee, Fla., April 5, 1917.

Hon. J. B. Johnson,
President of the Senate.

Sir:

Your Committee on Judiciary "A" to whom was referred—

Senate Bill No. 2:

An Act to provide for the payment by the State of Florida of traveling expenses of the State Attorneys of the State when attending Sessions of court in their respective circuits or while in the performance of duties of this office as prescribed by the Statute.

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

Very respectfully,

C. E. DAVIS,
Chairman of Committee.

And Senate Bill No. 2, contained in the above report, was placed on the table under the rule.

Mr. Davis, Chairman of the Committee on Judiciary "A," submitted the following report.

Senate Chamber,
Tallahassee, Fla., April 5, 1917.

Hon. J. B. Johnson,
President of the Senate.

Sir:

Your Committee on Judiciary "A" to whom was referred—

Senate Bill No. 29:

A Bill to be entitled An Act providing for the dissolu-