

JOURNAL OF THE SENATE

Saturday, May 20, 1939

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Friday, May 19, 1939.

The President in the Chair.

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

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

A quorum present.

Senator Dye was excused from attendance upon the sessions until such time as circumstances permit his return.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of May 18, 1939, was further corrected as follows:

On Page 6, column 1, line 44 strike out the words, "Judiciary A" and insert in lieu thereof the words, "Finance and Taxation."

And as further corrected was approved.

The Journal of May 19, 1939, was corrected as follows:

On page 3, column 1, strike out lines 17 and 18 and insert in lieu thereof the following:

"And Senate Bill No. 714, contained in the above report, was laid on the table."

And Senate Bill No. 311, contained in the above report, was placed on the Calendar of Bills on second reading, having been reported favorably by the Committee on Judiciary "A."

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:

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

Senate Bill No. 157:

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

Senate Bill No. 187:

A bill to be entitled An Act to amend An Act entitled "An Act to provide for the incorporation of benevolent mutual benefit associations or societies on the assessment plan organized for the purpose of benefiting and protecting members in the cast of dismemberment, and to the end of benefiting widows, orphans, heirs, devisees and estates of deceased members thereof; providing for the method of incorporation of such associations and the regulation and control of such associations as may be incorporated under the terms of this Act, and requiring those associations or organizations doing a similar business in the State of Florida to be incorporated under the terms of this Act, and providing a penalty for failure so to do; authorizing the State Treasurer to examine into the solvency and operation of such associations incorporated or reincorporated under the terms of this Act; providing for a valuation of certificates and providing for a reserve fund, providing for the payment of all benefits in cash only; providing for general State supervision and control of benevolent mutual benefit associations or societies that may be hereafter operated in the State of Florida, subject to the terms of this Act, on the assessment plan," being Chapter 15885, Laws of Florida, Act of 1933, by amending Section 5 thereof; and by repealing Section 2 of Chapter 16802, Laws of Florida, Acts of 1935, being an amendment of said Section 5, of Chapter 15885, Laws of Florida, Acts of 1933, and repealing conflicting laws.

Senate Bill No. 290:

A bill to be entitled An Act for the relief of Bert M. Thomas

of Wakulla County, Florida, and providing for refund by the Comptroller of the State of Florida and the Board of County Commissioners for Wakulla County, Florida, of State and County taxes erroneously assessed and collected from him, and making appropriation therefor.

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.

Senate Bill No. 529:

A bill to be entitled An Act to provide re-registration of all voters for all elections to be held in the year A. D. 1940 and subsequent years in Counties in the State of Florida having a population of not less than 53,100 and not more than 53,300 inhabitants according to the 1935 State census; fixing the time when registration books in each of said Counties shall be kept open for purpose of such re-registration and prescribing the duties of registration officers in connection therewith.

Senate Bill No. 532:

A bill to be entitled An Act fixing and determining the salaries, compensation and traveling expenses of the members of the Board of Public Instruction for Counties of the State of Florida having a population of not less than 17,000 nor more than 17,500, according to the last State census.

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 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.

Senate Bill No. 651:

A bill to be entitled An Act providing that all Justice of the Peace Courts in Alachua County, Florida, as now established, or which may hereafter be established in accordance with law, shall have jurisdiction to hear, try, and determine criminal cases arising within the respective territorial limits of such Justice of the Peace District, which jurisdiction shall be confined to misdemeanors carrying no greater punishment upon adjudication of guilt than a fine of \$500.00, or imprisonment for six months in the County jail or both, and providing for the fees of such Justices of the Peace, and the procedure to be followed in such courts.

Senate Bill No. 658:

A bill to be entitled An Act authorizing and empowering the Board of Commissioners of Florida Inland Navigation District, a Special Taxing District under the laws of the State of Florida, to collect, compile and furnish to the United States of America, data, statistics and other appropriate information as to the advantages, benefits, desirability and usefulness of the further improvement of the intracoastal waterway from Jacksonville to Miami, Florida, by the United States; and authorizing and empowering the said board to acquire and convey to the United States, free of cost, any lands, easements, rights of way and spoil disposal areas as may be required by the United States for the purpose of said improvement of said waterway, and its subsequent maintenance.

Senate Bill No. 659:

A bill to be entitled An Act relating to Napoleon B. Broward Drainage District, in Broward County, Florida; to the enforcement of taxes, interest, and penalties thereon imposed by said district; to the foreclosure of taxes and liens for taxes for said district; providing for suits in chancery by said district for the foreclosure and cutting off of the owners' right to redeem

lands where title has vested in the district; providing a supplemental, additional, optional, and alternative method of enforcing tax liens due said district by suit in chancery in rem against said lands; prescribing the practice, pleading and procedure in such suits and authorizing the allowance of attorneys' fees therein and providing for lease and sale of lands bid in by the district under such sale.

Senate Bill No. 666:

A bill to be entitled An Act to amend the charter of the City of Auburndale Polk County, Florida, relating to and regulating municipal elections in the City of Auburndale, Polk County, Florida; prescribing the qualifications of such voters in such elections and providing for the registration of such voters; prescribing an oath to be taken by those desiring to register; providing for the challenging of voters and prescribing an oath for challenged voters; providing for the examination under oath of any person desiring to vote at any such election; prescribing the duties of the election officers; prescribing the manner of holding elections, counting the ballots and canvassing the returns of such elections and recounting the ballots used therein; and authorizing ordinances prohibiting the making falsely of any oath or statement under oath provided for by this Act and prohibiting the voting in any such election of any person not qualified to vote therein and providing penalties for the violation of such ordinances and making each provision hereof an independent provision.

Senate Bill No. 667:

A bill to be entitled An Act amending Section 25 of Chapter 10301, Laws of Florida, Special Acts of 1925, and changing the term of office of the mayor of the City of Auburndale, Polk County, Florida, from one (1) year to two (2) years.

Senate Bill No. 697:

A bill to be entitled An Act pertaining to the collection of taxes upon real property by the City of Newberry, a municipality in Alachua County, Florida, and repealing Section 39 of Chapter 8311 of the Special Acts of the Florida Legislature A. D. 1919.

Senate Bill No. 713:

A bill to be entitled An Act to create a Municipal Court in the City of Bushnell, Florida; to provide for the election and qualification of a municipal judge; and to fix its jurisdiction and powers.

Senate Bill No. 730:

A bill to be entitled An Act providing for the re-registration of all the electors of Madison County, Florida, and providing for the furnishing of new registration books, the time of opening and closing the same for the payment of registration fees to the Supervisor of Registration by the County Commissioners.

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.

Senators Hodges and Sharit, Chairman of the Committee on Public Utilities and Transportation and Traffic, reported that the Committee had carefully considered the following bills, and recommends that the same do not pass.

Senate Bill No. 488:

A bill to be entitled An Act for the promotion of safety for employees and travelers upon railroads by compelling common carriers by railroad to limit the length of trains, not to exceed a certain number of cars or length, prescribing the duties, rights and power of the railroad commission and the Attorney General in connection thereof, to provide a penalty for the violation thereof, and repealing all laws and parts of laws in conflict therewith.

Senate Bill No. 489:

A bill to be entitled An Act to promote the safety for employees and travelers upon railroads by compelling common carriers by railroad to man locomotives, trains, and other self-propelled engines or machines with competent employees,

to provide the least number of men that may be employed in the operation of locomotives, trains and other self-propelled engines or machines, to provide qualifications for certain employees, prescribing the rights, powers and duties of the railroad commission and the Attorney General in connection therewith, to provide a penalty for the violation thereof, and repealing all laws and parts of laws in conflict therewith.

Senate Bill No. 490:

A bill to be entitled An Act to require railroad carriers to equip trainmen engaged in switching and train movements in Intra-State and Inter-State, commerce with electric hand lanterns and to prohibit the use of oil lanterns, and to provide for the enforcement of this Act by the railroad commission.

Senate Bill No. 492:

A bill to be entitled An Act to provide for the safety, care, comfort, convenience and proper accommodation and transportation of passengers in sleeping cars, chair cars, parlor cars, dining cars and buffet cars operated on the railroads in the State of Florida, by requiring certain representatives or employees thereon or in charge thereof specially; and to provide for the enforcement of this Act by the railroad commission as provided by law for the enforcement of the General Laws and the regulations governing railroads.

And Senate Bills Nos. 488, 489, 490 and 492, contained in the above report, were laid on the table.

Senator Coulter, Chairman of the Committee on Pensions and Claims, reported that the Committee had carefully considered the following bill, and recommends that the same do pass.

Senate Bill No. 753:

A bill to be entitled An Act for the relief of Alton C. Hendry, as Tax Collector of Taylor County, Florida, providing for the payment to Alton C. Hendry, Tax Collector of Taylor County, Florida, of certain moneys for loss of commissions on land sale of 1929 for 1928 taxes, in consequence of tax collectors' 5% commission and expense of sale not being separated on land sale report.

And Senate Bill No. 753, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Dame, Chairman of the Committee on Public Health, reported that the Committee had carefully considered the following bill, and recommends that the same do not pass.

Senate Bill No. 745:

A bill to be entitled to define Naturopathic Medicine and to regulate the Practice of Naturopathic Medicine in the State of Florida; to create the State Board of Naturopathic Medical Examiners; to provide for the examination and admission to securing of licenses by Naturopathic physicians in the State of Florida; to provide for the securing of annual renewal certificates of licenses, charging the fees therefor and penalty for failure to pay such renewal fees; and to provide penalties for the violation of any of the provisions of this act.

And Senate Bill No. 745, contained in the above report, was laid on the table.

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 second reading.

Senate Bill No. 104:

A bill to be entitled "An Act to amend Chapter 6951, Laws of Florida, 1915, entitled: 'Providing for the creation and establishment of a Florida State Board of Architecture, granting certain powers to and prescribing the duties of said board; providing for the examination and registration of architects, regulating the practice of architecture in the State of Florida, and providing penalties for the violation of this Act,' and particularly amending Sections 1, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14 and 15, repealing all laws in conflict therewith, empowering said board to sue and to be sued as an instrumentality of the State of Florida, providing procedure, remedies and penalties for the enforcement of this Act, and for purposes incidental hereto, making certain exceptions to the Act and also for the registration by the State Board of Architecture of certain persons by granting to them under certain conditions a "Personal Builders' Certificate."

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

And Senate Bill No. 104, contained in the above report, was placed on the Calendar of Bills on third 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:

Senate Bill No. 157:

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

Senate Bill No. 187:

A bill to be entitled An Act to amend An Act entitled "An Act to provide for the Incorporation of Benevolent Mutual Benefit Associations or Societies on the assessment plan organized for the purpose of benefiting and protecting members in the case of dismemberment, and to the end benefiting widows, orphans, heirs, devisees and estates of deceased members thereof; providing for the the method of incorporation of such associations and regulation and control of such associations as may be incorporated under the terms of this Act, and requiring those associations or organizations doing a similar business in the State of Florida to be incorporated under the terms of this Act, and providing a penalty for failure so to do; authorizing the State Treasurer to examine into the solvency and operation of such associations incorporated or reincorporated under the terms of this Act; providing for a valuation of certificates and providing for a reserve fund, providing for the payment of all benefits in cash only; providing for general State supervision and control of Benevolent Mutual Benefit Associations or Societies that may be hereafter operated in the State of Florida, subject to the terms of this Act, on the assessment plan," being Chapter 15885, Laws of Florida, Act of 1933, by amending Section 5 thereof; and by repealing Section 2 of Chapter 16802, Laws of Florida, Acts of 1935, being an amendment on said Section 5, of Chapter 15885, Laws of Florida, Acts of 1933, and repealing conflicting laws.

Senate Bill No. 290:

A bill to be entitled An Act for the relief of Bert M. Thomas of Wakulla County, Florida, and providing for refund by the Comptroller of the State of Florida and the Board of County Commissioners for Wakulla County, Florida, of State and County taxes erroneously assessed and collected from him, and making appropriation therefor.

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 Buildings and Loan Association.

Senate Bill No. 529:

A bill to be entitled An Act to provide re-registration of all voters for all elections to be held in the year A. D. 1940 and subsequent years in Counties in the State of Florida having a population of not less than 53,100 and not more than 53,300 inhabitants according to the 1935 State census; fixing the time when registration books in each of said Counties shall be kept open for purpose of such re-registration and prescribing the duties of registration officers in connection therewith.

Senate Bill No. 532:

A bill to be entitled An Act fixing and determining the salaries, compensation and traveling expenses of the members of the Board of Public Instruction for Counties of the State of Florida having a population of not less than 17,000 nor more than 17,500, according to the last State census.

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 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.

Senate Bill No. 651:

A bill to be entitled An Act providing that all Justice of the Peace Courts in Alachua County, Florida, as now established, or which may hereafter be established in accordance with law, shall have jurisdiction to hear, try and determine criminal cases arising within the respective territorial limits of such Justice of the Peace district, which jurisdiction shall be confined to misdemeanors carrying no greater punishment upon adjudication of guilt than a fine of \$500.00, or imprisonment for six months in the county jail or both, and providing for the fees of such Justices of the Peace, and the procedure to be followed in such courts.

Senate Bill No. 658:

A bill to be entitled An Act authorizing and empowering the Board of Commissioners of Florida Inland Navigation District, a special taxing district under the Laws of the State of Florida, to collect, compile and furnish to the United States of America, data, statistics and other appropriate information as to the advantages, benefits, desirability and usefulness of the further improvement of the intracoastal waterway from Jacksonville to Miami, Florida, by the United States; and authorizing and empowering the said board to acquire and convey to the United States, free of cost, any lands, easements, rights of way and spoil disposal areas as may be required by the United States for the purpose of said improvement of said waterway, and its subsequent maintenance.

Senate Bill No. 659:

A bill to be entitled An Act relating to Napoleon B. Broward Drainage District, in Broward County, Florida; to the enforcement of taxes, interest, and penalties thereon imposed by said district; to the foreclosure of taxes and liens for taxes for said district; providing for suits in chancery by said district for the foreclosure and cutting off of the owners' right to redeem lands where title has vested in the district; providing a supplemental, additional, optional, and alternative method of enforcing tax liens due said district by suit in chancery in rem against said lands; prescribing the practice, pleading, and procedure in such suits and authorizing the allowance of attorneys' fees therein, and providing for lease and sale of lands bid in by the district under such sale.

Senate Bill No. 666:

A bill to be entitled An Act to amend the Charter of the City of Auburndale, Polk County, Florida, relating to and regulating municipal elections in the City of Auburndale, Polk County, Florida; prescribing the qualifications of such voters in such elections and providing for the registration of such voters; prescribing an oath to be taken by those desiring to register; providing for the challenging of voters and prescribing an oath for challenged voters; providing for the examination under oath of any person desiring to vote at any such election; prescribing the duties of the election officers; prescribing the manner of holding elections, counting the ballots and canvassing the returns of such elections and recounting the ballots used therein; and authorizing ordinances prohibiting the making falsely of any oath or statement under oath provided for by this Act and prohibiting the voting in any such election of any person not qualified to vote therein and providing penalties for the violation of such ordinances and making each provision hereof an independent provision.

Senate Bill No. 667:

A bill to be entitled An Act amending Section 25 of Chapter 10301, Laws of Florida, Special Acts of 1925, and changing the term of office of the Mayor of the City of Auburndale, Polk County, Florida, from one (1) year to two (2) years.

Senate Bill No. 697:

A bill entitled to be An Act pertaining to the collection of taxes upon real property by the City of Newberry, a municipality in Alachua County, Florida, and repealing Section 39 of Chapter 8311 of the Special Acts of the Florida Legislature A. D. 1919.

Senate Bill No. 713:

A bill to be entitled An Act to create a municipal court in the City of Bushnell, Florida; to provide for the election and qualification of a municipal judge; and to fix its jurisdiction and powers.

Senate Bill No. 730:

A bill to be entitled An Act providing for the re-registra-

tion of all the electors of Madison County, Florida, and providing for the furnishing of new registration books, the time of opening and closing the same and for the payment of registration fees to the supervisor of registration by the County Commissioners.

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

Senator Graham moved that the Senate reconsider the vote by which Senate Resolution No. 24 was adopted by the Senate on May 19, 1939.

And the motion went over under the rule.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Beall—

Senate Bill No. 948:

A bill to be entitled An Act to designate and establish a State Park in Escambia County, Florida, to be known as Rauscher Park; to provide for the conveyance of certain lands now owned by Escambia County to the Board of Commissioners of State Institutions for use of said park; to provide for the acceptance of title to other lands adjacent thereto by the Board of Commissioners of State Institutions upon the acquisition thereof by Escambia County, Florida, for such park; and to make an appropriation for the care, development, beautification, upkeep and maintenance of said park.

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

By Senator Clarke—

Senate Bill No. 949:

A bill to be entitled An Act relating to the disposition or distribution of income earned or accrued on the residuary estate of a testator or testatrix during the period of administration.

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

By Senator Savage—

Senate Bill No. 950:

A bill to be entitled An Act in relation to taxation and to the assessment of property for taxation; to provide for the equalization of taxes; creating a State Tax Commission, and prescribing its jurisdiction, powers and duties and how they should be exercised; fixing the compensation of its members; regulating and prescribing the duties of other officials of the several counties and of the State in relation to the State Tax Commission; fixing the compensation of the State Tax Commission; and making an appropriation for its compensation and expenses; providing for penalties and punishment for failure to comply with this Act.

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

By Committee on Judiciary "C"—

Senate Bill No. 951:

A bill to be entitled An Act relating to appellate procedure in the administration of estates of decedents and to amend Sections 53 and 54, Chapter 16103, Laws of Florida, Acts of 1933.

Which was read the first time by title only.

Senator Lewis moved that Senate Bill No. 951 be placed on the Calendar of Bills on second reading without reference.

Which was agreed to and it was so ordered.

By Senator Beacham—

Senate Bill No. 952:

A bill to be entitled An Act for the relief of Lee Rawls, and authorizing the State Road Department to pay the said Lee Rawls for injuries sustained by him while one of its employees in the performance of his duties.

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

By Senator Beacham—

Senate Bill No. 953:

A bill to be entitled An Act relating to South Indian River Drainage District, a drainage district organized and existing under the Laws of Florida and embracing lands within Palm Beach County; authorizing the issuance of bonds for the purpose of refunding the existing indebtedness of the district and providing procedure therefor; legalizing, ratifying, confirming

and validating all taxes and assessments heretofore levied or assessed by or for said district and liens or records of liens representing or evidencing such taxes and assessments; ratifying, confirming, legalizing and validating the outstanding bonded indebtedness, including interest coupons appurtenant to bonds, of said district; providing for the sale or disposition by said district of any right, title or interest which it may acquire in or to any lands within the district in pursuance of foreclosure proceedings where such right, title or interest is represented by certificates of purchase issued by a master in foreclosure proceedings upon such terms and conditions and for such price as the district is authorized by the provisions of the General Drainage Law to dispose of and sell the lands of the district the fee simple title to which has vested in said district in pursuance of foreclosure proceedings; and, repealing all laws or parts of laws in conflict with this Act.

The following proof of publication was attached to Senate Bill No. 953 when it was introduced in the Senate:

PROOF OF PUBLICATION OF NOTICE

STATE OF FLORIDA,
COUNTY OF DADE.

Before me, the undersigned authority, personally appeared R. O. Cullen, who on oath does solemnly swear that he has knowledge of the matters stated herein; that a notice stating the substance of a contemplated law or proposed bill relating to South Indian River Drainage District, a drainage district organized and existing under the Laws of Florida and embracing lands within Palm Beach County; authorizing the issuance of bonds for the purpose of refunding the existing indebtedness of the district and providing procedure therefor; legalizing, ratifying, confirming and validating all taxes and assessments heretofore levied or assessed by or for said district and liens or records of liens representing or evidencing such taxes and assessments; ratifying, confirming, legalizing and validating the outstanding bonded indebtedness, including interest coupons appurtenant to bonds, of said district; providing for the sale or disposition by said district of any right, title or interest which it may acquire in or to any lands within the district in pursuance of foreclosure proceedings where such right, title or interest is represented by certificates of purchase issued by a Master in foreclosure proceedings upon such terms and conditions and for such price as the district is authorized by the provisions of the General Drainage Law to dispose of and sell the lands of the district the fee simple title to which has vested in said district in pursuance of foreclosure proceedings; and, repealing all laws or parts of laws in conflict with this Act; has been published at least thirty (30) days prior to this date by being printed in a newspaper published in the County in which South Indian River Drainage District lies, to-wit:

"The Palm Beach Times," published in Palm Beach County, publication made April 6, 1939;

That a copy of the notice that has been published as aforesaid and also this affidavit of proof of publication is 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.

R. O. CULLEN.

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

(Seal)

STEPHANIE A. SCHIBI,

Notary Public for the State of Florida at Large.

My Commission expires April 25, 1943.

Which was read the first time by title only.

Senator Beacham moved that the rules be waived and Senate Bill No. 953 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 953 was read the second time by title only.

Senator Beacham moved that the rules be further waived and Senate Bill No. 953 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. 953 was read the third time in full.

Upon the passage of Senate Bill No. 953 the roll was called and the vote was:

Yeas—Mr President; Senators Adams, Beacham, Beall, Clarke, Coulter, Dame, Dugger, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, McKenzie, Murphy,

Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—35.

Nays—None.

So Senate Bill No. 953 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Horne—

Senate Bill No. 954:

A bill to be entitled An Act to fix the annual salary of the State Motor Vehicle Commissioner and to repeal all laws and parts of laws in conflict therewith.

Which was read the first time by title only.

Senator Horne moved that Senate Bill No. 954 be placed on the Calendar of Bills on second reading without reference.

Which was agreed to and it was so ordered.

By Senators Kelly (16th), Dame and Horne—

Senate Bill No. 955:

A bill to be entitled An Act to amend Chapter 17917, Laws of Florida, Acts of 1937, the same being "An Act relating to the salt water fishing in the State of Florida in the tidal waters and other territorial waters of the State of Florida, and providing a license tax on all boats, vessels, schooners, or launches, operating and/or plying in the tidal and salt water, or other waters under the control of the State Board of Conservation of the State of Florida, and providing an additional tax on aliens or non-residents who own such boats, vessels, schooners, or launches, and defining such aliens or non-residents and providing penalties for violation of same." Amending Sections 2 and 3 of said Acts.

Which was read the first time by title only.

Senator Kelly (16th) moved that Senate Bill No. 955 be placed on the Calendar of Bills on second reading without reference.

Which was agreed to and it was so ordered.

By Senator Kelly (16th):

Senate Bill No. 956:

A bill to be entitled An Act to amend Sections 2 and 7, of Chapter 16178, Laws of Florida of 1933, entitled: "An Act creating a State Board of Conservation; fixing its powers and duties; abolishing the Department of State Geologist, the Department of Game and Fresh Water Fish the office of State Game Commissioner, the office of Shell Fish Commissioner; providing for the transfer of property, equipment, accounts, obligations, and funds of such departments to the State Board of Conservation; providing for the use of all appropriations of such departments to be made for the biennium beginning July 1, 1933, by the State Board of Conservation; providing for the establishment of a State Conservation Fund; providing for the conservation and protection of wild life resources and authorizing the State Board of Conservation to make and establish rules and regulations in furtherance of the purposes of this Act; providing a penalty for violation of rules and regulations authorized to be made and repealing all laws and parts of laws in conflict with this Act." Providing the method of employment and method of discharge or removal of the Supervisor of Conservation and relating to the employment of other help, assistants, and agents by the State Board of Conservation, and repealing conflicting laws.

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

By Senator McKenzie—

Senate Bill No. 957:

A bill to be entitled An Act regulating the sale of second-hand watches.

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

By Senator McKenzie—

Senate Bill No. 958:

A bill to be entitled An Act to designate and establish a State road to be known as State Road 261-A, and abolishing that part of State Road 308 extending from Satsuma to Welaka, Putnam County, Florida.

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

By Senator Whitaker—

Senate Bill No. 959:

A bill to be entitled An Act to prohibit the erection, mainten-

ance or operation of any filling station, public garage, or mercantile establishment on Lafayette street in the City of Tampa, Florida, between the following points to-wit: Beginning at a point on the west side of Parker street, said point being one hundred feet south of the intersection of Lafayette Street and Parker Street, running north along the line of Parker Street to a point in said line one hundred feet north of Lafayette Street; thence east to the east bank of the Hillsborough River; thence south along said river to a point on the east bank thereof due east of original point of beginning. Thence west to the point of beginning; to declare the same to be a nuisance and against the public welfare of the City of Tampa; providing a penalty for the violation thereof, and to allow the owner of any real property within the aforesaid boundaries to sue the City of Tampa and to recover from said city any and all reasonable damages sustained because of the limitations imposed upon the use of said property imposed by this Act.

The following proof of publication was attached to Senate Bill No. 959 when it was introduced in the Senate:

NOTICE OF SPECIAL LEGISLATION

Notice is hereby given that the undersigned will apply to the Legislature of the State of Florida, which convenes in Tallahassee, Florida, on April 4, 1939 for the passage of a Special Act applying only to the City of Tampa in Hillsborough County, Florida, the purpose of which Special Act shall be as follows:

An Act to prohibit the erection, maintenance or operation of any filling station, public garage, or mercantile establishment on Lafayette street in the City of Tampa, Florida between the following points to-wit:

Beginning at a point on the West side of Parker street, said point being one hundred feet south of the intersection of Lafayette Street and Parker Street, running North along the line of Parker Street to a point in said line one one hundred feet North of Lafayette Street; thence East to the East bank of the Hillsborough river; thence south along said river to a point on the East bank thereof due East of original point of beginning. Thence West to the point of beginning; to declare the same to be a nuisance and against the public welfare of the City of Tampa; providing a penalty for the violation thereof, and to allow the owner of any real property within the aforesaid boundaries to sue the City of Tampa and to recover from said city any and all reasonable damages sustained because of the limitations imposed upon the use of said property imposed by this Act.

Said Special Act of the Legislature will be introduced in the Senate of the State of Florida on a day more than thirty days after the publication of this Notice in The Evening News, a newspaper of General circulation in the County of Hillsborough, Florida.

PAT WHITAKER, Senator
34th District.

(4)-8 (1t)—No. 3386.

PUBLISHER'S AFFIDAVIT

STATE OF FLORIDA)
) ss.
COUNTY OF HILLSBOROUGH)

Before me, the undersigned authority, this day personally appeared W. J. Placie, who by me being first duly sworn according to law, deposes and says that he is the Publisher of THE EVENING NEWS, a newspaper of general circulation and published at Tampa, in said County of Hillsborough, State of Florida, and that a full, true and correct copy of which said publication is hereto attached, was published in said newspaper in its issues of April 8, 1939.

Affiant further says that the above named newspaper has been continuously published once each week in said County of Hillsborough, State of Florida, for more than one year immediately preceding the first publication of said Notice, and was during all of such time, and now is entered as second class mail matter in the United States Post Office at Tampa, Hillsborough County, Florida, thereby conforming to the requirements of Senate Bill No. 58, the same being an Act of the 1931 Legislature of the State of Florida in reference to publication of such notices and court processes, approved May 20, 1931.

W. J. PLACIE.

Sworn to and subscribed before me this 8th day of April, A. D. 1939.

(Seal)
LUCILE TRICE CARTEN,
Notary Public, State of Florida at Large.
My Commission Expires August 16, 1941.

Which was read the first time by title only.

Senator Whitaker moved that the rules be waived and Senate Bill No. 959 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 959 was read the second time by title only.

Senator Whitaker moved that the rules be further waived and Senate Bill No. 959 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. 959 was read the third time in full.

Upon the passage of Senate Bill No. 959 the roll was called and the vote was:

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

Nays—None.

So Senate Bill No. 959 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Coulter—
Senate Bill No. 960.

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 the violation thereof in all counties of the State of Florida having a population of not less than Twelve thousand nine hundred sixty (12,960) and not more than Thirteen thousand (13,000), according to the State census of 1935.

Which was read the first time by title only.

Senator Coulter moved that the rules be waived and Senate Bill No. 960 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 960 was read the second time by title only.

Senator Coulter moved that the rules be further waived and Senate Bill No. 960 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. 960 was read the third time in full.

Upon the passage of Senate Bill No. 960 the roll was called and the vote was:

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

Nays—None.

So Senate Bill No. 960 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Johns—
Senate Bill No. 961:

A bill to be entitled An Act regulating the commissions which warehousemen, factors, brokers, commission merchants, cooperative marketing associations, or any other person, firm or corporation may charge for selling, handling, or otherwise disposing, by public auction or otherwise, or any agricultural and horticultural products, poultry and live stock in this State, and providing penalties for the violation hereof.

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

By Senator Johns—
Senate Bill No. 962:

A bill to be entitled An Act abolishing the Board of Bond Trustees of Union County, Florida, as created by Chapter 11259, Laws of Florida, 1925, or by any other law, and investing the Board of County Commissioners of Union County, Florida, with all of the powers and duties and privileges now exercised by or imposed upon said Board of Bond Trustees of Union County, Florida, in the Board of County Commissioners of Union County, Florida, and providing for a referendum.

Which was read the first time by title only.

Senator Johns moved that the rules be waived and Senate Bill No. 962 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 962 was read the second time by title only.

Senator Johns moved that the rules be further waived and Senate Bill No. 962 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. 962 was read the third time in full.

Upon the passage of Senate Bill No. 962 the roll was called and the vote was:

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

Nays—None.

So Senate Bill No. 962 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Kelly (11th):
Senate Bill No. 963:

A bill to be entitled An Act providing that the State of Florida may enter into a compact with any of the United States for mutual helpfulness in relation to persons convicted of crime or offenses who may be on probation or parole.

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

By Senator Kelly (11th)—
Senate Bill No. 964:

A bill to be entitled An Act to make uniform the procedure of inter-state extradition.

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

By Senator Kelly (11th)—
Senate Bill No. 965—

A bill to be entitled An Act "A uniform Act to secure the attendance of witnesses from within or without a State in criminal proceedings.

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

By Senator Kelly (11th)—
Senate Bill No. 966:

A bill to be entitled An Act to make uniform the law on fresh pursuit and authorizing this State to cooperate with other States therein.

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

By Senator Kelly (11th)—
Senate Bill No. 967:

A bill to be entitled An Act amending Sub-section 13 of Section 1 of Chapter 16087, Laws of Florida, Acts of 1933, regulating the manufacture, sale, possession, control, cultivation, etc., of narcotic drugs and hereby to amend the definition of "Cannabis" or products of the plant sometimes known as Marihuana.

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

By Senators Beacham and Murphy—
Senate Bill No. 968:

A bill to be entitled An Act relating to the assessment for taxation of undeveloped and partially developed subdivisions.

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

By permission the following Memorial was introduced:

By Senator McKenzie—
Senate Memorial No. 4:

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES REQUESTING AN APPROPRIATION FOR THE IMPROVEMENT OF THE NAVIGATION OF THE ST. JOHNS

RIVER BETWEEN JACKSONVILLE AND PALATKA AND SANFORD, FLORIDA.

WHEREAS, The navigation of the St. Johns River between Jacksonville and Palatka and Sanford, Florida, is at this time seriously impeded by the several bars or shoals that prevent the passage of vessels now plying said river; and

WHEREAS, Due to insufficient appropriation in the past, the channel of said river has filled up, and bars and shoals have formed to such an extent that vessels making their trips invariably get stuck on said bars and shoals, and

WHEREAS, The present commerce of said river is such as to demand a deeper and safer channel and the continuous improvement thereof, and amply justifies a considerable expenditure to that end; therefore

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

That it is of vital importance to the commerce of the State of Florida and the United States that the Congress of the United States should make an appropriation sufficient for the improvement, permanent as well as satisfactory, of the said river;

RESOLVED further, That our Senators and Representatives in Congress be urged to secure the passage of the legislation necessary to accomplish this object; and be it further

RESOLVED, That the Secretary of State of the State of Florida be requested to furnish each of the Senators and Representatives aforesaid certified copy of this Memorial.

Which was read the first time in full.

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

Which was agreed to by a two-thirds vote.

And Senate 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 Senate Memorial No. 4 was adopted.

Senate Bill No. 44:

A bill to be entitled An Act assessing, levying and imposing an annual license tax upon every person, firm, copartnership, joint adventure, joint stock company, association, corporation, estate, business trust, trust, receiver, syndicate, fiduciary, or any other association of persons conducting, engaging in or carrying on the business of a retailer in this state, and operating an independent store or one or more chain stores within this state; and to classify such stores for the purpose of such license taxes and of graduating the license tax in accordance with the number of chain stores operated under a single ownership, management, or control, one or more of which chain stores is located in this state; said tax upon chain stores located in this State to be based on the number of such chain stores included under the same general management, supervision, ownership or control, whether located in this State or not; defining "Independent store" and "chain store" and "chain stores" and other words used in this Act; to provide for the administration and enforcement of this Act and for the promulgation and enforcement of rules and regulations to facilitate such enforcement; to provide for the creation and enforcement of a lien upon the property of persons and association or persons liable for the payment of such license tax; to provide penalties for the violation of this act and of rules and regulations lawfully made under the authority hereof; to provide for the filing of sworn reports by the person or association of persons, on which such license tax is imposed; and also assessing, levying, and imposing an independent, separate and additional annual license tax upon every person, firm, copartnership, joint ad-

venture, joint stock company, association, corporation, estate, business trust, trust, receiver, syndicate, fiduciary, or any other association of persons conducting, engaging in or carrying on the business of operating a department store in this State, as defined in this Act, whether such department store be an independent store, or chain store; and to classify such department stores for the purpose of such independent, separate and addition license tax, and of graduating the license tax in accordance with the number of department stores operated under a single ownership, management, or control, one or more of which department stores is located in this State; said license tax upon department stores that are chain stores to be based on the number of such department stores included under the same general management, supervision, ownership or control, whether operated in this State or not; defining a department store; and to repeal conflicting laws, expressly but on condition, including certain parts and Sections of Chapter 16848, Laws of Florida, 1935; and to appropriate the revenues derived hereunder.

Which was pending adoption of the motion made by Senator Holland to indefinitely postpone Senate Bill No. 44, after having been read the second time, and amended, on May 19, 1939.

Pending adoption of the motion made by Senator Holland to indefinitely postpone Senate Bill No. 44, Senator Kanner moved that the rules be waived and when the Senate adjourns at this session, it adjourn to reconvene at 2:00 o'clock P. M., Monday, May 22, 1939.

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

Pending adoption of the motion made by Senator Holland to indefinitely postpone Senate Bill No. 44, Senator Holland moved that the rules be waived and the time of adjournment be extended until final disposition is made of Senate Bill No. 44, as amended.

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

The question recurred on the adoption of the motion made by Senator Holland to indefinitely postpone Senate Bill No. 44.

Upon which a roll call was demanded.

Upon the adoption of the motion made by Senator Holland the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beall, Clarke, Dame, Gideons, Graham, Hinely, Hodges, Holland, Kanner, Parker, Rose, Sharit, Walker Westbrook—16.

Nays—Senators Coulter, Dugger, Horne, Johns, Kelly (16th), Kendrick, Lewis, Lindler, McKenzie, Murphy, Parrish, Price, Savage, Ward, Whitaker, Wilson—16.

Which was not agreed to, so the motion failed of adoption.

The following pairs were announced on the vote to indefinitely postpone Senate Bill No. 44:

I am paired with Senator Mapoles. If present Senator Mapoles would vote "No" and I would vote "Aye."

J. LOCKE KELLY.

I am paired with Senator Dye on the motion to indefinitely postpone. If present he would vote "No" and I would vote "Aye."

D. STUART GILLIS.

I am paired with Senator R. L. Black of the 32nd District, on Senate Bill No. 44, and all motions incident thereto. On the motion to indefinitely postpone Senate Bill No. 44 Senator Black were present, would vote "No" and I would vote "Aye."

JNO. R. BEACHAM.

Senator Gillis moved that the Senate do now adjourn.

Which was agreed to.

And the Senate stood adjourned at 1:57 o'clock P. M., until 2:00 o'clock P. M., Monday, May 22, 1939.