

# JOURNAL OF THE SENATE

Beginning of the twenty-seventh Biennial Session of the Legislature of the State of Florida, under the Constitution of the State, A. D. 1885, begun and held at the Capitol, in the City of Tallahassee, Florida, on Tuesday, the fourth day of April, A. D. 1939, at 12:00 o'clock noon, being the day fixed by the Constitution of the State of Florida for the convening of the Legislature.

**Tuesday, April 4, 1939**

The Senate convened at 12:00 o'clock noon, and was called to order by Honorable D. Stuart Gillis, President of the Senate.

The Secretary of the Senate, by the direction of the President, called the roll of the hold-over members of the Senate and the following answered to their names:

Senator W. H. Mapoles—1st District.  
Senator D. Stuart Gillis—3rd District.  
Senator H. N. Walker—5th District.  
Senator S. L. Holland—7th District.  
Senator George A. Dame—9th District.  
Senator J. Locke Kelly—11th District.  
Senator E. R. Graham—13th District.  
Senator Charley E. Johns—15th District.  
Senator S. A. Hinely—17th District.  
Senator Walter W. Rose—19th District.  
Senator Henry B. Coulter—21st District.  
Senator George F. Westbrook—23rd District.  
Senator Joe Sharit—25th District.  
Senator H. G. Murphy—27th District.  
Senator J. D. Dugger—29th District.  
Senator Peter Kendrick—31st District.  
Senator A. O. Kanner—33rd District.  
Senator John R. Beacham—35th District.  
Senator J. J. Parrish—37th District.

The Secretary of the Senate announced that the Secretary of State had certified to the election of certain State Senators at the general election on November 8th, 1938, and that the same had been filed.

The Secretary of the Senate, by the direction of the President, called the roll of the newly elected Senators and the following answered to their names:

Senator Philip D. Beall—2nd District.  
Senator Amos Lewis—4th District.  
Senator A. L. Wilson—6th District.  
Senator W. C. Hodges—8th District.  
Senator R. C. Horne—10th District.  
Senator F. P. Parker—12th District.  
Senator J. Wofford Lindler—14th District.  
Senator Dan Kelly, Jr.—16th District.  
Senator J. Turner Butler—18th District.  
Senator C. A. Savage—20th District.  
Senator S. D. Clarke—22nd District.  
Senator David Elmer Ward—24th District.  
Senator H. S. McKenzie—26th District.  
Senator Hubert A. Price—28th District.  
Senator R. S. Adams—30th District.  
Senator R. Lucas Black—32nd District.  
Senator Pat Whitaker—34th District.  
Senator Dewey A. Dye—36th District.  
Senator John W. Gideons—38th District.

The oath of office was then administered to the newly elected Senators by the Honorable Glenn Terrell, Chief Justice of the Supreme Court of Florida.

The roll was then called of the Senate as now constituted, and the following Senators answered to their names:

Mr. President; Senators Adams, Beacham, Beall, Black, Butler, Clarke, Coulter, Dame, Dugger, Dye, 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 of the Senate was announced.

Prayer was offered by the Senate Chaplain, Rev. D. Lee Jones.

The Senate then proceeded to the organization of the body.

Senator Hodges presented the name of Senator J. Turner Butler of the 18th Senatorial District to be President of the Senate for the ensuing two years.

There being no other nominations, Senator J. Turner Butler was elected by a rising vote, and was declared the President of the Senate.

Senator Hodges of the 8th Senatorial District moved that a committee of three be appointed to escort the newly elected President to the rostrum.

Which was agreed to.

Senators Hodges, Parrish and Holland were appointed.

Senator D. Stuart Gillis, President of the Senate, received the newly chosen President and introduced him to the Senate.

The Honorable Glenn Terrell, Chief Justice of the Supreme Court of Florida, administered the oath of office to Senator J. Turner Butler as President of the Senate.

Senator J. Turner Butler, newly elected President of the Senate, addressed the Senate as follows:

"Today has been to me a great day; on this day my ambition of many years to become the President of the Florida State Senate has been achieved.

It is needless for me to tell you that I appreciate the high honor which you have this day bestowed upon me. I do not feel a sense of power, or pride of place, but I do feel a deep sense of responsibility as the people of Florida are expecting more of this Legislature than they have ever expected from any preceding Legislature in the history of the State. No Senator on the floor of the Senate need be apprehensive that I will ever knowingly be unfair to him or use my official position to defeat his rights or privileges. It is my purpose to treat every Senator alike and to show no partiality or favoritism.

I first became a member of the Legislature of Florida in the session of 1911; that year your present Governor, Fred P. Cone, was elected President of the Senate and the late lamented T. A. Jennings, of Pensacola, became the Speaker of the House.

I first came to the Senate in 1919 and have served in this body continuously since that time, except in the sessions of 1927 and 1929. No member of the present Senate other than myself was a member of the Senate when I first came to the Senate in 1919. My friend, Senator Hodges from the 8th District, is the member of this Senate now longest in continued service, but your President is the Senator longest in service.

Many changes have occurred in our State government since I first became a member of the State Senate.

When I first became a member of the Senate in 1919, the State was prohibited under its Constitution from contributing anything to the public school system, except the one mill state ad valorem tax and the interest on the state school fund, but at the last session of the Legislature, acting under the authority of a constitutional amendment voted by the people, the Legislature provided an annual appropriation of approximately \$11,300,000.00 per year for the public schools.

In 1919, the State was prohibited under its Constitution from contributing to old age pensions and other social securi-

ties, but at the last session of the Legislature, acting under the authority of an amendment to the Constitution voted by the people the Legislature made an appropriation of approximately \$3,800,000.00 per year for social securities.

In 1919, and prior thereto, no provision was made for the maintenance by the State of a State road system; the construction and maintenance of roads were regarded as the function of the counties, but under the present law approximately \$9,000,000.00 per year is provided for the construction and maintenance of our State highway system.

In 1919, and prior thereto, no provision was made for appropriations by the Legislature to assist the counties in the payment of their debts but under the present law approximately \$9,000,000.00 per year is provided to be sent back to the counties and road districts to assist them in the payment of their debts incurred for the construction of roads.

In 1919, the Universities were in their infancy and approximately \$575,000.00 per year was provided for them, but they have now grown into great institutions. The last Legislature made an appropriation of approximately \$2,068,000.00 per year for the institutions of higher learning and the services furnished by them.

In many instances corresponding increases have been made in other State governmental services, and, too, the demands upon local governments for increased services have corresponded with similar demands for increased services to the State.

Prior to 1919, the cost of the State government was mainly limited to the cost of the old government, that is to say, the legislative, executive and judicial branches; but today the cost of the legislative, executive and judicial branches of the State government represents but a very small percentage of its total cost.

It should be borne in mind that the State has nothing of its own to give; when it gives to one, it takes through the medium of taxation a corresponding amount from another; the State acts in the matter merely as a medium through which the transfer is made from the one to the other.

Provision for payment for governmental services is made by the Legislature. In order to provide for the progressively increasing governmental services of the past few years, the demands upon the Legislature have been progressively increasing. The complexities of the government have greatly added to the problems of the Legislature. The office of legislator today is a very difficult office to hold; I hope that the public will not be unmindful of this fact. To expect legislators to provide without increasing taxes all of these progressively increasing governmental services, many of which were voted by the people themselves, is to expect the impossible of the Legislature.

The enlargement of public functions and the great increase in the burden of taxation are not due to the extravagance or incompetence of the Legislature, but to the growth of the State in wealth and population, the necessary extension of governmental activities which have occurred all over this nation, and other reasons which are well known to you.

The greatest problem confronting the Legislature today is to provide adequate and fairly distributed revenues. Even if the claim that we are operating under an unbalanced budget is incorrect, we are at least threatened with an unbalanced budget. Due to inadequacy of funds, approximately 6,000 of the aged entitled to pensions have not been placed on the pension roll. The schools are seeking emergency appropriations to enable them to carry on for the balance of the school year. The economic conditions prevailing over the country generally are not as satisfactory as they were when this Legislature was last in session. We have recently had to contend with unsatisfactory marketing conditions in this State that have added to the general economic problem. As a result of these and other conditions that might be mentioned, the capacity of the people to pay taxes has been reduced. It must be borne in mind, however, that the State's financial structure is fundamentally sound; ours is one of the few States having no public debt and while our problem is great, I believe we are capable of meeting the responsibility devolving upon us.

Under existing conditions, the Legislature should require rigid economy on the part of all public officials having power to expend public moneys. If we are to demand economy of others in their expenditures of public funds, we should, to be consistent, practice economy in our own expenditures.

Under the Rules of the Senate, each Senator is permitted to designate a certain number of attaches. Hold-over Senators

are authorized in the hold-over caucus to designate certain attaches; the Chairman of the Committee on Engrossed Bills and the Chairman of the Committee on Enrolled Bills are authorized to employ such assistance as may be required to engross and to enroll the bills; the Senator drawing the Journals Room at the hold-over caucus is authorized to employ for time to time such clerical assistance as he may require. The Committee on Attaches is empowered to employ such additional attaches as they may see fit. The Committee on Legislative Expense audits all accounts. The Chairman of the Committee on Enrolled Bills, the Chairman of the Committee on Engrossed Bills, the Senator drawing the Journals Room at the hold-over caucus, and the Attaches Committee under the existing Rules operate independently of each other and no one of these agencies is kept advised as to the number of assistants employed by the others. In order to consolidate the employing agencies, to avoid duplications, and for the further purpose of furnishing the four last named employing agencies with authentic information as to what employment have been made by the others, it is the purpose of your President to appoint the Chairman of the Enrolling Committee, the Chairman of the Engrossing Committee, the Senator drawing the Journals Room, and the Chairman of the Committee on Legislative Expense, four of the five members of the Attaches Committee. The President also recommends that the Rules be amended to limit the powers of the Chairman of the Committee on Enrolled Bills, the Chairman of the Committee on Engrossed Bills and the Senator drawing the Journals Room at the hold-over caucus to employ clerical assistance only with the consent of the entire Attaches Committee of which the Chairmen of the Enrolling and Engrossing Committees and the Senator drawing the Journals Room in the hold-over caucus will be members. By adopting this method, I believe that duplications may be avoided, employing agencies will be consolidated, each employing agency will be advised as to what employments are being made by the others and the general efficiency of the clerical force will be greatly increased. I do not recommend any change in Sub-section 6 of Rule 4 under which Senators are themselves permitted to select a certain number of attaches, except in my opinion the number of attaches assigned to each Senator could be reduced without in any manner impairing the efficiency of the Senate. I do not recommend any change in the Rules relating to appointments and selections of attaches by hold-over Senators in pursuance of the action of the hold-over caucus. While it is not the purpose of the President of the Senate to undertake to dictate the policies of employing agencies, I recommend the employment of only a sufficient number of assistants to efficiently operate the Senate.

As we are now operating under an unbalanced budget, or are at least threatened with an unbalanced budget, it is impractical to separate the problem of taxation from the problem of appropriations. The amount of the appropriations that can be properly made will depend upon the amount of revenue provided by taxation. The amount of revenue to be raised by taxation will be governed by the amount of the appropriations. Under existing conditions, the two problems are so interwoven and are so closely related, it was my first inclination to have the personnel of these Committees the same. Upon further consideration, I found this plan impractical; in order that there may be, however, a definite understanding between the Appropriations and Finance and Taxation Committees, I am designating certain Senators to serve on both of these Committees, and am attempting to equalize additional service which Senators serving upon both of these Committees will be required to perform by reducing their other Committee assignments.

In the selection of the Committees, your President has undertaken to utilize the splendid material available and as far as possible to assign the several Senators to the Committees of their choice. I hope the difficulties of my position will be appreciated by my colleagues.

The President of the Senate appoints the Committees of the Senate; he also refers for investigation and report all general bills to the committee of his own selection; it is hardly fair to the membership for the President having power of appointment of committees and the power to designate the Committees to which bills are referred for investigation to also become the introducer of bills. While I would not state that I will not under any circumstances introduce a bill, I shall certainly not follow the policy of becoming the author of bills and unless some unusual condition develops, which I do not at this time anticipate, it is not my purpose to become the introducer of a single bill at this session of the Legislature.

In behalf of the membership, may I express the apprecia-

tion of the Senators for the beautiful flowers which adorn the Chamber and the desks of the Senators. These displays demonstrate the cordial attitude of the Capital City towards the Legislature.

In conclusion, may I add that I want every Senator to be assured as we begin this session that I am his personal friend. It is my sincere hope that when the session draws to a close that every Senator will say of me what I have said of each of the distinguished Presidents of the Senate under whom I have served all these years, 'He has made us a good President'."

Senator Hodges moved that the foregoing address of the President be spread upon the Journal.

Which was agreed to and it was so ordered.

Senator Hodges placed in nomination the name of Senator S. A. Hinely of the 17th Senatorial District to be President Pro Tempore of the Senate.

There being no other nominations, Senator S. A. Hinely was elected to be President Pro Tempore of the Senate by a rising vote, and was escorted to a seat by the President's side by a committee composed of Senators Hodges, Lewis and Parrish.

Senator Black then presented the name of Robt. W. Davis to be Secretary of the Senate.

There being no other nominations Robt. W. Davis was elected Secretary of the Senate by acclamation.

Honorable Glenn Terrell, Chief Justice of the Supreme Court of Florida, administered the oath of office to Robt. W. Davis, Secretary of the Senate.

Senator Mapoles then presented the name of D. H. McCollum to be Sergeant-at-Arms of the Senate.

There being no other nominations D. H. McCollum was elected Sergeant-at-Arms of the Senate by acclamation.

Honorable Glenn Terrell, Chief Justice of the Supreme Court of Florida, administered the oath of office to D. H. McCollum, Sergeant-at-Arms of the Senate.

Senator Parrish moved in pursuance to the action of the hold-over caucus of the Senators that:

Mrs. Ruth Roberts be named as Head Stenographer of the Senate;

Miss Kate Inman be named as Reading Secretary;

Rev. Ray Y. Walden be named as Assistant Reading Secretary; and T. J. Faulkner be named as Janitor.

Which was agreed to and it was so ordered.

Senator Westbrook moved that the remaining attaches, nominated and named by the hold-over Senators be presented and voted on en bloc.

And the Secretary presented the following list of attaches:

- Mrs. H. L. Shackelford—Assistant Journal Mailing Secretary.
- Mrs. N. E. Tigrett—Stenographer.
- C. C. Whiddon—Senate Messenger.
- Miss Emogene Clancey—Stenographer.
- A. C. Wickersham—Verifier.
- Miss Ophelia Campbell—Stenographer.
- Mrs. W. I. Evans—Journal Mailing Secretary.
- Miss Jeanette Shepherd—Stenographer.
- Rev. D. Lee Jones—Chaplain.
- Miss Rebecca Caldwell—Stenographer.
- Katherine T. Daniels—Stenographer.
- Miss Georgia Haynes—Stenographer.
- Miss Jean Creed—Stenographer.
- Mrs. Lottie Flaherty—Stenographer.
- Herman J. Watson—Doorkeeper.
- Mrs. Margaret Beady—Stenographer.
- Q. H. Barker—Verifier.
- Mrs. Olga Nordberg—Stenographer.
- Miss Eloise Dawkins—Stenographer.
- Robert Bellows, Jr.—Page.
- Frances Morrison—Stenographer.
- Joe Sharit, Jr.—Page.
- Miss Ruth Bailey—Stenographer.
- Mrs. Louise Fuqua—Verifier.

Senator Westbrook moved that the Secretary be instructed to cast the vote of the Senate for the above named attaches.

Which was agreed to and it was so ordered.

Senator Holland moved that a committee of three be appointed to wait upon the Governor and inform him the Senate is now organized and ready to proceed to the business of the session, awaiting any message he may wish to convey to the Senate.

Which was agreed to.

The President appointed Senators Holland, McKenzie and Dye as said committee.

The committee withdrew.

Senator Whitaker moved that a committee of three be appointed to notify the House of Representatives the Senate is now organized and ready to proceed with the business of the session, awaiting any communication the House of Representatives may wish to convey to the Senate.

Which was agreed to.

The President appointed Senators Whitaker, Hodges and Parrish as said committee.

The committee withdrew.

Senator Westbrook moved that the Rules of the 1937 Session be adopted to govern the Senate until such time as the Committee on Rules and Calendar may report.

Which was agreed to and it was so ordered.

Senator Hodges moved that WHEREAS, the Hold-over Caucus omitted the drawing for the positions of Secretary of the Enrolling Committee and Secretary of the Engrossing Committee, the Chairman of each committee be authorized to name the secretary of his respective committee.

Which was agreed to and it was so ordered.

Senator Hodges moved that the President of the Senate be empowered to appoint a messenger and a bailiff for the use of his office as President of the Senate.

Which was agreed to and it was so ordered.

Senator Hodges moved that the Secretary of the Senate have the selection, direction and control of the desk force working under his supervision, and that the desk force be in number as approved by the Senate at the 1937 Session; and have the appointment of the Bill Secretary of the Senate and the Senate Index Secretary.

Which was agreed to and it was so ordered.

The President announced the appointment of the following standing committees of the Senate for the 1939 session:

AGRICULTURE AND LIVESTOCK—R. S. Adams, Chairman; H. N. Walker, D. E. Ward, H. B. Coulter, Pat Whitaker, H. A. Price, E. R. Graham.

APPROPRIATIONS—George F. Westbrook, Chairman; H. S. McKenzie, W. C. Hodges, D. Stuart Gillis, F. P. Parker, S. A. Hinely, J. D. Dugger, S. L. Holland, R. L. Black, A. L. Wilson, E. R. Graham, W. W. Rose, J. J. Parrish.

ATTACHES—J. W. Lindler, Chairman; S. A. Hinely, H. S. McKenzie, E. R. Graham, H. A. Price.

CONSTITUTIONAL AMENDMENTS—D. S. Gillis, Chairman; S. D. Clarke, S. L. Holland, A. O. Kanner, W. W. Rose, W. C. Hodges, Dewey A. Dye.

CORPORATIONS—D. E. Ward, Chairman; C. E. Johns, G. A. Dame, J. W. Gideons, J. W. Lindler.

COUNTY ORGANIZATIONS—W. H. Mapoles, Chairman; J. R. Beacham, Amos Lewis, P. D. Beall, Joe Sharit, Locke Kelly, Pat Whitaker.

DRAINAGE—J. R. Beacham, Chairman; D. E. Ward, H. G. Murphy, A. O. Kanner, E. R. Graham, Locke Kelly.

COMMITTEE ON LEGISLATIVE EXPENDITURES—H. A. Price, Chairman; A. L. Wilson, Peter Kendrick, S. A. Hinely, Dan Kelly.

BANKING AND BUILDING AND LOANS—S. D. Clarke, Chairman;

J. D. Dugger, R. L. Black, Dewey Dye, Joe Sharit, H. G. Murphy, J. W. Lindler, Locke Kelly.

**CITIES AND TOWNS**—Dewey Dye, Chairman; J. R. Beacham, Dan Kelly, H. G. Murphy, R. L. Black, J. W. Gideons, P. D. Beall.

**CITRUS FRUIT**—J. J. Parrish, Chairman; S. L. Holland, W. W. Rose, A. O. Kanner, G. A. Dame, Dewey Dye, D. E. Ward, H. A. Price, G. F. Westbrook.

**EDUCATION**—R. L. Black, Chairman; A. O. Kanner, S. L. Holland, J. D. Dugger, D. E. Ward, F. P. Parker, Locke Kelly, Amos Lewis, Dan Kelly.

**ENGROSSED BILLS**—S. A. Hinely, Chairman; R. C. Horne, W. H. Mapoles, Amos Lewis, H. G. Murphy.

**ENROLLED BILLS**—H. S. McKenzie, Chairman; S. A. Hinely, G. F. Westbrook, H. N. Walker, H. B. Coulter.

**EXECUTIVE COMMUNICATIONS**—R. C. Horne, Chairman; Pat Whitaker, P. D. Beall, J. W. Lindler, J. J. Parrish.

**FINANCE AND TAXATION**—S. L. Holland, Chairman; W. W. Rose, Pat Whitaker, J. J. Parrish, E. R. Graham, Locke Kelly, D. S. Gillis, A. O. Kanner, Amos Lewis, C. A. Savage, P. D. Beall, S. D. Clarke, J. R. Beacham.

**FORESTRY**—Dan Kelly, Chairman; Joe Sharit, R. S. Adams, S. A. Hinely, A. L. Wilson, J. W. Lindler, J. D. Dugger.

**GAME AND FISHERIES**—H. N. Walker, Chairman; R. C. Horne, G. A. Dame, W. H. Mapoles, Pat Whitaker, Amos Lewis, G. F. Westbrook.

**INSURANCE**—W. W. Rose, Chairman; S. L. Holland, W. C. Hodges, R. S. Adams, S. D. Clarke, H. S. McKenzie, Dewey Dye.

**INTERNAL AFFAIRS**—C. E. Johns, Chairman; W. H. Mapoles, H. N. Walker, H. B. Coulter, J. W. Gideons, Peter Kendrick, C. A. Savage.

**MILITARY AFFAIRS**—Peter Kendrick, Chairman; Dan Kelly, A. L. Wilson, J. J. Parrish, F. P. Parker.

**JUDICIARY "A"**—Locke Kelly, Chairman; G. A. Dame, W. C. Hodges, D. S. Gillis, W. H. Mapoles, J. W. Gideons, J. W. Lindler.

**JUDICIARY "B"**—Pat Whitaker, Chairman; J. R. Beacham, Dan Kelly, Dewey Dye, C. A. Savage, G. F. Westbrook, H. B. Coulter.

**JUDICIARY "C"**—Amos Lewis, Chairman; S. L. Holland, A. O. Kanner, S. D. Clarke, D. E. Ward, R. C. Horne, H. A. Price.

**MISCELLANEOUS LEGISLATION**—E. R. Graham, Chairman; J. R. Beacham, S. A. Hinely, W. C. Hodges, J. J. Parrish, S. L. Holland, W. W. Rose, D. E. Ward, Dewey Dye.

**MOTOR VEHICLES**—H. G. Murphy, Chairman; F. P. Parker, G. F. Westbrook, H. B. Coulter, R. S. Adams, J. W. Lindler.

**LABOR AND INDUSTRY**—P. D. Beall, Chairman; C. E. Johns, R. L. Black, J. D. Dugger, A. L. Wilson, Amos Lewis, R. C. Horne, G. A. Dame, H. G. McKenzie.

**PENSIONS AND CLAIMS**—H. B. Coulter, Chairman; R. C. Horne, W. H. Mapoles, H. N. Walker, Peter Kendrick, P. D. Beall, G. A. Dame.

**PRISONS AND CONVICTS**—J. D. Dugger, Chairman; J. W. Lindler, Joe Sharit, J. W. Gideons, W. H. Mapoles.

**PRIVILEGES AND ELECTIONS**—C. A. Savage, Chairman; Pat Whitaker, P. D. Beall, W. W. Rose, H. A. Price.

**PUBLIC HEALTH**—G. A. Dame, Chairman; H. S. McKenzie, R. S. Adams, H. G. Murphy, C. A. Savage.

**PUBLIC ROADS AND HIGHWAYS**—F. P. Parker, Chairman; S. A. Hinely, P. D. Beall, D. S. Gillis, E. R. Graham, W. W. Rose, A. O. Kanner, Pat Whitaker, D. E. Ward, Locke Kelly, J. R. Beacham, J. J. Parrish, H. N. Walker.

**PUBLIC UTILITIES**—W. C. Hodges, Chairman; Pat Whitaker, J. R. Beacham, C. E. Johns, R. S. Adams, R. C. Horne, Dewey Dye, H. A. Price, S. D. Clarke.

**RULES AND CALENDAR**—A. O. Kanner, Chairman; S. L. Holland, S. A. Hinely, Locke Kelly, G. F. Westbrook.

**STATE INSTITUTIONS**—A. L. Wilson, Chairman; R. C. Horne, Amos Lewis, R. S. Adams, Peter Kendrick.

**TEMPERANCE**—J. W. Gideons, Chairman; W. C. Hodges, C. A. Savage, H. S. McKenzie, E. R. Graham, J. W. Lindler, H. G. Murphy, C. E. Johns, D. E. Ward, Joe Sharit, P. D. Beall.

**TRANSPORTATION AND TRAFFIC**—Joe Sharit, Chairman; R. S. Adams, C. A. Savage, H. S. McKenzie, Peter Kendrick, C. E. Johns, J. J. Parrish, H. A. Price.

The committee appointed to wait upon the Governor and notify His Excellency of the organization of the Senate appeared at the Bar of the Senate and reported to the President that its duty had been performed.

The committee was discharged.

The committee appointed to notify the House of Representatives of the organization of the Senate appeared at the Bar of the Senate and reported to the President that its duty had been performed.

The committee was discharged.

The following message from the Governor was received:

STATE OF FLORIDA  
EXECUTIVE DEPARTMENT  
TALLAHASSEE

April 4th, 1939.

Honorable J. Turner Butler,  
President of the Senate,  
Tallahassee, Florida.

Dear Senator Butler:

I desire to address your Honorable Body in joint session with the House of Representatives this afternoon, April 4th, at three o'clock.

Cordially yours,  
FRED P. CONE, Governor.

INTRODUCTION OF SENATE CONCURRENT  
RESOLUTIONS:

By permission the following Concurrent Resolutions were introduced:

By Senator Kanner—

Senate Concurrent Resolution No. 1:

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

That the Senate and House of Representatives concur in advising the Governor that the Legislature by his request will assemble in the chamber of the House of Representatives at 3:00 o'clock P. M., April 4th, A. D. 1939, for the purpose of receiving His Excellency's message in joint assembly.

Which was read the first time in full.

Senator Kanner moved that the rules be waived and Senate Concurrent Resolution No. 1 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 1 was read the second time in full.

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

Which was agreed to.

And Senate Concurrent Resolution No. 1 was adopted and ordered to be immediately certified to the House of Representatives by waiver of the rules.

By Senator Hodges—

Senate Concurrent Resolution No. 2:

WHEREAS, The Honorable Franklin D. Roosevelt, President of the United States, is now vacationing at Warm Springs, Georgia, and can travel by automobile to Tallahassee, Florida, within a few hours, therefore, be it

RESOLVED By the Senate, the House of Representatives concurring, that he be and is hereby invited to address the Legislature in the Hall of the House of Representatives at Tallahassee, Florida, upon such subject as he may select and at such time as he may designate.

BE IT FURTHER RESOLVED that two (2) Senators be appointed by the President of the Senate and three (3) members of the House of Representatives appointed by the Speaker of the House of Representatives as a Committee to extend this invitation to the President, and if he accepts same, escort him from Warm Springs, Georgia, to Tallahassee, Florida.

Which was read the first time in full.

Senator Hodges moved that the rules be waived and Senate Concurrent Resolution No. 2 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 2 was read the second time in full.

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

Which was agreed to.

And Senate Concurrent Resolution No. 2 was adopted, and ordered to be immediately certified to the House of Representatives by waiver of the rules.

By—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.

Senate Concurrent Resolution No. 3:

WHEREAS, the Legislature of 1937 granted to the ladies of the American Legion Auxiliary at Tallahassee, Florida, the privilege of conducting a cold drink stand in the lobby of the Capitol during the 1937 session for the sale of cold drinks, confections, sandwiches, cigars, etc., the profits derived from same to be used for the patriotic and charitable purposes for which the American Legion and its Auxiliary stands; and,

WHEREAS, the operation and conduct of said concession during the 1937 Session of the Legislature was in all respects satisfactory, and in consideration thereof the ladies of said American Legion Auxiliary Post have requested a renewal of said concession by the Legislature of 1939 for the same purposes, to the same extent and with the same reservations as were applicable to the operation of the concession heretofore, Now Therefore,

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

That the ladies of the American Legion Post located at Tallahassee, Florida, be and they are hereby granted the concession to operate at a place in the lobby to be designated by the President of the Senate upon the advice of the Speaker of the House of Representatives, in behalf of and for the uses and purposes of the American Legion Auxiliary, a cold drink stand and concession incidental thereto, upon the same terms and conditions and with the same limitations as the same was operated during the 1937 Session of the Legislature, this Resolution to take effect immediately.

Which was read the first time in full.

Senator Beacham moved that the rules be waived and Senate Concurrent Resolution No. 3 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 3 was read the second time in full.

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

Which was agreed to.

And Senate Concurrent Resolution No. 3 was adopted, and ordered to be immediately certified to the House of Representatives by waiver of the rules.

A committee from the House of Representatives composed of Messrs. Collins of Leon, Outman of Pinellas and Overstreet of Dade appeared at the Bar of the Senate and notified the Senate that the House of Representatives was duly organized and ready to proceed to the business of the session.

Senator Hodges moved that the senate do now take a recess until 2:45 o'clock P. M. this day.

Which was agreed to.

And the Senate took a recess at 1:06 o'clock P. M. until 2:45 o'clock P. M. this day.

## AFTERNOON SESSION

The Senate reconvened at 2:45 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.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Fla., April 4, 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 Senate Concurrent Resolution No. 1:

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

That the Senate and House of Representatives concur in advising the Governor that the Legislature by his request will assemble in the chamber of the House of Representatives at 3:00 o'clock P. M., April 4, A. D. 1939, for the purpose of receiving His Excellency's message in joint assembly.

Very respectfully,

BEN H. FUQUA,

Chief Clerk, House of Representatives.

And Senate Concurrent Resolution No. 1, contained in the above message, was referred to the Committee on Enrolled Bills.

Senator Kanner moved that the Senate do now proceed to the hall of the House of Representatives to unite with that body for the purpose of receiving the message of the Governor.

Which was agreed to.

The Senate formed in processional order and marched in a body to the hall of the House of Representatives in the order of their service as Senators, preceded by the President and the President Pro Tempore of the Senate who were preceded by the Secretary of the Senate carrying the roll call of the Senators and the minutes of the Senate, the way being opened to the hall of the House of Representatives for the Senators by the Sergeant-at-Arms of the Senate carrying the gavel of the Senate's authority.

The House of Representatives received the Senate in due form.

By direction of the President of the Senate the Secretary of the Senate called the roll of the Senate 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 of the Senate was declared present.

By direction of the Speaker of the House of Representatives, the Chief Clerk of the House of Representatives called the roll of the House and the following members answered to their names:

Mr. Speaker; Messrs. Adams, Allen, Ange, Ayers, Beasley, Beck, Becton, Berry, Boatwright, Burks, Bruns, Burwell, Butt, Christie, Clement, Collins, Cooley, Cook, Crary, Dekle, Dishong, Douglas, Drummond, Dukes, Farabee, Fearnside, Finch, Folks, Frank, Fraser, Fuller, Getzen, Gillespie, Griner, Harrell (Duval), Harrell (Hamilton), Harrell (Indian River), Harris, Henderson, Hodges, Holsberry, Holt, Howze, Inman, Jenkins, Johnson (Gadsden), Johnson (Hernando), Lanier, Leaird, Leedy, Lehman, Leonardy, Lewis (Gulf), Lewis (Levy), Lindsey, Malone, Marchant, Martin (Hillsborough), Martin (Polk), Moore, Morrow, McCall, McCarty, McLeod, Niblack, Outman, Overstreet, Papy, Peeples, Pickels, Platt, Ray, Robinson, Scales, Scofield, Shave, Sheldon, Sikes, Simpson, Sinclair, Slaphey, Smith, Stewart, Stokes, Strayhorn, Sudduth, Surrency, Tomasello, Turner, Versaggi, Warren, West, Whitehurst, Wotitzky—95.

A quorum of the House of Representatives was declared present.

The Speaker then declared a quorum of the joint assembly present.

Mr. Christie of Duval moved that the President of the Senate preside over the joint assembly.

Which was agreed to.

The President of the Senate in the Chair.

The members of the Cabinet and the Executive Secretary to the Governor were received by the joint assembly.

The President announced that due to the recent illness of His Excellency the Governor had requested that his message to the Legislature be delivered by the Honorable George Couper Gibbs, Attorney General of Florida.

The Attorney General was introduced by the President and delivered the Governor's message to the Legislature in joint assembly.

Senator Kanner moved that the Senate do now withdraw from the joint assembly and resume its session in the Senate Chamber.

Which was agreed to, and the Senate withdrew from the joint assembly.

The Senate resumed its session in the Senate Chamber at 3:55 o'clock P. M.

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.

Senator Kanner moved that the Senate do now adjourn.

Which was agreed to.

And the Senate stood adjourned at 3:59 o'clock P. M., until 11:00 o'clock A. M., Wednesday, April 5, 1939.