

# JOURNAL OF THE SENATE

Thursday, April 25, 1935

The Senate convened at 11:00 o'clock A. M. pursuant to adjournment on Wednesday, April 24, 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, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Sweger, Tervin, Tillman, Touchton, Turner, Watson—37.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Wednesday, April 24th, was corrected as follows:

Page 8, column 1, strike out last six (6) lines; and in column 2 of said page, strike out first ten (10) lines, and insert in lieu thereof the following:

“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 pensions for persons over sixty-five years of age, and who are, at the time of application for pension hereunder, citizens of the United States, and have been residents of the State of Florida continuously for not less than ten years immediately prior to such application; said pensions to be paid wholly or in part by the State of Florida; and the Legislature may prescribe the qualifications of such pensioners and provide for their classification into groups, and may prescribe rates of pensions for such groups.”

And as corrected was approved.

## REPORTS OF COMMITTEES

Senator McArthur, Chairman of the Committee on Game & Fisheries, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 18, 1935.

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

Sir:

Your Committee on Game & Fisheries, to whom was referred:

Senate Bill No. 283:

A bill to be entitled An Act to amend Section 20 of Chapter 13644, Laws of Florida, for the year 1929, the same being An Act relating to Game, Non-Game Birds, Fresh-Water Fish and Fur-Bearing Animals; to create the Department of Game and Fresh-Water Fish and the office of State Game Commissioner, to define his duties and powers and that of his deputies; to fix his compensation and that of his deputies; to provide for

the protection and conservation of Game, Non-Game Birds, Fresh-Water Fish and Fur-Bearing Animals by prescribing the times when and means by and extent to which they may be taken, possessed and dealt in; to license hunters, guides, trappers and fishermen; to require persons who engage in the business of operating hunting and fishing boats for hire or who deal in or with Fresh-Water Fish or Hides of Fur-Bearing Animals, to procure a license for same; to prohibit the use, placing or discharge in the fresh waters of the State of substances or forces injurious to fish; to provide for the prosecution of persons violating the provisions of this Act and a penalty and rule of evidence in such prosecutions; to provide for the collection of funds to carry out the provisions of this Act and for the disposition of revenues accruing thereunder; consenting to acquisition by the United States of areas of land water or land and water, in accordance with Act of Congress of February 18, 1929; and repealing certain existing laws and statutes; and defining certain terms used therein.

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

Very respectfully,

A. G. McARTHUR,  
Chairman of Committee.

And Senate Bill No. 283, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Beall, Chairman of the Committee on Labor & Industry, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 19, 1935.

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

Sir:

Your Committee on Labor & Industry, to whom was referred:

Senate Bill No. 13:

A bill to be entitled An Act prescribing the number of hours of daily manual labor for all State employees and prescribing a uniform rate of wages paid therefor.

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

Very respectfully,

PHILIP D. BEALL,  
Chairman of Committee.

And Senate Bill No. 13, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Beall, Chairman of the Committee on Labor & Industry, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 19, 1935.

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

Sir:

Your Committee on Labor & Industry, to whom was referred:

Senate Bill No. 110:

“A bill to be entitled An Act relating to the rate of wages to be paid laborers and mechanics employed in production of manufactured goods produced within the State under contract for the State of Florida.”

Have had the same under consideration and recommend that same, with amendments as attached hereto, do pass.

Respectfully submitted,

PHILIP D. BEALL,  
Chairman of Committee.

And Senate Bill No. 110, contained in the above report, together with Committee Amendments thereto, was placed on the Calendar of Bills on second reading.

Senator Beall, Chairman of the Committee on Labor & Industry, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 24, 1935.

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

Sir:  
Your Committee on Labor & Industry, to whom was referred:

House Bill No. 29:  
"A bill to be entitled 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 had the same under consideration and recommend that same, with amendments as attached hereto and made a part hereof, do pass.

Respectfully submitted,  
PHILIP D. BEALL,  
Chairman of Committee.

And House Bill No. 29, contained in the above report, together with Committee Amendments thereto, was placed on the Calendar of Bills on second reading.

Senator Touchton, Chairman of the Committee on Privileges & Elections, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 25, 1935.

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

Sir:  
Your Committee on Privileges & Elections, to whom was referred:

Senate Bill No. 403:  
A bill to be entitled An Act to amend Section 16 of Chapter 13761, Acts of 1929, the same being An Act relating to primary elections and relating to the qualification of voters.

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

Very respectfully,  
FRED L. TOUCHTON,  
Chairman of Committee.

And Senate Bill No. 403, contained in the above report, was laid on the table.

Senator Touchton, Chairman of the Committee on Privileges & Elections, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 25, 1935.

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

Sir:  
Your Committee on Privileges & Elections, to whom was referred:

Senate Bill No. 105:  
A bill to be entitled An Act to repeal Section 284 (231) of the Compiled General Laws of Florida, relating to publication of list of qualified voters in the several counties of the State of Florida.

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

Very respectfully,  
FRED L. TOUCHTON,  
Chairman of Committee.

And Senate Bill No. 105, contained in the above report, was laid on the table.

Senator Smith (29th), Chairman of the Committee on Miscellaneous, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 25, 1935.

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

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

Senate Bill No. 384:  
A bill to be entitled An Act to amend Section 5086 of the Revised General Statutes of Florida 1920, the same being Section 7188 of the Compiled General Laws of Florida, 1927, and all Amendatory Acts thereto, i. e., Chapter 14831, Acts of 1931, Section 1: Relating to and defining the meaning of public exhibitions.

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

Very respectfully,  
J. SLATER SMITH,  
Chairman of Committee.

And Senate Bill No. 384, contained in the above report, was placed on the Calendar of Bills on second reading.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Butler—  
Senate Bill No. 481:  
A bill to be entitled An Act authorizing the Boards of County Commissioners of the several counties of the State of Florida, to deduct from the salary of the employees of said counties, insurance premiums, and deposits for deferred annuities, and pay the same over to the insurance company entitled thereto.

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

By Senator Raulerson—  
Senate Bill No. 482:  
A bill to be entitled An Act providing that municipal taxes and special assessments levied and imposed by the City of Okeechobee, Florida against any property within said city for the year 1934 and all prior years shall be payable in any bonds or interest coupons of the said city.

Which was read the first time by title only.  
Senator Raulerson asked unanimous consent of the Senate to take up and consider Senate Bill No. 482 at this time. Which was agreed to.

Senator Raulerson moved that the rules be waived and Senate Bill No. 482 be read the second time by title only. Which was agreed to by a two-thirds vote. And Senate Bill No. 482 was read the second time by title only.

Senator Raulerson moved that the rules be further waived and Senate Bill No. 482 be read the third time in full and put upon its passage. Which was agreed to by a two-thirds vote. And Senate Bill No. 482 was read the third time in full.

Upon the passage of the bill the roll was called and the vote was:  
Yeas—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, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (20th), Sweger, Tervin, Tillman, Touchton, Turner, Watson—37.  
Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Smith (29th)—  
Senate Bill No. 483:  
A bill to be entitled An Act for the relief of Mrs. Effie Stafford, wife of Calvin A. Stafford and providing appropriation to compensate her for the injury and subsequent illness of her husband, Calvin A. Stafford, a former employee of the Florida State Road Department, who was injured in a truck accident, said truck being operated by an employee of the State Road Department.

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

By Senator Turner—  
Senate Bill No. 484:  
A bill to be entitled An Act to advance and encourage the exploration for and development of oil, gas, sulphur, and other mineral resources in the State of Florida, to make possible the obtaining of necessary subsurface geological information by, for, or and under the State of Florida, to appropriate funds therefor, and for other purposes.

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

By Senators Holland and Gomez—  
Senate Bill No. 485:  
A bill to be entitled An Act for the relief of Earnest Teston of Fort Myers, Lee County, Florida.  
Which was read the first time by title only and referred to the Committee on Pensions & Claims.

By Senator Lundy—  
Senate Bill No. 486:

A bill to be entitled An Act to amend Sections 10 and 23 of Chapter 15637, Laws of Florida, 1931, entitled: "An Act creating the State Board of Accountancy of this State: providing for the appointment of the members of such board, fixing their term of office, prescribing the powers of such board and defining its duties: providing for the issuance of certificates to practice as certified public accountants to persons who shall comply with the terms of this Act: regulating the practice of public accounting in this State, defining what shall constitute the practice of public accounting: authorizing the State Board of accountancy to prescribe rules and regulations and requiring such board to promulgate canons of professional ethics: providing for the revocation and suspension of certificates held by public accountants and certified public accounts: prescribing penalties for violating the provisions of this Act."

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

By Senator Lundy—  
Senate Bill No. 487:

A bill to be entitled An Act to repeal Sections 28 and 30 of Chapter 15637 of the Laws of Florida, 1931, entitled: An Act creating the State Board of Accountancy of this State: providing for the appointment of the members of such board, fixing their term of office, prescribing the powers of such board and defining its duties: providing for the issuance of certificates to practice as certified public accountants to persons who shall comply with the terms of this Act: regulating the practice of public accounting in this State: defining what shall constitute the practice of public accounting: authorizing the State Board of Accounting to prescribe rules and regulations and requiring such board to promulgate canons of professional ethics: providing for the revocation and suspension of certificates held by public accountants and certified public accountants: prescribing penalties for violating the provisions of this Act.

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

By Senator Lundy—  
Senate Bill No. 488:

A bill to be entitled An Act to authorize the State Board of Accountancy to prosecute in the name of the State of Florida, on its own relation and by its own counsel suits in the nature of injunction or mandamus proceedings as the case may be by restraining any person from disobeying or commanding any person to obey any law, order, rule or regulation promulgated by said board relating to the practice of accountancy in the State of Florida under the provisions of Chapter 15637, Laws of Florida, 1931, and to provide the procedure to be followed in such cases and for appeals from such proceedings, and authorizing process for the enforcement of any judgment entered therein.

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

By Senator Sikes—  
Senate Bill No. 489:

A bill to be entitled An Act creating a civil service for the members of the police department for any city or town of the State of Florida adopting its provisions, and creating a civil service board for said city or town, defining its memberships, powers and duties, designating the members of the police departments who are within the terms of said Act, defining certain terms of said Act; providing for a referendum, and when said Act shall take effect, and other matters in regard thereto.

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

By Senator Watson—  
Senate Bill No. 490:

A bill to be entitled An Act to provide for the licensing and taxing exhibitions of the Spanish ball game called jai-a-lai or pelota, and for the apportioning of the monies derived therefrom among the several counties of the State as provided by existing law; to provide and regulate the making of wagers on pari mutuel pools within the enclosure of frontons wherein exhibitions of jai-a-lai or pelota are conducted; to provide for the supervision of the operation of such frontons by the State Racing Commission; to provide the names whereby a permit for the operation of such exhibitions of jai-a-lai or pelota may be obtained and for other purposes relating

to and regulating the operation of such games or exhibitions. Which was read the first time by title only and referred to the Committee on Miscellaneous.

By Senator Beacham:  
Senate Bill No. 491:

A bill to be entitled An Act providing that the dealer in gasoline or other like products of petroleum in this State shall be exempt from payment of the excise tax thereon now or hereafter imposed on sales of such products to the State, Counties, Municipalities and other taxing districts, for use in the performance of governmental or municipal duties and functions, and providing for the report of such tax exempt sales by the dealer, and requiring a certificate by the proper governmental officer as to such exemption; providing penalties for the violation of the provisions hereof; and repealing all laws in conflict herewith.

Which was read the first time by title only and referred to the Committees on Finance & Taxation and Cities & Towns, jointly.

By Senator Beacham—  
Senate Bill No. 492:

A bill to be entitled An Act authorizing towns and cities to levy and impose an excise tax on gasoline and other like products of petroleum sold within the incorporated limits of such town or city; requiring a certified copy of the ordinance imposing such tax to be deposited with the State Comptroller; providing that such tax when imposed and paid shall be credited on the State gas tax; providing for the report of sales of such commodities, and the collection and payment of such taxes; creating a Special Fund for the reception of such taxes; providing for the deposit, appropriation and disposition of the proceeds derived from such taxes and prescribing the duties of certain officials with reference thereto; providing the purpose of such taxes; providing for the disposition of the balance of the State gas tax after the tax hereby authorized has been credited thereon; providing for the enforcement of this Act and penalties for violation hereof; and repealing all laws in conflict with this Act.

Which was read the first time by title only and referred to the Committees on Finance & Taxation and Cities & Towns, jointly.

By Senators Shivers, Parrish, Sweger, Lundy, Smith (29th), McKenzie, Bass, Harper and MacWilliams—

Senate Bill No. 493:

A bill to be entitled An Act relating to the State Agricultural Marketing Board and to amend Section 1 of Chapter 13,809, Laws of Florida, Acts of 1929, approved May 29 1929, entitled: "An Act to create a board consisting of the Governor, the Commissioner of Agriculture and the State Marketing Commissioner to be known as the State Agricultural Marketing Board, to define its duties and powers and make appropriation for the carrying out of the provisions thereof," as amended by Chapter 15,860, Laws of Florida, Acts of 1933.

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

By Senator McKenzie—  
Senate Bill No. 494:

A bill to be entitled An Act declaring that an emergency exists in the State of Florida, because of the oppression of the accumulation of delinquent taxes; and providing that delinquent personal property taxes for the year 1933, and previous years be cancelled in order to relieve such emergency.

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

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Florida, April 25, 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—

By Mr. Kelly, of Nassau—  
House Bill No. 88:

A bill to be entitled An Act providing for absentee voting from without the State of Florida in Primary, General, School, Municipal, or Special Elections; providing the procedure to be followed; providing the duties of officials in connection

therewith; providing for a penalty for violations of any part of this Act, and repealing all laws in conflict herewith.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

WELDON G. STARRY,  
Chief Clerk House of Representatives.

And House Bill No. 88, contained in the above message, was read the first time by title only and referred to the Committee on Privileges & Elections.

Also—

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

Tallahassee, Florida, April 24, 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 adopted—

By Mr. Robineau, of Dade—

House Concurrent Resolution No. 9:

A Concurrent Resolution inviting aviation industry to locate in Florida.

WHEREAS, the aviation industry has been the means of speeding mail and express deliveries, and has brought to Florida hundreds of wealthy prospective citizens, many of whom have established homes here because of these transportation facilities; and,

WHEREAS, air transportation is vitally necessary to the motion picture industry, which we have invited to Florida, as well as many other industries; and,

WHEREAS, the climate and topography of Florida are ideal for the manufacture and testing of aircraft and training of fliers; and,

WHEREAS, in the event of war, increased air facilities would be of inestimable value in defense of our State and country; and,

WHEREAS, the establishment of aviation manufacturing plants in Florida would bring increased construction, additional all year payrolls; and,

WHEREAS, the State of California has many such developments which have proved of great value to the State:

BE IT HEREBY RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the State of Florida extends a cordial invitation to the aviation industry as a whole to seriously consider the many advantages offered by this State and assures said industry of our hearty cooperation in developing the industry in all its phases.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

WELDON G. STARRY,  
Chief Clerk House of Representatives.

House Concurrent Resolution No. 9, contained in the above message, was read the first time in full.

Senator Watson asked unanimous consent of the Senate to take up and consider House Concurrent Resolution No. 9 at this time.

Which was agreed to.

And House Concurrent Resolution No. 9 was read the second time in full.

The question was put on the adoption of the Concurrent Resolution.

Which was agreed to.

And House Concurrent Resolution No. 9 was adopted.

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

Also—

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

Tallahassee, Fla., April 24, 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 adopted—

By Mr. Robineau, of Dade—

House Concurrent Resolution No. 8:

WHEREAS, the Secretary of State, with the approval of the Board of Commissioners of State Institutions recently had published a four page folder representing in colors the State Flag, the State Bird, the State Flower, the Great Seal of the State, and the State Song, and

WHEREAS, this folder was very much sought after by the school children of the State and proved of great value in the schools where a supply was obtained, and

WHEREAS, there is a great interest and demand from the general public for these folders, therefore  
BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES THE SENATE CONCURRING:

Section 1. That the Secretary of State, with the approval of the Board of Commissioners of State Institutions, is hereby authorized to have printed an edition of Twenty-five Thousand (25,000) of these folders for free distribution to the school children of the State and to the general public.

Section 2. That when in the future such supply shall become exhausted the Secretary of State, with the approval of the Board of Commissioners of State Institutions, may have an additional supply of such folders printed.

Section 3. Expense for paying for these folders shall be payable from the appropriation for general printing and advertising.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

WELDON G. STARRY,  
Chief Clerk House of Representatives.

House Concurrent Resolution No. 8, contained in the above message, was read the first time in full.

Senator Watson asked unanimous consent of the Senate to take up and consider House Concurrent Resolution No. 8 at this time.

Which was agreed to.

And House Concurrent Resolution No. 8 was read the second time in full.

The question was put on the adoption of the Concurrent Resolution.

Which was agreed to.

And House Concurrent Resolution No. 8 was adopted.

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

Also—

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

Tallahassee, Fla., April 24, 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—

By Messrs. Kelly of Nassau, Kelly of Pinellas and Kelley of Gulf—

House Memorial No. 7:

MEMORIAL TO CONGRESS

Requesting that the Congress of the United States without further delay pass the Bland Bill, HR-7569.

WHEREAS, there are five Menhaden Fish Fertilizer plants located in different sections of the State of Florida, employing over two thousand of our citizens, and

WHEREAS, there is a great amount of Menhaden Fish Scrap and Menhaden Fish Meal being shipped into the United States and into the State of Florida by foreign nations, who, because of cheap labor, can sell their products at a price far below the cost of producing these products in our State, and

WHEREAS, unless relief is given, the citizens of our State connected with the Menhaden Fish Industry will be forced out of business and employment of our citizens will be curtailed, and

WHEREAS, the Bland Bill being HR-7569 in the Congress of the United States provides for a five-eighths of a cent tax on each round of Menhaden Fish Meal and Menhaden Fish Scrap shipped into this country by other nations, and

WHEREAS, The Bland Bill has the endorsement of those citizens of the State of Virginia and Maryland engaged in this industry, as well as a great many of the people of our country, and

WHEREAS, enactment of this Bill in the law will have a vital effect on the Menhaden Fish Industry in our nation and our State, and

WHEREAS, it alone will increase by Three Hundred Thousand (\$300,000.00) Dollars the annual payrolls of the five Menhaden Fertilizer plants in this State.

NOW, THEREFORE, BE IT RESOLVED that it is the sense of your Memorialists, the members of the Florida Legislative Assembly of the State of Florida, the Senate and the House concurring, that the Congress of the United States should enact the Bland Bill without further delay.

BE IT FURTHER RESOLVED, that a copy of this Memorial duly authenticated, be sent by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives of the United States, and to each Senator and Representative in Congress from this State, to the President of the United States, and to Congressman Shuler O. Bland.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,  
WELDON G. STARRY,  
Chief Clerk House of Representatives.

House Memorial No. 7, contained in the above message, was read the first time in full.

Senator McArthur asked unanimous consent of the Senate to take up and consider House Memorial No. 7 at this time.

Which was agreed to.

And House Memorial No. 7 was read the second time in full.

The question was put on the adoption of the Memorial.

Which was agreed to.

And Senate Memorial No. 7 was adopted.

Senator MacWilliams moved that the consideration of Senate Bill No. 109 as unfinished business be informally passed, the bill retaining its place on the Calendar as unfinished business.

Which was agreed to and it was so ordered.

By Senator Tillman—  
Senate Bill No. 101:

A bill to be entitled An Act to eradicate the "chainstore," "commissary" and "itinerant merchant" evils, declaring an emergency to exist in this State by reason of the spread of these evils and providing regulations for the business of retail merchandising in intrastate commerce in this State to meet this emergency and to eradicate these evils; requiring a permit to sell merchandise at retail, limiting the issuance of such permits to individuals who are bona fide residents of Florida, to partnerships in which all part owners are bona fide residents of Florida and to corporations in which all stock is owned by bona fide residents of Florida, requiring that the charters of all corporations securing such permits shall contain certain provisions and restrictions upon the ownership of stock, the residence of officers, directors and stockholders, and the scope of activity and the authority of such corporations, limiting the issuance of permits to partnerships in which part owners have not as individuals or as members of other partnerships secured a permit, classifying merchandising and limiting the issuance of permits to one for each classification to any one person, firm or corporation, providing for a general merchandising permit and limiting the issuance of such permits to one for any one person, firm or corporation, providing that permits shall not be issued for a business to be conducted in connection with or incidental to any other retail, wholesale or distributing business and that the business to be conducted under any such permit shall be conducted in a store entirely separate from any other store and having no connection with any other store, providing that no permit may be issued for a business which is to be subsidiary to or related in anywise to any mill, mining or manufacturing business, providing that no such permit shall issue to any applicant who is engaged in any combination, conspiracy or agreement with other permittees to buy all or the large majority of his merchandise from one concern or in cooperation with other permittees, providing that no permit shall be issued to any applicant who is to be the agent of any concern whose principal business is that of retail merchandising, providing that no such permit shall be issued to any applicant who is engaged in any combination, conspiracy or agreement with some other person or firm to operate, manage or supervise the business to be conducted, providing that no such permit shall be issued to any applicant who is to purchase all or the large majority of his merchandise from any person or concern whose principal business is that of retail merchandising, providing that no such permit shall be issued if the business for which it is issued or the assets of said business or evidence of interest in said business has been hypothecated to any person or concern whose principal business is that of retail merchandising or to any person or concern in privy to a person or concern whose prin-

cipal business is that of retail merchandising, providing for the application for the issuance of such permits, the fees to be paid for such permits, the substance of such permits, and the limits upon such permits, empowering the Comptroller of the State of Florida to enforce and administer these provisions and issue such permits, providing for the annual renewal of such permits, empowering the Comptroller to require information from permittees to determine whether such permits are subject to revocation, requiring that such permits be prominently displayed at the place of business issued for, empowering the Comptroller or the Circuit Court to revoke such permits on grounds enumerated therein, providing remedies for the enforcement of said Act, defining false statements made in securing such permits as perjury and providing penalties upon conviction thereof, defining the sale of merchandise at retail in intrastate commerce without first securing a permit as a misdemeanor and providing penalties upon conviction thereof, excepting from its operation certain services labor and merchandise under certain circumstances, defining the terms "selling at retail", "retail merchandising" and "merchandise" and including a separability clause and an emergency clause as to effective date.

Was taken up in its order as a special and continuing order and read the second time in full.

The Committees on Judiciary "A", Judiciary "B", Judiciary "C" and Finance & Taxation, jointly, offered the following amendment to Senate Bill No. 101:

In title, line 1-2 (printed bill), strike out the words "'commissary' and 'itinerant merchant.'"

Senator Tillman moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

The Committees on Judiciary "A", Judiciary "B", Judiciary "C" and Finance & Taxation, jointly, also offered the following amendment to Senate Bill No. 101:

In title, line 11 (printed bill), between the words "all" and "stock", insert the words: "common and voting."

Senator Tillman moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

The Committees on Judiciary "A", Judiciary "B", Judiciary "C" and Finance & Taxation, jointly, also offered the following amendment to Senate Bill No. 101:

In title, lines 31-33 (printed bill), strike out the words: "providing that no permit may be issued for a business which is to be a subsidiary to or related in anywise to any mill, mining or manufacturing business".

Senator Tillman moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

The Committees on Judiciary "A", Judiciary "B", Judiciary "C" and Finance & Taxation, jointly, also offered the following amendment to Senate Bill No. 101:

In Section 3, lines 15-17 (printed bill), strike out the words: "but also embraces what is commonly known as the 'commissary evil' and also as the 'itinerant merchant evil'".

Senator Tillman moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Holland offered the following amendment to Senate Bill No. 101:

Strike out sub-section (p) of Section 8, the same being lines 96 to 101, inclusive, on page 13 of the printed bill.

Senator Holland moved the adoption of the amendment.

The question was put upon the adoption of the amendment. Upon which a roll call was demanded.

Upon the adoption of the amendment the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Bass, Beacham, Beall, Clarke Gillis, Gomez, Harper, Holland, Lundy, McArthur, Parker, Parrish, Raulerson, Shelley, Smith (14th), Smith (29th), Sweger, Watson—20.

Nays—Senators Black, Butler, Futch, Lewis, McKenzie, MacWilliams, Mann, Murphy, Nordman, Pannill, Savage, Shivers, Sikes, Tervin, Tillman, Touchton, Turner—17.

Which was agreed to.

And the amendment was adopted.

Senator Tillman offered the following amendment to Senate Bill No. 101:

In Section 8, line 104 (printed bill), strike out the words: 3.5 and insert in lieu thereof the following: 3.2.

Senator Tillman moved the adoption of the amendment.  
Which was agreed to.  
And the amendment was adopted.

The Committee on Judiciary "A", Judiciary "B", Judiciary "C" and Finance & Taxation, jointly, offered the following amendment to Senate Bill No. 101:

In Section 13, line 4 (printed bill), strike out the words: "July" and insert in lieu thereof the following: "October."

Senator Tillman moved the adoption of the amendment.  
Which was agreed to.  
And the amendment was adopted.

The Committees on Judiciary "A", Judiciary "B", Judiciary "C" and Finance & Taxation, jointly, also offered the following amendment to Senate Bill No. 101:

In Section 7, line 2 (printed bill), strike out the words: "July" and insert in lieu thereof the following: "October."

Senator Tillman moved the adoption of the amendment.  
Which was agreed to.  
And the amendment was adopted.

The Committees on Judiciary "A", Judiciary "B", Judiciary "C" and Finance & Taxation, jointly, also offered the following amendment to Senate Bill No. 101:

In Section 15, line 22 (printed bill), add, after the words "bona fide residents of the State of Florida" the following: "except as otherwise permitted under the provisions of this Act."

Senator Tillman moved the adoption of the amendment.  
Which was agreed to.  
And the amendment was adopted.

The Committees on Judiciary "A", Judiciary "B", Judiciary "C" and Finance & Taxation, jointly, also offered the following amendment to Senate Bill No. 101:

In Section 15, line 36 (printed bill), insert the following: "If any corporation applying for such a permit shall have outstanding any preferred stock which is held or owned by non-residents of this State, there must also accompany such application a statement disclosing the net value of all common stock outstanding."

Senator Tillman moved the adoption of the amendment.  
Which was agreed to.  
And the amendment was adopted.

The Committees on Judiciary "A", Judiciary "B", Judiciary "C" and Finance & Taxation, jointly, also offered the following amendment to Senate Bill No. 101:

In Section 17, line 4 (printed bill), add the following: "provided, however, that preferred stock in a corporation applying for such a permit may be held and owned by non-residents of this State as provided for elsewhere in this Act."

Senator Tillman moved the adoption of the amendment.  
Which was agreed to.  
And the amendment was adopted.

The Committees on Judiciary "A", Judiciary "B", Judiciary "C" and Finance & Taxation, jointly, also offered the following amendment to Senate Bill No. 101:

In Section 18, Paragraph (a) (printed bill), strike out the words: "That all of its stock must be owned and held by bona fide residents of the State of Florida," and insert in lieu thereof the following: "That all of its common and voting stock must be owned and held by bona fide residents of the State of Florida, provided, however, that preferred stock bearing no more than six per cent. dividend, non-voting, callable at any dividend period at par, together with accrued dividends, may be held by non-residents of Florida in an amount not to exceed fifty per cent. of the net value of the common stock outstanding."

Senator Tillman moved the adoption of the amendment.  
Which was agreed to.  
And the amendment was adopted.

The Committees on Judiciary "A", Judiciary "B", Judiciary "C" and Finance & Taxation, jointly, also offered the following amendment to Senate Bill No. 101:

In Section 18, Paragraph C (printed bill), strike out the words: "That none of its stock can be owned by, nor hypothecated with, nor held by any other corporation, and that it cannot hold nor own stock in another corporation," and insert in lieu thereof the following: "That none of its stock can be owned by, nor held in trust by any other corporation, and that it cannot hold nor own stock in another corporation, provided, however, that this shall not be construed to prevent the hypothecation of the stock of any such corporation to another corporation by the actual owner thereof."

Senator Tillman moved the adoption of the amendment.  
Which was agreed to.  
And the amendment was adopted.

The Committees on Judiciary "A", Judiciary "B", Judiciary "C" and Finance & Taxation, jointly, also offered the following amendment to Senate Bill No. 101:

In Section 20 (printed bill), strike out the whole of Section 20.

Senator Tillman moved the adoption of the amendment.  
Which was agreed to.  
And the amendment was adopted.

The Committees on Judiciary "A", Judiciary "B", Judiciary "C" and Finance & Taxation, jointly, also offered the following amendment to Senate Bill No. 101:

In Section 34, line 5, (printed bill), after the word "thereof", insert the following: "nor to printing plants."

Senator Tillman moved the adoption of the amendment.  
Which was agreed to.  
And the amendment was adopted.

The Committees on Judiciary "A", Judiciary "B", Judiciary "C" and Finance & Taxation, jointly, also offered the following amendment to Senate Bill No. 101:

In Section 34, line 13, (printed bill), add the following: "nor shall this Act be construed to require a permit to sell merchandise under the provisions of this Act when it is made to appear by an affidavit filed with the Comptroller of the State of Florida that the business in question is not conducted and will not be conducted for a period in excess of five months in any fiscal year, that said business is to be conducted upon premises either owned by said business or occupied under a bona fide lease, that all State, County and City occupational license tax, personal property tax and other taxes assessable against said business have been paid, that merchandise of a minimum assessable value of \$1,000.00 shall be carried in stock in said business and that said business is to be conducted in a seasonal resort for the convenience of tourists visiting in this State."

Senator Tillman moved the adoption of the amendment.  
The question was put on the adoption of the amendment.  
Upon which a roll call was demanded.

Upon the adoption of the amendment the roll was called and the vote was:

Yeas—Senators Black, Butler, Futch, Lewis, McKenzie, MacWilliams, Mann, Murphy, Pannill, Parrish, Savage, Smith (29th), Tillman, Touchton, Watson—15.

Nays—Mr. President; Senators Adams, Bass, Beacham, Beall, Clarke, Gillis, Gomez, Harper, Holland, Lundy, McArthur, Nordman, Parker, Raulerson, Shelley, Shivers, Sikes, Smith (14th), Sweger, Tervin, Turner—22.

So the amendment failed of adoption.

Senator Beacham moved that the Senate reconsider the vote by which the above amendment to Senate Bill No. 101 failed of adoption.

And the motion went over under the rule.

The Committees on Judiciary "A", Judiciary "B", Judiciary "C" and Finance & Taxation, jointly, also offered the following amendment to Senate Bill No. 101:

In Section 34, line 10 (printed bill), after the word "hotels," add the following: "nor to merchants leasing stores in hotels not operated more than five months in any year."

Senator Tillman moved the adoption of the amendment.  
Which was agreed to.  
And the amendment was adopted.

The Committees on Judiciary "A", Judiciary "B", Judiciary "C" and Finance & Taxation, jointly, also offered the following amendment to Senate Bill No. 101:

In (printed bill), at the beginning of each Section strike out

the Section numbers from 1 to 39, inclusive, and insert in lieu thereof the following: Numbers 1 to 38 inclusive.

Senator Tillman moved the adoption of the amendment.  
Which was agreed to.  
And the amendment was adopted.

Senator Black offered the following amendment to Senate Bill No. 101:

In Section 34, line 13, page 29 (printed bill), by adding to said Section 34, line 13, page 29, the following language: "Nor to the sale of fertilizer, fertilizer materials, insecticides and spray materials".

Senator Black moved the adoption of the amendment.

Pending the adoption of the amendment offered by Senator Black, Senator Holland offered the following substitute amendment to Senate Bill No. 101:

Strike out the period at the end of Section 34, of the printed bill, insert in lieu thereof a comma, and add the following: "nor to the sale of fertilizer, fertilizer materials, seeds, insecticides, fungicides, feeds, grain, farm machinery, and other farm equipment and supplies."

Senator Holland moved the adoption of the substitute amendment.

The question was put on the adoption of the substitute amendment offered by Senator Holland.

Which was agreed to.

And the substitute amendment offered by Senator Holland was adopted.

Senator Beall offered the following amendment to Senate Bill No. 101:

Add a new Section, to be numbered "36-A" as follows:

"36-A. Provided, however, that this Act shall not take effect or become effective unless and until it has been submitted to the qualified voters of the State of Florida, at the next occurring Primary or General Election, and unless a majority of such qualified voters at such election shall vote in favor of adoption of this Act; provided further that this Act shall be submitted to said vote of qualified electors but one time. The ballot in such election shall be in the following words and figures:

" 'Anti Chain Store Act:

.....Yes  
.....No.' "

Secretary Beall moved the adoption of the amendment.

Pending the adoption of the amendment offered by Senator Beall to Senate Bill No. 101, the hour of adjournment having arrived, a point of order was called and the Senate stood adjourned at 1:00 o'clock P. M. until 11:00 o'clock A. M., Friday April 26, 1935.

# JOURNAL OF THE SENATE

Friday, April 26, 1935

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Thursday, April 25, 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, Savage, Shelley, Shivers, Sikes, Smith (14th); Smith (29th), Sweger, Tervin, Tillman, Touchton, Turner, Watson—37.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Thursday, April 25th, was corrected, and as corrected was approved.

## REPORT OF JUDICIARY COMMITTEE UNDER SENATE RULE VII Tallahassee, Fla., April 25, 1935.

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

Sir:

The Committee on Judiciary "C," to whom was referred, under Senate Rule VII, Senate Bill No. 47, being a bill to be entitled An Act prescribing the requisites of all bonds taken in any criminal proceeding relating to the approval thereof, providing that such bonds shall be recorded, and the effect of such recordation, the method for the cancellation of such bond, and making provision for the endorsement of liens accruing under such bonds, and prescribing penalties for the violation of the terms of this Act.

Begs 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 providing for the recording of bonds in criminal cases and for the method of cancellation thereof and providing for the creation of a lien upon the land of the sureties described in such bond in the event of a default, and providing penalties for the violation thereof.

This is a new law and adds many new requirements to bonds in criminal cases.

Very respectfully,  
C. A. SAVAGE,  
Chairman of Committee.

## REPORTS OF COMMITTEES

Senator Bass, Chairman of the Committee on Pensions & Claims, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 27, 1935.

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

Sir:

Your Committee on Pensions & Claims, to whom was referred:

Senate Bill No. 215:

A bill to be entitled An Act granting a pension to Mrs. Mary Y. Tribble, widow of Milton Pyles Tribble, of Marion County, Florida.

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

Very respectfully,  
CLAYTON C. BASS,  
Chairman of Committee.

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

Senator Bass, Chairman of the Committee on Pensions & Claims, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 27, 1935.

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

Sir:

Your Committee on Pensions & Claims, to whom was referred:

Senate Bill No. 405:

A bill to be entitled An Act granting a pension to Henry Bascom Tucker of Manatee (formerly of Franklin) County, Florida.

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

Amendment No. 1: At the end of Section 1, add Section 2, as follows:

Section 2. All laws and parts of laws in conflict herewith be and the same are hereby repealed.

Amendment No. 2:

Change Section 2 to Section 3.

Very respectfully,  
CLAYTON C. BASS,  
Chairman of Committee.

And Senate Bill No. 405, contained in the above report, together with Committee Amendments thereto, was placed on the Calendar of Bills on second reading.

Senator Bass, Chairman of the Committee on Pensions & Claims, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 27, 1935.

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

Sir:

Your Committee on Pensions & Claims, to whom was referred:

Senate Bill No. 471:

A bill to be entitled An Act granting a pension to Mrs. Hattie S. Keith, of Holmes County, Florida.

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

Very respectfully,  
CLAYTON C. BASS,  
Chairman of Committee.

And Senate Bill No. 471, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator McArthur, Chairman of the Committee on Game & Fisheries, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 25, 1935.

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

Sir:

Your Committee on Game & Fisheries, to whom was referred:

Senate Bill No. 463:

A bill to be entitled An Act to establish a game preserve in a certain portion of Nassau County, and to prohibit the hunting or taking or wild game or birds in such preserve for a period of five years.

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

Very respectfully,  
A. G. McARTHUR,  
Chairman of Committee.

And Senate Bill No. 463, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator McArthur, Chairman of the Committee on Game & Fisheries, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 25, 1935.

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

Sir:

Your Committee on Game & Fisheries, to whom was referred:

Senate Bill No. 415:

A bill to be entitled An Act, to amend Section 6 of Chapter 16178, Laws of Florida, Acts of 1933, relating to an Act creating a State Board of Conservation; fixing its powers and duties; abolishing the Department of State Geologist, the Department of Game and Fresh Water Fish, the Office of State Game Commissioner, the Office of Shell Fish Commissioner; providing for the transfer of property, equipment, accounts, obligations and funds of such departments to the State Board of Conservation; providing for the use of all appropriations of such Departments to be made for the biennium, beginning July 1, 1933, by the State Board of Conservation; providing for the establishment of a State Conservation Fund; providing for the conservation and protection of wild life resources and authorizing the State Board of Conservation to make and establish rules and regulations in furtherance of the purposes of this Act; providing a penalty for violation of rules and regulations authorized to be made and repealing all laws and parts of laws in conflict with this Act.

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

Very respectfully,

A. G. McARTHUR,  
Chairman of Committee.

And Senate Bill No. 415, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator McArthur, Chairman of the Committee on Game & Fisheries, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 25, 1935.

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

Sir:

Your Committee on Game & Fisheries, to whom was referred:

Senate Bill No. 394:

A bill to be entitled An Act to permit the use of dredges in the taking of oysters from the natural beds, bars and reefs in the State of Florida, authorizing the State Shell Fish Commissioner, or the proper authority charged with the administration of the Shell Fish Commission laws, to designate such natural beds, bars or reefs upon which dredging may be done, and to provide for the regulation and supervision of such dredging by the Shell Fish Commission, or the proper authority charged with the administration of the Shell Fish Commission laws; providing penalties for the violation of this Act, or of any rule or regulation published pursuant to the terms hereof.

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

Very respectfully,

A. G. McARTHUR,  
Chairman of Committee.

And Senate Bill No. 394, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Savage, Chairman of the Committee on Judiciary "C," submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 25, 1935.

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

Sir:

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

Senate Bill No. 475:

A bill to be entitled An Act making it a penal offense for one to practice law either directly or indirectly who has been disbarred or under suspension from the practice of law, and for an attorney at law to aid or assist either directly or indirectly in the practice of law one who has been disbarred or

under suspension from the practice of law, and fixing the punishment therefor.

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

Very respectfully,

C. A. SAVAGE,  
Chairman of Committee.

And Senate Bill No. 475, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Savage, Chairman of the Committee on Judiciary "C," submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 25, 1935.

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

Sir:

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

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.

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

Amendment No. 1: In Section 1, line 8, strike out the period and insert in lieu thereof the following: except the lien of the State of Florida for tax imposed pursuant to the Constitution and laws of said State.

Amendment No. 2: Strike out the title and insert in lieu thereof the following: A bill to be entitled An Act to permit the State of Florida to be made a party defendant in certain cases; providing for service of process upon said State of Florida, and the discharge of certain property from liens and encumbrances held by the State of Florida; but no money judgment to be entered against or paid by the said State of Florida.

Very respectfully,

C. A. SAVAGE,  
Chairman of Committee.

And Senate Bill No. 157, contained in the above report, together with Committee Amendments thereto, was placed on the Calendar of Bills on second reading.

Senator Savage, Chairman of the Committee on Judiciary "C," submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 26, 1935.

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

Sir:

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

Senate Bill No. 49:

A bill to be entitled An Act to regulate the issuing of writs of certiorari in the State of Florida, and prescribing the time within which the same may be sued out.

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

Amendment No. 1:

Strike Section 1, and insert in lieu thereof the following: Section 1. That all writs of certiorari hereafter sued out from the judgment or order of any Court must be sued out within six months from the time of the entry of the judgment or order of the Court which it is alleged forms the basis of the writ of certiorari.

Very respectfully,

C. A. SAVAGE,  
Chairman of Committee.

And Senate Bill No. 49, contained in the above report, together with Committee Amendments thereto, was placed on the Calendar of Bills on second reading.

#### REPORT OF COMMITTEE ON ENGROSSED BILLS

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

Senate Chamber,  
Tallahassee, Florida, April 26, 1935.

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

Sir:

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

Senate Bill No. 147:

A bill to be entitled An Act to amend Section 14 of Chapter

8415, Laws of Florida, Acts of 1921, as amended by Section 6 of Chapter 12285, Laws of Florida, Acts of 1927, relating to the definition of the practice of medicine and exempting certain persons from the provisions of said Chapter 8415, Laws of Florida, Acts of 1921, as amended.

Amendment No. 1:

Strike out all after the enacting clause, and insert in lieu thereof the following:

Section 1. That Section 14 of Chapter 8415, Laws of Florida, Acts of 1921, as amended by Section 6 of Chapter 12285, Laws of Florida, Acts of 1927, relating to the definition of the practice of medicine and exempting certain persons from the provisions of said Chapter 8415, Laws of Florida, Acts of 1921, as amended, be and the same is hereby amended to read as follows:

"Section 14. Definition of Practice of Medicine. Any person shall be regarded as practicing medicine or surgery, who shall use the word, words, letters, abbreviations, title, or titles, "Dr.", "Doctor", "Physician", "Surgeon", "M.D.", or "M.B.", or either or any of them, in connection with his or her name, or any other word, words, letters, abbreviations, title or titles, intending to imply or designate himself or herself as a practitioner of medicine or surgery in any of its branches, and who in connection with such word, words, letters, abbreviations, title or titles, or without the use of same, or any of them, holds himself or herself out as being able to diagnose, treat, operate or prescribe for any human disease, pain, injury, deformity, or physical condition; or who shall either offer or undertake by any means or methods to diagnose, treat, operate or prescribe for any human disease, pain, injury, deformity or physical condition; And it is further provided, that the provisions of this Act shall apply to all persons professing and attempting to cure human diseases, pain, injury, deformity or physical condition by means of the so-called systems of "faithcurism", "mind-healing", "laying-on-of-hands", and other similar systems. This Chapter shall not be construed to affect commissioned officers serving in the United States Army, Navy or Public Health Service, while so commissioned and serving under such commission; or any lawfully qualified physician in other States or counties, meeting legally registered physicians in this State in consultation; or any physician duly registered in one county called to attend isolated cases in another county, but not residing or habitually practicing therein; or to the practice of dentistry as defined in Chapter 10109, Laws of Florida, Acts of 1925, by any person licensed under said Act; or the practice of the religious tenets of any church; or to any office assistant of a legally licensed physician, rendering such assistance as is usually rendered by a nurse, and who shall work only under the direct supervision and express orders of his or her employer; or anyone while actually serving on the resident medical staff of any legally incorporated hospital; or any person or manufacturer who without the use of drugs, medicine or surgery, mechanically fits or sells lenses, artificial eyes, limbs or other apparatus or appliances while so doing; or to the practice of Optometry as defined in Chapter 5947, Laws of Florida, Acts of 1909, as amended by Chapter 8580, Laws of Florida, Acts of 1921, by any person licensed under Act; or to the practice of Osteopathic Medicine as defined by Chapter 12287, Laws of Florida, Acts of 1927, by Osteopathic Physicians and Surgeons who have been duly licensed by the State Board of Osteopathic Medical Examiners; or to the practice of Chiropractic as defined by Chapter 9330, Laws of Florida, Acts of 1923, by Chiropractors who have been duly licensed by the State Board of Chiropractic Examiners, and who, whenever and wherever he or she uses the word, words, letters, abbreviations, title or titles, "Dr.", or "Doctor", in connection with his or her name or office, shall at the same time and place use the word, chiropractor, or chiropractic, as conspicuously and as noticeably as he or she uses the word, words, letters, abbreviations, title or titles, "Dr." or "Doctor", and provided that he or she does not use the word, words, letters, abbreviations, title or titles, "Physician", "Surgeon", "M.D.", or "M.B." in connection with his or her name or office; or to the practice of Naturopathy as defined by Chapter 12286, Laws of Florida, Acts of 1927, by naturopaths who have been duly licensed by the State Board of Naturopathic Examiners, and who whenever and wherever he or she uses the word, words, letters, abbreviations, title, or titles, "Dr.", "Doctor", or "Physician", in connection with his or her name or office, shall at the same time and place use the word Naturopath, or Naturopathy, or Naturopathic, as conspicuously and as noticeably as he or she uses the said word, words, letters, abbreviations, title or titles, "Dr.", "Doctor", and provided that he or she does not use the word, words, letters, abbreviations, title or titles "Surgeon", "M.D.",

or "M.B." in connection with his or her name or office; or to the practice of pharmacy within the provisions of Chapter 6890, Laws of Florida, Acts of 1915, as amended by Chapter 10201, Laws of Florida, Acts of 1925, by a pharmacist licensed under said chapter; or to the practice of Podiatry as defined in Chapter 12197, Laws of Florida, Acts of 1927, by any person licensed under said Act; or to the practice of veterinary medicine by veterinarians licensed under Chapter 10289 Laws of Florida, Acts of 1925; or to any professional nurse, masseur, or electro-theraph and/or X-ray technician, while operating in each particular case under the specific direction of a regularly licensed physician; or to the practice of midwifery as provided by the laws of this State."

Section 2. All laws and parts of laws in conflict herewith are hereby repealed in so far as same conflict herewith.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law without such approval.

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

Very respectfully,

J. W. TURNER,

Chairman of Committee.

And Senate Bill No. 147, contained in the above report, was placed on the Calendar of Bills on third reading.

#### 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 25, 1935.

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

Sir:

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

#### House Bill No. 31:

A bill to be entitled An Act to authorize the Board of Public Instruction of Jackson County, Florida, to transfer certain school funds to the Board of County Commissioners of Jackson County, Florida, to be used to pay certain obligations incurred by reason of publicizing the State of Florida at "A Century of Progress," recently held in Chicago, Illinois.

Also—

#### House Bill No. 301:

A bill to be entitled An Act to authorize the Board of Pilot Commissioners to Employ an Attorney, and to provide for the payment by the Board of County Commissioners of Bay County, of the salary of such attorney, and of other expenses incurred by the Board of Pilot Commissioners.

Also—

#### House Bill No. 185:

A bill to be entitled An Act authorizing the Board of Supervisors of Melbourne-Tillman Drainage District in Brevard County, in its discretion to provide for acceptance of cash or said district's bonds and past due coupons at par in payment in advance of total taxes (debt service taxes) levied against lands in said district; and validating all actions of said board and the officers of said district in heretofore accepting the district's bonds and coupons in payment of total taxes in advance and in payment of past due and current drainage taxes.

Also—

#### House Bill No. 501:

A bill to be entitled An Act authorizing the Board of Public Instruction of Okeechobee County, Florida, to transfer all funds now in the General School Bond Interest and Sinking Fund of said County to the General School Fund of said County; said funds having accrued pursuant to taxes levied and paid for the payment of bonds issued June First, 1925, to erect a High School Building and for the creation of a bond interest and sinking fund.

Also—

#### House Bill No. 285:

A bill to be entitled An Act requiring the nominations of all County Commissioners and Members of the Boards of Public Instruction in certain counties of the State of Florida, to be by the electors of the County-at-large, instead of by districts, repealing Chapter 15,955, of the General Laws of Florida of 1933, and providing for a referendum.

Also—

House Bill No. 489:

A bill to be entitled An Act creating a Municipal Court for the Town of Apopka City, Florida, providing the duties of such Court, and the method of election of a judge to preside over same, and providing the term of office and the dismissal of such officer, and the method of fixing compensation for such officer.

Also—

House Bill No. 97:

A bill to be entitled An Act authorizing and empowering the Board of Supervisors of Indian River Farms Drainage District, a Drainage District duly organized and existing under the Laws of the State of Florida, in Indian River County, Florida, to invest in bonds and/or interest coupons of said district, any and all funds now or hereafter held by said district, as payment in full or in part of future accruing assessed benefits against lands in said district.

Also—

House Bill No. 500:

A bill to be entitled An Act providing for the confirmation and ratification of all purchases of Okeechobee County Bonds and/or time warrants by the Board of Administration of the State of Florida for or by the Board of County Commissioners of said County, and providing for the cancellation of all such bonds and time warrants.

Also—

House Bill No. 338:

A bill to be entitled An Act to amend Section 9 of Chapter 8949, Laws of Florida, Special Acts of 1921, relating to the City of Fernandina, providing for the creation of the City Commission thereof and providing the manner of election and the terms of office and the filling of the vacancies in such commission and providing that a referendum shall be held to determine whether this Act shall take effect.

Also—

House Bill No. 502:

A bill to be entitled An Act to amend Section 4, and Section 12, Chapter 9718, pertaining to the election of officers of the Town of Crestview.

Also—

House Bill No. 247:

A bill to be entitled An Act to promote the objects of the National Housing Act by authorizing Banks, Savings Banks, Trust Companies, Building and Loan Associations, Insurance Companies, and Trustees and other fiduciaries, to make loans pursuant to titles I and II of the National Housing Act, and by authorizing Banks, Savings Banks, Trust Companies, Building and Loan Associations, Insurance Companies, Trustees and other fiduciaries, the State of Florida and its political subdivisions, and institutions and agencies thereof, to invest in Mortgages insured, and in debentures issued, by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations, and to use such Securities as collateral or deposit security where required or permitted by statute.

Also—

House Bill No. 446:

A bill to be entitled An Act authorizing and empowering the State Road Department of Florida and Franklin County, Florida, to contract for the control, supervision, maintenance and operation by the State Road Department for said Franklin County of the bridge or causeway constructed for said county across Apalachicola River and East Bay under the provisions of Chapter 15218 Laws of Florida of 1931; and for the collection and application by the State Road Department for said County of the revenues of said bridge in accordance with the provisions of said Act.

House Concurrent Resolution No. 7:

A Concurrent Resolution calling the attention of the Motion Picture Industry and of the World to the advantages in Florida, and especially inviting the Motion Picture Industry to locate in Florida, and that a certified copy of the Resolution be dispatched to the head of each Motion Picture Producing Company by the Secretary of State.

Have examined the same and find them 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 Bills and Concurrent Resolution contained in the above report were 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.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senators Butler and Tillman—

Senate Bill No. 495:

A bill to be entitled An Act to amend Section 5 of Chapter 14678, Laws of Florida, 1931, relating to the estimates of revenues and expenditures to be filed with the County Budget Commission by other county boards in counties having a population of more than one hundred fifty thousand (150,000) by the last preceding State or Federal census.

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

By Senators Butler and Tillman—

Senate Bill No. 496:

A bill to be entitled An Act to amend Section 10 of Chapter 14678, Laws of Florida, 1931, as amended by Chapter 15939, Laws of Florida, 1933, relating to the certification of the budget by the County Budget Commission to every board and comptroller in counties having a population of not less than one hundred fifty thousand (150,000) by the last preceding State or Federal census.

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

By Senator Tervin—

Senate Bill No. 497:

A bill to be entitled An Act to declare, designate and establish Venice Avenue Road, near Venice, Florida, in Sarasota County, Florida, as a State road.

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

By Senator Tervin—

Senate Bill No. 498:

A bill to be entitled An Act to repeal Chapter 11926, Laws of Florida, adopted by the Legislature of Florida at its regular session A. D. 1927, same being Section 5182, Compiled General Laws of Florida of 1927, entitled An Act requiring the County Commissioners of counties having a population of not less than twenty-three (23,000) thousand nor more than twenty-five (25,000) thousand population, according to the last State census, to pay the Judges of County Courts of such counties, a salary of twenty-four hundred (\$2,400) dollars per annum.

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

By Senator Harper—

Senate Bill No. 499:

A bill to be entitled An Act authorizing and empowering the Board of Public Instruction of Madison County, Florida, to expend for transportation of pupils to and from the public free schools of said county such sums as are reasonable and necessary not exceeding twenty per centum (20%) of the funds apportioned to said county under the Constitution and laws of Florida, and designated as teachers' salary fund of Madison County by Chapter 16170, Laws of Florida.

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

By Senator Holland—

Senate Bill No. 500:

A bill to be entitled An Act relating to the fees and compensation of County Judges for services performed in proceedings for the administration of estates of decedents consisting only of homestead and personal property of a value not exceeding one thousand dollars.

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

By Senator Holland—

Senate Bill No. 501:

A bill to be entitled An Act to permit the retirement of State officials and State employees under certain conditions, with pay.

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

By Senator McArthur—  
Senate Bill No. 502:

A bill to be entitled An Act to amend Section 5829 of the Revised General Statutes of Florida, relating to the seizure of boats engaged in unlawful catching of mullet; confiscation proceedings.

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

By Senators McArthur and Gomez—  
Senate Bill No. 503:

A bill to be entitled An Act authorizing and empowering the Armory Board to execute and deliver a deed of conveyance for such price and on such conditions as in its discretion seems proper in order to convey to Fred J. Dion, of Monroe County, Florida, his heirs and assigns forever, a strip of land five feet in width and seventy-five feet in depth out of the Southeastern side of the lot of land now owned and occupied by the State of Florida for military purposes as a National Guard Armory located at Key West, Monroe County, Florida.

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

By Senator Gomez—  
Senate Bill No. 504:

A bill to be entitled An Act establishing an archeological survey of the State of Florida, to provide for the appointment of a State Archeologist and to define his duties.

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

By Senator Beall—  
Senate Bill No. 505:

A bill to be entitled An Act providing an optional method for the calling and conduct of primary elections in certain municipalities, and fixing the qualifications of electors thereat and in general elections following.

Which was read the first time by title only and referred to the Committee on Privileges & Elections and Cities & Towns, jointly.

By Senators Black and Gillis—  
Senate Bill No. 506:

A bill to be entitled An Act making it unlawful to cut or fell or cause or procure to be cut or felled, or to remove or haul or transport or procure or cause to be removed or hauled or transported on or from any lands in this State any cedar, juniper, cypress, oak, pine, bay, poplar, ash, gum or other timber trees or wood without a license first had and obtained, and making it unlawful to buy or receive any such timber, trees or wood except from a licensee, and providing for the issuance of licenses by the Clerk of the Circuit Courts and requiring the production to the Clerks of the Circuit Courts of a written permit from the land owner before any license shall issue, and requiring that the licenses and permits shall contain a description of the lands and of the timber, trees or wood with respect to which the same are issued; and requiring that the said licenses or authenticated copies thereof shall be in the personal possession of any person engaging in or doing any of the acts for which a license is required by this Act; and prescribing penalties for the violation of any of the provisions of this Act.

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

By Senators Gomez and Parker—  
Senate Bill No. 507:

A bill to be entitled An Act to provide for the relief of the public free schools of the State of Florida by raising revenue for the County School Fund by levying and imposing a tax upon the privilege of operating a store or stores within this State, to classify such stores for the purpose of such taxation and of graduating the tax in accordance with the number of stores operated under a single ownership, management or control, of providing an alternative tax for such privilege in the event such classification should not be effective; to declare the public policy on which this Act is founded; to provide for the administration and enforcement of this Act and for the promulgation and enforcement of rules and regulations to facilitate such enforcement; to provide for the creation and enforcement of a lien upon the property of persons liable

for the payment of such tax; to provide penalties for the violations of this Act and of rules and regulations lawfully made under the authority hereof; to repeal conflicting laws, expressly but on condition including Chapter 16071, Laws of Florida of 1933; and to appropriate the revenues derived hereunder.

Which was read the first time by title only and referred to the Committees on Education and Finance & Taxation, jointly.

By Senators MacWilliams, Gillis, Tillman, Turner and Futch—  
Senate Joint Resolution No. 508:

A Joint Resolution proposing to amend Section 4, Article IX of the Constitution of the State of Florida, relating to appropriations.

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

That Section 4, Article IX of the Constitution of the State of Florida, be amended to read as hereinafter set out, and that the same be and it is hereby agreed to, and that the same shall be submitted to the electors of the State of Florida at the General Election of Representatives in 1936 for adoption or rejection:

Section 4:

No money shall be drawn from the Treasury except in pursuance of appropriation made by law and no appropriation shall be made for a period of time longer than two years.

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

By Senator Futch—

Senate Bill No. 509:

A bill to be entitled An Act for the relief of the Standard Fire Insurance Company of Hartford, Connecticut.

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

By Senator Butler—

Senate Bill No. 510:

A bill to be entitled An Act prescribing qualifications and providing certain regulations of title insurance companies heretofore and hereafter doing business in the State of Florida; imposing certain duties upon the State Treasurer in connection therewith; prescribing a penalty for engaging in the business of title insurance without State permit.

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

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Fla., April 26, 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—

By Messrs. Kennedy, Westbrook, Driver, Woodward, Bruton, Edney, Wadsworth, Mathews, Denison, Butt, Wood, Frost, McNeill, McLeod, Knight, Price, Simmons, Bonifay, Hale, Miller, Brady, Shepherd, Saunders, Hardee, Folks, Merritt, Herndon, Scofield, Lea, Dugger, Hancock, Coogler, Gregory, Mincer, Kelley of Gulf, Sandler, Godwin, Rogers, Johns, Kelly of Pinellas, White, Hunt, Ward, Banks, Williams of Holmes, Kanner, Ives, Burns, McLin, Collins, Sims, Hazen, Roberts, Robineau Davis, Walker, Getzen, Papy, Rogers of Broward, Christie, Bucholz, Burks, Black, Baker, Whiddon, Hill, Collier, Kelly of Nassau, and Coxwell.

House Bill No. 180:

A bill to be entitled An Act to prohibit the sale shipment, purchase, barter, or exchange of large or small mouth black bass within the State of Florida, and providing penalties for the violation thereof.

Also has passed—

By Mr. Kelly, of Nassau—  
House Bill No. 89:

A bill to be entitled An Act providing for registration of qualified electors from without the State in any Primary, General, School, Municipal, or Special Election; and providing procedure in connection therewith, determining residence in connection therewith, and providing for a penalty for violation of any part of this Act.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,  
WELDON G. STARRY,  
Chief Clerk House of Representatives.

House Bill No. 180, contained in the above message, was read the first time by title only and placed on the Calendar of Bills on second reading without reference.

And House Bill No. 89, contained in the above message, was read the first time by title only and referred to the Committee on Privileges & Elections.

Also—

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

Tallahassee, Fla., April 26, 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—

By Messrs. Hubbell of Manatee and Denison of St. Lucie—  
House Bill No. 218:

A bill to be entitled An Act repealing Sections 333, 334, 335, 336, 337, 338, 339, 340 and 341 of Revised General Statutes, 1920 (same being Sections 390, 391, 392, 393, 394, 395, 396, 397 and 398, respectively of Compiled General Laws of Florida, (1927) relating to the publication, printing, and disposition of pamphlets relating to candidates in the primary by the Secretary of State.

Also has passed—

By Mr. Boe of Glades—

House Bill No. 527:

A bill to be entitled An Act to abolish Citrus Center Drainage District in Glades County, Florida and to provide for the disposition of any property or monies belonging to such district, and to repeal Chapter 11443, Laws of 1925, and Chapter 15977, Laws of 1933, creating such district.

Proof of publication attached.

Also has passed—

By Mr. Scofield of Citrus—

House Bill No. 533:

A bill to be entitled An Act to amend the charter of the City of Dunnellon, State of Florida, and relating to the corporate limits of said city, and to provide for the payment of any indebtedness incurred by said city in that portion of the corporate limits to be eliminated.

Also has passed—

By Mr. Price, of Hardee—

House Bill No. 591:

A bill to be entitled An Act to repeal Chapter 11412 of the Special Laws of Florida, 1925, the same being "An Act to authorize the Town Council of the Town of Bowling Green, Florida, to issue and to sell the bonds of said town in a sum not to exceed \$50,000 to provide funds for the construction of a municipal building in said town and to provide for the levy and collection of a tax to pay the principal and interest of the said bonds."

And respectfully requests the concurrence of the Senate therein.

Very respectfully,  
WELDON G. STARRY,  
Chief Clerk House of Representatives.

And House Bill No. 218, contained in the above message, was read the first time by title only and referred to the Committee on Privileges & Elections.

And House Bill No. 527, contained in the above message, was read the first time by title only.

Senator Murphy asked unanimous consent of the Senate to take up and consider House Bill No. 527 at this time.

Which was agreed to.

Senator Murphy moved that the rules be waived and House Bill No. 527 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 527 was read the second time by title only.

Senator Murphy moved that the rules be further waived and House Bill No. 527 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 527 was read the third time in full.

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

Yeas—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, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Sweger, Tervin, Tillman, Touchton, Turner, Watson—37.

Nays—None

So the bill passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 533, contained in the above message, was read the first time by title only and referred to the Committee on Cities & Towns.

And House Bill No. 591, contained in the above message, was read the first time by title only and placed on the Calendar of Local Bills on second reading.

Also—

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

Tallahassee, Florida, April 26, 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—

By Mr. Griffis of Okeechobee—

House Bill No. 581:

A bill to be entitled An Act to provide for the sale on compromise offers, without advertisement, of all tax certificates held by the State of Florida for the year 1931 and/or prior years, covering lands in Okeechobee County, Florida, and providing that any and all sales shall be approved by the Board of County Commissioners of said County, and providing that the amount of the State tax covered by said certificates shall not be subject to compromise but shall be paid in full as provided by law.

Proof of publication attached.

Also has passed—

By Mr. Griffis, of Okeechobee—

House Bill No. 582:

A bill to be entitled An Act providing for the ratification and confirmation of each and every tax settlement made by the Clerk of the Circuit Court and/or tax collector of Okeechobee County, Florida on tax certificates heretofore issued for non-payment of taxes on lands situated in said County, and providing that all assessments for State taxes shall be paid in full as provided by law.

Proof of publication attached.

Also has passed—

By Mr. Price, of Hardee—

House Bill No. 593:

A bill to be entitled An Act to repeal Chapter 11411 of the Special Laws of Florida, 1925, the same being "An Act to validate and confirm an issue of \$50,000 bonds issued for and upon behalf of the town of Bowling Green, Florida, and to provide for the levy and collection of a Tax to pay the principal and interest thereof."

Also has passed—

By Mr. Robineau of Dade—

House Bill No. 575:

A bill to be entitled An Act to authorize and empower the Board of County Commissioners of Dade County, Florida, to levy upon all real and personal property, subject to taxation within Dade County, Florida, beginning with the year A. D. 1935, an annual tax in addition to all other taxes, not to exceed one mill, which shall be assessed and collected as other taxes are assessed and collected, for the purpose of maintaining, keeping in repair and improving the causeway or fill across Biscayne Bay, in said County, extending from the Eastern terminus of N. E. 79th Street in the City of Miami in an Easterly direction across Biscayne Bay, and the bridges, viaducts and approaches connected thereto, and all property located thereon, or attached thereto, owned by said County or in which said County holds a beneficial interest.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,  
**WELDON G. STARRY,**  
 Chief Clerk House of Representatives.

And House Bills Nos. 581, 582, 593 and 575, contained in the above message, were read the first time by titles only and placed on the Calendar of Local Bills on second reading.

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

Tallahassee, Florida, April 26, 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—

By Mr. Rogers, of Broward —  
 House Bill No. 603:  
 A bill to be entitled An Act apportioning the monies received from the State Treasurer by the County Commissioners of Broward County, Florida, which said moneys shall be received from the State Treasurer under and by virtue of laws of the State of Florida, to-wit: Senate Bill 361, providing for State Racing Commission, etc., which said bill is An Act of the Legislature of 1931; and providing that monies so received by said County Commissioners shall be paid over to the County Board of Public Instruction for the sole purpose of paying teacher's salaries and transportation costs incurred in the current school year that said above mentioned funds are received.

Proof of publication attached.

Also has passed:  
 By Mr. Rogers, of Broward—  
 House Bill No. 597:  
 A bill to be entitled An Act exempting from taxation and from judicial sale all property owned and held by Broward County Port Authority, governing authority of Broward County Port District, a special taxing district situated in Broward County, Florida.

Proof of publication attached.

Also has passed:  
 By Mr. Harrell, of Hamilton—  
 House Bill No. 622:  
 A bill to be entitled An Act to amend Section 7 and Section 17 of Chapter 5368, Laws of Florida, Session of the Legislature of 1903, same being An Act to legalize the incorporation of the Town of White Springs, in Hamilton County, Florida, to fix and define the boundaries thereof, to declare the incorporation and ordinances of said town valid and of full force and effect, and to provide for its jurisdiction, powers and privileges, as amended by Chapter 9115, Laws of Florida, of 1921, said amendatory Act, being an Act amending Sections 2, 7, 40, 43, 46 and 62, of Chapter 5368, Laws of Florida.

Also has passed:  
 By Mr. Robinson, of Wakulla—  
 House Bill No. 574:  
 A bill to be entitled An Act to provide for the disposition of funds that may be received by the County of Wakulla, State of Florida, from race track funds, under the provisions of Chapter 14832, Laws of Florida, Acts of 1931, or any Acts amendatory or supplementary thereto, or any other race track Acts.

Proof of publication attached.  
 And respectfully requests the concurrence of the Senate therein.

Very respectfully,  
**WELDON G. STARRY,**  
 Chief Clerk House of Representatives.

And House Bill No. 603, contained in the above message, was read the first time by title only.

Senator Beacham asked unanimous consent of the Senate to take up and consider House Bill No. 603 at this time.  
 Which was agreed to.

Senator Beacham moved that the rules be further waived and House Bill No. 603 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 603 was read the second time by title only.

Senator Beacham moved that the rules be further waived and House Bill No. 603 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.  
 And House Bill No. 603 was read the third time in full.

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

Yeas—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, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Sweger, Tervin, Tillman, Touchton, Turner, Watson—37.

Nays—None.  
 So the bill passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 597, contained in the above message, was read the first time by title only and placed on the Calendar of Local Bills on second reading.

And House Bill No. 622, contained in the above message, was read the first time by title only.

Senator Adams asked unanimous consent of the Senate to take up and consider House Bill No. 622 at this time.  
 Which was agreed to.

Senator Adams moved that the rules be waived and House Bill No. 622 be read the second time by title only.

Which was agreed to by a two-thirds vote.  
 And House Bill No. 622 was read the second time by title only.

Senator Adams moved that the rules be further waived and House Bill No. 622 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.  
 And House Bill No. 622 was read the third time in full.

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

Yeas—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, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Sweger, Tervin, Tillman, Touchton, Turner, Watson—37.

Nays—None.  
 So the bill passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 574, contained in the above message, was read the first time by title only and placed on the Calendar of Local Bills on second reading.

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

Tallahassee, Fla., April 26, 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—

By Mr. Robineau, of Dade—  
 House Bill No. 564:  
 A bill to be entitled An Act to repeal Chapter 9419 of the Laws of Florida, enacted in 1923 and entitled: "An Act to authorize and empower the Board of County Commissioners of Dade County, Florida, to levy upon all real and personal property, subject to taxation within Dade County, Florida, beginning with the year A. D. 1923, an annual tax in addition to all other taxes, not to exceed one mill, which shall be assessed and collected as other taxes are assessed and collected, for the purpose of maintaining, keeping in repair and improving the causeway or fill across Biscayne Bay, in said County, connecting the Cities of Miami and Miami Beach, and the bridges, viaducts and approaches connected thereto, and all property located thereon or attached thereto, owned by said county, or in which said county holds a beneficial interest."

Proof of publication attached.

Also has passed—

By Mr. Robineau, of Dade—  
 House Bill No. 557:  
 A bill to be entitled An Act "to authorize Dade County to

acquire and hold land for park purposes, and authorizing the levy of a special tax to pay for same and to pay for lands to be used for rights of way for roads."

Proof of publication attached.

Also has passed—

By Mr. Griffis, of Okeechobee—

House Bill No. 505:

A bill to be entitled An Act for the cancellation of all delinquent county and municipal taxes and all delinquent special assessments except State taxes against all homesteads situated within the County of Okeechobee, Florida.

Proof of publication attached.

Also has passed—

By Mr. Griffis, of Okeechobee—

House Bill No. 681:

A bill to be entitled An Act providing that municipal taxes and special assessments levied and imposed by the City of Okeechobee, Florida against any property within said City for the year 1934 and all prior years shall be payable in any bonds or interest coupons of the said City.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

WELDON G. STARRY,

Chief Clerk House of Representatives.

And House Bills Nos. 564 and 557, contained in the above message, were read the first time by titles only and placed on the Calendar of Local Bills on second reading.

And House Bill No. 505, contained in the above message, was read the first time by title only.

Senator Raulerson asked unanimous consent of the Senate to take up and consider House Bill No. 505 at this time.

Which was agreed to.

Senator Raulerson moved that the rules be waived and House Bill No. 505 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 505 was read the second time by title only.

Senator Raulerson moved that the rules be further waived and House Bill No. 505 be read the third time in full and upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 505 was read the third time in full.

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

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

Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 681, contained in the above message, was read the first time by title only and placed on the Calendar of Local Bills on second reading.

Also—

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

Tallahassee, Fla., April 26, 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 refused to concur in Senate amendment to House Bill No. 54:

House Bill No. 54:

A bill to be entitled An Act extending the time for the payment of maturities in interest and principal or other forms of indebtedness for which any county, political subdivision, municipality or taxing district is liable; providing the method by which the courts of this State shall enter peremptory writs of mandamus or orders in other legal proceedings in suits instituted for the levy of taxes in the various counties, political subdivisions, municipalities or taxing districts in the State of Florida.

Which amendment is as follows:

Senate Amendment to House Bill No. 54:

In (typewritten bill), strike out Section 2 and insert in lieu thereof the following: Section 2. That this Act is passed under the police power of the State and should be liberally construed by the Courts with a view of carrying out the purposes of this Act.

And respectfully request that the Senate recede from said amendment.

Very respectfully,

WELDON G. STARRY,

Chief Clerk House of Representatives.

Senator Beacham moved that the Senate recede from the Senate amendment to House Bill No. 54, as contained in the above message.

Which was agreed to.

And the Senate receded from the Senate amendment to House Bill No. 54.

Also—

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

Tallahassee, Fla., April 26, 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—

By Mr. Rogers, of Broward—

House Bill No. 588:

A bill to be entitled An Act relating to the substitution of Broward County Port Authority, the governing authority of the Broward County Port District, a Special Taxing District in Broward County, Florida, in the place and stead of the Cities of Fort Lauderdale and Hollywood, respectively, as sole obligor on certain negotiable Bonds issued by the City of Fort Lauderdale on September 1, 1926, aggregating two million dollars, and by the City of Hollywood on June 15, 1926, aggregating two million dollars; and declaring the intention of the Legislature with respect thereto; a finding and determination by the Legislature of certain facts with reference to the issuance of said Bonds and the subsequent assumption thereof by said Broward County Port Authority; and providing for the release and discharge of the said Cities of Fort Lauderdale and Hollywood from the obligation of paying said Bonds and interest coupons.

Proof of publication attached.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

WELDON G. STARRY,

Chief Clerk House of Representatives.

And House Bill No. 588, contained in the above message, was read the first time by title only and placed on the Calendar of Local Bills on second reading.

Also—

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

Tallahassee, Fla., April 26, 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—

By Messrs. Cole and Merritt, of Escambia—

House Bill No. 668:

A bill to be entitled An Act to amend Section sixty-seven of Chapter 15425 and to amend and supplement Chapter 15425 of the Laws of 1931 relating to the City of Pensacola by adding thereto Section 104; to provide for the creation and election of a civil service board for employees of the City of Pensacola, to provide its duties, to provide for disqualifications of board members, to provide for the method by which employees may become members of the civil service of the City of Pensacola, and their rights and privileges thereunder, to declare the failure to answer a subpoena before the civil service board to be unlawful and declaring same to be a misdemeanor; to provide for the compensation to be allowed to witnesses before said board.

Also has passed—

By Mr. Coogler, of Hernando—  
House Bill No. 163:

A bill to be entitled An Act providing for the creation for each county of a delinquent tax adjustment board prescribing the powers, and duties of such board; providing for the creation of a delinquent tax adjustment board of appeals and prescribing the powers and duties of such board; providing for the compromise and adjustment of tax sales certificates held by the State upon certain conditions.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,  
WELDON G. STARRY,  
Chief Clerk House of Representatives.

And House Bill No. 668, contained in the above message, was read the first time by title only and placed on the Calendar of Local Bills on second reading.

And House Bill No. 163, contained in the above message, was read the first time by title only and referred to the Committee on Finance & Taxation.

Also—

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

Tallahassee, Fla., April 26, 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—

By Senator Mann—  
Senate Bill No. 371:

A bill to be entitled An Act requiring the City of Lake Butler, Florida, to accept bonds or other indebtednesses of said City, whether matured or unmatured and/or whether matured bonds or interest coupons of any indebtednesses against the City of Lake Butler, Florida, in payment of any and all general or special assessments made by the said City of Lake Butler in any taxable year, and in payment of any taxes levied and assessed by the said City in any taxable year.

And respectfully request the concurrence of the Senate therein.

Very respectfully,  
WELDON G. STARRY,  
Chief Clerk House of Representatives.

And Senate Bill No. 371, contained in the above message, was referred to the Committee on Enrolled Bills.

Also—

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

Tallahassee, Fla., April 26, 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 adopted—

By Senator Rose—  
Senate Concurrent Resolution No. 13:

A Memorial to the Congress of the United States: WHEREAS, an infestation of Mediterranean fruit fly from an unknown source, was lately discovered in the State of Florida, and in accomplishing its complete eradication, through regulations promulgated by the United States Department of Agriculture, growers of citrus fruits, vegetables and other agricultural products in the State of Florida suffered great losses, and had to sacrifice their own property to the common good; and

WHEREAS, the Mediterranean fruit fly is a pest that might well destroy the fruits, vegetables and other farm products throughout the entire southern half of the United States, and to permit its spread would have cost untold millions of dollars in control and a shortage in essential food products; therefore,

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF FLORIDA:

Section 1. That the Congress of the United States be, and it is hereby, requested and urged to provide an appropriation of money from the Treasury of the United States to reimburse citrus and vegetable growers and others who were damaged by reason of the campaign for the eradication of the Mediterranean fruit fly.

Section 2. That copies of this resolution be duly authenticated and delivered to the President of the United States and to the presiding officers of the United States Senate and the House of Representatives of the United States.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,  
WELDON G. STARRY,  
Chief Clerk House of Representatives.

And Senate Concurrent Resolution No. 13, contained in the above message, was referred to the Committee on Enrolled Bills.

Also—

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

Tallahassee, Fla., April 26, 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 adopted—

By Senator Rose—  
Senate Concurrent Resolution No. 12:

A resolution endorsing the holding of an exposition at Orlando, Florida, known as "Florida on Parade."

WHEREAS, it is proposed by public spirited citizens and organizations of the State of Florida to hold an Exposition at Orlando, Florida, known as "Florida on Parade", and to thereby assemble for inspection the products, and the symbols of the advantages and opportunities of the entire State of Florida, and to attract visitors from all over the World that they may see for themselves these advantages and opportunities; therefore,

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES:

Section 1. That the said "Florida on Parade", be, and the same is hereby, declared to be a project of state-wide interest and is declared further to be a public purpose, and entitled to the support of the public and private interests of the entire State of Florida.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,  
WELDON G. STARRY,  
Chief Clerk House of Representatives.

And Senate Concurrent Resolution No. 12, contained in the above message, was referred to the Committee on Enrolled Bills.

Also—

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

Tallahassee, Fla., April 26, 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 adopted—

By the Committee on Rules & Calendar—  
Senate Concurrent Resolution No. 11:

WHEREAS, thus far in the Session, the Senate has each day cleared its Calendar of all matters proper to be considered under the rules, and

WHEREAS, no legislation of a general nature and of vital importance to the fiscal operations of the State has yet been reached in either House, and

WHEREAS, the time has arrived when the legislature should begin the serious consideration of a definite program covering the raising of revenue and making all adequate appropriations for the maintenance of the necessary functions of government.

THEREFORE, be it resolved by the Senate, the House of Representatives concurring, that the Committee on Rules and Calendar of the Senate, and the Committee on Rules of the House of Representatives meet in Joint Session on Friday, April 26, 1935, and from time to time thereafter, for the purpose of considering, deciding and reporting to the respective Houses, a definite and coordinated program of legislation covering the vital and important matters demanding attention at this Session.

BE IT FURTHER RESOLVED: That upon the filing and approval by the respective Houses of such report, the program

therein contained, and the bills necessary to and covering the same, to be named by such Joint Committee, be made a special and continuing order of business at a time certain to be fixed in said report, or in a separate report of the respective committees aforesaid.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,  
WELDON G. STARRY,  
Chief Clerk House of Representatives.

And Senate Concurrent Resolution No. 11, contained in the above message, was referred to the Committee on Enrolled Bills.

Senate Bill No. 101:

A bill to be entitled An Act to eradicate the "chainstore," "commissary" and "itinerant merchant" evils, declaring an emergency to exist in this State by reason of the spread of these evils and providing regulations for the business of retail merchandising in intrastate commerce in this State to meet this emergency and to eradicate these evils; requiring a permit to sell merchandise at retail, limiting the issuance of such permits to individuals who are bona fide residents of Florida, to partnerships in which all part owners are bona fide residents of Florida and to corporations in which all stock is owned by bona fide residents of Florida, requiring that the charters of all corporations securing such permits shall contain certain provisions and restrictions upon the ownership of stock, the residence of officers, directors and stockholders, and the scope of activity and the authority of such corporations, limiting the issuance of permits to partnerships in which part owners have not as individuals or as members of other partnerships secured a permit, classifying merchandising and limiting the issuance of permits to one for each classification to any one person, firm or corporation, providing for a general merchandising permit and limiting the issuance of such permits to one for any one person, firm or corporation, providing that permits shall not be issued for a business to be conducted in connection with or incidental to any other retail, wholesale or distributing business and that the business to be conducted under any such permit shall be conducted in a store entirely separate from any other store and having no connection with any other store, providing that no permit may be issued for a business which is to be subsidiary to or related in anywise to any mill, mining or manufacturing business, providing that no such permit shall issue to any applicant who is engaged in any combination, conspiracy or agreement with other permittees to buy all or the large majority of his merchandise from one concern or in cooperation with other permittees, providing that no permit shall be issued to any applicant who is to be the agent of any concern whose principal business is that of retail merchandising, providing that no such permit shall be issued to any applicant who is engaged in any combination, conspiracy or agreement with some other person or firm to operate, manage or supervise the business to be conducted, providing that no such permit shall be issued to any applicant who is to purchase all or the large majority of his merchandise from any person or concern whose principal business is that of retail merchandising, providing that no such permit shall be issued if the business for which it is issued or the assets of said business or evidence of interest in said business has been hypothecated to any person or concern whose principal business is that of retail merchandising or to any person or concern in privity to a person or concern whose principal business is that of retail merchandising, providing for the application for the issuance of such permits, the fees to be paid for such permits, the substance of such permits, and the limits upon such permits, empowering the Comptroller of the State of Florida to enforce and administer these provisions and issue such permits, providing for the annual renewal of such permits, empowering the Comptroller to require information from permittees to determine whether such permits are subject to revocation, requiring that such permits be prominently displayed at the place of business issued for, empowering the Comptroller or the Circuit Court to revoke such permits on grounds enumerated therein, providing remedies for the enforcement of said Act, defining false statements made in securing such permits as perjury and providing penalties upon conviction thereof, defining the sale of merchandise at retail in intrastate commerce without first securing a permit as a misdemeanor and providing penalties upon conviction thereof, excepting from its operation certain services, labor and merchandise under certain circumstances, defining the terms "selling at retail", "retail merchandising" and

"merchandise" and including a separability clause and an emergency clause as to effective date.

Was taken up in its order as a Special and Continuing order, having been read the second time in full on April 25, 1935, which was pending amendment at the hour of adjournment on April 25, 1935.

The consideration of the following amendment, offered by Senator Beall to Senate Bill No. 101, which was pending adoption at the hour of adjournment on April 25, 1935, was resumed:

Add a new Section, to be numbered "36-A" as follows:

"36-A. Provided however, that this Act shall not take effect or become effective unless and until it has been submitted to the qualified voters of the State of Florida, at the next occurring Primary or General Election, and unless a majority of such qualified voters at such election shall vote in favor of adoption of this Act; provided further that this Act shall be submitted to said vote of qualified electors but one time. The ballot in such election shall be in the following words and figures:

" 'Anti Chain Store Act:

.....Yes  
.....No.' "

Senator Beall having moved the adoption of the amendment on April 25, 1935.

Pending adoption of the amendment offered by Senator Beall to Senate Bill No. 101, Senator Tillman moved that the rules be waived and that when the Senate adjourns it adjourn to reconvene at 2:30 o'clock P. M., this day.

Pending the adoption of the motion made by Senator Tillman, Senator Gomez moved, as a substitute motion, that the rules be waived and that when the Senate adjourns it adjourn to reconvene on Monday, April 29th, at 3:30 o'clock, P. M.

The question was put on the adoption of the substitute motion made by Senator Gomez.

Which was not agreed to.

The question then recurred on the adoption of the motion made by Senator Tillman.

Upon which a roll call was demanded.

Upon the adoption of the motion made by Senator Tillman the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Black, Butler, Futch, Lewis, McArthur, McKenzie, MacWilliams, Mann, Murphy, Nordman, Pannill, Parker, Parrish, Raulerson, Savage, Shivers, Sikes, Tervin, Tillman, Touchton—23.

Nays—Senators Bass, Beall, Clarke, Gillis, Gomez, Harper, Holland, Lundy, Shelley, Smith (14th), Smith (29th), Sweger, Turner, Watson—14.

So the motion failed of adoption.

Pending adoption of the amendment offered by Senator Beall, Senator Tillman moved that the rules be waived and that when the Senate adjourns it adjourn to reconvene at 3:00 o'clock, P. M. this day.

The question was put on the adoption of the motion made by Senator Tillman.

Upon which a roll call was demanded.

Upon the adoption of the motion the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Black, Butler, Futch, Lewis, Lundy, McArthur, McKenzie, MacWilliams, Murphy, Nordman, Pannill, Parker, Parrish, Raulerson, Savage, Shivers, Sikes, Tervin, Tillman, Touchton, Turner, Watson—25.

Nays—Senators Bass, Beall, Clarke, Gillis, Harper, Holland, Mann, Shelley, Smith (14th), Smith (29th), Sweger—11.

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

Pending the adoption of the amendment offered by Senator Beall to Senate Bill No. 101, the hour of adjournment having arrived, a point of order was called and the Senate took a recess at 1 o'clock P. M. until 3:00 o'clock P. M. this day.

## AFTERNOON SESSION

The Senate convened at 3:00 o'clock P. M., pursuant to recess order.

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, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Sweger, Terwin, Tillman, Touchton, Turner, Watson—37.

Senate Chamber,  
Tallahassee, Fla., April 26, 1935.

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

Your Committee on Motor Vehicles, to whom was referred:

Senate Bill No. 326:

A bill to be entitled An Act providing for the payment of all moneys derived from the tax of three cents per gallon on the sale and/or storage of all gasoline and other like products of petroleum sold and/or stored in the State of Florida, said tax being designated in Chapter 15659, Laws of Florida, Acts of 1931, as "Second Gas Tax," into the State Treasury to the credit of the county school fund; providing for the disposition of said funds; and providing that this Act is an emergency measure and shall be of no force and effect from and after July 1, 1937; and providing the effect of this act on other existing laws.

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

Very respectfully,

H. G. MURPHY,  
Chairman of Committee.

And Senate Bill No. 326, contained in the above report, was laid on the table.

Senator Murphy, Chairman of the Committee on Motor Vehicles, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 26, 1935.

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

Your Committee on Motor Vehicles, to whom was referred:

Senate Bill No. 263:  
A bill to be entitled An Act to provide an additional and supplemental method of creating, preserving, enforcing and recording liens in favor of persons furnishing labor and materials in repair of personal property and in favor of garage men, mechanics and other persons furnishing labor and materials upon motor vehicles, and providing for the recordation of such liens with the Motor Vehicle License Commissioner in a book to be provided in the office of such commissioner known as "Labor and Material Man's Book," and providing a fee for the recording of such notice and providing that the Commissioner shall show the existence of such liens upon new certificates of title as provided by Section 3, Chapter 9157, Laws of Florida, Acts of 1932, being the same as Section 3979, Compiled General Laws and any amendments thereto.

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

Very respectfully,

H. G. MURPHY,  
Chairman of Committee.

And Senate Bill No. 263, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Murphy, Chairman of the Committee on Motor Vehicles, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 26, 1935.

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

Your Committee on Motor Vehicles, to whom was referred:

Senate Bill No. 302:  
A bill to be entitled An Act to amend Section 1031 Revised General Statutes of Florida, being Section 1304 Compiled General Laws of Florida relating to the operation, licensing and taxing of motor vehicles, trailers, semi-trailers and motorcycle side cars, as amended by Chapter 8410, Laws of Florida, Acts of 1921, and as amended by Chapter 15625, Laws of Florida, Acts of 1931, by appropriating to the State Road Department all money paid into the State Treasury under the provisions of law relating to the licensing of motor vehicles, except money required for the motor vehicle expense fund and money required for operating expenses.

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

Very respectfully,

H. G. MURPHY,  
Chairman of Committee.

A quorum present.

By permission the following reports were received:

Senator Clarke, Chairman of the Committee on Banking & Building & Loans, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 26, 1935.

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

Your Committee on Banking & Building & Loans, to whom was referred:

Senate Bill No. 282:

A bill to be entitled An Act providing for the organization and operation of Morris Plan Banks, providing for the incorporation thereof, their organization, powers and activities, including the terms of their loans, for the conversion of existing Morris Plan Domestic Corporations into Morris Plan Banks. Providing for such Morris Plan Banks to become members of the Federal Reserve Bank and the Federal deposit insurance corporation, and declaring certain acts repealed or inapplicable.

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

Amendment No. 1:

After Section 14 add the words:

Section 14½. The term "Morris Plan Bank" where used in this Act shall be construed to include any similar plan bank meeting all requirements of this law and operating thereunder, and such similar plan bank may use the word Bank in their corporate name, provided it is so qualified and limited that such bank will be distinguished from commercial banks under the Florida laws, and provided that the Comptroller of the State of Florida shall authorize and approve the same.

Very respectfully,

S. D. CLARKE,  
Chairman of Committee.

And Senate Bill No. 282, contained in the above report, together with Committee Amendment thereto, was placed on the Calendar of Bills on second reading.

Senator Rose, Chairman of the Committee on Finance & Taxation, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 18, 1935.

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

Your Committee on Finance & Taxation, to whom was referred:

Senate Bill No. 326:

A bill to be entitled An Act providing for the payment of all moneys derived from the tax of three cents per gallon on the sale and/or storage of all gasoline and other like products of petroleum sold and/or stored in the State of Florida, said tax being designated in Chapter 15659, Laws of Florida, Acts of 1931, as "second gas tax" into the State Treasury to the credit of the county school fund; providing for the disposition of said funds; and providing that this act is an emergency measure and shall be of no force and effect from and after July 1, 1937; and providing the effect of this act on other existing laws.

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

Very respectfully,

WALTER W. ROSE,  
Chairman of Committee.

And Senate Bill No. 326, contained in the above report, was laid on the table.

Senator Murphy, Chairman of the Committee on Motor Vehicles, submitted the following report:

And Senate Bill No. 302, contained in the above report, was laid on the table.

Senator Murphy, Chairman of the Committee on Motor Vehicles, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 26, 1935.

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

Sir:

Your Committee on Motor Vehicles, to whom was referred:

Senate Bill No. 339:

A bill to be entitled An Act to amend Section 3 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, Acts of 1921, and by Chapter 10182, Laws of Florida, Acts of 1925, being Section 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, etc.

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

Very respectfully,

H. G. MURPHY,  
Chairman of Committee.

And Senate Bill No. 339, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Murphy, Chairman of the Committee on Motor Vehicles, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 26, 1935.

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

Sir:

Your Committee on Motor Vehicles, to whom was referred:

Senate Bill No. 421:

A bill to be entitled An Act to amend Section 1, Chapter 10186, Laws of Florida, Acts of 1925, being Section 1318, Compiled General Laws of Florida, 1927, relating to speed of motor vehicles.

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

Very respectfully,

H. G. MURPHY,  
Chairman of Committee.

And Senate Bill No. 421, contained in the above report, was laid on the table.

#### 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 26, 1935.

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

Sir:

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

House Bill No. 31:

A bill to be entitled An Act to authorize the Board of Public Instruction of Jackson County, Florida, to transfer certain school funds to the Board of County Commissioners of Jackson County, Florida, to be used to pay certain obligations incurred by reason of publicizing the State of Florida at "A Century of Progress," recently held in Chicago, Illinois.

Also—

House Bill No. 301:

A bill to be entitled An Act to authorize the Board of Pilot

Commissioners to employ an Attorney, and to provide for the payment by the Board of County Commissioners of Bay County, of the salary of such Attorney, and of other expenses incurred by the Board of Pilot Commissioners.

Also—

House Bill No. 185:

A bill to be entitled An Act authorizing the Board of Supervisors of Melbourne-Tillman Drainage District in Brevard County, in its discretion to provide for acceptance of cash or said District's bonds and past due coupons at par in payment in advance of total taxes (debt service taxes) levied against lands in said District; and validating all actions of said Board and the officers of said District in heretofore accepting the District's bonds and coupons in payment of total taxes in advance and in payment of past due and current drainage taxes.

Also—

House Bill No. 501:

A bill to be entitled An Act authorizing the Board of Public Instruction of Okeechobee County, Florida, to transfer all funds now in the general school bond interest and sinking fund of said county to the General School Fund of said county; said funds having accrued pursuant to taxes levied and paid for the payment of bonds issued June first, 1925, to erect a high school building and for the creation of a bond interest and sinking fund.

Also—

House Bill No. 285:

A bill to be entitled An Act requiring the nominations of all County Commissioners and members of the Boards of Public Instruction in certain counties of the State of Florida, to be by the electors of the county-at-large, instead of by districts, repealing Chapter 15955, of the General Laws of Florida of 1933, and providing for a referendum.

Also—

House Bill No. 489:

A bill to be entitled An Act creating a municipal court for the Town of Apopka City, Florida, providing the duties of such court, and the method of election of a Judge to preside over same, and providing the term of office and the dismissal of such officer, and the method of fixing compensation for such officer.

Also—

House Bill No. 97:

A bill to be entitled An Act authorizing and empowering the Board of Supervisors of Indian River Farms Drainage District, a drainage district duly organized and existing under the Laws of the State of Florida, in Indian River County, Florida, to invest in bonds and/or interest coupons of said district, any and all funds now or hereafter held by said district, as payment in full or in part of future accruing assessed benefits against lands in said district.

Also—

House Bill No. 500:

A bill to be entitled An Act providing for the confirmation and ratification of all purchases of Okeechobee County bonds and/or time warrants by the Board of Administration of the State of Florida for or by the Board of County Commissioners of said County, and providing for the cancellation of all such bonds and time warrants.

Also—

House Bill No. 338:

A bill to be entitled An Act to amend Section 9 of Chapter 8949, Laws of Florida, Special Acts of 1921, relating to the City of Fernandina, providing for the creation of the City Commission thereof and providing the manner of election and the terms of office and the filling of the vacancies in such commission and providing that a referendum shall be held to determine whether this Act shall take effect.

Also—

House Bill No. 502:

A bill to be entitled An Act to amend Section 4, and Section 12, Chapter 9718, pertaining to the election of officers of the Town of Crestview.

Also—

House Bill No. 247:

A bill to be entitled An Act to promote the objects of the National Housing Act by authorizing banks, savings banks, trust companies, building and loan associations, insurance

companies, and trustees and other fiduciaries, to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, building and loan associations, insurance companies, trustees and other fiduciaries, the State of Florida and its political subdivisions, and institutions and agencies thereof, to invest in mortgages insured, and in debentures issued, by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations, and to use such securities as collateral or deposit security where required or permitted by statute.

Also—

House Bill No. 446:

A bill to be entitled An Act authorizing and empowering the State Road Department of Florida and Franklin County, Florida, to contract for the control, supervision, maintenance and operation by the State Road Department for said Franklin County of the bridge or causeway constructed for said county across Apalachicola River and East Bay under the provisions of Chapter 15218 Laws of Florida of 1931; and for the collection and application by the State Road Department for said county of the revenues of said bridge in accordance with the provisions of said Act.

House Concurrent Resolution No. 7:

A Concurrent Resolution calling the attention of the motion picture industry and of the world to the advantages in Florida, and especially inviting the motion picture industry to locate in Florida, and that a certified copy of the Resolution be dispatched to the head of each motion picture producing company by the Secretary of State.

Beg leave to report that the same have 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 Senate.

Senators Beacham and Bass were excused from further attendance upon the session today.

Senator Adams moved that the Senate stand in silent prayer in commemoration of Confederate Memorial Day and in honor of those heroes of the great civil conflict, both living and dead.

Which was unanimously agreed to.

And the Senate stood in silent prayer for one (1) minute.

By Senator Tillman—

Senate Bill No. 101:

A bill to be entitled An Act to eradicate the "chainstore," "commissary" and "itinerant merchant" evils, declaring an emergency to exist in this State by reason of the spread of these evils and providing regulations for the business of retail merchandising in intrastate commerce in this State to meet this emergency and to eradicate these evils; requiring a permit to sell merchandise at retail, limiting the issuance of such permits to individuals who are bona fide residents of Florida, to partnerships in which all part owners are bona fide residents of Florida and to corporations in which all stock is owned by bona fide residents of Florida, requiring that the charters of all corporations securing such permits shall contain certain provisions and restrictions upon the ownership of stock, the residence of officers, directors and stockholders, and the scope of activity and the authority of such corporations, limiting the issuance of permits to partnerships in which part owners have not as individuals or as members of other partnerships secured a permit, classifying merchandising and limiting the issuance of permits to one for each classification to any one person, firm or corporation, providing for a general merchandising permit and limiting the issuance of such permits to one for any one person, firm or corporation, providing that permits shall not be issued for a business to be conducted in connection with or incidental to any other retail, wholesale or distributing business and that the business to be conducted under any such permit shall be conducted in a store entirely separate from any other store and having no connection with any other store, providing that no permit may be issued for a business which is to be subsidiary to or related in anywise to any mill, mining or manufacturing business, providing that no such permit shall issue to any applicant who is engaged in any combination, conspiracy or agreement with other permittees to buy all or the large majority of his merchandise from one concern or in cooperation with other permittees, providing that no permit shall be issued to any applicant who is to be the agent of any concern whose principal business is that of retail merchandising, providing that no such permit shall be issued

to any applicant who is engaged in any combination, conspiracy or agreement with some other person or firm to operate, manage or supervise the business to be conducted, providing that no such permit shall be issued to any applicant who is to purchase all or the large majority of his merchandise from any person or concern whose principal business is that of retail merchandising, providing that no such permit shall be issued if the business for which it is issued or the assets of said business or evidence of interest in said business has been hypothecated to any person or concern whose principal business is that of retail merchandising or to any person or concern in privy to a person or concern whose principal business is that of retail merchandising, providing for the application for the issuance of such permits, the fees to be paid for such permits, the substance of such permits, and the limits upon such permits, empowering the Comptroller of the State of Florida to enforce and administer these provisions and issue such permits, providing for the annual renewal of such permits, empowering the Comptroller to require information from permittees to determine whether such permits are subject to revocation, requiring that such permits be prominently displayed at the place of business issued for, empowering the Comptroller or the Circuit Court to revoke such permits on grounds enumerated therein, providing remedies for the enforcement of said Act, defining false statements made in securing such permits as perjury and providing penalties upon conviction thereof, defining the sale of merchandise at retail in intrastate commerce without first securing a permit as a misdemeanor and providing penalties upon conviction thereof, excepting from its operation certain services, labor and merchandise under certain circumstances, defining the terms "selling at retail", "retail merchandising" and "merchandise" and including a separability clause and an emergency clause as to effective date.

Was taken up in its order as a Special and Continuing order, having been read the second time in full on April 25, 1935, which was pending amendment at the hour of recess.

The consideration of the following amendment, offered by Senator Beall to Senate Bill No. 101, which was pending adoption at the hour of recess, was resumed:

Add a new Section, to be numbered "36-A" as follows:

"36-A. Provided, however, that this Act shall not take effect or become effective unless and until it has been submitted to the qualified voters of the State of Florida, at the next occurring Primary or General Election, and unless a majority of such qualified voters at such election shall vote in favor of adoption of this Act; provided further that this Act shall be submitted to said vote of qualified electors but one time. The ballot in such election shall be in the following words and figures:

"Anti Chain Store Act:

.....Yes  
.....No."

Senator Beall having moved the adoption of the amendment on April 25, 1935.

Pending the adoption of the amendment offered by Senator Beall to Senate Bill No. 101, Senator Tillman moved that the rules be waived and that when the Senate adjourns it adjourn at 5:00 o'clock.

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

The question was put on the adoption of the amendment offered by Senator Beall to Senate Bill No. 101.

Upon which a roll call was demanded.

Pending the roll call upon the adoption of the amendment offered by Senator Beall to Senate Bill No. 101, Senator MacWilliams moved that the hour of adjournment be extended five (5) minutes.

Which was agreed to and it was so ordered.

Upon the adoption of the amendment offered by Senator Beall to Senate Bill No. 101 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beall, Clarke, Gillis, Gomez, Harper, Lewis, Lundy, Raulerson, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Sweger, Tervin, Turner, Watson—19.

Nays—Senators Black, Butler, McKenzie, Mann, Murphy, Nordman, Pannill, Parker, Parrish, Savage, Touchton—11.

Which was agreed to and the amendment was adopted.

The following 'pairs' were announced and filed with the Secretary:

I am paired with Senator Futch on the adoption of the amendment to Senate Bill No. 101 offered by Senator Beall—if Senator Futch were present he would vote "Nay" and I would vote "Aye."

S. L. HOLLAND

Senator Bass has been called home—If he were present he would vote "Aye" and I would vote "Nay."

W. A. MacWILLIAMS.

The following pair is agreed to:

If Senator McArthur were present he would vote yea.  
Senator Tillman would vote nay.

H. C. TILLMAN,  
A. G. McARTHUR.

The following explanations of votes were filed with the Secretary:

I vote "no"—first, because I do not believe we should impose the expense attendant to a referendum upon the people of Florida.

Second. Because the people of my district have expressed to me their wishes which I am prepared to comply with when a vote on the original bill is taken.

F. B. NORDMAN, JR.

The vote of the people would declare one of two things:

1. That we feel our state has reached the state of development where we are virtually self-sufficient, able to get along without outside capital or participation in our affairs by residents of other states.

2. That there has been no change in Florida's traditional policy of inviting all and sundry in to share our prospects and contribute, as they may, to our progress.

These are the fundamental questions involved in the Chain Store Bill. To be sure it deals with only one phase, retail merchandising, but the implications are inescapable. If we bar out one group of business interests after permitting them to become established here isn't it a fair assumption that we shall move, in due course, to bar others? May we not take it into our heads to make insurance companies liquidate their loans, thus removing competition with our banks on the ground that we should keep the interest money in Florida? May we not bar outside capital from investing in our groves, thus competing with resident growers for the profit on fruit which must, by the way, be sold outside the state? Is it not logical to expect that if we take one step toward isolation we shall continue on this course?

Now that the question of Florida's attitude has been raised, and widely advertised both at home and abroad, the people themselves should give the answer. If we feel that isolation on the ground of self-sufficiency is the best policy let's tell the world and get on with it, so that its fruits may be realized without delay. If our people are of contrary mind it is of advantage to serve notice promptly so that capital will not hesitate, wondering if this is a safe place to invest.

A decision by the Legislature doesn't mean much. Legislatures are notoriously unreliable in interpreting the real will of the people. The best evidence is a popular referendum. Let the people say by a vote on the Chain Store Bill what this State's policy shall be on the matter of its future development.

ARTHUR GOMEZ.

Senator Gillis moved that the Senate do now adjourn.  
Which was agreed to.

And the Senate stood adjourned at 5:04 o'clock P. M., until 11:00 o'clock A. M., Saturday, April 27, 1935.