

The Governor's Message was ordered to be referred to the Committee on Executive Communications.

Mr. Johnson moved that the Senate do now adjourn to 11 o'clock a. m. tomorrow.

Which was agreed to.

Thereupon the Senate stood adjourned until 11 o'clock a. m. Thursday, April 10, 1919.

Thursday, April 10, 1919

The Senate met pursuant to adjournment.

The President in the chair.

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

Mr. President, Senators Anderson, Andrews, Baker, Bradshaw, Butler, Carlton, Cash, Crawford, Crosby, Eaton, Hughlett, Hulley, Igon, Johnson, King, Lowry, MacWilliams, Malone, Mathis, McLeod, Moore, Oliver, Plympton, Roland, Rowe, Russell, Singletary, Stokes, Turnbull, Turner, Wilson—32.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of April 9 was corrected and approved as corrected.

REPORTS OF COMMITTEES.

Mr. W. A. MacWilliams, Chairman of the Committee on Rules, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 9, 1919.

Hon. James E. Calkins,
President of the Senate.

Sir:

Your Committee on Rules begs leave to make the following report:

That it recommends the adoption for the Session of

1919 the Senate Rules of 1917, with the following changes and amendments to said Rules:

(1) In the sixth line, of Rule 2, strike out the word "Clerk" and insert the word "Secretary."

(2) That Rule 4 be changed to read as follows:

"Unless otherwise specially ordered by the Senate, the President shall appoint at the commencement of the session, the following standing committees, viz.:

On Audit and Control of Legislative Expenditures, to consist of five members.

On Rules of the Senate, to consist of five members.

On Capitol, State Buildings and Grounds, to consist of five members.

On Pensions, to consist of five members.

On Banking, to consist of five members.

On Protection of Game, to consist of five members.

On Public Printing, to consist of five members.

On Military and Naval Organizations, to consist of five members.

On Uniform Legislation, to consist of five members.

On Corporations, to consist of five members.

On State Institutions, to consist of five members.

On Claims, to consist of five members.

On Drainage, to consist of five members.

On Constitutional Amendments, to consist of five members.

On Insurance, to consist of five members.

On Fisheries, to consist of five members.

On Railroads, Canals and Telegraphs, to consist of five members.

On Organized Labor, to consist of five members.

On County Organization, to consist of five members.

On Cities and Towns, to consist of five members.

On Temperance, to consist of five members.

On Mining and Mineral Resources, to consist of five members.

On Commerce and Navigation, to consist of five members.

On Equal Suffrage, to consist of five members.

On Privileges and Elections, to consist of five members.

On Finance and Taxation, not to exceed nine members.

On Appropriations, not to exceed nine members.

On Education, not to exceed nine members.

On Agriculture and Forestry, to consist of five members.

On Public Health, to consist of five members.

On Public Roads, not to exceed nine members.

On Executive Communications, to consist of five members.

On Prisons and Convicts, to consist of five members.

On Miscellaneous Legislation, to consist of five members.

On Judiciary A, not to exceed nine members.

On Judiciary B, not to exceed nine members.

On Engrossed Bills, to consist of five members.

On Enrolled Bills, to consist of five members."

(3) In line 2, of Paragraph 5, in Rule 4, after the word "on" insert the words, "audit and control of," and also in line 10, of paragraph 5, of Rule 4, after the word "on" insert the words, "audit and control of," and in line 15, of paragraph 5, Rule 4, after the word "on" insert the words, "audit and control of."

(4) In the second line of paragraph 2, in Rule 6, strike out the word "Clerk" and insert the word "Secretary."

(5) In the first line of paragraph 3, of Rule 7, after the word "otherwise" insert "transgress the rules of the Senate, the President shall."

(6) In the sixth line of paragraph 2, of Rule 8, strike out the word "Sergeant-at-arms" and insert the word "President."

(7) After paragraph 4, in Rule 9, add the followings: "If a secondary matter be laid on the table, it shall not operate to carry the original matter with it."

(8) In line 35, of Rule 9, strike out the figure "4" and insert the figure "5" and make the subsequent numbers, "6-7-8."

(9) After paragraph 7, of Rule 9 (which is to be changed to paragraph 8), insert the following: "A motion to suspend the rules shall be decided without debate; provided, however, that the mover shall be allowed to speak for one minute on explaining the reason for said motion."

(10) That Rule 18 be changed to read as follows:

"TIME OF DAILY SESSIONS.

"The Senate shall meet daily except Sundays. The hour for convening for the morning session shall be

11:00 a. m., and the hour for adjournment for said morning session shall be 1:00 p. m. When the Senate shall determine to hold morning and afternoon sessions, the hour for convening for the morning session shall be as above prescribed, and the hour for convening for the afternoon session shall be 4:00 p. m., and the hour for adjournment shall be 6:30 p. m."

(11) After Rule No. 9, of the Rules Governing Executive Session, add the following: "The final question on every Suspension or Removal of Officers shall be, 'Will the Senate consent to the Suspension and Removal of said Officer?' or, 'Will the Senate, upon the recommendation of the Governor, remove said Officers?'" as the case may require.

W. A. MacWILLIAMS,
LINCOLN HULLEY,
THEO. T. TURNBULL,
J. TURNER BUTLER,
DOYLE CARLTON,

Committee on Rules.

Mr. MacWilliams moved to adopt the report.

Which was agreed to.

And the rules governing the session of 1917, as amended by the foregoing report, were declared to be the rules governing the present session of the Senate.

The President announced the following committee appointments for the session:

SENATE COMMITTEES, 1919.

AUDIT AND CONTROL OF LEGISLATIVE EXPENDITURES.

Oscar M. Eaton—Chairman:

H. L. Oliver,

W. E. Baker,

T. T. Turnbull,

John L. Moore.

RULES AND PROCEDURE.

W. A. MacWilliams—Chairman;

T. T. Turnbull,

Doyle E. Carlton,

J. Turner Butler,

Lincoln Hulley.

CAPITOL, STATE BUILDINGS AND GROUNDS.

S. W. Anderson—Chairman;
 R. H. Rowe,
 A. D. Andrews,
 H. L. Oliver,
 George W. Crawford.

MISCELLANEOUS LEGISLATION.

A. D. Andrews—Chairman;
 W. A. Russell,
 John P. Stokes,
 John E. King,
 W. A. McLeod.

PENSIONS.

George W. Crawford—Chairman;
 W. T. Cash,
 C. C. Mathis,
 D. G. Rowland,
 A. D. Andrews.

BANKING.

H. L. Oliver—Chairman;
 Oscar M. Eaton,
 Lincoln Hulley,
 J. W. Turner,
 John P. Stokes.

RAILROADS, CANALS AND TELEGRAPHS.

W. H. Malone—Chairman;
 S. W. Anderson,
 John Bradshaw,
 W. E. Baker,
 H. L. Oliver.

MILITARY AND NAVAL ORGANIZATION.

John B. Johnson—Chairman;
 W. A. MacWilliams,

John L. Moore,
 R. H. Rowe,
 W. E. Baker.

UNIFORM LEGISLATION.

W. J. Singletary—Chairman;
 A. D. Andrews,
 H. L. Oliver,
 R. H. Rowe,
 John L. Moore.

PUBLIC PRINTING.

John Bradshaw—Chairman;
 M. L. Plympton,
 D. M. Lowry,
 W. E. Baker,
 John E. King,

CORPORATIONS.

M. L. Plympton—Chairman;
 W. J. Singletary,
 John E. King,
 W. M. Igou,
 George W. Crawford.

STATE INSTITUTIONS.

W. A. Russell—Chairman;
 W. M. Igou,
 J. W. Turner,
 H. L. Oliver,
 W. J. Singletary.

MINING AND MILL RESOURCES.

W. J. Crosby—Chairman;
 John E. King,
 W. E. Baker,
 D. G. Rowland,
 A. M. Wilson.

COUNTY ORGANIZATION.

A. M. Wilson—Chairman;
W. A. Russell,
J. B. Johnson,
W. A. McLeod,
W. J. Crosby.

PRIVILEGES AND ELECTIONS.

John P. Stokes—Chairman;
Doyle E. Carlton,
John Bradshaw,
W. A. Russell,
W. T. Cash.

CONSTITUTIONAL AMENDMENTS.

T. T. Turnbull—Chairman;
J. B. Johnson,
W. A. MacWilliams,
W. A. McLeod.
John L. Moore.

INSURANCE.

John E. King—Chairman:
John Bradshaw,
M. L. Plympton,
A. M. Wilson,
S. W. Anderson.

FISHERIES.

J. W. Turner—Chairman;
W. L. Hughlett,
H. L. Oliver,
J. Turner Butler,
D. G. Rowland.

EQUAL SUFFRAGE.

Lincoln Hulley—Chairman;
John L. Moore,

S. W. Anderson,
D. M. Lowry,
W. L. Hughlett.

CITIES AND TOWNS.

R. H. Rowe—Chairman;
W. H. Malone,
J. Turner Butler,
W. T. Cash,
D. M. Lowry.

PRISONS AND CONVICTS.

C. C. Mathis—Chairman;
W. M. Igou,
A. D. Andrews,
W. J. Crosby,
D. M. Lowry.

EDUCATION.

W. T. Cash—Chairman;
C. C. Mathis,
Lincoln Hulley,
W. L. Hughlett,
S. W. Anderson,
D. G. Rowland,
John Bradshaw,
R. H. Rowe,
Doyle E. Carlton.

AGRICULTURAL AND FORESTRY.

W. E. Baker—Chairman;
W. J. Crosby,
A. D. Andrews,
John Bradshaw,
W. J. Singletary.

TEMPERANCE.

John P. Stokes—Chairman;
W. J. Singletary,
J. W. Turner,

A. M. Wilson,
W. J. Crosby.

PUBLIC ROADS AND HIGHWAYS.

W. M. Igou—Chairman;
Oscar M. Eaton,
Doyle E. Carlton,
W. J. Crosby,
W. L. Hughlett,
S. W. Anderson,
C. C. Mathis,
W. T. Cash,
W. A. MacWilliams.

DRAINAGE.

W. A. MacWilliams—Chairman;
W. L. Hughlett,
A. M. Wilson,
Oscar M. Eaton,
George W. Crawford.

PROTECTION OF GAME.

D. G. Rowland—Chairman;
W. T. Cash,
D. M. Lowry,
J. W. Turner,
W. L. Hughlett.

COMMERCE AND NAVIGATION.

W. H. Malone—Chairman;
John P. Stokes,
W. A. McLeod,
Doyle E. Carlton,
J. Turner Butler.

ORGANIZED LABOR.

W. A. Russell—Chairman;
John P. Stokes,
George W. Crawford.

J. Turner Butler,
Oscar M. Eaton.

FINANCE AND TAXATION.

J. Turner Butler—Chairman;
T. T. Turnbull,
J. B. Johnson,
S. W. Anderson,
W. A. McLeod,
A. D. Andrews,
M. L. Plympton,
John E. King,
Lincoln Hulley.

CLAIMS.

John B. Johnson—Chairman;
W. M. Igou,
John Bradshaw,
W. H. Malone,
M. L. Plympton.

PUBLIC HEALTH.

W. L. Hughlett—Chairman;
J. W. Turner,
A. D. Andrews,
W. J. Singletary,
W. J. Crosby.

ENGROSSED BILLS.

W. A. McLeod—Chairman;
A. M. Wilson,
W. H. Malone,
W. A. Russell,
D. G. Roland.

ENROLLED BILLS.

Oscar M. Eaton—Chairman;
J. W. Turner,
W. T. Cash,
C. C. Mathis,
R. H. Rowe.

REVISED GENERAL STATUTES—JOINT COMMITTEE.

T. T. Turnbull—Chairman;
John P. Stokes,
J. Turner Butler.

JUDICIARY A.

Doyle E. Carlton—Chairman;
John B. Johnson,
Lincoln Hulley,
W. A. McLeod,
W. A. MacWilliams,
C. C. Mathis,
W. J. Singletary,
W. M. Igou,
W. A. Russell.

JUDICIARY B.

John L. Moore—Chairman;
J. Turner Butler,
John P. Stokes,
W. H. Malone,
T. T. Turnbull,
R. H. Rowe,
M. L. Plympton,
D. G. Rowland,
D. M. Lowry.

EXECUTIVE COMMUNICATIONS.

Lincoln Hulley—Chairman;
M. L. Plympton,
W. A. Russell,
W. A. MacWilliams,
Doyle E. Carlton.

APPROPRIATIONS.

D. M. Lowry—Chairman;
W. H. Malone,
John E. King,
John B. Johnson,

C. C. Mathis,
W. M. Igou,
Oscar M. Eaton,
T. T. Turnbull,
Lincoln Hulley.

INTRODUCTION OF RESOLUTIONS AND CON-
SIDERATION OF SENATE RESOLUTIONS.

By Mr. Johnson—
Senate Resolution No. 1:

Resolved, That the Secretary of the Senate is hereby authorized to employ one competent person whose duty it shall be to assist in the work of indexing the Senate Journals, and to perform such other service as shall be directed by the Secretary of the Senate.

Mr. Johnson moved to adopt the resolution.
Which was agreed to.

By Mr. Plympton—
Senate Resolution No. 2:

Whereas, It appears to be necessary during all of the Legislature, that a great number of the various traveling representatives of certain State Departments spend a great portion of their time in Tallahassee during said sessions; and

Whereas, It is evident that their work must suffer during their sojourn in the Capital City for so great a period during this particular season of the year; and

Whereas, It is a great burden upon the tax-payers of the State of Florida to entertain these men in the Capital City during this particular season; Therefore be it

Resolved, That the heads of the various State Departments which employ these traveling representatives in their various capacities furnish to this Senate information tending to show the necessity for their continual sojourn in the Capital City at this particular season of the year.

Mr. Plympton moved that the resolution be adopted.
Which was agreed to.

Mr. Plympton moved that the Secretary of the Senate be instructed to serve a copy of the above resolution on the heads of the various departments of the State government.

Which was agreed to.

By Mr. Malone—

Senate Resolution No. 3:

Resolved, That each Senator be allowed to send to constituents, at State expense, not exceeding 25 copies of the daily Journals, and that the Committee on Legislative Expenses be authorized and directed to provide the necessary help, postage, etc., for this purpose.

Mr. Malone moved to adopt the resolution.

Which was agreed to.

Mr. Johnson moved to reconsider the vote by which Senate Resolution No. 3 was adopted.

Mr. Malone moved to waive the rules and the Senate do now consider the motion of Mr. Johnson to reconsider.

Which was agreed to by a two-thirds vote.

The question was then put upon the motion of Mr. Johnson to reconsider the vote by which Senate Resolution No. 3 had been adopted.

The motion to reconsider prevailed.

The question then recurred upon the adoption of the resolution.

Mr. Johnson offered as a substitute for the motion of Mr. Malone to adopt the resolution, that the resolution be referred to the Committee on Audit and Control of Legislative Expenditures.

Which was agreed to.

The Secretary of the Senate appointed Miss Stella Mae Biddle, of Walton County, as such Index Clerk, under Senate Resolution No. 1.

INTRODUCTION OF BILLS.

By Mr. Hulley—

Senate Bill No. 6:

A bill to be entitled An Act to promote the upbuilding of national vitality and efficient citizenship through the establishment of physical education and training for the pupils of both sexes in the public schools of the State of Florida.

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

By Mr. Hulley—

Senate Bill No. 7:

A bill to be entitled An Act to provide for the redemp-

tion and sale of tax certificates held by the State of Florida, covering lands sold to the State, and prescribe the duties of the clerks of the Circuit Court in connection therewith.

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

By Mr. Carlton—

Senate Bill No. 8:

A bill to be entitled An Act extending the powers and jurisdiction of the City of Tampa by authorizing the said city in the establishment and operation of municipal water works to acquire by the exercise of the right of eminent domain the property of any person, firm or corporation engaged in supplying the City of Tampa with water.

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

By Mr. Carlton—

Senate Bill No. 9:

A bill to be entitled An Act providing for the establishment of a Board of Charities and Correction, and prescribing the duties and powers of said board.

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

By Mr. Carlton—

Senate Bill No. 10:

A bill to be entitled An Act amending Section 2481 of the General Statutes of the State of Florida. Providing for acknowledgements and proofs of execution of instruments to be made in foreign countries and validating certain acknowledgements and proofs of the same heretofore had and taken in foreign countries.

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

By Mr. Singletary—

Senate Bill No. 11:

A bill to be entitled An Act to authorize the Trustees of the Internal Improvement Fund of the State of Florida to sell and convey the swamp and overflowed lands in this State held by them, and to provide for the disposition of the proceeds of such sales of said lands.

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

By Mr. Russell—
Senate Bill No. 12:

A bill to be entitled An Act authorizing the Board of County Commissioners of Putnam County, Florida, to use the surplus remaining from the proceeds of the sale of any special road and bridge district bond issue in said county for the purpose of widening or extending such roads and for other purposes pertaining thereto.

Which was read the first time by its title and placed on the calendar of local bills on second reading.

By Mr. Russell—
Senate Bill No. 13:

A bill to be entitled An Act providing for the protection of the roads and public highways of Putnam County, and prescribing the manner and mode of use of said highways by automobiles, motor trucks and other vehicles on said highways, prohibiting log carts hauling logs over the hard-surfaced roads or highways, and providing a penalty for the violation hereof.

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

By Mr. Andrews—
Senate Bill No. 14:

A bill to be entitled An Act to create certain territory in Bradford County, Florida, into a special road and bridge district; and to legislate and validate the building and construction of certain roads and bridges named therein and for the issuance of bonds to pay therefor, and the appointment of a Board of Bond Trustees, and to invest said Trustees with certain powers and duties, and to provide for the use and control of the general road and other funds collected within said territory for road purposes.

Which was read the first time by its title.

Mr. Andrews moved that the rules be waived and Senate Bill No. 14 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 14 was read a second time by its title only.

Mr. Andrews moved that the rules be further waived, and that Senate Bill No. 14 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 14 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 Anderson, Andrews, Baker, Bradshaw, Butler, Carlton, Crawford, Eaton, Hughlett, Hulley, Igou, Johnson, King, Lowry, MacWilliams, Malone, Mathis, McLeod, Moore, Oliver, Plympton, Roland, Russell, Singletary, Stokes, Turnbull, Turner, Wilson—29.

Nays—None.

So the Bill passed, title as stated.

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

By Mr. King—
Senate Bill No. 15:

A bill to be entitled An Act regulating the payment of the per diem and mileage and expenses of members of the Legislature and per diem of employes of the Legislature.

Which was read the first time by its title.

Mr. King moved that the rules be waived and Senate Bill No. 15 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 15 was read a second time by its title only.

Mr. King moved that the rules be further waived, and that Senate Bill No. 15 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 15 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 Anderson, Andrews, Baker, Bradshaw, Butler, Carlton, Crawford, Crosby, Eaton, Hughlett, Hulley, Igou, Johnson, King, Lowry, MacWilliams, Malone, Mathis, McLeod, Moore, Oliver, Plympton, Roland, Rowe, Russell, Singletary, Stokes, Turnbull, Turner, Wilson—31.

Nays—None.

So the bill passed, title as stated.

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

By Mr. Baker—
Senate Bill No. 16:

A bill to be entitled An Act to preserve the true facts and history of the Florida boys who served in the World War, and gather the same while such facts may be truthfully and correctly obtained, and to publish the same and appropriation therefor.

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

By Mr. Wilson—
Senate Bill No. 17:

A bill to be entitled An Act to apportion the Representation in the Senate of the State of Florida, and to apportion the Representation in the House of Representatives of the State of Florida.

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

By Mr. King—
Senate Bill No. 18:

A bill to be entitled An Act fixing the legal time in that part of the State of Florida lying east and south of the Chattahoochee and Apalachicola Rivers and in the County of Franklin, including the City of Apalachicola west of the Apalachicola River, and repealing all laws and parts of laws in conflict herewith.

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

By Mr. Lowry—
Senate Bill No. 19:

A bill to be entitled An Act relating to official bonds in this State.

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

By Mr. King—
Senate Bill No. 20:

A bill to be entitled An Act to prohibit the catching or taking fish in certain parts of the waters of Crystal River, and its tributaries in the County of Citrus, State of Florida, by the use of seines, gill nets, haul nets, or by any other kind of nets, or devices, except hook and

line. To prohibit the selling of large mouth bass, or Oswego bass, commonly known as black bass, and to prescribe the limit and number of said Oswego bass that may be caught in any one day with hook and line, and to declare a closed season, and to prohibit the catching of such Oswego bass during the months of March and April in each and every year, and to prescribe that its violation shall be deemed a misdemeanor, and shall be punished by General Laws.

Which was read the first time by its title.

Mr. King moved that the rules be waived and Senate Bill No. 20 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 20 was read a second time by its title only.

Mr. King moved that the rules be further waived, and that Senate Bill No. 20 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 20 was read a third time in full.

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

Yeas—Mr. President, Senators Anderson, Andrews, Baker, Bradshaw, Butler, Cash, Crawford, Crosby, Hugglett, Hulley, Igou, Johnson, King, Lowry, MacWilliams, Malone, Mathis, Moore, Oliver, Plympton, Roland, Rowe, Russell, Singletary, Stokes, Turnbull, Turner, Wilson—28.

Nays—None.

So the bill passed, title as stated.

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

By Mr. Butler—

Senate Bill No. 21:

A bill to be entitled An Act to authorize any corporation to sell and convey all its property and property rights, privileges, franchises, easements, and rights of ways, and to authorize any corporation to purchase the same; the method, manner, conditions necessary in making such sale or purchase; and payment to any dissenting stockholder.

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

By Mr. Crosby—
Senate Bill No. 22:

A bill to be entitled An Act to require all State and county officers to furnish surety company bonds before being commissioned for such office; and to repeal all laws in conflict with the provisions hereof.

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

By Mr. Hulley—
Senate Bill No. 23:

A bill to be entitled An Act making an appropriation to pay the E. O. Painter Printing Company for extra volumes of Florida Supreme Court Reports, reprinted under contract of said Company, with the Board of Commissioners of State Institutions.

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

By Mr. Hulley—
Senate Bill No. 24:

A bill to be entitled An Act making appropriations to pay the E. O. Painter Printing Company for freight paid by said company on certain Supreme Court reports.

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

By Mr. Butler—
Senate Bill No. 25:

A bill to be entitled An Act authorizing corporations to create two or more classes of stock, with such designations, preferences and voting powers, or restrictions or qualifications thereof, to increase or decrease the stock, to provide the voting power of stockholders and for voting by proxy and the limitations thereon and for cumulative voting and for authorizing sale of assets and franchise.

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

By Mr. MacWilliams—
Senate Bill No. 26:

A bill to be entitled An Act authorizing sales and conveyances by the Board of Commissioners of Everglades Drainage District of lands covered by tax certificates in

the name of said Board, and validating any such sales and conveyances heretofore made.

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

By Mr. MacWilliams—
Senate Bill No. 27:

A bill to be entitled An Act to repeal Chapter 7586 of the Laws of Florida, Acts of 1917, entitled An Act creating a Special Court of Record in and for the County of St. Johns, in the State of Florida; prescribing its jurisdiction; providing for a judge, solicitor and clerk for the same, and prescribing the jurisdiction of the Supreme Court and the Circuit Court in and for St. Johns County in relation to such Special Court of Record for St. Johns County.

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

By Mr. MacWilliams—
Senate Bill No. 28:

A bill to be entitled An Act relating to the commissions of the tax collector for collecting taxes of the Bimini Drainage District of Flagler County, Florida, and relating to the bond of such tax collector.

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

By Mr. Carlton—
Senate Bill No. 29:

A bill to be entitled An Act to provide for proceedings supplementary to an execution.

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

Mr. MacWilliams, Chairman of the Joint Committee on Rules, submitted the following report:

Tallahassee, Florida, April 11, 1919.

Hon. Jas. E. Calkins,
President of the Senate,
Hon. Geo. H. Wilder,
Speaker of the House of Representatives.
Sirs:

We, your Committees on Rules, meeting as a joint committee, beg leave to submit the following report:

We recommend the adoption for the session of 1919 the joint rules of 1917 with the following changes and amendments:

1. In joint Rule 2, in lines two and three, strike out the words "on parchment paper," and insert in lieu thereof the words "as provided by Chapter 7346, Acts of 1917."

2. In joint Rule 5, in line four, strike out the words, "of the roll" and insert in lieu thereof the word "thereof."

3. In joint Rule 6, in lines two and three, strike out the word "approbation" and insert in lieu thereof the word "approval."

4. In joint Rule 7, in line seven, strike out the words "give notice" and insert in lieu thereof the word "announce."

5. In joint Rule 6, in line five, strike out the words "give notice" and insert in lieu thereof the word "announce."

Respectfully submitted,
W. A. MacWILLIAMS,
Chairman of Senate Committee.
THEO. T. TURNBULL,
J. TURNER BUTLER,
LINCOLN HULLEY,
DOYLE CARLTON,

E. P. WILSON,
Chairman of House Committee.
BRAXTON SMALL,
R. A. GREEN,
N. J. WICKER,
N. C. BRYAN,
A. C. HAMBLIN.

Mr. MacWilliams moved to adopt the report.

Which was agreed to.

Mr. MacWilliams moved that 250 copies of the Rules and Joint Rules governing the body, together with the committee assignments, be printed.

Which was agreed to.

And it was so ordered.

The report of the Attorney General, Hon. Van C. Swearingen, with accompanying documents, was received and ordered spread upon the Journal, and referred to Committee on Judiciary A.

STATE OF FLORIDA,
OFFICE OF THE
ATTORNEY GENERAL.

Tallahassee, Fla., April 10, 1919.

To the Florida Legislature:

In compliance with Section 13 of Article V of the Constitution, I herewith submit my report as Attorney General as to such legislation as I deem advisable, together with suggestions submitted to me by several of the Circuit Judges of this State.

Respectfully submitted,

VAN C. SWEARINGEN,
Attorney General.

The report of the Attorney General follows:

STATE OF FLORIDA,
OFFICE OF
ATTORNEY GENERAL.

Tallahassee, Fla., April 7, 1919.

To the Florida Legislature:

In compliance with Section 13, Article V of the Constitution, which provides that "The Attorney General shall report to the Legislature at each session, such legislation as may be deemed advisable," I beg to respectfully transmit this, my report, for the consideration of your honorable body.

LEGISLATION SUGGESTED.

DEPOSIT TO BE MADE BEFORE INJUNCTION ISSUES TO RESTRAIN COLLECTION OF TAXES.

I would suggest the enactment of a law providing that in all suits for injunction to restrain the Tax Collector from levying on and selling property for unpaid taxes, that before any injunction shall issue thereunder the

complainant shall deposit in the registry of the court in the county where the suit is instituted an amount of money equal to the amount last paid on said property for all taxes for subsequent years.

CONTINUING LIEN ON PROPERTY SOLD FOR TAXES OR OMITTED FROM ASSESSMENT.

I recommend a law providing that where there is an omission in assessing any property for one or more years, or where the property has been sold for taxes, that there shall be a lien against such property for each year for which there was an omission in its assessment, such lien to be the same in amount for any or each of such years as the assessment last made against such property, and that where property has been sold for taxes there shall be a continuing lien thereupon, unless otherwise lawfully assessed, the amount of such lien to be equal in amount for each year to the sum last paid upon said property, and that no irregularity in the assessment of subsequent years shall deprive the State or county of taxes thereon equal to the amount last paid thereon.

COUNTY OFFICES TO BE ON SALARY.

Under the provisions of Chapter 7334, Acts of 1917, all county offices will, after January 1, 1920, be compensated on salary basis, such salary to be based upon the net income of the office. I suggest that this law be so amended as to provide a just and adequate salary for all county officers on a straight salary basis, not dependent upon the net income of the office.

CHARTERS OF SOCIAL CLUBS TO BE FILED WITH SECRETARY OF STATE.

I suggest the enactment of a law providing that certified copies of charters and by-laws of all social clubs organized under the provisions of Section 2837, General Statutes, be filed in the office of the Secretary of State.

PLATS AND MAPS TO BE FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT.

A law should, in my opinion, be enacted requiring that all plats and maps of any piece or parcel of land sub-

divided into lots or tracts by any individual or corporation should be filed in the office of the Clerk of the Circuit Court of the county or counties wherein such property is situated.

GOVERNOR, AUTHORIZING TO TRANSFER COUNTY SOLICITORS.

I suggest the enactment of a law authorizing the Governor to transfer a county solicitor from one county to another county upon proper showing being made as to the necessity for such transfer. Also authorizing the Governor to designate a State Attorney or County Solicitor to assist another State Attorney or County Solicitor in the prosecution of any case, upon request and proper showing being made as to the necessity thereof.

PLEADING, PRACTICE AND PROCEDURE.

I recommend the enactment of a law providing for the simplifying of our system of pleading, practice and procedure in the courts of this State, both as to common law and equity procedure. I would suggest that the bill drawn by the commission appointed by the Governor, under resolution of the Legislature of 1911, be carefully considered in this connection.

STATE ATTORNEY AUTHORIZED TO SUMMON WITNESSES.

I recommend the enactment of a law authorizing State Attorneys to summon witnesses before them in or out of term time. County Solicitors now have this authority.

STATE INDUSTRIAL SCHOOL FOR BOYS.

Ever since my first visit to the Industrial School for Boys, which was only a few days after assuming the duties of Attorney General, I was impressed with the urgent need of a sufficient appropriation to employ competent officers and teachers, and the purchase of necessary equipment to make this in reality an Industrial School instead of name only. An institution of this kind, unless it accomplishes the object for which it was estab-

lished, is a detriment rather than a benefit to the unfortunate boys who become its wards and should be abolished. The need of such an institution is apparent to every one, and when sufficiently supported and properly managed as such an institution should be, is a great benefit to the inmates and also to the State. I therefore recommend that an appropriation be made sufficient to provide adequate buildings and equipment for the installation of a modern school, and to employ properly qualified officers and teachers.

BAIL BONDS, ESTREATURE OF.

I would recommend that Section 3953 of the General Statutes be amended so as to provide that in case of a bond estreature, where the sureties deliver the prisoner into the custody of the Sheriff at, or any time before, the next term of the court after the term at which he was to appear, judgment shall in no case be entered for other than the costs incurred by the failure of the defendant to appear.

COURT TO ADMIT ALL COMPETENT EVIDENCE.

No suit or action at law, either civil or criminal, should be decided without all the evidence that is competent being submitted to the court or jury, as the case may be. I therefore recommend that a law be enacted providing that when competent evidence is sought to be introduced in the trial of any suit or action at law, that no technical rule for the admission of evidence, as to laying a predicate therefor, or for the lack of proper form of question, etc., shall be cause for rejection of such evidence. And providing that it shall be the duty of the Trial Judge to instruct the parties litigant or their attorneys when necessary as to the proper method in which to introduce such evidence.

GAME LAW—AMEND AS TO FEES.

I recommend that Section 25 of Chapter 6969, Laws of 1915, be amended so as to provide that when there is no county game warden, and the duties of the game warden are performed by the Sheriff, that the fees provided for

the game warden shall be paid to the Sheriff in all instances where they would have been paid to the game warden had there been one.

DISQUALIFICATION OF JUDGE.

I recommend the passage of a law that, in cases arising under the laws of this State, when either party in any civil case, or the defendant in any criminal case, makes affidavit that he fears he will not receive a fair trial in the court where the cause is pending on account of the prejudice of the Judge of the court against the affiant or in favor of the adverse party, such affidavit setting forth the facts upon which it is based, shall be sufficient to disqualify such judge from trying such case, but shall not be cause for change of venue.

INTEREST ON JUDGMENT AND DECREES.

Section 1604 of the General Statutes (1906) provides that all judgments and decrees shall bear interest at the rate of eight per cent per annum. I suggest that this law be amended, reducing the rate of interest to six per cent on judgments and decrees.

COURT TO CHARGE JURY AS TO PENALTY THAT MAY BE IMPOSED IN CRIMINAL CASES.

I suggest that a law be enacted making it the duty of the presiding judge in all the courts of this State having criminal jurisdiction, to charge the jury in every criminal case of the maximum and minimum penalty that can be imposed in the event of a verdict of guilty being rendered against the defendant.

MINUTES OF BOARD OF COMMISSIONERS OF STATE INSTITUTIONS TO BE PUBLISHED.

A great deal of the State's most important business is transacted by the Board of Commissioners of State Institutions, and while minutes are kept in regular record books of the acts and doings of this Board, they are not published; therefore they are only accessible to those who visit the Capitol. I suggest that these minutes be published biennially by the Board and that copies thereof

be furnished each member of the Legislature prior to the convening of the regular sessions of the Legislature.

EXPENSES OF STATE ATTORNEYS.

I recommend the enactment of a law providing for the payment of traveling expenses of State Attorneys while away from their homes attending terms of court, or on official business in connection with their office.

A LAW DEFINING "CONFIDENCE GAME" OR "WIRE TAPPING," AND PROVIDING PUNISHMENT THEREUNDER.

During the tourist season of last year and this year many complaints have come to this office from retired farmers and other elderly men of other States that they have been swindled out of many thousands of dollars by professional crooks, usually coming from "nowhere," or from Chicago, New York and other cities, by a method usually called "wire tapping," "confidence game," or fake race track.

There appears to be a perfected system operated from the larger cities by these men, who go under assumed names and who usually have pinned upon them Liberty Bond buttons, Red Cross buttons and insignias of Shriners, K. of P., W. O. W., and other badges which are used as instruments of deception in putting the wolf in sheep's clothing.

It has been estimated that during the last tourist season in this State these men swindled tourists out of something near a half-million dollars, and this action is bringing the State into disrepute. I urge that a stringent law similar to that of other States be passed, defining the offense and placing a heavy penalty on these men, and I suggest that in the event of their apprehension that they should be required to give bail in a sum at least equal the amount unlawfully taken from their victims, in order to secure their trial and punishment.

DIGEST OF FLORIDA SUPREME COURT REPORTS NECESSARY.

The State of Florida practically has a franchise upon the publication, sale and distribution of the Supreme

Court Reports. There are now over 75 volumes containing many thousand points of law which are set forth in decisions that would be of inestimable value to the Justices and Judges of the State, as well as other officers and citizens, in finding the law applicable to a given state of facts, if put into an efficient and workable digest. The digest should be compiled by some one well qualified by reason of experience and knowledge of our State decisions and interpretation of our statutes and constitution, and the work should be approved by the Justices before acceptance and final payment for the work.

An act of the ensuing Legislature authorizing our Supreme Court to elect or designate such a person to make such a digest would be money most wisely spent. Such a book, in my judgment, should be furnished to the judicial officers, the Prosecuting Attorneys and State Attorneys free, and other volumes sold at actual cost.

EXPERT WITNESSES—COMPENSATION.

I recommend the enactment of a law providing for the compensation of persons who are summoned by the State to testify as expert witnesses in criminal cases, and providing for the trial judge to approve the account for such services, and when so approved the same to be paid by the county in which the case arises.

PRIMARY ELECTION LAW.

I recommend that Sections 17 and 33 of Chapter 6469, Laws of 1913 (Primary Law), be amended so as to read as follows:

Section 17. It shall be the duty of the Supervisor of Registration of each county, immediately upon the closing of the registration books as herein provided, and not later than the thirtieth day before the primary election, to furnish the Secretary of State with a typewritten list of the names of the registered voters of each political party according to the registration books, giving the postoffice address of each, with number of rural route when living on same.

Section 33. The Secretary of State shall forward, by mail, within the time required in the preceding section, to each of the electors whose name has been furnished

him under the provisions of Section 17 hereof, a copy of the pamphlet provided for in this Act.

The amending of these sections of the law as indicated would save several hundred dollars in the distribution of these pamphlets; would be a more direct way of getting them into the hands of the voters, and would take considerable work off of the Registration Officers.

COMPROLLER TO BE MADE PARTY IN CERTAIN SUITS.

I recommend the enactment of a law providing that the Comptroller be made a party defendant in all suits seeking to cancel tax certificates and suits seeking to declare any tax assessment illegal or to resist the payment of any tax under the laws of this State.

RECOMMENDATIONS BY CIRCUIT JUDGES.

Attached hereto will be found recommendations as to needed legislation submitted by several of the Circuit Judges, for your consideration.

VAN C. SWEARINGEN,
Attorney General.

LEGISLATIVE SUGGESTIONS BY JUDGE O. K. REEVES.

It is made the duty of the judges of the Circuit Court by Sec. 13, 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 the 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—No witness should be excused from testifying on the ground that his testimony would tend to incriminate him, but the statute should protect the witness against the use of the testimony so given against him. This has been done in certain cases of crime and should be done in all. One case came under my observation recently where three parties went before a grand jury voluntarily and told the story of a theft in which others were involved but before the trial two of the three ran away, and the other refused to testify against one of his confederates then on trial because the testimony would tend to incriminate him (the witness). I submit the statute should make it impossible to thus trifle with the courts.

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 crimes 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, Art. IV, of 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 portion 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 immediately 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.

Fourth—The law relating to change of venue on the ground of supposed prejudice of the trial judge should be so amended as to require facts showing prejudice to be alleged as a pre-requisite to the granting of the motion. The dissenting opinion of Judge Simmons concurred in by Justice Whitfield in the recent case of Blackwell vs. State, 78 So. 731, is complete and convincing on this point. The present statute as construed by the majority of the court is mischievous. It is ridiculous to allow a defendant to claim a change of venue, thus delaying his trial indefinitely, simply by swearing that "He fears he will not receive a fair trial * * * on account of the prejudice of the judge." When no facts are alleged to show that the judge is prejudiced and in all human probability he is not because he has no interest except to discharge his duty that justice may be done.

SUGGESTIONS AS TO LEGISLATION BY HON. DANIEL A. SIMMONS, JUDGE DUVAL CIRCUIT, AND HON. GEORGE COUPER GIBBS, JUDGE FOURTH CIRCUIT.

In compliance with Section 13 of Article 5 of the Constitution of this state, we respectfully report to you the following defects in the laws which have been brought

to our attention, and suggest to you the following amendments and additional legislation:

1. 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.

2. 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 in 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.

3. We suggest that Section 1587 of the General Statutes be amended so as to omit therefrom any time limit during which jurors might 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 instances 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.

4. 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 cases; 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 treasury 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 so to charge his mind with all the evidence in any case, and 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.

5. 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 so as to prevent 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 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 ab-

solutely tie up all 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.

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

7. 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 a life sentence unjust.

8. 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.

9. 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."

10. We suggest that the State Attorney be allowed the process of the Circuit Court to summon 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.

11. We suggest that the Legislature fix the situs for the purpose of taxation of the estate of a decedent.

12. 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 case, 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 be tried, under appropriate rules by the Supreme Court, as common law cases, directly before the court.

13. We deem it of essential importance to the State that such laws be passed as will enable the Florida Industrial School for Boys to carry out the objects for which the school was created as embodied in Section 4166 of the General Statutes, to-wit: The making such reform school not simply a place of correction, but a reform school, where the young offender of the law, separated from vicious associates, may receive careful physical, intellectual and moral training, be reformed and restored to the community with purposes and character fitting for a good citizen, an honorable and honest man, with a trade or skilled occupation fitting such person for self-maintenance.

14. We suggest the amendment of Section 1864, General Statutes, prescribing the form of a subpoena in chancery by striking from said form the words "under a penalty of \$500." In our experience we have known of instances of great and unnecessary hardship and in-

convenience suffered by defendants from a misunderstanding of such words. The real penalty visited upon a party defendant sui juris for failure to appear is that the bill of complaint may be taken as confessed against him.

15. We suggest that Section 1471 of the General Statutes, relating to procedure in cases in which the Circuit Judge is alleged to be prejudiced, be so amended as to require the motion and affidavit to state the facts upon which the allegation of prejudice is based.

16. We suggest that the salary of State Attorneys be increased so as to be commensurate with the duties performed by them in their respective circuits.

17. We would suggest that Section 1, Chapter 6577, Special Acts of 1913, be amended to read as follows:

"Section 1. The County Commissioners of Duval County, Florida, shall employ a private detective to assist the State Attorney for the Fourth Judicial Circuit of Florida in the detection and punishment of crime committed in said county, which said detective shall be appointed by the Governor upon recommendation of the State Attorney, and the term of employment of such County Detective shall be during the pleasure of the said State Attorney."

We would further recommend that Section 2 of Chapter 6577, Acts of 1913, be amended to read as follows:

"Section 2. The detective so employed shall be under the direction of, and shall assist the State Attorney in securing evidence and making investigations of facts relating to all matters within the jurisdiction of said State Attorney for said county, and said detective shall have the same powers of arrest as the Sheriffs of the several counties of the State of Florida now have. The said detective shall receive no fees or special compensation for such services."

We would further recommend that Section 3, of said Chapter 6577 be amended to read as follows:

"Section 3. The compensation of such detective shall be \$250.00 per month, payable monthly."

18. We suggest that a statute be passed providing that upon the investigation of a death caused by violence or unnatural cause, or murder, rape or assault with intent to commit rape, or where a person is charged with any such crime, the Justice of the Peace as ex-officio coroner, the committing magistrate presiding at

the preliminary hearing, and the judge of the court upon the trial of the cause, shall in the discretion of the judge, or justice of the peace, before whom such hearing or trial shall be had, have power and authority, upon the request of the State of Florida, through its prosecuting officer, or of the defendant, to require from any person testifying or summoned to testify at such hearing or trial a good and sufficient bond for the appearance of such person at any subsequent hearing or trial of a cause involving the subject matter of such charge, investigation, preliminary hearing, or trial, and that in default of the giving of such bond such judge or justice of the peace, shall, in his discretion, have the power and authority to commit said person to the custody of the sheriff of the county in which such investigation, hearing, or trial, may be had, to be held by such sheriff pending such investigation, hearing or trial, or until the giving of such bond.

19. We would suggest that some statute be passed authorizing and requiring the several counties to pay mileage of witnesses in behalf of the State in capital cases from points beyond the territorial limits of the State in cases where such witness or witnesses voluntarily attend the trial of such case or any hearing therein at the request of the State Attorney.

LEGISLATIVE SUGGESTIONS BY JUDGE JOHN S. EDWARDS..

In compliance with the Statute of the State of Florida which makes it the duty of the various Circuit Judges of the State of Florida to make such recommendations for amendments to the laws of the State of Florida as they deem necessary and proper, to the Legislature through the Attorney General's office, I herein recommend the following proposed laws to amend the Statutes of the State of Florida, to-wit, as follows:

1. I think the law of conveyancing in the State of Florida should be amended in the following respects: that separate acknowledgment of the execution of deeds and mortgages by the wife should be abolished. It serves no good purpose; the condition of society now rendering it unnecessary for the protection of the wife—women exercising and having as much right and as much protection in the execution of instrument as men, and the coer-

cion of women into signing such instruments is reduced to a minimum. This law as it stands, in my estimation, on the statute books simply serves at the present time through careless scribes to cast clouds upon the title to property by not taking the acknowledgment in its correct form. This law has come down to us from days when husbands exercised more authority over their wives than they do either by law or public opinion at the present time.

2. I think that the acknowledgment, if it is not abolished itself, both for husband and wife, in the execution of deeds and other instruments of like kind, should be very much simplified and no specific words or language be necessary to make it legal.

3. I recommend that the seal on sealed instruments of all kinds be abolished. In most of the states of the union this advance has been made. The seal has long since ceased to perform any service and simply complicates and throws clouds on the instruments that might by inadvertence be executed without it. Under the present practice and use of seal the seal adds no dignity and represents nothing.

4. I would go further and recommend that the law requiring wives to join in the execution of deeds, mortgages and other instruments of like kind with their husbands be abolished, and that the law requiring husbands to join in the execution of deeds, mortgages and other instruments with the wife concerning her separate property be abolished; that the power over both real and personal property, belonging to a husband, be put in his hands exclusively, and that the power and control over both real and personal property of the wife be put in her hands exclusively, and that each have the control of his property, the homestead might be excepted from this law.

5. I would recommend that there be constitutional amendment to the Homestead and Exemption laws. The condition under which Homestead and Exemption laws were placed in the constitution have been so materially changed that they do not now apply with justice. In the days when the law was put into the Constitution Florida was an undeveloped and a very poor state, so that the allowance was not an unreasonable one; but the rapid development in the State of Florida has made the present law an unreasonable one. The amount of homestead and exemption that can be claimed almost prevents

the collection of debts in Florida and materially decreases the credit and purchasing power of the people of this State. I would recommend that a maximum valuation be placed upon the homestead and exemption which a person may claim, rather than acreage, so far as a homestead is concerned. Under the present law a man may exclude a mansion on a 160-acre orange grove, worth a quarter of a million dollars; or a hundred and sixty acres of phosphate land, worth \$160,000. Further, I would exclude from the exemption personal property, as against the debts incurred in the actual support of the family, such as bills for groceries and house rent, for which purpose the homestead and exemption were given. The law is used today, at least ninety-nine times out of a hundred, not for the purpose of protecting the family, but for the deliberate purpose of dishonestly avoiding the payment of debts.

6. I would recommend that the laws with reference to marriage and divorce be radically changed. Under the present marriage laws it seems that "Fools rush in where angels fear to tread." There are laws which prevent the marriage of boys and girls, but there is no penalty against officials who, in other counties than the county of the girl's residence, issue licenses to marry. For the protection of society I believe that a notice of some character, either through the churches or through some publication of some character, for a definite, specified length of time before a marriage is consummated, that it will be consummated at a definite date, would give notice to persons who might legally have a right to object, and this would likewise save many a young girl from an indiscreet marriage, without opportunity to consider. This would be a radical departure from our present law, but would, I believe, decrease the orgy of divorces of immature persons who, within a few months, return to the divorce courts to have themselves freed and would be to the great benefit of society. As to divorces, it is a notorious fact to all thinking persons that know of the condition, that the situation is alarming. Divorce under the present statutes of the State of Florida are being ground out by wholesale in every circuit court in the State as well as in every other court of every other State in the land. It seems to me to be one of the greatest menaces to the foundation of society today. I believe that a just and legitimate divorce law should be on the

statute book, to free those who should be freed from bonds which, for any legitimate reason, have become onerous; but the wholesale divorces of the present day are breaking down the respect of the marriage relation and the marriage vows are being held too lightly. I would recommend that divorce laws be so amended that it might be in the discretion of the granting chancellor to prohibit the person securing the divorce from remarrying for a definite length of time. I would recommend that the laws be so amended that the guilty party be not freed from the bonds of matrimony, that is, the right to remarry. I would make this recommendation because a great majority of the divorces which are granted in the courts of Florida today are granted ex parte, as all lawyers know,—the party remaining out of court and allowing it to go by default. Many divorces are gotten by collusion under the present system, and the courts are powerless to make any discovery of the fact. Under the present system, the party that has caused the domestic rupture is, in my opinion, frequently the one who sues for the divorce, and is the guilty party. One of the parties being the guilty party, or aggressor, makes life so miserable to the other party that the aggrieved party simply walks off from the domestic circle and the party being the guilty party remaining, comes into court and sues on the ground of desertion. The other party, being disgusted with the situation, quietly remains out of court, knowing that the decree of divorce would free him or her, and allows the suing party to get a default decree. Should the person who remains out of court know that he or she would not be freed by the operation of a divorce decree, that person would be forced into court to take care of his or her side of the case, and the facts would most likely be brought to light. I believe that some stringent action is necessary to be taken to protect society from the divorce poison that seems to have permeated the whole nation, and under the present circumstances this seems to be the best recommendation that I can make.

7. I would recommend that the laws concerning the collection of taxes be radically changed. The Supreme Court has, I think, very properly decided on the tax deed, so that it would be almost impossible under the present method of making tax sales to pass the title by such procedure, and the tax titles that are obtained, while they

pass no title, put vast and unreasonable burdens upon the subsequent owners of the lands in clearing the clouds occasioned by tax deeds and tax sales from the land, thereby not either getting the taxes or benefiting anybody. This is a difficult matter and would require the united thought of men of affairs in working out a plan that would absolutely collect the taxes and at the same time not burden our real estate with clouds throughout the state. It seems to me that a possible method would be to give to the state, or person who purchased the property at the tax sale, a certain absolute, small interest, either a divided one or an undivided one, the property which had failed to pay its taxes, say, a one-tenth interest, within one or two years after the purchase of the property, against which interest the original owner might not thereafter ever come into court, and leaving the other nine-tenths, divided or undivided, interest free in his hand, unincumbered.

8. I think the taxing laws of the State of Florida should be radically amended. I am heartily in favor of a tax commission, or other body of like kind, by whatever name you may choose to call it, with power to regulate the equalization of the values of taxation. I think the past legislature made a woeful mistake when, at the instance of some interested parties, it abolished the State Tax Commission. It has been my good fortune to be a member of the State Tax Commission and to study taxation matters, both from the books and from personal contact and intercourse with the greatest taxing minds of the United States and Canada. Every progressive state that is striving toward the proper taxing systems have tax commissions and the intricate and complicated subject is being more or less improved. The Tax Commission when I was a member made many recommendations and drew several bills, which will be found in the first report of the State Tax Commission, and many of them repeated and endorsed in the second report of the Tax Commission. Many of these recommendations I drew myself, after close study of the taxing situation in Florida and in other states of the Union, and I believed them at that time to be good, and I believe today that they would be proper laws to enact. Notes, mortgages and other evidences of indebtedness are almost wholly escaping taxation. In this tax commission's first report you will find a bill drawn and recommended that I

believe would solve this situation and bring this vast wealth on the tax books. I am emphatically opposed to the theory of segregation of state and county taxes, allow certain property to the state and others to the county. This scheme has been thoroughly tried out in the progressive state of California, and found wanting, and absolutely condemned. It would take from some counties vast sources of their wealth and leave other counties without any burden of the states taxes upon their shoulders, while the counties from which it would take this wealth would have the burden of policing and protecting the property so taken they would have no benefit from these properties, while other counties that do not have these properties would be relieved from their part of the burden of supporting the state government, which would be unfair. It would further gradually center in the state government for its taxing purposes more and more corporate wealth, until the property segregated for the state's benefit would be bearing a much lighter burden of taxation than that reserved to bear the burden of county taxation, as it did in the state of California, where the property segregated for state purposes were assessed at a valuation of 92 cents on the dollar as against that retained for county purposes of \$1.58—or thereabout, so that the burden against the property paying the county obligation was assessed at, at least 33 per cent higher than the other property, and the equalization of taxes required in the constitution would be lost. Or, on the other hand, should there be an adverse governing body in the state to the corporate interest, the opposite result might accrue, that is, more of the property excluded from the state tax burden and left to the counties, and the corporate property that was to pay the state expenses would bear a heavier burden pro rata. Further, the mass of people would lose interest in the regulation of the taxes for the payment of the state's burden and the danger of a close watch by the people of most of the state would be lost, which would be a dangerous condition for the welfare of the people of the state. I would recommend that an income tax and an inheritance tax be placed upon the statute books.

9. It seems to me that the laws of pleading and practice in the State of Florida might be materially changed, very much for the benefit of the people, simplifying court

procedure so that trying and settlement of disputes concerning property and crimes could be materially expedited. I think that if a law applying to all higher courts similar to that now applying to justice of peace courts were passed, in a measure abolishing the various kinds of actions, and allowing a litigant to come into court and state his cause, without naming any particular form of action, simply stating in simple and plain language his contention, and allowing the defendant to come into court and state his defense, without regard to form of action, and letting the case come to trial and settlement upon the facts alleged, whatever the form of action may have been, would give justice and not in any way hazard the rights of parties and at the same time would do away with much of the confusion over what cause of action is the proper cause, and do away with much of the delay and confusion brought about by the pleading and counter-pleading that now prevails in the courts.

10. I would recommend that subpoenas in chancery be changed, so that the penalty set out in same should be eliminated therefrom. It means nothing and serves but to harass the more ignorant who receive subpoenas in chancery. I have personally known on several occasions, when ignorant persons received subpoenas in chancery in such cases as clearing cloud from title, reading the subpoenae and seeing the penalty stated therein, believed that they were under such penalty to come to the court house on the day named and traveling miles for that purpose, thereby putting them to heavy, unnecessary expense which they could ill afford to bear, to find that there was no need for the trip.

11. I would recommend that with reference to demurrers, special grounds and general grounds of demurrer be allowed in the same demurrer. The Supreme Court having on many occasions ruled that where general grounds of demurrer are found in a demurrer that special grounds would not be considered, thereby rendering it necessary, to obtain the benefit of special grounds of demurrer that a separate demurrer be filed, would be done away with and all matters settled in one demurrer. This would be in conformity with the recent law abolishing cross-bill and allowing defendants in chancery suits to set up cross-bills in their answer.

12. I would recommend that the law be amended so

that any person who purchases land of another, upon which trespassers are, or of which land trespassers have taken possession, be allowed the right to bring suit against trespassers in the same respect that the owner of the land at the time of the trespass was allowed to bring suit, and in the same capacity. I have a case in my court at the present time in which "A" owned some wild, unimproved land. During his ownership, and without notice, a railroad built its right of way across the property; "A," without the knowledge of this fact, the land being wild and in a different county from his residence, sold an undivided half interest to "B." "A" and "B" then, without the knowledge of this trespass, sold their interest to "C," "C" purchasing without the knowledge of the trespass, but after purchase discovered the trespass on the land, and having warranty deed from "A" and "B," undertook to eject or get damages from the railroad company. Under the present law, "A" and "B" having no further interest in the land, could not bring suit against the trespassers; "C," having purchased after trespass, and the law presuming with notice that the trespasser was on it, could bring no suit against the trespasser, and the trespassing company got the lands without paying anything therefor. Under the present law the parties are helpless, and yet equity is outraged.

13. I would recommend that a law be enacted, requiring all dining and buffet cars, doing business in the State of Florida, and holding themselves out as such dining and buffet cars, at all times to keep their usual menu of food on their cars to be served to persons traveling upon such trains or cars; and that at any time when, because of the negligence, carelessness, overcrowding or unforeseen delays, the stock of supplies upon such dining or buffet cars should be exhausted, that the conductor upon such dining or buffet cars shall be required at the first town or city through which they pass, where such provisions as they carry may be available, to replenish the supply of food upon their diners or buffet cars, so that they may at all times be able to serve to the passengers upon such cars their usual or approximately their usual menu of food, and that if it is impossible because of the short length of time the train stops at any

town and city through which said train runs, to obtain said food during the stop, that said conductors upon said dining or buffet cars be required a sufficient length of time before reaching said city to wire to some person in the said town, whom they may choose for that purpose, to have such food at the station, ready for delivery to said dining or buffet cars, to replenish the stock of food on said cars.

Mr. Johnson moved that the Senate do now adjourn until 11:00 o'clock a. m. Friday.

Which was agreed to.

Thereupon the Senate adjourned until 11:00 o'clock a. m., Friday, April 11, 1919.

Friday, April 11, 1919

The Senate met pursuant to adjournment.

The President in the chair.

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

Mr. President, Senators Anderson, Andrews, Baker, Bradshaw, Butler, Carlton, Cash, Crawford, Crosby, Eaton, Hughlett, Hulley, Igou, Johnson, King, Lowry, MacWilliams, Malone, Mathis, McLeod, Moore, Oliver, Plympton, Roland, Rowe, Russell, Singletary, Stokes, Turnbull, Turner, Wilson—32.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of April 10 was corrected and approved as corrected.

REPORTS OF COMMITTEES.

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

Senate Chamber,
Tallahassee, Fla., April 10, 1919.

Hon. James E. Calkins,
President of the Senate.

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 21:

A bill to be entitled An Act to authorize any corporation to sell and convey all its property and property rights, privileges, franchises, easements and rights of way, and to authorize any corporation to purchase the same; the method, manner, conditions necessary in making such sale or purchase; and payment to any dissenting stockholder.

Have had the same under consideration and recommend that the same do pass with the following amendments:

1. In Section 4, lines 8 and 9, strike out the words "The book value of said stock according to the last balance sheet of the selling corporation." And in lieu thereof insert the following: "Its fair and just value determined by the fair and just value of the net assets of the selling corporation at the time of such demand."

2. By adding Section 6, as follows:

Section 6. This act shall become effective on becoming a law.

Very respectfully,

JOHN L. MOORE,
Chairman of Committee.

And Senate Bill No. 21, contained in the above report, was placed on the calendar of bills on second reading.

INTRODUCTION OF RESOLUTIONS.

Mr. Eaton, Chairman of the Committee on Audit and Control of Legislative Expenditures, offered the following:

Whereas, During the session of the Legislature, it may be found that certain attaches of the Senate are not qualified for the work for which they were appointed, and it may become necessary for that reason to transfer these attaches to other work; Therefore be it

Resolved by the Senate, That the Committee on Audit