

JOURNAL OF THE SENATE
EXTRAORDINARY SESSION

5

**At an Extraordinary Session of the Florida Legislature Convened by Proclamation of His Excellency,
Millard F. Caldwell, Governor of Florida, Begun and Held in the Capitol, Tallahassee, Florida.**

Tuesday, September 14, 1948

The Senate was called to order by the Honorable S. D. Clarke,
President of the Senate, at 10:00 o'clock, A. M.

By direction of the President the roll was called and the
following Senators answered to their names:

1st District—Senator Newman C. Brackin
2nd District—Senator Philip D. Beall, Jr.
4th District—Senator C. L. Alford
5th District—Senator T. Drew Branch
6th District—Senator A. L. Wilson
7th District—Senator Harry E. King
8th District—Senator LeRoy Collins
9th District—Senator W. B. Moon
10th District—Senator W. T. Davis
11th District—Senator Henry S. Baynard
12th District—Senator Evans Cray
14th District—Senator J. Wofford Lindler
15th District—Senator Charley E. Johns
16th District—Senator A. G. McArthur
17th District—Senator G. Warren Sanchez
19th District—Senator Walter W. Rose
20th District—Senator Wallace E. Sturgis
21st District—Senator G. C. Perdue
22nd District—Senator S. D. Clarke
23rd District—Senator Harry P. Johnson
24th District—Senator James A. Franklin
25th District—Senator Carl R. Gray
26th District—Senator B. C. Pearce
28th District—Senator Walter G. Walker
29th District—Senator Edwin G. Fraser
30th District—Senator George W. Leaird
31st District—Senator Walter B. Fraser
32nd District—Senator W. A. Shands
33rd District—Senator N. Ray Carroll
34th District—Senator Raymond Sheldon
35th District—Senator John R. Beacham
36th District—Senator William J. Ray
37th District—Senator Lloyd F. Boyle
38th District—Senator J. C. Getzen, Jr.

A quorum present.

Prayer by the Reverend Ray Y. Walden.

The following communication from the Honorable R. A.
Gray, Secretary of State, was read:

OFFICE OF THE
SECRETARY OF STATE
STATE OF FLORIDA

Tallahassee
September 11th, 1948

Honorable S. D. Clarke
President
Florida State Senate
Senate Chamber
CAPITOL

Dear Senator:

I hand you herewith for your records official call by the
Governor convening the Legislature in extraordinary session
for September 14, 1948.

Respectfully and sincerely,
R. A. GRAY,
Secretary of State.

RAG/KBS
ENCL.

Together with the following Proclamation by the Governor:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

TO THE HONORABLE MEMBERS OF THE
SENATE AND THE HOUSE OF REPRESENTATIVES:

WHEREAS, a majority of the members of both Houses of
the Legislature have requested that a Special Session be con-
vened for the purpose of clarifying the confusion incident to
the extraordinary political situation now existing in this State,

NOW, THEREFORE, I, Millard F. Caldwell, Governor of the
State of Florida, by virtue of the power and authority vested
in me by the Constitution, do hereby convene the Legislature
in Extraordinary Session at the Capitol in Tallahassee, at ten
o'clock a m Tuesday, September 14, 1948, for the sole purpose
of considering the enactment of laws relating to the general
election, consistent with established rights and prerogatives.

IN WITNESS WHEREOF, I have hereunto set my hand,
and have caused the Great Seal of the State of Florida to be
affixed hereunder, at Tallahassee, the Capital of the State,
this tenth day of September, A. D. 1948, and of the Indepen-
dence of the United States of America, the One Hundred and
Seventy-third year.

(SEAL)

MILLARD F. CALDWELL,
Governor.

BY THE GOVERNOR, ATTEST:
R. A. GRAY,
Secretary of State.

The following Message from the Governor was also received
and read:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

September 13, 1948

Honorable S. Dilworth Clarke
President of the Senate
Senate Chamber
The Capitol
Tallahassee, Florida

Dear Mr. President Clark:

I will be grateful if you will cause the enclosed message to
be read to the Senate upon its convening.

Sincerely,
MILLARD F. CALDWELL,
Governor.

enclosure

GOVERNOR'S MESSAGE
Extraordinary Session
September 14, 1948

Mr. President Clarke, Mr. Speaker Beasley,

Members of the Senate and House of Representatives:

This extraordinary session, called at the behest of a majority
of the members of both Houses, for the purpose of clarifying
the confused political situation in the State, is charged with
the grave responsibility of solving the problem in a fair and
valid manner.

No effort should be spared in making certain that your
decisions are consonant with the requirements of the Con-
stitution. Care should be taken to see that our official acts

may be characterized as a forthright and eminently fair endeavor to eliminate the prevailing chaos and allow a free and effective exercise of the right of franchise.

Senator Collins placed in nomination the name of Robt. W. Davis, to be Secretary of the Senate during the Extraordinary Session of the Legislature.

Upon call of the roll on the election of Robt. W. Davis, the vote was:

Yeas—34.

Mr. President	Collins	Johnson	Rose
Alford	Crary	King	Sanchez
Baynard	Davis	Leaird	Shands
Beacham	Franklin	Lindler	Sheldon
Beall	Fraser (29th)	McArthur	Sturgis
Boyle	Fraser (31st)	Moon	Walker
Brackin	Getzen	Pearce	Wilson
Branch	Gray	Perdue	
Carroll	Johns	Ray	

Nays—0.

So Robt. W. Davis was elected Secretary of the Senate for the Extraordinary Session of the Legislature.

The Honorable Alto Adams, Justice of the Supreme Court of Florida, administered the oath of office to Robt. W. Davis.

Senator Brackin placed in nomination the name of D. H. McCallum to be Sergeant-at-Arms of the Senate during the Extraordinary Session of the Legislature.

Upon call of the roll on the election of D. H. McCallum, the vote was:

Yeas—34.

Mr. President	Collins	Johnson	Rose
Alford	Crary	King	Sanchez
Baynard	Davis	Leaird	Shands
Beacham	Franklin	Lindler	Sheldon
Beall	Fraser (29th)	McArthur	Sturgis
Boyle	Fraser (31st)	Moon	Walker
Brackin	Getzen	Pearce	Wilson
Branch	Gray	Perdue	
Carroll	Johns	Ray	

Nays—0.

So D. H. McCallum was elected Sergeant-at-Arms of the Senate for the Extraordinary Session of the Legislature.

The Honorable Alto Adams, Justice of the Supreme Court of Florida, administered the oath of office to D. H. McCallum.

By permission the following Resolution was introduced:

By Senator Beacham—

Senate Resolution No. 1-X:

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THAT, the Rules adopted for the government of the Senate during the 1947 Regular Session of the Legislature, as hereinafter amended, be and the same are hereby adopted as the Rules of the Senate for the Extraordinary Session:

Amendment:

That Paragraph 1, Rule IV, be and the same is hereby amended to read as follows:

1. Unless otherwise specially ordered by the Senate, the President shall appoint, at the commencement of the session, the following standing committees, viz:

Control of Legislative Expenditures to consist of five members;

Engrossed Bills to consist of nine members;

Enrolled Bills to consist of five members;

Privileges and Elections to consist of nine members;

Rules and Calendar to consist of seven members.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was agreed to and Senate Resolution No. 1-X was adopted.

Senator Shands moved that a committee of three be appointed to wait upon the Governor and inform His Excellency that the Senate is now organized and ready to proceed to the business of the Extraordinary Session.

Which was agreed to.

The President appointed Senators Shands, Johns and Brackin as the committee.

The committee withdrew.

Senator Crary moved that a committee of three be appointed to notify the House of Representatives that the Senate is now organized and ready to proceed with the business of the Extraordinary Session.

Which was agreed to.

The President appointed Senators Crary, Fraser (29th) and Leaird as the committee.

The committee withdrew.

Pursuant to Senate Rules, as now constituted the President announced the appointment of the following standing committees for the Extraordinary Session:

COMMITTEE ON RULES AND CALENDAR—Walter W. Rose, Chairman; John R. Beacham, Vice-Chairman; Lloyd F. Boyle, Raymond Sheldon, A. G. McArthur, W. A. Shands, Leroy Collins.

COMMITTEE ON CONTROL OF LEGISLATIVE EXPENDITURES—W. T. Davis, Chairman; A. L. Wilson, Vice-Chairman; C. L. Alford, Henry S. Baynard, Walter W. Rose.

COMMITTEE ON ENGROSSED BILLS—G. C. Perdue, Chairman; T. Drew Branch, Vice-Chairman; A. L. Wilson, W. T. Davis, Leroy Collins, Edwin G. Fraser, G. Warren Sanchez, W. B. Moon, Newman C. Brackin.

COMMITTEE ON ENROLLED BILLS—J. Wofford Lindler, Chairman; Walter B. Fraser, Vice-Chairman; Charley E. Johns, Walter G. Walker, Wallace E. Sturgis.

COMMITTEE ON PRIVILEGES AND ELECTIONS—Henry S. Baynard, Chairman; Newman C. Brackin, Vice-Chairman; G. Warren Sanchez, Charley E. Johns, W. A. Shands, A. L. Wilson, A. G. McArthur, George W. Leaird, Walter G. Walker.

A committee from the House of Representatives composed of Messrs. Clement of Pinellas, Collins of Sarasota, and Shepherd of St. Johns appeared at the Bar of the Senate and notified the Senate that the House of Representatives was duly organized and ready to proceed with the business of the Extraordinary Session.

The committee withdrew.

The committee appointed to wait upon the Governor and notify His Excellency of the organization of the Senate appeared at the Bar of the Senate and reported that its duty had been performed.

The committee was discharged.

The committee appointed to notify the House of Representatives of the organization of the Senate appeared at the Bar of the Senate and reported that its duty had been performed.

The committee was discharged.

INTRODUCTION OF BILLS

By the Committee on Privileges and Elections:

S. B. No. 1-X—A bill to be entitled An Act relating to the General Election to be held November 2, 1948, providing a method for voting for Presidential Electors and for other Officers at such Election; providing the substance and content of the ballot to be used in such Election for Presidential Electors and for State and County Officers; prescribing the duties of certain officers incident to the preparation of the ballot and the conduct of such Election and the canvassing of the returns; designating the nominees of certain political parties for the office of Presidential Electors to be included in the ballot for such Election; prescribing certain regulations with reference

to the arrangement of voting machines; repealing Section 99.57, Florida Statutes 1941, as amended, excepting from the provisions of Section 99.58, Florida Statutes 1941, as the same pertains to Presidential Electors; defining the responsibility of nominees of political parties of the oath subscribed to as candidates under the provisions of Section 102.29, Florida Statutes 1941; providing for the qualification of other candidates for President and Vice President and their Electors; otherwise regulating the conduct of such Election, and fixing the effective date, and repealing all Laws or parts of Laws in conflict herewith.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

Senator Sturgis moved that the rules be waived and that when the Senate adjourns at this session it recess to reconvene at 2:00 o'clock P. M., this day.

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

Senator Sturgis moved that the Senate do now recess.

Which was agreed to.

And the Senate recessed at 11:15 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	Collins	Johnson	Rose
Alford	Crary	King	Sanchez
Baynard	Davis	Leaird	Shands
Beacham	Franklin	Lindler	Sheldon
Beall	Fraser (29th)	McArthur	Sturgis
Boyle	Fraser (31st)	Moon	Walker
Brackin	Getzen	Pearce	Wilson
Branch	Gray	Perdue	
Carroll	Johns	Ray	

—34.

A quorum present.

By permission the following bill was introduced:

By the Committee on Privileges and Elections:

S. B. No. 2-X—A bill to be entitled An Act relating to the general election to be held November 2, 1948, providing a method for voting for Presidential Electors and for other officers at such election; providing the substance and content of the ballot to be used in such election for Presidential Electors and for State and county officers; providing for the qualification of other candidates for President and Vice-President and their electors; otherwise regulating the conduct of such election; prescribing the duties of certain officers incident to the preparation of the ballot and the conduct of such election and the canvassing of the returns; designating the nominees of certain political parties for the office of Presidential Elector to be included in the ballot for such election; prescribing certain regulations with reference to the arrangement on voting machines; repealing Section 99.57, Florida Statutes 1941, as amended, excepting from the provisions of Chapter 23957, Laws of Florida, Acts of 1947, as the same pertains to Presidential Electors; defining the responsibility of nominees of political parties of the oath subscribed to as candidates under the provisions of Section 102.29, Florida Statutes 1941; and fixing the effective date and repealing all laws or parts of laws in conflict herewith.

Which was read the first time by title only.

Senator Baynard moved that the rules be waived and Senate Bill No. 2-X be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 2-X was read the second time by title only.

Senator Beacham offered the following amendment to Senate Bill No. 2-X:

In Section 4, beginning on line 17 (typewritten bill), strike out the comma and the following words: "but the order in which the titles to the several offices to be filled shall be arranged upon the ballots shall be left to the discretion of the officer charged with the printing of said ballots," and insert in lieu thereof the following: a period and the following words: "The ballots shall be prepared and furnished by the Boards of County Commissioners of the respective counties but the order in which titles of offices shall be arranged on ballot shall be as the Secretary of State shall direct and shall be uniform throughout the State."

Senator Baynard moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Johns offered the following amendment to Senate Bill No. 2-X:

After Section 10 of the bill insert the following: Section 10-A: It is hereby declared to be unlawful for any person casting a ballot at any General Election to use any sticker, rubber stamp or carry into the polling booth any paper or memorandum other than the official ballot. In casting a write-in ballot the voter shall cast the same in his or her own handwriting or in the handwriting of a duly authorized election inspector who is aiding a voter in casting his or her ballot in the manner authorized by law.

Senator Johns moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Sheldon, Ray and King offered the following amendment to Senate Bill No. 2-X:

In Section 1, page 3, after paragraph starting "The third column" (typewritten bill), add a new paragraph as follows:

"The fourth column shall have printed therein the following: A circle not less than three-fourths an inch in diameter, then shall appear the words "Henry A. Wallace," and hereunder, "for President," and then the words "Glen H. Taylor," and thereunder the words "for Vice-President," then the words "Presidential Electors," then the names of the eight Presidential Electors as follows: "Maxine Bell (P)," "Peter Castellano (P)," "James Stachan (P)," "Lawrence Donovan (P)," "Marjorie Haynes (P)," "John M. Coe (P)," "Frederick O. Miller (P)," and "Wallace Martin (P)," and these names shall be printed in the same style as provided for in the first column."

Senator Sheldon moved the adoption of the amendment.

Upon which a roll call was demanded.

Upon call of the roll on the adoption of the amendment offered by Senators Sheldon, Ray and King to Senate Bill No. 2-X, the roll was called and the vote was:

Yeas—25.

Mr. President	Collins	King	Rose
Alford	Crary	Leaird	Shands
Baynard	Franklin	McArthur	Sheldon
Beacham	Fraser (31st)	Moon	Sturgis
Beall	Getzen	Pearce	
Boyle	Gray	Perdue	
Carroll	Johnson	Ray	

Nays—9.

Brackin	Fraser (29th)	Sanchez
Branch	Johns	Walker
Davis	Lindler	Wilson

Which was agreed to and the amendment was adopted.

Senator Gray offered the following amendment to Senate Bill No. 2-X:

Strike out Section 9.

Senator Gray moved the adoption of the amendment.

Upon which a roll call was demanded.

Upon call of the roll on the adoption of the amendment

offered by Senator Gray to Senate Bill No. 2-X, the roll was called and the vote was:

Yeas—8.

Alford	Boyle	Gray	Shands
Beacham	Collins	Rose	Sheldon

Nays—26.

Mr. President	Davis	King	Ray
Baynard	Franklin	Leaird	Sanchez
Beall	Fraser (29th)	Lindler	Sturgis
Brackin	Fraser (31st)	McArthur	Walker
Branch	Getzen	Moon	Wilson
Carroll	Johns	Pearce	
Crary	Johnson	Perdue	

So the amendment failed of adoption.

Senator Baynard moved that the rules be further waived and Senate Bill No. 2-X, 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. 2-X, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 2-X, as amended, the roll was called and the vote was:

Yeas—33.

Mr. President	Collins	King	Sanchez
Alford	Crary	Leaird	Shands
Baynard	Davis	Lindler	Sheldon
Beacham	Franklin	McArthur	Sturgis
Beall	Fraser (31st)	Moon	Walker
Boyle	Getzen	Pearce	Wilson
Brackin	Gray	Perdue	
Branch	Johns	Ray	
Carroll	Johnson	Rose	

Nays—1.

Fraser (29th)

So Senate Bill No. 2-X passed, as amended, and was referred to the Committee on Engrossed Bills.

By unanimous consent Senator Baynard withdrew Senate Bill No. 1-X.

By permission the following Resolutions were introduced:

By Senators Gray, Brackin, Johnson, Beacham, Johns, Fraser (29th) and Boyle—

Senate Resolution No. 2-X:

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, WHEREAS, at the 1947 Session of the Legislature of the State of Florida, it was the unanimous decision of the members of the Senate that each Senator, if he desired was to have the desk and chair of his Senatorial District at such time as new furniture shall be installed in the Senate Chamber,

AND, WHEREAS, the Senate Chamber is now in the process of completion,

AND, WHEREAS, the furniture has been ordered for re-furnishing the Senate Chamber,

NOW, THEREFORE, be it resolved by the Senate of the State of Florida that the Sergeant-at-Arms of the Senate be and hereby is authorized and instructed to ship to each member of this Senate the chair and desk occupied and used by each respective Senator during this Extraordinary Session, upon the request of the Senator from each respective Senatorial District; further, that the chair which the Secretary of the Senate has occupied be given to him.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was agreed to.

And Senate Resolution No. 2-X was adopted.

By the Committee on Privileges and Elections—

Senate Resolution No. 3-X:

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

SECTION 1. That the members of the Senate Special Committee appointed by the President to consider a proposed bill to revise the general election laws of the State, and particularly the form of the ballot to be used in the General Election to be held in November, 1948, be paid mileage and per diem expenses, as provided by law for Members of the Legislature, for their services in serving upon said committee, and that said mileage and per diem pay be charged to Legislative Expense.

Which was read the first time in full.

Pursuant to the rules the roll was called on the adoption of Senate Resolution No. 3-X and the vote was:

Yeas—27.

Mr. President	Carroll	Gray	Ray
Alford	Crary	Johnson	Rose
Baynard	Davis	Leaird	Shands
Beacham	Franklin	Lindler	Sturgis
Boyle	Fraser (29th)	Moon	Walker
Brackin	Fraser (31st)	Pearce	Wilson
Branch	Getzen	Perdue	

Nays—1.

McArthur

So Senate Resolution No. 3-X was adopted.

By permission the following Report of Committee was received:

REPORT OF COMMITTEE ON ENGROSSED BILLS

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

Tallahassee, Florida, September 14, 1948.

President of the Senate:
Sir:

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

S. B. No. 2-X—A bill to be entitled An Act relating to the general election to be held November 2, 1948; providing a method for voting for Presidential Electors and for other officers at such election, etc.

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

Very respectfully,
G. C. PERDUE,
Chairman of Committee.

And Senate Bill No. 2-X, contained in the above report, was ordered to be certified to the House of Representatives immediately, by waiver of the rule.

Senator Beacham moved that the rules be waived and that when the Senate adjourns today it adjourn to reconvene at 10:00 o'clock A. M., Wednesday, September 15, 1948.

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

Senator Beacham moved that the Senate do now adjourn.

Which was agreed to.

And the Senate stood adjourned at 4:45 o'clock P. M., until 10:00 o'clock A. M., Wednesday, September 15, 1948.