

JOURNAL OF THE SENATE

Monday, May 1, 1939

The Senate convened at 1:00 o'clock P. M., pursuant to adjournment on Friday, April 28, 1939.

The President in the Chair.

Senator Black was excused from attendance upon the session today.

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

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

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of April 28, 1939, was corrected, and as corrected was approved.

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

Senate Bill No. 32:

An Act to provide for the purchase, distribution and administration of Anti-Hog Cholera Serum and Hog Cholera Virus by the State Live Stock Sanitary Board; making an appropriation therefor; and Repealing Chapter 18153, Laws of Florida, Acts of 1937, being "An Act to provide for the purchase, distribution and administration of Anti-Hog Cholera Virus in the State of Florida by the State Live Stock Sanitary Board; making appropriation therefor and creating a fund to be known as the Serum Fund";

Also—

Senate Concurrent Resolution No. 14:

A Resolution of the Legislature of the State of Florida earmarking 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.

Also—

Senate Bill No. 300:

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

Have examined the same and find them correctly enrolled.

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

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

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

House Bill No. 793:

An Act prescribing the maximum fees to be allowed Clerks of Circuit Courts for sale or redemption of State tax certificates on lands lying outside municipalities which have been sub-divided into lots, blocks or tracts as evidenced by a plat or plats duly filed among or recorded in the public records of any county and for which no returns for taxation have been made or sub-divided for more than three years.

Also—

House Bill No. 836:

An Act prescribing the maximum fees to be allowed Clerks of

Circuit Courts for sale or redemption of State tax certificates on lands lying outside municipalities which have been sub-divided into lots, blocks or tracts as evidenced by a plat or plats duly filed among or recorded in the public records of any county and for which no returns for taxation have been made as sub-divided for more than three years.

Have examined the same and find them correctly enrolled.

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

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

Senator 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. 6:

A bill to be entitled An Act repealing exemptions for jury service.

And Senate Bill No. 6, contained in the above report, was laid on the table.

Senator Kelly (11th), Chairman of the Committee on Judiciary "A," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 262:

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

And Senate Bill No. 262, contained in the above report was placed on the Calendar of Bills on second reading.

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

Senate Bill No. 261:

A bill to be entitled An Act to repeal Chapter 16,789, Laws of Florida, Acts of 1935, relating to the promotion and encouragement of aviation and exempting aviation motor fuel from the payment of excise taxes.

do not pass; and that

Senate Bill No. 113:

A bill to be entitled An Act to provide for a refund or drawback of gasoline tax paid on gasoline used in certain motor boats and tractors, herein defined, and which tax is paid under Chapter 15659, Acts of 1931, Laws of Florida; providing for registration of such motor boats and tractors with the Comptroller of the State of Florida; providing for fees to be charged for such registration; methods of making such application for such refunds; methods of making the payment of such refund; authorizing the Comptroller of the State of Florida and the Treasurer of the State of Florida to pay such refunds out of funds in the hands of the Treasurer of the State of Florida by virtue of Chapter 15659, Acts of 1931, Laws of Florida; and prescribing penalties for making any false statements in receipts given to any purchaser of gasoline by any dealer in gasoline; and to prescribe penalties for any person making any false statement or affidavit to be used for the purpose of securing a refund on the gasoline tax in this Act provided for; repealing all laws in conflict with this Act and providing time for the taking effect of this Act.

do pass.

Senate Bill No. 261, contained in the above report, was laid on the table and Senate Bill No. 113, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Clarke, Chairman of the Committee on Banking and Building and Loans reported that the Committee had carefully considered the following bill and recommends that the same do pass.

House Bill No. 63:

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

And House Bill No. 63, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Gillis, Chairman of the Committee on Constitutional Amendments, reported that the Committee had carefully considered the following resolution and recommends that the same do pass with amendments.

Senate Joint Resolution 63:

A Joint Resolution proposing an amendment to Article IX of the Constitution of the State of Florida, relating to taxation and finance.

And Senate Joint Resolution No. 63, contained in the above report, was 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 Bill No. 32:

An Act to provide for the purchase, distribution and administration of anti-hog cholera serum and hog cholera virus by the State Live Stock Sanitary Board: making an appropriation therefor: and repealing Chapter 18153, Laws of Florida, Acts of 1937, being "An Act to provide for the purchase, distribution and administration of anti-hog cholera virus in the State of Florida by the State Live Stock Sanitary Board: making appropriation therefor and creating a fund to be known as the Serum Fund";

Also—

Senate Concurrent Resolution No. 14:

A resolution of the Legislature of the State of Florida earmarking 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.

Also—

Senate Bill No. 300:

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

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

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

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

Senate Bill No. 392:

An Act providing that no court shall enter any interlocutory or final order, decree or judgment in any case involving the validity or constitutionality of any law relating to the distribution, apportionment of allocation of any State excise or other taxes equally to the several counties of this State, until it appears of record that service of notice of the pendency of the suit and of hearings of applications of such orders, decrees or judgments accompanied by copies of the pleading, has been had upon the chairman of the Board of County Commissioners or chairman of the Board of Public Instruction of the several counties or upon both such chairman of said boards depending upon whether one or both of said boards has an interest in the subject matter, and providing that such boards after such service shall be parties to the case and properly aligned by the court.

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

And Senate Bill No. 392, contained in the above report, was certified to the House of Representatives.

The President then read the following letter:

FLORIDA STATE SENATE
Tallahassee, Florida
May 1, 1939

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

Sir:

I hereby tender my resignation as Secretary to the Florida Senate, effective immediately.

Very respectfully,

FRANKLIN E. FITZGERALD.

Senator Gillis moved that the resignation of Franklin E. Fitzgerald, as Secretary of the Senate, be accepted.

Which was agreed to and the resignation was accepted.

Senator Hodges placed in nomination the name of Robt. W. Davis, to be Secretary of the Senate.

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

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

Senator Hodges moved that the Committee on Control of Legislative Expenditures pay the cost of painting the portrait of the present President of the Senate in such amount as the President agreed with the painter as his compensation, that the said portrait may at the appropriate time take its place with the portraits of all Past Presidents of the Senate on the walls of the Senate Chamber.

Which was agreed to and it was so ordered.

Senator Horne moved that the following letter from Honorable Harry H. Wells to the President of the Senate be spread upon the Journal:

HARRY H. WELLS

Attorney at Law

406 Midyette-Moor Building

Tallahassee, Florida

April 28th, 1939.

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

Dear Sir:

On motions of J. M. Lee, as Comptroller, and Washington County, as Intervenor, Judge Johnson has vacated the injunction in the Wiggins suit and dismissed the bill of complaint. The plaintiff has until 10:00 tomorrow morning within which time to apply for a supercedas before the Comptroller distributes the money according to law. Attached is copy of the order made by the court this morning.

Our theory of the case is the State Racing Law provides in Section 9 of the Act those engaged in racing shall pay for the use of the commission a sum equal to three per cent of the total contribution to all pari-mutuel pools conducted or made. In addition to said tax there shall be collected an additional tax as an admission fee.

Section 12 of the act provides the State Treasurer shall divide ninety per cent of the total funds into sixty-seven equal parts and remit one part to each county.

A study of the several opinions written in the Amos vs. Mathews, 99 Fla. 1; 126 So. 308. case convinces me that the conclusions reached by a majority of the court had no controlling bearing on the question presented in the case of Wiggins vs. Lee, pending in the Circuit Court of Leon County.

The Racing Act does not levy a tax upon the citizenship of any county, or upon the citizenship generally. Neither does it require a person to attend a race conducted and pay admission tax or contribute to pari-mutual pools conducted or made. The fund accumulated from time to time is without doubt made up by free will contribution on the part of those attending, and is not a state tax levied and collected by the state for state purposes, but is a tax laid by the state on those who conduct a state instrumentality through which voluntary contributions flow into the State Treasury to be

used or distributed by the state as the legislature may provide.

The State Racing Law sets up a state instrumentality for the entertainment of its people and tourists, and provides for revenue from such instrumentality, but does not levy a tax upon any property or an excise tax on any necessity, and is, therefore not an enforceable contribution in which any political subdivision has any particular or peculiar interest.

The very purpose of the law in the first instance was to provide revenue in equal amounts for the several counties. No part of the act is in violation of any provision of the Constitution. If the purpose of the act had been other than to provide revenue for the counties, it would never have been enacted by the legislature.

I am

Sincerely yours,

H. H. WELLS.

Which was agreed to and it was so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senators Kanner, Kelly (11th), Kelly (16th) and Holland—

Senate Bill No. 497:

A bill to be entitled An Act to amend Section 4 of Chapter 17474, Laws of Florida. Acts of 1935, entitled "An Act to provide educational opportunities at State expense for children of a deceased veteran of the militia, naval, marine or nurses corps of the United States entering such service from the State of Florida; said veteran dying in service between the 6th day of April, 1917, and the 2nd day, of July 1921, or from injuries sustained or diseases contracted while in service, and for the children of parents having been a bona fide resident of Florida for five years next preceding application for benefits under this Act and providing for rules, restrictions and limitations hereof; providing for the manner and application of sums appropriated and expended under this Act and withdrawing of the benefits of this Act for such child or children; providing for the appropriation of monies and its application therefor in regards to benefit set forth under this Act," by providing for scholarship longer than four years in certain cases.

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

By Senator Beall—

Senate Bill No. 498:

A bill to be entitled An Act relating to actions brought by a minor child and its father or other person standing in loco parentis as next friend for an injury done to such minor child, permitting the father or other person standing in loco parentis to such minor child to add thereto claims in his own right:

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

By Senator Walker—

Senate Bill No. 499:

A bill to be entitled An Act to amend Section 25 of Article 3, and Section 49 of Article 4, and Section 62 of Article 8, and Section 63 of Article 8, of Chapter 15116, Laws of Florida of 1931, entitled: "An Act to abolish the present municipal government of the City of Carrabelle, in the County of Franklin and State of Florida; and to organize and establish a Commission form of government for the same; to prescribe its jurisdiction and powers; and to authorize the imposition of penalties for the violation of its ordinances"; enlarging the powers of the City of Carrabelle to incur indebtedness, and to issue bonds and other obligations; authorizing the issuance and delivery of mortgages and deeds of trust creating liens on real estate and personal property of the City of Carrabelle, and the pledge of revenues of public utilities to pay certain indebtedness; providing for a referendum election for the ratification or rejection of this Act; repealing conflicting laws.

Which was read the first time by title only.

Senator Walker moved that the rules be waived and Senate Bill No. 499 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 499 was read the second time by title only.

Senator Walker moved that the rules be further waived and

Senate Bill No. 499 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. 499 was read the third time in full.

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

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

Nays—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 Dame—

Senate Bill No. 500:

A bill to be entitled An Act providing penalty for persons making and filing for recordation instruments concerning interest in real estate when person making and recording same does not have purported interest in said property evidenced by said instrument.

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

By Senator Graham—

Senate Bill No. 501:

A bill to be entitled An Act authorizing the County Commissioners in any county maintaining, under the supervision and control of the County Commissioners, a hospital or home for the poor and indigent, to levy each year, on all taxable property within such county, a tax not exceeding four mills on the dollar, in order to provide a special fund to be used, in addition to amounts appropriated out of the General Fund, for the maintenance, equipment, improvement and betterment of any such hospital or home and the care of the occupants of the home who shall be poor and indigent people of the county or dependent or delinquent children of said county, and for providing literary and industrial school training for the benefit of children maintained in such county's detention home.

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

By Senator Graham—

Senate Bill No. 502:

A bill to be entitled An Act granting to the Boards of County Commissioners of the several counties of the State of Florida in which it is lawful for beverage licenses to be issued, full authority, in their respective counties, to suspend for reasonable periods of time, in their discretion, and/or to revoke the licenses of licensees under the beverage Act of 1935, Chapter 16774, Acts of 1935, following the same procedure, for the same causes and under the same limitations as the director of the Beverage Department is authorized by Section 1, Chapter 16774, Acts of 1935 and Section 3, Chapter 18015, Acts of 1937, to suspend and/or to revoke the licenses of said licensees.

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

By Senator Whitaker—

Senate Bill No. 503:

A bill to be entitled An Act making appropriation to be used as sponsor's contributions to grants of the Works Progress Administration for the construction of an auditorium on the campus of the Florida State College for Women.

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

By Senator Dame—

Senate Bill No. 504:

A bill to be entitled An Act making it unlawful, and to prohibit the netting, placing and setting of nets, or the taking of fish by nets or in any other way or manner except with rod and reel; pole, hook and line from the waters of Homosassa River, in Citrus County, Florida, and providing a penalty for the violation thereof.

The following proof of publication was attached to Senate Bill No. 504 when it was introduced in the Senate:

NOTICE OF SPECIAL LEGISLATION

NOTICE IS HEREBY GIVEN, that at the 1939 Session of the Florida Legislature a bill will be introduced and its passage sought to prohibit the fishing in Homosassa River beginning at the Springs or head of said river to Shell Island or Mouth of said river in any way or manner except by hook and line.

Dated the 1st day of March, A. D. 1939.
(Mch. 2-9-16-23-30-Apr. 6, 13, 20, 27.)

AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA,
COUNTY OF CITRUS.

On this day personally appeared before me Taylor Dawson to me well known, who being by me first duly sworn, deposes and says that he is the Editor of the Citrus County Chronicle, a newspaper published in the City of Inverness, County of Citrus and State of Florida; that said newspaper has been continuously published in Citrus County, Florida, at least once each week and also has been entered as second-class mail matter at the Postoffice in the City of Inverness, Citrus County, Florida, for a period of one year next preceding the first insertion of the attached legal notice or process; that said newspaper has been published in accordance with the provisions of Chapter 14830 of the Acts of 1931 session of the Legislature of Florida, approved May 20th, 1931, and all provisions of said Statute have been complied with; that the attached legal notice or process was published in said newspaper once each week for a period of 9 weeks, to-wit: in the issues of said newspaper published on March 2-9-16-23-30, April 6-13-20-27, 1939.

TAYLOR DAWSON.

Sworn to and subscribed before me this 27 day of April, A. D. 1939.

C. A. HANSON.

Notary Public, State of Florida at Large.
My Commission Expires August 19, 1941.

Which was read the first time by title only.

Senator Dame moved that the rules be waived and Senate Bill No. 504 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 504 was read the second time by title only.

Senator Dame moved that the rules be further waived and Senate Bill No. 504 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. 504 was read the third time in full.

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Parker, Parrish, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—35.

Nays—None.

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

By Senator Westbrook—

Senate Bill No. 505:

A bill to be entitled An Act prohibiting, in Lake County, the pursuing, taking, hunting or killing of any game, game birds or game animals on Monday, Wednesday and Friday of each week during the period which, under any law, the hunting, pursuing, taking or killing is permitted by the Laws of the State of Florida; providing a penalty for the violation of this Act and repealing all laws and parts of laws in conflict with this Act; and providing that this Act shall take effect immediately upon its passage and approval by the Governor or its becoming a law without such approval.

The following proof of publication was attached to Senate Bill No. 505 when it was introduced in the Senate:

NOTICE OF PROPOSED LOCAL LEGISLATION

NOTICE is hereby given that the undersigned will apply to the Legislature of the State of Florida, which convenes on April 4, 1939, for the passage of a local or special law in substance as follows:

"An Act prohibiting, in Lake County, the pursuing, taking, hunting or killing any game, game birds or game animals on Monday, Wednesday and Friday of each week during the period in which, under any law of the State of Florida, the hunting, taking, pursuing or killing of game, game birds and game animals is permitted."

This 30th day of March, 1939.

4-27

GEO. F. WESTBROOK.

AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA:)
COUNTY OF LAKE:)

Before the undersigned authority personally appeared Geo. F. Westbrook, 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, to-wit:

An Act prohibiting, in Lake County, the pursuing, taking, hunting or killing any game, game birds, or game animals on Monday, Wednesday and Friday of each week during the period in which, under any law of the State of Florida, the hunting, taking, pursuing or killing of game, game birds and game animals is permitted.

has been published at least thirty days prior to this date, by being printed in the issue of March 30, 1939, of the Clermont Press, a newspaper published in Lake 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.

GEO. F. WESTBROOK.

Sworn to and subscribed before me this 28th day of April, A. D. 1939.

(SEAL)

RUTH BAILEY.

Notary Public, State of Florida at large.

My commission expires November 4th, 1941.

Which was read the first time by title only.

Senator Westbrook moved that the rules be waived and Senate Bill No. 505 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 505 was read the second time by title only.

Senator Westbrook moved that the rules be further waived and Senate Bill No. 505 be read the third time in full and put upon its passage.

Which was agreed two by a two-thirds vote.

And Senate Bill No. 505 was read the third time in full.

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Parker, Parrish, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—35.

Nays—None.

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

By Senators Westbrook, Dame, Savage and Gideons—

Senate Bill No. 506:

A bill to be entitled An Act fixing the salary of State Attorneys in the State of Florida in Circuits comprising five counties with a population of more than 79,000 people according to the last State census.

Which was read the first time by title only.

Senator Westbrook moved that the rules be waived and Senate Bill No. 506 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 506 was read the second time by title only.

Senator Westbrook moved that the rules be further waived

and Senate Bill No. 506 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. 506 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, Gideons, Graham, Hodges, Holland, Horne, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, McKenzie, Murphy, Parrish, Rose, Savage, Sharit, Westbrook, Whitaker, Wilson—28.

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 Beall—
Senate Bill No. 507:

A bill to be entitled An Act to amend Section 3 of Chapter 15908 of the Laws of Florida of 1933 as amended by Chapter 16844 of the Laws of Florida of 1935 relating to the business, operation, supervision and liquidation of building and loan associations.

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

By Senator Beall—
Senate Bill No. 508:

A bill to be entitled An Act to amend Section 1 of Chapter 15908 of the Laws of Florida of 1933, relating to the business, operation, supervision and liquidation of building and loan association.

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

By Senator Beall—
Senate Bill No. 509:

A bill to be entitled An Act to amend Section 11 of Chapter 15908, Laws of Florida, 1933, being An Act regulating the business of building and loan associations in this State, by providing that joint savings share accounts, joint investment share accounts, and joint stock accounts, whether made in a building and loan association or a federal savings and loan association, made be paid to either of such joint holders or members.

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

By Senator Beall—
Senate Bill No. 510:

A bill to be entitled An Act permitting the State Comptroller to appoint the Federal Savings and Loan Insurance Corporation to act as liquidator of any building and loan association or federal savings and loan association which has membership in the Federal Savings and Loan Insurance Corporation; to act without bond and to have all of the usual powers granted a liquidator under the laws of the State of Florida and providing for a subrogation of the rights of the members and creditors.

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

By Senator Beall—
Senate Bill No. 511:

A bill to be entitled An Act authorizing guardians, trustees, whether individual or corporate, administrators, executors and other fiduciaries, in addition to the investments heretofore authorized by law, to invest trust or other fiduciary funds in savings share or investment share accounts of any federal savings and loan association chartered under the laws of the United States of America, and doing business in the State of Florida, and in the shares of any Florida building and loan association, which is a member of the Federal Home Loan Bank system.

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

By Senator Parrish—
Senate Bill No. 512:

A bill to be entitled An Act to permit the voluntary resignation and retirement of employees of the State of Florida, under certain conditions; providing for deductions from the

salary of such employees; providing for annuity payments to retired employees; and providing appropriations therefor.

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

By Senator Kendrick—
Senate Bill No. 513:

A bill to be entitled An Act authorizing and directing the Board of County Commissioners of St. Johns County, Florida, to cancel all general school and school district bonds and interest coupons of St. Johns County, and other bonds, interest coupons and evidences of indebtedness heretofore received by St. Johns County officials for the payment of taxes, and prescribing the procedure therefor.

The following proof of publication was attached to Senate Bill No. 513 when it was introduced in the Senate:

STATE OF FLORIDA)
) ss:
COUNTY OF ST. JOHNS)

Personally appeared before me, a Notary Public for the State of Florida at Large, A. H. Tebault who deposes and says that he is Business Manager of the St. Augustine Record, a daily newspaper printed in the English language and of general circulation, published in the City of St. Augustine, in said County and State; and that the attached order, notice, publication and/or advertisement of Notice to the Public of the Proposed Law to be Introduced at the Coming Session of the Legislature of the State of Florida A. D., 1939, was published in said newspaper weekly, for a period of two weeks consecutively, beginning February 1 and ending February 8 said publication being made on the following dates: February 1 and 8, 1939.

And deponent further says that the St. Augustine Record has been continuously published as a daily newspaper except Saturdays, and has been entered as second class mail matter at the post office in the City of St. Augustine, St. Johns County, Florida, each for a period of more than one year next preceding the date of the first publication of the above described order, notice, publication and/or advertisement.

(Signed) A. H. TEBAULT,
Business Manager.

Subscribed and sworn to before me this 9th day of Feb. A. D., 1939.

(Signed) GLADYS STEVENS,

Notary Public,
State of Florida at Large.

My commission expires Feb. 15, 1941.

NOTICE TO THE PUBLIC OF THE PROPOSED LAW TO BE INTRODUCED AT THE COMING SESSION OF THE LEGISLATURE OF THE STATE OF FLORIDA, A. D. 1939.

NOTICE is hereby given that the County of St. Johns, by and through its Board of County Commissioners, intends to apply to the Legislature of the State of Florida at the regular session to be held in the year 1939, at Tallahassee, Florida, for, and proposes to introduce, legislation authorizing and directing the Board of County Commissioners of St. Johns County, Florida, to cancel all General School and School District bonds, and interest coupons, of St. Johns County, and other bonds, interest coupons and evidences of indebtedness heretofore received by St. Johns County officials for the payment of taxes and prescribing the procedure for such cancellation.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA.

By: H. H. BAILEY,
Chairman.

(Seal)
Attest: HIRAM FAVER,
Clerk Circuit Court, St. Johns County, Florida.

Which was read the first time by title only.

Senator Kendrick moved that the rules be waived and Senate Bill No. 513 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 513 was read the second time by title only.

Senator Kendrick moved that the rules be further waived and Senate Bill No. 513 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. 513 was read the third time in full. Upon the passage of the bill the roll was called and the vote was:

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

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 Graham—
Senate Bill No. 514:

A bill to be entitled An Act for the relief of Jarlif, Inc., a corporation of the State of Florida.

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

By Senator Kelly (11th)—
Senate Bill No. 515:

A bill to be entitled An Act providing for a State Service officer, and an Assistant State Service Officer and one District Service Officer for each Congressional District in the State of Florida and to prescribe their powers and duties and to fix their compensation. Their duties shall be in connection with the handling of claims of all veterans of all wars and their dependents, and soldiers, sailors and marines of the armed forces of the United States who served during peace time and received injuries directly due to their service.

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

By Senator Kelly (11th)—
Senate Bill No. 516:

A bill to be entitled An Act forbidding the sale of intoxicating liquors, other than malt beverages of legal alcoholic content, by the drink, except within the building or enclosure which is the address of the person or corporation holding license to sell such intoxicating liquors, and forbidding the practice known as curb or drive-in service with respect to such intoxicating liquors; forbidding the consumption thereof at curb or drive-in stands, and providing penalties for the violation hereof.

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

By Senator Kelly (11th)—
Senate Bill No. 517:

A bill to be entitled An Act amending Sections 1, 3, and 10 of Chapter 13620, Laws of Florida, Acts of 1929, providing for the duties and qualifications of the Florida Crippled Children's Commission, the rights and duties of its executive secretary, and defining a crippled child.

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

By Senator Beacham—
Senate Bill No. 518:

A bill to be entitled An Act making it unlawful for any tenant or lessee to hold possession of leased premises after expiration of his time or after default in payment of rent or after violation of any covenant of lease, after three days written notice from lessor, and providing for service of notice and penalty for violation of this Act.

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

By Senator Beacham—
Senate Bill No. 519:

A bill to be entitled An Act to provide for the operation, maintenance and supervision of fire, windstorm, lightning, tornado, hail, shore marine and automobile fire and theft insurance rate-making bureaus; to provide for the making and filing of such rates by bureaus, insurance companies and others insurers; to provide for the approval of such rates by the State Treasurer or Insurance Commissioner; to prevent discrimination in such rates; to provide for the examination of such bureau and insurers, to generally regulate rate-making

agreements; providing penalties for violations: and to repeal all laws or parts of laws in conflict herewith.

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

By Senator Beacham—
Senate Bill No. 520:

A bill to be entitled An Act authorizing the Glee Club of the Florida State College for Women to participate, on behalf of the State of Florida, in the World's Fair to be held in New York City during the summer of 1939, and making an appropriation therefor.

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

By Senator Whitaker—
Senate Bill No. 521:

A bill to be entitled An Act relating to printing for the State of Florida and subdivisions thereof: to establish requirements of responsible bidders for printing work for the State of Florida and subdivisions thereof: requiring payment of prevailing wage scale relative to such work: to prescribe penalties for the violation hereof: to repeal all laws and parts of laws inconsistent herewith:

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

By Senator Beacham—
Senate Bill No. 522:

A bill to be entitled An Act to amend An Act entitled "An Act to establish a municipality to be known as the Town of Manalapan, in Palm Beach County, Florida; and to define its territorial boundaries and to provide for its government and to prescribe its jurisdiction and powers," approved June 26, 1931.

The following proof of publication was attached to Senate Bill No. 522 when it was introduced in the Senate:

THE PALM BEACH POST

PROOF OF PUBLICATION

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this day personally appeared before me, the undersigned Notary Public in and for the State of Florida at Large, Don Morris, who upon being by me first duly sworn, deposes and states: That he is Editor of the Palm Beach Post, a newspaper of general circulation published in the City of West Palm Beach, Palm Beach County, State of Florida; that said newspaper had been, at the time of the first publication of the legal notice, as hereinafter mentioned, continuously published in said County of Palm Beach at least once a week for a period of one year next preceding the date of the said first insertion of such publication, and had also, during said period, been entered as second class mailing matter at the United States Post Office in the said City of West Palm Beach, State of Florida; that said legal notice, a true copy of which is hereunto attached, was duly published in the said Palm Beach Post, in all respects in accordance with the provisions of Chapter 14,830, Acts of the Legislature 1931, on the following dates, to-wit: March 22, 1939.

(Signed) DON MORRIS,

Subscribed and sworn to before me this 22nd day of March, 1939.

W. A. HENDRY,
Notary Public,

State of Florida at Large.

(SEAL) My Commission expires July 6, 1941.

NOTICE OF INTENTION TO APPLY FOR LOCAL OR SPECIAL LEGISLATION

NOTICE IS HEREBY GIVEN that application will be made to the legislature of the State of Florida at its 1939 session for passage of a local or special Act providing for the amendment of Section 1 of Article III of the Act of the Legislature of the State of Florida, approved June 26, 1931, incorporating the Town of Manalapan in Palm Beach County, Florida, so as to provide that the government of the said municipality shall be vested in a governing body or commission composed of not less than three (3) and not more than five (5) members.

This notice has been ordered published by the Town Commission of the Town of Manalapan in the Palm Beach Post,

West Palm Beach, Florida, one time at least thirty days before the introduction of the proposed law in the Legislature.

JEROME D. GEDNEY,
Mayor.

GEDNEY, JOHNSTON & LILIENTHAL,
Attorneys.

Publish: March 22, 1939.

Which was read the first time by title only.

Senator Beacham moved that the rules be waived and Senate Bill No. 522 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 522 was read the second time by title only.

Senator Beacham moved that the rules be further waived and Senate Bill No. 522 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. 522 was read the third time in full.

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

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

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 Beacham—

Senate Bill No. 523:

A bill to be entitled a supplement to An Act entitled "An Act to establish a municipality to be known as the Town of Manalapan, in Palm Beach County, Florida; and to define its territorial boundaries and to provide for its government and to prescribe its jurisdiction and powers," approved June 26, 1931.

The following proof of publication was attached to Senate Bill No. 523 when it was introduced in the Senate:

THE PALM BEACH POST

Proof of Publication

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this day personally appeared before me, the undersigned Notary Public in and for the State of Florida at Large, Don Morris, who upon being by me first duly sworn, deposes and states: That he is Editor of The Palm Beach Post, a newspaper of general circulation published in the City of West Palm Beach, Palm Beach County, State of Florida; that said newspaper had been, at the time of the first publication of the legal notice, as hereinafter mentioned, continuously published in said County of Palm Beach at least once each week for a period of one year next preceding the date of the said first insertion of such publication, and had also, during said period, been entered as second class mailing matter at the United States Post Office in the said City of West Palm Beach, State of Florida; that said legal notice, a true copy of which is hereunto attached, was duly published in the said Palm Beach Post, in all respects in accordance with the provisions of Chapter 14,830, Acts of the Legislature 1931, on the following dates, to-wit: March 22, 1939.

(Signed) DON MORRIS.

Subscribed and sworn to before me this 22nd day of March, 1939.

W. A. HENDRY (signed).

Notary Public,
State of Florida at Large.

My Commission expires July 6, 1941.

NOTICE OF INTENTION TO APPLY FOR LOCAL OR SPECIAL LEGISLATION.

NOTICE IS HEREBY GIVEN that application will be made to the Legislature of the State of Florida at its 1939 session for passage of a local or special act providing for ratification and confirmation of the annexation of certain lands under ordinances adopted by the Town Com-

mission of the Town of Manalapan dated December 20, 1937 and March 3, 1939, respectively, and for the purpose of conferring power and authority upon the Town Commission of the Town of Manalapan to adopt all such ordinances and resolutions, from time to time, as it deems necessary or proper for the general welfare, good government, and proper regulation of the municipality and the protection of the life, health, or property of the municipality and its inhabitants.

This notice has been ordered published by the Town Commission of the Town of Manalapan in the Palm Beach Post, West Palm Beach, Florida, one time at least thirty days before the introduction of the proposed law in the Legislature.

JEROME D. GEDNEY,
Mayor.

Gedney, Johnston and Lilienthal,

Attorneys.

Publish: March 22, 1939.

Which was read the first time by title only.

Senator Beacham moved that the rules be waived and Senate Bill No. 523 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 523 was read the second time by title only.

Senator Beacham moved that the rules be further waived and Senate Bill No. 523 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. 523 was read the third time in full.

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

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

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

By Senator Beacham—

Senate Bill No. 524:

A bill to be entitled a supplement to An Act entitled "An Act to establish a municipality to be known as the Town of Manalapan, in Palm Beach County, Florida; and to define its territorial boundaries and to provide for its government and to prescribe its jurisdiction and powers," approved June 26, 1931.

The following proof of publication was attached to Senate Bill No. 524 when it was introduced in the Senate:

PROOF OF PUBLICATION

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this day personally appeared before me, the undersigned Notary Public in and for the State of Florida at large, Don Morris, who upon being by me first duly sworn, deposes and states: That he is Editor of The Palm Beach Post, a newspaper of general circulation published in the City of West Palm Beach, Palm Beach County, State of Florida; that said newspaper had been, at the time of the first publication of the legal notice, as hereinafter mentioned, continuously published in said County of Palm Beach at least once each week for a period of one year preceding the date of the said first insertion of such publication, and had also, during said period, been entered as second class mailing matter at the United States Postoffice in the said City of West Palm Beach, State of Florida; that said legal notice, a true copy of which is hereunto attached, was duly published in the said Palm Beach Post, in all respects in accordance with the provisions of Chapter 14,830, Acts of the Legislature 1931, on the following dates, to-wit: March 22, 1939.

DON MORRIS.

Subscribed and sworn to before me this 22 day of March, 1939.

(Signed) W. A. HENDRY,
Notary Public.

My commission expires July 6, 1941.

NOTICE OF INTENTION TO APPLY FOR LOCAL OR SPECIAL LEGISLATION

NOTICE IS HEREBY GIVEN that application will be made to the Legislature of the State of Florida at its 1939 session for passage of a local or special act providing for the annexation of certain lands, hereinafter described, to the territorial limits of the Towns of Manalapan in Palm Beach County, Florida, described as follows:

All that certain tract of land situated in Government Lot 2, Section 35, Township 44 South, Range 43 East, and in Section 2, Township 45 South, Range 43 East; bounded on the North by the North line of lands of John H. Brelsford; on the East by the waters of the Atlantic Ocean; on the South by the south line of lands now or formerly of A. Atwate Kent, being the north 121 feet of Government Lot 1 of Section 2, Township 45 South, Range 43 East; and on the West by the waters of Lake Worth (lagoon).

This notice has been ordered published by the Town Commission of the Town of Manalapan in the Palm Beach Post, West Palm Beach, Florida, one time at least thirty days before the introduction of the proposed law in the Legislature.

JEROME D. GEDNEY,
Mayor.

Which was read the first time by title only.

Senator Beacham moved that the rules be waived and Senate Bill No. 524 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 524 was read the second time by title only.

Senator Beacham moved that the rules be further waived and Senate Bill No. 524 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. 524 was read the third time in full.

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

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

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 Beacham—
Senate Bill No. 525:

A bill to be entitled An Act for the relief of all counties that have paid funds to private institutions for the keep of destitute insane persons.

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

By Senator Murphy—

Senate Bill No. 526:

A bill to be entitled An Act to prohibit the use of sirens on motor vehicles except on motor vehicles of law enforcement officers and on fire trucks of municipalities, electric services trucks of municipalities or public utility companies and ambulances.

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

By Senator Murphy—

Senate Bill No. 527:

A bill to be entitled An Act to prohibit the use, operation and maintenance of any mechanical musical instrument in any public place where wine, whiskey, or beer is sold outside the limits of any incorporated city or town, and to provide a penalty therefor.

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

By permission the following Memorials were introduced:

By the Committee on Rules and Calendar—
Senate Memorial No. 2:

A Resolution memorializing the Federal Congress to enact adequate legislation providing for speedy deportation of all alien residents who do not signify their willingness, desire and intention to become citizens of the United States within a reasonable time after entry into the United States of America.

WHEREAS, it is estimated that there are approximately eight million residents within the boundaries of the United States of America, who have neither become naturalized nor filed any declaration of intention to become citizens of this Nation; and

WHEREAS, this large group of alien residents provides a fertile field for agitators and organizations who are not in sympathy with the American form of government; and

WHEREAS, it is the sense of the State Legislature of the State of Florida, that this large group of alien residents should not be permitted to enjoy the freedom and privileges of this Nation without assuming the corresponding duties and obligations of citizenship.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the Federal Congress be, and it is hereby requested to direct its attention to this condition and to enact adequate legislation which will provide for speedy deportation of all alien residents of this Country, who do not within a reasonable time signify their willingness, desire and intention, and qualify to assume the obligations of citizenship and become citizens of the United States of America.

BE IT RESOLVED that the Secretary of the State of Florida, be, and he is hereby directed to transmit properly authenticated copies of this Memorial to each Branch of Congress, to each Member of the Florida Congressional Delegation and to each of the United States Senators from Florida.

BE IT FURTHER RESOLVED that the Secretary of the State of Florida forthwith transmit properly authenticated copies of this Memorial to each of the Legislatures of the several States of the Union, which are now in session, same for their consideration and action, if they so desire.

Which was read the first time in full.

Senator Kanner moved that the rules be waived and Senate Memorial No. 2 be read the second time in full.

Which was agreed to by a two-thirds vote.

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

The question was put on the adoption of the Memorial.

Which was agreed to.

And Senate Memorial No. 2 was adopted and ordered certified to the House of Representatives.

By Senator Holland—
Senate Memorial No. 3:

A JOINT RESOLUTION AS A MEMORIAL TO CONGRESS TO PASS AN ACT TERMINATING THE SELLING OF MUNITIONS AND WAR MATERIALS BY CITIZENS OF THE UNITED STATES TO THE COUNTRY OF JAPAN.

WHEREAS in the interests of humanity and world peace it becomes necessary that the President of the United States and the Congress of the United States take such action as will deny aid or assistance of any kind to the country of Japan in the furtherance of the war against the country of China; and

WHEREAS denial of the right to purchase munitions and materials of war would effectively accomplish such purpose; now, therefore

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

Section 1. That this body memorialize the President of the United States and the Congress of the United States to take immediate action to terminate the selling of munitions and war materials by citizens of the United States to the country of Japan.

Section 2. That the Senators and Representatives of the State of Florida, in the Congress of the United States, give their support to any measure that will accomplish the purposes of this Resolution, and that copies of this Memorial be forwarded to the President of the United States, the President of the Senate, and the Speaker of the House of

Representatives of the Congress of the United States, and to the Senators and Representatives of the State of Florida in Congress.

Which was read the first time in full.

Senator Holland moved that the rules be waived and Senate Memorial No. 3 be read the second time in full.

Which was agreed to by a two-thirds vote.

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

The question was put on the adoption of the Memorial.

Which was agreed to.

And Senate Memorial No. 3 was adopted and ordered certified to the House of Representatives.

Senator Whitaker moved that Senate Bills Nos. 488, 489, 490, 491 and 492, heretofore referred to the Committee on Public Utilities, be also referred to the Committee on Transportation and Traffic for consideration by the Committees, jointly.

Which was agreed to and it was so ordered.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Florida,
May 1, 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. 4:

Requesting, that the Congress of the United States of America, without further delay, pass H. R. 3747, entitled An Act "to provide for improved agricultural land utilization by authorizing the rehabilitation of drainage works."

Also—

House Bill No. 836:

A bill to be entitled An Act prescribing the maximum fees to be allowed Clerks of Circuit Courts for sale or redemption of state tax certificates on lands lying outside municipalities which have been subdivided into lots, blocks or tracts as evidenced by a plat or plats duly filed among or recorded in the Public Records of any County and for which no returns for taxation have been made as subdivided for more than three years.

And respectfully requests the concurrence of the Senate herein.

Very respectfully,

BEN H. FUQUA,
Chief Clerk House of Representatives.

And House Memorial No. 4, contained in the above message, was read the first time in full.

Senator Gillis moved that the rules be waived and House Memorial No. 4 be read the second time in full.

Which was agreed to by a two-thirds vote.

And House Memorial No. 4 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. 4 was adopted, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 836, contained in the above message, was read the first time by title only.

Senator Holland moved that the rules be waived and House Bill No. 836 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 836 was read the second time by title only.

Senator Holland moved that the rules be further waived and House Bill No. 836 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. 836 was read the third time in full.

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—35.

Nays—None.

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

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

Tallahassee, Florida,
May 1, 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. 382:

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

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 382, contained in the above message, was read the first time by title only.

Senator Rose moved that the rules be waived and House Bill No. 382 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 382 was read the second time by title only.

Senator Rose moved that the rules be further waived and House Bill No. 382 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. 382 was read the third time in full.

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

Yeas—Mr. President; Senators, Adams, Beacham, Beall, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Rose, Savage, Sharit, Ward, Westbrook, Whitaker, Wilson—34.

Nays—None.

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

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

Tallahassee, Florida, May 1, 1939.

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

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

House Concurrent Resolution No. 5:

WHEREAS, Agriculture is one of the leading industries of the State of Florida; and

WHEREAS, the development and expansion of the markets for agricultural products of the State of Florida is a matter affecting the general prosperity of the State and its citizens; and

WHEREAS, the development and expansion of local markets is an integral part of the program of developing and expanding markets for Florida agricultural products; and

WHEREAS, the tax supported institutions maintained by the State of Florida and its agencies are consumers of vast quantities of agricultural products; and

WHEREAS, it has been suggested that such tax supported

institutions may in numerous instances utilize Florida agricultural products without any sacrifice with regard to quality and without any increase in cost, rather than agricultural products produced elsewhere; and

WHEREAS, the various purchasing agencies do not have the power or opportunity to make substitutions of Florida products on the requisitions of dietitians or other authorities in several tax supported institutions; and

WHEREAS, it would appear to be advantageous to conduct a study of existing conditions for the purpose of enabling the Legislature of Florida to enact any necessary legislation to promote the use of Florida agricultural products in tax supported institutions of the State of Florida:

NOW, THEREFORE,

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

1. That a special committee be appointed to consist of three members of the House of Representatives and two members of the Senate, to conduct such investigation as may be necessary to enable said committee to report to the Legislature concerning the necessity of legislation to encourage the use of Florida Agricultural products in Florida tax-supported institutions, the members of said committees from the House of Representatives to be appointed by the Speaker of the House of Representatives, and the members of said Committee from the Senate to be appointed by the President of the Senate.

2. Said Committee shall be authorized to employ an investigator and such other clerical assistance as it shall deem necessary to carry on its work as hereinabove outlined.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA.

Chief Clerk House of Representatives.

And House Concurrent Resolution No. 5, contained in the above message, was read the first time in full.

Senator Gillis moved that House Concurrent Resolution No. 5 be referred to the Committee on Agriculture and Livestock.

Which was agreed to and it was so ordered.

By unanimous consent Senator Westbrook withdrew Senate Bill No. 245.

Senator Mapoles moved that Senate Bill No. 180, a Special and Continuing Order of Business for consideration by the Senate at 2:30 o'clock, P. M., today be made a Special Continuing Order of Business for consideration by the Senate on Monday, May 8, 1939, at 2:30 o'clock, P. M.

Which was agreed to and it was so ordered.

The motion made by Senator Parrish to reconsider the vote by which Senate Bill No. 121 failed to pass the Senate on April 25, 1939, was taken up in its order and the consideration thereof was informally passed.

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. 144:

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

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

Senator Johns moved that the rules be waived and Senate Bill No. 144 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. 144 was read the third time in full.

Pending roll call on passage of Senate Bill No. 144, Senator Johns moved that the rules be waived and the further consideration thereof be informally passed.

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

Senate Bill No. 146:

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

Was taken up in its order and read the second time in full and placed on the Calendar of Bills on third reading.

Senate Bill No. 40:

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

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

The Committee on Judiciary "B" offered the following amendment to Senate Bill No. 40:

In Section 1, line 23 (typewritten bill) after the word "taxes" and before the word "levied," insert the following: "theretofore or thereafter levied and assessed against the same and matured installments of special improvement liens theretofore or thereafter "

Senator Beall moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Dye offered the following amendment to Senate Bill No. 40:

In Section 3, line 6 of paragraph numbered 5 (typewritten bill) after the word "taxes" insert the following: "Thereafter or thereafter levied and assessed against the same and matured installments of special improvement liens theretofore or thereafter levied."

Senator Dye moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Beall offered the following amendment to Senate Bill No. 40:

Renumber last two numbered sections, striking numbering "2" and "3" inserting in lieu thereof "3" and "4."

Senator Beall moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Beall also offered the following amendment to Senate Bill No. 40:

At the end of sub-section 5 of Section 1 strike out the period, add a comma and the following: "before such taxes become delinquent."

Senator Beall moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Beall also offered the following amendment to Senate Bill No. 40:

At the end of Section 1 strike out the period, add a comma and the following "before such taxes become delinquent."

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 Senate Bill No. 40, 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. 40, as amended, was read the third time in full.

Pending roll call on the passage of Senate Bill No. 40, as amended, Senator Beall moved that the rules be waived and the further consideration thereof be informally passed.

Which was agreed to by a two-thirds vote and Senate Bill No. 40, as amended, was referred to the Committee on Engrossed Bills.

Senator Beall moved that Senate Bills Nos. 40 and 95 be made a Special and Continuing Order of business for consideration by the Senate, in order mentioned, beginning at 2:30 o'clock P. M., Tuesday, May 2, 1939.

Which was agreed to and it was so ordered.

Senator Johns moved that Senate Bill No. 473 be withdrawn from the Committee on Appropriations and re-referred to the Special Committee appointed by the President pursuant to Senate Resolution No. 16

Which was agreed to and it was so ordered.

Senate Bill No. 30:

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

Was taken up in its order.

Senator Beall moved that the rules be waived and Senate Bill No. 30 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 30 was read the second time by title only.

The following Committee Substitute for Senate Bill No. 30:

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

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

Senator Beall moved that the rules be waived and the Committee Substitute for Senate Bill No. 30 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And the Committee Substitute for Senate Bill No. 30 was read the second time by title only.

Senator Beall moved the adoption of the Committee Substitute for Senate Bill No. 30.

Which was agreed to and the Committee Substitute for Senate Bill No. 30 was adopted.

Senator Whitaker moved that the rules be waived and Committee Substitute for Senate Bill No. 30 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. 30 was read the third time in full.

Upon the passage of Committee Substitute for Senate Bill No. 30 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Dame, Dye, Gillis, Gideons, Graham, Kelly (11th), Kelly (16th), Kendrick, Lindler, McKenzie, Parker, Parrish, Rose, Ward, Westbrook, Whitaker, Wilson—21.

Nays—Senators Dugger, Holland, Lewis, Murphy—4.

So Committee Substitute for Senate Bill No. 30 passed, and the action of the Senate was ordered certified to the House of Representatives.

Senate Bill No. 13:

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

Was taken up in its order.

Senator Whitaker moved that the rules be waived and Senate Bill No. 13 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 13 was read the second time by title only.

The following Committee Substitute for Senate Bill No. 13:

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

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

Senator Whitaker moved that the rules be waived and the Committee Substitute for Senate Bill No. 13 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And the Committee Substitute for Senate Bill No. 13 was read the second time by title only.

Senator Whitaker moved the adoption of the Committee Substitute for Senate Bill No. 13.

Which was agreed to and the Committee Substitute for Senate Bill No. 13 was adopted.

Senator Whitaker moved that the rule be waived and Committee Substitute for Senate Bill No. 13 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. 13 was read the third time in full.

Upon the passage of Committee Substitute for Senate Bill No. 13 the roll was called and the vote was:

Yeas—Mr. President, Senators Adams, Beacham, Beall, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, McKenzie, Murphy, Parker, Parrish, Rose, Ward, Westbrook, Whitaker, Wilson—30.

Nays—None.

So Committee Substitute for Senate Bill No. 13 passed, and the action of the Senate was ordered certified to the House of Representatives.

Senate Bill No. 100:

A bill to be entitled An Act granting permission of the State of Florida and all subdivisions and agencies thereof, and all tax districts, counties and municipalities, to sue such governmental agencies for the recovery of illegally collected taxes, defining illegally collected taxes; providing the time within which such suits may be brought, declaring certain rules for the construction of this Act, and providing that illegally collected taxes may be by such tax payers recovered from such governmental agencies whenever the same, for any reason has been declared illegal within the meaning of this Act by the Supreme Court of the State of Florida and other courts of competent jurisdiction; limiting the defences of such governmental agencies in such suits, and providing for a continuing appropriation to pay for all claims for such illegally collected taxes.

Was taken up in its order and read the second time in full and placed on the Calendar of Bills on third reading.

Senate Bill No. 103:

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

Was taken up in its order and read the second time in full and placed on the Calendar of Bills on third reading.

Senate Bill No. 122:

A bill to be entitled An Act providing a method whereby a person temporarily within the State of Florida may evidence and declare that he is not permanently removing to and establishing his domicile in the State of Florida.

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

Senator Parrish moved that the rules be waived and Senate Bill No. 122 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

Pending third reading, Senator Gillis moved that the rules be waived and the Senate reconsider the vote by which the motion made by Senator Parrish to read Senate Bill No. 122 the third time in full was adopted.

Which was agreed to by a two-thirds vote and the Senate reconsidered the vote by which the motion made by Senator Parrish to read Senate Bill No. 122 the third time was adopted.

And Senate Bill No. 122 was placed on the Calendar of Bills on third reading.

Senate Bill No. 104 was taken up in its order and the consideration thereof was informally passed.

Senate Bill No. 78:

A bill to be entitled An Act imposing an additional tax upon gasoline or other like products of petroleum; providing for reports of sales of such commodities to the comptroller of the State of Florida; providing for the disposition of the moneys derived from such taxes, and the apportionment thereof to the General Revenue Fund of the State, and to the County School Fund; providing that the gasoline inspection laws of the State of Florida shall apply to this Act; prohibiting the levy and collection by municipalities and other political sub-divisions of gasoline taxes; providing for the enforcement of this Act, and penalties for violation hereof and providing that this Act is an emergency revenue measure and shall be of no force and effect from and after July 1, 1941.

Was taken up in its order.

Senator Kanner moved that the rules be waived and Senate Bill No. 78 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 78 was read the second time by title only.

Senator Kanner moved that the rules be further waived and Senate Bill No. 78 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. 78 was read the third time in full.

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hodges, Holland, Horne, Johns, Kanner, Kelly (16th), Kendrick, Lewis, Mapoles, McKenzie, Murphy, Rose, Sharit, Walker, Ward, Westbrook, 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.

Senate Bill No. 18:

A bill to be entitled An Act to regulate private employment agencies; setting forth definitions; requiring licenses and fees for such licenses; requiring the filing of bonds; providing the procedure for filing of claims; providing for the form and contents of licenses; providing for revocation and suspension of licenses; requiring schedule of fees to be charged applicants to be posted; prescribing duties of private employment agencies; setting forth penalties for violations and providing for financing and enforcement of the provisions hereof.

Was taken up in its order, read the second time in full and placed on the Calendar of Bills on third reading.

Senator McKenzie 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,
May 1, 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—

Senate Bill No. 265:

A bill to be entitled An Act to provide for a Statewide Retirement System for Teachers; to provide for its management and regulation; to define its membership and benefits payable thereunder; to provide for contributions by the members of the Retirement System and by the State of Florida; to appropriate money from the General Revenue Fund of the State for the payment of part of the costs of maintenance and all of the costs of administering the System and to regulate the use of these monies; to provide that all benefits payable under the System shall be exempt from

all taxes and from execution and attachment and other legal process and shall be non-assignable except as provided therein; and to provide penalties for violations of this Act.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Bill No. 265, contained in the above message, was referred to the Committee on Enrolled Bills.

Senate Bill No. 89 was taken up in its order and the consideration thereof was informally passed.

Senate Bill No. 90:

A bill to be entitled An Act to authorize the Florida Industrial Commission to assist and cooperate in the enforcement of the Fair Labor Standards Act of 1938.

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

Senator Beall moved that the rules be waived and Senate Bill No. 90 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. 90 was read the third time in full.

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

Yeas—Senators Beacham, Beall, Dame, Johns, Kelly (16th), Whitaker—6.

Nays—Mr. President; Senators Adams, Clarke, Dugger, Dye, Gillis, Gideons, Graham, Hodges, Holland, Kanner, Kelly (11th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Sharit, Walker, Ward, Westbrook, Wilson—27.

So the bill failed to pass.

By permission the following report was filed:

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

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

Senate Bill No. 40:

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

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

And Senate Bill No. 40, contained in the above report, was placed on the Calendar of Special and Continuing Orders of Business, pending roll call.

Senator Gillis moved that the Senate do now adjourn.

Which was agreed to and the Senate stood adjourned at 5:38 o'clock P. M., until 1:00 o'clock P. M., Tuesday, May 2, 1939.