

# JOURNAL OF THE SENATE

Tuesday, April 18, 1939

The Senate convened at 11:00 o'clock A. M. pursuant to adjournment on Monday, April 17, 1939.

The President in the Chair.

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

Mr. President—Senators Adams, Beacham, Beail, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, 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

A quorum present.

Prayer by the Chaplain.

The President then read the following letter:

"Florida State Senate  
Tallahassee, Florida  
April 18, 1939

Honorable J. Turner Butler  
President, Florida State Senate  
Tallahassee, Florida

Dear Mr. President:

On account of illness, I herewith tender my resignation as Secretary of the Senate, effective as of this date.

Respectfully yours,

ROBT. W. DAVIS,  
Secretary, Florida State Senate."

The President announced that attached to the letter from Mr. Davis, is a certificate of a practicing physician, certifying as to Mr. Davis's disability. The certificate is as follows:

"Tallahassee, Fla., 4-17-39

"To Whom it May Concern:

Mr. Robt. W. Davis is confined to his home on account of illness. (Influenza).

L. L. DOZIER, M.D."

Senator Kanner moved that the resignation of Robt. W. Davis, as Secretary of the Senate, be accepted.

Which was agreed to and it was so ordered.

Senator Kelly (16th) placed in nomination the name of Franklin E. Fitzgerald, as the Secretary of the Senate, succeeding Robt. W. Davis, resigned.

There being no other nominations, Franklin E. Fitzgerald was elected Secretary of the Senate by acclamation.

Honorable Glenn Terrell, Chief Justice of the Supreme Court of Florida then administered the oath of office to Franklin E. Fitzgerald, Secretary of the Senate.

The reading of the Journal was dispensed with.

The Journal of April 17, 1939, was corrected as follows: Between lines 16 and 17, column one, page 1, insert the following:

"Senator Beacham was excused from attendance upon the Session today."

And as corrected was approved.

## REPORTS OF COMMITTEES

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

Senate Chamber,  
Tallahassee, Fla., April 17, 1939.

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

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

Senate Concurrent Resolution No. 9:

Proposing to form a joint committee for the purpose of solving the problem precipitated by the attack made on the distribution of the tax moneys derived from the operation of race tracks.

Have examined the same and find it correctly enrolled.

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

Very respectfully,

H. S. MCKENZIE,  
Chairman of the Joint Committee on Enrolled  
Bills on the Part of the Senate.

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

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

Senate Chamber,  
Tallahassee, Fla., April 18, 1939.

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

Sir:

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

Senate Concurrent Resolution No. 9:

Proposing to form a joint committee for the purpose of solving the problem precipitated by the attack made on the distribution of the tax moneys derived from the operation of race tracks.

Beg leave to report that the same has this day been presented to the Governor for his approval.

Very respectfully,

H. S. MCKENZIE,  
Chairman of the Joint Committee on Enrolled  
Bills on the Part of the Senate.

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

Senate Chamber,  
Tallahassee, Fla., April 18, 1939.

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

Sir:

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

Senate Bill No. 171:

A Bill to be entitled An Act for the relief of W. H. Hicks on account of damages to personal property sustained by him through the negligent operation on the highway of a truck belonging to the State Road Department. And,

Senate Bill No. 151:

A bill to be entitled An Act granting pension to Mrs. Mary J. Fulgham of Florida. And,

Senate Bill No. 157:

A Bill to be entitled An Act for the relief of M. L. Horton, Sr., and his wife, Helen Horton. And,

Senate Bill No. 182:

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

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

Very respectfully,

HENRY B. COULTER,  
Chairman of Committee.

And Senate Bill Nos. 171, 151, 157 and 182, contained in the above report, were placed on the Calendar of Bills on second reading.

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

Senate Chamber,  
Tallahassee, Fla., April 18, 1939.

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

Your Committee on Appropriations, to whom was referred:

Senate Bill No. 26:

Reports a substitute bill, title as follows:

A bill to be entitled An Act to promote the planting and production, within the State of Florida, of Sea Island; in the Exercise of the Reserved powers of the State of Florida to provide protection for growers and producers of such cotton against hybridization and reduction in value thereof; to that end providing for creation of cotton production control districts; prohibiting the production, in said districts, of any type of cotton other than Sea Island Cotton; also prohibiting the planting therein of any type of cotton seed or plants other than Sea Island cotton seed or plants; providing for the administration and enforcement of the provisions hereof; making an appropriation for the purpose of carrying out the provisions hereof; providing penalties and punishment for violation of the provisions hereof.

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

Very respectfully,  
GEO. F. WESTBROOK,  
Chairman of Committee.

And Senate Bill No. 26, together with the Committee Substitute therefor, was referred to the Committee on Agriculture and Livestock.

Senator Clarke, Chairman of the Committee on Banking and Building and Loans, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 17, 1939.

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

Your Committee on Banking and Building and Loans, to whom was referred:

Senate Bill No. 48:

A bill to be entitled An Act to amend the Negotiable Instruments Law.

Have had the same under consideration and offer the following as Committee Substitute for Senate Bill No. 48:

An Act to amend Section 4784 of the Revised General Statutes of Florida of 1920, the same being Section 6870 of the Compiled General Laws of Florida of 1927, relating to the Negotiable Instruments Law, particularly omissions to give notice of dishonor; to amend Section 4786 of the Revised General Statutes of Florida of 1920, the same being Section 6872 of the Compiled General Laws of Florida of 1927 relating to the Negotiable Instruments Law, particularly when instruments discharged.

And recommend that the Committee Substitute therefor do pass.

Very respectfully,  
S. D. CLARKE,  
Chairman of Committee.

And Senate Bill No. 48, together with Committee Substitute therefor was placed on the Calendar of Bills on Second reading.

Senator Clarke, Chairman of the Committee on Banking and Building and Loans, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 18th, 1939.

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

Your Committee on Banking and Building and Loans, to whom was referred:

Senate Bill No. 47:

A bill to be entitled An Act exempting from the requirement for the payment of an excise tax imposed by Chapter 15787, Laws of Florida, Acts of 1931, renewals of promissory notes and certificates of deposit, and repealing Chapter 17890, Laws of Florida, Acts of 1937.

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

Very respectfully,  
S. D. CLARKE,  
Chairman of Committee.

And Senate Bill No. 47, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Clarke, Chairman of the Committee on Banking and Building and Loans, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 18th, 1939.

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

Your Committee on Banking and Building and Loans, to whom was referred:

Senate Bill No. 49:

A bill to be entitled An Act relating to the sale of pledged collateral and amending Section 4845, Revised General Statutes of 1920.

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

Very respectfully,  
S. D. CLARKE,  
Chairman of Committee.

And Senate Bill No. 49, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Clarke, Chairman of the Committee on Banking and Building and Loans, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 18, 1939.

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

Your Committee on Banking and Building and Loans, to whom was referred:

Senate Bill No. 50:

A bill to be entitled An Act to repeal Chapter 17908, Acts of 1937, relating to investment by banks and other financial institutions.

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

Very respectfully,  
S. D. CLARKE,  
Chairman of Committee.

And Senate Bill No. 50, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Clarke, Chairman of the Committee on Banking and Building and Loans, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 18, 1939.

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

Your Committee on Banking and Building and Loans, to whom was referred:

Senate Bill No. 51:

A bill to be entitled An Act to amend Sections 1559 and 1560 of the Revised General Statutes of Florida of 1920, the same being Sections 2404 and 2405 of the Compiled General Laws of Florida, 1927, as amended by Chapter 14691, Laws of Florida, Acts of 1931, relating to county depositories and county finances, providing that banks may be county depositories and how the same may qualify as such, providing for interest on deposits.

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

Very respectfully,  
S. D. CLARKE,  
Chairman of Committee.

And Senate Bill No. 51, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Whitaker moved that a committee be appointed to escort Honorable Harry N. Sandler, Circuit Judge of Hillsboro County, to a seat on the rostrum.

Which was agreed to.

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

Senator Horne moved that the rules be waived and the Senate do now take up and consider Messages from the House of Representatives.

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

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Fla., April 18, 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. 405:

A bill to be entitled An Act providing that the State of Florida, State Officials, State Agencies, Counties, County Officials and Sub-divisions of County Government, shall not be required to provide, file or furnish any surety bond or other security for the procurement of, or to render effective, for any and all purposes, any restraining order, injunction, appeal, writ of error, supersedeas or other order, writ or decree in any action, or legal proceedings now pending or hereafter instituted, in any of the courts of this state.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

**BEN H. FUQUA,**  
Chief Clerk House of Representatives.

And House Bill No. 405, contained in the above message, was read the first time by title only.

Senator Horne moved that the rules be waived and House Bill No. 405 be read the second time by title only.

Pending adoption of the motion made by Senator Horne, Senator Gillis moved as a substitute motion that the rules be waived and House Bill No. 405 remain on the Calendar of Bills on second reading for the purpose of discussion.

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

Senator Holland moved that the Senate do now reconsider the vote by which Senator Gillis's motion was adopted.

The question was put on the motion made by Senator Horne that House Bill No. 405 be read the second time by title only.

Upon which a roll call was demanded.

The roll was called and the vote was:

**Yeas**—Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Horne, Johns, Kelly (16th), Lindler, McKenzie, Murphy, Price, Rose, Savage, Whitaker, Wilson—19.

**Nays**—Mr. President; Senators Dye, Gillis, Gideons, Graham, Holland, Kanner, Kelly (11th), Kendrick, Lewis, Mapoles, Parker, Parrish, Sharit, Walker, Ward, Westbrook—17.

So the motion failed of adoption.

Senator Holland moved that House Bill No. 405 be referred to the Committees on Judiciary "A," "B" and "C" jointly.

Which was agreed to and it was so ordered.

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

Tallahassee, Fla., April 17, 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. 3:

A Memorial to Congress requesting that the Congress of the United States by some appropriate method give relief to the several Counties of the State of Florida for the loss of taxes sustained by Counties of Florida in which Federal Agencies

have acquired lands, thereby striking same from the tax rolls of said respective Counties.

Also—

House Bill No. 259:

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

Also—

House Bill No. 355:

A bill to be entitled An Act relating to the manner in which any suit may be instituted or maintained challenging the constitutionality of any legislative enactment, the effect of which is to allocate to the several counties of this State jointly or severally any funds raised by taxation and requiring certain prerequisites necessary to the institution and maintenance of such a suit; fixing certain necessary parties and conditions and relating to the disposition of certain litigation now pending in relation thereto; fixing certain requirements of any attorney in this State prosecuting such a suit.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

**BEN H. FUQUA,**  
Chief Clerk House of Representatives.

And House Memorial No. 3, contained in the above message, was read the first time in full.

Senator Westbrook moved that House Memorial No. 3 be referred to the Committee on Rules and Calendar.

Which was agreed to and it was so ordered.

And House Bill No. 259, contained in the above message, was read the first time by title only and referred to the Committee on Finance and Taxation.

And House Bill No. 355, contained in the above message, was read the first time by title only.

Senator Horne moved that House Bill No. 355 be referred to the Committees on Judiciary "A," "B," and "C," jointly.

Which was agreed to and it was so ordered.

Pursuant to the motion made by Senator Kanner on April 13, 1939 and the hour having arrived for the consideration of the Special and Continuing Order, Senate Bill No. 1186 (1937 Session) was taken up in its order and the consideration thereof was informally passed.

#### INTRODUCTION OF RESOLUTIONS AND CONSIDERATION OF SENATE RESOLUTIONS

By Senators Westbrook and Holland—

Senate Resolution No. 13:

WHEREAS, the work of the Senate Committee on Appropriations and the Senate Committee on Finance and Taxation requires a great deal of statistical and technical detail for the proper information of the Committees and this information can only be compiled by someone experienced in that line of work, therefore:

BE IT RESOLVED that the Chairman of the Committees on Appropriations and Finance and Taxation by and with the consent and approval of the President of the Senate are hereby authorized to employ Mr. Bryan Willis as statistician for the two Committees and the Committee on Attaches is directed to certify him and compensate him at the rate of \$10.00 per day from April 4th, 1939 and continuing so long as his services may be required.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was agreed to and Senate Resolution No. 13 was adopted.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Holland—  
Senate Bill No. 258:

A bill to be entitled An Act to amend Sections 3, 9, 11, 29, 37, 38, 41, 43, 44, 121, 122, 174, 177, 193, 196, 200, 226 and 229 of Chapter No. 12790 of the Special Acts of the Legislature of the State of Florida of 1927, entitled: "An Act to abolish the present municipality of Haines City, Polk County, Florida, and to establish, organize and constitute a municipality to be known and designated as the City of Haines City, Polk County, Florida, and to define its territorial boundaries and to provide for its jurisdiction, powers and privileges and to authorize the said City of Haines City, Polk County, Florida, to enforce ordinances of said City," and repealing all laws and parts of laws in conflict herewith.

The following proof of publication was attached to Senate Bill No. 258 when it was introduced in the Senate:

**AFFIDAVIT OF PUBLICATION  
HAINES CITY HERALD**

STATE OF FLORIDA )  
COUNTY OF POLK ) ss:

On this day personally appeared before me M. J. Lee, to me well known, who, being by me first duly sworn, deposes and says, that he is publisher of the Haines City Herald, a newspaper of general circulation published in the City of Haines City, Florida, County of Polk, State of Florida:  
That the notice hereto attached of

Notice of intention to apply for passage of local bill.  
City of Haines City, Florida  
was published in said newspaper once each week for 1 consecutive weekly issues, on the following dates, viz:  
March 9, 1939

making 1 publications as required by law;  
That said newspaper at the time of said publication had been continuously published at least once a week and had been entered as second class matter at the post office in Haines City, Polk County, Florida, where published, for a period of more than one year next preceeding the first insertion of said notice, as required by Laws of Florida, Acts of 1931, approved May 20, 1931, and known as Senate Bill No. 58.

Signed,  
M. J. LEE,  
Publisher.

Sworn to and subscribed before me this March 9, 1939.

H. E. SMOAK,  
Notary Public.

(SEAL)

Notary Public, State of Florida at large.  
My commission expires Feb. 2, 1942.

(First Published in the Haines City Herald March 9, 1939)

1tc

**NOTICE**

**TO ALL WHOM IT MAY CONCERN:**

Notice is hereby given of intention to apply to the Legislature of the State of Florida at its regular session A. D. 1939, for the passage of a Local Bill to be entitled:

AN ACT to Amend Sections 3, 9, 11, 29, 37, 38, 41, 43, 44, 121, 122, 174, 177, 193, 196, 200, 226 and 229 of Chapter No. 12790 of the Special Acts of the Legislature of the State of Florida of 1927, Entitled: "AN ACT To Abolish the Present Municipality of the City of Haines City, Polk County, Florida, and to Establish, Organize and Constitute a Municipality to be Known and Designated as the City of Haines City, Polk County, Florida, and to Define its Territorial Boundaries and to Provide for its Jurisdiction, Powers and Privileges and to Authorize the Said City of Haines City, Polk County, Florida, to Enforce Ordinances of Said City," and Repealing all Laws or Parts of Laws in Conflict Herewith.

The substance of which contemplated Law is as follows:

To amend the above referred to sections of the present Charter of the City of Haines City, Polk County, Florida, to provide for the limitation of power to borrow money; to provide for the time and manner of holding municipal elections; to provide for the calling of special meetings of the city commission, limiting the compensation of city commissioners and prescribing legislative procedure at commission meetings; to provide for the qualification of candidates for election to office and the simplification of the manner of recall of city commissioners; to provide penalties for offenses relating to

petitions; to provide for collection of city taxes; prescribing penalties and methods of collection of delinquent taxes and assessments; and to provide for the validation of taxes heretofore levied.

That the purpose of this Act is to amend the present Charter of the City of Haines City, Polk County, Florida, relative to the foregoing matters, to provide for five city commissioners instead of three, to simplify the manner of election and recall of city commissioners, to limit the power to borrow money, to effect economy and to repeal all laws in conflict with said proposed amendments to said City Charter.

Notice is further given that a true, correct and complete copy of the above referred to proposed Act is now on file in the office of the City Manager of the City of Haines City, at City Hall Bldg., Haines City, Florida, subject to reading and inspection by all whom it may concern.

This the 9th day of March, A. D. 1939.

CITY OF HAINES CITY,  
POLK COUNTY, FLORIDA,  
By: W. C. Lockhart,  
As Mayor-Commissioner.

(Corporate Seal)  
ATTEST:

M. D. GRAF,  
As City Clerk.

Which was read the first time by title only.

Senator Holland moved that the rules be waived and Senate Bill No. 258 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 258 was read the second time by title only.

Senator Holland moved that the rules be further waived and Senate Bill No. 258 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. 258 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, 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—None.

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

Senator Kelly (16th) moved that Senate Bill Nos. 239, 241 and 248 referred to the Committee on Public Roads and Highways be re-referred to the Committee on Motor Vehicles.

Pending the adoption of the motion made by Senator Kelly (16th), Senator Whitaker moved as a substitute motion that Senate Bills Nos. 239, 241 and 248 be referred to the Committees on Public Roads and Highways and Motor Vehicles, jointly.

Which was agreed to and it was so ordered.

Senator McKenzie moved that a committee be appointed to escort Honorable W. F. Glynn, former member of the Senate from the 26th Senatorial District, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators McKenzie, Kendrick and Adams as the committee.

By Senator Horne—  
Senate Bill No. 259:

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 or allocation of any excise or other taxes equally to the several counties of this state, until it appears of record that service of notice of the pendency of the suit and of 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 and Chairman of the Board of Public Instruction of the several counties, 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 and referred to the Committee on Judiciary "B."

By Senator Westbrook—  
Senate Bill No. 260:

A bill to be entitled An Act relating to the disposition of property of subordinate fraternal lodges on dissolution.  
Which was read the first time by title only and referred to the Committee on Insurance.

By Senators Kelly (16th) and Ward—  
Senate Bill No. 261:

A bill to be entitled An Act to repeal Chapter 16789, Laws of Florida, Acts of 1935, relating to the promotion and encouragement of aviation and exempting aviation motor fuel from the payment of excise taxes.  
Which was read the first time by title only and referred to the Committee on Finance and Taxation.

By Senator Rose—  
Senate Bill No. 262:

A bill to be entitled An Act to amend Chapter 12223, Laws of Florida, 1927, being "An Act to define, regulate and register real estate brokers and real estate salesmen, and to regulate their relations with the public; to create the Florida Real Estate Commission, provide for its organization, succession and the payment of its expenses, prescribe its powers, duties and privileges, and the supervisory control by, and ancillary powers of, the courts touching the subject; and to prescribe penalties for the violation of the Act."  
Which was read the first time by title only and referred to the Committee on Judiciary "A."

By Senator Gillis—  
Senate Bill No. 263:

A bill to be entitled An Act to aid the prevention of blindness, to require certain duties of those in attendance at any childbirth, and to provide a penalty for the violation of this Act.  
Which was read the first time by title only and referred to the Committee on Public Health.

By Senator Beacham—  
Senate Bill No. 264:

A bill to be entitled An Act for the relief of Juanita Hughes of Jasper, Hamilton County, Florida.  
Which was read the first time by title only and referred to the Committee on Pensions and Claims.

By permission the following Senate Resolution was introduced:

By Senator Dye—  
Senate Resolution No. 14:

WHEREAS, our brother, Senator W. C. Hodges, has suffered the loss of his mother, Mrs. Eva N. Hodges, affectionately known to many members of this body as "Mother" Hodges, a title of love to which she, by her life and consideration is richly entitled, and

WHEREAS, in this deep hour of sorrow the sympathy and affection of the membership of the Senate impels it to a sincere, heartfelt expression of condolence and respect and an opportunity to pay tribute to the deeds and rich full life of "Mother" Hodges, therefore

BE IT RESOLVED that this body at the hour of meeting this afternoon do immediately adjourn, and that all committee meetings of this body for this afternoon, be cancelled, and that upon such adjournment the members of this body do reassemble at the home of Senator Hodges and there attend the funeral services in body, as an expression, in small measure, of our sympathy to Senator Hodges, and as a tribute to the sacred memory of his Mother, whose death leaves a void that only memory, sorrow's only friend, can fill.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

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

By the Committee on Education—  
Senate Bill No. 265:

A bill to be entitled An Act to provide for a Statewide Re-

tirement System for Teachers; to provide for its management and regulation; to define its membership and benefits payable thereunder; to provide for contributions by the members of the Retirement System and by the State of Florida; to appropriate money from the General Revenue Fund of the State for the payment of part of the costs of maintenance and all of the costs of administering the System and to regulate the use of these monies; to provide that all benefits payable under the System shall be exempt from all taxes and from execution and attachment and other legal process and shall be non-assignable except as provided therein; and to provide penalties for violations of this Act.

Which was read the first time by title only.

Senator Kanner moved that the rules be waived and Senate Bill No. 265 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 265 was read the second time by title only.

Senator Rose offered the following amendment to Senate Bill No. 265:

In Section 13 at the end of the Section add the following: No person who shall become a teacher as defined herein, after the first day of July, nineteen hundred and thirty-nine, shall be eligible to a pension under any statute heretofore enacted.

Senator Rose moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Rose also offered the following amendment to Senate Bill No. 265:

In Section 1, Sub-Section 4, line 4, add the following: This Act shall apply only to persons employed in an instructional capacity in county and district schools, and not to schools of higher learning or other schools established and maintained by the State of Florida.

Senator Rose moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Kanner moved that the rules be further waived and Senate Bill No. 265, 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. 265, as amended, was read the third time in full.

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Holland, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Sharit, Walker, Ward, Whitaker, Wilson.—32

Nays—Clarke, Coulter, Horne, Westbrook.—4

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

By Senator Murphy—  
Senate Bill No. 266:

A bill to be entitled An Act authorizing the State Road Department to permit any responsible person, firm or corporation to erect within the right of way of any state road, stations or waiting rooms for school children who are transported by school buses; providing the conditions and terms under and by which such permits may be granted; and empowering the Road Department to make reasonable rules and resolutions covering the same.

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

Senator Westbrook moved that the Senate do now adjourn.

Which was agreed to and the Senate took a recess at 12:49 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.

Senator McKenzie presiding.

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, 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.

A quorum present.

Senator Westbrook moved that the Senate do now adjourn for the purpose of attending the funeral of "Mother" Hodges.

Which was agreed to and the Senate stood adjourned at 3:03 o'clock P. M., until 11:00 o'clock A. M., Wednesday, April 19, 1939.