

## PUBLIC HEALTH.

D. N. Cone, Chairman.  
 J. H. Colson.  
 N. J. Wicker.  
 W. J. Epperson.  
 J. H. Scales.

## REFORESTRATION AND AGRICULTURE.

M. O. Overstreet, Chairman.  
 W. P. Shelley.  
 H. G. Putnam.  
 N. J. Wicker.  
 W. J. Epperson.  
 W. A. MacWilliams.  
 D. N. Cone.

## RULES AND PROCEDURE.

J. B. Johnson, Chairman.  
 Jno. S. Taylor.  
 R. H. Rowe.  
 H. H. Wells.  
 D. E. Knight.

## STATE INSTITUTIONS.

W. A. Russell, Chairman.  
 W. H. Malone.  
 T. J. Campbell.  
 W. W. Phillips.  
 T. J. Knabb.

## TEMPERANCE.

J. M. Mitchell, Chairman.  
 Jno. S. Taylor.  
 B. H. Lindsey.  
 W. J. Singletary.  
 D. E. Knight.

Mr. Johnson moved that 200 copies of the Rules and Committee Assignments be printed for the use of the Legislators.

Which was agreed to and so ordered.

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

Which was agreed to.

Thereupon the Senate stood adjourned until 11 o'clock Thursday, April 5, 1923.

---

**Thursday, April 5, 1923**

---

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, Butler, Campbell, Colson, Cone, Eaton, Epperson, Etheredge, Hodges, Igou, Johnson, Knabb, Knight, Lindsey, MacWilliams, Malone, Mapoles, Mitchell, Overstreet, Phillips, Putnam, Rowe, Russell Scales, Shelley, Singletary, Stokes, Taylor, Wells, Wicker—31.

A quorum present.

Prayer by Chaplain.

Reading of the Journal was dispensed with.

The daily Journal of April 4th was corrected and, as corrected, was approved.

## INTRODUCTION OF RESOLUTIONS.

Mr. Campbell offered the following Resolution:

Senate Resolution No. 3—

Whereas, The Senators are often in need of the services of stenographers when the Senate is not in session in order to dispatch official business; and

Whereas, It has been often difficult for the Senators to secure such service during the reasonable work hours of

the day when the Senate is not in session because of the absence of such stenographers; therefore, be it

Resolved, That hereafter all Senate stenographers be and are required to remain on duty, in the offices provided for their use, from the hour of nine o'clock A. M. to one o'clock P. M., and from 2:30 to 5:00 o'clock P. M., each work day of the week during the remainder of this session of the legislature.

Which was read.

Mr. Campbell moved to adopt the Resolution.

Which was agreed to.

Mr. Etheredge offered the following Resolution:

Senate Resolution No. 4—

Resolved, by the Senate, That each member of the Senate be allowed to furnish a list of not more than twenty-five names from each county, and their address, to the Senate Journal Secretary, who shall mail out copy of the Senate Journal each morning to said addresses at the expense of the State.

Which was read.

Mr. Etheredge moved to adopt the Resolution.

Mr. Johnson moved that the further consideration of the Resolution be temporarily passed.

Which was agreed to.

Mr. Wells offered the following Resolution:

Senate Resolution No. 5—

Resolved, That the Senate stenographers be immediately increased to six in number and that one efficient person in addition to the Official Stenographer be appointed to direct the work.

Which was read.

Mr. Wells moved to adopt the Resolution.

Which was agreed to.

Mr. Hodges offered the following Resolution—

Senate Resolution No. 6:

Be it Resolved, That the Committee on Audit and Control of Legislative Expenses be and is hereby authorized to purchase a safe depository of Bills and all important papers.

Which was read.

Mr. Hodges moved to adopt the Resolution.

Which was agreed to.

Mr. Wells offered the following Resolution—  
Senate Resolution No. 7:

Whereas, There has been no provision made as a repository for the hats of the members of the Senate; and

Whereas, The Attorney-General has prepared plans and specifications for two portable hat stands suitable to be used either in the Senate Chamber or in the room adjoining the Senate Chamber and has procured the statement of the price at which such two stands will be furnished without delay. Therefore, be it

Resolved, by the Senate, That the Sergeant-at-Arms be authorized to place the order for the said two hat stands, to be delivered to the Senate Chamber during the present week, for and at the price of \$45.00 for the two, and that the cost of the same be paid as other legislative expenses are paid.

Which was read.

Mr. Wells moved to adopt the Resolution.

Which was agreed to.

Mr. MacWilliams offered the following Resolution—  
Senate Concurrent Resolution No. 1:

Whereas, the Legislature of the State of North Dakota adopted a Concurrent Resolution, which by its authority was sent and has been received by the Legislature of the State of Florida, in which certain grave and serious charges are made growing out of the trial, imprisonment, detention, and death of one Martin Tabert; and

Whereas, said resolution requests of the Legislature of Florida a full investigation of the circumstances surrounding the conviction, leasing and death of the said Martin Tabert; therefore be it

Resolved by the Senate, the House of Representatives concurring, that a joint committee, composed of two members of the Senate, to be appointed by the President of the Senate, and three members of the House, to be appointed by the Speaker of the House of Representatives, to make such investigation; and

Resolved further, That said Committee be authorized and directed to request of the Governor of the State of North Dakota a transcript of all the testimony and the names and places of residence of the witnesses upon which

the statements in said Concurrent Resolution adopted by the Legislature of the State of North Dakota were based.

Which was read.

Mr. MacWilliams moved that the rules be waived, and that Senate Concurrent Resolution No. 1 be taken up and considered at once.

Which was agreed to by a two-thirds vote.

The Resolution was read the second time.

Mr. MacWilliams moved to adopt the Resolution.

Pending the consideration of which—

The following communication from the Governor of Florida to the Governor of North Dakota was read:

March 2, 1923.

Hon. R. A. Nestos, Governor,  
Bismarck, North Dakota.

Dear Governor Nestos:

While I have not officially received a copy, my attention has been called to press reports of the passage by the Senate of the North Dakota Legislature of a resolution calling upon Florida officials to make full investigation of the death of one Martin Tabert, who died while in a county convict camp in Dixie County, Florida, it being alleged that the defendant was a resident of the State of North Dakota and while on a trip to Florida was apprehended and sentenced for some lesser criminal offense. It is charged in the resolution that the prisoner was inhumanely treated while so incarcerated. The Senate of the North Dakota Legislature, however, it seems, has been good enough to absolve the State from responsibility by virtue of the following provision contained in the said resolution, to-wit: "The State of Florida is in no manner part to the great wrong and that as represented its own Legislature will feel the same sense of indignation as is felt by North Dakota, represented by its Legislature."

The considerate language used by the Senate in the closing paragraph of the resolution and above quoted is appreciated. However, that does not cure the harm and injury that the passage of such resolution does the State of Florida. We have more than fifteen hundred convicts incarcerated in our prisons. There will occur occasional

instances where the authorities in charge might be accused of improper treatment of the convicts. I assume that similar situations will occur in ever State of the Union. Perhaps it has occurred in the State of North Dakota. It is the duty of the State not to retain in its service any man who would treat the convicts inhumanely and Florida does not retain them. My objection to the resolution of your Legislature is that a single instance has been seized upon as a basis for a resolution which will have the effect of giving to the State of Florida unwholesome publicity.

The fact is, no State in the Union treats its convicts more humanely than Florida. We cannot judge the general policy by some isolated, rare incident. Many years ago we did away with the private convict lease system so far as State convicts were concerned. In some instances small counties with very few convicts, not enough to warrant them in equipping convict camps and utilizing their service on public roads, have leased their convicts. All of the State convicts that are graded number one and those physically able to perform manual labor on the public roads are so employed. We employ convict inspectors to constantly keep watch over the camps. We have adopted rules for the protection of the convict and require their strict observance. We see that he is provided with clean and comfortable beds and plenty of wholesome food. We provide physicians locally to look after the health of the men on the roads, and in addition, traveling physician to constantly visit each camp and examine the men. We even provide chaplains for their religious instruction. In fact, every precaution is taken looking toward a policy of humanity. Florida has a convict farm which has been referred to as one of the most humane institutions of its kind in the United States. The honor system prevails to that extent that not a single guard is employed. We have adhered so closely to the humanitarian view that many people of the State feel that our policy is more sentimental than practical. I recite those conditions as a warrant for that resentment which the people of Florida have a right to feel over the passage of the resolution referred to.

With reference to the instant case, as soon as the report of the death of the prisoner reached me I ordered an investigation. The testimony which was submitted has all been referred to the Judge and State's Attorney of

the Circuit in which the camp is located. The regular term of the Court convenes within a few days. I am assured by these officials that a very thorough and searching investigation will be had. If criminal responsibility attaches to anyone connected with the affair he will be promptly and vigorously prosecuted. I feel in view of these facts that the passage of the resolution by the Senate served no useful purpose.

We invite the people of North Dakota along with those from other States in the Union to come to Florida with the assurance that they will find in this land of such splendid climate and matchless resources a citizenship who respect the laws of the country and who does not countenance acts of inhumanity, even to those who have been unfortunate enough to be convicted of crime.

Will you be good enough to transmit this communication to the Senate of your Legislature with request that they give it equal publicity which their resolution has received?

With assurances of high esteem and personal regards,  
I am

Very truly yours,  
(Signed) CARY A. HARDEE,  
Governor.

The question was then put.

Upon which a roll call was demanded.

The roll was called and the vote was:

Yeas—Mr. President, Senators Anderson, Butler, Campbell, Cone, Eaton, Epperson, Etheredge, Hodges, Igou, Johnson, Knabb, Knight, Lindsey, MacWilliams, Malone, Mapoles, Mitchell, Overstreet, Putnam, Rowe, Russell, Scales, Shelley, Stokes, Taylor, Wells, Wicker—28.

Nays—Senators Colson, Phillips, Singletary—3.

So Senate Concurrent Resolution No. 1 was adopted.

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

Mr. Johnson moved that the Senate do now adjourn to 10:30 o'clock tomorrow morning.

Mr. Lindsey moved that the Senate do now adjourn to 3 o'clock P. M. today.

The Chair put the question on the longest period.

The motion of Mr. Johnson was lost.

Mr. Malone moved that when the report of the Budget

Committee shall be received by the Senate that 100 copies of said report be ordered printed immediately for the use of the Senate.

Mr. Malone moved that the Senate do now adjourn to 11 o'clock tomorrow.

Which was not agreed to.

The question then recurred upon the motion of Mr. Lindsey to adjourn to 3 o'clock P. M. today.

Which was not agreed to.

Mr. Knight was excused from further attendance upon the body until Monday night.

Mr. Etheredge moved that the Senate do now adjourn.

Which was agreed to.

Thereupon the Senate stood adjourned to 11 o'clock, Friday, April 6, 1923.

Friday, April 6, 1923

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, Butler, Campbell, Colson, Cone, Eaton, Epperson, Etheredge, Hodges, Igou, Johnson, Lindsey, MacWilliams, Malone, Mapoles, Mitchell, Overstreet, Phillips, Putnam, Rowe, Russell, Shelley, Singletary, Stokes, Taylor, Wells, Wicker—28.

A quorum present.

Reading of the Journal was dispensed with.

The daily Journal of April 5th was corrected and, as corrected, was approved.

#### INTRODUCTION OF RESOLUTIONS AND CONSIDERATION OF SENATE RESOLUTIONS.

Senate Resolution No. 4, introduced by Mr. Etheredge on yesterday, and temporarily laid aside on request of Mr. Johnson, was taken up and read again for information.