

JOURNAL OF THE SENATE

Friday, May 5, 1939

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Thursday, May 4, 1939.

The President in the Chair.

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

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

A quorum present.

Senator Murphy was excused from further attendance upon the session on account of illness until such time as his condition permits his return.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of May 4, 1939, was corrected as follows:

On page 1, column 2, strike out line 13 from the bottom of the page and insert in lieu thereof the following:

"Was referred to the Committee on Enrolled Bills."

REPORTS OF COMMITTEES

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

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

House Memorial No. 7:

A Memorial and Petition to the Congress of the United States of America to cause a survey to be made of the Everglades Drainage District for the purpose of supplying information as to the best method or plans to be adopted for the permanent protection of the lands within said district, from destruction by fire.

Also—

House Concurrent Resolution No. 8:

Relating to a Georgia-Florida Reciprocal Trade Relation.

Also—

House Bill No. 63:

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

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 Bill, Memorial and 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 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. 258:

A bill to be entitled An Act to amend Sections 3, 9, 11, 29, 37, 38, 41, 43, 44, 121, 122, 174, 177, 193, 196, 200, 226, and 229 of Chapter 12790 of the Special Acts of the Legislature of the State of Florida of 1927, entitled: "An Act to abolish the present municipality of Haines City, Polk County, Florida, and to establish, organize and constitute a municipality to be known and designated as the City of Haines City, Polk County, Florida, and to define its territorial boundaries and to provide for its jurisdiction, powers and privileges and to authorize the said City of Haines City, Polk County, Florida, to enforce

ordinances of said City," and repealing all laws and parts of laws in conflict herewith.

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

And Senate Bill No. 258, contained in the above report, was referred to the Committee on Enrolled Bills.

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. 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.

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

And Senate Bill No. 397, contained in the above report, was referred to the Committee on Enrolled Bills.

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. 442:

A bill to be entitled An Act to amend Section 182 of the Charter of the City of St. Augustine (being Chapter 11148, Laws of Florida, Acts of 1925, and Acts amendatory thereof) as amended by Section 77 of Chapter 14375, Laws of Florida, Acts of 1929, relating to the making of contracts by said City with individuals, companies or corporations for furnishing electric power and energy; and repealing all laws or parts of laws in conflict therewith.

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

And Senate Bill No. 442, contained in the above report, was referred to the Committee on Enrolled Bills.

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. 175:

A bill to be entitled An Act authorizing all counties of the State of Florida having a population of not less than 60,000 and not more than 70,000 according to the last official, Federal or State census, to levy a rate of millage not to exceed five mills against all of the taxable property in such counties for the purpose of County welfare.

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

And Senate Bill No. 175, contained in the above report, was referred to the Committee on Enrolled Bills.

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. 174:

A bill to be entitled An Act authorizing all Counties of the State of Florida having a population of not less than 60,000 and not more than 70,000 according to the last official, Federal or State census, to acquire, mortgage and dispose of real property.

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

And Senate Bill No. 174, contained in the above report, was referred to the Committee on Enrolled Bills.

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. 173:

A bill to be entitled An Act authorizing all Counties of the State of Florida having a population of not less than 60,000 and not more than 70,000 according to the last official, Federal or State census, to levy a rate of millage not to exceed two mills against all of the taxable property in such counties for the purpose of bridge construction, maintenance, and repair in such counties.

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

And Senate Bill No. 173, contained in the above report, was referred to the Committee on Enrolled Bills.

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

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

Senate Bill No. 172:

A bill to be entitled An Act authorizing all Counties of the State of Florida having a population of not less than 60,000 and not more than 70,000 according to the last official, Federal or State census, to levy a rate of millage not to exceed five mills against all of the taxable property in such counties for the purpose of promoting agriculture.

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

And Senate Bill No. 172, contained in the above report, was referred to the Committee on Enrolled Bills.

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. 123:

A bill to be entitled An Act authorizing all Counties of the State of Florida having a population of not less than 60,000 and not more than 70,000 according to the last official, Federal or State census, to pay the compensation of State auditors engaged in full time work in such counties.

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

And Senate Bill No. 123, contained in the above report, was referred to the Committee on Enrolled Bills.

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

Senate Bill No. 357:

A bill to be entitled An Act for the relief of Octavia Hodge, of Marion County, Florida, and providing for the payment by the State Road Department of the State of Florida for her compensation.

And—

Senate Bill No. 358:

A bill to be entitled An Act for the relief of Sherman Walker, of Orange Lake, Florida, and providing for the payment by the State Road Department of Florida for his compensation and payment of medical and surgical and hospital services rendered in his behalf.

And recommend the following Committee Substitute Bill for Senate Bills Nos. 357 and 358:

Committee Substitute for Senate Bills Nos. 357 and 358:

A bill to be entitled An Act for the relief of Sherman Walker and Octavia Hodge, both of Marion County, Florida, for injuries received in an automobile accident caused by the negligent driving of a truck by an employee of the State Road Department of the State of Florida; and providing for the payment by the State Road Department of the State of Florida compensation for damages to Sherman Walker and Octavia Hodge.

And Senate Bills Nos. 357 and 358, contained in the above report, together with Committee Substitute therefor, were placed on the Calendar of Bills on second reading.

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. 621:

A bill to be entitled An Act to allow the bringing of a bill of complaint in chancery to quiet the title to real estate, and to preclude a wife or heirs from claiming her inchoate dower or other interest in real estate conveyed by a husband as a single man, where the said husband and wife have not lived and cohabited together as husband and wife for a period of thirty years, and during the said period of time the said husband has conveyed real estate as a single man, which said real estate has come into the hands of innocent purchasers for a valuable consideration without notice to the said purchasers that the said husband is married or ever was married.

And Senate Bill No. 621, contained in the above report, was placed on the Calendar of Bills on second reading.

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. 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.

And Senate Bill No. 411, 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:

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

House Memorial No. 7:

A Memorial and Petition to the Congress of the United States of America to cause a survey to be made of the Everglades Drainage District for the purpose of supplying information as to the best method or plans to be adopted for the permanent protection of the lands within said District, from destruction by fire.

Also—

House Concurrent Resolution No. 8:

A Concurrent Resolution relating to a Georgia-Florida reciprocal trade relation.

Also—

House Bill No. 63:

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

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

Senator Kanner moved that when the Senate adjourns it adjourn to reconvene at 2:00 o'clock P. M., Monday, May 8, 1939.

Which was agreed to and it was so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senators Johns and Kelly (16th)—

Senate Bill No. 623:

A bill to be entitled An Act authorizing the graduates of the Jacksonville Law School to be admitted to practice law in all courts of the State of Florida without further examination as to their legal knowledge.

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

By Committee on Public Health—

Senate Bill No. 624:

A bill to be entitled An Act to prohibit the manufacture, sale, disposal, or movement in commerce within the State of Florida, of adulterated or misbranded foods, drugs, devices and cosmetics; prohibiting the false advertisement and guaranteeing of foods, drugs, devices and cosmetics; providing definitions for terms as used in this Act; providing that the Commissioner of Agriculture may obtain injunctions in certain cases; providing penalties for the violation hereof; providing for the detention or embargo of foods, drugs, devices or cosmetics suspected of being in violation of this Act; providing for the destruction of articles of food, drugs, devices and cosmetics in violation of this Act; requiring the various attorneys to prosecute violations of this Act; allowing for

minor violations of this Act to be handled without court proceedings; directing the Commissioner of Agriculture to establish definitions and standards of identity, of quality or fill of container and sanitary regulations with reference to manufacture; defining adulterated food, drugs, devices and cosmetics; providing what constitutes misbranded food, drugs, devices and cosmetics; providing for licenses and permits for food establishments in emergencies; prohibiting the sale of new drugs unless and until such drug has been approved for sale by the Secretary of Agriculture of the United States or by the Commissioner of Agriculture and providing the manner in which the Commissioner shall approve such application for the sale of a new drug within the State of Florida; authorizing the Commissioner to promulgate regulations for the enforcement of this Act; providing for the appointment of inspectors, and for the inspection and analysis of foods, drugs, devices and cosmetics and the establishments where such products are manufactured or stored and for the cost of procuring and analyzing such samples; providing for the publication of the findings under this Act; repealing all laws and parts of laws in conflict with this Act; and for other purposes.

Which was read the first time by title only.

Senator Dame moved that Senate Bill No. 624 be placed on the Calendar of Bills on second reading without reference.

Which was agreed to and it was so ordered.

By Senator Westbrook—
Senate Bill No. 625:

A bill to be entitled An Act to prohibit the capture, injury or killing of alligators and/or crocodiles, the sale, transporting and transporting for sale of alligators and/or crocodiles, or their skins, teeth, or eggs; and providing penalties for violation thereof.

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

By Senators Gideons and Dugger—
Senate Bill No. 626:

A bill to be entitled An Act to protect the employee, the employer and the public, in case of labor controversies: to define the term "Labor Dispute": to regulate collective bargaining agencies: to protect persons not direct parties to labor disputes from interference with their persons, property and civil rights: to protect the buying, selling, transporting, receiving, delivering, manufacturing, harvesting, processing, handling and marketing of agricultural and other products: to regulate, and in certain cases forbid, picketing and boycotting: to give to the courts jurisdiction for the enforcement of this Act; to provide a penalty for the violation of this Act, and to repeal all other Acts in conflict with this Act.

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

Senator Hinely moved that a committee be appointed to escort Mrs. Pat Whitaker, Miss Gloria Whitaker and Pat Whitaker, Jr., the family of Senator Pat Whitaker of the 34th Senatorial District, to seats on the rostrum.

Which was agreed to.

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

By Senator McKenzie—
Senate Bill No. 627:

A bill to be entitled An Act relating to expenditures and disbursements of surplus moneys remaining highway bond fund and bond trustees of Putnam County, special account fund, both of said funds being administered by Board of Bond Trustees of Putnam County, Florida and providing that such surplus moneys may be applied to the road and bridge fund in amounts to be determined by said Board of Bond Trustees.

The following proof of publication was attached to Senate Bill No. 627 when it was introduced in the Senate:

NOTICE OF INTENTION TO APPLY FOR SPECIAL LEGISLATION

NOTICE IS HEREBY GIVEN that the Board of Bond Trustees of Putnam County, Florida, will apply to the Florida Legislature at its 1939 Session for enactment of a Special or Local Bill relating to expenditures and disbursements of surplus moneys remaining in Highway Bond Fund and Bond Trustees of Putnam County Special Account Fund, both of

said Funds being administered by said Board of Bond Trustees providing that such surplus moneys may be applied to the Road and Bridge Fund in amounts to be determined by the said Board of Bond Trustees.

C. E. CURRIE,
Chairman, Board of Bond Trustees.

March 21, 1939.

March 21-28—April 4-11-18.

**STATE OF FLORIDA
COUNTY OF PUTNAM**

BEFORE ME, the undersigned authority personally came A Bev Baker, Editor and General Manager of the Palatka Daily News of Palatka, Putnam County, Florida, who 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 expenditures and disbursements of surplus moneys remaining in Highway Bond Fund and Bond Trustees of Putnam County Special Account Fund both of Putnam County, Florida, has been published at least thirty days prior to this date by being printed in the March 21-28, April 4, 11 and 18, 1939 issues of the Palatka Daily News, a newspaper published in Putnam County, Florida, where the matter or thing to be effected by the contemplated law is situate; that a copy of the notice has been published as aforesaid, and this affidavit of Proof of Publication are attached to the proposed bill or contemplated law, and such copy of the notice is so attached is by reference made a part of this affidavit.

A. BEV BAKER.
Sworn to and subscribed before me this 26th day of April, A. D. 1939.

MEMRIE JAMES,
Notary Public, State of Florida at Large.
My commission expires July 7, 1941.

Which was read the first time by title only.

Senator McKenzie moved that the rules be waived and Senate Bill No. 627 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 627 was read the second time by title only.

Senator McKenzie moved that the rules be further waived and Senate Bill No. 627 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. 627 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, 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.

By Senator Parker—
Senate Bill No. 628:

A bill to be entitled An Act authorizing and empowering the State Road Department to establish permanent division headquarters in each of the five field divisions of the State Road Department into which the State is divided.

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

By Senator Johns—
Senate Bill No. 629:

A bill to be entitled An Act providing an exclusive method by which the City of Starke, Florida, may dispose of, lease, sell, or abandon the usual operation of its municipal light and water plants, or either, and repealing all conflicting law herewith.

The following proof of publication was attached to Senate Bill No. 629 when it was introduced in the Senate:

NOTICE OF INTENTION TO APPLY FOR SPECIAL LEGISLATION FOR THE CITY OF STARKE, FLORIDA.

Notice is hereby given to all whom it may concern that the undersigned will have prepared and request the enactment

of Special Legislation for the City of Starke, Florida, at the regular session of the 1939 Florida Legislature, providing an exclusive method by which the City of Starke, may lease, sell, dispose of, or abandon the usual operation of its municipal light and water plants, or either, requiring therefor an affirmative vote of at least, three-fourths of the total number of all the then qualified voters of said City, at the next regular City election held after approval of the proposed transaction by the majority of the City Council, and providing for advertisement of notice of all details of the proposed transaction, including method of payment of such plants' indebtedness.

CITY COUNCIL OF THE CITY OF
Starke, Florida.

(Seal)

By: W. M. EDWARDS, its
Chairman.

ATTEST: CARL JOHNS, City Clerk.

3-17 5t 4-14.

PUBLISHER'S AFFIDAVIT

STATE OF FLORIDA,)
) ss.
COUNTY OF BRADFORD.)

E. L. Matthews, being duly sworn on oath saith; That he is the publisher of the Bradford County Telegraph, a newspaper published at Starke, in said county and State and that the advertisement of Notice of intention to apply for special legislation for the City of Starke, Florida, a copy whereof is hereto attached, was published in said newspaper once a week for four (4) consecutive weeks, to-wit: Beginning with the issue of March 17th, 1939, the other issues being March 24th, 31st, April 7th, and 14th, 1939, and ending with the issue of April 14, 1939; That said newspaper had been regularly and continuously published at least once a week for a period of more than one year at and prior to the date of the first insertion of the aforementioned advertisement and which said newspaper was duly entered as second class mailing matter at the post-office in Starke, Bradford County, Florida, more than one year next preceding the first insertion of said advertisement or publication.

WITNESS MY HAND This 14th day of April, A. D. 1939.
E. L. MATTHEWS,

Sworn to and subscribed to before me this 14th day of April, 1939.

Witness my hand and official seal.

A. J. THOMAS,
Clerk of Circuit Court,
County of Bradford, State of Florida.

Which was read the first time by title only.

Senator Johns moved that the rules be waived and Senate Bill No. 629 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 629 was read the second time by title only.

Senator Johns moved that the rules be further waived and Senate Bill No. 629 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. 629 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, 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.

By Senator Johns—

Senate Bill No. 630:

A bill to be entitled An Act to provide and appropriate funds for the purpose of remunerating and repaying the City of Starke, Florida, the sum of \$12,000.00 which was expended by said City in the construction of curbs and gutters on State Road No. 28, within said City, in 1929.

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

By Senator Hinely—

Senate Bill No. 631:

A bill to be entitled An Act to declare, designate and establish as a part of the State Road System an extension or branch of State Road 50, the same to form a part of the Suwannee River Scenic Highway.

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

By Senator Dame—

Senate Bill No. 632:

A bill to be entitled An Act providing for the refund by the Comptroller to the State Board of Health of all monies paid by said board as gasoline taxes; providing for procedure for such refund, and providing a penalty for making false certificates in connection with such refund.

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

By Senators Rose, Holland, Kanner, Westbrook, Parrish, Murphy, Hodges, Black, Adams, Gideons, Kelly (11th) and Beacham—

Senate Bill No. 633:

A bill to be entitled An Act relating to the levy and assessment of ad valorem taxes by counties, cities, towns, and other taxing authorities.

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

By Senator Beacham—

Senate Bill No. 634:

A bill to be entitled An Act in relation to the civil liability of owners, lessees, licensees and operators of radio broadcasting stations and the agents and employees of any such owner, lessee, licensee or operator, for radio defamation or libelous statements.

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

By Senator Beacham—

Senate Bill No. 635:

A bill to be entitled An Act relating to public performing rights in copyrighted musical compositions and dramatico-musical compositions; defining the same; regulating licensing of same; prescribing filing fees; making provisions for a resident agent in the State; levying a tax on the gross receipts from the licensing of such rights within the State of Florida; providing for the enforcement of this Act; the promulgation of rules and regulations, governing the enforcement of this Act; appropriating the proceeds of the tax and fees levied herein and repealing certain laws in conflict herewith.

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

By Senator Beacham—

Senate Bill No. 636:

A bill to be entitled An Act to amend Chapter 17807, Laws of Florida, Acts of 1937 being, "An Act declaring to be an unlawful monopoly and its purposes to be in restraint of trade, any combination of persons, firms or corporations which determine the amount of money to be paid to it or to its members for the privilege of rendering privately or publicly for profit copyrighted vocal or instrumental musical compositions, when such combination is composed of a substantial number of all musical composers, copyright owners, or their heirs, successors or assigns; to require each composer and each author of vocal or instrumental copyrighted musical compositions to act independently of any combination as herein declared unlawful in determining license fees and other rights; to require the author, composer and publisher to specify upon the musical composition the selling price thereof, including public performance for profit; to declare that any purchaser thereof, who pays such price therefor shall have the right to render such music privately or publicly for profit; to declare all existing agreements requiring license fees or other exactions for the privilege of rendering copyrighted musical compositions publicly for profit, made with any combination, firm or corporation herein declared unlawful, to be void and non-enforceable; to permit the present owners, possessors and users of such copyrighted music to render the same privately or publicly for profit without interference by such unlawful combination; to provide for the protection of theatres, moving

picture houses, hotels, places for education and public performance or amusement, radio broadcasting and radio receiving and radio re-broadcasting stations affiliated with other persons, firms or corporations outside of the State of Florida, against the collection of license fees or other exactions by such out of the state affiliates for or on account of any combination herein declare unlawful; to provide all liability for any infringement of copyrighted musical compositions conveyed by radio broadcasting, air, wire, electrical transcription or sound producing apparatus, or by personal performance coming outside of the State of Florida and used herein to rest exclusively on the out of the state person, firm or corporation originally sending the same into this State for use herein; to provide penalties for the violation hereof; to empower the State's Attorney, under the direction of the Attorney General, upon the complaint of any party aggrieved by any violation hereof to proceed to enforce the penalties hereof against such combination and any of its members, agents or representatives; to empower any party aggrieved by any violation hereof to proceed in his own right hereunder; to define the legal procedure required to carry out the provisions herein; to provide for the recovery of costs, expenses and attorney's fees; to provide that the terms of this Act shall be cumulative; to provide that any part of this Act declared illegal shall not affect the validity of the remaining parts hereof." By repealing Sections 2A and 2B and 6; and amending Section 8 by reducing the penalties provided herein.

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

By Senator Beacham—
Senate Bill No. 637:

A bill to be entitled An Act to prevent claims for additional compensation, fees or payment after sale of phonograph records, transcriptions or any form of recorded music and entertainment, or collection of licenses for the use of same after sale, by any performing artist, manufacturer or organization representing such performing artist or manufacturer, and to protect the purchaser thereof in its or their use for any purpose whatsoever.

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

Senator Hodges moved that a committee be appointed to call on Senator Murphy who is ill at his home to tender the services and sympathy of the Senate.

Which was agreed to.

The President appointed Senators Hodges, Parrish and Adams as the committee.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Fla.
May 4, 1939.

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

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed, with amendment:

Senate Bill No. 354:

A bill to be entitled An Act to provide for the sale on compromise offers, without advertisement, of all tax sale certificates held by the State of Florida, for the year 1936 and/or prior years covering lands in Putnam County, State of Florida; providing that the amount of state tax covered by tax certificates shall not be subject to compromise.

Proof of Publication attached which amendment reads as follows:

In Section 1, line 5 (printed bill) after the word "same" insert the following:

Provided, however, that written notice of same shall be given by the Clerk of the Circuit Court to the owner, and that should sale be made to other than the owner, the owner shall have the opportunity within two (2) years after such sale to redeem same upon payment of all monies paid by the purchaser plus 3 per cent interest per annum.

And respectfully requests the concurrence of the Senate therein.

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

And Senate Bill No. 354, contained in the above message, was read by title only together with House amendment thereto.

Senator McKenzie moved that the Senate do concur in the House Amendment to Senate Bill No. 354.

Which was agreed to and the Senate concurred in the House Amendment to Senate Bill No. 354.

And Senate Bill No. 354, as amended, was referred to the Committee on Engrossed Bills, and the action of the Senate was ordered certified to the House of Representatives.

The motion made by Senator Dye to reconsider the vote by which Senate Bill No. 47 passed the Senate on May 2, 1939, was taken up in its order and the consideration thereof was informally passed.

SENATE BILLS ON THIRD READING

Senate Bill No. 100 was taken up in its order and the consideration thereof was informally passed.

Senate Bill No. 229:

A bill to be entitled An Act prescribing the method by which labor unions or labor bodies may be incorporated or allowed to do business within the State of Florida; bestowing upon Circuit Courts of this State jurisdiction to issue such certificates of incorporation or charters; and providing for the right of intervention by any person or persons to oppose the issuance of such charters or certificates of incorporation.

Which was pending roll call, having been read the third time in full on May 3, 1939, was taken up in its order.

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

Yeas—Mr. President; Senators Beacham, Beall, Black, Clarke, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Parker, Price, Rose, Sharit, Ward, Westbrook, Whitaker, Wilson—31.

Nays—None.

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

Senate Bills Nos. 157 and 222 were taken up in their order and the consideration thereof was informally passed.

Senate Bill No. 252:

A bill to be entitled An Act to amend Section 4 and 8 of Chapter 15911, Acts of 1933, Laws of Florida entitled: "An Act defining and regulating the practice of chiropody, providing for the exemption from this Act, creating a Board of Chiropody Examiners, providing penalties for violation of this Act, repealing laws in conflict herewith and fixing the date upon which this Act becomes effective"; and to further amend said Chapter 15911, by adding six new sections to be known and described as (12), (13), (14), (15), (16), and (17), thereof, providing for: (12) refusal to grant license; revocations. (13) Hearing of charges against accused; form of notice to accused. (14) Board's power to revoke license of chiropodist. (15) Records to be kept by secretary-treasurer of board. (16) Practicing chiropody without license, etc. (17) Effect of partial invalidity of chapter.

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

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

Yeas—Mr. President; Senators Beacham, Beall, Black, Clarke, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Parker, Price, Rose, Sharit, Ward, Westbrook, Whitaker, Wilson—31.

Nays—None.

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

Senator Holland moved that the rules be waived and the Senate do now take up and consider House Bill No. 199, out of its order.

Which was agreed to by a two-thirds vote.

House Bill No. 199:

A bill to be entitled An Act to provide alternate jurors for the trial of cases in Circuit and Criminal Courts of the State of Florida where the presiding Judge in his discretion shall deem it necessary.

Was taken up.

Senator Holland moved that the rules be waived and House Bill No. 199 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 199 was read the second time by title only.

Senator Holland moved that the rules be further waived and House Bill No. 199 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. 199 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, Lindler, Mapoles, McKenzie, Parker, Parrish, Price, Rose, Sharit, Ward, Westbrook, Whitaker, Wilson—33.

Nays—None.

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

The committee appointed by the President to tender the services and sympathy of the Senate to Senator Murphy, returned and reported that Senator Murphy was confined to his bed but the attending physician advised that he would be able to resume his duties in a few days. Senator Murphy thanked the committee and the Senate.

The committee was discharged.

By unanimous consent Senator Holland withdrew Senate Bill No. 208.

Senator Dye moved that the rules be waived and the Senate do now revert to the consideration of his motion to reconsider the vote by which Senate Bill No. 47 passed the Senate on May 2, 1939.

Which was agreed to by a two-thirds vote.

The President put the question.

Which was agreed to and the Senate reconsidered the vote by which Senate Bill No. 47 passed the Senate on May 2, 1939.

Senator Clarke moved that the rules be waived and the Senate do now take up and consider House Bill No. 68, out of its order.

Which was agreed to by a two-thirds vote.

House Bill No. 68:

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

Was taken up.

Senator Clarke moved that the rules be waived and House Bill No. 68 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 68 was read the second time by title only.

Senator Clarke moved that the rules be further waived and House Bill No. 68 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. 68 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, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Johns, Kanner, Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, Parker, Parrish, Price, Rose, Savage, 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.

By unanimous consent Senator Clarke withdrew Senate Bill No. 47.

Pursuant to the motion made by Senator Beall on May 4, 1939, and the hour having arrived for the consideration of Joint Committee Substitute for Senate Bills Nos. 55 and 56 and House Bill No. 104 as a Special and Continuing Order.

Joint Committee Substitute for Senate Bills Nos. 55 and 56:

A bill to be entitled An Act fixing the salaries of Justices of the Supreme Court of Florida, and fixing the salaries of Judges of the Circuit Courts of Florida, making appropriation to pay the same and repealing conflicting laws.

Was taken up, pending roll call, having been read the third time in full on May 3, 1939.

Pending roll call, on the passage of Joint Committee Substitute for Senate Bills Nos. 55 and 56, Senator Whitaker moved that the rules be waived and the Senate do now take up and consider House Bill No. 104, out of its order.

Which was not agreed to.

The question recurred on the passage of Joint Committee Substitute for Senate Bills Nos. 55 and 56.

Pending roll call on the passage of Joint Committee Substitute for Senate Bills Nos. 55 and 56.

Senator Kelly (16th) moved that Senate Bills Nos. 336 and 196 unfavorably reported by the Committee on Appropriations be re-committed to the Committee on Appropriations.

Which was agreed to and it was so ordered.

Pending roll call on the passage of Joint Committee Substitute for Senate Bills Nos. 55 and 56,

Senator Holland moved that House Bill No. 328 be recalled from the Committee on Finance and Taxation and referred to the Committee on Banking and Building and Loans.

Which was agreed to and it was so ordered.

Pending roll call on the passage of Joint Committee Substitute for Senate Bills Nos. 55 and 56, the hour of adjournment having arrived, a point of order was called and the Senate stood adjourned at 1:03 o'clock P. M., until 2:00 o'clock P. M., Monday, May 8, 1939.