

JOURNAL OF THE SENATE

Friday, May 26, 1939

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Thursday, May 25, 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, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—37.

A quorum present.

Prayer by the Chaplain.

The reading and correction of the Journal of May 25, 1939, was informally passed.

The Journal of May 24, 1939, was further corrected as follows:

On page 13, column 2, between lines 7 and 8 from the bottom of the page insert the following "UNFINISHED BUSINESS."

Also,

On page 14, column 1, in line 15 from the top of the page after the figures "340," insert the following: "as amended."

Also,

On page 14, column 1, in line 23 from the top of the page after the figures "340," insert the following: "as amended."

Also,

On page 14, column 1, in line 6 from the bottom of the page after the figures "340," insert the following: "as amended."

Also,

On page 14, column 2, in line 10 from the top of the page after the figures "340," insert the following: "as amended."

Also,

On page 14, column 2, in line 13 from the top of the page after the figures "340," insert the following: "as amended."

Also,

On page 14, column 2, in line 16 from the top of the page after the figures "340," insert the following: "as amended."

And as further corrected was approved.

REPORTS OF COMMITTEE

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. 67:

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

Senate Bill No. 230:

A bill to be entitled An Act relating to the exercise of eminent domain providing that any Housing Authority created under the Laws of Florida may take immediate possession of property involved in any condemnation suit instituted by such Housing Authority and that the court shall make orders with respect to the date upon which the property shall be surrendered and with respect to encumbrances, liens, taxes and other charges: Providing for the filing of a declaration of taking, the determination and making of an adequate deposit with the Clerk of the Court to satisfy the judgment of award of compensation: Providing for the entry of judgments against the petitioner, the satisfaction thereof and the issuance of executions thereon, providing for the payment of costs of proceeding including attorney's fees.

Senate Bill No. 385:

A bill to be entitled An Act to appropriate \$80,400 additional funds to the University of Florida for the use and benefit of the Agricultural Extension Service, to be used solely for the salary and expenses of County Agricultural Extension Agents in this State.

Senate Bill No. 421:

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

Senate Bill No. 645:

A bill to be entitled An Act providing for tenure of employment of teachers under the age of 65 years in the public schools of Escambia County, Florida; defining terms used in said Act; providing when teachers are entitled to tenure of employment and the causes for which such teachers may be discharged or demoted and prescribing the procedure thereof; and conferring jurisdiction upon the Circuit Court to issue writs of mandamus and certiorari in order to give effect to the provisions of said Act.

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 signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

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

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

House Bill No. 8:

A bill to be entitled An Act providing that courses in vocational training shall be made available by County Boards of Public Instruction for students in all accredited high schools of the State.

House Bill No. 1062:

A bill to be entitled An Act to prohibit the discharge of fire-arms, except by persons herein exempted, upon, across and within one quarter mile of State Road No. 26, in Palm Beach, Broward and Dade Counties, Florida, and/or State Road No. 25 in Palm Beach County, Florida, and providing a penalty for violations of the provisions of this Act.

House Bill No. 1491:

A bill to be entitled An Act to create, establish and organize a Port District in Brevard County, State of Florida, to be known and designated as Canaveral Port District, to define its territorial boundaries, to provide for its government and administration, jurisdiction, powers, franchises and privileges; to provide for seven commissioners (all of whom shall be said holders in said district, who shall be the governing authority of said district; to authorize the governing authority to construct and maintain in said District a deep water ship harbor with port terminal facilities, with power to grant franchises for the construction and maintenance of same; to provide the governing authority with power to obtain assistance and appropriations from the government of the United States, with the power of eminent domain and with power to fix uniform port and terminal charges, make uniform rules and regulations for the conduct of navigation within the district, and to appoint a port manager. provide for the granting of franchises, and the exercise of such police powers as are necessary for the effective regulation and operation of the port.

House Bill No. 731:

A bill to be entitled An Act appropriating moneys from the

General Revenue Fund to pay pensions due to Confederate veterans and their widows until such time as funds become available from the 1939 ad valorem tax levy.

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 th same for the signature of the President and Secretary of the Senate.

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

Senator 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. 263:

A bill to be entitled An Act to aid the prevention of blindness, to require certain duties of those in attendance at any childbirth, and to provide a penalty for the violation of this Act.

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

And Senate Bill No. 263, 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. 541:

A bill to be entitled An Act to amend Section 1 of Chapter 17976, Acts of 1937, entitled An Act relating to the guardianship of weak-minded and physically incapacitated persons by the appointment of a curator to take charge of their property, and, if necessary, a guardian to take charge of their persons prescribing the form of petition, notice of hearing and procedure with reference to making said appointment, powers and duties of curator and guardian, discharge of curator and of guardian, appointed under the provisions of this Act, effect of the decree of appointment and provisions for safeguarding the property and interests of said weak-minded or physically incapacitated persons.

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

And Senate Bill No. 541, 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. 746:

A bill to be entitled An Act creating a joint bridge authority of Pinellas and Manatee Counties by and through their Boards of County Commissioners thereof and authorizing same to construct, acquire, improve, extend, operate and maintain certain public works, undertakings, and projects under, in, over, above and across the waters of Tampa Bay: defining such public works; prescribing the mode of procedure for and regulating the issuance and sale of bonds and other obligations to finance such works, undertakings and projects, providing for the payment of such bonds and other obligations; and authorizing agreements with the holders of such bonds and other obligations.

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

And Senate Bill No. 746, contained in the above report, was certified to the House of Representatives.

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. 264:

A bill to be entitled An Act for the relief of Juanita Hughes of Jasper, Hamilton County, Florida.

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

Senator Westbrook moved that the rules be waived and the Senate do now proceed to the consideration of Messages from the House of Representatives.

Which was agreed to by a two-thirds vote.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Florida,
May 25, 1939.

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

Sir:

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

By the Appropriations Committee—

House Bill No. 1583:

A bill to be entitled An Act making appropriations for the salaries of the Officers and Employees of the State and for the current operating expenses of the departments and branches of the State Government for the annual periods beginning July 1, 1939, and July 1, 1940.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 1583, contained in the above message, was read the first time by title only.

Senator Westbrook moved that the rules be waived and House Bill No. 1583 be placed on the Calendar of Bills on second reading without reference.

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

Senator Westbrook moved that the rules be waived and House Bill No. 1583 be made a Special and Continuing Order of Business for consideration by the Senate, at 11:30 o'clock A. M., Monday, May 29, 1939.

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

Senator Westbrook moved that 250 copies of House Bill No. 1583 be printed.

Which was agreed to and it was so ordered.

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

Tallahassee, Florida,
May 25, 1939.

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

Sir:

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

By Senators Whitaker and Johns—

Senate Bill No. 2:

A bill to be entitled An Act to require any railroad company or railroad corporation operating or doing business in the State of Florida to grant to any regular or part time employee who shall be elected or appointed to any Federal, State, County or Municipal office or position, a leave of absence for such period of time that such employee holds or occupies such office or position, without loss of, impairment of prejudice to the seniority rank of such employee; to provide for actions for damages by any such employee against such railroad company or railroad corporation for salaries or wages lost by refusal to reinstate such employee upon the termination of such service or Federal, State, County or Municipal office or position; and to provide penalties for the violation thereof.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Bill No. 2, contained in the above message, was referred to the Committee on Enrolled Bills.

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

Tallahassee, Florida,
May 25, 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 granted the request of the Senate and returns herewith for the purpose of further consideration.

Senate Bill No. 313:

A bill to be entitled An Act providing for the cancellation of certain liens for taxes held and owned by the State of Florida against certain lands in this State.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

By unanimous consent Senator Kelly (16th) withdraw Senate Bill No. 313.

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

Tallahassee, Florida,
May 25, 1939.

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

Sir:

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

By Senator Whitaker—

Senate Bill No. 151:

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

Also—

By Senator Savage—

Senate Bill No. 153:

A bill to be entitled An Act granting a pension to Annie Lee Jackson, of Marion County, Florida.

Also—

By Senator Savage—

Senate Bill No. 154:

A bill to be entitled An Act granting a pension to Mrs. Kate Dodson, of Marion County, Florida.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Bills Nos. 151, 153 and 154, contained in the above message, were referred to the Committee on Enrolled Bills.

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

Tallahassee, Florida,
May 25, 1939.

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

Sir:

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

By Senator Savage—

Senate Bill No. 359:

A bill to be entitled An Act granting a pension to Mrs. Evelyn Kline of Marion County, Florida.

Also—

By Senator Hodges—

Senate Bill No. 376:

A bill to be entitled An Act granting a pension to Mrs. Sally A. Perkins, Tallahassee, Florida.

Also—

By Senator Beall—

Senate Bill No. 528:

A bill to be entitled An Act amending Section 5987, Revised General Statutes of Florida, 1920, relating to the compensation of the Prosecuting Attorney of the County Court.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Bills Nos. 359, 376 and 528, contained in the above message, were referred to the Committee on Enrolled Bills.

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

Tallahassee, Florida,
May 25, 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 amendments:

By the Committee on Forestry and Parks—

Senate Bill No. 315:

A bill to be entitled An Act to define and punish the offense of severing from the land of another any timber, tree or trees or any parcel of the realty and the taking and carrying away of same, and to provide the punishment therefor.

Which amendments read as follows:

Amendment No. 1:

In Section 1, line 5 (typewritten bill), strike out the words "of some value" and insert in lieu thereof "of the value of three (\$3.00) dollars or more."

Amendment No. 2:

In Section 1, line 11 (typewritten bill), strike out the period after the word "dollars" and insert comma, and add the following: "provided, however, that the provision of this Act shall not apply to the trimming or cutting of trees or timber by municipal or private public utilities or their employees, when such trimming or cutting is required for the establishment or maintenance of the service furnished by any such utility."

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Bill No. 315, contained in the above message, was read by title, together with House Amendments thereto.

Senator Kelly (16th) moved that the Senate do concur in House Amendment No. 1 to Senate Bill No. 315.

Which was agreed to and the Senate concurred in House Amendment No. 1 to Senate Bill No. 315.

Senator Kelly (16th) moved that the Senate do concur in House Amendment No. 2 to Senate Bill No. 315.

Which was agreed to and the Senate concurred in House Amendment No. 2 to Senate Bill No. 315.

And Senate Bill No. 315, 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 following Message from the House of Representatives was received and read:

Tallahassee, Florida,
May 25, 1939.

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

Sir:

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

By Senator Whitaker—

Senate Bill No. 985:

A bill to be entitled An Act authorizing the City of Tampa, Florida, to appropriate money for the purpose of refunding any money which it may have collected on license taxes pursuant to Ordinance Number 597-A, adopted on the 7th day of October, 1936, and amended by Ordinance Number 602-A on the 10th day of November, 1936, and pursuant to Ordinance Number 598-A, adopted on the 7th day of October, 1936, and amended by Ordinance Number 603-A, on the 10th day of November, 1936, and pursuant to Ordinance Number 604-A, adopted on the 19th day of November, 1936, which ordinances were adopted to raise money to pay commitment of said City of Tampa to the Works Progress Administration of the United States of America; and authorizing the City of Tampa, Florida, to levy taxes, Excise or Ad Valorem taxes, or both, as may be provided by ordinance, for the purpose of raising such moneys.

Proof of Publication attached.

Also—

By Senator Holland—

Senate Bill No. 993:

A bill to be entitled An Act authorizing the Board of County Commissioners of Polk County, Florida, to levy a tax upon all the taxable property in Polk County, Florida, to be collected in the same manner as all other taxes are collected, not to exceed four and one half mills on the dollar for the purpose of maintaining the County Hospital and Farm for the Indigent Sick and for Paupers as operated by said County under authority of Chapter 9575, Laws of Florida, 1923.

Proof of Publication attached.

Also—

By Senator Gideons—

Senate Bill No. 999:

A bill to be entitled An Act authorizing and directing the Board of County Commissioners of Sumter County, Florida, to levy and collect an annual tax on all property in said County for the payment of outstanding indebtedness incurred in the construction of school buildings or in making necessary repairs to present buildings; providing for the expending of the funds derived from such tax; and setting the time during which such tax shall be levied and collected.

Proof of Publication attached.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Bills Nos. 985, 993 and 999, contained in the above message, were referred to the Committee on Enrolled Bills.

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

Tallahassee, Florida,
May 25, 1939.

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

Sir:

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

By Senator Whitaker—

Senate Bill No. 983:

A bill to be entitled An Act ratifying and validating all Acts and proceedings of the City of Tampa, Florida, its officers and its Board of Representatives, since the 4th day of November, 1931, except any such Acts and proceedings which are now in litigation.

Proof of Publication attached.

Also—

By Senator Whitaker—

Senate Bill No. 984:

A bill to be entitled An Act creating a special taxing district in Hillsborough County composed of all that territory lying in County Commissioners District Number Two and all that part of the County Commissioners Districts Number One and Three lying West of the Range Line which divides Range 19 East and Range 20 East; empowering the Board of County Commissioners to acquire property within said District for an Army Air Base and dedicate same to the United States; authorizing the levy of a tax within said district; authorizing the borrowing of money and the issuance of bond or other obligations to carry out the purposes of said Act; providing for a referendum election within the district to make said Act effective; and containing a statement of general purposes in the preamble of said Act.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Bills Nos. 983 and 984, contained in the above message, were referred to the Committee on Enrolled Bills.

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

Tallahassee, Florida,
May 25, 1939.

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

Sir:

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

By Senator Kendrick—

Senate Bill No. 977:

A bill to be entitled An Act making it unlawful to take or attempt to take any fish from the Waters of Pellicer Creek within St. Johns and Flagler Counties, Florida, in any manner, method or device except hook and line, rod and reel, bob, spinner or troll, and making the possession of nets, seines, traps, gigs, dynamite or similar devices in or upon the waters of said creek unlawful, and limiting the number of fish that may be caught in said creek in any one day, and providing that any person violating any of the provisions of said Act shall be guilty of a misdemeanor.

Proof of Publication attached.

Also—

By Senator Kendrick—

Senate Bill No. 978:

A bill to be entitled An Act authorizing and empowering the Board of County Commissioners of St. Johns County, Florida, to levy an ad valorem tax of not exceeding two and one half mills on the dollar on all taxable real and personal property within the limits of said St. Johns County, to be expended for advertising and publicity purposes of said county.

Proof of Publication attached.

Also—

By Senator Whitaker—

Senate Bill No. 980:

A bill to be entitled An Act authorizing and empowering the governing body of Hillsborough County, Florida, to purchase lands to be used for airport purposes: to make it lawful for said County to deed said land to the Government of the United States for any branch thereof as an aid to said government for any national defense purposes or for any purpose of training or other legal purpose; to give said county authorities the same powers for the purposes herein stated that is conferred on counties by Chapter 17708, Laws of Florida, 1937, and to give said county the powers conferred in said Chapter to aid the United States Government which are given in said chapter to counties for their own use and to prescribe methods and regulations carrying this Act into effect.

Proof of Publication attached.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Bills Nos. 977, 978 and 980, contained in the above message, were referred to the Committee on Enrolled Bills.

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

Tallahassee, Florida,
Ma- 25, 1939.

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

Sir:

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

By 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.

Also—

By Senator Beall—

Senate Bill No. 973:

A bill to be entitled An Act to provide for the payment by Escambia County, Florida, for certain advertising and advertising services rendered to Escambia County, Florida, by the News-Journal Company, Inc.; providing for a budget item to cover same and an appropriation therefor if necessary.

Proof of Publication Attached.

Also—

By Senator Beall—

Senate Bill No. 974:

A bill to be entitled An Act to provide for the payment by Escambia County, Florida, for certain advertising and advertising services rendered to Escambia County, Florida, by the Metropolis Company; providing for a budget item to cover same and an appropriation therefor if necessary.

Proof of Publication Attached.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Bills Nos. 962, 973 and 974, contained in the above message, were referred to the Committee on Enrolled Bills.

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

Tallahassee, Florida,
May 25, 1939.

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

Sir:

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

By Senator Kelly (11th)—

Senate Bill No. 810:

A bill to be entitled An Act to create and establish a new municipality to be known as the Town of Boca Ceiga in Pinellas County, Florida, and to fix the boundaries and provide for the government, powers, and privileges of said town and means for exercising the same; and to authorize the imposition of penalties for the violation of ordinances.

Proof of Publication attached.

Also—

By Senator Gideons—

Senate Bill No. 819:

A bill to be entitled An Act to authorize and require the Board of Administration of the State of Florida to deliver certain bonds to the Board of Public Instruction for the County of Sumter, State of Florida.

Proof of Publication attached.

Also—

By Senator Gideons—

Senate Bill No. 820:

A bill to be entitled An Act to authorize and require the Board of Administration of the State of Florida to deliver to the Board of Public Instruction for the County of Sumter, State of Florida, a certain note now held by said Board for the use of Sumter County, Florida.

Proof of Publication attached.

Also—

By Senator Gideons—

Senate Bill No. 821:

A bill to be entitled An Act authorizing and requiring the Clerk of the Circuit Court of Sumter County, Florida, to cancel and deliver to the Board of Public Instruction for the County of Sumter, State of Florida, all of the bonds of any Special Tax School District in said County which are now held by said Clerk under the provisions of the Futch Act.

Proof of Publication attached.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Bills Nos. 810, 819, 820 and 821, contained in the above message, were referred to the Committee on Enrolled Bills.

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

Tallahassee, Florida,
May 25, 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:

By Senator Whitaker—

Senate Bill No. 941:

A bill to be entitled An Act authorizing the County Board of Public Instruction in Counties having a population of not less than 100,000 and not more than 170,000 according to the next preceding State or Federal census, to enter into agreements for Group Insurance for the teachers of their respective Counties, and providing for contributions by said Boards of Public Instruction to the premiums, and providing for the said Boards to enter into such agreements and to do and perform all things necessary in carrying out such a plan of Group Insurance only when a majority of the teachers of such County may vote in favor of such plan.

Proof of Publication attached.

Which amendment reads as follows:

In Section 1, line 3 (printed bill) strike out the word next, and insert the following: Last.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Bill No. 941, contained in the above message, was read by title, together with House Amendment thereto.

Senator Whitaker moved that the Senate do concur in the House Amendment to Senate Bill No. 941.

Which was agreed to and the Senate concurred in the House Amendment to Senate Bill No. 941.

And Senate Bill 941, 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 following Message from the House of Representatives was received and read:

Tallahassee, Florida,
May 25, 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:

By Senator Kendrick—

Senate Bill No. 842:

A bill to be entitled An Act to prohibit the taking of fish, with certain nets, from the inland salt waters located in Flagler County, Florida.

Proof of Publication Attached.

Which amendment reads as follows:

In Section 3 (printed bill), strike out all of Section 3 and insert the following: Before this Act shall become effective, however, it shall be ratified by the affirmative vote of a majority of the votes cast at the general election to be held in Flagler County, Florida, after the date of approval of this Act by the Governor, or upon it becoming a law without such approval; and in the event a majority of the votes cast in said election shall be declared in favor of the ratification of this Act, then this Act shall become operative and effective on the first day of December, A. D. 1940.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Bill No. 842, contained in the above message, was read by title, together with House Amendment thereto.

Senator Kendrick moved that the Senate do concur in the House Amendment to Senate Bill No. 842.

Which was agreed to and the Senate concurred in the House Amendment to Senate Bill No. 842.

And Senate Bill No. 842, 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 following Message from the House of Representatives was received and read:

Tallahassee, Florida,
May 25, 1939.

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

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

By Senator Beacham—
Senate Bill No. 736:

A bill to be entitled An Act for the relief of the Union Congregational Church of West Palm Beach, Palm Beach County, Florida; providing for the cancellation of certain City of West Palm Beach taxes upon the property of said church and for other purposes.

Proof of Publication attached.

Also—

By Senator Whitaker—
Senate Bill No. 987:

A bill to be entitled An Act for the relief of Cooks' Sanitorium, Inc., a corporation not for profit organized and existing under the laws of the State of Florida: on account of tax certificates and tax liens against property owned by said corporation and on which is located and operated said hospital, and for relief on account of present and future assessments for taxation, taxation, tax certificates and tax liens against said property.

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

And Senate Bills Nos. 736 and 987, contained in the above message, were referred to the Committee on Enrolled Bills.

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

Tallahassee, Florida,
May 25, 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 amendments:

By Senator Black—
Senate Bill No. 459:

A bill to be entitled An Act creating the elective office of County Attorney in and for Alachua County, Florida, fixing the term of said office and the method of filling same, prescribing the duties of said County Attorney and fixing and prescribing his compensation therefor.

Proof of Publication attached.

Which amendments read as follows:

Amendment No. 1—

In Section 2, line 8 (printed bill), after the word election change the comma to a period and strike out the rest of the Section.

Amendment No. 2—

In Section 7 (printed bill), strike out the entire section; and insert the following:

"This Act shall not be effective until the same shall have been referred to the voters of Alachua County for adoption or rejection by a majority of the qualified electors voting upon the question of adoption or rejection. The said matter shall be submitted to said voters at the first primary election to be held in the year 1940 and should the result of the said election be in favor of the adoption of this bill then this Act shall be and remain in full force and effect and the Board of County Commissioners of the said county shall thereupon appoint a County Attorney under the terms and provisions of this Act who shall hold office until the general election to be held in the year 1940, at which time a County Attorney shall be elected by the qualified electors of the said county and candidates for the office of County Attorney may have their names placed upon the general election ballot which will be used at the general election to be held in the year 1940 by petition addressed to the Board of County Commissioners of Alachua County, Florida, and signed by One hundred (100) qualified electors of said county. The requirements and qualifications of the candidate or candidates for County Attorney for

Alachua County, Florida, shall be fixed by the Board of County Commissioners of Alachua County, Florida.

Amendment No. 3—

In Section 8 (printed bill), strike out the entire section; and insert the following: All laws or parts of laws in conflict herewith be and the same are hereby repealed.

And respectfully requests the concurrence of the Senate therein.

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

And Senate Bill No. 459, contained in the above message, was read by title, together with House Amendments thereto.

Senator Black moved that the Senate do concur in House Amendment No. 1 to Senate Bill No. 459.

Which was agreed to and the Senate concurred in House Amendment No. 1 to Senate Bill No. 459.

Senator Black moved that the Senate do concur in House Amendment No. 2 to Senate Bill No. 459.

Which was agreed to and the Senate concurred in House Amendment No. 2 to Senate Bill No. 459.

Senator Black moved that the Senate do concur in House Amendment No. 3 to Senate Bill No. 459.

Which was agreed to and the Senate concurred in House Amendment No. 3 to Senate Bill No. 459.

And Senate Bill No. 459, 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 following message from the House of Representatives was received and read:

Tallahassee, Florida,
May 25, 1939.

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

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

By Senator Dame—
Senate Bill No. 35:

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

Also—

By Senator Dye—
Senate Bill No. 581:

A bill to be entitled An Act to amend Section 1 and 4 of Chapter 17903, Laws of Florida, Acts of 1937, being An Act entitled: "An Act to appropriate \$87,760 for the further expenses of the Everglades National Park Commission, created by Act of the Legislature, Chapter 13887, May 25, 1929, as amended by Chapter 16966, Acts of 1935."

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

And Senate Bills Nos. 35 and 581, contained in the above message, were referred to the Committee on Enrolled Bills.

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

Tallahassee, Florida,
May 25, 1939.

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

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

By Mr. Smith of Clay—
House Bill No. 111:

A bill to be entitled An Act to amend Chapter 14782, Laws of Florida 1931 by providing for pensions to widows of pensioners who are entitled to receive monthly allowance in the

form of a pension to school teachers who have taught in the public free schools of the State of Florida for 35 or more years.

Also—

By Mr. Lindsey of Dade—

House Bill No. 222:

A bill to be entitled An Act to amend Section 2696, of the Revised General Statutes of Florida, 1920, as amended by Chapter 9364, Laws of Florida, Acts of 1923, and as amended by Chapter 10163, Laws of Florida, Acts of 1925, being the same as Section 4363, of the Compiled General Laws of Florida, 1927, relating to charges to juries and direction of verdicts by the court; and repealing all laws or parts of laws in conflict with this Act.

Also—

By Mr. Warren of Duval—

House Bill No. 370:

A bill to be entitled An Act to provide for the recovery of damages for the death of a minor child, caused by wrongful act, to provide who may maintain an action for such wrongful death, and providing for the damages recoverable in such an action.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 111, contained in the above message, was read the first time by title only and referred to the Committee on Education.

And House Bills Nos. 222 and 370, contained in the above message, were read the first time by titles only and referred to the Committee on Judiciary "C."

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

Tallahassee, Florida,
May 25, 1939.

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

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

By Mr. Dekle of Hillsborough—

House Bill No. 904:

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

And respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 904, contained in the above message, was read the first time by title only.

Senator Whitaker moved that the rules be waived and House Bill No. 904 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 904 was read the second time by title only.

Senator Whitaker moved that the rules be further waived and House Bill No. 904 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. 904 was read the third time in full.

Upon the passage of House Bill No. 904 the roll was called and the vote was:

Yeas—Mr. President; Senators Beacham, Beall, Black, Coulter, Dugger, Dye, Gillis, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, McKenzie, Murphy, Parker, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—29.

Nays—Senators Clarke, Gideons, Lewis—3.

So House Bill No. 904 passed, title as stated, and the action

of the Senate was ordered certified to the House of Representatives.

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

Tallahassee, Florida,
May 25, 1939.

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

Sir:

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

By Mr. Scales of Taylor—

House Bill No. 1111:

A bill to be entitled An Act amending Section 83, of Chapter 16,103, Laws of Florida, Acts of 1933, and prohibiting the appointment of any person not a citizen of the United States of America and a resident of the State of Florida as personal representative of the estate of any decedent, except that such prohibition shall not apply to any heir at law of the estate of any deceased person who died having his domicile in the State of Florida and who has the sole interest or an interest America and who resides in any part thereof other than the State of Florida and who has the sole interest or an interest in such an estate equal to or greater than any other heir, legatee or devisee, shall not apply to heirs at law of the estate of any deceased person who died having his domicile in the State of Florida who are citizens of the United States of America and are residents of any part thereof other than the State of Florida and who among themselves or together with one or more residents of the State of Florida own the entire interest in such an estate, when all are appointed and act jointly, shall not apply to any citizen of the United States of America residing in Florida who is the spouse, father, mother, child, brother or sister of a decedent heretofore or hereafter dying domiciled in Florida, and shall not apply to any person appointed as personal representative prior to the effective date of this Act; requiring any such non-resident personal representative to appoint a resident agent or attorney for the service of process before issuance of his letters and requiring the institution and maintenance of proceedings for the resignation of any qualified personal representative becoming disqualified to act as such after his appointment; and providing a penalty for any person acting or continuing to act in violation of the foregoing; and repealing all laws and parts of laws in conflict herewith.

Also—

By Mr. Becton, of Wakulla—

House Bill No. 1260:

A bill to be entitled An Act granting a pension to Mrs. Vester Culverson of Wakulla County, Florida.

Also—

By Mr. Finch of Jackson—

House Bill No. 1277:

A bill to be entitled An Act granting a pension to Mrs. Eugenia Williams of Jackson County, Florida.

And respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 1111, contained in the above message, was read the first time by title only.

Senator Clarke moved that the rules be waived and House Bill No. 1111 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1111 was read the second time by title only.

Senator Clarke moved that the rules be further waived and House Bill No. 1111 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. 1111 was read the third time in full.

Upon the passage of House Bill No. 1111 the roll was called and the vote was:

Yeas—Mr. President; Senators Beacham, Beall, Black, Clarke, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Horne, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis,

Lindler, Mapoles, McKenzie, Parrish, Savage, Walker, Westbrook—25.

Nays—Senators Whitaker, Wilson—2.

So House Bill No. 1111 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bills Nos. 1260 and 1277, contained in the above message, were read the first time by titles only and referred to the Committee on Pensions and Claims.

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

Tallahassee, Florida,
May 24, 1939.

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

Sir:

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

By Messrs. Cooley of Lake, Sikes of Okaloosa, Tomasello of Okeechobee, Robinson of Lake, Strayhorn of Lee, Butt of Brevard and Lanier of Madison—

House Memorial No. 12:

Memorial to Congress requesting that the Congress of the United States pass H. R. Bill No. 1965, which would allow Federal matching dollar for dollar under the Social Security Act for the aid to dependent children program in place of the present one-third Federal to two-thirds State.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA.

Chief Clerk House of Representatives.

And House Memorial No. 12, contained in the above message, was read the first time in full.

Senator Westbrook moved that the rules be waived and House Memorial No. 12 be read the second time in full.

Which was agreed to by a two-thirds vote.

And House Memorial No. 12 was read the second time in full.

The question was put on the adoption of the Memorial.

Which was agreed to and House Memorial No. 12 was adopted, and the action of the Senate was ordered certified to the House of Representatives.

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

Tallahassee, Florida,
May 25, 1939.

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

Sir:

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

By Messrs. Christie, Harrell and Warren of Duval; Henderson and Gillespie of Volusia; Holt, Lindsey and Overstreet of Dade; Dekle, Martin and Sheldon of Hillsborough; and Holsberry and Malone of Escambia—

House Bill No. 605:

A bill to be entitled An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States when secured by a pledge of annual contributions to be paid by the United States Government, shall be security for all public deposits, and legal investments for the State and public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries.

Also—

By Messrs. Christie, Harrell and Warren of Duval; Henderson and Gillespie of Volusia; Holt, Lindsey and Overstreet of Dade; Dekle, Martin and Sheldon of Hillsborough, and Holsberry and Malone of Escambia—

House Bill No. 616:

A bill to be entitled An Act to declare valid and legal the establishment and organization of housing authorities in the

State of Florida under the provisions of the Housing Authorities Law, and all contracts, bonds, notes, agreements, obligations and undertakings of such housing authorities, and all proceedings, acts and things heretofore undertaken, performed or done with reference thereto.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bills Nos. 605 and 616, contained in the above message, were read the first time by titles only and referred to the Committee on Banking and Building and Loans.

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

Tallahassee, Florida,
May 25, 1939.

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

Sir:

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

By Mr. Cooley of Lake—

House Bill No. 1406:

A bill to be entitled An Act to amend Section 1 of Chapter 14899, Laws of Florida, Acts of 1931, as amended by Section 1 of Chapter 17253, Laws of Florida, Acts of 1935, and to amend Section 5 of Chapter 14899, Laws of Florida, Acts of 1931, as amended by Section 4 of Chapter 17253, Laws of Florida, Acts of 1935, said Chapter 14899, Laws of Florida, Acts of 1931, being "An Act regulating the sale of securities and to make uniform the law relating thereto, and to repeal statutes which are inconsistent herewith," and to further amend said Chapter 14899, Laws of Florida, Acts of 1931, by adding thereto a new section to be designated Section 15½, the same relating to the appointment of examiners to conduct investigations and hearings and providing for the compulsory attendance of witnesses and production of books and records.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 1406, contained in the above message, was read the first time by title only.

Senator Holland moved that the rules be waived and House Bill No. 1406 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1406 was read the second time by title only.

Senator Holland moved that the rules be further waived and House Bill No. 1406 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. 1406 was read the third time in full.

Upon the passage of House Bill No. 1406 the roll was called and the vote was:

Yeas—Mr. President; Senators Beacham, Beall, Black, Clarke, Coulter, Dugger, Dye, Gillis, Gideons, Graham, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Murphy, Parker, Sharit, Walker, Westbrook, Whitaker, Wilson—28.

Nays—None.

So House Bill No. 1406 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

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

Tallahassee, Florida,
May 25, 1939.

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

Sir:

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

By Mr. Scales of Taylor—
House Bill No. 1107:

A bill to be entitled An Act relating to the administration of estates of decedents, to the probate of wills of persons dying residents of this State after foreign probate, and amending Section 72 of Chapter 16103, Laws of Florida, Acts of 1933, as amended by Section 2 of Chapter 17171, Laws of Florida, Acts of 1935.

Also—

By Mr. Scales of Taylor—
House Bill No. 1108:

A bill to be entitled An Act relating to the administration of the estates of decedents, the probate of wills, and the effect thereof, and amending Section 63 of Chapter 16103, Laws of Florida, Acts of 1933.

Also—

By Mr. Scales of Taylor—
House Bill No. 1109:

A bill to be entitled An Act relating to the administration of estates and the probate of wills, prohibiting the probate of estates or wills of persons dying residents of this State in other States or countries prior to the probate thereof in this State, providing that the violation of such prohibition shall constitute a misdemeanor, and fixing the penalty therefor.

And respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 1107, contained in the above message, was read the first time by title only.

Senator Clarke moved that the rules be waived and House Bill No. 1107 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1107 was read the second time by title only.

Senator Clarke moved that the rules be further waived and House Bill No. 1107 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. 1107 was read the third time in full.

Upon the passage of House Bill No. 1107 the roll was called and the vote was:

Yeas—Mr. President; Senators Beacham, Beall, Black, Clarke, Coulter, Dugger, Dye, Gillis, Gideons, Graham, Hodges, Holland, Horne, Johns, Kanner, Kelly (16th), Kendrick, Lewis, Lindler, Murphy, Parker, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—28.

Nays—None.

So House Bill No. 1107 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 1108, contained in the above message, was read the first time by title only.

Senator Clarke moved that the rules be waived and House Bill No. 1108 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1108 was read the second time by title only.

Senator Clarke moved that the rules be further waived and House Bill No. 1108 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. 1108 was read the third time in full.

Upon the passage of House Bill No. 1108 the roll was called and the vote was:

Yeas—Mr. President; Senators Beacham, Beall, Black, Clarke, Coulter, Dugger, Dye, Gillis, Gideons, Graham, Hodges, Holland, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Murphy, Parker, Parrish, Sharit, Ward, Westbrook, Whitaker, Wilson—28.

Nays—None.

So House Bill No. 1108 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 1109, contained in the above message, was read the first time by title only.

Senator Clarke moved that the rules be waived and House Bill No. 1109 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1109 was read the second time by title only.

Senator Clarke moved that the rules be further waived and House Bill No. 1109 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. 1109 was read the third time in full.

Upon the passage of House Bill No. 1109 the roll was called and the vote was:

Yeas—Mr. President; Senators Beacham, Beall, Black, Clarke, Dugger, Dye, Gillis, Gideons, Graham, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Murphy, Parker, Parrish, Sharit, Walker, Westbrook, Whitaker, Wilson—27.

Nays—None.

So House Bill No. 1109 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

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

Tallahassee, Florida,
May 24, 1939.

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

Sir:

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

By Messrs. Drummond of Holmes and Finch of Jackson—
House Bill No. 1007:

A bill to be entitled An Act to declare, designate and establish a State Road in Jackson and Holmes Counties, Florida.

Also—

By Messrs. Boatwright and Allen, of Suwannee—
House Bill No. 1037:

A bill to be entitled An Act to declare, designate and establish 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.

Also—

By Messrs. Sudduth and Stokes, of Bay—
House Bill No. 1040:

A bill to be entitled An Act declaring, designating and establishing certain State Roads in Bay County, Florida.

Also—

By Messrs. Harris and Jenkins of Alachua, Niblack of Columbia, and Allen and Boatwright of Suwannee—

House Bill No. 1075:

A bill to be entitled An Act to declare, designate and establish a certain State Road.

Also—

By Mr. Adams, of Calhoun—
House Bill No. 1156:

A bill to be entitled An Act to declare, designate and establish a certain State Road in Calhoun County.

And respectfully requests the concurrence of the Senate therein.

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

And House Bills Nos. 1007, 1037, 1040, 1075 and 1156, contained in the above message, were read the first time by titles only and referred to the Committee on Public Roads and Highways.

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

Tallahassee, Florida,
May 24, 1939.

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

Sir:

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

By Messrs. Sheldon, Dekle and Martin of Hillsborough, Warren of Duval and Holt and Lindsey of Dade—

House Bill No. 1441:

A bill to be entitled An Act providing that in all counties of the State of Florida having a population of more than 100,000, according to the last preceding State or Federal census, the provisions of Section 9. of Chapter 18296, Laws of Florida of 1937, shall not apply to any lots, parcels or tracts of land where the County or any Municipality or any Drainage District, or other taxing authority in the said County holds a lien, other than a State and County tax lien, in said lots, parcels, or tracts of land by virtue of any valid law of said State of Florida.

Also—

By Messrs. Morrow and Beck of Palm Beach—

House Bill No. 1446:

A bill to be entitled An Act providing for the cancellation of certain taxes, tax sale certificates and special assessments held and owned by the State of Florida and City of Lake Worth on certain real estate in the City of Lake Worth, Florida, acquired by the City of Lake Worth for city purposes.

Also—

By Mr. Beasley of Walton—

House Bill No. 1467:

A bill to be entitled An Act extending State Road No. 40 in Walton County, Florida.

Also—

By Mr. Lewis of Gulf—

House Bill No. 1475:

A bill to be entitled An Act to repeal Chapter 18815, Laws of Florida, Acts of 1937, the same being "An Act to authorize, ratify, confirm and validate the purchase, ownership, holding, operating, leasing, selling or otherwise disposing of a dock by the City of Port St. Joe, Florida, and the issuance for the purpose of the purchase thereof of certain bonds of said city."

Proof of Publication Attached.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 1441, contained in the above message, was read the first time by title only.

Senator Whitaker moved that House Bill No. 1441 be placed on the Calendar of Bills on second reading without reference.

Which was agreed to and it was so ordered.

And House Bill No. 1446, contained in the above message, was read the first time by title only.

Senator Beacham moved that the rules be waived and House Bill No. 1446 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1446 was read the second time by title only.

Senator Beacham moved that the rules be further waived and Bill No. 1446 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. 1446 was read the third time in full.

Upon the passage of House Bill No. 1446 the roll was called and the vote was:

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

Nays—None.

So House Bill No. 1446 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 1467, contained in the above message, was read the first time by title only and referred to the Committee on Public Roads and Highways.

And House Bill No. 1475, contained in the above message,

was read the first time by title only and placed on the Calendar of Local Bills on second reading.

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

Tallahassee, Florida,

May 24, 1939.

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

Sir:

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

By Mr. Farabee of Hardee—

House Bill No. 1408:

A bill to be entitled An Act to provide for and authorize the cancellation and release of all State, Hardee County and Special District taxes, tax sale certificates and tax deeds issued to and owned by the State of Florida, County of Hardee, or other special taxing districts, all lands owned by Hardee County, the title thereto being vested in certain trustees pursuant to appointment, said lands having been acquired pursuant to and in compliance with the provisions of An Act of the Legislature establishing a livestock experimental station in Hardee County and said lands having been acquired for said purposes, the same being located in Township 35 South, Range 24 East.

Proof of Publication attached.

Also—

By Mr. Scofield of Citrus—

House Bill No. 1435:

A bill to be entitled An Act canceling State and County Tax Certificate No. 9, dated January 7, 1929, and part of Tax Certificate No. 210, and part of Tax Certificate No. 232, both dated September 3, 1928, and canceling Certificates Nos. 230, 235, 243, 244, 245, 252, 282, 288, 290, 291 and 294, dated September 3, 1928, and canceling State and County Tax Certificates Nos. 55, 56, 57, 58, 60, 61, 62, 63, 65, 69, 72, 73, 74, 75, 77, 79, 94, 95, 96, 97, 99, 100, 101, 102, 104, 108, 111, 112, 113, 114, 116, 118, 132, 133, 134, 135, 137, 138, 139, 140, 142, 146, 149, 150, 151, 152, 154, 156, 172, 173, 175, 177, 178, 179, 182, 185, 189, 193, 194, 195, 197, 201, 203, all of same being dated October 7, 1935, and all of said certificates being held by the State of Florida, for unpaid State and County taxes upon certain real estate situated in Citrus County, Florida, and now owned by the municipality of the Town of Crystal River, Florida, and in this Act described and canceling all State and County taxes assessed against said real property subsequent and prior to the issuance of said Tax Sale Certificates including omitted taxes and exempting said real property from State and County taxes so long as the same is owned by the municipality of the Town of Crystal River, Florida.

Proof of Publication attached.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 1408, contained in the above message, was read the first time by title only.

Senator Murphy moved that the rules be waived and House Bill No. 1408 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1408 was read the second time by title only.

Senator Murphy moved that the rules be further waived and House Bill No. 1408 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. 1408 was read the third time in full.

Upon the passage of House Bill No. 1408 the roll was called and the vote was:

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

Nays—None.

So House Bill No. 1408 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 1435, contained in the above message, was read the first time by title only.

Senator Westbrook moved that the rules be waived and House Bill No. 1435 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1435 was read the second time by title only.

Senator Dame offered the following amendment to House Bill No. 1435:

In Section 2, line 3 (typewritten bill), after the word and numeral "Section L." Add the following: The tax collector of Citrus County shall be paid fifty (\$.50) cents for each cancellation provided for in this Act.

Senator Westbrook moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Westbrook moved that the rules be further waived and House Bill No. 1435, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 1435, as amended, was read the third time in full.

Upon the passage of House Bill No. 1435, as amended, the roll was called and the vote was:

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

Nays—None.

So House Bill No. 1435 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives.

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

Tallahassee, Florida,
May 24, 1939.

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

Sir:

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

By Mr. Adams of Calhoun—

House Bill No. 1160:

A bill to be entitled An Act to declare, designate and establish certain roads in Calhoun County.

Also—

By Mr. Adams of Calhoun—

House Bill No. 1161:

A bill to be entitled An Act to declare, designate and establish a certain State Road in Calhoun County.

Also—

By Mr. Adams of Calhoun—

House Bill No. 1162:

A bill to be entitled An Act to declare, designate and establish a certain State Road in Calhoun County.

Also—

By Mr. Adams of Calhoun—

House Bill No. 1163:

A bill to be entitled An Act to declare, designate and establish a certain State Road in Calhoun County.

Also—

By Mr. Simpson of Jefferson—

House Bill No. 1166:

A bill to be entitled An Act authorizing and directing the State Road Department to change the name of a certain State road.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bills Nos. 1160, 1161, 1162, 1163 and 1166, contained in the above message, were read the first time

by titles only and referred to the Committee on Public Roads and Highways.

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

Tallahassee, Florida,
May 24, 1939.

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

Sir:

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

By Messrs. Burwell and Leaird of Broward—

House Bill No. 1194:

A bill to be entitled An Act to designate and establish a State road to connect Roads 26, 149 and 4 in Broward County, Florida, designating the route thereof and providing for a survey by, and designation to be given thereto by the State Road Department of Florida.

Also—

By Messrs. Leaird and Burwell of Broward—

House Bill No. 1243:

A bill to be entitled An Act to declare and designate and establish a certain State Road in Broward County, Florida.

Also—

By Messrs. Leaird and Burwell of Broward—

House Bill No. 1246:

A bill to be entitled An Act to declare and designate and establish a certain State Road in Broward County, Florida.

Also—

By Mr. Finch of Jackson.

House Bill No. 1278:

A bill to be entitled An Act to declare, designate and establish a certain State Road in Jackson County, Florida.

Also—

By Mr. Finch of Jackson—

House Bill No. 1279:

A bill to be entitled An Act to declare, designate and establish a certain State Road in Jackson County, Florida.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bills Nos. 1194, 1243, 1246, 1278 and 1279, contained in the above message, were read the first time by titles only and referred to the Committee on Public Roads and Highways.

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

Tallahassee, Florida,
May 24, 1939.

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

Sir:

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

By Mr. Finch of Jackson—

House Bill No. 1281:

A bill to be entitled An Act to declare, designate and establish a certain State road in Jackson County, Florida.

Also—

By Mr. Finch of Jackson—

House Bill No. 1282:

A bill to be entitled An Act to declare, designate and establish a certain State road in Jackson County, Florida.

Also—

By Mr. Finch of Jackson—

House Bill No. 1283:

A bill to be entitled An Act to declare, designate and establish a certain State road in Jackson County, Florida.

Also—

By Mr. Stewart of Hendry—

House Bill No. 1288:

A bill to be entitled An Act fixing and providing the payment and compensation of Supervisors of Registration in the several counties of the State of Florida having a total population of not less than 3,650 and not more than 3,750 according to the 1935 State census.

Also—

By Messrs. Pickels and Finch of Jackson—

House Bill No. 1343:

A bill to be entitled An Act redesignating, re-establishing and extending State Road Number 84; authorizing and empowering the State Road Department of Florida to construct and maintain said road as redesignated and extended; and providing that said State Road Number 84, as redesignated, re-established and extended, shall be known as the Hays Lewis Memorial Highway.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bills Nos. 1281, 1282 and 1283, contained in the above message, were read the first time by titles only and referred to the Committee on Public Roads and Highways.

And House Bill No. 1288, contained in the above message, was read the first time by title only and placed on the Calendar of Local Bills on second reading.

And House Bill No. 1343, contained in the above message, was read the first time by title only and referred to the Committee on Public Roads and Highways.

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

Tallahassee, Florida,
May 25, 1939.

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

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

By Mr. Wotitzky of Charlotte—

House Bill No. 257:

A bill to be entitled An Act to require the Clerk of Circuit Court of each of the several counties of Florida to keep a list of all transfers of title to real estate shown by conveyances filed for record and to furnish to the County Assessor of Taxes before the first day of April of each year a copy of said list for use in making up the Tax Assessment Roll and to provide compensation for the clerk for performing this service.

Also—

By Messrs. Leedy and Hodges of Orange—

House Bill No. 341:

A bill to be entitled An Act to amend An Act entitled "An Act granting to the several counties of Florida the right to acquire airports and declaring the acquirement and operation of airports to be a public and county purpose; granting power to the several counties of Florida to acquire private property for aeronautical purposes by eminent domain; declaring manner of paying for such property; granting authority to equip and improve airports and to operate them and establish fees and charges and to lease such ports or portions thereof; declaring manner of raising and expending funds for airport operations; granting authority to acquire air rights, to zone and regulate height of buildings and structures affecting air travel; to acquire easements for marking purposes, to police airports and to cancel lien of taxes on land so acquired and to validate certain Acts," now Chapter 17708, Laws of 1937, by amending Section 3 of said Chapter to permit the condemnation for aeronautical purposes by counties to be performed in the same manner as provided for condemnation for highway purposes, and to permit counties to make preliminary entry upon lands to be condemned for purposes of making necessary examinations and surveys.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 257, contained in the above message, was read the first time by title only and referred to the Committee on Finance and Taxation.

And House Bill No. 341, contained in the above message, was read the first time by title only and referred to the Committee on Public Roads and Highways.

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

Tallahassee, Florida,
May 25, 1939.

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

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

By Mr. Lewis of Levy—

House Bill No. 1612:

A bill to be entitled An Act providing for the compensation of members of the Board of County Commissioners in counties in the State of Florida, having a population of not less than 12,925 and not more than 13,150 according to the last preceding State census:

Also—

By Committee on Judiciary "B"—

House Bill No. 1413:

A bill to be entitled An Act giving Boards of County Commissioners of the several counties of this State certain jurisdiction over certain enumerated bodies of water within their respective counties; authorizing said Boards of County Commissioners to change, alter, or control the water level of said bodies of water and authorizing said Boards of County Commissioners to act separately, or any number of said boards to act together, and conferring the power of eminent domain and providing for the levying of millage to accomplish the objects and purposes authorized by said Act, and repealing conflicting laws.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 1612, contained in the above message, was read the first time by title only and placed on the Calendar of Local Bills on second reading.

And House Bill No. 1413, contained in the above message, was read the first time by title only and referred to the Committee on Judiciary "C."

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

Tallahassee, Florida,
May 24, 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:

Also—

By Mr. McLeod of Franklin—

House Bill No. 1349:

A bill to be entitled An Act designating and establishing as a part of the State Road System of Florida certain roads in Franklin County leading into and connecting with State Highway Number 10 in said County.

Also—

By Messrs. Outman and Clement of Pinellas—

House Bill No. 1375:

A bill to be entitled An Act to exempt the property of Local No. 427, American Federation of Musicians, a fraternal, protective, non-profit organization, from all ad valorem taxation, and to cancel all past due and unpaid State, County, or City ad valorem taxes heretofore levied against said property.

Also—

By Mr. West of Santa Rosa—

House Bill No. 1389:

A bill to be entitled An Act to extend State Road 190 in the Town of Milton, Santa Rosa County, Florida.

Also—

By Mr. West of Santa Rosa—

House Bill No. 1390:

A bill to be entitled An Act to extend State Road 1 in the town of Milton, Santa Rosa County, Florida.

Also—

By Mr. West of Santa Rosa—

House Bill No. 1391:

A bill to be entitled An Act to extend State Road 37 in the Town of Milton, Santa Rosa County, Florida.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 1349, contained in the above message, was read the first time by title only and referred to the Committee on Public Roads and Highways.

And House Bill No. 1375, contained in the above message, was read the first time by title only and referred to the Committee on Finance and Taxation.

And House Bills Nos. 1389, 1390 and 1391, contained in the above message, were read the first time by titles only and referred to the Committee on Public Roads and Highways.

Senator Whitaker moved that the rules be waived and the Senate do now take up and consider Senate Bill No. 815, out of its order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 815:

A bill to be entitled An Act authorizing and empowering the Board of County Commissioners and the Clerk of the Circuit Court in counties having a population of not less than 85,000 and not more than 170,000, according to the next preceding State or Federal census, to sell, exchange and dispose of any bonds now held by the Clerk of the Circuit Court in said counties which were taken in payment of delinquent taxes and in tax adjustments pursuant to the provisions of Chapter 16252, Laws of Florida, Acts of 1933, as amended by Chapter 17400, Laws of Florida, Acts of 1935, prescribing mode and method of selling and disposing of the same; providing for the distribution of the funds derived therefrom; providing for delivery of said bonds; and providing for such other and further duties, and conferring such other and further powers on Boards of County Commissioners and Clerks of the Circuit Courts in such counties necessary to carry out the terms of this Act.

Was taken up.

Senator Whitaker moved that the rules be waived and Senate Bill No. 815 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 815 was read the second time by title only.

Senator Whitaker moved that the rules be further waived and Senate Bill No. 815 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. 815 was read the third time in full.

Upon the passage of Senate Bill No. 815 the roll was called and the vote was:

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

Nays—None.

So Senate Bill No. 815 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Gillis moved that the rules be waived and all Joint Resolutions reported favorably by the Committee on Constitutional Amendments heretofore made a Special and Continuing Order for consideration by the Senate beginning at 11:30 o'clock, A. M., Tuesday, May 24, 1939, be made a Special and Continuing Order of business for consideration by the Senate beginning thirty (30) minutes after the hour of convening on next Tuesday, May 30, 1939

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

The President announced that Senator Gillis would be excused from further attendance upon the session until Tuesday, May 30, 1939.

Senator Beall moved that the rules be waived and the Senate do now take up and consider House Joint Resolution No. 54, out of its order.

Which was agreed to by a two-thirds vote.

House Joint Resolution No. 54:

A Joint Resolution Proposing an Amendment to Section 2 and to Section 4 of Article V of the Constitution of Florida relating to the Judiciary Department.

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

That the following amendment of Section 2 and Section 3, respectively, of Article V of the Constitution of the State of Florida, be, and the same is hereby agreed to, and shall be submitted to the electors of the State of Florida at the next general election to be held on the first Tuesday after the first Monday in November, 1940, for ratification or rejection.

Section 2. (a) The Supreme Court shall consist of seven (7) Justices and the term of office of each Justice shall be six years; no term of any incumbent shall be affected by this amendment.

(b) Each Justice of the Supreme Court shall be elected by the qualified electors of the State at the time and places of voting for members of the legislature, at the general election next preceding the expiration of each term of such office.

(c) In the event of the ratification of this amendment it shall thereupon be the duty of the then Governor to appoint one additional Justice of the Supreme Court and he shall hold office from the date of his appointment until Tuesday after the first Monday in January, 1943, and his successor shall be elected at the general election in 1942 to hold office for a term of six years beginning Tuesday after the first Monday in January, 1943.

(d) The successors of the Justices of the Supreme Court shall be elected at the general election next preceding the expiration of their respective terms of office, but in event of a vacancy in office of any Justice and there be an unexpired term the successor shall be elected for the balance of the unexpired term.

Section 4. (a) The Supreme Court may hear, consider and determine cases and exercise all its powers and jurisdiction as a single body in which case a majority of the members of the Court shall constitute a quorum for the dispatch of business; or it may exercise its powers and jurisdiction in divisions.

(b) The Circuit Judges shall at all times be subject to call to the Supreme Court by that Court or the Chief Justice thereof, and during the call shall be members thereof as associate justices to act in place of any absent, disqualified or disabled justice or for assignment to a division, but no division shall include more than one circuit judge. A division shall consist of three members of said court exclusive of the Chief Justice, and the judgment of a division concurred in by the Chief Justice shall be the judgment of the Court unless such case involves (1) capital punishment, or (2) the determination of a State or Federal constitutional question wherein shall be brought into controversy the constitutionality of a Federal or State statute, rule, regulation or municipal ordinance, or (3) there be a dissent to the proposed judgment of a division by a member thereof or the Chief Justice, or (4) ordered by the Chief Justice to be considered by two divisions; whereupon it shall require the consideration of two divisions and the Chief Justice.

(c) The Chief Justice shall be the chief administrative officer of the Court and responsible for the dispatch of business and procuring consistent decisions; he shall not be required to examine the record of a cause but may accept the conclusions of fact found by a division and stated in the opinion or accompanying statement and act upon the law so stated and discussed and its application to such fact, but in event of an equal division between those members properly considering a cause he shall examine the record and participate therein as other justices. In the event the Chief Justice be unable to act for any cause the Justice longest in continuous service and able to act shall act instead with like effect.

Was taken up and read the second time in full.

Senator Beall moved that the rules be waived and House

Joint Resolution No. 54 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Joint Resolution No. 54 was read the third time in full.

Upon the passage of House Joint Resolution No. 54 the roll was called and the vote was:

Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parrish, Price, Rose, Savage, Sharit, Walker, Westbrook, Whitaker, Wilson—33.

Nays—Senator Coulter—1.

So House Joint Resolution No. 54 passed by the required Constitutional three-fifths vote of all members elected to the Senate for the 1939 Session of the Florida Legislature, and the action of the Senate was ordered certified to the House of Representatives.

By unanimous consent Senator Beall withdrew Senate Joint Resolution No. 42.

Senator Black moved that the Senate do now proceed to the consideration of Executive Communications.

Which was agreed to.

And the Senate went into Executive Session at 12:26 o'clock, P. M.

The Senate emerged from Executive Session at 12:49 o'clock, P. M., and resumed its session.

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

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

A quorum present.

Senator Hodges moved that the rules be waived and when the Senate adjourns at this session it adjourn to reconvene at 3:00 o'clock, P. M., this day.

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

Senator Hodges moved that the Senate do now adjourn.

Which was agreed to and the Senate took a recess at 12:50 o'clock, P. M., until 3:00 o'clock, P. M., this day.

AFTERNOON SESSION

The Senate reconvened at 3:00 o'clock P. M., pursuant to recess order.

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, Dugger, Dye, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—36.

A quorum present.

The following Reports of Committees were received and filed:

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—

Senate Bill No. 333:

A bill to be entitled An Act to amend Section 12 of Chapter 17275, Acts of 1935, being An Act creating the State Planning Board, prescribing its powers and duties, creating County Planning Councils and prescribing their powers and duties and making an appropriation for said Board.

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

Senator 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 not pass—

House Bill No. 1299:

A bill to be entitled An Act granting a school pension to Lou Sutton of Sumter County, Florida.

And House Bill No. 1299, contained in the above report, was 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 not pass—

Senate Bill No. 979:

A bill to be entitled An Act for the relief of L. J. Jerkins of Levy County, Florida, and making an appropriation therefor as compensation for injuries received while assisting in the arrest of certain negroes who were charged with assault with the intent to murder.

And Senate Bill No. 979, contained in the above report, was laid on the table.

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

Senate Bill No. 748:

A bill to be entitled An Act granting pension to Mrs. A. J. Mosley of Columbia County, Florida.

Senate Bill No. 818:

A bill to be entitled An Act granting pension to William J. Owens of Columbia County, Florida.

Senate Bill No. 709:

A bill to be entitled An Act for the relief of P. B. Howell, of Sumter County, Florida.

Senate Bill No. 1018:

A bill to be entitled An Act for the relief of H. S. Wells, L. L. Moody, G. L. Broer, W. A. Williams, Jr., and the estate of G. W. Kellum, deceased, by directing and requiring the State of Florida, the County of Putnam, and the political sub-divisions of said County to refund and repay their proportionate part of moneys received from the sale of certain void and illegal tax certificates and requiring the County of Putnam to reimburse said parties for certain expenses incident thereto.

And Senate Bills Nos. 748, 818, 709 and 1018, contained in the above report, were placed on the Calendar of Bills on second reading.

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

House Bill No. 272:

A bill to be entitled An Act for the relief of W. R. Neaville, L. S. Johnson & Son, L. E. Hart, Leon Bradshaw, E. F. Perin, W. J. Nunn, I. F. Andia, W. M. Mann, C. E. Underwood, W. J. Banks & Son, W. N. Cook and W. G. Page, all of Putnam County, Florida, and providing for a refund of State and County license taxes erroneously collected against these persons.

House Bill No. 821:

A bill to be entitled An Act granting a pension to Nannie A. Tait, of Dade City, Pasco County, Florida, widow of John Thomas Tait, deceased, Confederate veteran.

House Bill No. 1088:

A bill to be entitled An Act for the relief of J. Min Ayers for his necessary and actual financial losses sustained by him without any fault on his part and by virtue of being held up and robbed of his personal property by two escaped State convicts.

And House Bills Nos. 272, 821 and 1088, contained in the above report, were placed on the Calendar of Bills on second reading.

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

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

House Bill No. 8:

A bill to be entitled An Act providing that courses in vocational training shall be made available by County Boards of Public Instruction for students in all accredited high schools of the State.

House Bill No. 1062:

A bill to be entitled An Act to prohibit the discharge of firearms, except by persons herein exempted, upon, across and within one-quarter mile of State Road No. 26, in Palm Beach, Broward and Dade Counties, Florida, and/or State Road No. 25 in Palm Beach County, Florida, and providing a penalty for violations of the provisions of this Act.

House Bill No. 1491:

A bill to be entitled An Act to create, establish and organize a Port District in Brevard County, State of Florida, to be known and designated as Canaveral Port District, to define its territorial boundaries, to provide for its government and administration, jurisdiction, powers, franchises and privileges; to provide for seven commissioners, all of whom shall be Freeholders in said district, who shall be the governing authority of said district; to authorize the governing authority to construct and maintain in said district a deep water ship harbor with port terminal facilities, with power to grant franchises for the construction and maintenance of same; to provide the governing authority with power to obtain assistance and appropriations from the Government of the United States, with the power of eminent domain and with power to fix uniform port and terminal charges, make uniform rules and regulations for the conduct of navigation within the district, and to appoint a port manager, provide for the granting of franchises, and the exercise of such police powers as are necessary for the effective regulation and operation of the port.

House Bill No. 731:

A bill to be entitled An Act appropriating moneys from the General Revenue Fund to pay pensions due to Confederate Veterans and their widows until such time as funds become available from the 1939 Ad Valorem tax levy.

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

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

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

Senate Bill No. 67:

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

Senate Bill No. 230:

A bill to be entitled An Act relating to the exercise of eminent domain providing that any Housing Authority created under the Laws of Florida may take immediate possession of property involved in any condemnation suit instituted by such Housing Authority and that the court shall make orders with respect to the date upon which the property shall be surrendered and with respect to encumbrances, liens, taxes and other charges: Providing for the filing of a declaration of taking, the determination and making of an adequate deposit with the Clerk of the Court to satisfy the judgment of award of

compensation: Providing for the entry of judgments against the petitioner, the satisfaction thereof and the issuance of executions thereon, providing for the payment of costs of proceeding including attorney's fees.

Senate Bill No. 385:

A bill to be entitled An Act to appropriate \$80,400 additional funds to the University of Florida for the use and benefit of the Agricultural Extension Service, to be used solely for the salary and expenses of County Agricultural Extension Agents in this State.

Senate Bill No. 421:

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

Senate Bill No. 645:

A bill to be entitled An Act providing for tenure of employment of teachers under the age of 65 years in the Public Schools of Escambia County, Florida; defining terms used in said Act; providing when teachers are entitled to tenure of employment and the causes for which such teachers may be discharged or demoted and prescribing the procedure thereof; and conferring jurisdiction upon the Circuit Court to issue writs of mandamus and certiorari in order to give effect to the provisions of said Act.

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

Senator Kendrick moved that a committee be appointed to escort the Honorable Joe Hendricks, Member of Congress from the Fifth Congressional District of Florida, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators McKenzie, Kendrick, Parrish, Rose, Savage, Kanner and Price as the committee.

INTRODUCTION OF RESOLUTIONS AND CONSIDERATION OF SENATE RESOLUTIONS

By Senator Hinely—

Senate Concurrent Resolution No. 20:

WHEREAS, the Federal Art, Historical Records, Music, Theatre, and Writers' Projects, agencies of the Works Progress Administration hereinafter to be known as the Federal Arts Projects, have greatly enriched the culture and lives of the people of Florida by the creation of paintings, sculpture, and murals for public buildings and exhibitions; by the compilation of indexes of thousands of invaluable but hitherto neglected historical records in the State; by the wide-scale production of all types of musical program throughout the State; by the low-cost production of hundreds of plays, puppet shows, and other theatrical performances for Florida audiences; and by the writing and publication of volumes of history, travel, folklore, school readers, and agricultural booklets; all of which has contributed toward raising the cultural level of the Florida population; and

WHEREAS, the Federal Arts Projects supply a necessary source of income to hundreds of unemployed artists, white collar workers, musicians, actors, and writers who would become a burden to the communities in which they live and to themselves if the Federal Arts Projects were to cease operations in this State after June 30, 1939; and

WHEREAS, the Federal Arts Projects are engaged in a long-term program of cultural service at no cost to the State of Florida: Therefore, be it

RESOLVED, that the Legislature of the State of Florida heartily endorses the purposes and accomplishments of the Federal Arts Projects, and urges the Florida Delegation to the Congress of the United States to support the continuance of the Federal Arts Projects after June 30, 1939, as agencies of the Works Progress Administration.

Which was read the first time in full.

Senator Hinely moved that the rules be waived and Senate Concurrent Resolution No. 20 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 20 was read the second time in full.

The question was put on the adoption of Concurrent Resolution.

Which was agreed to and Senate Concurrent Resolution No. 20 was adopted and the action of the Senate was ordered certified to the House of Representatives.

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

Senate Resolution No. 27:

WHEREAS, that heretofore during the past sessions of the Legislature, the Members have been greatly inconvenienced in finding parking places in or around the Capitol grounds, and

WHEREAS, that prior to the convening of this session the Citizens and officials of the City of Tallahassee, by reason of the exercise of forethought, provided individual parking places for the Members of the Legislature, and

WHEREAS, the Chief of Police and all members of his Department have rendered a very efficient and courteous service to the extent that the stay of the Members of the Legislature has been the most pleasant of any session.

NOW, THEREFORE, be it resolved by the Senate of the State of Florida:

SECTION 1. That each member thereof, by means of this resolution, express to the Citizens of Tallahassee, each City Official thereof and to the Police Department and each member thereof, our deep and sincere appreciation and thanks for their successful efforts in making our stay in Tallahassee convenient and pleasant.

SECTION 2. Be it further resolved that the City of Tallahassee be officially furnished with a copy of this Resolution.

Which was read the first time in full.

The President put the question.

Which was agreed to and Senate Resolution No. 27 was adopted.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Gideons—
Senate Bill No. 1100:

A bill to be entitled An Act authorizing and requiring the County Commissioners of any County of this State having a population of not less than 10,000 and not more than 10,100, according to the State census of 1935, to apportion and distribute all monies and funds received by such Counties under the provisions of and resulting from Chapter 14832, Laws of Florida, Acts of 1931, and any amendments thereto, in three portions as follows: One-half of same to the Boards of Public Instruction as now provided by law; one-fourth to the General Revenue Fund of the County; and one-fourth to the Fine and Forfeiture Fund of said County.

Which was read the first time by title only.

Senator Gideons moved that the rules be waived and Senate Bill No. 1100 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1100 was read the second time by title only.

Senator Gideons moved that the rules be further waived and Senate Bill No. 1100 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. 1100 was read the third time in full.

Upon the passage of Senate Bill No. 1100 the roll was called and the vote was:

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

Nays—None.

So Senate Bill No. 1100 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Clarke—
Senate Bill No. 1101:

A bill to be entitled An Act designating and establishing certain roads in Jefferson County, Florida, as State Roads.

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

By Senators Coulter and Westbrook—
Senate Bill No. 1102:

A bill to be entitled An Act relating to the operation of pari-mutuel pools at and in connection with duly licensed race meetings in the State of Florida: making additional provisions in relating thereto for the benefit of and additional funds for old age assistance or old age pensions: providing for special days or meets for such purpose: making special provisions for and governing contributions to pari-mutuel pools for such days or meets and assessing and fixing additional taxes on such contributions and providing further and additional provisions for the delivery of coupons or certificates evidencing such contributions for such special days or meets under supervision of the State Racing Commission and providing for the distribution and use of funds accruing as taxes in connection with such events under the provisions of this Act.

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

By Senator Price—
Senate Bill No. 1103:

A bill to be entitled An Act to authorize and empower the City of Ormond, Florida, by and through its City Board of Managers, to regulate the use of all or any part of that portion of "River Trail" in said city, as now laid out, which extends from the south margin of Granada Avenue to the north margin of Fluhart Drive, by limiting the use thereof to pedestrian travel, or, in the discretion of said Board to close, vacate or abandon all or any part of said portion of said Trail and to erect suitable barriers in said Trail to effect the purposes aforesaid.

The following proof of publication was attached to Senate Bill No. 1103 when it was introduced in the Senate:

STATE OF FLORIDA,
COUNTY OF VOLUSIA.

NOTICE OF INTENTION TO APPLY TO THE STATE LEGISLAURE OF 1939 FOR THE PASSAGE OF A SPECIAL ACT, OR LOCAL LAW, RELATING TO THE CITY OF ORMOND.

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN of intention of the undersigned to apply to the Legislature of the State of Florida, at its Regular Session A. D. 1939, for the passage of a local or special act to authorize and empower the City of Ormond, Florida, by and through its Board of Managers, to regulate the use of all or any part of that portion of "RIVER TRAIL" in said City, as now laid out, which extends from the South margin of Granada Avenue to the north margin of Fluhart Drive, by limiting the use thereof to pedestrian travel, or, in the discretion of said board to close, vacate or abandon all or any part of said portion of said Trail and to erect suitable barriers in said Trail to effect the purposes aforesaid.

Dated at Ormond, Florida, this 21st day of April, A. D. 1939.

A. F. WILSON.

April 22nd, 1939.

PROOF OF PUBLICATION

STATE OF FLORIDA,
COUNTY OF VOLUSIA.

Now comes G. P. Weisiger, who, being duly sworn, says that he is Publisher of Daytona Beach Sun Record, a newspaper published daily at Daytona Beach in County of Volusia, State of Florida; that he makes this affidavit as such Publisher; that the said Daytona Beach Sun Record has been entered as second class mail matter at the post office in Daytona Beach, Volusia County, Florida; that said newspaper was being published in the said City of Daytona Beach at the time of the passage of Senate Bill Number 58 passed by the Legislature of the State of Florida at the 1931 Regular Session thereof and approved by the Governor of the State of Florida on May 20th, 1931; that said Daytona Beach Sun Record has been published in accordance with Senate Bill Number 58 passed by the Legislature of the State of Florida at the 1931 Regular Session

thereof and approved by the Governor on May 20th, 1931; that the attached Notice has been published in said newspaper in the issues of: April 22nd.

The legal fee for said publication is \$2.50.

G. P. WEISIGER.

Subscribed and sworn to before me this 22nd day of April, A. D. 1939.

MATHA JONES.

Seal.

Notary Public, State of Florida at Large.

My commission expires Dec. 17, 1941.

Which was read the first time by title only.

Senator Price moved that the rules be waived and Senate Bill No. 1103 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1103 was read the second time by title only.

Senator Price moved that the rules be further waived and Senate Bill No. 1103 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. 1103 was read the third time in full.

Upon the passage of Senate Bill No. 1103 the roll was called and the vote was:

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

Nays—None.

So Senate Bill No. 1103 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator McKenzie—

Senate Bill No. 1104:

A bill to be entitled An Act creating within the City of Palatka an administrative board to exercise such control of, and to manage and operate the "Palatka Ravine Gardens," to such extent as the City Commission of the City of Palatka may by ordinance prescribe; and fixing the number, term, qualifications and manner of appointment of the members of said Board.

The following proof of publication was attached to Senate Bill No. 1104 when it was introduced in the Senate:

(Copy of Advertisement)

LEGAL NOTICE

NOTICE OF INTENTION TO APPLY FOR SPECIAL LEGISLATION

Notice is hereby given that the City Commissioners of the City of Palatka, Florida, will apply to the Legislature of the State of Florida at its regular session in the year 1939, for the enactment of a special or local bill providing for the creation and establishment of a Park Board or Authority to control, manage and administer the Ravine Gardens and other public parks, playgrounds and places of entertainment owned, controlled, managed or under the authority of the City of Palatka, a municipal corporation under the laws of the State of Florida, and defining the powers, authority and jurisdiction of said Board so created and the City Commission of the City of Palatka with relation thereto.

RICHARD FORESTER,
City Manager.

PROOF OF PUBLICATION

STATE OF FLORIDA,)
COUNTY OF PUTNAM.)

On this day personally appeared before me A. Ben Baker, to me well known who, being by me first duly sworn, deposes and says he is the Business Manager of "The Palatka Daily News," a newspaper having general circulation in Putnam County, Florida, published in the City of Palatka, County of Putnam, and State of Florida; That said newspaper has been published in accordance with the provisions and requirements of an Act relating to publication of legal notices and process in newspapers in the State of Florida, Laws of Florida, Acts of 1931, approved May 30, 1931, and known as Senate Bill

No. 58; and that the attached advertisement was published in said newspaper once each week for one consecutive week, to-wit: in the issue of said newspaper published on March 17, A. D. 1939.

A. BEN BAKER,
Business Manager.

Sworn to and subscribed before me this 25th day of May, A. D. 1939.

(Seal)

MARGARET M. COLLINS,

Notary Public, State of Florida at Large.

My Commission expires January 23, 1940.

Which was read the first time by title only.

Senator McKenzie moved that the rules be waived and Senate Bill No. 1104 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1104 was read the second time by title only.

Senator McKenzie moved that the rules be further waived and Senate Bill No. 1104 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. 1104 was read the third time in full.

Upon the passage of Senate Bill No. 1104 the roll was called and the vote was:

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

Nays—None.

So Senate Bill No. 1104 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Kelly (16th)—

Senate Bill No. 1105:

A bill to be entitled An Act relating to the taking of fish in the salt waters of Nassau County, Florida, and prescribing the kind of nets that may be used for the taking of mullet in said waters.

The following proof of publication was attached to Senate Bill No. 1105 when it was introduced in the Senate:

NOTICE

Notice is hereby given that it is the intention of the undersigned to introduce a bill and apply for its passage in the 1939 Legislature, relating to nets and seines for the taking of salt water fish and particularly to provide that in the water of Nassau County, Florida, no seine or net shall be used for the taking of mullet of less size than 1¼ inches bar measured from knot to knot or a stretched mesh of 2½ inches from knot to knot after being tarred or shrunk.

DAN KELLY, JR.,

State Senator, 16th District.

AFFIDAVIT OF PROOF OF PUBLICATION

STATE OF FLORIDA,
COUNTY OF NASSAU.

Before Me, the undersigned authority, personally appeared Vesta Prewitt, who, on oath, does solemnly swear that she has knowledge of the matters stated herein; that a notice stating the substance of a contemplated law or proposed bill relating to:

"Nets and seines for the taking of salt water fish and particularly to provide that in the waters of Nassau County, Florida, no seine or net shall be used for the taking of mullet of less size than 1¼ inches bar measured from knot to knot or a stretched mesh of 2½ inches from knot to knot after being tarred or shrunk."

Has been published at least thirty (30) days prior to this date by being printed in the issue of April 7th, 1939, of the "Nassau County Leader," a newspaper published in Nassau County, Florida, where the matter or thing to be affected by the contemplated law is situate; that a copy of the notice that has been published, as aforesaid, and also this affidavit of proof of publication are attached to the proposed bill or contemplated law, and such copy of the

notice so attached is by reference made a part of this affidavit.

VESTA PREWITT.

Sworn to and subscribed before me this 10th day of May, A. D. 1939.
 MARGARET P. OXLEY,
 Notary Public, State of Florida at Large.
 My Commission Expires February 9th, 1943.

Which was read the first time by title only.
 Senator Kelly ((16th) moved that the rules be waived and Senate Bill No. 1105 be read the second time by title only.

Which was agreed to by a two-thirds vote.
 And Senate Bill No. 1105 was read the second time by title only.

Senator Kelly (16th) moved that the rules be further waived and Senate Bill No. 1105 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. 1105 was read the third time in full.

Upon the passage of Senate Bill No. 1105 the roll was called and the vote was:

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

Nays—None.

So Senate Bill No. 1105 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator McKenzie—

Senate Bill No. 1106:

A bill to be entitled An Act creating and incorporating a Special Tax District in Putnam County, Florida, to be known as the Putnam County Hospital District; fixing and prescribing the boundaries of said District; providing for the governing and administration of the same; providing and defining the power and purpose of said District; creating a Board of Trustees and method of their selection; otherwise, and empowering said Board to establish, equip, operate and maintain hospital or hospitals; otherwise, and providing for the issuance and sale of bonds for establishment, construction and equipping said hospital or hospitals; otherwise, and providing for the levy of taxes, for the payment of said bonds, interest thereon and for the upkeep, administration and maintenance of said hospital or hospitals; otherwise, and providing generally the powers and duties of said Board.

Which was read the first time by title only.
 Senator McKenzie moved that the rules be waived and Senate Bill No. 1106 be read the second time by title only.

Which was agreed to by a two-thirds vote.
 Senator McKenzie moved that the rules be further waived and Senate Bill No. 1106 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. 1106 was read the third time in full.

Upon the passage of Senate Bill No. 1106 the roll was called and the vote was:

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

Nays—None.

So Senate Bill No. 1106 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Beacham—

Senate Bill No. 1107:

A bill to be entitled An Act to establish a municipality in Broward County, Florida, to be known as the Town of Hillsboro Beach; to define its territorial boundaries; to provide for its government and to describe its jurisdiction and powers.

The following proof of publication was attached to Senate Bill No. 1107 when it was introduced in the Senate:

NOTICE OF APPLICATION FOR PASSAGE OF SPECIAL LEGISLATION

Notice is hereby given that the undersigned intend to apply to the Legislature of the State of Florida, at the regular session thereof now convened, for the passage of a Special Act thereof establishing a municipality in Broward County, Florida, to be named the Town of Hillsboro Beach, or other appropriate name, providing for its government and establishing its boundaries as follows:

Begin at the intersection of the north line of Section 8, Township 48 South, Range 43 East, with the center line of the right of way of the Intracoastal Waterway (Florida East Coast Canal); thence southerly along said center line through said Section 8 and Sections 17 and 20, said Township and Range, to a point in a line passing through the center of the draw of the highway bridge across the Hillsboro River at right angles to the center line of the roadway of said bridge; thence southeasterly along said line through the center of the draw of said bridge to a point in a line parallel to and 553.8 feet south of, measured at right angles to the north line of said Section 29; thence easterly along said parallel line to the waters of the Atlantic Ocean; thence northerly along the waters of the Atlantic Ocean to the point of beginning.

Dated April 10th, 1939.

BASSETT W. MITCHELL,
 JAMES F. RILEY,
 HERBERT L. MALCOLM.

April 11

STATE OF FLORIDA,
 COUNTY OF PALM BEACH.

Before the undersigned authority personally appeared R. C. Alley 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 the establishment of the Town of Hillsboro Beach, in Broward County, Florida has been published at least thirty days prior to this date, by being printed in the issue of April 11, 1939, of the Fort Lauderdale Daily News, a newspaper published in Broward County, Florida, where the matter or thing to be affected by the contemplated law is situated; that a copy of the notice that has been published as aforesaid, together with the publisher's affidavit of publication, and also this affidavit of Proof of Publication are attached to the proposed bill or contemplated law, and such copy of the notice so attached is by reference made a part of this affidavit.

R. C. ALLEY.

Sworn to and subscribed before me this 24th day of May, A. D. 1939.

(Seal)
 ETHEL NOREEN,
 Notary Public State of Florida at Large.
 My Commission expires July 10, 1939.

AFFIDAVIT OF PUBLICATION

Now comes J. W. Dickey, who being duly sworn says he is Business Manager of the Ft. Lauderdale Daily News, a newspaper published daily at Ft. Lauderdale, in the County of Broward, State of Florida, that the attached notice has been published in said newspaper in the issue April 11, 1939.

That the said Fort Lauderdale Daily News is a newspaper published in Fort Lauderdale, Broward County, Florida, in accordance with Senate Bill No. 58, enacted by the Legislature of the State of Florida for the year 1931, and approved by the Governor May 20th, 1931; that the said Fort Lauderdale Daily News is a newspaper which has been continuously published at least once a week and has been entered as second class mail matter at a post office in Broward County, Florida, for a period of more than one year next preceding the first insertion of the attached published matter; that the said Fort Lauderdale Daily News was a newspaper published at the time of the passage of said Senate Bill No. 58.

J. W. DICKEY.

Subscribed and sworn to before me this 11th day of April, A. D. 1939.

(Seal)
 MARGARET K. WIMBRUSH,
 Notary Public, State of Florida at Large.
 My Commission expires May 9, 1939.

Which was read the first time by title only.
 Senator Beacham moved that the rules be waived and Senate Bill No. 1107 be read the second time by title only.

Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—36.

Nays—None.

So Senate Bill No. 1110 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Dye—

Senate Bill No. 1111:

A bill to be entitled An Act relating to and regulating the transportation, handling, storing and distributing throughout the State of Florida of propanes, propanes, ethanes, butanes, normal butanes, commercial butanes, iso-butananes, Green's fuel, or any blends of the aforesaid liquids, or any other hydrocarbon and petroleum volatile liquids having a dew-point of 60 degrees Fahrenheit, or below, and providing certain requirements for containers, tanks, and systems, for transporting, handling, storing and distributing same, and providing certain requirements for appliances and equipment for use therewith, whether in dwellings, apartments, restaurants, hotels, factories or public buildings, and providing penalties for the violations hereof.

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

By Senator Dame—

Senate Bill No. 1112:

A bill to be entitled An Act to further season public school education in the State of Florida with moral training; to provide for a census of religious affiliation of each school child; to canvass the parents and guardians of school children to find whether they wish their children to have moral education; to provide moral, but not sectarian, education for each school child at places of worship according to the wishes and preferences of the parents or guardians; and to provide a system of public school credits for such voluntary moral training as aforesaid as will encourage pursuit of the available moral training courses.

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

By Senator Dame—

Senate Bill No. 1113:

A bill to be entitled An Act to declare, designate, and establish a certain State road in Citrus County.

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

By Senator Adams—

Senate Bill No. 1114:

A bill to be entitled An Act to provide for the registration and re-registration of all voters for all elections to be held in the State of Florida in the year 1940 in all Counties having a population of not less than 9790 and not more than 10,000, according to the last preceding State census.

Which was read the first time by title only.

Senator Adams moved that the rules be waived and Senate Bill No. 1114 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1114 was read the second time by title only.

Senator Adams moved that the rules be further waived and Senate Bill No. 1114 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. 1114 was read the third time in full. Upon the passage of Senate Bill No. 1114 the roll was called and the vote was:

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

Nays—None.

So Senate Bill No. 1114 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Gideons—

Senate Bill No. 1115:

A bill to be entitled An Act to provide that candidates for members of the Board of County Commissioners of Sumter County, Florida, shall be nominated by the voters of said County at large, and not by districts and further prescribing that they shall reside in the respective districts from which they announce their candidacies for office.

The following proof of publication was attached to Senate Bill No. 1115 when it was introduced in the Senate:

AFFIDAVIT OF PROOF OF PUBLICATION

STATE OF FLORIDA,
COUNTY OF SUMTER.

Before me, the undersigned authority, personally appeared G. E. Maddox who on oath deposes and says that he is editor and publisher of the Wildwood Echo, a newspaper published in the City of Wildwood, County of Sumter, and State of Florida. That said newspaper has been published in accordance with the provisions and requirement of An Act relating to publication of legal notices and process in newspapers in the State of Florida, Laws of Florida, Acts of 1931, approved May 20, 1931 and known as Senate Bill 58, and that the attached advertisement was published in said newspaper once a week for a period of three weeks, to-wit: In the issues of said newspaper on March 24, 1939, March 31, 1939, and April 7, 1939.

Notice is hereby given that we intend to apply at the next regular session of the Florida Legislature for the passage of a local bill relating to the nomination in primaries of candidates for the office of County Commissioners of Sumter County by the votes of the county at large, and providing that candidates shall reside in the district for which they announce their candidacy for office.

That said notice shown above has been published at least thirty days prior to this date as shown hereunder.

G. E. MADDOX,
Editor and Publisher.

Sworn to and subscribed before me this 6th day of May, 1939.

MRS. A. L. STRICKLAND.

Seal.

Notary Public, State of Florida at Large,

My Commission expires July 9, 1940.

Which was read the first time by title only.

Senator Gideons moved that the rules be waived and Senate Bill No. 1115 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1115 was read the second time by title only.

Senator Gideons moved that the rules be further waived and Senate Bill No. 1115 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. 1115 was read the third time in full.

Upon the passage of Senate Bill No. 1115 the roll was called and the vote was:

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

Nays—None.

So Senate Bill No. 1115 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Whitaker—

Senate Bill 1116:

A bill to be entitled An Act for the relief of Tampa Better Milk Producers Cooperative, a corporation not for profit, organized and existing under the laws of the State of Florida, on account of tax liens against real and personal property owned by said Cooperative, and to relieve said Cooperative from the payment of future taxes on real and personal property owned by said Cooperative.

Which was read the first time by title only.

Senator Whitaker moved that the rules be waived and Senate Bill No. 1116 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1116 was read the second time by title only.

Senator Whitaker moved that the rules be further waived and Senate Bill No. 1116 be read the third time in full and put upon its passage.

And Senate Bill No. 1116 was read the third time in full.

Upon the passage of Senate Bill No. 1116 the roll was called and the vote was:

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

Nays—None.

So Senate Bill No. 1116 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Beall—

Senate Bill No. 1117:

A bill to be entitled An Act to amend Section 62 of the City Charter of the City of Pensacola, being Section 62 of Chapter 15425, Laws of Florida, Acts of 1931, relating to the Municipal Court and providing that the recorder shall be a member of the Civil Service.

The following proof of publication was attached to Senate Bill No. 1117 when it was introduced in the Senate:

NOTICE

Notice is hereby given that a local law relating to the City of Pensacola, Florida, will be introduced at the regular session of the Legislature of the State of Florida of 1939, and the substance of said contemplated law is set forth in the title of the proposed Act which is as follows:

"An Act to amend Section 62 of the City Charter of the City of Pensacola, being Section 62 of Chapter 15425, Laws of Florida, Acts of 1931, relating to the Municipal Court and providing that the Recorder shall be a member of the Civil Service."

This the 28th day of April, A. D. 1939.

N. J. ROTUREAU.

(339)—4-29-39—oaw-1t

PROOF OF PUBLICATION

Pensacola, Fla., May 30, 1939.

(Name) Hon. J. McHenry Jones

(Address) Pensacola, Florida

To THE PENSACOLA PUBLISHING CORP., Dr.

To publishing attached notice one time, \$2.00.

STATE OF FLORIDA, ESCAMBIA COUNTY.

Before the undersigned, a Notary Public in and for the State of Florida, personally appeared A. S. Oliver, who, being duly sworn, says, upon oath that he is Manager of The Public Record, a newspaper published in the City of Pensacola, County of Escambia, State of Florida, and that The Public Record was on April 29, 1939 and had for more than one year prior thereto, and for more than one year prior to the first insertion of said publication, been continuously published at least once each week, and was on and prior to April 29, 1939, and had during more than one year prior thereto and prior to the said first insertion of said publication been entered as second class mail matter at a postoffice in Escambia County, Florida, and that said paper during all of said time was a newspaper of general circulation in Escambia County, Florida, and that the notice in re: Notice to place City Recorded under Civil Service, a true copy of which is hereto attached, was published in the said newspaper once a week for the full term and period of one consecutive week beginning on the 29th day of April, 1939, the other dates being as follows: none.

A. S. OLIVER, Manager.

Sworn to and subscribed before me this the 30th day of May A. D., 1939.

BYRD SIMS,

(SEAL) Notary Public, State of Florida at Large.
My commission expires October 1, 1942.

Which was read the first time by title only.

Senator Beall moved that the rules be waived and Senate Bill No. 1117 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1117 was read the second time by title only.

Senator Beall moved that the rules be further waived and Senate Bill No. 1117 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. 1117 was read the third time in full.

Upon the passage of Senate Bill No. 1117 the roll was called and the vote was:

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

Nays—None.

So Senate Bill No. 1117 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Gideons—

Senate Bill No. 1118:

A bill to be entitled An Act fixing the compensation of members of the County Board of Public Instruction and Boards of County Commissioners in counties having a population between Nine thousand nine hundred (9,900) and Ten thousand nine hundred (10,900) persons, according to the last State or Federal census.

Which was read the first time by title only.

Senator Gideons moved that the rules be waived and Senate Bill No. 1118 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1118 was read the second time by title only.

Senator Gideons moved that the rules be further waived and Senate Bill No. 1118 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. 1118 was read the third time in full.

Upon the passage of Senate Bill No. 1118 the roll was called and the vote was:

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

Nays—None.

So Senate Bill No. 1118 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Kendrick moved that the rules be waived and the Senate do now take up and consider Senate Bill No. 690, out of its order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 690:

A bill to be entitled An Act for the relief of C. D. Ivey, a resident of St. Johns County, Florida, providing an appropriation for injuries and damages sustained by him on account of an automobile collision occurring at Junction Point on State Highway No. 4 near St. Augustine, Florida, on January 1, 1936; providing for the State Treasurer and the State Comptroller of the State of Florida to draw and cause to be drawn, warrant in payment of the said appropriation herein provided for; and providing for the enforcement of this Act.

Was taken up.

Senator Kendrick moved that the rules be waived and Senate Bill No. 690 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 690 was read the second time by title only.

Senator Coulter offered the following amendment to Senate Bill No. 690:

In Section 1, lines 1 and 2 (typewritten bill), strike out the words and figures: Ten thousand (\$10,000.00) dollars; and insert in lieu thereof the following: Fifteen hundred (\$1,500.00) dollars.

Senator Coulter moved the adoption of the amendment. Which was agreed to and the amendment was adopted.

Senator Coulter also offered the following amendment to Senate Bill No. 690:

In Section 2, line 3 (typewritten bill), strike out the words and figures: Ten Thousand (\$10,000.00) Dollars, and insert in lieu thereof the following: "Fifteen Hundred Dollars (\$1500.00)."

Senator Coulter moved the adoption of the amendment. Which was agreed to and the amendment was adopted.

Senator Kendrick moved that the rules be further waived and Senate Bill No. 690, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 690, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 690, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Coulter, Dugger, Dye, Gideons, Graham, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Murphy, Parker, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—31.

Nays—Senator Clarke—1.

So Senate Bill No. 690 passed, as amended, by the required Constitutional two-thirds vote of all members elected to the Senate for the 1939 session of the Florida Legislature, and was referred to the Committee on Engrossed Bills.

Senator Graham moved that the rules be waived and the Senate do now take up and consider Senate Bill No. 206, out of its order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 206:

A bill to be entitled An Act relating to the purchase, packing, handling, sale and accounting of sales of avocados in the State of Florida; to prevent fraud and deception in the sales thereof; to define the maturity of avocados; providing for the grading and classification of avocados; providing for the marking, labelling or imprinting of the place or origin on each package of avocados procured outside the State of Florida and offered for sale within the State of Florida and defining such package; to provide for the licensing and regulation of avocado dealers; to prescribe certain powers and duties of the Commissioner of Agriculture of the State of Florida in the administration and enforcement of the provisions of this Act; to provide for certain charges, fees and assessments and the collecting thereof; to provide for the appointment and duties of certain avocado inspectors and the salaries thereof; and to prescribe penalties for the violation of the provisions of this Act.

Was taken up.

Senator Graham moved that the rules be waived and Senate Bill No. 206 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 206 was read the second time by title only.

Senator Graham moved that the rules be further waived and Senate Bill No. 206 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. 206 was read the third time in full.

Upon the passage of Senate Bill No. 206 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dugger, Dye, Gideons, Graham, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Lewis, Mapoles, Murphy, Parker, Parrish, Price, Rose, Sharit, Walker, Ward, Westbrook—29.

Nays—Senator Whitaker—1.

So Senate Bill No. 206 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Hodges moved that the rules be waived and the Senate do now take up and consider Senate Bill No. 99, out of its order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 99:

A bill to be entitled An Act providing for the beautification, care and upkeep of the Natural Bridge Battleground for the appointment of a supervisor, whose duties are defined, and making an appropriation to carry out the purposes of this Act.

Was taken up.

Senator Hodges moved that the rules be waived and Senate Bill No. 99 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 99 was read the second time by title only.

Senator Westbrook offered the following amendment to Senate Bill No. 99:

In Section 3, line 1 (typewritten bill), strike out the words: there is hereby appropriated the sum of \$1,800.00 per annum; and insert in lieu thereof the following: there is hereby appropriated the sum of \$1,200.00 for the fiscal year ending on June 30th, 1940, and the sum of \$600.00 for the fiscal year ending on June 30th, 1941

Senator Hodges moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Hodges moved that the rules be further waived and Senate Bill No. 99, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 99, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 99, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Dugger, Dye, Gideons, Graham, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parrish, Price, Rose, Savage, Sharit, Ward, Westbrook, Whitaker, Wilson—32.

Nays—None.

So Senate Bill No. 99 passed, as amended, and was referred to the Committee on Engrossed Bills.

MESSAGES FROM THE GOVERNOR

State of Florida, Executive Department
Tallahassee, Florida,
May 24th, 1939.

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

Sir:

I have the honor to inform you that I have today caused the following Act, which originated in your Honorable Body, to be filed in the office of the Secretary of State, the same having remained in this office for the full Constitutional period of five days and will become a law without my approval:

S. C. R. 17: Relating to Honorable Eugene Talmadge.
Respectfully yours,

FRED P. CONE,
Governor.

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE
May 25th, 1939

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

Sir:

I have the honor to inform you that on May 24th, A. D. 1939, I approved the following Acts, which originated in your Honorable Body, and have caused the same to be filed in the office of the Secretary of State:

S B No. 140 Relating to Lake City.

S B No. 580 Relating to Public Instruction.
 S B No. 627 Relating to Putnam County.
 S B No. 629 Relating to Starke.
 S B No. 661 Relating to Putnam County.
 S B No. 687 Relating to Tax Assessors and Collectors.
 S B No. 767 Relating to Brewster.
 S B No. 773 Relating to Citrus County Historical Commission.
 S B No. 775 Relating to Race Track Funds.
 S B No. 786 Relating to County Commissioners.
 S B No. 797 Relating to Nassau County.
 S B No. 798 Relating to Nassau County.

Respectfully yours,
 FRED P. CONE,
 Governor.

STATE OF FLORIDA
 EXECUTIVE DEPARTMENT
 TALLAHASSEE
 May 26th, 1939

Honorable J. Turner Butler,
 President of the Senate,
 Tallahassee, Florida.
 Sir:

I have the honor to inform you that I have today caused the following Act, which originated in your Honorable Body, to be filed in the office of the Secretary of State, the same having remained in this office for the full Constitutional period of five days and will become a law without my approval:

S B No. 157 Relating to Relief.
 Respectfully yours,
 FRED P. CONE,
 Governor.

STATE OF FLORIDA
 EXECUTIVE DEPARTMENT
 TALLAHASSEE
 May 26th, 1939

Honorable J. Turner Butler,
 President of the Senate,
 Tallahassee, Florida.
 Sir:

I have the honor to inform you that on May 25th, A. D. 1939, I approved the following Act, which originated in your Honorable Body, and have caused the same to be filed in the office of the Secretary of State:

S B No. 667 Relating to Auburndale.
 Respectfully yours,
 FRED P. CONE,
 Governor.

STATE OF FLORIDA
 EXECUTIVE DEPARTMENT
 TALLAHASSEE
 May 25th, 1939

Honorable J. Turner Butler,
 President of the Senate,
 Tallahassee, Florida.
 Sir:

I have the honor to inform you that I have today approved the following Acts, which originated in your Honorable Body, and have caused the same to be filed in the office of the Secretary of State:

S B No. 659 Relating to Broward County.
 S B No. 696 Relating to Clearwater.
 S B No. 702 Relating to Columbia County.
 S B No. 718 Relating to Race Track Funds.
 S B No. 722 Relating to Public Instruction.
 S B No. 723 Relating to County Commissioners.
 S B No. 725 Relating to Tarpon Springs.
 S B No. 726 Relating to Dunedin.
 S B No. 727 Relating to Tarpon Springs.
 S B No. 728 Relating to Dunedin.
 S B No. 729 Relating to Dunedin.
 S B No. 743 Relating to Nassau County.
 S B No. 763 Relating to Palm Beach County.

Respectfully yours,
 FRED P. CONE,
 Governor.

STATE OF FLORIDA
 EXECUTIVE DEPARTMENT
 TALLAHASSEE

May 26, 1939.

To the President and Members of the Florida Senate,
 Senate Chamber.
 Sirs:

Pursuant to authority vested in me as Governor of Florida under the provisions of Section 28, Article III of the Constitution of this State, I hand to you with my objections thereto Senate Bill No. 666, 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."

My objections to said bill are as follows:

The purpose of said bill is to amend the charter of the City of Auburndale, Polk County, Florida, regulating city elections, etc. The bill requires only those persons who, at the time of registration and at the time of voting are citizens of the United States and who have resided in the State of Florida for a period of twelve months, and in the City of Auburndale for six months; must at least be twenty-one years of age. This so far is absolutely correct but the bill states further in Section 1, Division (c) of said Act that they "either are and have been for six months the record owners of a freehold interest (having an assessed value of at least \$25.00 on the last assessment roll of said city) in real estate situated within said city or have been engaged for six months in a business, trade, or profession in said city for which an occupational license is required by said city and have paid the occupational license tax required by said city for the current year." This requirement disfranchises all the voters who are not real estate owners for six months or engaged in some business, trade or profession requiring a license, and said license tax must be paid six months prior to such election.

While I am in favor of home rule and think that home rule should be provided to everyone, but I cannot as Governor of this State approve a bill that takes away the birthright from free American citizens that we have had in this country for more than a century and a half, because some particular person does not happen to be a real estate owner or engaged in some business of his own which requires a license tax. This government was founded upon freedom of its people; that they could worship according to the dictates of their own conscience and vote for their choice as free American citizens.

When this government was first founded there were two or three states in the Union that were controlled by the landed aristocracy and the voters had to have some property before they could vote as free men. That has been done away with by the wisdom of the people of this nation for more than one hundred years, and while this is a small matter yet the people who are engaged in gainful pursuits, whether working in a city, clerks in the stores or on the farms of our state, if it is an honest occupation as citizens they are entitled to vote under our system of free American government.

A great many young men and women of our state just out of our schools and colleges, who do not own property, nor own any business requiring a license, but they secure positions and earn honest livings, and as Governor of this State I cannot be a party to a law that disfranchises this class of our citizens who do not happen to be property or business owners.

The bill only requires a six months residence in the City of Auburndale and twelve months in the State before they are allowed to vote, but it requires the ownership of real estate for six months, or they must be engaged in business for six months and have paid an occupational license for said current year. This is an impossible requirement for the reason

that the license would have to be paid immediately before one could become a resident in six months.

The bill violates every principle of freedom of the ballot of our State and of our nation when it deprives not only the poor people and working people of their vote, but young men and women who have had not time or opportunity to acquire real estate, or become owners of a business or engaged in a trade or profession. The laws and Constitution of our country only require that citizens should be twenty-one years of age and a legal resident in order to vote.

For these reasons I cannot sign this bill or become a party to such a law. therefore I veto the same.

Respectfully yours,

(Signed)

FRED P. CONE,
Governor of Florida.

Senate Bill No. 666, contained in the above message, together with the Governor's objections thereto, was taken up.

The President put the question "Shall the bill pass, the Governor's objection to the contrary notwithstanding."

Upon the call of the roll on the question the vote was:

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

Nays—None.

So Senate Bill No. 666 passed by the required Constitutional two-thirds vote of all members present, the Governor's objections to the contrary notwithstanding, and the action of the Senate was ordered certified to the House of Representatives.

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

May 25th, 1939

To the President and Members of The Florida Senate,
Senate Chamber.
Sirs:

By the authority vested in me as Governor of Florida under the provisions of Section 28, Article III of the Constitution of this State, I transmit to you with my objections thereto Senate Bill No. 796, entitled:

"An Act to repeal Chapter 18715, Laws of Florida, Acts of 1937, being An Act to protect and regulate the hunting of deer in Nassau County, Florida."

Honorable Dan Kelly, Jr., Senator District No. 16, Nassau County, and Honorable Thomas Shave, Jr., Representative Nassau County, after passing Senate Bill No. 796 have represented to me that the same is not for the best interests of the people of Nassau County and is against the wishes of the majority of the citizens in that County. Therefore, I veto the same.

Respectfully submitted,

(Signed) FRED P. CONE,
Governor.

Senate Bill No. 796, contained in the above message, together with the Governor's objections thereto, was taken up.

The President put the question "Shall the bill pass, the Governor's objection to the contrary notwithstanding."

Upon the call of the roll on the question the vote was:

Yeas—None.

Nays—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dugger, Dye, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, Murphy, Parrish, Price, Rose, Sharit, Ward, Westbrook, Whitaker, Wilson—32.

So Senate Bill No. 796 failed to pass over the Governor's veto.

OFFICE OF THE SECRETARY OF STATE,

STATE OF FLORIDA

Tallahassee, Florida,
May 24th, 1939.

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

Sir:

I have the honor to transmit herewith to the Senate of the

Legislature of 1939 Senate Bill No. 301 of the Session of the Legislature of 1937. There being some doubt as to the status of this bill, and it having had an unusual history, I have decided that it should be sent to the Senate in order that your Honorable Body would have it before them for such action as you deemed proper

This bill did not reach the Office of Secretary of State after the Legislature of 1937 in any of the usual processes. On June 9th, 1937, it was handed in by the Secretary of the Senate with the following letter attached:

Florida State Senate,
Tallahassee, Florida,
June 4, 1937.

Honorable R. A. Gray,
Secretary of State,
Capitol Building.

Sir:

I have the honor to transmit herewith Senate Bill No. 301 (Enrolled), of the 1937 Session of the Legislature.

Senate Bill No. 301 passed the Senate on May 25, 1937, and passed the House of Representatives on May 31, 1937. The bill was duly enrolled, presented to the Governor and by the Governor returned to the Senate at the request of the Body on motion of Senator Beacham made on June 2, 1937.

On June 4, 1937, Senator Hodges moved that Senate Bill No. 301 be returned to the Governor's office, which motion prevailed. Shortly thereafter, however, Senator Dugger moved that the Senate reconsider the vote by which the motion made by Senator Hodges to return Senate Bill No. 301 to the Governor's office prevailed. Senator Dugger's motion prevailed and the Senate reconsidered the vote by which the bill was ordered to be returned to the Governor's office.

With the foregoing history of the bill I deposit same with you.

Very respectfully,
(Signed) ROBT. W. DAVIS,
Secretary.

Later the Governor handed me a letter dated June 12th, 1937, in which he vetoed said Senate Bill No. 301, the title to which is as follows:

"An Act prescribing certain representations and stipulations to be contained in contracts entered into by the State and its political subdivisions; prohibiting child labor in the execution of such contracts; prescribing maximum hours, prevailing wages, sanitary and safe conditions in such work; providing for the administration by the Florida Industrial Commission, and providing for penalties for the violation thereof."

Attention is called to the fact that the bill did not reach me through the Governor's office but in the unusual method above mentioned.

I am also handing you herewith attached said letter of the Governor addressed to me dated June 12th, 1937.

Very respectfully,
R. A. GRAY,
Secretary of State.

Senator Beall moved that the foregoing communication from the Honorable R. A. Gray, Secretary of State, together with Senate Bill No. 301 (1937 Session) and the Governor's objections thereto, be returned to the office of the Secretary of State for filing.

Which was agreed to and it was so ordered.

ORDER OF THE DAY

The motion made by Senator Beacham to reconsider the vote by which Senate Bill No. 1082 passed the Senate on May 25, 1939, was taken up and the consideration thereof was informally passed.

The motion made by Senator Rose on May 25, 1939, to reconsider the vote by which Committee Substitute for House Bill No. 340, as amended, failed to pass the Senate on May 25, 1939, was taken up in its order.

The question was put on the motion made by Senator Rose. Upon which a roll call was demanded.

Upon the adoption of the motion made by Senator Rose to reconsider the vote by which Committee Substitute for House Bill No. 340, as amended, failed to pass the Senate on May 25, 1939, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Graham, Hinely, Holland, Horne, Kanner, Kelly (16th), Lewis, Murphy, Parker, Price, Rose, Sharit, Ward, Whitaker—17.

Nays—Senators Beall, Black, Clarke, Coulter, Dugger,

Gideons, Hodges, Johns, Kelly (11th), Kendrick, Lindler, Mapoles, Parrish, Savage, Walker, Westbrook, Wilson—17.

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

The following pair was announced:

I am paired with Senator Gillis on the motion made by Senator Rose to reconsider the vote by which Committee Substitute for House Bill No. 340, as amended, failed to pass the Senate.

If he were present he would vote 'aye' and I would vote 'no'.

DEWEY A. DYE.

Pursuant to the motion made by Senator Parrish on May 17, 1939, and the hour having arrived, the Senate took up for consideration House Bill No. 979, as a Special and Continuing Order.

House Bill No. 979:

A bill to be entitled An Act requiring the State Agricultural Marketing Board to establish houses where citrus may be washed, polished and graded for shipment and placing a limitation on the time such houses shall be operated; authorizing the State Agricultural Marketing Board to make rules and regulations to carry out the purpose of this Act; describing the places where said houses shall be located and making appropriation for the purposes of this Act.

Was taken up.

Senator Parrish moved that the rules be waived and House Bill No. 979 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 979 was read the second time by title only.

Senator Parrish moved that the rules be further waived and House Bill No. 979 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. 979 was read the third time in full.

Upon the passage of House Bill No. 979 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Clarke, Coulter, Dugger, Dye, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kendrick, Lewis, Lindler, Mapoles, Murphy, Parrish, Price, Rose, Sharit, Walker, Westbrook, Whitaker, Wilson—30.

Nays—None.

So House Bill No. 979 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Kanner moved that the Night Session tonight be devoted to the consideration of all those bills mentioned in the Report of the Committee on Rules and Calendar adopted by the Senate on May 25, 1939, and in addition thereto, Pension and Claim Bills and Local Bills.

Which was agreed to and it was so ordered.

Pursuant to the motion made by Senator Whitaker on May 23, 1939, and the hour having arrived, the Senate took up for consideration House Bill No. 104, as a Special and Continuing Order.

House Bill No. 104:

A bill to be entitled An Act fixing the salaries of the Justices of the Supreme Court, 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 19, 1939.

Pending roll call on the passage of House Bill No. 104, Senator Whitaker moved that the hour of adjournment be extended until such time as the roll call on the passage of House Bill No. 104 is completed.

Pending adoption of the motion made by Senator Whitaker, the hour of adjournment having arrived, a point of order was called and the Senate took a recess at 5:02 o'clock P. M., until 8:00 o'clock P. M., this day.

NIGHT SESSION

The Senate reconvened at 8:00 o'clock P. M., pursuant to recess order.

The President in the Chair.

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

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

A quorum present.

Senator Kelly (16th) moved that the rules be waived and the Senate do now take up and consider Senate Bill No. 782, out of order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 782:

A bill to be entitled An Act appropriating five thousand (\$5,000.00) dollars from the General Revenue Fund for the use of the State Executive Committee of the Young Democratic Clubs of Florida in its campaign to bring the 1941 national convention of the Young Democratic Clubs of America to Florida.

Was taken up.

Senator Kelly (16th) moved that the rules be waived and Senate Bill No. 782 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 782 was read the second time by title only.

Senator Kelly (16th) offered the following amendment to Senate Bill No. 782:

In Title, line 2 (typewritten bill), strike out the word: "Revenue" and insert in lieu thereof the following: "Inspection"

Senator Kelly (16th), moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Kelly (16th) also offered the following amendment to Senate Bill No. 782:

In Section 1, line 2 (typewritten bill), after "appropriated" add the following: "from the General Inspection Fund of the State of Florida."

Senator Kelly (16th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Kelly (16th) also offered the following amendment to Senate Bill No. 782:

In Section 2, line 10 (typewritten bill), strike out the word: "Revenue" and insert in lieu thereof the following: "Inspection"

Senator Kelly (16th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Kelly (16th) moved that the rules be further waived and Senate Bill No. 782 as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 782, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 782, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Black, Clarke, Dugger, Dye, Gideons, Graham, Hodges, Holland, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, McKenzie, Murphy, Parker, Parrish, Price, Sharit, Walker, Westbrook, Whitaker, Wilson—27.

Nays—None.

So Senate Bill No. 782 passed, as amended, and was referred to the Committee on Engrossed Bills.

Senator Parker moved that Senate Bill No. 849 be withdrawn from the Committee on Public Roads and Highways and re-referred to the Committee on Appropriations.

Which was agreed to and it was so ordered.

Senator Dye moved that Senate Bill No. 1111 be withdrawn from the Committee on Agriculture and Livestock and re-referred to the Committee on Judiciary "B."

Which was agreed to and it was so ordered.

By unanimous consent Senator Clark withdrew Senate Bills Nos. 574, 575, 576, and 577.

Pursuant to the Report of the Committee on Rules and Calendar adopted by the Senate on May 25, 1939, the Senate took up for consideration the following bills:

Senate Bill No. 25:

A bill to be entitled An Act relating to public education, providing for the organization, establishment, operation, maintenance and support of the state system of public education.

Was taken up.

Senator Kanner moved that the rules be waived and Senate Bill No. 25 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 25 was read the second time by title only.

The following Committee Substitute for Senate Bill No. 25:

A bill to be entitled An Act relating to public education, providing for the organization, establishment, operation, maintenance, and support of the State system of public education and prescribing penalties for violating any provision of the Act, and any rule and regulation made pursuant to the Act.

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

Senator Kanner moved that the rules be waived and the Committee Substitute for Senate Bill No. 25 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And the Committee Substitute for Senate Bill No. 25 was read the second time by title only.

Senator Kanner moved the adoption of the Committee Substitute for Senate Bill No. 25.

Which was agreed to and the Committee Substitute for Senate Bill No. 25 was adopted.

Senator Kanner moved that the rules be waived and Committee Substitute for Senate Bill No. 25 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Committee Substitute for Senate Bill No. 25 was read the third time in full.

Upon the passage of Committee Substitute for Senate Bill No. 25 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dugger, Dye, Graham, Hodges, Holland, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—30.

Nays—None.

So Committee Substitute for Senate Bill No. 25 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Black moved that the rules be waived and the Senate do now revert to the consideration of Messages from the House of Representatives.

Which was agreed to by a two-thirds vote.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Florida,
May 26, 1939.

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

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives refuses to concur in Senate amendments to:

By Mr. Ayers of Gilchrist—
House Bill No. 1365:

A bill to be entitled An Act fixing the compensation of members of the Board of Public Instruction in the Counties of the State of Florida having a population of not less than 4,150 and not more than 4,200 according to the last preceding Florida State census: and repealing all laws in conflict herewith.

Which amendments read as follows:

Senate Amendment No. 1: In Section 1, line 7 (typewritten bill), after the word "each" add the following: and providing further that the Chairman of said Board shall receive thirty-five (\$35.00) dollars.

Senate Amendment No. 2: In Section 1, line 7 (typewritten

bill), strike out the words and figure "Twenty-five (\$25.00) and insert in lieu thereof the following: Thirty (\$30.00).

And respectfully requests the Senate to recede therefrom.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 1365, contained in the above message, was read by title together with Senate amendments thereto.

Senator Black moved that the Senate recede from Senate Amendment No. 1 to House Bill No. 1365.

Which was agreed to and the Senate receded from Senate Amendment No. 1 to House Bill No. 1365.

Senator Black moved that the Senate recede from Senate Amendment No. 2 to House Bill No. 1365.

Which was agreed to and the Senate receded from Senate Amendment No. 2 to House Bill No. 1365.

And the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

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

Tallahassee, Florida,
May 26, 1939.

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

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has granted the request of the Senate and returns herewith:

By Mr. Ayers of Gilchrist—

House Bill No. 1364:

A bill to be entitled An Act fixing the compensation of members of the Board of County Commissioners in Counties of the State of Florida having a population of not less than four thousand one hundred and fifty (4,150) and not more than four thousand two hundred (4,200) according to the last preceding Florida State census: and repealing all laws in conflict herewith.

for the purpose of further consideration.

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

And House Bill No. 1364, contained in the above message, was read by title.

Senator Black moved that the rules be waived and the Senate do now reconsider the vote by which House Bill No. 1364 passed the Senate on May 23, 1939.

Which was agreed to by a two-thirds vote and the Senate reconsidered the vote by which House Bill No. 1364 passed the Senate on May 23, 1939.

By unanimous consent Senator Black offered the following amendment to House Bill No. 1364:

In Section 1, line 7 (typewritten bill), strike out the words: Twenty five (\$25.00), and insert in lieu thereof the following: Thirty (\$30.00).

Senator Black moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

By unanimous consent Senator Black also offered the following amendment to House Bill No. 1364:

In Section 1, line 10 (typewritten bill), strike out the words: Thirty (\$30.00), and insert in lieu thereof the following: Thirty-five (\$35.00).

Senator Black moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The question recurred on the passage of House Bill No. 1364, as amended.

Upon the passage of House Bill No. 1364, as amended, the roll was called and the vote was:

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

Nays—None.

So House Bill No. 1364 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

House Bill No. 1:

A bill to be entitled An Act relating to criminal procedure: To the issuing of warrants and capias and the execution thereof; to preliminary examinations and bail; to methods of prosecution; to the selection and duties of the grand jury; to indictments and informations and process thereon; to arraignment, motions and pleas; to jurisdiction and venue; to change of judges and removal of causes; to trial by jury and waiver of trial; to presence of the defendant; to dismissal of prosecution, and continuance; to proceedings to determine mental condition of defendant; to conduct of trial and jury; to motions for a new trial and in arrest of judgment; to judgment, sentence and execution; to provide for the use of evidence at a former trial; to appeal; to revise, to re-enact and consolidate the law relating to criminal procedure; to powers and duties of administrative, judicial and prosecuting officers; to capital punishment; to repeal certain laws and all other laws and parts of laws in conflict herewith.

Was taken up.

Senator Kelly (11th) moved that the rules be waived and House Bill No. 1 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1 was read the second time by title only.

Judiciary Committees "A," "B" and "C," jointly, offered the following amendment to House Bill No. 1:

In Title, line 20 (typewritten bill), add the following: and prescribing a penalty for any officer or other person violating the provisions of this Act.

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 24, lines 3 and 4 (typewritten bill), strike out the words: under reasonable regulations, to visit the person arrested, and insert in lieu thereof the following: forthwith upon his request to visit the person arrested and to interview him privately.

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 25 (typewritten bill), insert the following: subsection (d) of his right to refuse to testify, and also cautioned that in the event he does testify, anything which he says may be used against him in a subsequent proceeding.

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 41 (typewritten bill), insert the following: subsection (5) "a witness so committed shall be entitled to his fees as a witness for the period of his commitment."

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 43 (typewritten bill), insert the following: (paragraph) (d) "No Sheriff, Deputy Sheriff, Constable, Deputy Constable, Highway Patrolman, City Marshal, Police Officer or other person employed or paid as a law enforcement officer, shall be entitled to witness fees or to mileage when summoned to testify in any Court sitting in the County in which he holds office, is employed, or has his residence."

Senator Kelly (11th) moved the adoption of the amendment.

Pending the adoption of the amendment offered by the Judiciary Committees "A," "B" and "C," jointly, Senator Dye offered the following amendment to the amendment offered by Judiciary Committees "A," "B" and "C," jointly, to House Bill No. 1:

Strike out the words: "City Marshal Police Officer."

Senator Dye moved the adoption of the amendment to the amendment offered by the Judiciary Committees "A," "B" and "C," jointly.

Which was agreed to and the amendment to the amendment was adopted.

Pending the adoption of the amendment offered by the

Judiciary Committees "A," "B" and "C," jointly, Senator Dye also offered the following amendment to the amendment offered by the Judiciary Committees "A," "B" and "C," jointly:

In line 3 between words "paid" and "as" insert "by the State or any county thereof."

Senator Dye moved the adoption of the amendment to the amendment offered by the Judiciary Committees "A," "B" and "C," jointly.

Which was agreed to and the amendment to the amendment was adopted.

The question recurred on the adoption of the amendment offered by the Judiciary Committees "A," "B" and "C," jointly, as amended.

Which was agreed to and the amendment, as amended, was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 69, (typewritten bill), insert the following: (Sub-section) (3) "The undertaking and affidavits shall be in lien on any real property described in the same for a period of one year from the time of the recording thereof in the county in which the property is situated, and thereafter until the final determination of any action, or suit brought thereon instituted within such one year period, and if no action is instituted within one year from date of recording; the lien shall stand discharged. After the expiration of one year from the date on which the undertaking and affidavits are recorded the same shall not continue a lien even though an action or suit is instituted unless in connection with the institution of such action or proceeding a lis pendence notice is filed and recorded."

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 71, line (typewritten bill) strike out the words: "If the forfeiture is not discharged, and the undertaking is one secured otherwise than by the deposit of money or bonds, it shall be the duty of the prosecuting attorney, immediately after the lapse of ten days after forfeiture, to proceed against the defendant, or any surety, upon his undertaking, as follows:" and insert in lieu thereof the following: "If the forfeiture is not discharged, and the undertaking is one secured otherwise than by the deposit of money or bonds, it shall be the duty of the prosecuting attorney, immediately after the lapse of thirty days after the date of forfeiture, but in any event within one year from said date, to proceed against the defendant or any surety upon his undertaking as follows."

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 76, line 4, 5, 6, (typewritten bill) strike out the words: or by reason of the infancy, coveture, lunacy, or any other incapacity of any other party thereto."

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 84, line 4 (typewritten bill) insert the following: ", but the provisions of this section shall apply only to defendants who knew, or had reasonable ground to believe, that cases in which they were or might be involved would be investigated by the grand jury at the time it was impanelled and sworn."

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 120, (typewritten bill) add the following: "provided, however, that such indictment or information contains sufficient facts directly and clearly alleged and charged to constitute the offense being charged in such indictment or information."

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 188, line 4 (typewritten bill), strike out the words: "with the permission of the court."

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 191 (typewritten bill), strike out entire sub-paragraph (b); and insert in lieu thereof the following:

(b) Whenever in the opinion of the Court a trial is likely to be a protracted one, the presiding Judge of such Court may direct that one or two jurors, in addition to the regular panel, be called and impanelled to sit as alternate jurors. Alternate jurors in the order in which they are called shall replace jurors who, prior to the time the jury retires to consider its verdict, become unable or disqualified to perform their duties. Alternate jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination, shall take the same oath and shall have the same functions, powers, facilities and privileges as the principal jurors. An alternate juror, who does not replace a principal juror, shall be discharged at the time the jury retires to consider its verdict. If one or two alternate jurors are called, each party is entitled to one peremptory challenge in addition to those otherwise allowed by law for each alternate juror so called. The additional peremptory challenge may be used only against the alternate juror and the other peremptory challenges allowed by law shall not be used against the alternate jurors.

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 222 (typewritten bill), strike out all of Section 222; and insert in lieu thereof the following: After the jurors have retired to consider their verdict the court shall not recall the jurors to hear additional evidence.

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

(typewritten bill) Add new Section as follows: Section 318. "Except as otherwise provided herein, any sheriff, constable, justice of the peace, county judge, magistrate, prosecuting attorney, court reporter, stenographer or interpreter, or other officer required to perform any duty as provided herein, who willfully fails, refuses and omits to perform any duty herein required of such officer to be done and performed, or willfully violates any of the provisions hereof, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$100.00 for each such offense, or be imprisoned in the county jail not exceeding ten days, or by both such fine and imprisonment."

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

After inclusion of new Section 318 (in typewritten bill), renumber present sections 318, 319, 320, 321 to read 319, 320, 321, 322.

Senator Kelly (11th) moved the adoption of the amendment.

Pending adoption of the amendment offered by the Judiciary Committees "A," "B" and "C," jointly, Senator Kelly (11th) moved that the rules be waived and the hour of adjournment be extended until such time as the Senate completes the consideration of House Bill No. 1.

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

The question recurred on the adoption of the foregoing amendment offered by the Judiciary Committees "A," "B" and "C," jointly, to House Bill No. 1.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 153 (typewritten bill), strike out all of sub-section (1).

Senator Kelly (11th) moved the adoption of the amendment. Upon which a roll call was demanded.

Upon the adoption of the foregoing amendment the roll was called and the vote was:

Yeas—Senators Adams, Beacham, Beall, Clarke, Hodges, Johns, Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Price, Walker, Westbrook, Whitaker—17.

Nays—Mr. President; Senators Black, Dye, Graham, Holland, Kanner, Rose, Sharit, Ward, Wilson—10.

Which was agreed to and the foregoing amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 4, lines 1 and 2, page 3 (typewritten bill), strike out the words: "the sheriff or constable holding said warrant," and insert in lieu thereof the following: "any sheriff or constable who is advised of the existence of said warrant."

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 7, line 11, page 4 (typewritten bill), strike out the words: "shall take the person arrested before the magistrate who issued the warrant," and insert in lieu thereof the following: "or the officer having the warrant, shall take the person arrested before the magistrate who issued the warrant."

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 15 (typewritten bill), insert the following: (Sub-section) (d) "When a warrant has been issued charging any criminal offense and has been placed in the hands of any peace officer for execution."

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 183, line 1, page 78 (typewritten bill), strike out the words: "The court in its discretion may permit either party to question a juror and each party may also submit questions to the court which in its discretion it may ask a juror," and insert in lieu thereof the following: "Counsel for both State and defendant shall be permitted to propound pertinent questions to the juror after such examination by the Court."

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 93 (typewritten bill), add new sub-section (3) as follows:

"(3) Said testimony so taken down by the court reporter shall be transcribed in all cases in which indictment has been found, and the same shall be filed by the said Grand Jury with the Clerk of said Court and after the arrest of said defendant named in any such indictment shall be made accessible for perusal by the defendant or his counsel but to no one else. It is the purpose to secure for the defendant and his counsel after the defendant's arrest the accessibility of such testimony but to exclude all other persons from reading same."

Senator Kelly (11th) moved the adoption of the amendment.

Pending the adoption of the amendment offered by the Judiciary Committees "A," "B" and "C," jointly, Senator Dye offered the following substitute amendment to House Bill No. 1:

In Section 93 (typewritten bill), strike out entire Section 93 and re-number succeeding sections.

Senator Dye moved the adoption of the foregoing substitute amendment to House Bill No. 1.

Pending adoption of the foregoing substitute amendment to House Bill No. 1, Senator Whitaker offered the following amendment to the substitute amendment offered by Senator Dye to House Bill No. 1.

Strike out the words: "re-number succeeding sections"; and insert in lieu thereof the following: It shall be unlawful to

have any Court Reporter or Stenographer present before said Grand Jury while they are in session and a violation of this section shall be grounds to quash any indictment in such case where the Reporter or Stenographer has been before said Grand Jury while the testimony has been taken.

Senator Whitaker moved the adoption of the amendment to the substitute amendment offered by Senator Dye to House Bill No. 1.

Which was agreed to and the amendment offered by Senator Dye to House Bill No. 1.

Which was agreed to and the amendment offered by Senator Whitaker to the substitute amendment offered by Senator Dye to House Bill No. 1 was adopted.

The question recurred on the adoption of the substitute amendment offered by Senator Dye, as amended, to House Bill No. 1.

Which was agreed to and the substitute amendment offered by Senator Dye, as amended, to House Bill No. 1 was adopted.

Judiciary Committees "A," "B" and "C," jointly, also offered the following amendment to House Bill No. 1:

In Section 35 (typewritten bill), add the following: "If the testimony, or any part thereof, is reduced to writing at the request of the prosecuting attorney, a copy of such testimony, or of the part thereof which has been reduced to writing, shall be furnished free of cost to defendant or his counsel."

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Kelly (11th) offered the following amendment to House Bill No. 1:

In Section 153, line 8, page 64 (typewritten bill), strike out the words: "alibi or."

Senator Kelly (11th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Kelly (11th) moved that the rules be further waived and House Bill No. 1, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 1, as amended, was read the third time in full.

Upon the passage of House Bill No. 1, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Clarke, Dye, Graham Hodges, Holland, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, Parrish, Price, Rose, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—25.

Nays—None.

So House Bill No. 1 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives.

The hour of adjournment having arrived, a point of order was called and the Senate stood adjourned at 10:54 o'clock, P. M., until 11:00 o'clock, A. M., Saturday, May 27, 1939.

EXECUTIVE SESSION ANNOUNCEMENT

The Senate in Executive Session on May 26, 1939, advised and consented to the following appointments by the Governor:

Clyde H. Wilson, State Attorney in and for the Twelfth Judicial Circuit of the State of Florida, for a term beginning June 1, 1939 and ending July 1, 1939, representing the unexpired term of the present incumbent.

Orion C. Parker, Jr., State Attorney in and for the Second Judicial Circuit of the State of Florida, for a term of 4 years from July 31, 1939.

J. W. Hunter, State Attorney in and for the Fifth Judicial Circuit of the State of Florida, for a term of 4 years from July 31, 1939.

Chester B. McMullen, State Attorney in and for the Sixth Judicial Circuit of the State of Florida, for a term of 4 years from July 31, 1939.

T. E. Duncan, State Attorney in and for the Eighth Judi-

cial Circuit of the State of Florida, for a term of 4 years from July 31, 1939.

Murray W. Overstreet, State Attorney in and for the Ninth Judicial Circuit of the State of Florida, for a term of 4 years from July 31, 1939.

L. Grady Burton, State Attorney in and for the Tenth Judicial Circuit of the State of Florida, for a term of 4 years from July 31, 1939.

G. A. Worley, State Attorney in and for the Eleventh Judicial Circuit of the State of Florida, for a term of 4 years from July 31, 1939.

Clyde H. Wilson, State Attorney in and for the Twelfth Judicial Circuit of the State of Florida, for a term of 4 years from July 31, 1939.

L. D. McRae, State Attorney in and for the Fourteenth Judicial Circuit of the State of Florida, for a term of 4 years from July 31, 1939.

Phil O'Connell, State Attorney in and for the Fifteenth Judicial Circuit of the State of Florida, for a term of 4 years from July 31, 1939.

Ben C. Willard, Judge of the Criminal Court of Record in and for Dade County, Florida, for a term of 4 years from September 17, 1939.

Robert R. Taylor, Solicitor of the Criminal Court of Record in and for Dade County, Florida, for a term of 4 years from September 13, 1939.

W. M. Murphy, Judge of the Criminal Court of Record in and for Orange County, Florida, for a term of 4 years from July 26, 1939.

O. Raymond Ellars, Solicitor of the Criminal Court of Record in and for Orange County, Florida, for a term of 4 years from July 26, 1939.

Bryan Simpson, Judge of the Criminal Court of Record in and for Duval County, Florida, for a term of 4 years from August 13, 1939.

Wayne E. Ripley, Solicitor of the Criminal Court of Record in and for Duval County, Florida, for a term of 4 years from August 16, 1939.

Robert T. Dewell, Judge of the Criminal Court of Record in and for Polk County, Florida, for a term of 4 years from August 8, 1939.

Gunter Stephenson, Solicitor of the Criminal Court of Record in and for Polk County, Florida, for a term of 4 years from August 4, 1939.

H. W. Johnson, Harbor Master in and for the Port of Panama City, Bay County, Florida, for a term of two years from June 13, 1939.

E. H. Dudley, Member of the Polk County Port Authority for a term of 4 years from June 17, 1938.

F. K. Crumb, Member of the Polk County Port Authority for a term of 4 years from June 17, 1939.

Fred W. Pope, Member of the Polk County Port Authority for a term of 4 years from June 17, 1940.

E. F. Morse, Harbor Master in and for the Port of Fernandina, Nassau County, Florida, for a term of 2 years from April 4, 1939.

R. A. Henderson, Commissioner, Uniformity of Legislation, State of Florida, for a term of 4 years from June 6, 1939.

Edward McCarthy, Jr., Commissioner, Uniformity of Legislation, State of Florida, for a term of 4 years from June 6, 1939.

H. Pope Neff, Harbor Master, in and for the Port of Jacksonville, Duval County, Florida, for a term of 2 years from April 6, 1939.

The Senate in Executive Session on May 26, 1939 consented to the suspension and removal from office by the Governor of Frank A. Dougherty, Tax Collector in and for Hendry County, Florida.

The Senate in Executive Session on May 26, 1939, refused to consent to the suspension and removal from office by the Governor of W. R. Faircloth, Tax Collector in and for Holmes County, Florida.