

JOURNAL OF THE SENATE

Wednesday, April 26, 1939

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Tuesday, April 25, 1939.

The President in the Chair.

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, 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 Tuesday, April 25, 1939, was corrected as follows:

On page nine, column 2, strike out line 14 and the word "The" at the beginning of line 15 and insert the following: "Pending adoption of the motion made by Senator Hodges and the".

And as corrected was approved.

The motion made by Senator Hodges on April 25, 1939, 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, which was pending adoption at hour of adjournment on April 25, 1939, was taken up.

The President put the question on the adoption of the motion made by Senator Hodges.

Pending adoption thereof, Senator Horne made as a substitute motion that Senate Bills Nos. 391 and 392 be made a Special and Continuing Order of Business for consideration by the Senate at 11:30 A. M., Friday, April 28, 1939.

The question was put on the adoption of the substitute motion made by Senator Horne.

Which was agreed to and it was so ordered.

Senator Rose moved that the rules be waived and when the Senate adjourns at this Session it recess to reconvene at 3:15 o'clock P. M., this day.

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

Senator Mapoles requested that Senate Bill No. 180, reported unfavorably by the Committee on Finance and Taxation, be placed on the Calendar of Bills on second reading.

And under the rules, it was so ordered.

Senator Mapoles moved that Senate Bill No. 180 be made a Special and Continuing Order of Business for consideration by the Senate at 2:30 o'clock P. M. Monday, May 1, 1939.

Which was agreed to and it was so ordered.

Senator Whitaker moved that a committee be appointed to escort the Honorable Thomas Palmer, a former member of the Senate from the 34th District and a past President of the Senate, to a seat on the rostrum.

Which was agreed to.

And the President appointed Senators Whitaker, Lewis and Hinely as the committee.

REPORTS OF COMMITTEES

Senate Chamber, April 25, 1939.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bills—

Senate Bill No. 7:

A bill to be entitled An Act relating to the constructive service of process.

Senate Bill No. 46:

A bill to be entitled An Act relating to service of process

by publication in all judicial proceedings.

Committee on Judiciary "B" have had the same under consideration and recommend that the following Committee Substitute therefor pass:

A bill to be entitled An Act relating to service of process by publication in all judicial proceedings and the entering of defaults and decrees pro confesso thereon, and the appointment of guardian ad litem for minor, insane, and unknown defendants, and authorizing the Supreme Court to prescribe rules and forms concerning same; and to repeal Sections 2609, 3111, 3112, 3113, 3155 Revised General Statutes of 1920 (4256, 4895, 4897, 4898, 4942, C.G.L.); Chapter 10102, Acts of 1925, as amended by Chapter 11364, Acts of 1925 (4896 C.G.L.); Sections 5, 6, 7 and 8 of Chapter 11829, Acts of 1927 (4261, 4262, 4263 and 4264 C.G.L. 1927); Chapter 16881, Acts of 1935 (same being 4272 C.G.L. Supp); Section 2 of Chapter 8467, Acts of 1921 (5043 C.G.L.), and provisions of 3423 Revised General Statutes (5276 C.G.L.), Laws of Florida and all other laws and parts of laws in conflict herewith.

And Committee Substitute for Senate Bills Nos. 7 and 46, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do not pass.

Senate Bill No. 343:

A bill to be entitled An Act to require any person, firm, or corporation whose property is assessed for taxation before adding or building any improvements of whatever nature to said property, which said addition or improvements, either real or personal, are to cost more than one thousand dollars to notify in writing the Tax Assessor of the County in which the property is located of the purpose to make said additions or building; to make the failure to comply with the provisions of this Act a misdemeanor, and to prescribe the punishment therefor; prescribing the form of said notice; prescribing the duties of the Tax Assessor thereunder; and to repeal all laws, or parts of laws, inconsistent herewith.

And Senate Bill No. 343, contained in the above report, was laid on the table.

Senate Chamber, April 25, 1939.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 269:

A bill to be entitled An Act to amend Section 19 of Chapter 18011 (No. 305), being Senate Bill No. 917, Laws of Florida of the Acts of the Legislature of 1937, same being 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 I 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," and exempting therefrom machines vending drinking cups, postage stamps, and also coin operated machines or devices, such as parcel checking lockers and toilet locks used in railroad, bus, airport stations, depots, and hotels, boarding houses, restaurants, and rest rooms, for the convenience of, or in rendering service to the public.

And Senate Bill No. 269, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 325:

A bill to be entitled An Act creating a lien in favor of any person, firm or associate who is authorized to practice law in the State of Florida, who shall furnish legal services and disbursement in rendering their services upon the real estate, personal property, judgments, decrees or any personal property coming into his, her or their hands as such attorney or associate attorneys and providing for the duration and enforcement of such lien and repealing all laws in conflict with this Act.

And Senate Bill No. 325, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 19, 1939.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass as amended:

Senate Bill No. 232:

A bill to be entitled An Act to further regulate the practice of law; providing who may practice law; defining the practice of law; requiring a license for practicing law; and providing penalties for violations of the Act.

Amendment No. 1:

In Section 2, line 17 (of the typewritten bill) at the end of subsection (c) add the following: "Providing, that this subsection (c) shall not apply to licensed insurance agents or insurance adjusters with respect to the investigation, adjustment and settlement of insurance claims or losses."

And Senate Bill No. 232, together with Committee Amendment thereto, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass as amended:

Senate Bill No. 230:

A bill to be entitled An Act relating to the exercise of eminent domain: providing that the State of Florida, any county, municipal corporation, public body, commission or housing authority may take immediate possession of property involved in any condemnation suit instituted by such public body and that the court shall make orders with respect to the date upon which the property shall be surrendered and with respect to encumbrances, liens, taxes and other charges: providing for the filing of a declaration of taking, the determination and making of an adequate deposit with the Clerk of the Court to satisfy the judgment of award of compensation: providing for the entry of judgments against the petitioner, the satisfaction thereof and the issuance of executions thereon.

Amendment No. 1. In the title of the typewritten bill strike out the lines Two (2), Three (3), Four (4), Five (5) and Six (6) and insert in lieu thereof the following:

"providing that any housing authority created under the Laws of Florida may take immediate possession of property involved in any condemnation suit instituted by such housing authority and that the Court shall"

Amendment No. 2. In Section 1, B. (2) strike out paragraph (b) and insert in lieu thereof the following:

"(b) The failure of any non-resident or unknown party or parties whose address is alleged in the petition to be unknown to receive the notice, shall not invalidate the proceedings of the Court or any order made pursuant to the provisions of this Act."

Amendment No. 3. In Section 1, A. of the typewritten bill strike out the lines Two (2), Three (3), Four (4), and Five (5) and insert in lieu thereof the following:

"State of Florida, which has been or may be instituted by and in the name of any housing authority created under the provisions of Chapter 17,981, Laws of Florida, Acts of 1937, or under any other laws creating or authorizing the creation of housing authorities within the State of Florida, for the"—

Amendment No. 4. In Section No. 9, of the typewritten bill strike out the lines One (1), Two (2), Three (3), and Four (4) and insert in lieu thereof the following:

"In any case in which any housing authority created under the Laws of Florida, has taken or may take."

And Senate Bill No. 230, together with Committee Amendment thereto, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 344:

A bill to be entitled An Act providing for the plaintiff to make a deposit to compensate the attorney for the garnishee in garnishment proceedings.

And Senate Bill No. 344, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 351:

A bill to be entitled An Act to prohibit a parent from decoying or forcibly taking his or her child from another parent having the legal custody thereof or where judicial proceedings are pending involving such custody with intent to remove same from the State, or having possession, from removing same from the State under certain circumstances; and providing punishment therefor.

And Senate Bill No. 351, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 338:

A bill to be entitled An Act providing that Whenever any Authorized State, County or Municipal officer or agency, annually, for two or more consecutive years receives the tendered taxes for and issues and delivers license or licenses for places of business or stores, no such officer or agency shall thereafter prohibit the operation of such places of business or stores thereunder, nor issue or enforce any warrants against the licenses or others, for any additional license taxes for such places of business for the periods covered by such licenses so issued; and providing no action shall exist or proceeding be had or taken for any such additional taxes for such places for such license periods.

And Senate Bill No. 338, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 308:

A bill to be entitled An Act to provide for the relief of the aged and infirm citizens of the State of Florida; to provide for the allocation and distribution of the monies collected; to provide the rate of compensation at which such persons as may be entitled to aid hereunder may be paid; to fix the duties of Boards of County Commissioners and the State Pension Board in relation thereto; the manner in which citizens may obtain the benefits thereof; the time when citizens shall be entitled thereto; to provide the manner and time of payment of such aid to persons entitled thereto; to provide the records to be kept; to provide for penalties for violations of provisions of this Act; and to repeal all laws in conflict herewith.

And Senate Bill No. 308, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 179:

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

attorneys' fees incurred or paid in connection with the institution and maintenance of such proceedings and all Acts and proceedings therein and thereunder.

And Senate Bill No. 179, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 330:

A bill to be entitled An Act allowing any merchant in the State of Florida to require of any person making application for credit a financial statement showing the amount of property owned or the amount of salary earned by such applicant; making it a felony for any person to obtain credit by such false statement; and providing penalties for the violation of this Act.

And Senate Bill No. 330, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 5, 1939.

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

Senate Bill No. 81:

A bill to be entitled An Act authorizing the establishment and maintenance of separate state prisons for the confinement and punishment of female persons and first offenders under twenty-five years of age, convicted and sentenced to the State prison.

And Senate Bill No. 81, 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. 112:

A bill to be entitled An Act for the relief of E. L. Smith, of Lee County, Florida.

Amendment No. 1. In Section 1, line 1, strike out the words and figures "Four Thousand (\$4000.00) Dollars" and insert the following figures: "Thirty-six Hundred (\$3600.00) Dollars".

Amendment No. 2. In Section 2, line 3, strike out the words and figures "Four Thousand (\$4000.00) Dollars on" and insert the following: "Six hundred (\$600.00) Dollars on or before December 15th, 1939, and Fifty (\$50.00) Dollars each month thereafter for sixty (60) months, until a total sum of Thirty-six Hundred (\$3600.00) Dollars has been paid from".

And Senate Bill No. 112, together with Committee Amendments thereto, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 26, 1939.

Senator Walker, Chairman of the Committee on Game and Fisheries, reported that the Committee had carefully considered the following bills and recommends that the same do pass—

Senate Bill No. 118:

A bill to be entitled An Act requiring all persons having on hand prior to the commencement of the applicable closed season any fish, crabs, shrimp, crayfish or other shell fish to make and file a sworn statement of the quantity and places of storage of such frozen stock with the State Board of Conservation, and regulating the commercial handling and sale of such frozen stock during their applicable respective closed seasons and providing a punishment for failure to comply with said regulations. And,

Senate Bill No. 282:

A bill to be entitled An Act to repeal Chapter 17005, Laws of Florida, Acts of 1935, relating to the use of certain seines and nets in the taking of Menhaden in the waters of the State of Florida. And,

Senate Bill No. 347:

A bill to be entitled An Act to reserve to the citizens of Florida all hunting rights and privileges for wild and game birds and game animals upon any land to which the legal

title is vested in the State of Florida or any Board, Bureau or commission created by the State of Florida, or any political subdivision thereof and excluding from the provision of this Act parks, breeding grounds or game preserves.

And Senate Bills Nos. 118, 282 and 347, contained in the above report, were placed on the Calendar of Bills on second reading.

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

Senate Chamber,
Tallahassee, Florida, April 26, 1939.

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

Sir:

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

House Bill No. 34:

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

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 House Bill 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.

INTRODUCTION OF RESOLUTIONS AND CONSIDERATION OF SENATE RESOLUTIONS

By Senators Hodges, Whitaker, Adams and Wilson—

Senate Concurrent Resolution No. 14:

A RESOLUTION OF THE LEGISLATURE OF THE STATE OF FLORIDA EAR-MARKING THE SUM OF THREE HUNDRED THOUSAND DOLLARS IN THE GENERAL REVENUE FUND FOR THE PENSION TAX FUND OF THE STATE OF FLORIDA AND DIRECTING THE COMPTROLLER TO TRANSFER SUCH MONIES TO INSURE PROMPT PAYMENT OF CONFEDERATE PENSIONS AUTHORIZED BY LAW.

WHEREAS, The Legislature of the State of Florida did in 1937 authorize a tax levy of one half (½) mill on all the real and personal property in the State of Florida for the Pension Tax Fund of the State of Florida to pay Confederate pensions, and

WHEREAS, the sum collected under the levy so made has proven grossly insufficient to meet the amounts appropriated against said fund, and

WHEREAS, said fund has been exhausted and now is insufficient to meet the amounts appropriated from said fund in payment of pensions to Confederate veterans and their widows, and

WHEREAS, this deficit will inevitably recur and remain at least until the new ad valorem levy becomes effective some six months hence, and

WHEREAS, the immediate requirements of the appropriations against said fund require expenditures throughout the next six months at the rate of \$50,000 per month or a total of \$300,000, and

WHEREAS, the Comptroller of the State of Florida recently, after a vigorous and determined effort, has been successful in securing payment to the State of Florida of more than \$3,000,000 in estate taxes from the duPont and Deering estates, and

WHEREAS, by reason of such collections there exists at the present time a balance in the General Revenue Fund of

the State of Florida in an amount exceeding \$300,000;

NOW THEREFORE BE IT RESOLVED by the Senate of the Legislature of the State of Florida, the House of Representatives concurring, that the sum of \$300,000 now in the General Revenue Fund be and the same is hereby ear-marked for the sole and exclusive use and benefit of the Pension Tax Fund of the State of Florida and the Comptroller of the State of Florida is hereby authorized and directed to transfer into such Pension Tax Fund from the General Revenue Fund the said sum of \$300,000, or so much thereof as may be necessary to insure prompt payments monthly of all pensions authorized by law to be paid Confederate veterans and widows from the Pension Tax Fund.

Which was read the first time in full.

Senator Hodges moved that the rules be waived and Senate Concurrent Resolution No. 14 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 14 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. 14 was adopted, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Westbrook—

Senate Bill No. 393:

A bill to be entitled An Act to amend Section 4 of Chapter 10118, Acts of 1925, entitled, "An Act granting, confirming and vesting, and regulating the exercise of, the right of eminent domain in the condemnation of lands and property for State road purposes; confirming, vesting in and granting unto the State Road Department the power of eminent domain to condemn all necessary lands and property for securing rights of way for State roads and bridges in connection therewith and for acquiring any material and property necessary and useful for State road building purposes; declaring the State Road Department to be a body corporate, for the purposes of this Act; granting unto the several Counties of this State power and authority to furnish to the State Road Department lands necessary for rights of way for State road purposes, and the power of eminent domain to condemn said lands; regulating, defining and setting out the procedure to be followed in condemning lands and other property for State road purposes; and granting authority to proceed with State road or bridge construction pending condemnation under certain circumstances," so as to authorize the State Road Department to aid County condemning rights of way for Federal aid roads.

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

By Senators Beacham, Ward and Kelly (16th)—

Senate Bill No. 394:

A bill to be entitled An Act concerning the conservation of crude petroleum oil and natural gas; defining and prohibiting waste thereof; requiring notice of intention to drill, deepen or plug any such well; requiring the filing of a complete record or log of the drilling of any such well; authorizing the State Board of Conservation to make rules and regulations and to prescribe forms for the purpose of carrying out the intent of this Act, and providing penalties for the violation of any provision of this Act and of any rule or regulation made pursuant hereto.

Which was read the first time by title only.

Senator Beacham moved that the rules be waived and Senate Bill No. 394 be read the second time in full.

Pending adoption of the motion made by Senator Beacham, Senator Whitaker moved as a substitute motion that Senate Bill No. 394 be placed on the Calendar of Bills on second reading without reference.

The question was put on the substitute motion.

Which was agreed to and Senate Bill No. 394 was placed on the Calendar of Bills on second reading without reference.

By Senator Hodges—

Senate Bill No. 395:

A bill to be entitled An Act to provide for raising revenue sufficient to defray the expenses of the State of Florida for Confederate pensions as authorized by Chapter 7259 Acts of 1917 of the Laws of Florida, as amended, for each of the fiscal years 1939 and 1940; and to provide for a levy of taxes

in the several counties for said years.

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

By Senators Hodges, Whitaker, Adams and Wilson—

Senate Bill No. 396:

A bill to be entitled An Act authorizing the Comptroller of the State of Florida to make available for current obligations certain funds held by him in the Pension Tax Fund against which warrants have been or shall be issued which within one year from issuance have not been presented for payment; preserving the obligation of the State to pay all Confederate Pension warrants issued under the laws of the State of Florida; prescribing the procedure by which warrants older than one year which have not been paid may be cancelled and new warrants issued in lieu thereof on a current basis; appropriating such funds as are in the pension tax fund to pay new warrants issued in lieu of cancelled warrants and authorizing the Comptroller of the State to provide rules and regulations for the administration of this Act.

Which was read the first time by title only.

Senator Hodges moved that the rules be waived and Senate Bill No. 396 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 396 was read the second time by title only.

Senator Hodges moved that the rules be further waived and Senate Bill No. 396 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. 396 was read the third time in full.

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

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

Nays—None.

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

By Senator Beall—

Senate Bill No. 397:

A bill to be entitled An Act to provide for the biennial registration of all legally qualified voters in the City of Pensacola, Florida, entitled to vote in municipal primary or general elections; providing that no person not registered in accordance with the provisions of this Act shall vote in any such election; repealing Section 4 of Chapter 16989, Laws of Florida Acts of 1935, and all laws and parts of laws in conflict with the provisions of this Act.

The following proof of publication was attached to Senate Bill No. 397 when it was introduced in the Senate:

NOTICE OF INTENTION TO APPLY FOR LOCAL OR SPECIAL BILL TO BE INTRODUCED AT THE 1939 SESSION OF THE FLORIDA LEGISLATURE.

Notice is hereby given that The City of Pensacola, a municipal corporation of Florida, will apply for and seek the introduction of and passage by and at the 1939 Session of the Florida Legislature of a local or special bill to provide for the registration of all the legally qualified voters entitled to vote in any primary or general election held within The City of Pensacola for the purpose of electing members of the City Council or other elective officials of said City, and to repeal any law or part of any law inconsistent with such local or special law, insofar as the same is so inconsistent.

By Order of the City Council of The City of Pensacola, Florida.

L. C. HAGLER,
Mayor.

Attest:

City Clerk—Comptroller.

J. E. FRENKEL,

5020—1—3-24-39.

STATE OF FLORIDA,
COUNTY OF ESCAMBIA:

Before the undersigned, a notary public in and for the

State of Florida at large, personally appeared N. S. Veal, who on oath does solemnly swear that he is the publisher of the Pensacola Journal, a newspaper published in the City of Pensacola, County of Escambia, State of Florida, and that the said Pensacola Journal was on May 20th, 1931, and had for more than one year prior thereto and for more than one year prior to the 24th day of March, 1939, been continuously published more than once a week, and was on and prior to May 30, 1931, and had during more than one year prior thereto and prior to the said 24th day of March, 1939, been entered as second class mail matter at a post office in Escambia County, Florida, and that said paper during all of said time was a newspaper of general circulation in the City of Pensacola, Escambia County, Florida; that as such publisher he has knowledge of the matters stated herein; that a notice stating the substance of a contemplated law or proposed bill relating to the registration of the legally qualified voters entitled to vote in any primary or general election to be held within the City of Pensacola for the purpose of electing members of the City Council or other elective officials of said City, has been published at least thirty days prior to this date, by being printed in the issue of the Pensacola Journal on the 24th day of March, 1939, which said newspaper was and is published in the City of Pensacola, Escambia County, Florida; that a true copy of the said notice is hereto attached, and such copy of notice so attached is by reference made a part of this affidavit.

N. S. VEAL,
Publisher.

Sworn to and subscribed before me this the 25th day of April, 1939.

DOROTHY G. THOMAS,
Notary Public.
(Seal).

My commission expires March 6, 1940.

Which was read the first time by title only.

Senator Beall moved that the rules be waived and Senate Bill No. 397 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 397 was read the second time by title only.

Senator Beall moved that the rules be further waived and Senate Bill No. 397 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. 397 was read the third time in full.

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

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

Nays—None.

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

Senator Beall—
Senate Bill No. 398:

A bill to be entitled An Act fixing the fiscal year of the City of Pensacola, fixing the time of passage by the City Council of said City of the annual appropriation ordinance and the annual tax levy ordinance, fixing the time for the submission by the City Manager of the budget estimate for the year, fixing the time for the meeting of the Board of Tax Equalization of said city, and repealing all laws and parts of laws in conflict with the provisions of this Act.

The following proof of publication was attached to Senate Bill No. 398 when it was introduced in the Senate:

NOTICE OF INTENTION TO APPLY FOR LOCAL OR SPECIAL BILL TO BE INTRODUCED AT THE 1939 SESSION OF THE FLORIDA LEGISLATURE.

NOTICE is hereby given that The City of Pensacola, a municipal corporation of Florida, will apply for and seek the introduction of and passage by and at the 1939 Session of the Florida Legislature of a local or special law to change the period of the fiscal year of The City of Pensacola in this respect, to wit: (a) To change the period of such fiscal year to run from the first day of October of each year to the thirtieth day of September of the following year; (b) To fix the time of the passage of the annual tax levy ordinance so that

such ordinance shall be passed subsequent to the passage of the annual appropriation ordinance; and (c) To change the time of the meeting of the Board of Tax Equalization of the said City.

By Order of the City Council of The City of Pensacola, Florida.

L. C. HAGLER, Mayor.

Attest:

J. E. FRENKEL,
City Clerk-Comptroller.

5021—1t—3-24-39.

STATE OF FLORIDA
COUNTY OF ESCAMBIA:

Before the undersigned, a notary public in and for the State of Florida at large, personally appeared N. S. Veal, who on oath does solemnly swear that he is the publisher of the Pensacola Journal, a newspaper published in the City of Pensacola, County of Escambia, State of Florida, and that the Pensacola Journal was on May 20th, 1931, and had for more than one year prior thereto and for more than one year prior to the 24th day of March, 1939, been continuously published more than once a week, and was on and prior to May 30, 1931, and had during more than one year prior thereto and prior to the said 24th day of March, 1939, been entered as second class mail matter at a post office in Escambia County, Florida, and that said paper during all of said time was a newspaper of general circulation in the City of Pensacola, Escambia County, Florida; that as such publisher he has knowledge of the matters stated herein; that a notice stating the substance of a contemplated law or proposed bill relating to a change in the period of the fiscal year of the City of Pensacola has been published at least thirty days prior to this date, by being printed in the issue of the Pensacola Journal on the 24th day of March, 1939, which said newspaper was and is published in the City of Pensacola, Escambia County, Florida; that a true copy of the said notice is hereto attached, and such copy of notice so attached is by reference made a part of this affidavit.

N. S. VEAL, Publisher.

Sworn to and subscribed before me this the 25th day of April, 1939.

DOROTHY G. THOMAS,
Notary Public.
My commission expires March 6, 1940.
(Seal).

Which was read the first time by title only.

Senator Beall moved that the rules be waived and Senate Bill No. 398 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 398 was read the second time by title only.

Senator Beall moved that the rules be further waived and Senate Bill No. 398 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. 398 was read the third time in full.

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

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

Nays—None.

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

By Senator Westbrook—

Senate Bill No. 399:

A bill to be entitled An Act to authorize the Governor, Comptroller and Treasurer to sell or exchange securities acquired by virtue of Section 2 of Chapter 14653, Acts of 1931, Laws of Florida.

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

By Senator Beacham—

Senate Bill No. 400:

A bill to be entitled An Act in reference to lands on the

Lake Ward side of the Meander of any lake in or party within Everglades Drainage District.

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

By Senators Kelly (11th) and Johns—
Senate Bill No. 401:

A bill to be entitled An Act to amend Section 5 of Chapter 16774, Laws of Florida 1935, entitled: "An Act regulating and taxing the manufacture, distribution and sale of beverages containing more than one per centum of alcohol, creating and providing for a State Beverage Department, providing penalties for the violation of this Act and repealing existing laws concerning said beverages."

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

By Senator Westbrook—
Senate Bill No. 402:

A bill to be entitled An Act to amend Section 17 of Chapter 14486, Laws of Florida, Acts of 1929, entitled: "An Act providing for depository of sinking funds and delinquent taxes and other moneys for road and bridge indebtedness of the counties and special road and bridge districts of the State or otherwise, authorizing the issuance of refunding bonds by said counties and special road and bridge districts, and providing for the creation of a Board of Administration and the disbursement of such funds to pay such indebtedness and the use of any surplus in any county for the construction and maintenance of roads and bridges," as amended by Chapter 17889, Laws of Florida, Acts of 1937, by providing additional powers of the Board of Administration relative to investments and enumerating the classes of securities eligible as security for deposits and for investment.

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

By Senators Kelly (11th) and Johns—
Senate Bill No. 403:

A bill to be entitled An Act to amend Section 10 of Chapter 18015, Laws of Florida, 1937 entitled, "An Act regulating and taxing the manufacture, distribution and sale of beverages containing more than one per centum of alcohol by weight, amending Sections 7 and 9 of Chapter 16774 of the Acts of 1933, entitled "An Act regulating and taxing the manufacture, distribution and sale of beverages containing more than one per centum of alcohol, creating and providing for a State Beverage Department, providing penalties for the violation of this Act and repealing existing laws concerning said beverages"; providing for additional supervisors of the Beverage Department; providing for the expenses of the Beverage Department; appropriating the monies collected under the Beverage laws and providing penalties for the violation of this Act."

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

By Senators Kelly (11th) and Johns—
Senate Bill No. 404:

A bill to be entitled An Act relating to Alcoholic Beverages, supplementing the Beverage Act of this State, providing that persons, firms, or corporations holding a license as a club for the sale of intoxicating beverages shall purchase such beverages only from wholesale in sizes not larger than quarts, nor smaller than fifths of a gallon, and may sell such intoxicating beverages by drink only, and providing penalties for the violation hereof.

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

By Senators Kelly (11th) and Johns—
Senate Bill No. 405:

A bill to be entitled An Act relating to Alcoholic Beverages, supplementing the Beverage Act of this State, providing that no wines shall be sold within this State in individual containers holding more than one gallon, and providing penalties for the violation hereof.

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

By Senators Kelly (11th) and Johns—
Senate Bill No. 406:

A bill to be entitled An Act to amend sub-section (a) of Section 4 of Chapter 16774, Acts of 1935, entitled, "An Act regulating and taxing the manufacture, distribution and sale of beverages containing more than one per centum of Alcohol, creating and providing for a State Beverage Department, providing penalties for the violation of this Act and repealing existing laws concerning said beverages."

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

By Senator McKenzie—
Senate Bill No. 407:

A bill to be entitled An Act authorizing the creation of municipal tax adjustment boards, prescribing their powers, duties and limitations: prescribing the length of time such board shall stay in existence; providing for a chairman and secretary and authorizing said board to adjust, settle and compromise taxes and special assessments.

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

By Senator Westbrook—
Senate Bill No. 408:

A bill to be entitled An Act making an appropriation for the office of Comptroller of the State of Florida in the amount of Five Thousand Dollars for salaries and in the amount of Fifteen Thousand Dollars for necessary and regular expenses for the fiscal year ending June 30, 1939.

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

By the Committee on Forestry and Parks—
Senate Bill No. 409:

A bill to be entitled An Act to provide and prescribe the conditions, stipulations, and covenants by which the grantee or lessee shall be bound in sales or leases of pine timber in the absence of contract or lease provisions to the contrary, qualifying the minimum size of timber, providing for the preservation of seed trees, and defining duration of pine timber lease.

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

By Senators Kelly (16th), Dame and Horne—
Senate Bill No. 410:

A bill to be entitled An Act to amend Sections 1, 2, 3, 4 and 13 of Chapter 16982, Laws of Florida, Acts of 1935, entitled: "An Act to regulate the sale of eggs; to classify eggs, to define the term 'dealer'; to require registration by dealers; to require filing of invoices by dealers; to impose an inspection fee; to authorize the Commissioner of Agriculture to promulgate grades and standards and to make rules and regulations for the enforcement of this Act; to provide for proper enforcement thereof and to provide penalties for violation of this Act; and to repeal Chapter 16012, Laws of Florida, Acts of 1933."

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

By Senators Kelly (16th) and Murphy—
Senate Bill No. 411:

A bill to be entitled An Act to amend Section 6027 of the Revised General Statutes of Florida (being Section 8321 Compiled General Laws 1927) relating to the issuance and service of process in criminal cases.

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

By the Committee on Citrus Fruit—
Senate Bill No. 412:

A bill to be entitled An Act to prescribe the duties of the Florida Citrus Commission with reference to transportation problems affecting the Florida citrus industry and transportation rates and charges on Florida citrus fruits; to prescribe the duties of the Florida Citrus Commission with reference to the study of standards, quality, grade and maturity of Florida citrus fruits and the cause and effect thereof; to prescribe for expenditures from the Orange Advertising Fund, the

Grapefruit Advertising Fund and the Tangerine Advertising Fund for protecting the Florida citrus industry in obtaining and enjoying just, reasonable and otherwise lawful transportation rates and charges; and to conduct the study of standards of quality, grade and maturity of Florida citrus fruits and the cause and effect thereof.

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

By Senator Dugger:
Senate Bill No. 413:

A bill to be entitled An Act to validate tax sale certificates and tax deeds heretofore issued on lands in Clay County, Florida.

The following proof of publication was attached to Senate Bill No. 413 when it was introduced to the Senate:

NOTICE TO APPLY FOR LOCAL OR SPECIAL ACT

NOTICE IS HEREBY GIVEN, That application will be made to the 1939 Legislature of Florida for the enactment of a local or special act to validate all Tax Sale Certificates and Tax Deeds now held and owned by the State of Florida or by any person, firm or Corporation, which are invalid or defective on account of any matter or thing not affecting the authority of the State of Florida or Clay County to levy and collect the taxes evidenced by such certificates, or by the certificates upon which Tax Deeds are based.

ROSWELL K. PENNEY.
16-23-2-9-16.

AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA,)
COUNTY OF CLAY.)

BEFORE ME Personally appeared F. ION ROBERTSON, JR., who being first duly sworn, deposes and says: That he is editor of THE CLAY COUNTY CRESCENT, a newspaper published and printed in and having general circulation in Clay County, Florida, and which newspaper was being published on May 20, A. D., 1930; that the annexed notice has been published in said Clay County Crescent, in accordance with the provisions of Senate Bill No. 58, Laws of Florida, approved May 20, A. D., 1931, in a regular weekly issue thereof, once a week each week for Five (5) consecutive weeks, the date of publication being as follows:

February 16, 1939; February 23, 1939; March 2, 1939; March 9, 1939; March 16, 1939.

F. I. ROBERTSON, JR.

Sworn to and subscribed before me at Green Cove Springs, Clay County, Florida, this 15th day of April, 1939.

(SEAL) NANCY R. ROWE,
NOTARY PUBLIC, State of Florida at Large.

My commission expires June 8, 1941.

Which was read the first time by title only.

Senator Dugger moved that the rules be waived and Senate Bill No. 413 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 413 was read the second time by title only.

Senator Dugger moved that the rules be further waived and Senate Bill No. 413 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. 413 was read the third time in full.

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

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

Nays—None.

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

By Senator Dugger—

Senate Bill No. 414:

A bill to be entitled An Act to cancel of record all tax certificates for the year 1900 and prior years thereto in counties

having a population of not less than 7103 and not more than 7500 where the property in said certificates is assessed on a basis of lots and blocks and now assessed by Government survey.

The following proof of publication was attached to Senate Bill No. 414 when it was introduced in the Senate:

NOTICE

Notice is hereby given that the undersigned will apply to the Florida Legislature at its regular session in 1939, for the passage of a Special Act cancelling all tax certificates held by the State of Florida on real estate not located within any existing municipal corporation, for taxes prior to and including 1900, where such lands were assessed for taxes according to any recorded or unrecorded plat at the time of the assessment of such taxes and are now assessed according to Government survey.

ROSWELL K. PENNEY.
23-2-9-16-23.

AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA,)
COUNTY OF CLAY.)

BEFORE ME Personally appeared F. ION ROBERTSON, JR., who being first duly sworn, deposes and says: That he is editor of THE CLAY COUNTY CRESCENT, a newspaper published and printed in and having general circulation in Clay County, Florida, and which newspaper was being published on May 20, A. D., 1930; that the annexed notice has been published in said Clay County Crescent, in accordance with the provisions of Senate Bill No. 58, Laws of Florida, approved May 20, A. D., 1931, in a regular weekly issue thereof, once a week each week for Four (4) consecutive weeks, the dates of publication being as follows:

February 23, 1939; March 2, 1939; March 9, 1939; March 16, 1939; March 23, 1939.

F. I. ROBERTSON, JR.

Sworn to and subscribed before me at Green Cove Springs, Clay County, Florida, this 6th day of April, 1939.

(SEAL) NANCY R. ROWE,
NOTARY PUBLIC, State of Florida at Large.

My commission expires June 8, 1941.

Which was read the first time by title only.

Senator Dugger moved that the rules be waived and Senate Bill No. 414 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 414 was read the second time by title only.

Senator Dugger moved that the rules be further waived and Senate Bill No. 414 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. 414 was read the third time in full.

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

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

Nays—None.

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

By Senator Dugger—

Senate Bill No. 415:

A bill to be entitled An Act to authorize the adjustment or sale of all tax certificates held by the State of Florida for the years 1936 and years prior thereto in Clay County where the property of said certificates is assessed on a basis of lots or blocks.

The following proof of publication was attached to Senate Bill No. 415 when it was introduced in the Senate:

NOTICE

Notice is hereby given that the undersigned will apply to the Florida Legislature at its regular session in 1939, for the pas-

sage of a Special Act authorizing the sale, redemption and cancellation of tax certificates for the year 1936 and prior years, together with all omitted taxes held by the State of Florida for State and County taxes on lands in Clay County, Florida, assessed by lots and blocks or other designation in accordance with recorded or unrecorded plats, where such lands are not located in an incorporated city, town or other municipality, upon payment of 10 per cent of the face value of such certificates.

N. E. TALBOTT.

23-2-9-16-23.

AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA,)
COUNTY OF CLAY.)

BEFORE ME personally appeared F. Ion Robertson, Jr., who being first duly sworn, deposes and says: That he is editor of The Clay County Crescent, a newspaper published and printed in and having general circulation in Clay County, Florida, and which newspaper was being published on May 20, A. D. 1930; that the annexed notice has been published in said Clay County Crescent, in accordance with the provisions of Senate Bill No. 58, Laws of Florida, approved May 20, A. D. 1931, in a regular weekly issue thereof, once a week each week for five (5) consecutive weeks, the dates of publication being as follows: February 23, 1939; March 2, 1939; March 9, 1939; March 16, 1939; March 23, 1939.

F. I. ROBERTSON, JR.

Sworn to and subscribed before me at Green Cove Springs, Clay County, Florida, this 29th day of March, 1939.

NANCY R. ROWE,

(Seal) NOTARY PUBLIC, State of Florida at Large.
My commission expires June 8, 1941.

Which was read the first time by title only.

Senator Dugger moved that the rules be waived and Senate Bill No. 415 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 415 was read the second time by title only.

Senator Dugger moved that the rules be further waived and Senate Bill No. 415 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. 415 was read the third time in full.

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

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

Nays—None.

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

By Senator Dugger—

Senate Bill No. 416:

A bill to be entitled An Act to amend Section Forty-four and Section Fifty of Chapter 13644, Laws of Florida, Acts of 1929, entitled: "An Act relating to game, non-game birds, fresh-water fish and fur-bearing animals; to create the Department of Game and Fresh Water Fish and the office of State Game Commissioner; to define his duties and powers and that of his deputies; to provide for the protection and Conservation of Game, non-game birds, fresh-water fish and fur-bearing animals by prescribing the times when and means by and extent to which they may be taken, possessed and dealt in; to license hunters, guides, trappers and fishermen; to require persons who engage in the business of operating hunting and fishing boats for hire or who deal in or with fresh water fish or hides of fur-bearing animals, to procure a license for same; to prohibit the use, placing or discharge in the fresh waters of the State of substances or forces injurious to fish; to provide for the prosecution of persons violating the provisions of this Act and a penalty and rule of evidence in such prosecutions; to provide for the collection of funds to carry out the provisions of this Act and for the disposition of revenues accruing thereunder; consenting to acquisition by the United States of areas of land, water, or land and water, in accordance with Act of

Congress of February 18, 1929; and repealing certain existing laws and statutes; and defining certain terms used therein." So as to provide for an open season on, and to allow the taking and having in possession of, ringnecked and mutant pheasants and chukars.

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

By Senator Dugger—

Senate Bill No. 417:

A bill to be entitled An Act requiring that all wild and unimproved lands and lands owned and held for resale by the United States of America, or any functionary thereof, within the State of Florida shall be assessed for taxes along with other like land and providing for the levy of taxes thereon and the collection of such taxes in a manner similar to the assessment, levy and collection of taxes levied and assessed upon other lands in the State of Florida.

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

By Senator Whitaker—

Senate Bill No. 418:

A bill to be entitled An Act to amend Section 70, Chapter 13644, Laws of Florida, Acts of 1929, relating to fresh water fish and game.

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

By Senator Whitaker—

Senate Bill No. 419:

A bill to be entitled An Act relating to fishing; providing a closed season on all species of fresh water fish; and providing penalties for the violation of this Act.

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

By Senator Dye—

Senate Bill No. 420:

A bill to be entitled An Act prohibiting any person, firm or corporation acting as refunding agents for taxing units of the State of Florida from owning bonds or other indebtedness of such tax unit and providing penalties and forfeiture for violation thereof.

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

By Senator Sharit—

Senate Bill No. 421:

A bill to be entitled An Act to regulate the manner and method for the taking of any and all species or kind of fish from certain rivers, creeks, streams, bayous, cut-offs and inlets or any portion thereof, in Bay County, Florida; providing for closed portions of the said certain waters in said Bay County; providing a penalty for the violation of any of the provisions of this Act.

The following proof of publication was attached to Senate Bill No. 421 when it was introduced to the Senate:

AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA,)
COUNTY OF BAY)

Before the undersigned authority personally appeared Braden Ball, Business Manager of the Panama City News-Herald, who, on oath, does solemnly swear that he has knowledge of the matters stated herein; that a Notice stating the substance of a contemplated law or proposed bill relating to closing certain Rivers, Bayous, Creeks, Streams, etc., in Bay County, Florida, to certain designated points, to certain methods of fishing therein, and providing penalties for the violation thereof, has been published at least thirty days prior to this date, by being printed in the issue of March 16, 1939, of the Panama City News-Herald, a newspaper published in Bay County, Florida; that a copy of the Notice that has been published as aforesaid, and also this Affidavit of proof of publication, are attached to the proposed bill or contemplated law, and such copy of the Notice so attached is by reference made a part of this Affidavit.

(Signed) BRADEN BALL.

Sworn to and subscribed before me this 16 day of March, A. D. 1939.

(Signed) LouElla Kelley,
Notary Public, State of Florida at Large.

My commission expires: Sept. 15, 1941.

NOTICE OF SPECIAL LEGISLATION

NOTICE IS HEREBY GIVEN that the undersigned will introduce and work for the passage of a special Act of the Legislature of Florida providing for the closing of certain Rivers, Creeks, Streams, Bayous, Cut-offs and Inlets in Bay County, Florida, from their source to a designated point to certain forms and methods of fishing; regulating the method of fishing therein and providing penalties for the violation thereof.

(Signed) J. ED STOKES,
(Signed) H. L. SUDDUTH.

Which was read the first time by title only.

Senator Sharit moved that the rules be waived and Senate Bill No. 421 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 421 was read the second time by title only.

Senator Sharit moved that the rules be further waived and Senate Bill No. 421 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. 421 was read the third time in full.

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

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

Nays—None.

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

Senator Whitaker moved that the rules be waived and the Senate do now take up and consider Senate Bill No. 270, out of its order.

Which was agreed to by a two-thirds vote.

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.

Was taken up and read the second time in full.

Senator Whitaker moved that the rules be waived and Senate Bill No. 270 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. 270 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, Gideons, Graham, Hinely, Hodges, Holland, Horne, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, 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.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Florida,
April 26, 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 Florida Legislature—

House Joint Resolution No. 200:

A JOINT RESOLUTION proposing to amend Section 19 of Article IV of the Constitution of the State of Florida relating to the succession to the office of Governor.

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

That Section 19 of Article IV of the Constitution of the State of Florida relating to the succession to the office of Governor 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 19 of Article IV, as amended, shall read as follows:

Section 19. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner as the Governor, whose term of office and eligibility shall also be the same. He shall be President of the Senate but shall have only a casting vote therein, and shall perform such other duties not inconsistent herewith and receive such emoluments as the Legislature may by law provide, which shall not be less than pay of members of the Senate.

In case of the death, resignation or removal of the Governor, the Lieutenant-Governor shall become Governor. In case of the disability of the Governor to discharge his official duties by reason of impeachment, prolonged absence from the State, or mental or physical disease, the Lieutenant-Governor shall act as Governor, with all the powers, duties and emoluments of that office, for the residue of the term or until such disability ceases, whichever shall be first, and the Legislature may by law define what shall constitute disability by prolonged absence from the State and mental and physical diseases. In a like mode the Secretary of State shall succeed to the office of Governor if there be no Lieutenant-Governor or if he is unable to perform the duties of the office of Governor as herein provided, and the Legislature may by law extend the succession to such office to other officers of the State.

At the next succeeding general election, a Lieutenant-Governor shall be elected for the residue of the term corresponding with the office of Governor, and until such election, the President of the Senate shall be Lieutenant-Governor, and shall vacate his seat as a member of the Senate.

That part of Sections 6 and 34 of Article III empowering the Senate to choose a President of the Senate and relating to the succession to the office of Governor, and that part of Section 4 of Article IV relating to the qualifications of the successor to the office of Governor, are hereby abrogated.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Joint Resolution No. 200, 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, Fla., April 26, 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. 731:

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 respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,
Chief Clerk House of Representatives.

And House Bill No. 731, 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 was received and read:

Tallahassee, Fla., April 26, 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. 66:

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

Also—

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. 67:

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

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,
Chief Clerk House of Representatives.

And House Bills Nos. 66 and 67, contained in the above message, were read the first time by titles only and placed on the Calendar of Bills on second reading without reference.

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. 73:

A bill to be entitled An Act to regulate the sale, possession, prescribing and dispensing certain dangerous drugs, providing certain exceptions, providing for its enforcement and penalties for violations thereof.

Was taken up and read the second time in full.

Senator Dame offered the following amendment to Senate Bill No. 73:

In Section 1, line 3, (typewritten bill) strike out the words: "amytal, luminal, veronal, barbital, acid diethylbarbituric, or any of its salts, derivatives or compounds of the foregoing substance or any preparation or compound containing any of the foregoing substance, or its salts, derivatives or compounds," and insert in lieu thereof the following: barbituric acid or any salt, derivative, compound, or preparation thereof.

Senator Dame moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Dame moved that the rules be waived and Senate Bill No. 73, 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. 73, 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, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parrish, Price, Rose, Savage, Sharit, Ward, Westbrook, Wilson—34.

Nays—None.

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

Senator Horne moved that the hour of adjournment be extended until such time as the Senate completes the consideration of Senate Bills Nos. 3 and 19.

Pending adoption of the motion made by Senator Horne, Senator Mapoles moved as a substitute motion that the hour of adjournment be extended until such time as the Senate completes the consideration of Senate Bills Nos. 3 and 19 and House Memorial No. 6.

Which was not agreed to.

The question recurred on the motion made by Senator Horne.

Pending the adoption of the motion made by Senator Horne, Senator Horne moved that the Senate do now adjourn.

Which was agreed to.

And the Senate took a recess at 12:58 o'clock P. M., until 3:15 o'clock P. M., this day.

AFTERNOON SESSION

The Senate reconvened at 3:15 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.

REPORTS OF COMMITTEES

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

Senate Chamber,
Tallahassee, Florida, April 26, 1939.

President of the Senate.

Sir:

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

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.

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

And Senate Bill No. 163, contained in the above report, was certified to the House of Representatives.

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

Senate Chamber,
Tallahassee, Florida, April 26, 1939.

President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred (with amendments), after 3rd reading.

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.

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

And Senate Bill No. 170, contained in the above report, was certified to the House of Representatives.

Senate Chamber, April 26, 1939.

Senator Dame, Chairman of the Committee on Public Health, reported that the Committee had carefully considered the following bill and recommends that the same do pass

Senate Bill No. 35:

A bill to be entitled An Act to establish a State Board of Examiners in the basic science underlying the practice of the healing art, to provide for its organization, powers, duties and compensation, to provide for examination in the basic sciences and that certification by said board of proficiency in the basic sciences to be a prerequisite to the eligibility of any person for examination for license to practice the healing art; to define the basic sciences, the healing art, a license, and to provide penalties for the violation of this Act.

And Senate Bill No. 35, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass, as amended.

Senate Bill No. 342:

A bill to be entitled An Act making it unlawful to stop payment on a check with intent to defeat the payment of same with intent to defraud and providing for prosecution of same.

Amendment No. 1. In Section 2, line 2 (of the typewritten bill) strike out the date "1931" and insert in lieu thereof the following:

"the Legislature of the State of Florida of 1921."

And Senate Bill No. 342, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 25, 1939.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass, as amended.

Senate Bill No. 95:

A bill to be entitled An Act to amend Section 2936, Revised General Statutes of Florida, 1920 (being Section 4656, Compiled General Laws of Florida, 1927) relating to adverse possession without color of title by providing therein that the said land so occupied adversely shall be within one year after the entry by such adverse owner returned for taxation and all taxes subsequently assessed against the same duly paid.

Amendment No. 1. In Section 1, line 18 (of typewritten bill) after the word "taxes," insert the following:

"theretofore or thereafter levied and assessed against the same and matured installments of special improvement liens theretofore or thereafter."

Amendment No. 2. In Section 2, line 18 (of typewritten bill) after the word "taxes," insert the following:

"theretofore or thereafter levied and assessed against the same and matured installments of special improvement liens theretofore or thereafter"

And Senate Bill No. 95, together with Committee Amendments thereto, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber, April 26, 1939.

Senator Holland, Chairman of the Committee on Finance and Taxation, reported that the Committee had carefully considered the following bill—

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 receipts 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.

And recommends that Senate Committee Substitute for Senate Bill No. 43, entitled:

An Act to repeal Subdivision B of Section 4, of Chapter 16848, Laws of Florida, Acts of 1935, the same being entitled: "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 un-

der 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"; relating to gross receipts taxes; providing that nothing in this Act shall excuse or relieve any person from the payment of gross receipts taxes under said Chapter 16848, Laws of Florida, Acts of 1935, accruing prior to the effective date of this Act; repealing all laws in conflict herewith, and providing when this Act shall take effect, be substituted for said Senate Bill No. 43, and that Senate Committee Substitute for Senate Bill No. 43 pass.

And Senate Bill No. 43, together with Committee Substitute therefor, 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 the Honorable Don C. McMullen, a former member of the Senate, to a seat on the rostrum.

Which was agreed to.

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

Pursuant to the motion made by Senator Whitaker on April 25, 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 receipts 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, having been read the second time in full on April 25, 1939, amended, and recommitted to the Committee on Finance and Taxation on April 25, 1939.

The Committee on Finance and Taxation having reported on Senate Bill No. 43 and recommended that the Committee Substitute therefor do pass.

The following Committee Substitute was taken up.

Committee Substitute for Senate Bill No. 43:

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 entitled: "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"; relating to gross receipts taxes; providing that nothing in this Act shall excuse or relieve any person from the payment of gross receipts taxes under said Chapter 16848, Laws of Florida, Acts of 1935, accruing prior to the effective date of this Act; repealing all laws in conflict herewith, and providing when this Act shall take effect.

Senator Holland moved that the Committee Substitute for Senate Bill No. 43 be read the first time by title only.

Which was agreed to.

And Committee Substitute for Senate Bill No. 43 was read the first time by title only.

Senator Holland moved that the rules be waived and the

Committee Substitute for Senate Bill No. 43 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Committee Substitute for Senate Bill No. 43 was read the second time by title only.

Senator Holland moved that the Committee Substitute for Senate Bill No. 43 be adopted.

Which was agreed to and the Committee Substitute for Senate Bill No. 43 was adopted.

Senator Holland moved that the rules be further waived and Committee Substitute for Senate Bill No. 43 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. 43 was read the third time in full.

Upon the passage of Committee Substitute for Senate Bill No. 43 the roll was called and the vote was:

Yeas—Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanners, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—36.

Nays—Mr. President—1.

So Committee Substitute for Senate Bill No. 43 passed, and the action of the Senate was ordered certified to the House of Representatives.

EXPLANATION OF VOTE

The following explanation of vote on Committee Substitute for Senate Bill No. 43 was filed with the Secretary:

While I am opposed to the gross receipts tax law and favor its repeal at the proper time, I do not believe that the law should be repealed this early in the session, since no definite plans have as yet been made to replace to the schools the revenue which they will lose by the repeal; besides, in my opinion, those in favor of repealing the gross receipts tax law should use their influence to help us in securing the replacement of the revenue that will be lost to the schools by the repeal of the gross receipts tax law before the same is repealed.

J. TURNER BUTLER,
Senator 18th District.

Senator Kelly (11th) moved that Senate Bill No. 403 be withdrawn from the Committee on Temperance and referred to the Committee on Finance and Taxation.

Which was agreed to and it was so ordered.

Senator Dye moved that Senate Bill No. 420 be withdrawn from the Committee on Finance and Taxation and referred to the Committee on Judiciary "B."

Which was agreed to and it was so ordered.

Pursuant to the motion made by Senator Parrish on April 25, 1939, and the hour having arrived for the consideration of Senate Bill No. 168 as a Special and Continuing Order.

Senate Bill No. 168:

A bill to be entitled An Act relating to the purchase, handling, sale and accounting of sales of citrus fruit grown in the State of Florida; to prevent fraud and deception therein; to provide for the licensing and bonding of citrus fruit dealers; to prescribe certain powers and duties of the Citrus Commission and the Commissioner of Agriculture of the State of Florida in the administration and enforcement of this Act; and to prescribe penalties for the violation of the provisions of this Act.

Was taken up and read the second time in full.

Senators Westbrook, McKenzie, Dame and Savage offered the following amendment to Senate Bill No. 168:

In (typewritten bill) between Sections 15 and 16, insert a new section, to be number 15 A, which shall read as follows:

Section 15A. There is hereby specifically excepted from the provisions of this Act, all persons, firms and/or corporations that buy citrus fruit from the producer and pay for the same in actual cash, lawful money of the United States, at or before the removal of the fruit from the premises of the seller; and in all such cases the seller, or his agent, shall give to the buyer a bill of sale which shall describe the quantity and variety of fruit, the seller's name and address, the

buyer's name and address, the date of the transaction, the price paid for such fruit per box, with extensions to show the total, and a statement over the signature of the seller, or his agent, to the effect that the fruit described on such bill of sale has been paid for in cash; and possession of such a bill of sale by the buyer shall be a complete bar to any prosecution under this Act. No particular bill of sale shall include more than 200 boxes of fruit.

Senator Westbrook moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Westbrook, McKenzie, Dame and Savage also offered the following amendment to Senate Bill No. 168:

In title, (typewritten bill) change period at end of title to a semi-colon and add the following: "and providing certain exceptions from the provisions of this Act."

Senator Westbrook moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Kelly (11th) offered the following amendment to Senate Bill No. 168:

In Section 3, line 12, (typewritten bill) strike out the words: and figures "Two Thousand (\$2,000) Dollars" and insert in lieu thereof the following: "Five Hundred (\$500.00) Dollars."

Senator Kelly (11th) 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. 168, 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. 168, 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, 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—36.

Nays—None.

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

Senator Holland moved that the rules be waived and the Senate do now take up and consider Senate Bill No. 412, out of its order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 412:

A bill to be entitled An Act to prescribe the duties of the Florida Citrus Commission with reference to transportation problems affecting the Florida Citrus Industry and transportation rates and charges on Florida Citrus Fruits; to prescribe the duties of the Florida Citrus Commission with reference to the study of standards, quality, grade and maturity of Florida Citrus Fruits and the cause and effect thereof; to prescribe for expenditures from the orange advertising fund, the grapefruit advertising fund and the tangerine advertising fund for protecting the Florida Citrus Industry in obtaining and enjoying just, reasonable and otherwise lawful transportation rates and charges; and to conduct the study of standards of quality, grade and maturity of Florida Citrus Fruits and the cause and effect thereof.

Was taken up and read the second time in full.

Senator Holland moved that the rules be waived and Senate Bill No. 412 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. 412 was read the third time in full.

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

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

Senator Kelly (11th) moved that House Bill No. 19 be withdrawn from the Committee on Pensions and Claims and placed on the Calendar of Bills on second reading without reference.

Which was agreed to and it was so ordered.

Senator Beall moved that the rules be waived and the Senate do now take up and consider House Bill No. 20, out of its order.

Which was agreed to by a two-thirds vote.

House Bill No. 20:

A bill to be entitled An Act providing for nominations for appointments to the offices of Circuit Judges by a political party in a primary election and providing for the qualifying of candidates therefor.

Was taken up and read the second time in full.

Senator Beall offered the following amendment to House Bill No. 20:

Strike out Section 2 and renumber Section 3 as Section 2.

Senator Beall moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Beall moved that the rules be waived and House Bill No. 20, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 20, 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, Dame, Dye, Hinely, Holland, Horne, Johns, Kanner McKenzie, Parker, Parrish, Price, Rose, Westbrook, Whitaker—18.

Nays—Senators Clarke, Dugger Gillis, Gideons, Graham, Hodges, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, Sharit, Walker, Ward, Wilson—16.

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

By unanimous consent Senator Beall withdrew Senate Bill No. 3.

SENATE BILLS ON SECOND READING

Senate Bill No. 19:

A bill to be entitled An Act authorizing and empowering the State Road Department of Florida to cooperate with any State adjoining the State of Florida, or the Highway Department of any such adjoining State or any political subdivision or other duly authorized agency therein, in the construction, building, or by participation in the cost or purchase, of any bridge, which extends from said adjoining State so that said bridge or one of its approaches physically connects, or when constructed will physically connect, any designated and established State Road of the State System of Roads of Florida, to the extent of fifty (50%) percent of the construction cost of any such bridge, or the purchase price thereof.

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

Senator Horne moved that the rules be waived and Senate Bill No. 19 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. 19 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, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Price, Rose, Sharit, Ward, Westbrook, Whitaker, Wilson—32.

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. 21:

A bill to be entitled An Act to amend Sub-Section 17 of Section 1011, Revised General Statutes, as last amended by Chapter 16085, Acts of 1933, Laws of Florida, relating to the operation of Motor Vehicles by non-residents, and the requirements of registration thereof.

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

Senator Kanner moved that the rules be waived and Senate Bill No. 21 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. 21 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, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Parker, Parrish, Price, Rose, Sharit, Walker, Ward, Whitaker, Wilson—30.

Nays—None.

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

Senator Parrish moved that the Senate reconsider the vote by which Senate Bill No. 121 failed to pass the Senate on April 25, 1939.

And the motion went over under the rule.

Senate Bill No. 67:

A bill to be entitled An Act assenting to and accepting the provisions of an Act of Congress approved July 11, A. D. 1916, and all amendments thereto, the same being entitled, "An Act to provide that the United States Government shall aid the states in the construction of rural post roads, and for other purposes," and providing for the apportionment and appropriation of funds to meet the same.

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

Senator Parker moved that the rules be waived and Senate Bill No. 67 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. 67 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, Beall, Clarke, Dugger, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, Mapoles, McKenzie, Parker, Parrish, Price, Rose, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—29.

Nays—None.

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

And Senate Bill No. 93 was taken up in its order and the consideration thereof was informally passed.

Senate Bill No. 114:

A bill to be entitled An Act Amending Section 19 of Chapter 15789, Laws of Florida, Acts of 1931, defining and classifying intangible personal property for the purpose of taxation and the levy and collection of taxes upon such intangible personal property, said Act being cited or referred to as "Intangible Personal Property Taxation Act of 1931," to provide by such amendment that the lien of such intangible personal property taxes shall be upon all the real or personal property of the taxpayer in the county in which they are assessed from the time the tax becomes due and a lien in other counties from the time action is taken to enforce such taxes in such other counties and to subordinate said lien, whether heretofore or hereafter accruing to the lien of bona fide prior existing mortgages and vendors' liens; and further providing for the enforcement of such prior mortgages or vendors' liens against such tax lien of the State of Florida and consenting to such suits to enforce such prior liens with the making of the Comptroller of the State of Florida a party defendant for and on behalf of the State of Florida.

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

Senator Holland moved that the rules be waived and Senate Bill No. 114 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. 114 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, Dugger, Dye, Gillis, Gideons, Graham, Hinely,

Hodges, Holland, Horne, Kanner, Kelly (11th), Kelly (16th), Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—32.

Nays—None.

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

Senator Whitaker moved that the hour of adjournment be extended fifteen (15) minutes.

Which was agreed to and it was so ordered.

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

Which was agreed to by a two-thirds vote.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Florida,
April 26, 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. 6:

A Memorial to Congress requesting that the Congress of the United States by appropriate legislation authorize and empower the Surplus Commodities Corporation to purchase, handle, and dispose of sea foods and the products thereof.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,
Chief Clerk House of Representatives.

And House Memorial No. 6, contained in the above message, was read the first time in full.

Senator Mapoles moved that the rules be waived and House Memorial No. 6 be read the second time in full.

Which was agreed to by a two-thirds vote.

And House Memorial No. 6 was read the second time in full

The question was put on the adoption of the Memorial.

Which was agreed to and House Memorial No. 6 was adopted, and the action of the Senate was ordered certified to the House of Representatives.

Senator Gillis moved that the Senate do now adjourn.

Which was agreed to and the Senate stood adjourned at 5:02 o'clock P. M., until 11:00 o'clock A. M., Thursday, April 27, 1939.