

# JOURNAL OF THE SENATE

Tuesday, April 20, 1937

The Senate convened at 11:00 o'clock A. M. pursuant to adjournment on Monday, April 19, 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 Monday, April 19, 1937, was corrected and as corrected was approved.

## REPORTS OF COMMITTEES

The following Special Committee report was received and read:

Tallahassee, Fla., April 19, 1937.

*Hon. D. Stuart Gillis,*  
*President of the Senate.*  
*Tallahassee, Florida.*

Sir:

Your Special Committee heretofore appointed to act jointly with a similar committee from the House of Representatives relating to House Bill 57 and more particularly known as the Georgia Wholesale Dealers Fish Law beg leave to report as follows:

1. The Joint Committee from the Senate and the House, by special arrangement, interviewed Governor Ed Rivers and representatives from the Georgia Legislature at Valdosta, Georgia, Saturday the 17th day of April, 1937.

2. The Georgia Law was discussed from many angles and it was the consensus of opinion of all those present that the Georgia Statute was a sanitary measure and its license feature did not apply to Florida shippers of fish into Georgia but only to wholesale dealers residing in the State of Georgia.

3. The Governor of Georgia assured your committee that under the law no hardships would be imposed upon Floridians engaged in the shipping of fish into Georgia and only the sanitary feature of the statute was applicable and would be enforced.

4. Your committee came away from the conference generally pleased with the results following a very friendly discussion of the subject and believe that the major differences that were thought to exist are satisfactorily adjusted.

Your Committee cannot too highly praise the hospitality shown them by the Governor and representative citizens of Georgia.

Respectfully,  
H. N. WALKER,  
Chairman.  
J. L. SHARIT,  
Committee Member.  
J. LOCKE KELLY,  
Committee Member.  
FRED L. TOUCHTON,  
Committee Member.  
ARTHUR GOMEZ,  
Committee Member.  
HENRY B. COULTER,  
Committee Member.

And the foregoing Special Committee report was referred to the Committee on Game and Fisheries.

Senator Tillman moved that a committee be appointed to escort Honorable Pat Whitaker, former President of the Senate from the 34th Senatorial District, to a seat on the rostrum of the Senate.

Which was agreed to.

And the President appointed Senators Tillman, Hodges and Parrish as the committee.

Senator Hodges moved that Senate Joint Resolution No. 256 be recommitted to the Committee on Constitutional Amendments.

Which was agreed to and it was so ordered.

Senator Beall moved that Senate Bill No. 289 be re-referred to the Committee on Pensions and Claims.

Which was agreed to and it was so ordered.

Senator Harper moved that a committee be appointed to escort Honorable Chas. E. Davis, former President of the Senate from the 10th Senatorial District, to a seat on the rostrum of the Senate.

Which was agreed to.

And the President appointed Senators Harper, Savage and Clarke as the committee.

Senator Kendrick moved that Senate Bill No. 255 be recalled from the Committee on Appropriations and re-referred to the Committee on Labor and Industry.

Which was agreed to and it was so ordered.

## REPORTS OF COMMITTEES

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

Senate Chamber,  
Tallahassee, Fla., April 20, 1937.

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

Your Committee on Appropriations, to whom was referred:

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.

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

Amendment No. 1:

Section 1, line 1 (typewritten bill), strike out the figures: \$25,000.00 and insert in lieu thereof the following: \$35,000.00.

Very respectfully,  
PHILIP D. BEALL,  
Chairman of Committee.

And Senate Bill No. 288, contained in the above report, together with Committee Amendment thereto, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., April 20, 1937.

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

Your Committee on Appropriations, to whom was referred:

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 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.

Have had the same under consideration, and recommend

that the same be re-referred to the Committee on Pensions and Claims.

Very respectfully,  
PHILIP D. BEALL,  
Chairman of Committee.

And Senate Bill No. 289, contained in the above report, was ordered re-referred to the Committee on Pensions and Claims.

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. 158:

A bill to be entitled An Act creating as a division of the Florida Industrial Commission a Department of Labor; providing for the conciliation and arbitration of labor disputes, providing for the selection of a Secretary and necessary employees, providing that the department shall administer laws affecting hours, wages or working conditions of Florida wage-earners and making appropriations therefor.

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

Amendment No. 1:

In the title of the typewritten bill strike out the words: "And Making Appropriation Therefor."

Amendment No. 2:

In Section 6 of the typewritten bill strike out the second paragraph thereof, as follows: "There is hereby appropriated, effective on July 1st, 1937, the sum of Ten Thousand Dollars (\$10,000), and a like amount July 1st, 1938, from funds in the State Treasury, not otherwise appropriated, for the purpose of carrying out the provisions of this Act.

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

And Senate Bill No. 158, 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 Appropriations, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 20, 1937.

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

Sir:

Your Committee on Appropriations, to whom was referred:

Senate Bill No. 214:

A bill to be entitled An Act to prohibit payment of expenses of any official or employee of the State of Florida or any agency thereof when outside of the State of Florida, except upon certain conditions.

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

Very respectfully,  
PHILIP D. BEALL,  
Chairman of Committee.

And Senate Bill No. 214, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., April 20, 1937.

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

Sir:

Your Committee on Appropriations, to whom was referred:

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.

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

Very respectfully,  
PHILIP D. BEALL,  
Chairman of Committee.

And Senate Bill No. 285, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., April 20, 1937.

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

Sir:

Your Committee on Appropriations, to whom was referred:

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.

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

Very respectfully,  
PHILIP D. BEALL,  
Chairman of Committee.

And Senate Bill No. 284, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., April 20, 1937.

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

Sir:

Your Committee on Appropriations, to whom was referred:

House Bill No. 438:

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.

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

Very respectfully,  
PHILIP D. BEALL,  
Chairman of Committee.

And House Bill No. 438, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., April 20, 1937.

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

Sir:

Your Committee on Education, to whom was referred:

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 Legislative 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.

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

Very respectfully,  
A. O. KANNER,  
Chairman of Committee.

And Senate Bill No. 296, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., April 19, 1937.

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

Sir:

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

Senate Bill No. 225:

A bill to be entitled An Act amending Chapter 6068 of the Revised General Statutes of Florida of 1920, otherwise published as Section 8373 of the Compiled General Laws of Florida of 1927, relating to embezzlement, by striking out that part of said Section providing for the taking of evidence of such embezzlement committed six months after the date stated in the indictment or information, and providing for the taking of testimony or evidence of acts of embezzlement at any time within two years prior to the filing of the indictment or information.

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

Very respectfully,  
S. L. HOLLAND,  
Chairman of Committee.

And Senate Bill No. 225, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., April 20, 1937.

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

Sir:

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

Senate Bill No. 213:

A bill to be entitled An Act to amend Sections 2983 and 2986 of the Revised General Statutes of Florida relating to the sale and distribution of Volumes of the Supreme Court Reports, said Sections being Sections 4717 and 4720 Compiled General Laws.

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

Very respectfully,  
S. L. HOLLAND,  
Chairman of Committee.

And Senate Bill No. 213, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., April 20, 1937.

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

Sir:

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

Senate Bill No. 237:

A bill to be entitled An Act to provide for the trial of Civil Proceedings by the trial Judge without a jury upon the request of parties to such proceedings.

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

Very respectfully,  
S. L. HOLLAND,  
Chairman of Committee.

And Senate Bill No. 237, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., April 20, 1937.

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

Sir:

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

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.

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

Very respectfully,  
S. L. HOLLAND,  
Chairman of Committee.

And House Bill No. 89, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., April 20, 1937.

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

Sir:

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

Senate Bill No. 203:

Being a bill to be entitled An Act relating to the lien of judgments and decrees, and providing for the recording of judgments and decrees.

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

Amendment No. 1: Amend Section 1 (typewritten bill) to read as follows:

"Section 1. No judgment or decree of any of the Courts of this State or of the District Courts of the United States within this State shall be a lien upon real estate until entered of record in the office of the Clerk of Circuit Court of the County in which such real estate is situated, except that in Counties where any United States District Court now or hereafter convenes and holds its sessions, the judgments and decrees of Circuit Courts of this State and of District Courts of the United States within this State shall be liens upon the judgment debtor's real estate situate in the County where such judgment or decree is rendered from the time such judgment or decree is entered of record in the manner provided by law in the office of the Clerk of the Circuit or District Court rendering such Judgment or decree. A certified transcript of any such judgment or decree may be entered of record and recorded in lieu of the original judgment or decree and with like effect."

Very respectfully,  
S. L. HOLLAND,  
Chairman of Committee.

And Senate Bill No. 203, contained in the above report, together with Committee Amendment thereto, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., April 20, 1937.

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

Sir:

Your Committee on Public Health, to whom was referred:

Senate Bill No. 329:

A bill to be entitled An Act authorizing and requiring the State Road Department of Florida to employ State convicts under its management and control, in mosquito control work under the supervision of the State Board of Health upon the requisition of the State Board of Health for convicts to do such work.

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

Amendment No. 1:  
Line 2, Section 1 after the word "authorized" strike out "and requiring."

Very respectfully,  
GEORGE A. DAME,  
Chairman of Committee.

And Senate Bill No. 329, contained in the above report, together with Committee Amendment thereto, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., April 20, 1937.

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

Sir:

Your Committee on Public Health, to whom was referred:

## Senate Bill No. 266:

A bill to be entitled An Act providing for and creating a State Board of Funeral Directors and Embalmers; granting to such board certain powers and prescribing certain duties; regulating the profession of funeral directing and embalming in the State of Florida; prescribing the qualifications of funeral directors and embalmers, and providing for the examination thereof; fixing the license fees to be paid by funeral directors and embalmers; providing for the revocation or suspension of funeral directors and embalmers licenses; and review of the board's actions relating thereto; providing for the better protection of lives and health and the prevention of the spread of infectious and contagious diseases, and making unlawful violations thereof.

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

## Amendment No. 1:

In Section 2, line 4 (typewritten bill) strike out the period after the word "created," and add: "With the advice and consent of the Senate."

Very respectfully,  
GEO. A. DAME,  
Chairman of Committee.

And Senate Bill No. 266, contained in the above report, together with Committee Amendment 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 20, 1937.

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

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

## Senate Bill No. 230:

A bill to be entitled An Act imposing license taxes on resorts where employees of the same are permitted to dance with patrons; providing for the issuance of the licenses and fixing the amount of the taxes; and prescribing the penalty for violations of this Act.

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. 230, 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 20, 1937.

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

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

## Senate Bill No. 73:

A bill to be entitled An Act to provide for the punishment for the first and second offenses of the larceny of any hog and to repeal all Laws or parts of Laws in conflict with the provisions of this Act, including Section 1 and Section 2 of Chapter 4728, Laws of Florida, Acts of 1899, being Section 5136 and Section 5137, Revised General Statutes of Florida.

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

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

And Senate Bill No. 73, contained in the above report, was laid on the table.

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

Senate Chamber,  
Tallahassee, Fla., April 20, 1937.

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

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

## Senate Bill No. 275:

A bill to be entitled An Act to amend Section 3168 of the Revised General Statutes of Florida of 1920, the same being Section 4960 of the Compiled General Laws of Florida of 1927, relating to Appeals in Chancery from final decrees or interlocutory orders, and to repeal Section 3169 of the Revised General Statutes of Florida of 1920, the same being Section 4961 of the Compiled General Laws of Florida of 1927, relating to appeals "from any interlocutory order, decision, judgment or decree of the Circuit Courts of this State, when sitting as Courts of Equity."

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. 275, 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 20, 1937.

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

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

## Senate Bill No. 198:

A bill to be entitled An Act to exempt all veterans of the World war and Spanish-American war from the payment of hunting and fishing licenses and to provide the manner in which such exemptions shall be allowed.

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

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

And Senate Bill No. 198, contained in the above report, was laid on the table.

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

Senate Chamber,  
Tallahassee, Fla., April 20, 1937.

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

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

## Senate Bill No. 91:

A bill to be entitled An Act declaring the preservation, restoration and maintenance of Ancient Landmarks and certain other kinds of property a public use and providing for exercise of power of eminent domain by the State, the Cities, towns and political subdivisions thereof to acquire such property.

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. 91, 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 20, 1937.

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

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

## Senate Bill No. 276:

A bill to be entitled An Act to amend Section 2652 of the revised General Statutes of Florida of 1920, the same being Section 4318 of the compiled General Laws of Florida of 1927, relating to the requirement that all pleas shall be sworn to by the defendant, his agent or attorney, in law actions, and providing that it shall not be objectionable for the pleas to be contradictory.

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. 276, contained in the above report, was placed on the Calendar of Bills on second reading.

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 19, 1937.

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

Sir:

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

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 of 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 proceedings 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.

Also—

Senate Bill No. 146:

An Act to cancel all outstanding certificates of Tax Sale affecting certain portions of Matheson Hammock Park in Dade County, Florida.

Also—

Senate Bill No. 208:

An Act to designate the terms of Court and the dates thereof in the Tenth Judicial Circuit of Florida.

Also—

Senate Concurrent Resolution No. 3:

A Concurrent Resolution relating to the establishment of Air Mail Service to and from the Capital of the State of Florida.

Also—

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.

Be it enacted 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 Senate.

INTRODUCTION OF RESOLUTIONS

By Senator Hodges—

Senate Resolution No. 14:

BE IT RESOLVED by the Senate assembled that the Senate has learned with profound regret of the death of Paul G. Jeans, Editor of the Miami Tribune, and attorney for that newspaper, M. Victor Miller, both of whom were killed Sunday last as they were returning home from a brief visit to the State Capitol. The death of these two outstanding citizens of Florida was caused by a head-on collision of two cars in an endeavor on the parts of the drivers to miss livestock on the highway in Flagler County.

The State has lost two good citizens and the newspaper fraternity has lost an outstanding editor.

Which was read the first time in full.

Senator Graham moved the adoption of the Resolution.

Which was agreed to and Senate Resolution No. 14 was adopted.

Senator Hodges moved that certified copies of Senate Resolution No. 14, signed by the President and attested by the Secretary, over the Seal of the Senate, be sent to Mrs. Paul G. Jeans, widow of the late Paul G. Jeans, and Louis Miller, brother of the late M. Victor Miller.

Which was agreed to and it was so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Touchton—

Senate Bill No. 335:

A bill to be entitled An Act to amend Section 1986 compiled General Laws of Florida, 1920, also known as Section 3142 Compiled General Laws of Florida, 1927 relative to the members of the State Board of Health.

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

By the Committee on Public Health—

Senate Bill No. 336:

A bill to be entitled An Act relating to the sale, control and licensing of the sale of appliances, drugs medicinal preparations intended of having special utility for the prevention of conception and/or venereal diseases; prescribing the duties of the State Board of Pharmacy in relation thereto and providing penalties for the violation of the provisions of this Act.

Which was read the first time by title only and placed on the Calendar of Bills on second reading without reference.

By Senator Wynn—

Senate Bill No. 337:

A bill to be entitled An Act to provide that all auditing of accounts of officials of the State of Florida, or any board, bureau, commission, department or division of the State of Florida, or any of the counties of the State shall be under the direction and supervision of the Comptroller; to require any of the officers of the State or any board, bureau, commission, department or division of the State, or any of the counties of the State to submit for examination any records requested by the Comptroller or any of his agents; to make an appropriation of \$125,000.00 annually for the purpose of carrying out this Act, and to repeal Chapter 12279, Laws of Florida, 1927, Chapter 11837, Laws of Florida, 1927, and Chapter 14484, Laws of Florida, 1929, relative to the State auditing department, and providing penalties for the violation thereof.

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

By Senator Tillman—

Senate Bill No. 338:

A bill to be entitled An Act for the relief of Cook's Sanatorium, Inc., a corporation not for profit organized and existing under the Laws of the State of Florida: On account of tax liens against property owned by said corporation and on which is located and operated said hospital.

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

By Senator Johns—

Senate Bill No. 339:

A bill to be entitled An Act authorizing the State Board of Administration to Accept Refunding Bonds in Exchange for





## PROOF OF PUBLICATION

STATE OF FLORIDA,  
COUNTY OF LAKE )

Before the undersigned authority, personally appeared Don M. Lochner, who upon oath does solemnly swear:

That he is publisher of the Clermont Press; that he has knowledge of the matters stated herein; that a notice of intention to pass a special or local law affecting the boundaries of said Town of Minneola, a municipal corporation of Lake County, Florida, has been published thirty days prior to this date by being printed in the issue of March 18th, 1937, of the Clermont Press, a newspaper published in Lake County, Florida; that a copy of the notice that has been published as aforesaid, and also this affidavit of proof of publication, are attached to the proposed bill or contemplated law, and such copy of the notice so attached is by reference made a part of this affidavit.

DON M. LOCHNER.

Subscribed and sworn to before me this 19th day of April, A. D. 1937.

ADA C. ROESCH,  
Notary Public, State of Florida.  
My Commission expires December 8th, 1937.

(SEAL)

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

By Senator Westbrook—  
Senate Bill No. 345:

A bill to be entitled An Act to amend Sections 5 and 6 of Chapter 9764, Laws of Florida, 1923, (special Acts), entitled, "An Act to abolish the present municipal government of the town of Groveland, Florida, to legalize the ordinances of said town and all official acts thereof; to create and establish the municipality of the town of Groveland, in Lake County, Florida, and to provide its jurisdiction and powers and officers thereof," by providing for the election of the Clerk of said town of Groveland by the town council, and abolishing the officers of Treasurer, Assessor and Collector and imposing the duties of such offices upon the Clerk, and providing for the removal of officers.

The following proof of publication was attached to Senate Bill No. 345 when it was introduced in the Senate:

NOTICE OF INTENTION TO PASS  
SPECIAL OR LOCAL LAW

To All Whom It May Concern:

Please take notice that the Town of Groveland will apply to the State Senator and members of the House of Representatives for the State of Florida from Lake County, Florida, to pass the following special or local law affecting the government of the municipality of the Town of Groveland, to-wit:

An Act to amend Sections 5 and 6 of Chapter 9764, Laws of Florida, 1923 (Special Acts), entitled:

"An Act to abolish the present municipal government of the Town of Groveland, Florida, to legalize the Ordinances of said town and of all official acts thereof; to create and establish the municipality of the Town of Groveland, in Lake County, Florida, and to provide its jurisdiction and powers and officers thereof," by providing for the appointment of a Clerk of the Town of Groveland by the Mayor, by and with the consent of the Town Council of said Town, instead of electing said Clerk in the general election, and by abolishing the offices of treasurer, assessor and collector and imposing the duties of such offices upon the Town Clerk.

CLAYTON J. WEIR,  
Mayor of Town of Groveland.  
Attest:  
HORACE D. RICE,  
Clerk of Town of Groveland.

## PROOF OF PUBLICATION

STATE OF FLORIDA  
COUNTY OF LAKE

Before the undersigned authority, personally appeared R. W. Newett, who upon oath does solemnly swear: That she is business manager of the Groveland Graphic; that she has knowledge of the matters stated herein; that a notice of intention to pass a special or local law amending Sections 5 and 6 of Chapter 9764, Laws of Florida, 1923, in reference to the Town government of the Town of Groveland, a municipi-

pal corporation of Lake County, Florida, has been published thirty days prior to this date by being printed in the issue of March 4, 1937, of the Groveland Graphic, a newspaper published in Lake County, Florida; that a copy of the notice that has been published as aforesaid, and also this affidavit of proof of publication, are attached to the proposed bill or contemplated law, and such copy of the notice so attached is by reference made a part of this affidavit.

R. W. NEWETT.

Subscribed and sworn to before me this 6th day of April, A. D. 1937.

PERRY C. BROWN,  
Notary Public, State of Florida.

My Commission expires December 8, 1939.

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

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Fla., April 19, 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 over the Governor's veto, by the required Constitutional two-thirds vote of all members present of the House of Representatives—

By Mr. Kelley of Gulf—

House Bill No. 611 of the 1935 session of the Legislature:

A bill to be entitled An Act for the relief of W. M. Denton.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

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

And House Bill No. 611 of the 1935 session, contained in the above message, was read by title only and referred to the Committee on Pensions and Claims.

## UNFINISHED BUSINESS

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."

Which was pending amendment at the hour of adjournment, having been read the second time in full on Friday, April 16, 1937, was taken up.

Consideration of the following amendment offered by Senator Beall 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.

Which was pending adoption at the hour of adjournment, on April 19, 1937, was resumed.

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—Mr. President; Senators Beall, Butler, Coulter,

Dugger, Graham, Holland, Johns, Kanner, McKenzie, Murphy, Parker, Savage, Sweger, Tervin, Tillman, Walker, Wynn—18.

Nays—Senators Beacham, Black, Dame, Gomez, Harper, Hodges, Kelly, Kendrick, McArthur, Nordman, Parrish, Rose, Sharit, Westbrook—14.

Which was agreed to and the Amendment was adopted.

The following pair was announced and filed with the Secretary.

If Senator Adams of 30th were here he would vote Nay and I am voting Yea; therefore we pair.

FRED L. TOUCHTON.

And Senate Joint Resolution No. 97, as amended, was referred to the Committee on Engrossed Bills.

#### VETO BILLS OF 1935 SESSION

Senate Bill No. 1011 (1935 Session) was taken up in its order and the consideration of same was informally passed.

Senate Bill No. 926 (1935 Session):

A bill to be entitled 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 application for licenses to sell intoxicating liquors and making such approval or disapproval binding upon the director of the State Beverage Department.

Was taken up in its order.

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 Beacham, Beall, Black, Butler, Clarke, Coulter, Dame, Dugger, Gomez, Graham, Harper, Hodges, Holland, Johns, Kanner, Kelly, Kendrick, McArthur, McKenzie, Murphy, Nordman, Parker, Parrish, Rose, Savage, Sharit, Sweger, Tervin, Tillman, Touchton, Walker, Westbrook, Wynn—34.

So the Senate Bill No. 926 (1935 Session) failed to pass over the Governor's veto.

Senate Bill No. 982 (1935 Session):

A bill to be entitled An Act to amend Section 1 of Chapter 4527 Acts of 1897 amending Section 9 of Chapter 4323 Acts of 1895 as amended by Section 1 of Chapter 6898 Acts of 1915 as amended by Chapter 7745 Acts of 1918 as amended by Section 1 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 Federal or 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.

Was taken up in its order.

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 Beacham, Beall, Black, Butler, Clarke, Coulter, Dame, Dugger, Gomez, Graham, Harper, Hodges, Holland, Johns, Kanner, Kelly, Kendrick, McArthur, McKenzie, Murphy, Nordman, Parker, Parrish, Rose, Savage, Sharit, Sweger, Tervin, Tillman, Touchton, Walker, Westbrook, Wynn—34.

So Senate Bill No. 982 of the 1935 Session failed to pass over the Governor's veto.

Senate Bill No. 529 (1935 Session):

A bill to be entitled 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.

Was taken up in its order.

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 Beacham, Beall, Black, Butler, Clarke, Coulter, Dame, Dugger, Gomez, Graham, Harper, Hodges, Holland, Johns, Kanner, Kelly, Kendrick, McArthur, McKenzie, Murphy, Nordman, Parker, Parrish, Rose, Savage, Sharit, Sweger, Tervin, Tillman, Touchton, Walker, Westbrook, Wynn—34.

So Senate Bill No. 529 of the 1935 Session failed to pass over the Governor's veto.

House Bill No. 1129 (1935 Session):

A bill to be entitled 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 and 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.

Was taken up in its order.

Senator Kelly moved that House Bill No. 1129 (1935 Session) be indefinitely postponed.

Which was agreed to and it was so ordered.

#### SENATE BILLS ON THIRD READING

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

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 the State of Florida, relating to an over all limitation upon the power to levy and collect ad valorem taxes, to be known as Section 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 third time in full.

Pending roll call on the passage of Senate Joint Resolution No. 19, Senator Hodges moved that the hour of adjournment be extended until such time as the consideration of Senate Joint Resolution No. 19 is concluded.

Which was agreed to.

Pending roll call on the passage of Senate Joint Resolution No. 19, Senator Rose moved that the rules be waived and the further consideration of Senate Joint Resolution No. 19 be informally passed and carried on the Calendar as Unfinished Business.

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

The hour of adjournment having arrived, a point of order was called and the Senate stood adjourned at 1:09 o'clock P. M. until 11:00 o'clock A. M. Wednesday, April 21, 1937.