

And—

House Bill No. 119:

A bill to be entitled An Act making an appropriation for the purpose of investigating means of preventing, eradicating and controlling injurious insects and diseases affecting pecan and other nut-bearing trees, and for the securing, gathering and dissemination of information in regard to the growing, fertilization and culture of pecan and other nut-bearing trees, to be used and expended by the University of Florida Agricultural Experiment Station under the direction of the Board of Control as herein provided.

Was taken up and read a second time in full.

Mr. Turnbull moved that the rules be further waived and that House Bill No. 119 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 119 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, Campbell, Colson, Cone, Eaton, Epperson, Etheredge, Igou, Knight, Lindsey, MacWilliams, Mapoles, Mitchell, Putnam, Rowe, Scales, Shelley, Stokes, Taylor, Wicker—21.

Nays—None.

So the bill passed, title as stated.

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

The hour of ten o'clock—the hour of adjournment under resolution—having arrived, the Senate was declared adjourned until ten o'clock A. M., Friday, May 18, 1923.

Friday, May 18, 1923

The Senate met at 10 o'clock A. M.

The President in the Chair.

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

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

A quorum present.

Prayer by the Chaplain.

Reading of the Journal was dispensed with.

The Journal of Wednesday, May 16th, was corrected, and as corrected was approved.

REPORTS OF COMMITTEES.

Mr. Lindsey, Chairman of the Committee on Insurance, submitted the following report:

Senate Chamber,
Tallahassee, Florida, May 18, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Committee on Insurance, to whom was referred—
House Bill No. 311:

A bill to be entitled An Act to authorize the valuation of bonds and other securities held by life insurance companies, assessment life associations and fraternal beneficiary associations by the amortization method.

Also—

House Bill No. 312:

A bill to be entitled An Act regulating the amount and par value of the stock of insurance companies, surety companies and sick and funeral benefit companies organized under the laws of Florida, and requiring associations, companies and corporations doing a sick and funeral benefit business in Florida to set aside a reserve for the protection of policy holders and to make a deposit in cash or certain approved securities with the Treasurer of Florida.

Also—

House Bill No. 313:

A bill to be entitled An Act relating to the licensing of insurance agents, and prescribing the license tax of agents operating in more than one county in Florida, and of insurance adjusters.

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

Very respectfully,

B. H. LINDSEY,
Chairman of Committee.

And House Bills Nos. 311, 312 and 313, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,
Tallahassee, Fla., May 18, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Committee on Judiciary A, to whom was referred—
Senate Bill No. 219:

A bill to be entitled An Act concerning declaratory judgments and decrees and to make uniform the laws relating thereto.

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

Very respectfully,

W. A. MacWILLIAMS,
Chairman of Committee.

And Senate Bill No. 219, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. John S. Taylor, Chairman of the Committee on Privileges and Elections, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 18, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

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

House Bill No. 585:

A bill to be entitled An Act to amend Section 256 of the Revised General Statutes of Florida, relating to the printing of names upon the ballot in General Elections.

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

Very respectfully,

JOHN S. TAYLOR,
Chairman of Committee.

And House Bill No. 585, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,
Tallahassee, Florida, May 18, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Committee on Judiciary A, to whom was referred—
Senate Bill No. 225:

A bill to be entitled An Act to establish a Chemical Division of the Department of Agriculture of the State of Florida; to provide rules, regulations, definitions and standards for the enforcement of this Act; to designate the officers and employees of the Chemical Division and their duties under this Act; to fix the expenses of the Chemical Division of the State of Florida and to appropriate the necessary funds for its maintenance; to repeal all laws in conflict herewith; and for other purposes.

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

Very respectfully,
W. A. MacWILLIAMS,
Chairman of Committee.

And Senate Bill No. 225, contained in the above report, was laid on the table under the rule.

Mr. Cone, Chairman of the Committee on Public Health, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 18, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Committee on Public Health, to whom was referred—

Senate Bill No. 485:

A bill to be entitled An Act to require the State Board of Medical Examiners of the State of Florida to issue, without examination, a license to practice medicine in the

State of Florida to any applicant therefor, who is a graduate of a legally incorporated medical college or institution in good standing with said Board; who has secured a license to practice medicine in any other State by means of an examination; who produces sufficient evidence of good moral character; who is a qualified voter in the State of Florida, and who has been an actual resident of the State of Florida for not less than one year, next, prior to the making of such application, and repealing all laws and parts of laws in conflict herewith.

Have had the same under consideration, and recommend the following amendment:

In Section 1, line 10, add: "and who has not been out of active practice of medicine for more than two years."

And recommend that it do pass, as amended.

Very respectfully,

J. J. CONE,
Chairman of Committee.

And Senate Bill No. 485, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. W. J. Epperson, Chairman of the Committee on Banking, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 18, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Committee on Banking, to whom was referred—
Senate Bill No. 579:

A bill to be entitled An Act to provide for two additional Bank Examiners and to make appropriations therefor.

Also—

House Bill No. 606:

A bill to be entitled An Act to authorize the Comptroller of the State of Florida to sue and be sued, and to exercise all of the powers of any receiver of any bank, banker, banking firm, banking or trust company or corporation,

doing business in this State, appointed under the provisions of Section 4162, of the Revised General Statutes of Florida, in cases in which the receiver so appointed is disqualified.

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

Very respectfully,
W. J. EPPERSON,
Chairman of Committee.

And Committee Substitute for House Bill No. 82 and House Bill No. 606, contained in the above report, were placed on the Calendar of Bills on Second Reading.

Mr. Singletary, Chairman of the Committee on Engrossed Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 17, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred (with amendments) after third reading—

Senate Bill No. 264:

A bill to be entitled An Act to prescribe who shall be certain qualified electors in bond elections in this State.

Also—

Senate Bill No. 368:

A bill to be entitled An Act to provide for the taking of the census of the State of Florida in the year 1925 and making appropriation therefor.

Have carefully examined the same, and find same correctly engrossed, and return same herewith.

Very respectfully,
W. J. Singletary,
Chairman of Committee.

And Senate Bills Nos. 264 and 368, contained in the above report, were ordered to be certified to the House of Representatives.

Mr. Rowe, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Florida, May 18, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

(House Bill No. 554):

An Act to legalize, validate and confirm the assessments and levies of Taxes for the Years 1917, 1918, 1919, 1920, 1921 and 1922, by the Town of Perry, Florida, and to legalize, validate and confirm the tax sales and tax sale certificates issued upon said sales for the years 1917, 1918, 1919, 1920, 1921 and 1922.

Also—

(House Bill No. 692):

An Act to regulate traffic upon the graded roads of Pasco County, Florida, defining such Roads, restricting the weight of loads that may be hauled thereover, forbidding the use for certain purposes, limiting the speed of certain vehicles while using the same; and providing a penalty for the violation thereof.

Also—

(House Bill No. 726):

An Act to validate, approve and confirm all and every of the proceedings had and taken by the Board of Commissioners of Lee County, Florida, Relative to the issuance of time warrants, and the proceedings relative to a contract, for the erection and construction of a new County Jail in the County of Lee, State of Florida.

Beg leave to report that the same have this day been presented to the Governor for his approval.

Very respectfully,

R. H. ROWE,

Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

Mr. Rowe, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 18, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

(House Memorial No. 5):

A Memorial to the Congress of the United States, requesting the United States to have a survey made of all the unsurveyed lands in the State of Florida not embraced in the Everglades.

Whereas, there remains several thousand acres of lands in this State outside of the Everglades which have not yet been surveyed by the United States and which should be surveyed by the United States to connect up with lands that have been surveyed in the same townships; and

Whereas, the United States government is withholding patents for many lands on and near the St. Johns River and on and near several of the lakes in this State and also islands in said lakes and other lands which should be patented to the State of Florida, pending such surveys, and especially such swamp lands as adjoin certain Spanish grants in this State; and

Whereas, it is seriously retarding the drainage and development by settlers and others of such unsurveyed lands in this State; now, therefore,

Beg leave to report that the same has this day been presented to the Governor for his approval.

Very respectfully,

R. H. ROWE,

Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

Mr. Rowe, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 18, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

(House Bill No. 525):

An Act ratifying, validating and confirming all of the proceedings taken for the creation and organization of the Cocoa Drainage District and all of the acts and proceedings taken by, for and on behalf of said District since the creation thereof, and all of the acts and proceedings of the Circuit Court of Brevard County, and of the Board of Supervisors, the Commissioners and all other officers of said Drainage District, and of said Brevard County acting for and on behalf of said District, in carrying out the affairs of said District; and ratifying, validating and confirming any and all Tax Levies and Assessments which have been made by the Board of Supervisors of said District upon the assessable and taxable property located within said District; and defining and declaring the territory included within the boundaries thereof.

Also—

(House Bill No. 514):

An Act authorizing the Town of Jennings, Florida, to collect, foreclose and enforce Tax Levies for delinquent taxes now due and past due to said town for the years 1919, 1920, 1921, and 1922, or that may hereafter for any sub-

sequent year or years, become due and delinquent to said town, with accrued interest, penalties and costs thereon; providing the method of such proceedings and the costs thereof.

Also—

(House Bill No. 727):

An Act authorizing the Board of County Commissioners of Lee County, Florida, to issue and sell Interest Bearing Negotiable Time Warrants to Construct and Build a Bridge across the Caloosahatchee River, whether within or without the limits of a municipality, at or near the City of Fort Meyers, or for the purpose of providing funds to take over and acquire the property both real and personal of the Caloosahatchee Bridge Company, a Florida Corporation, and providing for the levy of a levy and collection of a tax pursuant to the provisions of the General Law to pay the interest on and to create a sinking fund for the payment and redemption of said Time Warrants.

Also—

(House Bill No. 576):

An Act to amend Sections 30, 33, 34, and 36 of Chapter 6333, Laws of Florida, 1911, same being An Act to establish the municipality of the Town of Callahan; to provide for its government; fix its territorial limits, and to prescribe its jurisdiction and powers.

Beg leave to report that the same has this day been presented to the Governor for his approval.

Very respectfully,

R. H. ROWE,

Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

Mr. Rowe, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 18, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

(House Bill No. 707):

An Act to make it unlawful for live stock to run or roam at large in the following part of Okeechobee County, Florida: Township 37, and fractional Township 38 of range 36, and fractional 37, of Ranges 33 and 34, and fractional Township 38 of range 34; to provide for the impounding and sale of such live stock so running at large; to provide penalties for the violation of this Act; and providing that persons damaged by such stock running at large may recover damages therefor, together with a reasonable attorney's fee, from the owner of such live stock.

Also—

(House Concurrent Resolution No. 7):

Whereas, The Constitution of the State of Florida expressly states in Section 6 of the Declaration of Rights that, "No preference shall be given by law to any church, sect or mode of worship, and no money shall ever be taken from the public treasury directly or indirectly in aid of any church, sect or religious denomination, or in aid of any sectarian institution." And

Whereas, The Public schools and colleges of this State, supported in whole or in part by public funds, should be kept free from any teachings designed to set up and promulgate sectarian views, and should also be equally free from teachings designed to attack the religious beliefs of the public, therefore,

Also—

(House Concurrent Resolution No. 3):

Whereas, The Governor of the State of Florida, in his message, has called to the attention of this Legislature to the glaring defects existing in our present primary election laws, and

Whereas, The long-suffering people of the State of Florida have looked in vain to previous Legislatures for relief from such defects, and,

Whereas, It is improbable unless some special means are taken to secure the consideration of some well-considered plan of amendment that any substantial relief will be granted by this session of the Legislature.

Now therefore,

I beg leave to report that the same have this day been presented to the Governor for his approval.

Very respectfully,

R. H. ROWE,

Chairman of the Joint Committee on Enrolled Bills on
the Part of the Senate.

Mr. Calkins, offered the following Resolution:

Senate Concurrent Resolution No. 8:

A Concurrent Resolution to Congress relating to the Port of Fernandina.

Whereas, The improvement and development of our rivers and harbors to meet the ever-increasing demand of the Commerce of the Country, both coastwise and foreign, is not only the duty, but proper function, of the Federal Government; and

Whereas, The harbor of Fernandina, Florida, by reason of its geographical situation as being very near ocean deep water, is one of the most important harbors in the Country; and

Whereas, The Port of Fernandina, although it has been greatly improved by the Federal Government, needs further improvements, so as to give a channel depth of not less than 26 feet at low water from the bar to Lanceford Creek, with suitable width and turning basins; and

Whereas, The jetties located at the entrance to the harbor of Fernandina are in need of repairs; therefore.

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

That the State of Florida, speaking through its Legislature hereby endorses and approves the project to give the Port of Fernandina, Florida, a channel of 26 feet at low water from the bar to Lanceford Creek with suitable width and turning basins, and to repair the existing jetties at the entrance of said harbor.

That the Senators and Representatives from the State of Florida, in the United States Congress, be, and they are

hereby respectfully requested to make every effort to induce Congress to provide the project for the improvement of said harbor as herein set forth and approved by the Legislature of Florida.

That the Secretary of State of the State of Florida be and he is hereby directed to furnish a certified copy of this Resolution, under the great Seal of the State, to each of the Senators and Representatives from the State of Florida, in the Congress of the United States; and that a certified copy hereof be also transmitted to the Chairman of the Committees on Rivers and Harbors of the United States Senate and the United States House of Representatives.

Which was read the first time.

Mr. Calkins moved that the rules be waived and that Senate Concurrent Resolution, be read the second time.

Which was agreed to by a two-thirds vote, and Senate Concurrent Resolution No. 8, was read the second time.

Mr. Calkins moved to adopt the Resolution.

Which was agreed to.

And Senate Concurrent Resolution No. 8, was adopted.

INTRODUCTION OF BILLS.

By Senator Russell—
Senate Bill No. 521:

A bill to be entitled An Act to create territory in Putnam County, Florida, into a special road and bridge district; and to authorize the maintenance and construction of county roads therein, and for the creation, construction and maintenance of county bridges therein, and for the appointment of a Board of Bond Trustees for such district; and to invest said trustees with certain powers and duties, and to provide for the disposition, use, control and expenditure of a general road fund, and other funds collected in said district for road and bridge purposes; and to grant said trustees the power and authority to administer and carry out the provisions of an act, and an election to be held thereunder in Putnam County, Florida, for the erection of a bridge across the St. Johns River in said county from the proceeds to be derived from the sale of bonds, if any shall be voted for such purpose.

Which was read the first time by its title.

And the bill was placed on the Calendar of Local Bills on the Second Reading without reference.

By Senator Putnam—

Senate Bill No. 522:

A bill to be entitled An Act authorizing certain improvements in the City of DeLand, a municipality located in the County of Volusia, State of Florida, assessing part of the cost thereof against abutting property, and authorizing the issuance and sale of bonds of said municipality.

Which was read the first time by its title.

And the bill was placed on the Calendar of Local Bills on the Second Reading without reference.

By Senator Putnam—

Senate Bill No. 523:

A bill to be entitled An Act to abolish the present municipal government of the Town of Ormond, in the County of Volusia and the State of Florida, and to establish, organize and constitute a municipality to be known and designated as the Town of Ormond, and to define its territorial boundaries, and to provide for its jurisdiction, powers and privileges.

Which was read the first time by its title.

And the bill was placed on the Calendar of Local Bills on the Second Reading without reference.

By Mr. Mapoles—

Senate Bill No. 524:

A bill to be entitled An Act to legalize and validate all acts and proceedings had in calling and holding an election to create Special Road and Bridge District No. 8 in Okaloosa County, Florida, and authorizing and validating the issuance and sale of bonds of said district by the County Commissioners of Okaloosa County, Florida, in the sum of twenty thousand dollars, pursuant thereto.

Which was read the first time by its title.

Mr. Mapoles moved that the rules be waived and Senate Bill No. 524 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 524 was read a second time by its title only.

Mr. Mapoles moved that the rules be further waived and that Senate Bill No. 524 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. 524 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, Butler, Calkins, Campbell, Colson, Cone, Eaton, Epperson, Etheredge, Hodges, Igou, Johnson, Knabb, Knight, Lindsey, MacWilliams, Mapoles, Mitchell, Overstreet, Putnam, Russell, Scales, Shelley, Singletary, Stokes, Taylor, Wells, Wicker—29.

Nays—None.

So the bill passed, title as stated.

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

By Senator Etheredge—

Senate Bill No. 525:

A bill to be entitled An Act to provide that when elections are held in any county in this State to vote upon the question as to whether or not live stock shall be prohibited from running at large in such county, no elector residing within the corporate limits of any municipal corporation shall be allowed to vote in such election.

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

By Senator Taylor—

Senate Bill No. 526:

A bill to be entitled An Act to confer upon the City of West Tampa, a municipal corporation in Hillsborough County, Florida, power to pave, grade, curb and sewer any street, alley or highway within the corporate limits of said city, and to assess the cost of such improvements against abutting property; to prescribe the manner in which such assessments shall be made and contracts for such improvements let; to create a lien upon abutting property for such improvements; to provide for the issuance of certificates of indebtedness evidencing such assessments and the form and provisions thereof and the manner and method in which such assessments and certificates of indebtedness evidencing the same may be collected; and to provide for the foreclosure of the lien of said assessments upon abutting property.

Which was read the first time by its title.

And the bill was placed on the Calendar of Local Bills on the Second Reading without reference.

Mr. Cone moved that the rules be waived and that Senate Bill No. 135 be rereferred to the Committee on Public Health.

Which was agreed to by a two-thirds vote.
And the bill was so rereferred.

By Consent—

Senator Taylor Introduced—
Senate Bill No. 527:

A bill to be entitled An Act providing a supplemental additional alternative method of making local improvements for the City of St. Petersburg, a Municipal Corporation, authorizing and providing for special assessments for the cost thereof, and authorizing the issuance and sale of bonds of such municipality.

Which was read the first time by its title.

Mr. Putnam moved that the rules be waived and Senate Bill No. 527 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 527, was read a second time by its title only.

Mr. Putnam moved that the rules be further waived and that Senate Bill No. 527 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. 527, 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, Butler, Calkins, Campbell, Colson, Cone, Eaton, Epperson, Etheredge, Hodges, Igou, Johnson, Knabb, Knight, Lindsey, MacWilliams, Mapoles, Mitchell, Putnam, Russell, Scales, Shelley, Singletary, Stokes, Taylor, Wicker—27.

Nays—None.

So the bill passed, title as stated.

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

By Consent—

Mr. Mitchell was permitted to withdraw Senate Bills Nos. 484, and 479, from the consideration of the body.

Mr. Johnson moved that House Bill No. 590 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And—

House Bill No. 590:

A bill to be entitled An Act to provide for the investigation of means of controlling the cotton boll weevil and for improving and perfecting existing means of controlling the boll weevil and other cotton insects; for investigating and devising means of preventing or controlling injurious diseases of cotton; providing an appropriation to be used by the State Plant Board in carrying out the provisions of this Act and the provisions of Chapter 6885, Laws of Florida, and providing that said appropriation shall be supplementary to other appropriations made for similar purposes.

Was taken up and read the second time in full.

Mr. Singletary offered the following amendment to House Bill No. 590:

In Section 2, strike out the words "of the said sum of Thirty Thousand (\$30,000.00) Dollars, the sum of Two Thousand (\$2,000.00) Dollars shall be available when and after this Act becomes a law; the sum of Thirteen Thousand (\$13,000.00) Dollars shall become available upon the first day of July, 1923" and insert in lieu thereof the following: "of the said sum of Thirty Thousand (\$30,000.00) Dollars, the sum of Fifteen Thousand (\$15,000.00) Dollars shall become available when this Act shall become a law."

Mr. Singletary moved the adoption of the amendment.

Which was agreed to.

Mr. Singletary offered the following amendment to House Bill No. 590:

In Section 2, at the end of Section 2 of said bill, add the following: "It shall be the duty of the State Plant Board to use out of the first Fifteen Thousand (\$15,000.00) Dollars available under this Act, a sufficient amount to carry on demonstrations and direct in the use of the present method advised and adopted by said board for the extermination of the cotton boll weevil, such demonstrations and direction to be in each cotton county in this State where an appreciable amount of cotton is planted and shall be during the present season."

Mr. Singletary moved the adoption of the amendment.

Which was agreed to.

Mr. Singletary offered the following amendment to House Bill No. 590:

In Section 2, line 15, strike out the word July and insert in lieu thereof the following: May.

Mr. Singletary moved the adoption of the amendment.

Which was agreed to.

Mr. Johnson moved that the rules be further waived and that House Bill No. 590, as amended, be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 590 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, Butler, Calkins, Campbell, Cone, Epperson, Etheredge, Hodges, Igou, Johnson, Knabb, Knight, Lindsey, MacWilliams, Malone, Mapoles, Mitchell, Overstreet, Phillips, Putnam, Rowe, Russell, Shelley, Singletary, Stokes, Taylor, Wicker—28.

Nays—None.

So the bill passed, as amended, title as stated,

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

Mr. Knight moved that when the Senate adjourns today, it shall adjourn until 4 o'clock p. m., Monday, May 21st.

Which was agreed to.

Mr. Calkins moved to extend the time for adjournment today to 1:30 o'clock p. m.

Which was agreed to.

Mr. Singletary moved that Senate Bill No. 297 be taken up and its consideration be renewed.

Which was agreed to by a two-thirds vote.

And—

Senate Bill No. 297:

A bill to be entitled An Act to amend Section 2772, Revised General Statutes of Florida, in reference to selecting jury lists for Circuit Courts, Criminal Courts of Record and County Judge's Courts and to prescribe the compensation of jurors in County Judges' Courts.

Was taken up and put upon its passage.

Upon call of the roll the vote was:

Yeas—Senators Campbell, Eaton, Lindsey, Malone, Singletary, Wells—6.

Nays—Mr. President, Senators Anderson, Colson, Cone, Epperson, Hodges, Igou, Johnson, Knabb, Knight, MacWilliams, Mapoles, Mitchell, Overstreet, Rowe, Shelley, Taylor, Wicker—18.

So the bill failed to pass.

Mr. Igou moved to reconsider the vote by which Senate Bill No. 263 failed to pass the Senate.

Which motion went over, under the rules.

By Consent—

Mr. Knight was excused from attendance upon the body until Tuesday, May 22nd.

By Unanimous Consent—

Joint Committee Substitute for Senate Bill No. 105:

A bill to be entitled An Act making appropriations for salaries and other current expenses for the State for two years from June 30th, 1923.

Was taken up and read the second time in full by departments.

The Department of Governor was read.

The Department of Secretary of State was read.

Mr. Hodges offered the following amendment to Joint Committee Substitute to Senate Bill No. 105:

In Section 1, line 25, strike out the figures 1200.00 in both first and second years and insert in lieu thereof the following figures: 1500.00 for both first and second years.

Mr. Hodges moved the adoption of the amendment.

Which was not agreed to.

Mr. Campbell offered the following amendment to Joint Committee Substitute for Senate Bill No. 105:

In Section 1, line 11, of printed bill, under head Commissioner of Agriculture, strike out the figures "1320 for both first and second years," and insert in lieu thereof the following: "1500 for both first and second years."

Mr. Campbell moved the adoption of the amendment.

Which was not agreed to.

Mr. Phillips offered the following amendment to Senate Bill No. 105:

Page 2, line 13, strike out the words \$1,500.00 and insert in lieu thereof the following: \$1,800.00.

Mr. Phillips moved the adoption of the amendment.

Which was not agreed to.

The department of Attorney General was read.

Mr. Hodges offered the following amendment to Joint Committee Substitute to Senate Bill No. 105:

In Section 1, line 4, under the head of "Attorney General," of printed bill, strike out the figures 1,500.00 in both first and second years and insert 1,800.00 for both first and second years.

Mr. Hodges moved the adoption of the amendment.

Which was agreed to.

Mr. Hodges offered the following amendment to Joint Committee Substitute to Senate Bill No. 105:

In Section 1, line 5, under the head "Attorney General," in printed bill, strike out the figures 1,320.00 for both first and second years, and insert 1,500.00 for both first and second years.

Mr. Hodges moved the adoption of the amendment.

Which was agreed to.

The Department of Comptroller was read.

Mr. Mapoles offered the following amendment to Senate Bill No. 105:

Under head of "Comptroller," line 2, strike out the figures \$3,250.00 and insert in lieu thereof the figures \$3,000.00.

Mr. Mapoles moved the adoption of the amendment.

Mr. Etheredge offered the following amendment to amendment to Senate Bill No. 105:

In Section 1, line 2, strike out the figures \$3,250.00 and insert in lieu thereof the figures \$3,500.00.

Mr. Etheredge moved the adoption of the amendment.

Mr. Wells moved that both amendment and the amendment to the amendment be laid on the table.

Which was agreed to.

And the amendments were laid on the table.

Mr. Mapoles, offered the following amendment to Senate Bill No. 105:

Under head of Comptroller in line 3, strike out the figures "\$2,400.00," and insert in lieu thereof the following: "\$2,000.00."

Mr. Mapoles moved the adoption of the amendment.

Which was not agreed to.

The Department of State Treasurer was read.

The Department of Commerce and Agriculture was read.

The Department of State Superintendent Public Instruction was read.

Mr. Lindsey, offered the following amendment to Senate Bill No. 105:

In Section 1, line 20, Department State Superintendent Public Instruction, strike out \$1,000.00 and insert in lieu thereof the following: "\$5,000."

Mr. Lindsey moved the adoption of the amendment.

Which was not agreed to.

The Department of State Chemist was read.

Mr. Hodges, offered the following amendment to Joint Committee Substitute to Senate Bill No. 105:

In Section 1, line 3, page 11, under head State Chemist, strike out the figures "\$2,000.00 for both first and second years" and insert the figures "\$2,500.00 for both first and second years." and insert the figures "\$2,500.00 for both first and second years."

Mr. Hodges moved the adoption of the amendment.

Which was not agreed to.

The question then recurred on the adoption of the amendment.

The amendment was agreed to.

Mr. Hodges, offered the following amendment to Joint Committee Substitute to Senate Bill No. 105:

In Section 1, line 7, page 11, under head State Chemist, strike out the figures "\$1,320.00 for both first and second year" and insert "\$1,500.00 for both first and second year."

Mr. Hodges moved the adoption of the amendment.

Which was not agreed to.

Mr. Hodges offered the following amendment to Joint Committee Substitute to Senate Bill No. 105:

In Section 1, page 12, add line 17, the following: Janitor 600.00 600.00.

Mr. Hodges moved the adoption of the amendment.

Which was not agreed to.

Mr. Hodges offered the following amendment to Joint Committee Substitute to Senate Bill No. 105:

In Section 1, line 4, page 11, of printed bill, strike out the figures 2000.00 for both first and second years and insert 2500.00 for both first and second years.

Mr. Hodges moved the adoption of the amendment.

Which was not agreed to.

Mr. Hodges offered the following amendment to Joint

Committee Substitute to Senate Bill No. 105:

In Section 1, line 6, page 11, under head State Chemist, strike out the figures 2000.00 for both first and second year, and insert 2500.00 for both first and second year.

Mr. Hodges moved the adoption of the amendment.

Which was not agreed to.

Mr. Hodges offered the following amendment to Joint Committee Substitute to Senate Bill No. 105:

In Section 1, line 5 of printed bill, under head of State Chemist, strike out the figures 2000.00 for both first and second year and insert 2500.00 for both first and second year.

Mr. Hodges moved the adoption of the amendment.

Which was not agreed to.

The Supreme Court Department was read.

Mr. Hodges offered the following amendment to Joint Committee Substitute to Senate Bill No. 105:

In Section 1, under head Supreme Court, add as line 16 the following:

Night watchman	1,200.00	1,200.00
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Mr. Hodges moved the adoption of the amendment.

Which was not agreed to.

Pending the further consideration of the bill—

Mr. Stokes, Chairman of the Joint Committee on part of the Senate to investigate "the circumstances surrounding the conviction, leasing and death of Martin Tabert," under Senate Concurrent Resolution No. 1, submitted the following report:

To the Hon. Theo. T. Turnbull,

President of the Senate, and

To the Hon. L. D. Edge,

Speaker of the House of Representatives.

Sirs:

Your Joint Committee appointed under Senate Concurrent Resolution No. 1, to investigate "The circumstances surrounding the conviction, leasing and death of Martin Tabert," which occurred under County Convict Lease System.

Your Committee, under House Concurrent Resolution No. 5 was further "Instructed, empowered and directed to make inquiry cover every other instance in the State of Florida, where it has been publicly charged cruelty to con-

victs has occurred in County Convict Lease Camps, particularly the instance alleged to have occurred at Macclenny, in Baker County, Florida."

Your Committee, in the discharge of its duties, has held frequent meetings, has caused to come before it all persons known or made known to it to testify or present facts which would aid your Committee in its labors.

The said Resolutions authorize and direct your Committee in its investigation to ascertain the condition of Convict Camps, to the end that the Legislature may be fully advised, and to recommend such remedial legislature as would remove such defects or abuses existing in the present system of leasing County Convicts, the leasing of State Convicts being long since discontinued in this State.

From the testimony taken and facts gathered by your Committee, it was manifest that the opinion of our people was fast crystalizing for the abolition of the County Convict Lease System before the unfortunate incident which gave rise to this investigation. The testimony taken by your Committee is full, ample and complete, and in its opinion, has brought about the introduction in the Legislature of measures on the following subjects, which your Committee recommends should be enacted into law at this Session:

- 1st. That the County Convict Lease System be abolished.
- 2nd. That Corporal Punishment of Convicts, State and County, be forever prohibited in the State.
- 3rd. That our present laws be strengthened in the matter of inspection, housing, care and control of the convicts of this State.

Your Committee wishes to acknowledge the assistance rendered by Judge Kneeshaw and Hon. G. Grimson, Assistants Attorney General of North Dakota, in the performance of its labors.

Your Committee commends his Excellency, Hon. Cary A. Hardee, Governor of Florida, for his effort in calling attention of the world to the fact that the people of this State neither condoned nor upheld the brutal treatment of convicts, and also for his acts in recommending the removal of officers and discharge of employees responsible for the unfortunate incidents developed by this investigation.

Your Committee submits herewith a Concurrent Resolution, and asks for its consideration and adoption.

Your Committee appends hereto a letter addressed to it from the Hon. G. Grimson, Assistant Attorney General of

North Dakota, and requests that the same be spread upon the Journal of both Houses immediately following this report.

The testimony of the witnesses taken, and exhibits filed, are appended herewith and made part of this report.

Respectfully submitted,

W. A. MacWILLIAMS,
JNO. P. STOKES,

On part of the Senate
C. H. KENNERLY,
JNO. CLAY SMITH,
FREDERICK VAN ROY,

On the part of the House of Representatives.

To the Joint Legislative Investigation Committee Appointed to Investigate the Death of Martin Tabert:
Gentlemen:

On behalf of Judge Kneeshaw and myself, as representatives of the State of North Dakota, I wish to express our appreciation of the prompt, fair, fearless and thorough investigation you have given the Tabert matter. You have accorded us every courtesy and left nothing undone to fully uncover the conditions that brought about his death. We congratulate you on your actions.

There are some bright spots in this unfortunate affair that we will take delight in reporting to the North Dakota Legislature and our people. One is the promptness and the whole-heartedness with which both houses of the Florida Legislature met the request of the North Dakota Legislature for an investigation of the death of Martin Tabert and the support the Legislature has given the committee appointed. Another is the fair, efficient, fearless and thorough action of your committee in uncovering a faulty condition rather than seeking to excuse it, and in recommending legislation to remedy such conditions, as well as recommending the punishment of those found guilty of wrong doing.

Another is that the people of Florida did not know, nor realize, the abuses practiced under their laws, and when by this investigation such abuses were brought to their attention, condemned them more strongly than the people of any other State, and in unmistakable language through the public press and otherwise demanded the abolition of conditions under which such abuses were possible.

Then there is the fact that Florida and North Dakota, as great commonwealths, instead of becoming estranged on account of this matter, have been able to act together in fraternal comity and draw closer together as sister states. We hope that the ties of friendship between them are bound closer by this action and may last forever.

Respectfully,

G. GRIMSON,
As Assistant Attorney General
of the State of North Dakota.

And the evidence in the case was placed on file of the Senate.

On motion, made by Mr. Stokes, the report was ordered spread on the Journal.

The consideration of Joint Committee Substitute for Senate Bill No. 105 was resumed.

Mr. MacWilliams offered the following amendment to Joint Committee Substitute for Senate Bill No. 105:

In Section 1, page 51, strike out lines 188 to 205, both inclusive, and insert in lieu the following:

"Maintenance of each patient, per month, based on average monthly attendance, per month, \$25.00 \$25.00.

"Out of this appropriation the salaries herein provided for are to be paid. The Board of Commissioners of State Institutions, in its discretion, may eliminate any of the positions in the Florida State Hospital herein provided for, or may employ additional help, as requirements of the institution demand, at compensation commensurate with the scale herein established; or they may adjust the salaries attached to any of such positions by reducing or increasing any of such items; (no increase to exceed 20% of salaries of \$50.00 per month, or less; nor to exceed 15% of salaries more than \$50.00 and not more than \$100.00 per month; and 10% of salaries exceeding \$100.00 per month; provided the total salaries paid shall not exceed the amount available under this Act.) Any unexpended balance for any month may be carried forward to the next or succeeding months. The unexpended balances heretofore appropriated for said Institution shall continue available for the purpose for which the same were originally appropriated."

Mr. MacWilliams moved to adopt the amendment.

Which was agreed to.

Mr. Campbell moved to waive the rule and to now proceed to consider House messages.

Which was not agreed to.

Department of Miscellaneous was read.

Mr. Lindsey offered the following amendment to Senate Bill No. 105:

After line 23, in Miscellaneous Department, insert the following: For installing elevator in Capitol building, \$10,000.00.

Mr. Lindsey moved the adoption of the amendment.

Which was not agreed to.

Mr. Wells offered the following amendment to Joint Committee Substitute for Senate Bill No. 105:

In section, "Supreme Court," after line 1, page 12, insert the following: "For furniture, equipment and books to modernize the Supreme Court library, under direction of the Supreme Court, \$10,000.00."

Mr. Wells moved the adoption of the amendment.

Which was not agreed to.

Mr. Hodges offered the following amendment to Senate Bill No. 105:

In Section 1, line 17, strike out the word "five" and insert in lieu thereof the following: "six."

Mr. Hodges moved the adoption of the amendment.

Which was not agreed to.

Legislative Department was read.

State Geologist Department was read.

Tax Equalizer Department was read.

Mr. Phillips offered the following amendment to Committee Substitute for Senate Bill No. 105:

On page 20, after the words "Tax Equalizer" strike out lines 1, 2, 3, 4, 5, 6, 7.

Mr. Phillips moved the adoption of the amendment.

Mr. Hodges moved that the amendment be laid on the table.

Which was agreed to.

And the amendment was laid on the table.

State Live Stock Sanitary Board Department was read.

State Marketing Bureau Department was read.

State Board of Health Department was read.

State Road Department was read.

Hotel Commission Department was read.

Shell Fish Commission Department was read.

Railroad Commission Department was read.

Mr. Hodges offered the following amendment to Joint Committee Substitute to Senate Bill No. 105:

In Section 1, page 35 of printed bill, line 3, strike out the figures 1320.00 for both first and second years, and insert the figures 1500.00 for both first and second years.

Mr. Hodges moved the adoption of the amendment.

Which was not agreed to.

Mr. Wells, offered the following amendment to Joint Committee Substitute Bill No. 105:

In Section 1, line 2, page 34, strike out the words "Secretary \$2,400.00" and insert in lieu thereof the following: "Secretary \$2,500.00."

Mr. Wells moved the adoption of the amendment.

Which was not agreed to.

Mr. Calkins, offered the following amendment to Joint Committee Substitute for Senate Bill No. 105:

In Section 1, lines 8, 9, 10, page 35 of printed bill, strike out the following words and figures: "Accountant, Inspection of Railroads and Stenographic reporting \$2,500.00" and insert in lieu thereof the following: "Examination of books in particular; cases and inspection of property of utilities under jurisdiction of Railroad Commission; stenographic reporting; service of experts in particular cases; and for obtaining evidence to be used in any cases in which the Commissioners are interested \$2,500.00."

Mr. Calkins moved to adopt the amendment.

Which was agreed to.

Mr. Calkins offered the following amendment to Joint Committee Substitute for Senate Bill No. 105:

In Section 1, page 36, after line 26, printed bill, add the following: "Provided, that any funds in any of the foregoing items of appropriations for the Railroad Commission, if not required for the purpose for which specifically appropriated, may be applied to defray any other necessary and regular operating expenses of the Railroad Commission, if approved by said Commissioners."

Mr. Calkins moved the adoption of the amendment.

Which was agreed to.

Mr. Mapoles offered the following amendment to Joint Committee Substitute for Senate Bill No. 105:

Strike out all appropriations for the Railroad Commission.

Mr. Mapoles moved the adoption of the amendment.

Which was not agreed to.

Mr. Calkins offered the following amendment to Joint Committee Substitute for Senate Bill No. 105:

In Section 1, page 35 of printed bill, insert, after line 7, the following:

Inspector of Railroads, not to exceed \$3,500.00 \$3,500.00

Mr. Calkins moved the adoption of the amendment.

Which was not agreed to.

Mr. Taylor offered the following amendment to Senate Bill No. 105:

On page 13, line 1, Judicial Department, strike out "eighteen" and insert in lieu thereof "nineteen," and in the same line strike out the figures "90,000.00" and insert in lieu thereof "95,000.00."

Mr. Taylor moved the adoption of the amendment.

Which was agreed to.

Florida Farm Colony Department was read.

Florida State Hospital Department was read.

Prison Department was read.

Board of Control Department was read.

University of Florida Department was read.

Mr. Colson offered the following amendment to Committee Substitute for Senate Bill No. 105:

In Section 1, line 198, under the head "State University," page 66 printed bill, add "School of Pharmacy Equipment, first year, \$10,000.00."

Mr. Colson moved the adoption of the amendment.

Which was agreed to.

Mr. Lindsey offered the following amendment to Senate Bill No. 105:

In Department State Road Department, page 30, in line 6, strike out all after the word "adopted" to and including the word "Governor" in line 10.

Mr. Lindsey moved the adoption of the amendment.

Which was agreed to.

Mr. Taylor offered the following amendment to Committee Substitute for Senate Bill No. 105:

Page 13, line 2, strike out the word "sixteen" and insert in lieu thereof "seventeen," and in the same line strike out the figures "44,400.00" and insert thereof "46,800.00."

Mr. Taylor moved the adoption of the amendment.

Which was agreed to.

Mr. Taylor offered the following amendment to Senate Bill No. 105:

Page 13, line 3, strike out the word "sixteen" and insert in lieu thereof "seventeen," and in same line strike out the figures "19,200.00" and insert in lieu thereof "20,400.00."

Mr. Taylor moved the adoption of the amendment.

Which was agreed to.

Mr. Butler moved to extend the time for adjournment to 1:45 P. M.

Which was agreed to.

There being no amendment to the other departments, they were read in order, which completed the Second Reading of the bill in full.

Mr. Hodges moved that the rules be waived, and that Senate Joint Substitute Bill No. 105, as amended, be read the Third time in full, and put upon its passage.

Which was agreed to by a two-thirds vote.

And Joint Committee Substitute for Senate Bill No. 105 as amended, was read the third time in full.

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

Yeas—Mr. President, Senators Anderson, Butler, Calkins, Campbell, Colson, Cone, Eaton, Epperson, Etheredge, Igou, Johnson, Knabb, Lindsey, MacWilliams, Malone, Mitchell, Putnam, Rowe, Scales, Shelley, Singletary, Stokes, Taylor, Wicker—25.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be referred to the Committee on Engrossed Bills and upon the report of the Committee to be certified to the House of Representatives.

The action of the Senate—that when the Senate adjourns today it shall adjourn to 4 o'clock P. M. Monday, May 21st—was reconsidered and rescinded.

Mr. Turnbull moved that when the Senate adjourns it shall adjourn to convene at 4 o'clock P. M. Monday, May 21.

The question was divided and both motions were agreed to.

The hour for adjournment having arrived, the Senate took a recess to 4 o'clock P. M. this day.

AFTERNOON SESSION.

4 O'CLOCK.

The Senate met at four o'clock, pursuant to recess order.

The President pro tem in the chair.

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

Senators Anderson, Calkins, Campbell, Colson, Epperson, Etheredge, Hodges, Lindsey, MacWilliams, Malone, Mitchell, Overstreet, Putnam, Rowe, Wicker—15.

Not a quorum present.

The Sergeant-at-Arms was instructed to seek all absent Senators and to bring them into the chamber.

The efforts to acquire a quorum proving futile—

Mr. MacWilliams moved that the Senate do now adjourn to Monday afternoon at 4 o'clock P. M.

Which was agreed to.

Thereupon the Senate, at 4:50 o'clock P. M., stood adjourned to 4 o'clock P. M., Monday, May 21, 1923.