

EXTRAORDINARY SESSION  
JOURNAL OF THE SENATE

Wednesday, June 13, 1945

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Tuesday, June 12, 1945.

The President in the Chair.

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

Mr. President	Bryant	Griner	Perdue
Ausley	Carroll	Johns	Riddle
Barringer	Clarke	Johnson	Sanchez
Baynard	Coleman 13th	King 7th	Shands
Beacham	Coleman 28th	King 27th	Sheldon
Black	Davis	Lewis	Sturgis
Boyle	Fraser 29th	Lindler	Thomas
Brackin	Fraser 31st	McArthur	Wilson
Branch	Gray	Moon	

—35.

A quorum present.

Senators McKenzie and Mathews were excused from attendance upon the session.

The following prayer was offered by the Chaplain:

"Our dear Heavenly Father, hear us this day as we humbly bow before Thee, acknowledging our dependency upon Thy sustaining grace. Wilt Thou be so kind as to supply the peculiar needs of each member of this body and answer our intercessions in behalf of our loved ones, wherever they may be, on land, on sea, in air or at home. Give to us the blessings of the elements that will secure our economic stability. Hear and answer us for the sake of Thy Son and for His glory. Amen."

The reading of the Journal was dispensed with.

The Journal of Tuesday, June 12, 1945, was corrected and as corrected was approved.

Senator Shands moved that the rules be waived and when the Senate adjourns it recess until 2:00 o'clock P. M., this day.

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

Senator Shands moved that the Senate do now adjourn.

Which was agreed to and the Senate took a recess at 11:12 o'clock A. M., until 2:00 o'clock P. M., this day.

### AFTERNOON SESSION

The Senate reconvened at 2:00 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	Bryant	Griner	Perdue
Ausley	Carroll	Johns	Riddle
Barringer	Clarke	Johnson	Sanchez
Baynard	Coleman 13th	King 7th	Shands
Beacham	Coleman 28th	King 27th	Sheldon
Black	Davis	Lewis	Sturgis
Boyle	Fraser 29th	Lindler	Thomas
Brackin	Fraser 31st	McArthur	Wilson
Branch	Gray	Moon	

—35.

A quorum present.

By permission the following Senate Concurrent Resolution was introduced:

By Senator Davis—

Senate Concurrent Resolution No. 2-X:

Providing for the Adjournment Sine Die of the Senate and House of Representatives of the State of Florida at 2:00 P. M., Thursday, June 14, 1945.

WHEREAS, the regular session of the Legislature of the State of Florida, 1945, adjourned sine die without apportioning the representation in the Senate and the House of Representatives, and

WHEREAS, immediately upon such adjournment the Honorable Millard F. Caldwell, Governor of the State of Florida, called the Legislature together in Extraordinary Session to consider the question of reapportionment, and

WHEREAS, The Legislature of the State of Florida in such Extraordinary Session has failed to effect such reapportionment, and by reason of differences of opinion is effectively deadlocked and there is no prospect that such deadlock may be broken.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA AND THE HOUSE OF REPRESENTATIVES CONCURRING:

That the time for adjournment sine die of the Florida Legislature Extraordinary Session, 1945, be and the same is hereby fixed at the hour of 2:00 P. M., Thursday, June 14, 1945; at which time the Extraordinary Session of the Florida Legislature, 1945, shall be adjourned sine die.

Which was read the first time in full.

Senator Baynard arose to a point of order and stated Senate Concurrent Resolution No. 2-X was out of order since the Legislature had not yet complied with the Constitutional requirement as set forth in the Governor's Proclamation.

Before ruling on the point of order the President announced that the question was one which the Senate might decide by a majority vote since it involved an interpretation of the Constitution and was not entirely a question of procedure; and the President further stated that he had no desire to avoid his responsibility of making a ruling upon the point of order and was ready to do so unless the Senate expressed a desire to determine the question by a vote of the body. No such request was made. Thereupon, the President ruled that Senate Concurrent Resolution No. 2-X providing for adjournment sine die was out of order because Section 3 of Article VII of the Constitution does not permit adjournment sine die until reapportionment has been made by the Legislature.

Senator Shands moved that when the Senate adjourns, it adjourn to reconvene at 4:00 o'clock P. M., this day.

Which was agreed to and it was so ordered.

Senator Shands moved that the Senate do now adjourn.

Which was agreed to and the Senate took a recess at 2:43 o'clock P. M., until 4:00 o'clock P. M., this day.

The Senate reconvened at 4:00 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	Bryant	Griner	Perdue
Ausley	Carroll	Johns	Riddle
Barringer	Clarke	Johnson	Sanchez
Baynard	Coleman 13th	King 7th	Shands
Beacham	Coleman 28th	King 27th	Sheldon
Black	Davis	Lewis	Sturgis
Boyle	Fraser 29th	Lindler	Thomas
Brackin	Fraser 31st	McArthur	Wilson
Branch	Gray	Moon	

—35.

A quorum present.

By permission the following Concurrent Resolution was introduced:

By Senators Davis, Ausley and Shands—

Senate Concurrent Resolution No. 3-X:

Providing for the Adjournment of the Senate and House of Representatives of the State of Florida, without pay, from 2:00 P. M., Thursday, June 14, 1945, until 2:00 P. M., Monday, November 4, 1946.

WHEREAS, the Regular Session of the Legislature of the State of Florida, 1945, adjourned sine die without apportion-

ing the representation in the Senate and the House of Representatives, and

WHEREAS, immediately upon such adjournment the Honorable Millard F. Caldwell, Governor of the State of Florida, called the Legislature together in Extraordinary Session to consider the question of reapportionment, and

WHEREAS, the Legislature of the State of Florida in such Extraordinary Session has been unable to effect such reapportionment and by reason of the differences of opinion, no solution appears imminent.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA AND THE HOUSE OF REPRESENTATIVES CONCURRING:

That the said Senate and said House of Representatives of the Florida Legislature, Extraordinary Session, 1945, do adjourn and recess from 2:00 P. M., Thursday, June 14, 1945 until 2:00 P. M. on Monday, November 4, 1946, and that the members of both of said houses during such adjournment or recess shall receive no compensation.

Which was read the first time in full.

Senator Shands moved that the rules be waived and Senate Concurrent Resolution No. 3-X be read the second time in full and put upon its adoption.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 3-X was read the second time in full.

Upon the adoption of Senate Concurrent Resolution No. 3-X the roll was called and the vote was:

Yeas—21.

Ausley	Davis	Lewis	Shands
Black	Fraser 29th	Lindler	Thomas
Brackin	Fraser 31st	McArthur	Wilson
Branch	Gray	Perdue	
Clarke	Griner	Riddle	
Coleman 28th	Johns	Sanchez	

Nays—14.

Mr. President	Boyle	Johnson	Sheldon
Barringer	Bryant	King 7th	Sturgis
Baynard	Carroll	King 27th	
Beacham	Coleman 13th	Moon	

So Senate Concurrent Resolution No. 3-X was adopted and the action of the Senate was ordered certified to the House of Representatives.

The following explanation of vote on the adoption of Senate Concurrent Resolution No. 3-X was filed with the Secretary:

We, the undersigned, vote "No" on Senate Concurrent Resolution No. 3-X to recess according to the terms thereof for the following reasons:

1. Section 3 of Article VII of the Constitution of the State of Florida provides:

"The Legislature that shall meet in regular session A. D. 1925, and those that shall meet every ten years thereafter, shall apportion the Representation in the Senate, and shall provide for thirty-eight (38) Senatorial Districts, such Districts to be as nearly equal in population as practicable, but no county shall be divided in making such apportionment and each District shall have one Senator; and at the same time, the Legislature shall also apportion the Representation in the House of Representatives, and shall allow three (3)

Representatives to each of the five most populous Counties, and two (2) Representatives to each of the next eighteen more populous Counties, and one Representative of each of the remaining Counties of the State at the time of such apportionment. Should the Legislature fail to apportion the Representation in the Senate and in the House of Representatives, at any regular session of the Legislature at any of the times herein designated, it shall be the duty of the Legislature or Legislatures succeeding such regular session of the Legislature, either in special or regular session, to apportion the Representation in the Senate and in the House of Representatives as herein provided. The preceding regular Federal or regular State Census, which ever shall have been taken nearest any apportionment of Representatives in the Senate and in the House of Representatives, shall control in making any such apportionment. In the event the Legislature shall fail to reapportion the representation in the Legislature as required by this amendment, the Governor shall (within thirty days after the adjournment of the regular session), call the Legislature together in extraordinary session to consider the question of reapportionment and such extraordinary session of the Legislature is hereby mandatorily required to reapportion the representation as required by this amendment before its adjournment (and such extraordinary session so called for reapportionment shall not be limited to expire at the end of twenty days or at all, until reapportionment is effected, and shall consider no business other than such reapportionment). (Amended, Senate Joint Resolution 255, Acts 1923, adopted at general election, 1924)."

The Governor has called us into Extraordinary Session to perform our duty of reapportionment in accordance with the foregoing provision. We believe that we are mandatorily required to reapportion the representation in the Legislature, as required by said Section and Article, before adjournment, and the proposed adjournment and recess violates the spirit and intent of the Constitution.

2. The language of the Constitution is clear and explicit and places a duty upon the Legislature to reapportion the representation in the Legislature according to the Section and Article above set forth. Upon assuming our duties as Senators, we took an oath to uphold, defend and support the Constitution. The Governor has performed his duty and called us into Extraordinary Session to perform ours. We desire to perform that duty; the proposed adjournment and recess prevents us from doing so.

- HARRISON E. BARRINGER, 36th District.
- W. B. MOON, 9th District.
- HENRY S. BAYNARD, 11th District.
- A. L. BRYANT, 38th District.
- HARRY E. KING, 7th District.
- D. C. COLEMAN, 13th District.
- JNO. R. BEACHAM, 35th District.
- WALLACE E. STURGIS, 20th District.
- WILBUR C. KING, 27th District.
- N. RAY CARROLL, 33rd District.
- LLOYD F. BOYLE, 37th District.
- HARRY P. JOHNSON, 23rd District.
- WALTER W. ROSE, 19th District.
- RAYMOND SHELDON, 34th District.

Senator Gray moved that the Senate do now adjourn.

Which was agreed to and the Senate stood adjourned at 4:20 o'clock P. M., until 11:00 o'clock A. M., Thursday, June 14, 1945.