

JOURNAL OF THE SENATE

Tuesday, April 25, 1939

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Monday, April 24, 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, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—38.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Monday, April 24, 1939, was corrected and as corrected was approved.

REPORTS OF COMMITTEES

Senate Chamber, April 25, 1939.

Senator Beall, Chairman of the Committee on Labor and Industry, reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 270:

A bill to be entitled An Act creating a Department of Labor, providing for the personnel; providing for designation of the Secretary of Labor; defining the jurisdiction of said department; providing for certain records and reports, and repealing all laws in conflict.

And Senate Bill No. 270, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Johns, Chairman of the Committee on Internal Affairs, reported that the Committee had carefully considered the following bill and recommends that the same do pass.

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.

Have had the same under consideration and offer a Committee Substitute as follows: A bill to be entitled An Act requiring all persons employed by the State Government and all departments thereof in the State of 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 thereof, and providing a penalty for the violation thereof.

And Senate Bill No. 183, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Coulter, Chairman of the Committee on Pensions and Claims, reported that the Committee had carefully considered the following bill and recommends that the same do pass, as amended:

Senate Bill No. 141:

A bill to be entitled An Act for the relief of R. H. Brown in the matter of damage done to certain lands owned by him by the building of highways and requiring the Florida State Road Department to pay to the said R. H. Brown the sum of Four Hundred Dollars.

Amendment No. 1:

Strike out the words and figures, "Four Hundred Dollars" wherever they appear in said Bill and insert in lieu thereof the following "Two Hundred and Fifty Dollars (\$250.00)."

And Senate Bill No. 141, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Coulter, Chairman of the Committee on Pensions and Claims, reported that the Committee had carefully considered the following bills and recommends that they do pass:

Senate Bill No. 376:

A bill to be entitled An Act granting a pension to Mrs. Salley A. Perkins, Tallahassee, Fla., and,

Senate Bill No. 204:

A bill to be entitled An Act for the relief of Robert J. Boone of Miami, Dade County, Florida, and providing for a refund of assessment levied, collected and paid by said Robert J. Boone for placing his name as a Democratic candidate for United States Senator upon the Democratic Primary Ticket in August, 1936, and,

Senate Bill No. 360:

A bill to be entitled An Act granting a pension to Mrs. Eliza Bowers of Walton County, Florida, and,

Senate Bill No. 359:

A bill to be entitled An Act granting a pension to Mrs. Evelyn Kline, of Marion County, Florida.

And Senate Bills Nos. 376, 204, 360 and 359, contained in the above report, were placed on the Calendar of Bills on second reading

Senate Chamber, April 25, 1939.

Senator Coulter, Chairman of the Committee on Pensions and Claims, reported that the Committee had carefully considered the following bill and recommends that it does pass, as amended:

Senate Bill No. 161:

A bill to be entitled An Act for the relief of P. L. Busbee and Mrs. P. L. Busbee.

Amendment No. 1:

In Section 1, line 1, strike out the words and figures: "Ten Thousand Dollars (\$10,000)" and insert in lieu thereof the following: "Five Thousand Dollars (\$5,000)."

Amendment No. 2:

In Section 2, lines 3-4, strike out the words and figures: "Ten Thousand Dollars (\$10,000)" and insert in lieu thereof the following: "Five Thousand Dollars (\$5,000)."

And Senate Bill No. 161, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Coulter, Chairman of the Committee on Pensions and Claims, reported that the Committee had carefully considered the following bill and recommends that it does pass, as amended:

Senate Bill No. 162:

A bill to be entitled An Act for the relief of A. H. Murphy and Mrs. A. H. Murphy.

Amendment No. 1:

In Section 1, line 1, strike out the words and figures "Ten Thousand Dollars (\$10,000)" and insert in lieu thereof the following: "Five Thousand Dollars (\$5,000)."

Amendment No. 2:

In Section 2, lines 3 and 4, strike out the words and figures "Ten Thousand Dollars (\$10,000)" and insert in lieu thereof the following: "Five Thousand Dollars (\$5,000)."

And Senate Bill No. 162, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Dye, Chairman of the Committee on Cities and Towns, reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 345:

A bill to be entitled An Act creating and establishing in certain incorporated municipalities in the State of Florida, a Police Civil Service Commission; providing for the selection of the personnel of such commissions; and providing for the rules, funds, compensations, powers and duties of such commissions; providing that all vacancies in all police departments shall be filled by merit examinations; providing for the grading, inspection, and regrading of all merit examination papers; providing for removal, and suspension of police officers; and providing for appeals from all removals, fines, suspension or examinations; and providing for no change in civil service in those municipalities now having Civil Service Commissions.

And Senate Bill No. 345, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Westbrook, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 276:

A bill to be entitled An Act appropriating moneys from the General Revenue Fund to pay pensions due to Confederate veterans and their widows in the fiscal year ending June 30th, 1939.

And Senate Bill No. 276, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Westbrook, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 281:

A bill to be entitled An Act making a continuing appropriation to the Agricultural College Fund and transferring the interest received on said fund to the General Revenue Fund.

And Senate Bill No. 281, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Westbrook, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following bill and recommends that the same do pass—

Senate Bill No. 245:

A bill to be entitled An Act to amend Section 6 of Chapter 18284, Laws of Florida 1937, entitled "An Act relating to the admission of patients to the State Tuberculosis Sanatorium, and providing for the payment of the care and maintenance charges of such patients therein."

And Senate Bill No. 245, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Westbrook, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following bill and recommends that the same do pass—

Senate Bill No. 277:

A bill to be entitled An Act providing that the Hall heretofore used as a meeting-place for the House of Representatives of the Legislature of the State of Florida and the rooms adjacent thereto and such other space as is herein designated shall be allotted to the Florida State Library, and making an appropriation for arranging such rooms and space to facilitate their use for the purpose designated.

And Senate Bill No. 277, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Westbrook, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following bill and recommends that the same do pass—

Senate Bill No. 300:

A bill to be entitled An Act making appropriations to be used as sponsor's contributions to grants of the Works Progress Administration for the construction of certain buildings on the campus of the University of Florida.

And Senate Bill No. 300, contained in the above report, was

placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Westbrook, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following bill and recommends that the same do pass—

Senate Bill No. 317:

A bill to be entitled An Act to amend Section 3 of Chapter 12283, Laws of Florida, Acts of 1927, being "An Act providing for the protection of woodlands and forests in the State of Florida, and matters relating thereto; creating a State Board of Forestry, prescribing its membership, powers and duties, fixing the compensation for the services of its members; providing for the employment of a State Forester and such other assistants and employees with such powers and on such terms as said Board may deem advisable; and appropriating moneys out of the State Treasury for carrying out the provisions of this Act." by providing that the president of the State Board of Forestry shall be allowed the actual and necessary expenses incurred by him in the performance of his duties as such president in an amount not to exceed the sum of one thousand dollars per annum.

And Senate Bill No. 317, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Westbrook, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following bill and recommends that the same do pass, as amended—

Senate Bill No. 101:

A bill to be entitled An Act setting and fixing the salaries of the several state attorneys of the State of Florida where no assistant state attorney is now provided by law.

Amendment No. 1:

In Section 3, change period at end of Section 3 to a semicolon and add the following:

Provided, however, that no State Attorney affected by the provisions of this Act shall engage in the private practice of law while holding the office of State Attorney.

And Senate Bill 101, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Westbrook, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following bill and recommends that the same do pass, as amended:

Senate Bill No. 99:

A bill to be entitled An Act providing for the beautification, care and upkeep of the Natural Bridge Battleground, for the appointment of a supervisor, whose duties are defined, and making an appropriation to carry out the purposes of this Act.

Amendment No. 1:

In Section 3, line 1, typewritten bill, strike out the words: "there is hereby appropriated the sum of \$1800.00 per annum" and insert in lieu thereof the following: "there is hereby appropriated the sum of \$1200.00 for the fiscal year ending on June 30th, 1940, and the sum of \$600.00 for the fiscal year ending on June 30th, 1941."

And Senate Bill No. 99, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Lewis, Chairman of the Committee on Judiciary "C," reported that the Committee had carefully considered the following bills and recommends that they do pass:

Senate Bill No. 136:

A bill to be entitled An Act relating to the examination and commitment of persons to the Florida State Hospital, and repealing all laws and parts of laws in conflict herewith.

Senate Bill No. 74:

A bill to be entitled An Act to authorize the filing, indexing and recording of certified copies of petitions commencing proceedings under the Bankruptcy Act of the United States, decrees of adjudication in such proceedings, and orders approving bonds of trustees appointed in such proceedings; to make it the duty of the Clerks of the Circuit Courts to file, index and record such copies; and to provide fees for such filing, indexing and recording.

Senate Bill No. 62:

A bill to be entitled An Act providing for the disposition of the personal effects of deceased inmates of certain institutions of the State of Florida when there are no apparent heirs.

Senate Bill No. 143:

A bill to be entitled An Act providing a method for manifesting and evidencing domicile in Florida.

Senate Bill No. 287:

A bill to be entitled An Act to protect trade-mark owners, producers, distributors and the general public against injurious and uneconomic practices in the distribution of competitive commodities bearing a distinguishing trade-mark, brand or name; authorizing the use of contracts establishing minimum resale prices and refusal to sell unless such minimum resale prices are observed, and making such contracts obligatory on all persons having knowledge of them, whether or not such persons are parties thereto.

And Senate Bills Nos. 136, 74, 62, 143 and 287, contained in the above report, were placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Lewis, Chairman of the Committee on Judiciary "C," reported that the Committee had carefully considered the following bill and recommends that the same do not pass:

House Bill No. 167:

A bill to be entitled An Act regulating the allowance of exemptions for household goods and personal effects of legal residents of the State of Florida and to the head of a family residing in this State excepting household goods and personal effects used for commercial purposes and fixing the amount of such exemptions and prescribing the duties of County and City officers and taxpayers with reference thereto.

And House Bill No. 167, contained in the above report, was laid on the table.

Senate Chamber, April 25, 1939.

Senator McKenzie, Chairman of the Joint Committee on Enrolled Bills, on the part of the Senate, reported that the Committee had this day submitted to the Governor for his approval 1 House Concurrent Resolution and 1 Senate Bill listed in Report No. 4 of the Joint Committee on Enrolled Bills, being—

House Concurrent Resolution No. 6.

Senate Bill No. 82.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Gillis—

Senate Joint Resolution No. 377:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE III OF THE CONSTITUTION OF THE STATE OF FLORIDA RELATING TO THE LEGISLATIVE DEPARTMENT.

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

That the following amendment to Article III of the Constitution of the State of Florida relating to the Legislative Department, to be numbered Section 35 to said Article III, be and the same is hereby agreed to and shall be submitted to the electors of the State at the next general election, to be held on the first Tuesday after the first Monday of November, A. D. 1940, for ratification or rejection, to-wit:

SECTION 35. Whenever the President of the Senate and the Speaker of the House of Representatives receive in writing a request signed by three-fifths, or more, of the elected membership of the Legislature, said request asking that a special session of the Legislature be convened, they must, by their joint proclamation, convene a special session of the Legislature within twenty days after the receipt of such request. No special session convened by the joint proclamation of the President of the Senate and of the Speaker of the House of Representatives shall exceed twenty days and not more than two special sessions may be convened in any calendar year by the joint proclamation of the President of the Senate and the Speaker of the House of Representatives.

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

Senator Parker moved that a committee be appointed to escort the Honorable J. E. Brooks, a member of the Senate of the State of Georgia, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Whitaker, Parker and Lewis as the committee.

Senator Whitaker moved that a committee be appointed to escort the Honorable J. R. McEachern, a former member of the Senate from the 34th Senatorial District, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Whitaker, Parker and Lewis as the committee.

By the Committee on Forestry and Parks—

Senate Bill No. 378:

A bill to be entitled An Act to provide that all lands designated or hereafter acquired for park and/or forest purposes shall be dedicated for the use of the public and preserved in their natural condition so far as consistent with their use and enjoyment; to provide for the deposit in the State Treasury, to the credit of the Florida Board of Forestry, of all fees, rentals, and charges collected for the use or operation of facilities and all revenue otherwise derived from the operation of State parks and State forests, and that the said funds, so deposited, shall constitute continuing funds to be available to the State Board of Forestry until expended, and to provide for the investment of monies received in trust for State forests or for State parks.

Which was read the first time by title only.

Senator Kelly (16th) moved that Senate Bill No. 378 be placed on the Calendar of Bills on second reading without reference.

Which was agreed to and it was so ordered.

By Senator Adams—

Senate Bill No. 379:

A bill to be entitled AN ACT to amend Sections one (1) and two (2) of Chapter 17899, Acts of 1937, the same being a law fixing the time District and County Registration Books are to be opened in the various counties of the State wherein VOTING MACHINES ARE used for the primaries held in the State of Florida, for the nomination of State and County officers.

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

By Senator Adams—

Senate Bill No. 380:

A bill to be entitled An Act to amend Sections 307 and 312 of the Revised General Statutes of 1920. (Sec. 363 and 369 C. G. L. of 1927) the same being laws fixing the time District and County Registration Books are to be opened in the various counties of the State for the primaries held in the State of Florida for the nomination of State and County officers.

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

By Senator Lewis—

Senate Bill No. 381:

A bill to be entitled An Act providing manner of recording judgments and decrees of all courts in this State in order to become liens on real estate and permitting judgments and decrees of United States District Courts held in the State of Florida to be recorded in same manner; and repealing all laws in conflict therewith.

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

By Senator Dugger—

Senate Bill No. 382:

A bill to be entitled An Act to designate and establish certain State roads in Baker County.

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

By Senator Dugger—

Senate Bill No. 383:

A bill to be entitled An Act to amend Section 1 of Chapter 13826, Acts of 1929, entitled "An Act to declare, designate and establish a certain State road in Baker County, Florida."

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

By Senator Dugger—
Senate Bill No. 384:

A bill to be entitled An Act to extend State Road 154 in Baker County.

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

By Senators Parker and Adams—
Senate Bill No. 385:

A bill to be entitled An Act to appropriate \$80,400 additional funds to the University of Florida for the use and benefit of the agricultural extension service, to be used solely for the salary and expenses of county agricultural extension agents in the respective counties of this state.

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

By Senators Hodges and Adams—
Senate Bill No. 386:

A bill to be entitled An Act for the relief of Frances Davis, widow, and Marilyn Davis and Hazel Davis, orphan children of Fred H. Davis, deceased, and providing appropriation to compensate them for the death of their husband and father respectively.

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

By Senators Murphy, Kelly (16th), and Johns—
Senate Bill No. 387:

A bill to be entitled An Act to amend Section 1009, Revised General Statutes of Florida, 1920, being Section 1283, Compiled General Laws of Florida, 1927, and to amend Chapter 17114, Laws of Florida, 1935, being An Act to amend Section 7 of Chapter 8410, Acts of 1921, being Section 1288 (1014) Compiled General Laws 1927, relative to the transfer of registration of motor vehicles; and to amend Section 15 of Chapter 16085, Laws of Florida, 1933, being An Act to amend Section 1007, Revised General Statutes, as amended by Chapter 8410, Laws of Florida, Acts of 1921, and by Chapter 10182, Laws of Florida, Acts of 1925, being Section 1281, Compiled General Laws of Florida, 1927, as amended by Chapter 15625, Laws of Florida, Acts of 1931; and to amend Section 1010, Revised General Statutes, being Section 1284, Compiled General Laws of Florida, 1927, as amended by Chapter 15625, Laws of Florida, Acts of 1931; to amend Section 1011, Revised General Statutes, as amended by Chapter 8410, Laws of Florida, Acts of 1921, and by Chapter 10182, Laws of Florida, Acts of 1925, being Section 1285, Compiled General Laws of Florida, 1927, as amended by Chapter 15625, Laws of Florida, Acts of 1931; and to amend Section 1012, Revised General Statutes, as amended by Chapter 8410, Laws of Florida, Acts of 1921, and by Chapter 10182, Laws of Florida, Acts of 1925, being Section 1286, Compiled General Laws of Florida, 1927, and to amend Chapter 14656, Acts of 1931, all of said sections relating to the operation, licensing and taxing of motor vehicles, trailers, semi-trailers and motorcycle sidecars and providing penalties for the violation thereof; and to amend Section 1017, Revised General Statutes of Florida, 1920, being Section 1291, Compiled General Laws of Florida, 1927, and to amend Chapter 13701, Laws of Florida, 1929, being An Act to amend Section 1018, Revised General Statutes of Florida, 1920, being Section 1292, Compiled General Laws of Florida, 1927, relating to form and size of number plate to be displayed by motor vehicles of the State of Florida, and requiring two number plates to be issued and used on each motor vehicle and requiring the certificate of registration of each motor vehicle to be carried in the motor vehicle, and providing that such certificate of registration shall be subject to the inspection of certain law enforcement officers; and providing that upon transfer of ownership or destruction of a motor vehicle registration shall expire; and providing that dealers in motor vehicles shall notify the Motor Vehicle Commissioner of all sale or transfers; and increasing the size of number plates and prescribing the form thereof.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Fla., April 24, 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 required Constitutional two-thirds vote of all members elected to the House of Representatives for the 1939 Session of the Florida Legislature:

House Bill No. 19:

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

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,
Chief Clerk House of Representatives.

And House Bill No. 19, contained in the above message, was read the first time by title only and referred to the Committee on Pensions and Claims.

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

Tallahassee, Florida,
April 24, 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 Memorial No. 5:

Requesting the Congress to enact appropriate legislation to prohibit the exportation of scrap iron and other materials designed for armaments to aggressor nations who are dominated by dictators and militaristic leaders.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,
Chief Clerk House of Representatives.

And House Memorial No. 5, contained in the above message, was read the first time in full and placed on the Calendar of Bills on second reading without reference.

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

Tallahassee, Florida,
April 24, 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. 240:

A bill to be entitled An Act making an appropriation for the maintenance of the Judah P. Benjamin Memorial in Manatee County, Florida, and compensation of the custodian.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,
Chief Clerk House of Representatives.

And House Bill No. 240, contained in the above message, was read the first time by title only and referred to the Committee on Appropriations.

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

Tallahassee, Florida,
April 24, 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 required constitutional three-fifths vote of all members elected to the House of Representatives for the 1939 Session of the Legislature.

House Joint Resolution No. 54:

A Joint Resolution Proposing an Amendment to Section 2 and to Section 4 of Article V of the Constitution of Florida relating to the Judiciary Department.

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

That the following amendment of Section 2 and Section 3, respectively, of Article V of the Constitution of the State of Florida, 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, 1940, for ratification or rejection.

Section 2. (a) The Supreme Court shall consist of seven (7) Justices and the term of office of each Justice shall be six years; no term of any incumbent shall be affected by this amendment.

(b) Each Justice of the Supreme Court shall be elected by the qualified electors of the State at the time and places of voting for members of the legislature, at the general election next preceding the expiration of each term of such office.

(c) In the event of the ratification of this amendment it shall thereupon be the duty of the then Governor to appoint one additional Justice of the Supreme Court and he shall hold office from the date of his appointment until Tuesday after the first Monday in January, 1943, and his successor shall be elected at the general election in 1942 to hold office for a term of six years beginning Tuesday after the first Monday in January, 1943.

(d) The successors of the Justices of the Supreme Court shall be elected at the general election next preceding the expiration of their respective terms of office, but in event of a vacancy in office of any Justice and there be an unexpired term the successor shall be elected for the balance of the unexpired term.

Section 4. (a) The Supreme Court may hear, consider and determine cases and exercise all its powers and jurisdiction as a single body in which case a majority of the members of the Court shall constitute a quorum for the dispatch of business; or it may exercise its powers and jurisdiction in divisions.

(b) The Circuit Judges shall at all times be subject to call to the Supreme Court by that Court or the Chief Justice thereof, and during the call shall be members thereof as associate justices to act in place of any absent, disqualified or disabled justice or for assignment to a division, but no division shall include more than one circuit judge. A division shall consist of three members of said court exclusive of the Chief Justice, and the judgment of a division concurred in by the Chief Justice shall be the judgment of the Court unless such case involves (1) capital punishment, or (2) the determination of a State of Federal constitutional question wherein shall be brought into controversy the constitutionality of a Federal or State statute, rule, regulation or municipal ordinance, or (3) there be a dissent to the proposed judgment of a division by a member thereof or the Chief Justice, or (4) ordered by the Chief Justice to be considered by two divisions; whereupon it shall require the consideration of two divisions and the Chief Justice.

(c) The Chief Justice shall be the chief administrative officer of the Court and responsible for the dispatch of business and procuring consistent decisions; he shall not be required to examine the record of a cause but may accept the conclusions of fact found by a division and stated in the opinion or accompanying statement and act upon the law so stated and discussed and its application to such fact, but in event of an equal division between those members properly considering a cause he shall examine the record and participate therein as other justices. In the event the Chief Justice be unable to act for any cause the Justice longest in continuous service and able to act shall act instead with like effect.

And House Joint Resolution No. 54, contained in the above message, was read the first time in full and referred to the Committee on Constitutional Amendments.

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

Tallahassee, Florida,
April 24, 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 required Constitutional three-fifths vote of all members elected to the House of Representatives for the 1939 Session of the Legislature:

House Joint Resolution No. 127:

A Joint Resolution proposing to amend Section 2 of Article III of the Constitution of the State of Florida relating to the Legislative Department.

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

That Section 2 of Article III of the Constitution of the State of Florida relating to the Legislative Department be and the same is hereby amended, and as amended is agreed to and shall be submitted to the electors of the State of Florida at the next general election to be held on the first Tuesday after the first Monday in November, 1940, for ratification or rejection.

Said Section 2 of Article III, as amended, shall read as follows:

Section 2. The regular sessions of the Legislature shall be held biennially, commencing on the first Tuesday after the first Monday in March, A. D. 1941, and on the corresponding day of every second year thereafter, but the Governor may convene the same in extra session by his proclamation. Regular sessions of the Legislature may extend to sixty days, but no special session convened by the Governor shall exceed twenty days.

A regular additional session of the Legislature, to extend for no longer than twenty days, shall be held biennially, commencing on the third Tuesday in May, A. D. 1941, and on the corresponding day of every second year thereafter. During the first ten days of such additional session no measures shall be considered except such as relate to the appropriation of money for state purposes, and during the last ten days of such regular additional session no measures shall be considered except such as relate to the raising of revenue for state purposes. For the purpose of considering appropriations and revenue measures, such additional session shall be a continuation of the immediately preceding regular session, and any such measures introduced at the immediately preceding regular session may be considered and disposed of at such additional session, as hereinbefore set out.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Joint Resolution No. 127, contained in the above message, was read the first time in full and referred to the Committee on Constitutional Amendments.

Senator Horne asked unanimous consent of the Senate for Honorable J. E. Brooks, member of the State Senate of Georgia, to address the Senate at this time.

Which was agreed to and Senator Brooks addressed the Senate.

Senator Hodges moved that the Journal show the address of Senator Brooks was enjoyed and appreciated by the Florida State Senate.

Which was agreed to.

SENATE BILLS ON THIRD READING

Senate Bill No. 121:

A bill to be entitled An Act to authorize, empower and direct the Comptroller of the State of Florida to draw warrants on the State Treasury in favor of certain persons, firms and/or corporations for a refund of license taxes paid by such persons, firms and/or corporations under the provisions of Chapter 17178 Laws of Florida, Acts of 1935, declared unconstitutional by the Supreme Court of Florida, and making appropriation therefor.

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

Pending roll call on Senate Bill No. 121, Senator Hodges moved that a committee be appointed to escort Honorable L. C. Register, former member of the Senate from the 30th Senatorial District, to a seat on the rostrum of the Senate.

Which was agreed to.

And the President appointed Senators Adams, Hodges and Horne as the committee.

Pending roll call on Senate Bill No. 121, Senator Hodges

also moved that a committee be appointed to escort Honorable Doyle E. Carlton, a former member of the Senate from the 34th Senatorial District and ex-Governor of the State of Florida, to a seat on the rostrum of the Senate.

Which was agreed to.

And the President appointed Senators Ward, Parrish and Whitaker as the committee.

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

Yeas—Mr. President; Senators Beacham, Black, Clarke, Dugger, Gillis, Graham, Hinely, Hodges, Kelly (11th), Lewis, Price, Sharit, Walker, Ward—15.

Nays—Senators Adams, Beall, Coulter, Dame, Dye, Gideons, Horne, Johns, Kanner, Kelly (16th), Lindler, Mapoles, McKenzie, Parker, Parrish, Rose, Savage, Westbrook, Whitaker, Wilson—20.

So Senate Bill No. 121 failed to pass by the required Constitutional two-thirds vote of all members elected to the Senate for the 1939 Session of the Florida Legislature.

SPECIAL AND CONTINUING ORDER

Pursuant to the motion made by Senator Savage on April 21, 1939, and the hour having arrived for the consideration of Senate Bill No. 43 as a Special and Continuing Order.

Senate Bill No. 43:

A bill to be entitled An Act to repeal Subdivision B of Section 4, of Chapter 16848, Laws of Florida, 1935, and to repeal all portions of said Chapter 16848, Acts of 1935, pertaining to or providing for the assessment, levying, enforcement or collection of gross receipt taxes, or fee or tax based solely on the gross receipts from all sales as defined in said Act, and as provided for in Subdivision B of Section 4, of Chapter 16848, Laws of Florida, 1935, and repealing all laws in conflict herewith.

Was taken up and read the second time in full.

Senator Savage offered the following amendment to Senate Bill No. 43:

In (typewritten bill) strike out the title and insert in lieu thereof the following: as the title to said bill: A bill to be entitled An Act to repeal subdivision B of Section 4, of Chapter 16848, Laws of Florida, Acts of 1935, the same being "An Act to provide for the relief of the public free schools of the State of Florida by raising revenue for the County School Fund by levying and imposing a tax upon the privilege of operating a store or stores within this state, to classify such stores for the purpose of such taxation and of graduating the tax in accordance with the number of stores operated under a single ownership, management or control, to declare the public policy on which this Act is founded; to provide for the administration and enforcement of this Act and for the promulgation and enforcement of rules and regulations to facilitate such enforcement; to provide for the creation and enforcement of a lien upon the property of persons liable for the payment of such tax; to provide penalties for the violation of this Act and of rules or regulations lawfully made under the authority hereof; to repeal conflicting laws, expressly but on condition including Chapter 16071, Laws of Florida of 1933; and to appropriate the revenues derived hereunder;" repealing all laws in conflict herewith, and providing when this Act shall take effect.

Senator Savage moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Savage also offered the following amendment to Senate Bill No. 43:

(Typewritten bill) strike out the whole body of said bill and insert in lieu thereof the following:

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

SECTION 1. That SUBDIVISION B of Section 4, of Chapter 16848, Laws of Florida, Acts of 1935, be and the same is hereby repealed.

SECTION 2. That all laws and parts of laws in conflict herewith are hereby repealed.

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

Senator Savage moved the adoption of the amendment.

Pending adoption of the foregoing amendment offered by Senator Savage, Senator Gillis offered the following amendment to the amendment offered by Senator Savage:

Strike out Section 4 and insert in lieu thereof the following: This Act shall take effect July 1, 1939.

Senator Gillis moved the adoption of the amendment to the amendment offered by Senator Savage.

Which was agreed to and the amendment to the amendment was adopted.

Senator Savage moved the adoption of the amendment to Senate Bill No. 43, as amended.

Which was agreed to and the amendment, as amended, was adopted.

Senator Whitaker moved that Senate Bill No. 43, as amended, be re-referred to the Committee on Finance and Taxation and be made a Special and Continuing Order of business for consideration by the Senate Wednesday, April 26, 1939, at 2:30 o'clock, P. M.

Which was agreed to and it was so ordered.

SENATE BILLS ON SECOND READING

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

Senate Bill No 72:

A bill to be entitled An Act relating to the functions and duties of the State Bureau of Vital Statistics, and providing for the entry in the records of said Bureau of judgments and decrees relating to the paternity or providing for the adoption of persons whose birth shall have been previously registered in said Bureau, and authorizing the State Registrar of Vital Statistics to seal records in certain cases, to file new and substituted certificates of birth in cases of legitimization or adoption, and to issue copies thereof, and certificates relating thereto.

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

Senator Dame moved that the rules be waived and Senate Bill No. 72 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. 72 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, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—37.

Nays—Senator Black—1.

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

Senator Westbrook moved that the Senate do now adjourn.

Which was agreed to and the Senate took a recess at 12:55 o'clock P. M., until 3:00 o'clock P. M., this day.

AFTERNOON SESSION

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

The President in the Chair.

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

Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—38.

A quorum present.

SPECIAL AND CONTINUING ORDER

Pursuant to the motion made by Senator Parrish on April 21, 1939, and the hour having arrived for the consideration of Senate Bills Nos. 167, 165, 181, 170, 164, 169, 163 and 194 as a Special and Continuing Order.

Senate Bill No. 167:

A bill to be entitled An Act to define farm vehicles and farm trailers operated in connection therewith; to provide that such farm vehicles 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 vehicles

and/or trailers are operated on farms, groves and orchards and in going to or from headquarters to such farms, groves and orchards.

Was taken up and read the second time in full.

Senator Parrish moved that the rules be waived and Senate Bill No. 167 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. 167 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, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—35.

Nays—None.

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

By unanimous consent Senator Westbrook withdrew Senate Bill No. 108.

Senate Bill No. 165:

A bill to be entitled An Act to provide for, regulate and control, the use of soaps, oils, waxes, gases, gas forming materials, and other similar compositions and the component parts thereof, on or in the processing of citrus fruits, and fixing penalties for the violation thereof.

Was taken up and read the second time in full.

Senator Parrish moved that the rules be waived and Senate Bill No. 165 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. 165 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), Lewis, Lindler, Mapoles, McKenzie, Parker, Parrish, Price, Rose, Sharit, Walker, Whitaker, Wilson—33.

Nays—Savage, Ward, Westbrook—3.

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

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.

Was taken up and read the second time in full.

Senator Parrish moved that the rules be waived and Senate Bill No. 181 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. 181 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, Dye, Gillis, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, Murphy, Parker, Parrish, Price, Rose, Sharit, Walker, Whitaker, Wilson—31.

Nays—Senators Dame, McKenzie, Savage, Ward, Westbrook—5.

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

Senate Bill No. 170:

A bill to be entitled An Act to prohibit the sale or offering for sale, the transportation, and the preparation, receipt or delivery for transportation or market of any citrus fruit that

is immature or otherwise unfit for human consumption; to provide for the enforcement thereof; and to provide penalties for the violation thereof.

Was taken up and read the second time in full.

The Committee on Citrus Fruit offered the following amendment to Senate Bill No. 170:

In Section 3. Sub section (b) (typewritten bill) strike out Paragraphs Numbered 6, 7, 8, 9 and 10 thereof and insert in lieu thereof the following:

6. A grapefruit of size 70 shall contain not less than 247 cubic centimeters of juice.

7. A grapefruit of size 80 shall contain not less than 236 cubic centimeters of juice.

8. A grapefruit of size 96 shall contain not less than 209 cubic centimeters of juice.

9. A grapefruit of size 126 shall contain not less than 176 cubic centimeters of juice.

10. A grapefruit of size 150 shall contain not less than 154 cubic centimeters of juice.

Senator Parrish moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Parrish moved that the rules be waived and Senate Bill No. 170, 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. 170, 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, Clarke, Coulter, Dame, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, McKenzie, Murphy, Parrish, Price, Rose, Savage, Sharit, Ward, Westbrook, Whitaker, Wilson—31.

Nays—None.

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

Senate Bill No. 164:

A bill to be entitled An Act to prohibit canning of any citrus fruit that is immature or otherwise unfit for canning purposes; to provide for the enforcement thereof; and to provide penalties for the violation thereof.

Was taken up and read the second time in full.

Senator Parrish moved that the rules be waived and Senate Bill No. 164 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. 164 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, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Ward, Westbrook, Whitaker—33.

Nays—None.

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

Senate Bill No. 169:

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

Was taken up and read the second time in full.

Senator Parrish moved that the rules be waived and Senate Bill No. 169 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. 169 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, Clarke, Dame, Dye, Gillis, Gideons, Graham, Hodges, Holland, Horne, Kanner, Kelly (11th), Kendrick, Lewis, Lindler, Ma-

poles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Westbrook, Whitaker, Wilson—30.

Nays—Senator Ward—1.

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

Senate Bill No. 163:

A bill to be entitled An Act to prohibit the canning in the State of Florida of citrus fruit that is unwholesome or decomposed so that it is unfit for canning purposes; and providing the powers and duties of the Florida Citrus Commission with reference thereto; providing for the enforcement of this act and penalties for the violation thereof.

Was taken up and read the second time in full.

The Committee on Citrus Fruit offered the following amendment to Senate Bill No. 163:

In Section 3, line 2, (typewritten bill) after the word "can" insert the following: "buy for canning purposes, or sell for canning purposes."

Senator Parrish moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Parrish moved that the rules be waived and Senate Bill No. 163, 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. 163, 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, Clarke, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Ward, Westbrook, Wilson—33.

Nays—None.

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

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.

Was taken up and read the second time by title only.

Senator Parrish moved that Committee Substitute for Senate Bill No. 194 be read the first time by title only.

Which was agreed to.

Committee Substitute for 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 in connection with the processing, packing and marketing of Citrus Fruit; providing for the promulgation by said Commission of regulations to regulate and control methods and practices used in the preparation and processing of Citrus Fruit for market; providing for the application of other provisions of law to rules and regulations promulgated hereunder; providing penalties for the violation of this Act and rules and regulations promulgated hereunder; and providing the manner in which the provisions of this Act shall be construed.

Was read the first time by title only.

Senator Parrish moved that the rules be waived and Committee Substitute for Senate Bill No. 194 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Committee Substitute for Senate Bill No. 194 was read the second time by title only.

Senator Parrish moved that Committee Substitute for Senate Bill No. 194 be adopted.

Which was agreed to and Committee Substitute for Senate Bill No. 194 was adopted.

Senator Parrish moved that the rules be further waived and Committee Substitute for Senate Bill No. 194 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Committee Substitute for Senate Bill No. 194 was read

the third time in full

Upon the passage of Committee Substitute for Senate Bill No. 194 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Clarke, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Kanner, Kelly (11th), Kelly (16th), Lindler, Murphy, Parker, Parrish, Price, Rose, Sharit, Walker, Ward, Whitaker, Wilson—28.

Nays—Senators Dame, Johns, Kendrick, Lewis, Mapoles, McKenzie, Savage, Westbrook—8.

So Committee Substitute for Senate Bill No. 194 passed, and the action of the Senate was ordered certified to the House of Representatives.

Senator Parrish moved that Senate Bill No. 168 be made a Special and Continuing Order of Business for consideration by the Senate at 3:00 o'clock P. M. Wednesday, April 26, 1939.

Which was agreed to and it was so ordered.

Senator Kelly (11th) moved that the rules be waived and the Senate do now revert to the consideration of Introduction of Bills and Joint Resolutions.

Which was agreed to by a two-thirds vote.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Beall—

Senate Bill No. 388:

A bill to be entitled An Act authorizing and empowering the Clerks of the Circuit Courts in the several counties of this state to record any and all instruments filed for record by a photographic process in its most general sense. Not excluding any process heretofore or hereafter devised, however designated and authorizing and empowering the Board of County Commissioners of the said several counties to purchase adequate equipment for such purpose upon recommendation of the Clerk of the Circuit Court out of the General Revenue Fund of the county or out of the special fund arising from excess fees collected by the Clerk of the Circuit Court.

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

By Senator Beall—

Senate Bill No. 389:

A bill to be entitled An Act regulating the service of criminal process and the incurring of cost items by law enforcement officers for service of criminal process, beyond the territorial limits of their jurisdiction in misdemeanor cases.

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

By Senator Wilson (By Request)—

Senate Bill No. 390:

A bill to be entitled An Act relating to the reduction of fire hazards on buildings owned and controlled by the State Board of Education, Board of Commissioners of State Institutions or the State Board of Control, and authorizing the State Treasurer to advance surplus funds in the State Fire Insurance Fund for the accomplishment thereof and making appropriation therefor.

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

By the Joint Committees on Judiciary "A," "B" and "C"—

Senate Bill No. 391:

A bill to be entitled An Act providing that constitutional officers of the State of Florida, Boards of County Commissioners and Boards of Public Instruction of the several counties of this State shall not be required to provide, file or furnish any bond or other security for the procurement of, or to render effective, for any and all purposes, any restraining order, injunction, or other order, writ or decree, in cases or original jurisdiction in the Supreme Court of Florida; and providing that all writs of error sued out and all appeals taken by all constitutional officers of the State of Florida, and by any Board of County Commissioners and/or by any Board of Public Instruction, of any of the counties of this State, shall operate as a supersedeas in all cases now pending or hereafter instituted, and no bond or other security shall be furnished, filed or required in such cases for the purpose of rendering any such writs of errors or any such appeals fully effective as a supersedeas.

Which was read the first time by title only.

Senator Kelly (11th) moved that Senate Bill No. 391 be

placed on the Calendar of Bills on second reading without reference.

Which was agreed to and it was so ordered.

By the Joint Committees on Judiciary "A," "B" and "C"—
Senate Bill No. 392:

A bill to be entitled An Act providing that no court shall enter any interlocutory or final order, decree or judgment in any case involving the validity or constitutionality of any law relating to the distribution, apportionment of allocation of any State excise or other taxes equally to the the several counties of this State. until it appears of record that service of notice of the pendency of the suit and hearings of applications of such orders, decrees or judgments accompanied by copies of the pleadings has been had upon the Chairman of the Board of County Commissioners or Chairman of the Board of Public Instruction of the several counties or upon both such Chair-

man of said boards depending upon whether one or both of said boards has an interest in the subject matter, and providing that such boards after such service shall be parties to the case and properly aligned by the court.

Which was read the first time by title only.

Senator Kelly (11th) moved that Senate Bill No. 392 be placed on the Calendar of Bills on second reading without reference.

Which was agreed to it and it was so ordered.

Senator Hodges moved that Senate Bills Nos. 391 and 392 be made a Special and Continuing Order of Business for consideration by the Senate at 3:00 o'clock P. M., Thursday, April 27, 1939.

Pending adoption of the motion made by Senator Hodges and the hour of adjournment having arrived a point of order was called and the Senate stood adjourned at 5:00 o'clock, P. M., until 11:00 o'clock A. M., Wednesday, April 26, 1939.