

JOURNAL OF THE SENATE

THURSDAY, APRIL 30, 1931

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Wednesday, April 29, 1931.

The President in the chair.

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

Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Wednesday, April 29, was corrected, and as corrected was approved.

REPORTS OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Turner, Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30th, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

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

(Senate Bill No. 140):

An Act to repeal Chapter 13800, General Laws of Florida, Acts of 1929, the same being "An Act to protect and preserve the shrimp and prawn in the tidewaters of the East Coast of the State of Florida; to provide for the regulating thereof, and for other purposes.

Have carefully examined same, and find same correctly enrolled and herewith present the same for the signatures of the President and Secretary of the Senate.

Very respectfully,

J. W. TURNER,

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

The bill contained in the above report was thereupon duly signed by the President and Secretary of the Senate in open session, and ordered referred to the Chairman of the Committee on Enrolled Bills on the Part of the Senate to be conveyed to the House for the signatures of the Speaker and Chief Clerk thereof.

Also—

Senator Turner, Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30th, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

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

(Senate Bill No. 216):

An Act abolishing City of South Jacksonville, Duval County, Florida; extending the city limits of City of Jacksonville, Florida, to include the territory now and heretofore comprising City of South Jacksonville, providing for the transfer of the property and assets of and within City of South Jacksonville to and into City of Jacksonville and for the assumption by City of Jacksonville of the obligations of City of South Jacksonville, providing for the creation of additional wards and representation on the City Council and for the issuance of refunding bonds and the assessment of property and collection of taxes in and from the territory now comprising City of South Jacksonville and providing for a referendum as a condition to the effectiveness of this Act.

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

Very respectfully,

J. W. TURNER,
Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

Also—

Senator Turner, Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30th, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

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

(Senate Bill No. 191):

An Act authorizing the City Council of the City of Key West by ordinance to levy and collect a fee from the occupants of premises in said city for furnishing the service of removing and disposing of trash and/or garbage and limiting the fee to be charged for such service; and authorizing said City Council to pass ordinances to institute and maintain a system for the carrying into effect the levy and collection of such fee; and providing that such fees collected shall be placed in a special fund and limiting the purposes for which such fees may be used or expended.

Also—

(Senate Bill No. 192):

An Act empowering the City Council of the City of Key West to regulate the licensing, bonding, operation and parking of public vehicles for hire and/or the owners thereof and/or the drivers thereof and repealing all laws in conflict.

Also—

(Senate Bill No. 194):

An Act approving, confirming and validating all compromises, adjustments, abatements, rebates and waivers of interest heretofore effected, made and allowed by the City Council of the City of Key West or by the Tax Adjustment Committee of said City and/or by the officers of said City in the collection of taxes on real and personal property and special improvement assessments for street paving and/or sidewalks; conferring on the City Council of the City of Key West authority from time to time by resolution to waive the collection of interest that may be due on any taxes assessed on real and personal property and on special improvement assessments for street paving and/or sidewalks.

Also—

(Senate Bill No. 195):

An Act empowering and authorizing the City Council of the City of Key West to authorize the acceptance of municipal bonds of said city at the face value thereof, with accrued interest, issued, sold, outstanding and unpaid, excepting revenue bonds, in payment of taxes by said city against any lot or plot of land and improvements thereon, for the year 1929 and prior years, provided that at the time of such acceptance all taxes assessed thereon by said city for the year 1929 and prior years are paid in full, and provided further that at the time of such acceptance all taxes assessed thereon by said city for the year 1930 and subsequent years are paid in full in United States currency.

Also—

(Senate Bill No. 198):

An Act fixing the number of members of the Common Council of the City of Key West, and providing for the said Common Council to select one of their members as Mayor of said city to hold office as such Mayor during the pleasure of said Common Council, and conferring on the Mayor so selected all the rights, powers, duties, authorities and obligations provided by law for the Mayor of the said City of Key West, and providing for the submission of the question of the

Senate Resolution No. 28

By Senators Gomez and Hodges—

WHEREAS, General Thomas Jefferson Appleyard died in January of this year at the age of Eighty (80) Years, and

WHEREAS, During his life for nearly a quarter of a century he was connected with the Senate of Florida, and for many years was its Secretary and represented the Democratic party of Florida at nine (9) National Conventions as its Delegate at Large, and was State Printer for over twenty (20) years, and during all of his long life preserved his love for the people, and the Institutions of this State, and his faith in the Ideals of the old South,

THEREFORE, BE IT RESOLVED BY THE SENATE OF FLORIDA:

THAT a page of its Journal with this Resolution be devoted to General Thomas Jefferson Appleyard in loving memory, and that a copy of this Resolution, attested by the Secretary and Secretary Emeritus of the Senate, be mailed to his widow Mrs. Wm. F. Gwynne Appleyard, of Tallahassee, Florida, and to his daughters, Mrs. Alice Clarkson, Mrs. Edward Fitzgerald and Mrs. Walter Cully of Tallahassee, Florida, and Mrs. George Marion of Rochester, New York.

approval and acceptance of this Act to the qualified electors of said city at the general election to be held in the year 1931 and further providing that it same receives the approval of the majority of the qualified electors voting at said election then the provisions of this Act shall be put into effect commencing with the general city election in said city to be held in the year 1933; making it the duty of the Common Council of said city to submit to the qualified electors at the general election in said city in the year 1931 the question of whether or not the provisions of this Act shall be adopted or rejected and providing the substantial form for submitting the said question on the ballot to be used at the said general election in 1931.

Also—
(Senate Bill No. 196):

An Act amending Section 75 of Chapter 8290, Acts of 1919, Laws of Florida, being An Act entitled, "An Act to establish the municipality of Key West; provide for its government and prescribe its jurisdiction and powers; and repealing Chapter 5812, Laws of 1907, and amendatory acts thereof," in relation to elections; and repealing laws in conflict to the extent of such conflict.

Also—
(Senate Bill No. 190):

An Act to establish a volunteer firemen's pension fund for the members of the Volunteer Fire Department of the City of Key West, and provide for the payment of a pension to certain volunteer members of said fire department.

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

Very respectfully,

J. W. TURNER,

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

REPORTS OF COMMITTEE ON ENGROSSED BILLS

Senator Watson, Chairman of the Committee on Engrossed Bills submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30th, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

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

Senate Bill No. 1:

An Act to provide compensation for employees for disability or death resulting from an injury arising out of and in the course of employment, and for other purposes.

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

Very respectfully,

J. W. WATSON,

Chairman of Committee.

And Senate Bill No. 1, contained in the above report, was ordered to be certified to the House of Representatives.

Also—
Senator Watson, Chairman of the Committee on Engrossed Bills submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 28, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

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

Senate Bill No. 124:

A bill to be entitled An Act defining the practice of barbering and requiring a license or certificate of registration as a condition precedent to any person practicing barbering or acting as an apprentice barber and prescribing the terms and conditions upon which licenses or certificates of registration may be issued to any person to practice barbering or act as an apprentice barber in the State of Florida; creating the State Board of Barber Examiners and defining and declaring its powers and duties; regulating the practice of barbering or acting as apprentice barber by those licensed here-

under; regulating the operation of barber schools, prescribing a course of study for such schools and the requirements for graduation therefrom; imposing certain fees upon persons applying for licenses, or certificate of registration to practice barbering, act as apprentice barber or teach in barber schools in this State; and appropriating the proceeds thereof to accomplish the purposes of this Act; and prescribing penalties for the violation of the provisions of this act and regulations hereunder.

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

Very respectfully,

J. W. WATSON,

Chairman of Committee.

And Senate Bill No. 124, contained in the above report, was ordered to be certified to the House of Representatives.

Also—

Senator Watson, Chairman of the Committee on Engrossed Bills submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 29, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred (with amendments), after 3rd reading April 21:

Senate Bill No. 58:

A bill to be entitled An Act relating to the publication of legal notices and process in newspapers in the State of Florida; providing that no notice or process of any kind, nature, character or description provided for under any law of the State of Florida, whether heretofore or hereafter enacted, shall be deemed to have been published in accordance with the statute providing for such publication, unless the same shall have been published for the prescribed period of time in a newspaper, which at the time of such publication shall have been continuously published at least once each week and shall have been entered as second class mail matter at a post office in the county where published for a period of eighteen months next preceeding the first insertion of such publication, or in a newspaper which is the direct successor of a newspaper which has been so published, or in a newspaper being published at the time of the passage of this act; provided, however, that nothing contained in this Act shall apply where in any county of the State of Florida there shall be no newspaper in existence which shall have been published for the length of time prescribed by this Act.

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

Very respectfully,

J. W. WATSON,

Chairman of Committee.

And Senate Bill No. 58, contained in the above report, was ordered to be certified to the House of Representatives.

Also—

Senator Watson, Chairman of the Committee on Engrossed Bills submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 29, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred (with amendments), after 3rd reading:

Senate Bill No. 217:

A bill to be entitled An Act to abolish the present municipal government of the City of Alachua, Alachua County, Florida, as created under Chapter No. 9367, Laws of Florida, A. D. 1923, and to recreate a City government under Chapter No. 5786, laws of 1907, and to define its government, jurisdiction, powers, franchises, and privileges

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

Very respectfully,

J. W. WATSON,

Chairman of Committee.

And Senate Bill No. 217, contained in the above report, was ordered to be certified to the House of Representatives.

REPORTS OF COMMITTEES

Senator Dell, Chairman of the Committee on Public Health, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 29, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Public Health, to whom was referred:

Senate Bill No. 68:

A bill to be entitled An Act granting certificates of qualification and license to practice medicine and surgery in this state to retired, honorably discharged, detached or active medical officers of the army, navy and public health service of the United States under certain conditions; and fixing admission fees in such cases.

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

Very respectfully,

J. MAXEY DELL,
Chairman of Committee.

And Senate Bill No. 68, contained in the above report, was placed on the table under the rule.

Also—

Senator Futch, Chairman of the Committee on Education, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 29, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Education, to whom was referred:

House Bill No. 203:

A bill to be entitled An Act amending Section One (1) of Chapter 7913, Acts of 1919, the same being section 747, of the compiled general laws of Florida and relating to the consolidation, division and merger of special tax school districts.

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

Very respectfully,

T. G. FUTCH,
Chairman of Committee.

And Senate Bill No. 203, contained in the above report, was placed on the Calendar of bills on second reading.

Also—

Senator Neel, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 29, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Appropriations, to whom was referred:

Senate Bill No. 203:

A bill to be entitled An Act to provide for the payment of premiums on products of agricultural, horticultural and live stock exhibits at the South Florida Fair and Gasparilla Carnival and making an appropriation therefor for the years 1932 and 1933.

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

Very respectfully,

RAY NEEL,
Chairman of Committee.

And Senate Bill No. 203, contained in the above report, was placed on the table under the rule.

Also—

Senator Neel, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 29, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Appropriations, to whom was referred:

Senate Bill No. 156:

A bill to be entitled An Act to make an appropriation for the putting and keeping in order of the grounds adjacent

and belonging to the site of the Olustee Monument and for the proper care and protection of the monument, and to provide for the payment of such appropriation.

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

Amendment No. 1—

In Section 1, line 3, strike out the words Two Thousand (\$2,000.00) Dollars, and insert in lieu thereof the following: Fifteen Hundred (\$1500.00) Dollars, biannually, Seven Hundred and Fifty (\$750.00) Dollars each year.

Very Respectfully,
RAY NEEL,

Chairman of Committee.

And Senate Bill No. 156, with Committee Amendment, contained in the above report, was placed on the Calendar of Bills on second reading.

Also—

Senator Neel, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 29, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Appropriations, to whom was referred:

Senate Bill No. 236:

A bill to be entitled An Act appropriating the sum of Ten Thousand (\$10,000.00) Dollars from the General Revenues of the State of Florida to be expended in conducting investigations in diseases directly affecting the crops now being produced in Southern Florida, in order that these diseases may be combatted and eradicated.

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

Amendment No. 1—

To Amend the Title. A bill to be entitled An Act appropriating the sum of Ten Thousand (\$10,000.00) Dollars each year, for two years, from the General Revenues of the State of Florida to be expended in conducting investigations in diseases directly affecting the crops now being produced in Southern Florida, in order that these diseases may be combatted and eradicated.

Amendment No. 2—

In Section 1, line 1, strike out the words Ten Thousand (\$10,000.00) Dollars, and insert in lieu thereof the following: Ten Thousand (\$10,000.00) Dollars each year for two years.

Very Respectfully,
RAY NEEL,

Chairman of Committee.

And Senate Bill No. 236, with Committee Amendments, contained in the above report, was placed on the Calendar of Bills on second reading.

Also—

Senator Neel, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 29, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Appropriations, to whom was referred:

Senate Bill No. 204:

A bill to be entitled An Act to appropriate money for the joint use of the Board of County Commissioners of Hillsborough County and Pasco County, Florida, to be used in cleaning, clearing, and removing log, debris, and other obstructions from the Hillsborough River located in Hillsborough and Pasco Counties, Florida, and requiring the Boards of County Commissioners of said counties to make reports to the Governor as to the work done and the benefits resulting from the use of said appropriation.

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

Very Respectfully,
RAY NEEL,

Chairman of Committee.

And Senate Bill No. 204, contained in the above report, was placed on the table under the rule.

Also—

Senator Neel, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 29, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Appropriations, to whom was referred:

Senate Bill No. 215:

A bill to be entitled An Act for the relief of Chas. B. Parkhill, as States Attorney of the Thirteenth Judicial District in and for Hillsborough County, Florida.

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

Very Respectfully,
RAY NEEL,
Chairman of Committee.

And Senate Bill No. 215, contained in the above report, was placed on the Calendar of Bills on second reading.

Also—

Senator Neel, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 29, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Appropriations, to whom was referred:

Senate Bill No. 164:

A bill to be entitled An Act to declare, designate and establish the degree of disability of Veterans of the Spanish American War and the World War to be deemed to have been disabled in war.

Have had the same under consideration, and recommend that the same be re-referred to the proper committee.

Very Respectfully,
RAY NEEL,
Chairman of Committee.

And Senate Bill No. 164, contained in the above report, was re-referred to the Committee on Judiciary "A".

Also—

Senator Neel, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 29, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Appropriations, to whom was referred:

Senate Bill No. 341:

A bill to be entitled An Act to establish and maintain a Branch Experimental Station in Hardee County, Florida, to conduct a field research on laboratory problems: To make it the duty of the Board of Control to establish such Branch Station and provide for carrying on investigation thereat and appropriating the money for the expense thereof.

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

Very Respectfully,
RAY NEEL,
Chairman of Committee.

And Senate Bill No. 341, contained in the above report, was placed on the Calendar of Bills on second reading.

Also—

Senator Neel, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 29, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Appropriations, to whom was referred:

Senate Bill No. 16:

A bill to be entitled An Act to create a State Commission on Employment and Industrial Development; and to prescribe its powers and duties and making an appropriation therefor.

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

Very Respectfully,
RAY NEEL,
Chairman of Committee.

And Senate Bill No. 16, contained in the above report, was placed on the Calendar of Bills on second reading.

Also—

Senator Hinely, Chairman of the Committee on Public Printing, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Public Printing, to whom was referred:

House Bill No. 130:

A bill to be entitled An Act to amend Section 1305 of the Revised General Statutes of the State of Florida relating to contracts for Public Printing, the same being Section 1981 of the Compiled General Laws of Florida.

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

Very Respectfully,
S. A. HINELY,
Chairman of Committee.

And House Bill No. 130, contained in the above report, was placed on the Calendar of Bills on second reading.

Also—

Senator Caro, Chairman of the Committee on Claims, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 29, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Claims, to whom was referred:

Senate Bill No. 302:

A bill to be entitled An Act authorizing the Comptroller of the State of Florida to settle with the Clerk of the Circuit Court, Dade County, Florida, for certain tax funds.

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

Very Respectfully,
HERBERT P. CARO,
Chairman of Committee.

And Senate Bill No. 302, contained in the above report, was placed on the Calendar of Bills on second reading.

Also—

Senator Caro, Chairman of the Committee on Claims, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 29, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Claims, to whom was referred:

Senate Bill No. 331:

A bill to be entitled An Act for the relief of Bob Simpson, Tax Collector of Dade County, Florida.

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

Very Respectfully,
HERBERT P. CARO,
Chairman of Committee.

And Senate Bill No. 331, contained in the above report, was placed on the Calendar of Bills on second reading.

INTRODUCTION OF RESOLUTIONS

By Senators Gomez and Hodges—

Senate Resolution No. 28:

WHEREAS, General Thomas Jefferson Appleyard died in January of this year at the age of Eighty (80) Years, and

WHEREAS, During his life for nearly a quarter of a century he was connected with the Senate of Florida, and for many years was its Secretary and represented the Democratic party of Florida at nine (9) National Conventions as its Delegate at Large, and was State Printer for over twenty (20) years,

and during all of his long life preserved his love for the people, and the Institutions of this State, and his faith in the Ideals of the Old South,

THEREFORE, BE IT RESOLVED BY THE SENATE OF FLORIDA:

THAT a page of its Journal with this Resolution be devoted to General Thomas Jefferson Appleyard in loving memory, and that a copy of this Resolution, attested by the Secretary and Secretary Emeritus of the Senate, be mailed to his widow, Mrs. Wm. F. Gwynne Appleyard, of Tallahassee, Florida, and to his daughters, Mrs. Alice Clarkson, Mrs. Edward Fitzgerald and Mrs. Walter Cully of Tallahassee, Florida, and Mrs. George Marion of Rochester, New York.

Senator Hodges moved the adoption of the Resolution.

Which was agreed to.

And Senate Resolution No. 28 was adopted.

Senator Getzen moved that the following article written by Honorable Fred H. Davis, former Attorney General and now a Justice of the Florida Supreme Court be spread upon the Journal in full.

Which was agreed to and was so ordered.

FUNCTION OF THE PARDON BOARD AS A PART OF OUR LEGAL SYSTEM

By Former Attorney General Fred H. Davis

Section 12 of Article IV of Constitution of the State of Florida provides that the Governor, Secretary of State, Comptroller, Attorney General and Commissioner of Agriculture, or a majority of them, of which the Governor shall be one, may upon such conditions and with such limitations and restrictions as they may deem proper, remit fines and forfeitures, commute punishment, and grant pardons after conviction in all cases except treason and impeachment, subject to such regulations as may be prescribed by law relative to the manner of applying for pardons.

Originally a pardon was considered as an act of grace. It proceeded from the king as supreme ruler of the State, and its effect was to exempt the individual on whom it was bestowed from the punishment which the law inflicted for a crime he had committed against the sovereign.

Considered strictly as an act of grace only, every pardon granted to the guilty is a derogation of the law, because under this theory if the pardon be equitable to give, the law whose effect it overrules must be bad. It has been stated, on the other hand, that as human actions are necessarily imperfect, so pardoning power must be vested somewhere, in order to prevent injustice when it is ascertained that an otherwise irredressible error has been committed in rendering judgment in special cases.

It has been assumed that because the last stated conclusion is true, that the only justifiable right itself to pardon must be predicated upon a legal finding by the pardoning authority that some error has actually been committed in convicting the accused, and that in the absence of unrighteous conviction of the convict in the first instance that he should never be pardoned at all, because to do so would discredit the authority of the courts which convicted him.

The reasoning upon which such an assertion is taken for granted is the premise that since the administration of the law is ordinarily perfect, pardons must necessarily do violence to the law.

So it is contended that pardons ought to be discouraged altogether, or at least most narrowly restricted to those few and exceptional cases where conviction must be set aside, not as an act of clemency, but because of subsequently established proof of innocence which was not revealed to the convicting court.

It is pertinent, therefore, to determine whether or not the right of pardon in Florida, vested in the Governor together with his board of pardons, is, under our American system of constitutional law, still considered to be a mere act of grace such as was the pardoning power of the King under the common law of England, or whether it is constitutional function expressly granted and preserved in the organic law itself, resting on some broader and more important constitutional consideration than originally applied to the King.

In this connection it will be noted that the Constitution does not provide that the pardoning power in Florida shall be exercised directly by the sovereign representative, else it would be the legislature as the repository of the sovereign power of the State and not the Governor and members of his

cabinet, who would be vested with the authority to grant pardons.

So it is only in cases of treason and impeachment that our constitutional system contemplates the exercise of the pardon power directly as an act of grace by sovereign power of the State. Power to pardon for ordinary offenses rests upon a different principle.

Hence it is obvious that the pardon board must be considered as a part of our legal system provided by the Constitution for the administration of justice, and it is to be regarded as much so as the courts themselves are to be considered as a part of our legal system.

The power of pardon invested in the Board can only be exercised through the action of a majority decision of five state officers acting together in committee. This circumstance suggests the idea of hearing and judgment by the board upon consideration of public welfare as a condition precedent to its exercise. It is plain that the pardon power when exerted is not to be taken as the casual indulgence of individuals on the Pardon Board possessing power of a personal nature, to award relief from imprisonment according to personal caprice as a mere act of private grace, such as would apply to a King exercising like power, but as a constitutional act, by constitutional officers, performed in a constitutional manner, to accomplish a constitutional purpose in the administration of law.

This theory of the power to pardon as a constitutional function under a constitutional system of government is adequately supported by the observation of the Supreme Court of the United States in an opinion written by Justice Oliver Wendell Holmes of the Court (*Biddle vs. Perovich*, 71 L. Ed. 1161), who in describing it said:

"We will not go into history, but we will say a word about the principles of pardons in the law of the United States. A pardon in our days is not a private act of grace from an individual happening to possess power. It is a part of the constitutional scheme. When granted, it is the determination of the ultimate authority the public welfare will be better served by inflicting less than what the judgment fixed."

Notwithstanding such a forceful declaration by a most eminent judge speaking with the unanimous approval of the highest court in these United States, it has frequently been declared by some members of the judiciary that the exercise of the pardon power in any instance not predicated upon some demonstrated miscarriage of justice amounting to an error in the justice of the original conviction is an usurpation of the authority of the Courts, and is an interference with the orderly administration of the law.

Such a statement overlooks the fact that as to mere errors leading to judgment the Courts themselves have always asserted the power through granting new trials and appellate reviews of *mis prius* judgments to correct their own mistakes insofar as mere matters of law and fact are concerned, thereby eliminating any necessity for the creation of a special board, whether a pardoning board or some other tribunal, to perform that function. This is true because writs of error lie to correct errors of law and writs of error *coram nobis* and *coram vobis* lie to correct errors in the judgment in point of fact.

Assuming, however, that we are forced to admit that in particular cases errors of fact may have occurred, which even the Courts themselves are unable to remedy by any known judicial processes, in consequence of which some other tribunal must be vested with absolute discretion to grant executive relief, the proposition must by this line of reasoning be admitted to have been established that not all judicial judgments can be righteous and not all verdicts of Courts can import absolute verity, such as must, in theory at least, be the objective of our judicial process.

So the doctrine, which supports the establishment and maintenance of the pardoning power in a separate tribunal, such as a pardoning board of a state, rests upon neither of the foregoing hypotheses. On the contrary, according to the above quoted declaration of the Supreme Court of the United States, it is the function of the pardoning power not merely to rectify mistakes or miscarriages of justice, but to make an official determination that the public welfare will be better served by inflicting less than what the judgments of the law, expressed through the courts, fix as the punishment for public offenses denominated in our jurisprudence as crimes.

Nor can it be justly said that the mere existence of such

power as the Pardon Board is authorized to exercise nor even the possibility of unscrupulous officials, interferes with the administration of justice by the Courts.

To this effect we quote no less authority than Mr. Chief Justice Taft, a former President of the United States, who denied that the power of pardon weakened the judicial authority of the Courts, and said in writing an opinion of the highest court in the world upholding the power of the President of the United States to issue a pardon to one convicted of contempt of court (Ex Parte Grossman, 69 L. Ed., Text 535):

"Finally it is urged that criminal contempts should not be held within the pardoning power: because it will tend to destroy the independence of the judiciary and violate the primary constitutional principle of a separation of the legislative, executive and judicial power. By affirmative action through the veto power, the executive and one more than one-third of either house may defeat all legislation. One-half of the House and two-thirds of the Senate may impeach and remove the members of the judiciary. The executive can relieve or pardon all offenses after their commission, either before trial, during trial, or after trial, by individuals, or by classes, conditionally or absolutely, and this without modification or regulation by Congress. Negatively one House of Congress can withhold all appropriations and stop the operations of government. The Senate can hold up all appointments, confirmations of which either the Constitution or a statute requires, and thus deprive the President of the necessary agents with which he is to take care that the laws be faithfully executed. These are some instances of positive and negative restraints possibly available under the Constitution to each branch of the government in defeat of the action of the other. They show that the independence of each of the other is qualified, and is so subject to exception as not constitute a broadly positive injunction or a necessarily controlling rule of construction. The fact is that the Judiciary, quite as much as Congress and the Executive, are dependent on the cooperation of the other two, that Government may go on. Indeed, while the Constitution has made the judiciary as independent of the other branches as is practicable, it is, as often remarked, the weakest of the three. It must look for a continuity of necessary cooperation, in the possible reluctance of either of the other branches, to the force of public opinion. Executive clemency exists to afford relief from the undue harshness or evident mistake in the operation or enforcement of the criminal law. The administration of justice by the Courts is not necessarily always wise or certainly considerate of circumstances which may properly mitigate guilt. To afford a remedy, it has always been thought essential in popular governments, as well as in monarchies, to vest in some other authority than the courts power to ameliorate or avoid particular criminal judgments. It is a check entrusted to the executive for special cases. To exercise it to the extent of destroying the deterrent effect of judicial punishment would be to pervert it; but whoever is to make it useful must have full discretion to exercise it. Our Constitution confers this discretion on the highest officer in the Nation in confidence that he will not abuse it. An abuse in pardoning contempts would certainly embarrass Courts, but it is questionable how much more it would lessen their effectiveness than a whole-some pardon of other offenses. If we could conjure up in our minds a President willing to paralyze Courts by pardoning all criminal contempts, why not a President ordering a general jail delivery?"

The foregoing statement of the law thus made by the eminent Chief Justice, with the unanimous approval of his associates on the bench of the Supreme Court of the United States is at once an answer and a refutation of the charge frequently made, that the pardoning power exercised by a Board as a part of our constitutional system of government by law is in any wise subordinate to the superior dignity of judicial power, or that its appropriate exercise constitutes any obstruction in a constitutional sense to the enforcement of law through the judiciary.

An abuse of the pardon power, of course, like the abuse of any other power,—legislative, executive or judicial,—is inimical to the public welfare. Indeed, any abuse of any delegated power would be a violation of the spirit of our Constitution and would receive the just condemnation of public opinion against officials who should be guilty of it.

So I may therefore safely assert that the State Board of Pardons is not only an instrumentality constituting a part of our system for the administration of justice through law, but that the proper exercise of the pardoning power is demanded as a sound public policy in order to effectuate justice and promote the public welfare in numbers of cases not possible to

reach through judicial proceedings, or which could be adapted for being reached judicially.

You have frequently heard it stated or seen it printed in the public press that the Pardon Board ought either to be abolished entirely or its powers so curtailed as to make them difficult to exercise except in cases where the Board may be called on to act as a mere approver of some previously declared judicial acknowledgment of unjust judgment by the Courts, resulting in the sentence to be relieved against.

It is significant that such expressions of opinion from the same sources have almost invariably been uttered against all public officers in high offices and against the legislature, concerning which it has frequently been suggested that it should meet two days every sixty years instead of sixty days every two years.

The only reason I presume that these same unjustified critics have not gone the limit and as heartily condemned the Courts with equal severity, has been the fear of the power exercised by the Courts to protect themselves from unwarranted condemnation by contempt proceedings against the offenders who were afraid that the pardoning board as victim of the same unjust attacks might not feel inclined to exercise any privilege of interference by pardon in connection with an offense of such character.

Considering therefore the Pardon Board as a part of our system of administration of law, it is but fitting and proper to the State that primarily one of its functions is to act as a great court of equity of the criminal law, to grant relief in individual cases for the benefit of the prisoner himself.

Just as courts of equity came into existence to relieve against rigors and hardships of judgments rendered by Courts of law in civil cases, so the Pardon Board must exercise its powers in individual criminal cases with appropriate procedure and with proper consideration of equitable influences to grant relief against legally sound criminal judgments, but practically on the same considerations of substantial equities that courts of chancery act on to relieve individuals in civil cases against civil judgments by law.

In addition to this Pardon Board must act for the general welfare of the State at large, irrespective of the particular convict's case, by reducing the character and extent of punishment where the public welfare demands that such reduction be made to prevent pauperization of families, to prevent unwarranted incidence of the punishment on the convict's family instead of on him as intended, or where through the particular condition surrounding incarceration of the prisoner, he should be released irrespective of the views of the accused or his friends in the matter. The exercise of this kind of power by the Pardon Board is like that exercised by courts of bankruptcy, who in our civil law system relieve debtors to individuals at the expense of their creditors, because the public welfare demands that such relief be granted to enable the bankrupt to support his family and avoid the creation of new public charges, which would follow if relief from civil debts were denied.

What, therefore, are some other considerations of general welfare as distinguished from equitable relief flowing from the pardoning power to the accused in particular cases, by which the State Board of Pardons in Florida must be generally guided.

One consideration outside of avoiding pauperization of the convict's family or in direct punishment of the family itself is the prevention of such a crowded condition in our State Prison that there will be no adequate facilities to take care of those who must be kept incarcerated there. The tax payers would be unable to bear the burden of expense required to support an excessive number of prisoners in idleness. Public policy is better subserved by reducing sentences in worthy cases as a means of controlling excessive population for available facilities.

Records of our State Prison Department show that every year a considerable greater number of prisoners are committed to the State Prison than are discharged in the natural course of events during the same year, through expiration of the sentences imposed by the Courts.

For example, in 1927, 1273 prisoners were sent to the Florida State Penitentiary, and only 336 received a discharge by natural expiration of sentence. During the twenty years from 1911 to the present date, there have been sentenced to incarceration in the State Prison of Florida, 13,738 prisoners, while during the same period of time there have been discharged by natural expiration of sentence but 7,315 prisoners. This means that had the State Board of Pardons not acted at all during the last twenty years, there would have been a natural net increase in the number of prisoners accumulated

in the State Prison, of 6,423 more put in than were let out during that period of time.

This in turn means that instead of having 2,600 prisoners now incarcerated in a state prison scarcely designed to hold 2,000 prisoners, we would have some 8,769 prisoners now in the State Prison instead of the 2,600 who are now there.

In spite of the fact that the State Board of Pardons has kept the present population down and has generously exercised its power, to release the better class of prisoners after they have served a reasonable portion of their sentences without requiring them to serve in full, it has been found necessary to raise the State millage for the support of State prisoners from seven-eighths of a mill to one and one-fourth mills, during the last two years.

This one and one-fourth mills, however, only take care of 1,500 prisoners at Raiford, the other 1,100 being supported by the activities of the State Road Department, whose need of convict labor is constantly decreasing.

It is therefore evident from the figures just pointed out that if the State Board of Pardons neglects to exercise its powers the prison population will reach unmanageable limits and the State millage for the support of prisoners will steadily increase. For the support of State prisoners alone, instead of being one and one-fourth mills, as it is now, the millage would be nearly seven mills for maintenance only, not taking into account the additional millage that would be required to be levied to build a larger State Prison and to maintain guards sufficient to care for a greatly augmented number of State prisoners.

Therefore, the necessities of public welfare compel the Pardon Board to hold stated sessions at regular periods each year, at which time it receives and acts upon petitions for the relief of prisoners, and grants such petitions as to appear to the Board to be most deserving out of the hundreds of applications submitted.

In other words, the welfare of the State demands, and actual necessity makes unavoidable, the release by the Pardon Board of some 250 or 300 prisoners every year, in order to keep the prison population from becoming excessively increased and to prevent unnecessary pauperization of families of prisoners.

Even at that, the number of prisoners still held has increased from 1,326 in 1911 to 2,600 in 1931, despite the liberality of action of the State Board of Pardons.

The Florida Pardon Board does not allow mere maudlin sentiment to influence its actions as popularly supposed. Whatever it does in the way of granting releases after its regular Board sessions held twice each year, occurs several weeks, and sometimes more than a month, after the oral petitions are heard, and after the recollection of children's cries and mother's tears have been wiped out of remembrance by other matters of State business, which have engaged the attention of the members in the meantime.

To enable to properly perform its duties, the Board endeavors always to get an accurate record of the facts of each case presented—facts leading to the conviction and facts concerning the convict and his record subsequent thereto. Every member has before him, while the Board is in session, a book in which his record is entered. Every member has before him when he votes on an application this same record.

Undoubtedly, in discharging its functions, the Pardon Board makes mistakes. Undoubtedly, it sometimes releases unworthy prisoners and retains the custody of some more worthy. Pontius Pilate, sitting as a pardon board nearly two thousand years ago, released a thief and crucified Jesus Christ. Modern day pardon boards have sometimes proven no less fallible.

But whatever defects may exist in the administration of the duties of the Pardon Board, a consideration of the facts and the figures will demonstrate that it is impossible for the Pardon Board to avoid the necessity of freely exercising its powers.

In writing this article, it is my sincere hope that those citizens, lawyers, and judges to whose attention my statement may come, will in a spirit of cooperation and aid to the Pardon Board, rather than of condemnation, lend to the Governor and other members of the Board, that assistance which is so essential to enable the Board to select for favorable action, only those cases which are more worthy of clemency.

I hope by an appeal to reason to bring about an appreciation of the fact that the Pardon Board, under our system of government, is just as truly a part of our system of administering justice as the judicial department itself, and that the members of the Pardon Board should not be called upon to grant mere acts of grace solely according to personal desire, or to yield to undue influence in either granting or denying petitions for

pardon nor to act upon and consideration of personal favoritism or prejudice that would not be expected to control the actions of members of the Supreme Court or Circuit Courts in the rendition of judgments within their jurisdiction.

The Pardon Board is a part of our system of legal tribunals. It is the great criminal court of equity which must be resorted to by individuals in proper cases, in order to obtain relief against criminal judgments at law, which were they civil cases, would be relieved against by courts of equity on equitable considerations not available in ordinary courts of laws.

It exercises power analogous to our Courts of Bankruptcy, which have never been considered as thwarting justice, even though they did set aside and make unenforceable judgments of judicial tribunals concerning which there could be no question of miscarriage of justice in the rendition of the judgments thus avoided.

Just as Courts of Bankruptcy were established to forgive the debtor his debt to his creditor, when to do otherwise would increase pauperism of families and ill affect the interests of society, so the State Board of Pardons must in many cases forgive the acknowledged criminal his debt to society, when to do so will better subserve the welfare of the people of the State at large by preventing pauperism and avoiding consequences which fall unduly and unnecessarily heavy on innocent women and children in particular cases.

"The quality of mercy is not strained,
It drops like gentle dew from heaven upon the earth beneath,
It is twice blessed.

It blessed him that gives and him that takes,
'Tis mighty in the mightiest,
And becomes the throned monarch better than his crown.
Earthly justice doth then seem likest God's,
When mercy tempers justice."

Senator Knabb moved that the rules be waived and that Senate Bill No. 329 be re-referred to the Committee on Public Roads and Highways.

Which was agreed to by a two-thirds vote.
And it was so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Parker—
Senate Bill No. 365:
A bill to be entitled An Act granting a pension to Mrs. George C. Jones, a citizen of Dixie County, Florida.
Which was read the first time by its title only and referred to the Committee on Pensions.

By Senator Parker—
Senate Bill No. 366:
A bill to be entitled An Act granting a pension to Mrs. G. W. Fletcher, a citizen of Dixie County, Florida.
Which was read the first time by its title only and referred to the Committee on Pensions.

By Senator Parker—
Senate Bill No. 367:
A bill to be entitled An Act for the relief of James R. Jackson of the Circuit Court of Taylor County, Florida, on account of moneys on deposit in The First National Bank of Perry, Florida, belonging to the State of Florida and Taylor County for tax redemptions.
Which was read the first time by its title only and referred to the Committee on Claims.

By Senator Gary—
Senate Bill No. 368:
A bill to be entitled An Act to raise revenue, providing for a license and other taxes, and the means and methods of collecting and enforcing the same.
Which was read the first time by its title only and referred to the Committee on Finance and Taxation.
Senator Gary moved that 250 copies of Senate Bill No. 368 be printed for distribution.
Which was agreed to.
And it was so ordered.

By Senator Chowning—
Senate Bill No. 369:
A bill to be entitled An Act to authorize the issuance of re-funding bonds of the city of Daytona Beach, Florida, and to provide for their payment.
Which was read the first time by its title only and placed on the Calendar of Local Bills on second reading.
The following proof of publication was attached to Senate Bill No. 369 when it was introduced in the Senate:

AFFIDAVIT OF PROOF OF PUBLICATION

STATE OF FLORIDA,
COUNTY OF VOLUSIA.

Herbert M. Davidson being duly sworn, says that he is Editor of the Daytona Beach News-Journal, a daily newspaper published in the City of Daytona Beach, County of Volusia, and State of Florida; that the attached notice was published in said newspaper once, the date of publication being April 11, 1931.

HERBERT M. DAVIDSON, (SEAL)

Subscribed and sworn to before me this 11th. day of April, 1931.

VIRGINIA LINSMERE,

Notary Public, State of Florida at Large.

My commission expires April 13, 1931.

PROOF OF PUBLICATION

NOTICE OF INTENTION TO APPLY FOR PASSAGE OF
LOCAL LEGISLATION FOR THE CITY OF DAYTONA
BEACH, FLORIDA.

Notice is hereby given to the citizens of the City of Daytona Beach, Florida, of intention to apply to the legislature of the state of Florida, at its 1931 session, on the 12th day of May, A. D. 1931, or at any time before said date, if notice is not required by law, or if notice is waived, for the passage of a special or local law, the substance of which is as follows:

To authorize and empower the city of Daytona Beach, Florida, by resolution of its city commission, to issue its refunding bonds for the purpose of refunding any, or all, outstanding bonds or time warrants, heretofore issued by the former municipality known as the city of Daytona and/or of the former municipality known as the town of Daytona Beach, and/or of the former municipality known as the town of Seabreeze, and/or of the present municipality of the city of Daytona Beach, at such time or times, in such amounts, not to exceed the principal amount of the bonds, and/or time warrants, which it is proposed to refund, bearing interest not to exceed six per cent per annum, and maturing at such time or times not exceeding thirty years from their dates, and in such denominations, and payable at such place or places and executed in such manner and in such form as the city commission may determine.

Such contemplated local law will be introduced in the legislature as a proposed bill under the following title:

"A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF REFUNDING BONDS OF THE CITY OF DAYTONA BEACH, FLORIDA, AND TO PROVIDE FOR THEIR PAYMENT."

Dated at Daytona Beach, Florida, this 11th day of April, A. D. 1931.

HARRY A. HORN,

City Attorney of Daytona Beach, Florida.

By Senator Parrish—
Senate Bill No. 370:

A bill to be entitled An Act to establish and maintain a branch experiment station in or near Sanford, Seminole County, Florida, to conduct a field research on laboratory problems; to make it the duty of the board of control to establish such branch stations and to provide for carrying on investigations thereat, and appropriating money for the expenses thereof.

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

By Senator Parrish—
Senate Bill No. 371:

A bill to be entitled An Act to establish and maintain a branch experiment station in or near Titusville or Cocoa, Brevard County, Florida, to conduct a field research on laboratory problems to make it the duty of the board of control to establish such branch stations and to provide for carrying on investigation thereat and appropriating money for the expenses thereof.

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

By Senator Stewart—
Senate Bill No. 372:

A bill to be entitled An Act declaring certain contracts, agreements and promises to be Sick and Funeral Benefit Insurance and to provide certain terms and conditions of such contracts or agreements or promises, and enlarging the

jurisdiction of the Commissioner of Insurance with respect thereto.

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

By Senator Stewart—
Senate Bill No. 373:

A bill to be entitled An Act relating to fishing in fresh waters; to define fresh waters and to repeal certain existing Laws and Statutes.

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

By Senator Stewart—
Senate Bill No. 374:

A bill to be entitled An Act for the protection of wild turkeys; to regulate the time and quantity in which they be taken; to provide a penalty for the violation of the provisions of this Act and to repeal certain existing Laws and Statutes.

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

By Senator Stewart—
Senate Bill No. 375:

A bill to be entitled An Act to legalize the use of certain devices in the fresh waters of the State of Florida for the purpose of catching catfish; to regulate and license the use of such devices; to provide for the enforcement of the provisions of this Act; to provide for a penalty for the violation of the provisions of this Act and to repeal certain existing Laws and Statutes.

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

By Senator Caro—
Senate Bill No. 376:

A bill to be entitled An Act for the better protection and safety of the public and employees engaged in yard service; prescribing the number of employees to be used in the operation of switch crew or crews in the State of Florida; and providing a penalty for the violation of this Act.

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

By Senator Getzen—
Senate Bill No. 377:

A bill to be entitled An Act for the relief of Roy Caruthers, individually and as Clerk Circuit Court, Sumter County, Florida.

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

By Senator Dell—
Senate Bill No. 378:

A bill to be entitled An Act authorizing the County Commissioners of Alachua County, Florida to levy an additional tax annually upon all taxable property in said county, same to be used and expended by said commissioners for the support and maintenance and for the payment of interest and the bonded debt of the Alachua County Hospital located in said county.

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

The following proof of publication was attached to Senate Bill No. 378 when introduced in the Senate:

AFFIDAVIT OF PROOF OF PUBLICATION OF LOCAL OR
SPECIAL NO. 378 RELATING TO ALACHUA COUNTY

I, Harry Brown, being first duly sworn, do solemnly swear (or affirm) that notice of the intention to apply for the passage of the special or local bill above designated has been duly published in the locality where the matter or the thing to be affected by said bill may be situated, which notice stated the substance of the contemplated law, and was published in the manner provided by law at least thirty days prior to the introduction of said bill into this Legislature; I further swear (or affirm) that a true copy of the notice so published was and is attached to the above designated bill and that said notice which was so attached to said bill when same was introduced was duly published in Alachua County, Florida, in the manner provided by law, as more fully appears by reference to said notice and accompanying papers attached to said bill, which notice and accompanying papers is made

by reference a part of this affidavit as fully as if copied as a part hereof.

HARRY BROWN.

Sworn to and subscribed before me this 22nd day of March, A. D. 1931.

L. M. SHANNON,
Notary Public.

By Senator Dell—
Senate Bill No. 379:

A bill to be entitled An Act to require the tax collector of Alachua County, Florida to turn over to the County Commissioners the error and insolvency list each year after same has been approved by said commissioners for collection under their direction.

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

The following proof publication was attached to Senate Bill No. 379 when it was introduced in the Senate.

AFFIDAVIT OF PROOF OF PUBLICATION OF LOCAL OR SPECIAL BILL NO. 379, RELATING TO ALACHUA COUNTY.

I, Harry Brown, being first duly sworn, do solemnly swear (or affirm) that notice of the intention to apply for the passage of the special or local bill above designated has been duly published in the locality where the matter or the thing to be affected by said bill may be situated, which notice stated the substance of the contemplated law, and was published in the manner provided by law at least thirty days prior to the introduction of said bill into this legislature; I further swear (or affirm) that a true copy of the notice so published was and is attached to the above designated bill and that said notice which was so attached to said bill when same was introduced was duly published in Alachua County, Florida, in the manner provided by law, as more fully appears by reference to said notice and accompanying papers attached to said bill, which notice and accompanying papers is made by reference a part of this affidavit as fully as if copied as a part hereof.

HARRY BROWN.

Sworn to and subscribed before me this 22nd day of March A. D. 1931.

L. M. SHANNON,
Notary Public.

By Senator Dell—
Senate Bill No. 380:

A bill to be entitled An Act legalizing, validating and confirming the tax sale held by the tax collector of Alachua County, Florida, for the year 1926, and all tax sale certificates issued thereon to either the State or to individuals.

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

The following proof of publication was attached to Senate Bill No. 380 when it was introduced in the Senate:

AFFIDAVIT OF PROOF OF PUBLICATION OF LOCAL OR SPECIAL BILL NO. 380, RELATING TO ALACHUA COUNTY.

I, Harry Brown, being first duly sworn, do solemnly swear (or affirm) that notice of the intention to apply for the passage of the special or local bill above designated has been duly published in the locality where the matter or the thing to be affected by said bill may be situated, which notice stated the substance of the contemplated law, and was published in the manner provided by law at least thirty days prior to the introduction of said bill into this legislature; I further swear (or affirm) that a true copy of the notice so published was and is attached to the above designated bill and that said notice which was so attached to said bill when same was introduced was duly published in Alachua County, Florida, in the manner provided by law, as more fully appears by reference to said notice and accompanying papers attached to said bill, which notice and accompanying papers is made by reference a part of this affidavit as fully as if copied as a part hereof.

HARRY BROWN.

Sworn to and subscribed before me this 22nd day of March A. D. 1931.

L. M. SHANNON,
Notary Public.

By Senator Clarke—
Senate Bill No. 381:

A bill to be entitled An Act to amend Sections 1007, 1010, 1011, 1020, and 1031, Revised General Statutes of Florida relating to the operation, licensing and taxing of motor vehicles trailers, semi-trailers and motor cycle side cars as amended by Chapter 8410, Acts of 1921, Laws of Florida and as amended by Chapter 10182, Acts of 1925, Laws of Florida, and as amended by Chapter 12096, Acts of 1927, Laws of Florida, relating to the subject of operation of motor vehicles, trailers, semi-trailers, motorcycle side cars and taxation of same and to repeal Section 1015, Revised General Statutes of Florida as amended by Chapter 8410, Acts of 1921 relating to the subject aforesaid, the purpose of this Act being to revise and amend the following sections of the Revised General Statutes of Florida which constitute Section 1281, 1284, 1285, 1923 and 1304, Compiled General Laws and to repeal Section 1289 of the same.

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

By Senator Harrison—
Senate Bill No. 382:

A bill to be entitled An Act to amend Section 1866 of the Compiled General Laws of Florida, relating to licenses payable to the State of Florida by resident and non-resident wholesale and retail fish dealers, peddlers and non-residents taking salt water fish from the waterways of Florida for the purpose of sale, and defining the terms wholesale fish dealer, retail fish dealer, persons engaged in selling or peddling fish from vehicle and making disposition of the revenue obtained hereby.

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

By Senator Harrison—
Senate Bill No. 383:

A bill to be entitled An Act to provide for an open season on certain kinds of game, to fix a penalty for the violation of the provisions of this act and to repeal certain existing laws and statutes.

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

By Senator Harrison—
Senate Bill No. 384:

A bill to be entitled An Act to authorize the State Game and Fresh Water Fish Commissioner to employ additional deputy game wardens: to provide for the compensation of such wardens out of the State game fund and to repeal certain existing laws and statutes.

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

By Senator Harrison—
Senate Bill No. 385:

A bill to be entitled An Act to regulate the sanitary conditions of fish markets, fish houses and vehicles in which seafoods are transported, making provision for inspections thereof by the Shell Fish Commissioner, providing for the issuance of the Shell Fish Commissioner's certificate of compliance or permit, making necessary the attachment of tag or stamp showing the receipt and number of permit or certificate to each package of seafoods sold by wholesale dealer or delivery thereof by the vendor to the vendee, making exceptions hereto, and providing punishment for the non-compliance with this Act.

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

By Senator Whitaker—
Senate Bill No. 386:

A bill to be entitled An Act to grant a pension to Emma Wise Stapleton, of Hillsborough County, Florida, widow of John T. Stapleton.

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

By Senator Whitaker—
Senate Bill No. 387:

A bill to be entitled An Act regulating restaurants when operated in any place in which any other business is operated by providing that the part of such place where such restaurant is operated shall be separated in a certain manner from the part of such place where such other business is operated;

and making it a misdemeanor to violate the provisions or any of the provisions of this Act.

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

By Senator Whitaker—

Senate Bill No. 388:

A bill to be entitled An Act to authorize the City of Tampa to pay United Dredging Company, a corporation, not exceeding \$5,000 for work done and materials furnished in dredging and filling certain property owned by the City of Tampa at DeSoto Park, in said city, providing the conditions upon which said moneys may be paid.

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

The following proof of publication was attached to Senate Bill No. 388 when it was introduced in the Senate:

AFFIDAVIT OF PROOF OF PUBLICATION OF LOCAL OR SPECIAL BILL NO. 388 RELATING TO HILLSBOROUGH COUNTY

I, J. A. Lyles, Foreman, being duly sworn, do solemnly swear (or affirm) that notice of the intention to apply for the passage of the special or local bill above designated has been duly published in the locality where the matter or the thing to be affected by said bill may be situated, which notice stated the substance of the contemplated law, and was published in the manner provided by law at least thirty days prior to the introduction of said bill into this legislature; I further swear (or affirm) that a true copy of this notice so published was and is attached to the above designated bill and that said notice which was so attached to said bill when same was introduced was duly published in Hillsborough County, Florida, in the manner provided by law, as more fully appears by reference to said notice and accompanying papers attached to said bill, which notice and accompanying papers is made by reference a part of this affidavit as fully as if copied as a part hereof.

J. A. LYLES.

Sworn to and subscribed before me this 3d day of April, A. D. 1931.

E. M. CORMERS,
Notary Public.

By Senator Whitaker—

Senate Bill No. 389:

A bill to be entitled An Act to grant a pension to W. P. (Bill) Rigdon of Hillsborough County, Florida.

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

By Senator Taylor—

Senate Bill No. 390:

A bill to be entitled An Act to classify counties according to population for the purpose of fixing the compensation of County Commissioners; to fix and limit allowances to County Commissioners for mileage and to provide for the payment of the same; and to validate compensation heretofore paid County Commissioners.

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

By Senator Johns—

Senate Bill No. 391:

A bill to be entitled An Act for the relief of Wm. N. Roberts, of Union County, Florida.

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

By Senator Watson—

Senate Bill No. 392:

A bill to be entitled An Act to amend Sections 6571, 6572 and 6573 of the Compiled General Laws of Florida, 1927, relative to Corporations.

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

By Senator Watson—

Senate Bill No. 393:

A bill to be entitled An Act designating as a State Road a road known as Krome Avenue, beginning on the North at Road No. 27, thence south to Homestead, thence along road

known as Ingraham Highway to Cape Sable.

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

By Senator Stewart—

Senate Bill No. 394:

A bill to be entitled An Act to provide for a closed season on fishing in the fresh waters; to provide a penalty for the violation of the provisions of this Act and to repeal certain existing laws and statutes.

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

By Senators Howell, Wagg, Young, Council, Taylor, Gomez, Watson, Getzen, Parrish—

Senate Bill No. 395:

A bill to be entitled An Act to authorize the State Road Department of the State of Florida to grant franchises for the construction of toll bridges, viaducts, roads, fills, trestle structures and approaches thereto and for the use of the same by the persons to whom such franchises are granted, their successors and assigns; and to authorize the State Road Department to lease or purchase under certain conditions any toll bridges, viaducts, roads, fills or trestles with the approaches thereto when it may be practicable and advisable to lease such structures in connection with the highway system of the State of Florida; and to provide that the contracts for such franchises and constructions shall contain an option to be exercised by the State Road Department to purchase such structures after a period of thirty years under such terms and conditions as may be named in the original franchises granted by the State Road Department.

Which was read the first time by its title only.

Senator Adams moved that the rules be waived and that Senate Bill No. 395 be placed on the Calendar of Bills on second reading without reference.

Which was agreed to by two-thirds vote.

And it was so ordered.

By Senator Harris—

Senate Bill No. 396:

A bill to be entitled An Act to amend Chapter 9300, Acts of the Legislature of 1923, entitled "An Act to encourage the Co-operative Marketing of Farm Products and to authorize the incorporation of Co-operative Marketing Associations."

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

By Senator Getzen—

Senate Bill No. 397:

A bill to be entitled An Act for the relief of Fritz Boyett, former County Commissioner of Pasco County, Florida.

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

By Senator Harrison—

Senate Bill No. 398:

A bill to be entitled An Act for the protection of Black Bass and prescribing penalties for violation thereof.

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

Senator Adams moved that the rules be waived and that Senate Bill No. 135 be re-referred to the Committee on Judiciary "C."

Which was agreed to by a two-thirds vote.

And it was so ordered.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was received and read:

House of Representatives,
Tallahassee, Fla., April 27, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

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

By Senator Stewart—

Senate Bill No. 140:

A bill to be entitled An Act to repeal Chapter 13800, General Laws of Florida, Acts of 1929, the same being "An Act to protect and preserve the shrimp and prawn in the tidewaters of

the East Coast of the State of Florida; to provide for the regulating thereof, and for other purposes."

Very respectfully,
FRANK WEBB,

Chief Clerk, House of Representatives.

And Senate Bill No. 140, containing in the above message, was read by its title and referred to the Committee on Enrolled Bills.

Also—

The following message from the House of Representatives was received and read:

House of Representatives,
Tallahassee, Fla., April 29, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives returns herewith at the request of the Senate—

By Senator Gomez—
Senate Bill No. 197:

A bill to be entitled An Act approving, confirming and validating all compromises, adjustments, abatements, rebates and waivers of interest heretofore effected, made and allowed by the City Council of the City of Key West or by the Tax Adjustment Committee of said City and/or by the officers of said City in the collection of taxes on real and personal property and special improvement assessments for street paving and/or sidewalks; conferring on the City Council of the City of Key West authority from time to time by resolution to waive the collection of interest that may be due on any taxes assessed on real and personal property and on special improvement assessments for street paving and/or sidewalks.

By Senator Butler—
Senate Bill No. 224:

A bill to be entitled An Act amending Chapter 7462 of the Acts of Florida of 1917, and Chapter 8672 of the Acts of Florida of 1921, relating to St. Johns River Bridge, and providing for reimbursing the County Commissioners of Duval County, Florida, on account of expenditures made for engineering services and for investigations and surveys preparatory to holding an election pursuant to Chapters 14015 and 14018 of the Special Acts of 1929; providing for reimbursing said County Commissioners for expenditures made and obligations incurred in the matter of constructing an additional approach or approaches to the St. Johns River Bridge in Duval County, Florida.

Very respectfully,
FRANK WEBB,

Chief Clerk, House of Representatives.

Senator Gomez moved that the rules be waived and the Senate do now reconsider the vote by which Senate Bill No. 197, contained in the above message, passed the Senate.

Which was agreed to by a two-thirds vote.

By unanimous consent Senator Gomez withdrew Senate Bill No. 197.

Senator Butler moved that the rules be waived and the Senate do now reconsider the vote by which Senate Bill No. 224 passed the Senate.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 224 was placed on the Calendar of Local Bills on third reading.

Also—

The following message from the House of Representatives was received and read:

House of Representatives,
Tallahassee, Fla., April 29, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives refuses to concur in Senate amendment to—

House Bill No. 401:

A bill to be entitled An Act to repeal Chapter 14553 of the Acts of Florida, 1929, being An Act entitled, "An Act to authorize the Supreme Court of Florida to select commissioners to assist the Court in the performance of its duties

and describing the duties of such commissioners and providing for their compensation."

Which amendment is as follows:

Strike out all of Section Two and insert in lieu thereof the following: Section 2. This Act shall take effect immediately upon its becoming a law.

Very Respectfully,
FRANK WEBB,

Chief Clerk, House of Representatives.

The question was put "Will the Senate recede from Senate amendment to House Bill No. 401," as contained in the above message.

A roll call was demanded and upon calling the roll the vote was:

Yeas—Senators Adams, Anderson, Bell, Butler, Chowning, Clarke, Futch, Gary, Harris, Harrison, Hilburn, Hodges, Irby, King, Neel, Stewart, Taylor, Turner, Wagg, Watson—20.

Nays—Mr. President; Senators Andrews, Bradshaw, Caro, Council, Dell, English, Getzen, Gomez, Hinely, Howell, Johns, Knabb, Lewis, Parker, Young—16.

EXPLANATION OF VOTE

I vote "Yea" that the Senate recede from the Senate amendment to House Bill abolishing the three commissioners to the Supreme Court and in doing so, I do so owing to the fact that these three commissioners have abandoned their law practice to move to Tallahassee and I believe that as a matter of justice to the commissioners that they should have ample time in which to make their arrangements for the future. The House Bill provides that said law shall not take effect until Tuesday after the first Monday in November, 1932, which will give them ample time to make their future arrangements.

J. B. STEWART,
16th District.

Which was agreed to.

And the Senate receded from Senate amendment to House Bill No. 401.

And the action of the Senate was ordered to be certified to the House of Representatives under the rule.

Senator Hodges moved that the rules be waived and the Senate do now take up the consideration of Senate and House Local Bills out of their order.

Which was agreed to by a two-thirds vote.

And—

Senate Bill No. 106 was taken up and the consideration of same was informally passed.

Senate Bill No. 117:

A bill to be entitled An Act for the relief of G. W. Alderman, individually, and as Clerk of the Circuit Court of Bradford County, Florida.

Was taken up.

Senator Johns moved that the rules be waived and Senate Bill No. 117 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 117 was read a second time by its title only.

Senator Johns offered the following amendment to Senate Bill No. 117:

In Section 2, line 2 after word "hereby" add "commanded and."

Senator Johns moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Johns moved that the rules be further waived and that Senate Bill No. 117, as amended, 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. 117, as amended, was read a third time in full.

Upon the passage of the bill, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—36.

Nays—Senator Anderson—1.

So the Bill passed, as amended, title as stated.

And the same was ordered to be referred to the Committee on Engrossed Bills.

Senate Bill No. 120:

A bill to be entitled An Act for the relief of W. J. Epperson, individually and as Sheriff of Bradford County, Florida.

Was taken up.

Senator Johns moved that the rules be waived and that Senate Bill No. 120 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 120 was read a second time by its title only.

Senator Johns offered the following amendment to Senate Bill No. 120:

In Section 11, line 2, after word "Hereby" add "Commanded and".

Senator Johns moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Johns moved that the rules be further waived and that Senate Bill No. 120, as amended, 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. 120, as amended, was read a third in full.

Upon the passage of the bill, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

So the Bill passed, as amended, title as stated.

And the same was ordered to be referred to the Committee on Engrossed Bills.

Senate Bill No. 313:

A bill to be entitled An Act authorizing the City Council of the City of South Miami to settle, compromise and adjust certain tax liens.

Was taken up.

Senator Watson moved that the rules be waived and that Senate Bill No. 313 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 313 was read a second time by its title only.

Senator Watson moved that the rules be further waived and that Senate Bill No. 313 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. 313 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

Nays—None.

So the Bill passed, title as stated.

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

Senator Wagg moved that the rules be waived and that when the Senate do adjourn it adjourn until at 11:00 o'clock A. M., Friday, May 1, 1931.

Which was agreed to by a two-thirds vote.

And it was so ordered.

Senate Bill No. 338:

A bill to be entitled An Act to amend sections 8 and 9 of Chapter 10847 laws of Florida, approved May 9, 1925, and entitled "An Act to amend and re-enact the charter of the city of Miami, in the county of Dade, and to fix the boundaries and provide for the government, powers and privileges of said city and means for exercising the same; and to authorize the imposition of penalties for the violation of ordinances, and to ratify certain acts and proceedings of the commission and of the officers of the City," relating to municipal elections.

Was taken up.

Senator Watson moved that the rules be waived and Senate Bill No. 338 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 338 was read a second time by its title only.

Senator Watson moved that the rules be further waived and

Senate Bill No. 338 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. 338 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

Nays—None.

So the Bill passed, title as stated.

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

Senate Bill No. 340:

A bill to be entitled An Act authorizing the Commission of the City of Miami to settle and adjust certain tax liens.

Was taken up.

Senator Watson moved that the rules be waived and Senate Bill No. 340 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 340 was read a second time by its title only.

Senator Watson moved that the rules be further waived and Senate Bill No. 340 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. 340 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

Nays—None.

So the Bill passed, title as stated.

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

Senate Bill No. 362:

A bill to be entitled An Act to abolish the present municipal government of the City of Carrabelle, in the County of Franklin and the State of Florida; and to organize and establish a commission form of government for the same, to prescribe its jurisdiction and power; and to authorize the imposition of penalties for the violation of its ordinances.

Was taken up.

Senator Council moved that the rules be waived and Senate Bill No. 362 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 362 was read a second time by its title only.

Senator Council moved that the rules be further waived and Senate Bill No. 362 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. 362 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

Nays—None.

So the bill passed, title as stated.

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

Senate Bill No. 364:

A bill to be entitled An Act amending Sections 23 and 25 of Chapter 9907 of the Acts of the Legislature of the State of Florida, of 1923, entitled: "An Act to legalize and validate the ordinances of the City of South Jacksonville and official acts thereunder; to legalize and validate all tax assessments, assessments of street improvement and sidewalk liens of the City of South Jacksonville; to grant authority and empower the City of South Jacksonville, Florida, to build, own, operate, contract for the operation of and otherwise manage and

control interurban and street railways inside and outside of the territorial limits of said city, to grant authority and empower the City of South Jacksonville to own, operate, contract for the operation of and otherwise manage and control motor bus lines or motor buses used for the carrying of passengers inside and outside of the territorial limits of said city, to provide for the issuance of bonds; to provide for the extension of the territorial limits of said city and making provisions relating to the jurisdiction, powers and authority of its officers, agents and employees, providing for the amendment of the charter of the said city and generally making provisions for the government of said city"; and making provisions for the payment of taxes in quarter-annual installments and for certain discounts on taxes, and for the collection of delinquent taxes and assessments.

Was taken up.

Senator Butler moved that the rules be waived and Senate Bill No. 364 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 364 was read a second time by its title only.

Senator Butler moved that the rules be further waived and Senate Bill No. 364 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. 364 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

Nays—None.

So the bill passed, title as stated.

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

HOUSE LOCAL BILLS ON SECOND READING.

House Bills No's. 96 and 107 were taken up in their order and the consideration of same was informally passed.

House Bill No. 395:

A bill to be entitled An Act to repeal Chapter 13683—(No. 119) Laws of 1929, relating to and creating the Lakeport Improvement District, lying and being wholly within Glades County, Florida.

Was taken up.

Senator Bell moved that the rules be waived and House Bill No. 395 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 395 was read a second time by its title only.

Senator Bell moved that the rules be further waived and House Bill No. 395 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. 395 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

Nays—None.

So the bill passed, title as stated.

And the action of the Senate was ordered to be certified to the House of Representatives under the rule.

House Bill No. 108 was taken up in its order and the consideration of same was informally passed.

House Bill No. 396:

A bill to be entitled An Act to repeal Chapter 11644 (No. 309) Laws of 1925, relating to the North LaBelle Drainage District lying wholly within Glades County, Florida.

Was taken up.

Senator Bell moved that the rules be waived and House Bill No. 396 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 396 was read a second time by its title only.

Senator Bell moved that the rules be further waived and House Bill No. 396 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. 396 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

Nays—None.

So the bill passed, title as stated.

And the action of the Senate was ordered to be certified to the House of Representatives under the rule.

House Bill No. 208:

A bill to be entitled An Act to authorize the Board of Commissioners of Citrus Center Drainage District to decrease the taxes levied in said district for the year 1931 and succeeding years to such an amount as they may deem proper.

Was taken up.

Senator Bell moved that the rules be waived and House Bill No. 208 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 208 was read a second time by its title only.

Senator Bell moved that the rules be further waived and House Bill No. 208 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. 208 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

Nays—None.

So the bill passed, title as stated.

And the action of the Senate was ordered to be certified to the House of Representatives under the rule.

House Bill No. 147:

A bill to be entitled An Act repealing Chapter 11314, Laws of Florida, Acts of 1925, creating special road and bridge District No. 2 in Walton County, Florida, and providing for the disposition of the funds of said district in the hands of the Trustees thereof.

Was taken up.

Senator Neel moved that the rules be waived and House Bill No. 147 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 147 was read a second time by its title only.

Senator Neel moved that the rules be further waived and House Bill No. 147 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. 147 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

Nays—None.

So the bill passed, title as stated.

And the action of the Senate was ordered to be certified to the House of Representatives under the rule.

Senator Young moved that the rules be waived and House Bill No. 104 be referred to the Committee on Canals and Drainage.

Which was agreed to by a two-thirds vote.

And it was so ordered.

House Bills Nos. 364 and 363 were taken up in their order and the consideration of same was informally passed.

House Bill No. 347:

A bill to be entitled An Act to provide for the nomination in primaries of candidates for office of members of Board of Public Instruction, by the voters of the county at large, in Walton County, Florida.

Was taken up.

Senator Neel moved that the rules be waived and House Bill No. 347 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 347 was read a second time by its title only.

Senator Neel moved that the rules be further waived and House Bill No. 347 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. 347 was read a third time by its title only.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

Nays—None.

So the Bill passed, title as stated.

And the action of the Senate was ordered to be certified to the House of Representatives under the rule.

House Bill No. 346:

A bill to be entitled An Act to provide for the nomination in primaries of candidates for office of county commissioner by the voters of the county at large, in Walton County, Florida.

Was taken up.

Senator Neel moved that the rules be waived and House Bill No. 346 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 346 was read a second time by its title only.

Senator Neel moved that the rules be further waived and House Bill No. 346 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. 346 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

Nays—None.

So the Bill passed, title as stated.

And the action of the Senate was ordered to be certified to the House of Representatives under the rule.

House Bill No. 345: was taken up in its order and the consideration of same was informally passed.

House Bill No. 286:

A bill to be entitled An Act to provide a Board of Public Instruction for Duval County, Florida; consisting of five members, having certain qualifications; to provide for their nomination and election; to fix their terms of office; to eliminate their salaries; and to confirm their powers and duties as prescribed by General Law, except as otherwise provided in this Act.

Was taken up.

Senator Butler moved that the rules be waived and House Bill No. 286 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 286 was read a second time by its title only.

Senator Butler moved that the rules be further waived and House Bill No. 286 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. 286 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

Nays—None.

So the bill passed, title as stated.

And the action of the Senate was ordered to be certified to the House of Representatives under the rule.

House Bill No. 258 was taken up in its order and the consideration of same was informally passed.

House Bill No. 372:

A bill to be entitled An Act abolishing and dissolving the Palm City Road and Bridge District in Martin County, Florida, the Board of Supervisors of said district, and all offices created by said Board; vesting the maintenance and control of said District in the Board of County Commissioners of Martin County, Florida, and providing for the disposal of all property and assets of said District and for the payment of indebtedness thereof.

Was taken up.

Senator Young moved that the rules be waived and House Bill No. 372 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 372 was read a second time by its title only.

Senator Young moved that the rules be further waived and House Bill No. 372 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. 372 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

Nays—None.

So the bill passed, title as stated.

And the action of the Senate was ordered to be certified to the House of Representatives under the rule.

Senate Bill No. 369:

A bill to be entitled An Act to authorize the issuance of refunding bonds of the City of Daytona Beach, Florida, and to provide for their payment.

Was taken up.

Senator Chowning moved that the rules be waived and Senate Bill No. 369 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 369 was read a second time by its title only.

Senator Chowning moved that the rules be further waived and Senate Bill No. 369 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. 369 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

Nays—None.

So the bill passed, title as stated.

And the action of the Senate was ordered to be certified to the House of Representatives under the rule.

Senate Bill No. 378:

A bill to be entitled An Act authorizing the County Commissioners of Alachua County, Florida, to levy an additional tax annually upon all taxable property in said county, same to be used and expended by said commissioners for the support and maintenance and for the payment of interest and the bonded debt of the Alachua County Hospital located in said county.

Was taken up.

Senator Dell moved that the rules be waived and Senate Bill No. 378 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 378 was read a second time by its title only.

Senator Dell moved that the rules be further waived and Senate Bill No. 378 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. 378 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

Nays—None.

So the bill passed, title as stated.

And the action of the Senate was ordered to be certified to the House of Representatives under the rule.

Senate Bill No. 379:

A bill to be entitled An Act to require the tax collector of Alachua County, Florida, to turn over to the County Commissioners the error and insolvency list each year after same has been approved by said commissioners for collection under their direction.

Was taken up.

Senator Dell moved that the rules be waived and Senate Bill No. 379 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 379 was read a second time by its title only.

Senator Dell moved that the rules be further waived and Senate Bill No. 379 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. 379 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

Nays—None.

So the bill passed, title as stated.

And the action of the Senate was ordered to be certified to the House of Representatives under the rule.

Senate Bill No. 380:

A bill to be entitled An Act legalizing, validating and confirming the tax sale held by the Tax Collector of Alachua County, Florida, for the year 1926, and all tax sale certificates issued thereon to either the State or to individuals.

Was taken up.

Senator Dell moved that the rules be waived and Senate Bill No. 380 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 380 was read a second time by its title only.

Senator Dell moved that the rules be further waived and Senate Bill No. 380 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. 380 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—37.

Nays—None.

So the bill passed, title as stated.

And the action of the Senate was ordered to be certified to the House of Representatives under the rule.

Senator Andrews moved that the rules be waived and the Senate do now take up the consideration of House Bill No. 203 out of its order.

Which was agreed to by a two-thirds vote.

And—

House Bill No. 203:

A bill to be entitled An Act amending Section One (1), of Chapter 7913, Acts of 1919, the same being Section 747, of the Compiled General Laws of Florida and relating to the consolidation, division and merger of Special Tax School Districts.

Was taken up and read the second time in full.

Senator Andrews offered the following amendment to House Bill No. 203:

In Section 1, line 8 (printed bill), strike out the words and insert in lieu thereof the following: One.

Senator Andrews moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Andrews moved that the rules be further waived and House Bill No. 203 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. 203 as amended, was read a third time in full.

Upon the passage of the bill as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Chowning, Council, Dell, English, Futch, Gary, Gomez, Harris, Hilburn, Hinely, Hodges, Howell, Irby, Knabb, Parker, Parrish, Stewart, Taylor, Turner, Watson, Young—28.

Nays—None.

So the Bill passed, as amended, title as stated.

And the action of the Senate was ordered to be immediately certified to the House of Representatives, the rule having been waived.

Senator Anderson moved that 250 copies of Senate Bill No. 134 be printed for distribution.

Which was agreed to.

And it was so ordered.

Senator Adams moved that the rules be waived and the Senate do now take up for consideration Senate Bill No. 52 out of its order.

Which was agreed to by a two-thirds vote.

And—

Senate Bill No. 52:

A bill to be entitled An Act to amend Chapter 10201, Acts of 1925, amending Section 2212 of the Revised General Statutes of Florida, 1920, providing for examination by Board of Pharmacy and qualification of applicants, certificate, proviso relative to the registration of pharmacists.

Was taken up and read a second time in full.

Senator Adams moved that the rules be further waived and Senate Bill No. 52 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. 52 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Andrews, Bell, Bradshaw, Chowning, Clarke, Council, Dell, Futch, Gomez, Harris, Hinely, Howell, Irby, Lewis, Neel, Parker, Stewart, Taylor, Turner, Wagg, Young—23.

Nays—Senators Anderson, Butler, Caro, English, Hodges, Johns, Knabb, Parrish—8.

So the Bill passed, title as stated.

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

Senator Young moved that the rules be waived and the hour of adjournment be extended five minutes.

Which was agreed to by a two-thirds vote.

And it was so ordered.

Senator Gomez moved that the rules be waived and that the Senate do now take up the consideration of Senate Bill No. 48 out of its order.

Which was agreed to by a two-thirds vote.

And—

Senate Bill No. 48:

A bill to be entitled An Act to repeal Chapter 13807, Laws of

Florida, 1929, entitled An Act granting to certain riparian land owners who now have vested rights acquired under Chapter 4564, Acts of 1897, Laws of Florida, the right to sponge, propagate and grow sponge within the bays, lagoons, sounds and straits fronting upon or bordering the lands owned by them and to prohibit trespassing within said areas and providing suitable penalties therefor.

Was taken up and read a second time in full.

Senator Gomez moved that the rules be further waived and that Senate Bill No. 48 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. 48 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, Lewis, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Young—33.

Nays—None.

So the Bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives immediately, the rule having been waived.

Senator Futch moved that the rules be waived and that the hour of adjournment be further extended five minutes.

Which was agreed to by a two-thirds vote.

And it was so ordered.

Senator Young moved that the rules be waived and that the

Senate do now take up the consideration of Senate Bill No. 173 out of its order.

Which was agreed to by a two-thirds vote.

And—

Senate Bill No. 173:

A bill to be entitled An Act to relieve P. C. Eldred, clerk of circuit court of St. Lucie county, and his sureties from liability because of the failure of said clerk to report and account for receipts for making abstracts of title.

Was taken up and read a second time in full.

Senator Young moved that the rules be further waived and that Senate Bill No. 173 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. 173 was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Andrews, Bell, Bradshaw, Caro, Chowning, Council, Dell, English, Futch, Gary, Getzen, Harris, Harrison, Hodges, Howell, Irby, Knabb, Lewis, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—28.

Nays—Senator Butler—1.

So the Bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives immediately, the rule having been waived.

The hour of adjournment having arrived, a point of order was called and the Senate stood adjourned at 1:10 o'clock P. M., until 11:00 o'clock A. M., Friday, May 1, 1931.