

JOURNAL OF THE SENATE

TUESDAY, APRIL 14, 1931

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Monday, April 13, 1931.

The President in the Chair.

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

Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Swearingen, Taylor, Turner, Wagg, Watson, Young.—38.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of April 13, 1931, was corrected, and as corrected, was approved.

The Journal of April 9, 1931, was corrected as follows:

On page 3, column 1, strike lines 65 to 70 inclusive, and insert in lieu thereof the following:

A bill to be entitled An Act dividing the State of Florida into five Congressional Districts and prescribing and setting forth the territorial limits and boundaries of each district.

And as corrected was approved.

The Secretary of State, by request of the President, administered the oath of office to Honorable Charles A. Finley, Emeritus and Advisory Secretary of the Senate, who was absent from the body on the date of organization on account of illness.

REPORT OF ENROLLING COMMITTEE

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

Senate Chamber
Tallahassee, Florida, April 13th, 1931.

Hon. Pat Whitaker,
President of the Senate,

Sir:

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

Senate Concurrent Resolution No. 1:

A Resolution providing for a joint session of the Senate and House of Representatives to receive the Governor's message.

Senate Concurrent Resolution No. 2:

A Resolution providing for the employment of a clerk or bookkeeper to keep a record by number of each bill introduced carrying an appropriation and the amount thereof carrying the totals, and also a separate record of those measures carrying appropriations that have become laws so that the legislature may be kept informed as to the amounts appropriated for any and all purposes.

Senate Concurrent Resolution No. 3:

A Resolution Providing for Honorable Perry G. Wall, Chairman of the Citizens Tax Investigation Committee, appointed by the Hon. Doyle E. Carlton, Governor of the State, to discuss the report and findings of his committee before a joint meeting of the Senate and House of Representatives on April 16th, 1931, at eight o'clock P. M. in the Chamber of the House of Representatives.

Senate Concurrent Resolution No. 4:

A Resolution providing for the appointment of a committee of two by the President of the Senate and a committee of three by the Speaker of the House of Representatives to procure the right from the Secretary of State for space in the lobby of the Capitol to establish a drink, cigar, candy, etc., stand.

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.

Very respectfully,

J. W. TURNER,
Chairman of the Joint Committee on Enrolled
Bills on the Part of the Senate.

The Concurrent Resolutions 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.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

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

Senate Chamber
Tallahassee, Florida, April 14, 1931.

Hon. Pat Whitaker,

President of the Senate,

Sir:

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

Senate Concurrent Resolution No. 1:

A Resolution providing for a joint session of the Senate and House of Representatives to receive the Governor's message.

Senate Concurrent Resolution No. 2:

A Resolution providing for the employment of a clerk or bookkeeper to keep a record by number of each bill introduced carrying an appropriation and the amount thereof carrying the totals, and also a separate record of those measures carrying appropriations that have become laws so that the legislature may be kept informed as to the amounts appropriated for any and all purposes.

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Senate Concurrent Resolution No. 4:

A Resolution providing for the appointment of a committee of two by the President of the Senate and a committee of three by the Speaker of the House of Representatives to procure the right from the Secretary of State for space in the lobby of the Capitol to establish a drink, cigar, candy, etc., stand.

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

Very respectfully,

J. W. TURNER,
Chairman of the Joint Committee on Enrolled
Bills on the Part of the Senate.

REPORTS OF COMMITTEES

Senator Stewart, Chairman of the Committee on Rules and Proceedings, submitted the following report:

Senate Chamber
Tallahassee, Florida, April 14, 1931.

Hon. Pat Whitaker,

President of the Senate,

Sir:

Your Committee on Rules and Proceedings beg leave to make the following report:

They recommend that the rules of the regular session of 1929 be adopted for the session of 1931 with the following changes and additions:

No. 1. That Rule 4 be changed and amended to read as follows: On page 7, line 5, the word "seven" shall be changed to read "five."

No. 2. On page 8, line 2, the word "five" shall be changed to read "eight."

No. 3. On page 8, line 12 the word "five" shall be changed to read "six."

No. 4. On page 8, line 14, the word "five" shall be changed to read "six."

Senate Resolution No. 10

By Senator Hodges

WHEREAS, since the last session of the Legislature, death has called from our midst the Honorable A. S. Wells, long a member of the Senate from the 8th Senatorial District, and during his service, Chairman of many of the Senate's important Committees, and after his retirement from the Senate was repeatedly honored by the people to election as a member of the State Railroad Commission, and by its membership to the Commission Chairmanship,

THEREFORE, BE IT RESOLVED that a page of the Journal of the Senate be given to the Honorable A. S. Wells, a past member of the Senate of Florida from the 8th District, that we may hold him in tender recollection.

Senate Resolution No. 11

By Senator Hilburn

WHEREAS, since the last session of the Senate death has again laid its finger on the personnel of the Senate and has taken away one, who for many years represented the 26th Senatorial District in the Senate of Florida, and in the Session of 1925 was President Pro Tempore of the Senate, the Honorable William A. Russell of Crescent City, one of Florida's best loved statesmen,

THEREFORE, BE IT RESOLVED that the Senate of Florida take notice of the death of the Honorable William A. Russell of the 26th District, past President Pro Tempore of the Senate, and devote a page of its Journal to him in loving Memory.

No. 5. On page 8, line 20, the word "seventeen" shall be changed to read "twelve."

No. 6. On page 8, line 25, the word "five" shall be changed to read "seven."

No. 7. On page 8, line 29, the word "seven" shall be changed to read "five."

No. 8. On page 8, line 30, the word "five" shall be changed to read "six."

No. 9. On page 8, line 31, the word "nine" shall be changed to read "ten."

No. 10. On page 8, line 35, the word "eleven" shall be changed to read "thirteen."

No. 11. On page 8, line 39, the word "five" shall be changed to read "seven."

Very respectfully,

J. B. STEWART,

Chairman of Committee.

Senator Stewart moved the adoption of the above report. Which was agreed to.

And the above report was adopted.

Senator Johns, Chairman of the Committee on Judiciary "A" submitted the following report:

Senate Chamber
Tallahassee, Florida, April 13, 1931.

Hon. Pat Whitaker,
President of the Senate,

Sir:

Your Committee on Judiciary "A" to whom was referred—
Senate Bill No. 44:

A bill to be entitled An Act to amend Section 741 of the Revised General Statutes of Florida (1920) being Section 950 of the Compiled General Laws of Florida (1927), as amended by Section 1 of Chapter 14752, Acts of 1929, relating to the payment of taxes when due and allowance of a discount if paid before a certain time.

Have had the same under consideration and recommend the following amendment:

In Section 1, paragraph 2, after words "Monday in April" on line 14, strike the remaining part of said paragraph, and insert in lieu thereof the following

Discounts for early payments thereof shall be at the rate of four per cent (4%) in the month of November, three per cent (3%) in the month of December, two per cent (2%) in the following month of January and one per cent (1%) in the following month of February, the taxes being payable in March without discount.

Have had the same under consideration, and recommend that the same do pass with the committee amendment.

Very respectfully,

E. M. JOHNS,

Chairman of Committee.

And Senate Bill No. 44, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Neel, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber
Tallahassee, Florida, April 13, 1931.

Hon. Pat Whitaker,
President of the Senate

Sir:

Your Committee on Appropriations, to whom was referred—
Senate Bill No. 7:

A bill to be entitled An Act to amend Section 2151, Revised General Statutes of Florida, 1920, being Section 3380, Compiled General Laws of Florida, 1927, as amended by Section 7 of Chapter 12053, Acts of 1927, Laws of Florida, relating to annual appropriations for the hotel commission.

Have had the same under consideration, and recommend that the same be re-referred to the Committee on Judiciary "A."

Very respectfully,

RAY NEEL,

Chairman of Committee.

There being no objections, Senate Bill No. 7 was re-referred to the Committee on Judiciary "A."

Senator Johns, Chairman of the Committee on Judiciary "A", submitted the following report:

Senate Chamber
Tallahassee, Fla., April 14th, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

Your Committee on Judiciary "A", to whom was referred:

Senate Bill No. 35.

A bill to be entitled An Act to amend Section 7234 Compiled General Laws, the same being Section 5133, Revised General Statutes of Florida, relating to the penalty for horse and cattle stealing.

And—

Senate Bill No. 61.

A bill to be entitled An Act to provide for the service of process in Civil Suits against Non-resident motor vehicle operators, for the giving of notice to such defendants of the institution of such suits and prescribing the manner in which proof of such service shall be made, and providing for a fee to be paid to the secretary of State for his services in connection therewith.

Have had the same under consideration, and recommend that the same do pass.

Very Respectfully,

E. M. JOHNS,

Chairman of Committee.

And Senate Bills Nos. 35 and 61, contained in the above report, were placed on the Calendar of Bills on second reading.

Senator Johns, Chairman of the Committee on Judiciary "A", submitted the following report:

Senate Chamber
Tallahassee, Fla., April 14th, 1931.

Hon. Pat Whitaker,

President of the Senate.

Sir:

Your Committee on Judiciary "A", to whom was referred:
Senate Bill No. 49.

A bill to be entitled An Act to amend Section 708 of the Revised General Statutes of Florida, as amended by Chapter 8585 Acts of 1921, relating to the payment of poll tax and the duty of Tax Collector.

And—

Senate Bill No. 30.

A bill to be entitled An Act to abolish Capital punishment in the State of Florida except in certain cases as herein provided.

Have had the same under consideration, and recommend that the same do not pass.

Very Respectfully,

E. M. JOHNS,

Chairman of Committee.

And Senate Bills Nos. 49 and 50, contained in the above report, were placed on the table.

Senator Andrews, Chairman of the Committee on Privileges and Elections, submitted the following report:

Senate Chamber
Tallahassee, Fla., April 14th, 1931.

Hon. Pat Whitaker,

President of the Senate.

Sir:

Your Committee on Privileges and Elections, to whom was referred:

Senate Bill No. 55.

A bill to be entitled An Act allowing all persons over the age of twenty-one years to vote in any primary or other election in the State of Florida and the political subdivisions thereof without the payment of a poll tax as a prerequisite in the exercise of this privilege.

Have had the same under consideration, and recommend that the same do not pass.

Very Respectfully,

G. FRANK ANDREWS,

Chairman of Committee.

An Senate Bill No. 55, contained in the above report, was placed on the table.

Senator Wagg moved that the rules be waived and that Senate Bill No. 45 be recalled from the Committee on Judiciary "B", and re-referred to the Committee on Judiciary "A".

Which was agreed to by a two-thirds vote.

And it was so ordered.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
Tallahassee, Fla., April 14th, 1931.

Hon. Pat Whitaker,

President of the Senate.

Sir:

I am directed by the House of Representatives to inform