

JOURNAL OF THE SENATE

Monday, April 8, 1935

The Senate convened at 3:30 o'clock P. M. pursuant to adjournment on Friday, April 5, 1935.

The President in the Chair.

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

Mr. President; Senators Adams, Bass, Beacham, Beall, Black, Butler, Clarke, Futch, Gillis, Gomez, Harper, Holland, Lewis, Lundy, McArthur, McKenzie, MacWilliams, Mann, Murphy, Nordman, Pannill, Parker, Parrish, Raulerson, Rose, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Sweger, Tervin, Tillman, Touchton, Turner, Watson—38.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

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

REPORT OF ENROLLING COMMITTEE

Senator Parker, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 5, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

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

House Concurrent Resolution No. 2:

A resolution inviting the Hon. Franklin D. Roosevelt, President of the United States, to address the Membership of the Legislature in the House of Representatives.

Have examined the same and find it correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,

F. P. PARKER,
Chairman of the Joint Committee on Enrolled
Bills on the Part of the Senate.

The Concurrent Resolution 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 Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Parker, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 5, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

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

House Concurrent Resolution No. 2:

A resolution inviting the Hon. Franklin D. Roosevelt, President of the United States, to address the Membership of the Legislature in the House of Representatives.

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

Very respectfully,

F. P. PARKER,
Chairman of the Joint Committee on Enrolled
Bills on the Part of the Senate.

REPORTS OF COMMITTEES

Senator Holland, Chairman of the Committee on Judiciary "A", submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 8, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Judiciary "A", to whom was referred:

Senate Bill No. 128:

A bill to be entitled An Act to correct errors and omissions which occurred in the drafting and enactment of the Probate Act, and to amend Section 35, Section 58, Section 72, Section 74, Section 93, Section 97, Section 115, Section 123, Section 149, Section 151, and Section 187, of Chapter 16,103, Laws of Florida, Acts of 1933, repeal Section 2765 of the Revised General Statutes of Florida, and Chapter 9283, Laws of Florida, Acts of 1923, and re-enact Section 2675 of the Revised General Statutes of Florida.

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

Very respectfully,

S. L. HOLLAND,
Chairman of Committee.

And Senate Bill No. 128, contained in the above report, was placed on the Calendar of Bills on second reading.

Also—

Senator Holland, Chairman of the Committee on Judiciary "A", submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 8, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Judiciary "A", to whom was referred:

Senate Bill No. 61:

A bill to be entitled An Act prescribing additional duties to be performed by the State Attorney of each and every Judicial Circuit in the State of Florida.

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

Very respectfully,

S. L. HOLLAND,
Chairman of Committee.

And Senate Bill No. 61, contained in the above report, was placed on the Calendar of Bills on second reading.

Also—

Senator Holland, Chairman of the Committee on Judiciary "A", submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 6, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Judiciary "A", to whom was referred, under Senate Rule VII, Senate Bill No. 103, being a bill to be entitled An Act to levy, collect and enforce payment of an annual license tax on all persons, associations of persons, firms and corporations, engaged in or pursuing the business of issuing any form of insurance policy or contract; to prescribe the mode and method in which all persons, firms, corporations, associations of persons or companies subject to said license tax shall make report of their business; providing remedies for the enforcement hereof; prescribing penalties for violation of this Act; to provide that the license taxes collected under the provisions of this Act shall be credited when paid to the general

fund; providing for the expense of collecting taxes levied hereunder; providing how the funds when collected shall be kept; and providing a method or means to employ persons to carry out the terms of this Act.

Beg leave to report as follows:

(1) That said bill is, in the opinion of the Committee, aided by its legal investigator, unconstitutional, under the decision of the Supreme Court of the United States in the case of Stewart Dry Goods Co. vs. Lewis, 79 U. S. (Law. Ed.) 539, decided March 11, 1935.

(2) That said bill proposes to change existing law by enacting a new law providing for a tax upon the gross amount of premiums collected by insurance companies doing business in the State.

Very respectfully,

S. L. HOLLAND,
Chairman of Committee.

Senate Bill No. 103, contained in the above report, was referred to the Committees on Finance & Taxation and Insurance, jointly.

Also—

Senator Holland, Chairman of the Committee on Judiciary "A," submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 5, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Judiciary "A," to whom was referred, under Senate Rule VII, Senate Bill No. 106, being a bill to be entitled An Act to amend Sections 1 and 6 of Chapter 15859, Laws of Florida, Acts of 1933, fixing the annual salaries of certain officers and employees.

Beg leave to report as follows:

(1) That said bill is, in the opinion of the committee, aided by its legal investigator, constitutional.

(2) That said bill proposes to change existing law by increasing the annual salary of certain of the State officers named therein.

Very respectfully,

S. L. HOLLAND,
Chairman of Committee.

Senate Bill No. 106, contained in the above report, was referred to the Committee on Appropriations.

Also—

Senator Holland, Chairman of the Committee on Judiciary "A," submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 4, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Judiciary "A," to whom was referred, under Senate Rule VII, Senate Bill No. 62, being a bill to be entitled An Act to exempt certain live stock and other personal property from taxation.

Beg leave to report as follows:

(1) That said bill is, in the opinion of the committee, aided by its legal investigator, unconstitutional because it violates the provisions of Section 1, Article IX, of the Constitution of Florida, which provides that the Legislature shall provide for a uniform and equal rate of taxation; and it also violates Section 1, Article X, of the Constitution, providing that no property shall be exempt from sale for taxes or assessments.

(2) That said bill proposes to change existing law by exempting from all forms of taxation live stock, consisting of hogs, milk cows, horses and mules, farming implements and household goods used and employed by the head of a family residing in the State of Florida, for the sole purpose of conducting farming operations, of the value of \$1000.00.

Very respectfully,

S. L. HOLLAND,
Chairman of Committee.

Senate Bill No. 62, contained in the above report, was referred to the Committee on Finance & Taxation.

Also—

Senator Holland, Chairman of the Committee on Judiciary "A," submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 6, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Judiciary "A," to whom was referred, under Senate Rule VII, Senate Bill No. 89, being a bill to be entitled An Act to levy a tax on theatres, opera houses, amphitheatres, academies of music, exhibition of moving pictures, theatoriums, skating rinks, miniature golf links, and simliar places of amusement; to classify said places of amusement on a basis of their respective active income; requiring said places of amusement to keep certain records; requiring annual returns by the operator of the same, providing a method of collecting said taxes and providing for the disposition of the funds to be collected hereunder.

Beg leave to report as follows:

(1) That said bill is, in the opinion of the committee, aided by its legal investigator, unconstitutional, under the decision of the Supreme Court of the United States in the case of Stewart Dry Goods Co. vs. Lewis, 79 U. S. (Law Ed.) 539, decided March 11, 1935.

(2) That said bill proposed to change existing law by enacting a new law providing for a tax upon the gross income of theatres, opera houses, etc.

Very respectfully,

S. L. HOLLAND,
Chairman of Committee.

Senate Bill No. 89, contained in the above report, was referred to the Committee on Finance & Taxation.

Also—

Senator Holland, Chairman of the Committee on Judiciary "A," submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 6, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Judiciary "A," to whom was referred, under Senate Rule VII, Senate Bill No. 92, being a bill to be entitled An Act to assess, levy, and collect a tax on dogs and bitches; providing a method for collecting of the same and providing for the disposition of the sums collected hereunder.

Beg leave to report as follows:

(1) That the constitutionality of this bill is, in the opinion of the committee, aided by its legal investigator, questionable, because of the provisions of Article XIII, Section 3 of the Constitution, requiring the respective counties of the State to provide in the manner prescribed by law for those of the inhabitants that, by reason of age, infirmity or misfortune, may have claims upon the aid and sympathy of society.

(2) That said bill proposes to change existing law by enacting a new law providing for a tax on dogs and bitches, to be collected by the Tax Collectors of the Counties of Florida and remitted to the State Treasurer, to be expended only for the payment of Old Age Pensions.

Very respectfully,

S. L. HOLLAND,
Chairman of Committee.

Senate Bill No. 92, contained in the above report, was referred to the Committee on Agriculture & Live Stock.

Also—

Senator Holland, Chairman of the Committee on Judiciary "A," submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 6, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Judiciary "A," to whom was referred, under Senate Rule VII, Senate Bill No. 120, being a bill to be entitled An Act to amend Section 2309 of the Revised General Statutes of Florida, and to amend Section 2311 of the Revised General Statutes of Florida, and to repeal Section 2303, Revised General Laws of the State of Florida, as amended by Chapter 10179, Laws of Florida, Acts of 1925, and relating to proceedings in cases of supposed insanity, the duties and functions of the committing judge, the appointment of an examining committee, and its duties in the premises; providing for notice to the State Attorney, and his duties in the premises; providing for the duties of the Board of Commissioners of State Institutions, providing for a contest of the charge of insanity and the procedure thereon; providing for

the order of commitment and the transportation of the person committed; and providing for the payment of costs of transportation of the person adjudged insane and the attendant of such person.

Beg leave to report as follows:

(1) That said bill is, in the opinion of the committee, aided by its legal investigator, constitutional.

(2) That said bill proposes to change existing law by amending the law with respect to commitment of insane persons, requiring the State Attorney of the Circuit embracing the county in which such proceedings are held to investigate and report whether such person is indigent or not, and whether there are any persons or relatives legally liable for the care and maintenance of such supposed insane person, and providing the method of transportation and delivery of such insane persons to the Florida State Hospital or to such other person as may be designated by the court.

Very respectfully,

S. L. HOLLAND,
Chairman of Committee.

Senate Bill No. 120, contained in the above report, was referred to the Committee on State Institutions.

Also—

Senator Holland, Chairman of the Committee on Judiciary "A", submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 6, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Judiciary "A", to whom was referred, under Senate Rule VII, Senate Bill No. 88, being

A bill to be entitled An Act to provide revenue for the State of Florida by the levy of a tax upon every person, firm, corporation, or association of persons, doing domestic or intra-state business within the State and engaging in the business of selling, manufacturing, purchasing, consigning, using, shipping, or distributing for the purpose of sale within this State any of the following articles or things, viz: soda water, ginger ale, Coca-Cola, Lime Cola, Pepsi-Cola, Dr. Pepper, near beer, beer, fruit juices, bottled drinks of every kind whatsoever and all fountain drinks or beverages and things commonly known as soft drinks, carbonic acid gas, carbon dioxide (CO₂), or other chemical or gas which is used, intended to be used, or may be used for the carbonization of the beverages or drinks herein enumerated, for the privilege of carrying on such business; and by the levy of a tax on all machines, machinery and/or apparatus used in the bottling and/or dispensing of beverages and/or soft drinks; fixing the liability for and prescribing the method of collecting and enforcing the payment of such tax; providing penalties for the violation of this Act; and repealing all laws in conflict herewith.

Beg leave to report as follows:

(1) That the said bill is, in the opinion of the Committee, aided by its legal investigator, constitutional.

(2) That said bill proposes to change existing law by enacting a new law providing for a tax on all bottled drinks and beverages, all fountain drinks commonly known as soft drinks, all chemicals or gas used for the carbonization of such drinks, and all machines used in the bottling or dispensing of such drinks or beverages. Said bill provides for the payment of all funds collected thereunto into the General Fund of the State, and also provides methods of collecting said tax and penalties for violation of the provisions of said bill.

Very respectfully,

S. L. HOLLAND,
Chairman of Committee.

Senate Bill No. 88, contained in the above report, was referred to the Committee on Finance & Taxation.

Also—

Senator Holland, Chairman of the Committee on Judiciary "A", submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 6, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Judiciary "A", to whom was referred under Senate Rule VII, Senate Bill No. 60, being

A bill to be entitled An Act to amend Section 2 of Chapter 16085, Laws of Florida, Acts of 1933, entitled "An Act to amend Section 1007, Revised General Statutes, as amended by Chapter 8410, Laws of Florida, Acts of 1921, and by Chapter 10182,

Laws of Florida, Acts of 1925 being Section 1281, Compiled General Laws of Florida, 1927, as amended by Chapter 15625, Laws of Florida, Acts of 1931; and to amend Section 1010, Revised General Statutes, being Section 1284, Compiled General Laws of Florida, 1927, as amended by Chapter 15625, Laws of Florida, Acts of 1931; to amend Section 1011, Revised General Statutes, as amended by Chapter 8410, Laws of Florida, Act of 1921, and by Chapter 10182, Laws of Florida, Acts of 1925, being Sec on 1285, Compiled General Laws of Florida, 1927, as amended by Chapter 15625, Laws of Florida, Acts of 1931; and to amend Section 1012, Revised General Statutes, as amended by Chapter 8410, Laws of Florida, Acts of 1921, and by Chapter 10182, Laws of Florida, Acts of 1925, being Section 1286, Compiled General Laws of Florida, 1927, and to amend Chapter 14656, Acts of 1931, all of said Sections relating to the operation, licensing and taxing of motor vehicles, trailers, semi-trailers and motorcycle sidecars and providing penalties for the violation thereof."

Beg leave to report as follows:

(1) That said bill is, in the opinion of the Committee, aided by its legal investigator, constitutional.

(2) That said bill proposes to change existing law by Amending The Motor Vehicle Acts to provide for renewal of registration of motor vehicles on the first day of October, beginning with October 1, 1935, as required by said Acts, and providing that sale of license plates shall begin on September 15th of each year, and that after October 15th of each year operation of a motor vehicle without having a license attached for the current year, shall subject the owner thereof to arrest and punishment as provided by law.

Very respectfully,

S. L. HOLLAND,
Chairman of Committee

Senate Bill No. 60, contained in the above report, was referred to the Committees on Finance & Taxation and Motor Vehicles, jointly.

Also—

Senator Holland, Chairman of the Committee on Judiciary "A", submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 5, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Judiciary "A", to whom was referred under Senate Rule VII, Senate Bill No. 121, being

A bill to be entitled An Act to amend Section 3806, Revised General Statutes of Florida, and providing that upon the adjudication of insanity of the husband, the wife shall become a free dealer.

Beg leave to report as follows:

(1) That said bill is, in the opinion of the Committee, aided by its legal investigator, constitutional.

(2) That said bill proposes to change existing law by amending Section 3806 of the Revised General Statutes to provided for the wife of an insane husband becoming a free dealer immediately upon the adjudication of insanity of the husband by a court of competent jurisdiction, said law as now in effect requiring the condition of insanity to be in existence for one year.

S. L. HOLLAND,
Chairman of Committee.

Senate Bill No. 121, contained in the above report, was recommended to the Committee on Judiciary "A".

Also—

Senator Holland, Chairman of the Committee on Judiciary "A", submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 4, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Judiciary "A", to whom was referred, under Senate Rule VII, Senate Bill No. 9, being

A bill to be entitled An Act to amend Section 14 of Chapter 14572, Laws of Florida, 1929, so as to prescribe the form of the bill of complaint in suits to foreclose tax sale certificates, and to require the payment of all state, county and municipal taxes due and accrued on the property including omitted and subsequent taxes and interest thereon.

Beg leave to report as follows:

(1) That said bill is, in the opinion of the Committee, aided by its legal investigator, constitutional.

(2) That said bill proposes to change existing law by amending Section 14 of Chapter 14572, Laws of Florida, 1929, to require the bill of complaint in all suits to foreclose tax deeds or tax certificates to recite that all omitted and subsequent taxes, State, County and municipal have been paid.
Very respectfully.

S. L. HOLLAND,
Chairman of Committee.

Senate Bill No. 9, contained in the above report, was recommitted to the Committee on Judiciary "A".

Also—
Senator Holland, Chairman of the Committee on Judiciary "A", submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 5, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Judiciary "A", to whom was referred, under Senate Rule VII, Senate Bill No. 102, being

A bill to be entitled An Act to levy, assess and collect a tax on charges for admission to all places in this State where an admission charge is made, or may be made, except such places as are expressly excepted from the operation of this Act; to provide means and procedure for the collection of said tax; to provide for the disposition of the proceeds of the tax so collected; to provide for the promulgation of rules and regulations for the operation and enforcement of this Act and the penalties for the violation thereof.

Beg leave to report as follows:

(1) That said bill is, in the opinion of the Committee, aided by its legal investigator, constitutional.

(2) That said bill proposes to change existing law by enacting a new law requiring the levy, assessment and collection of a tax on charges for admission to all places in this State where an admission charge is made, except such as are expressly excepted from the operation of the law, and requiring the payment of all such taxes into the State Treasury for the credit of the County School Fund.

Very respectfully,

S. L. HOLLAND,
Chairman of Committee.

Senate Bill No. 102, contained in the above report, was referred to the Committee on Finance & Taxation.

Senator Gillis moved that a committee of three be appointed to escort Honorable T. T. Turnbull, a former President of the Senate, to a seat on the rostrum of the Senate.

Which was agreed to.

And the President appointed three past Presidents of the Senate as the Committee, namely, Senators MacWilliams, Parrish and Futch.

The following announcement by the President was read:

"In order to protect the taxpayers of this State and which includes, of course, the business interests, that they may know exactly at all times what their exact status is, I am requesting the Committee on Rules and Calendar to co-operate with other committees when bills are sent to those committees for consideration which effect either cities, counties, taxing units or business interests, that after these committees have considered the bills before them that they in conjunction with the Committee on Rules and Calendar work out and submit a program on all of these bills with options so that the Senate when it considers the bills on the floor may determine which is the better plan for the people and that all this legislation may be co-ordinated.

When the committee to which the bills have been referred for a favorable or unfavorable report on the passage of the bills are ready to report the bills to the Senate for action then the Committee on Rules and Calendar should have these submitted for special orders on certain days in a carefully planned, co-ordinated and continuous program so the Senate can know where it is going to as it goes down on the Calendar and so as not to upset or effect the direct, orderly and economical operation of government."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Sikes—
Senate Bill No. 149:

A bill to be entitled An Act to amend Chapter 12110, Acts of 1927, Laws of Florida, entitled "An Act to exempt dis-

abled veterans of the World War and Spanish-American War from the payment of an occupation tax in the State of Florida, and to provide the manner in which such exemption shall be allowed" as amended by Chapter 13876, Acts of 1929, Laws of Florida, and as further amended by Chapter 16299, Acts of 1933, Laws of Florida.

Which was read the first time by title only and referred to the Committees on Judiciary "A" and Finance & Taxation in the order named.

By Senator Touchton—
Senate Bill No. 150:

A bill to be entitled An Act to further provide for and maintain the Dade Memorial Park, and to make appropriation therefor.

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

By Senator MacWilliams—
Senate Bill No. 151:

A bill to be entitled An Act relating to Commissions of County Assessors of taxes, assessing special taxes and special tax district taxes in counties having a population of not less than eighteen thousand one hundred (18,100) and not more than eighteen thousand seven hundred (18,700), according to the last preceding Federal census.

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

By Senator Tillman—
Senate Bill No. 152:

A bill to be entitled An Act imposing a State and County License Tax on automobile tire and tube manufacturers, and automobile tire and tube wholesale distributors and automobile tire and tube retail dealers, defining and classifying automobile tire and tube manufacturers, automobile tire and tube wholesale distributors and automobile tire and tube retail dealers, and providing for the disposition of the tax imposed and repealing Chapter 12412, Laws of Florida, Acts of 1927, being the same as Sections 1061, 1062, 1063, 1064, 1065 and 1066 of the Compiled General Laws of 1927.

Which was read the first time by title only and referred to the Committees on Judiciary "C" and Finance & Taxation in the order named.

By Senator Tillman—
Senate Bill No. 153:

A bill to be entitled An Act to amend Section 4 of Chapter 6841 of the Laws of Florida, approved June 4, 1915, entitled "An Act to establish detention homes and schools for delinquent children, and to provide for their maintenance and control."

Which was read the first time by title only and referred to the Committees on Judiciary "C" and Education in the order named.

By Senator Tillman—
Senate Bill No. 154:

A bill to be entitled An Act relating to and concerning taxation. Amending Section 775, Revised General Statutes of Florida, being Section 992, Compiled General Laws of Florida, 1934 Supplement, as amended by Section 10, Chapter 14572, Laws of Florida, Acts of 1929; and amending Section 2 of Chapter 7806, Laws of Florida, Acts of 1919, as amended by Section 11 of Chapter 14572, Laws of Florida, Acts of 1929, being Section 994, Compiled General Laws of Florida, 1934 Supplement; providing for the sale of tax sale certificates held by the State and for the redemption or purchase of tax sale certificates held by the State.

Which was read the first time by title only and referred to the Committees on Judiciary "C" and Finance & Taxation in the order named.

By Senator Tillman—
Senate Bill No. 155:

A bill to be entitled An Act to grant a pension to Mary Frances Dozier, as the widow of a Confederate veteran.

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

By Senator Futch—
Senate Bill No. 156:

A bill to be entitled An Act relating to limiting and regulating the use of all monies derived from gasoline taxes and credited to the account of each of the several counties, or road districts or road and bridge districts by the State Treasurer of the State of Florida, as ex officio County Treasurer of such county or counties.

Which was read the first time by title only and referred to the Committees on Judiciary "B" and Finance & Taxation in the order named.

By Senator Beacham—

Senate Bill No. 157:

A bill to be entitled An Act to permit the State of Florida to be made a party defendant in certain cases.

Which was read the first time by title only and referred to the Committee on Judiciary "C".

By Senator Beacham—

Senate Bill No. 158:

A bill to be entitled An Act requiring the filing of a verified statement as to names, and addresses of equitable owners of bonds or debts, and amounts of claims held by each, in suits brought by Bondholder Protective Committees, or other agencies, against any political subdivision or taxing district of this State.

Which was read the first time by title only and referred to the Committee on Judiciary "C".

By Senator Beacham—

Senate Bill No. 159:

A bill to be entitled An Act providing that one-half of the proceeds from the tax levied by the several Boards of County Commissioners of the several counties of the State for general road and bridge fund upon real and personal property in incorporated cities and towns shall be turned over to said cities and towns for repairing and maintaining the roads and streets thereof; requiring County Tax Collectors and Clerks of the Circuit Court to make monthly remittances to the several cities and towns of the amount due them; and providing that funds used by the several Boards of County Commissioners in the repair and maintenance of county roads and bridges shall be derived solely from a specific levy for the general road and bridge fund, or from moneys that may be received from the State for such fund, except in the case of Special Road and Bridge Districts.

Which was read the first time by title only and referred to the Committees on Judiciary "C" and Public Roads & Highways in the order named.

By Senator Beacham—

Senate Bill No. 160:

A bill to be entitled An Act empowering and requiring the several Boards of County Commissioners, and the governing authority or board of the several towns, cities and taxing districts, to adopt budgets making separate and several appropriations for necessary operating expenses and for debt service requirements, and providing that moneys received from a tax levy to meet such appropriations, and from licenses, shall be applied first, to payment in full of the appropriation for necessary operating expenses, and the remainder to meet the appropriation for debt service requirements of outstanding obligations.

Which was read the first time by title only and referred to the Committees on Judiciary "C" and Finance & Taxation in the order named.

By Senator Beacham—

Senate Bill No. 161:

A bill to be entitled An Act relating to streets and roads, or portions thereof, viaducts and bridges, located in incorporated towns and cities and which furnish connections between and extensions of State roads in the State highway system; declaring such as have been constructed at the cost of towns and cities to serve a State purpose; providing for their designation by the State Road Department; authorizing the State Road Department to construct, reconstruct and maintain same in whole or in part, and to contract with towns and cities with reference to same; and repealing all laws in conflict herewith.

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

By Senator Beacham—

Senate Joint Resolution No. 162:

A Joint Resolution proposing amendment to Section 4 of Article V of the Constitution of the State of Florida, relating to the Supreme Court of the State of Florida, its powers and duties.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That Section 4 of Article V of the Constitution of the State of Florida, relating to the Supreme Court of the State of Florida, its powers and duties, be and the same be amended

as follows, and the same is hereby agreed to and shall be submitted to the electors of the State of Florida at the general election to be held on the first Tuesday after the first Monday in November, 1936, for ratification or rejection:

SECTION 4. The majority of the Justices of the Supreme Court shall constitute a quorum for the transaction of all business. But when there shall be six Justices of the Supreme Court, the Court may hear and determine the cases and exercise any of its powers when sitting either in a body or in two divisions, under such regulations as may be prescribed by law or by the rules of said Court not inconsistent therewith. The concurrence of a majority of the members of the Court sitting in any cause wherein the Court shall sit as one body shall be necessary to a decision: and when any member of a division of the Court shall dissent from the majority of such division on any question, such question shall be submitted to the Court sitting in a body. The number of terms of the Supreme Court and the time of holding the same shall be regulated by law. All terms shall be held at the Capitol of the State.

When there shall be six Justices of the Supreme Court of Florida and it shall appear that the members of the Court are equally divided as to what judgment, order or decree should be entered in the disposition of any cause or causes pending in such Court, it shall be the duty of the Chief Justice of the Supreme Court to call a conference of the several Justices of the Court to select a Circuit Judge to sit with the Court and officiate as a Justice of the Court in the disposition of such cause or causes. It shall be the duty of the Justices of the Supreme Court when called into such conference to vote by ballot and thereby select by a majority vote a Circuit Judge to participate with the Court in the disposition of such cause or causes. When such Circuit Judge shall have been so selected and designated to act as a Justice to sit with the Supreme Court in the disposition of such cause or causes, the Chief Justice shall immediately notify such Circuit Judge that he has been so selected and name the time at which he will be expected to begin participation in the disposition of such cause or causes, and shall transmit copy of such notice to the Governor at the Executive Office in Tallahassee. Upon receipt of such notice the Circuit Judge so designated shall at the time named, proceed to the Supreme Court Building in Tallahassee and there participate in the disposition of such cause or causes wherein such division then exists in the same manner and with the same powers and render the same duties as if he were a member of the Supreme Court, thereby constituting a seventh Justice of the Court for the disposition of such cause or causes.

It shall be the duty of the Supreme Court so constituted of seven Justices to then take up for disposition the cause or causes for which such Circuit Judge has been called and disposed of the same. The concurrence of a majority of the Court as then so composed of seven members shall effectuate the disposition of the cause or causes.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

By Senator Futch—

Senate Bill No. 163:

A bill to be entitled An Act fixing the method by which tax deeds may be obtained; providing for the sale of lands described in the tax certificate filed for tax deed to the highest bidder, and the issuance of a tax deed to such purchaser; fixing the duties of the clerks of Circuit Court in connection with such sales; and repealing all laws in conflict herewith.

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

By Senator Futch—

Senate Bill No. 164:

A bill to be entitled An Act making it unlawful to injure or knowingly to suffer to be injured or to tamper with, meddle with, or interfere with the proper action or just registration of any meter, wire, pipe or fittings or to make or cause to be made any connection with any wire, main, service pipe or other pipe, appliance or appurtenance used for or in connection with the furnishing of electricity, gas or water and making it unlawful fraudulently to use, waste or suffer to be wasted electricity, gas or water, the measuring or registration of which has been prevented by such injury to tampering or connection with the meter, wire, pipe or other appliances, and making the existence of any connection, wire, conductor, meter alteration or other device effecting the diversion of electricity, gas or water without the same being measured or registered by a meter installed for that purpose or the use or waste of electricity, gas or water, the measurement or regis-

tration of which has been prevented by any such connection, wire, conductor, meter alteration or other device prima facie evidence of intent to violate and of the violation of this Act by the person or persons using or receiving the direct benefits from the use of such electricity, gas or water, and fixing the penalty therefor.

Which was read the first time by title only and referred to the Committee on Internal Affairs.

By Senator Futch—
Senate Bill No. 165:

A bill to be entitled An Act providing for and fixing the rate of interest on any judgment or decree hereafter obtained or rendered on any bonds or other written evidence of indebtedness of any County or Special Road and Bridge District, or any County for the use and benefit of any Special Road and Bridge District.

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

By Senators Beall, Beacham, McArthur, Shivers, Sikes and Black—

Senate Bill No. 166:

A bill to be entitled An Act creating the department of State Police, and prescribing its powers and the duties, qualifications, number, and term of the personnel thereof and for supervision thereof, and the appointment, term and removal of the Chief of State Police, and an Assistant Attorney General to be the solicitor thereof, and of all employees thereof, and prescribing the qualifications, powers and duties of said solicitor and other employees thereof, and for the training of police employees thereof; prescribing for the supervision and control of said Department of State Police by the Governor; providing for a department of identification therein, for the training of the police employees thereof, and the powers and duties of all employees thereof, including the solicitor, and making appropriation for the support and maintenance thereof.

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

By Senators Beall, Beacham, McArthur, Shivers, Sikes, and Black—

Senate Bill No. 167:

A bill to be entitled An Act prescribing additional powers and duties of the Assistant Attorney General holding the position of solicitor of the Department of State Police, and designating him Pardon Attorney, and prescribing his powers and duties as such, and authorizing such solicitor to require progress, periodic or other reports with reference to pending criminal cases, and also reports with reference to cases in which the defendant has been convicted in any court of the State of Florida from the States Attorneys or other prosecuting attorneys of the State of Florida or any County thereof, and requiring the States Attorneys to make said reports.

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

By Senator McKenzie—

Senate Joint Resolution No. 168:

A Joint Resolution proposing an amendment to Article V, Sections 21, 22 and 23, of the Constitution of the State of Florida, providing for abolishing Justice of the Peace Courts and the office of the Justice of Peace; providing that the jurisdiction of the Justice of the Peace Courts heretofore exercised shall be taken over and exercised by the County Judge of each County, and abolishing the office of Constable and repealing Section 23 of Article V of the State Constitution.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. That the following amendment to Section 21 of Article V of the Constitution of the State of Florida relating to Justice of Peace be and the same is hereby agreed to and shall be submitted to the qualified electors of the State of Florida for ratification or rejection at the General Election to be held on the first Tuesday after the first Monday in November, A. D. 1936:

Section 21. The office of Justice of the Peace is hereby abolished and the authority of the County Commissioners to create Justice of the Peace districts is hereby abrogated.

Section 2. That the following amendment to Section 22 of Article V of the Constitution of the State of Florida relating to Justice of Peace be and the same is hereby agreed to and shall be submitted to the qualified electors of the State of Florida for ratification or rejection at the General Election

to be held on the first Tuesday after the first Monday in November, A. D. 1936:

Section 22. The jurisdiction heretofore had and exercised by Justices of the Peace and Justice of the Peace courts in this State, either in criminal or civil cases is hereby transferred to the County Judge of the several counties of this State and all powers heretofore conferred upon Justices of the Peace in exercising and in carrying out their jurisdiction powers and duties is hereby conferred on the County Judge of the county in which the Justice of Peace court was located.

Section 3. That the following amendment to Section 23 of Article V of the Constitution of the State of Florida relating to Constable be and the same is hereby agreed to and shall be submitted to the qualified electors of the State of Florida for ratification or rejection at the General Election to be held on the first Tuesday after the first Monday in November, A. D. 1936:

Section 23. The office of the Constable is hereby abolished and all of the powers, authority and duties heretofore vested in the office of Constable is hereby transferred to and conferred upon the sheriffs of the several counties of this State.

Section 4. This Article shall become effective on the first Tuesday after the first Monday in January, A. D. 1937.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

By Senators McKenzie, MacWilliams, and Black—
Senate Bill No. 169:

A bill to be entitled An Act authorizing and directing the State Plant Board to erect and equip a laboratory at Hastings, Florida, for use and to be used in the investigation of potato pests, and making appropriation for the building, equipment, and operation of such laboratory.

Which was read the first time by title only and referred to the Committees on Judiciary "C" and Appropriations, in the order named.

By Senator Smith (29th)—

Senate Joint Resolution No. 170:

A Joint Resolution proposing to amend Section 3 of the Article XIII of the Constitution of the State of Florida, relating to provisions for the aged, infirm, and unfortunate.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That Section 3 of Article XIII of the Constitution of the State of Florida, relating to Provision for the aged, infirm, and unfortunate be and the same is hereby amended, and as amended is agreed to and shall be submitted to the electors of the State of Florida at the next general election to be held on the first Tuesday after the first Monday in November, 1936, for ratification or rejection; said Section 3 of Article XIII, as amended, shall read as follows:

"Section 3. The respective counties of the State shall provide in the manner prescribed by law for those of the inhabitants that, by reason of age, infirmity or misfortune, may have claims upon the aid and sympathy of society; and the Legislature may provide a system of old age pensions to be paid wholly or in part by the State and may prescribe the qualifications of such pensioners and provide for their classification into groups, and may prescribe rates of pensions for such groups."

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

By Senator Watson—

Senate Bill No. 171:

A bill to be entitled An Act to add to County Commissioners District No. 2 of Dade County, Florida, all of that territory, beginning at the intersection of Okeechobee Road and Hialeah Drive and extending along the boundary line of the City of Hialeah East to the City limits of the City of Hialeah and following the East boundary line of the City of Hialeah northward, which territory is more definitely defined herein; and to remove said territory from County Commissioners' District No. 3 of Dade County, Florida.

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

By Senator MacWilliams—

Senate Bill No. 172:

A bill to be entitled An Act to amend Section 4850, Revised General Statutes of the State of Florida, 1920, the same being Section 6937, Chapter V, Compiled General Laws of said State 1927, relating to usurious contracts.

Which was read the first time by title only and referred to

the Committees on Judiciary "C" and Banking & Building & Loans, in the order named.

By Senator Watson—
Senate Bill No. 173:

A bill to be entitled An Act to amend Chapter 14832, Laws of Florida, being An Act entitled: "An Act to provide for a State Racing Commission to prescribe its powers and duties, and to fix the compensation of its members; to provide for holding referendum and recall elections in any County to determine whether Racing shall be permitted or continued therein; to provide for licensing and taxing such racing and apportioning the moneys derived therefrom among the several Counties of the State to provide for and regulate the making of Pari Mutuel pools within the enclosure of licensed Race Tracks; providing certain penalties for the violation of this Act, and for other purposes relating thereto;" and to repeal all laws and parts of laws in conflict herewith.

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

By Senator Watson—
Senate Bill No. 174:

A bill to be entitled An Act legalizing the Spanish Ball Game known as Jai Alai and providing for its government and regulation by the State Racing Commission.

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

By Senator Watson—
Senate Bill No. 175:

A bill to be entitled An Act to declare, designate and establish certain State Road in Dade County, Florida.

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

By Senator Beacham—
Senate Bill No. 176:

A bill to be entitled An Act providing that the taxing officials of all drainage districts and of all sub-drainage districts in the State of Florida shall keep the tax books open for the collection of such taxes until June 1, A. D. 1935, and providing that such taxes shall be collected until June 1, A. D. 1935 without interest or penalty.

Which was read the first time by title only.

Senator Beacham asked unanimous consent of the Senate to take up and consider Senate Bill No. 176 at this time.

Which was not agreed to.

At the direction of the President, Senate Bill No. 176 was placed on the Calendar of Local Bills on second reading without reference.

By Senator MacWilliams—
Senate Bill No. 177:

A bill to be entitled An Act granting a pension to Josiah C. Baisden.

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

By Senator Smith (29th)—
Senate Bill No. 178:

A bill to be entitled An Act to provide for the resignation and retirement of Circuit Judges on part pay, under certain conditions, and appropriating money therefor.

Which was read the first time by title only and referred to the Committees on Judiciary "B" and Appropriations in the order named.

By Senator Nordman—
Senate Bill No. 179:

A bill to be entitled An Act to provide that Adverse Possession shall not run against the State of Florida or any State Board or State Agency holding a Purchase Money Mortgage on lands sold by the State of Florida or any State Board or State Agency.

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

By Senator Adams—
Senate Bill No. 180:

A bill to be entitled An Act to provide for the purchase, distribution and administration of anti-Hog Cholera Serum and Hog Cholera Virus in the State of Florida by the State Live Stock Sanitary Board; making appropriation therefor and creating a fund to be known as the serum fund.

Which was read the first time by title only and referred to the Committee on Agriculture & Live Stock.

By Senators McArthur, Turner, Smith (29th), Lundy, Shivers, Nordman and Raulerson—

Senate Bill No. 181:

A bill to be entitled An Act to transfer funds of the State Board of Conservation designated as the State Conservation Fund from the appropriation allocated to necessary and regular expenses to the appropriation allocated to salaries.

Which was read the first time by title only and referred to the Committees on Judiciary "A" and Game & Fisheries, in the order named.

By Senator Raulerson—
Senate Bill No. 182:

A bill to be entitled An Act to designate and establish a State Road in Saint Lucie County, said road located west of and adjacent to the Header Canal and running south from State Road No. 162 to State Road No. 8; and to provide for assigning of State Road number thereto.

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

Senate Concurrent Resolution No. 3:

WHEREAS, there is now accumulated in the State Treasury a fund derived from race track sources; and

WHEREAS, said fund if immediately distributed to the several counties, their financial needs could be greatly relieved; and

WHEREAS, the several counties of the State included in their budgets this anticipated revenue and are in financial need of immediate payment thereof;

WHEREAS, distribution of said fund is being withheld pending legislative action by this Legislature.

THEREFORE, be it resolved by the Senate and the House of Representatives concurring that the Governor and other State officials having control of such fund be authorized and respectfully requested to make immediate distribution of the same to the several counties in equal proportion as heretofore pending enactment of legislation by this Legislature regarding distribution of the same.

Was taken up in its order and read the second time in full.

The question was put on the adoption of the Resolution.

Upon which a roll call was demanded.

Upon the adoption of the Resolution, the roll was called and the vote was:

Yeas—Mr. President; Senators, Beacham, Futch, Gillis, Gomez, Harper, Holland, Lundy, McArthur, McKenzie, MacWilliams, Mann, Murphy, Pannill, Parrish, Raulerson, Rose, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Tillman, Touchton, Turner, Watson—26.

Nays—Senators Adams, Bass, Beall, Black, Butler, Clarke, Lewis, Nordman, Parker, Savage, Sweger, Tervin—12.

And Senate Concurrent Resolution No. 3 was adopted.

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

Senate Concurrent Resolution No. 4:

BE IT RESOLVED by the Florida Senate and House of Representatives concurring that the Governor of Florida be and is hereby authorized to install within thirty days from the adoption of this Resolution an elevator service or escalator system in the Capitol Building; and

BE IT FURTHER RESOLVED that sufficient funds for this purpose be and is hereby appropriated out of the general fund of the State not otherwise appropriated, but in no event to exceed the sum of five thousand (\$5,000.00) dollars.

Was taken up in its order and read the second time in full.

The question was put on the adoption of the Resolution.

Upon which a roll call was demanded.

Upon the adoption of the Resolution, the roll was called and the vote was:

Yeas—None.

Nays—Mr. President; Senators Adams, Bass, Beacham, Beall, Black, Butler, Clarke, Futch, Gillis, Gomez, Harper, Holland, Lewis, Lundy, McArthur, McKenzie, MacWilliams, Mann, Nordman, Pannill, Parker, Parrish, Raulerson, Rose, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Sweger, Tervin, Tillman, Touchton, Turner, Watson—37.

So the Resolution failed of adoption.

House Memorial No. 1:

A Memorial to the Congress of the United States requesting the immediate passage of appropriate legislation for the payment and cancellation of interest charges upon United States Veterans Service Adjusted Certificates.

WHEREAS: It appears that the Government has proposed plans and programs of spending moneys and desires circulation and whereas it appears that this would be a proper method of getting money into circulation and retiring a just obligation by the payment of what is known as soldiers bonus, and whereas we deem it a just debt and liability of the United States of America to those who served their Country in time of war.

THEREFORE: Be it resolved by the Legislature of the State of Florida; that the Congress of the United States of America is hereby requested and partitioned for the immediate passage of appropriate legislation for the payment of what is known as the "bonus" or United States Veterans adjusted compensation certificates, now held by ex-service men of the World War.

BE IT FURTHER RESOLVED: That the Congress of the United States in it's wisdom for the immediate passage of appropriate legislation for the payment of what is known as the "bonus" or adjusted certificates that they do include therein such legislation provisions for the cancellation of interest charged and assessed against such adjusted certificate loans outstanding.

BE IT FURTHER RESOLVED: That a copy of this memorial, under the great seal of the State of Florida, be immediately forwarded by the Secretary of State to the President of the United States of America, to the President of the United States Senate, Hon. John N. Garner, a copy to Hon. Burns, Speaker of the House of Representatives of the United States Congress and copies to be forwarded to the delegation representing the State of Florida and both the House and Senate of the United States Congress.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal in both the House of Representatives and the State Senate.

BE IT FURTHER RESOLVED: That sufficient copies of this resolution be furnished to the press:

Was taken up in its order and read the second time in full.

The question was put on the adoption of the Memorial. Which was agreed to.

And House Memorial No. 1 was adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Florida, April 8, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

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

Senate Bill No. 36:

A bill to be entitled An Act to postpone the sale of tax sale certificates until after the first Monday in July, 1935.

Very respectfully,

WELDON G. STARRY,
Chief Clerk House of Representatives.

And Senate Concurrent Resolution No. 2 was referred to the Committee on Enrolled Bills.

Also—

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

Tallahassee, Florida, April 8, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the

Senate that the House of Representatives has passed—

Senate Concurrent Resolution No. 2:

A Concurrent Resolution to be entitled "A Concurrent Resolution renewing the concession of the Tallahassee Post of the American Legion Auxiliary for the sale and dispensation of soft drinks, confections, sandwiches, etc., in the lobby of the State Capitol during the 1935 session of the Florida Legislature."

Very respectfully,

WELDON G. STARRY,
Chief Clerk House of Representatives.

And Senate Concurrent Resolution No. 2 was referred to the Committee on Enrolled Bills.

Also—

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

Tallahassee, Florida, April 8, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

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

Senate Bill No. 51:

A bill to be entitled An Act to provide for the taking of the population census of the State of Florida in the year 1935 and making appropriation therefor.

With the following House amendment:

Mr. Ward of Orange offered the following amendment to Senate Bill No. 51:

In Section 4, line 5, strike out the words four cents and insert in lieu thereof the following: Three and one-half cents.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

WELDON G. STARRY,
Chief Clerk House of Representatives.

Senate Bill No. 51, contained in the above message, was read by its title, together with House Amendment thereto.

Senator Gomez moved that the Senate do concur in House Amendment No. 1 to Senate Bill No. 51.

Which was agreed to.

And the Senate concurred in House Amendment No. 1 to Senate Bill No. 51.

And Senate Bill No. 51, as amended, was ordered referred to the Committee on Engrossed Bills.

Senate Bill No. 28:

A bill to be entitled An Act for the relief of Samuel F. Lusk for his necessary and actual expenses incurred and paid by him because of serious bodily injuries sustained by him, both temporary and permanent, without any fault of his own, while serving in line of duty as a citrus fruit inspector in the Department of Agriculture of the State of Florida.

Was taken up in its order and read the second time in full and placed on the Calendar of Bills on third reading.

Senate Bill No. 34:

A bill to be entitled An Act granting a pension to Mrs. Lillias C. Leath, widow of James M. Leath, who received a pension until his death on July 17th, 1932, under the general pension law.

Was taken up in its order and read the second time in full and placed on the Calendar of Bills on third reading.

Senate Bill No. 37 was taken up in its order and the consideration of same was informally passed.

Senator Gillis moved that the Senate do now adjourn.

Which was agreed to.

And the Senate stood adjourned at 4:41 o'clock P. M. until 11:00 o'clock A. M. Tuesday, April 9, 1935.