

JOURNAL OF THE SENATE

Friday, April 16, 1937

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Thursday, April 15, 1937.

The President in the Chair.

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

Mr. President; Senators Adams, Beacham, Beall, Black, Butler, Clarke, Coulter, Dame, Dugger, Gomez, Graham, Harper, Hinely, Hodges, Holland, Johns, Kanner, Kelly, Kendrick, McArthur, McKenzie, Murphy, Nordman, Parker, Parrish, Rose, Savage, Sharit, Smith, Sweger, Tervin, Tillman, Touchton, Walker, Westbrook, Wynn—37.

A quorum present.

Senator Mapoles was excused from attendance upon the Session today.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Thursday, April 15, 1937, was corrected and as corrected was approved.

REPORTS OF COMMITTEES

Senator Parker, Chairman of the Committee on Public Roads and Highways submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 15, 1937.

Hon. D. Stuart Gillis,
President of the Senate.
Sir:

Your Committee on Public Roads and Highways, to whom was referred:

Senate Bill No. 242:

A bill to be entitled An Act to declare, designate and establish a certain state road.

Senate Bill No. 244:

A bill to be entitled An Act to declare, designate and establish a certain state road.

Senate Bill No. 245:

A bill to be entitled An Act to declare, designate and establish a certain state road.

Senate Bill No. 247:

A bill to be entitled An Act to declare, designate and establish a certain state road.

Senate Bill No. 251:

A bill to be entitled An Act to declare, designate and establish a certain state road.

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

Very respectfully,
FRED P. PARKER,
Chairman of Committee.

And Senate Bills Nos. 242, 244, 245, 247 and 251, contained in the above report, were placed on the Calendar of Bills on second reading.

Senator Nordman, Chairman of the Committee on Insurance, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 15, 1937.

Hon. D. Stuart Gillis,
President of the Senate.
Sir:

Your Committee on Insurance, to whom was referred:

Senate Bill No. 11:

A bill to be entitled An Act relating to life, health and accident insurance policies, and health or accident insurance policies; providing that money or other benefit paid as indemnity or benefits under the terms of a policy of health insurance or accident insurance, or health and accident insurance, where

both forms of insurance are contained in the same policy or contract, shall be exempt from the debts of the person so insured; providing that said benefits shall not be liable to attachment, garnishment, or other process, or be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt of the person insured, or any other person who may have a right thereunder.

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

Very respectfully,
F. B. NORDMAN, JR.,
Chairman of Committee.

And Senate Bill No. 11, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Sharit, Chairman of the Committee on Game and Fisheries, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 15, 1937.

Hon. D. Stuart Gillis,
President of the Senate.
Sir:

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

Senate Bill No. 201:

A bill to be entitled An Act to regulate the carrying of firearms out of hunting season within the territorial limits of national forest areas in the State of Florida, and providing penalties for violation of same.

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

Very respectfully,
J. L. SHARIT,
Chairman of Committee.

And Senate Bill No. 201, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Sharit, Chairman of the Committee on Game and Fisheries, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 15, 1937.

Hon. D. Stuart Gillis,
President of the Senate.
Sir:

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

Senate Bill No. 106:

A bill to be entitled An Act to place black bear on the list of game animals, and to provide for a hunting season for same to be of the same duration and to open and close on the same dates as the deer season, and providing penalties for the violation thereof.

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

Very respectfully,
J. L. SHARIT,
Chairman of Committee.

And Senate Bill No. 106, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Sharit, Chairman of the Committee on Game and Fisheries, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 15, 1937.

Hon. D. Stuart Gillis,
President of the Senate.
Sir:

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

Senate Bill No. 200:

A bill to be entitled An Act to make mandatory the sex

identification of all deer killed within the State of Florida, and providing penalties for violation of same.

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

Very respectfully,
J. L. SHARIT,
Chairman of Committee.

And Senate Bill No. 200, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Sharit, Chairman of the Committee on Game and Fisheries, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 15, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

Sir:
Your Committee on Game and Fisheries, to whom was referred:

Senate Bill No. 206:

A bill to be entitled An Act to establish a one-dollar State-wide license for taking fresh water fish applying to all resident male persons of the State of Florida above the age of fifteen, and the same in the amount of Two Dollars applying to all non-resident male persons above the age of fifteen, and providing penalties for the violation of same.

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

Very respectfully,
J. L. SHARIT,
Chairman of Committee.

And Senate Bill No. 206, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Sharit, Chairman of Committee on Game and Fisheries, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 15, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

Sir:
Your Committee on Game and Fisheries, to whom was referred:

Senate Bill No. 232:

A bill to be entitled An Act to prohibit the sale and shipment of tarpon (*Tarpon Atlanticus*) within the State of Florida, and providing penalties for the violation thereof.

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

Very respectfully,
J. L. SHARIT,
Chairman of Committee.

And Senate Bill No. 232, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Black, Chairman of the Committee on Labor and Industry, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

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

Senate Bill No. 66:

A bill to be entitled An Act to repeal Section 2 (23), of Chapter 17481, Acts of 1935: "An Act to provide for and adopt a comprehensive Workmen's Compensation Law for the State of Florida; to provide compensation thereunder for disability or death resulting from an injury arising out of and in the course of employment; limiting, regulating and prohibiting resort to certain common law causes of action and/or defenses in cases falling within the purview of this Act; imposing certain duties and exactions upon employers and/or employees falling within the scope of this law; defining the employments subject hereto and delimiting the application of this Act as applied to other employments and setting up an agency of the State for the administration hereof.

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

Very respectfully,
R. L. BLACK,
Chairman of Committee.

And Senate Bill No. 66, 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 15, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

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

Senate Bill No. 144:

A bill to be entitled An Act to amend Section 6027 of the Revised General Statutes of Florida (being Section 8321, Compiled General Laws) relating to the issuance and service of process in criminal cases.

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

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

And Senate Bill No. 144, 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 15, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

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

Senate Bill No. 166:

A bill to be entitled An Act relating to the guardianship of weak-minded and physically incapacitated persons by the appointment of a curator to take charge of their property, and, if necessary, a guardian to take charge of their persons, prescribing the form of petition, notice of hearing and procedure with reference to making said appointment, powers and duties of curator and of guardian, discharge of curator and of guardian appointed under the provisions of this Act, effect of the decree of appointment and provisions for safeguarding the property and interests of said weak-minded or physically incapacitated persons.

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

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

And Senate Bill No. 166, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Tervin, Chairman of the Committee on Judiciary "B," submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

Sir:
Your Committee on Judiciary "B," to whom was referred:

Senate Bill No. 48:

A bill to be entitled An Act relating to the adverse possession of lands, tenements and hereditaments, providing that no adverse possession thereof shall be sufficient to divest the title of the true and legal owner thereof as long as all taxes due and payable against the same shall have been paid by or for account of such owner, providing that such payment of all taxes due and payable against lands, tenements and hereditaments before the expiration of the statutory period of adverse possession shall toll adverse possession thereof, and saving to any person in adverse possession his right to maintain betterment proceedings as provided by law.

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

Very respectfully,
WALLACE TERVIN,
Chairman of Committee.

And Senate Bill No. 48, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Tervin, Chairman of the Committee on Judiciary "B," submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

Sir:

Your Committee on Judiciary "B" to whom was referred:

Senate Bill No. 60:

A bill to be entitled An Act to repeal Chapter 9278 Laws of Florida, Acts of 1923, as amended by Chapter 17086, Laws of Florida, Acts of 1935, relating to the voluntary resignation and retirement of Justices of the Supreme Court of Florida under certain conditions with pay.

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

Very respectfully,
WALLACE TERVIN,
Chairman of Committee.

And Senate Bill No. 60, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Tervin, Chairman of the Committee on Judiciary "B," submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

Sir:

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

Senate Bill No. 65:

A bill to be entitled An Act relating to the adverse possession of lands and real property, providing for the requiring of a written notice of claim by adverse possession, not less than two years prior to the end of the statutory period providing for such adverse possession before such adverse possession can divest the title of the fee simple owner or bar the right of such owner to recover possession from the adverse claimant: Providing the contents and substantially the form of such written notice, providing for the requiring of a written notice of title by adverse possession theretofore acquired in cases where such adverse possession shall have ceased after the acquisition of title by adverse possession: Providing the contents and substantially the form of such written notice.

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

Very respectfully,
WALLACE TERVIN,
Chairman of Committee.

And Senate Bill No. 65, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Butler, Chairman of the Committee on Constitutional Amendments, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

Sir:

Your Committee on Constitutional Amendments, to whom was referred:

Joint Resolution No. 256:

A Joint Resolution relating to the Call of a Convention to revise the Constitution of the State of Florida;

And—

Joint Resolution No. 196:

A Joint Resolution proposing the Amendment of Section 1 of Article 9 of the Constitution relating to the Taxation of real, personal and intangible property;

And—

Joint Resolution No. 193:

A Joint Resolution proposing the Repeal of Section 6 of Article XII of the Constitution, relating to the One Mill School Tax.

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

Very respectfully,
J. TURNER BUTLER,
Chairman of Committee.

And Joint Resolutions Nos. 256, 196 and 193, contained in the above report, were placed on the Calendar of Bills on second reading.

Senator Butler, Chairman of the Committee on Constitutional Amendments, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

Sir:

Your Committee on Constitutional Amendments, to whom was referred:

Senate Joint Resolution No. 229:

Proposing to Amend Section 22 of Article V of the Constitution of the State of Florida relating to Justices of the Peace.

Have had the same under consideration, and report same without recommendation.

Very respectfully,
J. TURNER BUTLER,
Chairman of Committee.

And Senate Joint Resolution No. 229, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Parker, Chairman of the Committee on Public Roads and Highways, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

Sir:

Your Committee on Public Roads and Highways, to whom was referred:

Senate Bill No. 191:

A bill to be entitled An Act to require motor trucks and combinations thereof, when operating upon highways in the State of Florida at night, to be equipped with portable flares, and providing for use of same; and prescribing penalties for violation of said Act.

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

Amendment No. 1:

In title (typewritten bill) strike out the words "at night" and after the words "portable flares" add the following "and other warnings."

Amendment No. 2:

At the end of Section 1 delete the period and insert the following: "provided, however, that portable electric lights, portable red reflectors or other equally effective portable warnings that are plainly visible from vehicles approaching from both directions for at least 200 feet, may be used in lieu of the flare in this Section provided to be carried and used in manner and form aforesaid. Such portable flares or warnings shall be so placed as to outline the dimensions in width of the stopped vehicle and so arranged that the warnings on each side of the vehicle shall be visible to the drivers of approaching vehicles at a distance of at least 200 feet."

Amendment No. 3:

At the end of Section 1 add the following as Section 2: "At all other times than specified in Section 1, red flags shall be provided and used and so placed as to be visible to approaching vehicles when they arrive within 200 yards of a stopped motor truck or combination thereof subject to this Act."

Amendment No. 4:

In Section 2 (typewritten bill), strike out the words "Section 2" and insert in lieu thereof the following "Section 3."

Amendment No. 5:

In Section 3 (typewritten bill) strike out the words "Section 3" and insert in lieu thereof the following "Section 4."

Very respectfully,
F. P. PARKER,
Chairman of Committee.

And Senate Bill No. 191, 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 and Elections, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

Sir:

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

Senate Bill No. 149:

A bill to be entitled An Act to amend Section 16, Acts of the 1929 Session of the Legislature, Laws of Florida, the same being a law fixing and prescribing the period of time in which poll taxes shall be paid as a prerequisite for voting at a primary election, and requiring registration as a prerequisite for voting.

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

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

And Senate Bill No. 149, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,
Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

Sir:

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

Senate Bill No. 126:

A bill to be entitled An Act to amend Sections 326 of the Revised General Statutes of the State of Florida for the year 1920, which is Section 383 of the Compiled General Laws of the State of Florida for the year 1927, relating to the oath of a candidate for office in the primary election laws of the State of Florida, or any municipality or political subdivision thereof.

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

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

And Senate Bill No. 126, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,
Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

Sir:

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

Senate Bill No. 180:

A bill to be entitled An Act relating to General and Special Elections held in the State of Florida, providing for the preparation and form of ballot to be used in connection therewith, authorizing the voting of a straight party ticket, providing for the voting on approval or ratification of Constitutional Amendments or other questions legally submitted in the General Election, providing for the number of ballots to be furnished for the conduct of such General Elections for each voting precinct, and repealing Sections 317, 318, 320, 321, 322 and 323 compiled General Laws of Florida, 1927, being Sections 261, 262, 264, 265, 266 and 267, respectively, revised General Statutes, 1920.

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

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

And Senate Bill No. 180, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Dugger, Chairman of the Committee on Prisons and Convicts, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

Sir:

Your Committee on Prisons and Convicts, to whom was referred:

Senate Bill No. 58:

A bill to be entitled An Act to amend Section 6231, revised General Statutes of the State of Florida, 1920, being also published as Section 8567, compiled General Laws of Florida, 1927, relating to gain time to be allowed to prisoners for good conduct.

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

Very respectfully,
J. D. DUGGER,
Chairman of Committee.

And Senate Bill No. 58, contained in the above report, was placed on the Calendar of Bills on second reading.

REPORT OF ENROLLING COMMITTEE

Senator McKenzie, Chairman of the Joint Committee on enrolled bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

Sir:

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

House Bill No. 276:

An Act affecting the Government of the City of Jacksonville; requiring the use of Voting Machines in all city elections.

Have examined the same and find it correctly enrolled.

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

Very respectfully,
H. S. MCKENZIE,

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

The bill contained in the above report was thereupon duly signed by the President and Secretary of the Senate in open Session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

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

Senate Chamber,
Tallahassee, Fla., April 15, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

Sir:

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

House Bill No. 167:

An Act affecting the Government of the City of Miami Beach and exempting the City of Miami Beach from the provisions of Chapter 16955, Acts of 1935, Laws of Florida, entitled, "An Act providing Ways and Means for readjusting, refunding and liquidating the indebtedness of any financially embarrassed political subdivision and taxing district in default; for a judicial proceeding to carry out such purpose; for the confirmation and validation of refunding bonds issued by any such taxing district; for assessment and levy of Taxes to pay principal and interest of such Refunding Bonds; for

the assessment and levy of Taxes to pay unrefunded bonds or other indebtedness of such political subdivision or taxing district; and for other purposes germane thereto."

Also—

House Bill No. 168:

An Act affecting the Government of the City of Miami Beach, and exempting the City of Miami Beach from the provisions of Chapter 17401, Acts of 1935, Laws of Florida, entitled "An Act providing that Taxes levied by any county, district or municipality in the State of Florida for the payment of interest and for a sinking fund on bonds or for the payment of any other past due obligation of such county, district or municipality may be paid in said bonds, the past due interest coupons of said bonds or the said other past due obligations at par which the said Taxes have been, may or shall be levied to pay, and providing for the Tax Collectors or other officers receiving such bonds, interest coupons and/or other obligations to have proper credit therefor."

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,
H. S. MCKENZIE,

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

The bills 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.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

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

Senate Chamber,
Tallahassee, Fla., April 15, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

Sir:

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

House Bill No. 167:

An Act affecting the government of the City of Miami Beach and exempting the City of Miami Beach from the provisions of Chapter 16955, Acts of 1935, Laws of Florida, entitled, "An Act providing ways and means for readjusting, refunding and liquidating the indebtedness of any financially embarrassed political subdivision and taxing district in default; for a judicial proceeding to carry out such purpose; for the confirmation and validation of refunding bonds issued by any such taxing district; for the assessment and levy of taxes to pay principal and interest of such refunding bonds; for the assessment and levy of taxes to pay unrefunded bonds or other indebtedness of such political subdivision or taxing district; and for other purposes germane thereto."

Also—

House Bill No. 168:

An Act affecting the government of the City of Miami Beach, and exempting the City of Miami Beach from the provisions of Chapter 17401, Acts of 1935, Laws of Florida, entitled "An Act providing that taxes levied by any county, district or municipality in the State of Florida for the payment of interest and for a sinking fund on bonds or for the payment of any other past due obligation of such county, district or municipality may be paid in said bonds, the past due interest coupons of said bonds or the said other past due obligations at par which the said taxes have been, may or shall be levied to pay, and providing for the Tax Collectors or other officers receiving such bonds, interest coupons and/or other obligations to have proper credit therefor."

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

Very respectfully,
H. S. MCKENZIE,

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

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

Senate Chamber,
Tallahassee, Fla., April 14, 1937.

Hon. D. Stuart Gillis,
President of the Senate.

Sir:

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

House Concurrent Resolution No. 1, relative to the Governor's message.

Also—

House Bill No. 39, being:

An Act relating to the time of holding the regular terms of the Circuit Court of the Twelfth Judicial Circuit of Florida.

Also—

House Bill No. 20, being:

An Act providing that all County Tax Collectors in the State of Florida shall keep the tax books open for the collection of taxes levied and assessed for the year 1936 until the first day of June, A. D. 1937.

Also—

House Bill No. 36, being:

An Act to provide for interest on certain delinquent taxes of the City of St. Petersburg and penalties and interest of future taxes of the City of St. Petersburg, and to repeal all laws and parts of laws in conflict herewith.

Also—

House Bill No. 21, being:

An Act authorizing and empowering Escambia County, Florida, by and through the Board of County Commissioners of said county, to grant, bargain, sell, exchange and convey unto the United States of America the following described property, situate, lying and being in the City of Pensacola, County of Escambia, State of Florida, to-wit: All of Arpent Lot Thirty-Five (35), old City of Pensacola, having a frontage of one hundred ninety-two (192) feet on Palafox street, by a depth of one hundred ninety-two (192) feet on Chase street, together with the improvements thereon, and the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, in consideration of and exchange for a conveyance by and from the United States of America, transferring and conveying to Escambia County, Florida, the following described real estate, situate, lying and being in the City of Pensacola, Escambia County, State of Florida, to-wit: The south one hundred sixty-nine (169) feet eleven (11) inches of Lot One Hundred Thirteen (113) and all of Lot One Hundred Fourteen (114) in Block Fifteen (15), old City of Pensacola, together with the improvements thereon and the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, subject to any existing encroachment thereon and to any existing easement thereon of adjacent property owners; authorizing and empowering said county, through its Board of County Commissioners, to sell to any adjacent owner, on the north, not more than ten feet of the north end of said property, for such consideration as said board deem reasonable, if and when said board determine that such portion is not necessary for county purposes; and prescribing the manner of effectuating such conveyance and exchange.

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

Very respectfully,
H. S. MCKENZIE,

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

INTRODUCTION OF RESOLUTIONS

By Senator Westbrook—

Senate Concurrent Resolution No. 8:

A RESOLUTION AUTHORIZING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO EMPLOY AN EXPERT TO CHECK AND VERIFY PRINTING BILLS.

WHEREAS, the Legislature finds it necessary in the orderly transaction of its business to require a lot of printing done, which must be done promptly in order to meet the needs of

the Legislature, and the cost of which printing amounts to a large sum of money; and

WHEREAS, the Board of Commissioners of State Institutions, the agency which executed the contract for the Legislative printing has unanimously recommended the employment of an expert for the purpose of checking and verifying the bills for Legislative printing and have recommended Mr. Ray W. Robie as competent to fill this position, therefore

Be it Resolved by the Florida Senate, the House of Representatives concurring, that the President of the Senate and the Speaker of the House of Representatives be and are hereby authorized to employ Ray W. Robie, or some other fit and competent person, to check and verify all printing bills for each House; such person so employed shall receive the same compensation as other attaches, and one-half of such compensation shall be paid by the Senate and one-half by the House of Representatives.

Which was read the first time in full.

Senator Westbrook moved that the rules be waived and Senate Concurrent Resolution No. 8 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate 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 Senate Concurrent Resolution No. 8 was adopted and the action of the Senate was ordered to be immediately certified to the House of Representatives by waiver of the rules.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Beall (By Request)—

Senate Bill No. 284:

A bill to be entitled An Act making an emergency appropriation available immediately to pay wages and meet the payroll at the Florida State Hospital at Chattahoochee.

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

By Senator Beall (By Request)—

Senate Bill No. 285:

A bill to be entitled An Act making an emergency appropriation available immediately to defray the operating costs of the Florida Industrial School for Girls.

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

By Senator Nordman—

Senate Bill No. 286:

A bill to be entitled An Act to provide for the procuring and display of the State Flag of Florida over the Capitol and each State educational institution.

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

By Senator Hinely—

Senate Bill No. 287:

A bill to be entitled An Act to conserve the underground water resources of the State; to define the term "flowing" and "artesian" well; to require owners of artesian flowing or non-flowing wells and oil and gas wells to control the flow of waters therein or therefrom; defining the term "waste"; creating the position of artesian well supervisor, defining his duties, powers and fixing his compensation; providing a license fee for well drilling rigs and bond for well drillers; providing lien on real property of owners who violate this Act and the manner of enforcement thereof; defining the duties of Clerks of the Circuit Court, State attorneys and others with reference to this Act; establishing the artesian well fund and directing the disposition thereof and providing a penalty for violation of this Act.

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

By Senator Beall (By Request)—

Senate Bill No. 288:

A bill to be entitled An Act making an emergency appropriation available immediately for the purchase of necessary

fire fighting apparatus and equipment and the construction of a fire department building for the Florida State Hospital at Chattahoochee.

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

By Senator Beacham (By Request)—

Senate Bill No. 289:

A bill to be entitled An Act for the relief of Southeastern Natural Gas Corporation for taxes paid under protest by Southeastern Natural Gas Corporation, Southeastern Natural Gas Company and Super Fuel Company under Chapter 15658, Laws of Florida, Acts of 1931, and making an appropriation therefor and directing the proper State officers to do all things necessary to accomplish the refund of said taxes.

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

By Senator Kanner—

Senate Bill No. 290:

A bill to be entitled An Act to establish a system of old age security in the State of Florida by establishing a system of old age pensions as authorized by amended Section 3 of Article XIII of the Constitution of Florida, as amended at the General Election of 1936; to provide for the administration of such system; to define offenses against this Act, and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith.

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

By Senator Beacham—

Senate Bill No. 291:

A bill to be entitled An Act to amend Sections 12 and 20 of Chapter 15,789, Laws of Florida, Acts of the Legislature of 1931 entitled: "An Act defining and classifying intangible personal property for the purpose of taxation and providing for the assessment and valuation of intangible personal property for the purpose of taxation, and the levy and collection of taxes upon such intangible personal property, providing rates of taxation on the different classes thereof under Section 1, Article 9 of the Constitution of the State of Florida, and providing for making returns by persons owning intangible personal property and providing the duties of the tax collector, tax assessor and boards of county commissioners in connection therewith, and providing a penalty for failure to make such returns and other provisions relating to intangible personal property."

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

By Senator Black—

Senate Joint Resolution No. 292:

A Joint Resolution proposing the amendment of Section 2, Article III, of the Constitution of the State of Florida, relating to the convening of the membership of the Legislature into Sessions.

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

That the following amendment of Section 2, Article III, of the Constitution of the State of Florida, relating to the convening of the Legislature of the State of Florida into Sessions, be, and the same is, hereby agreed to and shall be submitted to the electors of the State of Florida, at the joint election to be held on the first Tuesday after the first Monday in November, 1938, for the ratification or rejection, that is to say, that Section 2, Article III, of the Constitution of the State of Florida, relating to the convening of the membership of the Florida Legislature into Sessions be amended so as to read as follows:

SECTION 2. The regular Sessions of the Legislature shall be held biennially, commencing on the first Tuesday after the first Monday in April, A. D. 1887, and on the corresponding day of every second year thereafter, but the Governor may convene the same in Extra Session by his Proclamation. Regular Sessions of the Legislature may extend to sixty days, but no special Session convened by the Governor shall exceed twenty days. And an extra Session of the Legislature may be called by a majority of the membership serving in the preceding Session of the Florida State Senate and the House of Representatives of the State of Florida, upon petition addressed

to the President of the Florida State Senate and to the Speaker of the House of Representatives of the State of Florida, serving as such at the last preceding Special Session, requesting the said President of the Florida State Senate and the Speaker of the House of Representatives to request of the Governor of the State of Florida to call the membership of the Florida Legislature into Extra Session within a period of twenty (20) days; and that should the Governor of the State of Florida fail to grant the petition presented to him by the President of the Florida State Senate and the Speaker of the House of Representatives, that in such event it shall be mandatory upon the President of the Florida State Senate and the Speaker of the House of Representatives to notify the members of the Florida State Senate and of the House of Representatives serving at the last preceding Session, to convene into Session in the City of Tallahassee in the State Capitol, for the transaction of any and all business that may come before the membership of the Legislature, and that such Session of the Legislature, when so called, shall be terminated by a Joint Resolution of the Florida State Senate and the House of Representatives of the State of Florida, but in no event shall such Special Session so called continue into Session for a period exceeding twenty (20) days continuously.

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

By Senator Black—

Senate Bill No. 293:

A bill to be entitled An Act directing the State Board of Institutions to immediately contract for the purchase of, and construction of, an elevator or escalator in the Capitol Building in the State of Florida, Tallahassee, Florida, and for the appropriation of a sum of money for the carrying into effect the provisions of this Act.

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

By Senators Black and Gillis—

Senate Bill No. 294:

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 Labor and Industry.

By Senator McArthur—

Senate Bill No. 295:

A bill to be entitled An Act to amend Section 3944 of the Compiled General Laws of Florida, 1927, being An Act making any person, firm or corporation liable on demand in current money of the United States to any legal holder thereof for the full face value of any checks, coupons, punchouts, tickets, tokens or other device issued by them in payment for labor and redeemable either wholly or partially in merchandise at their or any other place of business, and fixing the time after which said checks, coupons, punchouts, tickets, tokens or other device shall become redeemable in cash and providing for the enforcement of this Act.

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

By Senator Kanner—

Senate Bill No. 296:

A bill to be entitled An Act to authorize and direct the State Superintendent of Public Instruction to prepare a proposed revision and codification of the Laws of Florida relating to education; to authorize the appointment of a Special Legisla-

tive Committee on Revision and Codification of School Laws, to receive the report and proposals of the State Superintendent of Public Instruction when completed and not later than February 1, 1939; to authorize compensation and expenses of this committee as an item of legislative expense; and to provide for this committee to examine the proposed revision and codification of school laws as submitted by the State Superintendent of Public Instruction and to make its report and recommendations to the Legislature at its next biennial Session.

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

By Senator Graham—

Senate Bill No. 297:

A bill to be entitled An Act authorizing the Board of County Commissioners of each county in the State of Florida to construct or erect within the right-of-way of any public road within such county, not included within any municipality, such stop signals or caution signs as said board shall consider necessary for the safety of the traveling public; making it unlawful for any person driving any kind of motor vehicle, bicycle or other vehicle to fail to observe such stop signals or caution signs; making it a misdemeanor for violating the terms of this Act and providing a penalty for such violation.

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

By Senator Tervin—

Senate Bill No. 298:

A bill to be entitled An Act to cancel State and County Tax Certificates and taxes against certain lands situated in the County of Manatee and to define the duties of the Clerk of the Circuit Court and the Tax Collector of Manatee county in connection therewith; whereas, the within described property is now on and used solely for religious purposes by the Church of God.

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

By Senator Parker—

Senate Bill No. 299:

A bill to be entitled An Act to amend Section 15 of Chapter 16,774, Acts of 1935, Laws of Florida, which pertains to the penalty for the violation of the provisions of said Chapter, and to provide penalties for the violation of any provisions thereof.

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

By Senator Beacham—

Senate Bill No. 300:

A bill to be entitled An Act relating to salaries of the Judges of the Circuit Courts of Circuits composed of not more than three counties, one of such counties in each Circuit having a population of more than fifty thousand according to the latest State census and having no Court of Record with a civil jurisdiction concurrent with the Circuit Court, and providing for a portion of such salary to be paid from the general revenue of certain counties within the said Circuits.

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

By Senators Beall and Coulter—

Senate Bill No. 301:

A bill to be entitled An Act prescribing certain representations and stipulations to be contained in contracts entered into by the State and its political sub-divisions; prohibiting child labor in the execution of such contracts; prescribing maximum hours, prevailing wages, sanitary and safe conditions in such work; providing for the administration by the Florida Industrial Commission, and providing for penalties for the violation thereof.

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

By permission the following Concurrent Resolution was introduced:

By Senator Adams—

Senate Concurrent Resolution No. 9:

A Concurrent Resolution of the Senate and House of Representatives further relating to a joint session of the House and Senate to be held for the purpose of conducting Memorial

exercises in memory of the Honorable Duncan U. Fletcher and the Honorable Park M. Trammell, late United States Senators from the State of Florida, and changing the date for such exercises.

WHEREAS, the House and Senate have heretofore adopted Senate Concurrent Resolution No. 2, providing for Memorial Exercises in memory of the Honorable Duncan U. Fletcher and the Honorable Park M. Trammell, late United States Senators from the State of Florida, fixing 11:30 A. M. Friday, the 30th day of April, A. D. 1937, as the time for such exercises, and

WHEREAS, in and by said Concurrent Resolution No. 2 the Honorable Charles Andrews and the Honorable Claude Pepper, United States Senators from Florida were invited to be present, and it has been learned that it is impractical for both of these gentlemen to be present on the date fixed but that they can be present on Tuesday, May 18, 1937 at 8:30 P. M., now therefore:

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, the HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the date and time fixed for Memorial Exercises in memory of the Honorable Duncan U. Fletcher and the Honorable Park M. Trammell, late United States Senators from Florida, be changed from 11:30 A. M. on Friday, the 30th day of April, A. D., 1937, to Tuesday, May 18, 1937 at 8:30 P. M., and that said exercises be held at that time and that all parties requested to be present by Senate Concurrent Resolution No. 2 be promptly advised of the change of time and date and be further requested to attend such exercises at the time and date last fixed by this Concurrent Resolution.

Which was read the first time in full.

Senator Adams moved that the rules be waived and Senate Concurrent Resolution No. 9 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate 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 Senate Concurrent Resolution No. 9 was adopted and the action of the Senate was ordered to be certified to the House of Representatives.

Pursuant to the motion made by Senator Parrish on April 15, 1937, the Senate took up the consideration of Senate Bills Nos. 35, 36, 39, 38, 37, 40, 41 and 42 as a Special Order.

Senate Bill No. 35:

A bill to be entitled An Act to amend Sections 16, 21, 23 and 25 of Chapter 16854, Laws of Florida, Acts of 1935, entitled "An Act to stabilize and protect the citrus industry of the State of Florida and to promote the general welfare of such industry and of the State of Florida; to create a State citrus commission of the State of Florida to be known as "Florida Citrus Commission;" to provide for the appointment and payment of expenses of the members of such commission and to prescribe the powers, duties and functions of such commission and the qualifications and terms of office of members thereof; to create seven citrus districts to be numbered one to seven; to provide for the adoption by said Commission of rules, regulations and orders necessary and proper for an effective administration and enforcement of this Act; to protect and enhance the reputation of Florida citrus fruit in domestic and foreign markets; to regulate the inspection, grading and marking of citrus fruit; to prohibit the shipping of citrus fruit in violation of this Act; to prescribe the powers and duties of the Commissioner of Agriculture of the State of Florida in the enforcement of this Act; to provide for judicial review of protests made in connection with any rules, regulations or orders adopted pursuant to this Act; to provide for the levy and collection of assessments and the disbursement thereof; to provide for inspection and inspection services; and to provide penalties for violations of the provisions of this Act and any rule, regulation or order promulgated thereunder."

Was taken up in its order and 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, Beacham, Beall, Black, Clarke, Coulter, Dugger, Gomez, Graham, Harper,

Hinely, Holland, Kanner, Kendrick, McArthur, Murphy, Nordman, Parrish, Rose, Sharit, Sweger, Tervin, Tillman, Touchton, Walker, Westbrook, Wynn—28.

Nays—McKenzie, Savage—2.

So the bill passed title as stated, and the action of the Senate was ordered to be immediately certified to the House of Representatives by waiver of the rules.

The following explanation of vote on Senate Bill No. 35 was filed with the Secretary:

The people of Putnam and Marion Counties feel that this law works a distinct hardship on the small fruit grower, who has heretofore disposed of his fruit direct to the trucks. Because of discrimination against the small, independent grower, we vote "No."

H. S. MCKENZIE,
C. A. SAVAGE.

Senate Bill No. 36:

A bill to be entitled An Act relating to the purchase, handling, sale and accounting of sales of citrus fruit grown in the State of Florida; to prevent fraud and deception therein; to provide for the licensing and bonding of citrus fruit dealers; to prescribe certain powers and duties of the Commissioner of Agriculture of the State of Florida in the administration and enforcement of this Act; and to prescribe penalties for the violations of the provisions of this Act.

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

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

Yeas—Mr. President; Senators Beacham, Beall, Black, Butler, Clarke, Coulter, Dame, Dugger, Gomez, Graham, Harper, Hinely, Holland, Johns, Kanner, Kelly, Kendrick, McArthur, Nordman, Parrish, Rose, Sharit, Sweger, Tervin, Tillman, Touchton, Walker, Westbrook, Wynn—30.

Nays—McKenzie, Savage—2.

So the bill passed, title as stated, and the action of the Senate was ordered to be immediately certified to the House of Representatives by waiver of the rules.

Senate Bill No. 39:

A bill to be entitled An Act to prohibit the sale or offering for sale, the transportation, and the preparation, receipt or delivery for transportation or market of any citrus fruit that is immature or otherwise unfit for human consumption; to provide for the enforcement thereof; and to provide penalties for the violation thereof.

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

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

Yeas—Mr. President; Senators Beacham, Beall, Clarke, Coulter, Dame, Dugger, Gomez, Graham, Harper, Hinely, Holland, Johns, Kanner, Kelly, Kendrick, McArthur, Murphy, Nordman, Parrish, Rose, Sharit, Sweger, Tervin, Tillman, Touchton, Walker, Westbrook, Wynn—29.

Nays—McKenzie and Savage—2.

So the bill passed, title as stated, and the action of the Senate was ordered to be immediately certified to the House of Representatives by waiver of the rules.

Senate Bill No. 37:

A bill to be entitled An Act to provide for, and control, the artificial coloring of certain citrus fruits, and fixing penalties for the violation thereof.

Was taken up in its order and 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, Beacham, Beall, Butler, Clarke, Coulter, Dame, Dugger, Gomez, Graham, Harper, Hinely, Holland, Johns, Kanner, Kelly, Kendrick, McArthur, McKenzie, Murphy, Nordman, Parker, Parrish, Rose, Savage, Sharit, Sweger, Tervin, Tillman, Touchton, Walker, Westbrook, Wynn—34.

Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered to be immediately certified to the House of Representatives by waiver of the rules.

Senate Bill No. 38:

A bill to be entitled An Act providing for and prescribing certain additional powers, duties and authority of the Florida

Citrus Commission; providing the authority for the Florida Citrus Commission to hold hearings, ascertain facts, and to raise or lower juice requirements of grapefruit that may be marketed in accordance with law.

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

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Butler, Clarke, Coulter, Dame, Dugger, Gomez, Graham, Harper, Hinely, Holland, Johns, Kanner, Kelly, Kendrick, McKenzie, Murphy, Nordman, Parker, Parrish, Rose, Savage, Sharit, Smith, Sweger, Tervin, Tillman, Touchton, Walker, Westbrook, Wynn—34.

Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered to be immediately certified to the House of Representatives by waiver of the rules.

Senate Bill No. 40:

A bill to be entitled An Act to conserve and promote the prosperity and welfare of the Florida citrus industry and of the State of Florida by promoting the sale of grapefruit produced in Florida through the conducting of a publicity, advertising and sales promotion campaign to increase the consumption of such grapefruit; to levy and impose an excise tax on grapefruit produced in Florida, and to provide for the collection thereof; to create a grapefruit advertising fund; to vest the administration of this Act in the Florida Citrus Commission and to provide for the powers, duties and authority of said commission hereunder; to create an advisory committee of grapefruit canners; to provide for their appointment, qualifications and terms of office; and to provide penalties for violations of this Act.

Was taken up in its order and 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, Beacham, Beall, Black, Butler, Clarke, Coulter, Dame, Dugger, Gomez, Graham, Harper, Holland, Johns, Kanner, Kelly, Kendrick, McKenzie, Murphy, Nordman, Parker, Parrish, Rose, Savage, Sharit, Sweger, Tervin, Touchton, Walker, Westbrook, Wynn—32.

Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered to be immediately certified to the House of Representatives by waiver of the rules.

Senate Bill No. 41:

A bill to be entitled An Act to amend Sections 6, 9 and 17 of Chapter 16856, Laws of Florida, Acts of 1935, entitled "An Act to conserve and promote the prosperity and welfare of the Florida citrus industry and of the State of Florida by promoting the sale of oranges produced in Florida through the conducting of a publicity, advertising and sales promotion campaign to increase the consumption of such oranges; to levy and impose an excise tax on oranges produced in Florida and to provide for the collection thereof; to create an orange advertising fund; to vest the administration of this Act in the Florida Citrus Commission and to provide for the powers, duties and authority of said commission hereunder; and to provide penalties for violation of this Act."

Was taken up in its order and 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, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Gomez, Graham, Harper, Hodges, Holland, Johns, Kanner, Kelly, Kendrick, Murphy, Nordman, Parker, Parrish, Rose, Sharit, Sweger, Tervin, Tillman, Touchton, Walker, Westbrook, Wynn—31.

Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered to be immediately certified to the House of Representatives by waiver of the rules.

Senate Bill No. 42:

A bill to be entitled An Act to amend Sections 6, 9 and 17 of Chapter 16858, Laws of Florida, Acts of 1935, entitled "An Act to conserve and promote the prosperity and welfare of the Florida citrus industry and of the State of Florida by promoting the sale of tangerines produced in Florida through the conducting of a publicity, advertising and sales promotion campaign to increase the consumption of such tangerines; to

levy and impose an excise tax on tangerines produced in Florida and to provide for the collection thereof; to create a tangerine advertising fund; to vest the administration of this Act in the Florida Citrus Commission and to provide for the powers, duties and authority of said commission hereunder; and to provide penalties for violations of this Act."

Was taken up in its order and 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, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Gomez, Graham, Harper, Hinely, Hodges, Holland, Kanner, Kelly, Kendrick, McArthur, Murphy, Parker, Parrish, Sharit, Sweger, Tervin, Tillman, Touchton, Walker, Westbrook, Wynn—30.

Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered to be immediately certified to the House of Representatives by waiver of the rules.

Senator Westbrook moved that the rules be waived and when the Senate adjourn today it adjourn to reconvene at 4:00 o'clock P. M., Monday, April 19, 1937.

Which was agreed to by a two-thirds vote.

Senator Black moved that a committee be appointed to escort Honorable S. W. Getzen, former member of the Senate from the 38th Senatorial District, to a seat on the rostrum of the Senate.

Which was agreed to.

And the President appointed Senators Black, Savage and Walker as the committee.

Senator Clarke moved that Senate Bill No. 264 be recalled from the Committee on Judiciary "A" and referred to the Committee on Banking and Building and Loans.

Which was agreed to and it was so ordered.

OFFICE OF THE SECRETARY OF STATE STATE OF FLORIDA

Tallahassee, Fla., April 8, 1937.

Hon. D. Stuart Gillis,
President of the Senate,
Capitol.

Sir:

In conformity with the requirements of the Constitution of the State of Florida, I herewith transmit to you, for the consideration of the Senate, the following vetoed Acts with the Governor's objections attached thereto, viz:

Senate Bill No. 982:

"An Act to amend Section I of Chapter 4527 Acts of 1897 amending Section 9 of Chapter 4323 Acts of 1895 as amended by Section I of Chapter 6898 Acts of 1915 as amended by Chapter 7745 Acts of 1918 as amended by Section I of Chapter 10091 Acts of 1925 so as to empower the Board of County Commissioners in all counties of the State of Florida having a population of not less than 90,000, nor more than 170,000 according to the last State census to feed all prisoners confined within the county jail in their county and pay for the feeding of said prisoners out of the fine and forfeiture fund of their counties; also to allow said Board of County Commissioners to use inmates of the jail in the preparation of food for the prisoners, and to allow the county commissioners of said counties to employ a person to prepare and serve food to the prisoners.

Also—

Senate Bill No. 926:

"An Act relating to the sale of intoxicating liquors in counties having a population of not less than forty thousand and not more than fifty-two thousand five hundred, according to the last State or Federal census and authorizing the governing body of incorporated cities therein to approve or disapprove of applications for licenses to sell intoxicating liquors and making such approval or disapproval binding upon the director of the State Beverage Department.

Also—

Senate Bill No. 1011:

"An Act authorizing the Board of County Commissioners of any county of the State of Florida having a population of 15,500 and 16,000 to act as a trustee for any funds, private or governmental to be expended in said county on developments or in connection therewith."

Also—

Senate Bill No. 990:

"An Act making it unlawful to head shrimp or prawn in certain waters within the jurisdiction of the State of Florida; and making it unlawful to land shrimp or prawn headed in violation hereof at certain points within the jurisdiction of the State of Florida and providing penalties for the violation hereof."

Also—

Senate Bill No. 529:

"An Act prescribing and regulating the fees to be allowed and charged by County Judges in the performance of the duties of their offices in Criminal cases."

Also—

Senate Bill No. 1015:

"An Act providing for the relief of Mrs. W. H. Lyle, as administratrix of the Estate of W. H. Lyle, deceased."

Yours very truly,

R. A. GRAY,
Secretary of State.

Senate Bill No. 982 (1935 Session), contained in the above message together with the Governor's objections thereto, was taken up.

Senator Tillman moved that the consideration of the same be informally passed.

Which was agreed to and it was so ordered.

Senate Bill No. 926 (1935 Session), contained in the above message together with the Governor's objections thereto, was taken up.

Senator Nordman moved that the consideration of the same be informally passed.

Which was agreed to and it was so ordered.

Senate Bill No. 1011 (1935 Session), contained in the above message together with the Governor's objections thereto, was taken up.

Senator Murphy moved that the consideration of the same be informally passed.

Which was agreed to and it was so ordered.

Senate Bill No. 990 (1935 Session), contained in the above message together with the Governor's objections thereto, was taken up.

The President put the question "Shall the bill pass, the Governor's objection to the contrary notwithstanding."

Upon the call of the roll on the question the vote was:

Yeas—None.

Nays—Mr. President; Senators Adams, Beacham, Beall, Black, Butler, Clarke, Coulter, Dame, Dugger, Gomez, Graham, Harper, Hinely, Hodges, Holland, Kanner, Kelly, Kendrick, McArthur, McKenzie, Murphy, Nordman, Parker, Parrish, Rose, Savage, Sharit, Sweger, Terwin, Tillman, Touchton, Walker, Westbrook, Wynn—35.

So the bill failed to pass over the Governor's veto.

Senate Bill No. 529 (1935 Session), contained in the above message together with the Governor's objections thereto, was taken up.

Senator Holland moved that the consideration of the same be informally passed.

Which was agreed to and it was so ordered.

Senate Bill No. 1015 (1935 Session), contained in the above message together with the Governor's objections thereto, was taken up.

The President put the question "Shall the bill pass, the Governor's objection to the contrary notwithstanding."

Upon the call of the roll on the question the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Butler, Clarke, Coulter, Dame, Dugger, Gomez, Graham, Harper, Hinely, Hodges, Johns, Kanner, Kelly, Kendrick, McArthur, McKenzie, Murphy, Nordman, Parker, Rose, Savage, Sharit, Sweger, Terwin, Tillman, Touchton, Walker, Westbrook, Wynn—34.

Nays—None.

So the bill passed by the required Constitutional two-thirds vote of all members present, the Governor's objection to the contrary notwithstanding, and the action of the Senate was ordered to be certified to the House of Representatives.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
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 the Constitutional two-thirds vote of all members present, the following bill of the regular session of 1935 which was vetoed by the Governor:

By Mr. Chappell of Dade—

House Bill No. 1129:

An Act to provide for and regulate sales of goods, wares, merchandise or other personal property at public auction; to fix the license tax; requiring a bond of those who conduct public auction sales; requiring an affidavit concerning an inventory of the property to be sold; the duration of such auction sales; the hours during which such sales are to be conducted; the examination of the property to be offered for sale; the prevention of fraud and deceit and imposing a penalty for the violation thereof.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

J. A. CAWTHON,

Chief Clerk House of Representatives.

House Bill No. 1129 (1935 Session), contained in the above message, was taken up.

Senator Kelly moved that the consideration of the same be informally passed.

Which was agreed to and it was so ordered.

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

Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
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. Williams, of Citrus—

House Bill No. 326:

A bill to be entitled An Act providing that the Board of County Commissioners of Citrus County, Florida, shall not be empowered nor permitted to employ an attorney-at-law to prosecute any persons, firms or corporations charged with the Commission of any kind of offense against the Laws of the State of Florida in or before the County Judge's Court of Citrus County, Florida; and also providing that the County Judge of Citrus County, Florida, be empowered to appoint an attorney-at-law to prosecute any persons, firms or corporations charged with the Commission of any kind of offense against the laws of the State of Florida in or before the County Judge's Court of Citrus County, whenever necessary in any case providing for the compensation of such attorney so employed by the County Judge and providing for the assessment of such fee as cost against the defendant.

Proof of publication attached.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

J. A. CAWTHON,

Chief Clerk House of Representatives.

And House Bill No. 326, contained in the above message, was read the first time by title only and placed on the Calendar of Local Bills on second reading.

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

Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
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. Scales, of Taylor—

House Bill No. 438:

A bill to be entitled An Act making an emergency appro-

priation available immediately to pay wages and meet the payroll at the Florida State Hospital at Chattahoochee.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
J. A. CAWTHON,
Chief Clerk House of Representatives.

And House Bill No. 438, contained in the above message, was read the first time by title only.

Senator Sweger moved that the rules be waived and House Bill No. 438 be read the second time by title only.

Which was not agreed to.

And House Bill No. 438 was referred to the Committee on Appropriations.

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

Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
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. Hazen of Bradford and Smith of Clay—
House Bill No. 89:

A bill to be entitled An Act relating to and requiring the filing and recording of Notice of United States tax liens.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
J. A. CAWTHON,
Chief Clerk House of Representatives.

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

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

Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
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 Graham—
Senate Bill No. 146:

A bill to be entitled An Act to cancel all outstanding Certificates of Tax Sale affecting certain portions of Matheson Hammock Park in Dade County, Florida.

And has passed—

By Senators Murphy and Holland—
Senate Bill No. 208:

A bill to be entitled An Act to designate the terms of court and the dates thereof in the Tenth Judicial Circuit of Florida.

And has passed—

By Senator Coulter—
Senate Bill No. 210:

A bill to be entitled An Act to ratify, approve, confirm and validate the notice given by the Board of County Commissioners for Levy County, Florida, under the provisions of Section 2384 Compiled General Laws of Florida 1927; and the Resolution adopted by the Board of County Commissioners for Levy County, Florida, on October 8, 1935, both appearing of record in the minutes of said board; and to ratify, approve, confirm and validate the entire Resolution adopted by the Board of County Commissioners of Levy County, Florida, at their regular meeting on February 2, 1937, and as amended by the Board of County Commissioners of Levy County, Florida, on February 15, 1937, at a special meeting of said board authorizing and directing that there be borrowed the sum of \$22,000.00 to aid in financing the construction of a County and Circuit Court Building at Bronson, in Levy County, Florida, and adopting a form of tax anticipation note and authorizing its execution and issuance, both of said Resolutions appearing of record in the minutes of said board; and to ratify, confirm, approve and validate all other Acts and pro-

ceedings of the Board of County Commissioners of Levy County, Florida, relative to the building of a County and Circuit Court House Building and procuring of a loan of \$22,000.00 for use in building the County and Circuit Court House Building at Bronson, Florida; and to ratify, approve, confirm, validate and make legal and binding obligations of Levy County, Florida, the \$22,000.00 of tax anticipation notes described in said Resolution, as amended on February 15, 1937.

Proof of publication attached.

Very respectfully,
J. A. CAWTHON,
Chief Clerk House of Representatives.

And Senate Bills Nos. 146, 208 and 210, contained in the above message, were referred to the Committee on Enrolled Bills.

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

Tallahassee, Fla., April 16, 1937.

Hon. D. Stuart Gillis,
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 Beall—
Senate Concurrent Resolution No. 3:

WHEREAS, there is now an established air line operating through Tallahassee, Florida; and

WHEREAS, Tallahassee is one of the few State Capitals which has no available air mail service; and

WHEREAS, The State of Florida would be greatly benefited by the establishment of air mail service to and from its Capital, therefore

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

Section 1. That air mail service to and from the Capital of the State of Florida at Tallahassee should be established for the convenience of the citizens and officials of the State of Florida.

Section 2. That by creating an air mail route there will be made available transcontinental service from the extreme Southern end of Florida to the West Coast of California.

Section 3. That the assistance of the President of the United States, Post Master General and each Senator and Representative in Congress from this State in procuring air mail service for Florida's Capital is solicited.

Section 4. That a copy of this Resolution be forwarded to the President of the United States, Post Master General of the United States, and to each Senator and Representative in Congress from this State.

And—

By Senator Holland—
Senate Concurrent Resolution No. 5:

WHEREAS, there has been enacted by the Senate and House of Representatives of the United States of America in Congress assembled "An Act to Promote the Conservation and Profitable Use of Agricultural Land Resources by Temporary Federal Aid to Farmers and by Providing for a Permanent Policy of Federal Aid to States for Such Purposes." (Public—No. 461, 74th Congress) (S. 3780), approved by the President February 29, 1936, and,

WHEREAS, the provisions of the Act and the purposes of the grants of money authorized by the Act are made subject to legislative assent of the several States and Territories; now, therefore,

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

Section 1. The Legislature of the State of Florida in behalf of and for the said State does hereby assent to and does hereby give its assent to the provisions and requirements of Section 7 of An Act of Congress, entitled "Soil Conservation and Domestic Allotment Act," approved by the President February 29, 1936, as amended (Public No. 461, 74th Congress) (S. 3780).

Section 2. In order to effectuate the purpose and administration of the Act, the Board of Control, University of Florida,

is hereby authorized and empowered to receive grants made pursuant to said Act, and to use them for the benefit of the State of Florida in accordance with such conditions as may be prescribed by the Secretary of Agriculture of the United States.

Very respectfully,

J. A. CAWTHON,

Chief Clerk House of Representatives.

And Senate Concurrent Resolutions Nos. 3 and 5, contained in the above message, were referred to the Committee on Enrolled Bills.

SENATE BILLS ON THIRD READING

Senate Bill No. 156:

A bill to be entitled An Act relating to the liability of an owner or operator of a motor vehicle to a guest or passenger transported without payment therefor.

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

By unanimous consent, pending roll call, Senator Beall offered the following amendment to Senate Bill No. 156:

At the end of Section One (typewritten bill) strike out period and add:

"Provided that the question or issue of negligence, gross negligence, and wilful or wanton misconduct, and the question of proximate cause, and the issue or question of assumed risk, shall in all such cases be solely for the jury."

Senator Beall moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

By unanimous consent, pending roll call, Senator Kanner offered the following amendment to Senate Bill No. 156:

Add at the end of section one the following:

Provided that nothing in this act shall apply to school children or other students being transported to or from schools or places of learning in this State.

Senator Kanner moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Butler, Clarke, Coulter, Dame, Dugger, Gomez, Graham, Harper, Hinely, Hodges, Holland, Johns, Kanner, Kelly, Kendrick, McArthur, McKenzie, Murphy, Nordman, Parker, Parrish, Rose, Savage, Sharit, Sweger, Tervin, Tillman, Touchton, Walker, Wynn—35.

Nays—None.

So the bill passed, as amended, and was referred to the Committee on Engrossed Bills.

Senate Bills Nos. 159, 130 and 161, were taken up in their order and the consideration of the same was informally passed.

SENATE BILLS ON SECOND READING

Senate Joint Resolution No. 19:

A Joint Resolution proposing an amendment to Article IX of the Constitution relating to taxation.

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

That the following amendment to the Constitution of State of Florida, relating to an over-all limitation upon power to levy and collect ad valorem taxes, to be known as Sec-

tion 15 of Article IX, be, and the same is hereby agreed to, and shall be submitted to the Electors of the State at the General Election of Representatives in 1938, for approval or rejection:

Section 15. The total levy of taxes upon real and personal property, except intangible property, for all purposes of the State, county, town, city and taxing district or taxing agencies of every kind, except for public improvements, the levy whereof has been approved by a majority of the registered freeholders of the county, town, city or taxing district, shall not exceed fifteen mills on the dollar, notwithstanding any power heretofore possessed or exercised under or consistent with this Constitution, which levy may be apportioned by a general law applicable to the State and to every such political subdivision thereof without classification, or the Legislature may provide, by such a law, the manner and means by which such apportionment shall be made. Levies for the payment or refunding of valid debts and obligations heretofore incurred and required by then existing law to be paid by levies of ad valorem taxes shall not be affected hereby, unless the revenues produced by said taxes be replaced by other funds. Until the Legislature shall provide otherwise, the Comptroller shall prescribe uniform regulations for the apportionment of said levy and shall finally decide all controversies in regard thereto.

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

Senate Joint Resolution No. 97:

A Joint Resolution proposing an amendment to Article Nine (9) of the Constitution of the State of Florida, relative to taxation and finance, to be known as Section Fifteen (15) of Article Nine (9).

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

That, the following amendment to Article Nine (9) of the Constitution of the State of Florida, to be known as Section Fifteen (15) of said Article Nine (9), be and the same is hereby 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, A. D., 1938, for ratification or rejection.

"Section 15: From and after December 31, 1938, no ad valorem tax shall be levied by the State or by any county, city, district or other political subdivision of this State upon real property or personal property, except for special assessments for benefits."

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

Senator Beall offered the following amendment to Senate Joint Resolution No. 97:

In the second paragraph numbered therein "Section 15" in the last line of the typewritten bill, strike the period and add the following: " provided, that this Amendment shall not apply to or affect, or repeal Article XII, Section 6 of the Constitution of Florida providing for the one (1) mill levy for the support and maintenance of public free schools.

Senator Beall moved the adoption of the amendment.

Pending the adoption of the amendment offered by Senator Beall to Senate Joint Resolution No. 97, 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 4:00 o'clock P. M., Monday, April 19, 1937.