

JOURNAL OF THE SENATE

Thursday, April 13, 1939

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Wednesday, April 12, 1939.

The President in the Chair.

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

Mr. President—Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson.—37

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of April 12, 1939, was corrected and as corrected was approved.

The President announced Senator Lewis would be excused from further attendance upon the Session, on account of illness, until such time as he is able to return.

REPORTS OF COMMITTEES

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

Senate Chamber,
Tallahassee, Florida, April 12, 1939.

Hon. J. Turner Butler,
President of the Senate.
Sir:

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

Senate Concurrent Resolution No. 7:

A concurrent resolution to set aside a week to be designated FLAG WEEK to be observed in all public schools June 8 to 14 next, and issuing a proclamation to State officials to display the United States Flag.

Senate Concurrent Resolution No. 8:

A concurrent resolution requesting Congress to invoke such monetary clauses in the British, Swedish and Finnish Trade Agreements as may be necessary to protect the American wood pulp industry as well as other industries in competition with goods imported from the said countries.

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 Concurrent Resolutions 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.

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

Senate Chamber,
Tallahassee, Florida, April 13, 1939.

Hon. J. Turner Butler,
President of the Senate.
Sir:

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

House Memorial No. 2:

Memorializing the President and Congress of the United States to increase the sugar quota allotment for Florida.

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 Memorial 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 Hinely, Chairman of the Committee on Engrossed Bills, submitted the following report:

Senate Chamber,
Tallahassee, Florida, April 12, 1939.

Hon. J. Turner Butler,
President of the Senate.

Sir:

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

Senate Bill No. 4:

A bill to be entitled An Act to provide for the service of process on the directors of dissolved corporations as trustees of such dissolved corporations.

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

Very respectfully,

S. A. HINELY,
Chairman of Committee.

And Senate Bill No. 4, contained in the above report, was certified to the House of Representatives.

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

Senate Chamber,
Tallahassee, Fla., April 12, 1939.

Hon. J. Turner Butler,
President of the Senate.

Sir:

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

Senate Bill No. 146:

A bill to be entitled An Act to amend Chapter 4379, Acts of 1895, Laws of Florida, the same being Sections 4172, 4173, 4174, 4175, 4176 and 4177, of the Compiled General Laws of Florida, 1927, relating to attorneys.

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

Very respectfully,

PAT WHITAKER,
Chairman of Committee.

And Senate Bill No. 146, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,
Tallahassee, Fla., April 12, 1939.

Hon. J. Turner Butler,
President of the Senate.

Sir:

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

Senate Bill No. 40:

A bill to be entitled An Act to amend Section 2935, Revised General Statutes of Florida, 1920, (being Section 4655, Compiled General Laws of Florida, 1927) relating to adverse possession under color of title by providing therein that the said land so occupied adversely shall be within one year after the entry by such adverse owner returned for taxation and all taxes subsequently assessed against the same duly paid.

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

Amendment No. 1:

After the word "taxes" and before the word "levied," insert the following: "theretofore or thereafter levied and assessed against the same and matured installments of special improvement liens theretofore or thereafter"

Very respectfully,

PAT WHITAKER,
Chairman of Committee.

And Senate Bill No. 40, contained in the above report, together with Committee Amendment thereto, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,
Tallahassee, Fla., April 12, 1939.

Hon. J. Turner Butler,
President of the Senate.

Sir:

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

Senate Bill No. 30:

A bill to be entitled An Act requiring the Clerk of the Supreme Court to furnish each Circuit Court Judge copies of Supreme Court decisions.

Have had the same under consideration and recommend that the following Committee Substitute therefor pass:

A bill to be entitled An Act requiring the Clerk of the Supreme Court to furnish each Circuit Court Clerk with copies of Supreme Court decisions for use by the Bench and Bar and requiring the preservation thereof, and providing terms upon which others may subscribe to and receive such opinion service as regular subscribers.

Very respectfully,

PAT WHITAKER,
Chairman of Committee.

And Senate Bill No. 30, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,
Tallahassee, Fla., April 12, 1939.

Hon. J. Turner Butler,
President of the Senate.

Sir:

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

Senate Bill No. 13:

A bill to be entitled An Act to amend Section 2909 Revised General Statutes (1920) (4619 C.G.L.) and Section 3168 Revised General Statutes (1920) (4960 C.G.L.) so as to limit the time for writs of errors and appeals; and to repeal Section 2910 Revised General Statutes (1920) (4620 C.G.L.) allowing married women two years to sue out a writ of error.

Have had the same under consideration and recommend that the following Committee Substitute therefor pass:

A bill to be entitled An Act to repeal Section 2910 Revised General Statutes of Florida of Florida of 1920 (Sec 4620 C.G.L. 1927) relating to writs of error and appeals by married women.

Very respectfully,

PAT WHITAKER,
Chairman of Committee.

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

Senator Holland, chairman of the Committee on Finance and Taxation, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 12, 1939.

Hon. J. Turner Butler,
President of the Senate.

Sir:

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

Senate Bill No. 114:

A bill to be entitled An Act amending Section 19 of Chapter 15789, Laws of Florida, Acts of 1931, defining and classifying intangible personal property for the purpose of taxation and the levy and collection of taxes upon such intangible personal property, said Act being cited or referred to as "Intangible Personal Property Taxation Act of 1931." To provide by such

amendment that the lien of such intangible personal property taxes shall be upon all the real or personal property of the taxpayer in the County in which they are assessed from the time the tax becomes due and a lien in other counties from the time action is taken to enforce such taxes in such other counties and to subordinate said lien, whether heretofore or hereafter accruing to the lien of bona fide prior existing mortgages and vendors' liens; and further providing for the enforcement of such prior mortgages or vendors' liens against such tax lien of the State of Florida and consenting to such suits to enforce such prior liens with the making of the comptroller of the State of Florida a party defendant for and on behalf of the State of Florida.

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

Very respectfully,

S. L. HOLLAND,
Chairman of Committee.

And Senate Bill No. 114, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Dye, chairman of the Committee on Cities and Towns, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 12, 1939.

Hon. J. Turner Butler,
President of the Senate.

Sir:

Your Committee on Cities and Towns, to whom was referred:

Senate Bill No. 54:

A bill to be entitled An Act providing for the creation of a firemen's relief and pension fund in certain cities and towns of the State of Florida not now having an established similar fund; creating a Board of Trustees in such municipalities to administer the fund; designating the powers and duties of such boards; prescribing who shall receive a pension or relief out of the newly created pension funds; authorizing certain cities and towns to levy and impose an excise or license tax on the gross receipts of certain insurance companies on all premiums collected on fire and tornado insurance policies covering property within such cities and towns; requiring a certified copy of the ordinance imposing such tax to be deposited with the State Comptroller and Treasurer; providing that such tax when imposed and paid shall be credited on the State tax imposed on such insurance premiums; creating a special fund for the reception and disposition of the proceeds derived from such taxes and prescribing the duties of certain officials, including the State Treasurer as treasurer and insurance commissioner, with reference thereto; requiring certain insurers to make annual reports to the State Treasurer and repealing all laws in conflict with this law.

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

Very respectfully,

DEWEY A. DYE,
Chairman of Committee.

And Senate Bill No. 54, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Coulter, chairman of the Committee on Pensions and Claims, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 12, 1939.

Hon. J. Turner Butler,
President of the Senate.

Sir:

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

Senate Bill No. 86:

A bill to be entitled An Act for the relief of Angelina Samarkos.

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

Amendment No. 1:

In Section 1, line 1, strike out the words and figures "Fifteen Thousand (\$15,000.00) Dollars" and insert in lieu thereof the following: "Five thousand (\$5000.00) Dollars."

Very respectfully,

HENRY B. COULTER,
Chairman of Committee.

And Senate Bill No. 86, contained in the above report, together with Committee Amendment thereto, was placed on the Calendar of Bills on second reading.

Senator Coulter, Chairman of the Committee on Pensions and Claims, submitted the following report:

Senate Chamber
Tallahassee, Fla., April 12, 1939.

Hon. J. Turner Butler,
President of the Senate.

Sir:

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

Senate Bill No. 59:

A bill to be entitled An Act for the relief of Mrs Ben F. Callahan, widow, of Suwannee County, Florida, and making an appropriation therefor as compensation for the loss of her husband, Ben F. Callahan, who, as an employee of the State Department of Agriculture was killed.

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

Amendment No. 1:

In Section 1, line 3, strike out the words and figures "five thousand dollars, (\$5,000.00)" and insert in lieu thereof the following: "Three thousand, five hundred Dollars (\$3,500.00)."

Very Respectfully,
HENRY B. COULTER,
Chairman of Committee.

And Senate Bill No. 59, contained in the above report, together with Committee Amendment thereto, was placed on the Calendar of Bills on second reading.

Senator Coulter, Chairman of the Committee on Pensions and Claims, submitted the following report:

Senate Chamber
Tallahassee, Fla., April 12, 1939.

Hon. J. Turner Butler,
President of the Senate.

Sir:

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

Senate Bill No. 85:

A bill to be entitled An Act for the relief of Elego Vasiliou Johns.

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

Amendment No. 1:

In Section 1, line 1, strike out the words and figures "Fifteen Thousand (\$15,000.00)" and insert in lieu thereof the following: "Five thousand dollars (\$5000.00)."

Very Respectfully,
HENRY B. COULTER,
Chairman of Committee.

And Senate Bill No. 85, contained in the above report, together with Committee Amendment thereto, was placed on the Calendar of Bills on second reading.

Senator Coulter, Chairman of the Committee on Pensions and Claims, submitted the following report:

Senate Chamber
Tallahassee, Fla., April 12, 1939.

Hon. J. Turner Butler,
President of the Senate.

Sir:

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

Senate Bill No. 87:

A bill to be entitled An Act for the relief of Olga Christodoulou.

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

Amendment No. 1:

In Section 1, line 1, strike out the words and figures "Fifteen Thousand (\$15,000.00) Dollars" and insert in lieu thereof the following: "Five thousand (\$5000.00) Dollars."

Very Respectfully,
HENRY B. COULTER,
Chairman of Committee.

And Senate Bill No. 87, contained in the above report, together with Committee Amendment thereto, was placed on the Calendar of Bills on second reading.

Senator Johns, Chairman of the Committee on Internal Affairs, submitted the following report:

Senate Chamber
Tallahassee, Fla., April 13, 1939.

Hon. J. Turner Butler,
President of the Senate.

Sir:

Your Committee on Internal Affairs, to whom was referred:

Senate Bill No. 144:

A bill to be entitled An Act providing for the reimbursement for lawful costs legally adjudged against and paid by any county in all lunacy proceeding and criminal prosecutions against State convicts imprisoned at the State prison at Raiford and in all habeas corpus cases brought to test the legality of the imprisonment of State convicts imprisoned at the State prison farm at Raiford; providing the manner of making requisition for and the refund thereof from the State Treasury.

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

Very Respectfully,
CHARLEY E. JOHNS,
Chairman of Committee.

And Senate Bill No. 144, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Chamber,
Tallahassee, Fla., April 13, 1939.

Hon. J. Turner Butler,
President of the Senate.

Sir:

Your Committee on Motor Vehicles, to whom was referred:

Senate Bill No. 108:

A bill to be entitled An Act to define farm tractors and farm trailers operated in connection therewith; to provide that such farm tractors and farm trailers shall be exempt from the requirement of registration and the purchase of tags under the motor vehicle laws of this state, when such farm tractors and/or trailers are operated on farms, groves and orchards and in going to or from their headquarters to such farms, groves and orchards.

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

Very respectfully,
H. G. MURPHY,
Chairman of Committee.

And Senate Bill No. 108, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Kelly (11th), Chairman of the Committee on Judiciary A, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 13, 1939.

Hon. J. Turner Butler,
President of the Senate.

Sir:

Your Committee on Judiciary A, to whom was referred:

Senate Bill No. 119:

A bill to be entitled An Act to repeal Sections 3954, 3955 and 3956 of the Revised General Statutes of Florida, 1920, being Sections 5873, 5874 and 5875 of the Compiled General Laws of Florida, 1927, and being Chapter 1476, Laws of Florida, Acts of 1866 Session of the Legislature, relating to the support by the children of parents who are unable to support themselves, providing for proceedings in connection therewith and enforcing any order made thereon, and

Senate Bill No. 100:

A bill to be entitled An Act granting permission of the State of Florida and all subdivisions and agencies thereof, and all tax districts, counties and municipalities, to sue such governmental agencies for the recovery of illegally collected taxes, defining illegally collected taxes; providing the time within which such suits may be brought, declaring certain rules for the construction of this act, and providing that

illegally collected taxes may be by such tax payers recovered from such Governmental agencies whenever the same, for any reason has been declared illegal within the meaning of this act by the Supreme Court of the State of Florida and other Courts of competent jurisdiction; limiting the defences of such Governmental agencies in such suits, and providing for a continuing appropriation to pay for all claims for such illegally collected taxes, and

Senate Bill No. 103:

A bill to be entitled An Act to repeal Section 5494 of the Revised General Statutes of Florida, the same being Section 7652 of the Compiled General Laws of Florida, 1927, relating to the use of firearms on Sunday, and

Senate Bill No. 102:

A bill to be entitled An Act to amend Chapter 12,050, General Laws of Florida, approved June 6, 1927, entitled "An Act to prevent the introduction into and dissemination within the State of Florida of contagious and infectious diseases of honey bees; providing for eradication of bee diseases; authorizing the State Plant Board of Florida to make rules and regulations for carrying out the provisions of this act and prescribing a penalty for violations"; to provide for certification of freedom from infectious diseases of honey bees shipped or moved into this State when in wire cages and when without combs or honey, and for other purposes, and

Senate Bill No. 36:

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.

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

Very respectfully,

J. LOCKE KELLY,
Chairman of Committee.

And Senate Bills Nos. 119, 100, 103, 102 and 36, contained in the above report, were placed on the Calendar of Bills on second reading.

April 12, 1939.

Hon. J. Turner Butler,
Senate Chamber.

Dear Sir:

Your Attache Committee wishes to report the following as of today:

Stenographers	71
Verifiers	87
Typist	24
Various Assistants	104
Total	286

Respectfully yours,

J. WOFFORD LINDLER,
Chairman of Attache Committee.

Senator Horne moved that the rules be waived and the Senate do now take up and consider, out of their order, messages from the House of Representatives.

Which was agreed to by a two-thirds vote.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Florida,
April 13, 1939.

Hon. J. Turner Butler,
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 elected to the House of Representatives for the 1939 session of the Legislature:

Senate Bill No. 131:

A bill to be entitled An Act for the relief of Joe L. Sharit as chairman of the committee having charge of the holding of a festival and celebration of the Centennial Anniversary of the Constitution of the State of Florida in Port St. Joe, Florida, during the year 1938, and appropriating money to reimburse the said Joe L. Sharit for monies expended by him as such chairman of such committee.

Proof of publication attached.

Very respectfully,

BEN H. FUQUA,
Chief Clerk House of Representatives.

And Senate Bill No. 131, contained in the above message, was referred to the Committee on Enrolled Bills.

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

Tallahassee, Florida,
April 13, 1939.

Hon. J. Turner Butler,
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 Whitaker—

Senate Bill No. 156:

A bill to be entitled An Act authorizing, empowering and directing the Board of County Commissioners and the Clerk of the Circuit Court in counties having a population of not less than 85,000 and not more than 170,000 according to the next preceding State or Federal Census and in which an emergency now exists or may in the future exist, to sell, exchange and dispose of bonds taken in payment of delinquent taxes and in tax adjustment pursuant to Chapter 16252, Laws of Florida, Acts of 1933, and Chapter 16,910, Laws of Florida, Acts of 1935, prescribing the mode and method of selling and disposing of the same; providing for the distribution of the funds derived therefrom; providing that said Boards of County Commissioners shall transfer funds necessary to give the Board of Public Instruction in said counties at least \$100,000.00 total of Special School District taxes and County School Fund taxes; providing for delivery of said bonds; defining what is an emergency; and providing for such other and further duties of the Boards of County Commissioners and Clerks of the Circuit Courts in such counties necessary to comply with this Act.

Very respectfully,

BEN H. FUQUA,
Chief Clerk House of Representatives.

And Senate Bill No. 156, contained in the above message, was referred to the Committee on Enrolled Bills.

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

Tallahassee, Fla., April 13, 1939.

Hon. J. Turner Butler,
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 Senators Horne, Adams, Ward, Hinely, Gideons, McKenzie, Wilson, Clark, Lindler, Coulter and Dame—

Senate Concurrent Resolution No. 9:

WHEREAS, the Legislature of the State of Florida at the 1931 session passed certain legislation which is commonly referred to as the race track legislation, and

WHEREAS, it was provided in such legislation that the tax derived from the operation of race tracks under the provisions of said bill should be equally divided among the various counties of the State of Florida, and

WHEREAS, it was a common and mutual understanding among the then members of the Legislature that no change would be made in the distribution of such funds, and

WHEREAS, it is believed that said legislation could not have been passed had such provision not been incorporated in said Act, and

WHEREAS, the Counties in the State of Florida in which no racing was contemplated were assured by representatives of counties in which racing was contemplated that their honor was pledged to abide by the provisions of said bill and particularly with reference to the distribution of the tax moneys derived therefrom, and

WHEREAS, a recent attempt has been made to change such distribution by contesting the constitutionality of the provision of said Act with reference to the distribution of said funds and that such attack amounts to a breach of faith with the Counties in which there is no racing and that such attack if successful will disrupt the financial budgets and

greatly hamper the operation of a large number of the counties in the State.

NOW, THEREFORE, Be It Resolved by the Senate, the House of Representatives concurring, that a committee of three members of the Senate and three members of the House of Representatives be appointed by the President of the Senate and Speaker of the House, respectively, to form a joint committee for the purpose of solving the problem precipitated by the attack made on the distribution of the funds hereinabove referred to and to determine the source, cause and reason for the institution of the pending litigation and that such committee make such recommendations to the Legislature of the State of Florida with reference to race track legislation as it may deem proper.

With the following Amendment:

In the last paragraph of said Senate Concurrent Resolution, at the end of line eight (8) immediately after the word "Committee" and immediately before the word "make" in line nine (9) insert the following: "be authorized and directed to hold hearings and issue subpoenas for witnesses and to incur such reasonable expenses as may be necessary to achieve the objects and purposes of this resolution, and after ascertainment of the facts to"

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Concurrent Resolution No. 9, contained in the above message, was read together with House Amendment thereto.

Senator Horne moved that the Senate do concur in House Amendment to Senate Concurrent Resolution No. 9, contained in the above message.

Which was agreed to and the Senate concurred in House Amendment to Senate Concurrent Resolution No. 9, contained in the above message.

And Senate Concurrent Resolution No. 9, as amended, was referred to the Committee on Engrossed Bills, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

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

Tallahassee, Fla., April 13, 1939.

Hon. J. Turner Butler,
President of the Senate.
Sir:

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

House Bill No. 34:

A bill to be entitled An Act to Amend An Act entitled: "An Act Relating to the Disposition of Unclaimed Funds in the hands of Receivers or other representatives of persons, firms or corporations that have been or are in the process of voluntary or involuntary liquidation under the Laws of this State," being Chapter 12035, Laws of Florida, approved June 4, 1927, and to provide for judicial proceedings to determine the existence and rights, if any, of claimants to such funds, and for service of process in such proceedings upon unknown persons and claimants, and further to provide for the disposition of such funds.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 34, contained in the above message, was read the first time by title only and referred to the Committee on Judiciary "C."

The President announced the appointment of Senators Murphy and Kelly (11th) on the Committee on Citrus Fruit to increase the membership of the committee to eleven pursuant to the new rules of the Senate.

Senator Gideons moved that a committee be appointed to escort Honorable Fred L. Touchton, former Senator from the 38th Senatorial District, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Gideons, Adams and Hinely as the committee.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Kelly (11th)—

Senate Bill No. 172:

A bill to be entitled An Act authorizing all counties of the State of Florida having a population of not less than 60,000 and not more than 70,000 according to the last or any future official, Federal or State census, to levy a rate of millage not to exceed five mills against all of the taxable property in such counties for the purpose of promoting agriculture.

Which was read the first time by title only.

Senator Kelly (11th) moved that the rules be waived and Senate Bill No. 172 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 172 was read the second time by title only.

Senator Kelly (11th) moved that the rules be further waived and Senate Bill No. 172 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 172 was read the third time in full.

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—37.

Nays—None.

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

By Senator Kelly (11th)—

Senate Bill No. 173:

A bill to be entitled An Act authorizing all counties of the State of Florida having a population of not less than 60,000 and not more than 70,000 according to the last or any future official, Federal or State Census, to levy a rate of millage not to exceed two mills against all of the taxable property in such counties for the purpose of bridge construction, maintenance, and repair in such counties.

Which was read the first time by title only.

Senator Kelly (11th) moved that the rules be waived and Senate Bill No. 173 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 173 was read the second time by title only.

Senator Kelly (11th) moved that the rules be further waived and Senate Bill No. 173 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 173 was read the third time in full.

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—37.

Nays—None.

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

By Senator Kelly (11th)—

Senate Bill No. 174:

A bill to be entitled An Act authorizing all counties of the State of Florida having a population of not less than 60,000 and not more than 70,000 according to the last or any further official, Federal or State Census, to acquire, mortgage and dispose of real property.

Which was read the first time by title only.

Senator Kelly (11th) moved that the rules be waived and Senate Bill No. 174 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 174 was read the second time by title only.

Senator Kelly (11th) moved that the rules be further waived and Senate Bill No. 174 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 174 was read the third time in full.

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—37.

Nays—None.

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

By Senator Kelly (11th)—

Senate Bill No. 175:

A bill to be entitled An Act authorizing all counties of the State of Florida having a population of not less than 60,000 and not more than 70,000 according to the last or any future official, Federal or State census, to levy a rate of millage not to exceed five mills against all of the taxable property in such counties for the purpose of county welfare.

Which was read the first time by title only.

Senator Kelly (11th) moved that the rules be waived and Senate Bill No. 175 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 175 was read the second time by title only.

Senator Kelly (11th) moved that the rules be further waived and Senate Bill No. 175 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 175 was read the third time in full.

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—37.

Nays—None.

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

By Senators Ward, McKenzie and Murphy—

Senate Bill No. 176:

A bill to be entitled An Act to create a system for the administration of adult probation and parole; authorizing and regulating the use of probation, suspension of sentence and parole; establishing a State Commission of Probation and Parole; conferring and defining its jurisdiction, powers and duties; providing for the method of selection or employment of its members; regulating the selection or employment of members and employees, removal and discharge of its employees; regulating the compensation of members of the Commission and of employees thereof; making violations of certain provisions of this Act misdemeanors and providing punishment therefor; defining parole and making provisions therefor, authorizing supervision and defining violation thereof and for other related purposes; making appropriations for operation of this Act; effective date of Act; and to repeal all laws and parts of laws inconsistent with this Act.

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

By Senators Murphy and Dame—

Senate Bill No. 177:

A bill to be entitled An Act to amend Section 2213 of the Revised General Statutes of Florida, providing for examina-

tion fee: annual registration fee: registration report of the Board of Pharmacy.

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

By Senators Murphy and Dame—

Senate Bill No. 178:

A bill to be entitled An Act to amend Section 1, Chapter 10201, Laws of Florida, Acts of 1925, the same being "An Act to amend Section 2212 of the Revised General Statutes of Florida, providing for examination by Board of Pharmacy and qualification of applicants," and the same being An Act entitled "An Act relating to the duties of the Board of Pharmacy of the State of Florida and the examination of pharmacists."

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

By Senators Beacham and Ward—

Senate Bill No. 179:

A bill to be entitled An Act amending Section 7 of Chapter 17,976, Laws of Florida, Acts of 1937 and making specific provision for the payment by the curator of the property of a weak minded or physically incapacitated person from the assets of the estate of such person of all costs and expenses of the proceedings in regard to such curatorship, including compensation to such curator, any guardian therein appointed and an allowance to such curator, guardian and the petitioner instituting such proceedings for reasonable attorney's fees incurred or paid in connection with the institution and maintenance of such proceedings and all acts and proceedings therein and thereunder.

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

By Senator Mapoles—

Senate Bill No. 180:

A bill to be entitled An Act creating an emergency revenue commission, providing for the appointment of the members thereof; providing for the operation of automatic coin-operated devices under State ownership and the purchase of such machines; providing for limitation of the number of machines which may be operated in the State of Florida; providing to whom, where and the number of machines that may be located; providing regulations for the operation of such machines and all other coin-operated devices; providing for the employment of agents and servants by the commission; limiting the expense of carrying the provisions of this act into effect and making appropriation therefor; imposing penalties for violations of the terms of this act. The main purpose of this act is to acquire land or real estate and erect a suitable home for which the State is in desperate need for delinquent girls and women of this State and contribute funds to and for relief of old people and fatherless children and the blind.

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

By Senators Holland and Parrish—

Senate Bill No. 181:

A bill to be entitled An Act relating to Citrus fruit damaged by freezing; providing for the determination of the extent of damage occurring to Citrus fruit from freezing temperatures; prescribing conditions under which Citrus fruit damaged by freezing shall be deemed unfit for human consumption; providing for issuance of rules and regulations by the Florida Citrus Commission under the provisions of this Act; providing for an embargo on Citrus fruit under certain conditions; and providing penalties for violation of the provisions of this Act.

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

By Senator Black—

Senate Bill No. 182:

A bill to be entitled An Act granting and providing for the payment of compensation to James S. Dunning for injuries received while in the performance of his duties for the State of Florida.

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

By Senator Johns—

Senate Bill No. 183:

A bill to be entitled An Act requiring all persons employed

by the State Government and all Departments thereof in Tallahassee, Florida, to have lived and had their domicile in the State of Florida for a period of fifteen years prior to such employment, and providing that this act shall not apply to those so employed at the time of the effective date hereof, and providing a penalty for the violation thereof.

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

By Senator Kelly (16th)—
Senate Bill No. 184:

A bill to be entitled An Act amending Section 5 of Chapter 18011 of the laws of Florida, Acts of 1937, entitled "An Act relating to license taxes, repealing Chapter 14491, and Chapter 14528, Laws of Florida, Acts of 1929; repealing parts of Chapter 2 of Title VI, of Division 1 of the Revised General Statutes of Florida, of 1920; repealing Chapter 16801 and Chapter 17167, Laws of Florida, Acts of 1935; imposing certain license taxes and providing for the payment and collection thereof, and providing that license taxes shall be a lien on the property of the person liable therefor, under certain circumstances."

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

By Senator Kelly (16th)—
Senate Bill No. 185:

A bill to be entitled An Act to provide that cities and villages owning, maintaining or operating certain services or facilities may make provision for the collection of reasonable charges from the users of such services or facilities.

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

By Senator Kelly (16th)—
Senate Bill No. 186:

A bill to be entitled An Act authorizing cities and villages to levy and collect license and excise taxes upon privileges, businesses, occupations and professions carried on therein, and upon sales and transactions made or affecting property therein; and to revoke licenses under certain conditions.

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

By Senator Hodges—
Senate Bill No. 187:

A bill to be entitled An Act to amend An Act entitled "An Act to provide for the incorporation of Benevolent Mutual Benefit Associations or societies on the assessment plan organized for the purpose of benefiting and protecting members in the case of dismemberment, and to the end of benefiting widows, orphans, heirs, devisees and estates of deceased members thereof; providing for the method of incorporation of such associations and the regulation and control of such associations as may be incorporated under the terms of this Act, and requiring those associations or organizations doing a similar business in the State of Florida to be incorporated under the terms of this Act, and providing a penalty for failures so to do; authorizing the State Treasurer to examine into the solvency and operation of such associations incorporated or reincorporated under the terms of this Act; providing for a valuation of certificates and providing for a reserve fund, providing for the payment of all benefits in cash only; providing for general State supervision and control of benevolent mutual benefit associations or societies that may be hereafter operated in the State of Florida, subject to the terms of this Act, on the assessment plan," being Chapter 15885, Laws of Florida, Acts of 1933, by amending Section 5 thereof; and by repealing Section 2 of Chapter 16802, Laws of Florida, Acts of 1935, being an amendment of said Section 5 of Chapter 15885, Laws of Florida, Acts of 1933, and repealing conflicting laws.

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

By Senator Hodges—
Senate Bill No. 188:

A bill to be entitled An Act relating to the publication of official public notices and legal advertisements and the amounts to be charged therefor: Amending Section 2944 of the Revised General Statutes of Florida of 1920, being the same as Section 3 of Chapter 3022, Laws of Florida, Acts of 1877,

as amended by Section 1 of Chapter 12215, Laws of Florida, Acts of 1927, being the same as Section 4668 of the Compiled General Laws of Florida, 1927.

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

By Senator Hodges—
Senate Bill No. 189:

A bill to be entitled An Act establishing uniform affidavits for proof of publication of all official public notices or legal advertisements published in newspapers in the State of Florida.

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

By Senator Hodges—
Senate Bill No. 190:

A bill to be entitled An Act relating to taxation; defining special assessments for benefits; prohibiting the levying of taxes against homesteads except for special assessments for benefits; prohibiting the levying of taxes against homestead for bonds issued prior to adoption of the homestead exemption amendment, under certain conditions; and repealing all laws or parts of laws in conflict with this Act.

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

By Senator Hodges—
Senate Bill No. 191:

A bill to be entitled An Act creating and providing for the appointment term of office, powers, duties, and position of an Assistant State Attorney for the Second Judicial Circuit comprising Leon, Gadsden, Liberty, Franklin, Jefferson and Wakulla counties prescribing the place of residence of such Assistant State Attorney; prohibiting such attorney from engaging in the practice of criminal law in said circuit; providing for the compensation of such Assistant State Attorney and the manner of payment.

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

By Senators Clarke, Holland, Gillis, Hodges, Kelly (11th), Graham, Price, Dugger, Dye, Beacham and Murphy—
Senate Bill No. 192:

A bill to be entitled An Act to regulate the purchase of wages, salaries or other compensation for services and the taking of assignments thereof where the consideration for the purchase or assignment shall be \$300 or less, and to provide that such transactions shall, in the application of laws relating to loans, interest charges or usury, be deemed loans secured by such assignments and the amount by which such assigned compensation shall exceed the amount of the consideration actually paid therefor shall, in such application of such laws, be deemed interest on the loan from the date of the payment for such purchase or assignment until the date such compensation is payable.

Which was read the first time by title only and referred to the Committee on Banking and Building and Loans.

By Senator Holland—
Senate Bill No. 193:

A bill to be entitled An Act to amend Paragraph (12) of Section 3 of Chapter 16085, Laws of Florida, Acts of 1933, being Paragraph (12) of Section 1285, Permanent Cumulative Supplement to Compiled General Laws of Florida, 1927; said Chapter relating to the operation, licensing and taxing of motor vehicles, trailers, semi-trailers and motorcycle sidecars and providing penalties for the violation thereof.

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

By Senators Holland and Parrish—
Senate Bill No. 194:

A bill to be entitled An Act providing for and prescribing certain additional powers, duties, and authority of the Florida Citrus Commission, providing for the application of other provisions of law to rules and regulations promulgated under the provisions of this Act; providing the manner in which the provisions of this Act shall be construed.

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

By Senators Rose, Westbrook, Parrish, Dame, Kelly (11th), Beacham, Johns, Beall, Clarke, Dugger, Graham, Hinely, Holland, Mapoles, Sharit, Walker, Kanner, Adams, Parker, Hodges and Black—

Senate Bill No. 195:

A bill to be entitled An Act to provide for raising revenue sufficient to defray the expenses of the State for each of the fiscal years 1939 and 1940.

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

By Senators Kelly (16th), Ward and Beacham—
Senate Bill No. 196:

A bill to be entitled An Act providing a bonus of Fifty Thousand Dollars to be paid by the State of Florida to the first person, persons, firm company or combination of firms or companies, who shall produce natural oil or gas from a well situated in the State of Florida, and providing an appropriation therefor.

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

By Senator Kelly (16th)—
Senate Bill No. 197:

A bill to be entitled An Act providing that courses in vocational training shall be made available by County Boards of Public Instruction for students in all accredited high schools of the State.

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

By Senator Kelly (16th)—
Senate Bill No. 198:

A bill to be entitled An Act providing for a uniform system and schedule of salaries for the public free school teachers of the State of Florida, as to certification, educational qualifications, experience and position occupied in said school as teacher, and repealing all laws or parts of laws in conflict herewith.

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

CONSIDERATION OF OTHER RESOLUTIONS

Senate Concurrent Resolution No. 11 was taken up in its order.

By unanimous consent, Senator Price withdrew Senate Concurrent Resolution No. 11.

GOVERNOR'S VETO MESSAGE

Senate Bill No. 1142 (1937 Session), was taken up in its order and the consideration thereof was informally passed.

Senate Bill No. 1186 (1937 Session), was taken up in its order.

Senator Kanner moved that Senate Bill No. 1186 (1937 Session), be made a Special and Continuing Order of the Senate for consideration at 11:30 o'clock A. M., Tuesday, April 18, 1939.

Which was agreed to and it was so ordered.

SENATE BILLS ON THIRD READING

Senate Bill No. 124:

A bill to be entitled An Act authorizing Pinellas County Florida to construct, acquire, improve, extend, operate and maintain certain public works, undertakings, and projects in said county and under, in, over, above and across the waters of Boca Ceiga or Tampa Bay: prescribing the mode of procedure for and regulating the issuance and sale of bonds and other obligations to finance such works, undertakings and projects, providing for the payment of such bonds and other obligations: and authorizing agreements with the holders of such bonds and other obligations.

Was taken up in its order, having been read the third time in full on April 11, 1939.

By unanimous consent Senator Kelly (11th) offered the following amendment to Senate Bill No. 124:

In Section 1, paragraph (d), line 10, (typewritten bill) strike out the words: "and electric" and insert in lieu thereof the following: the word "and" after the word "water."

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

By unanimous consent Senator Kelly (11th) also offered the following amendment to Senate Bill No. 124:

By adding a new section, to be numbered 22-a, as follows:

"SECTION 22-A. That no "public works" or "project" herein authorized shall be acquired or constructed in direct competition with an existing facility of similar nature in an area actually served by said facility now being owned or operated by private enterprise unless said existing facility shall first be acquired by purchase, arbitration or the exercise of eminent domain, or unless the consent of the owner or owners of such private enterprise owning or operating such existing facility be first obtained."

Senator Kelly (11th) 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, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, Mapoles, McKenzie, Murphy, Parker Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—37.

Nays—None.

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

SENATE BILLS ON SECOND READING

Senate Bill No. 75:

A bill to be entitled An Act providing for the voluntary resignation and retirement of Circuit Judges under certain conditions; establishing a fund to be known as "The Circuit Judges Retirement Fund," and providing for contribution thereto by Circuit Judges under certain conditions; providing for the pay of such retired Circuit Judges; making appropriations to carry out the provisions of this Act; and prohibiting such retired Circuit Judges from practicing law.

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

Senators Whitaker and Beall offered the following amendment to Senate Bill No. 75:

In Section 1, line 3 (typewritten bill) strike out the words: "fifteen" and insert in lieu thereof the following: "twelve."

Senator Whitaker moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Whitaker and Beall also offered the following amendment to Senate Bill No. 75:

In Section 1, line 4 (typewritten bill) after the word "more" insert the following: or who is serving the 12th continuous year as such Judge,

Senator Whitaker moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Parker offered the following amendment to Senate Bill No. 75:

At the end of Section 7 add:

"Provided that if any Judge who has received benefits under this Act dies leaving an estate, the State shall be entitled to have a claim and lien enforced to the extent of the public assistance, provided to the deceased against such estate."

Senator Parker moved the adoption of the amendment.

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

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

Yeas—Senators Coulter, Dugger, Gillis, Graham, Hinely, Johns, Parker—7.

Nays—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Dame, Dye, Gideons, Hodges, Holland, Horne, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, Mapoles, McKenzie, Murphy, Parrish, Price, Rose, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—29.

So the amendment failed of adoption.

Senator Dye moved that the rules be waived and Senate Bill No. 75, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 75, as amended, was read the third time in full.

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Dame, Dye, Gideons, Hodges, Holland, Horne, Kanner, Kelly (11th), Kelly (16th), Kendrick, McKenzie, Murphy, Parrish, Price, Rose, Sharit, Walker, Ward, Westbrook, Whitaker—25.

Nays—Senators Clarke, Coulter, Dugger, Gillis, Graham, Hinely, Johns, Lindler, Mapoles, Parker, Wilson—11.

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

Senate Bill No. 5:

A bill to be entitled An Act to abolish contributory negligence as a bar to recovery and to provide for diminution of damages.

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

Senator Beall moved that the rules be waived and Senate Bill No. 5 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 5 was read the third time in full.

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Dame, Dugger, Gideons, Graham, Hinely, Hodges, Holland, Horne, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Savage, Ward, Westbrook, Whitaker, Wilson—30.

Nays—Senators Dye, Gillis, Johns, Sharit, Walker—5.

So the bill passed, title as stated.

Before the result of the roll call on the passage of Senate Bill No. 5 was announced, Senator Mapoles, who originally voted 'no', requested that his vote be changed to 'aye' so that he could move to reconsider the vote by which Senate Bill No. 5 passed the Senate. Senator Mapoles' vote was recorded 'aye'.

After announcing the result of the roll call on the passage of Senate Bill No. 5 Senator Beall moved that the rules be waived and the Senate do now reconsider the vote by which Senate Bill No. 5 passed the Senate, this day.

The President put the question "Will the Senate waive the rules and now consider the motion to reconsider the vote by which Senate Bill No. 5 passed the Senate"?

Which was agreed to by a two-thirds rising vote.

The President then put the question: "Will the Senate reconsider the vote by which Senate Bill No. 5 passed the Senate"?

Which was not agreed to and Senate Bill No. 5 was ordered certified to the House of Representatives.

Senate Bill No. 68 was taken up in its order and the consideration thereof was informally passed.

Senator Hinely moved that a committee be appointed to escort the Honorable H. V. McClellan, former member of the Senate from the 25th Senatorial District, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Hinely, Beall and Kendrick as the committee.

Senate Bill No. 79:

A bill to be entitled An Act to regulate and control the practice of photography, and defining the same and requiring a certificate of registration as a condition precedent to any party practicing photography, and prescribing the terms and conditions upon which certificates may be issued to any party to practice photography in the State of Florida, creating the State Board of Photographic Examiners, and defin-

ing and declaring its powers and duties, prescribing a course of study and requirements, imposing certain fees upon persons applying for certificates to practice photography in Florida, imposing certain annual license fees upon employers and photographers practicing photography in Florida, and appropriating the proceeds thereof to accomplish the purposes of this Act; and prescribing penalties for the violation of the provisions of this Act and regulations hereunder.

Was taken up in its order.

Senator Johns moved that the rules be waived and Senate Bill No. 79 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 79 was read the second time by title only.

Senator Johns moved that the rules be further waived and Senate Bill No. 79 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 79 was read the third time in full.

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

Yeas—Mr. President; Senators Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gideons, Graham, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, Mapoles, McKenzie, Price, Rose, Savage, Walker, Ward, Whitaker, Wilson—29.

Nays—Senators Gillis, Parrish, Sharit—3.

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

The President announced the appointment of Senators Parker, Gillis and Hodges as the Special Committee to draft and present a suitable Resolution commemorating the life and public services of the late Honorable Ben H. Lindsey, former member of the Senate, pursuant to the motion made by Senator Parker on April 11, 1939.

Senate Bill No. 60:

A bill to be entitled An Act to promote public morals by abolishing the right of action to recover sums of money as damages for the alienation of affection, criminal conversation, seduction and breach of contract to marry, limiting the time within which such present existing causes of action must be commenced, making it unlawful to prosecute or threaten to prosecute such causes of action declaring all contracts hereafter executed in payment, satisfaction, settlement or compromise of any cause of action abolished by this Act to be void as against public policy, and declaring the public policy of the state and prescribing the penalty for the violation of this Act.

Was taken up in its order.

Senator Beacham moved that the rules be waived and Senate Bill No. 60 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 60 was read the second time in full.

Senator Beacham moved that the rules be further waived and Senate Bill No. 60 be read the third time in full.

Which was agreed to by a two-thirds vote.

Pending the third reading of Senate Bill No. 60, Senator Beacham moved the hour of adjournment be extended until the final disposition of Senate Bill No. 60.

Senator Westbrook moved as a substitute motion that the Senate do now adjourn.

The question was put on the substitute motion made by Senator Westbrook.

Which was agreed to and the Senate stood adjourned at 12:58 o'clock P. M., until 11:00 o'clock A. M., Friday, April 14, 1939.